



United States Department of Agriculture

Agricultural Marketing Service
National Organic Program

CERTIFICATE OF ACCREDITATION

MAYACERT

**18 calle 7-25 zona 11, Colonia Mariscal, Ciudad de Guatemala, 01011,
GUATEMALA**

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>

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Effective Date: **05/28/2022**
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Deputy Administrator
National Organic Program



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**National Organic Program
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Washington, DC 20250-0268**

NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Mayacert, (MAYA)
- **Physical Address** Edificio Torres del Castillo , Piso 9, Oficiona 904, Pinchincha, Quito, Ecuador, 170301
- **Audit Type** Certification Office Audit
- **Auditor(s) & Audit Dates** Lars Crail, Daniel Oliver, 07/22/2024 to 08/09/2024
- **Audit Identifier** NOP-48-24

CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted an on-site certification office audit of Mayacert (MAYA)'s Ecuador office certification activities for January 1, 2023 through August 7, 2024. The purpose of the audit was to verify MAYA's compliance with the USDA organic regulations. Audit activities included a review of certification activities, interviews with MAYA personnel, a records audit, and two witness audits. Witness audits consisted of the annual inspections of two crop and handler operations in Ecuador.

MAYA's Ecuador certification office is in Quito, Ecuador and conducts key certification activities in Ecuador. MAYA's Ecuador certification office manages certification activities of 31 operations, covering the handling and crops scopes, including producer groups. Certification activities are performed by six staff and contractor inspectors.

NOP DETERMINATION:

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

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-2042-22 - Cleared.

AIA-2045-22 - Cleared.

AIA-2047-22 - Cleared.

AIA-2048-22 - Cleared.

AIA-2049-22 - Cleared.

AIA-2055-22 - Cleared.

AIA-2191-24 - Cleared.

AIA-2882-20 - Cleared.

AIA-3084-20 - Cleared.

Noncompliances Identified during the Current Assessment

AIA-2966-24 - Accepted. 7 CFR § 205.663(f) states, “Any settlement agreement reached through mediation must comply with the Act and the regulations in this part. The Program Manager may review any mediated settlement agreement for conformity to the Act and the regulations in this part and may reject any agreement or provision not in conformance with the Act or the regulations in this part.”

Comments: *MAYA’s settlement agreements do not comply with the requirements of the USDA organic regulations. The auditors reviewed a settlement agreement established by MAYA and found the settlement agreement did not include a defined period of time for the terms to be completed.*

Corrective Action: MAYA conducted a training on December 10 and 11, 2024 on adverse action procedures for appropriate staff. The training included instructions for reviewers to include a defined period of time on the terms of the Settlement Agreement.

AIA-2968-24 - Accepted. 7 CFR § 205.403(c)(2) states “All on-site inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of subpart C of this part can be observed,

except that this requirement does not apply to unannounced on-site inspections.”

Comments: *MAYA conducts annual onsite inspections at a time when authorized representatives of operations are not present. The auditors conducted a witness audit and found that MAYA conducted an annual inspection with a person not identified as an authorized representative of the operation.*

Corrective Action: MAYA updated the Closing Meeting Checklist in September 2024 to require confirmation from the inspector that the legal representative is present and also requires the signature of the legal representative. In addition, the inspector is required to include a list of attendees and describe their function within the operation on the checklist. MAYA trained staff on September 6, 2024 on the new checklist and notified staff via email on September 20, 2024 of the document change. MAYA also updated the Procedure Manual (MPCO) to include a reminder to inspectors that it is necessary for the legal representative of the operation to be present during the audit. MAYA will publish the MPCO by the end of January 2025 on MAYA’s public website.



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GENERAL INFORMATION

Certifier Name	Mayacert, (MAYA)
Physical Address	18 calle 7-25 zona 11, Colonia Mariscal, Ciudad de Guatemala, 01011, GUATEMALA
Audit Type	Compliance Audit
Auditor(s) & Audit Dates	Lars Crail, Alicia Hudson, Jonathan Surrency, Joshua Lindau, 10/16/2023 to 11/08/2023
Audit Identifier	NOP-439-23

CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted surveillance activities in India October 16 – November 8, 2023, to verify USDA organic regulation compliance of certifiers and operations with a focus on organic export supply chains. Audit activities included a review of certification files, onsite audit activities at certified operations, and product sampling and analysis for pesticide residue.

Mayacert (MAYA) is a limited liability company initially accredited on May 27, 2003. MAYA's primary office is in Ciudad de Guatemala, Guatemala. MAYA is accredited to the crops, wild crops, livestock, and handling categories. MAYA currently certifies 42 operations, including producer groups, in India.

NOP DETERMINATION:

The NOP reviewed any corrective actions submitted as a result of noncompliances issued from findings identified at the audit.

Any noncompliances 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

None

Noncompliances Identified during the Current Assessment

AIA-1250-24 - Accepted. 7 C.F.R. 205.404(a) states, “Within a reasonable time after completion of the initial on-site inspection, a certifying agent must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, the agent shall grant certification. The certification may include requirements for the correction of minor noncompliances within a specified time period as a condition of continued certification.”

Comments: *MAYA does not process applications for certification within a reasonable time. The following are examples:*

- 1. MAYA conducted an initial inspection of an applicant for certification in March 2022 but did not issue the applicant a notice of noncompliance for the inspection findings until April 2023, more than one year after the operation applied for certification. MAYA granted the applicant certification in April 2023.*
- 2. MAYA conducted an initial inspection of an applicant for certification in April 2022 but did not issue the applicant a notice of noncompliance for the inspection findings until February 2023, ten months after the operation applied for certification. MAYA granted the applicant certification in March 2023.*

Corrective Action: MAYA created a new procedure, *Mayacert's Standardized Capability Assessment Procedure for Initiating Organic Operations in Third Countries*, which was implemented in April 2024. The purpose of the procedure is to assess administrative capacity prior to offering organic certification services to applicants in new countries. MAYA also updated its *Organic Certification Procedures Manual* in January 2024 to include an estimated maximum time from application review until the end of the certification process, which is 40 days total. MAYA reintroduced the Procedures Manual at the June 2024 Annual Training, reinforcing timeliness. MAYA communicated with staff on June 1, 2024 via email that MAYA will no longer accept reports that are three or more months after the audit has occurred and will require the inspector to repeat the audit. MAYA has included several internal audit points for the 2024 internal audit to ensure the corrective action has been implemented accordingly.

AIA-1251-24 - Accepted. 7 C.F.R. §205.403(e)(2) states, “A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.”

Comments: *MAYA does not consistently send operations a copy of their inspection report. The auditor's review of certification files found that, as of November 2023, MAYA had not sent an operation a copy of the inspection report for its July 2023 annual inspection.*

Corrective Action: MAYA updated its *Organic Certification Procedures Manual* in January 2024 which states that the customer service department notifies the operation that the inspection report is available after all service fees are paid. MAYA reintroduced the Procedures Manual at the June 2024 Annual Training, highlighting that all operations must receive their inspection report, review and decision. MAYA identified that this was an isolated issue in the Sri Lanka Certification Office. MAYA will be traveling to the Certification Office in September 2024 to assess the effectiveness of this corrective action.

AIA-1253-24 - 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: *MAYA does not carry out the provisions of the Act and regulations. MAYA does not ensure NOP Import Certificates contain accurate and complete information. The auditors reviewed issued NOP Import Certificates issued by MAYA and found MAYA recorded commodity lot codes instead of harmonized tariff codes.*

Corrective Action: MAYA trained staff on February 21 and March 4, 2024 on how to generate NOP Import Certificates in the Organic Integrity Database, which covered harmonized tariff codes. MAYA will also replicate the training for Sri Lanka staff on October 14, 2024 during the headquarters’ next visit. MAYA’s 2024 internal audit will assess the compliance of NOP import certificates.

AIA-1254-24 – 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: *MAYA does not carry out the provisions of the Act and regulations. Specifically, MAYA is not requiring certified operations in India to update their organic system plan with current supplier information, which is a requirement of §205.406(a)(1). The auditor’s review of certification files and interviews with certification staff and review audit found that MAYA issued NOP Import Certificates listing suppliers that were not included in the certified operation’s organic system plan.*

Corrective Action: MAYA updated its Organic System Plan (OSP), which was implemented on June 15, 2024. The OSP includes a more user-friendly way for operations to report the suppliers of raw, organic products in Section 4.2. MAYA will also train Sri Lanka staff on the changes to the OSP on October 14, 2024 during the headquarters next visit. MAYA’s 2024 internal audit will assess the compliance of NOP import certificates.

AIA-1255-24 - 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: *MAYA does not carry out the guidance of **Policy Memo 11-10 Certification of Grower Groups**. The auditors reviewed a producer group’s certification file and conducted an onsite review audit of the same producer group’s production sites and found that MAYA is not identifying when internal inspections by internal control systems (ICS) are inadequate or insufficient to ensure the producer group’s compliance with the USDA organic regulations. The following are examples identified during the review audit:*

1. *The producer group did not have records to demonstrate how transitional crops and buffer zone crops are produced and handled, e.g. product flow charts.*
2. *Producer members production logs were missing information about significant production activities and practices, e.g. date of sowing seeds.*
3. *Producer member maps did not consistently show the contour shape of the production sites.*

Corrective Action: MAYA updated their Producer Group Organic System Plan (OSP), which was implemented on June 15, 2024. The OSP requires the Producer Group to have internal regulations for post-harvest handling practices, a description of the record-keeping system and a map that declares “slope of the plot (%), slope direction.” In addition, MAYA updated their ICS Policy in May 2024. The policy states that the minimum content of an internal regulation for an ICS must include a map with the slope of the plot (percentage, inclination). MAYA’s 2024 internal audit will assess the compliance of OSPs of producer groups.

AIA-1256-24 - Accepted. 7 C.F.R. §205.404(b)(1) – (4) states, “The certifying agent must issue a certificate of organic operation which specifies the: Name and address of the certified operation; Effective date of certification; Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and Name, address, and telephone number of the certifying agent.;

Comments: *MAYA’s organic certificates do not fully comply with the requirements of NOP 2603 Organic Certificates. The auditors reviewed organic certificates issued by MAYA and found the following issues:*

1. *An organic certificate that identified more than one person. The auditors reviewed an organic certificate issued by MAYA and found that the organic certificate named two legal entities, the mandator and the ICS of a producer group, and it was unclear which entity is the certified operation. Section 3.2 of NOP 2603 requires a certificate be issued to a single “person,” as defined in §205.2.*
2. *MAYA issues organic certificates to operations that incorrectly list “trader” as a scope of certification.*

Corrective Action:

1. MAYA previously reported the name of the operation plus the legal representative of the ICS. MAYA updated the certificate to list the ICS name and associated region. MAYA reviewed all producer group certificates and submitted a list of operations whose certificate needs to be changed. MAYA will update all certificates by their anniversary date or during the renewal process. MAYA trained staff on ICS legal entities at the 2024 Annual Training on June 4, 2024. MAYA’s 2024 internal audit will assess the compliance of producer group certificates.
2. MAYA confirmed that it had issued a new certificate and new addenda in July 2024 to the operation. The certificate and addenda list that the operation is certified for “handling.”

AIA-1257-24 - Accepted. 7 C.F.R. §205.405(a)(1) states, “When the certifying agent has reason to believe, based on a review of the information specified in §205.402 or §205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification. The notification of noncompliance shall provide: a description of each noncompliance.”

Comments: *MAYA does not consistently cite the applicable or correct regulation for the noncompliances identified in its notifications of noncompliance. The auditors reviewed*

notifications of noncompliance issued by MAYA and found that MAYA cited its own policy documents rather than the USDA organic regulations in a noncompliance it issued to an applicant.

Corrective Action: MAYA trained appropriate staff on referencing the correct standards and writing noncompliances during the 2024 Annual Training on June 5, 2024. MAYA's 2024 internal audit will review inspection reports with a specific focus on noncompliance descriptions.

AIA-1258-24 - Accepted. 7 C.F.R. §205.403(a)(1) states, "A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue."

Comments: *MAYA did not conduct an inspection of all locations listed in an operation's organic system plan (OSP). The auditors reviewed a producer group's certification file and found that MAYA inspected the internal control system's (ICS) office but did not inspect the operation's headquarters, which is named on both the producer group's organic certificate and its OSP.*

Corrective Action: MAYA trained staff on the procedure manual during the 2024 Annual Training on June 4, 2024. The Procedure Manual states that all locations listed on an operation's OSP must be inspected. MAYA's 2024 internal audit will review inspection reports with a specific focus on sites to be inspected.

AIA-1259-24 - Accepted. 7 C.F.R. §205.403(c)(1) states, "The onsite inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations in this part;"

Comments: *MAYA's inspectors do not fully verify an operation's compliance with the USDA organic regulations. The auditors reviewed an inspection report and found that MAYA's inspector did not verify the organic certification status of suppliers during a traceability exercise. Additionally, the inspector did not document whether the traceability exercise was completed successfully.*

Corrective Action: MAYA created a new procedure called *Traceability and Mass Balance Evaluation Instructions*, implemented in May 2024. The procedure provides instructions for managing records related to traceability and mass balance under the USDA organic regulations. The procedure also states that the audited records should show the name and address of the supplier and the supplier's organic certificate. MAYA updated their Organic System Plan (OSP), which was implemented on June 15, 2024. The OSP includes a more user-friendly way for operations to report the suppliers of raw, organic products in Section 4.2. MAYA trained staff on the new procedure and the updated OSP during the 2024 Annual Training on June 4, 2024. MAYA's 2024 internal audit will review inspection reports with a specific focus on supplier reviews and traceability exercises.

NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Mayacert, (MAYA)
- **Physical Address** 18 calle 7-25 zona 11, Colonia Mariscal, Ciudad de Guatemala, 01011, GUATEMALA
- **Audit Type** Material Review Audit
- **Auditor(s) & Audit Dates** Samuel Schaefer-Joel, 08/21/2023 to 08/25/2023
- **Audit Identifier** NOP-331-23

CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted a desk audit of Mayacert's (MAYA) material review activities. The purpose of the audit was to verify MAYA'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 the assessment of MAYA's material input review policies and procedures, and a review of compliance documentation for inputs used by certified clients as well as inputs on MAYA's approved materials list.

MAYA is a for-profit organization initially accredited on May 27, 2003 for the scopes of crops, livestock, wild crops, and handling. MAYA's principal office is in Guatemala City, Guatemala, with 13 satellite offices around the world. MAYA certifies 1,030 operations in 15 countries. MAYA has a separate material approval program. This program publishes an approved materials list on their website and issues material approval certificates to input manufacturers and has 121 input materials listed as compliant to NOP as of August 7, 2023.

NOP DETERMINATION:

NOP reviewed the audit results to determine whether MAYA'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 “**Accepted**” indicates acceptance of the corrective actions and verification of corrective action implementation will be conducted during the next audit.

Noncompliances from Prior Assessments

None

Noncompliances Identified during the Current Assessment

AIA-6068-23 - 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: *MAYA does not consistently demonstrate the ability to fully comply with the requirements for accreditation. The auditor’s review of MAYA’s certification manual and material approval program policies, procedures, and checklists found that MAYA does not have clear written protocols and procedures outlining the expectations regarding the depth and frequency of the review, and providing clear direction for the evaluation of ingredients, sub-ingredients, processing aids, and manufacturing methodologies at all stages associated with the production of the formulated product as required by **NOP 3012 Interim Instruction Material Review**.*

Corrective Action: MAYA has created new procedures and templates, which now outline clear protocols for the evaluation of ingredients, sub-ingredients, processing aids and manufacturing methodologies at all stages associated with the production of the formulated product. In addition, the procedure states that MAYA will conduct input evaluations every three years. MAYA intends to implement the new procedures and template in January 2024, after a training scheduled to occur on January 4, 2024.

AIA-6069-23 - Accepted. 7 C.F.R. §205.501(a)(5) states “A private or governmental entity accredited as a certifying agent under this subpart must: Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.”

Comments: *MAYA does not consistently ensure that its material review staff have sufficient expertise prior to performing the duties assigned. The auditor’s review of certification files and interviews with certification staff found that:*

1. *MAYA did not consistently document or review the full composition of input materials for compliance. The auditor’s review identified the following examples:*
 - a. *MAYA staff accepted an SDS for a fungicide product as a composition statement without verification of 100% disclosure of ingredients and did not identify a discrepancy in the CAS number provided for an inert ingredient.*
 - b. *MAYA staff approved a pesticide product without any documentation of the inert ingredients.*
 - c. *MAYA staff approved nonorganic colors without documentation of their composition; MAYA instead accepted a manufacturer's statement that the colors*

did not contain synthetic ingredients.

- d. MAYA staff approved nonorganic flavors without documentation of their composition or nonsynthetic status.*
- 2. MAYA accepted a commercial availability statement for nonorganic flavors and colors from a certified operation without any evidence of a search for commercially available flavors and colors. Two of four nonorganic flavors from a supplier were approved without any documentation of commercial availability.*
- 3. MAYA incorrectly approved several nonorganic colors not listed at §205.606(d) for use in certified organic products.*
- 4. MAYA incorrectly approved the use of a DL-malic acid ingredient that is not in compliance with the annotation listed at §205.605(a)(16), which only allows the use of L-malic acid in organic products.*
- 5. MAYA approved a liquid fertilizer containing more than 3% nitrogen without performing any inspections of the manufacturing facility as required by **NOP 5012 Approval of Liquid Fertilizers for Use in Organic Production.***
- 6. MAYA approved a liquid fertilizer without documenting the nonsynthetic status of the nitrogen source, a soy extract.*
- 7. MAYA approved a soy-based fertilizer containing amino acids without fully documenting the nonsynthetic status of the amino acids. The manufacturing process on file did not clarify how the soybean source material was hydrolyzed to create amino acids or what processing aids were used. Additionally, MAYA did not identify or clarify a discrepancy between the label claim of 1% boron and the declared formulation, which does not include a significant source of boron.*

Corrective Action: MAYA provided evidence that the issues with the noncompliant input materials identified by the auditor have been resolved. MAYA developed templates to assist staff with complying with its new procedures to ensure that all inputs are being evaluated correctly. MAYA hired an external consultant to train the staff responsible for input evaluation, which included 40 hours of training and a formal examination. The training, “Evaluation of Inputs for Crops and Process under the USDA-NOP organic standard,” was conducted in November 2023 for appropriate staff. MAYA also developed a Master List of evaluated inputs.

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GENERAL INFORMATION

- **Certifier Name** Mayacert, (MAYA)
- **Physical Address** 18 calle 7-25 zona 11, Colonia Mariscal, Ciudad de Guatemala, 01011, GUATEMALA
- **Audit Type** Renewal Audit
- **Auditor(s) & Audit Dates** Colleen O'Brien, Joshua Lindau, 09/22/2022 to 09/30/2022
- **Audit Identifier** NOP-24-22

CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted an on-site midterm audit of Mayacert's (MAYA) certification activities during the period October 23, 2020, to September 21, 2022. The purpose of the audit is to verify MAYA's conformance to the USDA organic regulations. Audit activities included three on-site witness audits of three additional inspections of certified handling, crop, and livestock (apiculture)/handling operations.

MAYA is a limited liability company that was initially accredited on May 27, 2003. MAYA's main office is in Guatemala City, Guatemala, and they also manage satellite offices in Mexico, Honduras, Nicaragua, Panama, Colombia, Peru, Ecuador, Chile, Dominican Republic, Sri Lanka, and Turkey, though all certification file review and decisions are made by the core staff in Guatemala, Colombia, and Mexico. MAYA is accredited to the following scopes: Handling, Crops, Livestock, and Wild Crops.

MAYA certifies 858 operations to the following certification scopes: Crops (592), Livestock (7), Handling (622), and Wild Crop (4); of these, there are 374 grower groups. Certification services are conducted in the United States, including the states of Florida, Arizona, California, North Carolina, Illinois, Texas, and Vermont, as well as in the following countries: Belize, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Egypt, Ecuador, Guatemala, Guinea-Bissau, Honduras, Iran, Mexico, Nicaragua, Panama, Paraguay, Peru, Sao Tome, Sri Lanka, Thailand, Venezuela, and Vietnam.

Certification activities are performed by 18 reviewers (who are also all trained inspectors), 78 contract inspectors, and several administrative staff. The CEO is also an inspector and trainer for new inspectors. The majority of MAYA's certification personnel work remotely.

NOP DETERMINATION:

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

Any noncompliance labeled as “**Cleared**” indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as “**Outstanding**” indicates the corrective actions were not effectively implemented. 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-2894-20 - Cleared.

AIA-3083-20 - Cleared.

AIA-7265-21 - Cleared.

AIA-1252-22 - Accepted. 7 C.F.R. §205.662(e)(1) states, “If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of suspension or revocation.”

Comments: *MAYA did not follow a compliant adverse action process. MAYA incorrectly issued a notification of proposed suspension after the operation did not respond to a combined notification of noncompliance and proposed suspension within the described timeframe. MAYA explained this incorrect action did not follow their written procedure.*

Corrective Action: In January 2022, MAYA trained five new reviewers to assist in issuing adverse action notices. MAYA provided the training materials and training record, which included the attendee list, to the NOP. In June 2022, an external consultant conducted a “NOP Subpart G Administrative” training for certification staff, which included training on the adverse action process. On October 10, 2022, the consultant will also perform an internal audit and will review all 2022 adverse actions as a part of the audit. MAYA submitted a recording and attendee list of the June 2022 training to the NOP.

Verification of Corrective Action: The auditors found that MAYA is not consistently following a compliant adverse action process. MAYA incorrectly issued applicants denied certification a Notice of Noncompliance and a certification letter stating that the application has been denied instead of issuing a combined Notice of Noncompliance and Denial of Certification. MAYA’s two notices contain conflicting information regarding next steps in the adverse action process.

2023 Corrective Action: MAYA updated their template for Combined Notice of Noncompliance and Denial, which lists the correct steps in the adverse action process. The new template was implemented in March 2023. MAYA conducted another training on NOP Adverse Actions for auditors and reviewers during an annual training on May 8, 2023. MAYA also contracted with an external consultant to conduct an internal audit on all issued adverse actions in October 2022 and no issues were identified. MAYA conducted their internal audit in August 2023 which reviewed the use of the new template and identified no issues.

AIA-2882-20 - Accepted. (NOP-13-18.NC2) - 7 C.F.R. §205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must:… Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402

through 205.406 and §205.670.” §205.303(b)(2) states, “On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by ***,” or similar phrase,..”

Comments: *The auditor reviewed eight retail labels approved by MAYA. Two labels did not display the “Certified organic by ***” statement above the information identifying the distributor or manufacturer.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on compliant label review that uses training presentations the NOP has given to certifiers in the past. In addition to providing staff training, MAYA developed a label approval sheet that reviewers will fill out for all labels and submit to the Evaluation Department for additional compliance review.

Verification of Corrective Action: MAYA implemented the use of the label approval sheet, however, the auditors’ review of labels found two labels that did not display the “Certified organic by***” statement below the information identifying the distributor or manufacturer.

2022 Corrective Action: MAYA submitted an updated Label Checklist that includes specific questions regarding use of the “Certified organic by ***” statement. MAYA submitted attendance records and training material for a training held in December 2021 for all inspectors and reviewers that covered label review and approval. MAYA stated that label requirements will be a perennial topic included on the annual training agenda. MAYA will monitor continued compliance of this corrective action through annual internal and external audits, as well as through evaluation of their inspectors and reviewers.

2022 Verification of Corrective Action: The auditor reviewed retail labels approved by MAYA and found two labels that did not display the “Certified organic by ***” statement below the information identifying the distributor or manufacturer. The auditor determined the Label Checklist has not been implemented and MAYA stated the final formatting is still under review. The auditor reviewed the 2021 annual program review, which reviewed label approvals, but did not have any findings regarding noncompliant labels. The auditor verified MAYA held a training on June 2, 2022 led by an external trainer that reviewed label requirements; the auditor reviewed the training materials and attendance records.

2023 Corrective Action: MAYA submitted evidence that the noncompliant labels identified at the audit were corrected and are now compliant. MAYA updated its Label Checklist and implemented it in 2023. MAYA conducted its internal audit in August 2023 which reviewed the use of the new label review checklist. MAYA implemented its “Mayacert Academy” system in January 2023 where MAYA archives all its trainings, allowing staff to access to all training content, including a label review training.

AIA-3084-20 - Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MAYA does not fully verify that labels are compliant with NOP labeling requirements. Although MAYA has implemented the use of a label review sheet, the auditors’ review of labels and the completed corresponding label approval sheets found the following issues:*

- 1. For one approved non-retail label, there was no evidence that MAYA had verified whether it displayed a lot number.*
- 2. For two approved labels, the “Certified Organic by***” statement was not located below the information identifying the handler or distributor of the product.*
- 3. For one approved label, the label review sheet displayed a noncompliant label with a green and brown USDA Organic Seal on a transparent background.*

Corrective Action: MAYA submitted an updated Label Checklist that has specific questions regarding use of the “Certified organic by ***” statement and compliance of the USDA seal per §205.311. MAYA’s Label Checklist also now includes different sections for each type of label, and in the non-retail section (§205.307) there is a question about whether lot numbers appear on the label. MAYA held a training in December 2021 for inspectors and reviewers that covered label review and approval, and labeling requirements is a topic on the agenda for the April 2022 annual training. MAYA submitted the 2021 training attendance records and training material.

Verification of Corrective Action: The auditor reviewed retail and non-retail labels approved by MAYA and verified that non-retail labels displayed a lot number and retail labels used a compliant version of the seal. However, two of the retail labels reviewed and approved by MAYA did not display the “Certified organic by ***” statement below the information identifying the distributor or manufacturer.

2023 Corrective Action: MAYA submitted evidence that the noncompliant labels identified at the audit were corrected and are in compliance. MAYA updated the Label Checklist and implemented in 2023. MAYA conducted their internal audit in August 2023 which reviewed the use of the new label review checklist. MAYA implemented the “Mayacert Academy” system in January 2023 where all trainings are archived, which allows staff to access to all training content; MAYA has a label review training available in Mayacert Academy.

AIA-3085-20 - Accepted. 7 C.F.R. §205.662(c) states, “Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent . . . 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. The notification of proposed suspension or revocation of certification shall state: . . .(2) The proposed effective date of such suspension or revocation;...”

Comments: *MAYA’s combined notifications of noncompliance and proposed suspensions do not always include the proposed effective date of suspension. The auditors’ review of notifications of combined noncompliance and proposed suspension found that MAYA either stated the duration of the suspension period or the final date of the suspension period instead of the effective date.*

Corrective Action: MAYA submitted an updated combined notification form (NCOMB: NNC-NPS/NPR-NOP v.4) that includes the proposed effective date of suspension. MAYA will replace the template in their database and inform staff of the update to the template at their April 2022 staff training.

Verification of Corrective Action: The auditors reviewed combined notices of noncompliance and proposed suspension issued by MAYA and found they did not include a proposed effective date of suspension. The notices reviewed by the auditors had the same document code as the template submitted to the NOP (NCOMB-NNC-NPS-NPR-NOP V4), but they did not include the language on the template submitted by MAYA as part of their corrective action response. The notices issued by MAYA on the template NCOMB-NNC-NPS-NPR-NOP V4 also did not include a date of issue and referenced an outdated dollar amount of the fine prescribed in §205.662(g)(1). MAYA contracted with an external trainer to provide training for their staff on June 2, 2022, that included a review of the adverse action process; the auditor observed the recording of the training, the presentation slides, and attendance list.

2023 Corrective Action: MAYA updated their template for Combined Notice of Noncompliance and Proposed Suspension and Notice of Proposed Suspension/Proposed Revocation, which includes an area for the reviewer to input the proposed suspension date.

MAYA implemented the new templates in March 2023. MAYA conducted another training on NOP Adverse Actions for inspectors and reviewers during an annual training on May 8, 2023. MAYA also contracted with an external consultant to conduct an internal audit on all issued adverse actions in October 2022 and no issues were identified. MAYA conducted their internal audit in August 2023 which reviewed the use of the new templates and identified no issues.

AIA-3086-20 - Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MAYA’s Wild Crops Organic System Plan form does not demonstrate that MAYA fully complies with the requirements of §205.201(a)(1)-(6) and NOP 5022 Guidance Wild Crop Harvesting. Examples of information the form does not ask operators to provide include a description of the natural environment of the harvest area and a list of any rare, threatened, or endangered terrestrial or aquatic plants or animals that occur in the harvest area.*

Corrective Action: MAYA submitted the updated Wild Harvesting Organic System Plan (PMO-WH v.6) that includes all the requirements of §205.201(a)(1)-(6), §205.207 and NOP 5022 Guidance Wild Crop Harvesting. MAYA will inform staff of updates to this, and all OSP templates at their April 2022 staff training.

Verification of Corrective Action: The auditor reviewed OSPs submitted for wild crop operations and identified that MAYA has not implemented the updated Wild Harvesting OSP. MAYA stated the new template has not been incorporated into their system. MAYA hired an external trainer who provided a training on wild crop regulations on May 31, 2022. MAYA also held an internal training on June 10, 2022, to review upcoming changes to the Wild Harvesting OSP and other practices regarding inspecting and certifying wild crop operations. The auditor reviewed the materials for these trainings as well as attendance records.

2023 Corrective Action: MAYA implemented the new Wild Harvesting OSP in September 2023, sent copies to its clients to complete and has received the completed copies back. MAYA conducted their internal audit in August 2023 which reviewed the use of the new Wild Harvesting OSP template and identified no issues.

Noncompliances Identified during the Current Assessment

AIA-2042-22 – Accepted. 7 C.F.R. §205.404(b)(1-4) states, “The certifying agent must issue a certificate of organic operation which specifies the: (1) Name and address of the certified operation; (2) Effective date of certification; (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and (4) Name, address, and telephone number of the certifying agent.”

Comments: *MAYA’s organic certificates do not fully comply with the requirements of the USDA organic regulations. The auditor’s review of certification files found that MAYA’s certificates include “Trader” as a category of certification.*

Corrective Action: MAYA updated their organic certificate template on August 7, 2023 which removes the “Trader” category of certification. MAYA notified their staff on August 7, 2023 to utilize the new certificate templates. MAYA plans to issue corrected organic certificates to impacted operations by July 2024.

AIA-2043-22 - Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MAYA does not consistently demonstrate the ability to fully comply with the requirements for accreditation in the following manner:*

- 1. The auditor's review of certification files identified that MAYA does not have procedures for denying an application for certification. MAYA also does not have a combined Notice of Noncompliance and Denial of Certification template.*
- 2. The auditor's review of certification files found that MAYA's organic system plan (OSP) templates do not require operations to describe how they comply with the requirements of §205.202(c).*

Corrective Action: MAYA implemented the following corrective actions

1. MAYA created a template for combined Notices of Noncompliance and Denial of Certification, which lists the correct steps in the adverse action process. The new template was implemented in March 2023. MAYA updated their Procedure's Manual to include procedures for denying an application for certification. MAYA provided staff with additional training on the adverse action process in August 2023.
2. MAYA submitted a copy of their OSP template; Section 9, "Buffer Zones" addresses the requirements of §205.202(c).

AIA-2045-22 - Accepted. 7 C.F.R. §205.501(a)(2) states, "A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart."

Comments: *MAYA does not fully implement the criteria for grower group certification, as required by NOP Policy Memo 11-10 Grower Group Certification. During the witness audit of a grower group inspection, the auditor found MAYA is not requiring its grower groups to have defined sanctions for members who do not comply with the operation's organic system plan (OSP), the Act, or the regulations.*

Corrective Action: MAYA conducted a training on May 8 and 9, 2023 for staff. MAYA conducted their internal audit in August 2023 which assessed whether grower groups were complying with **NOP Policy Memo 11-10 Grower Group Certification**. MAYA will implement version 7 of its ICS Policy by February 2024, which will address this noncompliance, new EU 2018/848 and additional Strengthening Organic Enforcement regulations.

AIA-2046-22 - 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: *MAYA does not consistently carry out the provisions of the Act and regulations. The auditor's review of certification files found that MAYA does not always verify an operation's Organic System Plan (OSP) for accuracy and completeness. Examples of incomplete or inaccurate OSPs include:*

- 1. MAYA did not require an operation to fully describe how their processing equipment cleaning procedures comply with §205.272.*
- 2. MAYA did not require operations to fully disclose input material details in accordance with §205.201(a)(2). MAYA allowed generic material input information that cannot fully demonstrate compliance.*
- 3. MAYA did not require a handling operation to disclose organic certification status of their suppliers in accordance with §205.201(a)(2).*
- 4. MAYA did not require an operation to accurately describe their use of animal manure in accordance with §205.203(c).*

Corrective Action: MAYA conducted a training for all staff on May 9, 2023 to provide

guidance to auditors on best practices for conducting desk audits and on-site inspections, emphasizing the importance of requesting changes and corrections to the OSP. MAYA conducted their internal audit in August 2023 which assessed whether reviewers were verifying an operation's Organic System Plan (OSP) for accuracy and completeness.

AIA-2047-22 - 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: *MAYA does not consistently carry out the provisions of §205.403(c)(1) and does not verify operations' compliance with §205.103. The auditor's review of certification files and interviews with certification staff found MAYA inspectors do not conduct adequate trace-back or mass balance exercises in the following manner:*

1. *MAYA's inspector did not conduct any audit exercises for a new applicant even though the operation had conventional product records that could have been audited.*
2. *MAYA's inspector did not complete the trace-back or mass balance form with the information required by MAYA's procedures.*

Corrective Action: MAYA conducted a training called “Best Practices for Auditing” in July 27, 2023 which covered traceability. MAYA implemented the “Mayacert Academy” system in January 2023 where all trainings are archived, which allows staff to access to all training content.

AIA-2048-22 - 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: *MAYA does not carry out the provisions of §205.403(a)(2)(ii) & NOP 2609*

Instruction – Unannounced Inspections. *The auditor's review of certification files and interviews with staff found the following issues:*

1. *MAYA's unannounced inspection procedures allow for 48 hours' notice for extenuating circumstances.*
2. *MAYA does not clearly disclose unannounced inspection charges to certified operations in its fee schedule.*

Corrective Action:

1. MAYA updated their policy on September 15, 2022 to only allow for a maximum of 4 hours' notice for extenuating circumstances and notified staff about the change on May 10, 2023 and June 16, 2023. In addition, MAYA created a template for additional inspections as an annex to the main report, and it requires the inspector to indicate the time of notification and arrival. MAYA conducted their internal audit in August 2023 which assessed whether inspectors were complying with the policy and utilizing the new form.
2. MAYA updated their fee schedule which provides cost estimates for unannounced and additional inspections. MAYA implemented the fee schedule on January 1, 2024.

AIA-2049-22 - Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MAYA does not fully implement the NOP's international organic trade arrangement policies and procedures, which are outlined in the NOP's International Trade Policies resources.*

The auditor's review of import/export procedures and certification files found the following:

- 1. MAYA does not verify an operation's compliance with the terms of the US-Canada Organic Equivalency Arrangement (USCOEA) prior to issuing organic certificates with the USCOEA attestation.*
- 2. MAYA's procedures contain outdated India trade information, and do include that certified USDA organic products imported to the U.S. from India must be certified by a USDA-accredited certifying agent.*

Corrective Action:

- MAYA updated its Organic System Plan (OSP), which now requires operations to identify if they are requesting verification against the requirements of the USCOEA. MAYA submitted a copy of their internal document that lists the requirements and restrictions that are required to be verified to issue a certificate with the USCOEA attestation. MAYA updated their certificate templates. If an operation is eligible, MAYA will issue a certificate with the USCOEA attestation. If an operation is not eligible, MAYA will issue a certificate without the USCOEA attestation.
- MAYA removed the outdated trade information from the procedure, *Acuerdos de Equivalencia NOP (Requerimientos y Restricciones)*, and implemented it on January 1, 2024. The updated version is available on MAYA's website.

AIA-2050-22 - Accepted. 7 C.F.R. §205.670(g) states, "If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded. Test results that exceed federal regulatory tolerances must also be reported to the appropriate State health agency or foreign equivalent."

Comments: *MAYA does not fully carry out the procedures of NOP 2613 Instruction Responding to Results from Pesticide Residue Testing. The auditor's review of pesticide residue analysis reports found the following issues:*

- 1. MAYA does not always inform operations that their product may be sold as organic when residues were not detected or detected at less than 0.01 ppm.*
- 2. MAYA does not follow correct procedures when a sample results in a positive detection at or above 0.01 ppm. In one case, MAYA allowed a counter-sample to cancel out the first positive sample.*
- 3. MAYA does not always immediately inform operations that their product cannot be sold as organic when prohibited substances were detected above 5% of the EPA tolerance level.*

Corrective Action: MAYA implemented its new procedure, *Procedimiento de respuesta a resultados de pruebas para residuos de plaguicidas* on January 1, 2024, which details a process for notifying operations that their product may or may not be sold as organic and explains that counter-samples cannot cancel out a positive detection. MAYA conducted a training on January 23, 2024.

AIA-2052-22 – 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: *MAYA does not consistently carry out the provisions of §205.204(a) and NOP 5029 Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production. The auditor's review of certification procedures and interviews with certification staff found the following:*

1. MAYA does not require certified operations to provide evidence of efforts made to source organic seed from three or more seed or planting stock sources to ascertain the availability of equivalent organic seed or planting stock.
2. MAYA does not require operations to conduct a seed search that includes sources that offer organic seeds and planting stock.

Corrective Action: MAYA conducted a training on May 9, 2023 where the noncompliance was discussed. The training included the requirements to keep records and provide evidence of their seed search. MAYA updated their Seeds, Annual Seedlings and Planting Stock Policy, which now states that MAYA will review an operation's seed search, including evidence of efforts made to source organic seed and the seed search conducted. This procedure will be implemented in May 2023.

AIA-2054-22 - Accepted. 7 C.F.R. §205.501(a)(4) states, "A private or governmental entity accredited as a certifying agent under this subpart must: Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;"

Comments: MAYA does not have a sufficient number of adequately trained personnel to implement its USDA organic certification program. The auditor's review of certification files and interviews with certification staff found the following:

1. MAYA did not fulfill requests for information from the NOP auditors in a timely manner, and, in some cases requested information was never provided.
2. MAYA stated they do not have sufficient staff to maintain accurate certified operation records in the Organic Integrity Database (OID).
3. MAYA did not provide all requested certification files to the NOP auditors in English.

Corrective Action: MAYA made changes to its organizational structure, hired multiple assistants across different departments and hired a consultant to conduct the 2022 internal audit. MAYA made all the appropriate updates to its operations' entries in the OID by January 2023. MAYA updated their document, *Manual of Organic Certification Procedures*, to include a statement that says all documents in MAYA's system are available in two languages, Spanish and English. MAYA will assess capacity and sufficiency of personnel at each year's management review.

AIA-2055-22 – Accepted. 7 C.F.R. §205.662(a)(1) states, "When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: A description of each noncompliance;"

Comments: MAYA does not consistently cite the correct applicable regulation for the noncompliance identified in its notifications of noncompliance. The auditor's review of notifications of noncompliance issued by MAYA found §205.202(b) and §205.601 were used when §205.671 was the correct citation; §204.405 was used when §205.406(a) was the correct citation; and §205.203 was used when §205.202(b) was the correct citation.

Corrective Action: MAYA conducted a training in May 2023 where the importance of ensuring consistent and accurate citations of applicable regulations in notifications of noncompliances was discussed. MAYA implemented the "Mayacert Academy" system in January 2023 where all trainings are archived, which allows staff to access to all training content.

AIA-2056-22 - Accepted. 7 C.F.R. §205.662(c) states, "Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of

certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification.”

Comments: *The auditor’s review of certification files found that MAYA issued combined Notices of Noncompliance and Proposed Suspension for correctable violations, such as nonpayment of annual fees.*

Corrective Action: MAYA conducted a meeting with all the reviewers on November 17, 2022 to clarify that combined Notices of Noncompliance and Proposed Suspension will no longer be issued to operations that are not in compliance with their payment obligations. Additionally, MAYA conducted a training on August 5, 2023 for staff involved in the adverse action process which discussed this topic.

AIA-2057-22 - Accepted. 7 C.F.R. §205.663 states, “Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to §205.681, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. If a State organic program is in effect, the mediation procedures established in the State organic program, as approved by the Secretary, will be followed. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal the certifying agent’s decision pursuant to §205.681. Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and the regulations in this part. The Secretary may review any mediated agreement for conformity to the Act and the regulations in this part and may reject any agreement or provision not in conformance with the Act or the regulations in this part.”

Comments: *MAYA does not carry out the provisions of §205.663. MAYA’s mediation process and settlement agreements do not comply with the requirements of the USDA organic regulations. The auditor’s review of certification files and interviews with staff found the following issues:*

- 1. MAYA reviews submitted corrective actions before deciding to accept or reject mediation. A certifier must accept or reject the mediation request and then schedule formal or informal mediation.*
- 2. MAYA’s settlement agreements contain noncompliant terms which allow operations to take additional samples to counter positive residue samples.*
- 3. MAYA’s settlement agreements contain nonfinite terms that require ongoing compliance with the USDA organic regulations.*

Corrective Action: MAYA updated their template for approving or declining mediation which clarifies that MAYA will either accept or reject the mediation request and then schedule mediation. The new template was implemented in March 2023. MAYA conducted a training in May 2023 where MAYA clarified that reviewers should utilize the template to prevent errors when developing settlement agreements, such as omitting the definition of deadlines or terms. In addition, MAYA discussed adverse actions, mediation and settlement agreement procedures at the training.

NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Mayacert, MAYA
- **Physical Address** 18 calle 7-25 zona 11, Colonia Mariscal, Ciudad de Guatemala, 01011, GUATEMALA
- **Audit Type** Mid-term Audit
- **Auditor(s) & Audit Dates** Jessica Walden, Joshua Lindau, 10/19/2020 to 10/23/2020
- **Audit Identifier** NOP-1-20

CERTIFIER OVERVIEW

A mid-term audit was conducted of Mayacert S.A. (MAYA). Audit activities included a desk audit. The NOP assessed the certifier's conformance to the USDA organic regulations, during the period May 18, 2018 through October 23, 2020.

MAYA was first accredited on May 27, 2003 and is accredited for Crops, Wild Crops, Livestock, and Handling. MAYA is a limited liability corporation located in Guatemala City, Guatemala.

As of April 2020, MAYA certifies 462 operations to the following scopes: 334 Crops (224 grower groups), 6 Wild Crops (1 grower group), 14 Livestock (6 grower groups) and 386 Handling (179 of which are a part of grower groups). MAYA certifies operations in México, Guatemala, El Salvador, Honduras, Nicaragua, Dominican Republic, Colombia, Peru, Thailand, Belize, Venezuela, Sri Lanka, and the United States (Florida, Illinois, Texas, California, and Vermont). Projects in process exist in Costa Rica, Chile, and Vietnam, however to date, MAYA has not certified any operations in these countries,

MAYA conducts NOP certification activities from its main office located in Guatemala City, Guatemala. MAYA's 53 NOP certification staff, includes 42 inspectors. The majority of inspectors are independent contractors. MAYA also has 12 administration staff and one director.

NOP DETERMINATION:

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

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

Noncompliances from Prior Assessments

AIA-2881-20 - Cleared

AIA-2883-20 - Cleared

AIA-2884-20 - Cleared

AIA-2885-20 - Cleared

AIA-2886-20 - Cleared

AIA-2887-20 - Cleared

AIA-2888-20 - Cleared

AIA-2889-20 - Cleared

AIA-2890-20 - Cleared

AIA-2891-20 - Cleared

AIA-2892-20 - Cleared

AIA-2893-20 - Cleared

AIA-2882-20 - Accepted. (NOP-13-18.NC2) - 7 C.F.R. §205.501(a)(3) states, "A private or governmental entity accredited as a certifying agent under this subpart must:... Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670." §205.303(b)(2) states, "On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by ***, " or similar phrase..."

Comments: *The auditor reviewed eight retail labels approved by MAYA. Two labels did not display the "Certified organic by ***" statement above the information identifying the distributor or manufacturer.*

2019 Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on compliant label review that uses training presentations the NOP has given to certifiers in the past. In addition to providing staff training, MAYA developed a label approval sheet that reviewers will fill out for all labels and submit to the Evaluation Department for additional compliance review.

2020 Verification of Corrective Action: MAYA implemented the use of the label approval sheet, however, the auditors' review of labels found two labels that did not display the "Certified organic by***" statement below the information identifying the distributor or manufacturer.

2022 Corrective Action: MAYA submitted an updated Label Checklist that includes specific

questions regarding use of the “Certified organic by ***” statement. MAYA submitted attendance records and training material for a training held in December 2021 for all inspectors and reviewers that covered label review and approval. MAYA stated that label requirements will be a perennial topic included on the annual training agenda. MAYA will monitor continued compliance of this corrective action through annual internal and external audits, as well as through evaluation of their inspectors and reviewers.

AIA-2894-20 - Accepted. (NOP-13-18.NC14) - 7 C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.”

Comments: *During a witness audit, the inspector reviewed a material input and did not verify compliance with a restriction on its use according to a National List annotation. The inspector stated that use of the product was acceptable based on an available certificate from another certifier which showed the product was allowed.*

2019 Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on reviewing materials according to the NOP regulations. Among various materials-related topics, the module will cover restrictions or annotations on the National List, updates to the National List in December 2018, and the proper steps reviewers must take to ensure compliance when analyzing materials.

2020 Verification of Corrective Action: The auditors’ review of the 2019 training materials found that the materials were adequate. However, the auditors’ review of certification files found that MAYA is not verifying that material inputs are being used in compliance with National List use restrictions. The auditors’ review of organic system plans (OSP) found that OSPs for two producer operations listed the use of a material, which is on the National List with a specific use restriction, but the OSPs did not explain how the material was used according to the restriction. MAYA reviewers and inspectors did not ask for further information from the operations and for updated OSPs to verify that the materials were used in compliance with the National List use restriction. In one instance, the inspection report listed a different material in place of the material listed on the producer’s OSP but MAYA did not issue a noncompliance regarding the discrepancy between the producer's OSP and the information recorded by the inspector.

2022 Corrective Action: MAYA submitted updated inspection report templates (Agriculture Module and Processing Module) that now prompt the inspector to verify whether inputs were used in accordance with the restrictions or annotations on the National List. MAYA held a training in April 2021 for all staff that covered this topic, and MAYA will also address this topic at the 2022 annual training (scheduled for April 2022). MAYA submitted to the NOP attendance records and training material for the 2021 training.

Noncompliances Identified during the Current Assessment

AIA-3083-20 - Accepted. C.F.R. §205.404(b)(1-4) states, “The certifying agent must issue a certificate of organic operation which specifies the: (1) Name and address of the certified operation; (2) Effective date of certification; (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and (4) Name, address, and telephone number of the certifying agent.”

Comments: *MAYA’s organic certificates do not contain the required elements in NOP 2603 Organic Certificates. The auditors’ review of certification files found that certificates state, “Certified Organic under the National Organic Program of the United States of America Title 7 CFR part 205,” which is not consistent with the required element that states, “Certified to the USDA organic regulations, 7 CFR Part 205.”*

Corrective Action: MAYA submitted an updated organic certificate template with the correct phrase and intends to issue updated certificates to all operations by June 2022. MAYA will monitor the efficacy of corrective actions during their June 2022 internal audit.

AIA-3084-20 - Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MAYA does not fully verify that labels are compliant with NOP labeling requirements. Although MAYA has implemented the use of a label review sheet, the auditors’ review of labels and the completed corresponding label approval sheets found the following issues:*

- 1. For one approved non-retail label, there was no evidence that MAYA had verified whether it displayed a lot number.*
- 2. For two approved labels, the “Certified Organic by***” statement was not located below the information identifying the handler or distributor of the product.*
- 3. For one approved label, the label review sheet displayed a noncompliant label with a green and brown USDA Organic Seal on a transparent background.*

Corrective Action: MAYA submitted an updated Label Checklist that has specific questions regarding use of the “Certified organic by ***” statement and compliance of the USDA seal per §205.311. MAYA’s Label Checklist also now includes different sections for each type of label, and in the non-retail section (§205.307) there is a question about whether lot numbers appear on the label. MAYA held a training in December 2021 for inspectors and reviewers that covered label review and approval, and labeling requirements is a topic on the agenda for the April 2022 annual training. MAYA submitted the 2021 training attendance records and training material.

AIA-3085-20 - Accepted. 7 C.F.R. §205.662(c) states, “Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent 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. The notification of proposed suspension or revocation of certification shall state:(2) The proposed effective date of such suspension or revocation;...”

Comments: *MAYA’s combined notifications of noncompliance and proposed suspensions do not always include the proposed effective date of suspension. The auditors’ review of notifications of combined noncompliance and proposed suspension found that MAYA either stated the duration of the suspension period or the final date of the suspension period instead of the effective date.*

Corrective Action: MAYA submitted an updated combined notification form (NCOMB: NNC-NPS/NPR-NOP v.4) that includes the proposed effective date of suspension. MAYA will replace the template in their database and inform staff of the update to the template at their April 2022 staff training.

AIA-3086-20 - Accepted. 7 C.F.R. §205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.”

Comments: *MAYA’s Wild Crops Organic System Plan form does not demonstrate that MAYA fully complies with the requirements of §205.201(a)(1)-(6) and **NOP 5022 Guidance Wild Crop Harvesting**. Examples of information the form does not ask operators to provide include a description of the natural environment of the harvest area and a list of any rare, threatened, or endangered terrestrial or aquatic plants or animals that occur in the harvest area.*

Corrective Action: MAYA submitted the updated Wild Harvesting Organic System Plan (PMO-WH v.6) that includes all the requirements of §205.201(a)(1)-(6), §205.207 and **NOP 5022 Guidance Wild Crop Harvesting**. MAYA will inform staff of updates to this, and all OSP templates at their April 2022 staff training.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted an onsite renewal assessment of the Mayacert, S.A. (MAYA) organic program on May 14 – 19, 2018. The assessment included witness audits on February 21 – 22, 2018 and July 2, 2018. The NOP reviewed the auditor’s report to assess MAYA’s compliance to the USDA organic regulations. This report provides the results of NOP’s assessment.

GENERAL INFORMATION

Applicant Name	Mayacert, S.A. (MAYA)
Physical Address	18 calle 7-25 zona 11, Colonia Mariscal Ciudad de Guatemala, 01011 GTM
Mailing Address	18 calle 7-25 zona 11, Colonia Mariscal Ciudad de Guatemala, 01011 GTM
Contact & Title	Meriem Aroussi, Quality Manager
E-mail Address	meriem.aroussi@mayacert.com
Phone Number	502 2463 3333
Reviewer(s) & Auditor(s)	Bridget McElroy, NOP Reviewer; Graham Davis and Lars Crail, On-site Auditors.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	NOP assessment review: November 15, 2018 – March 13, 2019 Onsite audits: (office) May 14 – 19, 2018; (witness audits) February 21 – 22, 2018; July 2, 2018
Audit Identifier	NOP 13-18
Action Required	Yes
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of MAYA’s certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	MAYA’s certification services in carrying out the audit criteria during the period: May 2015 through May 2018.

Mayacert S.A. (MAYA) is a limited liability corporation originally accredited on May 27, 2003, to the USDA National Organic Program (NOP) for crops, wild crops, and handling operations. MAYA requested a livestock scope extension in their 2018 accreditation renewal application.

As of May 14, 2018, MAYA certifies 242 operations to the following scopes: 195 Crops (137 grower groups), 2 Wild Crops, and 142 Handling/Processing. MAYA certifies operations in

México, Guatemala, El Salvador, Honduras, Nicaragua, Dominican Republic, Colombia, Peru, Thailand, and the United States (Florida, Texas, California, and Vermont).

MAYA conducts NOP certification activities from its main office located in Guatemala City, Guatemala. MAYA's 39 NOP certification staff, includes 38 inspectors. The majority of inspectors are independent contractors.

Five witness audits were conducted. The NOP auditor observed inspections of a coffee and apiary operation (Livestock- apiculture), vegetable processing facility (Handling/Processing), and essential oil (cardamom) operation (Handling/Processing) in Guatemala. One witness audit of a coffee grower group inspection was conducted in the Dominican Republic on February 21 & 22, 2018. One witness audit of a ruminant livestock inspection was conducted in Mexico on July 2, 2018

NOP DETERMINATION

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

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 the implementation of those corrective actions will be conducted during the next onsite audit.

Noncompliances from Prior Assessments

NP512400A.NC1 – Cleared.
NP512400A.NC2 – Cleared.
NP512400A.NC3 – Cleared.
NP512400A.NC4 – Cleared.
NP512400A.NC5 - Cleared.
NP512400A.NC6 - Cleared.
NP512400A.NC7 – Cleared.

Noncompliances Identified During the Current Assessment

NOP-13-18.NC1 – Accepted. 7 C.F.R. §205.501(a)(3) states, "A private or governmental entity accredited as a certifying agent under this subpart must:... Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670."

§205.303(b)(1) states, "Agricultural products in packages described in §205.301(a) and (b) [100 percent organic and organic] must:... For products labeled "organic," identify each organic ingredient in the ingredient statement with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced...."

Comments: *The auditor reviewed ten retail labels approved by MAYA. Four labels did not*
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identify the ingredients as organic.

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on compliant label review that uses training presentations the NOP has given to certifiers in the past. In addition to providing staff training, MAYA developed a label approval sheet that reviewers will fill out for all labels and submit to the Evaluation Department for additional compliance review.

NOP-13-18.NC2 – Accepted. 7 C.F.R. §205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must:… Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670.”

§205.303(b)(2) states, “On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by ***,” or similar phrase,..”

Comments: *The auditor reviewed eight retail labels approved by MAYA. Two labels did not display the “Certified organic by ***” statement above the information identifying the distributor or manufacturer.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on compliant label review that uses training presentations the NOP has given to certifiers in the past. In addition to providing staff training, MAYA developed a label approval sheet that reviewers will fill out for all labels and submit to the Evaluation Department for additional compliance review.

NOP-13-18.NC3 – Accepted. 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *The auditor found in one case, when a certified operation failed to pay certification fees, MAYA did not issue the operation a notification of noncompliance. MAYA instead issued the operation a proposed suspension and eventually suspended the operation for failure to pay certification fees.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on the noncompliance and adverse action process that draws from training that the NOP has given to certifiers in the past. Additionally, MAYA will evaluate all cases of noncompliance and adverse action during the next internal audit to ensure that the process followed complies with § 205.662.

NOP-13-18.NC4 – Accepted. 7 C.F.R. §205.662 (e)(1) states, “If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed ... revocation..., the certifying agent ... shall send the certified operation a written notification of revocation.”

Comments: *In one case, MAYA incorrectly issued a notification of revocation without giving the operation adequate time from receipt of the notification of proposed revocation to request mediation or file an appeal. An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification,*

whichever occurs later.

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on the noncompliance and adverse action process that draws from training that the NOP has given to certifiers in the past. Additionally, MAYA will evaluate all cases of noncompliance and adverse action during the next internal audit to ensure that the process followed complies with § 205.662.

NOP-13-18.NC5 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:...” Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2027, “Personnel Performance Evaluation,” Section 3.2b states, “The field evaluation system should be developed using best practices, such as a risk-based approach (i.e., inspector experience, annual number of inspections, work product assessment, etc.) or another approach sufficient to determine inspector competency. Inspectors who have demonstrated full competency may be field evaluated less regularly but still require an annual performance evaluation.”

Comments: *For one of the eight inspector personnel records reviewed, there was no field inspection evaluation conducted during 2017. MAYA does not have an internal policy describing the frequency of inspector field evaluations. The inspector only received an evaluation covering the criteria for the submission of the inspection report and the content of the report.*

Corrective Action: MAYA revised its procedures manual for inspectors (MPI) to state that field evaluations will be conducted annually for all inspectors.

NOP-13-18.NC6 – Accepted. 7 C.F.R. §205.504(b)(1) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in §§205.100 and 205.101, §§205.201 through 205.203, §§205.300 through 205.303, §§205.400 through 205.406, and §§205.661 and 205.662; and its ability to comply with the requirements for accreditation set forth in §205.501: ...A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates.”

Comments: *MAYA’s inspection report template for verification of a grower group’s Internal Control System (ICS) does not include a section for verifying ICS personnel and member training; and whether conflict of interest measures are implemented and compliant with the group’s organic system plan (OSP).*

Corrective Action: MAYA revised its inspection report template for verification of a grower group’s Internal Control System (ICS). The inspection report now includes questions to verify whether the ICS members have adequate training, whether the members of the ICS have a declaration of conflicts of interest, and whether adequate measures have been taken to avoid any conflicts of interest impacting management of the ICS.

NOP-13-18.NC7 – Accepted. 7 C.F.R. § 205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;...”

Comments: *The auditor's review of a grower group inspection report found that the inspector incorrectly recorded the purpose of each external inspection (e.g. random, high risk, collection point, new member, etc...). Due to the inaccurate information, the auditor could not determine if the calculation of the certifier's external inspection sample complied with NOP policy.*

Corrective Action: While training inspectors on the revisions to its ICS inspection report form in April 2019, MAYA addressed how to determine and record the purpose of each external inspection. Following the training, MAYA will monitor whether inspectors are recording the inspection purpose correctly and that the external inspection sample is calculated clearly and is compliant with NOP requirements.

NOP-13-18.NC8 – 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: *The auditor's review of records for product sold under the US-Canada Equivalency Arrangement found that the required attestation statement was not listed on the operation's organic certificate or on shipping documents. The auditor's review of records for product sold under the US-Korea Equivalency Arrangement found that the attestation statement for Korea was absent from the NAQS import certificate.*

Corrective Action: MAYA revised its templates for the COR compliance affidavit for export, the organic certificate for US-Canada compliant products, and the NAQS import certificate by adding the correct attestation statement for each country on each document, respectively.

NOP-13-18.NC9 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:...Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2609, “Unannounced Inspections,” 4.1.9 states that an unannounced inspection should not include prior notification of the inspector's arrival. Under special circumstances, certifiers may notify the operation up to four hours prior to the inspector's arrival.

Comments: *MAYA's unannounced inspection procedures allow for up to 48 hours advance notice for operations in unsafe or risky locations.*

Corrective Action: MAYA revised its unannounced inspection procedures to state that, when circumstances require it, inspectors may give up to four hours notice for unannounced inspections. In cases where more than 4 hours notice must be given, those inspections will not count as “unannounced”.

NOP-13-18.NC10 – Accepted. 7 C.F.R. §205.670(d) states, “A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number.”

Comments: *MAYA did not conduct residue sampling and testing of at least five percent of its certified operations in 2015, 2016, 2017.*

Corrective Action: MAYA was incorrectly counting all samples taken during the year, rather than just the samples that were sent to the laboratory for analysis. MAYA will now only count

samples taken and sent to the laboratory. MAYA provided a list of samples taken and analyzed in 2018, which accounted for 10 percent of its certified operations.

NOP-13-18.NC11 – 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: *MAYA is not ensuring compliance with §205.201(a)(3), which requires certification applicants and continuing operations to describe in their organic system plan (OSP) the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented.*

Corrective Action: MAYA revised its OSP template to include questions prompting operators to describe their monitoring practices and procedures under each section of the OSP.

NOP-13-18.NC12 – Accepted. 7 C.F.R. §205.662(a) states, “Notification. When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *During a certification file review, it was found that MAYA did not issue the operation a notice of noncompliance for using labels that were not submitted to MAYA for approval.*

Corrective Action: MAYA developed a label approval sheet (ADE-1) to be completed for all labels. The sheet will help MAYA track what has been approved and what has not, so that noncompliances can be issued when an unapproved label is found. MAYA provided training on this new document during its labeling training to staff in April 2019.

NOP-13-18.NC13 – 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: *MAYA’s OSP template for apiculture does not require an operation to provide all the information necessary to demonstrate compliance with the National Organic Standards Board 2001 and 2010 recommendations on Organic Apiculture Standards.*

- *Operations are not required to list materials used in the smokers to demonstrate they are free of prohibited substances.*
- *Operations are not required to list provide a description of crops grown and high risk activities such as sanitary landfills, incinerators, sewage treatment facilities, power plants, golf courses, human housing, towns or cities, land to which prohibited materials are applied, and all other sources of potential contamination located in the surveillance zone of 2.2 miles (3.4 km) beyond the forage zone.*
- *Operations are not required to list the material used to build the hives to demonstrate they are made of non-synthetic materials, including wood and metal, not treated with prohibited substances.*

Corrective Action: MAYA revised its OSP and inspection report to address all points described

in this noncompliance.

NOP-13-18.NC14 – Accepted. 7 C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.”

Comments: *During a witness audit, the inspector reviewed a material input and did not verify compliance with a restriction on its use according to a National List annotation. The inspector stated that use of the product was acceptable based on an available certificate from another certifier which showed the product was allowed.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on reviewing materials according to the NOP regulations. Among various materials-related topics, the module will cover restrictions or annotations on the National List, updates to the National List in December 2018, and the proper steps reviewers must take to ensure compliance when analyzing materials.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted an onsite renewal assessment of the Mayacert, S.A. (MAYA) organic program on May 14 – 19, 2018. The assessment included witness audits on February 21 – 22, 2018 and July 2, 2018. The NOP reviewed the auditor’s report to assess MAYA’s compliance to the USDA organic regulations. This report provides the results of NOP’s assessment.

GENERAL INFORMATION

Applicant Name	Mayacert, S.A. (MAYA)
Physical Address	18 calle 7-25 zona 11, Colonia Mariscal Ciudad de Guatemala, 01011 GTM
Mailing Address	18 calle 7-25 zona 11, Colonia Mariscal Ciudad de Guatemala, 01011 GTM
Contact & Title	Meriem Aroussi, Quality Manager
E-mail Address	meriem.aroussi@mayacert.com
Phone Number	502 2463 3333
Reviewer(s) & Auditor(s)	Bridget McElroy, NOP Reviewer; Graham Davis and Lars Crail, On-site Auditors.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	NOP assessment review: November 15, 2018 – March 13, 2019 Onsite audits: (office) May 14 – 19, 2018; (witness audits) February 21 – 22, 2018; July 2, 2018
Audit Identifier	NOP 13-18
Action Required	Yes
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of MAYA’s certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	MAYA’s certification services in carrying out the audit criteria during the period: May 2015 through May 2018.

Mayacert S.A. (MAYA) is a limited liability corporation originally accredited on May 27, 2003, to the USDA National Organic Program (NOP) for crops, wild crops, and handling operations. MAYA requested a livestock scope extension in their 2018 accreditation renewal application.

As of May 14, 2018, MAYA certifies 242 operations to the following scopes: 195 Crops (137 grower groups), 2 Wild Crops, and 142 Handling/Processing. MAYA certifies operations in

México, Guatemala, El Salvador, Honduras, Nicaragua, Dominican Republic, Colombia, Peru, Thailand, and the United States (Florida, Texas, California, and Vermont).

MAYA conducts NOP certification activities from its main office located in Guatemala City, Guatemala. MAYA's 39 NOP certification staff, includes 38 inspectors. The majority of inspectors are independent contractors.

Five witness audits were conducted. The NOP auditor observed inspections of a coffee and apiary operation (Livestock- apiculture), vegetable processing facility (Handling/Processing), and essential oil (cardamom) operation (Handling/Processing) in Guatemala. One witness audit of a coffee grower group inspection was conducted in the Dominican Republic on February 21 & 22, 2018. One witness audit of a ruminant livestock inspection was conducted in Mexico on July 2, 2018

NOP DETERMINATION

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

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 the implementation of those corrective actions will be conducted during the next onsite audit.

Noncompliances from Prior Assessments

NP512400A.NC1 – Cleared.
NP512400A.NC2 – Cleared.
NP512400A.NC3 – Cleared.
NP512400A.NC4 – Cleared.
NP512400A.NC5 - Cleared.
NP512400A.NC6 - Cleared.
NP512400A.NC7 – Cleared.

Noncompliances Identified During the Current Assessment

NOP-13-18.NC1 – Accepted. 7 C.F.R. §205.501(a)(3) states, "A private or governmental entity accredited as a certifying agent under this subpart must:... Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670."

§205.303(b)(1) states, "Agricultural products in packages described in §205.301(a) and (b) [100 percent organic and organic] must:... For products labeled "organic," identify each organic ingredient in the ingredient statement with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced...."

Comments: *The auditor reviewed ten retail labels approved by MAYA. Four labels did not*
NOP 13-18 MAYA CA 031319

identify the ingredients as organic.

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on compliant label review that uses training presentations the NOP has given to certifiers in the past. In addition to providing staff training, MAYA developed a label approval sheet that reviewers will fill out for all labels and submit to the Evaluation Department for additional compliance review.

NOP-13-18.NC2 – Accepted. 7 C.F.R. §205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must:… Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670.”

§205.303(b)(2) states, “On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by ***,” or similar phrase,..”

Comments: *The auditor reviewed eight retail labels approved by MAYA. Two labels did not display the “Certified organic by ***” statement above the information identifying the distributor or manufacturer.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on compliant label review that uses training presentations the NOP has given to certifiers in the past. In addition to providing staff training, MAYA developed a label approval sheet that reviewers will fill out for all labels and submit to the Evaluation Department for additional compliance review.

NOP-13-18.NC3 – Accepted. 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *The auditor found in one case, when a certified operation failed to pay certification fees, MAYA did not issue the operation a notification of noncompliance. MAYA instead issued the operation a proposed suspension and eventually suspended the operation for failure to pay certification fees.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on the noncompliance and adverse action process that draws from training that the NOP has given to certifiers in the past. Additionally, MAYA will evaluate all cases of noncompliance and adverse action during the next internal audit to ensure that the process followed complies with § 205.662.

NOP-13-18.NC4 – Accepted. 7 C.F.R. §205.662 (e)(1) states, “If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed … revocation…, the certifying agent … shall send the certified operation a written notification of revocation.”

Comments: *In one case, MAYA incorrectly issued a notification of revocation without giving the operation adequate time from receipt of the notification of proposed revocation to request mediation or file an appeal. An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification,*

whichever occurs later.

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on the noncompliance and adverse action process that draws from training that the NOP has given to certifiers in the past. Additionally, MAYA will evaluate all cases of noncompliance and adverse action during the next internal audit to ensure that the process followed complies with § 205.662.

NOP-13-18.NC5 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:...” Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2027, “Personnel Performance Evaluation,” Section 3.2b states, “The field evaluation system should be developed using best practices, such as a risk-based approach (i.e., inspector experience, annual number of inspections, work product assessment, etc.) or another approach sufficient to determine inspector competency. Inspectors who have demonstrated full competency may be field evaluated less regularly but still require an annual performance evaluation.”

Comments: *For one of the eight inspector personnel records reviewed, there was no field inspection evaluation conducted during 2017. MAYA does not have an internal policy describing the frequency of inspector field evaluations. The inspector only received an evaluation covering the criteria for the submission of the inspection report and the content of the report.*

Corrective Action: MAYA revised its procedures manual for inspectors (MPI) to state that field evaluations will be conducted annually for all inspectors.

NOP-13-18.NC6 – Accepted. 7 C.F.R. §205.504(b)(1) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in §§205.100 and 205.101, §§205.201 through 205.203, §§205.300 through 205.303, §§205.400 through 205.406, and §§205.661 and 205.662; and its ability to comply with the requirements for accreditation set forth in §205.501: ...A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates.”

Comments: *MAYA’s inspection report template for verification of a grower group’s Internal Control System (ICS) does not include a section for verifying ICS personnel and member training; and whether conflict of interest measures are implemented and compliant with the group’s organic system plan (OSP).*

Corrective Action: MAYA revised its inspection report template for verification of a grower group’s Internal Control System (ICS). The inspection report now includes questions to verify whether the ICS members have adequate training, whether the members of the ICS have a declaration of conflicts of interest, and whether adequate measures have been taken to avoid any conflicts of interest impacting management of the ICS.

NOP-13-18.NC7 – Accepted. 7 C.F.R. § 205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;...”

Comments: *The auditor's review of a grower group inspection report found that the inspector incorrectly recorded the purpose of each external inspection (e.g. random, high risk, collection point, new member, etc...). Due to the inaccurate information, the auditor could not determine if the calculation of the certifier's external inspection sample complied with NOP policy.*

Corrective Action: While training inspectors on the revisions to its ICS inspection report form in April 2019, MAYA addressed how to determine and record the purpose of each external inspection. Following the training, MAYA will monitor whether inspectors are recording the inspection purpose correctly and that the external inspection sample is calculated clearly and is compliant with NOP requirements.

NOP-13-18.NC8 – 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: *The auditor's review of records for product sold under the US-Canada Equivalency Arrangement found that the required attestation statement was not listed on the operation's organic certificate or on shipping documents. The auditor's review of records for product sold under the US-Korea Equivalency Arrangement found that the attestation statement for Korea was absent from the NAQS import certificate.*

Corrective Action: MAYA revised its templates for the COR compliance affidavit for export, the organic certificate for US-Canada compliant products, and the NAQS import certificate by adding the correct attestation statement for each country on each document, respectively.

NOP-13-18.NC9 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:...Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2609, “Unannounced Inspections,” 4.1.9 states that an unannounced inspection should not include prior notification of the inspector's arrival. Under special circumstances, certifiers may notify the operation up to four hours prior to the inspector's arrival.

Comments: *MAYA's unannounced inspection procedures allow for up to 48 hours advance notice for operations in unsafe or risky locations.*

Corrective Action: MAYA revised its unannounced inspection procedures to state that, when circumstances require it, inspectors may give up to four hours notice for unannounced inspections. In cases where more than 4 hours notice must be given, those inspections will not count as “unannounced”.

NOP-13-18.NC10 – Accepted. 7 C.F.R. §205.670(d) states, “A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number.”

Comments: *MAYA did not conduct residue sampling and testing of at least five percent of its certified operations in 2015, 2016, 2017.*

Corrective Action: MAYA was incorrectly counting all samples taken during the year, rather than just the samples that were sent to the laboratory for analysis. MAYA will now only count

samples taken and sent to the laboratory. MAYA provided a list of samples taken and analyzed in 2018, which accounted for 10 percent of its certified operations.

NOP-13-18.NC11 – 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: *MAYA is not ensuring compliance with §205.201(a)(3), which requires certification applicants and continuing operations to describe in their organic system plan (OSP) the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented.*

Corrective Action: MAYA revised its OSP template to include questions prompting operators to describe their monitoring practices and procedures under each section of the OSP.

NOP-13-18.NC12 – Accepted. 7 C.F.R. §205.662(a) states, “Notification. When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *During a certification file review, it was found that MAYA did not issue the operation a notice of noncompliance for using labels that were not submitted to MAYA for approval.*

Corrective Action: MAYA developed a label approval sheet (ADE-1) to be completed for all labels. The sheet will help MAYA track what has been approved and what has not, so that noncompliances can be issued when an unapproved label is found. MAYA provided training on this new document during its labeling training to staff in April 2019.

NOP-13-18.NC13 – 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: *MAYA’s OSP template for apiculture does not require an operation to provide all the information necessary to demonstrate compliance with the National Organic Standards Board 2001 and 2010 recommendations on Organic Apiculture Standards.*

- *Operations are not required to list materials used in the smokers to demonstrate they are free of prohibited substances.*
- *Operations are not required to list provide a description of crops grown and high risk activities such as sanitary landfills, incinerators, sewage treatment facilities, power plants, golf courses, human housing, towns or cities, land to which prohibited materials are applied, and all other sources of potential contamination located in the surveillance zone of 2.2 miles (3.4 km) beyond the forage zone.*
- *Operations are not required to list the material used to build the hives to demonstrate they are made of non-synthetic materials, including wood and metal, not treated with prohibited substances.*

Corrective Action: MAYA revised its OSP and inspection report to address all points described

in this noncompliance.

NOP-13-18.NC14 – Accepted. 7 C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.”

Comments: *During a witness audit, the inspector reviewed a material input and did not verify compliance with a restriction on its use according to a National List annotation. The inspector stated that use of the product was acceptable based on an available certificate from another certifier which showed the product was allowed.*

Corrective Action: In April 2019, MAYA held its annual staff training. MAYA included a training module on reviewing materials according to the NOP regulations. Among various materials-related topics, the module will cover restrictions or annotations on the National List, updates to the National List in December 2018, and the proper steps reviewers must take to ensure compliance when analyzing materials.

AUDIT INFORMATION

Applicant Name:	Mayacert, S.A.
Est. Number:	N/A
Physical Address:	18 Calle 7-25 Zona 11, Colonia Mariscal, Guatemala City, Guatemala
Mailing Address:	Same as above
Contact & Title:	Noe Rivera Flores, General Manager; Rodolfo Guzman, Administrative Manager; Loren Estevez, Program Coordinator
E-mail Address:	info@mayacert.com
Phone Number:	PBX: 2463 3333
Auditor(s):	Betsy Rakola, Accreditation Manager
Program:	USDA National Organic Program (NOP)
Audit Date(s):	December 18, 2012 – April 16, 2013
Audit Identifier:	NP2170ACA
Action Required:	No
Audit Type:	Corrective Action Audit - Renewal Assessment
Audit Objective:	To verify continuing compliance to the audit criteria, and to verify the implementation and effectiveness of corrective actions in addressing the previous non-compliances from the Mid-Term Audit.
Audit Criteria:	7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; updated March 15, 2012.
Audit Scope:	The company’s quality manual including personnel, processes, procedures, facilities, and related records.
Location(s) Audited:	Desk

GENERAL INFORMATION

Mayacert, S. A. is a limited liability corporation that was accredited to the USDA National Organic Program (NOP) as a certifying agent on May 27, 2003, for crops, wild crops, livestock, and handling operations. The Mayacert organic program currently includes 80 operations certified to the NOP, consisting of 60 crops, 3 wild crops, 1 livestock, 13 handlers (all processors), and 3 grower groups. Mayacert also certifies 3 Apiaries which they do not classify under livestock, but certify under the scope of crops. The certified operations are located in Guatemala, Honduras, the United States (Florida and Texas), Costa Rica, El Salvador, and Mexico. In addition to the USDA NOP, Mayacert is also accredited to provide organic certification according to the Japanese Agricultural Standards (JAS/MAFF) and EU Regulations.

The Mayacert office is located in Guatemala City, Guatemala and all certification activities are finalized in this office. Mayacert has additional offices in Honduras, Mexico, and Nicaragua which provide customer service and issue Notices of Noncompliance for some local clients. The contracted inspectors are located in Mexico and Honduras.

Due to the nature and extent of the violations noted in NP2170ACA.NC2, the NOP issued a combined Notice of Noncompliance and Notice of Proposed Suspension to Mayacert on October 31, 2012. The NOP and Mayacert finalized a settlement agreement on November 20, 2012 to reduce the suspension to Mayacert's livestock accreditation scope only, pending the submission of adequate corrective actions in response to the remaining noncompliances. Mayacert submitted these corrective actions on December 17, 2012, February 1, 2013, March 1, 2013, and April 10, 2013. The NOP Accreditation Committee reviewed the corrective actions on April 16, 2013 and recommended a decision of accreditation renewal.

FINDINGS:

Observations made, interviews conducted, and procedures and records reviewed verified that Mayacert is currently operating in compliance to the requirements of the audit criteria, except as noted in the non-compliances below. The corrective actions for the 11 of 13 noncompliances identified during the Mid-Term Audit were verified and found to be implemented and effective; therefore, these noncompliances were cleared, with the exception of NP0291OOA.NC3 and NP0291OOA.NC13. There were five new noncompliances and two outstanding noncompliances identified during the Renewal Assessment.

NP0291OOA.NC1 – Cleared
NP0291OOA.NC2 – Cleared
NP0291OOA.NC4 – Cleared
NP0291OOA.NC5 – Cleared
NP0291OOA.NC6 – Cleared
NP0291OOA.NC7 – Cleared
NP0291OOA.NC8 – Cleared
NP0291OOA.NC9 – Cleared
NP0291OOA.NC10 – Cleared
NP0291OOA.NC11 – Cleared
NP0291OOA.NC12 – Cleared

NP0291OOA.NC3 – Accepted. NOP §§205.404 (b)(2),(3) states, “The certifying agent must issue a certificate of organic operation which specifies the:

- (2) Effective date of certification.” *Certificates reviewed did not display an effective date.*
- (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation.” *The certificates reviewed did not list categories of certification (crops, processing, livestock, wild crops); rather, the following categories were represented (or available): production, processing, marketing, and commercialization/export.*
 - 1) *Case file review: 1 of 6 files found that an operation – seeking certification only as a processing facility with no production, in order to market the facility as certified to produce organic product) was certified for:*
 - a. *“Marketing” without any product labels available; and*
 - b. *Products listed as certified without any product profiles or supplier/material verification.*

Corrective actions (2011): Mayacert submitted a corrected template certificate showing the corrected effective date and the changed categories according to the NOP regulations. This submission adequately addressed the noncompliance and the previous training submitted addressed the need to be more diligent in label review and product material verification. **Verification of corrective action:** Certificates reviewed indicated that Mayacert is issuing certificates that contain an effective date. *However, 4 of 4*

certificates reviewed did not contain the scope of certification (Crops, Wild Crop, Livestock, or Processor/Handler). Corrective actions (2013): Mayacert submitted a corrected certificate template, which showed checkboxes for the scopes of crop, wild crop, livestock, and handler/processor, stating that this template had been corrected prior to the June 2012 audit. Mayacert updated its quality manual to document the new version of the template and to ensure that the new version is used. Mayacert will notify all staff of the updated policy.

NP029100A.NC13 – Accepted. NOP §205.662 states, “(a)When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: (1) A description of each noncompliance; (2) The facts upon which the notification of noncompliance is based; and (3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(b) *Resolution.* 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.

(c) *Proposed suspension or revocation.* When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state...” *Mayacert does not have a procedure in place that adequately addresses compliance with this section.*

- 1) *In August 2010, Mayacert was issued a non-compliance from the NOP office regarding the suspension of an operation as a result of a complaint received from an outside source. Mayacert responded with a procedure showing that an operation could first have their certification “reduced”, “suspended” or “cancelled” and then an investigation would be conducted. The procedure continues on to indicate that, after the investigation and results and if appropriate, Mayacert would be the responsible party for reinstating certification.*
- 2) *Verbal interviews with certification staff indicated that operations that were 2 months late (from their annual renewal date) in submitting their annual update paperwork would immediately receive a notice of “cancellation of certification.”*
- 3) *Procedure in place established in response to NOP Notice of Noncompliance does not adequately demonstrate compliance with §205.661 and §205.662.*
- 4) *There is no general procedure in place demonstrating compliance with or ACA understanding of §205.662.*

Corrective actions: Mayacert submitted Annex 4 Manual to suspend or cancel an operator’s certification. This document establishes a written procedure that must be followed when suspending or revoking an operation. The document is very general, and has translation issues but basically emulates §205.662. This will need to be verified at the next on-site audit however this submission adequately addresses the noncompliance at this time.

Verification of corrective action:

- *Two files showed that the Notices of Noncompliance were issued in cases where no noncompliances existed. Interviews with staff indicated that Mayacert issues a Notice of Noncompliance to all certified operators, regardless of whether a noncompliance exists.*

According to staff, the Notice of Noncompliance serves as the notification of the certification decision to the operator. Each Notice has a table listing citations and documenting evidence of noncompliances; if no noncompliances are found, then Mayacert writes "none" in the table.

- *Five Notices of Noncompliance contained no dates by which corrective actions must be submitted. Most Notices stated that the corrections would be reviewed and verified at the next annual inspection. Two notices gave various "triggers" rather than dates for corrective actions. The examples included the following language: "the operator should complete the missing information. Mayacert will verify the corrective action at the next inspection," the issues must be corrected "before the rainy season," or "prior to the export of the product to the foreign market, the nonconformity must be corrected."*
- *The Notice of Noncompliance sent to all clients discusses the operator's rights to appeal and to reapply to another certifying agent. This information only applies to denials of certification or proposed suspensions or revocations.*
- *Three Notices of Noncompliance Resolution also discussed the operator's right to appeal the certification decision. It is not possible to appeal the resolution of a noncompliance, since no adverse action exists at that stage.*

Corrective actions (2013): Mayacert submitted revised templates for its adverse action letters, as well as templates for a Notice of Certification/Compliance and a Notice of Noncompliance. Each template clarified the decision being made and contained the information required by the regulations, including a date by which corrective actions must be submitted. Mayacert also submitted an example of a letter using this template, which corrected the response time from "before the rainy season" to a specific date. Mayacert submitted corrected adverse action procedures, which clearly laid out the criteria for classifying noncompliances and moving through the adverse action process according to the regulations. In conjunction with these criteria, Mayacert submitted a new policy for responding to results from positive residue testing, which incorporated NOP guidance 2613, *Responding to Results from Pesticide Residue Testing*.

NP2170ACA.NC1 – Accepted. NOP §205.402(a)(1) states, "Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to §205.401."

- *A review of eleven certification files and interviews with the certification staff indicated that there are no records of the initial review. Inspectors are tasked with conducting the initial review and request any missing or incomplete information from the operator prior to inspection.*

Corrective action: Mayacert submitted a new checklist template for initial reviews, which the inspector will utilize to conduct and record all reviews prior to inspection. Although template has sections to cover all scopes, the inspector will only complete those which are relevant to the operation being reviewed. Mayacert provided training to staff in July 2012 to discuss the need for a review prior to inspection and to introduce the new format, as evidenced by their training schedule and slideshow presentation. The Assistant Manager will review both the initial review and the inspection report after the inspection is complete.

NP2170ACA.NC2 – Accepted. NOP §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."

The evidence below showed that Mayacert failed to implement the USDA organic regulations for livestock practices.

- *The review of a honeybee grower group file revealed major recurring noncompliances. Several producers who were inspected as a part of the grower group sample used paint inside the beehives, had inorganic waste within the forage zone, and could not verify that the wax they were using was free of prohibited substances. In addition, the inspection report noted that the internal control system had poor records, which resulted in the sale of transitional honey as organic. Lastly, the use of the USDA seal on labels was not compliant. Mayacert renewed the certificate for the operation and did not propose suspension. The Notice of Noncompliance stated that most issues would be reviewed at the next inspection.*
- *The inspection report for a dairy operation did not include any information on access to the outdoors, dry matter intake, or access to pasture. The cattle were fed cut hay from the operation's pasture. However, the pasture was not certified as organic, since the operation was not certified for any crop production. The Notice of Noncompliance issued by Mayacert only addressed the lack of an OSP for crops, a lack of information regarding feed and supplements, and the need for preventive practices regarding pest management. The Notice did not address the lack of compliance with the pasture rule per § 205.237, Livestock feed; § 205.239, Livestock living conditions; and § 205.240, Pasture practice standard. Mayacert renewed the certificate for the operation, despite the evidence that the operation did not comply with the above standards and that the operation would continue to feed the cattle hay harvested from non-organic pastures.*

Mayacert also prohibited the use of any liquid nitrogen fertilizer with a nitrogen analysis greater than 3%. Staff stated in interviews that they implemented this prohibition in order to comply with what they believed to be an NOP requirement to prohibit the use of all liquid nitrogen fertilizers with a nitrogen analysis greater than 3%. NOP 5012, "Approval of Liquid Fertilizers for Use in Organic Production," states:

"All liquid fertilizers with a nitrogen analysis greater than 3 percent must be approved by a material evaluation program to be used in organic production."

Corrective action: Mayacert signed a settlement agreement with the NOP agreeing to a 3-year suspension of their livestock accreditation, due to the fact that these violations were severe and not correctable. Mayacert notified all their livestock clients that they would need to seek certification elsewhere. In regards to liquid nitrogen fertilizers, Mayacert sent a notice to all staff with the policy NOP 5012 attached, informing them of the correct NOP instruction regarding liquid nitrogen fertilizers.

NP2170ACA.NC3 – Accepted. NOP §205.501(a)(11)(vi) states, "A private or governmental entity accredited as a certifying agent under this part must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection." *Five of 7 files reviewed indicated that the initial review and on-site inspection were conducted by the same person, with the final review and final certification decision made by a 2nd person. Therefore, only two people were involved in the decision to certify an operation. The regulations require that this process involves at least 3 different individuals.*

Corrective action: Mayacert revised its policies on Evaluation of the Inspection Report and a description of the Department of Certification and Evaluation to state that its certification decision process will always involve three. The Evaluation Department Coordinator will complete the final review of all initial reviews and inspection reports for completeness and compliance. After completing the final review, this Coordinator will forward the operation's case, along with a recommendation for final approval or an adverse action, to the Evaluation and Certification Department. A different individual will then make the final certification decision, and in no case shall the inspector be involved in the certification decision. In February 2013, Mayacert emailed the revised procedures to all staff with an explanation that the

certification process requires 3 different individuals: one who conducts the inspection, one who evaluates the inspection report, and one who makes the final certification decision.

NP2170ACA.NC4 – Accepted. NOP §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.” NOP Policy Memo 11-10 incorporates the NOSB recommendation on grower groups from November 19, 2008, which states the following:

1. All new entrants to a Production Unit must be inspected in their first year with the group.
2. The certifying agent must also have policies and procedures for determining which sub-units present the greatest risks of non-compliance.
3. Once the annual sampling percentage rate is determined by the ACA, the highest risk subunits are identified and inspected. Of the remaining sample to be inspected annually, at least 25% of these the subunits should be selected at random.

*Mayacert’s grower group policy does not require that new entrants be inspected during their first year with the grower group. Although Mayacert has a formula to establish a risk level, this risk is determined for the group as a whole and not for individual sub-units. Because of this, there is no provision for the identification of high-risk subunits, or for the random selection of at least 25% of the remaining sample. The written policy provides for only random selection of sub-units. Interviews with Mayacert staff revealed that they were unaware of the NOP policy memo and the NOSB recommendation. **Corrective action:** Mayacert submitted a revised grower group inspection policy, which referenced the NOSB recommendations. The policy requires 25% the operations selected for inspection to be those identified as high risk, the inspection of all new members of the grower group, and the selection of the remainder of the sample at random. Training slides and agendas showed evidence that Mayacert trained staff on the new policy in July 2012.*

NP2170ACA.NC5 – Withdrawn. NOP §205.670(d)(1) states, “Results of all analyses and tests performed under this section: Must be promptly provided to the Administrator...” *Results of the analysis for the honey samples collected were not provided to the Administrator. **This requirement was removed from the regulations on November 9, 2012.***

AUDIT INFORMATION

Applicant Name:	Mayacert S.A.
Est. Number:	N/A
Physical Address:	6a Calle 3-22 Zona 10, Guatemala City, Guatemala
Mailing Address:	Same as above
Contact & Title:	Loren Estevez, Senior Inspector
E-mail Address:	Loren.Estevez@mayacert.com
Phone Number:	502-2361 82 01
Auditor(s):	Jonathan D. Melvin, Regional Accreditation Manager (RAM)-Central Region
Program:	USDA National Organic Program (NOP)
NOP Audit Date(s):	March 8, 2011- May 30, 2011
Audit Identifier:	NP0291OOA
Action Required:	No
Audit Type:	Corrective Action Audit
Audit Objective:	To verify that corrective actions adequately address the non-compliances identified during the Mid-Term Audit.
Audit Criteria:	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; revised February 17, 2010.
Audit Scope:	Submitted corrective actions
Location(s) Audited:	Desk

Mayacert S.A. (Mayacert) submitted corrective actions to the NOP on January 10, 2011, which were received by the reviewer on March 8, 2011, addressing the non-compliances identified in the Mid-Term Audit. Additional corrective actions were requested by the reviewer on March 14, 2011 and submitted by Mayacert on April 4, 2010. Some of the materials were not in the email therefore additional corrective actions were again requested by the reviewer on June 12, 2011 and submitted by Mayacert on June 26, 2011 via express mail. A final request for additional clarification on corrective actions was made on May 13, 2011 and all were received by May 25, 2011.

FINDINGS

The corrective actions submitted by Mayacert adequately addressed all of the thirteen non-compliances identified during the Mid-Term Audit. Verification and implementation of the corrective actions will be verified at the next on-site audit.

NP0291OOA.NC1 – Adequately Addressed – NOP §205.403(b)(2) states, “All on-site inspections must be conducted... at a time when land, facilities, and activities that demonstrate the operation’s compliance with or capability to comply with the applicable provisions of subpart C of this part can be observed, except that this requirement does not apply to unannounced on-site inspections.” *At 1 of 3 witness audits, equipment was not set up to verify processing practices described in the OSP and ensure that organic critical control points were in place.* **Corrective Actions:** *Mayacert stated that on-site audits are*

always conducted during the harvest or production time however the witness audit due to the timing of the visit was out of this time period. Mayacert later submitted Annex 1 Manual of Procedures for Organic Certification (MPCO.4) page 5, 5.1 Under Inspection Frequency it states inspections may be carried out and scheduled for during harvest and processing time for all inspections. This change in the procedure adequately addressed the noncompliance.

NP029100A.NC2 – Adequately Addressed – NOP §205.403(c)(2) states, “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.”

The following issues were noted during the witness inspections and case file review:

1) Witness audit: There was no review of coffee bags during the on-site audit to ensure compliance with §205.307(b).

2) Witness audit: The inspector did not cite a finding to a breakdown in the operation’s system. (group certification operation required that only producers listed on and those that have signed their ICS document could be considered “active”, however 2 of 54 producers were not sufficiently listed and did not sign the document, but accepted as suppliers; the inspector did not cite this issue).

3) Case file review: 1 of 6 files found that improper and inadequate verification of compost regulations was conducted during an on-site inspection (out of compliance with §205.203(c)(2)(i-iii)). Specifically:

a. C:N ratio was not verified as being monitored during composting process (§205.203(c)(2)(i));

b. OSP explanation of windrow system allows only 3 days of total time, rather than 15 required (§205.203(c)(2)(iii));

c. Inspector allowed measurement of temperature during composting to be conducted with a machete, which is not an instrument for measuring temperature (§205.203(c)(2)(ii-iii)).

4) Case file review: 1 of 6 files found that the inspector did not properly verify the OSP submitted; specifically, beta carotene was listed as a color and the inspector did not:

a. Verify compliance of material with §205.301(f)(6) and §205.606; OR

b. Indicate to ACA that color would not be used and should be removed from OSP.

Corrective Actions: *Mayacert submitted a team meeting sheet showing participants and activity items which specifically addressed training for items related to the noncompliance. Mayacert stated that personnel reviewed labels, bags and packaging evaluation during inspection will comply with NOP regulations. Inspection report was modified to make a correction from 3 to 15 days in b. above ICS review was made to ensure that 2 was addressed above, compost temperature must be taken with a thermometer rather than cultural methods was made clear and lastly technical specifications for the beta carotene was submitted by the operation and found that the product was of vegetable origin as specified. Annex 2, 11 and 12 and corrective action description submissions adequately addressed the noncompliance.*

NP029100A.NC3 – Adequately Addressed – NOP §205.404 (b)(2) & (3) states, “The certifying agent must issue a certificate of organic operation which specifies the:

- (2) Effective date of certification.” *Certificates reviewed did not display an effective date.*
- (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation.” *The certificates reviewed did not list categories of certification (crops, processing, livestock, and wild crops); rather, the following categories were represented (or available): production, processing, marketing, and commercialization/export. 1) Case file review: 1 of 6 files found that an operation – seeking certification only as a processing facility with no production, in order to market the facility as certified to produce organic product) was certified for:
 - a. “Marketing” without any product labels available; and
 - b. Products listed as certified without any product profiles or supplier/material verification.*

Corrective Actions: *Mayacert submitted a corrected template certificate showing the corrected effective date and the changed categories according to the NOP regulations. This submission adequately addressed the noncompliance and the previous training submitted addressed the need to be more diligent in label review and product material verification.*

NP029100A.NC4 – Adequately Addressed – 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.” *Certificates reviewed displayed expiration dates.*

Corrective Actions: *Mayacert submitted in Annex 3 a new format for the certificates and has stated that they will perform a manual assessment and correct certificates. This must be verified at the next on-site audit however submissions and a manual assessment of certificates adequately address this noncompliance at this time.*

NP029100A.NC5 – Adequately Addressed – NOP §205.501 (a)(1) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part.” *A review of qualifications and training records indicated that training has not been conducted for the NOP access to pasture (livestock) rule. Corrective Actions: Annex 4 submitted by Mayacert shows the actual training presentation, certificates received by participants, and the list of participants in in the NOP access to Pasture livestock rule. This submission and evidence of training adequately addresses the noncompliance.*

NP029100A.NC6 – Adequately Addressed – NOP §205.303 states, “Agricultural products in packages described in §205.301(a) and (b) must: (b)(2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement,

“Certified organic by * * *,” or similar phrase, identify the name of the certifying agent that certified the handler...” NOP §205.311(b)(1) states, “The USDA seal must replicate the form and design... and must be printed legibly and conspicuously: On white background with a brown outer circle...” *In 1 of 6 case files reviewed (only file with a retail label) found that there was no display of the “certified organic by...” statement and the color display of the USDA seal was displayed with a green outer ring rather than brown. **Corrective Actions:** Annex 2-Minutes of technical meeting, agenda topics, and list of participants was submitted as evidence of the training received by all of staff pertaining to labels of packaged products and updated on the correct usage of the phrase “certified organic my Mayacert and upon the correct use of the NOP seal. This submission will need to be verified for implementation at the next on-site audit however, objective evidence submitted adequately addresses the noncompliance at this time.*

NP029100A.NC7 – Adequately Addressed – NOP §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.”

1) *Case file review: 1 of 6 files found that the ACA was certifying an operation for “100% organic” sugar, though a non-organic processing aid (Calcium Hydroxide) was being used. (out of compliance with §205.301(f)(4)).*

2) *Case file review and witness audit: 1 of 6 case files reviewed and 1 of 3 witness audits conducted found that the inspector did not conduct the required traceability audit. (out of compliance with §205.201(a)(4)). ACA does not require labels to be submitted, reviewed, or approved prior to certification; they require labels prior to export only. **Corrective Actions:** Annex 5 notification of non-compliance was submitted as evidence that the company for item 1 was given notice to change the incorrect 100% label to organic sugar. Annex 2 minutes of the technical meeting personnel were informed that every operator must be required to submit the label design with the application for certification, or bring it to the office for evaluation. This will need to be verified at the next on-site audit however these submissions adequately address the noncompliance at this time.*

NP029100A.NC8 – Adequately Addressed – 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.” *Resumes of 2 inspectors indicated that they were involved in some consulting, however their conflict of interest disclosure reports do not list the operations for which consulting was provided. **Corrective Actions:** Annex 6 1 and 2 contained a conflict of interest statement from one inspector and a CV showing no current consulting experience, consulting was back in 1998. These submissions adequately address the noncompliance.*

NP029100A.NC9 – Adequately Addressed – NOP §205.501 (a)(15)(i) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Submit to the Administrator a copy of: Any notice of denial of certification issued pursuant to §205.405, notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation sent pursuant to §205.662 simultaneously with its issuance.” *Interviews with the Coordinator of Certification and the Administrative Manager indicated that Mayacert is submitting non-compliances issued on adverse actions but are not submitting any other noncompliances that they have issued. Corrective Actions: Annex 1 MPCO4, paragraph 20 page 21 describes Mayacert’s obligation to send all noncompliances issued, to translate into English and the email address to send the items. Annex 7 also shows the email sent with the submissions for January and February. Past submissions have been sent in but they were unaware of the translation requirement which has been slow. These changes in the Procedure manual combined with the copy of the email adequately address this noncompliance.*

NP029100A.NC10 – Adequately Addressed – NOP §205.504 (b)(1) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in §§205.100 and 205.101, §§205.201 through 205.203, §§205.300 through 205.303, §§205.400 through 205.406, and §§205.661 and 205.662; and its ability to comply with the requirements for accreditation set forth in §205.501: A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates.”

- 1) *ACA does not have an established procedure for product label review demonstrating how the ACA determines compliance with subpart D*
- 2) *Case file review: 1 of 6 files showed that a Notice of Noncompliance with a required timeframe for response as “immediate” was issued on the same day as the updated certificate; both were issued as a result of the annual update inspection. Verbal interview with the Certification Coordinator indicated that a response is required (showing corrective action plan) prior to certificate issuance. A response was not received prior to issuing the certificate.*
- 3) *Mayacert has not updated the livestock procedures or OSP paperwork for the new Pasture Rule.*

Corrective Actions: *Annex 8 Procedures for the approval of labels was submitted for 1) Annex 1 Procedure Manual under paragraph 6.2 follow up for non-conformities page 10 to show a “date for which the corrective actions must be fulfilled” and certification can only take place after non-conformities have been corrected. In addition, Mayacert submitted a new revised version of the OSP dated June 2011 including sections that have changed under the new Pasture Rule. These submissions will need to be verified at the next on-site audit however these corrective actions adequately address the noncompliance at this time.*

NP029100A.NC11 – Adequately Addressed – NOP §205.510 (a) states, “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...” *According to interviews with the Coordinator of Certification and the Administrative Manager the annual reports are not being submitted as required. According to the NOP records the 2009 and 2010 annual reports have not been submitted. **Corrective Actions:** Annex 1 MPCO4 paragraph 20, page 22, shows the procedures for sending in an annual report and list of operations. In addition, Mayacert provided a copy of an email showing that they sent in the 2010 list of operations and the annual report. This will need to be verified at the next on-site audit however these submissions adequately address the noncompliance at this time.*

NP029100A.NC12 – Adequately Addressed – NOP §205.642 states, “Fees charged by a certifying agent must be reasonable, and a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator. The certifying agent shall provide each applicant with an estimate of the total cost of certification and an estimate of the annual cost of updating the certification. The certifying agent may require applicants for certification to pay at the time of application a nonrefundable fee which shall be applied to the applicant's fees-for-service account. The certifying agent may set the nonrefundable portion of certification fees; however, the nonrefundable portion of certification fees must be explained in the fee schedule submitted to the Administrator. The fee schedule must explain what fee amounts are nonrefundable and at what stage during the certification process fees become nonrefundable. The certifying agent shall provide all persons inquiring about the application process with a copy of its fee schedule.” *6 invoices and cost estimates were reviewed; the following was found:*

- 1) There were 6 instances over 4 invoices where the operation was not being charged in accordance with the fee schedule printed; the costs were lowered from the printed schedule. The fee schedule does not have any provisions allowing modifications of printed fees.*
- 2) There was 1 instance where an operation was being charged a fee (\$100 fee for CERES co-certification) that was not included in fee schedule. **Corrective Actions:** Mayacert submitted Annex 13 Table of Rates showing how the rate may vary depending on the outcome or time it takes to complete the audit and also shows a minimum for charges allowed and how the charges may vary depending on the size of the production unit inspection time. This will need to be verified at the next on-site audit however these submissions adequately address the noncompliance at this time.*

NP029100A.NC13 – Adequately Addressed – NOP §205.662 states, “(a)When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide:

- (1) A description of each noncompliance;
- (2) The facts upon which the notification of noncompliance is based; and
- (3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(b) *Resolution.* 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.

(c) *Proposed suspension or revocation.* When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state..." *Mayacert does not have a procedure in place that adequately addresses compliance with this section.*

1) In August 2010, Mayacert was issued a non-compliance from the NOP office regarding the suspension of an operation as a result of a complaint received from an outside source. Mayacert responded with a procedure showing that an operation could first have their certification "reduced", "suspended" or "cancelled" and then an investigation would be conducted. The procedure continues on to indicate that, after the investigation and results and if appropriate, Mayacert would be the responsible party for reinstating certification.

2) Verbal interviews with certification staff indicated that operations that were 2 months late (from their annual renewal date) in submitting their annual update paperwork would immediately receive a notice of "cancellation of certification."

3) Procedure in place established in response to NOP Notice of Noncompliance does not adequately demonstrate compliance with §205.661 and §205.662.

*4) There is no general procedure in place demonstrating compliance with or ACA understanding of §205.662. **Corrective Actions:** Mayacert submitted Annex 4 Manual to suspend or cancel an operator's certification... This document establishes a written procedure that must be followed when suspending or revoking an operation. The document is very general, and has translation issues but basically emulates §205.662. This will need to be verified at the next on-site audit however this submission adequately addresses the noncompliance at this time.*