

March 2010

## Yeast Policy Issued

On March 2 the National Organic Program (NOP) issued clarification on eligibility of yeast to be certified as organic under the NOP regulations. NOP policy no. 5014 provides that yeast may be labeled as organic and used in processed organic food products. For details and more information, access the policy statement at

http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5082977&acct=nopgeninfo.

## 2012 Sunset Materials Up For Review

An advanced notice of proposed rulemaking was released earlier this month to initiate a period for public comment concerning 232 materials on the National List due to sunset in 2012. The National Organic Standards Board will begin to review materials at their next meeting of the full board on April 26-29 in Woodland, CA. The comment period will close May 25, 2010. All those interested in submitting comments should visit www.regulations.gov and search for AMS-NOP-09-0074.

### Website Redesign Project Update

After gathering feedback concerning initial Web page enhancements in the form of survey results from NOP staff, accredited certifying agents, and NOSB members, NOP is commencing Phase II of the Website Redesign Project. The second phase will entail developing and implementing new web applications based on evaluation of user and program needs, such as an NOP-specific search engine, an interactive calendar, an RSS-feed in the NOP Newsroom, a photo gallery of certified operations, cross-searchable databases, and more. This phase will also address past and future document control issues in an effort to improve the consistency and clarity of NOP's web presence.

# Access to Pasture Training—eOrganics & Albany, New York

In an effort to reach as many industry members as possible about the provisions of the access to pasture final rule, NOP participated in a webinar hosted by eOrganics, a part of the interactive learning environment known as eXtension, which delivers information about agricultural production, processing and marketing from land-grant university scholars to farmers, ranchers and other interested parties. Livestock specialist Dr. Kerry Smith provided an overview of the main components of the rule and answered questions from participants via the Web.

Also in March NOP conducted the second of four scheduled training sessions for producers, handlers, and certifying agents in Albany, NY. The training reviewed provisions of the rule as well as instructions on how to assess livestock nutritional requirements. NOP collaborated with USDA's NRCS to provide information about developing a pasture management plan, now required of organic operations that wish to market their meat and dairy as USDA certified organic. Approximately 50 to 65 people

participated in and responded positively to the training. Subsequent trainings are scheduled for April 7 in Denver, CO, and April 26 in Woodland, CA.

There is no cost for the training, but preregistration is required. All interested parties are welcome to attend. To register, contact Judith Ragonesi, NOP Training Manager, at Judith.ragonesi2@ams.usda.gov or by telephone at 202-205-5712.

### Natural Products Expo West

Members of the Compliance and Enforcement Division of NOP attended the Natural Product Expo West in Anaheim, CA, to fulfill three objectives: 1) monitor trade show compliance of food products containing organic claims, including follow up compliance monitoring of products and claims that were the subject of previous NOP enforcement action; 2) analyze the current landscape of regulated and unregulated organic personal care product industries by surveying personal care products containing organic claims; and 3) attend trade show education sessions regarding the use of organic claims in personal care products, the implementation of the U.S.-Canada organic equivalency agreement, and prospective food safety regulatory developments.

Staff visited and reviewed over 250 booths in conducting investigative activities and also systematically reviewed health and beauty product organic claims displayed on the trade floor. NOP will conduct follow-up investigative activities concerning several new regulatory violations it noted while managing open compliance cases as well as apply its observations concerning personal care organic claims in prospective NOP policy development.

## Proposed National Institute of Standards and Technology (NIST) Assessment of NOP

Recently, NIST submitted a draft proposal for providing peer review services to the NOP. The proposal includes reviews of the Washington, DC, and Fredericksburg, VA, offices and at least one witness assessment of an NOP-accredited certifying agent. The standard for the audit will be the International Organization for Standardization (ISO) 17011 General requirements for accreditation bodies assessing and accrediting conformity assessment bodies.

Once an assessment team is formed and fees are determined, NIST would conduct a detailed document review followed by onsite activities before providing written feedback on NOP proposed corrective actions to resolve industry non-conformances to the organic standards.

## State Organic Program Updates

The NOP received a request from the California State Organic Program for NOP approval of their registration program, fee structure, and the memorandum of understanding (MOU) established with the California Department of Public Health. The State Organic Program is working to address findings from an onsite audit of that was conducted by the NOP last December.

In addition, the State of Utah surrendered its recognition as a State Organic Program due to budget constraints. No certified organic operations in Utah will be affected by the surrender.

### Agricultural Outreach Conference

USDA and NOP officials participated in the third annual USDA agricultural outreach conference at Virginia State University. Deputy Administrator Miles McEvoy gave a presentation on organic standards and certification to approximately 50 participants.

### Surrendering of NOP Accreditation

Agrior, a regional certifier based in Israel, surrendered its NOP accreditation effective March 7. Also, the North Carolina Crop Improvement Association (NCCIA) surrendered its accreditation effective April 1. Officials have notified their respective clients of the change. Any clients that do not seek other sources of certification will have their records reviewed by NOP for final disposition.

Onsite Review of Danish Ministry of Food, Agriculture, and Fisheries

NOP representatives traveled to Copenhagen, Denmark to conduct an on-site review of the Danish Ministry of Food, Agriculture and Fisheries in accordance with a Recognition Agreement between Denmark and the USDA, Agricultural Marketing Service. The visit allowed the NOP to verify Denmark's processes for ensuring compliance of Danish agricultural products exported to the United States for sale as NOP certified organic. A final report by NOP is pending following further discussion with the Government of Denmark. Once prepared, it will be available on the NOP website.

## NOP Appeals

In March, the NOP Appeals office received 778 adverse action/non-compliance notifications, including:

- 410 Notices of Noncompliance
- 91 Notices of Proposed Suspension
- 18 Notices of Suspension
- **8 Notices of Proposed Revocation**
- 10 Notices of Revocation
- 23 Denials of Certification
- 197 Notices of Resolution
- 21 Surrenders of Certification

These letters are submitted to the Administrator as part of the accreditation requirements for accredited certifying agents under 7 CFR § 205.501(a)(15)(i). Procedural requirements for adverse action letters issued to operations are outlined in § 205.405 and § 205.662. These numbers are based on the number of letters received by the AMS Administrator from accredited certifying agents during the month of March 2010. These numbers may include letters issued prior to March 2010, may not include all letters issued in March 2010, and may not include letters submitted to a State Organic Program. For more appeals information, visit the NOP electronic reading room at

http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateJ&page=NOPReadingRoomHome.

### Compliance and Enforcement Monthly Update

NOP Compliance & Enforcement Branch Monthly Activity Report Reporting Period: March 2010	
Reporting Categories	Number
Beginning Complaint Inventory	96
New Complaints Received	17
Complaints Closed/Investigation Completed	19
Ending Complaint Inventory	94
Complaints over 270 days	18
Complaints over 180 days	34
Average Time for Case Closure	186

### NOP Staff Update

To help administer the NOP, Arthur Neal joined the staff as the Associate Deputy Administrator. Mr. Neal brings a wealth of experience to the NOP having served with the program from 1999-2007. His recent experience includes working as the National Program Manager of the USDA/1890 Programs and as the Special Assistant for the Office of Adjudication for Civil Rights. He is excited to be back and we are thrilled to have him.

Meg Kuhn joined the Accreditation and Certification Division on March 1. Prior to her employment with NOP she was an independent organic inspector for 2.5 years, working with various certifiers on inspections for all scopes of the NOP. Before working as an independent inspector, she was a technical reviewer and staff inspector for Quality Assurance International for 5.5 years.

Lorraine Coke joined the Compliance and Enforcement Division on March 29. Her involvement with the organic industry includes working as a certification specialist and crop/handling inspector with CCOF for almost 2 years and working on organic and conventional farms in the U.S. and in Spain growing mainly vegetables and fruit trees, including experience with poultry and dairy production. She obtained dual masters degrees in 2009 from Georgetown/University of Geneva.

In April, Mark Keating, Emily Brown-Rosen, and Lisa Brines will join the Standards Division, and Renee Mann will join the Compliance and Enforcement Division.