



Accreditation and Certification General Reminders

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USDA Agricultural Marketing Service
National Organic Program





- Question Format
- Broker/Trader/Distributor Certification
- Materials Review
- Analysis of Noncompliances – FY15
- Areas for Improvement



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- **I have a question – now what?**
 - Look for the answer
 - USDA organic regulations
 - NOP Handbook
 - Organic Integrity Database
 - Training modules
 - ACA list-serve

Question Format



- What is “At Issue” or your “Question”
- Relevant Standard(s)
- Background
- Proposed Solution(s)
- Attachment(s)
- Urgency



- **What is “At Issue” or your “Question”:**

State briefly, with no more than a few sentences, the issue or the question you wish answered.



- **Relevant Standard(s)**

Cite the relevant NOP standard(s), if applicable.

Cite the relevant NOP Handbook documents, or other regulations, if applicable.



- **Background**

Provide the context surrounding the issue and/or why this question is relevant. Keep this section brief and on topic, however, be sure to include enough information to give a complete picture of the issue.



- **Proposed Solution(s)**

This is your opportunity to provide valuable input and insight. As the certifier, you have a greater understanding of the specific circumstances, you may be better equipped to foresee and suggest a solution. Your solution should be supported by the information in the other sections.



- **Attachment(s)**

*Include any relevant documents
and/or links, if applicable.*



- **Urgency**

If you are facing a deadline or under a time constraint, be sure to indicate this. This will help your Accreditation Manager prioritize issue/questions.



- **Other tips:**
 - Separate emails for each issue/question
 - Follow-up if you have not received a response
 - Do not contact or “cc” other NOP divisions or staff members. This will delay the response.



- **Other tips (cont):**
 - Designate someone within your organization for correspondence with NOP to reduce duplicate questions and issues.
 - Share NOP's response with other staff members/offices within your agency.

NOP Responses



- Why did my Accreditation Manager tell me he/she could not answer my question and cite the regulation back to me?
 - If NOP has not published guidance, we typically do not respond on specific situations because:
 - 1) We risk giving multiple different answers to different certifiers on the same topic.
 - 2) We should not provide guidance or instruction that is not available to all certifiers.
(consulting)

NOP Responses



- **NOP didn't answer my question – now what?**
 - Use your certifier toolbox
 - USDA organic regulations
 - Knowledge and expertise
 - ACAs can make certification decisions

Examples of questions that should come to NOP



- A certifier's client is willfully violating the regulations. The certifier may contact the NOP to determine if NOP's Compliance and Enforcement Division would like to handle the case and issue civil penalties because certifiers cannot issue civil penalties.
- A certifier's client is struggling with label approval through another USDA agency. The agency is giving labeling requirements that appear to be conflicting with the USDA organic requirements. The certifier does not know which regulations to follow and contacts the NOP for guidance.

Examples of questions to NOP



- If an applicant was certified by another ACA and is now obtaining certification with “ABC Organic Agency”. For the NOP effective date on the certificate do we use the date from their previous certification or the new date certified with “ABC”?

Examples of questions to NOP



- §205.404(b)(2) and (3) states, *“The certifying agent must issue a certificate of organic operation which specifies the: (2) Effective date of certification.”*
- NOP 2603 Instruction Organic Certificates states, *“Effective date (when the current or initial certifying agent first certified the operation to the USDA organic regulations).”*

Examples of questions to NOP



- Please provide clarification on whether or not High Pressure Processing (HPP) is allowed for use in organic handling and whether or not the facility who conducts HPP is required to be certified organic.
 - *NOP does not have a policy on this issue.*

Examples of questions to NOP



- An organic product claims 'contains only 5 grams of sugar' on the principal display panel, however, each individually wrapped protein bar indicates more than 5 grams of sugar in the information panel. Should this be cited as a noncompliance?
 - *This relates to an FDA regulation and is not an organic issue.*



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Broker/Trader/Distributor Certification



- Brokers/Traders/Distributors – must receive an on-site Inspection as required by §205.403(a)(1) *On-site inspections*.
- *A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested.*
- Virtual inspections are not allowed.



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Materials and the Organic System Plan (OSP)



- Organic producers and handlers must provide a list of materials to be used in production and handling in their Organic System Plan (OSP).
- Accredited certifying agents evaluate the list to determine compliance. Considerations:
 - Synthetic or non-synthetic determination (for crop or livestock use)
 - Product formulation (i.e., ingredients)
 - Intended use
 - Restrictions or annotations
- The certifier must approve the use of all materials on the list before materials can be used.



Certifier options for determining whether a product is allowed:

1. Certifier verifies.
2. Certifier consults another certifying agent who has evaluated the product.
3. Certifier may accept pesticides approved by the U.S. Environmental Protection Agency (EPA) for use in organic production.
4. Certifier consults with a Material Review Organization that has been recognized by AMS-NOP.

Materials Review



Regardless of certifier's approach for reviewing materials, they must:

- Maintain documentation to support determinations.
- Make synthetic vs. non-synthetic or agricultural vs. non-agricultural determinations in compliance with regulations.
- Demonstrate qualifications of review personnel.
- Have clear protocols and procedures for materials review.



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Noncompliance Analysis



- Analysis of certifier noncompliances resulting from audits in FY15
- 38 Audit Reports reviewed
 - *including domestic and international*
- Scope of Accreditation Audits
 - *6 Renewals, 28 Mid-terms, 3 Satellite Offices and 1 Compliance*

Analysis Averages FY15



4.4
noncompliances
per certifier

96.1%
compliance
overall

Noncompliance Analysis



- What does NOP do with this information?
 - Analyze patterns of noncompliances
 - Share the information with ACAs
 - Provide training on areas with high rates of noncompliance



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Areas for Improvement



- **§ 205.403 On-site Inspections**
 - Trace-back and mass balance activities not being conducted
 - Inspectors not citing USDA organic regulations
 - Inspectors citing wrong regulations
 - Exit interviews not being conducted

Areas for Improvement



- **§ 205.662 Noncompliance Procedures for certified operations and Proposed Suspension or Revocation**
 - Problems with the content of the notices
 - Timeline for issuing adverse actions
 - Issuing actions that are too strict or not strict enough



- **§ 205.501(a)(6) Annual Performance Evaluations**
 - Performance evaluations are not being conducted for all staff
 - Performance evaluations are not being conducted by qualified person or without conflict of interest

Areas for Improvement



- **§ 205.670 Inspection and Testing**
 - Not meeting the 5% minimum
 - Not providing sampling receipts to the operations
 - Not providing test results to the operations
 - Samples not being tested in a timely manner

Areas for Improvement



- **Grower Group Certification**
 - Not following the NOSB recommendations
 - PM 11-10
- **Unannounced Inspections**
 - Not meeting the 5% minimum

Questions?

