



United States Department of Agriculture

Agricultural Marketing Service
National Organic Program

OREGON DEPARTMENT OF AGRICULTURE

Capitol Street Northeast 635, Salem, Oregon, 97301, 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 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: **USDA-17-21**

Effective Date: **8/11/2019**

Renewal Date: **8/10/2024**

Jennifer Tucker, Ph.D.
Deputy Administrator
National Organic Program

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NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An onsite Renewal assessment of the Oregon State Department of Agriculture (ODA) organic program was conducted on October 29 – 31, 2019. The National Organic Program (NOP) reviewed the auditor’s report to assess ODA’s compliance to the USDA organic regulations. This report provides the results of NOP’s review of the certifier’s corrective actions and assessment of the certifier’s capability to operate as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Oregon State Department of Agriculture
Physical Address	635 Capitol Street NE
Mailing Address	Salem, OR 97301
Contact & Title	Susanna L. Pearlstein, Ph.D. Interim Certification Program Manager and Produce Safety Program Manager; Larissa Dean, Certification Specialist & Auditor
E-mail Address	spearlstein@oda.state.or.us
Phone Number	503-986-4620
Reviewer & Auditors	Alison Howard, NOP Reviewer; Miguel A. Caceres, On-site auditor
Program	USDA National Organic Program (NOP)
Review & Audit Dates	Corrective Action Review: August 7, 2020 – February 3, 2021 NOP Review: June 29, 2020 Onsite audit: October 29 – 31, 2019
Audit Identifier	NOP-46-19
Action Required	No
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ODA’s certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	ODA’s certification services in carrying out the audit criteria during the period: April 28, 2018 through October 31, 2019

ODA is a state government agency that was accredited on August 10, 2009. ODA is accredited for the scopes of Crops and Handling. ODA’s certified operations at the time of the assessment included 153 operations: 96 Crops and 73 Handling (45 processors; 3 distributors; and 27 retailers). ODA does not certify grower groups. ODA’s certified operations are located in the states of Oregon and California.

ODA's main office is in Salem, Oregon; however, certification staff also work out of offices in Medford and Gales Creek, Oregon. ODA's certification staff consist of the Certification Program Manager/Produce Safety Program Manager (CPM) and four Certification Specialists (CS). All CS's conduct certification reviews and inspections. Certification decisions are made by the CPM and one CS. Certification activities at the Medford and Gales Creek offices are limited to initial application review; inspection planning; inspection report review; materials review; and product label review. All certification activities, including certification decisions, are conducted out of the Salem office.

As part of the renewal assessment, two witness audits were conducted. The first witness audit was an observation of a Crops operation inspection and the second was an observation of handling operation inspection.

NOP DETERMINATION

NOP reviewed the onsite audit results to determine whether ODA'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 onsite 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 "**Outstanding**" indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance. 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

NP6290LCA.NC5 – Cleared.

NOP.2.18.NC1 – Cleared.

NOP.2.18.NC2 – Cleared.

NOP.2.18.NC3 – Cleared.

NOP.2.18.NC4 – Cleared.

NOP.2.18.NC5 – Cleared.

NOP.2.18.NC6 – Cleared.

NOP.2.18.NC7 – Cleared.

Noncompliances Identified during the Current Assessment

AIA-5703-21 (NOP-46-19.NC1) – Accepted. 7 C.F.R. §205.402(a)(1) states, "Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to 205.401."

Comments: *ODA does not consistently review applications for certification to ensure completeness. In three of six certification files reviewed, the organic system plans for handling operations did not include a description of the monitoring practices and procedures to be performed and maintained, including the frequencies at which they will be performed, to verify that the plan is effectively implemented. This is a requirement of §205.201(a)(3). ODA did not require the operations to provide the missing information.*

Corrective Action: ODA updated the Initial Review Checklist for Crop and Handling operations (OCP.F.17 and OCP.F.18) to clearly state the need for follow up with the operations if material is missing. ODA also updated the Handling OSP Organic System Plan template (OCP.F.6) to require the description of monitoring practices and documentation for ensuring organic products are not contaminated during storage. Operations were provided the updated materials for 2020 and staff was trained on them at the annual internal refresher training on March 2, 2020; ODA provided a copy of the training agenda.

AIA-5704-21 (NOP-46-19.NC2) – Accepted. 7 CFR §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: *ODA did not conduct an annual inspection of all its certified operations in 2018. Of the 10 certification files reviewed, one handler operation did not receive an annual inspection for the 2018 certification year while ODA was working with the operation during the proposed suspension process.*

Corrective Action: ODA determined that the cause of the noncompliance was misinterpretation of §205.403(a)(1) regarding operations that are undergoing a proposed suspension. ODA updated its Inspection Procedures (OCP.DP.5) to include operations that are undergoing a proposed suspension. ODA reviewed the policy and updated Inspection Procedures with organic staff during its March 2, 2020 internal refresher training; ODA provided a copy of the training agenda.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a renewal assessment of the Oregon Department of Agriculture (ODA). An onsite audit was conducted and the audit report reviewed to determine ODA's capability to continue operating as a USDA accredited certifying agent. This report provides the results of the renewal assessment and review of ODA's corrective actions.

GENERAL INFORMATION

Applicant Name	Oregon Department of Agriculture (ODA)
Physical Address	635 Capital Street NE, Room 247, Salem, OR 97301
Mailing Address	635 Capital Street NE, Room 247, Salem, OR 97301
Contact & Title	Kate Allen, Certification Development and Programs Manager
E-mail Address	kallen@oda.state.or.us
Phone Number	(503) 576-9176
Reviewer(s) & Auditor(s)	Robert Yang, NOP Reviewer; Mike Lopez, Onsite Auditor
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Review of corrective actions date: January 16, 2015 Onsite assessment date: August 18 – 22, 2014
Audit Identifier	NP4230AKA
Action Required	None
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ODA's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	Review of corrective actions submitted on December 23, 2014 for noncompliance resulting from the renewal assessment.

The Oregon Department of Agriculture (ODA) is a state government entity which was initially accredited on August 10, 2009 for the scopes of crops and processing/handling. ODA currently certifies a total of 89 operations (43 crops, 46 processors), all of which are located in Oregon. All key activities are performed in ODA's office in Salem, Oregon.

NOP DETERMINATION:

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

Non-compliances from Prior Assessments

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 "**Outstanding**" indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance.

NP0306OOA.NC1 – Cleared

NP0306OOA.NC2 – Cleared

Non-compliances Identified during the Current Assessment

Any noncompliance labeled as "**Accepted**," indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP4230AKA.NC1- Accepted. 7CFR §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." Furthermore, 7CFR §205.304(a)(1)(iii) states, "Agricultural products in packages described in §205.301(c) may display on the principal display panel, information panel, and any other panel ... the statement: "Made with organic ..." which appears in letters that do not exceed one-half the size of the largest type size on the panel..."

Comments: The "Made with Organic" statement on a label approved by ODA was the largest type size on the panel.

Corrective Action: ODA issued a notice of noncompliance to the operation for the noncompliant label. The operation submitted a revised label, which was verified by ODA to be compliant. ODA also updated its Label Review Procedures (revision 2.3) and Organic Product and Label Review checklist (revision 2.0) to include verification of the type size of a "Made with Organic" statement. Certification review staff has been trained on the updated procedure and checklist.



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AUDIT INFORMATION

ACA Name:	Oregon Department of Agriculture (ODA)
Est. Number:	N/A
Physical Address:	635 Capital Street NE, Room 247, Salem, OR 97301
Mailing Address:	635 Capital Street NE, Room 247, Salem, OR 97301
Contact & Title:	Lindsay Eng, Program Manager
E-mail Address:	leng@oda.state.or.us
Phone Number:	503-872-6600
Auditor(s):	Lars Crail, NOP Regional Accreditation Manager (RAM)
Program:	USDA National Organic Program (NOP)
Audit Date(s):	NOP Review: December 7, 2010 through March 14, 2011.
Audit Identifier:	NP0306OOA
Action Required:	No
Audit Type:	Corrective Action Review
Audit Objective:	To verify continuing compliance to the requirements of the audit criteria.
Audit Criteria:	7 CFR Part 205, National Organic Program, Final Rule, December 21, 2000, amended August 24, 2010. Program Handbook: Guidance and Instructions For Accredited Certifying Agents & Certified Operations, Winter Edition, January 31, 2011.
Audit Scope:	The company's quality manual including personnel, processes, procedures, facilities, and related records.
Location(s) Audited:	Desk

On December 7, 2010, NOP staff received and reviewed the Accreditation, Review, and Compliance Branch (ARC) audit report of ODA's Initial On-site audit. Prior to NOP issuing a Notice of Noncompliance to ODA, they submitted corrective materials addressing NC1:

- ODA's Annual Report.
- ODA's Program Manual procedure update, CID.OCP.DP.8.

On December 15, 2010, NOP issued a Notice of Noncompliance to ODA requesting submission of corrective actions addressing NC2.

ODA staff submitted the following materials on January 12, 2011 and March 16, 2011:

- A copy of the Notice of Noncompliance issued to the operation found noncompliant during ARC's review of client files.
- ODA's Program Manual update regarding certification procedures: CID.OCP.DP.11.

FINDINGS

Corrective actions and supporting documentation submitted by Oregon Department of Agriculture staff adequately addressed the two noncompliances.

NP0306OOA.NC1 – Adequately Addressed. NOP §205.510(a) states, “*Annual report and fees.* An accredited certifying agent must submit annually to the Administrator, on or before the anniversary date of the issuance of the notification of accreditation, the following reports and fees: (1) A complete and accurate update of information submitted pursuant to §§205.503 and 205.504; (2) Information supporting any changes being requested in the areas of accreditation described in §205.500; (3) A description of the measures implemented in the previous year and any measures to be implemented in the coming year to satisfy any terms and conditions determined by the Administrator to be necessary, as specified in the most recent notification of accreditation or notice of renewal of accreditation; (4) The results of the most recent performance evaluations and annual program review and a description of adjustments to the certifying agent's operation and procedures implemented or to be implemented in response to the performance evaluations and program review.” *Interviews with the Program Manager indicated that an annual report had not been submitted to the Administrator in 2010. Corrective Action:* On November 15, 2010, prior to completion of the ARC Audit Report NO0306OOA NC, ODA staff submitted their annual report to NOP. On December 8, 2010, ODA staff submitted an updated program manual procedure (CID.OCP.DP.8) covering the annual report and fee submission requirements. All documents were reviewed for compliance and found to adequately address the noncompliance.

NP0306OOA.NC2 – Adequately Addressed. NOP § 205.662(a) states, “*Notification.* 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.” *The decision letter of one of the files reviewed had items that were identified as recommendations which were non compliant to the NOP Rule. Any issues found that are non compliant to the NOP Rule must be identified as a non-compliance. Corrective Action:* On January 12, 2011 and March 14, 2011 ODA staff submitted materials to address the noncompliance. ODA staff issued a Notice of Noncompliance to the operator on November 17, 2010. On January 12 and March 16, 2011, ODA staff submitted an updated program manual procedure (CID.OCP.DP.11) addressing and clarifying procedures for the issuance of noncompliances. All documents were reviewed for compliance and found to adequately address the noncompliance.