



Livestock and Seed Program Audit, Review, and Compliance Branch Quality System Audit Report

allow continuation of certification and issue an updated certificate....Provided, that the annual on-site inspection is conducted within 6 months following the certified operation's scheduled date of annual update. In addition, § 205.403(e)(2) – requires the certifying agent to send a copy of the on-site inspection report to the inspected operation. *TDA procedures require annual updates for crop and livestock producers to be submitted by March 1 and handling operations by August 31. In many cases, TDA was issuing updated certificates and allowing the additional six months to conduct the inspections. Many of the renewal inspections were conducted beyond the six month extension. In addition, many of the reviews of the updated inspections and the submission of the inspection reports to the certified operations were not being completed until the following year (next update). This did not meet the NOP Rule for conducting the annual inspections within a reasonable time after receiving the updated information and the extension of six months is only allowed when it is impossible to conduct the annual inspection on the scheduled date of the annual update.* **Corrective Action:** TDA stated in the corrective actions that they will modify their procedures by reviewing the documentation and sending to the appropriate Regional Office after receiving the annual updates. The client will then receive a letter indicating that the update documentation was received and that their annual review is in progress. The annual update inspection will then be conducted at the appropriate time to observe organic production. The inspection report and documentation will then be reviewed by the TDA Office and the updated certificate mailed to the client. The new procedure is to be implemented in August 2007 with the handler updates. An additional staff person has now been assigned to the Organic Program and is being trained to conduct reviews. The new staff person was interviewed during the previous on-site audit regarding duties, responsibilities and expertise. TDA has also set a target goal of reviewing and sending the inspection reports to the clients within one month of the inspection.

NP7079BBA.NC2 – Not Adequately Addressed - NOP §205.662(b) requires the certifying agent to send the certified operation a written notification of non-compliance resolution when the certified operation demonstrates that each non-compliance has been resolved. *TDA had issued the certified operations written notifications of non-compliance resolution for minor non-compliances that had been issued. However, TDA had issued additional requirements to some clients in which the written notifications of non-compliance resolution had not been submitted. Some of these additional requirements were minor non-compliances to the NOP Rule which would then have required the written notifications of non-compliance resolution.* **Corrective Action:** TDA stated in the corrective actions that TDA has granted certification or updated certificates with conditions, or additional requirements, to be met within a specified time frame as allowed under §205.404(a) of the NOP. This statement is not exactly correct as this section of the NOP states that certification may include requirements for the correction of minor non-compliances within a specified time period as a condition of continued certification. TDA went on to state that until clear guidance is provided by the NOP on the dividing line between conditions for certification and non-compliances, TDA will develop internal guidelines to follow to differentiate the two situations. TDA also stated that any non-compliance identified will be handled with a formal notice of non-compliance, followed by a resolution letter when the non-compliance is resolved. The corrective actions are considered inadequate due to the fact that any sections of the NOP Rule that are not being followed or in full compliance could be considered as a minor non-compliances and therefore handled in accordance to



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§205.662 Non-compliance procedure for certified operations. In addition, the NOP Rule does not differentiate between “conditions or additional requirements” and “Minor non-compliances”. It is not clear with the corrective actions as submitted if the future “internal guidelines” mentioned by TDA will follow the NOP Rule for the non-compliance procedure for certified operations.