



CERTIFICATE OF ACCREDITATION



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

MINNESOTA CROP IMPROVEMENT ASSOCIATION

1900 Hendon Avenue, St. Paul, Minnesota, 55108, U.S.A.

meets all the requirements prescribed in the USDA National Organic Program Regulations

7 CFR Part 205

as an Accredited Certifying Agent

for the scope of

Crops, Handling, Livestock, Wild Crops Operations

This certificate is receivable by all officers of all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture .

Status of this accreditation may be verified at <http://www.ams.usda.gov>

Certificate No: **USDA-100-23**

Effective Date: **04/29/2022**

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National Organic Program

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National Organic Program
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NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Minnesota Crop Improvement Association (MCIA)
- **Physical Address** 1900 Hendon Avenue, St. Paul, Minnesota 55108 U.S.A.
- **Audit Type** Renewal Audit
- **Auditors & Audit Dates** Alison Howard, Stephen Nix, 08/09/2021 to 08/14/2021
- **Audit Identifier** NOP-19-21

CERTIFIER OVERVIEW

A renewal audit was conducted for the Minnesota Crop Improvement Association's (MCIA) organic program. The National Organic Program (NOP) assessed the certifier's conformance to the USDA organic regulations during the period of October 26, 2019 through August 8, 2021.

MCIA is a not-for-profit organization accredited to the USDA National Organic program (NOP) on April 29, 2002, for crops and handling. Scope extensions for wild crops and livestock were granted on June 4, 2004 and October 19, 2007, respectively.

MCIA certifies 596 operations to the following certification scopes: Crops (486), Handling (126), Wild Crop (1), and Livestock (107). MCIA's office is in St. Paul, Minnesota, and provides certification services in Minnesota, Wisconsin, Iowa, Missouri, South Dakota, North Dakota, Nebraska, Indiana, Illinois, Colorado, Nevada, and Michigan.

Certification activities are conducted by seven full-time staff: one manager, five certification specialist/inspectors and one administrative assistant. MCIA also utilizes 11 contract inspectors.

NOP DETERMINATION:

The NOP reviewed the onsite audit results to determine whether MCIA's corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the audit to determine whether noncompliances should be issued to MCIA.

Any noncompliance labeled as "**Cleared**" indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as "**Accepted**" indicates acceptance of the corrective actions and verification of corrective action implementation will be conducted during the next onsite audit.

Noncompliances from Prior Assessments

AIA-6351-21 – Cleared.

AIA-6352-21 – Cleared.

AIA-6339-21 – Cleared.

AIA-6346-21 – Cleared.

AIA-6347-21 – Cleared.

AIA-6348-21 – Cleared.

AIA-6349-21 – Cleared.

AIA-6350-21 – Accepted. (NOP-29-19.NC5) 7 C.F.R. §205.662(c) states, "Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification."

Comments: *MCIA did not comply with the requirements of §205.662(c) in the following manner:*

- *MCIA re-issued a notice of noncompliance 30 days after initially issuing it. MCIA then tried to contact the operation repeatedly prior to issuing the notice of proposed suspension 60 days after the deadline to submit corrective actions.*
- *MCIA did not always issue notification of proposed suspension in a timely manner. MCIA issued a notification of noncompliance to an operation 8/10/2018. MCIA issued the operation a notification of proposed suspension on 2/28/2019, which was 6 months after the date by which the certified operation had to rebut or correct the noncompliance.*

Corrective Actions: On June 29, 2020, MCIA implemented the use of the following database features:

- Generic letter templates for Notices of Noncompliance, Noncompliance Resolutions, Notice of Proposed Suspension, and Notices of Suspension. MCIA submitted the new templates to the NOP. The new templates allow MCIA to generate and send out notices in batches with one response date making deadlines easier to track. In 2020, MCIA sent Notices of Noncompliances for failure to renew and the corresponding Notices of Proposed Suspension in batches.
- Noncompliance and suspension modules that indicate when the next action should be initiated. When a step in a module is completed, the next appropriate step is set as pending

using the applicable date, as given in the Notice. MCIA now runs monthly reports to make sure deadline are met.

- On May 12, 2021, MCIA sent a training email to staff on how to use the noncompliance and suspension modules in the database to ensure notifications are issued in a timely manner. MCIA submitted the email to the NOP.
- MCIA is requiring all organic certification staff to take the Organic Integrity Learning Center training on Adverse Actions by the end of 2021.

Verification of Corrective Actions: The auditors reviewed certification files and found that MCIA updated the notice of noncompliance and adverse actions templates and implemented their monthly reporting process; however, the auditor verified MCIA is not monitoring the monthly reports and does not consistently issue noncompliance and adverse action in a timely manner. MCIA certification staff did not complete the Organic Integrity Learning Center training.

2022 Corrective Actions: MCIA now generates Noncompliance Pending Action reports and emails them to staff twice per month. Staff have been instructed via email on the need to follow up on these notices in a timely manner and have been asked to use their Outlook calendars to set reminders when they issue each notice requiring a follow-up. MCIA submitted the instructional email to staff as well as a copy of the current Noncompliance Pending Action report as evidence. MCIA submitted a training log showing that all staff had completed the Compliance and Enforcement training, including the lesson on Noncompliance and Adverse Actions, in the Organic Integrity Learning Center.

Noncompliances Identified during the Current Assessment

AIA-7226-21 – Accepted. 7 C.F.R. §205.403(c)(1) states, “The on-site inspection of an operation must verify: The operation’s compliance or the capability to comply with the Act and the regulations in this part:”

Comments: *MCIA’s inspectors do not fully verify an operation’s compliance with the USDA organic regulations. The auditors reviewed certification files and found that inspectors are not verifying an operation’s compliance with §205.103(b)(2) which requires certified operations to maintain records that can be understood and audited. MCIA’s inspectors are not consistently recording mass balance and traceability audits in inspection reports.*

Corrective Actions: MCIA updated their inspection report template in March of 2021 to include more specific language related to mass balance and traceback requirements. MCIA now requires both types of audits at each inspection as a means of verifying the operation’s compliance with the record keeping requirements. MCIA trained their inspectors on the requirements in April of 2022. MCIA submitted the training slides and attendance log to the NOP along with the revised inspection reports templates.

AIA-508-22 – Accepted. 7 C.F.R. §205.403(c)(1) states, “The onsite inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations in this part;”

Comments: *MCIA’s inspectors do not fully verify an operation’s compliance with the USDA organic regulations. The auditor’s review of certification files found that MCIA’s inspectors are not consistently performing and recording traceability exercises during inspections. This does not meet the requirements of NOP 2601 Instruction, The Organic Certification Process, which states, “The inspector will review each production unit, facility, and site where the operation produces or handles organic products. The inspection includes, but is not limited to:[...] Reconciliation of the volume of organic products produced or received with the amount of organic products shipped, handled and/or sold, also known as trace-back audits or in-out balances;”*

Corrective Actions: MCIA now requires inspectors to perform traceability and mass balance activities at each inspection. MCIA updated their inspection report template in March of 2021 to reflect this requirement. MCIA trained their inspectors on the updates in April of 2022. MCIA submitted the training slides and attendance log to the NOP along with the revised inspection report language.

AIA-7227-21 – Accepted. 7 C.F.R. §205.404(b)(1)-(4) states, “The certifying agent must issue a certificate of organic operation which specifies the: Name and address of the certified operation; Effective date of certification; Categories of organic operation, including crops, wild crops, livestock, or processed products produced by certified operation; and Name, address, and telephone number of the certifying agent.”

Comments: *MCIA’s organic certificates do not contain elements identified in the USDA organic regulations and NOP 2603 Instruction: Organic Certificates. The auditors reviewed certification files and found the following issues:*

1. *The organic certificate for an operation that produces organic crops and livestock indicated the operation is only certified for crops.*
2. *An organic certificate incorrectly identified the handling category as “On-Farm Processing.”*

Corrective Actions: MCIA issued corrected versions of the organic certificates that were originally printed in error and submitted copies to the NOP. For the certificate that was missing the livestock scope listing, MCIA monitored the 2021 version to ensure all correct scopes were listed. The three staff who issue organic certificates were trained in August of 2021 to understand that although “on-farm handling” is a billing category for MCIA, it is not an appropriate scope listing on the organic certificate. These same staff also each reviewed the **NOP 2603 Instruction: Organic Certificates**. MCIA submitted a list of attendees and training attestation to the NOP. Additionally, MCIA reviewed their certificate templates to ensure that only Crop, Livestock, Wild Crop, and Handling are included as potential scopes categories. MCIA began generating organic certificates out of the Organic Integrity Database in spring of 2023.

AIA-509-22 – Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MCIA does not fully implement the NOP’s international organic trade arrangement policies and procedures, which are outlined in the NOP’s International Trade Policies resources. The auditor’s review of import/export procedures and/or documents found that MCIA did not include the required attestation, “Certified in accordance with the terms of the US-Canada Organic Equivalency Arrangement” on the organic certificates for USDA organic products operators export to Canada.*

Corrective Actions: MCIA updated its templates for their Certification Determination Letter and organic certificates to use the required wording and attestation. MCIA also submitted a corrected version of the organic certificate that led to the noncompliance. MCIA made the updates in 2021 and verified them in February of 2023.

AIA-7228-21 – Accepted. 7 C.F.R. §205.501(a)(2) states, A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MCIA does not consistently demonstrate the ability to fully comply with the requirements for accreditation, including NOP 3012 Interim Instruction Material Review. The*

auditors reviewed certification files and conducted interviews with certification staff and found that MCIA does not have a written policy providing clear direction for evaluation of ingredients, sub-ingredients, processing aids, and manufacturing processes at all stages of production when conducting material reviews.

Corrective Actions: MCIA informed the NOP that since 2019 they have had in place a Material Review Policy Manual for policies and procedures on conducting complete material reviews. MCIA suggested that their staff who indicated MCIA lacked policies and procedures may have been unaware of the policies and procedures or how to access them. MCIA sent an email to staff informing them of the existence and location of the manual and instructing them to be familiar with its contents. Additionally, staff performing material reviews have been required to take the OILC training on material review. The email to staff and the OILC training log were submitted to the NOP. MCIA also submitted to the NOP a newly written Material Review Procedure that refers to the material review policy used by MCIA and provides a timeline for required review of materials. The policy also describes where to store documentation used in the material review process and references NOP Handbook documents on material review requirements. MCIA plans to add this policy document to their controlled documents in spring of 2023.

AIA-7230-21 – Accepted. 7 C.F.R. §205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670;”

Comments: *MCIA did not carry out the provisions of the Act and regulation §205.402(a)(3). The auditors reviewed certification files and found that MCIA accepted an applicant’s organic system plan without verifying the applicant’s correction of noncompliances issued by the applicant’s previous certifying agent.*

Corrective Actions: MCIA revised the instructional text in their database module for operations transferring from another certifier to contain the following statement: “Certification MAY NOT proceed until outstanding noncompliances, proposed adverse actions, and adverse actions are resolved.” On April 3, 2023, MCIA emailed staff a notification of the database update and the requirement to resolve noncompliances prior to certification for transferring operations. MCIA submitted the revised database module and staff email to the NOP.

AIA-7232-21 – Accepted. 7 C.F.R. §205.501(a)(5) states “A private or governmental entity accredited as a certifying agent under this subpart must: Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.”

Comments: *MCIA does not ensure that its staff with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques prior to performing the duties assigned. The auditors reviewed a certification file and conducted interviews with an inspector, file reviewer and certification decision maker, who had not identified through file review and onsite inspection, that a producer conducting activities consistent with §205.270(a-c) needed to be certified to the handling scope. The organic crops and livestock producer was grinding and selling feed to neighboring certified organic farms and a local feed store.*

Corrective Action: MCIA gathered additional information from the operator and conducted an unannounced inspection in attempt to verify compliance with the handling regulations, but the operator passed away before the product was verified, and the product was no longer requested for certification. MCIA provided training for all staff and inspectors at its 2023 Inspector Training on April 11 and April 19, 2023, which included instructions on what to do when reviewers or inspectors determine that a crop or livestock operator is performing handling activities for which they are not

certified. On April 20, 2023, MCIA sent an additional email to staff providing resources to help determine whether specific activities would need to be verified according to the organic regulations pertaining to handling. MCIA submitted the training slide and email to staff and inspectors to the NOP.

AIA-510-22 – Rebuttal accepted.

AIA-7233-21 – Accepted. 7C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of the part;”

Comments: *MCIA does not use a sufficient number of personnel to implement its USDA organic certification program. The auditors reviewed certification files and conducted interviews with certification staff who said MCIA does not have a sufficient number of staff:*

1. *MCIA did not conduct onsite inspections for all its operations in 2020. Two operations did not get inspected.*
2. *MCIA is not following their Work Instruction – Noncompliance document and their own adverse action deadlines when issuing Notices of Noncompliance and adverse actions. MCIA’s work instruction states that if a written response is not received within the required time period, further action, including proposed suspension or revocation of certification may ensue. The auditor’s reviewed four noncompliance and adverse action files in which MCIA did not issue the proposed adverse action or the adverse action in the time period described in the original noncompliance.*

Corrective Actions: MCIA has hired four new staff since 2021 but has lost the same number of staff during that time. They have shifted to increased use of contract inspectors in order to allow certification staff to focus more on in-office work. MCIA has also limited the number of new applications they will accept during a given year (cutting off new applications in August or September depending on workload and capacity). MCIA continually monitors inspector availability and does not accept applications from regions they cannot service in a timely manner. Additionally, MCIA is currently attempting to hire a new staff member and submitted a current job posting to the NOP.

AIA-7234-21 – Accepted. 7 C.F.R. §205.501(a)(6) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services.”

Comments: *MCIA did not conduct inspector field evaluations for all inspectors in 2020 and has not implemented an alternate proposal for inspector field evaluations per the requirements of **NOP 2027 Instruction: Personnel Performance Evaluations**. The auditors reviewed personnel files and conducted interviews with staff and found that field evaluations for ten inspectors were not conducted in 2020.*

Corrective Actions: MCIA submitted a new field evaluation procedure in 2021 that was approved by the NOP as a part of MCIA’s 2021 Annual Report review. A copy of the procedure was submitted with MCIA’s corrective action response. Additionally, MCIA submitted a screenshot of performance evaluation files for all inspectors MCIA contracted with in 2021.

AIA-7235-21 – Accepted. 7 C.F.R. §205.501(a)(7) states, “A private or governmental entity accredited as a certifying agent under this subpart must: have an annual program review of its certification activities conducted by the certifying agent’s staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation;”

Comments: *MCIA did not meet the requirements of the USDA organic regulations and NOP 2025 Instruction: Internal Program Review. The auditors reviewed certification files and found personnel responsible for certification reviews, inspections, and final reviews conducted MCIA’s internal program review in 2020. NOP 2025, Section 3.1 requires the internal program review to be conducted by personnel different from those who perform certification activities.*

Corrective Actions: MCIA updated their Procedure – Internal Audit to reference NOP 2025 and states that “The internal program review must be conducted by personnel different from those who perform certification activities.” MCIA submitted this procedure to the NOP along with a copy of the 2021 internal program review, which was conducted by a staff member who does not perform certification activities.

AIA-1402-22 – Accepted. 7 C.F.R. §205.662(e)(1) states, “If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or file an appeal of the proposed suspension..., the certifying agent...shall send the certified operation a written notification of suspension...”

Comments: *MCIA does not consistently carry out the requirements of §205.662(e)(1). The auditors’ review of certification files found that MCIA issued an operation a notice of proposed suspension but did not issue a notice of suspension when the operation failed to correct the noncompliance, resolve the issue through rebuttal or mediation, or file an appeal.*

Corrective Actions: MCIA required all certification staff to complete the Organic Integrity Learning Center course NOP-040 Compliance and Enforcement by the end of March 2023. MCIA submitted an email to staff that described this requirement and copies of training logs.