



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Americert International

2603 NW 13th Street #228, Gainesville, FL 3609 USA

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

7 CFR Part 205

as an Accredited Certifying Agent

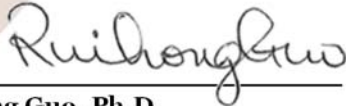
for the scope of

Crops, Wild Crops 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: **NP4174MMA**
Effective Date: **September 4, 2014**
Expiration Date: **September 4, 2019**


Ruihong Guo, Ph.D.
Acting Deputy Administrator
National Organic Program



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NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a mid-term assessment of Americert International (AI). An onsite audit was conducted, and the audit report reviewed to determine OCIA's capability to continue operating as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Americert International (AI)
Physical Address	1135 NW 23rd Avenue, Suite P Gainesville, FL 32609
Mailing Address	1135 NW 23rd Avenue, Suite P Gainesville, FL 32609
Contact & Title	Jonathan Austin, Technical Director
E-mail Address	americert@gmail.com
Phone Number	(352) 336-5700
Reviewer(s) & Auditor(s)	Graham Davis, NOP Reviewer; Robert Yang, Onsite Auditor
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective Action Review: July 1, 2016 NOP assessment review: May 19, 2016 Onsite audit: February 2 -5, 2016
Audit Identifier	NP6033RYA
Action Required	None
Audit & Review Type	Mid-Term Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of AI's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	AI's certification services in carrying out the audit criteria during the period: June, 2014 through February, 2016

Americert International, LLC (AI) is a for-profit, limited liability company that has been accredited by the USDA National Organic Program (NOP) since September 4, 2009 to certify crops, wild crops, and handling operations. AI currently certifies 76 operations, which includes 46 crops and 30 handling operations. AI does not certify livestock operations or grower groups. AI's certified operations are located in the United States, Puerto Rico, Mexico, and Dominican Republic. All certification activities are conducted from AI's sole office located in Gainesville, FL.

NOP DETERMINATION:

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

NP4174MMA.NC1 – Cleared.

NP4174MMA.NC2 – 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.

NP6033RYA.NC1 – 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."

Comments: *The certification cost estimate that AI provides applicants for certification and its certified clients is not a total cost of certification. It does not include the fee amount resulting from inspector mileage.*

2016 Corrective Actions: AI created a form (Form #A2B-v.061016) for providing certification cost estimates that include inspector mileage. AI issued a work instruction to inform their staff of the new form, and required it to be used immediately.

NP6033RYA.NC2 – Accepted. 7 CFR §205.642 states, "The certifying agent shall provide all persons inquiring about the application process with a copy of its fee schedule."

Comments: *AI does not provide applicants for certification with a copy of its fee schedule.*

2016 Corrective Actions: AI issued a work instruction that requires staff to attach a copy of the fee schedule to all responses to requests for certification cost estimates.

NP6033RYA.NC3 – Accepted. 7 CFR §205.501(a)(21) states, "A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." NOP 2025 Instruction Internal Program Review states, "Internal program reviews are conducted by personnel different from those who perform certification activities. The report must: Identify the

dates on which the review was conducted; ... and assess prior findings and implemented corrective actions of prior program reviews.

Comments: *A review of AI's 2015 annual program review revealed the following:*

- *The review was conducted by the Technical Director, the person who performed the certification activities being reviewed.*
- *The 2015 annual program review report did not identify the dates on which the review was conducted.*
- *AI's 2014 program review resulted in seven findings. The 2015 annual program review did not assess prior findings and implemented corrective actions of the 2014 program review.*

2016 Corrective Actions: AI created an Annual Program Review Audit Form that identifies the dates on which the review is conducted and requires an assessment of the prior year's findings and implemented corrective actions. AI issued a work instruction that requires the use of this new form. The work instruction also requires the Technical Director to use an outside consultant or auditor to conduct the annual program review.

NP6033RYA.NC4 – 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 2027 Instruction Personnel Performance Evaluations states, “Field Evaluation. Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually.”

Comments: *AI does not conduct field evaluations of its inspectors.*

2016 Corrective Actions: AI created an Annual Inspector Field Evaluation Form. AI issued a work instruction requiring annual field evaluations of its inspectors and the evaluations to be conducted by peers, the Technical Director, or IOIA.

NP6033RYA.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 and conditions determined by the Administrator to be necessary.” NOP 2027 Instruction Personnel Performance Evaluations states, “Certifying agents conducting performance reviews should use the following kinds of evaluation criteria: Supervisor or Peer Review.”

Comments: *The Technical Director's annual performance review is not conducted by a supervisor or peer. The performance review is a self- evaluation. The Technical Director evaluates himself against the evaluation criteria on AI's general Annual Evaluation Form and documents the results on the form.*

2016 Corrective Actions: AI issued a work instruction requiring the Technical Director's annual evaluation to be conducted by the person who conducts Americert's annual program review.

NP6033RYA.NC6 – Accepted. 7 CFR §205.662(a)(3) states, “a written notification of noncompliance shall ... provide: The date by which the certified operation must rebut or correct each noncompliance ...”

Comments: *The review of 8 notifications of noncompliance revealed that 6 notifications did not provide the operation with an opportunity to rebut the noncompliance.*

2016 Corrective Actions: AI created two standardized notices of noncompliance. One is a Notice of Noncompliance for failing to pay fees or submit annual renewal; the other is for all other noncompliances. The two templates provide operations with an opportunity to rebut noncompliances. AI issued a work instruction requiring staff to use the two templates immediately.

NP6033RYA.NC7 – Accepted. 7 CFR §205.662(c) states, “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: *The review of 8 notifications of proposed suspensions revealed an instance where an operation failed to pay their certification fees and submit their annual update. AI issued the operation a notification of proposed suspension without first issuing the operation a notification of noncompliance for the correctable violations.*

2016 Corrective Actions: AI issued a work instruction that requires staff to address correctable noncompliances through the issuance of a Notice of Noncompliance prior to issuance of a Notice of Proposed Suspension.

NP6033RYA.NC8 – Accepted. 7 CFR §205.662(c)(1) – (4) states,” The notification of proposed suspension or revocation of certification shall state: The reasons for the proposed suspension or revocation; the proposed effective date of such suspension or revocation; the impact of a suspension or revocation on future eligibility for certification; and the right to request mediation pursuant to § 205.663 or to file an appeal pursuant to § 205.681.”

Comments: *AI’s noncompliance procedures and applicable documents do not comply in the following manner:*

- *AI’s notification of proposed suspension provides operations with an opportunity to correct the noncompliance.*
- *Upon accepting a corrective action from an operation that has been issued a notification of proposed suspension, AI issues the operation a Notice of Proposed Suspension Resolution. A notification of proposed suspension should not provide the operation with an opportunity to correct the noncompliance. Accordingly, the issuance of a notification of proposed suspension resolution is not possible.*
- *Upon receiving a surrender of certification from an operation that has been issued a notification of proposed suspension, AI issues the operation a Notice of Proposed Suspension Resolution. A surrender of certification after the issuance a notification of proposed suspension does not stay the noncompliance process.*

2016 Corrective Actions:

- AI created a standardized Notice of Proposed Suspension Template. In addition, AI issued a work instruction to staff clarifying that operations may not resolve a proposed suspension by correcting the noncompliance.
- AI issued a work instruction to staff clarifying that Notices of Proposed Suspension Resolution may not be issued.

- AI issued a work instruction to staff clarifying that surrendering organic certification does not halt the suspension proceedings once a Notice of Proposed Suspension has been issued.

NP6033RYA.NC9 – Accepted. 7 CFR §205.660(d) states, “Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to § 205.662, § 205.663, and § 205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.”

Comments: *AI does not send notifications of noncompliance resolution to the recipient via a delivery service which provides dated return receipts. The notifications are sent via regular postal mail and email.*

2016 Corrective Actions: AI issued a work instruction to staff that requires responses and resolutions of noncompliances to be sent using a delivery service which provides dated return receipts.

NP6033RYA.NC10 – 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 2603 Instruction Organic Certificates states, “Organic certificates should ... include the following (* identifies elements required by 7 CFR § 205.404 of the USDA organic regulations): Certifying agent’s ... Web site*;”

Comments: *AI’s organic certificate does not include AI’s website address.*

2016 Corrective Actions: AI revised their Organic Certificate Template to include the AI website address. AI issued a work instruction to staff that requires the use of the new template immediately for new operations certified by AI. For existing clients, the new template will be issued when the operation’s updated certificate is issued.

NP6033RYA.NC11 – 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:

1. *AI does not require its certified operations to submit an update on the correction of minor compliances that were identified by AI as requiring correction for continued certification, which is a provision of §205.406(a)(3).*
2. *AI’s organic system plan (OSP) templates do not require operations to provide information regarding the export of product(s) or use of organic product(s) imported under an international trade arrangement. Such information is needed in order for AI to evaluate an operation’s compliance or capability to comply with the requirements of the international trade and export arrangements.*

2016 Corrective Actions: AI revised their annual update forms (NOP AU4-v.061616.pdf and NOP A3OGPR-v. 061616) to require that operations provide the status of corrective actions for

the previous year's minor noncompliances and notices of noncompliance. AI also revised their applications forms (NOP A3OGP-v.062616 and NOP A4-v. 062616) to address the requirements of export and international trade agreements. AI issued a work instruction that requires the use of the revised annual renewal forms.

NP6033RYA.NC12 – Accepted. 7 CFR §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Use ... adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.”

Comments:

- 1. During the annual onsite inspection of a crops operation, it was observed that the inspector did not follow AI's procedures for sample selection. AI's Organic Certification Manual states that the inspector should develop a sampling plan that takes into account what to sample and from where to collect samples, and that consideration should be given in selecting samples from locations where residue is most likely to be present given the risk factors or features of the operation being tested. The inspector did not have a sampling plan or take into consideration the risk factors or features of the operation when selecting the crop and location to collect from.*
- 2. During the annual inspection of a crops operation, it was observed that the inspector allowed the operator to collect the sample and handle the sample until it was later bagged by the inspector. Additionally, the sample was collected, handled, and bagged without the use of gloves. A verification of the sample collection kit AI provided its inspector with revealed that gloves were not included in the kit. The inspector's sample collection did not comply with the requirements of § 205.670(e) and with NOP 2610 Instruction Sampling Procedures for Residue Testing. The instruction states that samples must be taken using gloved hands.*
- 3. During the annual onsite inspection of a crops operation, it was observed that the inspector did not review the operation's record-keeping.*
- 4. During the annual onsite inspection of a handling (broker) operation, it was observed that the inspector did not conduct a traceability exercise, which AI requires its inspectors to conduct as part of its record-keeping verification process. The inspector only verified whether the appropriate records were being maintained.*
- 5. During the walk around portion of the annual inspection of a crops operation, it was observed that the inspector did not verify the accuracy of the information in the operation's organic system plan. Information/areas the inspector did not verify during the walk around include the operation's farm map; field and production area information; defined boundaries; use of on-farm chicken manure; and a new high tunnel under construction.*

2016 Corrective Actions: AI created a form (062616 PRC Sampling Plan Record.pdf) to be used for residue collection events which includes requirements for the inspector to document the sampling plan analysis used. This form requires inspectors to collect and handle the sample themselves and to use gloves. AI added gloves to their collection kit, and issued a work

instruction that requires the use of the Pesticide Residue Collection and Sampling Plan Record. Additionally, a staff training which addresses the issues in the noncompliance and reiterates the AI/NOP requirements for the conducting of onsite inspection has been created and will be delivered to all inspectors by October 31, 2016.

NP6033RYA.NC13 – Accepted. 7 CFR §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Use ... adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.”

Comments: *A review of “made with organic (specified ingredients or food group(s))” labels revealed that AI approved two product labels that did not comply with § 205.304(a)(1)(iii). The “made with organic milk and organic cane sugar” statement on both labels did not appear in its entirety in the same type size and style.*

2016 Corrective Actions: AI issued a Notice of Noncompliance to the operation requiring correction of the labels in question, and is in the process of receiving corrected labels. AI issued a work instruction that addresses this aspect of the labeling requirements.

NP6033RYA.NC14 – Accepted. 7 CFR §205.504 states, “... a certifying agent must submit the following documents and information to demonstrate ... its ability to fully comply with and implement the organic 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;”

Comments: *The AI Organic Certification Manual does not demonstrate AI’s ability to fully comply in the following manner:*

- 1. The manual states that AI will issue a Notice of Proposed Denial of Certification. § 205.405 Denial of Certification does not provide for the issuance of a notification of proposed denial of certification.*
- 2. The manual states that a certified operation may surrender its organic certificate and withdraw from certification if it has not been issued a notice of noncompliance, proposed suspension or revocation, and does not have outstanding financial obligations to AI. Operations who have been issued such notices or have outstanding obligations may only withdraw from certification upon the discretion of the Technical advisor. Under the USDA organic regulations, a certified operation may surrender its certification at any time.*

2016 Corrective Actions: AI revised their Certification Manual to clarify that an operation may surrender certification at any time without conditions. AI also issued a work instruction to staff to clarify that an operation may surrender certification at any time without conditions.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) received Americert's accreditation renewal application to maintain U.S. Department of Agriculture (USDA) accreditation on February 21, 2014. The NOP reviewed Americert's application, conducted an onsite audit, and reviewed the audit report to determine Americert's capability to continue operating as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Americert International
Physical Address	1135 NW 23 rd Avenue, Suite P, Gainesville, FL 32609
Mailing Address	Same
Contact & Title	Jonathan Austin, Certification Director
E-mail Address	Americert@gmail.com
Phone Number	352-336-5700
Reviewer(s) & Auditor(s)	Janna Howley, NOP Reviewer; Miguel A. Caceres, Onsite Auditor(s).
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective Action Review Date: October 8, 2014 Audit Dates: June 23-27, 2014
Audit Identifier	NP4174MMA
Action Required	None
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Americert's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	Americert's certification services in carrying out the audit criteria during the period: August 11, 2010 to June 27, 2014.

Americert International (Americert) is a for profit business owned by the Technical Director. Americert was accredited as a certifying agent on September 4, 2009 to the National Organic Program (NOP) for crops and handling operations. All certification activities are conducted from the only office Americert has, which is located in Gainesville, FL. Americert does not have any committees or external members involved with the company.

The Americert staff consists of the Technical Director, an office manager, and four contracted inspectors who can also act as an initial and final reviewer on operations they have not inspected. Americert currently has 46 operations certified to the NOP organic standards, consisting of 32 crops and 14 handlers. All NOP clients are located in the United States, with the exception of

two operations located in Mexico; the NOP standards are the only standards applied.

NOP DETERMINATION:

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

NP0221BBA.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.

NP4174MMA.NC1 – Accepted - §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."

Comments: *Of the eight labels reviewed in the office and one during the review audit, one label did not identify one of the three organic ingredients as organic. Three labels did not include the "Certified Organic By..." statement below the information identifying the handler. Two had the "Certified Organic By..." statement above the handler information and one did not identify the handler of the product on the back panel.*

Corrective Action: Americert developed and implemented a written work instruction and checklist for their staff to use regarding conducting label reviews. Americert also provided additional training to its staff on the labeling requirements under the NOP. The work instruction, label review checklist and PowerPoint training on labeling requirements were provided to the NOP.

NP4174MMA.NC2 – Accepted - §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: *In one of six files reviewed, a crop post handling operation was allowed to use a prewash consisting of chlorine at 200ppm and dish washing soap for citrus, followed by a water rinse. Americert allowed the dishwashing soap based on soap's listing as an allowed algicide/demosser at 7 CFR 205.601(a)(7). Soap is allowed in the production of crops at 205.601(a)(7), but this listing does not have an annotation allowing the material to be used for postharvest handling. Therefore, soap is not allowed in postharvest handling.*

Corrective Action: Americert identified weaknesses in staff knowledge in interpreting the allowed postharvest materials. Americert provided a work instruction to staff addressing post-harvest materials. A copy of the work instruction was provided to the NOP. Americert also issued a Notice of Noncompliance to the operation that had been using soap post-harvest. A copy of the Notice of Noncompliance was provided to the NOP.

Applicant Name:	OIA North America, LLC
Est. Number:	N/A
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Mailing Address:	2603 NW 13th Street #228, Gainesville, FL 32609
Contact & Title:	Jonathan Austin, CEO
E-mail Address:	OIA@oianorth.com
Phone Number:	352-336-5700
Auditor(s):	Meg Kuhn, RAM – East Region
Program:	USDA National Organic Program (NOP)
Audit Date(s):	November 10 – December 17, 2010
NOP Audit Identifier:	AIA111010MMK
Action Required:	No
Audit Type:	Initial On-Site Corrective Action Audit
Audit Objective:	To verify the company’s ability to comply with the NOP regulations through review of corrective actions submitted.
Audit Criteria:	7 CFR Part 205, National Organic Program (NOP), Final Rule, dated December 21, 2000; updated June 17, 2010.
Audit Scope:	OIA North America response of corrective actions submitted.
Location(s) Audited:	Desk

AUDIT INFORMATION

One non-compliance was identified during the Initial On-Site audit. A response to this non-compliance was requested on September 27, 2010 and a response was received by the NOP on November 10, 2010.

NP0221BBA.NC1 – Adequately Addressed: NOP §205.403(c)(2) Verification of information states, “The on-site inspection of an operation must verify: 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.” *The observation of the crop inspection (demonstration inspection) showed that the inspector did not identify or issue a non-compliance that the OSP did not accurately reflect all of the practices being used by the certified operation. In addition, the initial inspection, review, and final certification did not identify any non-compliance for the incomplete OSP used by the operation. Some of the deficient areas observed during the demonstration inspection but not completely or accurately described in the OSP included the following:*

- 1 *2 insecticide inputs were not listed on the OSP.*
- 2 *Cleaning/sanitizing products were not clearly described.*
- 3 *The handling/packing process of the vegetables was not clearly described.*
- 4 *The OSP stated the entire farm but prohibited substances were applied to weeds around the trailer house (non-organic growing area). It was noted however, that this product was not used in the greenhouses with the organic vegetables. It was however noted that the inspector did go over*

some of the incomplete or deficient areas during the exit interview of the demonstration inspection.

Corrective Action: OIA North America responded across three systems: operation, inspection, and management review. The operation was cited a non-compliance for the deficient areas noted during the witness audit. Inspectors are being provided training (via online or in person) stressing the importance of reviewing all aspects of the OSP at all inspections, including initial, renewal, and any additional inspections for whatever reason. At the management level, OIA North America issued a policy memo informing inspectors, OIA NA staff, and certified operations of the policy for inspecting operations including changes made to the OSPs during inspections, how changes communicated would be provided in writing to inspectors and operators, and the requirement that inspectors be provided with changes to operators' system plans prior to inspection. This response is to be verified at the next on-site audit; however, if effectively implemented, OIA NA's plan demonstrates compliance with NOP accreditation requirements.