



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Baystate Organic Certifiers

1220 Cedarwood Circle, North Dighton, MA 02764

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, 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 OF ACCREDITATION



Certificate No: **NP7156GDA**
Effective Date: **April 29, 2017**
Expiration Date: **April 29, 2022**

Ruihong Guo FOR RG

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

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NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite Mid-term office audit and witness audit of the Baystate Organic Certifiers (BOC) organic program was conducted on June 10 - 12, 2019 and December 19, 2019, respectively. The National Organic Program (NOP) reviewed the auditors' reports to assess BOC's compliance to the USDA organic regulations. This report provides the results of NOP's assessment and review of corrective actions.

GENERAL INFORMATION

Applicant Name	Baystate Organic Certifiers (BOC)
Physical Address	1220 Cedarwood Circle North, Dighton, MA 02764
Mailing Address	1220 Cedarwood Circle North, Dighton, MA 02764
Contact & Title	Don Franczyk, Executive Director
E-mail Address	dfranczyk@baystateorganic.org
Phone Number	774-872-5544
Reviewers & Auditors	Callie Herron & Alison Howard, NOP Reviewers; Rebecca Claypool & Graham Davis, On-site Auditors
Program	USDA National Organic Program (NOP)
Review & Audit Dates	Corrective action review: February 18- March 3, 2021 Witness audit: December 19, 2019 Onsite office audit: June 10-12, 2019
Audit Identifier	NOP-17-19
Action Required	No
Audit & Review Type	Mid-Term Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BOC's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	BOC's certification services in carrying out the audit criteria during the period: May 12, 2017 through June 10, 2019; December 19, 2019

Baystate Organic Certifiers (BOC) is operated by Massachusetts Independent Certification, Inc. (MIC). MIC is a non-profit business incorporated in the state of Massachusetts. BOC was initially accredited as a certifying agent on April 29, 2002 to the accreditation scopes of crops, wild crops, livestock, and handling.

BOC certifies 499 operations under the following certification scopes: crops (294), livestock (44), and handling/processing (283).

BOC's office is located in North Dighton, Massachusetts. BOC's staff consists of: Technical Staff (8), Contracted Inspectors (8), and Administrative/support staff (4). BOC's technical staff also conduct inspections.

As part of the accreditation audit activities, a witness audit of an annual inspection of a handling operation was conducted.

NOP DETERMINATION

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

NP7156GDA.NC1 – Cleared.

NP7156GDA.NC2 – Cleared.

NP7156GDA.NC3 – Cleared.

NP7156GDA.NC4 – Cleared.

NP7156GDA.NC5 – Cleared.

NP7156GDA.NC6 – Cleared.

NP7156GDA.NC7 – Cleared.

Noncompliances Identified during the Current Assessment

AIA-3270-20 – Accepted. (NOP-17-19.NC1) - 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: *BOC's organic system plan (OSP) forms do not demonstrate that BOC fully complies with the requirements of § 205.201(a)(6). BOC's Farm OSP does not ask questions about the importing of products or exporting to countries other than Canada. The Livestock OSP does not include any import or export questions. Additionally, the Handler Inspection Report has an import question, and an export question for Canada but does not inquire about export to other countries. Neither the Farm or Livestock Inspection Reports include import or export questions.*

Corrective Action: BOC updated documents to include import and export questions:

- *Section 7C. Marketing* of their Organic Livestock Plan 3.0 and the Marketing section of their Organic Farm Plan 3.0 include a question about imports from any foreign country and a question about exports to any foreign country. If the operation answers yes, they

are prompted to fill out BOC's Import/Export addendum. BOC sent renewal applicants the updated forms as part of the renewal packet. New applicants started using the updated forms in July 2020.

- *Section 6. Certification status and Canadian Equivalency* of the Processor-Handler Inspection Report 2.3 includes questions about whether the operation is collecting and filing the required import/export documentation if they import/export organic products from/to the European Union, Japan, Taiwan or other applicable countries. BOC emailed inspectors the updated form to begin using on March 3, 2021.
- Section 8 of the Farm Inspection Report and Section 7 of the Livestock Addendum include a question about whether the operation is providing or obtaining the required import/export documentation if they import or export products. BOC emailed inspectors the updated forms to begin using on March 3, 2021.

AIA-3275-20 – Accepted. (NOP-17-19.NC2) - 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: *BOC's Quality Manual does not demonstrate BOC is fully carrying out the provisions of § 205.405 and 205.662. BOC's Quality Manual 2.4 includes incorrect information about the adverse action process. BOC's Quality Manual states that after issuing a combined Notice of Noncompliance and Denial, if the operation does not correct the noncompliances by the due date, another letter of denial is issued. The Quality Manual also states in the Surrendering Certification section that an operation that surrenders their certification before a notice of suspension or revocation is issued will not be suspended or revoked.*

Corrective Action: BOC updated their Quality Manual. Quality Manual 2.9 includes the following information:

- *The Issuing a Denial of Certification* section now states, “If a Notice of Noncompliance and a Notice of Denial of Certification are issued in the same document, such a Notice of Noncompliance does not provide a date by which the applicant must rebut or correct, since the denial makes corrective actions moot.”
- *The Surrendering Certification* section now states, “Operations that have been issued a Notice of Noncompliance and Notices of Proposed Suspension or Revocation cannot terminate the suspension or revocation process by surrendering. If an operation surrenders after a notice of proposed suspension or revocation has been issued, then the surrender is accepted, and the suspension or revocation process continues until it is completed.”

AIA-3276-20 – Accepted. (NOP-17-19.NC3) - 7 C.F.R. §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 with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: 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.”

Comments: *BOC's notices of noncompliance do not always include the operation's right to rebut the noncompliance. BOC issues notices of noncompliance for late renewal applications that do not include the option to rebut the noncompliance.*

Corrective Action: BOC submitted two examples of an updated notice of noncompliance for nonpayment of fees that stated the operation could rebut the notice of noncompliance. BOC staff responsible for issuing the notices began using the updated notice immediately after the on-site audit. The two examples BOC provided to the NOP were issued on October 25, 2019 and April 24, 2020.

AIA-3277-20 – Accepted. (NOP-17-19.NC4) - 7 C.F.R. §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;”

Comments: *BOC does not always use adequately trained personnel to comply with and implement its USDA organic certification program. The auditor's review of certification files found that BOC staff approved a "made with organic" label that stated "Made with organic flour" even though the ingredient statement included nonorganic cultured wheat flour.*

Corrective Action: BOC updated their *Handler Application Review* document to include the following checkbox: "For non-organic ingredients in Made-with-Organic Products: I have verified that each non-organic ingredient is not among or derived from the foods or groups identified in the 'Made with Organic _____.'" On June 4, 2020, BOC issued a Notice of Noncompliance to the operation that was using the noncompliant label. BOC submitted the Notice to the NOP. On June 10, 2020, BOC retrained handler reviewers on §205.304 and NOP 5032. BOC submitted to the NOP the "*Made with Organic ingredient labels*" presentation used during the training.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of the Baystate Organic Certifiers (BOC) organic program was conducted on June 5-8, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess BOC's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Baystate Organic Certifiers (BOC)
Physical Address	1220 Cedarwood Circle North Dighton, MA 02764
Mailing Address	1220 Cedarwood Circle North Dighton, MA 02764
Contact & Title	Don Franczyk, Executive Director
E-mail Address	baystateorganic@earthlink.net
Phone Number	774-872-5544
Reviewer Auditors	Jason Lopez, NOP Reviewer; Lars Crail, On-site Auditor; Graham Davis, Technical Expert.
Program	USDA National Organic Program (NOP)
Review Audit Dates	Corrective action review: January 26, 2018 NOP assessment review: August 21, 2017 Onsite audit: June 5-8, 2017
Audit Identifier	NP7156GDA
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 BOC's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	BOC's certification services in carrying out the audit criteria during the period: June 2014 through June 2017

Baystate Organic Certifiers (BOC) is the certification program of Massachusetts Independent Certification Inc., a 501(c)(3) corporation. BOC was initially accredited as a certifying agent on April 29, 2002 to the following accreditation scopes: crops, wild crops, livestock, and handling. BOC certifies 394 operations under the following certification scopes: crops (237), livestock (46), and handling/processing (197).

BOC's office is located in North Dighton, Massachusetts. BOC's staff consists of: Technical Staff (8), Contracted Inspectors (6), and Administrative/support staff (2).

As part of the onsite accreditation audit activities, two witness audits were conducted – one of a new applicant crops inspection and one of a handling/processing inspection.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether BOC corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to BOC.

Noncompliances from Prior Assessments

None

Noncompliances 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.

NP7156GDA.NC1 – Accepted. 7 C.F.R. §205.501(a)(21) states, “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2603, Organic Certificates, Section 3.1, indicates what elements and phrases should be on an organic certificate.

Comments: *The following organic certificate elements are incorrect or missing:*

1. *“Anniversary date” is not stated.*
2. *The statement “Certified to the USDA organic regulations, 7 C.F.R. Part 205.” is not stated.*
3. *The certificate does not include the statement: “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked.”*

Corrective Action: BOC has amended its organic certificate template to correct all deficiencies noted above. Staff were notified via email on August 30, 2017 to use the new organic certificate template. Additionally, BOC submitted a newly designed organic certificate template it plans to implement in January 2018.

NP7156GDA.NC2 – Accepted. 7 C.F.R. §205.403(d) states, “*Exit interview.* ... The inspector must also address the need for any additional information as well as any issues of concern.”

Comments: *Operations are provided an “Exit Interview” document at the conclusion of each inspection where issues of concern are identified. BOC inspectors do not consistently reference the applicable organic regulations for the identified issues of concern.*

Corrective Action: BOC is requiring all inspectors to cite the applicable USDA regulation for all issues of concern identified in the exit interview. Inspectors were notified of this requirement verbally and via email on June 16, 2017. Additionally, during the final review, reviewers will

verify that references have been cited on the Exit Interview document. BOC submitted copies of completed exit interview documents from recent inspections to demonstrate that citations are being included on the document.

NP7156GDA.NC3 – Accepted. 7 C.F.R. §205.662(c) 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...”

Comments: *BOC is not issuing notices of proposed suspensions or revocations in a timely manner once the prescribed time period stated in the notice of noncompliance has passed.*

Corrective Action: BOC will issue a notice of proposed suspension or revocation to an unresponsive operation 7-10 days after the response due date. BOC submitted copies of two recently issued notices of noncompliance and notices of proposed suspension to demonstrate that the corrective actions have been implemented.

NP7156GDA.NC4 – Accepted. 7 C.F.R. §205.662 (e)(1) 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”

Comments: *BOC is not issuing notices of suspension in a timely manner once the prescribed time period stated in the notice of proposed suspension has passed.*

Corrective Action: BOC has updated its Quality Manual to include procedures for issuing notices of suspension in a timely manner based on the date stated in the notice of proposed suspension. BOC submitted copies of two recently issued notices of suspension to demonstrate that the corrective actions have been implemented.

NP7156GDA.NC5 – 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: *BOC is not issuing operations that fail to submit their annual update by the anniversary date a notice of noncompliance in a timely manner. BOC gives its certified operations an additional 30 days or more to submit their annual update prior to issuing the operation a notice of noncompliance.*

Corrective Action: BOC has amended its process to now issue notices of noncompliance for late renewal applications 21-30 days after the anniversary date. BOC updated its quality manual with this procedural change, and notified its staff of the change. BOC submitted copies of three notices of noncompliance it issued since the NOP onsite audit for failure to submit an annual update and fees to demonstrate that BOC is issuing such notices in a timely manner.

NP7156GDA.NC6 - 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 Instruction Internal Program Review states, “Internal program reviews are conducted by personnel different from those who perform certification activities.

Comments: A review of BOC’s 2016 annual program review revealed that it was conducted by BOC’s Executive Director and Certification Specialists who performed the certification activities being reviewed.

Corrective Action: BOC has adopted the use of external auditors to conduct their annual program review. BOC submitted a copy of its August 2017 annual program review, which was conducted by an external auditor.

NP7156GDA.NC7 - Accepted - 7 C.F.R §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;...”

Comments: Several BOC-approved labels did not identify each organic ingredient in the ingredient statement.

Corrective Action: BOC has reviewed all labels in question and required the operation to correct the labels. BOC conducted training for its process reviewers on NOP labeling requirements including identification of each organic ingredient in the ingredient statement, on October 5, 2017.

NATIONAL ORGANIC PROGRAM REPORT

AUDIT AND REVIEW PROCESS

The U.S. Department of Agriculture, Agricultural Marketing Service, National Organic Program (NOP) conducted an onsite mid-term accreditation assessment of Baystate Organic Certifiers (BOC) from June 10-12, 2014 in North Dighton, MA. The NOP reviewed the auditor's report on Jun 26, 2014 to determine Baystate Organic Certifier's capability to operate as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name:	Baystate Organic Certifiers (BOC)
Physical Address:	1220 Cedarwood Circle, N. Dighton, MA 02764
Mailing Address:	1220 Cedarwood Circle, N. Dighton, MA 02764
Contact & Title:	Don Franczyk
E-mail Address:	baystateorganic@earthlink.net
Phone Number:	774-872-5544
Auditor(s) and Reviewer (s):	Betsy Rakola, NOP Reviewer; Darrell Wilson, On-site Auditor; Dave Hildreth, Witness Auditor.
Program:	USDA National Organic Program (NOP)
Audit and Review Date(s):	June 26, 2014: prior noncompliances cleared
Audit Identifier:	NP416100A
Action Required:	None
Audit and Review Type:	Mid-Term Assessment
Audit Objective:	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of [ACA acronym]'s certification system.
Audit and Determination Criteria:	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit and Review Scope:	BOC's certification services in carrying out the audit criteria during the period: November 2011 – June 2014

Certifier Overview Narrative:

ORGANIZATIONAL STRUCTURE:

Baystate Organic Certifiers (BOC) is owned and operated by Massachusetts Independent Certification, Inc. (MICI). MICI is a non-profit business where the organic certification program is BOC and by extension also a non-profit. BOC was initially accredited as a USDA National Organic Program (NOP) certifying agent on April 29, 2002 for crops, wild crops, livestock, and handling operations. BOC consists of the one office and can provide certification services to

operations throughout the United States. The BOC list of NOP certified operations included 169 crops, 114 handlers, and 35 livestock operations. There were no wild crops or grower groups certified by BOC at the time of the assessment.

BOC has one Executive Director (ED) who is responsible for the day to day management of BOC, including all aspects of certification operations. The ED may conduct application reviews and inspections, and make the certification decision as required. The ED assigns the certification decision to other staff members if he is involved in the application review or inspection. The BOC certification program also has three Certification Administrators (CA) that may conduct initial reviews, inspections, final reviews, and can make certification recommendations and in some cases certification decisions. CA's do not perform final reviews for operations they have inspected or for which they conducted the initial review. Additionally, BOC has six Application Reviewers (AR) which review organic system plans (OSP) to determine whether they are in compliance with the USDA organic regulations. Two of the AR's also conduct inspections. There are four additional inspectors, one of which is in training and three which are subcontracted. The MICI and BOC certification program has a four member Board of Directors (BOD) with overall responsibility for all aspects of governance of the two entities.

Conflict of interest disclosure reports were updated annually as required and were on file for all employees including the members of the BOD. The conflict of interest disclosure reports also include a confidentiality clause. Performance evaluations were completed annually for personnel involved in the certification process. Training for AR's and CA's was provided by the ED. Interviews conducted, review of job descriptions, and curriculum vitae for all positions verified that the personnel had the required qualifications, experience, training, and education in agriculture, organic production, and organic handling or a combination of these to perform their duties as assigned.

CERTIFICATION PROCESS:

Operations requesting certification are first directed to the BOC website where all information for certification can be obtained. A list of forms and documents needed is also sent to the prospective applicant to ensure that they get all of the information and forms needed for submission. The required information can be sent to the applicant by email or mail if requested by the applicant.

Upon receipt of the application, an initial review for completeness and compliance is conducted either by the ED, a CA, or an AR. When the application is complete and the operation is ready for inspection, the ED will assign an inspector based on qualifications, training, and after ensuring there is no conflict of interest. After the inspection report is received, the file is reviewed by a CA who makes a recommendation and the ED makes the certification decision. The majority of the certification decisions are made by the ED unless he is involved in the initial review in which case the assigned CA will make the certification decision.

For continuation of certification, BOC sends the certified operation a copy of their current OSP and asks them to make any changes on the document and submit it along with any additional information. The review process is basically the same as for an applicant with an initial review, inspection, and final review and certification decision.

Labels and materials are reviewed by the ED or a CA and verified during inspections. Materials reviewed are those that have already been approved by BOC or OMRI. If the material has not been previously approved then it is reviewed for compliance by the ED. BOC does not have a material evaluation program for liquid nitrogen fertilizers with nitrogen content greater than 3 percent and BOC stated they had no intentions of developing a program at the time of the assessment.

Four export arrangements have been issued, one for the EU and three for Japan, which were requested by one of their clients. Export documents were reviewed and found to be in compliance with the instructions for completing the forms.

Since the previous USDA assessment, BOC had issued twenty nine notifications of proposed suspension with nine actual suspensions. One of the operations is currently in the process for reinstatement. There was one notice of proposed revocation which was issued and ultimately ended in revocation. There were six denials of certification issued. One operation withdrew their application for certification. There were no requests for mediation.

ADMINISTRATIVE RECORDS AND PROCESSES:

The main basis of certification for the NOP is the Administration Manual. This manual is available on the BOC website and can be obtain by regular post or email if so requested. All forms for certification are also available on the BOC website.

BOC's annual review consists of an internal audit. A review of these audits verified that they are being conducted annually during the month of December and that corrective actions are being taken as applicable.

Training can be external or internal. Records reviewed indicated that most all personnel have had IOIA training as well as various other training in organic areas.

SUMMARY OF WITNESS INSPECTIONS AND REVIEW AUDITS CONDUCTED:

As a part of the mid-term assessment there was one review audit and one witness inspection conducted. The review audit was a handling operation that is a mixed operation. There are 3 production lines of which 2 are used for, but not dedicated to, organic production. The company receives bulk packed organic product which are ordered by the parent company that are then packaged as an organic frozen berry blend. The witness inspection was a crop and livestock operation, which consisted of a split operation. The operation produces both organic and conventional milk that is processed in their processing facility which was not part of this inspection. The pastures for the organic dairy portion of the operation were observed. All grain fed to the organic herd is purchased from an organic feed processor. All organic animals were observed on pasture during the assessment. Both the review audit and witness inspection were announced.

NOP DETERMINATION

NOP's review of BOC's onsite audit report was conducted. NOP cleared all prior noncompliance correction actions. The audit did not identify any new noncompliances.

CORRECTIVE ACTION REPORT

Applicant Name:	Baystate Organic Certifiers
Est. Number:	N/A
Physical Address:	1220 Cedarwood Circle, North Dighton, MA 02764
Mailing Address:	1220 Cedarwood Circle, North Dighton, MA 02764
Contact & Title:	Don Franczyk, Executive Director/Certification Administrator
E-mail Address:	baystateorganic@earthlink.net
Phone Number:	774-872-5544
Auditor(s):	Betsy Rakola, Accreditation Manager
Program:	USDA National Organic Program (NOP)
Audit Date(s):	March 16 – May 7, 2012
Audit Identifier:	NP1318MMA
Action Required:	No
Audit Type:	Corrective Action Audit (Renewal Assessment)
Audit Objective:	To verify continuing compliance to the audit criteria.
Audit Criteria:	<i>7 CFR Part 205, National Organic Program; Final Rule</i> , dated December 21, 2000, as amended August 3, 2011.
Audit Scope:	The company’s quality manual including personnel, processes, procedures, facilities, and related records.
Location(s) Audited:	Desk

The NOP conducted a 5-year accreditation renewal assessment of Baystate Organic Certifiers in North Dighton, MA from November 14-18, 2011. Witness audits were conducted in Massachusetts and New Hampshire. The assessment resulted in five noncompliances, and the NOP issued a Notice of Noncompliance to Baystate on February 21, 2012. Baystate responded with corrective actions on March 16, 2012. On April 26, 2012, the NOP requested additional information on NC4 and NC5. Baystate provided additional information on May 7, 2012. The second round of corrective actions included sufficient evidence of compliance for an Accreditation Committee review.

GENERAL INFORMATION: Baystate Organic Certifiers (BOC) is owned and operated by Massachusetts Independent Certification, Inc. (MICI). MICI is a non-profit business where the organic certification program is BOC and by extension also a non-profit. BOC was initially accredited as a USDA National Organic Program (NOP) certifying agent on April 29, 2002 for crops, wild crops, livestock, and handling operations. BOC consists of the one office and can provide certification services to operations throughout the United States. The BOC list of NOP certified operations included 253 operations, consisting of 153 crops; 106 handlers, and 25 livestock operations. There were no wild crops

or grower groups certified by BOC at the time of the assessment.

PERSONNEL: BOC has one Executive Director (ED) who is responsible for the day to day management of BOC, including all aspects of certification operations. The ED may conduct application reviews and inspections, and make the certification decision as required. The ED assigns the certification decision to other staff members if he is involved in the application review or inspection. The BOC certification program also has three Certification Administrators (CA) that may conduct initial reviews, inspections, final reviews, and can make certification recommendations and in some cases certification decisions. CA's do not perform final reviews for operations they have inspected or for which they conducted the initial review. One of the three CA's was a full time employee who conducted application reviews and made the certification decision but did not conduct inspections. The other 2 CA's were part time employees. Additionally, BOC has three Application Reviewers (AR) which review organic system plans (OSP) to determine whether they are in compliance with the National Organic Standards. Two of the three were part time employees and the other AR is subcontracted. The BOC list of personnel included seven subcontracted inspectors of which four were listed as new inspectors to the BOC certification program. The MICI and BOC certification program has a three member Board of Directors (BOD) with overall responsibility for all aspects of governance of the two entities.

Conflict of interest disclosure reports were updated annually as required and were on file for all employees including the members of the BOD. The conflict of interest disclosure reports also include a confidentiality clause. Performance evaluations were completed annually for personnel involved in the certification process. Training for AR's and CA's was provided by the ED. Interviews conducted, review of job descriptions, and CV's for all positions verified that the personnel had the required qualifications, experience, training, and education in agriculture, organic production, and organic handling or a combination of these to perform their duties as assigned.

CERTIFICATION PROCESS: Operations requesting certification are provided with an application package which includes a letter explaining the application and certification process with information on how to obtain a copy of the BOC Program Manual and the NOP standards. The NOP standards are also contained within the BOC Program Manual. The packet also includes the appropriate OSP, page one of the BOC fee schedule (see Findings), and as applicable field history sheets, product profile sheets and other forms to assist with the certification process.

When completed application documents are submitted to BOC, the initial review for completeness and compliance is conducted either by the ED, a CA, or an AR. When the application is complete and the operation is ready for inspection, the ED will assign an inspector based on qualifications, training, and after ensuring there is no conflict of interest. After the inspection report is received, the file is reviewed by a CA who makes a recommendation and the ED makes the certification decision. The majority of the certification decisions are made by the ED unless he is involved in the initial review in which case the assigned CA will make the certification decision. In four of the six files reviewed, the ED made the certification decision.

For continuation of certification, operations are required to submit updated OSP's and information annually. The review process is basically the same as for an applicant with an initial review, inspection, and final review and certification decision. Labels and materials are reviewed by the ED or a CA and verified during inspections. Reviewed materials are those that have already been approved by BOC or

OMRI. If the material has not been previously approved then it is reviewed for compliance by the ED. BOC does not have a material evaluation program for liquid nitrogen fertilizers with a nitrogen content greater than 3 percent and BOC stated they had no intentions of developing a program at the time of the assessment.

Since the previous USDA assessment, BOC had issued 22 notifications of proposed suspension with two actual suspensions and 30 operations surrendered their certification. During the same period, BOC did not identify any instances where a “certified” operation willfully violated the standards or issue any notifications of revocation. There was at least one notice of proposed revocation which was issued to a non-certified operation (see Findings). There were no requests for mediation or appeals.

WITNESS INSPECTIONS: As part of the renewal assessment, a witness inspection was conducted on two certified operations for the scopes of crops, livestock, and handling. The crop and livestock operation consisted of a split operation. Livestock included dairy cows, bulls, heifers, veal calves, hogs, and poultry. The witness inspection included the observation of the inspection procedures for the fields used for crops and pasture of the dairy animals as well as the dairy herd itself. The scope was limited because the inspection of the operation typically takes two days as the operation also had vegetable crops and a custom slaughter operation. Fields utilized were both owned and leased and were all managed by the certified producer. DMI requirements and access to the outdoors were verified through records during the inspection. The handling operation that was reviewed was also a split operation which processed pizza products. While the operator is classified as a split operation it is important to point out that most of the ingredients purchased are of organic origin and while the operator produced several pizza products (pizza’s and pizza crusts); only two pizza crust items were marketed and certified as organic. The witness inspections were conducted by two different subcontracted inspectors. For both operations, the inspectors were knowledgeable; verified the operations compliance and the organic system plan; that no prohibited substances were in use; and conducted exit interviews.

FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that Baystate Organic Certifiers is currently operating in compliance to the requirements of the audit criteria, except as identified below. There were five new non-compliances identified during the renewal assessment.

NP1318MMA.NC1 – Accepted. NOP §205.402 (a)(1) states, “Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to §205.401”.

Applications were being reviewed; however, a review of files verified the organic system plans were not always complete prior to inspection. BOC was trying to meet the requirements of NOP §205.201 (a)(1) by using schematics and flow charts along with general check marked information in the organic system plans which did not include a description of the practices and procedures, including the frequencies with which they would be performed. In general, the organic handling plans do not include a description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented except for pest monitoring practices and water quality testing. Specifically:

- *For the handling operation visited during the witness inspection the following was observed: the*

flow chart in the file and used by the inspector was dated April 17, 2006; was missing page 1; and started at the finishing stage where hand toppings are added. This stage was not applicable to the two certified organic pizza crust items produced. The flow chart the facility had at time of the inspection was updated March 11, 2010.

- *For another handling operation: BOC accepted an organic system plan application, a schematic/flow chart of the operation, and an organic integrity program which basically addressed the requirements of §205.201 (a)(5) but not those of §205.201 (a)(1).*

Corrective Actions: Baystate modified its application checklists to require a complete description of the production process. Baystate also created a Supplemental Organic Processor Plan Form to gather the monitoring information. Training was held on March 19, 2012 to ensure that all staff require this information during file reviews.

NP1318MMA.NC2 – Accepted. NOP §205.405 (a) 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.” *BOC sent two operations notices of denial after the inspection because the operations did not have complete organic system plans. There was no notice of noncompliance sent to either operation prior to or combined with the notice of denial of certification.*

Corrective Actions: Baystate updated its Administrative Manual on page 41 to ensure that a Notice of Noncompliance is issued to new applicants either prior to or concurrent with the Notice of Denial of Certification. This topic was also addressed during the March 19, 2012 training.

NP1318MMA.NC3 – Accepted. NOP §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.” *Noncompliance’s are not always properly identified or include a date for correction or rebuttal. Instead, they are placed on the certification decision letter and left for review or follow-up until the next year’s inspection. In one of the five notifications reviewed, the certification decision letter for a certified handler identified five “conditions for certification” and two of the five did not include a date for correction. In one of the certified crop operation’s certification decision letter one item was not identified as a noncompliance (no crop rotation plan) and did not provide a date for correction or rebuttal.* **Corrective Actions:** Baystate’s Executive Director began an immediate review of all certification determination letters immediately after the audit to ensure compliance. Baystate conducted training with inspectors on March 19, 2012 to clarify the difference between minor noncompliances and conditions for certification. Minor noncompliances will be listed separately from conditions on certification decision letters, and all noncompliances will have a date by which correction is required.

NP1318MMA.NC4 – Accepted. NOP §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.” *For the livestock operation visited during the witness inspection, BOC approved their organic system plan which*

allowed confinement of cows with a drying off period between 3 days and 2 weeks. This should have been identified during the application review process as not meeting the requirements of §205.239 (c)(1). In addition, when one of BOC's clients sold the business to another entity in another state, BOC allowed the organic certificate to "transfer" to the new entity before requiring a new application, OSP, or inspection. When BOC sent a notice of noncompliance, a proposed revocation, and a notice of non-compliance resolution to the new business, therefore, it took these actions against a non-certified entity.

Corrective Actions: In regards to the animal confinement issues, Baystate conducted training for reviewers and administrators on §205.239 on March 19, 2012. Baystate also plans to add additional guidance to its certification review procedures. In regards to the certification transfer, Baystate has modified its policies to explicitly state that certification is not transferrable.

NP1318MMA.NC5 – Accepted. NOP §205.501 (a)(14) states, "A private or governmental entity accredited as a certifying agent under this subpart must: Refrain from making false or misleading claims about its accreditation status, the USDA accreditation program for certifying agents, or the nature or qualities of products labeled as organically produced." *BOC issued transitional certificates to two operations. Both transitional certificates made reference to the NOP standards and one certificate identified the product as 100% organic.* **Corrective Actions:** Baystate removed the word "organic" and its seal from transactional certificates. They are considering the termination of their transitional certification program until the NOP issues further guidance.