



# United States Department of Agriculture

Agricultural Marketing Service  
National Organic Program

**UTAH DEPARTMENT OF AGRICULTURE AND FOOD**

**751 East 100 North #2100, Price, Utah, 84501, U.S.A.**

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

**7 CFR Part 205**

**as an Accredited Certifying Agent**

for the scope of

**Crops, Handling, Livestock, Wild Crops Operations**

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

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

Certificate No: [USDA-41-24](#)  
Effective Date: [04/29/2022](#)  
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Issue Date: [12/12/2024](#)

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

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CERTIFICATE OF ACCREDITATION



## NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

### GENERAL INFORMATION

- **Certifier Name** Utah Department of Agriculture and Food, (UDAF)
- **Physical Address** 751 East 100 North #2100, Price, Utah 84501
- **Audit Type** Renewal Assessment
- **Auditor & Audit Dates** Patricia Bursten, 10/17/2022 to 10/21/2022
- **Audit Identifier** NOP-44-22

### CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted an onsite Renewal Audit of the Utah Department of Agriculture and Food (UDAF)'s USDA organic certification program covering the period August 3, 2020 to October 14, 2022. The purpose of the audit was to verify UDAF's compliance with the Organic Foods Production Act of 1990 (OFPA), the USDA organic regulations (7 CFR Part 205), and the NOP Handbook. Audit activities included a review of certification activities, interviews with UDAF personnel, a records audit, two onsite witness audits and one review audit. The review audit was conducted at a livestock operation in Utah. The two witness audits consisted of one onsite inspection for a crops operation and one onsite inspection of a handling operation; both operations are in Utah.

UDAF is a state government agency initially accredited on April 29, 2002. UDAF is accredited to the crops, wild crops, livestock, and handling scopes. UDAF's office is in Price, Utah. UDAF certifies 93 operations and offers certification services in Utah, Colorado, Idaho, and Wyoming. Certification activities are performed by the Organic Program Manager, one organic program specialist, one office specialist, and seven inspectors.

## **NOP DETERMINATION:**

NOP reviewed the audit results to determine whether UDAF'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 UDAF.

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-2619-20 – Cleared.**

**AIA-2621-20 – Cleared.**

**AIA-2737-20 – Cleared.**

**AIA-8833-21 – Cleared.**

**AIA-8834-21 – Cleared.**

**AIA-8835-21 – Cleared.**

**AIA-8836-21 – Cleared.**

**AIA-8837-21 – Cleared.**

**AIA-1996-20 – 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 2025 Internal Program Review, Section 2 states, “The internal program review, also referred to as an internal audit, evaluates a certifying agent’s certification system and procedures for the purposes of continuous improvement...”

**Comments:** *UDAF’s annual program review does not evaluate the certification system and its procedures. The annual program review is limited to a desk review of selected certification files to determine whether findings have been correctly issued as noncompliances.*

**Corrective Action:** UDAF has initiated new internal audit procedures. Future audits will consist of an audit checklist (submitted with their corrective actions) to ensure auditors examine all points of UDAF’s organic program. UDAF revised their quality manual to reflect the new procedures regarding their internal audit.

**Verification of Corrective Action:** UDAF's 2019 annual internal review identified issues with completeness of an inspection report that were not addressed in the Internal Review Response prepared by UDAF's program manager to implement corrective actions.

**2022 Corrective Action:** UDAF has updated its Quality Manual with a more detailed process and requirements for the internal reviewer and the program manager. The Quality Manual now states “The Program Manager will add comments and observations on issues that may be potential corrective actions in the review document or Internal Review Response form. Observations and comments on issues determined to not lead to corrective actions will also be addressed and reasoning for the determination will be described.”

**2022 Verification of Corrective Action:** The auditor reviewed UDAF’s 2019 and 2020 annual program reviews and found that they did not comply with **NOP 2025 Instruction Internal Program Review**. UDAF’s annual program reviews were conducted by a person who performs certification activities and did not assess prior findings and implemented

corrective actions of prior program reviews. Additionally, UDAF's 2019 and 2020 annual program reviews did not include review of the adverse action process.

**2024 Corrective Action:** UDAF updated the requirements for who can conduct the internal audit in the Quality Manual. The manual states that the internal audit will be conducted by someone who does not participate in certification decisions and has applicable expertise. In addition, UDAF updated the Internal Review Checklist to require the selection of files to review the adverse action process. UDAF submitted evidence that the 2022 Internal Audit was conducted by appropriate staff.

**AIA-2631-20 – Accepted.** 7 CFR §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:** *UDAF is not carrying out the provisions of the Act and regulations. The auditors' review of certification files found that UDAF's adverse action process does not comply with the requirements of §205.662(c). UDAF failed to issue a proposed suspension after an operation inadequately responded to a noncompliance. UDAF issued a notice of noncompliance to the operation for not allowing outdoor access to poultry. In response, the operation submitted a letter from the Utah State Veterinarian, recommending that chickens remain inside indefinitely due to concerns of Avian Influenza.*

**Corrective Action:** The UDAF Organic Program Manager and one UDAF inspector held a meeting with the Utah State Veterinarian on March 15, 2022. Per recommendations, it was determined that the UDAF organic program will allow certified organic poultry farms to maintain temporary confinement of their birds as per USDA NOP Policy Memo 11-12 due to the current high risk of contraction of Highly Pathogenic Avian Influenza strains. This will be a temporary solution while virus risk levels are elevated. Utah state veterinary management will work with both other state and federal to conduct additional testing to assess the presence of the virus in wild birds and inform UDAF of findings to assist in generating a timeline to begin requiring outdoor access. Poultry farms will be required to allow outdoor access to organic birds if not indicated to be needed due to disease conditions in the area.

**Verification of Corrective Action:** The auditor conducted a review audit of the Livestock (poultry) operation. Due to ongoing concerns of Highly Pathogenic Avian Influenza (HPAI), this audit was not conducted at the poultry facility, but an off-site location instead. At the time of this audit, the HPAI situation in Utah was dire, and no birds were allowed out in most counties. The auditor could not verify this corrective action at the time due to elevated HPAI risk in the area, therefore, the NOP will evaluate the effectiveness of this corrective action at UDAF's next audit.

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

**AIA-2508-22 – 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:** *UDAF's wild crops organic system plan (OSP) and inspection report templates do not demonstrate that UDAF fully complies with the requirements of §205.207 and NOP 5022 Guidance Wild Crop Harvesting. The auditor's review of UDAF's wild crops OSP and*

*inspection report templates identified that they do not include all the required elements for wild crop production.*

**Corrective Action:** UDAF created a new wild crops OSP which includes the required information. UDAF updated the Crops OSP which prompts the applicant or certified entity to submit the new OSP if wild crops are requested for certification. In addition, UDAF created a wild crops initial review form and a wild crops final review form for any operation who have applied for or are certified to the wild crops scope. UDAF updated the current form to prompt the reviewers to use the supplemental initial review and final review forms for wild crops, if applicable.

**AIA-2509-22 – 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:** *UDAF 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 certification files identified the following:*

- 1. UDAF’s organic certificates do not correctly display the statement, “Certified in accordance with the terms of the U.S.-Canada Organic Equivalency Arrangement” for USDA organic products exported to Canada.*
- 2. UDAF’s organic certificates incorrectly identified products as certified to the COR and JAS standards although these products were only eligible for export through trade arrangements.*

**Corrective Action:** UDAF submitted the following corrective actions:

- UDAF updated the Quality Manual which states that products exported under the trade arrangement must be accompanied by documentation that includes the correct attestation. UDAF updated their certificate addendum template to include the correct statement, “Certified in accordance with the terms of the U.S.-Canada Organic Equivalency Arrangement.” UDAF issued all updated certificates with the correct template in 2023.
- UDAF updated their certificate addendum template to include categories of equivalency for Canada, Japan and Korea. UDAF issued all updated certificates with the correct template in 2023.

**AIA-2511-22 – 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:** *UDAF’s settlement agreements do not comply with the requirements of the USDA organic regulations. The auditor’s review of two settlement agreements established by UDAF identified that the settlement agreements did not include a defined period of time for the terms to be completed.*

**Corrective Action:** UDAF updated their Quality Manual to state that settlement agreements must have defined terms for both parties and defined time limit is in which the agreement will be in effect and the terms will be completed. UDAF confirmed that they have not entered into any settlement agreements since the completion of their Renewal Audit.



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## NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

### GENERAL INFORMATION

- **Certifier Name** Utah Department of Agriculture and Food, UDAF
- **Physical Address** 751 East 100 N, Suite 2100, Price, Utah 84501
- **Audit Type** Mid-term Assessment (Desk-audit)
- **Auditors & Audit Dates** Joshua Lindau & Alison Howard, 07/29/2020 to 08/03/2020
- **Audit Identifier** NOP-44-20

### CERTIFIER OVERVIEW

The Utah Department of Agriculture and Food (UDAF) is a state agency located in Price, Utah. UDAF was originally accredited by the USDA National Organic Program (NOP) on April 29, 2002 to certify Crops, Wild Crops, Livestock, and Handling/processing operations. All key certification activities are conducted at the Price, Utah office.

UDAF certifies 80 operations to the following certification scopes: Crops (29), Wild Crops (0), Livestock (2), and Handlers (51). UDAF certifies operations in Utah, Colorado, Idaho, Nevada and Wyoming.

Certification services are performed by the Organic Program Manager, one organic program assistant, two office technician support staff and eight compliance inspectors.

## **NOP DETERMINATION:**

NOP reviewed the audit results to determine whether UDAF'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-1986-20 - Cleared.**

**AIA-1993-20 - Cleared.**

**AIA-1994-20 - Cleared.**

**AIA-1995-20 - Cleared.**

**AIA-1997-20 – Cleared.**

**AIA-1998-20 - Cleared.**

**AIA-1999-20 – Cleared.**

**AIA-2008-20 - Cleared.**

**AIA-1996-20 – 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 2025 Internal Program Review, Section 2 states, "The internal program review, also referred to as an internal audit, evaluates a certifying agent's certification system and procedures for the purposes of continuous improvement..."

**Comments:** *UDAF's annual program review does not evaluate the certification system and its procedures. The annual program review is limited to a desk review of selected certification files to determine whether findings have been correctly issued as noncompliances.*

**2018 Corrective Action:** UDAF has initiated new internal audit procedures. Future audits will consist of an audit checklist (submitted with their corrective actions) to ensure auditors examine all points of UDAF's organic program. UDAF revised their quality manual to reflect the new procedures regarding their internal audit.

**2020 Verification of Corrective Action:** UDAF's 2019 annual internal review identified issues with completeness of an inspection report that were not addressed in the Internal Review Response prepared by UDAF's program manager to implement corrective actions.

**2022 Corrective Action:** UDAF has updated its Quality Manual with a more detailed process and requirements for the internal reviewer and the program manager. The Quality Manual now states "The Program Manager will add comments and observations on issues that may be



potential corrective actions in the review document or Internal Review Response form. Observations and comments on issues determined to not lead to corrective actions will also be addressed and reasoning for the determination will be described.”

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

**AIA-2619-20 – 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 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:** *UDAF incorrectly issued a combined notice of noncompliance and proposed suspension for correctable violations. The auditor reviewed two combined notices of noncompliance and proposed suspension and found that UDAF issued the notices for nonpayment of fees and failure to submit an updated organic system plan (OSP), which are correctable violations.*

**Corrective Action:** UDAF updated its Quality Manual regarding issuance of notices to now state, “The penalty matrix presents generally applicable criteria for determining the appropriate enforcement action when a certifier identifies a violation of the OFPA and/or USDA organic regulations. Importantly, these criteria can be applied to the violation of any of the USDA organic regulations, based on the characteristics of the specific violation. (*Enforcement of the USDA Organic Regulations: Penalty Matrix, NOP 4002*)” which spells out that a Notice of Noncompliance and Proposed Suspension cannot be issued for a noncompliance that is correctable. The UDAF Program Manager will use the USDA NOP Noncompliance and Adverse Actions Flow Chart and the Penalty Matrix (NOP 4002) in conjunction with the regulations determining appropriate actions. The current Program Manager updated this section of the Quality Manual in response to the NOP audit and understands these were correctable violations in the noncompliance and adverse action process. The noncompliance has also been reviewed by the Program Manager in the 2022 Annual Report process.

**AIA-2621-20 – 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:** *UDAF did not issue a timely notice of noncompliance to its certified operation, even though the operation was found to be noncompliant. The auditor’s review of notices of noncompliance found that in one instance where the certified operation failed to submit its annual, updated OSP, UDAF issued the operation a Notice of Noncompliance 11 months after the noncompliance occurred.*

**Corrective Action:** UDAF will be monitoring the dates that notices are issued using UDAF’s google

sheet titled “Task Management – UDAF Organic Program” and using the “2022 Noncompliance” tab to track the timeline for when observations were noted to when noncompliances are issued and ensure it occurs in a timely manner. This spreadsheet tool allows UDAF to prioritize all notices in the noncompliance and adverse action process. The “Task Management” spreadsheet is updated daily by staff and the Program Manager.

**AIA-2631-20 – 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:** *UDAF is not carrying out the provisions of the Act and regulations. The auditors’ review of certification files found that UDAF’s adverse action process does not comply with the requirements of §205.662(c). UDAF failed to issue a proposed suspension after an operation inadequately responded to a noncompliance. UDAF issued a notice of noncompliance to the operation for not allowing outdoor access to poultry. In response, the operation submitted a letter from the Utah State Veterinarian, recommending that chickens remain inside indefinitely due to concerns of Avian Influenza.*

**Corrective Action:** The UDAF Organic Program Manager and one UDAF inspector held a meeting with the Utah State Veterinarian on March 15, 2022. Per recommendations, it was determined that the UDAF organic program will allow certified organic poultry farms to maintain temporary confinement of their birds as per USDA NOP Policy Memo 11-12 due to the current high risk of contraction of highly pathogenic Avian Influenza strains. This will be a temporary solution while virus risk levels are elevated. Utah state veterinary management will work with both other state and federal to conduct additional testing to assess the presence of the virus in wild birds and inform UDAF of findings to assist in generating a timeline to begin requiring outdoor access. Poultry farms will be required to allow outdoor access to organic birds if not indicated to be needed due to disease conditions in the area.

**AIA-2737-20 – 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:** UDAF does not consistently demonstrate the ability to fully comply with the requirements for accreditation. The auditor’s review of certification files found that UDAF is not verifying an operation’s monitoring practices to comply with the requirements of § 205.403(c). UDAF’s OSP templates do not require the operation to describe its monitoring practices.

**Corrective Action:** UDAF updated its Application/OSP templates for Crop, Livestock and Handler/Processor, to include a monitoring section that prompts operations to give a thorough description of monitoring practices and a required written narrative describing standard operating procedures and good management practices for all processes including soil preparation, planting, harvest, buffer harvest, storage, etc. The narrative will provide a more descriptive example of the process needed to verify organic integrity. UDAF also updated the “Application Review Checklist” for each scope of certification added a section for the initial reviewer of the OSP, before an inspection is scheduled, to verify the additional narrative is accurate and in place. All UDAF organic staff attended a training on February 14, 2022 that addressed the changes made to the OSP templates and the

application review forms. The new Application Review Checklists and OSP templates were presented during this training while reviewers were trained on all updates.

**AIA-8833-21 – 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:** *The auditors’ review of UDAF’s 2018 and 2019 annual program review found the internal reviews were conducted by an individual whose resume indicated that they had no organic training nor organic work experience.*

**Corrective Action:** UDAF updated its Quality Manual to state that the internal auditor must have documented NOP experience to conduct the annual program review. UDAF’s Quality Manual now states, “The auditor will be knowledgeable about the program’s filing system and NOP rules and regulations to accurately assess the program’s compliance to the USDA organic regulations.” UDAF discontinued use of the previous auditor responsible for the UDAF Organic Program internal audit because of his lack of USDA organic training.

**AIA-8834-21 – 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:** *UDAF does not consistently ensure that its staff have sufficient expertise in organic production or handling techniques prior to performing the duties assigned. The auditor’s review of certification files and interviews with staff found the following:*

- *UDAF staff reviewed and approved a product using nitrogen as a processing aid and approved the product for 100% organic labeling. UDAF’s determination does not meet the requirements of §205.605(a) which only allows nitrogen to be used on processed products labeled as “organic” or “made with organic”.*
- *UDAF staff reviewed and approved the OSP for a food handling facility that did not describe adequate contamination prevention practices. The food handling operation using quaternary ammonia sanitizer is not monitoring to determine if the OSP cleaning procedures prevent contamination which does not meet the requirements of 205.201(a)(5) that states an operation must develop an organic system plan that must include “A description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances.”*

**Corrective Action:** UDAF will require that inert nitrogen gas will not be allowed in any form in products marketed as 100% organic. UDAF addressed this issue at its annual training on April 27,

2022. The training included all substances, including inert nitrogen gas, that are not allowed in 100% organic products. OILC training was completed on this issue by appropriate staff by April 27, 2022. All staff affected were notified by phone or in person on April 13, 2022.

UDAF has updated its quaternary ammonia form to include the USDA NOP document “Allowed Detergents and Sanitizers for Food Contact Surfaces and Equipment in Organic Operations” to help reviewers understand what is required. UDAF also addressed this issue in the Input Section of its annual training on May 19, 2021, by the Program Manager and again during its reminder training on February 14, 2022. UDAF organic staff were directed during the training to make sure narratives of cleaning and sanitizing activities are present in all OSPs and are a priority. This issue was again covered during UDAF’s annual training April 27, 2022, before UDAF staff began processing the 2022 renewal reviews. UDAF has also required review staff to take the Input Material Review course on Organic Integrity Learning Center. The majority of staff have completed the course with the remainder to complete it prior to processing and handling renewal reviews.

**AIA-8835-21 – Accepted.** 7 C.F.R. §205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670;”

**Comments:** *UDAF does not fully carry out the provisions of §205.403(a)(2)(ii) and requirements of NOP 2609 Instruction Unannounced Inspections, section 4.1.9. Interviews with two UDAF certification staff/inspectors revealed that inspectors are contacting operations more than four hours in advance of an unannounced inspection. Additionally, UDAF’s written procedures do not address the advance notice to operations regarding unannounced inspections.*

**Corrective Action:** UDAF has also updated its unannounced inspection form to instruct inspectors to give no more than 4 hours’ notice prior to the inspection. The UDAF Organic Quality Manual has also been updated to read; “Any inspection where the operation was given more than four hours of prior notification will not be counted towards the minimum five percent of annual unannounced inspections.” UDAF’s Program Manager assigns unannounced inspections to inspectors and will be responsible to ensure all inspectors are aware of the prior notice policy through email or by phone at the time the inspection is assigned. All UDAF inspection staff completed the training “NOP070 Advanced Inspections Investigations” which covers the topic of unannounced inspections. UDAF hosted its organic staff annual training May 19, 2021, that included information addressing the UDAF’s unannounced inspection policies and procedures. UDAF also included information addressing unannounced inspection policies and procedures in the organic staff annual training on April 27, 2022.

**AIA-8836-21 – 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:** *UDAF does not consistently demonstrate the ability to fully comply with the requirements for accreditation. The auditor’s review of certification files found missing and incomplete information in an application, annual OSP update and an inspection report as follows:*

- *UDAF did not verify an applicant's certification history.*
- *UDAF did not identify missing information in an OSP regarding the use of quaternary ammonia.*
- *UDAF's inspector did not record mass balance and traceback activity information in the inspection report.*

**Corrective Action:** UDAF hosted its organic staff annual training May 19, 2021, that included information addressing the review of OSPs for completeness. UDAF hosted an additional training on February 14, 2022, to remind staff of priorities ahead of review season. UDAF addressed the review of OSPs at the organic staff annual training April 27, 2022. UDAF also updated its review and inspection forms to include a checkbox that prompts staff to verify the OSP, note if it “meets requirements” or has “deficiencies” and make comments regarding the written narrative of the OSP.

UDAF updated its quaternary ammonia form to include the USDA NOP document “Allowed Detergents and Sanitizers for Food Contact Surfaces and Equipment in Organic Operations” to help reviewers understand what is required. UDAF hosted trainings on May 19, 2021, and February 14, 2022, that included information addressing the update to the quaternary ammonia form. UDAF included information addressing material review at the organic staff annual training on April 27, 2022. UDAF has also required review staff to take the Input Material Review course in the Organic Integrity Learning Center. UDAF provided transcripts demonstrating that all inspectors have completed the course “NOP 120 Input Material Review” which covers the topics of sanitizer review.

UDAF hosted its organic staff annual training on May 19, 2021, that included information on mass balance and traceback activities in the Inspection section of the training its by program staff. UDAF also included information addressing mass balance and traceback activities during the April 27, 2022 UDAF annual training. UDAF now requires review staff to take “NOP 080 Traceability Techniques” course in the Organic Integrity Learning Center. UDAF has updated its inspection forms for processor and handling to require inspection staff to use the mass balance and traceback section of the report and to explain why they left a section blank if they do so. UDAF provided transcripts demonstrating that all inspectors have completed the course “NOP 080 Traceability Techniques.”

**AIA-8837-21 – 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:** *UDAF's annual internal review did not identify that UDAF's actual practices and procedures do not align with those in UDAF's Organic Quality Control Manual. UDAF's Organic Quality Control Manual states the following: “The Standards Committee will be composed of department employees as assigned by department directors. This committee will:*

- a. review regulations as propagated by the department*
- b. make recommendations for updates or changes to regulations*
- c. evaluate complaints of UDAF operation and review for resolution*
- d. Review internal audit/ NOP audits/ plan for correction of deficiencies”*

*UDAF certification staff stated that the Standards Committee did not exist for the last eight years because of program restructuring.*

**Corrective Action:** UDAF updated its Quality Manual in January 2022 to reflect its current policies and procedures. The standards committee had previously been used in the early beginnings of the UDAF Organic program because the program responsibilities were divided up between three different divisions within the department. As of 2011, all scope responsibilities were moved to the Division of Plant Industry, and the committee is no longer needed.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite renewal assessment of Utah Department of Agriculture and Food's (UDAF) organic program was conducted on October 16-19, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess UDAF's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Utah Department of Agriculture and Food (UDAF)
<b>Physical Address</b>	751 East 100 N, Suite 1700, Price, UT 84501
<b>Mailing Address</b>	751 East 100 N, Suite 1700, Price, UT 84501
<b>Contact &amp; Title</b>	Dave Basinger, Organic Program Manager
<b>E-mail Address</b>	dbasinger@utah.gov
<b>Phone Number</b>	435-636-3234
<b>Reviewer(s) &amp; Auditor(s)</b>	Graham Davis, NOP Reviewer; Jason Lopez, On-site Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective actions review: May 3 - August 7, 2018 NOP assessment review: January 29, 2018 Onsite audit: October 16-19, 2017
<b>Audit Identifier</b>	NOP-39-17
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Renewal Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of UDAF's certification
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	UDAF's certification services in carrying out the audit criteria during the period: October 10, 2014 through October 15, 2017

The Utah Department of Agriculture and Food (UDAF) is a state agency accredited on April 29, 2002 for the scopes of crops, livestock, handling, and wild crops. The UDAF Organic Certification Program certifies 52 operations to the following certification scopes: crops (27), livestock (2), and handlers (24).

UDAF's office is in Price, Utah, and provides certification services in the State of Utah. UDAF moved the organic program office to Price, Utah from the Salt Lake City State Agriculture

Department offices in April 2017. Certification services are performed by the program director, program assistant, and approximately eight inspector/reviewers.

The auditor conducted two witness audits of annual inspections of a crops operation and a livestock/handling operation. The crops operation produced assorted vegetables. The livestock operation was a poultry operation.

#### **NOP DETERMINATION:**

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

#### **Non-compliances from Prior Assessments**

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

**NP4279ZZA.NC1 – Cleared**

**NP4279ZZA.NC2 – Cleared**

**NP4279ZZA.NC3 – Cleared**

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

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

**NOP-39-17.NC1 – Accepted.** 7 C.F.R. §205.642 states, "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 ...."

**Comments:** *UDAF does not provide a fee estimate for the total cost of certification to new applicants or an annual cost to certified operations updating their certification.*

**2018 Corrective Actions:** UDAF updated their existing fee schedule to reflect a billing of an estimate for the total cost of an inspection. The fee schedule also reflects the annual and/or initial certification cost for a new or certified operation, in addition the annual gross sales fee schedule. UDAF is sending an estimated fee scheduled for the annual inspection to the producer with their annual renewal fee paperwork. All renewing applications were sent out with the corrections in December 2017. New applicants as of February 1, 2018, have a cost estimate included with the



requested application. UDAF submitted examples of both initial and renewal fee estimates. UDAF's operation manual has been updated with instructions to provide a unique cost estimate to all new and returning certified operations. UDAF has removed all previously used noncompliant forms to prevent this from happening in the future.

**NOP-39-17.NC2 – 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 2603 Instruction Organic Certificates, Section 3.1 Elements of the Organic Certificate states the required elements of an organic certificate.

**Comments:** *The auditor's review of issued organic certificates found the following discrepancies:*

1. *The term “Recertified” is used instead of “Issue Date.”*
2. *The term “Original Certification” is used on certificates instead of the term “Effective Date.”*
3. *“Anniversary Date” is not stated on organic certificates.*
4. *The following statement is not on the certificate: “Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked.”*

**2018 Corrective Actions:** UDAF has created and implemented a fillable PDF template with the necessary corrections. The following changes have been made to their certificates: The term “Recertified” has been changed to “Issue Date.” The term “Original Certification” has been changed to “Effective Date.” The term “Anniversary Date” has been added to the organic certificate. The statement, “valid until surrendered, suspended or revoked” has been modified to state, “Once certified, a production or handling operations organic certification continues in effect until surrendered, suspended or revoked.” The statement, “Certified organic under the US National Organic Program 7 CFR Part 205,” has been modified and reads, “certified to the USDA Organic Regulations, 7 CFR Part 205” UDAF submitted examples of certificates printed from their new templates that comply with the regulations. UDAF updated their quality manual to reflect the changes made to their certificates.

**NOP-39-17.NC3 – Accepted.** 7 C.F.R. §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;”

**Comments:** *UDAF is not submitting notifications of noncompliance, notifications of proposed suspension or revocation, and notifications of suspension or revocation to the NOP.*

**2018 Corrective Actions:** UDAF failed to send one notice to the NOP in a timely manner. This was due to an over site (miscommunication from staff on who was to send the notification). Since their renewal audit, UDAF has issued two noncompliances to certified operations. Both notices were sent to the certified operations and to USDA Adverse Actions email address on January 11, 2018. The organic program coordinator will send all future submissions to USDA.

UDAF updated their operation manual to clarify who will be responsible to submit all noncompliances and adverse actions to USDA NOP.

**NOP-39-17.NC4 – Accepted.** 7 C.F.R. §205.662(c)(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 .... The notification of proposed suspension or revocation of certification shall state: The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.”

**Comments:** *UDAF issued proposed suspension notices that state that corrective actions can be submitted for resolving a proposed suspension. Operations that receive a proposed suspension notice have the option to request mediation with the certifier or file an appeal with the USDA. The USDA organic regulations do not allow for the submission of corrective actions to resolve a proposed suspension.*

**2018 Corrective Actions:** UDAF revised its Notice of Proposed Suspension template to state that a proposed suspension can only be resolved by mediation or appeal. UDAF revised their quality manual to reflect the proper procedures regarding proposed suspensions. UDAF provided training to their staff on March 15, 2018 and informed them of this update.

**NOP-39-17.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 2025 Internal Program Review, Section 2 states, “The internal program review, also referred to as an internal audit, evaluates a certifying agent’s certification system and procedures for the purposes of continuous improvement...”

**Comments:** *UDAF’s annual program review does not evaluate the certification system and its procedures. The annual program review is limited to a desk review of selected certification files to determine whether findings have been correctly issued as noncompliances.*

**2018 Corrective Actions:** UDAF has initiated new internal audit procedures. Future audits will consist of an audit checklist (submitted with their corrective actions) to ensure auditors examine all points of UDAF’s organic program. UDAF revised their quality manual to reflect the new procedures regarding their internal audit.

**NOP-39-17.NC6 – Accepted.** 7 CFR § 205.501(a)(4) states, “A certifying agent under this subpart must: Use ... adequately trained personnel, including inspectors ... to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.”

**Comments:** *During the witness audit, the inspector did not identify several issues of concern that were identified by the auditor. Issues of concern included the selling of organic products that were not listed on the operation’s organic certificate and records not being readily available at the inspection.*

**2018 Corrective Actions:** UDAF created and submitted new inspection forms for their inspectors to use during inspections. UDAF submitted an inspection opening and closing meeting form to ensure that inspections are consistent and thorough. UDAF has also created

new livestock, crops, and processing inspection report checklist templates that have more detail and better format for completing all three types of inspections. UDAF has also revised their crop, processing and livestock inspection checklists to include the regulations in each section of the checklists. UDAF expects to have the new inspection form in place by July 1, 2018. UDAF held an inspector training on March 15, 2018. UDAF plans to effectively train their newer inspectors by conducting most of the inspections this year with multiple inspection staff for each inspection (newer inspectors will be paired with more experienced inspectors).

**NOP-39-17.NC7 – 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 2613 Responding to Results from Pesticide Residue Testing, Section 5.3.3 provides guidance on a certifier’s course of action when applicable EPA tolerances and FDA action levels are not established.

**Comments:** *The auditor’s review of residue analysis reports revealed that UDAF did not correctly apply the procedures of NOP 2613 Responding to Results from Pesticide Residue Testing, Section 5.3 for a test result that detected residues of multiple prohibited pesticides. Specifically, for one chemical that was detected above 0.01 ppm and did not have an EPA tolerance or FDA action level, UDAF did not carry out the instructions of 5.3.3.a. For another chemical that was detected above 5 percent of the EPA tolerance level, but not above the tolerance level, UDAF did not carry out the instructions of 5.3.1.b.*

**2018 Corrective Actions:** UDAF revised their quality manual so that it now complies with the NOP 2613. UDAF will refer to guidance document NOP 2610 for all sampling procedures and NOP 2613 in managing all residues testing in the future. UDAF’s program manager is responsible for interpreting all pesticide residue test results.

**NOP-39-17.NC8 – Accepted.** 7 C.F.R. §205.642 states, “... 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.”

**Comments:** *UDAF did not file its current fee schedule with the NOP.*

**2018 Corrective Actions:** UDAF revised their quality manual to state that any changes made to the fee schedule will be documented and submitted to the [AIAInbox@ams.usda.gov](mailto:AIAInbox@ams.usda.gov) prior to use. UDAF will not will not implement a new fee schedule until they receive approval/acknowledgement from the NOP.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite mid-term assessment of the Utah Department of Agriculture and Food (UDAF) organic program was conducted on October 6-10, 2014. The National Organic Program (NOP) reviewed the auditor's report to assess UDAF's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Utah Department of Agriculture and Food (UDAF)
<b>Physical Address</b>	350 N Redwood Road, Salt Lake City, UT 84114-6500
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<b>Contact &amp; Title</b>	Robert Hougaard, Director Plant Industry Ronald Larsen, Organic Program Manager
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<b>Phone Number</b>	801-538-7180 801-538-7187
<b>Reviewer &amp; Auditor</b>	Penny Zuck, NOP Reviewer Corey Gilbert, Onsite Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective Action review: May 27, 2015 NOP assessment review: April 6, 2015 Onsite audit: October 6-10, 2014
<b>Audit Identifier</b>	NP4279ZZA
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Mid-Term (12.5 year) Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of UDAF's certification system.
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	UDAF's certification services in carrying out the audit criteria.

The Utah Department of Agriculture and Food (UDAF) is a non-profit department within the Utah State government and was accredited as a certifier for the U.S. organic regulations on April 29, 2002 for the scopes of crop, wild crop, livestock, and handling. The UDAF list of certified operations had 51 certified operations including 25 crop, 0 wild crop, 3 livestock, and 24 handlers (14 processors, 3 distributors, 3 traders, and 8 retailers). All certified operations are located in Utah. UDAF does not certify grower groups. The UDAF main office is in Salt Lake

City, Utah, and all certification activities are finalized in this office.

The UDAF organic certification program is located with the Division of Plant Industry and Conservation. The Commissioner oversees the entire department and a Deputy Commissioner oversees the Division; however, the Commissioner is not directly involved in organic certification and the Deputy Commissioner is only involved if there is a mediation request. The UDAF organic certification staff consists of the Director of Plant Industry and Conservation, the Deputy Director, the Organic Program Manager, the Organic Program Coordinator, a financial analyst/internal auditor, and 5 Organic Inspectors. The organic inspectors conduct state inspections for a variety of programs other than organic. UDAF does not use any subcontracted employees.

#### **NOP DETERMINATION:**

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

#### **NP4112ADA.NC1 – Cleared**

#### **Non-compliances Identified during the Current Assessment**

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

**NP4279ZZA.NC1 – Accepted** - 7 CFR §205.406(c) states, "If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662. 7 CFR §205.105(d) states, "To be sold or labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," the product must be produced and handled without the use of (d) Nonorganic agricultural substances used in or on processed products, except as otherwise provided in §205.606." 7 CFR §205.606 does not list stevia; therefore, as an agricultural product stevia must be certified organic.

**Comments:** *UDAF approved an organic product profile and organic label and added the product to the operation's certificate addendum in July 2014 for a protein mix containing non-*

*organic stevia (0.03%). All the remaining agricultural products were certified organic. The annual certification process had not yet been completed for the operation and UDAF did not believe the product had been produced.*

**Corrective Action:** UDAF submitted copies of the Notice of Noncompliance issued to the client for the use of non-organic ingredients in an organic product and a copy of the Noncompliance Resolution letter verifying the client corrected the noncompliance. UDAF also submitted their revised Quality Manual with the addition of a product formulation and label review section, a label review worksheet for the reviewer to follow, and stamps that will be used to stamp “approved” or “denied” on product profiles and labels along with the date and initials of the reviewer. UDAF will include this topic in a future training for the field staff.

**NP4279ZZA.NC2 – Accepted** - 7 CFR §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.” 7 CFR §205.504(b)(1) states a certifying agent must submit, “A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates.”

**Comments:** *Utah Department of Agriculture and Foods’ label review procedure is inadequate and does not address the identification of the label approval status (approved/unapproved, date of decision, name of decision maker).*

**Corrective Action:** UDAF submitted their revised Quality Manual with the addition of a product formulation and label review section, a label review worksheet, and stamps that will be used to stamp “approved” or “denied” on product profiles and labels along with the date and initials of the reviewer.

**NP4279ZZA.NC3 – Accepted** - 7 CFR §205.662(c)(2)(3) requires the notification of proposed suspension to state, “(2) The proposed effective date of such suspension and (3) The impact of a suspension on future eligibility for certification” (see §205.662(f)).

**Comments:** *UDAF issued a notice of proposed suspension on October 10, 2014, which did not state the effective date of the suspension and did not include the impact of proposed suspension on future eligibility. Instead of identifying the effective date of suspension, the notification stated, “if we do not receive your written response to this matter by November 10, 2014 (30 days) we will propose to the NOP that your certification be suspended.”*

**Corrective Action:** UDAF submitted the template that will be used for future Notices of Proposed Suspension. The template includes the proposed effective date of suspension and the impact of suspension on future eligibility for certification.

### AUDIT INFORMATION

<b>Applicant Name:</b>	Utah Department of Agriculture and Food (UDAF)
<b>Est. Number:</b>	N/A
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<b>Mailing Address:</b>	Box 146500, 350 N. Redwood Road, Salt Lake City, UT 84114-6500
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<b>Phone Number:</b>	801-538-7141
<b>Auditor(s):</b>	Robert Pooler, Accreditation and International Activities (AIA) Division
<b>Program:</b>	USDA National Organic Program (NOP)
<b>NOP Audit Date(s):</b>	February 24 – April 19, 2012
<b>Audit Identifier:</b>	NP9222BBA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Compliance Assessment, Corrective Action Review
<b>Audit Objective:</b>	To determine the compliance of the company’s quality manual to the requirements of the audit criteria.
<b>Audit Criteria:</b>	7 CFR Part 205, National Organic Program; Final Rule, dated December 21, 2000; amended February 14, 2012.
<b>Audit Scope:</b>	Utah Department Of Agriculture and Food’s quality manual including personnel, processes, procedures, facilities and related records.
<b>Location(s) Audited:</b>	Desk audit

On August 22 – 24, 2011, NOP auditors conduct a compliance assessment to verify implementation and effectiveness of UDAF corrective actions previously submitted to address noncompliances NP9222BBA.NC1 – 13. The compliance assessment included on-site evaluations of an organic poultry (egg) production / processing operation and an organic wheat operation, both certified by UDAF.

Noncompliances NP9222BBA.NC1 – 13 were identified during a 2009 Mid-Term Assessment conducted from August 10 - 13. In January 2010, UDAF corrective actions adequately addressed 11 of 13 noncompliances. Corrective actions for two noncompliances, NP9222BBA.NC2 and NC8, were not accepted and subsequently, remained outstanding. Additional UDAF corrective actions on the two outstanding noncompliances submitted in September 2010 were initially accepted. However, additional interpretation on the constructed porches resolving access to outdoors for poultry (NP9222BBA.NC2) and UDAF’s NOP certificate template (NP9222BBA.NC8) received by the NOP reviewer indicated that the corrective actions were not acceptable. In November 2010, the NOP reviewer requested additional information on these outstanding noncompliances. UDAF submitted final corrective actions for NP9222BBA.NC2 and NP9222BBA.NC8 in May 2011. In June 2011, the final corrective actions submitted for NP9222BBA.NC2 and NP9222BBA.NC8 were accepted as adequately addressing the

outstanding noncompliances. However, as a result of the length of time required to adequately address the thirteen noncompliances, the NOP Office of Deputy Administrator instructed the AIA Division to schedule a compliance assessment to determine whether UDAF Organic Program has implemented the corrective actions for noncompliances NP9222BBA.NC1 – 13.

On August 22 – 24, 2011, NOP auditors conduct compliance assessment to verify implementation of UDAF's corrective actions. Prior to this assessment, UDAF's corrective actions were accepted as adequately addressing noncompliances NP9222BBA.NC1 – 13. Findings from the August 2011 compliance assessment determined that corrective actions submitted for four noncompliances, NP9222BBA.NC2, 6, 8 & 10, were verified, found to be implemented and effective, and subsequently cleared. Corrective actions for nine noncompliances, NP9222BBA.NC3, 4, 5, 7, 9, 11 – 13, could not be verified, and reverted back to outstanding. In addition, noncompliance NP9222BBA.NC1, as cited in noncompliance report NP9222BBA, was combined with noncompliance NP9222BBA.NC3. The combined noncompliance is cited as NP9222BBA.NC3. Six new noncompliances, AIA082211RLP.NC1 – 6, were identified during the compliance assessment.

On September 29, 2011, the NOP issued a Notice of Noncompliance to UDAF for the nine outstanding and six new noncompliances identified during the compliance assessment. On October 30, 2011, a 30 day extension to submit proposed corrective actions was granted to UDAF.

On November 30, 2011, UDAF submitted proposed corrective actions for the nine outstanding noncompliances and six new noncompliances. On 2/29/12, the NOP reviewer requested additional corrective actions on NP922BBA.NC3, 4, 7, 13, and on AIA082211RLP.NC1 – 6. On March 7, 2012 UDAF the following final corrective actions on the outstanding noncompliances and new noncompliances identified during the August 2011 compliance assessment:

- UDAF NOP Noncompliance report - a summary of proposed corrective actions for the nine outstanding noncompliances, and six new noncompliances.
- Organic System Plan Review Report template
- Crops Review Checklist template
- Amended Organic Crop Production Inspection Report
- Livestock Review Checklist
- Organic Ruminant Livestock Addendum Report
- UDAF excel datasheet for tracking OSP reviews
- UDAF Organic Training Agenda, 03/22/12, and list of training attendees.
- Amended UDAF Organic Program Quality Manual.
- Organic Program Documentation Checklist
- Employee / Accreditation Requirements Checklist

## **FINDINGS:**

Documents and records reviewed determined that UDAF has adequately addressed nine outstanding noncompliances and six new noncompliances identified during the August 2011 compliance assessment.



**NP9222BBA.NC3 – Accepted and Adequately Addressed** - NOP §205.402(a)(1 and 2) states, “Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to §205.401; and (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply...” The Preliminary review section of the UDAF Quality Manual states that a letter is sent to the applicant by the Program Manager with the review results.

*(a) The Program Manager is not sending the letter to the applicants of the application review results. In addition, there is no documentation in the files to determine when and who completed the application review. Interviews during the audit indicated that the Program Manager completes the application review but does not document the review. It was also determined that at times some requirements are added on a sticky note for the inspector to review during the inspection indicating that the application review took place. Corrective Action (10/2/09 & 12/2/09):* UDAF has stated that a letter will be sent to the applicants with the results of the application review. UDAF also stated that the application review will be conducted using the Organic System Plan Overview which is initialed or signed and dated by the Reviewer. An example was submitted of a letter to a client showing the review results of an organic crop application and the review of the Organic System Plan Guide which showed the initials of the Program Manager and the date of November 10, 2009 which the application was reviewed.

**Verification (08/22 - 24/11):** *In interview responses, UDAF staff stated that all application/OSPs are reviewed prior to assigning the OSP for inspection. UDAF client files do not contain records indicating that OSPs are reviewed prior to inspection. An incomplete data sheet indicates that some OSP reviews are conducted prior to inspection. However, there were no records to indicate that the initial OSP review process was occurring routinely or that reviews are comprehensive to assess NOP compliance.*

**Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. To facilitate review of OSP’s UDAF established an OSP review report template to be included within each UDAF client file. The template includes a section for recording certification decisions resulting from the review. UDAF recently hired a new program manager who will be responsible for ensuring that applicants OSP’s are reviewed and determined to be compliant with the NOP regulations prior to assigning the OSP for inspection. Use of this template for the OSP review will be verified at the next on-site NOP accreditation assessment.

*(b) (formally NP9222BBA.NC1) A beef operation certified by UDAF included a supplement (Key Lix 20%) that was not certified organic in their OSP that listed ingredients including molasses products, plant and/or milk protein products. UDAF had certified the operation and the application review, inspection, and final decision did not identify any noncompliance of the use of this supplement. The 2009 inspection report did state that no supplements were used in 2008. Corrective Action (10/2/09):* UDAF has stated that all products proposed for use on or at any audited operation will be verified for compliance at the UDAF Office prior to the audit assignment. UDAF also stated that a letter will be generated to the client when proposed products are not in compliance to prevent use by the organic operation and that the auditor will verify that the product has not been used. **Verification (08/22 - 24/11):** *UDAF Organic Program Manager stated that livestock OSP’s and applications are reviewed prior to inspection, including review of the substances described in the OSP. UDAF files do not include*

records indicating OSP's are routinely reviewed to determine NOP compliance prior to inspection. During the poultry operation on-site evaluation, the inspector indicated that he reviewed and approved materials as part of the inspection process. **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF's livestock review checklist does include review of inputs to be used during organic livestock production. In addition, UDAF developed an Organic Ruminant Livestock Addendum report template to address NOP Pasture Practice standards. Verification of these corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC4 - Accepted and Adequately Addressed** - NOP § 205.403(a)(1) states, "A certifying agent must conduct an initial on-site inspection of each... An on-site inspection shall be conducted annually thereafter for each certified operation..." *Two of the nine files reviewed showed that the certified operations did not have the inspections completed annually. The processor observed for the on-site inspection during the audit showed that the initial inspection was completed on April 10, 2007 and the next inspection was not conducted until the observation inspection for the on-site audit on August 13, 2009 (16 months past the annual inspection date). The file for one crop operation showed that the last inspection was completed on November 21, 2007 and the next annual inspection had not been completed as of August 13, 2009 (so far 8 ½ months past the annual inspection date).* **Corrective Action (10/2/09 & 12/02/09):** UDAF has stated that an Excel spreadsheet will be used to track and ensure that operations have submitted applications and that the required audits are completed. An Excel Spreadsheet was submitted that showed the completion of the 2009 organic inspections by UDAF. **Verification ((08/22 - 24/11)):** *UDAF's internal audit report shows that as many as eleven operations continuing with NOP certification in 2010 were not inspected. In addition, UDAF's 2011 inspection records were not available at the time of the assessment. Records showing inspection reports being reviewed and approved in 2010 and 2011 were missing from client files.* **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF's corrective action indicated that all operations would be inspected before the end of 2011 or a notice of noncompliance would be sent to the operations. After the August 22 – 24, 2011 compliance assessment, UDAF conducted annual inspections on the operations that had not been inspected in 2011. Two of the eleven operations voluntarily surrendered NOP certification. UDAF's new program manager will be responsible for ensuring all required inspections are conducted. Verification of these corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC5 – Accepted and Adequately Addressed** - NOP §205.403(c) Verification of information states, "The on-site inspection of an operation must verify: (1) The operation's compliance or capability to comply with the Act and the regulations in this part; and (2) That the information, including the organic production or handling system plan... accurately reflects the practices used or to be used by the applicant for certification or by the certified operation." *Some of the records and portions of the operation were not reviewed during two of the inspection observations.*

- *The inspector did not review some of the records applicable to the operation during the crop inspection including the production, planting, and harvesting records.*
- *The inspector did not review some of the records during the livestock inspection including the purchase records for the baby chicks and the laying hen chicken mash feed. In addition, the*

*inspector did not observe the beef slaughter stock animals or the pasture where they were located.*

**Corrective Action (10/02/09 & 12/09/09):** UDAF submitted a letter to the auditors listing the deficient areas during the USDA Audit. UDAF has a mandatory training/update meeting scheduled for March 4, 2010 to discuss these issues. **Verification (08/22 – 24/11):** *During the poultry operation on-site evaluation, the UDAF inspector reported that the operation's feed mill and the egg handling facility were not inspected during the 2011 organic inspection of the operation.* **Corrective Action (11/30/11):** The corrective actions adequately address the noncompliance. UDAF scheduled training on March 22, 2012 for the purpose of updating inspection staff on NOP inspection requirements, including the inspection of all facilities and equipment used for implementing an operation's OSP. A copy of the training agenda and a list of staff attending the training were included in the corrective actions. UDAF's OSP review report includes recording issues identified during inspection into the report for consideration during the certification decision. Verification of these corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC7 - Accepted and Adequately Addressed** - NOP § 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." *An interview with the Program Manager confirmed that the inspection reports were not sent to the inspected operations in 2008.* **Corrective Action (10/02/09&12/02/09):** UDAF has stated that a copy of the organic inspection report will be sent to all audited operations. A copy of a letter was submitted that showed the copy of the inspection report was provided to the organic crop producer. **Verification (08/22 – 24/11):** *Review of records at the on-site evaluations (poultry operation, wheat operation), and client file reviews indicated that UDAF is not consistently providing copies of inspection report results to operations. UDAF's 2010 internal audit data show that inspection reports were sent to less than 50% of the certified operations, and that inspections did not occur for eleven certified operations in 2010.* **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF has established an organic program documentation checklist to track new program applications and certified operation's annual OSP updates through review, inspection, noncompliance resolution, certification decision and the issuing of certificates. UDAF will use the check list to monitor progress on these certification steps. The completed checklist will be included in all client files. Copies of final inspection reports and test results will be issued to an operation after decisions on certification are determined. Verification of these corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC9 – Accepted and Adequately Addressed** - NOP §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 non-compliances with the Act and the regulations in this part that are identified in the evaluation." The UDAF Organic Program requires a management review by the Program Manager, Commissioner, and the Division Directors in which the internal audit report is reviewed. *The internal audit was started in April 2009 but not completed. The management review was not conducted or documented for 2008 or 2009.* **Corrective Action (10/02/09 & 12/02/09):** The completed internal audit report for

2009 was submitted. The review with UDAF Management is scheduled to occur in January 2010.

**Verification (08/22 -24/11):** *UDAF conducted internal audits in 2009 and 2010. Results of the internal audits indicated that one exit interview was not conducted, inspection reports were sent to less than 50% of the certified operations, and that inspections did not occur for eleven certified operations in 2010. There was no record of a management review of the internal audit findings or corrective actions to address the noncompliances that were identified by the internal audits.*

**Corrective Action (11/30/11):** The corrective actions adequately address the noncompliance. UDAF has amended its procedures for management reporting. The agency's internal auditor and organic program manager will develop internal audit reports for consideration by the UDAF Plant Industry Division Director. Based upon findings described within these reports, corrective actions for nonconformities will be developed and implemented. The agency will also monitor implementation of the internal audit corrective actions. Verification of these corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC11 - Accepted and Adequately Addressed** - NOP §205.501(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... to complete an annual conflict of interest disclosure report." *A review of seven conflict of interest disclosure reports of UDAF Organic staff showed that they were last completed in April 2007. In addition, one inspector did not have a conflict of interest disclosure report completed.* **Corrective Action (10/02/09):** Thirteen signed conflict of interest disclosure reports were updated in September 2009, and were submitted for review. **Verification (08/22 – 24/11):** *There were no conflict of interest disclosure reports for either application review staff or for inspectors for either 2010 or 2011 in UDAF personnel files. The last annual COI reports in the qualifications folder were completed in 2009.* **Corrective Action (11/30/11):** The corrective actions adequately address the noncompliance. After the August 2011 assessment, UDAF received signed copies of the COI reports from staff. UDAF recently hired a new program manager after the August assessment. The new program manager and the Division Director, responsible for administering the program, will implement an annual process to have program staff sign COI reports in January or February before program inspections are scheduled to start. UDAF's program quality manual has been amended to include this corrective action. Verification of these corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC12 - Accepted and Adequately Addressed** - 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." *UDAF did not submit annual updates in 2008 or in 2009, which were required on or before their anniversary date of the issuance of the notification of accreditation.* **Corrective Action (10/02/09):** UDAF submitted annual update information for 2008 and 2009. **Verification (08/22 – 24/11):** *UDAF did not submit annual reports to the NOP in 2010 or 2011.* **Corrective Action (11/30/11):** The corrective actions adequately address the noncompliance. UDAF submitted annual reports for 2010 and 2011. UDAF has also submitted a report for 2012. The recently hired program

manager will be responsible for creating and submitting annual reports. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**NP9222BBA.NC13 – Accepted and Adequately Addressed** - NOP§205.662(a)(3) 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... a written notification of non-compliance shall be sent to the certified operation. Such notification shall provide: (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.” *UDAF did not list the date for the certified operation to respond to or provide corrective actions on non-compliances that were issued.* **Corrective Action (10/02/09 & 12/02/09):** UDAF has stated that they will provide written notification of noncompliances with a date the noncompliances are required to be resolved. An example letter with a timeframe for the certified operation to correct and submit the corrective actions was submitted. **Verification (08/22 – 24/11):** *UDAF did not list the date for when the certified operation had to respond or submit corrective actions on noncompliances cited in noncompliance notices.* **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF amended its quality manual to indicate that UDAF will implement noncompliance procedures described in guidance NOP 4002, as published in the Program Handbook, when noncompliances are identified during NOP certification activities. The amended procedures include instruction for inserting dates when an operation must provide responses to any noncompliance cited in a Notice of Noncompliance. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**Additional Noncompliances identified during the August 22 – 24, 2011 compliance assessment:**

**AIA082211RLP.NC1 - Accepted and Adequately Addressed** - 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. *UDAF does not appear to have a sufficient number of trained personnel to comply with, and implement the organic certification program. Nine of thirteen UDAF corrective actions submitted in response to noncompliances identified in audit report NP9222BBA were not effectively implemented. The OSP review and the inspection review process are not documented. Notices of noncompliance are not copied to the Administrator as required. Follow up on notices of noncompliance is not conducted or not conducted in a timely manner. Notices of Surrender are not issued when certified operations surrender their certification. Notices of Resolution are not issued when certified operations correct their noncompliances.* **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. A new program manager has been hired to administer the organic program. UDAF amended its program quality manual to include procedures on how UDAF will ensure OSP reviews and inspection are effectively implemented, and how UDAF will monitor and administer noncompliances identified during NOP certification activities. UDAF established an organic program documentation checklist to monitor OSP reviews and inspection activities. Noncompliances or issues of concern resulting from OSP review or inspections will be recorded onto an excel spreadsheet. UDAF’s amended

noncompliance procedures for certified operations include procedures on: submitting noncompliance notices to the administrator; monitoring noncompliances and assessing an operation's corrective actions on noncompliances; and providing notices of surrender or notices of noncompliance resolution. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**AIA082211RLP.NC2 - Accepted and Adequately Addressed** - NOP 205.662(a) – when an inspection, review, or investigation of a certified operation by a certifying agent reveals any noncompliance with the Act or regulations, a written notification of noncompliance shall be sent to the certified operation. *UDAF did not issue a notice of noncompliance to an organic operation for failure to provide outdoor access. UDAF did not issue notices of noncompliance to organic operations for failure to submit 2010 annual OSP updates. A file of handling operation showed that it repeatedly violated the NOP regulations by not complying with the requirements for the availability of records (§ 205.103).* **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF amended its quality manual to indicate that UDAF will implement noncompliance procedures described in NOP instruction (NOP 4002) published in the Program Handbook when noncompliances are identified during NOP certification activities. Section 4 of the amended UDAF quality manual includes instruction on issuing notices of noncompliance when noncompliances are identified during NOP certification activities. UDAF recently hired a new program manager to administer the UDAF organic program. UDAF has also restructure staff duties and responsibilities to provide additional resources to administering the organic program. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**AIA082211RLP.NC3 - Accepted and Adequately Addressed** - NOP 205.662(b) states, when a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution. *Review of two files showed that UDAF did not complete the processing of the NOP noncompliance procedures described under § 205.662 by issuing a notice of noncompliance resolution in response to issued notices of noncompliance.* **Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF will use the Organic Program Documentation Checklist and the excel spreadsheet to monitor resolution of noncompliances identified during NOP certification activities. When noncompliances are resolved UDAF will issue a Notice of Noncompliance Resolution. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**AIA082211RLP.NC4 - Accepted and Adequately Addressed** - 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 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. *Review of two files showed that UDAF did not complete the processing of the NOP noncompliance procedures described under § 205.662 by issuing a notice of proposed suspension or revocation in response to issued notices of noncompliance. In one of the files, records indicated that the handler operation repeatedly has been noncompliant by not providing adequate records to UDAF for*

*review. Corrective Action (11/30/11 & 03/07/12):* The corrective actions adequately address the noncompliance. UDAF established additional procedures for OSP reviews and inspections. UDAF's amended quality manual, *UDAF Organic Program Enforcement*, section 4.2, provides instruction on issuing notices of proposed suspension or revocation when identified NOP noncompliances cannot be corrected or corrected within a prescribed time period. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**AIA082211RLP.NC5 - Accepted and Adequately Addressed** - NOP 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. *The UDAF Notice of Noncompliance templates do not indicate that these notices are copied to the Administrator. The program manager indicated that copies of these notices are not sent to the NOP. Corrective Action (11/30/11 & 03/07/12):* The corrective actions adequately address the noncompliance. UDAF's amended quality manual, in the section on *Procedures to Inform Administrator*, include procedures for submitting Notices of: Denial of Certification; Noncompliance; Noncompliance Resolution; Proposed Suspension or Proposed Revocation; and Suspension or Revocation to the Administrator. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.

**AIA082211RLP.NC6 - Accepted and Adequately Addressed** - NOP 205.501(a)(5) states that certifiers ensure that certification staff have sufficient expertise in organic production or handling to successfully perform their duties. NOP 205.501(a)(1) states that certifiers must have sufficient expertise in organic production or handling to fully comply and implement the terms and conditions of the certification program established by the regulations.

- a) *UDAF Personnel records were incomplete. Records for inspectors and reviewers were out-of-date and did not indicate any training on organic systems for several years. Inspection evaluations have not been conducted since 2008. Some files contained records on organic training, while other files did not have any records on organic training. A record of 2011 IOIA processor training was found that indicated UDAF organic staff attending or completing the course.*
- b) *One inspector did not indicate that failure to provide outdoor access for a poultry operation was a violation of the organic regulations. One inspector failed to conduct an inspection of all of the organic facilities. Some inspection reports indicated short inspection time (1-2 hours) for large acreage farms. The crop inspection report template does not have a checkpoint for evaluating whether seeds are treated with prohibited substances.*

**Corrective Action (11/30/11 & 03/07/12):** The corrective actions adequately address the noncompliance. UDAF corrective actions for (a) state that the Organic Program Manager will maintain program personnel records on qualifications, conflicts of interest, performance evaluations, and training. UDAF established a personnel file checklist to monitor the status of program personnel records. UDAF corrections actions for (b) state that annual training on NOP requirements, including conducting



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thorough and complete inspections, will be provided to program staff, including inspectors. A copy of the UDAF 2012 training agenda was included in the corrective actions. UDAF's amended quality manual describes Inspector qualifications and responsibilities. In addition, UDAF modified its organic crop inspection report template, section 3, to assess NOP regulation requirements for seeds. Verification of the corrective actions will be determined at the next on-site NOP accreditation assessment.