



# United States Department of Agriculture

Agricultural Marketing Service  
National Organic Program

## ***MINNESOTA CROP IMPROVEMENT ASSOCIATION***

**1900 Hendon Avenue, St. Paul, Minnesota, 55108, U.S.A.**

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-16-19**

Effective Date: **4/29/2017**

Renewal Date: **4/29/2022**

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

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program.

CERTIFICATE OF ACCREDITATION



## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite Mid-term assessment of the Minnesota Crop Improvement Association (MCIA) organic program was conducted on October 21-25, 2019. The National Organic Program (NOP) reviewed MCIA’s corrective actions in response to the Notice of Noncompliance to assess MCIA’s compliance to the USDA organic regulations. This report provides the results of NOP’s assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Minnesota Crop Improvement Association (MCIA)
<b>Physical Address</b>	1900 Hendon Avenue
<b>Mailing Address</b>	St. Paul, MN 55108
<b>Contact &amp; Title</b>	Michelle Menken, Program Manager
<b>E-mail Address</b>	michelle.menken@mncia.org
<b>Phone Number</b>	612-625-7766
<b>Reviewer &amp; Auditor</b>	Callie Herron, NOP Reviewer; Graham Davis, Josh Lindau, On-site Auditors
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	NOP corrective action review: April 5 – July 21, 2021 NOP assessment review: April 23, 2020 Onsite audit: October 21 – 25, 2019
<b>Audit Identifier</b>	NOP-29-19
<b>Action Required</b>	No
<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 MCIA’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>	MCIA’s certification services in carrying out the audit criteria during the period: July 2017 through September 2019

Minnesota Crop Improvement Association (MCIA) was accredited as a USDA organic certifying agent on April 29, 2002, for crops and handling. On June 4, 2004 a scope extension for wild crops; and on October 19, 2007, a scope extension for livestock was granted. As of October 2019, MCIA certifies 575 operations to the following scopes: 471 crop, 4 wild crop, 102 livestock, and 113 handlers. The majority of clients are located in the state of Minnesota with some clients in Indiana, Iowa, Michigan, Illinois, North Dakota, South Dakota, Missouri, and Wisconsin.

Two witness audits were conducted as part of the Mid-term audit. One witness audit of an annual

inspection of a handling/processing operation was conducted. The operation was certified for organic spices. A second witness audit of an annual inspection of a crops and livestock (dairy cows) operation was conducted.

## **NOP DETERMINATION**

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

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**

**AIA17192JL.NC1 – Cleared.**

**AIA5356JZ.NC1 – Cleared.**

**AIA17142JL.NC1 – Cleared.**

**NP7171MMA.NC1 – Cleared.**

**NP7171MMA.NC2 – Cleared.**

**NP7171MMA.NC4 – Cleared.**

**NP7171MMA.NC5 – Cleared.**

**NP7171MMA.NC6 – Cleared.**

**NP7171MMA.NC7 – Cleared.**

**NP7171MMA.NC8 – Cleared.**

**AIA-6339-21 – Accepted.** (NP7171MMA.NC3) - 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." §205.303(b)(1) states, "Agricultural products in packages described in §205.301(a) and (b) [100 percent organic and organic] must:... For products labeled "organic," identify each organic ingredient in the ingredient statement with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced...."

**Comments:** *Two labels reviewed did not contain ingredients statements and did not identify the organic ingredients in the products.*

**Corrective Actions:** MCIA has issued a notice of noncompliance to the operation. MCIA reviewed NOP labeling requirements, including the identification of each organic ingredient with staff on December 29, 2017 and trained inspectors at the annual training held on April 4 and May 9, 2018.

**2019 Verification of Corrective Actions:** The auditors review of approved labels found that labels for two products that did not include an ingredients statement and were marked approved by MCIA.

**Corrective Actions:** MCIA sent a training email to all staff on July 16, 2020, explaining that

staff should not approve incomplete labels and that all parts of the label (principal display panel, information panel, and any other panel) must be reviewed and verified for compliance with 7CFR 205.303 or 205.304. MCIA submitted the training email to the NOP. MCIA suspended the operation with noncompliant labels on January 29, 2021, after the operation failed to respond to the Notice of Noncompliance and subsequent Notice of Proposed Suspension.

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

**AIA-6346-21 – Accepted. (NOP-29-19.NC1)**– 7 C.F.R. §205.670(g) states, “If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded. Test results that exceed federal regulatory tolerances must also be reported to the appropriate State health agency or foreign equivalent.”

**Comments:** *MCIA does not fully carry out the procedures of NOP 2613 Instruction Responding to Results from Pesticide Residue Testing in the following manner:*

- *MCIA does not indicate to operators that their products may be sold as organic if no residues of prohibited pesticides are detected. This is a requirement of Section 5.1.*
- *MCIA does not indicate to operators that their products may be sold as organic when pesticide residue tests detect residues of prohibited pesticides at less than 0.01 parts per million (ppm), which is a requirement of Section 5.2.*
- *MCIA did not notify an operation that their product may not be sold as organic when the results indicated pesticide residues above 0.01 parts per million (ppm) for which EPA has not established a tolerance and the FDA has not established an action level. This is a requirement of Section 5.3.3.*

**Corrective Actions:** On October 30, 2019, during a staff meeting, MCIA explained to staff that residue results letters must indicate whether products may be sold as organic. MCIA submitted the meeting agenda to the NOP.

On June 29, 2020, MCIA implemented the use of an updated Pesticide Residue Template (PRT) and a Pesticide Residue Module (PRM) in its database. MCIA updated the PRT again on June 17, 2021 to list each potential option identified in NOP 2613. For example, the option for when no residues are detected includes the statement “the crop may be sold as organic.” The PRT also acts as a work instruction for staff to ensure that they follow NOP 2613 and send the client a letter that contains the correct information based on the test results. MCIA staff are now required to use the PRT, complete the PRM, and to place both in the client’s process plan in the MCIA database when a sample is taken.

On June 17, 2021, MCIA notified staff via email of the most recent updates to the PRT. The email also reminded staff to follow all necessary steps in NOP 2613 when evaluating positive test results. MCIA submitted the email to the NOP.

**AIA-6347-21 – Accepted. (NOP-29-19.NC2)**– 7 C.F.R. § 205.670(e) states, “Sample collection pursuant to paragraphs (b) and (c) of this section must be performed by an inspector representing

the Administrator, applicable State organic program's governing State official, or certifying agent.”

**Comments:** *MCIA allowed an operator to collect the sample from his field and provide it to their inspector.*

**Corrective Actions:** MCIA’s Residue Sampling Protocol document includes the following statement: Inspector must collect the sample – not the client. MCIA has completed the following training with inspectors:

- On April 6, 2020, MCIA held a training for MCIA staff and contract inspectors that covered sampling protocols. MCIA submitted the *MCIA 2020 Organic Inspector Training* and attendance list to the NOP.
- On July 16, 2020, MCIA sent a training email to all staff inspectors reminding them that clients are not allowed to collect samples.
- On April 20, 2021, MCIA sent staff and contract inspectors an email ahead of the 2021 MCIA Organic Inspector Training with the Residue Sampling Protocol attached. MCIA submitted the email and attachment to the NOP.
- On May 12, 2021, MCIA sent an email to all staff and contract inspectors with an updated version of the Residue Sampling Protocol, which includes the statement “Inspector must collect the sample – not the client.” MCIA submitted the email and updated protocol, titled *MCIA Residue Sampling Training*, to the NOP.

An MCIA inspector collected a second sample from the operation on June 3, 2019.

**AIA-6348-21 – Accepted. (NOP-29-19.NC3)** – 7 CFR §205.670(d) states, “A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number.”

**Comments:** *MCIA did not meet the requirement to sample and test from 5% of its certified operations annually in 2017 and 2018. The auditor’s review of sample collection files found that MCIA only sampled and tested 4.6% of its certified operations in 2017 and 4.7% of its certified operations in 2018.*

**Corrective Actions:** On June 29, 2020, MCIA implemented the use of a Pesticide Residue Module (PRM) in its database to track when samples are taken. As a result of the PRM, MCIA can now generate accurate reports from the database to monitor its sampling program. MCIA runs a report multiple times a year to help ensure it meets the annual sampling requirement. MCIA submitted a screenshot of the PRM to the NOP.

**AIA-6349-21 – Accepted. (NOP-29-19.NC4)** – 7 CFR §205.662(a) states, "When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation."

**Comments:** *The auditors review of certification files found that MCIA failed to issue a notice of noncompliance to multiple operations even though they did not comply with the requirements of §205.400(f)(2). In one instance, a certified operation’s products were found on store shelves with labels that were neither reviewed nor approved by MCIA. MCIA did not issue a notice of noncompliance to the certified operation even though the operation was found to be noncompliant.*

**Corrective Actions:** MCIA completed the following staff trainings to address this noncompliance and submitted training materials to the NOP:

- During a staff meeting on October 30, 2019, MCIA explained to staff that Notices of Noncompliance must be issued to operations when inspectors find unapproved labels or inputs.
- On July 16, 2020, MCIA sent a training email to certification staff reminding them to report any findings from surveillance activities. The training email explained that staff should issue a Notice of Noncompliance to an operation if it is using labels that were not submitted to MCIA for review and approval.

MCIA no longer sends reminder letters or places phone calls to operations when a noncompliance is identified, but instead issues Notices of Noncompliance. MCIA submitted a list of Notices of Noncompliance issued in 2018, 2019, and 2020 to the NOP as evidence of their increase in the number of Notices issued to operations. MCIA suspended the operation with noncompliant labels on January 29, 2021, after the operation failed to respond to the Notice of Noncompliance and subsequent Notice of Proposed Suspension.

**AIA-6350-21 – Accepted. (NOP-29-19.NC5) – 7 C.F.R. §205.662(c)** states, “Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification.”

**Comments:** *MCIA did not comply with the requirements of §205.662(c) in the following manner:*

- *MCIA re-issued a notice of noncompliance 30 days after initially issuing it. MCIA then tried to contact the operation repeatedly prior to issuing the notice of proposed suspension 60 days after the deadline to submit corrective actions.*
- *MCIA did not always issue notifications of proposed suspension in a timely manner. MCIA issued a notification of noncompliance to an operation 8/10/2018. MCIA issued the operation a notification of proposed suspension on 2/28/2019, which was 6 months after the date by which the certified operation had to rebut or correct the noncompliance.*

**Corrective Actions:** On June 29, 2020, MCIA implemented the use of the following database features:

- Generic letter templates for Notices of Noncompliance, Noncompliance Resolutions, Notices of Proposed Suspension, and Notices of Suspension. MCIA submitted the new templates to the NOP. The new templates allow MCIA to generate and send out Notices in batches with one response date making deadlines easier to track. In 2020, MCIA sent Notices of Noncompliance for failure to renew and the corresponding Notices of Proposed Suspension in batches.
- Noncompliance and suspension modules that indicate when the next action should be initiated. When a step in a module is completed, the next appropriate step is set as pending using the applicable date, as given in the Notice. MCIA now runs monthly reports to make sure deadlines are met.

On May 12, 2021, MCIA sent a training email to staff on how to use the noncompliance and suspension modules in the database to ensure notifications are issued in a timely manner. MCIA submitted the email to the NOP.

MCIA is requiring all organic certification staff to take the Organic Integrity Learning Center training on Adverse Actions by the end of 2021.

**AIA-6351-21 – Accepted. (NOP-29-19.NC6)** – 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:** *MCIA accepted a request for mediation from the operation 90 days after the deadline to request mediation or file an appeal and the proposed effective date of suspension stated in the notice of proposed suspension. As a result, MCIA failed to issue the operation a notice of suspension in a timely manner.*

**Corrective Actions:** On October 30, 2019, at a staff meeting, MCIA explained to staff that noncompliance documents must follow the required dates. MCIA submitted the meeting agenda to the NOP. On June 29, 2020, MCIA implemented the use of noncompliance and suspension modules as part of its database. When a step in a module is completed, the next appropriate step is set as pending using the applicable date, as given in the Notice. On May 12, 2021, MCIA sent a training email to staff on how to use the noncompliance and suspension modules in the database to ensure notifications are issued in a timely manner. MCIA submitted the email to the NOP. MCIA now runs monthly reports to make sure deadlines are met.

**AIA-6352-21 – Accepted. (NOP-29-19.NC7)** – 7 C.F.R. §205.402(a)(1) states, “Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to §205.401.”

**Comments:** *The auditors review of certification files found multiple files that contained incomplete organic system plans that MCIA reviewed and approved for inspection.*

**Corrective Actions:** By the end of 2021, MCIA will update the Handler Organic System Plan (OSP) template with a ‘NA’ box at the top of each section so that an operation can clearly mark any section that does not apply to their operation. During a staff meeting on October 30, 2019, MCIA explained to staff that incomplete OSPs should be addressed during the application review process. MCIA submitted the meeting agenda to the NOP. During a staff meeting on April 15, 2020, MCIA reminded staff to ensure OSPs are complete prior to sending them to inspectors. On May 11, 2021, MCIA initiated a review of OSPs sent to inspectors and determined that MCIA reviewers are sending complete OSPs to inspectors.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite renewal assessment of Minnesota Crop Improvement Association (MCIA) organic program was conducted on June 20-22, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess Minnesota Crop Improvement Association's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Minnesota Crop Improvement Association (MCIA)
<b>Physical Address</b>	1900 Hendon Avenue, St. Paul, MN 55108
<b>Mailing Address</b>	1900 Hendon Avenue, St. Paul, MN 55108
<b>Contact &amp; Title</b>	Michelle Menken, Organic Services Manager
<b>E-mail Address</b>	<a href="mailto:Michelle.menken@mncia.org">Michelle.menken@mncia.org</a> ; <a href="mailto:mncia@mncia.org">mncia@mncia.org</a>
<b>Phone Number</b>	612-625-7766
<b>Reviewer Auditors</b>	Jason Lopez, NOP Reviewer; Miguel A. Caceres, Lead Auditor; Graham Davis, Second Auditor; Jamie Schoop, QAD Auditor as observer.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review Date</b>	NOP assessment review: November 27, 2018
<b>Audit Dates</b>	Onsite audit: June 20-22, 2017
<b>Audit Identifier</b>	NP7171MMA
<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 MCIA'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>	MCIA's certification services in carrying out the audit criteria during the period: July 2012 through June 2017

Minnesota Crop Improvement Association (MCIA) was initially accredited as a USDA certifying agent on April 29, 2002 to certify the scopes of crops, wild crops, livestock, and handling/processing. MCIA's only office is located in St. Paul, MN.

MCIA's list of certified operations at the time of the assessment consisted of 402 operations: Crops (297), Wild Crops (2), Livestock (60), and Handler/Processor (89). MCIA does not certify any grower groups. Certification services are provided to operations in the United States and Canada.

MCIA lists the "Technical Staff" as the company's General Manager and the Organic Services Final Reviewer. MCIA lists 10 inspectors, 6 of which may complete final reviews. One



employee is listed as a part-time employee and a sub-contracted inspector. MCIA has an additional 15 sub-contracted inspectors with two currently in the process of training. Auditors conducted two witness audits. The witness audits were annual announced inspections. One was of a crop and livestock operation and the other was of a small handling operation. Both of these were conducted consecutively with the MCIA office audit.

## **NOP DETERMINATION**

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

**NP4245LCA.NC1 – Cleared**

**NP4245LCA.NC2 – Cleared**

**NP4245LCA.NC3 – Cleared**

**AIA5356JZ.NC2 – Cleared**

**AIA5356JZ.NC1 – Accepted.** 7 CFR §205.662(a) states, " When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation."

**2015 Comments:** *The certifier failed to issue a notice of noncompliance for noncompliances identified and reported as findings in the inspector's onsite inspection report. The findings supported noncompliances of the following USDA organic regulations: §205.202, §205.204, and §205.401.*

**2016 Corrective Actions:** MCIA has implemented the use of a "Reinstatement Checklist" within its procedure for reinstating a suspended operation. The checklist lists the steps of reinstatement defining tasks in each step. The checklist addresses the identification and issuance of noncompliances from the inspection report in steps 5 and 7. The reviewer is required to date and initial each step upon completion. MCIA provided training to its staff on March 14, 2016.

**2018 Verification of Corrective Action:** The auditor reviewed two operation case files requesting reinstatement. MCIA's checklist was present in both cases; however, the checklists were not properly completed.

**2018 Corrective Actions:** MCIA reviewed the reinstatement procedure with reviewers who process reinstatement requests. MCIA has completed three reinstatement requests and submitted to the NOP the completed reinstatement checklists. MCIA is also implementing a new database to manage work flow and processes. MCIA will include the reinstatement process in the database and has been developed to include the steps outlined in NOP 2605. The database will require completion of each

section before the file can be completed. MCIA submitted the process steps to be included in the database.

### **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.

**NP7171MMA.NC1 – Accepted.** 7 C.F.R. §205.402(b)(3), “The certifying agent shall within a reasonable time: provide the applicant with a copy of the test results for any samples taken by an inspector.”

**Comments:** *In 2015 and 2016, MCIA did not provide a copy of test results to all of the operations from which samples were collected.*

**Corrective Actions:** MCIA clarified that the operations were provided with test results, but that MCIA did not retain copies of the notifications. On December 27, 2017, MCIA reissued test result letters to all operations MCIA sampled in 2017. MCIA has added the notification letter to its “Sample Record Set,” which is a list of required documentation that must be retained for each sample collected. MCIA will also file hard copies of these documents in its annual Pesticide Residue Testing folder.

**NP7171MMA.NC2 - Accepted.** 7 C.F.R. §205.403(a)(2)(ii) states, “The Administrator...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:** *The percentage of unannounced inspections conducted in 2015 (1.0%) and in 2016 (4.1%) did not achieve the 5% benchmark described in NOP 2609, Unannounced Inspections.*

**Corrective Actions:** MCIA completed 20 unannounced inspection in 2017 in order to satisfy the 5% threshold. MCIA identified its filing system did not systematically track and count completed unannounced inspection files. MCIA has changed its electronic file naming convention and its physical file color coding system to make unannounced inspection files identifiable. MCIA is also implementing a new database that will allow files to be earmarked as unannounced inspections.

**NP7171MMA.NC3 – 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.” §205.303(b)(1) states, “Agricultural products in packages described in §205.301(a) and (b) [100 percent organic and organic] must:... For products labeled “organic,” identify each organic ingredient in the ingredient statement with the word, “organic,” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced....”

**Comments:** *Two labels reviewed did not contain ingredients statements and did not identify the organic ingredients in the products.*

**Corrective Actions:** MCIA has issued a notice of noncompliance to the operation. MCIA reviewed NOP labeling requirements, including the identification of each organic ingredient,

with staff on December 29, 2017 and trained inspectors at the annual training held on April 4 and May 9, 2018.

**NP7171MMA.NC4 – Accepted.** 7 C.F.R. § 205.501(a)(8) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and the regulations in this part.

**Comments:** *The MCIA organic system plan template for handling operations does not request information on products imported or exported by the operation. The inspection reports also do not inquire about products imported or exported by the certified operation.*

**Corrective Actions:** MCIA revised its handler organic system plan, which now requests an operation to provide information regarding products planned for import or export. MCIA revised and submitted inspection report templates for all scopes. The templates include questions verifying an operation’s import/export of products. MCIA’s revised documents were implemented on April 10, 2018 and sent to inspectors via email.

**NP7171MMA.NC5 - Accepted.** 7 C.F.R. §205.501(a)(21) states, “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2603, Organic Certificates, Section 3.1, indicates what elements and phrases should be on an organic certificate.

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

- 1. The certificate’s “Anniversary date” is not stated.*
- 2. “Certified to the USDA organic regulations, 7 C.F.R. Part 205.” is not stated on the certificate. MCIA issued certificates state “This is to certify that \_\_\_ has met the Organic Standards established under the USDA National Organic Program”. Also state, “This operation has been inspected by an agent of MCIA who has verified that, to the best of our knowledge, the operation is in compliance with National Organic Program Standards.”*
- 3. MCIA certificates state, “Certification valid until surrendered, suspended or revoked.” The certificate should state: “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked.”*
- 4. Certificates issued to crop operations do not include the scope of crops. Instead certificates issued to crop operations are identified as “Organic Producer Certificate”.*

**Corrective Actions:** MCIA revised its organic certificate template to address the elements that were incorrect or missing. MCIA implemented the revised template in June 2017 and archived the old templates at that time.

**NP7171MMA.NC6 – Accepted.** 7 C.F.R. §205.504(b)(2) states, “A private or governmental entity seeking accreditation as a certifying agent must submit...A copy of the procedures to be used for reviewing and investigating certified operation compliance with the Act and the regulations in this part and the reporting of violations of the Act and the regulations in this part to the Administrator.” NOP 2609 Instruction Unannounced Inspections states that “Certifying agents are encouraged to have a written policy on unannounced inspections and inspector access

to certified facilities.” The instruction also states, “A certifying agent should clearly disclose protocols for unannounced inspections to certified operations.”

**Comments:** *MCIA does not have policies, procedures, or written criteria for conducting unannounced inspections.*

**Corrective Actions:** MCIA has developed, submitted, and implemented (as of April 11, 2018) an unannounced inspection policy, procedure with associated letter templates, and work instructions.

**NP7171MMA.NC7 – Accepted.** 7 C.F.R. § 205.660(d) states, “Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to §205.662, §205.663, and §205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.”

**Comments:** *Notifications of noncompliance resolution issued by MCIA were not sent via a delivery service which provides dated return receipts.*

**Corrective Actions:** MCIA reinstated its policy to issue noncompliance resolution letters via certified mail. MCIA informed staff of the reinstatement of this policy on April 10, 2018 via email.

**NP7171MMA.NC8 – Accepted.** 7 C.F.R. §205.501(a)(21) states, “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.”

**Comments:** *MCIA’s inspection report template design does not reference the USDA organic regulations to verify reporting sections.*

**Corrective Actions:** MCIA revised its inspection report templates for all scopes to include regulatory citations in each section of verification. MCIA’s revised inspection report templates were implemented on April 10, 2018 and sent to inspectors via email.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

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

### GENERAL INFORMATION

<b>Applicant Name</b>	Minnesota Crop Improvement Association (MCIA)
<b>Physical Address</b>	1900 Hendon Avenue, St. Paul, MN 55108
<b>Mailing Address</b>	Same
<b>Contact &amp; Title</b>	Cindy Wippler, General Manager
<b>E-mail Address</b>	<a href="mailto:Wipl001@umn.edu">Wipl001@umn.edu</a>
<b>Phone Number</b>	612-625-7766
<b>Reviewers &amp; Auditors</b>	Janna Howley, NOP Reviewer Lars Crail, On-site Auditor; Renee Gebault-King, Auditor Trainee
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Dates</b>	NOP assessment review: December 23, 2014 Onsite audit: September 2-5, 2014
<b>Audit Identifier</b>	NP4245LCA
<b>Action Required</b>	No
<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 MCIA'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>	MCIA's certification services in carrying out the audit criteria during the period: April 2012 through September 2014.

MCIA is a 501(c)(5) not for profit association that has been accredited to the National Organic Program as a certifying agent since April 29, 2002. MCIA was initially accredited for the scopes of crops and handling; on June 4, 2004 a scope extension for wild crops was granted, and on October 19, 2007 a scope extension for livestock was granted.

As of August 2014, MCIA had 170 certified operations to the following scopes: 105 crops, 2 wild crops, 11 livestock, and 66 handlers. The majority of the operations are certified in Minnesota, with some operations in Indiana, Iowa, Michigan, Illinois, North Dakota, South Dakota, Missouri, and Wisconsin. All certification activities are conducted at the St. Paul, MN office. MCIA does not have any other accreditations at this time.

## **NOP DETERMINATION:**

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

**NP4245LCA.NC1 – Accepted** - 7 CFR §205.662(c) states, "When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification."

**Comments:** *MCIA issued an operator a combined notice of noncompliance and proposed suspension for not submitting a timely annual update and fees, which is a correctable noncompliance.*

**Corrective Action:** The combined *Notice of Noncompliance and Proposed Suspension* was issued February 12, 2014. MCIA addressed this issue in May 2014 by developing letter templates for its notices. The first letter issued to clients is the *Notice of Renewal Deadline*, issued two weeks after the annual update and fees due date. If no response is provided within two weeks, MCIA issues a *Notice of Noncompliance*. If no response is received within two weeks to this second notice, the *Notice of Proposed Suspension*, which gives the client a six week response period, is issued. Templates of the letters were provided to the NOP. MCIA maintains a master list which contains links to its controlled documents, including the revised letter templates. All full-time staff has access to this list and has been trained to refer to it to access the most current documents. MCIA also updated its *Work Instruction – Noncompliance*, which also includes additional examples of notices. Staff has reviewed this revised work instruction, and the updated version will be added to the master list.

**NP4245LCA.NC2 – Accepted** - 7 CFR §205.662(c)(4) states, "The notification of proposed suspension or revocation of certification shall state: The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681."

**Comments:** *Some of the notices reviewed either did not include the right to mediate or included only the regulatory section number for the right to request mediation or to file an appeal. During the assessment on May 7, 2014, MCIA updated its noncompliance and adverse action notice templates to align with examples in the 2012 NOP Adverse Action Notice Review training module.*

**Corrective Action:** MCIA developed a *Notice of Proposed Suspension* in May 2014 that contains language regarding the right to request mediation or file an appeal. In September 2014, MCIA revised the letter again to correct the address for the submission of written appeals. MCIA continues to have a Final Certifier approve the proposed suspensions prior to issuance. A copy of a proposed suspension issued since the onsite audit was provided to the NOP, demonstrating that the correct mediation and appeal rights were communicated to MCIA's client. All full-time staff has access to the revised letter templates via MCIA's master document control system. MCIA

also updated its *Work Instruction – Noncompliance* which includes directions to add the right to request mediation or appeal to *Notification of Proposed Suspension or Revocation* letters. A copy of this document was provided to the NOP. This work instruction also contains additional examples of notices. Staff has reviewed this revised work instruction, and the updated version was added to the master list.

**NP4245LCA.NC3 - Accepted** - 7 CFR §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...” Furthermore, §205.403(e)(1) states, “At the time of the inspection, the inspector shall provide the operation’s authorized representative with a receipt for any samples taken by the inspector.”

**Comments:** *MCIA has written procedures to provide the operator with a receipt for pesticide residue samples taken during an inspection, but there are no records at the MCIA office of receipts issued to the operator, or maintained in operator files.*

**Corrective Action:** In April 2014 MCIA created a *Residue Testing Sampling Collection Record*. The document was developed to allow the sampler to leave a copy of the form with the operation (MCIA: white copy, Certified Operation: pink copy). MCIA updated the document in October 2014 to address the issued noncompliance. MCIA added an additional form (Certified Operation’s Folder: yellow copy). MCIA prints the form on three-part paper (white, yellow, pink). As of the Fall of 2014, when MCIA collects samples it ensures the yellow copy is put in the operation’s folder. MCIA updated its residue testing sampling written procedure and staff was trained on this new procedure in October 2014.

**ASSESSMENT INFORMATION**

<b>Certifier Name:</b>	Minnesota Crop Improvement Association (MCIA)
<b>Est. Number:</b>	N/A
<b>Physical Address</b>	1900 Hendon Avenue, St. Paul, MN 55108
<b>Mailing Address:</b>	1900 Hendon Avenue, St. Paul, MN 55108
<b>Contact &amp; Title:</b>	Cindy Wippler, Manager of Organic Services
<b>E-mail Address:</b>	<a href="mailto:Wippl001@tc.umn.edu">Wippl001@tc.umn.edu</a>
<b>Phone Number:</b>	612-225-7766
<b>Auditor(s):</b>	Rick Skinner, Lead Auditor; Bob Pooler, Auditor
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	July 09-13, 2012 (April 5 and 12, 2012-witness audits)
<b>Audit Identifier:</b>	NP2191EEA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Renewal Assessment
<b>Audit Objective:</b>	To verify continuing compliance to the audit criteria; and to verify the implementation and effectiveness of corrective actions in addressing the previous non-compliances from the Deferred/Mid-Term Audit.
<b>Audit Criteria:</b>	<i>7 CFR Part 205, National Organic Program, Final Rule</i> , dated December 21, 2000; updated November 9, 2012.
<b>Audit Scope:</b>	The company's quality manual including personnel, processes, procedures, facilities, and related records.
<b>Location(s) Audited:</b>	<ul style="list-style-type: none"> <li>• MCIA Office – St. Paul, MN;</li> <li>• Crop / Livestock – Pine River, MN;</li> <li>• Wild Harvest – Dent, MN;</li> <li>• Retail Certification/Handling – Edina, MN;</li> <li>• Marketing/Trading – Maple Grove, MN.</li> </ul>

**GENERAL INFORMATION:**

Minnesota Crop Improvement Association (MCIA) is a certification organization that carries out inspection activities for the purpose of verifying compliance of agricultural produce, foods, food products, and feed to the *7 CFR Part 205, National Organic Program, Final Rule*. MCIA was accredited as a certifying agent on April 29, 2002, to the National Organic Program (NOP) for crops and handling operations; on June 4, 2004 for wild crops; and on October 19, 2007 for livestock. As of July 03, 2012, 103 certified operations were certified by MCIA to the following



scopes: crop: 48; wild crop: 2; livestock: 3; and handlers: 50 (processors: 46; distributors: 1; traders: 2; and retailers: 1). The majority of clients are certified in the State of Minnesota with some clients in Indiana, Iowa, Michigan, Nebraska, North Dakota, and Wisconsin. MCIA only certifies clients to the NOP.

Additionally, MCIA has adopted the NOP recommendations for the disclosure of information concerning operations certified under the National Organic Program as published on November 23, 2011.

PERSONNEL:

The most current organizational structure for MCIA indicated that the following positions are relevant to NOP certification: A governing Board of Directors, President/CEO, General Manager/Manager Organic Services, Organic Certification Field Supervisor, Organic Account Coordinator, Organic Manager of Special Services, Organic Inspector Field Supervisor, two Organic Certification Specialists and fifteen inspectors, 9 of whom are contract inspectors and 6 that are staff inspectors including the field supervisors. Each of the administrative staff and contract inspectors has documented IOIA training.

Records indicated that each employee possesses the required education and experience in organic agricultural production and handling techniques to perform the duties assigned. These employees include those responsible for assigning inspections, initial reviews, label and input reviews, and decisions on certification. Confidentiality, conflict of interest declarations and performance evaluations were on file for each of those performing work.

Contract employees include 9 full and part-time inspectors. Four inspectors are approved to perform inspections for all scopes; four are approved for crops, livestock, and handling only; and one inspector is approved for crops only. Records indicated that each contracted person possesses the required education and experience in organic agricultural production and handling techniques to perform the duties assigned. Confidentiality, conflict of interest declarations and performance evaluations were on file for each of the contract inspectors. The review of files confirmed that no inspector performed services outside the scopes of inspection for which they are approved.

CERTIFICATION PROCESS:

Requests for certification to MCIA are handled by the organic account coordinator/organic certification specialist and are received mainly by phone or by email. When requests for certification are received, the applicant is provided a certification packet either by mail or electronically. The packet information is also available on the MCIA website along with a link to the most current NOP Regulations. When the completed documents are received, one of five assigned staff conducts a full initial review to ensure completeness and the ability to comply. This staff of five is comprised of the Certification Field Supervisor, Manager of Special Services, Certification Specialist (2), and/or the Accounts Coordinator is also responsible for the review of any labels requested for use and the initial materials review. Complex material reviews are contracted. Members of this group also serve on the Certification Committee that reviews post-

inspection details. MCIA procedures preclude a person who performs the initial review from serving on the Certification Committee for that file.

Once an inspection report is completed and filed with the MCIA office, the Certification Committee conducts a final review of the report and all associated documents, including changes to the organic system or handling plan made during the inspection. The committee recommends one of three options: issuing a contract, issuing a contract with conditions that must be met within a certain time frame, or requesting additional information from the operation or the inspector. If additional information is needed, the certification process does not continue until all information requested by the committee is received. When the information is received, including any samples taken, and provides adequate amounts of information to allow a certification decision to be made with a high degree of confidence, the operation's file is forwarded to the General Manager for the certification decision and the issuance of the certificate.

Records reviewed indicated that annual updates to each certified operation's organic system plan and the required subsequent annual inspections are being conducted in accordance with the Rule. Records were requested and provided for operations that have been issued notices of proposed suspensions/revocations; notices of suspension/revocations; and investigations conducted due to complaints received. There were no identified discrepancies with the notifications issued or the review process. Since the previous USDA on-site assessment conducted in 2009, MCIA has issued one Notice of Denial of Certification certification to one applicant and Notices of Suspension to four others. There have been no requests for mediation and/or appeals filed with NOP.

### FEES

The MCIA fee schedule is supplied to applicants as required. The fee schedule includes non-refundable information. The fee schedule outlines the various set costs for the certified operations. The fees appear to be reasonable and the schedule is clear in the amounts to be charged.

### WITNESS INSPECTIONS:

Four witness inspections were completed as a part of the 2012 renewal assessment. A crop/livestock inspection and a wild harvest inspection were completed during the on-site assessment on July 10, 2012. Witness inspections of a marketing/trading operation and a retail (grocery chain) handler were completed on April 5, 2012 and April 12, 2012 respectively.

### Trader/Marketer

The marketing/trading operation was an importer, handler, and re-packager of dehydrated fruit and blends of fruit. The only organic product processed since the previous inspection was coconut. There are no inputs and the product is purchased from sources that provide certificates to ensure NOP status. The bulk fruit is either re-packaged into a smaller bag or container or is blended with other fruits to meet the demands of various marketing strategies. Certified product is only processed for specific orders; therefore, there is no inventory of raw certified or finished

certified product. Each fruit is ordered specifically for an order in quantities that will not create inventory, and surplus is used in conventional blends. Each label for coconut was verified during the inspection as having been approved by MCIA. There were no samples taken during the inspection; however, the company regularly samples and tests all products since the origin of their purchased fruit is from Sri Lanka and other foreign sources with questionable management practices. Two purchase orders were tracked through the purchase, production and sales process. Total 2011 organic sales were calculated as 3% of total sales which was two times more than the 1.5% listed in the organic handling plan (OHP). Strong demand for organic coconut was verified as justification for the disparity in the OHP. A thorough exit interview concluded the inspection with no findings.

This witness inspection was an actual inspection conducted by a contract inspector and was completed in approximately 2 hours. The inspector received the previous inspection report, the revised and updated OHP and all labels in preparation for the inspection, and carried a copy of the 2012 NOP Standards. The contract inspector is IOIA trained and has been performing organic inspections since 2005 for various certifying agents specializing in crops, livestock, and handling. This was a thorough and complete inspection.

#### Retail/Handler

The retail chain markets organic produce that is labeled and sold in bulk and is also packaged individually. The company has a uniform procedure for product receiving, preparation and cleaning, labeling and storage. A central distribution center verifies all incoming product as organic prior to distribution to any of the markets. No organic product originates from a location other than the distribution center. Each store has a designated holding area for organic produce. Organic dedicated equipment (knives/cutting boards) are well marked. The inspector verified that there are minimal inputs. The inspection consisted of 2 retail markets and the distribution center. The inspector previously inspected some of the other stores and continued the inspection of the remaining stores in the following days. Each store is inspected as a part of each certification update. In addition to the actual inspection, the inspector reviewed each of the internal organic walk-through audits, which is an internal self-audit for organic integrity that the company performs. The inspector reviewed all labels in use and verified each as being previously approved by MCIA. These were included in the inspection packet along with the previous inspection report. Since this was an actual two week inspection, the exit interview for the entire inspection could not be conducted at the time of the assessment but a general exit interview was conducted for the benefit of the NOP witness inspection. The exit interview was very thorough and no issues were identified.

#### Wild Harvest

The wild crop operation is based on 190 acres of native maple forest in northwest Minnesota. There are no other agricultural activities on the property that is located on the peninsula of Star Lake. Only one conventional soybean field abuts the property but is separated by a grove of fully mature trees. This area is currently being managed according to a plan submitted to and approved by the DNR Forest Stewardship Plan. There are 6,000-10,000 tappable maple trees on this property; however, the collection scheme is only currently tapping 1,200 trees.

Diatamaceous earth, paper filters, and bleach are the only inputs along with hot water generated from wood fired boiling process for the sap. This was an actual inspection in which the inspector used a version of the Inspection Report-Wild Crop and the Inspection Report-Handler into one document. They are two separate documents that should have been used. The information gathered, however, was adequate to verify compliance. The inspector was an employee of MCIA and was the former General Manager. All labels were provided in the inspection packet along with the previous inspection report. The same inspector did the inspection in 2011. The labels being used were verified as being those approved by MCIA, including the use of the USDA Seal. An exit interview was conducted with the owner. Storage of bottled organic syrup under conventional syrup in the bottling room was the only observation during the exit interview.

#### Crop/Livestock

The combined crop/livestock operation consists of 250 head of beef cattle and 1104 acres of hay and pasture land that provide the primary source of forage for the herd that consists of 154 cows, 92 calves and 4 bulls. This was an actual inspection and the inspector was a contract inspector to MCIA with no conflict of interest for this project. Crops and land use for organic integrity were verified during the inspection. Records showed that non-organic untreated millet seed was used for planting, and the origin of livestock, feed, and the livestock health care practices were reviewed. Two products not previously approved were documented as having been used, and the inspector collected additional information on the health care products for MCIA to review. Verification of NOP compliance for these products was not able to be determined during the inspection. Overall, the inspection verified that the operation is in compliance with the NOP regulations except as identified in the exit interview which included record keeping and health care product approval.

#### **FINDINGS**

Observations made, interviews conducted, and procedures and records reviewed verified that MCIA is currently operating in compliance to the requirements of the audit criteria. The corrective actions for the non-compliances identified during the 2009 Deferred/Mid-Term Audit were verified and found to be implemented and effective and the non-compliances were cleared. There were no new non-compliances identified during this assessment.

**NP7033DDA.NC2 – Cleared**  
**NP9117OOA.NC1 – Cleared**  
**NP9117OOA.NC2 – Cleared**  
**NP9117OOA.NC3 – Cleared**  
**NP9117OOA.NC4 – Cleared**