

NOSB Accreditation Committee Report
Submitted September 17, 2002
By Jim Riddle, AC Chair

This Accreditation Committee report is based on the work plan submitted by the AC during the May, 2002, NOSB meeting.

Accreditation Committee Work Plan – May 8, 2002

1) Take a Break

The AC has taken a break as committee members have worked diligently on TAP reviews and recommendations of other NOSB committees.

2) Review NOP Accreditation Program (Interim Peer Review Panel)

Blank accreditation documents were provided by the Audit Review and Certification Branch (ARC) in July. While a review of the documents has begun, the committee has not completed the task due to the review of materials taking precedence for the September meeting.

There has been no progress to date by the NOP on filing a Federal Advisory Committee request so that a permanent Peer Review Panel can be appointed.

3) Grower Group Certification Criteria (review public comments and re-draft)

The draft criteria are posted for public comment through Sept. 20, 2002. Several comments have already been received. I attended a workshop on the topic during the IFOAM World Congress and solicited for comments from international partners, as discussed in the IFOAM report, "cultivating Communities". (ADDENDUM A) The AC will meet prior to the October meeting to re-draft the recommendation based on comments received.

4) NOP Enforcement – Plans and Procedures

There has been no progress on this issue. The AC intends to meet with personnel from the AMS Compliance Division to better understand the Division's enforcement plans. The lack of clear enforcement procedures remains an issue for States, certifying agents, inspectors, and the organic community at large.

5) Merge ISO 65 and Final Rule accreditation requirements

The AC has been in communication with Jim Riva of the ARC on this issue. Mr. Riva has proposed a meeting between the ARC, NOP, NOSB, and representatives of affected certifying agents to begin to resolve the differences between NOP and ISO 65 requirements. Mr. Riva recently sent a summary of the differences to Joran Viers of New Mexico's organic program. (ADDENDUM B) The list provided, along with an analysis conducted by the OTA, can provide a jump start to the process of resolving the differences between NOP and ISO 65.

6) NOP Complaint Procedures

As discussed during the May NOSB meeting, draft Complaint Procedures language was submitted to the NOP on May 12, 2002. (ADDENDUM C) The intent of the language is to provide instructions to members of the public who might have complaints or concerns about certifying agents accredited by the USDA's National Organic Program. To date, no complaint instructions have been posted by the NOP.

7) Continue to monitor Certifier Issues

a. Is 120 days sufficient time for making organizational changes?

During July, 2002, as certifier representative, I circulated a survey to certifying agents and State programs. (ADDENDUM D) The survey revealed a lack of communication between the NOP and certifying agents, particularly concerning NOP accreditation requirements. The survey contained a number of suggestions to improve the system, all listed in addendum D.

In a recent development, the Organic Certifiers Council of the OTA has posted a job announcement for a

Standards Interpretation Project Coordinator. (ADDENDUM E) As described, the coordinator would seek consensus among all accredited certifying agents on how the National Organic Standard is being interpreted.

b. Post examples of workable organizational structures

To date, the NOP has not posted examples of organizational structures which meet the NOP requirements for avoiding conflict of interest by “responsibly connected” parties.

8) Continue to monitor NOP/NOSB website – Ongoing.

**ADDENDUM A:
Cultivating Communities
Report on the IFOAM World Congress and General Assembly
Submitted to the NOSB by Jim Riddle
September 3, 2002**

The IFOAM World Congress and General Assembly was held in Victoria, BC, Canada, August 21 – 28, 2002. The event consisted of numerous pre-conference tours, a 1 day organic viticulture conference, the 3 day World Congress, 2 day World Exhibition, and 3 day General Assembly. Approximately 1500 people attended the conference, with many more visiting the exhibition.

For those of you not familiar, IFOAM is the International Federation of Organic Agriculture Movements, with 750 member organizations in more than 100 countries. The website is www.ifoam.org

Representatives from 93 countries took part in the conference and General Assembly. The event received significant support from Ag Canada, the British Columbia Ministry of Agriculture, the city of Victoria, and numerous non-government organizations. The Canadian Organic Growers (COG) did an excellent job organizing the event for IFOAM.

The theme of the World Congress was “Cultivating Communities”. There were numerous plenary sessions on the topic, including an incredible videotaped message from Prince Charles, in which he strongly endorsed organic agriculture and the work of IFOAM.

Various workshops focused on regional and international issues, including soil ecology, seed breeding, urban agriculture, compost teas, aquaculture, forestry, social stewardship, food security, and marketing. I spoke at a session on livestock husbandry, presenting the role of animal welfare in certified organic production. I also moderated a session on organic food safety.

I attended a very interesting session on smallholder group certification. During the workshop, I had a chance to describe the NOSB draft recommendation on grower group certification criteria, and solicit comments to the NOSB. It is interesting to note that the two specific issues that the NOSB has left unresolved – income limits for grower group participants, and ratios to establish the number or percentage of group members to be inspected – are the same issues being debated by the IFOAM smallholder certification project.

I also attended a workshop on farming system comparative studies, moderated by John Reganold of Washington State University. Research reports from France, Canada, Denmark, and Australia all gave favorable marks to organic systems, when compared to conventional systems. The general sense of the session was that it is time to move beyond “organic vs. conventional” studies and to focus on comparisons between different types of organic systems.

During the exhibition, I had a chance to visit with representatives of Growing Solutions, Inc., manufacturers of compost tea equipment. I heard more about research on the growth of *e. coli* when simple sugars are added to the compost tea solution during brewing. Michael Alms of Growing Solutions has promised to send me the scientific papers, which I will provide to the NOP and NOSB.

The General Assembly was extremely well organized. The assembly followed a new rules of procedure, based on modified Robert’s Rules of Order. All motions, including changes to the IFOAM Basic Standards (IBS), were included in a comprehensive agenda booklet that went out 2 months before the event. Though the meeting was well organized, it does not mean that there was no spirited debate – there certainly was! But the assembly proceeded in an organized and productive manner for 3 days.

The Standards Committee had conducted an extensive revision of the IBS over the last 2 years. All revisions proposed by the Standards Committee were adopted. Thanks largely to the work of Brian Baker of OMRI and Brian McElroy of CCOF, the standards are now much more logical, resembling the OTA’s American Organic Standards and the USDA Final Rule more than previously. (There are still significant content differences, especially in the area of livestock production, where the IBS is weaker than standards in the U.S.)

The International Organic Accreditation Service, which administers the IFOAM accreditation program, reported that they now accredit 31 organic certifiers worldwide. As certifiers are having to be accredited by numerous governments (sometimes 5 or more), in order for the operations they certify to have access to various world markets, the concept of “one certification, one accreditation” is gaining support as a vehicle for international harmonization.

IFOAM is now recognized as an international standards setting body by the International Organization for Standardization (ISO), and the IOAS has been formally reviewed and found to operate in compliance to ISO Guide 61, "General Requirements for Accreditation Bodies". As previously recommended by the NOSB, the NOP should foster positive and cooperative relations with both IOAS and IFOAM in order to improve the USDA's accreditation process and to facilitate harmonization.

Gunnar Rundgren of Sweden was reelected as IFOAM President. The other Board members elected were: Alberto Lernoud, Argentina, vice president; Gerald Herrmann, Germany, vice president; Liz Clay, Australia; Prabha Mahale, India; Antonio Compagnoni, Italy; Kenji Matusmoto, Japan; El Hadji Hammat Hane, Senegal; and Sheldon Weinberg, USA (Small Planet Foods).

All in all, the IFOAM World Congress, exhibition, and General Assembly were well organized, informative, and inspiring. Working in cooperation with the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Conference on Trade and Development (UNCTAD), IFOAM is "cultivating communities" by serving as the mature, democratic network for the organic movement worldwide.

The next IFOAM World Congress and General Assembly will be held in Adelaide, Australia, in 2005.

ADDENDUM B:

Joran, Here is the information you requested. This is a rough list of items that are not currently covered by the NOP Rule.

- 1) No quality system, quality manual, or quality structure is required;
- 2) Certifiers don't have to obtain an applicant's consent for use of a subcontractor;
- 3) Document and data control is not addressed;
- 4) Results of internal audits don't have to be documented;
- 5) Certification personnel are not required to sign contracts agreeing to follow requirements;
- 6) Investigation of complaints by Respondent Is optional, not mandatory;
- 7) Operators don't have to sign statements of compliance;
- 8) Certifiers are not required to document their surveillance activities;
- 9) Certifiers are not required to monitor use of their seals; and
- 10) Certified operators are not required to maintain records of complaints or to respond to complaints.

Here is the link to the webpage for our Guide 65 Program <http://www.ams.usda.gov/lsg/arc/iso65.htm> The site includes the requirements and the actual checklist we use for the Guide 65 Program.

<<ls-313.pdf>>

I have also included a request for service LS-313.pdf that must be filled out and sent in as instructed on the following website:

<http://www.ams.usda.gov/lsg/arc/audit.htm>

If you have any questions please give me a call or ARC Branch Lead Auditor Marty Friesenhahn @ 972-222-2304

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ADDENDUM C:

Complaints About USDA Accredited Certifying Agents

If you have complaints or concerns about any certifying agents accredited by the USDA's National Organic Program, please follow the procedures stated below:

- 1) Submit your complaint in writing directly to the accredited certifying agent.
- 2) If the complaint is not resolved to your satisfaction by the certifying agent, and the complaint involves the certifying agent's compliance with 7 CFR Part 205, Subpart E – Certification, Subpart F – Accreditation of Certifying Agents, and/or Subpart G – Administrative, then the complaint, accompanied by documentation showing evidence of non-compliance, may be submitted in writing to: Richard Mathews, Program Manager, National Organic Program, USDA-AMS-TMD-NOP, Room 4008, 1400 Independence Ave. S.W., Washington, D.C. 20250. Fax: 202-690-3924.

ADDENDUM D:
Certifying Agent Survey – NOP Service and Suggestions for Improvements
Conducted by Jim Riddle, NOSB Certifier Representative, July, 2002

Introduction:

During the month of July, 2002, I submitted a series of questions to members of the OTA's Organic Certifiers Council and to members of the National Association of State Organic Programs. I received replies from 10 agencies, comprised of 4 state certifiers, 4 private certifiers, and 2 state programs. The comments submitted by each of the agencies are shown in Attachment A below. I have changed the names of the agencies to provide confidentiality.

Summary of findings:

Most of the accredited certifiers who responded had submitted questions to the email address issued to Accredited Certifying Agents (ACAs). All but one reported that their questions had not been answered, and the receipt of their questions had not been acknowledged by the NOP. This led to a significant level of frustration, and many reported that they have discontinued use of the email system.

About half of the certifiers who responded are concerned that they have not received sufficient explanation on the meaning of their accreditation conditions. As indicated by the comments submitted, they have tried unsuccessfully, through several channels, to get their concerns resolved. Some are concerned that they may not meet the 120 day, and have communicated this to the NOP. Others are confident that they will meet the deadline.

The survey revealed some significant concerns about differences between the USDA's NOP and ISO 65 accreditation program requirements. The comments describe some of the difficulties that certifiers are having meeting both sets of requirements.

The survey also revealed that States who have applied to become State Organic Programs have not been notified or received follow up communication from the NOP.

While one Respondent Expressed that Respondent Consistency was a low priority at the moment, all others agreed that consistency in compliance and enforcement among certifiers is a major concern.

One Respondent Brought up a specific concern about the acceptability of US organic products in the UK and EU markets. According to the certifier, recent developments are troubling because they indicate delays and discontinued access for organic products from the USA that are inspected and certified by a US certifying agent implementing the NOS.

Among the general comments, several people expressed the need for patience and teamwork. In the words of one respondent, "It would behoove all of us in the industry to move forward as a group with cooperation on all sides."

Suggestions for Improvement:

1. To improve the email system, the NOP should: 1) Acknowledge receipt of messages; 2) Let people know when they can expect an answer, if there is not time to answer the questions immediately; and 3) Share the questions and answers with all other ACAs and approved State Organic Programs.

An alternative approach would be for the NOP or the private sector to establish a moderated list serve so that questions concerning interpretation of the Rule are shared with all ACAs and approved State Organic Programs. The participants could share Rule-based interpretations, historical perspectives, regional variations, etc.. After sufficient discussion, the moderator, or Certification Compliance Coordinator, would circulate an email ballot to determine the majority opinion on the issue being discussed. This opinion, along with a summary of minority positions, would be submitted to the NOP (and possibly NOSB) for consideration. The NOP would issue policy guidance/clarification after receiving and considering the input of ACAs, SOPs, and the NOSB.

To deal with the need for consistent interpretations by certifiers, as one respondent suggested, "until the NOP can get a policy manual out to all of the industry, the only way to get consistent application is for the certifiers to not be afraid of sharing information and then when a majority of the certifiers agree, then all the certifiers should agree to follow that process/answer." This sentiment was expressed and/or supported by numerous respondents.

2. The NOP should expedite dissemination of information to all accredited certifiers to make sure that they fully understand their specific accreditation conditions. Their specific questions should be answered. If this is not done in a timely manner, the NOP should seriously consider granting waivers to the 120 day deadlines. As expressed by respondent comments, certifiers cannot be expected to meet vague requirements which have not been fully explained by the NOP.

In order to help certifiers understand the accreditation requirements, the NOP and ARC could post anonymous examples of non-compliances, accompanied by examples of compliant solutions.

3. The NOP should also consider granting extensions to certifying agents who must make statutory changes to come into full compliance with accreditation requirements, provided that such agents do not have operational deficiencies which endanger the integrity of the certifications they issue.

4. The NOP should improve communication with States, especially those who have applied to become State Organic Programs.

5. To address the concerns about differences between the NOP and ISO 65 program requirements, the NOP and ARC, with assistance from the NOSB, should conduct a comprehensive review of the differences. The NOP requirements should be modified through policy guidance and/or Rule change to bring the NOP fully in line with ISO 65, so that redundant accreditations and contradictory requirements are eliminated.

6. Concerning the comments submitted about access to the UK and EU, the NOP and Foreign Agriculture Service should remain engaged by gathering information from US certifiers and exporters, and then continue to make diligent efforts to ensure that US organic products, certified to the NOS, have access to European (and other) markets after October 21, 2002.

Attachment A: Survey of certifying agents and state programs concerning NOP service

(Survey questions in **bold**, responses in plain text.)

1) When you were accredited, you should have received an email address to submit questions directly to the NOP.

a) Have you used the email service?

Respondent A: Yes

Respondent C: I submitted a question to the nop email address on May 24, 2002 concerning treated wood.

Respondent D: Does not apply to me since we are not a certifier.

Respondent E: Respondent E tried taking advantage of this email service when it was first made available. We emailed the NOP a question on 4/16/02 about wine labels.

Respondent F: NO

Respondent G: (Yes)

Respondent I: Yes, I sent questions, on two separate occasions, to that email address.

Respondent J: Yes

b) Has the NOP answered your questions?

Respondent A: NO

Respondent C: I have not received a response.

Respondent D: Yes/No, I have asked dozens of question they have answered many of them. Some of them they have not answered because the answer is complex, and because the final rule did not contemplate the question nor foresee the specific situation: In those cases we all will have to be patient until the best answer can be reached. I suggest as a way to guide the NOP is that when you ask a question, also provide the answer, Tell them the problem

and tell them the answer you want to hear. If we do not give them some guidance as to what the industry is doing and wants they are left in the dark trying to second guess.

Respondent E: To date, we've had no response from NOP...not even an acknowledgement of receipt of the question and that they're working on it. We haven't tried using it again due to lack of success on first attempt.

Respondent G: (On the specific email, it has not been answered.)

Respondent I: The NOP has not responded at all.

If so, on average, how long did it take for the response?

Respondent A: It has been months so far.

Respondent G: (Most often my questions have been answered over the telephone, that day or the next.)

Respondent I: I sent my questions several months ago, I believe in April. After several weeks of no response I called the NOP and spoke to the receptionist, who said she would have someone get back to me about when I could expect answers to my questions. No one called me back, so I called again the following week and spoke to a receptionist again, who recommended that I ask Beth Hayden about the situation. I emailed Beth, asking her when I might expect an answer to my questions and noting that some questions were high priority for us. Beth very promptly responded to me that she would forward my email to those responsible for handling that email address and the questions received there, which I assume she did. I still have never received any response. It was an extremely disappointing experience, and at this time I see no point in continuing to send questions to that email address.

Respondent J: Varied, usually several days

c) Did you find the NOP's response to be satisfactory?

Respondent A: NO

Respondent D: That is a loaded question, you are leading the witness, Everyone of us knows that some answers they have provided have been o.k. and others we did not like. It is satisfactory always if we like it. If we do not like it then it is not satisfactory. And we all know they have even given different answers. All the more reason to allow them time to answer it right the first time.

Respondent G: (Sometimes yes, sometimes no)

Respondent J: Answer not clearly provided.

d) Do you have any comments/suggestions about the NOP email service for ACA's?

Respondent A: They should respond to our questions! We need answers in days, if not hours in some cases.

Respondent D: Why focused only on ACA's there are so many other clients they serve. As a general rule I have found the NOP staff to be very cooperative and providing the best service they can provide. The very nature of the beast (implementation of the NOP) is this a monster. We should not bite the hand that is feeding us. The very fact that the USDA got general fund money to get this thing rolling is major. Yes, they did not get enough to hire all the staff they need to get this thing rolling in a timely and more professional nature but the industry as well as the NOP staff have to do the best they can with what they got. Maybe if somehow the attitude could change of "us" against "them" and the NOSB, NOP, Certifiers, and States could see this more as a team effort it might work smoother.

Respondent E: Two suggestions: 1) acknowledge receipt of questions to let us know they're working on it 2) share answers with all ACAs because there is probably a lot of similar questions amongst ACAs and we could all benefit from hearing the answers provided by NOP to ensure consistency.

Respondent G: (As we move down the road towards complete compliance I think it'll be a great tool and asset for the certifiers and clients if it is utilized as intended.)

Respondent I: My suggestion to NOP would be to deal with the questions that they receive, and at least acknowledge receipt of questions and let people know when they can expect an answer, if there is not time to answer the questions immediately. As I said above, I currently have no faith that I will receive a response from that email address and have ceased sending any questions there, making it very hard to get any "official" answers on standards questions.

Respondent J: Need better system

2) As you know, the clock is ticking if you received any accreditation conditions.

a) Have you received clear guidance in a timely manner in order to come into compliance by August 27 (the end of 120 days for the first round of ACA's)?

Respondent A: NO - we requested clarification from NOP in May and have not received a response yet. The document stated that we had to repeal our standards and adopt the NOS without any changes. Verbally they have told me that they didn't mean that to literally apply to every section of the NOS (accreditation for one example) - and that we did not have to repeal every section of our regulations (such as the section that establishes our fees, among others). I asked them to give me a specific list of sections of the NOS I had to adopt and a specific list of our regs that had to be repealed. They agreed to do that, but have not done so yet.

Respondent C: I am concerned about the accreditation conditions. The on-site audit resolved many of our questions. One of our conditions is in regards to our application to become a State Organic Program. We applied for SOP status in October 2001 and have not received a response from NOP.

Respondent C was audited July 9-10 for NOP accreditation and ISO 65 accreditation. USDA will be taking action to suspend Respondent C's ISO Guide 65 accreditation because Respondent C no longer has a ISO Guide 65 Quality Manual. The National Organic Program had stated that the ISO Guide 65 was imbedded in the NOP and that a separate quality manual was not needed for ISO Guide 65 accreditation. In September 2001, Respondent C wrote to Jim Riva (Chief of the ISO Guide 65 accreditation program) to inform him that Respondent C had incorporated ISO Guide 65 into the NOP accreditation application. Respondent C received its ISO Guide 65 renewal on October 19, 2001 with no conditions. The ISO Guide 65 auditors were unaware of the September 2001 letter and stated that Respondent C would be suspended from the ISO Guide 65 accreditation until a separate Quality Manual was developed. Respondent C will be developing a ISO Guide 65 Quality Manual prior to the effective date of the suspension.

It appears that certifiers interested in obtaining ISO Guide 65 accreditation will need to apply separately to the USDA Quality System Verification Program to obtain ISO accreditation.

Respondent E: Respondent E had one question concerning one of our points of noncompliance. The condition box checked indicated Respondent E "must submit evidence that you have revised all certification guidance documents, policies and procedures employed under the National Organic Program to reflect implementation of the National Organic Standards."

Respondent E knew that we had to discard our standards and adopt the NOS verbatim, as per another condition point. We were unclear what other changes to "guidance documents, policies, and procedures" were necessary. I called our auditor and he didn't know. He suggested I contact the NOP office. I called NOP, asked to speak with Richard M. but he was unavailable and I was given Beth Hayden. Beth told me that all references to "Respondent E standards" or "E standards" had to be changed because we no longer had our own unique standards due to adoption of the NOS verbatim. I did not get this in writing from Beth. We've started work on revising all controlled documents (52 total) that referenced standards other than the NOS. This will take to a lot of work and it essentially eliminates the notion of Respondent E standards. Our concern: Are other certification agents having to eliminate similar references from their documents?? I've seen Certifier XXX and Certifier YYY (non-IFOAM) certificates which reference "XXX's strict standards" and "YYY standards".... If the NOP is making Respondent E do this work, then I think other certification agents should also have to do it for the sake of consistency.

Respondent F: NO CONDITIONS, OTHER THAN A SITE VISIT. THE VISIT IS NOT YET SCHEDULED.

Respondent G: (Yes, I think I have had clear guidance, I've just been ignoring it.)

Respondent I: We have received the initial "decision on accreditation document", we believe we understand what we need to do to comply.

Respondent J: Yes and no

b) If you foresee that you will have problems meeting the 120 deadline, have you contacted the NOP to let them know?

Respondent A: YES, we have had several unproductive discussions.

Respondent D: If I were a certifier I would not answer these questions in this forum, My answers could be known by the entire world, My answers could come back and bite me. Or if I answered it I would lie and tell you that I will meet my 120 days without a problem. Whatever results you get from this survey I hope you take them with a grain of salt.

Respondent E: We plan to meet the 120-day deadline.

Respondent I: N/A

Respondent J: We will be contacting NOP about a 1-month extension.

c) If so, what was their response?

Respondent A: They don't seem to care - they said if we failed to comply by the deadline they would initiate suspension.

Respondent I: N/A

Respondent J: Still pending

d) Do you have any comments/suggestions about your accreditation conditions?

Respondent A: We are in a "catch-22" situation. NOP has said they will not approve SOP applications until all changes to laws and regulations are adopted. We can't change the law until the State legislature meets in January 2003 (if they are willing to consider the issue this session), and we can't change regulations until after the new law becomes effective - most likely in September 2003. Our reg changes would have to go through proposal, public comment and final adoption so if all goes smoothly, maybe we could get it done by Dec. 2003. Until we are approved as an SOP, it is NOP's position that we must repeal our regulations and adopt the NOS (this is one of our accreditation conditions). Except there are conflicts between the NOS and our state laws, so the laws have to be changed first....(repeat above). What is frustrating is that the conflicts involve areas where the State program exceeds the NOS - such as mandatory certification of ALL producers, processors and distributors. We are not trying to undermine the national standards - we are trying to maintain an effective program instead of being forced to weaken our existing program. USDA staff, including upper management levels (not just NOP) does not seem to hear or understand these constraints, which is puzzling. BR, RM and USDA legal counsel are convinced that the federal law makes state law "cease to exist," and that the NOS gives us the authority to change our regulations, but neither is true. Federal law supercedes state law, which means we must change to be in compliance with federal law. Until the state law is changed, my hands are tied.

Respondent B: We were issued two conditions that must be fulfilled by the end of August in order to maintain our accreditation. However, I've talked with Beth Hayden, Phil Frederick (our auditor), and Arthur Neal, none of whom will tell me what we need to do to comply. I've left message with Jim Riva and Richard Mathews, but haven't received a returned call from either of them.

Condition #1: "You must submit evidence that you have replaced the certification standards submitted in your application with the National Organic Standards. You may not rewrite, modify, or otherwise alter the National Organic Standards."

We took the National Organic Standards and inserted additional Respondent B requirements in italic text throughout the document. Our ED had received feedback from you in May that this was acceptable. You indicated in your email to our ED that Jim Riva was encouraging certifiers to publish their standards in that same format; NOP in plain text, additional requirements in italic. However, when I asked Beth Hayden why we were not in compliance, she said she couldn't consult with us and that Richard Mathews and Barbara Robinson had made a decision in early April that the NOP standards had to be used verbatim. We need clarification on what we need to do to comply with the condition. If we are required to issue the NOP standards verbatim, does that mean we have to re-issue our 2002 standards and requirements to all clients? If so, this would be very costly.

Condition #2: "You must submit evidence that you have revised all certification guidance documents, policies, and procedures employed under the National Organic Program to reflect implementation of the National Organic Standards."

We revised our Policy Manual, Administrative Manual, and other documents to come into compliance with the NOP before submitting our application for accreditation. The condition implies we still are not in compliance, but no one can tell us which areas need further revision. Beth referred me to our auditor, Phil Frederick, for the specifics. Phil said he merely forwarded our manuals to Washington, D.C. and the condition we received was decided by someone in Washington. How can we comply with the condition if we don't know what needs to be changed?

As you can imagine, we are very frustrated because our accreditation can be suspended or revoked if we don't comply, but no one I've talked to can clarify what the NOP exactly means by the conditions imposed.

Respondent C: Respondent C is still waiting for a response to their application to become a State Organic Program. Respondent C submitted its application to become a State Organic Program in October 2001. The NOP 205.621(b) states that the USDA Secretary will notify the state within 6 months of the receipt of an application of the approval or disapproval of the application. It has been 9 months since Respondent C's application and there has still been no response from USDA.

Respondent I: Not at this time

Respondent J: Some requests for information were redundant.

3) Are you concerned about consistent compliance/enforcement of the standards by various certifiers?

Respondent A: This is the least of my worries right now.

Respondent C: I am concerned about consistency. The OCC list serve illustrates that certifiers are interpreting the rules in divergent ways.

Respondent D: I will answer this one for everyone, Of course we all are concerned, we all have been in meetings for the past two years having discussion on uniformity. This will come over time, until some of the rule has been clarified we can only do the best we can do. As long as the Respondent And client do not stray too far the NOP will allow us all to make minor mistakes and continue. (If there is anyone out there that is not concerned with uniformity please let me know who your are, I wanna know what you know so I can sleep better at nite)

Respondent E: Yes, we think consistency is critical to success of the NOP.

Respondent F: YES

Respondent G: (Of course.)

Respondent I: I know that there are standards that are being interpreted differently by different certifiers, by inspectors, by industry experts, etc. and I feel bad for producers who get different answers to their questions, depending on who they ask. We have tried to get the "right" interpretation on many of our questions on standards by emailing the NOP - oh well.

Respondent J: Not sure at this time.

a) If so, what are your suggestions to help ensure that the standards are interpreted and applied consistently?

Respondent A: I think the listserv is a good start to build some consensus among certifiers, although it would help if there was more of a process in place to reach a decision on issues that are discussed.

Respondent D: Until the NOP can get a policy manual out to all of the industry, the only way to get consistent application is for the certifiers to not be afraid of sharing information and then when a majority of the certifiers agree on an application then all the certifiers agree to follow that process/answer.

I have at my disposal a volunteer that would be the "organic answer man" A list server is set-up, and then anyone can ask a question on any part of the process, they would have to provide the situation and the answer they want, then

"The organic answer Man" would reply to everyone on the list serve with a copy of the question and a copy of his answer. If the majority of the people agree with the answer then the answer becomes practice until the NOP disagrees and comes out with written policy. If the industry would provide a consistent answer to the NOP before they ask the question it may help them to reply more quickly.

If you have a question for the "Organic Answer Man" simply address it to me and I will see that he/she gets it and then will distribute it to all those on the list serve. If you received this email from me then you are already on the list serve. If you want to be added to the "organic answer man" list serve send a email to me and simply ask to be put on answer man list serve.

(In reality "The Organic Answer Man" consists of about a half dozen experts in the field that I consistently consult with. Their consultations remain anonymous but I get solid answers. In reality all the questions have to be answered by those who are doing the day to day production and processing. If we who live in glass houses (NOP/States/Certifiers/Inspectors) do not consult with those companies who we regulate prior to making up answers we create answers that do not work in the real world.

Respondent E: Respondent E supports the organic certification agents working together on gray areas and points in need of clarification concerning compliance/enforcement of the NOP. Certifiers should come up with and follow an established process to establish a consensus on determining the answers/solutions (citing support in the final rule). Then as a community of certification agents, we should present these certifier-developed solutions to the NOP for their consideration and (hopefully) endorsement into policy. This would allow certification agents to lead the NOP in the direction we feel is both practical and still maintains integrity to "organic." The OTA OCC Steering Committee has been discussing such a process/strategy.

Respondent F: I THOUGHT THE CERTIFIERS ISSUES COMMITTEE WAS A GREAT IDEA, BUT I HAVEN'T HEARD ANY MORE ABOUT IT SINCE I LEFT AUSTIN. I BELIEVE THE ANSWER IS TO COMMUNICATE AMONG OURSELVES, ACHIEVE CONSENSUS AND ACT ACCORDINGLY.

Respondent G: (I believe discussions among the certifiers would help to operate within the confines of the rule. The NOP has got to oversee the compliance/enforcement.)

Respondent I: I think the NOP needs to do their part, so that then certifiers can communicate NOP responses to each other, through this list serve and other means, to ensure consistency. If that fails to happen, then perhaps it would be nice for OCC to set up some forum specifically for certifiers to bring attention to particular standards that they are concerned about and aware there is unclarity on, so that everyone can try to come to some agreement. Maybe something like this list of questions that Jim Riddle sent out, that someone would be willing to send around, follow up on, and compile responses/results for everyone?

4) Comments:

Respondent D: I think given the job at hand the NOP staff have done the nearly the best job they could have done. The industry has put them in an adversarial position and much of the time regardless of what they do they are going to shoot themselves in one foot or the other because we all are poised to catch them in a mistake.

Hopefully, soon we can come to the realization the NOP is only going to work as good as all the team players make it work. Every Respondent And SOP and inspector is an extension of the NOP process and system.

Yes, we all need answers, we need them now, the lack of answers is costing companies thousands of dollars, However, in some case what if the NOP staff stop the accreditation process now and spend time to research and answer those questions, then how much more will it cost when Oct comes and goes with no list of certifiers and no SOP's approved.

We all know one of the hardest things in life is to watch our children grow up and make costly mistakes. I can understand those pioneers that started this movement are having difficulty in now watching this organic industry move from its teenage years into adult hood, as the pioneering parents you want it done right and you want it done now. Fortunately, or unfortunately, the organic industry is now taking on a life of its own. To some it has become a ugly step-child, to others it has and is becoming a responsible adult and you are proud of it.

Summary: Be patient, I have confidence that everyone wants the same thing, a clear national program that allows for expansion in the marketplace and integrity within the label. It will become that over time as we all do our part to help it along in a team spirit.

Respondent E: There have been some interesting discussions/topics on the OTA OCC topica listserve (herd conversion, chlorine, treated lumber, etc.) addressing many of the points where consistent compliance enforcement is necessary to establish but resolution of the issues is never reached. We could all benefit from a process that takes these discussions and distills them into proposed solutions/answers (supported by final rule) and presents them to ACAs for consideration and support. Upon reaching consensus on a solution, we could then present it to the NOP.

Respondent F: I AM STILL INTERESTED AND WILLING TO SERVE ON THE COMMITTEE, IF THERE IS ONE.

Respondent G: (This has been a time of changes for all of us involved in the organic industry. It would behoove all of us in the industry to move forward as a group with cooperation on all sides.)

Respondent H: "Respondent C's experience with the ISO-65 program versus the NOP program was the topic of my Austin NOSB address. I feared that the ISO separation from the NOP program was going to create a wider gap rather than cooperation. Jim Riddle has also warned of the same issue. Unfortunately Respondent C's situation points out the sad result of the NOP program not resolving the gap with the ISO program. This is huge deal and a big failing on the part of the NOP!

Respondent E: Respondent E would like to bring to your attention the recent correspondence concerning acceptability of US organic product in the UK and EU markets. These developments are causing significant concern for our certified operators shipping product to EU markets.

Just this week, Respondent E received a copy of a letter UKROFS sent to UK import applicants seeking authorization of organic products certified by US certification agents, such as Respondent E. This letter (dated 7/29/02) is titled "UPDATE ON THE TRADE OF ORGANIC PRODUCE BETWEEN THE USA AND UK."

The contents of this letter are troubling because they indicate delays and discontinued access for organic product from the USA that is inspected and certified by a US certification agent implementing the NOS.

Under certification to Respondent E's standards, Respondent E products have enjoyed recognition and access to EU markets. A condition of our USDA accreditation required Respondent E to replace, within 120 days, the certification standards submitted with our application with the NOP. Accordingly, Respondent E has adopted the NOS to be fully effective 8/29/02 (120 days from date of our accreditation). In turn, UKROFS has told UK buyers seeking to purchase Respondent E products that their import authorizations will be revoked 8/29/02. Thus, adoption of the NOS has jeopardized continued recognition of Respondent E products in the EU.

Any assistance the NOP or FAS may provide in this matter would be most appreciated. Respondent E thanks you in advance for your attention and consideration of this time sensitive issue.

Respondent J: On Aug 3rd Keith Jones told AAFCO members no State Program was accredited. USDA is making certification for accreditation tuff. No wonder no states including ours has Accreditation.

ADDENDUM E:



OCC STANDARDS INTERPRETATION PROJECT (SIP) COORDINATOR POSITION

The Organic Certifiers Council (OCC) is a sector group of the Organic Trade Association (OTA) and is seeking to hire an individual on a contract basis as the coordinator for the OCC Standards Interpretation Project. The coordinator will solicit, organize and synthesize questions from all USDA accredited certification agencies on National Organic Standards (NOS) issues in order to develop understanding and agreement regarding the NOS. The coordinator will be hired by the OTA on contract, with primary oversight being provided by a project manager chosen from the OCC Steering Committee. The OTA's Executive Director will work with the project manager to oversee this project.

In general, the SIP Coordinator will be responsible for implementing and facilitating a process that enables certifiers to bring NOS issues to a common forum via email, fax, and/or telephone. The SIP Coordinator will seek consensus among the accredited certifiers on NOS issues and agreement to adhere to the consensus opinion in their review and approval of applicants for National Organic Program certification. The SIP Coordinator will work from their own office and have the ability to communicate via phone, fax and computer.

Specifically, the SIP Coordinator will administer the OCC Standards Interpretation Project. The Coordinator will:

- create and establish the necessary database/software/set-up to communicate with all accredited certifiers electronically (preferable), or by fax, if necessary
- draft and work with the Steering Committee to develop the appropriate format for issues and a voting structure or protocol that will allow for discussion and deliberation and decision making on the part of each accredited certifier
- solicit and organize certifier issues vis-à-vis the NOS, and put these issues into the approved format
- take these responses from the certifiers and synthesize them for decision making
- maintain a clarity and consistency in all communications relating to this Standards Interpretation Project, particularly the communication of the consensus reached by the certifiers vis-à-vis interpretation of standards
- facilitate the other day-to-day communications that will be necessary to carry out the project and that are necessary to provide a place of contact for certification agencies and others on NOS issues
- participate in teleconferences
- travel as necessary, depending on how the project unfolds
- perform related tasks as necessary

The expected initial time demand (first two months) is 30-40 hours per week, with subsequent anticipated time demand in the 20-30 hour range per week. The project time frame is on a 6-month basis, starting on October 15, 2002, with project and coordinator evaluation taking place at 2 months, 4 months and 6 months, with subsequent evaluation pending project duration/extension.

Pay level will be commensurate with experience. Please state your desired rate of compensation.

INDIVIDUAL QUALIFICATIONS

- bachelor's degree or equivalent experience
- familiarity and minimum of two years experience with the NOS/NOP/OFPA
- familiarity with and knowledge of the players in the organic industry a plus
- database management skills
- oral and written skills
- analytical skills
- ability to work independently and to meet deadlines

Please submit a letter of intent, resume & three references to: Tom Hutcheson, 413-774-7511, ext. 14; thutcheson@ota.com

Deadline for applications: Friday, Sept 20, 2002, or until filled.