



CERTIFICATE OF ACCREDITATION



# United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

**ECOCERT SAS**

**Lieu dit Lamothe Ouest BP47, L'Isle Jourdain, 32600, FRANCE**

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, Handling, Livestock, Wild Crops 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: **USDA-10-24**

Effective Date: **04/29/2022**

Expiration Date: **04/29/2027**

Issue Date: **03/14/2024**

**Jennifer Tucker, Ph.D.**  
**Deputy Administrator**  
**National Organic Program**

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## NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

### GENERAL INFORMATION

- **Certifier Name** Ecocert SAS, (ECO)
- **Physical Address** Lieu dit Lamothe Ouest BP47, L'Isle Jourdain, 32600, FRANCE
- **Audit Type** Renewal Audit
- **Auditor(s) & Audit Dates** Patricia Bursten, Alison Howard, 05/22/2023 to 06/03/2023
- **Audit Identifier** NOP-208-23

### CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted an onsite Renewal Audit of Ecocert SAS (ECO)'s USDA organic certification program covering the period May 27, 2021 – June 3, 2023. The purpose of the audit was to verify ECO's compliance with the Organic Foods Production Act of 1990 (OFPA), the USDA organic regulations (7 CFR Part 205), and the NOP Handbook. Audit activities included a review of certification activities, interviews with ECO personnel and a records audit.

ECO is a for-profit organization, initially accredited on April 29, 2002. ECO is accredited to the crops, wild crops, livestock, and handling scopes. ECO's office is in L'Isle Jourdain, France. ECO certifies 4,088 operations and offers certification services in 119 countries. Certification oversight activities are performed by 11 employees.

## **NOP DETERMINATION:**

NOP reviewed the audit results to determine whether ECO'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 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**

AIA-817-20 - Cleared.  
AIA-1316-20 - Cleared.  
AIA-1611-20 - Cleared.  
AIA-2689-20 - Cleared.  
AIA-2690-20 - Cleared.  
AIA-2692-20 - Cleared.  
AIA-2695-20 - Cleared.  
AIA-2698-20 - Cleared.  
AIA-2700-20 - Cleared.  
AIA-2702-20 - Cleared.  
AIA-2703-20 - Cleared.  
AIA-4007-20 - Cleared.  
AIA-6508-21 - Cleared.  
AIA-6511-21 - Cleared.  
AIA-6921-21 - Cleared.  
AIA-6922-21 - Cleared.  
AIA-7198-21 - Cleared.  
AIA-7199-21 - Cleared.  
AIA-7200-21 - Cleared.  
AIA-7201-21 - Cleared.  
AIA-325-22 - Cleared.  
AIA-1473-22 - Cleared.

**AIA-2693-20 – Accepted.** (NOP-38-18.NC5) 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:** *ECO-South Africa issued a Notice of Suspension over a month after the stated deadline in the Termination of Mediation Notice.*

**Corrective Action:** On June 7, 2019, Ecocert SA sent a notice to staff in the ECO-South Africa office reminding them about the required timelines for issuing notices of proposed suspension under different scenarios. The reminder included the NOP Noncompliance and Adverse Action flow chart for staff’s reference. ECO-South Africa determined that the delay identified in this noncompliance was one case, but that other notices of proposed suspension have been issued in a timely manner.

**Verification of Corrective Action:** The auditors reviewed notices issued by ECO and identified that ECO is still not consistently issuing notices in a timely manner. The auditors found that

ECO's certification office in France issued Notifications of Proposed Suspension to operations more than 60 days after the operations' deadline for response.

**2024 Corrective Action:** ECO determined that its system for tracking on noncompliance and adverse action deadlines was insufficient to prevent missed deadlines, and that some certification personnel were not accurately recording deadlines in the certification database. ECO developed a new tool, integrated with their certification database, for the ECO SAS and ECO certification offices to monitor deadlines in the noncompliance and adverse action process. The tool allows each office to monitor deadlines and next steps for their own operations and allows ECO to monitor deadlines for all operations and verify each office is issuing adverse action notifications in a timely manner. ECO submitted reports generated by the new tool showing that ECO France is not overdue to issue any adverse action notices. ECO emailed training to all certification offices on the new tool on August 31, 2023, and conducted additional training on the tool with ECO France certification personnel on January 15, 2024. Additionally, ECO plans to provide refresher training by June 30, 2024 to certification decision officers on accurately documenting noncompliance deadlines within the certification database.

**AIA-2926-20 - Accepted.** 7 C.F.R. §205.404(b)(1) – (4) states, “The certifying agent must issue a certificate of organic operation which specifies the: Name and address of the certified operation; Effective date of certification; Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and Name, address, and telephone number of the certifying agent.”

**Comments:** *During the review audit, the following certificate issues were identified by the auditors:*

1. *Sunflower oil was labeled as “100% Organic” however, the supplier certificate indicated that the oil was “Organic.”*
2. *Purchased ingredients (oats and sunflower oil) were listed on the certificate as products to be sold; however, the operator had no intention of re-selling those purchased ingredients.*
3. *The scope of certification was “Handling/Processing”; however, the certificate had a sub-category that listed “Crops and Crops Products” and listed “Oat”. This displayed information suggested that the operation was producing Oats (crops scope), which is inaccurate and not aligned with the certification scope issued.*
4. *The certificate incorrectly indicated that the operation produces oatmeal. The operation produces oat flour.*

**Corrective Action:** ECO conducted training for all Certification Decision Officers on July 28, 2020 about issuing organic certificates and provided verbal clarification to the Certification Officer who issued the organic certificate identified in the noncompliance. For staff evaluations conducted in 2020-2021, ECO had its managers put additional focus on the compliance of organic certificates issued by its Certification Decision Officers. ECO also sent a reminder to staff about the information that must be included on organic certificates on January 28, 2022. ECO did not issue a corrected certificate to the operation because the operation surrendered certification in July 2020.

**Verification of Corrective Action:** The auditors reviewed organic certificates issued by ECO and found that ECO continues to issue organic certificates with errors or discrepancies. ECO France issued an organic certificate to a ruminant livestock operation that did not include the crops scope and included ‘biodiversity area’ as a certified organic product.

**2024 Corrective Action:** ECO confirmed that the livestock operation was certified for crops scope but due to an error in the data within the certification database, the crops scope had not appeared on the certificate and this error was not identified by certification personnel. ECO

updated the operation's record in the certification database and issue a revised organic certificate on December 28, 2023 which included crops scope certification. On February 26, 2024, ECO emailed all certification offices with a reminder about NOP certificate requirements and specific points to verify for accuracy prior to issuance.

**AIA-6513-21 - Accepted.** 7 C.F.R. §205.501(a)(7) states, "A private or governmental entity accredited as a certifying agent under this subpart must: have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation;"

**Comments:** *ECO is not carrying out the provisions of the Act and regulations as required by NOP 2025 Internal Program Review Requirements. The auditors' review of ECO's Internal Review Policies, Internal Audit Reports, and staff interviews found the following:*

- 1. ECO does not conduct internal audits for all of its satellite offices and therefore all NOP certification activities are not being internally reviewed. The ECO SA P11 Internal Audit Policy outlines the minimum frequency for internal audits only at critical satellite offices. Five satellite offices that conduct NOP certification activities are considered non-critical.*
- 2. ECO's internal audits of satellite offices do not include an evaluation all certification activities, as required by NOP 2025. Three internal audit reports for satellite offices did not include an evaluation of that satellite offices' material review program, adherence to the requirements of international trade agreements or procedures for conducting inspector field evaluations.*
- 3. ECO's internal audits of satellite offices do not consistently assess the findings and implemented corrective actions of prior program reviews, as required by NOP 2025. ECO's China satellite office was internally audited in 2019 with corrective action implementation to be followed up on at the next internal audit. ECO's China satellite office has not yet had another internal audit and therefore the corrective actions have not been assessed.*

**Corrective Action:** ECO completed internal audits of its satellite offices in Germany, the Balkans, Chile and Japan in 2021, as well as an internal audit of its head office in November and December 2021. ECO will finalize its 2022 internal audit sites in March 2022. ECO updated its policy P11-Internal Audit to require internal audits of both critical and non-critical satellite offices during its 5-year accreditation cycle (the activities of non-decision making satellite offices may be audited as part of the decision-making satellite office's internal audit) and to require that the implementation of a satellite office's corrective actions be assessed at a frequency depending on the criticality of the noncompliance, but always within the 5-year accreditation cycle. ECO circulated the updated procedure to staff on January 18, 2022 via email. ECO also created a tool NOP Annex Internal Audit to identify which NOP activities must be covered during the internal audit, including inputs, exporting under trade arrangements and inspector evaluations.

**Verification of Corrective Action:** The auditors reviewed internal audit reports for ECO and its certification offices, reviewed ECO's Internal Review Policies, and conducted staff interviews. The auditors identified that ECO does not conduct internal program reviews according to the requirements of NOP 2025. The auditors identified the following:

- 1. ECO did not document which NOP certification activities were reviewed as part of internal audits and therefore could not demonstrate that all certification activities were assessed.*
- 2. ECO does not consistently assess prior findings and implemented corrective actions of previous internal audits. A review of ECO's recent internal audit of its Argentina certification office identified that the previous internal audit noncompliances were "in*

progress" for at least 2 years, with no additional information or explanation provided.

**2024 Corrective Action:** ECO updated the *NOP Annex Internal Audit* tool to include an auditor verification point that all listed certification activities were evaluated and instruction to provide comment if a requirement could not be verified. ECO now requires this annex be attached to all certification office internal audit reports and plans to notify internal auditors of these changes when internal audit assignments are sent out in April 2024. ECO demonstrated that the 2022 internal audit report for Argentina did include assessment of prior findings and implemented corrective actions, including details regarding what had been completed and what was still in progress. ECO has committed additional resources to improve its monitoring of certification office corrective actions from internal audits and has established a process for notifying the relevant certification office management if there is a delay in reporting on corrective action progress.

**AIA-1461-22 - Accepted.** 7 CFR §205.201(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:** *ECO does not consistently demonstrate the ability to fully comply with the requirements for accreditation. ECO is not consistently issuing Notices of Proposed Suspension in a timely manner after an operation fails to respond to a Notice of Noncompliance. The review of a reinstatement submission found that ECO issued an operation in Morocco a Notice of Noncompliance on October 21, 2020. However, ECO did not issue the operation a Notice of Proposed Suspension until February 7, 2022, over fifteen months later.*

**Corrective Action:** ECO emailed a training to staff on September 15, 2022, reminding them of ECO's required timelines for noncompliance and adverse action processes according to ECO's I04 (NOP) Dealing with noncompliances under NOP and DI08 (EC-NOP) Dealing with EOS and NOP violations. Additionally, a weekly extraction of eCERT data was implemented by the Certification Manager at each office in August 2022. The Certification Manager will use this extraction to monitor and follow up on noncompliances and adverse actions in a timely manner. Also, ECO sent a general reminder about the expected deadlines for notices of non-compliances and adverse actions to all satellite offices on July 26, 2022. ECO has implemented an awareness campaign, which includes ongoing reminders related to adverse action timeliness and related compliance issues that will be announced during meetings and trainings at all NOP satellite offices from August of 2022 through the end of the calendar year. ECO submitted the September 15, 2022 email training sent to staff, as well as the instructions to staff for implementation of corrective actions on a per-office basis. At the Madagascar office, the office that issued the notice of proposed suspension leading to this NOP noncompliance, ECO designated a new Technical Referent in February 2022. The Technical Referent is expected to be fully trained by 2023.

**Verification of Corrective Action:** The auditors reviewed Notifications of Proposed Suspensions issued by the ECO France certification office and identified that notifications are not consistently issued in a timely manner. The auditors found that ECO issued notices to operations at least 60 days after the operations' deadline for response. The auditors interviewed certification office staff and identified the ECO France certification office was not extracting the weekly status report of the noncompliances and adverse actions from eCERT. The ECO SAS office did not review the weekly reports and were unaware that the France office was not extracting the report.

**2024 Corrective Action:** ECO determined that its system for tracking on noncompliance and adverse action deadlines was insufficient to prevent missed deadlines, and that some certification personnel were not accurately recording deadlines in the certification database. ECO developed a new tool, integrated with their certification database, for the ECO SAS and ECO certification

offices to monitor deadlines in the noncompliance and adverse action process. The tool allows each office to monitor deadlines and next steps for their own operations and allows ECO to monitor deadlines for all operations and verify each office is issuing adverse action notifications in a timely manner. ECO submitted reports generated by the new tool showing that ECO France is not overdue to issue any adverse action notices. ECO emailed training to all certification offices on the new tool on August 31, 2023, and conducted additional training on the tool with ECO France certification personnel on January 15, 2024. Additionally, ECO plans to provide refresher training by June 30, 2024 to certification decision officers on accurately documenting noncompliance deadlines within the certification database.

**AIA-1180-22 - 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:** *ECO does not consistently demonstrate the ability to fully comply with the requirements for accreditation. ECO’s satellite office in Argentina (ECO ARG) is not consistently issuing Notices of Suspension in a timely manner after an operation fails to request mediation or file an appeal following the issuance of a Notice of Proposed Suspension. The review of a reinstatement submission found that ECO ARG issued a coffee handling operation in Colombia a Notice of Proposed Suspension on April 20, 2021. However, ECO ARG did not issue the operation a Notice of Suspension until January 14, 2022, over eight months later.*

**Corrective Action:** ECO ARG conducted training for staff on December 21 and 23, 2021 on handling noncompliances according to USDA requirements. ECO also plans to conduct training between August 2022 and December 2022 for staff at all of ECO’s satellite offices on noncompliances, the adverse action process and the reinstatement process. ECO ARG management will begin reviewing a weekly status report on adverse actions beginning in August 2022. ECO emailed all satellite offices on July 26, 2022 to remind them of deadlines associated with the adverse action process.

**Verification of Corrective Action:** The auditors reviewed Notifications of Proposed Suspensions issued by the ECO France certification office and identified that notifications are not consistently issued in a timely manner. The auditors found that ECO issued notices to operations at least 60 days after the operations’ deadline for response. The auditors interviewed certification office staff and identified the ECO France certification office was not extracting the weekly status report of the noncompliances and adverse actions from eCERT. The ECO SAS office did not review the weekly reports and were unaware that the France office was not extracting the report.

**2024 Corrective Action:** ECO determined that its system for tracking on noncompliance and adverse action deadlines was insufficient to prevent missed deadlines, and that some certification personnel were not accurately recording deadlines in the certification database. ECO developed a new tool, integrated with their certification database, for the ECO SAS and ECO certification offices to monitor deadlines in the noncompliance and adverse action process. The tool allows each office to monitor deadlines and next steps for their own operations and allows ECO to monitor deadlines for all operations and verify each office is issuing adverse action notifications in a timely manner. ECO submitted reports generated by the new tool showing that ECO France is not overdue to issue any adverse action notices. ECO emailed training to all certification offices on the new tool on August 31, 2023, and conducted additional training on the tool with ECO France certification personnel on January 15, 2024. Additionally, ECO plans to provide refresher training by June 30, 2024 to certification decision officers on accurately documenting noncompliance

deadlines within the certification database.

**AIA-6510-21 - Accepted.** 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:** *ECO does not fully carry out the provisions of the Act and regulations. The auditors’ review of pesticide residue sample files found the following:*

- 1. For three operations, ECO received positive pesticide residue results but did not notify the operation of the results until 16 or more business days later. This does not meet the timetable established by ECO in ECO SA I14 Instruction: Management of Analysis, which requires that an operator be notified no later than 5 days after a positive pesticide residue test result is received.*
- 2. For one sampling event, ECO did not notify the operation that no prohibited pesticide residues were detected and that the product may be sold as organic, as required by NOP 2613.*
- 3. For three sampling events, ECO’s inspector did not complete the residue sampling form in accordance with ECO SA I18 Instruction: Sampling Methods.*
- 4. On two residue sampling forms, the ECO inspector indicated that they did not have all the equipment identified in ECO SA I18 Instruction: Sampling Methods as necessary for performing sampling activities.*

**Corrective Action:** ECO sent a reminder to its staff on January 19, 2022 that operations must be informed of positive pesticide residue results within five days of ECO receiving the results and that operations must be informed that their product may be sold as organic when no prohibited pesticide residues are detected. ECO sent an additional reminder to staff on January 19, 2022 stating that the inspector must fully complete the F21-Sample Form and must wear gloves when sampling fresh products. ECO has hired 3 additional full-time Analysis Officers since November 2021 and has instructed them to report incorrect F21- Sampling Forms to ECO’s Evaluation Managers. Additionally, ECO plans to finalize an internal guide that deals with communication with clients in cases of a positive results by the end of March 2022. ECO also plans to update the role and responsibilities of its Analysis Officers across its satellite offices in 2023, which will give Analysis Officers more involvement in the investigation of positive residue results and in communicating with the affected operation.

**Verification of Corrective Action:** This corrective action could not be verified during this audit due to limited sample availability. Additional certification office audits need to be conducted to verify full implementation. Therefore, ECO’s corrective action will remain ‘accepted’ and NOP will attempt to verify its effectiveness at the next audit.

### **Noncompliances Identified during the Current Assessment and Corrective Actions**

**AIA-5325-23 - Accepted.** 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:** *ECO does not fully carry out the procedures of NOP 2613 Instruction Responding to Results from Pesticide Residue Testing. The auditors’ review of pesticide residue analysis reports and interviews with staff identified the following issues:*

- 1. ECO does not report test results to the appropriate local, State, or Federal foreign officials*



*when test results indicate a violation of foreign regulations.*

2. *ECO does not immediately notify operations of test results when a residue is detected above 0.01 ppm. ECO's head office receives the pesticide residue test results from the laboratory and then notifies the applicable certification office of the results, who, in turn, notifies the operation of the results. In two cases, ECO's head office did not notify the operation of the results until 60 days or more after it had received the results from the laboratory.*

**Corrective Action:** ECO determined that its *I14 Management of analysis* document was missing requirements regarding notification to foreign officials, and that complexity in ECO's process for managing residue detections had resulted in some cases where certification staff did not meet required deadlines. On July 11, 2023, October 26, 2023, and January 10, 2024, ECO emailed all certification offices with reminders about the process and deadlines for responding to residue analysis results and instructions for providing residue analysis data to the ECO SAS office. ECO implemented a new tool in January 2024 for tracking and monitoring the process and deadlines for managing residue analysis results across all certification offices. On February 26, 2024, ECO emailed all certification offices with instructions for informing the appropriate foreign authorities when required by **NOP 2613**. ECO plans to update its *I14* document to include these instructions by June 30, 2024.



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## NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

### GENERAL INFORMATION

- **Certifier Name** Ecocert France SAS (ECO France)
- **Physical Address** Lieu dit Lamothe Ouest BP47, L'Isle Jourdain, 32600, FRANCE
- **Audit Type** Certification Office Audit
- **Auditor(s) & Audit Dates** Patricia Bursten, Alison Howard, 05/28/2023 to 06/03/2023
- **Audit Identifier** NOP-261-23

### CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted an onsite certification office audit of Ecocert France's (ECO France) certification activities covering the period of May 27, 2021 to June 3, 2023. The purpose of the audit was to verify ECO France's conformance to the USDA organic regulations. Audit activities included a review of certification activities, interviews with ECO France personnel, a records audit, and two witness audits. The witness audits consisted of onsite inspections of one handling operation in Switzerland and one crops and handling operation in France.

ECO France is a certification office of Ecocert SAS (ECO). ECO is accredited to the crops, wild crops, livestock, and handling scopes. ECO France's office is located in L'Isle Jourdain, France and conducts key certification activities in Belgium, Czech Republic, France, Haiti, Ireland, Monaco, Mongolia, Netherlands, Switzerland, and the United Kingdom. ECO France oversees the certification of 68 operations and certification activities are performed by 32 employees.

## **NOP DETERMINATION:**

NOP reviewed corrective actions submitted as a result of noncompliances issued from findings identified during the audit.

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.

### **Noncompliances from Prior Assessments**

None

### **Noncompliances Identified during the Current Assessment and Corrective Actions**

**AIA-5297-23 - Accepted.** 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:** *ECO France does not consistently carry out the provisions of the act and the regulations. ECO France does not always ensure that organic system plans (OSP) are complete and accurately describe the operation and its activities, as required by § 205.201. The auditor reviewed certification files and found, in one case, a crops and handling operation’s OSP did not include descriptions of production processes, handling production area maps or export information. In another case, a handling operation’s OSP did not include supplier information for organic and nonorganic ingredients or finished product formulas. ECO France did not require the operations to provide the missing information.*

**Corrective Action:** ECO determined that ECO France staff did not always collect all necessary OSP information for NOP clients because they primarily work with other organic schemes that have different requirements for what information must be maintained by the certifier. ECO collected applicable updated OSP documentation from the operations in question and confirmed that the crops and handling operation had surrendered their crops scope certification. On February 15, 2024, ECO emailed ECO France certification staff reminding them of the NOP requirements for a complete OSP that includes supplementary documentation as necessary, and emailed ECO France inspectors reminding them to accurately document their findings in their audit reports. ECO plans to conduct additional certification staff and inspector training on these topics in April 2024.

**AIA-5298-23 - Accepted.** 7 C.F.R. § 205.403(a)(2)(ii) states, “The Administrator or State organic program's governing State official may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with the Act and the regulations in this part.”

**Comments:** *ECO does not consistently carry out the provisions of the Act and regulations. The auditor reviewed ECO’s policies and found that ECO does not communicate the reason for unannounced inspections to its certified operations, as required by **NOP 2609 Unannounced Inspections**.*

**Corrective Action:** ECO emailed ECO France inspectors on February 15, 2024 informing them of the requirement to notify operations of the reason for an unannounced inspection and announcing planned revisions to the *P15 Audit process* procedure. On March 4, 2024, ECO

revised their *P15 Audit process* procedure to require inspectors notify operations of the reason they have been selected for an unannounced inspection, and to document the reason in the inspection report. ECO notified all certification offices of the revised procedure via email on March 15, 2024.

**AIA-5299-23 - Accepted.** 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:** *ECO France does not carry out the provisions of the Act and regulations, including § 205.404(a) and § 205.406(c). The auditors reviewed certification files and found that ECO France’s final reviewers do not conduct an adequate review of inspection reports prior to making certification decisions. Specifically, ECO France’s final reviewers are not adequately reviewing completed mass balances and trace back exercises to verify that the exercises were completed successfully and appropriately documented by the inspector.*

**Corrective Action:** On June 16, 2023 and February 15, 2024, ECO provided training for ECO France certification personnel regarding verification of audit findings, including verification that form F22, used to document mass balance and traceability exercises at inspection, is complete and any inconsistencies are addressed with the inspector before completing the review.

**AIA-5301-23 - 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:** *ECO France is not consistently carrying out the provisions of the Act and regulations. The auditor reviewed a settlement agreement established between ECO France and an operation and found that ECO France did not notify the operation that it had failed to meet the deadlines established in the terms of the settlement agreement. ECO France did not identify that the operation had missed a deadline to submit information until ECO France conducted an inspection of the operation, almost 3 months after the original deadline.*

**Corrective Action:** ECO determined that a lack of procedures for oversight of settlement agreement terms and staff turnover at ECO France resulted in failure to verify the operation’s compliance with the established deadlines in the settlement agreement. ECO France implemented a centralized tracking spreadsheet to document all settlement agreement terms and deadlines, and now requires the assigned certification personnel to set individual calendar reminders for each deadline. On February 15, 2024, ECO notified ECO France certification personnel of the new tracking spreadsheet and requirements for monitoring settlement agreement deadlines.

**AIA-5302-23 - Accepted.** 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:** *ECO France’s inspection report templates do not fully verify an operation’s compliance with the USDA organic regulations. The auditors’ review of ECO France’s livestock inspection report template found that it does not instruct inspectors to verify the requirements of § 205.237. Specifically, ECO’s livestock inspection report template does not require the inspector to verify total days grazed, temporary confinement, dry matter demand (DMD), and dry matter intake (DMI) from pasture for all classes of animals.*

**Corrective Action:** ECO determined that ECO France’s one ruminant livestock operation was

exclusively pasture-based and did not receive supplemental feed, so ECO France's inspector had not specifically documented verification of the requirements of § 205.237. On June 16, 2023, ECO conducted training for ECO France certification personnel and inspectors on NOP livestock requirements, including specific verification points on ECO's audit report template for the requirements of § 205.237. ECO updated the *F22 Balances traceability form* to include a statement reminding inspectors that they must conduct additional exercises for livestock operations beyond feed and health inputs and updated the *P15 Audit process* procedure to require livestock verifications be documented on the F22 submitted with the inspection report. On February 15 and March 15, 2024, ECO emailed ECO France certification personnel and inspectors regarding the need to document verification of specific points for livestock operations in the F22 and audit report, including ruminant grazing season, days grazed, DMD and DMI from pasture during the grazing season, and compliance with temporary confinement requirements.

## **NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT**

### **GENERAL INFORMATION**

- **Certifier Name** Ecocert India Pvt. Ltd., (ECO India)
- **Physical Address** WeWork, 11th Floor, RMZ Latitutde Commercial Building, Bellary Rd, Hebbal, Bengaluru, Bangalore, Karnataka, 560024 INDIA
- **Audit Type** Material Review Audit
- **Auditor(s) & Audit Dates** Samuel Schaefer-Joel, 03/16/2023 to 04/11/2023
- **Audit Identifier** NOP-246-23

### **CERTIFIER OVERVIEW**

The National Organic Program (NOP) conducted a remote Material Review Audit of Ecocert India Pvt. Ltd.'s (ECO India) organic certification activities covering the period of January 1, 2022 to March 31, 2023. The purpose of the audit was to verify ECO India's compliance with the Organic Foods Production Act of 1990 (OFPA), the USDA organic regulations (7 CFR Part 205), and the requirements of the NOP Handbook. Audit activities included the assessment of ECO India's material input review policies and procedures, and a review of compliance documentation for inputs used by certified clients.

ECO India is a certification office of Ecocert SAS (ECO), with certification activities in India, Cambodia, Philippines, Egypt, Fiji, Hong Kong, Indonesia, Jordan, Nepal, Singapore, Sri Lanka, Thailand, United Arab Emirates, Vietnam, Oman, and Kuwait. ECO is a for-profit company initially accredited on April 29, 2002. ECO's main office is in L'Isle Jourdain, France, with 21 certification offices outside of France. ECO is accredited to the crops, wild crops, livestock, and handling scopes. ECO certifies 4438 operations (including grower groups) in 96 countries. Certification activities are performed by over 379 employees and contractors.

## **NOP DETERMINATION:**

NOP reviewed corrective actions submitted as a result of noncompliances issued from findings identified during the audit. 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**

None

### **Noncompliances Identified during the Current Assessment and Corrective Actions**

**AIA-4415-23 - Accepted.** 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:** *ECO India does not consistently demonstrate the ability to fully comply with the requirements for accreditation. The auditor’s review of certification files found that ECO India did not perform a sufficient review of input materials as required by ECO’s own policies and NOP 3012 Interim Instruction Material Review in the following manner:*

- 1. ECO India approved pheromone trap products without verifying the specific identity of the product name or the compliance of inert ingredients.*
- 2. ECO India did not verify on an annual basis whether a nonorganic flavor and a nonorganic yeast extract were commercially available in an organic form, as required by ECO's policy.*
- 3. ECO India approved a nonorganic flavor without verifying its composition.*

**Corrective Action:** On April 3, 2023, the operation identified in bullet one confirmed to ECO India that they had discontinued the use of the pheromone traps in 2017 and provided ECO India with an updated organic system plan (OSP). ECO sent a reminder to the operation identified in bullets two and three to provide an annual update of commercial non-availability for flavors and ultimately suspended the operation due to insufficient response. ECO determined that its material review training did not adequately address compliance verification of pheromone traps and non-organic flavors and on April 21 and May 25, 2023 provided additional training to all certification and inspection staff. On June 8, 2023, ECO India instructed all staff to specifically review all flavor and pheromone inputs used by certified operations during the next certification cycle.

ECO revised the *F32 Flavor Verification* form to require the manufacturer to disclose the full flavor composition and require the ECO approval officer to document their compliance determination for the flavor. ECO emailed the revised F32 form to all offices on June 16, 2023, requiring implementation of the new form and compliance evaluation process as of July 15, 2023. Additionally, ECO implemented an *Input Validation Guide for plant protection products, fertilizers and crop tools* (including pheromone products) and provided training for all ECO staff on this tool via email on June 6, 2023. ECO has drafted an *Input Validation Guide for food, feed, oenological and disinfection process* which is planned to be finalized by March 31, 2024.

## **NATIONAL ORGANIC PROGRAM: ASSESSMENT REPORT**

### **GENERAL INFORMATION**

- **Certifier Name** Beijing Ecocert Certification Center Co. Ltd, (ECO China)
- **Physical Address** Room 2051, Building No. 3, International Business Park, China Agricultural University, No 10, Tianxiu Road, Haidian District, Beijing 100093, CHINA
- **Audit Type** Witness Audit
- **Auditor(s) & Audit Dates** Alison Howard, Alicia Hudson, 09/10/2023 to 10/11/2023
- **Audit Identifier** NOP-209-23

### **CERTIFIER OVERVIEW**

The National Organic Program (NOP) conducted witness audits of Ecocert SAS' (ECO) inspection activities in China on September 10 – September 24, 2023. The witness audits were conducted to verify ECO China's conformance to the USDA organic regulations. NOP previously conducted a remote satellite office audit of ECO China's certification activities in October 2022 that did not include witness audits as part of the NOP's audit activities. Witness audits consisted of three annual inspections of crops and handling operations in China.

ECO is a for-profit certification agency initially accredited on April 29, 2002. ECO's primary office is in L'Isle Jourdain, France. ECO is accredited to the handling, crops, wild crop and livestock scopes and currently certifies 4,471 operations located worldwide. ECO's satellite offices conduct all certification activities for each region the office services. Certification activities in China are performed by 92 employees located in France and China.

### **NOP DETERMINATION:**

The NOP reviewed the findings identified during the audit to determine whether noncompliances should be issued to ECO.

#### **Noncompliances from Prior Assessments**

None

#### **Noncompliances Identified during the Current Assessment**

None



## **NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT**

### **GENERAL INFORMATION**

- **Certifier Name** Ecocert Chile S.A. (ECO Chile)
- **Physical Address** Avenida Santa María 0112, Oficina J., Comuna de Providencia, Santiago, Región Metropolitana, CHILE
- **Audit Type** Satellite Office Audit
- **Auditor(s) & Audit Dates** Joshua Lindau, Steven Cabral, 03/27/2023 to 03/31/2023
- **Audit Identifier** NOP-245-23

### **CERTIFIER OVERVIEW**

The National Organic Program (NOP) conducted an onsite satellite office audit of Ecocert Chile S.A. (ECO Chile)'s certification activities during the period January 01, 2021 through March 31, 2023. The purpose of the audit was to verify ECO Chile's conformance to the USDA organic regulations. Audit activities included a review of certification activities, interviews with ECO personnel, a records audit, and two witness audits. The records audit was conducted on a crop and handling operation. Witness audits consisted of the additional inspections of two handling operations in Chile.

ECO Chile is a satellite office and a privately owned partner company of Ecocert SAS (ECO). ECO Chile's office is located in Santiago, Chile and conducts key certification activities in Chile. ECO Chile's satellite office manages certification activities of 437 operations, covering the handling, crops, livestock, and wild crops scopes, including grower groups. Certification activities are performed by 52 employees and contractor inspectors.

### **NOP DETERMINATION:**

NOP reviewed the audit results to determine whether ECO'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 audit. 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.

### **Noncompliances from Prior Assessments**

**None**

## **Noncompliances Identified during the Current Assessment**

### **AIA-5220-23 – Rebuttal accepted.**

**AIA-5223-23 - Accepted.** 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:** *ECO Chile does not carry out the provisions of the Act and regulations. ECO Chile does not consistently verify operations’ compliance with applicable annotations or use restrictions for input materials.*

**Corrective Action:** ECO determined that this issue resulted from inspectors failing to follow ECO’s procedures for documenting input verification at inspection. ECO collected documentation from the operation in question to verify their compliance with the use restriction and recorded the verification in the operation’s file. On May 12, 2023, ECO Chile conducted training for inspectors on evaluation of input restrictions and documenting input verification on the form *F22 List of Inputs*. During August 2023, ECO Chile evaluated inspectors’ completion of the F22, and identified a need for additional inspector training on documenting input verification. On September 21, 2023, ECO Chile issued a reminder to inspectors about documenting verification of all input annotations and use restrictions and provided an example completed F22 for reference. ECO Chile plans to provide individual training for inspectors who do not adequately document input verification, conduct additional training for all inspectors in October 2023 on input verification and the use of form F22, and perform additional evaluation of inspectors’ completion of the F22 during December 2023.

**AIA-5224-23 - Accepted.** 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:** *ECO Chile does not carry out the provisions of the Act and regulations. The auditor’s review of certification files found that ECO Chile did not perform a sufficient review of input materials as required by **NOP 5012 Approval of Liquid Fertilizers for Use in Organic Production**. ECO Chile did not conduct at least one annual unannounced inspection of the manufacturer during manufacturing to ensure ongoing compliance of liquid fertilizers with a nitrogen analysis greater than 3 percent used in organic production.*

**Corrective Action:** ECO sent reminders to all certification offices on November 7, 2022 and February 13, 2023 about ECO’s policy (*TS09 – control plan for fertilizer with liquid Nitrogen*) regarding evaluation of high nitrogen liquid fertilizer manufacturers which includes the requirement for annual unannounced inspections. As part of the 2023 annual update, ECO Chile collected the input manufacturers’ estimated periods of production for high nitrogen liquid fertilizer and used that information to schedule unannounced inspections at the manufacturers during 2023. ECO Chile’s Evaluation Manager is now responsible for managing and tracking input manufacturer audits to ensure the unannounced inspection requirement is met.

## **NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT**

### **GENERAL INFORMATION**

- **Certifier Name** Ecocert USA (ECO USA)
- **Physical Address** 2498 Perry Crossing Way; Suite 210, Plainfield, Indiana  
46168 U.S.A
- **Audit Type** Satellite Office Audit
- **Auditor(s) & Audit Dates** Sherry Aultman, Stephen Nix, 06/13/2022 to 06/17/2022
- **Audit Identifier** NOP-48-22

### **CERTIFIER OVERVIEW**

The National Organic Program (NOP) conducted an onsite satellite office audit of ECO USA's certification activities during the period April 1, 2021 to June 17, 2022. The purpose of the audit was to verify ECO USA's conformance to the USDA organic regulations. Audit activities included records review, interviews with certification staff and two onsite witness audits. One witness audit was an annual inspection of a Crops and Livestock operation. The second witness audit was an annual inspection of a Processor/Handler operation.

ECO USA was previously individually accredited by the NOP as Ecocert ICO (ECO ICO). ECO ICO surrendered its USDA-NOP accreditation in April 2021. Since then, ECO USA has operated as a satellite office of Ecocert SAS (ECO). ECO is a for profit company located in France and has been accredited since April 28, 2017. ECO is accredited to the following scopes: Crops, Wild Crops, Livestock, and Handling/Processing. The ECO USA satellite office is located in Plainfield, Indiana however, most of their management and key certification activities are conducted by remote staff in Idaho, Vermont, and Michigan.

ECO USA certifies operations throughout the United States and Canada. ECO USA certifies 771 operations to the following scopes: Crops (512), Livestock (64), and Handling (378). ECO USA does not currently certify any grower groups or Wild Crops operations. ECO USA's organic certification services are performed by nine certification specialists (i.e. decision makers, reviewers, and assistants), four staff inspectors, twelve contract inspectors, and two administration personnel. ECO USA has three managers and two sales/technical specialists.

ECO USA recently hired a CEO and CFO who are directly employed by ECO, overseeing all of ECO's certification activities in the United States, including the certification activities of other USDA-NOP accredited subsidiaries. ECO provides administrative, training, technical, and

oversight support for the ECO USA office.

## **NOP DETERMINATION:**

NOP reviewed the audit results to determine whether ECO USA'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 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 "**Outstanding**" indicates the corrective actions were not effectively implemented. 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**

**AIA-325-22 - 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:** *ECO does not consistently demonstrate the ability to fully comply with the requirements for accreditation. ECO's satellite office in the United States (ECO USA) is not consistently conducting mediation activities in a timely manner. A review of information submitted by ECO USA found that ECO USA is still mediating four Notices of Denial with applicants for certification more than seven months after the applicants initially requested mediation. The USDA organic regulations at §205.663 state, "The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session."*

**March 2022 Corrective Action:** ECO sent an email clarification to ECO USA about the correct procedure for mediating with operations on March 10, 2022 and going forward, ECO USA will follow ECO's procedure "P10(NOP) - Management of Mediation" when it receives a request for mediation from an operation. ECO USA will review the status of mediation requests during its quality meetings which occur every 15 days. ECO USA entered into a settlement agreement with one of the applicants, offered a settlement agreement to another and rejected the mediation requests of the remaining two applicants.

**Verification of Corrective Action:** The auditors reviewed mediation files and interviewed ECO USA staff and found that one request for mediation has not been resolved more than five months after the operation initially requested mediation. The auditors verified that ECO USA is following ECO's procedures for mediation and ECO USA management is reviewing the status of mediation requests during their bi-weekly quality meetings. The auditors also reviewed the management status report on six current mediation requests and verified that they are being processed in a timely manner: one has been offered a settlement agreement, one has been sent to ECO's committee for review and four are in process less than one month after the initial request for mediation was received.

**September 2022 Corrective Action:** ECO USA resolved all pending mediation decisions as of September 2, 2022. ECO informed ECO USA via email on June 23, 2022 that ECO USA would

no longer be required to submit all mediation requests to the ECO advisory committee for review, only those for complex mediations. ECO USA developed a settlement agreement template L16(NOP)v01en for mediations resulting from administrative issues, such as unpaid fees. ECO informed NOP that the staff member in the 'Technical Referent' role is now responsible for managing the mediation process for ECO USA. ECO USA staff have reported out on the status of open mediation requests at quality meetings every 15 days beginning May 11, 2022. ECO submitted as evidence the email releasing ECO USA from having to submit all mediation requests to the ECO advisory committee for review; template L16(NOP)v01en Settlement Agreement Letter; job description JD15(v03) Technical Referent; procedure P10(NOP) Management of Mediation; and an email to staff clarifying procedure P10(NOP) Management of mediation.

**Noncompliances Identified during the Current Assessment**

**None**

## NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

### GENERAL INFORMATION

- **Certifier Name** Ecocert SA (ECO)
- **Physical Address** Lieu dit Lamothe Ouest BP47, L'Isle Jourdain, 32600, FRANCE
- **Audit Type** Mid-Term Assessment (desk audit)
- **Auditor(s) & Audit Dates** Sherry Aultman, Ali Hudson, Patricia Bursten, Samuel Schaefer-Joel, Stephen Nix, May 3 – 7, 2021
- **Audit Identifier** NOP-33-21

### CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted a desk audit as part of its assessment of Ecocert S.A.'s (ECO) USDA organic certification program. The NOP assessed ECO's conformance to the USDA organic regulations, during the period October 14, 2017 to May 7, 2021.

ECO is a for-profit organization initially accredited by the USDA National Organic Program on April 29, 2002 for the scopes of crops, livestock, wild crops, and handling/processing. ECO's principal office is located in L'Isle Jourdain, France with 21 satellite offices in the following countries: France, Brazil, Burkina Faso, China, Colombia, Germany, Japan, Madagascar, Spain, Serbia, India, South Africa, Tunisia, Turkey, Morocco, Chile, Mexico, Peru, Singapore, Argentina, and the USA. ECO certifies 3407 operations (January 2, 2021) in 96 countries including over 600 grower groups with over 10,000 members.

The ECO principal office is responsible for oversight of all satellite offices and is the USDA NOP accreditation point of contact for all offices. The home office is responsible for managing all external audits, maintaining a quality management system for all offices, conducting surveillance of all offices, and setting policies and procedures for all offices.

ECO has 379 employees who work in their NOP certification program, including 305 auditors, 11 auditor assistants, 36 decision officers, 5 certification managers, and 45 certification officers. They also have 78 other staff members in various roles from support to sales.

## **NOP DETERMINATION:**

NOP reviewed the onsite audit results to determine whether ECO'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 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**

**AIA-1317-20 – Cleared.**  
**AIA-2691-20 – Cleared.**  
**AIA-2694-20 – Cleared.**  
**AIA-2696-20 – Cleared.**  
**AIA-2697-20 – Cleared.**  
**AIA-2699-20 – Cleared.**  
**AIA-2704-20 – Cleared.**  
**AIA-2705-20 – Cleared.**  
**AIA-2706-20 – Cleared.**  
**AIA-2707-20 – Cleared.**  
**AIA-2708-20 – Cleared.**  
**AIA-2709-20 – Cleared.**  
**AIA-2710-20 – Cleared.**  
**AIA-2711-20 – Cleared.**  
**AIA-2712-20 – Cleared.**  
**AIA-2713-20 – Cleared.**  
**AIA-2714-20 – Cleared.**  
**AIA-2715-20 – Cleared.**  
**AIA-2716-20 – Cleared.**  
**AIA-2717-20 – Cleared.**

**AIA-1316-20 – Accepted.** 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:** *ECO BR's organic system plan forms do not demonstrate that ECO fully complies with the requirements of § 205.201(a)(3). The ECO BR Organic System Plan templates do not ask operations to describe 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.*

**Corrective Actions:** ECO BR has added two additional questions to its Organic System Plan templates about monitoring practices and procedures. The first question asks ECO BR's operations to identify which actions it implements to ensure effectiveness of risk management measures and monitoring of deficiencies. The second question asks if ECO BR's operations

maintain records of such practices. The implementation of the new form was communicated to ECO BR's clients on September 23, 2020 via email. ECO BR staff and inspectors were notified via email on September 22, 2020 that the Organic System Plan template had been revised and that the additional questions would need to be verified during on-site inspections.

**AIA-2689-20 – Accepted.** (NOP-38-18.NC1) - 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’s review found that ECO-South Africa does not document the identification (e.g., high risk, random, etc.) of each sub-unit selected for an external (certifier) inspection. Therefore, the auditor could not verify whether ECO- South Africa’s grower group annual sampling process complies with NOP grower group certification requirements.*

**Corrective Actions:** Since this audit finding in December 2018, Ecocert SA has requested that inspectors record the rationale for selecting grower group sub-units for external inspection. To ensure that this is done, the form F30(EC-NOP) – Producer External Visit has been revised to add a place where inspectors need to record this information. Ecocert SA also sent a memo to all relevant staff on December 18, 2018 notifying them of the requirement and the revision of F30.

**AIA-2690-20 – Accepted.** (NOP-38-18.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.” §205.304(a)(1) states, “Agricultural products in packages described in §205.301(c) may display... The statement: “Made with organic (specified ingredients)”...”

**Comments:** *ECO-South Africa approved a “made with organic (specific ingredients)” label that did not meet the label category requirements. The auditor reviewed one wine recipe indicating that the wine could be labeled as “Made with organically grown grapes.” However the wine label stated, “Organically Grown Grapes” suggesting that the wine’s labeling category was “Organic.”*

**Corrective Actions:** Ecocert SA submitted a revised label from the operation that is compliant. The noncompliant label is no longer in use and there is no stock of products with the label. On June 7, 2019 Ecocert SA sent a reminder to ECO-South Africa staff explaining the NOP labeling requirements and directing them to review the NOP Organic Labeling Training Module. Ecocert SA is going to supervise several labeling reviews done by the certification staff from ECO - South Africa office between October 10 and December 1, 2019 to monitor compliance. Once done, these supervisions will be recorded on HRIS and corresponding attestations will be provided to NOP as evidence of corrective action.



**AIA-2692-20 – Accepted.** (NOP-38-18.NC4) - 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:** *Ecocert SA’s Wild Crop policy does not comply with NOP 5022 Guidance Wild Crop Harvesting. Ecocert SA’s policy does not allow for wild crop certification on private land. As a result an operation that has wild crop production listed in their OSP did not have the wild crops scope listed on their certificate.*

**Corrective Actions:** Ecocert SA determined that this noncompliance was a result of staff misinterpretation of the E.U. and NOP wild crop eligibility requirements. The operation’s OSP and the inspection adequately verified the wild crop production requirements under the NOP, so Ecocert SA corrected the operation’s certificate to add the wild crop scope. To ensure that staff clearly understand the wild crop certification requirements for the NOP, Ecocert SA sent a notice to all satellite offices on October 7, 2019 clarifying the policy and notifying changes made to correct policies and templates to align with the policy. In order to ensure that this email communicated is effective at the level of ECO-South Africa, Ecocert SA Head Office will schedule a skype meeting with ECO-South Africa office to ensure that it is now clear to all certification staff from their office. This meeting will be done before October 15th and an attestation of such meeting will be provided to NOP.

**AIA-2693-20 – Accepted.** (NOP-38-18.NC5) - 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:** *ECO-South Africa issued a Notice of Suspension over a month after the stated deadline in the Termination of Mediation Notice.*

**Corrective Actions:** On June 7, 2019, Ecocert SA sent a notice to staff in the ECO-South Africa office reminding them about the required timelines for issuing notices of proposed suspension under different scenarios. The reminder included the NOP Noncompliance and Adverse Action flow chart for staff’s reference. ECO-South Africa determined that the delay identified in this noncompliance was one case, but that other notices of proposed suspension have been issued in a timely manner.

**AIA-2695-20 – Accepted.** (NOP-6-18.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 ....” Specifically, NOP Policy Memo 11-10 Grower Group Certification refers to the National Organic Standards Board Recommendation – Certifying Operations with Multiple Sites, which states in Section D.1, “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.”

**Comments:** *The auditor's review found that ECO-Serbia does not document the identification (e.g., high risk, random, etc.) of each sub-unit selected for an external inspection. Therefore, the auditor could not verify whether ECO-Serbia's grower group annual sampling process complies with NOP grower group certification requirements.*

**Corrective Actions:** ECO will request inspectors to record the reason each sub-unit is selected for an external inspection as part of the grower group annual sampling. ECO updated the Producer External visit form (F30), to include why the operator was inspected by ECO, such as high-risk producer, new member, random, etc. ECO trained staff on the updated form in an email dated December 18, 2018. ECO submitted a copy of the updated form and email.

**AIA-2698-20 – Accepted.** (NOP-6-18.NC4) - 7 C.F.R. §205.404(b)(3) states, “The certifying agent must issue a certificate of organic operation which specifies the: Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; ...”

**Comments:** *The auditor's review of organic certificates found that in one case the operation's current certificate listed a category of operation (crops) that ECO-Serbia had suspended. ECO-Serbia failed to issue the operation an updated certificate with the suspended category removed.*

**Corrective Actions:** ECO-Serbia had removed all of the crops from the certificate once the operation's crop scope was suspended, but the crop scope was still on the certificate. ECO will update their instructions Dealing with noncompliances under the NOP (I04) and Issuance of documentary evidence (I13) to include directions to remove the entire scope from the certificate in cases of partial suspensions by March 31, 2019. ECO will train all staff before March 31, 2019.

**AIA-2700-20 – Accepted.** (NOP-6-18.NC6) - 7 C.F.R. §205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent ... reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

**Comments:** *The auditor's review found that upon identifying noncompliances during the onsite inspection, ECO-Serbia's inspectors obtain corrective actions from the operator. If the inspector determines that the corrective actions sufficiently resolve the noncompliance, ECO-Serbia does not issue the operation a notification of noncompliance. This practice does not comply with the requirements of §205.662(a), which requires certifiers to send operations a written notification when an inspection reveals any noncompliance with the Act or USDA organic regulations.*

**Corrective Actions:** ECO revised the “Inspection Result” letter (the official document that communicates the review of the inspection report) to include a section for the combined notice of noncompliance and resolution. In instances when the operator submits corrective actions to inspection findings that ECO determines are noncompliances, they will address these noncompliances in the Inspection Result by including an official notice named “Combined Notice of Noncompliance and Resolution”. This combined notice will list the violations detected during the inspection that were determined to be noncompliances, and that have already been corrected by the operation. The notice will provide the following information:

- a description of each noncompliance corrected
- a description of the corrective action submitted and accepted
- the possibility for the operation to rebut each noncompliance
- Information that implementation and effectiveness of the corrective actions will be verified during next physical audit.
- information that this notice will be provided to the USDA “cc: NOP Appeals team – [NOPACAAverseActions@ams.usda.gov](mailto:NOPACAAverseActions@ams.usda.gov)”

**AIA-2701-20 – Accepted.** (NOP-8-18.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 ....”

**Comments:** *The auditor’s review of ECO-China’s input verification process found that ECO-China staff do not document the review conducted of each input. Therefore, the auditor could not verify whether ECO-China’s input verification process is compliant.*

**Corrective Actions:** ECO completed and recorded the input verification for the file reviewed by the auditor. ECO submitted the completed material review. ECO will conduct a training for ECO-China staff in March of 2019, reminding staff of the input review process, such as what documents to request and how to record the review. ECO submitted their Input Verification (I03(EC-NOP)v3 instruction.

**AIA-2702-20 – Accepted.** (NOP-7-18.NC1) - 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.” Specifically, § 205.201(a)(3) states, “An organic production or handling system plan must 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; ....”

**Comments:** *The auditor’s review of organic system plans found that the plans lacked specific descriptions of the monitoring activities performed by the operations, as required by §205.201(a)(3), to verify that an operation’s plan is effectively implemented.*

**Corrective Actions:** ECO will request operators to update their organic system plans (OSP) with details on monitoring activities before March 31, 2019. ECO will train the Colombia review staff on the overall objective of the OSP, critical pieces of information in the OSP, a review of monitoring practices, and how to evaluate OSPs before and after the inspection. Colombia review staff will give special attention to operator’s monitoring practices during the 2019 OSP reviews. Training for Colombia staff will be conducted before March 31, 2019.

**AIA-2703-20 – Accepted.** (NOP-7-18.NC2) - 7 C.F.R. §205.403(c)(2) states, “The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately

reflects the practices used or to be used by the applicant for certification or by the certified operation.”

**Comments:** *During the witness audits, the auditor observed that the inspectors did not verify the monitoring activities performed by the operations, including whether the monitoring activities described in their organic system plans accurately reflected the practices used by the operations.*

**Corrective Actions:** ECO will conduct a training before March 31, 2019 for the Colombia staff on how to use the OSP during inspections to verify practices and how to verify the operator’s monitoring practices during the inspection. In 2019, ECO will highlight the need to verify monitoring practices for inspectors in their inspection assignments, and will increase oversight of inspectors to ensure proper verification is completed.

**AIA-2718-20 – Accepted.** (AIA7201RC.NC1) - 7 CFR §205.105(a) states, "To be sold or labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," the product must be produced and handled without the use of: Synthetic substances and ingredients, except as provided in §205.601 or §205.603;"

**Comments:** *EcoCert SA. approved the use of a material, Bio Wash 100 that contains synthetic glucoside not on the National List of Approved and Prohibited Substances.*

**Corrective Actions:** ECO removed the Bio Wash 100 and all other materials containing a synthetic glucoside from their approved list of materials on their website. ECO notified the manufacturer of the Bio Wash 100 of its change in status and submitted the letter to the NOP. ECO will refer to NOP Guidance 5033-1 to evaluate synthetic vs. nonsynthetic ingredients in material views, and for complex materials two experts will conduct separate material reviews. ECO updated their Input Attestation Instruction version 10 to include the new review process and it was submitted to the NOP. Staff were also notified of the updated process.

**AIA 4007-20 – Accepted.** (AP-215-20) 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:** *ECO is not carrying out the provisions of §205.301(b). A review of seven dental floss products found that ECO is incorrectly certifying them as “organic”. The floss portion of the products is made of either nylon or silk, neither of which are certified “organic”. Furthermore, the nylon cannot be certified as “organic”. ECO’s certification decision for these products does not comply with the product composition requirements for products certified as “organic”.*

**Corrective Actions:** ECO issue the operation a Notice of Noncompliance for the noncompliant products. In response, the operation surrendered its certification and informed ECO that it would not sell the remaining inventory of the floss products as organic.

#### **Non-compliances Identified during the Current Assessment and Corrective Actions**

**AIA-6508-21 - Accepted.** 7 C.F.R. §205.663 states, “Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent...Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and the regulations in this part. The Secretary may review any mediated agreement for conformity to the Act and the regulations in this part and may reject any agreement or provision not in conformance with the Act or the regulations in this part.”

**Comments:** *ECO SA’s settlement agreements do not comply with the requirements of the USDA organic regulations. The auditors review of three settlement agreements established by ECO SA found that the settlement agreements included non-finite terms that required ongoing compliance with a USDA organic regulation.*

**Corrective Action:** ECO SA updated its template for settlement agreements to prompt ECO SA staff to include a time frame for complying with each term. ECO SA also sent an email to staff on December 22, 2021 reminding them that settlement agreements must require operations to comply with the terms by a certain deadline.

**AIA-6510-21 - Accepted.** 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:** *ECO does not fully carry out the provisions of the Act and regulations. The auditors’ review of pesticide residue sample files found the following:*

- 1. For three operations, ECO received positive pesticide residue results but did not notify the operation of the results until 16 or more business days later. This does not meet the timetable established by ECO in ECO SA I14 Instruction: Management of Analysis, which requires that an operator be notified no later than 5 days after a positive pesticide residue test result is received.*
- 2. For one sampling event, ECO did not notify the operation that no prohibited pesticide residues were detected and that the product may be sold as organic, as required by NOP 2613.*
- 3. For three sampling events, ECO’s inspector did not complete the residue sampling form in accordance with ECO SA I18 Instruction: Sampling Methods.*
- 4. On two residue sampling forms, the ECO inspector indicated that they did not have all the equipment identified in ECO SA I18 Instruction: Sampling Methods as necessary for performing sampling activities.*

**Corrective Action:** ECO sent a reminder to its staff on January 19, 2022 that operations must be informed of positive pesticide residue results within five days of ECO receiving the results and that operations must be informed that their product may be sold as organic when no prohibited pesticide residues are detected. ECO sent an additional reminder to staff on January 19, 2022 stating that the inspector must fully complete the *F21-Sample Form* and must wear gloves when sampling fresh products. ECO has hired 3 additional full-time Analysis Officers since November 2021 and has instructed them to report incorrect F21- Sampling Forms to ECO’s Evaluation

Managers. Additionally, ECO plans to finalize an internal guide that deals with communication with clients in cases of a positive results by the end of March 2022. ECO also plans to update the role and responsibilities of its Analysis Officers across its satellite offices in 2023, which will give Analysis Officers more involvement in the investigation of positive residue results and in communicating with the affected operation.

**AIA-6511-21 - Accepted.** 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:** *ECO does not consistently demonstrate the ability to fully comply with the requirements of NOP Policy Handbook 2609 Unannounced Inspections. The auditors’ review of ECO’s Audit Procedure for Unannounced Inspections (P15) found that ECO allows inspectors to notify an operation up to 48 hours prior to an unannounced inspection.*

**Corrective Action:** ECO updated its procedure “P15 – Audit Process” to state that up to 4 hours of notice is allowed for unannounced inspections. ECO notified its staff of the updated procedure via email on January 19, 2022.

**AIA-6512-21 – Accepted.** 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:** *ECO does not consistently demonstrate the ability to fully comply with the requirements for accreditation, including NOP 3012 Interim Instruction Material Review. The auditors found the following issues related to ECO’s instruction I03 Input Verification:*

- 1. ECO’s material review procedures do not address the evaluation of sub-ingredients and manufacturing processes at all stages associated with the production of formulated products.*
- 2. ECO’s information request form F18 Information Request to Inputs Manufacturers allows input manufacturers to self-determine the compliance of inert ingredients in pesticide products. ECO accepts the input manufacturer’s evaluation without conducting its own review of the inert ingredient’s compliance.*
- 3. ECO does not follow National List requirements when evaluating input use. Interviews with staff found that ECO is requiring a documented deficiency for the use of calcium chloride, rather than evidence of a physiological disorder associated with calcium uptake, as required by the National List.*

**Corrective Action:** ECO updated its procedure *I03(EC-NOP)-Input Verification (version4)* to include the evaluation of all sub-ingredients and manufacturing process in its NOP input verification process. ECO also created a policy *Material Review Guidance: Process & Internal Review Criteria* on January 19, 2022 which describes the process ECO staff must follow when reviewing inputs (including inerts) for use in NOP organic production. Finally, ECO updated its form *F18(EC-NOP)-Information request to inputs manufacturers* to request that input manufacturers disclose to ECO information about all ingredients and sub-ingredients to ECO, including inerts and adjuvants. ECO notified staff of the new and updated documents via email on January 20, 2022 and also provided specific guidance to the Chilean satellite office about use

restrictions on calcium chloride in a separate email on January 20, 2022.

**AIA-6513-21 - Accepted.** 7 C.F.R. §205.501(a)(7) states, “A private or governmental entity accredited as a certifying agent under this subpart must: have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation;”

**Comments:** *ECO is not carrying out the provisions of the Act and regulations as required by NOP 2025 Internal Program Review Requirements. The auditors’ review of ECO’s Internal Review Policies, Internal Audit Reports, and staff interviews found the following:*

- 1. ECO does not conduct internal audits for all its satellite offices and therefore all NOP certification activities are not being internally reviewed. The ECO SA P11 Internal Audit Policy outlines the minimum frequency for internal audits only at critical satellite offices. Five satellite offices that conduct NOP certification activities are considered non-critical and therefore ECO does not conduct internal audits of them at any set frequency.*
- 2. ECO’s internal audits of satellite offices do not include an evaluation of all certification activities, as required by NOP 2025. Three internal audit reports for satellite offices did not include evaluation of the satellite offices’ material review programs, adherence to the requirements of international trade agreements or procedures for conducting inspector field evaluations.*
- 3. ECO’s internal audits of satellite offices do not consistently assess the findings and implemented corrective actions of prior program reviews, as required by NOP 2025. ECO’s China satellite office was internally audited in 2019 with corrective action implementation to be followed up on at the next internal audit. ECO’s China satellite office has not yet had another internal audit and therefore the corrective actions have not been assessed.*

**Corrective Action:** ECO completed internal audits of its satellite offices in Germany, the Balkans, Chile and Japan in 2021, as well as an internal audit of its head office in November and December 2021. ECO will finalize its 2022 internal audit sites in March 2022. ECO updated its policy *P11-Internal Audit* to require internal audits of both critical and non-critical satellite offices during its 5-year accreditation cycle (the activities of non-decision making satellite offices may be audited as part of the decision-making satellite office’s internal audit) and to require that the implementation of a satellite office’s corrective actions be assessed at a frequency depending on the criticality of the noncompliance, but always within the 5-year accreditation cycle. ECO circulated the updated procedure to staff on January 18, 2022 via email. ECO also created a tool *NOP Annex Internal Audit* to identify which NOP activities must be covered during the internal audit, including inputs, exporting under trade arrangements and inspector evaluations.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted an audit as part of the NOP's assessment of the Ecocert SA (ECO) organic program. This report provides the results of NOP's review of ECO's corrective actions and assessment of ECO's capability to operate as a USDA accredited certifier.

### GENERAL INFORMATION

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<b>Reviewers &amp; Auditor</b>	Bridget McElroy, Melissa Lahullier, NOP Reviewers; Penny Zuck, Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective action review: October 1, 2020 NOP assessment review: August 17, 2020 Audit: May 5, 2020 to May 7, 2020
<b>Audit Identifier</b>	NOP-10-20
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Satellite Office Audit (Desk Audit)
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ECO's certification system.
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	ECO BR's certification services in carrying out the audit criteria.



## **CERTIFIER OVERVIEW NARRATIVE:**

EcoCert S.A. (ECO) is a for-profit organization initially accredited by the USDA National Organic Program (NOP) on April 29, 2002 for the following scopes: crops, livestock, wild crops, and handling/processing. ECO's principal office is located in L'Isle Jourdain, France, but has offices in the following countries: Europe (Germany, Portugal, Romania, Serbia, Spain, Switzerland, Turkey); Africa (Burkina Faso, Madagascar, Morocco, South Africa, Tunisia); Asia (China, India, Japan, South Korea), and the Americas (Brazil, Canada, Colombia, Chile, Mexico, Peru, the U.S.). ECO currently certifies approximately 2,734 operations throughout the world. Ecocert Brasil Certificadora Ltda. (ECO BR) is a satellite office of ECO.

ECO BR was founded as a non-profit organization in 2001 and became part of the Ecocert SA organization in 2010. ECO BR has 20 staff conducting NOP certification activities, including four certification officers, twelve inspectors, three certification assistants, and one transaction certificate officer. The ECO BR office certifies 121 operations located in Brazil, Paraguay, Uruguay, and USA including 54 crops, 16 wild crops, and 124 processor/handler scopes.

The audit included an expanded desk review conducted by the NOP auditor including virtual interviews with ECO BR staff.

## **NOP DETERMINATION:**

NOP reviewed 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 “**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 audit.

## **Noncompliances Identified during the Current Assessment**

**AIA-1316-20 – Accepted.** 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:** *ECO BR's organic system plan forms do not demonstrate that ECO fully complies with the requirements of § 205.201(a)(3). The ECO BR Organic System Plan templates do not ask operations to describe 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.*

**Corrective Action:** ECO BR has added two additional questions to its Organic System Plan templates about monitoring practices and procedures. The first question asks ECO BR's operations to identify which actions it implements to ensure effectiveness of risk management measures and monitoring of deficiencies. The second question asks if ECO BR's operations maintain records of such practices. The implementation of the new form was communicated to ECO BR's clients on September 23, 2020 via email. ECO BR staff and inspectors were notified

via email on September 22, 2020 that the Organic System Plan template had been revised and that the additional questions would need to be verified during on-site inspections.

**AIA-1317-20 – Accepted.** 7 C.F.R. §205.402(b)(2) states, “The certifying agent shall within a reasonable time: Provide the applicant with a copy of the on-site inspection report, as approved by the certifying agent, for any on-site inspection performed.”

**Comments:** *The auditor’s review of certification application files and interviews with certification staff found that the inspector is providing a copy of the inspection report (checklist/annex) following the inspection rather than a copy of the inspection report being provided by the ECO BR office following review and approval.*

**Corrective Action:** ECO updated its procedure *Verification of Inspection Findings* I15(EC-NOP) to require that the inspection report (‘Annex to the Audit Findings’) be issued by a certification officer once the report has been reviewed. An email was sent to all ECO subsidiaries on October 29, 2020 informing them of the procedural change.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite audit of Ecocert S.A.'s satellite office in South Africa was conducted on November 30, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess Ecocert S.A.'s compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Ecocert South Africa (ECO-South Africa)
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<b>Reviewer &amp; Auditors</b>	Bridget McElroy, Rebecca Claypool, NOP Reviewers; Graham Davis and Lars Crail, On-site Auditors.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	NOP corrective action review: September 23 – October 16, 2019 NOP assessment review: March 28, 2019 Onsite audit: November 30 – December 7, 2018
<b>Audit Identifier</b>	NOP-38-18
<b>Action Required</b>	Yes
<b>Audit &amp; Review Type</b>	Satellite Office Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ecocert S.A.'s certification
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ECO-South Africa's certification services in carrying out the audit criteria.

Ecocert S.A. is a private corporation accredited by the USDA NOP since April 29, 2002, to the scopes of Crops, Wild crops, Livestock, and Handling. Ecocert S.A. has 19 satellite offices worldwide conducting NOP certification activities. This was the NOP's first on-site audit of Ecocert South Africa. (ECO-South Africa).

ECO-South Africa is responsible for the inspections, inspection reviews, and certification decisions of 107 certified operations to the following scopes: 69 crops, 20 wild crops, 1 livestock, and 87 handling. ECO-South Africa is also responsible for the inspections, inspection

reviews, and certification decisions of 4 grower groups. ECO-South Africa conducts certification activities in South Africa, Namibia, Mozambique, Lesotho, Botswana, Malawi, Zimbabwe, and Zambia. The office conducts inspection activities for five accreditation schemes: NOP, Ecocert Organic Standard (EU equivalent), JAS Organic, Korean Organic, Fair for Life, BioSuisse, and Naturland. ECO-South Africa is located in Stellenbosch, South Africa and consists of 7 staff personnel; 1 quality officer, 1 certification officer/reviewer, 4 inspectors, and 1 administrative assistant. The Southern Africa Office also uses 3 contract inspectors.

As part of the on-site office audit, two witness audits were conducted of annual inspections of a crops/wild crops/handling operation (Clanwilliam, South Africa) and a crops/handling operation (Citrusdal, South Africa).

## **NOP DETERMINATION**

The NOP reviewed the onsite audit results to determine whether Ecocert S.A.'s corrective actions adequately addressed previous noncompliances.

### **Noncompliances Identified during the 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. Any noncompliance labeled as “**Outstanding**” indicates that records reviewed and audit observations did not demonstrate compliance.

**NOP-38-18.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’s review found that ECO-South Africa does not document the identification (e.g., high risk, random, etc.) of each sub-unit selected for an external (certifier) inspection. Therefore, the auditor could not verify whether ECO- South Africa’s grower group annual sampling process complies with NOP grower group certification requirements.*

**Corrective Action:** Since this audit finding in December 2018, Ecocert SA has requested that inspectors record the rationale for selecting grower group sub-units for external inspection. To ensure that this is done, the form F30(EC-NOP) – Producer External Visit has been revised to add a place where inspectors need to record this information. Ecocert SA also sent a memo to all relevant staff on December 18, 2018 notifying them of the requirement and the revision of F30.

**NOP-38-18.NC2 – Accepted** – 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.” §205.304(a)(1) states, “Agricultural products in packages described in §205.301(c) may display... The statement: “Made with organic (specified ingredients)”...”

**Comments:** *ECO-South Africa approved a “made with organic (specific ingredients)” label that did not meet the label category requirements. The auditor reviewed one wine recipe indicating that the wine could be labeled as “Made with organically grown grapes.” However the wine label stated, “Organically Grown Grapes” suggesting that the wine’s labeling category was “Organic.”*

**Corrective Action:** Ecocert SA submitted a revised label from the operation that is compliant. The noncompliant label is no longer in use and there is no stock of products with the label. On June 7, 2019 Ecocert SA sent a reminder to ECO-South Africa staff explaining the NOP labeling requirements and directing them to review the NOP Organic Labeling Training Module. Ecocert SA is going to supervise several labeling reviews done by the certification staff from ECO - South Africa office between October 10 and December 1, 2019 to monitor compliance. Once done, these supervisions will be recorded on HRIS and corresponding attestations will be provided to NOP as evidence of corrective action.

**NOP-38-18.NC3 – 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:** *Ecocert-South Africa used incorrect citations in notifications of noncompliance. For example:*

- *§205.300 was referenced when an operation failed to provide labels to be reviewed for a new product.*
- *§205.671 was referenced for a detection of a prohibited substance at a level that was not greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected.*
- *§205.670 was referenced for a detection of a prohibited substance at a level greater than 0.01ppm and the pesticide does not have an EPA tolerance or FDA action level.*

**Corrective Action:** In July 2019, Ecocert SA corrected the citations used in its Ecert checklist for the issues noted in this noncompliance. The corrected citations will be §205.201(a)(6), §205.105(a) and §205.202(b), respectively. Ecocert SA submitted evidence that the changes were communicated to satellite offices on July 24, 2019. The Ecert checklist is the only checklist available for use by all staff, so the changes ensure that the correct citations will be used.

**NOP-38-18.NC4 – Accepted –** 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:** *Ecocert SA’s Wild Crop policy does not comply with NOP 5022 Guidance Wild Crop Harvesting. Ecocert SA’s policy does not allow for wild crop certification on private land. As a result an operation that has wild crop production listed in their OSP did not have the wild crops scope listed on their certificate.*

**Corrective Action:** Ecocert SA determined that this noncompliance was a result of staff misinterpretation of the E.U. and NOP wild crop eligibility requirements. The operation's OSP and the inspection adequately verified the wild crop production requirements under the NOP, so Ecocert SA corrected the operation's certificate to add the wild crop scope. To ensure that staff clearly understand the wild crop certification requirements for the NOP, Ecocert SA sent a notice to all saltellite offices on October 7, 2019 clarifying the policy and notifying changes made to correct policies and templates to align with the policy. In order to ensure that this email communicated is effective at the level of ECO-South Africa, Ecocert SA Head Office will schedule a skype meeting with ECO-South Africa office to ensure that it is now clear to all certification staff from their office. This meeting will be done before October 15th and an attestation of such meeting will be provided to NOP.

**NOP-38-18.NC5 – 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:** *ECO-South Africa issued a Notice of Suspension over a month after the stated deadline in the Termination of Mediation Notice.*

**Corrective Action:** On June 7, 2019, Ecocert SA sent a notice to staff in the ECO-South Africa office reminding them about the required timelines for issuing notices of proposed suspension under different scenarios. The reminder included the NOP Noncompliance and Adverse Action flow chart for staff's reference. ECO-South Africa determined that the delay identified in this noncompliance was one case, but that other notices of proposed suspension have been issued in a timely manner.

**NOP-38-18.NC6 – 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.”

**Comments:** *ECO-South Africa's procedure for responding to pesticide Residue Sampling Results is not in compliance with NOP 2613 Instruction Responding to Results from Pesticide Residue Testing. ECO-South Africa did not indicate to operators that their products may not be sold as organic when pesticide residue sample results were positive for a prohibited pesticide above 0.01 parts per million (ppm) and the pesticide does not have an EPA tolerance or FDA action level.*

**Corrective Action:** In this case, ECO-South Africa was taking into account the uncertainty of the measurements per the process recommended by European regulatory authorities. Ecocert SA submitted evidence that its Analysis Manager instructed all Analysis Officers from Ecocert SA's satellite offices that this process should not be used when interpreting test results for NOP certification. The Analysis Manager will monitor whether Analysis Officers make this correction and correctly implement NOP 2613 going forward.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

An onsite audit of Ecocert S.A.'s satellite office in Colombia (ECO-Colombia) was conducted on June 25, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess Ecocert S.A.'s compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

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<b>Reviewer &amp; Auditor</b>	Rebecca Claypool, NOP Reviewer; Lars Crail, On-site Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	Corrective action review: February 12, 2019 NOP assessment review: October 5, 2018 Onsite audit: June 25, 2018
<b>Audit Identifier</b>	NOP-7-18
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Satellite Office Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ecocert S.A.'s certification
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ECO-Colombia's certification services in carrying out the audit criteria

Ecocert S.A. is a private corporation accredited by the USDA NOP since April 29, 2002, to the scopes of Crops, Wild crops, Livestock, and Handling. Ecocert S.A. has 19 satellite offices worldwide conducting NOP certification activities. This was the NOP's first on-site audit of Ecocert Colombia Ltda. (ECO-Colombia).

ECO-Colombia was established as a legal entity in 2004. As of June 2018, Ecocert S.A. certifies approximately 100 operations through ECO-Colombia to the following scopes: 61 Crops, 0 Livestock, 3 Wild Crops, and 31 Handling. ECO-Colombia certifies 23 grower groups. The certified operations are located in the countries of Colombia, Cuba, Ecuador, Guatemala, Guyana, Haiti, Mexico, Peru, and Paraguay. ECO-Colombia has a total of 24 personnel, including 16 inspectors.

As part of the on-site audit, two witness audits were conducted. The NOP auditor observed an announced, annual inspection of a cacao crops/handling operation. The second witness audit was an observation of an announced, annual inspection of a handling operation of green coffee. Both operations were in Colombia.

## **NOP DETERMINATION**

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

### **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.

**NOP-7-18.NC1 – Accepted.** 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.” Specifically, § 205.201(a)(3) states, “An organic production or handling system plan must 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; ....”

**Comments:** *The auditor’s review of organic system plans found that the plans lacked specific descriptions of the monitoring activities performed by the operations, as required by §205.201(a)(3), to verify that an operation’s plan is effectively implemented.*

**2019 Corrective Action:** ECO will request operators to update their organic system plans (OSP) with details on monitoring activities before March 31, 2019. ECO will train the Colombia review staff on the overall objective of the OSP, critical pieces of information in the OSP, a review of monitoring practices, and how to evaluate OSPs before and after the inspection. Colombia review staff will give special attention to operator’s monitoring practices during the 2019 OSP reviews. Training for Colombia staff will be conducted before March 31, 2019.

**NOP-7-18.NC2 – Accepted.** 7 C.F.R. §205.403(c)(2) states, “The on-site inspection of an operation must verify: That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.”

**Comments:** *During the witness audits, the auditor observed that the inspectors did not verify the monitoring activities performed by the operations, including whether the monitoring activities described in their organic system plans accurately reflected the practices used by the operations.*

**2019 Corrective Action:** ECO will conduct a training before March 31, 2019 for the Colombia staff on how to use the OSP during inspections to verify practices and how to verify the operator’s monitoring practices during the inspection. In 2019, ECO will highlight the need to verify monitoring practices for inspectors in their inspection assignments, and will increase oversight of inspectors to ensure proper verification is completed.



**NOP-7-18.NC3 – Accepted.** 7 C.F.R. §205.663 states, “Mediation shall be requested in writing to the applicable certifying agent.”

**Comments:** *In one mediation case reviewed, the auditor found that ECO-Colombia underwent the mediation process even though it did not receive a written request for mediation. The operation only rebutted their noncompliances and submitted corrective actions.*

**2019 Corrective Action:** ECO provided an email refresher training on the adverse action and mediation process to all certification officers on October 2, 2018. ECO submitted the email notification to the NOP. ECO also plans to update internal instructions and develop a new template for staff to further clarify the adverse action and mediation process before March 31, 2019. ECO will update *Dealing with noncompliances under the NOP* (I04) and *Management of mediation* (P10) to remind staff that corrective actions cannot be accepted once a proposed adverse action is issued, and that mediation must be requested in writing. ECO will include a mediation flow chart for staff, and develop the *Mediation request* (L19) template for operators to complete to submit a written request for mediation. ECO will conduct a training for staff on the updated instructions and new template prior to March 31, 2019.

**NOP-7-18.NC4 – Accepted.** 7 C.F.R. §205.501(a)(9) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Maintain all records pursuant to §205.510(b) and make all such records available for inspection and copying during normal business hours by authorized representatives of the Secretary...”

**Comments:** *The auditor reviewed one issued notification of noncompliance that was resolved by the operation. There was no record that ECO-Colombia issued the operation a notification of noncompliance resolution.*

**2019 Corrective Action:** ECO issued a notice of noncompliance resolution to the operation and submitted it to the NOP. ECO reminded Colombia staff to be sure noncompliance resolution letters are issued for positive residue tests. ECO submitted the January 2, 2019 email notification. ECO will train their staff and update their database by March 31, 2019 to automatize the issuance of noncompliance resolution letters. Currently resolution letters are issued outside of the database, and by incorporating resolution letters in the database the system will be simplified and trackable. the system for issuing noncompliance resolution letters in their database and train staff on the changes before.

**NOP-7-18.NC5 – Accepted.** 7 C.F.R. §205.662(c)(3) states, “The notification of proposed suspension or revocation of certification shall state: The impact of a suspension or revocation on future eligibility for certification...”

**Comments:** *In one certification suspension case reviewed, the auditor found that ECO-Colombia issued an operation a notification of suspension that indicated a suspension period of one year. However, the auditor’s review of the notification of proposed suspension ECO-Colombia issued to the operation found that the one-year suspension period was not indicated on the notification.*

**2019 Corrective Action:** ECO sent a reminder to all certification officers on December 18, 2018 notifying them to identify the length of the suspension in the notice of proposed suspension and the notice of suspension. ECO submitted the email notification. ECO will update the notice of proposed suspension template to include a period of proposed suspension. ECO will also update

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the instruction *Dealing with noncompliances under the NOP* (I04) to require that the suspension period is the same in the notice of proposed suspension and in the notice of suspension. ECO will update the templates and work instruction, and will train the Colombia certification officers by March 31, 2019.

**NOP-7-18.NC6 – Accepted.** 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 ....” Specifically, NOP Policy Memo 11-10 Grower Group Certification refers to the National Organic Standards Board Recommendation – Certifying Operations with Multiple Sites, which states in Section D.1, “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.”

**Comments:** *The auditor’s review found that ECO-Colombia does not document the identification (e.g., high risk, random, etc.) of each sub-unit selected for an external inspection. Therefore, the auditor could not verify whether ECO-Colombia’s grower group annual sampling process complies with NOP grower group certification requirements.*

**2019 Corrective Action:** ECO requested inspectors to record the reason each sub-unit is selected for an external inspection as part of the grower group annual sampling. ECO updated the *Producer External visit form* (F30), to include why the operator was inspected by ECO, such as high-risk producer, new member, random, etc. ECO submitted a copy of the updated form and the email notification dated December 18, 2018 training staff on the change.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite audit of Ecocert S.A.'s satellite office in Serbia (ECO-Serbia) was conducted on April 16 – 20, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess Ecocert S.A.'s compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Name</b>	Ecocert Balkan D.O.O. (ECO-Serbia)
<b>Physical Address</b>	Ul. Glavna 13M/III 11080 Belgrade - Zemun; SERBIA
<b>Mailing Address</b>	Ul. Glavna 13M/III 11080 Belgrade - Zemun; SERBIA
<b>Contact &amp; Title</b>	Milana Kosanovic, General Manager and Client Manager
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<b>Phone Number</b>	+248-519-2523 x4785
<b>Reviewer &amp; Auditor</b>	Rebecca Claypool, Reviewer Clarissa Mathews, Reviewer Lars Crail, On-site Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	Corrective action review: February 13, 2019 NOP assessment review: November 9, 2018 Onsite audit: April 16 – 20, 2018
<b>Audit Identifier</b>	NOP-6-18
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Satellite Office Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ecocert S.A.'s certification
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ECO-Serbia's certification services in carrying out the audit criteria

Ecocert S.A. is a private corporation accredited by the USDA NOP since April 29, 2002, to the scopes of Crops, Wild Crops, Livestock and Handling. Ecocert S.A. has 19 satellite offices

worldwide conducting NOP certification activities. This was the NOP's first on-site audit of Ecocert Balkan D.O.O. (ECO-Serbia).

ECO-Serbia was established as a legal entity to conduct NOP inspections for Ecocert S.A.'s satellite office in Romania. In November 2016, Eco-Serbia was established by Ecocert S.A. as a fully functioning satellite office. Ecocert S.A. certifies approximately 50 operations (scopes: 39 Crops, 0 Livestock, 16 Wild Crops, 49 Handling, 11 grower groups) through ECO-Serbia. The operations are located in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia and Serbia. ECO-Serbia has ten personnel, including six inspectors.

As part of the on-site audit, one witness audit was conducted. The NOP auditor observed an announced, annual inspection of a crops/handling operation.

## **NOP DETERMINATION:**

NOP reviewed the onsite audit results to determine whether ECO-Serbia'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 Identified during the Current Assessment and Corrective Actions**

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-6-18.NC1 – Accepted.** 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 ...." Specifically, NOP Policy Memo 11-10 Grower Group Certification refers to the National Organic Standards Board Recommendation – Certifying Operations with Multiple Sites, which states in Section D.1, "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."

**Comments:** *The auditor's review found that ECO-Serbia does not document the identification (e.g., high risk, random, etc.) of each sub-unit selected for an external inspection. Therefore, the auditor could not verify whether ECO-Serbia's grower group annual sampling process complies with NOP grower group certification requirements.*

**2019 Corrective Action:** ECO will request inspectors to record the reason each sub-unit is selected for an external inspection as part of the grower group annual sampling. ECO updated the *Producer External visit form* (F30), to include why the operator was inspected by ECO, such as high-risk producer, new member, random, etc. ECO trained staff on the updated form in an email dated December 18, 2018. ECO submitted a copy of the updated form and email.

**NOP-6-18.NC2 – Accepted.** 7 CFR §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:** *The auditor’s review of two suspension cases found that ECO-Serbia did not issue the notifications of suspension in a timely manner. The suspension notifications were issued 1.5 months and 3.5 months after the deadline stated in the notifications of proposed suspension.*

**2019 Corrective Action:** ECO-Serbia worked closely with ECO’s Head office in 2018 to increase their understanding of the suspension process. ECO hired two new staff members at the head office to support satellite offices and improve response time. Communication is now smoother and faster as the process is better understood by ECO-Serbia and there are more staff available to support questions from satellite offices. Therefore, ECO-Serbia will be able to issue adverse actions in a timely matter in the future.

**NOP-6-18.NC3 – Accepted.** 7 C.F.R. §205.662(a)(3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent ... 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:** *The auditor’s review of one notice of noncompliance issued by ECO-Serbia found that the notice did not include a date by which the operation must rebut or correct each noncompliance.*

**2019 Corrective Action:** ECO-Serbia reminded staff that a deadline is mandatory for all notices of noncompliances as stated in the instruction *Dealing with noncompliances under the NOP* (I04). ECO submitted the email notification sent to Serbia staff dated December 17, 2018. ECO is updating their database to automatically include a deadline for each noncompliance when notices are issued. The database update should be completed by March 31, 2019.

**NOP-6-18.NC4 – Accepted.** 7 C.F.R. §205.404(b)(3) states, “The certifying agent must issue a certificate of organic operation which specifies the: Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; ...”

**Comments:** *The auditor’s review of organic certificates found that in one case the operation’s current certificate listed a category of operation (crops) that ECO-Serbia had suspended. ECO-Serbia failed to issue the operation an updated certificate with the suspended category removed.*

**2019 Corrective Action:** ECO-Serbia had removed all of the crops from the certificate once the operation’s crop scope was suspended, but the crop scope was still on the certificate. ECO will update their instructions *Dealing with noncompliances under the NOP* (I04) and *Issuance of documentary evidence* (I13) to include directions to remove the entire scope from the certificate in cases of partial suspensions by March 31, 2019. ECO will train all staff before March 31, 2019.

**NOP-6-18.NC5 – Accepted.** 7 C.F.R. §205.501(a)(5) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making

responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.”

**Comments:** *The auditor’s review of one suspension notification issued by ECO-Serbia incorrectly stated, “During the suspension period, your contract is maintained and audits may be performed for surveillance purposes at your expenses.” Per the USDA organic regulations, once the certification of an operation is suspended, the certification is no longer valid and certifying agents do not have the authority to conduct inspections of the suspended operation.*

**2019 Corrective Action:** ECO-Serbia updated their notice of suspension template to remove the incorrect language. ECO submitted a copy of the current template to the NOP.

**NOP-6-18.NC6 – Accepted.** 7 C.F.R. §205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent ... reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

**Comments:** *The auditor’s review found that upon identifying noncompliances during the onsite inspection, ECO-Serbia’s inspectors obtain corrective actions from the operator. If the inspector determines that the corrective actions sufficiently resolve the noncompliance, ECO-Serbia does not issue the operation a notification of noncompliance. This practice does not comply with the requirements of §205.662(a), which requires certifiers to send operations a written notification when an inspection reveals any noncompliance with the Act or USDA organic regulations.*

**2019 Corrective Action:** ECO revised the “Inspection Result” letter (the official document that communicates the review of the inspection report) to include a section for the combined notice of noncompliance and resolution. In instances when the operator submits corrective actions to inspection findings that ECO determines are noncompliances, they will address these noncompliances in the Inspection Result by including an official notice named “Combined Notice of Noncompliance and Resolution”. This combined notice will list the violations detected during the inspection that were determined to be noncompliances, and that have already been corrected by the operation. The notice will provide the following information:

- a description of each noncompliance corrected
- a description of the corrective action submitted and accepted
- the possibility for the operation to rebut each noncompliance
- Information that implementation and effectiveness of the corrective actions will be verified during next physical audit.
- information that this notice will be provided to the USDA “cc: NOP Appeals team – [NOPACAAverseActions@ams.usda.gov](mailto:NOPACAAverseActions@ams.usda.gov) “

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite audit of Ecocert S.A.'s satellite office in China was conducted on June 11, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess Ecocert S.A.'s compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Name</b>	Beijing Ecocert Certification Center Co, Ltd. (ECO-China)
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<b>E-mail Address</b>	Aude.bonnet@ecocert.com
<b>Phone Number</b>	+33 5 62 07 52 06
<b>Reviewer &amp; Auditor</b>	Rebecca Claypool, NOP Reviewer; Penny Zuck, On-site Auditor.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	Corrective action review: February 13, 2019 NOP assessment review: October 5, 2018 Onsite audit: June 11, 2018
<b>Audit Identifier</b>	NOP-8-18
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Satellite Office Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ecocert S.A.'s certification
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	ECO-China's certification services in carrying out the audit criteria during the period: 2012 through 2017

Ecocert S.A. is a private corporation accredited by the USDA NOP since April 29, 2002, to the scopes of Crops, Wild Crops, Livestock and Handling. Ecocert S.A. has 19 satellite offices worldwide conducting NOP certification activities. The NOP last conducted an onsite audit of Beijing Ecocert Certification Center Co, Ltd. (ECO-China) in 2012.

As of June 2018, Ecocert S.A. certifies approximately 358 operations through ECO-China to the following scopes: 137 Crops, 7 Livestock, 18 Wild Crops, and 320 Handling. There are 22 grower group operations. The operations are located in China, Cambodia, Korea, Lao People's Democratic Republic, Malaysia, Mongolia, and Taiwan. ECO-China's staff include a total of 32 personnel including 6 Certification Officers, 4 Client Managers, 5 Transaction Certificate Assistants, 1 Analysis Officer, and 16 staff inspectors. ECO-China also contracts an additional 4 inspectors.

As part of the on-site audit, two witness audits were conducted. The NOP auditor observed annual inspections of a handling operation and a crops/processing operation.

### **NOP DETERMINATION:**

NOP reviewed the onsite audit results to determine whether ECO-China'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 Identified during the Current Assessment and Corrective Actions**

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-8-18.NC1 – Accepted.** 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 ...."

**Comments:** *The auditor's review of ECO-China's input verification process found that ECO-China staff do not document the review conducted of each input. Therefore, the auditor could not verify whether ECO-China's input verification process is compliant.*

**2019 Corrective Action:** ECO completed and recorded the input verification for the file reviewed by the auditor. ECO submitted the completed material review. ECO will conduct a training for ECO-China staff in March of 2019, reminding staff of the input review process, such as what documents to request and how to record the review. ECO submitted their Input Verification (I03(EC-NOP)v3 instruction.



## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite renewal assessment of EcoCert S.A.'s organic program was conducted on October 9 – 13, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess EcoCert S.A.'s compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	EcoCert S.A. (ECO)
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<b>Mailing Address</b>	BP47, L'Isle Jourdain, 32600, France
<b>Contact &amp; Title</b>	Camille Godard, Scheme Officer NOP
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<b>Phone Number</b>	33 0 5 62 07 52
<b>Reviewer(s) &amp; Auditor(s)</b>	Graham Davis, NOP Reviewer Rebecca Claypool and Lars Crail, On-site Auditors
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective actions review: May 2, 2018 NOP assessment review: January 30, 2018 Onsite audit: October 9 – 13, 2017
<b>Audit Identifier</b>	NP7282LCA
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Renewal Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ECO's certification system.
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ECO's certification services in carrying out the audit criteria during the period: September 26, 2014 through October 9, 2017

EcoCert S.A. (ECO) has been accredited as a certifying agent since April 29, 2002, to the National Organic Program (NOP) for crops, wild crops, livestock, and handling operations. ECO is a for-profit business.

The ECO certified operations lists consists of 1236 operations: 646 crops, 160 wild crops, 10 livestock, 1132 handling operations, and 220 grower groups. ECO certifies operations located within France, Brazil, Burkina Faso, China, Colombia, Germany, Japan, Madagascar, Spain, Serbia, India, South Africa, Tunisia, Turkey, Morocco, Chile, Mexico, Peru, Singapore, and Argentina.

ECO's head office for NOP certification is located in L'Isle Jourdain, France. ECO manages 20 offices worldwide that conduct key certification activities for the NOP organic standard. The ECO staff in L'Isle Jourdain provides support and sets ECO policies for the 20 satellite offices around the world and in France.

During the onsite audit, one witness audit was conducted of an annual inspection of a crops and handling wine operation in France. In July 2017, a satellite office audit was conducted at ECO's Turkey office. Additionally, in 2016 witness audits of handling operation inspections were performed in Georgia and Brazil.

### **NOP DETERMINATION:**

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

**NP6227LCA.NC1 – Cleared**  
**NP6227LCA.NC2 – Cleared**  
**NP6307RKA.NC1 – Cleared**  
**NP4365RYA.NC1 – Cleared**  
**NP4365RYA.NC2 – Cleared**  
**NP4365RYA.NC3 – Cleared**  
**NP4365RYA.NC4 – Cleared**

### **Non-compliances Identified during the Current Assessment and Corrective Actions**

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.

**NP7282LCA.NC1 – 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 Instruction 2603 *Organic Certificates* section 3.1.

**Comments:** *ECO certificate templates do not include the following elements of the organic certificate.*

- a. The term “Effective date” is not used.*
- b. The term “Anniversary date” is not used. Instead the term “Renewal Date” is used. Also, the date does not include a year.*
- c. ECO’s phone number is not included.*
- d. One certificate reviewed did not include the certified operation’s main office address. The mailing address (i.e. PO Box), and the physical address of the inspected sites are listed, but not the physical address of the listed certified entity.*

**2018 Corrective Actions:** ECO has revised its certificate template where the terms "Date of initial NOP certification" and "Renewal due date" have been replaced respectively by "Effective date of NOP first certification" and "Anniversary date". ECO’s international phone number has been added. ECO reviewed the certificates of all of their NOP certified operations and determined that 130 of them display the P.O. Box on their certificate instead of the physical address of the operation. ECO emailed all their satellite offices on March 16, 2018. The email included their instruction regarding the registration of a physical address as the certification holder address that will be displayed on the NOP certificate, instructions to modify the address on the corresponding NOP certificates by April 30, 2018, and a copy of NOP 2603.

**NP7282LCA.NC2 – 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 2027, “Personnel Performance Evaluation,” Section 3.2b states, “Each inspector should be subject to a regular field evaluation. The field evaluation system should be developed using best practices, such as a risk-based approach (i.e., inspector experience, annual number of inspections, work product assessment, etc.) or another approach sufficient to determine inspector competency. Inspectors who have demonstrated full competency may be field evaluated less regularly …”

**Comments:** *The review of personnel records found that one inspector received their last field evaluation in 2015. ECO has not developed an inspector field evaluation system that subjects inspectors to a regular field evaluation and meets the requirements of NOP 2027.*

**2018 Corrective Actions:** ECO revised their inspector evaluation instruction I06 (EC-NOP v11) to clarify their requirements field evaluations. ECO will determine the frequency of field evaluations of their inspectors using a risk based approach. ECO will perform field evaluations every two years at a minimum. The frequency will be adjusted for each inspector according to the result of previous evaluations, the inspector’s experience, and the number of inspections performed annually. ECO notified their staff of the revisions to the policy on April 3, 2018. 2018.

**NP7282LCA.NC3 – 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 Instruction 2601 *The Organic Certification Process* section 3.4, states “The inspection includes… Reconciliation of the volume of organic products produced or received with the amount of organic products shipped, handled and/or sold, also known as trace-back audits ....”

**Comments:** *ECO does not require its inspectors to conduct trace-back audits during every annual inspection. The trace-back audit is conducted every other year.*

**2018 Corrective Actions:** ECO revised their audit procedure to require both a mass balance and traceability exercise at each inspection. The new procedure was sent to all ECO staff and satellite offices by October 31, 2018 so that new procedure will be implemented for the remaining 2018 annual audits.

**NP7282LCA.NC4 – Accepted.** 7 C.F.R. §205.662(c)(3) 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. The notification of proposed suspension or revocation of certification shall state: The impact of a suspension or revocation on future eligibility for certification; ....”

**Comments:** *In two reviewed cases of a combined noncompliance and proposed suspension, the notifications did not state the impact of suspension.*

**2018 Corrective Actions:** ECO revised their notice of proposed suspension and combined notice of noncompliance and proposed suspension templates. The impact of suspension has been added to their notice of proposed suspension and combined notice of noncompliance and proposed suspension templates.

**NP7282LCA.NC5 – Accepted.** 7 C.F.R. §205.403(e)(2) states, “Documents to the inspected operation. A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.”

**Comments:** *Operations are not provided with a copy of the on-site inspection report. The documents provided to the operator from ECO are limited to a summary of the inspection report with the exit interview.*

**2018 Corrective Actions:** ECO created an annex to their inspection findings called “List of points checked for NOP standard” that will be provided to operations after inspections. This annex is a checklist of all of the points of compliance that inspectors evaluate during an inspection. It will include if each check point complies with the regulations along with comments/issues of concern for each check point. ECO revised their audit procedure to require ECO staff to submit the annex with the audit report. ECO will notify their staff that the audit process has been revised, provide a copy of the new procedure, and required implementation by October 31, 2018. ECO submitted a copy of a recent inspection report that includes the checklist.

**NP7282LCA.NC6 – Accepted.** 7 C.F.R. §205.501(a)(5) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.”

**Comments:** *In one certification file reviewed, the certificate for a handling and wild crop operation included a crops scope even though the operator was not certified as a crops operation.*

**2018 Corrective Actions:** ECO reviewed the certification file and determined that the wrong group of activities had been selected in ECERT. After verification with the satellite office in

Columbia, the certification officer confirmed that this was a one-time error. ECO has communicated this mistake to their satellite office. ECO's certification officer responsible for this file corrected the error in ECERT on October 10, 2017. ECO issued a corrected NOP certificate to the operation with the correct scopes: "*Handling/Processing, Wild Crops*". ECO emailed a reminder to their satellite office in Columbia on how to select the groups of activities in ECERT and the impact of their error.

**NP7282LCA.NC7 – Accepted.** 7 C.F.R. §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:** *In one certifier file reviewed, the incorrect citation was used in the notification of noncompliance. For records not being available, the citation should have been 205.103(c); not 205.272(a). In another certification file reviewed, a noncompliance was cited to 205.203(b), but should have been cited to 205.203(c)(2)(i). The operation did not comply with the requirements for composting and establishing the specified initial C:N ratio.*

**2018 Corrective Actions:** ECO reviewed their inspection checklists to make sure the correct citations are listed in each section. ECO will correct all citation inconsistencies and implement the changes by June 7, 2018. ECO sent a reminder to all auditors and certification officers about the importance of consistency between the findings observed and NOP references in June of 2018. The reminder included why NOP references and citations are important, the responsibility of auditors to select the right citation in the checklist according to their findings, and what certification officers should do when they detect inconsistency between the citation(s) and the auditor findings.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

<b>Applicant Name</b>	EcoCert Ecuador S.A.
<b>Physical Address</b>	Córdova 518 y Mendiburo, Tercer Piso Oficina 11. Guayaquil, Ecuador
<b>Mailing Address</b>	Córdova 518 y Mendiburo, Tercer Piso Oficina 11. Guayaquil, Ecuador
<b>Contact &amp; Title</b>	Aude Bonnet, Certification Program Manager (Main Office, France) Ileana Cartagena, Quality Officer (Ecuador Office)
<b>E-mail Address</b>	<a href="mailto:aude.bonnet@ecocert.com">aude.bonnet@ecocert.com</a> ; <a href="mailto:ileana.cartagena@ecocert.com">ileana.cartagena@ecocert.com</a>
<b>Phone Number</b>	+33 0 5 62 07 52 06 (Main Office) +593 4 256 1253; +593 993 997 546 (Ecuador Office)
<b>Reviewer&amp; Auditor Program</b>	Rebecca Claypool, NOP Reviewer; Robert Yang, On-site Auditor. USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	Corrective Actions: June 17 – August 2, 2016 NOP assessment review: May 3, 2016 Audit: December 31, 2014; January 29, 2015; March 11, 2015
<b>Audit Identifier</b>	NP4365RYA
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Satellite Office Audit Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of EcoCert Ecuador S.A.'s certification
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	EcoCert Ecuador S.A.'s certification services in carrying out the audit criteria.

EcoCert Ecuador S.A is a subsidiary of EcoCert S.A., a for-profit business initially accredited as a USDA National Organic Program (NOP) certifying agent on April 29, 2002, for crops, wild crops, livestock, and handling operations. EcoCert S.A. is closing the Ecuador office effective September 10, 2016. EcoCert S.A. provided operations located in Ecuador and Peru with USDA organic certification services through EcoCert Ecuador S.A.'s one office in Guayaquil, Ecuador. Certification activities carried out at this satellite office included contract review; application review; conducting inspections; inspection report review; certification decision-making; materials and ingredient review/approval; and label review/approval. EcoCert Ecuador S.A. certified 17 operations to the USDA organic regulations in Ecuador and Peru, which includes 8 crops, 1 wild crop, 14 handling operations, and 7 grower groups.

### NOP DETERMINATION:

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

**NP4365RYA.NC1 – Accepted.** 7 CFR §205.404(a) states, “Within a reasonable time after completion of the initial on-site inspection, a certifying agent must review the on-site inspection report ....”

**Comments:** *A review of five certification files revealed that in one instance the inspection report was submitted 3 months after the inspection, and in another instance the inspection report was submitted 4 months after the inspection. An interview with certification staff indicated that EcoCert Ecuador S.A.’s inspection report submission policy requires inspectors to submit completed inspection reports within 14 days after the inspection date.*

**2016 Corrective Action:** EcoCert SA was aware that the Ecuador office was not complying with the 14 day submission policy, and attempted to correct the issue through personnel changes. The decision was made to close the Ecuador office. In addition, an IT tool, eCert, is being rolled out to all EcoCert subsidiaries in order to ensure a close monitoring and follow up of the time the inspectors take to submit their reports.

**NP4365RYA.NC2 – 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 staff training records indicated that the most recent training the certification officer received was in April 2012. Additionally, the most recent training the two certification officers in EcoCert S.A.’s Colombia office received was in September 2013. The two certification officers are conducting certification reviews on behalf of the EcoCert Ecuador S.A.*

**2016 Corrective Action:** The skype trainings conducted all year long on regulation changes, new tools, and updates to instructions and procedures will be recorded in staff files through the F10 Evaluation – Qualification of Certification Officers (EC-NOP) document. The associated instruction I07 Evaluation and Qualification of Certification Officers (EC-NOP) and template F10 (EC-NOP) were updated accordingly.

**NP4365RYA.NC3 – Accepted.** 7 CFR §205.662(c)(1) – (4) states, “The notification of proposed suspension... 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:** *A review of two combined notifications of noncompliance and proposed suspension EcoCert Ecuador S.A. issued revealed that in one instance EcoCert Ecuador S.A. accepted corrective actions and issued the operation a Notice of Noncompliance Resolution.*

**2016 Corrective Action:** EcoCert updated its Dealing with NOP Violations policy document I04 (NOP) v06. This instruction now clearly states that the only options for an operator receiving a “notice of proposed suspension” and/or a “combined notice of noncompliance and proposed suspension” is to request mediation and/or file an appeal to the USDA. The “notice of proposed suspension”, L05 (NOP) v06 template and the “combined notice of noncompliance and proposed suspension” L11 (NOP) v06 template were updated to include the option for mediation and appeals. Updated documents were submitted.

**NP4365RYA.NC4 – Accepted.** 7 CFR §205.671 states, “When residue testing detects prohibited substances at levels that are greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as organically produced.” Also, NOP 2613 Instruction Responding to Results from Pesticide Residue Testing, Section 5.3.3 No EPA Tolerance or FDA Action Level states, “If testing detects a residue of prohibited pesticides above 0.01 parts per million (ppm), the certifying agent should: 1. Immediately notify the certified operation of the test results and indicate that the product may not be sold as organic.”

**Comments:** *A review of the EcoCert Ecuador S.A.'s responses to pesticide test results revealed 3 instances in which Mepanipyrim was detected on processed cocoa beans EcoCert sampled from 3 different operations. There is no EPA tolerance level or FDA action level established for Mepanipyrim in processed cocoa beans and the levels of detection exceeded 0.01 ppm. EcoCert Ecuador S.A. did not notify the operations that the product must not be sold, labeled, or represented as organically produced.*

**2016 Corrective Action:** EcoCert Ecuador received questionable lab results for the three operations noted by the auditor. The lab submitted the results on the same day, with the same positive test for Mepanipyrim, for three separate operations, inspected by different inspectors. When EcoCert tried to resample at the operations, the product was no longer available. EcoCert Ecuador did not follow its existing policy for residue sampling and did not respond to the results in a timely manner. EcoCert SA has closed the Ecuador office. EcoCert reiterated its residue sampling procedures to all of its offices and subsidiaries. EcoCert's policy states that inspectors take three samples when conducting residue tests. One will be analyzed right away by the lab, one sample will be kept with EcoCert (or the lab) and tested if there are doubts about the original test results. The third sample will be left with the operator. EcoCert will have the second sample tested in a reasonable amount of time, if the first test results appear questionable. Operators will be notified that products cannot be sold, labeled, or represented as organic when test results are over the prescribed limits for prohibited residues. Procedure documents were submitted.





## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a witness audit of Ecocert's (ECO) inspection of an operation certified to 3 scopes (crops, wild crops, and processing). The audit report was reviewed to determine ECO's compliance with the USDA organic regulations.

### GENERAL INFORMATION

<b>Applicant Name</b>	Ecocert (ECO)
<b>Physical Address</b>	BP47, L'Isle Jourdain 32600, France
<b>Mailing Address</b>	BP47, L'Isle Jourdain 32600, France
<b>Contact &amp; Title</b>	Aude Bonnet, Certification Manager
<b>E-mail Address</b>	<a href="mailto:aude.bonnet@ecocert.com">aude.bonnet@ecocert.com</a>
<b>Phone Number</b>	+33 0 5 62 07 52 06
<b>Reviewer(s) &amp; Auditor(s)</b>	Graham Davis, NOP Reviewer; Lars Crail, On-site Auditor.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective actions review: October 27, 2016 NOP assessment review: September 1, 2016 Onsite audit: August 15, 2016
<b>Audit Identifier</b>	NP6227LCA
<b>Action Required</b>	Yes
<b>Audit &amp; Review Type</b>	Witness Audit
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ECO's certification program
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ECO's certification services in carrying out the audit criteria during on-site inspections of organic operations.

Ecocert S.A. (ECO) is a for-profit organization first accredited by the USDA National Organic Program (NOP) on April 29, 2002, for the following scopes: crops, livestock, wild crops, and handling/processing. ECO's main office is located in L'Isle Jourdain, France, and has regional offices in other countries. ECO certifies approximately 1075 operations.

The NOP auditor conducted a one day witness audit of an ECO inspection of a juice beverage processor/handler in Tbilisi, Georgia (Country). The inspection was an additional, announced inspection. The operation is currently certified by the Institute for Marketecology – Switzerland (IMO) and is in the process of changing certifiers. ECO inspection's purpose was to check on the progress of corrective actions of noncompliances issued as a result of the July 2016 onsite initial

inspection. Organic product processing was occurring during the inspection. A sample of finished product was obtained by the inspector for analysis.

## **NOP DETERMINATION:**

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

### **Non-compliances Identified during the Current Assessment**

**NP6227LCA.NC1 – Accepted.** 7 C.F.R. §205.670(e) states that “...sample integrity must be maintained throughout the chain of custody...”

**Comments:** *The chain of custody of the sampled product was not maintained by the inspector. After collecting the samples and to prevent oxidation of the product, the operator was asked to re-pasteurize the sampled product. The inspector allowed the operator to handle the samples without being present.*

**2016 Corrective Action:** ECO revised and submitted its instruction (I18en V09) that defines requirements and responsibilities associated with the management of samples and analysis, which provides step-by-step instructions from the receipt of sampling sheets or sampling bags up to final communication. It states that that samples must be under the surveillance of inspector all the time until the sample is identified, signed, and sealed in an ECOCERT bag. ECO sent an email to certification officers (who are required to communicate to inspectors) to remind inspectors to maintain sample integrity throughout the chain of custody.

**NP6227LCA.NC2 – Accepted.** 7 C.F.R. §205.404(a) states, “...after completion of the initial on-site inspection, a certifying agent must review... any additional information... supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant’s operation are in compliance with the requirements of this part... the agent shall grant certification.”

**Comments:** *Ecocert issued an approval of NOP compliant labels to an operation with pending certification. The approval document did not clearly state that the operation was not authorized to sell products with these labels until certification was granted.*

**2016 Corrective Action:** ECO revised and submitted their labelling form (F03 v02) to include the statement, “The operator is not authorized to sell products with the above approved labels until NOP certification is granted for the concerned products.” ECO submitted a work instruction regarding verification of labels (I24 v05). It states that an email is to be sent to the operator with the approved labels informing them that they are not authorized to sell products using the approved label until NOP certification is granted.



## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a witness audit of EcoCert S.A.'s (ECO) certified operation. One onsite witness audit was conducted, and the audit report reviewed to determine ECO's capability to continue operating as a USDA accredited certifier.

### GENERAL INFORMATION

<b>Applicant Name</b>	EcoCert S.A. (ECO)
<b>Physical Address</b>	BP47, L'Isle Jourdain, 32600, France
<b>Mailing Address</b>	BP47, L'Isle Jourdain, 32600, France
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<b>Phone Number</b>	+33 0 5 62 07 52 06
<b>Reviewer(s) &amp; Auditor(s)</b>	Rebecca Claypool, NOP Reviewer; Renée Gebault King, On-site Auditor.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective action review: February 15, 2017 NOP assessment review: December 30, 2016 Onsite audit: November 3, 2016
<b>Audit Identifier</b>	NP6307RKA
<b>Action Required</b>	Yes
<b>Audit &amp; Review Type</b>	Witness Audit Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ECO's certification
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	ECO's certification services in carrying out the audit criteria.

EcoCert S.A. (ECO) is a for-profit organization initially accredited by the USDA National Organic Program (NOP) on April 29, 2002 for the following scopes: crops, livestock, wild crops, and handling/processing. ECO's principal office is located in L'Isle Jourdain, France, but has offices in the following countries: Europe (Germany, Portugal, Romania, Serbia, Spain, Switzerland, Turkey); Africa (Burkina Faso, Madagascar, Morocco, South Africa, Tunisia); Asia (China, India, Japan, South Korea), and the Americas (Brazil, Canada, Colombia, Chile, Mexico, Peru, the U.S.). ECO currently certifies approximately 1340 operations throughout the world, with approximately 60 certified operations in Brazil.

### NOP DETERMINATION:

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

**NP6307RKA.NC1** – 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:** *ECO is issuing noncompliances to certified operations that comply or can demonstrate compliance with USDA organic regulations. ECO is issuing operations a noncompliance (§205.403(b)(2) – “inspections must be conducted...at a time when land, facilities, and activities that demonstrate the operation’s compliance with or capability to comply...” ) for not producing or handling organic product annually.*

**2017 Corrective Action:** ECO is no longer issuing noncompliances to operations for not producing or handling organic product. ECO removed this noncompliance from its checklist. The inspector will now be requested to write a comment in the inspection report if there was no organic activity since the last audit. Inspectors will ask the operator to inform ECO when organic production begins. ECO will update the policy PL08 (EC-NOP) accordingly, and communicate the change to all staff before March 31, 2017. At that time ECO will submit their updated policy and training.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

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

### GENERAL INFORMATION

<b>Applicant Name</b>	Ecocert S.A (Ecocert)
<b>Physical Address</b>	BP 47, 32600, L'Isle Jourdain, France
<b>Mailing Address</b>	Same
<b>Contact &amp; Title</b>	Aude Bonnet, NOP Certification Manager
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<b>Phone Number</b>	+335 62 07 65 72
<b>Reviewer &amp; Auditor</b>	Janna Howley, NOP Reviewer Rick Skinner, On-site Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	NOP Assessment Review & Desk Verification: January 26, 2015 Onsite audit: September 15-26, 2014
<b>Audit Identifier</b>	NP4258EEA
<b>Action Required</b>	None
<b>Audit &amp; Review Type</b>	Mid-Term Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ecocert's certification
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	Ecocert's certification services in carrying out the audit criteria during the period: September 2012 through September 2014.

### GENERAL INFORMATION

Ecocert S.A. (parent company) is a for-profit business, initially accredited as a USDA National Organic Program (NOP) certifying agent on April 29, 2002, for crops, wild crops, livestock, and handling operations. Ecocert has 969 clients certified to the NOP including 451 crop, 10 livestock (1 apiary), 137 wild crop, and 808 handling operations (673 processors, 79 distributors, and 55 trader/brokers). Ecocert also certifies 125 grower groups to NOP regulations.

Ecocert manages fourteen offices related to NOP world-wide, with key activities conducted in all of the offices. The Ecocert main office is located in L'Isle Jourdain, France. Ecocert has five offices in Africa (Burkina Faso, Madagascar, Morocco, South Africa, and Tunisia). Four of the five offices conduct key certification activities for NOP certification including: sending out application packets; sending out estimates; conducting the initial review for completeness and

compliance; assigning inspectors; and making the certification decision. South Africa currently does not perform activities of a satellite office. Activities in that region are conducted by the office in Madagascar.

## **NOP DETERMINATION**

The NOP reviewed the onsite audit results to determine whether Ecocert's 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 Ecocert.

### **Noncompliances from Prior Assessments – Cleared**

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.

**NP7246EEA.NC8 – Cleared** – 7 CFR §205.642. Fees and other charges for certification 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.” Additionally, the clause states “...the fee schedule must explain what fee amounts are nonrefundable and at what stage during the certification process fees become nonrefundable, and the certifying agent shall provide all persons inquiring about the application process with a copy of its fee schedule.”

**2007 Comments:** *ECOCERT adopted a new series of fee schedules on January 1, 2007, and is currently using this international fee matrix for charging clients during the 2007 certification year. The company has not filed the updated fee schedule with the Administrator. Additionally, there is no reference to nonrefundable portions of the certification fees in the structure of the fee schedule, and policy dictates that only those requesting a fee schedule are actually provided with one.*

**2008 Corrective Action:** Ecocert submitted the 2007 fees and the new fees for 2008 were sent to the USDA on January 7, 2008. Ecocert has also stated that when new fees are developed, they will be sent to USDA prior to their use. The information about the non-refundable portions of the fees is given in Article 4 of the inspection contract. Ecocert has also stated that their policy is that every applicant gets a cost estimate following the application which informs them about the estimated annual costs for inspection and certification of the operation concerned.

**2009 Mid-Term Assessment Verification of Corrective Action:** The current 2009 Fee Schedule was submitted to the USDA as required. However, the information on the non-refundable portions of the fees in Article 4 of the inspection contract was not submitted to the USDA.

**2009 Corrective Action:** A revised fee schedule (2009 Ecocert Group Tariff Base) was submitted that included information on the non-refundable portions of the fees.

**2011 Renewal Assessment Finding:** The fee schedule submitted was for all offices, except the one used in the France office. In the Germany office, the fees charged to clients were not

consistent with the submitted fee schedule. Clients were charged 91 EU per hour and the highest rate on the fee schedule was 90.75 EU per hour. In the Colombia office, a fee charged to a crop operation identified as “Gastos de Control Interno” did not correspond to any of the fees included on the submitted fee schedule. The Colombia office stated this was a special fee for a review of the internal control system. Additionally, no fee schedule is provided to applicants for certification, just the estimate (quote).

**2013 NOP Assessment of ECO Corrective Action Response:** There were four issues identified with fee schedules during the 2011 Renewal Assessment: 1) Ecocert did not submit a fee schedule for the France office; 2) The Germany office was charging 91€/hour when the fee schedule allowed for 90.75€/hour; 3) The Colombia office charged a fee for review of an internal control system (for grower group clients) that was not on the fee schedule; and 4) Ecocert policy was such that clients did not receive a copy of the fee schedule when an estimate was provided. In the response received from Ecocert in response to this finding, Ecocert responded only to issue #4 regarding not supplying the fee schedule to clients. To address this issue, Ecocert revised their “template letter for applicants,” document L05, to include the fee schedule in documents sent to new applicants. Ecocert also reviewed instruction document I09 for all subsidiary offices to follow when formulating quotes for new clients; the instruction now indicates the fee schedule must be sent to clients. There are a few other adjustments made to I09; however, none of these changes addresses the three outstanding issues from the 2011 finding.

**2014 Verification of Corrective Action:** Ecocert is providing each operation with a copy of the fee structure along with a quote for the entire cost of certification. The fee structure is based on unit cost of certification (daily) for specific types of certification. Because the operation is not aware of the number of units necessary to complete the certification, Ecocert provides the quote after the calculations for time and distance are determined. Fees for all countries were submitted with the annual report in April 2014. There have been three updates to the fee structure since that time: 1) Update on September 04, 2014 (Morocco only); 2) Update on July 07, 2014 (South Africa only; this office is managed from Madagascar); and 3) Update on June 13, 2014 (Tunisia). Tunisia stopped issuing quotations in the local currency and changed the fee quote to Euro. The updates from 2013 were included in the annual report in April 2014. Upon further review by the NOP it was confirmed that the 2013 fee schedules included all Ecocert offices, with specific payment conditions for each office. A reminder was sent to all subsidiaries that the fees have to be applied as per current fee schedule; in case of amendments, the designated subsidiary must first submit the new fee schedule to Ecocert for approval; Ecocert would then notify the USDA of the update.

**NP1283MMA.NC1 – Cleared** - 7 CFR §205.403 (a)(1) states, “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. An on-site inspection shall be conducted annually thereafter...”

**2011 Comments:** *For the grower group witness inspection, the internal control system (ICS) was set up to inspect all producers (bee keepers) but not to inspect all apiary locations. There is no minimum of locations required by Ecocert and no information in the organic system plan or grower group records concerning how many or which locations were inspected each year.*

**2012 Corrective Action:** Ecocert revised the Guideline for Grower Group, TS01 (EC-NOP) V03, to require “annual inspection by the ICS of all farms, production sites, grazing and apiary



areas....” Regarding the specific grower group from the witness inspection, Ecocert required the GG ICS to conduct an on-site inspection of all sites. This was achieved by issuance of a Notice of Non-Compliance to the operation (dated Nov 21, 2011) where a major non-compliance was issued, withholding issuance of updated organic certificate until the grower group demonstrated the ICS had visited each production site. If the corrective action submitted is effectively implemented, Ecocert has demonstrated the capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** Ecocert revised their guidance document (*TS01 (EC-NOP) V3 – Guideline on Organic Certification of Grower Groups according to EC and NOP Regulations*) to require the ICS of all grower groups to inspect all sites within the operation. Notices sent out to all grower groups concerning the revisions and the grower group involved in the 2011 witness inspection was required to inspect all operations. However, the guidance document had not been fully implemented at the time of the Satellite office surveillance assessment and will have to be evaluated for implementation and effectiveness at a later date. During the grower group witness inspection, the inspector reminded the operation of the requirement that all sites are inspected by the ICS and ensured the requirement was met.

**2014 Verification of Corrective Action:** Ecocert’s *Guideline on Organic Certification of Grower Groups according to EOS and NOP Regulations, Grower Group Certification* was updated in 2012 and 2014. The checklist and guidance document have been implemented since 2012. The audit verified that since 2013, all grower groups are conducting annual inspections of all sites under the grower group organization, using this guidance document.

**NP1283MMA.NC2 – Cleared** – 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 comply with the requirements for accreditation set forth in this subpart.”

**2011 Comments:** *The procedure for performance evaluations of Certification Officers (CO) requires the review of one file. This is not an adequate annual performance evaluation as required by §205.501 (a)(6) concerning the review of job duties and responsibilities; instead it is a specific file review evaluation. When COs are identified on the list of “supervised COs,” (either because the CO is new to the position or receives a poor performance evaluation) then oversight by the Certification Manager increases. This requires an in-depth review of 5 files throughout the year. The files are reviewed both for compliance with the Ecocert process as well as NOP production requirements. The final “resolution” or “decision” of these reviews is either “OK,” which means the file may have some or extensive issues with following the Ecocert process but none that would require Ecocert to stop the file from moving forward in the certification process; or “stop file,” where the file must discontinue the certification process until the CO provides Ecocert required information. In addition a review of the “supervised CO review spreadsheet” verified that Ecocert does not review a complete file before making a determination. Under a number of categories on the spreadsheet that include but not limited to “label compliance” and “OSP completeness”, the Ecocert reviewer might note, “not attached” or “not included on Extranet file.” However, the review continues without this information. As such, the procedure of the review is incomprehensive and, ultimately, insufficient to demonstrate increased oversight/supervision of COs, as needed, since files can contain incomplete information and/or can demonstrate clear non-compliance with the Ecocert certification process*

*and still move forward as “OK.” With this process in place, the supervision program of the COs is inadequate to determine satellite offices’ ability to comply with NOP regulations.*

**2013 NOP Assessment of ECO Corrective Action Response:** Ecocert’s corrective actions includes revising the evaluation form for Certification Officers (COs) and supervised COs, and revising the evaluation procedure to increase the number of files to review for the annual evaluation. The response addresses some issues above re: quantity and quality of file review and evaluating COs for all job duties and responsibilities; however, does not address the issue noted above: “as such, the procedure of the review is incomprehensive and, ultimately, insufficient to demonstrate increased oversight/supervision of COs, since files can contain incomplete information and/or can demonstrate clear non-compliance with the Ecocert certification process.... With this process in place, the supervision program of the COs is inadequate to determine satellite offices’ ability to comply with NOP regulations.”

**2014 Verification of Corrective Action:** Records showed that Ecocert submitted a clarification to their original corrective action following NOP determination that the original was inadequate. Ecocert updated its annual performance evaluation instruction (I07 EC-NOP) to have increased oversight by the Certification Manager, year-round file reviews to better monitor work performance, and immediate action in the case of file irregularities due to staff training issues. A second certification manager was also hired. The clarification demonstrated how Ecocert would review COs for all job duties and responsibilities. Ecocert did not receive a decision from the NOP after the additional information had been submitted. The corrective action was verified onsite, however, and the updated procedure was followed for all evaluations that were reviewed during the onsite assessment. The non-compliance remained outstanding after this updated corrective action was provided to NOP in 2013.

**NP1283MMA.NC3 – Cleared** – 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.”

**2011 Comments:**

- a. *For the wild crop operation visited during the witness audit in Brazil, to verify the land requirements of NOP §205.202 that no prohibited substances have been applied for a period of 3 years preceding harvest of the crop, Ecocert accepted a declaration from the Instituto Estadual de Florestas (IEF) which stated there had been no treatment with chemical pesticides or other non-conforming products in accordance with the regulations and standards (norms) that are the basis for organic production. The areas of wild harvesting and collecting are part of the Brazilian Atlantic Rainforest, which is owned by individuals but controlled under legal regulation by the IEF. As such, the verification of no use of prohibited materials document is from the IEF and covers the entire rainforest, rather than individual owners’ plots that are seeking certification. The IEF document was dated April 13, 2009 and because it covers the entire rainforest, Ecocert does not request verification of no prohibited materials for new plots added to the certified operation and in turn the inspector does not verify the information.*
- b. *The review of one exporter/handler file at the Ecocert Germany office verified that Ecocert allows certification of multiple distinct and separate operations under the*

- scope of one certification. The exporter/handler was the main certified entity with its own handling facility and with three processing subcontractors. There were organic system plans and individual inspection reports for the exporter/handler and subcontractors; however, only one certificate was issued which identified the exporter. In reference to the subcontractors, this does not meet the requirements of NOP §205.100 of what has to be certified and that they must be certified according to the provisions of Subpart E and §205.404 which requires a certificate to be issued that identifies the name and address of the certified operation.*
- c. For annual updates, Ecocert was sending certified operations a standard template letter (L04 (EC-NOP)v04en Notice Update OSP-Unit Description or the current version (v05en)). The letters did not address all requirements of NOP §205.406(a). Specifically, requirements that the updated organic system plan (OSP) include a summary statement with supporting documents which details revisions made to the OSP from the previous year; additions or deletions to the previously approved OSP intended to be undertaken in the coming year; additions or deletions to any information required pursuant to 205.401 (b); or provide an opportunity for Ecocert to request additional information to verify compliance based on the individual operations situation.*
  - d. For the livestock and handling grower group visited during the witness audit in Brazil, Ecocert certified the grower group without any certified organic feed (flowers, nectar) for the bees.*
  - e. A review of 16 approved retail labels in 3 handler operation files at the Brazil office revealed that the “Certified organic by...” statement was not below the information identifying the handler on all 16 labels.*
  - f. A review of 5 approved retail labels in 3 handler operation files at the Germany office revealed:*
    - 1. In two of the files the “Certified organic by...” statement was not below the information identifying the handler on 4 of 4 retail labels;*
    - 2. In one file the “Certified organic by...” statement was missing on the one label in the file;*
    - 3. In one file, 2 of 2 retail labels using the USDA seal, both in color and black and white forms, did not replicate the figure in §205.311. Specifically, there was no defined outer ring of the USDA seal in either brown or black, respectively; and*
    - 4. In one file, 2 of 2 retail labels did not include an ingredient statement for the “organic” products and compliance with §205.303(b)(1) could not be verified.*

**2013 NOP Assessment of ECO Corrective Action Response: Item D (above, in 2011 Comments):** Ecocert indicated OSP forms and inspection checklists would be revised to describe the feeding requirements and verification of feed compliance. Ecocert also stated qualified parties (inspectors, client managers, certification officers, and concerned operators) would be notified of program updates via letter format. A copy of the letter was provided; however, objective evidence showing the changes to the OSP and inspection checklists was not provided. Also, Ecocert’s response did not explicitly state they would require certified organic feed for all livestock operations, including bees. This is implied in the response, but not stated.

**2014 Verification of Corrective Action:** The response to this noncompliance was first addressed in 2012. On May 5, 2013, NOP sent a Notice of Noncompliance with two noncompliances due to other issues and included Part “d” of this noncompliance. Ecocert responded on June 28, 2013. The NOP accepted corrective actions for Items “a, b, c, e, f” in 2013. The NOP accepted corrective actions for Item “d” in 2015.

Item “a”: Ecocert provided updated owner attestations of wild collection areas harvested. In addition Ecocert modified its inspection checklist to specify the type of operator who must provide an affidavit. A reminder was sent to all certification officers and inspectors regarding this report update. Ecocert provided the NOP with their most recent inspection checklist and OSP template; both documents confirmed that all wild crop plots must be listed so that inspections can verify practices at each site.

Item “b”: Ecocert issued certificates for the exporter/handler subcontractors. Copies were provided to the NOP. Additionally, Ecocert modified its instruction (*I13 EC-NOP*) to clarify that one certificate per operation will be issued. All certification officers were trained on this update in 2012. The requirement was also added as performance evaluation criteria. The updated instruction was provided to the NOP.

Item “c”: Ecocert revised its OSP template letter (*L04 EC-NOP v06en*) to include all NOP requirements related to 205.406(a). A copy of the template letter was provided to the NOP. A copy of *TS34 (EC-NOP) v02en*, which instructs operations how to complete and submit an OSP, was updated and provided to the NOP.

Item “d”, Ecocert submitted a revised inspection checklist and OSP to the NOP. The revised checklist included a new question to determine whether forage sources and feed were certified organic. Additionally, an internal memo on updated requirements for the inspection and certification of beekeeping operations was sent to all qualified parties in the organization in June 2012.

Items “e and f”: Ecocert contacted the operations with incorrect labels and copies of the modified, correct labels were provided to the NOP. Ecocert updated their instruction (*I24 EC-NOP v02*) on label verification and approval. Certification officers were trained on the revised instruction in April 2012. Additionally, Ecocert implemented a book of exercises on correct labels, as well as a checklist guide for label approval. Label verification was also added as a performance evaluation criterion for certification officers. Ecocert provided the NOP with the revised instruction and the training slides. Audit review of five files indicated that “certified organic by...” state was included, and in the right location on the label. A review of three files that use the USDA indicated that it is fully compliant with the regulations. A review of five files indicated that all products labeled as “Organic” identify each organic ingredient in the ingredient statement.

**NP1283MMA.NC4 – Cleared** – 7 CFR §205.501 (a)(11)(iv) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.”

**2011 Comments:** *Notices of non-compliance issued by Ecocert include a prescribed corrective action.*

**2012 Corrective Action:** Ecocert submitted the following, “The column “Improvement actions AND date by which the operator must rebut or correct the noncompliance” was reserved to the client for its own answers. We propose to modify the title of this column to avoid any confusion and name it “Action set up by the operator and date of implementation.” The new template will be ready for use end of July. In addition, during the training of Certification officers held in L’Isle Jourdain in April 2012, certification officers have been reminded the type of information to be included in the notice of non-compliance and the importance of avoiding any consultancy.”

**2012 On-site Observations:** New templates were implemented by Ecocert at the end of July. At the Morocco office, a notification of non-compliance which was issued through their E-cert system on July 13, 2012, had prescribed corrective actions for 1 of the 5 non-compliances identified. At the Madagascar office, a notice of non-compliance which was issued using the new template had a column changed from “Improvement actions and date by which the operator must rebut or correct the noncompliance” to “Actions set up by the operator and date of Implementation.” All notifications of non-compliance issued by both offices prior to using the new template had the same issues with prescribed corrective actions.

**2014 Verification of Corrective Action:** Ecocert has implemented the new templates; they are in use at the locations reviewed. Records reviewed found there was evidence of prescribed corrective actions.

**NP1283MMA.NC5 – Cleared -** 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...and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.”

**2011 Comments:** *There were no conflict of interest disclosure reports on file for 4 of the 5 Ecocert directors.*

**2012 Corrective Action:** Ecocert provided signed conflict of interest disclosure statements for all directors. The procedure *P05 (NOP)* has been revised to indicate COI statements are required for all responsibly connected parties, including directors, annually. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** During the satellite office visits, all personnel required to have a conflict of interest disclosure report had a current report on file for both offices reviewed.

**2014 Verification of Corrective Action:** A review of files verified that conflicts of interest and confidentiality agreements are current for all staff.

**NP1283MMA.NC6 – Cleared -** 7 CFR §205.501 (a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection.”

**2011 Comments:** *As verified by an interview with the NOP Certification Manager and the records reviewed, in some cases the Certification Officers conduct application reviews and make certification decisions for the same files. This occurred in 6 of the 10 files reviewed for this requirement. Ecocert’s procedures were revised to allow this process after the February 2010*

*ACA training by the NOP in Nuremberg, Germany due to a misunderstanding by Ecocert. A copy of this training was not available by the end of the audit.*

**2012 Corrective Action:** Ecocert updated documents related to application review and certification decision to require inspectors to conduct the application review and certification officers to conduct the inspection review/certification decision. Ecocert provided objective evidence (updated procedures, evidence of training of staff). If effectively implemented, Ecocert's response demonstrates capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** Ecocert revised their *Procedure: Certification EC and NOP, Code: P01 (EC-NOP)V04* and *Procedure for Initial Application & Renewal (EC-NOP), Code: P14(EC-NOP)V06* to reflect that the person conducting the initial review and the one which reviews the inspection report and makes the final certification decision is a different individual. Training was held in April 2012 and certification officers were informed of the revisions to the procedure with implementation to be reviewed by Ecocert during file reviews. A review of six files at the satellite offices verified that the individual who conducted the initial review and inspection was different than the one making the certification decision.

**2014 Verification of Corrective Action:** A review of files during the mid-term assessment verified that the individual who conducted the initial review and inspection was different than the one making the certification decision.

**NP1283MMA.NC7 – Cleared** - 7 CFR §205.501 (a)(18) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and any requirements for the correction of minor non-compliances.”

**2011 Comments:** *Ecocert was providing the inspectors with the previous on-site inspection report prior to inspections. However, they do not notify the inspector of their decision regarding certification and any requirements for the correction of minor non-compliances after the inspection.*

**2012 Corrective Action:** Ecocert updated two instruction documents, *I04* and *I03*, that address how to “deal with non-compliances for certified operators/applicants.” These documents were updated to add the inspectors to the list of parties to whom a copy of the certification decision is sent. If effectively implemented, Ecocert's response demonstrates capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** Ecocert revised their *Instruction Dealing with Non-compliances for Certified Operations under the NOP, Code: I04(NOP)V04* and *Instruction Dealing with Non-compliances for Applicants under the NOP, Code: I03(NOPe)V04* to include inspectors on the notification of non-compliances issued to operations following inspections. Training was held in April 2012 and certification officers were informed of the revisions to the procedure with implementation to be reviewed by Ecocert during review of reports and annual evaluations of certification officers. Verification that inspectors were notified was obtained by a review of two emails to operations concerning the inspection.

**2014 Verification of Corrective Action:** In each of the files reviewed, and during the review audit and witness inspection, it was indicated that inspectors are notified of the decision on

certification based on the results of the inspection. This is done when both the operator is notified and the certificate is issued.

**NP1283MMA.NC8 – Cleared** – 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” and the *NOP Policy Memo 11-10* states, “The National Organic Program (NOP) is drafting guidance regarding certification of grower groups and will be requesting public comment before publishing final guidance and possible regulation change. In the interim, accredited certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies.”

**2011 Comments:** *The Ecocert TS01(EC-NOP)VI – Guideline on Organic Certification of Grower Groups according to EC and NOP Regulations was reviewed against the NOSB Recommendation 2002 and NOSB Recommendation 2008 and verified they did not address the requirements for:*

1. *The GG identifying the designation of what is a specific member or subunit and then verification of these members and subunits by Ecocert during the application process (NOSB Recommendation 2008 section III.C);*
2. *Determining how many of the sub-units within a production unit must receive an annual inspection by the ACA’s inspector (NOSB Recommendation 2008 section III.D.1);*
3. *Determining which sub-units present the greatest risks of non-compliance (NOSB Recommendation 2008 section III.D.1);*
4. *The inspector selecting 25% of the remaining subunits at random (NOSB Recommendation 2008 section III.D.1); and*
5. *Mandatory inspection (by ACA inspector) of new entrants into the production unit (NOSB Recommendation 2008 section III.D.1).*

*In addition the Guideline, Section I, Definitions states, “Sub-Group = Sub-Unit: Subdivision of the grower group in smaller units for example a village.” This definition is not in accordance with NOSB Recommendation 2008 section III which states, ““Sub-unit” means: A smaller discrete portion of a production unit, such as a field, plot, wild-crop harvest area, or distinct processing area.”*

**2012 Corrective Action:** First, for items 1 – 5 above, Ecocert revised the GG Guidelines to address each point (see points above for GG guidelines page number update). Second, the GG Guidelines have also been updated to reflect the accurate definition of “sub-unit” (page 2). If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** Corrective actions submitted verified that the guidance document (*TS01(EC-NOP) V3 – Guideline on Organic Certification of Grower Groups according to EC and NOP Regulations*) was revised to address the requirements of items 1 – 5 above and the definition of a sub-unit was revised to reflect the one in NOSB Recommendation 2008. In addition training was held in April 2012 for certain certification officers who in turn trained other certification officers. The guidance document had not been fully implemented at the time of the satellite office surveillance assessment and will have to be evaluated for implementation and effectiveness at a later date.

**2014 Verification of Corrective Action:** A review of the updated procedures confirmed that the guidance has been implemented in the three grower group files that were reviewed during the assessment. The certifier developed a risk assessment program managed by a risk management staff person at Ecocert's main office. Grower groups' organizational structures, Internal Control Systems, and specific production details, are now assessed by this staff member.

**NP1283MMA.NC9 – Cleared** - 7 CFR §205.504 (c)(1) states, "A private or governmental entity seeking accreditation as a certifying agent must submit... (1) A copy of the procedures intended to be implemented to prevent the occurrence of conflicts of interest, as described in §205.501(a)(11)."

**2011 Comments:** *The Ecocert Prevention of Conflicts of Interest, Code: P05 (NOP), Version 01 procedure does not adequately address the requirement of 205.501 (a)(12)(ii) that if any person covered under 205.501 (a)(11)(i) (the ACA, a responsibly connected party of the ACA, etc...) had a conflict of interest with the certification of an applicant, the applicant will be referred to another ACA and Ecocert will bear the costs of certification. The procedure states if any person had a COI at the time of application for certification they will be referred to another ACA and Ecocert will bear the cost.*

**2012 Corrective Action:** Ecocert revised procedure *P05 (NOP)* to comply with §205.501(a)(12)(ii). A copy of the updated procedure was provided as objective evidence.

**2012 On-site Observations:** Ecocert revised and submitted their procedure *Prevention of Conflicts of Interest (Code: P05 (NOP), Version: 03)* to accurately reflect the requirements that if the ACA or a responsibly connected party of the ACA had a conflict of interest with the certification of an applicant the applicant will be referred to another ACA and Ecocert would bear the cost.

**2014 Verification of Corrective Action:** Ecocert's revised procedure (*P05*) was reviewed and reflects the requirements that if the ACA or a responsibly connected party of the ACA had a conflict of interest with the certification of an applicant the applicant will be referred to another ACA and Ecocert would bear the cost. Additionally, the 2013 and 2014 COI agreements were reviewed and those with declared conflicts were not involved in any certification activities with the applicant. This procedure is also evident in all training modules.

**NP1283MMA.NC10 – Cleared** - 7 CFR §205.510 (a)(1) states, "An accredited certifying agent must submit annually to the Administrator, on or before the anniversary date of the issuance of the notification of accreditation, the following report and fees: A complete and accurate update of information..."

**2011 Comments:** *Ecocert had not been sending in an annual report, as required by §205.510(a). Some information is sent to the NOP as it is updated, such as changes to the Certification Manager. However, there is no annual report completed and submitted as required. Because the Annual Report has not been submitted, the application for accreditation renewal did not contain all required components.*

**2012 Corrective Action:** Ecocert revised the Disclosure of Information procedures, which directs how Ecocert provides external reports and information and to whom. A copy of the revised procedures was provided as objective evidence. The procedure shows staff responsible



for reporting activities, dates by which reports are due, and management responsible for oversight. If effectively implemented, Ecocert's response demonstrates capability to comply with NOP accreditation requirements.

**2014 Verification of Corrective Action:** The submission of both the 2014 and 2013 annual reports was verified during the mid-term assessment

**NP1283MMA.NC11 – Cleared** - 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."

**2011 Comments:** *All notices of non-compliance, notices of proposed suspension, and notices of resolutions sent to clients via regular email only and not via a service which provides a dated return receipt.*

**2012 Corrective Action:** Ecocert's procedures indicate that all applicable notices will be sent via email with a delivery receipt; alternately, if no receipt is received for the email delivery, Ecocert will re-send the notice via certified mail. Instruction documents were updated to reflect the changes and copies were provided as objective evidence. If effectively implemented, Ecocert's response demonstrates capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** Ecocert is still sending all notifications via regular email. However, they revised their instructions and a procedure to include that notifications have to be submitted via a delivery service which provides a dated return receipt and identified the acceptable methods as email, mail, or certified mail. Ecocert also had a training session in April 2012 for the contracting officers and put out an Internal Note which explained the process for obtaining a return receipt of delivery confirmation when sending the notifications via regular email. The Internal Note explained that some email addresses do not transfer a return receipt stating the email was received. In this case, the certification officer is to follow up with an email to the operator requesting confirmation they had received the notification and if no confirmation is received to send the notification via certified email with a dated return receipt. In two files reviewed at the Morocco Office where the email was not confirmed as delivered; Ecocert accepted it as delivered for one operation because they provided some corrective actions. There was no response from the second operation and no follow up from the office concerning sending the additional email or via certified mail to confirm receipt of the notification as required by the corrective actions. During the closing meeting, the Ecocert Technical Manager requested that the auditor of record include the statement that Ecocert had received confirmation that the email was sent. The two emails reviewed stated, "La remise à ces destinataires ou listes de distribution est achevée, mais la notification de remise n'a pas été envoyée par les adresses de destination." An internet translation of the statement into English provided the following: "The handing-over with these recipients or lists of distribution is completed, but the notification of handing-over was not sent by to addresses." Another translation returned the following: "The presentation has these recipients or listea distribution is completed, but the notification of the delivery has not been sent by the destination addresses." With either translation it is clear that the emails were sent but no verifiable proof that they were received by the recipients.

**2014 Verification of Corrective Action:** Ecocert procedures require all applicable notices to be sent via email with a delivery receipt; alternatively, if no receipt is received for the email delivery, Ecocert sends the notice via certified mail. These procedures were verified for implementation and effectiveness. Interviews indicated that return receipt is documented in the new data management system and; both methods of notification are used to ensure the ability to verify delivery. Ecocert previously used the Outlook return-receipt system; however, as of May 2015 they began the implementation of the RPost electronic return receipt system. The entire implementation, across all Ecocert offices, will take 2-3 months.

**NP1283MMA.NC12 – Cleared** - 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.”

**2011 Comments:** *In nine notifications of non-compliance files reviewed, one did not contain a description of the non-compliance and instead stated the labeling standards were sent to client; two did not include the facts upon which the non-compliance was based; and seven did not provide a date for the operation to provide corrective actions and/or to rebut the non-compliance.*

**2012 Corrective Action:** Ecocert addressed this issue by revising the Notice of Non-Compliance template, which was provided as objective evidence. Review of the updated template shows the form requires all points above (description of the NC, facts upon which it is based, and a date to rebut/correct). If implemented effectively, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**2012 On-site Observations:** Ecocert revised their template for the notifications of non-compliance to automatically input a date for the operation to rebut the non-compliance or submit corrective actions and stated the template would be used starting at the end of July 2012. Ecocert stated the importance of including the required information in the notices would be included as a reminder during the certification officer training for April 2012 and a communication to be sent to the certification officer’s by the end of June 30, 2012. At the Morocco office, 2 of 2 recent notifications of non-compliance reviewed, included the description of the non-compliances and the facts upon which the non-compliances were based. One of the 2 did not include a date to correct or rebut the non-compliance for 1 of the 3 non-compliances’ included on the notice. At the Madagascar office, a notice of non-compliance dated September 2012 included all requirements. Three of 3 notifications of non-compliances’ which were issued under the old procedure did not contain a date.

**2014 Verification of Corrective Action:** Each of the Notices of Noncompliance reviewed during the mid-term assessment confirmed that the submitted corrective action has been implemented and is effective in meeting the requirements of 205.662(a)(1)-(3). Each of the completed templates contained a description of each noncompliance, facts upon which it is based, and a date by which the operation must respond by rebutting or correcting.

**NP1283MMA.NC13 – Cleared** - 7 CFR §205.662 (c)(3) states, “The notification of proposed suspension or revocation of certification shall state: (3) the impact of a suspension or revocation on future eligibility for certification.”

**2011 Comments:** *One notice of proposed suspension did not include the impact of the suspension.*

**2012 Corrective Action:** Ecocert addressed this by providing an updated version of the Notice of Proposed Suspension template, which includes an impact/eligibility section. If effectively implemented, Ecocert’s response demonstrates capability to comply with the NOP regulations.

**2012 On-site Observations:** Ecocert revised their template for the notification of proposed suspension to include the impact of the suspension as stated in NOP §205.662(f)(1). A review of two notifications of proposed suspensions at the Morocco office verified they did not contain the correct impact of suspension as they stated, “Finally, we would also like to remind you that should your certification be totally suspended, you will not be able to sell, label or represent your product as organic for a period of 6 months.” One was dated October 2011 and the other August 14, 2012. A review of a notice of proposed suspension dated September 4, 2012 at the Madagascar office verified that the current template was used and had the correct impact of suspension.

**2014 Verification of Corrective Action:** The template for the notification of proposed suspension was documented as having been updated as described in the corrective action. A review of a notice of proposed suspension verified that the current template was used and had the correct impact of suspension.

**NP2254MMA.NC1 – Cleared** - 7 CFR §205.402(a)(1)(2) states, “Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to §205.401; (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part.”

**2012 Comments:** *Four of six files reviewed at the satellite offices (two files at each office) verified they did not include sufficient information to meet the requirements of an organic system plan (OSP) as described in NOP§205.201(a).*

- 1) *File #1 – handler and wild crop: The NOP portion of the Excel file requests “A description of the practices and procedures of production for each of” the organic products requested for certification “including the frequency at which production and handling occur”. The information provided by the operation was a general description of what activities are conducted and when (i.e. “Argan fruits – July, August, September – picking argan fruits – annually”; “Argan nuts – daily – crushing and sorting – daily”; and Argan oil – daily – pressing and filtrating oil – daily”). In the same file, the Excel file also requests, “Monitoring practices and associated recordkeeping documents used for correct and efficient implementation of the above described practices.” The information provided by the operation was, “by operations register”; and for what operations are monitored the file states, “crushing, transformation, storage” – register – daily.”*
- 2) *File #2 – handler: the OSP did not address the requirements of NOP §205.201(a)(1) and (a)(3) and there were no comments by the reviewer. It was not clear from the OSP what*

*the company's activities were, as in one section it states they receive product already bottled and in another that they monitor bottling. If bottling was conducted there was no information on the bottling process.*

- 3) *File #3 –coffee producer grower group: The operation was issued a notice of noncompliance which included non-compliances that should have been identified and addressed during the initial review prior to inspection. Items included:*
  - a. *The OSP indicated that the ICS was not yet implemented;*
  - b. *OSP indicated that maps or sketches of the fields and locations had not yet been implemented;*
  - c. *No adequate information in OSP on segregation (buffer zones) between organic fields and non-organic fields; and*
  - d. *OSP stated the internal inspection program for inspecting all producers every year was still being developed.*
- 4) *File #4 – crops and handling: This operation was also issued a notice of noncompliance that included non-compliances which should have been identified and addressed during the initial review prior to inspection. Items included:*
  - a. *Farming activity is not complete;*
  - b. *Planting and pruning are not described;*
  - c. *Monitoring at the milling factory and at the roasting level (exportation) are not described;*
  - d. *Frequency of monitoring at milling is not described;*
  - e. *Measures to avoid commingling at the roasting facility and during transportation are not described;*
  - f. *Measures to avoid contamination at the roasting facility and during transportation are not declared;*

*For file #4, one of the Madagascar COs stated they were not aware of the milling operation prior to inspection. However, the OSP NOP worksheet, section 6 under Processing states, "Washing, milling factory used for organic and conventional products" as an identified risk. However, because there was an inadequate description of the management practices and physical barriers in the OSP it was not identified as a noncompliance until after the inspection.*

**2012 Corrective Action:** Ecocert sent a 23-page training document on OSP review and an excerpt of a NOP training on review of OSPs to its Certification Officers at each satellite office, with instructions to provide the information to all staff working on OSP review. The training addressed the minimum requirements of what is to be included in OSPs, and how to review OSPs. It specified that in the review of an OSP during the first year, no inspection can be conducted until the OSP is complete and validated; a notice of noncompliance may be issued to applicants and an inspection cannot be conducted until the noncompliance is addressed. Ecocert corrected the files to which the noncompliance pertains. It collected updated OSP information for two of the operations and the remaining two operations surrendered certification. Ecocert provided additional training on OSP review to its staff in Madagascar in April 2013 for its inspectors, in July 2013 to all of the team, and again in January 2014 for the Certification Officers. In Morocco, the training was provided in October 2013 to a new staff member and in January 2014 to all of the team.

**2014 Verification of Corrective Action:** The NOP verified that the provided training documents and updated procedure (*P14 EC-NOP*) were currently in use. Ecocert's most updated OSP template was also provided to the NOP.

**NP2254MMA.NC2 – Cleared** - 7 CFR §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.”

**2012 Comments:** *In 1 of 6 notices of denial reviewed, Ecocert issued a notice of denial to an applicant citing a correctable non-compliance and the process as a whole was not in accordance to the NOP requirements. The notice of denial stated, “Further to the review of the inspection report, the correction of the noncompliance is not possible because of the use of traps with ethanol and methanol”. The alcohol(s) is used as an attractant for the coffee berry borer and is contained in a bottle with no contact with the organic crop or land. The notice of denial was dated one day after a notice of non-compliance which was also issued. The notice of non-compliance did not include a date by which to respond to the non-compliances. The Ecocert Technical Director stated that the notice of non-compliance was issued first and then the denial so the operation had time to respond. However, as previously stated the notice of non-compliance was issued one day before the notice of denial and it did not include a date by which to respond. In addition, the notice of denial did not include the use of a prohibited substance on some plots which was included in the notice of non-compliance and the use of conventional seeds and seedlings without verification that they were untreated.*

**2012 Corrective Action:** Ecocert noted that this was an isolated case. Ecocert explained the mistake to the staff member responsible for the decision. Further, to prevent this mistake in the future, Ecocert issued a global communication to all staff to remind them of how to manage correctable and non-correctable noncompliances during initial inspection review. This training email gave an overview of the OSP review and inspection report review, and referred the reader to an attached instruction on file reviews.

Regarding the notice of denial and notice of noncompliance, Ecocert explained that its procedure for issuing a combined notice of noncompliance and denial of certification is to send two separate letters. Ecocert stated that for the specific incident noted in the noncompliance, both notices were actually sent on the same day via email, although the creation date of the documents was one day apart. Ecocert provided a copy of the email to the NOP. To prevent any future confusion regarding combined notices of noncompliance and denials of certification, Ecocert combined these notices into one template.

Regarding the notice of denial not including reference to two non-correctable noncompliances, Ecocert rebutted this part of the noncompliance. Ecocert noted that both noncompliances regarded the lack of documentation, not the use of prohibited inputs. Therefore, the noncompliance was correctable. In one file, the status of the seedlings had not been determined to be conventional, and additional information was needed. In the other, the nature and composition of lime was not determined to be synthetic, and additional information was needed. The NOP accepts the rebuttal of this part of the noncompliance.

**2014 Verification of Corrective Action:** The certifier submitted the new template that they are currently using which allows for the combined Notice of Noncompliance and Denial. This document was verified for implementation and effectiveness.

**Non-compliances Identified during the Current Assessment**

None.

<b>Applicant Name:</b>	Ecocert S.A.
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	BP 47, 32600 L'Isle Jourdain, France
<b>Mailing Address:</b>	Same
<b>Contact &amp; Title:</b>	Elise Le Goff, NOP Certification Manager
<b>E-mail Address:</b>	elise.legoff@ecocert.com
<b>Phone Number:</b>	+335 62 07 65 72
<b>Auditor(s):</b>	Meg Kuhn, RAM – East Region
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	July 20 – August 22, 2012
<b>Audit Identifier:</b>	NP1283MMA
<b>Action Required:</b>	Yes
<b>Audit Type:</b>	Corrective Action
<b>Audit Objective:</b>	To verify review and approve corrective actions addressing the non-compliances identified during the Renewal Assessment Audit.
<b>Audit Criteria:</b>	7 CFR Part 205, National Organic Program; Final Rule, dated December 21, 2000; revised February 17, 2010.
<b>Audit Scope:</b>	ECO's 06/22/12 response letter to the Renewal Assessment Audit non-compliance report
<b>Location(s) Audited:</b>	Desk

## GENERAL INFORMATION

Ecocert S.A. (Ecocert) is a for-profit business, which was initially accredited as a USDA National Organic Program (NOP) certifying agent on April 29, 2002, for crops, wild crops, livestock, and handling operations. Ecocert consists of 23 total offices worldwide with key activities conducted in 14 offices. At the time of the USDA assessment, 3 of the 23 offices were located in France, which included the international office which is the main office, the France office for operations within France, and another France office for cosmetics certification (not to NOP standards).

The 14 offices where key activities take place are located in France (2), Germany, Turkey, Romania, Brazil, Ecuador, Colombia, Canada, Burkina Faso, Morocco, Tunisia, Madagascar, and China. Key activities that are performed by the 14 offices include: sending out application packets; sending out estimates; conducting the initial review for completeness and compliance; assigning inspectors; and making the certification decision. Ecocert had 12 offices when they first reported key activities to the NOP. Since then, they had added a Burkina Faso and Ecuador office. Burkina Faso was originally overseen by a Certification Officer (CO) from the international office. Since then, the CO had relocated to Burkina Faso to train another CO to take over. The Ecuador office was being supervised by the Columbia office until the CO was fully trained; however, the CO has since been fully trained and has taken over the certification activities.

The 2011 USDA Renewal Assessment consisted of reviewing the certification activities of the Ecocert main office (international office) located in L'Isle Jourdain, France; the Ecocert Brazil office located in

Flourianopolis, Brazil; and the the Ecocert Deutschland GmbH office located in Northeim, Germany. In addition, the certification activities of the Columbia office located in Bogota, Columbia were reviewed during the review of the international office via certification file reviews and a telephonic interview of the CO responsible for the office.

The Ecocert list of NOP certified operations included 1,171 operations, which consisted of 639 crops; 902 handlers, 145 wild crops, and 16 livestock certified operations (14 were apiaries). The total also included 140 grower groups.

## **AUDIT INFORMATION**

During the Renewal Assessment audit, the corrective actions for the non-compliances identified during the 2009 Mid-Term audit were verified and found to be implemented and effective and the non-compliances were cleared, with exception of NP7246EEA.NC8, which remains outstanding. There were thirteen (13) non-compliances identified during this audit. ECO was notified of this finding in a notice from the NOP on May 15, 2012. A response was received on June 22, 2012.

## **FINDINGS**

The following findings are being addressed through methods outside the corrective action audit process, requiring additional response prior to acceptance of the corrective action plan.

**NP7246EEA.NC8 – Outstanding**  
**NP1283MMA.NC2**  
**NP1283MMA.NC3**

For the following findings, the National Organic Program has accepted the corrective action responses ECO submitted in June 2012.

**NP1283MMA.NC1 – Submitted and Accepted:** NOP §205.403 (a)(1) states, “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. An on-site inspection shall be conducted annually thereafter...” *For the grower group witness inspection, the internal control system was set up to inspect all producers (bee keepers) but not to inspect all apiary locations. There is no minimum of locations required by Ecocert and no information in the organic system plan or grower group records concerning how many or which locations were inspected each year.* **Corrective Action:** Ecocert revised the Guideline for Grower Group, TS01 (EC-NOP) V03, to require “annual inspection by the ICS of all farms, production sites, grazing and apiary areas....” Regarding the specific grower group from the witness inspection, Ecocert required the GG ICS to conduct an on-site inspection of all sites. This was achieved by issuance of a Notice of Non-Compliance to the operation (dated Nov 21, 2011) where a major non-compliance was issued, withholding issuance of updated organic certificate until the grower group demonstrated the ICS had visited each production site. If the corrective action submitted is effectively implemented, Ecocert has demonstrated the capability to comply with NOP accreditation requirements.



**NP1283MMA.NC4 – Submitted and Accepted:** NOP §205.501 (a)(11)(iv) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.” *Notices of non-compliance issued by Ecocert include a prescribed corrective action.* **Corrective Action:** Ecocert submitted the following, “The column “Improvement actions AND date by which the operator must rebut or correct the noncompliance” was reserved to the client for its own answers. We propose to modify the title of this column to avoid any confusion and name it “Action set up by the operator and date of implementation.” The new template will be ready for use end of July. In addition, during the training of Certification officers held in L’Isle Jourdain in April 2012, certification officers have been reminded the type of information to be included in the notice of non-compliance and the importance of avoiding any consultancy.”

**NP1283MMA.NC5 – Submitted and Accepted:** NOP §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...and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.” *There were no conflict of interest disclosure reports on file for 4 of the 5 Ecocert directors.* **Corrective Action:** Ecocert provided signed conflict of interest disclosure statements for all directors. The procedure P05(NOP) has been revised to indicate COI statements are required for all responsibly connected parties, including directors, annually. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**NP1283MMA.NC6 – Submitted and Accepted:** NOP §205.501 (a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection.” *As verified by an interview with the NOP Certification Manager and the records reviewed, in some cases the Certification Officers conduct application reviews and make certification decisions for the same files. This occurred in 6 of the 10 files reviewed for this requirement. Ecocert’s procedures were revised to allow this process after the February 2010 ACA training by the NOP in Nuremberg, Germany due to a misunderstanding by Ecocert. A copy of this training was not available by the end of the audit.* **Corrective Action:** Ecocert updated documents related to application review and certification decision to require inspectors to conduct the application review and certification officers to conduct the inspection review/certification decision. Ecocert provided objective evidence (updated procedures, evidence of training of staff). If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**NP1283MMA.NC7 – Submitted and Accepted:** NOP §205.501 (a)(18) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and any requirements for the correction of minor non-compliances.” *Ecocert was providing the inspectors with the previous on-site inspection report prior to inspections. However, they do not notify the inspector of their decision regarding certification and any requirements for the correction of minor non-compliances after the inspection.* **Corrective Action:** Ecocert updated two instruction documents,

I04 and I03, that address how to “deal with non-compliances for certified operators/applicants.” These documents were updated to add the inspectors to the list of parties to whom a copy of the certification decision is sent. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**NP1283MMA.NC8 – Submitted and Accepted:** NOP §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” and the NOP Policy Memo 11-10 states, “The National Organic Program (NOP) is drafting guidance regarding certification of grower groups and will be requesting public comment before publishing final guidance and possible regulation change. In the interim, accredited certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies.” *The Ecocert TS01(EC- NOP)V1 – Guideline on Organic Certification of Grower Groups according to EC and NOP Regulations* was reviewed against the *NOSB Recommendation 2002* and *NOSB Recommendation 2008* and verified they did not address the requirements for:

1. *The GG identifying the designation of what is a specific member or subunit and then verification of these members and subunits by Ecocert during the application process (NOSB Recommendation 2008 section III.C);* **Corrective Action:** update to GG guidelines, page 5
2. *Determining how many of the sub-units within a production unit must receive an annual inspection by the ACA’s inspector (NOSB Recommendation 2008 section III.D.1);* **Corrective Action:** update to GG guidelines, page 11
3. *Determining which sub-units present the greatest risks of non-compliance (NOSB Recommendation 2008 section III.D.1);* **Corrective Action:** update to GG Guidelines, page 12
4. *The inspector selecting 25% of the remaining subunits at random (NOSB Recommendation 2008 section III.D.1); and* **Corrective Action:** page 12
5. *Mandatory inspection (by ACA inspector) of new entrants into the production unit (NOSB Recommendation 2008 section III.D.1).* **Corrective Action:** page 7

*In addition the Guideline, Section I, Definitions states, “Sub-Group = Sub-Unit: Subdivision of the grower group in smaller units for example a village.” This definition is not in accordance with NOSB Recommendation 2008 section III which states, ““Sub-unit” means: A smaller discrete portion of a production unit, such as a field, plot, wild-crop harvest area, or distinct processing area.”* **Corrective Action:** First, for items 1 – 5 above, Ecocert revised the GG Guidelines to address each point (see points above for GG guidelines page number update). Second, the GG Guidelines have also been updated to reflect the accurate definition of “sub-unit” (page 2). If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**NP1283MMA.NC9 – Submitted and Accepted:** NOP §205.504 (c)(1) states, “A private or governmental entity seeking accreditation as a certifying agent must submit... (1) A copy of the procedures intended to be implemented to prevent the occurrence of conflicts of interest, as described in §205.501(a)(11).” *The Ecocert Prevention of Conflicts of Interest, Code: P05 (NOP), Version 01 procedure does not adequately address the requirement of 205.501 (a)(12)(ii) that if any person covered under 205.501 (a)(11)(i) (the ACA, a responsibly connected party of the ACA, etc...) had a conflict of interest with the certification of an applicant, the applicant will be referred to another ACA*

and Ecocert will bear the costs of certification. The procedure states if any person had a COI at the time of application for certification they will be referred to another ACA and Ecocert will bear the cost. **Corrective Action:** Ecocert revised procedure P05 (NOP) to comply with §205.501(a)(12)(ii). A copy of the updated procedure was provided as objective evidence.

**NP1283MMA.NC10 – Submitted and Accepted:** NOP §205.510 (a)(1) states, “An accredited certifying agent must submit annually to the Administrator, on or before the anniversary date of the issuance of the notification of accreditation, the following report and fees: A complete and accurate update of information...” *Ecocert had not been sending in an annual report, as required by §205.510(a). Some information is sent to the NOP as it is updated, such as changes to the Certification Manager. However, there is no annual report completed and submitted as required. Because the Annual Report has not been submitted, the application for accreditation renewal did not contain all required components.* **Corrective Action:** Ecocert revised the Disclosure of Information procedures, which directs how Ecocert provides external reports and information and to whom. A copy of the revised procedures was provided as objective evidence. The procedure shows staff responsible for reporting activities, dates by which reports are due, and management responsible for oversight. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**NP1283MMA.NC11 – Submitted and Accepted:** NOP §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.” *All notices of non-compliance, notices of proposed suspension, and notices of resolutions sent to clients via regular email only and not via a service which provides a dated return receipt.* **Corrective Action:** Ecocert’s procedures indicate that all applicable notices will be sent via email with a delivery receipt; alternately, if no receipt is received for the email delivery, Ecocert will re-send the notice via certified mail. Instruction documents were updated to reflect the changes and copies were provided as objective evidence. If effectively implemented, Ecocert’s response demonstrates capability to comply with NOP accreditation requirements.

**NP1283MMA.NC12 – Submitted and Accepted:** NOP §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 non-compliance and submit supporting documentation of each such correction when correction is possible.” *In nine notifications of non-compliance files reviewed, one did not contain a description of the non-compliance and instead stated the labeling standards were sent to client; two did not include the facts upon which the non-compliance was based; and seven did not provide a date for the operation to provide corrective actions and/or to rebut the non-compliance.* **Corrective Action:** Ecocert addressed this issue by revising the Notice of Non-Compliance template, which was provided as objective evidence. Review of the updated template shows the form requires all points above (description of the NC, facts upon which it is based, and a date to rebut/correct). If implemented effectively, Ecocert’s response demonstrates capability to comply with NOP accreditation

requirements.

**NP1283MMA.NC13 – Submitted and Accepted:** NOP §205.662 (c)(3) states, “The notification of proposed suspension or revocation of certification shall state: (3) the impact of a suspension or revocation on future eligibility for certification.” *One notice of proposed suspension did not include the impact of the suspension.* **Corrective Action:** Ecocert addressed this by providing an updated version of the Notice of Proposed Suspension template, which includes an impact/eligibility section. If effectively implemented, Ecocert’s response demonstrates capability to comply with the NOP regulations.