



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

IMOCert Latinoamérica LTDA

Calle Pasos Kanki #2134 (zona Cala Cala) Cochabamba, Bolivia

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

7 CFR Part 205

(As amended)

as an Accredited Certifying Agent

for the scope of

Crops, Wild Crops, Livestock and Handling 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: **NP5233RKA**
Effective Date: **July 6, 2016**
Expiration Date: **July 6, 2021**

Miles V. McEvoy
Deputy Administrator
National Organic Program



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NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite initial assessment of IMO Control Latinoamérica Ltda (IMOC) organic program was conducted on November 13, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess IMOC's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	IMOCert Latinoamerica (IMOC)
Physical Address	Calle Pasos Kanki #2134 (zona Cala Cala), Casilla Postal 1836, Cochabamba, Bolivia
Mailing Address	Calle Pasos Kanki #2134 (zona Cala Cala), Casilla Postal 1836, Cochabamba, Bolivia
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Reviewer(s) & Auditor(s)	Alison Howard, NOP Reviewer; Lars Crail, Onsite Auditor.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	NOP corrective action reviews: January 24 through July 20, 2020 NOP assessment review: October 17, 2019 Onsite audit: November 13-23, 2018
Audit Identifier	NOP-73-17
Action Required	None
Audit & Review Type	Initial Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of IMOC's certification system.
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	IMOC's certification services in carrying out the audit criteria during the period: July 6, 2016 through November 13, 2018

IMOC was previously a member of the IMO Group (Switzerland) until 2014. On July 6, 2016, the NOP granted IMOC accreditation to the scopes of crops, wild crops, livestock, and processing/handling.

IMOC is a private entity and its main office is located in Cochabamba, Bolivia. There are also regional offices in the Dominican Republic, Mexico, Peru, Nicaragua, Paraguay, and Guatemala. Inspections are conducted from those regional offices. IMOC certifies 217 operations to the

following scopes: 154 crops, 2 wild crops, 0 livestock, and 204 handling. IMO certifies 118 grower groups.

As part of the audit, three witness audits were conducted. One witness audit of a crops and handling/processing inspection was conducted in the Dominican Republic, and another of a crops and handling/processing inspection in Peru. The witnessed inspections included a grower group inspection.

NOP DETERMINATION:

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

NP5233RKA.NC1 – Cleared.

NP5233RKA.NC3 – Cleared.

NP5233RKA.NC5 – Cleared.

NP5233RKA.NC6 – Cleared.

NP5233RKA.NC7 – Cleared.

NP5233RKA.NC8 – Cleared.

NP5233RKA.NC9 – Cleared.

NP5233RKA.NC2 – Accepted. 7 CFR §205.501(a)(21) states, "A private or governmental entity accredited as a certifying agent under this subpart must.... Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart." NOP 2027 *Personnel Performance Evaluations*, section 3.2.b, states "Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually."

Comments: *IMOC's current policy is to conduct inspector field performance evaluations once every three years, not annually.*

2016 Corrective Action: IMOC revised the procedure to include annual field evaluations for all inspectors. The procedure submitted to the NOP includes the requirement of all inspectors to be evaluated annually, and the evaluation includes performance in inspection execution. IMOC informed inspectors by an official statement on April 7, 2016 and submitted a copy of the

statement that was sent to the inspectors via email. IMOC has performed two evaluations of inspectors to date and submitted the evaluation reports to the NOP.

2018 Verification of Corrective Action: The certifier did not implement the corrective action. Several inspectors did not receive field performance evaluations in 2017. IMOC stated that it will submit a plan to the NOP for conducting inspector field evaluations once every three years based on the inspector's performance and experience.

2019 Corrective Action: IMOC updated policy 7.4.4.1 to state that inspectors receive a full field performance evaluation (supervision) every three years and a partial performance evaluation (supervision) annually. IMOC submitted documentation demonstrating inspectors are receiving field performance evaluations (supervisions) as planned.

NP5233RKA.NC4 – Accepted. 7 CFR §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.... The certifying agent may set the nonrefundable portion of certification fees.... The fee schedule must explain what fee amounts are nonrefundable and at what stage during the certification process fees become nonrefundable....”

Comments: *The following issues were identified when reviewing a certification cost estimate and IMOC proposed fee schedule:*

- *Offer 243-01-2015, which was issued to a grower group operation where the witness audit was conducted, indicates the cost of certification, but not the estimated fee for the inspection. A total annual estimated cost of certification must include an estimated fee for inspection services. Outstanding*
- *The proposed IMOC fee schedule lacks information about a refund policy. Cleared*

2016 Corrective Action: IMOC revised its estimate template to include the inspection estimate in addition to the certification fee estimate. The revised fee schedule also includes what fee amounts are nonrefundable and at what stage during the certification process fees become nonrefundable. The template and schedule were submitted to the NOP.

2018 Verification of Corrective Action: IMOC partially implemented this corrective action. IMOC's fee schedule does include a refund policy. However, the auditor reviewed fee estimates, and they did not consistently include the cost of inspection.

2019 Corrective Action: IMOC submitted its updated Fee Schedule documenting the separation of Certification fees from Inspection fees. IMOC also updated the Oferta (Offer/fee estimate) template to separate the cost of certification from the cost of inspection and include the cost of inspection.

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.

NOP-73-17.NC1-Accepted. 7 C.F.R. §205.504(e) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in §§205.100 and 205.101, §§205.201 through 205.203, §§205.300 through 205.303, §§205.400 through 205.406, and §§205.661 and 205.662; and its ability to comply with the requirements for accreditation set forth in §205.501: *Other information*. Any other information the applicant believes may assist in the Administrator’s evaluation of the applicant’s expertise and ability.”

Comments: *The auditor reviewed grower group inspection reports that did not state the reason (e.g. random, new member, high risk, etc...) why each member was selected for the external (e.g. certifier) inspection. Without this information, the auditor could not determine if the certifier’s grower group inspections were compliant with NOSB Recommendation 2008, section III.D.1.*

Corrective Action: IMOC updated its Grower Group procedure to incorporate NOSB Recommendation 2008 section III.D.1 with the specific matrix for selecting members for inspection. IMOC also updated the Reporte de Visitas (Visit Report/Inspection Report) template to include the reason each member was selected.

NOP-73-17.NC2 – Accepted. 7 C.F.R. §205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *IMOC is not issuing noncompliances in a timely manner when operations fail to submit an annual update on or before the Anniversary Date.*

Corrective Action: IMOC updated its policy document 7.2.1.1 to state that noncompliances must be issued when operations do not submit an annual update on or before the Anniversary Date. IMOC submitted the updated document and notification to staff as evidence that staff were informed of the policy change.

NOP-73-17.NC3 -Accepted. 7 C.F.R. §205.642 states, “Fees charged by a certifying agent must be reasonable, and a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator.”

Comments: *IMOC’s current Fee Schedule updated in January 2018 was not sent to the NOP. IMOC does not have a procedure to ensure that IMOC informs the NOP of any changes to its fee schedule.*

Corrective Action: IMOC updated policy document 7.3.1 to state that IMOC will send fee schedule changes to the NOP within 30 days of change.

NOP-73-17.NC4 – Accepted. 7 CFR §205.501(a)(1) states, “A private or governmental entity accredited as a certifying agent under this subpart must.... Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part;”

Comments: *IMOC did not obtain documented evidence verifying that citric acid was "produced by microbial fermentation of carbohydrate substances" before approving it for use. In the case reviewed by the auditor, IMOC's material review personnel determined without sufficient evidence that the material complied with the annotation as stated in §205.605(a).*

Corrective Action: IMOC updated 4.11.1, the Input Conformity Assessment, by adding a section on Processing Inputs review and approval. NOP Handbook document 5033 is used as a guidance document for input approval in IMOC's Input Conformity Assessment. IMOC notified review and inspection personnel via email, on 07 17 2020, of the updated procedure.

NOP-73-17.NC5 – Accepted. - 7 CFR §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: *IMOC does not fully understand the noncompliance, proposed adverse action, and adverse action process required by §205.662 in the following manner:*

- *IMOC requires operators to respond to their inspector with corrective actions for potential noncompliances listed in the exit interview. The inspector evaluates the response and determines if it adequately addresses the potential noncompliance(s), and then relays this to IMOC in the inspection report. This does not comply with §205.662(a), which requires the certifying agent to send the certified operation a written notification of noncompliance when the inspection reveals a noncompliance with the Act or regulations and the operation to provide its response to the certifying agent.*
- *In one file reviewed by the auditor, IMOC issued the operation a proposed suspension, but did not issue a notification of suspension even after the operation did not request mediation or file an appeal. This does not comply with §205.662(e)(1), which states, "If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension ... the certifying agent ... shall send the certified operation a written notification of suspension"*
- *The auditor's review of a combined noncompliance and proposed suspension issued by IMOC found that the operation was a certification applicant and not a certified operation. IMOC incorrectly issued the applicant a notification of proposed suspension, which does not comply with §205.662(c). The operation should have been issued a notice of denial of certification in accordance with §205.405(c)(1)(ii).*

Corrective Action: IMOC conducted staff training in November of 2019 to address the three components of this noncompliance. Training topics focused on the noncompliance process, the pre-inspection review, inspection, and the separation of review and inspection duties. Training was conducted to update staff that inspectors are no longer making certification decisions. The IMOC Certification Committee will make final certification decisions. Documentation of the training presented and the training log of attendees was submitted as evidence of the corrective action.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) received IMOCert Latinoamérica LTDA’s (IMOCert) application to become a U.S. Department of Agriculture (USDA) accredited certifier. IMOCert has requested accreditation for the scopes of Crops, Wild Crop, Livestock, and Handling. The NOP has reviewed IMOCert’s application, conducted an onsite audit, reviewed the audit report and corrective actions in order to determine IMOCert’s capability to operate as a USDA-accredited certifier.

GENERAL INFORMATION

Applicant Name	IMOCert Latinoamérica LTDA (IMOCert)
Physical Address	Calle Pasos Kanki #2134 (zona Cala Cala)
Mailing Address	Casilla Postal 1836, Cochabamba, Bolivia
Contact & Title	Osvaldo Garcia Ferrufino, Quality Manager
E-mail Address	ogarcia@imocert.bio
Phone Number	591 4 4456882
Reviewer & Auditors	Penny Zuck, NOP Reviewer Renée Gebault King and Lars Crail, On-site Auditors
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective Action review: April 12 - June 15, 2016 NOP assessment review: February 23 - March 4, 2016 Onsite audit: November 16 - 20, 2015
Audit Identifier	NP5233RKA
Action Required	None
Audit & Review Type	Pre-decisional Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of IMOCert’s certification system.
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	IMOCert’s certification services capability to carry out the audit criteria.

IMO Latinoamérica LTDA (IMOCert) began business in 1995 and is a private entity with shareholders. IMO Latinoamérica LTDA was a member of the IMO Group until 2014. IMO Latinoamérica LTDA recently changed their name to IMOCert Latinoamérica LTDA to be separate from their former IMO Group partnership.

The main office is located in Cochabamba, Bolivia (this is the “critical location”). The Bolivia office receives all applications, reviews the initial application, and issues the cost estimate (“offer”) directly to the certification applicant. Additionally, IMOCert has representative and

regional offices that conduct NOP scheme inspections and marketing only.

NOP DETERMINATION:

NOP reviewed IMOCert's corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit.

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.

NP5233RKA.NC1 – Accepted. 7 CFR § 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:"

Accredited certifiers must follow the noncompliance procedures for certified operations as follows:

1. 7 CFR § 205.662(a)(1-3) 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 with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: (1) A description of each noncompliance; (2) The facts upon which the notification of noncompliance is based; and (3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible."

2015 Comments: *The Notice of Noncompliance template does not 1) indicate a reference or citation to the specific USDA organic regulation that is noncompliant (205.662(a)(1)); 2) specify the date by which the client should respond (actual language used states "in a timely manner"); 3) use the term "rebuttal" but instead uses the term "appeal;" and, 4) specify that the rebuttal needs to be submitted in writing.*

2016 Corrective Action: IMOCert submitted a Notice of Noncompliance template which includes an NOP citation for each noncompliance, a date by which the client must respond to the notice, and a statement indicating the notice can be rebutted in writing by the client. IMOCert submitted revised procedures, including its Notice of Noncompliance procedures, and documentation of staff training that took place on this topic on March 30, 2016.

2. 7 CFR § 205.662(b) states, "When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent ... shall send the certified operation a written notification of noncompliance resolution."

2015 Comments: *IMOCert does not have a template for the Notice of Noncompliance Resolution or a process to send an operation a written notice of resolution when applicable.*

2016 Corrective Action: IMOCert submitted a Notice of Resolution of Noncompliance template, which outlines the noncompliance, implemented corrective action, and statement that the operation is in compliance with the requirements of the NOP/USDA. IMOCert submitted revised procedures to include when the operation will be issued a notification of noncompliance resolution and documentation of staff training that took place on this topic on March 30, 2016.

3. 7 CFR § 205.662(c)(1-4) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance... When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state: (1) The reasons for the proposed suspension or revocation; (2) The proposed effective date of such suspension or revocation; (3) The impact of a suspension or revocation on future eligibility for certification; and (4) The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.”

2015 Comments:

- a. *IMOCert does not have templates for Notice of Proposed Suspension, or Notice of Proposed Revocation.*
- b. *The combined Notice of Noncompliance and Proposed Suspension does not: 1) include a description of the noncompliance or specify the clause of 7 CFR 205 for the noncompliance; 2) include a description of the facts upon which the noncompliance is based; 3) specify the effective date when the Suspension becomes effective.*

2016 Corrective Action:

- a. IMOCert submitted templates for Notices of Proposed Suspension and Proposed Revocation. The templates include required information according to 7 CFR § 205.662.
 - b. IMOCert submitted revised templates for combined Notice of Noncompliance and Proposed Suspension and combined Notice of Noncompliance and Proposed Revocation, which include the NOP citation and description of each noncompliance, and the date when the suspension or revocation becomes effective.
4. 7 CFR § 205.662(e)(1-2) states, “If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of suspension or revocation.”

2015 Comments:

- a. *The Notice of Suspension does not: 1) include a description of the noncompliance or specify the clause of 7 CFR 205 for the noncompliance; 2) include an effective date of the suspension. Furthermore, the Notice of Suspension indicates that the client*

may submit corrective actions, but does not describe the procedures for mediation per § 205.663 or appeal per § 205.681.

b. IMOCert does not have a template for Notice of Revocation.

2016 Corrective Action:

- a. IMOCert submitted a revised template for Notice of Suspension which includes the NOP citation and description of each noncompliance, the effective date of the suspension (issue date of notice), and a description of the procedures to request mediation per § 205.663 or file an appeal per § 205.681.
- b. IMOCert submitted a template for Notice of Revocation, which includes all of the requirements per § 205.662. IMOCert submitted revised procedures including all adverse actions.

5. 7 CFR § 205.405(a)(1-3) states, “When the certifying agent has reason to believe, based on a review of the information specified in § 205.402 or § 205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification.”

2015 Comments: *The Notice of Denial template does not: 1) include a description of the noncompliance or specify the clause of 7 CFR 205 for the noncompliance; 2) specify the client may re-apply for certification again but does mention that the client has 14 days to appeal IMOCert’s decision of the notice in writing (30 days is required per § 205.681); 3) use the term “rebuttal” but uses the term “appeal” instead.*

2016 Corrective Action: IMOCert submitted revised templates for Notice of Denial and combined Notice of Noncompliance and Notice of Denial which include the NOP citation and description of each noncompliance, the client’s right to re-apply for certification pursuant to §§205.401 and 205.405(e), request mediation pursuant to §205.663, or file an appeal of the denial of certification pursuant to §205.681.

NP5233RKA.NC2 – Accepted. 7 CFR §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must.... Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart.” NOP 2027 Personnel Performance Evaluations, section 3.2.b, states “Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually.”

2015 Comments: *IMOCert’s current policy is to conduct inspector field performance evaluations once every three years, not annually.*

2016 Corrective Action: IMOCert revised the procedure to include annual field evaluations for all inspectors. The procedure submitted to the NOP includes the requirement of all inspectors to be evaluated annually, and the evaluation includes performance in inspection execution. IMOCert informed inspectors by an official statement on April 7, 2016 and submitted a copy of the statement that was sent to the inspectors via email. IMOCert has performed two evaluations of inspectors to date and submitted the evaluation reports to the NOP.

NP5233RKA.NC3 – Accepted. 7 CFR §205.403(c)(1) states, “The on-site inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the

regulations in this part.” 205.103(c) further states “The certified operation must make such records available for inspection and copying during normal business hours by authorized representatives of the Secretary, the applicable State program's governing State official, and the certifying agent.”

2015 Comments: *Operators at one review audit and one witness audit did not have all records available onsite during the audits; the IMOCert inspector did not note this as an issue of concern during the exit interview of the witness audit.*

2016 Corrective Action: IMOCert is including a checklist of documents and records in the inspection plan where the inspector must check confirming what basic records are available for inspection, which are verified, and which are attached as evidence. The standardized control procedure was revised to indicate the following: 1) the inspection plan, which is sent to the operation prior to the inspection, will include a list of all documents and records to be submitted by the operator during the inspection; 2) The inspector will complete the documents and registers verification checklist (annex II of the inspection plan), where the inspector confirms what documents and registers were verified and which ones were annexed to the inspection compendium; 3) The control documents will be presented to the office of IMOCert for further analysis and certification decision, taking the checklist verification of documents and records (Annex II of Plan inspection) as the basis for the review; 4) During the evaluation process, project officers will verify that all documents and records, which appear as mandatory in Annex II inspection plan, were attached to the compendium. IMOCert submitted the inspection plan template with the additional checklist of documents and records. The Inspector Guide was also revised with instructions for inspectors to verify the checklist of documents as part of the inspection. The inspectors were informed of this new procedure by an official statement on April 7, 2016 via email. A copy of the official statement was submitted to the NOP.

NP5233RKA.NC4 – Accepted. 7 CFR §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.... The certifying agent may set the nonrefundable portion of certification fees.... The fee schedule must explain what fee amounts are nonrefundable and at what stage during the certification process fees become nonrefundable....”

2015 Comments: *The following issues were identified when reviewing a certification cost estimate and IMOCert’s proposed fee schedule:*

- a. *Offer 243-01-2015, which was issued to a grower group operation where the witness audit was conducted, indicates the cost of certification, but not the estimated fee for the inspection. A total annual estimated cost of certification must include an estimated fee for inspection services.*
- b. *The proposed IMOCert fee schedule lacks information about a refund policy.*

2016 Corrective Action: IMOCert revised its estimate template to include the inspection estimate in addition to the certification fee estimate. The revised fee schedule also includes what fee amounts are nonrefundable and at what stage during the certification process fees become nonrefundable. The template and schedule were submitted to the NOP.

NP5233RKA.NC5 – 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 or conditions determined by the Administrator to be necessary.” NOP

Policy Memo 11-10 states, “Grower group certification... accredited certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies.”

1. NOSB Recommendation, Certifying Operations with Multiple Production Units, Sites and Facilities, November 2008, section D, states that an external inspection plan consists of “...a meaningful sample of subunits within any given Production Unit (with one exception – all new entrants to a Production Unit must be inspected in their first year with the group [emphasis added].”

2015 Comments: *IMOCert’s procedure for external inspection of subunits does not require that all new member subunits be inspected during the first year.*

2016 Corrective Action: IMOCert submitted a revised ICS Policy to the NOP, which includes the following: “All new producers entering the ICS of an organization will be re inspected by IMOCert during the first year with the group.” The Inspector Guide was revised to include instructions for inspectors to conduct inspections of all new producers in the group. A copy of the official notification to staff and inspectors of this new policy, dated April 7, 2016, was submitted to the NOP.

2. NOSB Recommendation, Certifying Operations with Multiple Production Units, Sites and Facilities, November 2008, section D1 states, “Once the annual sampling percentage rate is determined by the ACA, the highest risk subunits are identified and inspected. Of the remaining sample to be inspected annually, at least 25% of these the subunits should be selected at random. This helps to prevent the complacency that might be inadvertently encouraged by a certifier focusing only on higher-risk members of the multi-site operation.”

2015 Comments: *Although the minimum number of randomly selected subunits was achieved during the witness audit, the calculation method used by IMOCert inspectors does not ensure that the minimum amount of randomly sampled subunits will be achieved for all grower group inspections: After the highest risk subunits are identified, at least 25% of the remaining units are to be selected at random.*

2016 Corrective Action: IMOCert submitted a revised ICS Policy to the NOP, which includes a section (9.3) on re-inspection based on risk. A revised Inspector Guide was also submitted with a section defining that at least 25% of the remaining units are to be selected at random. This information was also included in an official notification sent to inspectors and staff April 7, 2016. A copy of the official notification was submitted to the NOP.

3. NOSB Recommendation, Certifying Operations with Multiple Production Units, Sites and Facilities, November 2008, section D2iii states, “In order to mitigate the potential for non-compliances to go unreported, the Internal Control System personnel must receive contractual (in-writing) assurances that under no circumstances are they to be admonished in any way because they have detected and reported a noncompliance. Additionally, these personnel must also be required to disclose, in writing, any potential conflicts in advance of surveillance and review.”

2015 Comments: *IMOCert is not requiring grower groups to implement and maintain records of contractual assurances for Internal Control System (ICS) personnel and ICS personnel conflicts of interest.*

2016 Corrective Action: IMOCert submitted a revised ICS Policy to the NOP, which includes a section (7.5) on ICS personnel, which requires grower groups to provide contractual assurance to internal inspectors and staff that they will not be admonished in any way for detecting, reporting and/or approving a noncompliance. The revised policy also requires conflict of interests to be declared in writing. IMOCert submitted its Inspector Guide that was revised to include the requirement for inspectors to verify this. This information was also included in an official notification sent to inspectors and staff April 7, 2016. A copy of the official notification was submitted to the NOP.

NP5233RKA.NC6 – Accepted. 7 CFR §205.403(c)(1) states, “The on-site inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations in this part;..” And, NOSB Recommendation, Certifying Operations with Multiple Production Units, Sites and Facilities, November 2008, section D2iii states, “In order to mitigate the potential for non-compliances to go unreported, the Internal Control System personnel must receive contractual (in-writing) assurances that under no circumstances are they to be admonished in any way because they have detected and reported a noncompliance. Additionally, these personnel must also be required to disclose, in writing, any potential conflicts in advance of surveillance and review.”

2015 Comments: *During the witness audit of a grower group the inspector did not verify the existence of records addressing ICS personnel contractual arrangements and conflict of interest declarations.*

2016 Corrective Action: IMOCert submitted a revised Inspector Guide that includes the following language: “*The inspector must verify that the ICS staff meets the points mentioned in the policy of equivalence 007 groups certification that, under NOP must verify, the ICS staff has a statement of conflict of interest, a statement in a written contract or equivalent...*” This was also included in an official notification sent to staff and inspectors April 7, 2016. A copy of the notification was submitted to the NOP.

NP5233RKA.NC7 – Accepted. 7 CFR §205.403(d) states, “The inspector must conduct an exit interview...to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection...”

2015 Comments: *During the witness audit of a grower group, the inspector did verify, per §205.406(a)(3) (Continuation of certification), the effective implementation of corrective actions for three (3) minor noncompliances identified during the previous on-site inspection. The inspector did not communicate the verification results during the exit interview to the grower group management team and ICS personnel.*

2016 Corrective Action: IMOCert submitted a revised Inspector Guide to include the following language: “*At the closing meeting the inspector should report the results of the assessment of corrective actions from previous inspections. Inspector should clearly indicate whether with the control effected the previous non-conformities are closed or there are missing aspects to close.*” This was also included in the official notification sent to staff and inspectors April 7, 2016. A copy of the notification was submitted to the NOP.

NP5233RKA.NC8 - Accepted. 7 CFR §205.501(a)(11)(v) states, “A private or governmental entity accredited as a certifying agent under this subpart must.... Prevent conflicts of interest

by.... Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.”

2015 Comments: *IMOCert procedures require all staff to declare any conflicts of interest, but the procedures do not require an annual declaration. Approximately half of the IMOCert staff does not have a COI declaration completed or on file for the past year and some personnel COI declarations have not been maintained since 2012.*

2016 Corrective Action: IMOCert revised the policy (contractual relations) to set a date at the beginning of the year for staff to submit their contractual documents (contracts, code of conduct, confidentiality-conflict of interest). A copy of the revised policy was submitted to the NOP. Notification was sent via email to all staff April 7, 2016 and a copy of the notice was submitted to the NOP. Signed copies of current conflict of interest declarations for staff and inspectors were submitted to the NOP.

NP5233RKA.NC9 – Accepted. 7 CFR § 205.403(d) states, “The inspector must conduct an exit interview ... to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.” NOP 2601 instruction The Organic Certification Process states, “At the end of the inspection, the inspector conducts an exit interview with an authorized representative of the operation. During the exit interview, the inspector communicates any potential noncompliances observed, and requests any additional information that may be missing from the OSP.”

2015 Comments: *During the witness audit of a grower group operation, it was observed that the inspector presented the inspection findings as noncompliances, and not potential noncompliances or issues of concern. The inspector also discussed proposed corrective actions with representatives of the operation and stated that a recommendation to issue the certificate upon correction of the noncompliances would be made to the certifier.*

2016 Corrective Action: IMOCert revised the Evaluation Summary document to clarify the results of the inspection are potential noncompliances and that the final certification decision will be issued by the certification committee. IMOCert submitted its revised Inspector Guide that includes the following language: “*inform the operator in evaluation summary are registered finding or potential non-conformities and that nonconformities be officially informed by certification committee...*” This was also included in the official notification sent to staff and inspectors April 7, 2016. A copy of the notification was submitted to the NOP.