



1400 Independence Avenue, S.W.
Room 2646-South, STOP 0268
Washington, DC 20250-0201

June 23, 2011

**MEMORANDUM FOR THE CHAIRPERSON OF THE NATIONAL ORGANIC
STANDARDS BOARD (NOSB)**

FROM: Miles McEvoy
Deputy Administrator
National Organic Program (NOP)

A handwritten signature in blue ink, appearing to read "Miles McEvoy", written over a horizontal line.

SUBJECT: Unannounced Inspections

The NOP regulation at 7 CFR 205.403(a) requires that certifying agents conduct an initial and annual inspection of organic operations, and authorizes certifiers, at their discretion, to conduct additional inspections, either announced or unannounced. Certifiers may also be required by the NOP or State Organic Program to conduct additional inspections (§ 205.403(a)(2)(iii)).

Unannounced on-site inspections are exempt from the requirement that an authorized representative of the operation is present at the time of inspection (§ 205.403(b)(2)).

The NOP has found that certifiers implement different approaches for conducting unannounced on-site inspections, including the procedures used and the selection of operations. The NOP believes that guidance describing best practices, including risk factors to consider in selecting operations for unannounced inspections, would be useful for certifying agents. Therefore, the NOP requests that the NOSB Certification, Accreditation, and Compliance Committee (CACC) develop a committee proposal for best practices for conducting unannounced inspections.

Some topics that CACC could consider in development of a committee proposal include:

- What factors should be considered in conducting unannounced inspections? Should they be conducted randomly or be based on potential risks to organic integrity? If risk-based, what factors should be considered in selecting operations for unannounced inspections?
- How often should unannounced inspections be conducted? Should there be a minimum number or percentage of unannounced inspections conducted by certifying agents?
- What are the procedures for conducting unannounced inspections? What records and activities should inspectors review during unannounced inspections? Should samples be collected? How should the inspections be documented?
- What procedures should be followed to ensure that property rights and privacy are protected?

The NOP has provided some references below that may be useful for the CACC to consider as they work on a proposal. We appreciate the assistance of the CACC in working to address this issue.

References

NOSB Nov. 2008 Certification of Multi-Site operations, see references

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5074507&acct=nosb>

International Accreditation Forum, IAF MD 1:2007 Certification of Multiple Sites Based on Sampling, <http://www.iaf.nu/>

Building Trust in Organics (revised 2007), Gunnar Rundgren, Ong Kung Wai, IFOAM publications, www.ifoam.org

International Organic Inspectors Association, www.ioia.org

CCOF Livestock Unannounced Compliance Initiative, 2008,
<http://www.ccof.org/pdf/LUCI%20Program%20public.pdf>

2007 IFOAM EU Group, Risk Based inspections, Proposal for the implementing rules
http://www.ifoam.org/about_ifoam/around_world/eu_group/PDF_Revision_Organic/Positionpaper_Riskbasedinspection_06.08.07.pdf