



United States Department of Agriculture

Agricultural Marketing Service
National Organic Program

CERTIFICATE OF ACCREDITATION

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Promenade Street 235, Providence, Rhode Island, 02908, U.S.A.

meets all the requirements prescribed in the USDA National Organic Program Regulations

7 CFR Part 205

as an Accredited Certifying Agent

for the scope of

Crops, Livestock Operations

This certificate is receivable by all officers of all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture .

Status of this accreditation may be verified at <http://www.ams.usda.gov>

Certificate No: **USDA-35-19**

Effective Date: **10/22/2017**

Renewal Date: **10/22/2022**

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Deputy Administrator
National Organic Program



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NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Rhode Island Department of Environmental Management, RIDEM
- **Physical Address** 235 Promenade Street, Providence, Rhode Island 02908
- **Audit Type** Mid-term Audit
- **Auditor(s) & Audit Dates** Alison Howard and Alicia Hudson, 04/12/2021 to 04/16/2021
- **Audit Identifier** NOP-88-20

CERTIFIER OVERVIEW

RIDEM is a state agency accredited on October 22, 2002 to the USDA National Organic Program (NOP). The RIDEM Organic Certification Program certifies 22 operations to the following certification scopes: Crops (22) and Livestock (1). RIDEM's office is in Providence, Rhode Island and provides certification services in the state of Rhode Island. Certification services are performed by the program manager and ten organic certification specialists. Administrative personnel do not conduct certification activities.

No witness audits were conducted.

NOP DETERMINATION:

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

Any noncompliance labeled as "**Cleared**," indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as "**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-3446-20 – Cleared.

AIA-3447-20 – Cleared.

AIA-3448-20 – Cleared.

AIA-3449-20 – Cleared.

AIA-3450-20 – Cleared.

AIA-3451-20 – Cleared.

Non-compliances Identified during the Current Assessment

AIA-6322-21 - Accepted. 7 C.F.R. §205.501(a)(7) states, “A private or governmental entity accredited as a certifying agent under this subpart must: have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation.”

Comments: RIDEM does not have an annual program review of all its certification activities, which does not meet the requirements of NOP 2025 Internal Program Review. The auditor’s review of RIDEM’s 2019 and the 2020 Internal Program Review Reports found that RIDEM did not conduct an internal program review of all its certification activities in 2019 and 2020.

Corrective Action: RIDEM’s 2021 Annual Internal Program Review included all its certification activities. To ensure the noncompliance will not be repeated, RIDEM amended their RICO 809 Internal Program Review Report form to specify that all certification activities will be reviewed using form NOP 2024-1 Annual Report Checklist and sections as needed of form NOP 2005—NOP Accreditation Assessment Checklist. The RIDEM Organic Program Manual was amended in Section 6(e) to specify that “Internal Program Review will be conducted as required by NOP Standard 205.501(a)(7) and according to Instruction NOP 2025 of all certification activities, using form NOP 2024-1 Annual Report Checklist and sections as needed of form NOP 2005 Accreditation Assessment Checklist, and results will be summarized and communicated with form RICO 809—Internal Program Review Report.” RIDEM staff were trained on 1/13/22 on the amended form, program manual and procedures. RIDEM submitted the 2021 Annual Internal Program Review along with all updated documents and policies for NOP review.

AIA-6338-21 - Accepted. 7 C.F.R. §205.403(c)(2) states, “The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;”

Comments: RIDEM’s inspectors do not fully verify an operation’s compliance with the USDA organic regulations. The auditor’s review of certification files found that inspectors are inconsistently recording information regarding the mass balance and traceback exercises conducted during the inspection.

Corrective Action: RIDEM amended the Organic Crop and Livestock Inspection Report templates, RICO forms 201 Section R and 205 Section T, respectively, with sections for mass balance and traceback exercises. RICO form 810 Organic Farm Inspector Job Description and Terms of Agreement was amended in Sections B.6. and D.6. to require the inspector to complete traceback and mass balance sections of inspection reports. RICO form 811 Inspection Request and Instructions was amended in the Additional Instructions section to add inspector instructions for traceback and mass balance audits. RIDEM's contract inspector was trained on the new traceback and mass balance audit procedures on 5/21/21 and completed OILC training courses NOP-080 Traceability Techniques, and NOP-320 Conducting Yield Analysis on 11/4/21 and 11/17/21 respectively. RIDEM's program administrator completed the OILC training course NOP-080 Traceability Techniques on 7/26/21. RIDEM staff were trained on 1/13/22 on the amended forms and procedures. RIDEM submitted all updated documents for NOP review.

AIA-6341-21 - Accepted. 7 C.F.R. §205.501(a)(2) states, "A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart."

Comments: RIDEM's documented policies and procedures do not demonstrate the ability to fully comply with the requirements for accreditation. Specifically, the auditor's review of RIDEM's Organic Certification Program Manual found that RIDEM does not have a policy for verifying whether the materials used by an operation comply with the requirements of §205.105, Allowed and prohibited substances, methods, and ingredients in organic production and handling. Additionally, RIDEM does not have procedures for evaluating materials according to the requirements of NOP 3012 Interim Instruction Material Review.

Corrective Action: RIDEM Organic Certification Program Manual Section 6(e) was amended by adding Input material review policy and procedures for verification of compliance with NOP Standard 205.105 and NOP 3012 Interim Instruction Material Review. This includes specification of Protocols and Procedures including for Determination of Input Material Compliance, Documentation of Reviews, Frequency of Reviews, Reviewer Proficiency and Contracted Reviews, and Products with Multiple Reviews. RICO 308 Input Material Review Audit materials list spreadsheet, used by RIDEM for managing and documenting input material reviews, will be used to record the most recent review and approval date, and the next review due date. RIDEM will monitor RICO 308 annually and prioritize the re-review of materials. RIDEM staff were trained on 1/13/22 on the amended form, program manual and procedures.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of Rhode Island Department of Environmental Management (RIDEM) organic program was conducted on September 24-28, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess RIDEM's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Rhode Island Department of Environmental Management (RIDEM)
Physical Address	235 Promenade Street Providence, RI 02908
Mailing Address	235 Promenade Street Providence, RI 02908
Contact & Title	Matt Green, Environmental Scientist
E-mail Address	matt.green@dem.ri.gov
Phone Number	401-222-2781
Reviewer Auditor	Jason Lopez, NOP Reviewer; Graham Davis, On-site Auditor.
Program	USDA National Organic Program (NOP)
Review Audit Dates	Corrective Actions Review: May 20, 2019 NOP assessment review: May 10 and 20, 2019 Onsite audit: September 24-28, 2018
Audit Identifier	NOP-23-18
Action Required	No
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of RIDEM's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	RIDEM's certification services in carrying out the audit criteria during the period: December 2015 through September 2018.

The Rhode Island Department of Environmental Management (RIDEM) Organic Certification Program is administered by the Plant Industry Section of the Agriculture and Resource Marketing Division. RIDEM consists of one office, and all certification activities are conducted at the Providence, Rhode Island office. RIDEM has been accredited by as a certifying agent of the NOP since October 2002. RIDEM is accredited for the scopes of crops and livestock. RIDEM has 18 clients certified to the NOP (17 crops and 1 livestock). The operations are all located in Rhode Island.

The RIDEM organic certification staff consists of the Chief of the Division of Agriculture and Resource Marketing and an Environmental Scientist (Organic Program Manager) who is also the staff inspector. In 2018, RIDEM contracted with an inspector to conduct all their inspections.

Witness audits were conducted during an annual inspection of a livestock operation and an annual inspection of a crop operation.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether RIDEM 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 onsite audit.

Noncompliances from Prior Assessments

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

NP5341PZA.NC1 – Cleared.

NP5341PZA.NC2 – Cleared.

NP5341PZA.NC3 – Cleared.

NP5341PZA.NC4 – Cleared.

NP5341PZA.NC5 – Cleared.

NP5341PZA.NC6 – Cleared.

Noncompliances Identified during the Current Assessment

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

NOP-23-18.NC1 – Accepted. 7 C.F.R. §205.403(d) states, “The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.”

Comments: *Auditor reviewed several inspection reports that noted issues of concern in the inspection report that were not listed on the exit interview form. In cases where the exit interview form listed issues of concern, the inspector failed to cite the appropriate organic regulation for each issue of concern.*

Corrective Actions: RIDEM has revised its policies and documents to ensure that all issues of concern identified in the inspection report are recorded on the exit interview document with appropriate citations of the USDA organic regulations. Specifically, RIDEM incorporated this requirement into its farm inspector job description, contract terms of agreement, and inspector

annual performance evaluation form. RIDEM's revised inspection forms state "Areas of concern: (List here all issues of concern that were identified and noted in the inspection report. Include for each the appropriate NOP Standard citation.)" in the exit interview section of the form. The RIDEM program manual now requires all inspectors to receive training on the exit interview requirements and agree to completing the exit interview requirements. RIDEM trained staff on March 3, 2019 on the amended forms, program manual and procedures. New inspectors will be trained prior to conducting inspections for RIDEM.

NOP-23-18.NC2 – Accepted. 7 C.F.R. §205.405(c)(1) states that, "After issuance of a notification of noncompliance, the certifying agent must: Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and..."

Comments: *RIDEM issued a Notice of Noncompliance and Notice of Denial of Certification to an applicant on the same day. RIDEM didn't give the applicant the opportunity to respond to the Notice of Noncompliance before issuing the Notice of Denial.*

Corrective Actions: RIDEM submitted its revised Organic Certification Program Manual, notice of denial, and combined notice of noncompliance/denial, which now include timeframes for the client to provide a response. The revisions to the Organic Certification Program Manual appropriately address the requirements for issuing each notice, the options for responding, and includes timeframes for the client to respond. RIDEM staff were trained/notified of these policy and template changes on May 16, 2019.

NOP-23-18.NC3 – Accepted. 7 CFR §205.504(b)(2) 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 for reviewing and investigating certified operation compliance with the Act and the regulations in this part and the reporting of violations of the Act and the regulations in this part to the Administrator."

Comments: *A review of RIDEM's policies and procedures revealed that RIDEM does not have the following policies:*

- *A policy for accepting the certification decisions made by another certifying agent accredited or accepted by USDA pursuant to §205.500 and in accordance with 7 CFR §205.501(a)(13).*
- *A policy for refraining from making false or misleading claims about its accreditation status, the USDA accreditation program for certifiers, or the nature or qualities of products labeled as organically produced in accordance with 7 CFR §205.501(a)(14).*

Corrective Actions: RIDEM submitted its revised Organic Certification Program Manual, which now includes policy statements that demonstrate RIDEM complies with the requirements of 7 CFR §205.501(a)(13) – (14). RIDEM staff were trained on the amended program manual on March 21, 2019.

NOP-23-18.NC4 – Accepted. 7 C.F.R. §205.402(a)(2) states that "Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application

materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part...”

Comments: *Auditor reviewed an operations file that listed retail sales in their crop plan (OSP). The label in the operation’s file did not contain the “Certified by ***” statement. RIDEM staff indicated that the label had been approved.*

Corrective Actions: RIDEM required the operation to correct the noncompliant label. RIDEM has submitted its amended review checklist, which now includes sections for verification of label compliance for each labeling category. RIDEM’s Organic Certification Program Manual has been revised to now require labels to be reviewed for format and use. RIDEM staff were trained on the policy change on March 21, 2018.

NOP-23-18.NC5 – Accepted. 7 C.F.R. §205.402(a)(2) Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part.”

Comments: *Auditor reviewed copies of labels submitted by operations and there was no indication if the labels had been reviewed, approved, or denied.*

Corrective Actions: RIDEM submitted its revised Organic Certification Program Manual, which now requires label reviewers to record the date of label review, the reviewer’s initials, the approval status, and the category of use for which it was reviewed. RIDEM also revised its review checklists to include information regarding what must be submitted by an operation for label reviews. RIDEM staff were trained on the revised forms and procedures on March 21, 2019.

NOP-23-18.NC6 - Accepted. 7 CFR §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2608 Instruction: Responding to Noncompliances, Section 5.1.5(c), states, “Objective evidence must be provided for each noncompliance, showing how the noncompliance was corrected and will prevent noncompliance reoccurrence.”

Comments: *A review of operation responses to Notices of Noncompliance found the responses indicated how the noncompliance was corrected. The corrective actions, however, did not include documentary evidence to show implementation of a preventative action.*

Corrective Actions: RIDEM submitted its revised notice of noncompliance, which now includes a link to NOP 2608 Instruction-Responding to Noncompliances. The notice additionally states that objective evidence of the correction of the noncompliance and the prevention of future occurrences must be submitted. RIDEM staff were trained on the revised form and policy changes on March 21, 2019.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a mid-term assessment of the Rhode Island Department of Environmental Management (RIDEM). An onsite audit was conducted, and the audit report reviewed to determine RIDEM's capability to continue operating as a USDA accredited certifier. This report provides the results of the mid-term assessment and review of RIDEM's corrective actions.

GENERAL INFORMATION

Applicant Name	Rhode Island Department of Environmental Management (RIDEM)
Physical Address	235 Promenade Street, Providence, RI 02908
Mailing Address	235 Promenade Street, Providence, RI 02908
Contact & Title	Matt Green, Environmental Scientist
E-mail Address	Matt.Green@dem.ri.gov
Phone Number	(401) 222-2781 ext. 4516
Reviewer(s) & Auditor(s)	Robert Yang, NOP Reviewer; Penny Zuck and Lars Crail, On-site Auditors.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	NOP Corrective Action Review: June 21 – Jul 6, 2016 NOP assessment review: February 16, 2016 On-site audit: December 7 – 11, 2015
Audit Identifier	NP5341PZA
Action Required	None
Audit & Review Type	Mid-Term Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of RIDEM's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	RIDEM's certification services in carrying out the audit criteria during the period: August 20, 2014 through December 11, 2015

The Rhode Island Department of Environmental Management (RIDEM) organic certification program is administered by the Plant Industry Section of the Agriculture and Resource Marketing Division. RIDEM has been accredited as a certifying agent by the National Organic Program (NOP) since October 2002. RIDEM is accredited for the scopes of crops and livestock. RIDEM currently certifies sixteen operations to the USDA organic regulations. Fifteen operations are certified for crops and one operation is certified for livestock. The operations are all located in Rhode Island. RIDEM does not certify handling operations or grower groups.

NOP DETERMINATION:

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

Non-compliances from Prior Assessments

Any noncompliance labeled as "**Cleared**," indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as "**Outstanding**" indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance.

None.

Non-compliances Identified during the Current Assessment

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

NP5341PZA.NC1 – Accepted. 7 CFR § 205.662(c)(1) – (4) states, "When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state: the reasons for the proposed suspension or revocation; the proposed effective date of such suspension or revocation; the impact of a suspension or revocation on future eligibility for certification; and the right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681."

Comments: *The review of certification files revealed that RIDEM's notices of proposed suspension included the option for the operation to correct the noncompliances. In two instances, RIDEM accepted corrective actions and issued the operations a noncompliance resolution notification. The only options for operations that are issued a notification of proposed suspension is to either request mediation or file an appeal.*

2016 Corrective Action: RIDEM revised its Rhode Island Certified Organic (RICO) 504 Proposed Suspension of Certification form by removing the option for an operation to correct noncompliances and including detailed information for options to either request mediation or file an appeal. RIDEM also developed new forms for mediation requests and settlement agreements – RICO 510 Request of Mediation and RICO 511 Settlement Agreement. The RIDEM Organic Certification Program Manual (Updated March 25, 2016) was amended to include a policy

statement that RIDEM may enter into settlement agreements. RIDEM provided its certification staff with training on the revised documents and procedures on March 25, 2016.

NP5341PZA.NC2 – Accepted. 7 CFR § 205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” Additionally, NOP 2027 Instruction Personnel Performance Evaluations, Section 3.2, states “Certifying agents conducting performance reviews should use the following kinds of evaluation criteria:

a. Performance criteria

i. Knowledge, Skills, and Abilities

Defined competency system that assesses technical and interpersonal competencies, including whether personnel have sufficient expertise in organic production or handling techniques, the ability to work competently and effectively with clients and colleagues, and knowledge of the USDA organic regulations applicable to perform the duties assigned.

ii. Responsibilities

Personnel engage in timely planning, preparation, and follow-up of certification activities. This may include time management, deliverable review quality, and completeness of work.”

Comments: *The review of personnel performance evaluations revealed that certification staff are not evaluated against the evaluation criteria of NOP 2027. Performance reviews are limited to an evaluation of whether the employee has satisfactorily performed the duties relevant to the Division of Agriculture’s organic certification program.*

2016 Corrective Action: RIDEM revised its RICO 802 Personnel Performance Evaluation and RICO 807 Inspector Performance Field Evaluation forms to include the criteria of NOP 2027. RIDEM provided its certification staff with training on the revised forms on March 25, 2016.

NP5341PZA.NC3 – Accepted. 7 CFR § 205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” Additionally, NOP 2025 Instruction Internal Program Review, Section 3.1, states “Internal program reviews are conducted by personnel different from those who perform certification activities.”

Comments: *RIDEM’s 2015 annual program review was conducted by the Environmental Scientist and supervised by the Chief of the Division of Agriculture, both of whom performed the certification activities that were reviewed.*

2016 Corrective Action: RIDEM’s annual program review will no longer be conducted by staff who conduct certification activities. It will be conducted by the Senior Environmental Scientist from the RIDEM Division of Compliance and Enforcement. RIDEM also developed a new RICO 809 Internal Program Review Report template for its annual program review. The RIDEM Organic Certification Program Manual (Updated March 25, 2016) was amended to include the name of the staff person who conducts the annual program review, and the process for

conducting the review. RIDEM provided its staff with training on the revised template and procedures on March 25, 2016.

NP5341PZA.NC4 – Accepted. 7 CFR § 205.504(b)(2) 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 ...: A copy of the procedures to be used for reviewing and investigating certified operation compliance with the Act and the regulations in this part and the reporting of violations of the Act and the regulations in this part to the Administrator.” Additionally, 7 CFR § 205.661(a) states “Certifying agent may investigate complaints of noncompliance with the Act or regulations of this part concerning production and handling operations certified as organic by the certifying agent. A certifying agent must notify the Program Manager of all compliance proceedings and actions taken pursuant to this part.”

Comments: *Although an interview with certification staff indicated that RIDEM has not received any complaints since the last accreditation assessment, RIDEM does not have a procedure for handling complaints of noncompliance with the Act or USDA organic regulation concerning its certified operations.*

2016 Corrective Action: RIDEM developed a procedure for handling complaints of noncompliance with the Act or USDA organic regulations – RICO 808 Complaint-Handling Procedure. The RIDEM Organic Certification Program Manual (Updated March 25, 2016) was also amended to include a reference to RICO 808 Complaint-Handling Procedure as RIDEM’s procedures for handling all complaints of noncompliance with the Act or USDA organic regulations. RIDEM provided certification staff with training on the revised procedures on March 25, 2016.

NP5341PZA.NC5 – Accepted. 7 CFR § 205.501(a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart 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.” Additionally, NOP 2601 Instruction The Organic Certification Process states, “The final review of the inspection report and the certification decision steps may be performed by the same person, but that person may not be the inspector.”

Comments: *The review of one new applicant certification file revealed that one person – the Environmental Scientist – conducted the review of the application; issued the applicant an Initial Review & Notice of Noncompliance for noncompliances resulting from the initial review; issued the applicant a notification of noncompliance resolution after determining that the responses were sufficient; conducted the inspection; reviewed the inspection report; issued the applicant a Notice of Noncompliance for noncompliances resulting from the inspection; and issued the applicant a Notice of Noncompliance Resolution after determining that the applicant’s responses were sufficient.*

2016 Corrective Action: RIDEM no longer allows its Environmental Scientist to inspect an operation for which the Environmental Scientist will be reviewing the operation’s inspection report or performing certification decision steps. RIDEM contracted with one inspector to

conduct its farm inspections, and is in the process of contracting additional inspectors. RIDEM also plans to train its Deputy Chief to assist with issuing adverse action notices, conducting final reviews of applications, and making certification decisions. The RIDEM Organic Certification Program Manual (Updated March 25, 2016) was amended to include specific roles of organic program staff and contract inspectors. RIDEM provided its certification staff with training on the amended certification program manual on March 25, 2016.

NP5341PZA.NC6 – Accepted. 7 CFR § 205.405(c)(1)(ii) states, “After issuance of a notification of noncompliance, the certifying agent must: ... When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.”

2015 Comments: *The review of one new applicant certification file revealed that RIDEM incorrectly stated on its Initial Review & Notice of Noncompliance, “Failure to provide corrective action or rebuttal sufficient for the applicant to qualify for certification may result in a written notice of noncompliance or proposed suspension of certification.” If an applicant’s corrective action or rebuttal is not sufficient for the applicant to qualify for certification, the certifying agent must issue the applicant a written notice of denial of certification.*

2016 Corrective Action: RIDEM revised its RICO 501 Notice of Noncompliance by removing the noncompliant statement. The revised form will also be used as RIDEM’s combined Initial Review & Notice of Noncompliance for applicants and certified operations. RIDEM provided its certification staff with training on the revised form on March 25, 2016.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

Corrective actions from the 2012 Renewal Audit were verified and found to be implemented and effective during the 2014 on-site assessment. The non-compliances were cleared during this review assessment.

GENERAL INFORMATION

Applicant Name	Rhode Island Department of Environmental Management (RIDEM)
Physical Address	235 Promenade Street, Providence, RI, 02908
Mailing Address	Same
Contact & Title	Matt Green, Program Coordinator
E-mail Address	Matt.Green@dem.ri.gov
Phone Number	401-222-2781 Ext 4516
Reviewer(s) & Auditor(s)	Janna Howley, NOP Reviewer; David J. Hildreth, Onsite Auditor.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Review Date: October 8, 2014 Audit Dates: August 19-20, 2014
Audit Identifier	NP4231ACA
Action Required	None
Audit & Review Type	Corrective Action Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of RIDEM's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	RIDEM's certification services in carrying out the audit criteria during the period: 2012-2014

The Rhode Island Department of Environmental Management (RIDEM) Organic Certification Program is administered by the Plant Industry Section of the Agriculture and Resource Marketing Division. RIDEM has been accredited as a certifying body since October 22, 2002, to the National Organic Program (NOP). RIDEM was initially accredited for the scopes of crops and handling and on September 17, 2008 for livestock. However, on January 20, 2014, RIDEM surrendered its handling certification (scope).

RIDEM currently has 13 clients certified to the NOP and all 13 operations are certified to the crop scope. The operations are all located in Rhode Island. There are no grower groups or livestock operations certified by RIDEM. RIDEM consists of one office and all certification activities are conducted at the Providence, Rhode Island office.

BACKGROUND:

In response to RIDEM's 2012 renewal audit, RIDEM submitted corrective actions to the NOP on October 8, 2013 and November 14, 2013. The proposed corrective actions demonstrated how existing noncompliances were remedied and also indicated how RIDEM's quality management system would be modified to prevent future noncompliances. In December 2013, the NOP renewed RIDEM's accreditation on the condition that it receives an additional compliance audit in 2014. The corrective actions from 2013 were verified during the August 19-20, 2014 Corrective Action Audit.

NOP DETERMINATION:

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

Non-compliances from Prior Assessments

Any noncompliance labeled as "**Cleared**," indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as "**Outstanding**" indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance.

NP2253ACA.NC1 – Cleared - NOP § 205.406 (b) states, "Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall within a reasonable time arrange and conduct an on-site inspection of the certified operation pursuant to §205.403..."

Comments from 2012 audit: *As of September 2012, four of the eight certification files reviewed had not yet been inspected. RIDEM completed the initial reviews of these four files between February and May 2012.*

RIDEM's Corrective Actions (2013): RIDEM inspected four of the eight operations by March 2013; two others surrendered their certification. The remaining two inspections were still being scheduled as of October 2013. RIDEM has assigned an additional staff member to the program to complete organic inspections. The new staff member conducts other inspections for RIDEM. RIDEM submitted a training plan through April 2014 for the new inspector covering 10 online NOP training modules and 17 NOP handbook documents. She will also attend IOIA crop and livestock inspector training in May 2014, and she is shadowing the currently RIDEM inspector in the field. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload. This will reduce its total clients from 22 to 16.

Verification of Corrective Action (2014): With the reduction in clients and the hiring of two interns to help with the Program Coordinator's additional duties of Nursery Inspections, the additional staff member is not needed, although the Program Manager stated she is available if needed. A review of RICO Form 805 and Form 806 indicates that with the reduction in scope the program is being kept up to date.

NP2253ACA.NC2 – Cleared - NOP § 205.403(a)(1) states, “A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.”

Comments from 2012 audit: *One crop operation has not been inspected since 2010. RIDEM received an annual update from the farm in both 2011 and 2012; however, the Program Coordinator stated that other priorities prevented them from completing an inspection. In addition, two orchards were not inspected in 2011. The operations submitted annual updates in both 2011 and 2012.*

RIDEM’s Corrective Actions (2013): RIDEM completed all inspections for the 2011 annual updates between August 2011 and December 2012. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload. This will reduce its total clients from 22 to 16. The program manager will now review all applications weekly to ensure timely inspections are scheduled. RIDEM submitted a new organic certification checklist and a revised program manual as evidence.

Verification of Corrective Action (2014): The total client list consists of 13 certified clients as of the day of the assessment. RIDEM does not expect any new applications this year. All applications are reviewed daily and the form, RICO 805, is filled out to keep track of what is due and when. It appears that all update inspections will be accomplished this year.

NP2253ACA.NC3 – Cleared - NOP § 205.406 (d) states, “If the certifying agent determines that the certified operation is complying with the Act and the regulations in this part and that any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to § 205.404(b).”

Comments from 2012 audit: *At the September 2012 audit, two of the eight files reviewed showed that RIDEM had not yet made certification decisions or issued certification decisions on applications from the 2011 certification cycle.*

RIDEM’s Corrective Actions (2013): *RIDEM completed all certification decisions for the 2011 annual updates between August 2012 and March 2013. RIDEM has assigned an additional staff member to the program to complete organic inspections. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload.*

Verification of Corrective Action (2014): A review of the records indicates that with the reduction in scope the program is being kept up to date. All inspections are up to date; as of the time of the audit, only six currently certified operations remained due for inspection in 2014. The Program Coordinator is actively working with its clients to schedule the inspections prior to the end of the season.

NP2253ACA.NC4 – Cleared - NOP § 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 from 2012 audit: *Two operations did not submit updated organic system plans in response to RIDEM’s annual reminder. RIDEM did not issue these operations a Notice of Noncompliance for failure to comply with §205.406, Continuation of certification.*

RIDEM's Corrective Actions (2013): In November 2012, RIDEM issued a Notice of Noncompliance to all of the operations which did not submit an updated organic system plan by the deadline. RIDEM will now conduct an application processing review to ensure that notices are issued in a timely manner. The program manager will review the status of all notices and responses on a weekly basis. RIDEM submitted a new application processing form and a revised program manual as evidence.

Verification of Corrective Action (2014): The auditor reviewed all recently issued Notices of Noncompliance. RIDEM's application processing review was verified and the auditor confirmed notices are being issued in a timely manner.

NP2253ACA.NC5 – Cleared - NOP § 205.662(b) states, “When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.”

Comments from 2012 audit: *After receiving a Notice of Noncompliance for failure to submit an updated organic system plan, one operation responded with an updated OSP and corrective actions. RIDEM did not send this operation a Notice of Noncompliance Resolution.*

RIDEM's Corrective Actions (2013): RIDEM issued this operation a Notice of Noncompliance Resolution on October 2, 2012. RIDEM instituted a new certification checklist to record all steps of the certification process, and the program manager will audit this information weekly.

Verification of Corrective Action (2014): The new certification checklist was found to be in use and all notices of Non-Compliance Resolution have been issued as required.

NP2253ACA.NC6 – Cleared - NOP § 205.662(c) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.”

Comments from 2012 audit: *RIDEM sent a Notice of Noncompliance to an operation in April 2012 for failure to submit its 2011 annual update. The operation did not respond within 30 days, as required by the notice. As of the September 2012 audit, RIDEM had not issued a Notice of Proposed Suspension to the operation.*

RIDEM's Corrective Actions (2013): RIDEM issued a Notice of Noncompliance to the operation for failure to submit an annual update in August 2012. The operation responded with a completed update form in September, and RIDEM issued a Notice of Noncompliance Resolution in October. At the time of the corrective action report, all certified operations had submitted their annual updates to RIDEM.

Verification of Corrective Action (2014): The review found that with the new certification checklist, all Notices of Noncompliance and notices of Non-Compliance Resolution have been issued as required.

NP2253ACA.NC7 – Cleared - NOP § 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 from 2012 audit: *File reviews indicate that RIDEM has not completed application reviews or onsite inspection for numerous clients. Interviews with the staff indicated that there is only one inspector on staff, and that the inspector’s other assignments were too time-consuming to accomplish inspections.*

RIDEM’s Corrective Actions (2013): RIDEM has assigned an additional staff member to the program to complete organic inspections, which will allow the current inspector and program reviewer more time to complete file reviews and issue notices. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload.

Verification of Corrective Action (2014): With the reduction in clients and the hiring of two interns to help with the Program Coordinator’s additional duties of Nursery Inspections the additional staff member is not needed, although the Program Manager stated she is available if needed. A review of the records indicates that with the reduction in scope the program is being kept up to date.

Applicant Name:	Rhode Island Department of Environmental Management (RIDEM)
Physical Address:	235 Promenade St. Providence, RI 02908
Mailing Address:	Same
Contact & Title:	Matt Green, Program Coordinator
E-mail Address:	Matt.green@dem.ri.gov
Phone Number:	401-222-2781
Auditor(s):	Betsy Rakola
Program:	USDA National Organic Program (NOP)
Audit Date(s):	October 29 – December 13, 2013
Audit Identifier:	NP2253ACA
Action Required:	No
Audit Type:	Corrective action review
Audit Objective:	To verify review and approve corrective actions addressing the non-compliances identified during the September 10-14, 2012 Renewal Assessment.
Audit Criteria:	7 CFR Part 205, National Organic Program; as amended.
Audit Scope:	RIDEM's October 8, 2013 response letter to the Renewal Assessment non-compliance report
Location(s) Audited:	Desk

GENERAL INFORMATION

The Rhode Island Department of Environmental Management (RIDEM) Organic Certification Program is administered by the Plant Industry Section of the Agriculture and Resource Marketing Division. RIDEM was initially accredited as a USDA National Organic Program (NOP) certifying agent on October 22, 2002 for crops and handling operations. The NOP approved an expansion of RIDEM's accreditation to include livestock operations on September 17, 2008. RIDEM has one office, and all certification activities are carried out within the state of Rhode Island. RIDEM's current client list of certified operations indicated there are 28 operations in the certification program, consisting of 21 crop, 1 livestock, and 6 processing/handling operations.

AUDIT INFORMATION

During the renewal assessment, the corrective actions for the non-compliances identified during the 2010 mid-term assessment (NP0214MMA) were found to be implemented and effective. Those non-compliances were cleared. There were seven new non-compliances identified during this renewal assessment. The NOP issued RIDEM the non-compliances on September 9, 2013. RIDEM submitted a response to the NOP on October 8, and November 14, 2013. The NOP Accreditation Committee reviewed this information on November 21, 2013 and voted to approve the renewal of RIDEM's accreditation on two conditions: one, RIDEM provide more specific information on NC1 and NC6, and two, RIDEM accept an additional compliance audit at its expense during 2014. RIDEM provided the required information on December 3, 2013.

Overall, the response proposed removing RIDEM's handling accreditation in order to reduce its client load by 20-30%. RIDEM also proposed assigning an additional part-time staff member to the organic program to conduct inspections. RIDEM is planning formal organic training for this staff member. RIDEM believes that the reduced workload and additional staff resources will allow for timely and efficient inspections, file reviews, and certification decisions.

FINDINGS

NP0214MMA.NC1 – Cleared

NP0214MMA.NC2 – Cleared

NP0214MMA.NC3 – Cleared

NP0214MMA.NC4 – Cleared

NP0214MMA.NC5 – Cleared

NP2253ACA.NC1 – Accepted. NOP § 205.406 (b) states, "Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall within a reasonable time arrange and conduct an on-site inspection of the certified operation pursuant to §205.403..." *As of September 2012, four of the eight certification files reviewed had not yet been inspected. RIDEM completed the initial reviews of these four files between February and May 2012. RIDEM's Corrective Actions:* RIDEM inspected four of the eight operations by March 2013; two others surrendered their certification. The remaining two inspections were still being scheduled as of October 2013. RIDEM has assigned an additional staff member to the program to complete organic inspections. The new staff member conducts other inspections for RIDEM. RIDEM submitted a training plan through April 2014 for the new inspector covering 10 online NOP training modules and 17 NOP handbook documents. She will also attend IOIA crop and livestock inspector training in May 2014, and she is shadowing the currently RIDEM inspector in the field. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload. This will reduce its total clients from 22 to 16.

NP2253ACA.NC2 – Accepted. NOP § 205.403(a)(1) states, "A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue." *One crop operation has not been inspected since 2010. RIDEM received an annual update from the farm in both 2011 and 2012; however, the Program Coordinator stated that other priorities prevented them from completing an inspection. In addition, two orchards were not inspected in 2011. The operations submitted annual updates in both 2011 and 2012. RIDEM's Corrective Actions:* RIDEM completed all inspections for the 2011 annual updates between August 2011 and December 2012. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload. This will reduce its total clients from 22 to 16. The program manager will now review all applications weekly to ensure timely inspections are scheduled. RIDEM submitted a new organic certification checklist and a revised program manual as evidence.

NP2253ACA.NC3 – Accepted. NOP § 205.406 (d) states, “If the certifying agent determines that the certified operation is complying with the Act and the regulations in this part and that any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to § 205.404(b).” *At the September 2012 audit, two of the eight files reviewed showed that RIDEM had not yet made certification decisions or issued certification decisions on applications from the 2011 certification cycle. RIDEM’s Corrective Actions:* RIDEM completed all certification decisions for the 2011 annual updates between August 2012 and March 2013. RIDEM has assigned an additional staff member to the program to complete organic inspections. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload.

NP2253ACA.NC4 – Accepted. NOP § 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.” *Two operations did not submit updated organic system plans in response to RIDEM’s annual reminder. RIDEM did not issue these operations a Notice of Noncompliance for failure to comply with §205.406, Continuation of certification. RIDEM’s Corrective Actions:* In November 2012, RIDEM issued a Notice of Noncompliance to all of the operations which did not submit an updated organic system plan by the deadline. RIDEM will now conduct an application processing review to ensure that notices are issued in a timely manner. The program manager will review the status of all notices and responses on a weekly basis. RIDEM submitted a new application processing form and a revised program manual as evidence.

NP2253ACA.NC5 – Accepted. NOP § 205.662(b) states, “When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.” *After receiving a Notice of Noncompliance for failure to submit an updated organic system plan, one operation responded with an updated OSP and corrective actions. RIDEM did not send this operation a Notice of Noncompliance Resolution. RIDEM’s Corrective Actions:* RIDEM issued this operation a Notice of Noncompliance Resolution on October 2, 2012. RIDEM instituted a new certification checklist to record all steps of the certification process, and the program manager will audit this information weekly.

NP2253ACA.NC6 – Accepted. NOP § 205.662(c) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.” *RIDEM sent a Notice of Noncompliance to an operation in April 2012 for failure to submit its 2011 annual update. The operation did not respond within 30 days, as required by the notice. As of the September 2012 audit, RIDEM had not issued a Notice of Proposed Suspension to the operation. RIDEM’s Corrective Actions:* RIDEM issued a Notice of Noncompliance to the operation for failure to submit an annual update in August 2012. The operation responded with a completed

update form in September, and RIDEM issued a Notice of Noncompliance Resolution in October. At the time of the corrective action report, all certified operations had submitted their annual updates to RIDEM.

NP2253ACA.NC7 – Accepted. NOP § 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.” *File reviews indicate that RIDEM has not completed application reviews or onsite inspection for numerous clients. Interviews with the staff indicated that there is only one inspector on staff, and that the inspector’s other assignments were too time-consuming to accomplish inspections.* **RIDEM’s Corrective Actions:** RIDEM has assigned an additional staff member to the program to complete organic inspections, which will allow the current inspector and program reviewer more time to complete file reviews and issue notices. In addition, RIDEM will surrender its handling accreditation on January 20, 2014 in order to decrease its workload.

Applicant Name:	Rhode Island Department of Environmental Management (RI DEM) Division of Agriculture and Resource Marketing
Est. Number:	N/A
Physical Address:	235 Promenade Street; Providence, RI 02908
Mailing Address:	235 Promenade Street; Providence, RI 02908
Contact & Title:	R. Matt Green, Supervisor
E-mail Address:	matt.green@dem.ri.gov
Phone Number:	401-222-2781, Ext 4516
Auditor(s):	Meg Kuhn, RAM – East
Program:	USDA National Organic Program (NOP)
Audit Date(s):	October 1 – December 17, 2010
Audit Identifier:	NP0214MMA
Action Required:	No
Audit Type:	Mid-Term Corrective Action Audit
Audit Objective:	To review and approved proposed corrective actions submitted in response to the Mid-Term Audit Report
Audit Criteria:	<i>7 CFR Part 205 National Organic Program, Final Rule</i> , dated December 21, 2000; revised February 17, 2010.
Audit Scope:	RIDEM's submitted proposed corrective actions, in response to the Mid-Term Audit Report
Location(s) Audited:	Desk

AUDIT INFORMATION

ARC auditors conducted a Mid-Term Audit of Rhode Island Department of Environmental Management (RIDEM) on August 2-5, 2010. There were no findings from the previous inspection to be addressed at the Mid-Term Audit and, therefore, no outstanding non-compliances for further review. Five NC findings were identified during the Mid-Term Audit. Corrective Actions for these NCs were requested on August 27, 2010. Corrective Actions were received by the NOP on September 29, 2010.

NP2014MMA.NC1 – Adequately Addressed: NOP §205.204(a) states, “The producer must use organically grown seeds, annual seedlings, and planting stock: Except, That, (1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available, Except, That, organically produced seed must be used for the production of edible sprouts; (2) Nonorganically produced seeds and planting stock that have been treated with a substance included on the National List of synthetic substances allowed for use in organic crop production may be used to produce an organic crop when an equivalent organically produced or untreated variety is not commercially available.” *There was no verification by the witness inspection crop producer or required by the RI DEM that purchased planting stock of apple trees and cherry bushes were untreated or treated with a substance on the National List. Seeds purchased by the operation were verified as being either organic or untreated and non-GMO. The only verification for the planting stock was the requirement that they were not commercially available. Although, the apples and cherries will not be ready for harvest for more than one year it is a concern as the trees and bushes were planted into certified organic fields which*

were intercropped with squash. **Corrective Action:** the operator in question was issued a notice of non-compliance (minor) to provide the information missing from the audit. To address this deficiency within the certification system as a whole, RIDEM has updated procedures of application review, requiring documents to be submitted prior to inspection. The application review checklist has also been updated to trigger the reviewer to require this info prior to inspection. If effectively implemented, this response shows that RIDEM meets accreditation requirements.

NP2014MMA.NC2 – Adequately Addressed: NOP §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... the agent shall grant certification.” And NOP §205.405(c) states, “After issuance of a notification of noncompliance, the certifying agent must: (1) Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and (i) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to §205.404; or (ii) When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.” *An inspection was conducted on an operation in September 2007. RI DEM provided the applicant with a notification of noncompliance and the applicant provided corrective actions. This process has continued back and forth for three years and RI DEM has not granted or denied certification. The back and forth process for this operation started in February 2006 when the operation originally applied for certification. Additionally one other operation applied in March 2006 and another in March 2009 with this same process of the review being conducted; RI DEM providing the applicants with notifications of non-compliances; the applicant providing corrective actions; another review followed by another notification of noncompliance; and as of August 2010 no inspection and no decision on certification has been made.* **Corrective Action:** RIDEM has updated their review procedures to require that a certification decision – either to certify or to deny – is issued within the application year of submission (new clients) or continuation of certification cycle (continuing clients). If applicants are issued a denial of certification, RIDEM now requires that they must re-apply for certification / re-submit documents for certification upon next application. If effectively implemented, this response shows that RIDEM meets accreditation requirements.

NP2014MMA.NC3 – 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.” *In two of four files reviewed RI DEM issued a notification of noncompliance to non-certified applicants for not submitting an updated organic system plan. These are the same applicants that have been going through the certification process from one to four years as identified in NP0214MMA.NC2 with no inspection or official certification decision made.* **Corrective Action:** RIDEM has updated this policy and no longer requires applicants not yet certified to submit updated system plan documents until certification is granted and the next certification cycle begins. The outstanding notices of non-compliance sent to applicants not yet certified were resolved with the applicants. RIDEM now understands the difference between an applicant in the certification system and a certified operation. If effectively implemented, this response shows that RIDEM meets accreditation requirements.

NP2014MMA.NC4 – Adequately Addressed: NOP §205.501(a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart 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.” *For all intents and purposes since the RIDEM Supervisor conducts the initial review; conducts the inspections; issues notifications of non-compliances; reviews corrective actions provided by clients; provides feed-back on corrective actions; and the file does not get reviewed by the Chief until it is in an acceptable status the certification decision is being made by the same person that conducted the initial review and inspection. Interviews conducted verified that the Supervisor reviews the files and completes the top portion of the Decision to Certify (RICO Form 305) document which is the verification portion of the form and the Chief checks a portion for granting, denying, or continuing certification based on the Supervisor’s recommendation and not an independent review of the file and information provided.* **Corrective Action:** RIDEM has updated procedures. RICO Form 305 is the form RIDEM uses to identify review of the inspection report and certification decision by the Chief. It was noted in RIDEM’s response that only the Chief will complete this form upon independent review of the inspection report. RIDEM Supervisor will no longer make a recommendation of certification on this form for the Chief’s approval. RIDEM Supervisor will no longer be included in the certification decision process. If effectively implemented, this response shows RIDEM meets accreditation requirements.

NP2014MMA.NC5 – Adequately Addressed: NOP §205.642 states, “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.” *The RIDEM does not have an actual fee schedule. Instead the certification fee which is a standard fee for all operations is published on the RIDEM website. However, the website does not include information on non-refundable fees that are in the RIDEM Rules Related to Cultural Practices for Branding Products of the Farm.* **Corrective Action:** RIDEM submitted with their response a copy of a newly-established fee schedule, which identifies that all fees are nonrefundable; as such, the stage at which the fee becomes non-refundable is not applicable. RIDEM’s written response indicates, “The fee schedule will be provided to all persons inquiring about the application process and will be posted on the Division website.” If effectively implemented, this response shows RIDEM meets accreditation requirements.