



CERTIFICATE OF ACCREDITATION



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

MOFGA CERTIFICATION SERVICES, LLC

294 Crosby Brook Road, Unity, Maine, 04988, 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-99-23**

Effective Date: **06/03/2022**

Expiration Date: **06/03/2027**

Issue Date: **07/12/2023**

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Deputy Administrator
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** MOFGA Certification Services, LLC (MCS)
- **Physical Address** 210 Crosby Brook Road, Unity, Maine 04988, U.S.A.
- **Audit Type** Renewal Audit
- **Auditors & Audit Dates** Patricia Bursten, Alicia Hudson 10/04/2021 to 10/09/2021
- **Audit Identifier** NOP-14-21

CERTIFIER OVERVIEW

A renewal audit was conducted for the MOFGA Certification Services (MCS) organic program. The National Organic Program (NOP) assessed the certifier's conformance to the USDA organic regulations during the period of June 29, 2019 through October 3, 2021.

MOFGA Certification Services LLC (MCS) was formed by the Maine Organic Farmers and Gardeners Association (MOFGA) in 2002 in order to provide USDA organic certification services to Maine farmers and food processors. It is a for-profit business. MCS was accredited as a certifying agent on June 3, 2002 by the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations.

MCS's list of certified operations at the time of the assessment consisted of 512 operations: Crops (398), Livestock (102), Wild Crop (73), and Handlers (203). Certification services are provided to operations in the states of Maine, New Hampshire, and Massachusetts.

MCS's staff includes: a director, two administrative staff, five reviewers, and 17 inspectors (staff and contracted).

NOP DETERMINATION:

NOP reviewed the audit results to determine whether MCS'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 onsite audit.

Noncompliances from Prior Assessments

AIA-3422-20 - Cleared.

AIA-3423-20 - Cleared.

AIA-3424-20 - Cleared.

AIA-3425-20 - Cleared.

AIA-3426-20 - Cleared.

Noncompliances Identified during the Current Assessment and Corrective Actions

AIA-8016-21 - 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 the certified operation; and Name, address, and telephone number of the certifying agent.”

Comments: MCS’s organic certificates do not fully comply with the requirements of the USDA regulations as described in **NOP 2603 Organic Certificates**. The auditors’ review of certificates found the following issues:

1. Certificates do not use the required statement, “Certified to the USDA organic regulations, 7 CFR Part 205,” as outlined in sections section 3.1.9.
2. Certificates identify more than one “person” under the name of the operation certified. Section 3.2 requires a certificate be issued to a single “person,” as defined in §205.2.

Corrective Action: MCS updated the Organic Certificate Template in their database on March 20, 2023 to include the required statement “Certified to the USDA organic regulations, 7 CFR Part 205.” MCS stated that all certificates issued after March 20, 2023, during the 2023 cycle, will have the updated language. MCS also removed the “persons” included under the facility address portion of the incorrect certificate, leaving just one “person” listed on the certificate.

AIA-8017-21 - Accepted. 7 C.F.R. §205.403(a)(1) states, “A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.”

Comments: Auditors reviewed inspection reports and found cases in which the inspector did not visit all fields listed in the OSP. During staff interviews, MCS stated that, for certain types of crop operations, the inspector does not always visit fields that are fallow or in a non-crop year.

Corrective Action: MCS developed a Standard Operating Procedure (SOP), “Protocol for

When Fields Are Not Visited During Onsite Inspections.” The SOP clarifies that MCS instructs inspectors to visit every field that is currently in the approved Organic System Plan (OSP). MCS also states that there may be scenarios in which fields are not visited due to difficult access like weather, washouts, or vehicle challenges. MCS’s SOP confirms that compliance of all fields will be verified through interviewing operations, reviewing field activity records, and unannounced inspection, if fields are unable to be visited during the on-site audit. MCS notified staff on June 21, 2023, via email with a copy of the SOP for review and informed them that the SOP will be effective July 1, 2023.

AIA-8018-21 - 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: *MCS inspectors do not fully verify an operation’s compliance with the USDA organic regulations. The auditors’ review of inspection reports found that MCS inspectors are not consistently documenting mass balance and traceback activities during onsite inspections. Auditors identified the following issues:*

1. *MCS inspectors do not always conduct mass balance or tracebacks activities for certification applicants.*
2. *MCS inspectors conducted traceback activities with insufficient detail to determine the operation’s compliance. For example, one inspection report showed a mass balance that did not trace product back to the source, and another that did not include records to support the traceback activities.*

Corrective Action: MCS conducted training on May 10, 2022 that reminded MCS inspectors that they must conduct mass balance and audit trail exercises at every inspection. The training also included discussions on what documentation is needed, describing the audit trail exercises in the inspection report and how to verify an initial applicant demonstrates the ability to comply with record keeping provisions. MCS provided the agenda, training material and attendance roster as evidence. MCS also provided an email sent to inspectors on July 1, 2022, that further outlines the expectations for audit trail and mass balance completion and reporting.

AIA-8019-21 - Accepted. 7 C.F.R. §205.670(g) states, “If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded. Test results that exceed federal regulatory tolerances must also be reported to the appropriate State health agency or foreign equivalent.”

Comments: *MCS does not fully carry out the procedures of NOP 2613 Instruction Responding to Results from Pesticide Residue Testing. The auditors’ review of pesticide residue analysis reports found MCS does not always inform operations that their product may be sold as organic when residues are not detected or detected at less than 0.01 ppm.*

Corrective Action: MCS submitted their updated template used for contacting operations regarding residue sample results when there are no residues detected. The template was updated shortly after the NOP audit. The updated template includes the statement “your product may be sold as organic.” In addition, MCS provided an example letter that was sent to a client on July 1, 2022, which includes compliant language. MCS included meeting minutes from November 3, 2021, where all staff were in attendance. During the meeting, the NOP audit findings and associated corrective actions were discussed. The updated template, example

letter to client and meeting minutes were submitted as evidence.

AIA-8020-21 - 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: *MCS 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 issued export certificates and interview with the staff found that the TM 11 export certificates do not include the statement: “Certified in compliance with the terms of the AIT/TECRO-NOP/AFA Organic Equivalence Arrangement,” which is required for products exported under the US – Taiwan Equivalency Arrangement.*

Corrective Action: MCS updated its Taiwan TM-11 template to include the compliant statement, “Certified in compliance with the terms of the AIT/TECRO-NOP/AFA Organic Equivalence Arrangement.” In addition, MCS updated their Practice Manual Section 15.24.2 to include instructions on required documentation for exports. MCS held a staff meeting on November 3, 2021 to discuss the NOP audit findings and associated corrective actions. The updated template, Practice Manual and meeting minutes were submitted as evidence.

AIA-8021-21 - 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: *MCS does not carry out the provisions of the Act and regulations. MCS is not consistently implementing the requirements for ruminant livestock compliance. The auditors’ review of certification files identified the following issues:*

1. *Inspectors are not consistently providing evidence of records reviewed that demonstrate confinement is temporary as outlined in operations’ organic system plans.*
2. *MCS is not consistently verifying that dry matter intake values provided in organic system plans are consistent with records of rations that were fed. Records from the operator showed dry matter intake was significantly differed from the number shown in the OSP, and the inspector did not identify this as an issue of concern.*

Corrective Action: MCS created an SOP “Verifying OSP Against Records at Onsite Inspection,” which describes the procedures for reviewing and updating the OSP and the database when discrepancies are identified at the inspection. MCS reviewers are requesting that inspectors provide evidence of reviewing records that demonstrate temporary confinement. These examples also include suggestions regarding the review and/or calculation of Dry Matter Intake (DMI) during the inspection. MCS also provided a copy of their newsletter, The Organic Sprout, in which the subject of temporary confinement was covered, including the requirement to maintain documentation. MCS notified staff on June 21, 2023, via email with a copy of the SOP for review and informed them that the SOP will be effective July 1, 2023.

AIA-8022-21 - 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: *Auditors reviewed MCS’s 2020 annual internal program review report and found it*

was missing elements required in NOP 2025 Internal Program Review. The report did not include an assessment of prior findings and implemented corrective actions from the prior year. In addition, MCS does not require the annual internal program reviews to include all certification activities.

Corrective Action: MCS updated its procedure and checklist, “MCS Internal Audit Guidance and Checklist,” for conducting internal program reviews to include all certification activities and an assessment of prior findings and implemented corrective actions from the prior year. MCS submitted its completed 2021 annual internal program review as evidence of its implementation of the requirements of **NOP 2025**.

AIA-8023-21 - Accepted. 7 C.F.R. §205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *MCS did not issue a notification of noncompliance to its certified operations, even though the operations were noncompliant. The auditors’ review of certification files found MCS did not issue a noncompliance to several operations that did not have records available at inspection.*

Corrective Action: MCS created a Standard Operating Procedure (SOP), “Policy for Elevating Minor Issues to Notices of Noncompliance (NONCs),” which references the NOP Penalty Matrix, which will be used by MCS Specialists to determine when an issue identified at inspection is a minor or major noncompliance and outlines the steps to elevate an unresolved minor issue to a noncompliance. MCS also provided examples of when an unresolved minor noncompliance was elevated to a noncompliance. MCS notified staff on June 21, 2023, via email with a copy of the SOP for review and informed them that the SOP will be effective July 1, 2023.

AIA-8024-21 - 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: *MCS does not carry out the provisions of the Act and regulations. The auditors’ review of poultry certification organic system plans and inspection report templates identified that MCS is not verifying the amount of DL-Methionine per ton of feed over the life of poultry flocks in accordance with the National List of Allowed and Prohibited Substances, §205.603(d)(1).*

Corrective Action: MCS updated its Practice Manual to outline the requirements and instructions for calculating methionine usage. Additionally, MCS updated its organic system plan (OSP) poultry supplement to require that poultry operations provide information about DL-methionine fed to flocks and also updated its inspection report form templates to require to inspectors to verify at inspection that the amount of DL-methionine fed is compliant. MCS submitted a copy of their newsletter “The Organic Sprout” for Spring 2022 that includes an article outlining the requirements and instructions for calculating and documenting methionine usage. MCS also submitting their training module from their Annual Inspector Training, which took place on May 10, 2022. The training module, as submitted, outlines the need to complete the exercise, and to review records. MCS provided the agenda, training material and attendance roster as evidence.

AIA-8025-21 - 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: *MCS is not consistently verifying the organic system plan during the initial review, the on-site inspection, and the final certification review/decision stages. The auditors’ review of certification files found the following issues:*

- 1. MCS is not ensuring that OSPs are complete and updated with the changes observed during inspections.*
- 2. MCS approved a label that displays the MOFGA logo more prominently than the USDA Organic Seal.*
- 3. MCS did not verify compliance of labels for products exported under the US – Korea Equivalency arrangement.*

Corrective Action: MCS submitted the following corrective actions:

1. MCS stated that incomplete and outdated files reviewed during the audit were the result of one reviewer not following internal procedures; the reviewer is no longer employed at MCS. MCS stated that the current staff are making the necessary data entry so that OSPs are current, and ready for the 2023 inspection cycle.
2. MCS submitted an update to their SOP “Procedure to Review Organic Product Labels” which outlines instructions for reviewing that the MCS logo is not more prominent than the USDA seal. MCS staff were trained November 3, 2021 regarding the label requirements, including the issue of logo size.
3. MCS updated its SOP “Procedure to Review Organic Product Labels” which outlines instructions for reviewing labels of exported products. Those labels must be reviewed against corresponding transaction certificates and according to section 15.24 of the MCS Practice Manual for Producers. This section is the updated requirements for shipments to each country with whom the NOP has an equivalency arrangement.