



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

AUDIT INFORMATION

Applicant Name:	Utah Department of Agriculture and Food (UDAF)
Est. Number:	N/A
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Auditor(s):	Darrell Wilson
Program:	USDA National Organic Program (NOP)
Audit Date(s):	January 29 – April 20, 2007
Audit Identifier:	NP7029OOG
Action Required:	Yes
Audit Type:	Surveillance - Accreditation Renewal Audit
Audit Objective:	To verify continuing compliance to the audit criteria and to verify the implementation and effectiveness of corrective actions in addressing the previous non-compliances
Audit Criteria:	<i>7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; Updated September 11, 2006</i>
Audit Scope:	UDAF's quality manual dated July 1, 2004, including personnel, processes, procedures, facilities and related records.
Location(s) Audited:	UDAF's office, Salt Lake City, UT; Wheatland Seed, Colliston, UT – Processing Witness Audit; Wansgaard Dairy, Logan, UT – Livestock Witness Audit; and D&B Farms, Snowville, UT – Crop Witness Audit.

UDAF has been accredited since April 29, 2002. The 5 Year Accreditation Audit process started on January 29, 2007 with a review of the documents submitted by UDAF and concluded with the on-site surveillance audit which was conducted on April 16 – 20, 2007. UDAF currently have 33 crops, 12 livestock and 14 processing/handling certified operations.

The organizational structure for certification starts with the Organic Program Coordinator. Under the Organic Program Coordinator are Directors, divided into the categories of Plant Industry, Animal Industry, Marketing and Regulatory Services.

The certification process starts with the initial review which is conducted by the Organic Program Coordinator or the respective Director. The Organic Program Coordinator is currently working with an



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Administration Assistant to assist in initial reviews. Applications and updates are reviewed for completeness and compliance to the NOP Rule. Upon successful completion of the initial review the files are assigned to an inspector by the respective Director. Once the inspection is completed, the documents are reviewed by the respective Director and then returned to the Organic Program Coordinator for final decision.

FINDINGS:

Observations made, interviews conducted, and procedures and records reviewed verified that UDAF is currently operating in compliance to the requirements of the audit criteria with the exception of the non-compliances identified below. Seven non-compliances from the two previous annual updates were verified for implementation and effectiveness and therefore have been cleared. Two non-compliances from the previous two annual updates have been adequately addressed and implementation and effectiveness will need to be verified during future audits. Four new non-compliances were identified during the audit.

NP4252DDA.NC1 – Minor – Cleared – NOP Rule clause 205.501(a)(5) requires that a government entity must “assure that its responsibly connected persons, employees, and contracted persons with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.” *The New UDAF employee/inspector had not successfully completed the IOIA Training and the performance evaluations submitted by UDAF for the employee showed that the employee needed extra training and guidance. UDAF did not submit any corrective action for the employee and states that “the UDAF plans to continue to use the person as an inspector.”* **Corrective Action:** The inspector was given additional training under an experienced inspector, and evaluation of training was signed off on June 17, 2005. In addition, the inspector completed IOIA training on June 12 – 17, 2003.

NP4252DDA.NC2 – Minor – Cleared – NOP Rule clause 205.404(a) If the certifying agent determines that the organic system plan and all procedures and activities of the applicant’s operation are in compliance with this part... the agent shall grant certification. *One processor file reviewed (Sunbridge Growers) revealed that the client had been issued a minor non-compliance for not maintaining a complaint log. Complaint logs are not a requirement of the NOP Rule.* **Corrective Action:** Response to the NOP, dated February 10, 2006, indicated that complaint files were never an obstacle to or a requirement for certification. Observation during the processor/handler witness verified that inspectors are not asking clients for complaint logs.

NP4252DDA.NC3 – Minor – Cleared – NOP Rule clause 205.204(a)(1&2) requires the use of organically grown seeds ... Non-organically produced, untreated seeds may be used to produce an organic crop when... *One crops file reviewed (A-Live Foods) showed that the organic system plan submitted did not verify the Kamut seed used, other seeds were shown to be organic and untreated but noted that seed companies were called to try and obtain seed in compliance with the rule. The UDAF checklist that the inspector used shows that the seed section did not verify the seeds as being in compliance.* **Corrective Action:** The Program Manager has completed an ISO 9000-2001 Lead Auditor Training course during the month of February 2006. An inspector training was conducted in March of 2006 emphasizing proper audit technique, use of the inspector check list and better documentation.



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Review of files and observation during the witness audits verified that inspectors are asking and documenting seed documents and attempts to obtain organic seeds.

NP4252DDA.NC4 – Minor – Cleared – NOP Rule clause 205.203(c) (2) requires composted plant and animal materials produced through a process that ... *A-Live Foods organic system plan shows that they produce compost by the windrow method. The OSP does not give the carbon to nitrogen ratio used, the temperatures maintained, and the times the compost was turned. Neither the UDAF checklist nor inspector verified that the product was indeed compost.* **Corrective Action:** An inspector training was conducted in March of 2006 emphasizing following through of the audit, use of the inspector check list and better documentation.

NP4252DDA.NC5 – Minor – Adequately Addressed – NOP Rule clause 205.510(a) requires that an accredited certifying agent must submit annually to the administrator, on or before the anniversary date of the issuance of notification of accreditation, the following reports and fees: ... *UDAF continually submits the required information long after the anniversary date and then does not submit all reports and required information. This years update was not submitted until June 2, 2004 with the remainder of the required information not submitted until November 10th, 2004 the evaluations and annual program review were not completed until October 2004.* **Corrective Action:** Re-Accreditation application and related materials was submitted prior to the anniversary date of the issuance of notification of accreditation. Further verification should be determined on the next annual update.

NP5300ACA.NC1 – Minor – Adequately Addressed – NOP § 205.510 (a) requires, “An accredited certifying agent must submit annually to the administrator, on or before the anniversary date of the issuance of notification of accreditation, the following reports and fees...” *UDAF’s anniversary date is April 29, 2002. The 2005 Annual Update information was not submitted until July 2005.* **Corrective Action:** Re-Accreditation application and related materials was submitted prior to the anniversary date of the issuance of notification of accreditation. Further verification should be determined on the next annual update.

NP5300ACA.NC2 – Minor – Cleared – NOP §205.510 (a) requires, “An accredited certifying agent must submit annually to the administrator, on or before the anniversary date of the issuance of notification of accreditation, the following reports and fees (1) A complete and accurate update of information submitted pursuant to §§205.503 and 205.504. NOP §205.504 (c)(2) requires, “For all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and all parties responsibly connected to the certifying agent, a conflict of interest disclosure report, identifying any food – or agriculture – related business interests, including business interest of immediate family members, that cause a conflict of interest.” *There was no conflict of interest disclosure report submitted for the new employee.* **Corrective Action:** The new employee has a current conflict of interest disclosure statement.

NP5300ACA. NC3 – Minor – Cleared – NOP §205.501 (a) (6) requires, “A Private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual perform evaluation of all persons who review applications for certification, perform on–site inspections, review certification



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documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services.” *The annual performance evaluation done on the Program Manager was a self performed performance evaluation.* **Corrective Action:** The annual performance evaluation for the Program Manager is now being done by another person.

NP5300ACA.NC4 – Minor – Cleared – NOP §205.510 (a) (3) requires, “An accredited certifying agent must submit annually to the Administrator.... A description of the measures implemented in the previous year and any measures to be implemented in the coming year to satisfy any terms and conditions determined by the Administrator to be necessary, as specified in the most recent notification of accreditation or notice of renewal of accreditation.” *UDAF has not responded to the letter from the Accreditation Manager of the NOP in the time frame stated in the letter. The response was due on or before July 16, 2005.* **Corrective Action:** UDAF submitted a letter dated February 10, 2006 addressing the non-compliances issued from the last two annual update audits.

NP7029OOG.NC1 – NOP §205.403 (c) states, “The on-site inspection of an operation must verify:

- 1) The operation’s compliance or capability to comply with the Act and the regulations in this part.” *During the inspection of the processing operation, the inspector did not verify the operations procedures for cleaning the grain cleaning system between the processing of non-organic and organic product.*
- 2) “That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.” *During the inspection of the processing operation, the inspector did not review the organic system plan or the annual update information for accuracy with the management representative. The management representative brought changes to the attention of the inspector after the exit interview had been done.*
- 3) “That prohibited substances have not been and are not being applied to the operation...” *The organic system plan and field history of one of the files review indicated the use of the prohibited substance round-up. The inspection report indicated that no prohibited substances had been used. The final review did however identify this and a non-compliance was issued to the operation.*

NP7029OOG.NC2 – NOP §205.501 (a) states, “A private or governmental entity accredited as a certifying agent under this subpart must:

(11) (iv) “Prevent conflicts of interest by: Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.” *It was found in two of the files reviewed that the inspectors were telling the operation what was needed to comply with the regulations.*

(18) “Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification...” *Interview with the Program Manager revealed that the inspectors are not being provided with the previous inspection reports.*



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NP7029OOG.NC3 – NOP §205.642 states, “...The certifying agent may set the nonrefundable portion of certification fees; however, the nonrefundable portion of the certification fees must be explained in the fee schedule submitted to the Administrator.” *The fee schedule does not explain the nonrefundable portion of the certification fees.*

NP7029OOG.NC4 – NOP §205.662 (b) states, “When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program’s governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.” *UDAF has not been sending the certified operations written notification of noncompliance resolutions.*