



CERTIFICATE OF ACCREDITATION



# United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

**VERMONT ORGANIC FARMERS**

**14 Pleasant Street, Richmond, Vermont, 05477, 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-22-24**

Effective Date: **09/24/2022**

Expiration Date: **09/24/2027**

Issue Date: **07/08/2024**

**Jennifer Tucker, Ph.D.**

**Deputy Administrator**

**National Organic Program**

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

### **GENERAL INFORMATION**

- **Certifier Name** Vermont Organic Farmers, (VOF)
- **Physical Address** 14 Pleasant Street, Richmond, Vermont 05477, U.S.A.
- **Audit Type** Renewal Audit
- **Auditors & Audit Dates** Joshua Lindau, Daniel Oliver, Emily Prisco, Patricia Bursten,  
09/01/2023 to 09/22/2023
- **Audit Identifier** NOP-242-23

### **CERTIFIER OVERVIEW**

The National Organic Program (NOP) conducted an onsite Renewal Audit of Vermont Organic Farmers' (VOF) USDA organic certification program covering the period December 3, 2020, to September 22, 2023. The purpose of the audit was to verify VOF's compliance with the Organic Foods Production Act of 1990 (OFPA), the USDA organic regulations (7 CFR Part 205), and the NOP Handbook. Audit activities included a review of certification activities, interviews with VOF personnel, a records audit, and two onsite witness audits. The two witness audits consisted of one unannounced additional onsite inspection of a livestock/handling operation and one annual onsite inspection of a livestock/handling operation; both operations are in Vermont.

VOF is a not-for-profit business initially accredited on September 24, 2002. VOF is accredited to the crops, wild crops, livestock, and handling scopes. VOF's office is in Richmond, Vermont. VOF certifies 736 operations and offers certification services in Vermont, New York, and Massachusetts. Certification activities are performed by 11 employees.

## **NOP DETERMINATION:**

NOP reviewed the audit results to determine whether VOF's corrective actions adequately addressed previous noncompliances. The 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-1654-22 - Cleared.**

**AIA-1901-22 - Cleared.**

**AIA-2571-20 - Cleared.**

**AIA-4032-20 - Cleared.**

**AIA-7817-21 - Cleared.**

**AIA-7818-21 - Cleared.**

**AIA-2572-20 - Accepted.** (NP7318PZA.NC5) 7 C.F.R. §205.403(c)(2) states, “The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;”

**Comments:** *During the witness audits, the following was observed:*

1. *The inspector did not verify cleaning inputs;*
2. *The inspector did not verify whether the slaughter facility planned for use by the operation was certified organic.*

**Corrective Action:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them to verify all information reported in the OSP, including inputs and organic certificates. Inspectors were also reminded of the need to verify all practices/inputs that differ from those which are reported in the OSP. The training completed on May 29, 2018, was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF's existing expectations, and procedures related to the use of VOF's Salesforce database, internal Key Performance Indicators, and professional development policies.

**Verification of Corrective Action:** VOF's inspectors do not fully verify the accuracy of operations' organic system plans (OSP). The auditor's review of certification files found that inspectors did not consistently verify the accuracy of operations' product profiles, farm maps and farm acreages and inspectors did not elevate identified OSP inaccuracies to issues of concern.

**2021 Corrective Action:** VOF hosts virtual check-ins with inspectors, regularly discussing the need for inspectors to verify the accuracy of an operation's OSP including: product profiles, farm maps, farm acreages. VOF inspectors are instructed to record incomplete OSPs as an issue of concern. VOF Certification Specialists evaluate the inspector's reporting and confirm it meets VOF expectations using the updated inspection report evaluation form, which now includes the following questions:

- Were you able to confirm that the inspector verified all aspects of the OSP including but not limited to OPP's, maps, field lists, reported acreage, etc. and updated the VOF database with current information when necessary?

- Did the inspector elevate all issues identified throughout the report as ‘potential issues’ on the exit interview summary page?

VOF increased the requirement for each Certification Specialist to conduct a minimum of three inspection report evaluations per inspector, resulting in 15 inspection report evaluations completed for each VOF inspector. VOF’s Certification Specialist job description was revised to reflect the additional evaluations.

**2023 Verification of Corrective Action:** The auditors reviewed certification files and conducted witness audits of inspections of a slaughter facility and a livestock operation. The auditors found that the VOF inspectors did not verify the following:

1. The accuracy of the operation’s OSP. The operation’s OSP stated that the operation had no organic or nonorganic sales, however, receipts showed that the operation had been conducting organic and nonorganic slaughter services.
2. The types of nonorganic activities occurring at the operation as required by §205.201(a)(1).
3. Milk withholding times after an animal was treated with Flunixin as required by §205.603(a)(12).
4. Temporary confinement dates due to inclement weather as required by §205.239(b)&(c).

**2024 Corrective Action:** VOF communicated to the inspectors on January 21, 2024 via a memo regarding the issues identified by the auditors in the reviewed certification files and witness audits. The memo reminded the inspectors to review and verify the OSP at the on-site inspection and to report any changes to the OSP. In addition, VOF will be conducting a field evaluation for the inspectors in 2024 to ensure inspectors are verifying all parts of the OSP.

**AIA-4094-20 - Accepted.** 7 C.F.R. §205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.”

**Comments:** *VOF does not consistently issue its certified operations a Notice of Noncompliance even though the review of the OSP and the inspection report indicates that the operation does not comply with the USDA organic regulations. The auditor’s review of certification files found the following:*

- *In one file reviewed by the auditor, VOF’s inspector identified that daily feed rations were not documented by the operation. VOF did not issue the operation a noncompliance and instead issued the operation a ‘point of improvement’ that would be verified during the next inspection.*
- *In another file, the inspector noted that the operation did not have grain feed purchase receipts. VOF did not issue the operation a noncompliance and instead issued the operation a ‘point of improvement’ that would be verified during the next inspection.*
- *The auditor’s review of five certification files found multiple instances of incomplete or inaccurate organic system plans and supporting documents. VOF did not issue these operations noncompliances, which allowed the inaccuracies to remain in the OSPs and supporting documents for multiple years.*

**Corrective Action:** VOF resolved the issues at the operations identified by the auditor through OSP updates and onsite inspector verification. VOF revised the guidance used to train Certification Specialists to ensure the language more closely aligns with **NOP Instruction 4002 and the NOP Penalty Matrix**. On August 19, 2021, VOF sent a memo to all Certification Specialists informing them of this new guidance. VOF reviewed the memo and the requirements of this new guidance at an all-staff meeting.

**Verification of Corrective Action:** The auditors reviewed certification files and interviewed certification staff and identified that VOF issued operations “Conditions for Continued

Certification” (CCC) instead of Notifications of Noncompliance for noncompliant practices identified during the operations’ onsite inspection. Examples of noncompliant practices that VOF did not issue a Notification of Noncompliance for included an operation’s inability to provide sales records, resulting in the inspector being unable to complete a mass balance audit, and an operation’s failure to document an animal’s milk withholding after treatment with Flunixin.

**2024 Corrective Action:** VOF updated the language of their noncompliance instructions to state that if an operation is out of compliance with the organic regulations then a noncompliance must be issued. In addition, VOF updated their instructions to state that Conditions for Continued Certification (CCC), “may be issued as a general reminder or comment to ensure that an operation remains in compliance in the future.” The instructions also state that a corrective action plan is not necessary for CCCs and the CCC must clearly indicate the reason a corrective action plan is not required. VOF will implement the instructions during the 2024 certification cycle. VOF sent a memo alerting staff of the updated instructions on January 26, 2024.

### **Noncompliances Identified during the Current Assessment and Corrective Actions**

**AIA-6177-23 - 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:** *VOF does not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files and identified that VOF does not consistently conduct material input reviews of boiler chemicals and does not always verify that boiler chemicals do not come into contact with organic product.*

**Corrective Action:** VOF updated their Processing/Handling OSPs which requires operations to declare if steam used in the processing of the organic product, if it comes in direct contact with the organic product, food surface or packaging, if boiler additives are used, the name of the additives and how the operation ensures the products do not compromise organic integrity. VOF updated the Inspection Report (IR) to add verification points of the new OSP questions in April 2024 for the 2024 certification cycle. VOF expects additional revisions, including the operation to declare if the boiler additives are not listed on the National List and further testing methods, to the OSPs and IRs to be revised by April 15, 2025. VOF also updated their internal process for reviewing boiler additives; all boiler additives documented on the OSP will be reviewed by the VOF Material Review Specialist starting in 2024. VOF sent a memo alerting staff of the updated instructions and upcoming changes to the OSPs and IRs on January 26, 2024.

**AIA-6178-23 - 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:** *VOF does not demonstrate the ability to fully comply with the requirements for accreditation. VOF’s livestock inspection report and organic system plan (OSP) templates do not require the information necessary to determine an operation’s compliance with the USDA organic regulations. The auditors reviewed certification files and identified that VOF’s livestock OSP template does not require operations to provide a description of how the quantity of DL Methionine fed to a poultry flock over its lifetime is calculated. Additionally, VOF’s inspection report template does not require inspectors to verify that poultry operations’ use of DL Methionine is compliant with §205.603(d)(1).*

**Corrective Action:** VOF updated their 2024 Inspection Report on June 7, 2024 to include a verification point to confirm if the operation is comply with the DL Methionine restrictions.

VOF also updated their Livestock OSP to include the DL Methionine restrictions, to require the operation to declare how they will comply with the restrictions and to maintain documentation confirming that feed meets the restrictions. VOF expects the OSP to be revised by January 15, 2025. VOF sent a memo alerting staff of the updated instructions and upcoming changes to the OSP and IR on January 26, 2024.

**AIA-6179-23 - 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:** *VOF does not carry out the provisions of the Act and regulations. Specifically, VOF is not consistently verifying that organic slaughter facilities maintain records to demonstrate compliance with § 205.272(a). During a witness audit of a livestock and handling operation inspection, the auditors found that the VOF inspector did not verify that the operation maintained records of organic slaughter stock eligibility for incoming animals.*

**Corrective Action:** VOF issued a Notice of Noncompliance to the operation on December 6, 2023 for failure to maintain records of organic slaughter stock eligibility. The operation responded to the noncompliance with corrective actions on December 19, 2023, which VOF found to be sufficient. VOF communicated to the inspector on January 21, 2024 via a memo regarding the issues identified by the auditors at the witness audit.

**AIA-6187-23 - 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:** *VOF does not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files, interviewed certification staff, and found that VOF’s policy is to not issue an updated organic certificate to a certified operation until the operation has resolved all noncompliances. Per **NOP 2603 Organic Certificates**, certifiers should issue a new organic certificate each year.*

**Corrective Action:** VOF updated the Notice of Noncompliance template language to remove language about withholding the organic certificate until all noncompliance have been resolved, which was implemented on January 9, 2024. VOF sent a memo alerting staff of the updated template and to clarify that VOF will issue renewal certificates even if there are outstanding noncompliances on January 26, 2024.

**AIA-6189-23 - 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:** *VOF does not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files and identified the following issues with organic certificates issued by VOF:*

- 1. VOF issued an organic certificate addendum that listed an operation’s products as “wild crop” even though the operation was not certified for the wild crop scope. VOF also incorrectly listed the operation in the Organic Integrity Database (OID) as certified to the wild crop scope.*
- 2. VOF issued an organic certificate to a livestock operation that included “retail meats” even though operation was not certified for handling.*

**Corrective Action:** VOF provided the following corrective actions:

1. VOF removed the “Wild Crop” designation from the operation’s OID listing and updated it to correctly list “Crops.” As of February 19, 2024, the operation has been provided the corrected certificate. VOF reported that the issue of the operation being listed as a “Wild Crop” operation was because the operation incorrectly self-reported themselves under that scope. VOF plans to update its database to ensure that the “Wild Crop” scope is only selectable within the wild crop products list, as described in the 2024 database workplan notes.
2. VOF corrected all certificates on June 7, 2024 to include the handling scope. The certificates were immediately available to the operation. VOF has updated its Livestock OSP, which now prompts operation choosing any “retail meat cuts” option to add the handling scope to their certificate. VOF expects the OSP to be revised by January 15, 2025. VOF sent a memo alerting staff of the updated instructions and upcoming changes to the OSP on January 26, 2024.

**AIA-6190-23 - 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:** *VOF does not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files and found that VOF did not perform a sufficient review of input materials to verify operations’ compliance with §205.201(a)(2). VOF approved wood shavings and sawdust for animal bedding without verifying their source and their compliance.*

**Corrective Action:** VOF updated their 2024 Inspection Report on June 7, 2024 to include a verification point to confirm sawdust or wood shavings were derived from only untreated wood and also to collect information regarding the sawdust or wood shavings used. VOF updated their Livestock OSP which requires operations to declare the type of bedding used. If the operation selects “sawdust/wood shavings,” it prompts the operation to declare the source and asks the operation how they ensure that the product does not contain any prohibited materials. VOF expects the OSP to be revised by January 15, 2025. Prior to the implementation of the form updates, VOF intends to begin reviewing sawdust and shavings from local suppliers in May and June 2024. VOF also updated their internal process for reviewing sawdust and wood shavings; all sawdust and wood shavings documented on the OSP will be reviewed by the VOF Material Review Specialist. VOF sent a memo alerting staff of the updated instructions and upcoming changes to the OSP and IR on January 26, 2024.

**AIA-6193-23 - 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:** *VOF does not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files and conducted a witness audit of a ruminant livestock operation’s inspection and found that the VOF inspectors did not verify the operation’s dry matter demand values and dry matter intake values by reviewing feed fed records, as required by § 205.237(d)(2).*

**Corrective Action:** VOF sent a reminder to all livestock producers on April 25, 2024 regarding keeping ration records of amount and type of feed actually fed to animals during the grazing season and to document the date the ration changed. VOF also sent a reminder to inspectors on June 7, 2024 regarding need to review as fed ration records on site and a reminder about

existing Inspection Report verification points. In addition, VOF updated its Livestock OSP to remind operations to maintain records verifying actual start and end dates of the feed rations listed on the OSP. VOF updated the Inspection Report which prompts inspectors to verify “as-fed” rations and declare if changes occurred to the OSP based on records available at the inspection. VOF expects the OSP and IR to be revised by January 15, 2025. VOF sent a memo alerting staff of the upcoming changes to the OSP and IR on January 26, 2024.



## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted an audit as part of the NOP's assessment of the certifier's USDA organic certification program. NOP reviewed the auditor's assessment to determine compliance with the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Vermont Organic Farmers (VOF)
<b>Physical Address</b>	14 Pleasant Street, Richmond, Vermont 05477, U.S.A.
<b>Mailing Address</b>	P.O. Box 697, Richmond, Vermont 05477, U.S.A.
<b>Contact &amp; Title</b>	Ms. Nicole Dehne, Certification Administrator
<b>E-mail Address</b>	<a href="mailto:Nicole@nofavt.org">Nicole@nofavt.org</a>
<b>Phone Number</b>	802-434-3821
<b>Reviewer &amp; Auditors</b>	Melissa Lahullier, Jennifer Cruse, NOP Reviewers; Joshua Lindau, Sherry Aultman, Auditors
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	Review: 03/05/2021 - 9/29/2021 Audit: 11/30/2020 - 12/03/2020
<b>Audit Identifier</b>	NOP-46-20
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Mid-Term Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of VOF's certification system.
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	VOF's certification services in carrying out the audit criteria during the period: 11/18/2017 through 12/03/2020

Vermont Organic Farmers, LLC (VOF) is a limited liability corporation originally accredited on September 24, 2002, to the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations.

As of September 2020, VOF certifies 778 operations to the following scopes: 680 Crops, 13 Wild Crops, 222 Livestock and 326 Handling/Processing. VOF does not currently certify any grower groups. Most of the operations that VOF certifies are in Vermont with a few operations in New York. VOF conducts NOP certification activities from its main office located in Richmond, Vermont. VOF's 20 NOP certification staff include 11 independent contracted inspectors. VOF also has one

administration staff, a material review specialist that is also a staff inspector, one manager and one director.

## **NOP DETERMINATION**

The NOP reviewed the onsite audit results to determine whether VOF's corrective actions adequately addressed previous noncompliances. The 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-2567-20 - Cleared.**

**AIA-2568-20 - Cleared.**

**AIA-2569-20 - Cleared.**

**AIA-2570-20 - Cleared.**

**AIA-2577-20 - Cleared.**

**AIA-2572-20 - Accepted.** (NP7318PZA.NC5) - 7 C.F.R. §205.403(c)(2) states, "The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;"

**Comments:** *During the witness audits, the following was observed:*

- 1. The inspector did not verify cleaning inputs;*
- 2. The inspector did not verify whether the slaughter facility planned for use by the operation was certified organic.*

**Corrective Action:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them to verify all information reported in the OSP, including inputs and organic certificates. Inspectors were also reminded of the need to verify all practices/inputs that differ from those which are reported in the OSP. The training completed on May 29, 2018, was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF's existing expectations, and procedures related to the use of VOF's Salesforce database, internal Key Performance Indicators, and professional development policies.

**Verification of Corrective Action:** VOF's inspectors do not fully verify the accuracy of operations' organic system plans (OSP). The auditor's review of certification files found that inspectors did not

consistently verify the accuracy of operations' product profiles, farm maps and farm acreages, and inspectors did not elevate identified OSP inaccuracies to issues of concern.

**2021 Corrective Actions:** VOF hosts virtual check-ins with inspectors, regularly discussing the need for inspectors to verify the accuracy of an operation's OSP including: product profiles, farm maps, farm acreages. VOF inspectors are instructed to record incomplete OSPs as an issue of concern.

VOF Certification Specialists evaluate the inspector's reporting and confirm it meets VOF expectations using the updated inspection report evaluation form, which now includes the following questions:

- Were you able to confirm that the inspector verified all aspects of the OSP including but not limited to OPP's, maps, field lists, reported acreage, etc. and updated the VOF database with current information when necessary?
- Did the inspector elevate all issues identified throughout the report as 'potential issues' on the exit interview summary page?

VOF increased the requirement for each Certification Specialist to conduct a minimum of three inspection report evaluations per inspector, resulting in 15 inspection report evaluations completed for each VOF inspector. VOF's Certification Specialist job description was revised to reflect the additional evaluations.

**AIA-2571-20 - Accepted.** (NP7318PZA.NC4) - 7 C.F.R. §205.403(d) states, "The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern."

**Comments:** *During one witness audit, it was observed that the equipment cleaning process the employee described was not the cleaning process that was approved as part of the organic system plan, and the written equipment cleaning procedure was not available for verification. This was not identified as an issue of concern by the inspector.*

**Corrective Action:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them of the need to identify all issues of concern on the exit interview form, the process for onsite OSP updates, and training requirements. VOF will conduct two inspector trainings in 2018. The May 29, 2018, training was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF's existing expectations, and procedures related to the use of VOF's Salesforce database, internal Key Performance Indicators, and professional development policies.

**Verification of Corrective Action:** Auditors reviewed training records and confirmed that the May and June 2018 trainings were conducted and covered the VOF policy regarding identifying issues of concern in the exit interview. This corrective action will require additional verification during a witness audit.

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

**AIA-4032-20** - 7 C.F.R. §205.403(a)(2)(ii) states, “The Administrator or State organic program's governing State official may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with the Act and the regulations in this part.”

**Comments:** *VOF did not conduct unannounced inspections of 5% of its total certified operations in 2018, which does not meet the requirements of NOP 2609 Unannounced Inspections. The auditor's review of certification files found that VOF conducted 35 unannounced inspection in 2018 for 719 operations (4.8%). In 2019, VOF conducted 36 unannounced inspections for 709 operations (5.1%). However, as of September 2020 VOF had only completed 3 of the 35 unannounced inspections it had assigned for 775 operations in 2020.*

**2021 Corrective Actions:** VOF updated its Unannounced Inspection Annual Strategy to include the following language: “The number of operations to receive unannounced inspections will be calculated as follows: Number of certified operations as of 12/31 of previous year divided by 5% and rounded up.” The VOF Material Specialist & Staff Inspector is now responsible for tracking unannounced inspection numbers to ensure that VOF is always at or above the required 5%, and the position description has been updated to include the task.

**AIA-4094-20** - 7 C.F.R. §205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.”

**Comments:** *VOF does not consistently issue its certified operations a Notice of Noncompliance even though the review of the OSP and the inspection report indicates that the operation does not comply with the USDA organic regulations. The auditor's review of certification files found the following:*

- In one file reviewed by the auditor, VOF's inspector identified that daily feed rations were not documented by the operation. VOF did not issue the operation a noncompliance and instead issued the operation a 'point of improvement' that would be verified during the next inspection.*
- In another file, the inspector noted that the operation did not have grain feed purchase receipts. VOF did not issue the operation a noncompliance and instead issued the operation a 'point of improvement' that would be verified during the next inspection.*
- The auditor's review of five certification files found multiple instances of incomplete or inaccurate organic system plans and supporting documents. VOF did not issue these operations noncompliances, which allowed the inaccuracies to remain in the OSPs and supporting documents for multiple years.*

**2021 Corrective Actions:** VOF resolved the issues at the operations identified by the auditor through OSP updates and onsite inspector verification. VOF revised the guidance used to train Certification Specialists to ensure the language more closely aligns with NOP Instruction 4002 and the NOP Penalty Matrix. On August 19, 2021, VOF sent a memo to all Certification



**National Organic Program  
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Room 2642-South, STOP 0268  
Washington, DC 20250-0268**

Specialists informing them of this new guidance. VOF reviewed the memo and the requirements of this new guidance at an all-staff meeting.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted an audit as part of the NOP's assessment of the certifier's USDA organic certification program. NOP reviewed the auditor's assessment to determine compliance with the USDA organic regulations. This report provides the results of NOP's assessment.

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<b>Physical Address</b>	14 Pleasant Street, Richmond, Vermont 05477, U.S.A.
<b>Mailing Address</b>	P.O. Box 697, Richmond, Vermont 05477, U.S.A.
<b>Contact &amp; Title</b>	Ms. Nicole Dehne, Certification Administrator
<b>E-mail Address</b>	<a href="mailto:Nicole@nofavt.org">Nicole@nofavt.org</a>
<b>Phone Number</b>	802-434-3821
<b>Reviewer &amp; Auditors</b>	Melissa Lahullier, Jennifer Cruse, NOP Reviewers; Joshua Lindau, Sherry Aultman, Auditors
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	Review: 03/05/2021 - 9/29/2021 Audit: 11/30/2020 - 12/03/2020
<b>Audit Identifier</b>	NOP-46-20
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Mid-Term Assessment (desk audit)
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of VOF's certification system.
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	VOF's certification services in carrying out the audit criteria during the period: 11/18/2017 through 12/03/2020

Vermont Organic Farmers, LLC (VOF) is a limited liability corporation originally accredited on September 24, 2002, to the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations.

As of September 2020, VOF certifies 778 operations to the following scopes: 680 Crops, 13 Wild Crops, 222 Livestock and 326 Handling/Processing. VOF does not currently certify any grower groups. Most of the operations that VOF certifies are in Vermont with a few operations in New York. VOF conducts NOP certification activities from its main office located in Richmond, Vermont. VOF's 20 NOP certification staff include 11 independent contracted inspectors. VOF also has one



administration staff, a material review specialist that is also a staff inspector, one manager and one director.

## **NOP DETERMINATION**

The NOP reviewed the onsite audit results to determine whether VOF's corrective actions adequately addressed previous noncompliances. The 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-2567-20 - Cleared.**

**AIA-2568-20 - Cleared.**

**AIA-2569-20 - Cleared.**

**AIA-2570-20 - Cleared.**

**AIA-2577-20 - Cleared.**

**AIA-2572-20 - Accepted.** (NP7318PZA.NC5) - 7 C.F.R. §205.403(c)(2) states, "The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;"

**Comments:** *During the witness audits, the following was observed:*

- 1. The inspector did not verify cleaning inputs;*
- 2. The inspector did not verify whether the slaughter facility planned for use by the operation was certified organic.*

**Corrective Action:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them to verify all information reported in the OSP, including inputs and organic certificates. Inspectors were also reminded of the need to verify all practices/inputs that differ from those which are reported in the OSP. The training completed on May 29, 2018, was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF's existing expectations, and procedures related to the use of VOF's Salesforce database, internal Key Performance Indicators, and professional development policies.

**Verification of Corrective Action:** VOF's inspectors do not fully verify the accuracy of operations' organic system plans (OSP). The auditor's review of certification files found that inspectors did not

consistently verify the accuracy of operations' product profiles, farm maps and farm acreages, and inspectors did not elevate identified OSP inaccuracies to issues of concern.

**2021 Corrective Actions:** VOF hosts virtual check-ins with inspectors, regularly discussing the need for inspectors to verify the accuracy of an operation's OSP including: product profiles, farm maps, farm acreages. VOF inspectors are instructed to record incomplete OSPs as an issue of concern.

VOF Certification Specialists evaluate the inspector's reporting and confirm it meets VOF expectations using the updated inspection report evaluation form, which now includes the following questions:

- Were you able to confirm that the inspector verified all aspects of the OSP including but not limited to OPP's, maps, field lists, reported acreage, etc. and updated the VOF database with current information when necessary?
- Did the inspector elevate all issues identified throughout the report as 'potential issues' on the exit interview summary page?

VOF increased the requirement for each Certification Specialist to conduct a minimum of three inspection report evaluations per inspector, resulting in 15 inspection report evaluations completed for each VOF inspector. VOF's Certification Specialist job description was revised to reflect the additional evaluations.

**AIA-2571-20 - Accepted.** (NP7318PZA.NC4) - 7 C.F.R. §205.403(d) states, "The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern."

**Comments:** *During one witness audit, it was observed that the equipment cleaning process the employee described was not the cleaning process that was approved as part of the organic system plan, and the written equipment cleaning procedure was not available for verification. This was not identified as an issue of concern by the inspector.*

**Corrective Action:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them of the need to identify all issues of concern on the exit interview form, the process for onsite OSP updates, and training requirements. VOF will conduct two inspector trainings in 2018. The May 29, 2018, training was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF's existing expectations, and procedures related to the use of VOF's Salesforce database, internal Key Performance Indicators, and professional development policies.

**Verification of Corrective Action:** Auditors reviewed training records and confirmed that the May and June 2018 trainings were conducted and covered the VOF policy regarding identifying issues of concern in the exit interview. This corrective action will require additional verification during a witness audit.



**Noncompliances Identified during the Current Assessment**

**AIA-4032-20 – Accepted.** 7 C.F.R. §205.403(a)(2)(ii) states, “The Administrator or State organic program's governing State official may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with the Act and the regulations in this part.”

**Comments:** *VOF did not conduct unannounced inspections of 5% of its total certified operations in 2018, which does not meet the requirements of NOP 2609 Unannounced Inspections. The auditor's review of certification files found that VOF conducted 35 unannounced inspection in 2018 for 719 operations (4.8%). In 2019, VOF conducted 36 unannounced inspections for 709 operations (5.1%). However, as of September 2020 VOF had only completed 3 of the 35 unannounced inspections it had assigned for 775 operations in 2020.*

**2021 Corrective Actions:** VOF updated its Unannounced Inspection Annual Strategy to include the following language: “The number of operations to receive unannounced inspections will be calculated as follows: Number of certified operations as of 12/31 of previous year divided by 5% and rounded up.” The VOF Material Specialist & Staff Inspector is now responsible for tracking unannounced inspection numbers to ensure that VOF is always at or above the required 5%, and the position description has been updated to include the task.

**AIA-4094-20 – Accepted.** 7 C.F.R. §205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.”

**Comments:** *VOF does not consistently issue its certified operations a Notice of Noncompliance even though the review of the OSP and the inspection report indicates that the operation does not comply with the USDA organic regulations. The auditor's review of certification files found the following:*

- In one file reviewed by the auditor, VOF's inspector identified that daily feed rations were not documented by the operation. VOF did not issue the operation a noncompliance and instead issued the operation a 'point of improvement' that would be verified during the next inspection.*
- In another file, the inspector noted that the operation did not have grain feed purchase receipts. VOF did not issue the operation a noncompliance and instead issued the operation a 'point of improvement' that would be verified during the next inspection.*
- The auditor's review of five certification files found multiple instances of incomplete or inaccurate organic system plans and supporting documents. VOF did not issue these operations noncompliances, which allowed the inaccuracies to remain in the OSPs and supporting documents for multiple years.*

**2021 Corrective Actions:** VOF resolved the issues at the operations identified by the auditor through OSP updates and onsite inspector verification. VOF revised the guidance used to train



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Certification Specialists to ensure the language more closely aligns with NOP Instruction 4002 and the NOP Penalty Matrix. On August 19, 2021, VOF sent a memo to all Certification Specialists informing them of this new guidance. VOF reviewed the memo and the requirements of this new guidance at an all-staff meeting.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite renewal assessment of Vermont Organic Farmers (VOF) organic program was conducted on November 13-17, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess VOF's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Vermont Organic Farmers (VOF)
<b>Physical Address</b>	14 Pleasant St., Richmond, VT 05477
<b>Mailing Address</b>	14 Pleasant St., Richmond, VT 05477
<b>Contact &amp; Title</b>	Nicole Dehne, Certification Director; Laura Nunziata, Quality Assurance Specialist
<b>E-mail Address</b>	<a href="mailto:nicole@nofavt.org">nicole@nofavt.org</a> / <a href="mailto:laura@nofavt.org">laura@nofavt.org</a>
<b>Phone Number</b>	802-434-3821
<b>Reviewer Auditors</b>	Jason Lopez, NOP Reviewer Rebecca Claypool, Penny Zuck, On-site Auditors.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review Date</b>	NOP assessment review: April 10, 2018
<b>Audit Dates</b>	Onsite audit: November 13-17, 2017
<b>Audit Identifier</b>	NP7318PZA
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Renewal Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of VOF's certification
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	VOF's certification services in carrying out the audit criteria during the period: July 2015 through November 2017

Vermont Organic Farmers (VOF) is a not-for-profit, limited liability company, initially accredited on September 24, 2002 to the USDA National Organic Program (NOP) for crops,

livestock, wild crops and handling. VOF certifies 720 operations to the following: crops (642), livestock (243), wild crops (9), and handlers (283).

VOF's office is located in Richmond, Vermont, and provides certification services in Vermont and in New York (3). VOF only accepts new application from Vermont producers. Certification services are performed by the Program Director, Quality Assurance Specialist, four organic Certification Specialists, one Certification Assistant, and one Material Reviewer/Staff Inspector. The auditors conducted two witness audits. The auditors observed inspections of a handling operation and a crops and livestock operation.

#### **NOP DETERMINATION:**

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

**NP2192OOA.NC11 – Cleared**

**NP5180RYA.NC1 – Cleared**

**NP5180RYA.NC2 – Cleared**

**NP5180RYA.NC3 – Cleared**

**NP5180RYA.NC4 – Cleared**

**NP5180RYA.NC5 – Cleared**

**NP5180RYA.NC6 – Cleared**

**NP5180RYA.NC7 – Cleared**

**NP5180RYA.NC8 – Cleared**

**NP5180RYA.NC9 – Cleared**

**NP5180RYA.NC10 – Cleared**

**NP5180RYA.NC11 – Cleared**

**NP5180RYA.NC13 – Cleared**

**NP5180RYA.NC15 – Cleared**

**NP5180RYA.NC16 – Cleared**

**AIA17066JL.NC1 – Cleared**

**AIA17066JL.NC2 – Cleared**

**AIA17066JL.NC3 – Cleared**

**AIA6299PZ.NC1 – Cleared**

**AIA16223RK.NC1 – Cleared**

**NP5180RYA.NC14 – Accepted.** 7 CFR § 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.”

**2015 Comments:** *VOF’s documents and process for verifying organic products imported/exported under an equivalency arrangement/export agreement does not comply in the following manner:*

1. *VOF’s 2015 Quality Manual states, “For products requesting export to Japan, VOF shall issue a compliance statement declaring in the remarks section of the export certificate that “Products covered under this export certificate are not know to be produced with alkali-extracted humic acid or lignin sulfonate as a flotation agent.” The required statement for products exported to Japan under the US-Japan Equivalency Arrangement, is “Certified in compliance with the terms of the US-Japan Organic Equivalency Arrangement.”*
2. *VOF’s Organic Processing and Handling Inspection Report Addendum for Export to Taiwan and Japan form asks the inspector to verify whether the products “are not known to be produced with alkali-extracted humic acid or lignin sulfonate as a flotation agent.” The US-Japan Organic Equivalency Arrangement does not prohibit the use of alkali-extracted humic acid or lignin sulfonate as a flotation agent.*
3. *A review of retail product labels VOF approved for export to Canada under the U.S. - Canada Equivalency Arrangement indicated that the labels were not reviewed for compliance with Canada’s labeling requirements. An interview with VOF staff confirmed that they were not aware that product labels must be in English and French.*
4. *VOF’s new online organic system plan/inspection report templates do not ask the applicant to provide information regarding participation in equivalency arrangements or export agreements. The templates do not instruct the inspector to verify the operation’s compliance with the applicable equivalency arrangement/ export agreement requirements.*
5. *VOF’s 2015 Certification Guidelines manual does not include any information regarding the equivalency arrangements or export agreements to enable persons seeking certification to comply with the applicable requirements.*

**2016 Corrective Actions:** VOF has removed all incorrect references to the US-Japan Equivalency Agreement in the 2016 Certification Guidelines Booklet and the Processing & Handling Inspection Reports Addendum has been archived. All current and future Canadian labels will be reviewed for compliance with Canada’s labeling requirements including the requirement that all labels must be in English & French. VOF’s next applications/inspection reports (2017) will include information regarding participation and compliance with equivalency arrangements or export agreements. VOF’s 2017 Certification Guidelines manual will include information regarding the equivalency arrangements or export agreements to enable persons seeking certification to comply with the applicable requirements. VOF intends to hire a Quality Assurance position whose responsibilities will include development and management of VOF’s

quality system to ensure compliance with USDA accreditation including developing procedural documents to assist staff in complying with accreditation requirements, training staff to meet policies and procedures and preparing for and facilitating internal and USDA audits.

**2017 Verification of Corrective Action:** VOF hired a Quality Assurance staff person to develop and manage VOF's quality system. The auditor verified the International sections have been added to the 2017 Certification Guidelines Booklet

1. VOF's Quality Manual no longer includes the following statement "Products covered under this export certificate are not know to be produced with alkali-extracted humic acid or lignin sulfonate as a flotation agent." However, the Export Arrangements & Requirements by Foreign Markets section of VOF's 2017 Certification Guidelines Booklet does not include the required statement on the TM-11 export certificate for products being exported to Japan: "Certified in compliance with the terms of the US-Japan Organic Equivalency Arrangement." (**Accepted**)
2. VOF's Organic Processing and Handling Inspection Report no longer includes verification of products being produced with alkali-extracted humic acid or lignin sulfonate. (**Cleared**)
3. The auditor verified the labeling requirements for organic products exported to Canada are included in the Export Arrangements & Requirements by Foreign Markets section of the VOF 2017 Certification Guidelines Booklet. No products have been exported to Canada since the last NOP on-site audit. (**Cleared**)
4. VOF's organic system plans have been revised to ask about exporting products according to trade arrangements; the 2018 organic system plans will also include questions regarding importing organic product according to trade arrangements; and the inspection reports have been revised to verify the information in the organic system plans including import and export activities. (**Cleared**)
5. VOF's 2017 Certification Guidelines Booklet includes a section for Export Arrangements & Requirements by Foreign Markets, which outlines requirements for operations seeking certification to comply with equivalency arrangements and export agreements. (**Cleared**)

**2017 Corrective Actions:** VOF has revised and submitted its Certification Guidance Booklet to state TM-11 export certificates must include the statement "Certified in compliance with the terms of the US-Japan Organic Equivalency Arrangement." VOF created and submitted a TM-11 export certificate template with the required statement in the remarks section. VOF created and submitted an export request processing procedure to remind staff of all required remarks on export documents. VOF notified staff on February 26, 2018 via a staff memo of the TM-11 export template. The memo informed staff of the language updates in the VOF Certification Guidelines Booklet and the creation of the export request processing procedure. The VOF Certification Guidelines Booklet was sent to print on April 2, 2018 and printed versions are expected for delivery by April 20, 2018.

### **Non-compliances Identified during the Current Assessment and Corrective Actions**

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.

**NP7318PZA.NC1 – 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:** *VOF’s organic systems plan templates do not request a complete description of an operation’s monitoring practices, or the frequency in which the monitoring practices will be performed to verify the plans are effective.*

**Corrective Actions:** VOF will revise its OSP form to include a complete description of an operations monitoring practices and frequency in which the monitoring practices are performed. VOF's OSP forms (maple, crop, general livestock, ruminant livestock, non-ruminant livestock, poultry, slaughter, and processing/handling) will come off-line one at a time and be updated individually according. The crop and handling OSP forms were updated and copied were submitted to the NOP on May 14, 2018. The remaining OSP will be updated on the VOF website and submitted to the NOP as follows: ruminant and non ruminant livestock OSP by June 15, 2018; poultry, maple syrup and general livestock OSP by July 15, 2018; and split operation an slaughter OSP by August 15, 2018. VOF inspectors will update OSP’s with the applicable information for all operations that have submitted updates prior to the OSP revisions.

**NP7318PZA.NC2 - Accepted.** 7 C.F.R. §205.402(a)(2) states, “Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part.”

**Comments:** *VOF approved two “organic” product labels that do not comply in the following manner:*

- 1. On one organic vinegar product label, the “certified organic by\*\*\*” statement is above the information identifying the handler of the product, and the color USDA seal has a green outer circle instead of a brown outer circle.*
- 2. On one organic vinegar product label, the “certified organic by\*\*\*” statement is missing from the label, and the color USDA seal has a green outer circle instead of a brown outer circle.*

**Corrective Actions:** VOF notified the operation of the noncompliant labels and received (submitted) corrected label proofs from the operation. VOF has created and submitted a label review checklist. The Certification Director and Quality Assurance Specialist will review all label approvals completed by the certification specialist who approved the noncompliant labels. VOF’s “Certification Specialist Training Checklist” was amended to require all new staff to use the label review checklist for a minimum of six months. VOF’s Quality Assurance Specialist will conduct quarterly internal audits this year with a primary focus on label review. If the internal audits identify additional noncompliant label reviews, VOF may implement mandatory use of the Label Review Checklist for all staff. A VOF staff memo on February 26, 2018 informed staff of the Label Review Checklist and that internal audits will be conducted to monitor compliance.

**NP7318PZA.NC3 - Accepted.** 7 C.F.R. §205.501(a)(21) 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; Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” The NOP website provides instructions and the terms of international trade arrangements.

**Comments:**

1. *VOF’s verification process for trade arrangements does not provide documented evidence of label review for organic products being exported.*
2. *Export certificates that were issued under the Taiwan arrangement for processed products and crops do not include the statement, “Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances.” This statement is not included in the Export Arrangements & Requirements by Foreign Markets section of VOF’s 2017 Certification Guidelines Booklet for exports to Taiwan.*

**Corrective Actions:** VOF created and submitted a procedural document “Processing Export Requests” for certification staff. The procedure instructs staff to maintain documented evidence of the review/approval of export product labels. VOF updated its Export Arrangements & Requirements by Foreign Markets section of the 2018 Certification Guidelines Booklet which went to print on April 2, 2018. The update will reflect the need for Taiwan export certificates to include the statements "Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances" and “Organic livestock products, accompanied by this certificate, were managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine.” Additionally, VOF has created and submitted a Taiwan export certificate template which includes the required statements. A VOF staff memo on February 26, 2018 informed staff of the revisions to the Foreign Markets section of the Certifications Guidelines Booklet, the new procedural document, and the Taiwan export certificate template.

**NP7318PZA.NC4 - Accepted.** 7 C.F.R. §205.403(d) states, “The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.”

**Comments:** *During one witness audit, it was observed that the equipment cleaning process the employee described was not the cleaning process that was approved as part of the organic system plan, and the written equipment cleaning procedure was not available for verification. This was not identified as an issues of concern by the inspector.*

**Corrective Actions:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them of the need to identify all issues of concern on the exit interview form, the process for onsite OSP updates, and training requirements. VOF will conduct two inspector trainings in 2018. The May 29, 2018, trainings was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF’s existing expectations, and procedures related to the use of VOF’s Salesforce database, internal Key Performance Indicators, and professional development policies.



**NP7318PZA.NC5 - Accepted.** 7 C.F.R. §205.403(c)(2) states, “The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;”

**Comments:** *During the witness audits, the following was observed:*

1. *The inspector did not verify cleaning inputs;*
2. *The inspector did not verify whether the slaughter facility planned for use by the operation was certified organic.*

**Corrective Actions:** On February 26, 2018, VOF sent a memo to its contracted inspectors reminding them to verify all information reported in the OSP, including inputs and organic certificates. Inspectors were also reminded of the need to verify all practices/inputs that differ from those which are reported in the OSP. The training completed on May 29, 2018, was done in collaboration with the VT Agency of Agriculture and focused entirely on water quality. The second training, planned for June 28, 2018 will focus on issues identified in this noncompliance, VOF’s existing expectations, and procedures related to the use of VOF’s Salesforce database, internal Key Performance Indicators, and professional development policies.

<b>Applicant Name:</b>	Vermont Organic Farmers
<b>Physical Address:</b>	14 Pleasant St., Richmond, VT 05477
<b>Mailing Address:</b>	P.O. Box 697, Richmond, VT 05477
<b>Contact &amp; Title:</b>	Nicole Dehne, Certification Administrator
<b>E-mail Address:</b>	<a href="mailto:Nicole@nofavt.org">Nicole@nofavt.org</a>
<b>Phone Number:</b>	802-434-3821
<b>Auditor(s):</b>	Renee Mann, Assistant Director
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	June 9, 2014
<b>Audit Identifier:</b>	AIA14104RAM
<b>Action Required:</b>	None
<b>Audit Type:</b>	Corrective Action Review
<b>Audit Objective:</b>	To evaluate the corrective actions submitted by the certifying agent in response to the non-compliances identified during the annual report Assessment.
<b>Audit Criteria:</b>	7 CFR Part 205, <i>National Organic Program; Final Rule</i> , dated December 21, 2000, as revised.
<b>Audit Scope:</b>	VOF's 5/14/2014 corrective action plan, in response to the Notice of Noncompliance issued on 4/15/2014.
<b>Location(s) Audited:</b>	Desk

## GENERAL INFORMATION

Vermont Organic Farmers, LLC (VOF) is a not for profit, Limited Liability Company which was first accredited as a certifying agent to perform certification activities on behalf of the USDA under the National Organic Program (NOP) on September 24, 2002 for crops, wild crops, livestock, and handling operations. VOF certifies operations primarily in Vermont and surrounding states, including New Hampshire, New Jersey, New York, and Washington D.C.

## BACKGROUND INFORMATION

This report explains Vermont Organic Farmers's (VOF) corrective actions in response to a notice of noncompliance, dated April 15, 2014.

## FINDINGS

The findings below describe the NOP's issues of concern and identify the relevant section of the regulation for each issue. We also outline the certifying agent's response to these issues, which describe how they will correct the problem and prevent it from recurring in the future. During the next on-site assessment, the NOP will review the corrective actions below to verify that the certifying agent has effectively addressed all concerns.

### Non-Compliances – Certifier Response Accepted

The NOP has reviewed the corrective actions submitted by VOF and determined that they demonstrate sufficient compliance.

**AIA14104RAM.NC1 – Accepted** - §205.510(a)(6) – General requirements for accreditation.

*(a) A private or governmental entity accredited as a certifying agent under this subpart must: ...*

*(6) 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;...*

VOF submitted performance evaluations in its annual report on October 4, 2013. VOF demonstrated that it had conducted performance evaluations of inspectors and office staff, but it had not evaluated Review Committee members. The Review Committee members make certification decisions and are required to receive annual performance evaluations. **Corrective Actions:** VOF submitted evaluations for its five Review Committee members. VOF also submitted its Administrative Manual showing where VOF had added a requirement that it will annually evaluate the Review Committee members.

**AIA14104RAM.NC2 – Accepted** - §205.510(a)(7) – General requirements for accreditation. *(a)*

*A private or governmental entity accredited as a certifying agent under this subpart must:...* *(7)*

*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;...*

VOF submitted an accreditation renewal audit report generated by the USDA NOP as evidence that VOF had completed an annual program review in 2012. The USDA NOP report did not meet the requirements of an annual program review according to 205.501(a)(7) because it was not conducted by the certifying agent's staff, an outside auditor, or a consultant. The USDA NOP audit of VOF was conducted on behalf of the Administrator of the Agricultural Marketing Service and is not equivalent to an annual program evaluation. **Corrective Actions:** VOF revised its Administrative Manual to state that VOF will conduct an Internal Audit every year. The procedure specifies that audits will even be conducted in the same year that the USDA accreditation audit occurs.

<b>Applicant Name:</b>	Vermont Organic Farmers, LLC (VOF)
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	39 Bridge Street, Richmond, VT 05477
<b>Mailing Address:</b>	PO Box 697, Richmond, VT 05477
<b>Contact &amp; Title:</b>	Nicole Dehne, Certification Administrator
<b>E-mail Address:</b>	Nicole@nofavt.org
<b>Phone Number:</b>	802-434-4122
<b>Auditor(s):</b>	Darrell Wilson, Lead Auditor; Meg Kuhn, Auditor
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	Sept 15 – 25, Oct 5 – Nov 7, 2012
<b>Audit Identifier:</b>	NP2192OOA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Corrective Action Audit
<b>Audit Objective:</b>	To verify review and approve corrective actions addressing the non-compliances identified during the Renewal Assessment.
<b>Audit Criteria:</b>	7 CFR Part 205, <i>National Organic Program; Final Rule</i> , dated December 21, 2000; revised March 15, 2012.
<b>Audit Scope:</b>	VOF's September 15 and October 5, 2012 response letters to the Renewal Assessment non-compliance report
<b>Location(s) Audited:</b>	Desk

## GENERAL INFORMATION

Vermont Organic Farmers, LLC (VOF) is a not for profit, Limited Liability Company which was first accredited as a certifying agent to perform certification activities on behalf of the USDA under the National Organic Program (NOP) on September 24, 2002 for crops, wild crops, livestock, and handling operations. VOF currently has 582 certified clients, which includes 243 livestock, 315 crops, and 79 handling (all processors) operations certified to the NOP. There are no certified wild crop operations at the time of the audit. The majority of clients are certified in the state of Vermont, with additional clients certified in New Hampshire, New Jersey, New York, and Washington D.C.

## AUDIT INFORMATION

During the Renewal Assessment, the corrective actions for the non-compliances identified during the 2010 Mid-Term Assessment were verified and found to be implemented and effective and the non-compliances were cleared. There were 10 (ten) non-compliances identified during this audit. VOF was notified of this finding in a notice from the NOP on July 24, 2012. A response was received from VOF on September 15 and October 5, 2012.

## FINDINGS

**NP2192OOA.NC1 – Submitted and Accepted:** NOP §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.”

- *A review of 2 files for producers of maple syrup and interviews with the Certification Administrator revealed that inspectors are not visiting all production sites for the larger maple syrup operations. The current policy is that the inspector is to inspect different sugarbush areas than what the previous inspector did during the harvest season. There is also a policy to visit additional areas during the summer when there is no harvest. Even with these two policies there is no way to ensure that all the sugarbush areas in an operation would all be visited within the certification year.*
- *During the witness inspection of the crop/livestock operation, it was observed that only 1/3 of fields were visited during the annual inspection.*

**Corrective Action:** VOF provided two responses to this non-compliance; combined, the responses provide sufficient corrective action. Specifically, VOF indicates that, “effective for the 2013 season and beyond, VOF will ensure that the requirement that all fields and sugar bushes are visited during an inspection is practice at annual on-site visits. VOF will insure that inspectors visit all fields and sugar bushes during an inspection, except for the case of extenuating circumstances (inaccessible by flooding, road washout, etc.).” VOF updated, and provided a copy as objective evidence, both the Farm and Maple Inspection Report documents requiring inspectors to list the fields visited and extenuating circumstances that kept them from visiting certain areas. VOF indicated that all producers would be notified of this program change in the cover letter that is sent along with their annual update in the spring. Inspectors were already notified of the change and the requirement to visit all fields in an email on October 4, 2012; this topic is also included in the spring 2013 inspector training, which occurs prior to farm inspections. For maple operations, the Maple Certification Specialist will also send a detailed letter to all maple inspectors by January 2013, once the VOF Review Committee has met and establishes protocols and standards for sugar bush visits. VOF specifically notes that “due to the parameters of the climate and sugaring season in Vermont, VOF is positive that no maple inspections will happen out of compliance with this regulation, as no maple inspections will happen until, at the absolute earliest, February 2013. If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC2 – Submitted and Accepted:** NOP §205.404 (b)(3) states, “The certifying agent must issue a certificate of organic operation which specifies the: Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation.” *The certificates for the 10 files reviewed included the certified organic products covered under the organic certification; however, they do not include the categories of organic operation.* **Corrective Action:** VOF’s written response states, “All future certificates will include the farm scope (crops, livestock, handling, wild crops).” The “timeframe for completion” is September 1. As objective evidence, VOF submitted an updated certificate template that displays the certification scope. If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC3 – Submitted and Accepted:** NOP §205.404 (b)(2) states, “The certifying agent must issue a certificate of organic operation which specifies the: Effective date of certification.” *2 of the 10 files reviewed had effective dates of certification that were prior to the implementation of the NOP Rule. Interviews with the Certification Administrator indicated that there were more certificates which had the same issue.* **Corrective Action:** VOF’s written response states, “All future certificates will include a “certified since” date and an “effective date.” The certified since date will be the first year they were certified by VOF, the effective date will be the first year they were certified under NOP standards.” Though VOF’s response states the effective date will be the first “year” an operation is certified; the objective evidence of a new certificate template shows the effective date will be a full MM/DD/YYYY format. VOF’s written response also indicates “timeframe for completion” as September 1. If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC4 – Submitted and Accepted:** NOP §205.404 (c) states, “Once certified, a production or handling operation’s organic certification continues in effect until surrendered by the organic operation or suspended or revoked by the certifying agent, the State organic program’s governing State official, or the Administrator.” *The decision letters for all 10 files reviewed contained the statement, “The enclosed certificate verifies that your certification is valid until your next annual review.”* **Corrective Action:** VOF’s written response states, “All future letters will not include this statement.” VOF submitted a revised template of the “New Certification Letter Template” that shows this statement has been removed. If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC5 – Submitted and Accepted:** NOP §205.501 (a)(11)(v) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Requiring 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 all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.” *Review of conflict of interest (COI) disclosure statements showed that no COIs were on file for the 3 Executive Committee members.* **Corrective Action:** VOF provided signed copies of COI forms for all Executive Committee members. To prevent reoccurrence, ensuring that all staff COIs – including those of Executive Committee members – is a task that has been added to the job description/duties of the Certification Staff Assistant. A copy of the job description was attached to VOF’s response. If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC6 – Submitted and Accepted:** NOP §205.501 (b)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart may establish a seal, logo, or other identifying mark to be used by production and handling operations certified by the certifying agent to indicate affiliation with the certifying agent: *Provided, That,* the certifying agent: Does not require compliance with any production or handling practices other than those provided for in the Act and the regulations in this part as a condition of use of its

identifying mark: *Provided, That, certifying agents certifying production or handling operations within a State with more restrictive requirements, approved by the Secretary, shall require compliance with such requirements as a condition of use of their identifying mark by such operations.*” *Section II E of the VOF Certification Guidelines requires wash water from non-municipal water sources to be tested on a biannual basis. 3 of the 10 files reviewed, the operations were issued noncompliances for not having current water tests. By requiring the operation to submit a water test, VOF is not following the NOP requirements:*

- §205.403, *On-site inspections, section (c), Verification of information. states, “The on-site inspection of an operation must verify: (3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples”;*
- §205.670 (b) *states, “Such tests must be conducted by the applicable State organic program's governing State official or the certifying agent at the official's or certifying agent's own expense”; and*
- §205.670 (c) *states, “The preharvest or postharvest tissue test sample collection pursuant to paragraph (b) of this section must be performed by an inspector representing the Administrator, applicable State organic program's governing State official, or certifying agent.”*

**Corrective Action:** VOF’s response states, “VOF will reword all future letters changing the requirement of a water test to the requirement that producer provide evidence that water does not contain prohibited substances....” After request for additional information from the NOP, VOF submitted a response that states, “VOF has removed all mention of a requirement for water tests from any of our correspondence with farmers. We have changed our inspection report to ask inspectors to report what practices or monitoring procedures are in place to ensure producers are monitoring water...for potential contaminants. We have also made changes to the OSP to allow producers to explain what practices or procedures are in place to monitor wash water for potential contaminants. These changes to the inspection reports and OSP will be effective beginning January 1, 2013.” VOF submitted, as objective evidence, copies of the inspection report and OSP documents. VOF also provided sample language for a non-compliance to operators where the inspector notes the operator has “no evidence available that you are monitoring water used for potential contaminants.” To prevent reoccurrence of the non-compliance, VOF proposed changes to the Certification Guidelines that reflect changes mentioned (i.e., required water test to verification of practices and procedures). VOF annually updates the Certification Guidelines in February, and propose to forward the final change to the Guidelines to the NOP in February 2013 once the change has been made and forwarded to the growers. If effectively implemented, VOF’s response demonstrates compliance with NOP accreditation requirements.

**NP219200A.NC7 – Submitted and Accepted:** NOP § 205.510 (c)(2) states, “An accredited certifying agent's application for accreditation renewal must be received at least 6 months prior to the fifth anniversary of issuance of the notification of accreditation and each subsequent renewal of accreditation. The accreditation of certifying agents who make timely application for renewal of accreditation will not expire during the renewal process. The accreditation of certifying agents who fail to make timely application for renewal of accreditation will expire as

scheduled unless renewed prior to the scheduled expiration date. Certifying agents with an expired accreditation must not perform certification activities under the Act and the regulations of this part.” *The 2012 renewal application for accreditation was due March 24, 2012. The application was not submitted by VOF until June 10, 2012. The 2012 renewal application was not submitted within the time frame required by this section.* **Corrective Action:** VOF’s response states, “In the future, VOF will be sure to submit the renewal application on time or before the deadline.” VOF provided additional response that identifies how this will be accomplished. Specifically, VOF has implemented a “NOP submission calendar” marking March 24 as the date for the renewal to be submitted to the NOP (6 months before VOF accreditation date of September 24). Further, the VOF Certification Administrator is now responsible for following up with key staff involved and marking their calendars with the renewal date deadline, when VOF receives the 1-year reminder notice from the NOP. VOF submitted their calendar for this purpose as objective evidence. If effectively implemented, VOF’s response demonstrates a capability to comply with NOP accreditation requirements.

**NP219200A.NC8 – Submitted and Accepted:** NOP §205.662 (b) states, “When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.” *Review of 4 non-compliance letters and an interview with the Certification Coordinator demonstrated that operations had adequately addressed the non-compliance or proposed suspension; however, a notice of noncompliance resolution was not issued to the certified operation.*

**Corrective Action:** VOF’s written response indicates that future notices of proposed suspension where the operation corrects issues prior to the deadline will be followed up with a non-compliance resolution notification to the client (in VOF’s system, this is a postcard format) as of September 1. If effectively and consistently implemented, VOF’s response demonstrates compliance with NOP accreditation requirements.

**NP219200A.NC9 – Submitted and Accepted:** NOP §205.662 (c) states, “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.” *Review of 4 non-compliance/proposed suspension letters for non-payment of fees and an interview with the Certification Coordinator showed that combined notices of non-compliance/proposed suspension were being issued for non-payment of fees. This is allowed only when the non-compliance is non-correctable, which is not the case with payment of fees.*

**Corrective Action:** VOF’s written response states, “VOF had been sending combined non-compliances and proposed suspension for non-payments of fees despite the fact that correction of the non-compliance was possible. VOF has changed this protocol to issue a separate non-compliance followed by a proposed suspension when applicable for late or non-payment of fees.” VOF submitted a revised procedure document for “Procedure/Timeline for invoicing producers” as objective evidence of changes made to the VOF system. The changes to the procedure include issuing a Notice of Non-Compliance on the day the operation’s payment is



due, giving 2 weeks to submit payment; after that, a Notice of Proposed Suspension is issued giving another 2 weeks. Should the producer pay during that time, then the “producer will be sent a non-compliance resolution postcard or a proposed suspension resolution postcard, depending on what type of notice they have received.” If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC10 – Submitted and Accepted:** NOP §205.662 (c)(4) states, “The notification of proposed suspension or revocation of certification shall state: The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.” *In review of 4 notices of proposed adverse action (either for suspension or revocation), all 4 notices indicated the proposed effective date of the suspension or revocation to be 30 days from the issuance date of the letter. This is out of compliance with §205.681(c), which allows for 30 days from the receipt of an adverse action notice to file an appeal.* **Corrective Action:** VOF’s written response states, “VOF’s proposed suspension and revocation letters stated that the effective date of the suspension or revocation was 30 days from issuance of the letter. This has been changed to state 30 days from the receipt of the letter therefore meeting the 30 days from receipt of the letter requirement.” VOF provided a revised template of proposed adverse action letters to demonstrate this change to the system. If effectively implemented, VOF’s response demonstrates capability to comply with NOP accreditation requirements.

**NP219200A.NC11 – Submitted and Accepted:** NOP §205.660 (d) states, “Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to §205.662, §205.663, and §205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.” *Review of 4 non-compliance letters and an interview with the Certification Coordinator demonstrated that VOF is not currently sending notices of non-compliance or resolution to operations via a delivery service that provides dated return receipts.* **Corrective Action:** VOF’s written response states, “VOF was not sending minor non-compliances via delivery receipt.... This change will be a huge adjustment to our program and we are requesting some time to get it set up properly in our systems approach. As of January 2013 all non-compliances and resolutions will be sent via delivery service. VOF will use a combination of services including certified mail, priority mail tracking, fax and email.” VOF sent an additional response indicating that VOF would follow direction from the NOP given in the NOP guidance document, “Recommended Penalties for Violations of Specific Regulatory Requirements.” Specifically, 4.2 of this section provides various types of violations that may be issued by certifying agents. As the Penalty Matrix, along with this guidance document, allows for the issuance of “Minor Issues – Conditions for Continued Certification,” VOF intends to implement the use of this violation type into their system. Letters sent to operators under “minor issues – conditions for continued certification” will not be sent using a delivery system that provides dated return receipts. VOF’s response indicates that official Notices of Noncompliance and Notices of Resolution will be sent via delivery service that provides dated return receipts through one of the following methods: certified mail, priority mail tracking, fax, or e-mail. VOF provided a copy of the “VOF Letter Template – Conditions for Continued Certification” as objective evidence to this change; further, VOF policy documents will be updated when the VOF Certification Director returns from maternity leave in December 2012. If effectively

implemented, VOF's response demonstrates a capability to comply with NOP accreditation requirements.



**Livestock and Seed Program  
Audit, Review, and Compliance Branch  
Quality System Audit Report**

**AUDIT INFORMATION**

<b>Applicant Name:</b>	Vermont Organic Farmers, LLC
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	39 Bridge Street, Richmond, VT 05477
<b>Mailing Address:</b>	PO Box 697, Richmond, VT 05477
<b>Contact &amp; Title:</b>	Nicole Dehne, Certification Administrator
<b>E-mail Address:</b>	<a href="mailto:Nicole@nofavt.org">Nicole@nofavt.org</a>
<b>Phone Number:</b>	802-434-4122
<b>Auditor(s):</b>	David J. Hildreth
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	November 22, 2010
<b>Audit Identifier:</b>	NP0098ACA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Corrective Action Audit
<b>Audit Objective:</b>	To verify that corrective actions adequately address the non-compliances identified during the Mid-Term Audit.
<b>Audit Criteria:</b>	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000, updated August 24, 2010.
<b>Audit Scope:</b>	Submitted corrective actions
<b>Location(s) Audited:</b>	Desk

**FINDINGS**

Vermont Organic Farmers, LLC (VOF) submitted corrective actions on September 15, 2010, that adequately addressed the non-compliances identified during the Mid-Term Audit.

**NP0098ACA.NC1 – Adequately Addressed** - NOP §205.301 (a) states, “*Products sold, labeled, or represented as “100% organic.” “A raw or processed agriculture product sold, labeled, or represented as “100% organic” must contain (by weight or fluid volume, excluding water and salt) 100 percent organically produced ingredients.” A label from a manufacturer stating 100% organic was reviewed by VOF and found that the product did not contain products that were 100% organic. VOF did issue a non-compliance to the applicant but gave the applicant one year to use the incorrect labels. The rule does not allow for the ACA to extend the use of the incorrect labels. Corrective Action:* VOF will give producers the same timeframe to correct non-compliant labels as all other minor non-compliances (between 30-60 days). In addition, VOF has sent out a notice to all of their producers informing them of the policy change and reminding them that proofs should be approved by VOF before being sent to the printers. VOF hopes this will help minimize the number of incorrect labels in the future.



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**NP0098ACA.NC2 – Adequately Addressed** - NOP §205.402 (a)(1,2,4) states, “Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to §205.401; Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part; Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification if the review of applicable materials that the production or handling operation may be in compliance with the applicable requirements of subpart C of this part.” *VOF certification specialists do a cursory review of the application for certification and then the certification packet is sent to the inspector who does a formal review of the application to determine if the applicant qualifies for certification. VOF has no written procedures which indicate if the inspector formally notifies VOF about the outcome of the formal review, if the applicant qualifies or may not be able to qualify for certification. The certification administrator indicated that if the inspector did observe that the applicant may not be able to qualify then VOF is notified, however, there are no written procedures for the inspector to follow.* **Corrective Action:** VOF has revised their 2010 Administrative Manual to read, “Preliminary Review of Application: Once an application and payment has arrived at the VOF office, the Certification Administrator and Administrative Assistant complete an initial review of the application for completeness and compliance or ability to comply with the standards. VOF will communicate the findings of the application review to applicants in a reasonable amount of time. Applications must be completed in full and reviewed before an inspection can be scheduled.” Inspectors will continue to do an application review as part of their evaluation but it will be considered second to the certification specialist’s assessment.

**NP0098ACA.NC3 – Adequately Addressed** - NOP §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...perform on-site inspections...” *No annual performance evaluations are being conducted on the contract inspectors. The only evaluations that are being done are by the applicants who are sent an inspector evaluation form and then return the form to VOF. The forms are kept in the inspectors files and reviewed by the certification administrator and the certification specialist.* **Corrective Action:** VOF stated that, “The certification administrator will conduct annual performance evaluations on contract inspectors starting in 2011. The evaluations from producers will continue to play an important role in evaluating our contract inspectors.”

**NP0098ACA.NC4 – Adequately Addressed** - NOP §205.510 (a) (1-5) 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 – 5.” *VOF did not submit the annual report and fees for 2009.* **Corrective Action:** VOF stated that, “The certification administrator will submit the Annual Reports and fees for 2009 by the end of business on September 27, 2010.