



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

**Applicant:** Maine Organic Farmers and Gardeners Association (MOFGA) Certification Services LLC  
**Program :** National Organic Program/Accreditation for Organic Certification Organizations/ Annual Update Corrective Action Report  
**Location(s):** Unity, Maine  
**Audit Date(s):** January 6, 2003  
**Audit File Number:** NP3275DA  
**Action Required:** No  
**Auditor(s):** Beth Hayden  
**Contact & Title:** Mary Yurlina, Certification Coordinator  
**E-mail Address:** [certification@mofga.org](mailto:certification@mofga.org)

### **AUDIT ACTIVITIES**

On January 6, 2004, a representative of the USDA, AMS, LS Audit, Review, and Compliance (ARC) Branch conducted a review of annual update documents submitted by Maine Organic Farmers and Gardeners Association (MOFGA) Organic Certification Program, Unity, ME, to verify continued compliance to the USDA, AMS 7 CFR Part 205, National Organic Program (NOP). Documentation submitted by Mary Yurlina, Certification Coordinator, included:

- A letter listing each noncompliance with an explanation of how it was addressed.
- Performance evaluations for inspectors and reviewers.
- A program evaluation performed by the MOFGA Board of Directors.
- An evaluation of the MOFGA Board President performed by the Board.
- A page explaining use of the MOFGA seal and the words "Certified Organic by..."
- A page explaining the section 205.203(c), nutrient balances.
- Sample certificate.
- A copy of David Colson's certificate from NOFA Mass.
- Training logs for David Colson and Paul Volckhansen.

### **FINDINGS**

One Hold Point (HP) and 1 Continuous Improvement Point (CIP) from the Final Report (NP2108DA) were adequately addressed. Two HPs and 2 CIPs from the Annual Update Report (NP3275DA) were also adequately addressed.

**NP3275DA.NC1 (HP) -- Adequately Addressed -- 205.510 (a)(3)** Requires the certifying agent to address outstanding noncompliances from the accreditation audit. A description of the measure implemented in the previous year and any measures to be implemented in the previous year to satisfy them. *In the annual program update MOFGA did not address the outstanding nonconformances that have been in place since the accreditation audit and corrective action audit.* **Submitted Corrective Action:** The noncompliances stated below were adequately addressed.

**NP2108DA.NC5 (CIP) Elevated to a HOLD POINT -- Adequately Addressed -- 205.404** 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 and that the applicant is able to conduct operation in

accordance with the plan, the agent shall grant certification. *MOFGA Practice Manual has requirements for manure rate application and any source of nitrogen at a rate exceeding 200 pounds of elemental N per acre, per year as **not permitted**.* The Rule does not specify manure rate applications and N application. *MOFGA LLC response to this was “our guidelines respectively present limits of amounts of poultry manure, other livestock manure, and limits of nitrogen application to fields. We feel that our guidelines are a fair interpretation of Section 205.203 (c) in the NOP Rule. The guidelines we present are common recommendations in our region. Application of more manure or more total nitrogen would pose a risk of excess plant nutrients above and beyond what the crop will take up and consequently contribute to contamination of soil and water with plant nutrients.* Further clarification was requested from MOFGA and the MOFGA Response was: *The figures for nitrogen levels included in the Practice Manual reflect current State of Maine recommendations on manure usage on farms. Since state regulations, like the USDA rule, need to be followed by the Maine Farmers, we intend to continue providing this information to farmers, although it cannot be used to deny organic certification.* The 2003 Practice Manual continues to list the manure rate quotes as **not permitted** and does not inform the clients that the rates are recommendations and not requirements. These statements indicate to the client that they will not be certified if they do not follow the prescribed rates. **Submitted Corrective Action:** The Practice Manual, which is provided to all certified clients and applicants, has been revised to clearly indicate that the State of Maine’s requirements should be considered guidelines and proper nutrient levels should be determined for each parcel certified.

**NP2108DA.NC6 (CIP) -- Adequately Addressed -- 205.406 (c)** If the certifying agent has reason to believe, based on an on-site inspection and a review of the information specified in 205.204, that a certified operation is not complying with the requirements of the Act and the regulations in the part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with 205.662. The MOFGA LLC certification process item #16 asks for the NOP to begin due process to terminate USDA Organic Certification if an applicant does not reapply within 30 days of a notice of noncompliance. It is MOFGA LLC’s responsibility to terminate the applicant and notify the NOP of such termination. **Submitted Corrective Action:** *We are willing and able to do a full termination of certification, should it be necessary.* This is not sufficient to determine how MOFGA will handle termination. **Submitted Corrective Action:** MOFGA submitted a comprehensive procedure for handling suspensions and revocations. All elements of section 205.662 are addressed including suspension, revocation and handling clients who do not provided annual updates.

**NP3275DA.NC2 (HP) -- Adequately Addressed -- 205.510(a)(4).** Requires the submission of the results of the most recent performance evaluations. *MOFGA only submitted the evaluation of the Certification Coordinator. As of this audit date the evaluations of other personnel has not been conducted.* **Submitted Corrective Action:** Performance evaluations for all inspectors and Review Committee members have been submitted.

**NP3275DA.NC3 (CIP) – Adequately Addressed -- 205.504(c)(2)** Requires the submission of current conflict of interest statements from all personnel involved in the certification decision. *MOFGA supplied conflict of interest statements from all personnel except that one (1) inspector’s was outdated, two (2) inspectors COI’s were missing, and one (1) review committee member was missing.* **Submitted Corrective Action:** The inspectors were not employed by MOFGA during the past year. They did not perform inspections and were not involved in certification decision-making. MOFGA provided a copy of the COI declaration for the review committee member.

**NP3275DA.NC4 (CIP) -- Adequately Addressed -- 205.510(a)(4)** Requires the submission of an annual program review and a description of adjustments to the certifying agents operation and procedures implemented or to be implemented in response to performance evaluations and program review. *MOFGA had submitted a program review, however; the program review did not identify adjustments to the agents operation and procedures implemented or to be implemented in response to performance evaluations (none completed) and the outcome of the program review.* **Submitted Corrective Action:** MOFGA provided the minutes of their first Program Review. Several items were identified for improvement and some changes were noted. The Certification Coordinator also submitted a plan for future program reviews.

**RECOMMENDATIONS:**

I recommend that MOFGA retain accreditation.