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

Applicant: Guaranteed Organic Certification Agency (GOCA)
Program : National Organic Program – 2003 Annual Update - **Corrective Action Report**
Location(s): 5464 Eighth St. Fallbrook CA
Audit Date(s): February 18, and 27, 2004
Audit File Number: NP3276DA CA Report
Action Required: Yes
Auditor(s): Steve Ross
Contact & Title: Charles Heermans, Owner and Administrator
E-mail Address: Heermans@tfb.com

AUDIT ACTIVITIES

On February 18 and 27, 2004, a representative of the USDA, AMS, LS Audit, Review, and Compliance (ARC) Branch conducted a review of corrective action documents submitted by the Guaranteed Organic Certification Agency (GOCA) Fallbrook, CA to verify continued compliance to the USDA, AMS 7 CFR Part 205, National Organic Program (NOP). Charles Heermans, Owner and Administrator of GOCA submitted requested information on February 18 and 25, 2004. Information submitted by GOCA included a letter of explanation detailing each non-compliance cited in the December 1, 2003 report NP3276DA CA Report.

FINDINGS

Corrective actions submitted were adequately sufficient to clear the one existing continuous improvement point (CIP) non-compliance (NP3276DA.NC3). However, the previous hold point (HP) non-compliance, (NP3276DA.NC2) was insufficiently addressed in the new inspector checklist and GOCA Crop Conditions submitted by Mr. Heermans and was therefore re-elevated to a HP.

NP3276DA.NC2- Insufficient- Re-elevated to a HP 205.404 (a). …if the certifying agent determines that the organic system plan and all procedures and activities of the applicant are in compliance of this part… the agent shall grant certification. *GOCA has numerous conditions imposed on the client that are not in agreement with the Rule. GOCA's inspection checklist automatically generates conditions based upon the finding in the checklist. GOCA has made these conditions requirements for certification. Examples are:*

- *Requiring soil and water tests from the client*
- *Complaint logs to be kept and identifies this as Guide 65 requirement. (GOCA indicates that they are in the process of Guide 65 application, but no indication that Guide 65 accreditation has been granted) All client files reviewed showed no indication that any client was requesting Guide 65 certification*
- *Requirements to meet the EU 2092/91 rule. Again no indication that clients were requesting certification to an international standard.*
- *Requirements for bathrooms and hygiene standards for applicants*
- *Requiring clients to have employees sign GOCA "highlights for certification standards"*

Submitted Corrective Action: GOCA will rework the questionnaires and conditions requirements in

order to not make these examples conditions of certification. GOCA will submit the questionnaires and conditions for further review. *This is an adequate response in order to clear the Hold Point waiting review of the questionnaires and conditions.* **Insufficient Corrective Action:** GOCA resubmitted the inspection questionnaire and list of GOCA "Conditions" that would be required of the GOCA clients in order to obtain certification. The Inspection checklist requires the inspector to read a statement that informs the client that the only way a client can not be certified is "If a non-compliant material has been applied within a 36 month period prior to the harvest of the organic product or if a fraudulent act has been knowingly committed. All other non-compliances are considered to be minor and are correctable". GOCA further requires the inspector to state, "As your compliance consultant, when I have finished here today, I will leave you a list of areas of concern that I have identified". These two statements are in direct conflict with the NOP Rule. Furthermore, some of the conditions that GOCA requires the clients' to adhere to are outside the scope or not in compliance with the NOP Rule.

Examples of the conditions are:
205.601(j)(6) Micronutrients: "Soil deficiency must be documented by testing" Please provide a soil of leaf nutrient analysis to document compliance. *GOCA is required to do the testing if GOCA determines a problem.*

205.501(5) Water contaminates: "An organic system plan must include a description of the practices established to prevent contact of organic products with prohibited substances". Please provide documentation that the water used for irrigation is free of prohibited contaminants, GOCA suggests that you consider having the water tested for nitrates, PCB and organophosphates.

205.501 (5) Pathogenic Contamination: "The post harvest handler must protect from contamination of harvested crops by contact with pathogenic organisms". Please provide documentation that the water that contacts the harvested crop is free from coliforms, fecal coliforms and harmful bacteria or that it complies with the "safe drinking water act".

These are just a few of the examples that GOCA lists as possible conditions for the clients. Mr. Heermans has written a detailed letter as to why these are allowed or should be allowed. This letter along with all the supporting checklists and conditions is enclosed as hard copies for review.

NP3276DA.NC3 - CIP - Adequately Addressed 205.642 - …requires the certifying agent to supply the client with an estimation of costs for certification and the cost of continued certification. *The GOCA policy manual dated May 2003 states that "at the request of the applicant, GOCA will provide a quotation for all services. This is documented on pg 14 and pg 23 of the manual.* **Submitted Corrective Action:** Until GOCA has received an application, it is sometimes impossible to know what the inspection fees will be …The inspection fees vary depending on location and average travel fees. GOCA has included a chart to show applicants how GOCA calculates the inspection fees but many want us to fix these fees in quotations and contracts. **Auditor Response:** This corrective action does not show how GOCA will give the cost estimate to the clients for certification and continued certification. GOCA has to show how they will give all clients a total cost of certification and continued certification even though they are giving the clients the fee schedule and how GOCA calculates the inspection fees. **Re-submitted Corrective Action:** GOCA has restructured the fee schedule and now has an "Inspection Services Agreement" between the client and GOCA that now gives the cost estimate to the client in advance of the services requested. This agreement has to be signed and agreed to by the client and GOCA before the inspection occurs.

RECOMMENDATIONS

Due to the continued non-compliance of GOCA for the Hold Point identified above, I recommend that GOCA be suspended as an NOP Certifying agent until such time as determined by the NOP. This action has been requested since the required annual update was due on April 29, 2003.