



JUL 12 2011

1400 Independence Avenue, SW.  
Room 3071-S, STOP 0201  
Washington, DC 20250-0201

The Honorable Secretary Karen Ross  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814

Dear Secretary Karen:

Under Assembly Bill No. 856 (AB 856), California Department of Food and Agriculture (CDFA) has the authority to regulate organic input materials (OIM). These materials are used by organic producers certified under the USDA Agricultural Marketing Service (AMS) National Organic Program (NOP).

CDFA is currently approved as a State organic program (SOP) under the NOP regulations (7 CFR §§ 205.620 – 205.642). At this time, however, the approval of the California SOP by NOP does not include oversight of the OIM program.

In previous correspondence, AMS agreed to define the steps that would need to be taken by CDFA for the OIM program to be approved by NOP. These include:

**1. ISO Guide 65 Accreditation**

ISO Guide 65 includes general requirements for bodies operating product certification systems. This accreditation is specifically mentioned in NOP Policy Memo 11-4 (dated January 21, 2011) for material review organizations.

Prior to approval by NOP, CDFA will need to receive ISO Guide 65 assessment and accreditation of the OIM program from a third-party. Information on ISO accreditation is available on the International Organization for Standardization's website at [www.iso.org](http://www.iso.org).

Please also note that the AMS Grading and Verification Division (formerly known as the Audit, Review, and Compliance Branch) provides accreditation to ISO Guide 65 on a fee-for-service basis. Additional information on the Grading and Verification Division's conformity assessments and accreditation audits can be found on the AMS website or by contacting James Riva, Branch Chief, at (540) 361-7640 (ext 2740) or by email at [James.Riva@ams.usda.gov](mailto:James.Riva@ams.usda.gov). Accreditation by another third-party which performs ISO Guide 65 assessment would also be acceptable.

**2. Scope of the State Organic Program**

NOP requests written confirmation from CDFA that the OIM program falls under the auspices of the SOP.

### 3. NOP Access to Records

NOP currently requires access to certification records from the SOP as a condition of approval.

For recognition of the OIM program, NOP requests written confirmation from CDFA that NOP retains the authority to review records and conduct audits of the SOP, and that these records and audits would include review of OIM program records.

### 4. Communication with NOP

NOP requests that CDFA define a process, subject to NOP approval, for how CDFA will resolve decisions or interpretations made by the OIM program that are different than other material review programs; handle complaints on these decisions, and address appeals made on such decisions. This process should be submitted in writing to the NOP for consideration.

NOP also requests agreement from CDFA to consult with NOP's National List Manager, Dr. Lisa Brines, at (202) 720-8405 or by email at [lisa.brines@ams.usda.gov](mailto:lisa.brines@ams.usda.gov), prior to making decisions on materials and products that are potentially problematic or controversial. This would include, for example, decisions under the following scenarios:

- Precedent-setting decisions on materials
- Significant policy changes, including reinterpretation of previous decisions on materials or products (e.g. reconsideration of substances as natural or synthetic, prohibiting a generic substance that was previously allowed)
- Decisions or interpretations that CDFA knows to be in conflict with those of other recognized material review programs, such as the Organic Material Review Institute (OMRI) or accredited certifying agents
- Complaints and responses to complaints on decisions regarding materials determined to be allowed or prohibited under NOP regulations.

Should CDFA seek approval for the OIM program, please confirm in writing your agreement to the above terms. CDFA will also need to include documentation to verify ISO Guide 65 accreditation prior to approval by NOP.

If you have further questions, please contact NOP Deputy Administrator Miles McEvoy at (202) 720-3252 or by email at [miles.mcevoy@ams.usda.gov](mailto:miles.mcevoy@ams.usda.gov).

Sincerely,



Rayne Pegg  
Administrator