



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

**AUDIT INFORMATION**

<b>Applicant Name:</b>	Texas Department of Agriculture (TDA)
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	1700 North Congress Avenue, Stephen F. Austin Building, 11 <sup>th</sup> Floor, Austin, TX 78701
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<b>Phone Number:</b>	(512) 475-1641
<b>Auditor(s):</b>	Martin Friesenhahn, Lead Auditor; Corey Gilbert, Auditor (Training)
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	March 20 - May 3, 2007
<b>Audit Identifier:</b>	NP7079BBA
<b>Action Required:</b>	Yes
<b>Audit Type:</b>	Surveillance - Accreditation Renewal Audit
<b>Audit Objective:</b>	To verify continuing compliance to the audit criteria.
<b>Audit Criteria:</b>	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; Updated September 11, 2006
<b>Audit Scope:</b>	TDA's quality manual dated October 2006, including personnel, processes, procedures, facilities, and related records.
<b>Location(s) Audited:</b>	TDA Office in Austin, TX; Onion Creek Farm in Dripping Springs, TX; Jardine Foods in Buda, TX; and the SWT Cattle, LLC in La Grange, TX.

TDA is a state government and the TDA Organic Certification Program was accredited as a certifying agent on April 29, 2002 to the National Organic Program (NOP) for crops, livestock, and handling operations. TDA currently has approximately 222 clients with 157 crop, 9 livestock, and 56 handling operations. TDA is not accredited for wild crops. Clients are only certified in the state of Texas. TDA also has a program for certifying retailers and distributors.

The 5 Year Accreditation Audit process started on March 20, 2007 with a review of the documents submitted by TDA and concluded with the on-site surveillance audit which was conducted on May 1 – 3, 2007.

The TDA Program specialist is conducting the initial application review and the reviews of the updated applications. The inspections are assigned from the appropriate TDA Regional Office. TDA has five Regional Offices and the inspectors used are employees of TDA. Upon completion of the inspection the files are reviewed by the Chief Inspector of the applicable Regional Office and



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submitted to the TDA Headquarters Office in Austin, TX. The final decisions for certification are made by the Program Coordinator and in some cases by the Branch Chief when the Program Coordinator has completed the initial review.

Since the initial accreditation, TDA has encountered some issues with staff turnover and hiring freezes. However, an additional TDA staff member was provided to the TDA Organic Certification Program for providing assistance in reviewing files. It is anticipated that the additional staff member will help alleviate some of the backlog in the reviews of the files. In addition, the reviewing and certification decision process is being reviewed in order to increase efficiency of certification time.

TDA has completed and submitted the annual updates as required. NOP training for staff members and inspectors has been completed on a regular basis. The organic staff and inspectors are qualified in their respective areas to complete organic certification.

The audit included observations of two renewal inspections and one demonstration inspection by TDA. The operations for the renewal inspections included organic vegetable, herb, pasture, and beef cattle production. The demonstration inspection was a processing facility that produces some organic salsa and sauces.

### FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that TDA is currently operating in compliance to the audit criteria except as noted in the non-compliances. Two non-compliances were identified during the audit.

**NP7079BBA.NC1** – NOP § 205.406(b)(2) – Continuation of Certification requires the certifying agent within a reasonable time to arrange and conduct the on-site inspection. Except, that, when it is impossible for the certifying agent to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, the certifying agent may 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.*

**NP7079BBA.NC2** – 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*



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*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.*