

**USDA**

# United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

**Marin Organic Certified Agriculture**

**1682 Novato Bldg, Suite 150-A, Novato, CA 94947**

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, Wild Crops, Livestock, and Handling 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 OF ACCREDITATION



Certificate No: **NP7079JZA**  
Effective Date: **April 29, 2017**  
Expiration Date: **April 29, 2022**

*Ruihong Guo*  
**Ruihong Guo, Ph.D.**  
**Acting Deputy Administrator**  
**National Organic Program**

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## **NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT**

### **GENERAL INFORMATION**

- **Certifier Name** Marin Organic Certified Agriculture (MOCA)
- **Physical Address** 1682 Novato Boulevard, Suite 150-A, Novato, California 94947
- **Audit Type** Mid-term Assessment (Desk-audit)
- **Auditors & Audit Dates** Jessica Walden, 04/06/2020 to 04/10/2020
- **Audit Identifier** NOP-8-20

### **CERTIFIER OVERVIEW**

Marin Organic Certified Agriculture (MOCA) is a government agency housed within the Marin County Department of Agriculture. The program headquarters are located in Novato, California. MOCA was originally accredited by the USDA National Organic Program (NOP) on April 29, 2002, to certify Crops, Wild Crops, Livestock, and Handling/processing operations. All key certification activities are conducted at the Novato office.

MOCA certifies 49 operations to the following scopes: Crops (45), Livestock (21), Wild Crops (3), and Handling (8). MOCA certifies organic operations located in Marin, Humboldt, Riverside, and Sonoma counties in California.

Certification services are performed by five individuals. These include: two Program Coordinators, a Certification Specialist, and two dedicated Certification Reviewers/Inspectors. The program coordinators and certification specialist also serve as reviewers and inspectors.

## **NOP DETERMINATION**

NOP reviewed the audit results to determine whether MOCA's corrective actions adequately addressed previous noncompliances. NOP also reviewed any corrective actions submitted as a result of noncompliances issued from findings identified during the audit.

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 audit.

### **Noncompliances from Prior Assessments**

**AIA-842-20 – Cleared.**

**AIA-844-20 – Cleared.**

**AIA-847-20 – Cleared.**

**AIA-848-20 – Cleared.**

**AIA-841-20 – 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;" §205.303(b)(2) states, "On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by \* \* \*," or similar phrase, identify the name of the certifying agent that certified the handler of the finished product...."

**Comments:** *A review of labels found that one label did not identify the final handler or distributor. Another label did not place the "Certified organic by \*\*\*" statement below the name of the certified operation or distributor.*

**2017 Corrective Action:** MOCA communicated with the operation whose label did not identify the final handler, and discovered the final handler is a separate entity. The uncertified entity obtained certification through MOCA, and a new label was approved by MOCA. MOCA issued a notice of noncompliance to the operation with the incorrect placement of the "Certified organic by \*\*\*" statement. MOCA conducted staff training August 21, 2017, on the requirement of each legal entity being certified individually, and on the placement of the "Certified organic by \*\*\*" statement.

**2020 Verification of Corrective Action:** Out of 7 retail labels reviewed, the auditor identified one label that did not display the "Certified organic by \*\*\*" statement below the name of the certified operation or distributor.

**2022 Corrective Action:** MOCA created a label review form to assist certification staff and inspectors in label review. MOCA reviewed all its clients' labels and verified that the "certified organic by" statement is now compliant on all retail labels used by MOCA's certified operations. MOCA archives the response sent to clients regarding the review of labels in each respective client file. MOCA's Label Review Procedures have been updated to direct certification staff to use the label

review form for initial review of labels and for inspectors to use the label review form during inspections. All MOCA staff were trained on COB placement on labels on April 9, 2020.

**AIA-845-20 – Accepted.** 7 C.F.R. §205.501(a)(8) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and the regulations in this part;”

**Comments:** *The MOCA organic system plan (OSP) templates do not require operations to provide information on the following topics and/or activities: 1. Are operations selling, shipping, buying, or receiving products and/or ingredients traded under the international arrangements with Korea, Japan, EU, Canada and/or Switzerland. There is only mention of international import/export activities on MOCA’s processing OSP and is limited to the Canadian and European Union trade arrangements. 2. Two files reviewed have products with a private label, however the OSP does not include information regarding private label agreements.*

**2017 Corrective Action:** MOCA updated their Crops, Livestock, and Processing Organic System Plans to require operations to provide information about the export of organic products, and co-packing under private label agreements. The Seeds and Planting Stock and the Organic Product Profile forms request information about imported seeds and ingredients.

**2020 Verification of Corrective Action:** The crop, livestock and handling OSP templates in use now include questions related to private label agreements. The Seeds and Planting Stock forms request information about imported seed. The handler organic system plan includes questions about export to other countries but does not include questions about import activities. In addition, the crop and livestock organic system plans, and inspection report templates do not include questions that prompt the inspector’s verification of import and export activities.

**2022 Corrective Action:** MOCA created an OSP document, “International Markets” for operations to fully describe their importing and exporting activities. MOCA updated its inspection report templates for all scopes to include questions related to operations’ importing or exporting of organic products/ingredients. All MOCA staff were trained on the “International Markets” document and the new MOCA document on April 9, 2020.

**AIA-846-20 – Accepted.** 7 C.F.R. §205.501(a)(9) requires that certifiers “Maintain all records pursuant to §205.510(b) and make all such records available for inspection and copying during normal business hours...” Interim Instruction NOP 3012 Material Review (Section 4) states, “maintain documentation to support its determinations about the status of a product’s compliance with the regulations, including those products that are based on prior determination by another certifier, MRO, or the EPA...”

**Comments:** *MOCA conducts material reviews and maintains an excel spreadsheet of approved materials. The reviewed documentation on the materials is not readily available.*

**2017 Corrective Action:** MOCA updated their material review process to include an electronic folder for each material and the use of the MOCA Material Review Documentation form. The folder will record how the determination of the material was made, including the details of the review of each ingredient when applicable. Staff were trained on the new process on August 21, 2017.

**2020 Verification of Corrective Action:** The Material Review Form developed by MOCA to document material reviews is not consistently completed by reviewers. Additionally, MOCA is not consistently maintaining adequate documentation to support its review and approval of materials, including materials that are approved based on prior determination by other certifiers and material review organizations. The auditor identified two instances where a material was approved by MOCA based on another certifier approval, but the information on file for the materials did not support their compliance with the USDA organic regulations.

**2022 Corrective Action:** MOCA's updated process requires that the MOCA Material List include all materials in use by operations, documentation that those are allowed or allowed with restrictions, and that all materials have been reviewed by MOCA within the past 5 years. As part of pre-inspection duties, the assigned inspector will be responsible for verifying that all materials meet requirements for inclusion on the MOCA Material List. MOCA will document material review using the "Material Review Document Template" to verify compliance with the regulations, including documentation and determinations by another certifiers or material review organizations per NOP 3012. MOCA utilizes review information from the CFDA OIM (California Department of Food and Agriculture Organic Input Material program, OMRI (Organic Materials Review Institute), CCOF (California Certifiers Organic Farmers, PCO (Pennsylvania Certified Organic), and WSDA (Washington State Department of Agriculture. During final review, the reviewer will consult the MOCA Material List for comparison to the operation's input list and documentation to ensure that materials have been approved by MOCA per material list requirements. MOCA inspectors and reviewers were trained on the topic of consistency in documenting material reviews on April 9, 2020.

### **Noncompliances Identified during the Current Assessment**

**AIA-927-20 – 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:** *MOCA's forms and international organic trade review process do not demonstrate that MOCA fully complies with the requirements in the following manner:*

- 1. MOCA's organic system plans and inspection reports do not demonstrate that MOCA fully complies with the requirements of 205.201(a)(3) and (a)(6). The forms do not require operators to provide a description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented.*
- 2. MOCA does not full carry out 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 a file for products exported under the US - Canada equivalency arrangement found that product labels were not reviewed according to the labeling requirements for retail products sold in Canada.*

**Corrective Action:** MOCA has added fields for operations to describe their monitoring practices to OSP documents, "C08 Crop - Weed, Disease & Pest Management," and "C12 Crop - Harvest & Transport,"

“H05 - Handling- Organic Control Points,” “H08 - Handling- Pest Management,” “H13- Handling- Records & Audit Trail,” “L04 Livestock-Health and Welfare Management,” “L18 Livestock - Grazing Pasture Management,” “P05 - Processing - Organic Control Points,” “P08 - Processing - Pest Management,” and “P13 Processing - Records & Audit Trail” and updated inspection reports to verify the OSP updates to ensure operations are in compliance with this requirement. Product exported to Canada by the handler in question are non-retail only. Exported product goes through further processing and packaging for the retail market once in Canada. MOCA does not certify any retail products exported to Canada.

**AIA-933-20 – Accepted.** 7 C.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 this part;”

**Comments:** *MOCA’s personnel are not adequately trained to comply with and implement the USDA organic certification program in the following manner:*

1. *MOCA is not adequately reviewing nonorganic ingredients used in processed products for compliance with the USDA organic regulations. Specifically, the auditor’s review found that MOCA allowed several nonorganic agricultural ingredients not listed in §205.606 to be used in organic products. Also, MOCA did not verify whether an ingredient used in organic products was produced without excluded methods. The ingredient is listed in §205.605.*
2. *MOCA’s inspectors are not conducting adequate in/out balances to determine whether the certified operation maintains records that fully disclose all activities and transactions in sufficient detail as to be readily understood and audited. Additionally, MOCA’s inspection report templates do not ask that this type of verification be completed by inspectors. Therefore, crop yield estimates are not adequately verified at inspection, and ingredients used in processed products are not reconciled with organic products. produced.*

**Corrective Action:** MOCA has created a document: “Using Organic Ingredients.” Inspectors are now reviewing all ingredients used in processed products to ensure they follow the USDA organic regulations. All MOCA staff were trained on ingredient review on April 9, 2020. A mass balance audit field was added to all inspection reports. MOCA inspectors are in the process of taking the OILC training for Conducting Yield Analysis and Traceability Techniques. All MOCA inspectors will have the OILC training completed by October 31, 2022. MOCA hosted training for all staff that covered the topic of conducting mass balance audits on April 9, 2020, and May 6, 2020.

**AIA-934-20 – Accepted.** 7 C.F.R. §205.403(e)(2) states, “A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.”

**Comments:** *MOCA does not always send operations a copy of their inspection report after an unannounced inspection is conducted. The auditor’s review of certification files found that in three instances the unannounced inspection report was not sent to the operations following their inspections.*

**Corrective Action:** Since the NOP audit in April 2020, MOCA has sent all operations a copy of their inspection report after conducting an unannounced inspection, once final review has been completed.



There is now a process in place to ensure each operation receives an inspection report following an unannounced inspection. All MOCA staff were trained on procedures for unannounced inspections, including sending inspection reports on April 9, 2020.

**AIA-935-20 – Accepted.** 7 C.F.R. §205.670(d) states, “A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number.”

**Comments:** *The auditor’s review of MOCA’s pesticide residue sampling information found that, in 2017, MOCA did not meet the requirement to sample and test from 5% of its certified operations annually.*

**Corrective Action:** MOCA updated its policy so that unannounced and residue sample inspections are assigned by March 31<sup>st</sup> of each year and due no later than September 31<sup>st</sup>. All MOCA staff were trained on residue sampling requirements and procedures on April 9, 2020. MOCA met requirements by conducting pesticide residue sampling on three operations, 5% of their operations, in 2018, 2019, 2020, and 2021. MOCA completed the 2022 residue sampling required of 5% of their operations in May 2022.

**AIA-936-20 – Accepted.** 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.”

**Comments:** *The auditor’s review of MOCA’s unannounced inspection files found that MOCA did not meet the requirements of NOP 2609 Unannounced Inspections in the following manner:*

1. *MOCA did not conduct unannounced inspections of 5% of its total certified operations in 2017.*
2. *In 2019, the operations that were subject to unannounced inspections were given 24 hours’ notice.*

**Corrective Action:** All MOCA staff were trained on unannounced inspection requirements and procedures on April 9, 2020. MOCA conducted three (3) unannounced inspections per year in 2018, 2019 and 2020. MOCA conducted two of the three required unannounced inspections in 2021. MOCA updated its unannounced inspection policy due to not completing all required unannounced inspections in 2021. MOCA’s new policy requires that all unannounced inspections be assigned by March 30 and to be completed by September 30 of each calendar year. All MOCA staff were trained on unannounced inspection procedures on April 9, 2020, which included the requirement of giving no more than 4 hours’ notice prior to conducting an unannounced inspection. In 2020 and 2021, MOCA inspectors gave producers no more than 4 hours’ notice of an unannounced inspection.

**AIA-937-20 – 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:** *The auditor reviewed 7 product labels and identified one label that displayed a noncompliant USDA seal.*

**Corrective Action:** MOCA reviewed all its clients’ labels and verified they are compliant in display of

the USDA organic seal. MOCA created a label review form to assist inspectors in label review. All MOCA staff were trained on label review requirements on April 9, 2020.



**Corrective Action:** The MOCA Quality Manual states that “MOCA shall provide the operation with a receipt for all samples taken by the inspector and a copy of the test results” (MOCA Quality Manual, Pesticide Residue Sampling section). Pesticide residue training and review of the MOCA Quality Manual was held for MOCA staff on November 1, 2011 (2011 Training Log). Specific instruction was given to ensure all inspectors provide operations with a receipt for samples taken (Pesticide Residue Sample Receipt).

**Verification of Corrective Action:** Training records and interviews confirmed that staff were trained and aware of the requirement to provide clients with a receipt for any samples taken. A review of client files confirmed that clients were provided with a receipt for samples collected.

**NP1290AKA.NC2 – Cleared.** NOP §205.670(d)(1) states, “Results of all analyses and tests performed under this section: Must be promptly provided to the Administrator; *Except, that, where a State organic program exists, all test results and analyses shall be provided to the State organic program’s governing State official by the applicable certifying party that requested testing.*” *Results of the pesticide residue testing initiated in April of 2011, have not been provided to the Administrator or the State organic program governing official. MOCA was waiting until the investigation was complete to submit the results. The results of the analyses indicated that although a pesticide residue was detected, it was far below the 5% of EPA tolerance.*

**Corrective Action:** The MOCA Quality Manual was revised to state “All test results and analysis shall be promptly provided to the USDA Administrator and the CDFA organic program...” (MOCA Quality Manual, Pesticide Residue Sampling section). Pesticide residue training and review of the MOCA Quality Manual was held for MOCA staff on November 1, 2011 (2011 Training Log). Specific attention was given to review the procedure for residue sample test results and analysis to be sent promptly to the State organic program’s governing official.

**Verification of Corrective Action:** Training records and interviews confirmed that staff were trained and aware of the requirement to provide the State Organic Program with test results and analyses.

**AUDIT INFORMATION**

<b>ACA Name:</b>	Marin Organic Certified Agriculture (MOCA)
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	1682 Novato Blvd. Suite 150A; Novato, CA 94947
<b>Mailing Address:</b>	1682 Novato Blvd. Suite 150A; Novato, CA 94947
<b>Contact &amp; Title:</b>	Anita Sauber, Agricultural Inspector III
<b>E-mail Address:</b>	<a href="mailto:asauber@co.marin.ca.us">asauber@co.marin.ca.us</a>
<b>Phone Number:</b>	(415) 499-6700
<b>Auditor(s):</b>	Julie Hartley, Accreditation Manager
<b>Program:</b>	USDA National Organic Program (NOP)
<b>NOP Audit Date(s):</b>	April 10 – April 13, 2012
<b>Audit Identifier:</b>	NP1290AKA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Corrective Action review (Renewal Assessment)
<b>Audit Objective:</b>	To verify that corrective actions adequately address the noncompliances identified during the renewal assessment.
<b>Audit Criteria:</b>	<i>7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; as amended August 03, 2011.</i>
<b>Audit Scope:</b>	MOCA's submitted corrective actions
<b>Location(s) Audited:</b>	Desk

The NOP conducted a Renewal Assessment of the Marin Organic Certified Agriculture (MOCA) on October 17-20, 2011. The Renewal Assessment, NP1290AKA, resulted in two noncompliances, and the NOP issued a Notice of Noncompliance to MOCA on February 17, 2012. MOCA's corrective actions were received by the NOP on February 23, 2012. Documented evidence was requested and received by the NOP on April 12, 2012. The submitted corrective actions consisted of:

- Email attachment (2/23/12) of Corrective Action letter for Renewal Assessment Audit detailing corrective actions for each noncompliance
- Email attachments (4/12/12) of documented evidence of corrective actions for each noncompliance:
  - Revised Corrective Action letter for Renewal Assessment Audit – highlighted revision
  - MOCA Quality Manual, Pesticide Residue Sampling section – highlighted revisions
  - 2011 Training Log – highlighted training cited in corrective actions (11/1/11)
  - Pesticide Residue Sample Receipt



As reviewed in the renewal assessment audit report, NP1290AKA, one noncompliance identified at the previous Mid-Term Audit (2009) was verified as implemented and effective during the Renewal Assessment, and thereby cleared.

## **FINDINGS**

The corrective actions submitted by MOCA are found to adequately address the noncompliances identified during the renewal assessment and are accepted. MOCA's next assessment, a Mid-Term audit in FY2013, will verify whether all corrective actions are implemented and effective.

**NP1290AKA.NC1 – Accepted.** NOP §205.403(e)(1) states, “At the time of the inspection, the inspector shall provide the operation’s authorized representative with a receipt for any samples taken by the inspector.”

*The inspector(s) did not provide the operation with a receipt for pasture samples at the time they were drawn in response to a complaint of possible pesticide drift. The operation was later provided the test results, but no receipt was issued at the time of sampling. Although the client was present during the sampling procedure (the client was the complainant) and was aware of the samples being taken, a receipt must be issued to comply with the regulations.*

**Corrective Action:** The MOCA Quality Manual states that “MOCA shall provide the operation with a receipt for all samples taken by the inspector and a copy of the test results” (MOCA Quality Manual, Pesticide Residue Sampling section). This noncompliance was an oversight by program inspectors and corrected through training to prevent future occurrences. Pesticide residue training and review of the MOCA Quality Manual was held for MOCA staff on November 1, 2011 (2011 Training Log). Specific instruction was given to ensure all inspectors provide operations with a receipt for samples taken (Pesticide Residue Sample Receipt).

**NP1290AKA.NC2 – Accepted.** NOP §205.670(d)(1) states, “Results of all analyses and tests performed under this section: Must be promptly provided to the Administrator; *Except*, that, where a State organic program exists, all test results and analyses shall be provided to the State organic program’s governing State official by the applicable certifying party that requested testing.” *Results of the pesticide residue testing initiated in April of 2011, have not been provided to the Administrator or the State organic program governing official. MOCA was waiting until the investigation was complete to submit the results. The results of the analyses indicated that although a pesticide residue was detected, it was far below the 5% of EPA tolerance.*

**Corrective Action:** The MOCA Quality Manual was revised to state “All test results and analysis shall be promptly provided to the USDA Administrator and the CDFCA organic program...” (MOCA Quality Manual, Pesticide Residue Sampling section). Along with the quality manual revision, this noncompliance was also corrected through training to prevent future occurrences. Pesticide residue training and review of the MOCA Quality Manual was held for MOCA staff on November 1, 2011 (2011 Training Log). Specific attention was given to review the procedure for residue sample test results and analysis to be sent promptly to the State organic program’s governing official.