



# United States Department of Agriculture

Agricultural Marketing Service  
National Organic Program

## **MIDWEST ORGANIC SERVICES ASSOCIATION**

**122 West Jefferson Street, Viroqua, Wisconsin, 54665, 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-30-24**

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

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

Issue Date: **10/30/2024**

**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, parental 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  
1400 Independence Avenue, SW.  
Room 2642-South, STOP 0268  
Washington, DC 20250-0268

## NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

### GENERAL INFORMATION

- **Certifier Name** Midwest Organic Services Association, (MOSA)
- **Physical Address** 122 West Jefferson Street, Viroqua, Wisconsin 54665, U.S.A.
- **Audit Type** Renewal Audit
- **Auditor(s) & Audit Dates** Alicia Hudson, Alison Howard, Judith Bradley 05/26/2022 to 06/17/2022
- **Audit Identifier** NOP-28-22

### CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted a desk Renewal Audit of Midwest Organic Services Association's (MOSA) USDA organic certification program covering the period February 19, 2021 to June 17, 2022. The purpose of the audit was to verify MOSA'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 MOSA personnel, a records audit and three onsite witness audits. The three witness audits consisted of an annual inspection of a crop/livestock operation in Pennsylvania, an annual inspection of a crop/wild crop operation and an annual inspection of a handling operation in Wisconsin.

MOSA is a non-profit organization initially accredited on April 29, 2002. MOSA is accredited to the crops, wild crops, livestock, and handling scopes. MOSA's office is in Viroqua, Wisconsin. MOSA certifies 2013 operations and offers certification services in Arkansas, California, Colorado, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Nebraska, New Jersey, Nevada, New York, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, and Wisconsin. Certification activities are performed by 35 staff and approximately 50 contract inspectors.

## **NOP DETERMINATION:**

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

### **Noncompliances from Prior Assessments**

**AIA-2563-20 - Cleared.**

**AIA-2565-20 - Cleared.**

**AIA-2922-20 - Cleared.**

**AIA-5946-21 - Cleared.**

**AIA-5947-21 - Cleared.**

**AIA-5948-21 - Cleared.**

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

**AIA-1824-22 - Accepted.** 7 C.F.R. §205.404(b)(1-4) states, “The certifying agent must issue a certificate of organic operation which specifies the: (1) Name and address of the certified operation; (2) Effective date of certification; (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and (4) Name, address, and telephone number of the certifying agent.”

**Comments:** *MOSA’s organic certificates are missing the required elements identified in **NOP 2603 Organic Certificates**. The auditor’s review of certificates found that MOSA’s certificates state, “Certified Organic under the USDA National Organic Program 7 CFR PART 205” instead of the required language, “Certified to the USDA organic regulations, 7 CFR Part 205.”*

**Corrective Action:** MOSA updated the print form used for issuing certificates and updated all certificates. As of the implementation of the Strengthening Organic Enforcement rule, MOSA uses the Organic Integrity Database to generate organic certificates.

**AIA-1826-22 - Accepted.** 7 C.F.R. §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 each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.”

**Comments:** *MOSA conducted an annual inspection of an operation that did not include all sites. The auditors’ review of completed inspection reports found that MOSA’s inspector did not visit the wild crop production area during a 2021 inspection of a crop and wild crop operation. MOSA’s final reviewer did not identify this portion of the inspection as incomplete.*

**Corrective Action:** During a September 2023 inspector meeting, MOSA reminded inspectors

that all portions of operations need to be inspected annually and that if there are areas that are not inspected to note that in the inspector summary section. MOSA created a view in its database that lists all additional/off-site locations to aid in inspector planning. MOSA reviewers are also expected to report any areas that were not viewed during the inspection. The Certification Services Director reviews this information weekly and assigns additional inspections, as needed, to ensure all areas are inspected. Beginning in January 2023, MOSA also moved the off-site/additional location information out of the OSP and into the annual update to ensure this information is verified annually. MOSA reviewed 230 2023 annual inspection reports and determined there were no instances where not all portions of the operation were reviewed during the inspection.

**AIA-1827-22 - Accepted.** 7 C.F.R. §205.403(c)(1) states, “The onsite inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations in this part;”

**Comments:** *MOSA’s inspectors do not fully verify an operation’s compliance with the USDA organic regulations. The auditors’ review of completed inspection reports and auditor observations during witness audits found that inspectors are not adequately verifying the following:*

- 1. For one crop and wild crop operation, the MOSA inspector was unable to complete a mass balance exercise due to incomplete records. The inspector did not identify this as an issue of concern and instead noted the operation had "excellent records" in a section of the inspection report following the audit trail section.*
- 2. As part of a witness audit, a handler reported that storage of sales records and invoices are at an off-site location. The inspector did not collect information related to that off-site location.*
- 3. During two witness audits, MOSA inspectors did not verify actual production records during inspection. Examples of records the inspector did not examine during the inspection include purchase documentation of inputs and ingredients, supplier certificates, commercial availability documentation, sales records, and field activity records.*

**Corrective Action:** The operation in point one has surrendered, MOSA has made a note for the next inspector to collect more detailed information on off-site locations for the operation in point two, and MOSA requested and reviewed additional information from the operation in point three. MOSA reminded inspectors to list issues of concern in the exit interview, document off-site locations discovered during the inspection, and not rely on verbal accounts of records but rather review documentation and note if it is incomplete. Effective May 17, 2023, MOSA created an Inspector Team Leader role to provide focused oversight of inspectors. The team lead will review inspection reports and provide feedback to inspectors, as needed, to ensure inspectors are adequately verifying compliance.

**AIA-1828-22 - Accepted.** 7 C.F.R. §205.403(c)(1) states, “The onsite inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations in this part;”

**Comments:** *MOSA’s inspectors do not fully verify an operation’s compliance with the USDA organic regulations. During a witness audit of a livestock inspection and during the review of completed inspection reports, the auditors found the following:*

- 1. MOSA’s inspectors do not verify ruminants’ dry matter demand (DMD) values and dry matter intake (DMI) from pasture using the producer’s records, documenting each type*

*of actual feed fed, as required by §205.237(d)(2). The auditors found that MOSA's inspectors used estimated rations from the producer's organic system plan (OSP) to verify the ruminants' DMD values and DMI obtained from pasture during the grazing season and transcribed this information into the Grazing Season Ration Workbook.*

2. *MOSA's inspectors do not verify that all classes of ruminant animals graze throughout the entire grazing season as required by §205.237(c)(1). MOSA's inspector did not include complete information in the inspection report verifying the producer's grazing season, including start dates, end dates, total days grazed and confinement dates for each class of animal.*
3. *A producer's Grazing Season Ration Workbook combined two different classes together, specifically, lactating cows and dry cows, for livestock feed rations, DMD values and DMI from pasture, which is not compliant with §205.237(d)(1)(2). The inspector did not identify this as an issue of concern and combined the classes in their own calculations and when documenting the grazing season dates.*
4. *MOSA's inspectors do not verify the feed rations for calves 6 months and under as required by §205.237(d)(1)(2).*

**Corrective Action:** Effective May 17, 2023, MOSA created an Inspector Team Leader role to provide focused oversight of inspectors. The team lead will review inspection reports and provide feedback to inspectors, as needed, to ensure inspectors are adequately verifying compliance. MOSA corrected the specific points in the noncompliance in the following ways: MOSA discussed points one and two of the noncompliance with the specific inspector, reminded all inspectors to review actual records to verify compliance, and updated its livestock inspection report template to provide more specific instructions. MOSA reviewed point three with inspectors during an April 3, 2023 inspector refresher training. To address point four, MOSA added a question to its livestock inspection report requiring inspectors to conduct a feed as fed audit for calves 6 months and under.

**AIA-1829-22 - Accepted.** 7 C.F.R. §205.403(d) states, "The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern."

**Comments:** *MOSA's exit interviews do not fully comply with the requirements of the USDA organic regulations. The auditors' observations during witness audits and review of completed inspection reports found that the inspectors did not identify potential noncompliances observed during the inspections and documented elsewhere in the inspection report as issues of concern on MOSA's exit interview form. Examples include recordkeeping deficiencies, extended confinement of cattle during the grazing season, missing records, incomplete or inaccurate Organic System Plans (OSP), disparate grazing seasons by class of animal, and inability to conduct an audit trail exercise due to lack of records.*

**Corrective Action:** MOSA provided feedback to the individual inspectors. MOSA reviewed this noncompliance with inspectors during an April 3, 2023 inspection refresher training. If MOSA identifies an inspector as needing improvement during the inspector's annual review, MOSA requires the inspector to submit inspection reports directly to the Inspector Team Leader for review and feedback. The Inspector Team Leader will review inspection reports and provide feedback to inspectors, as needed, to ensure exit interviews comply with the regulatory requirements.

**AIA-1830-22 - 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:** *MOSA does not demonstrate the ability to fully comply with the requirements for accreditation. The auditors’ review of certification files demonstrates that MOSA is not fully verifying an operation’s compliance with the USDA organic regulations. The auditors found the following:*

1. *MOSA’s wild crop inspection report does not prompt inspectors to record verification of the wild crop recordkeeping system as required by **NOP 5022 Wild Crop Harvesting**.*
2. *MOSA’s livestock inspection report does not prompt inspectors to verify ration or feed fed record verification points for livestock under six months of age, which is a requirement of §205.237(d)(1)&(2).*

**Corrective Action:** MOSA updated its wild crop inspection report template to include questions that prompt the inspector to verify commingling and contamination prevention; the operation’s description of harvesting, storage, and transportation; and the operation’s description of labeling, sales, and recordkeeping activities. MOSA also updated its livestock inspection report to include a prompt for inspectors to conduct a feed as fed audit for calves under six months. MOSA reviewed the changes with inspectors during the 2023 Annual Inspector Refresher meeting.

**AIA-1831-22 - 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:** *MOSA does not carry out the provisions of the Act and regulations. MOSA does not consistently identify incomplete or inaccurate organic system plans (OSP) during the initial review, the on-site inspection, and the final certification decision stages. The auditors’ review of MOSA’s certification files and interviews with MOSA certification staff found incomplete or inaccurate information in OSPs. Examples of incomplete or inaccurate OSPs include:*

1. *One crop OSP has not included buffer or crop rotation information since 2018. MOSA did not identify the OSP was incomplete in the 2021 initial review letter, the inspection report, or the final review determination letter.*
2. *One handling OSP had questions left blank and the OSP contained an out-of-date list of certified products that had been updated at the previous inspection.*
3. *One livestock OSP did not include documentation of housing for animals at each stage of life. Specifically, the operation did not include any information for its heifer or calf housing in its OSP.*

**Corrective Action:** MOSA took the following actions to address the noncompliance: removed redundant questions from OSP templates, updated its inspection report templates to include more prompts for the inspector to verify the OSP sections for completeness and accuracy, added a specific instruction in its final review training document that instructs the reviewer to review each OSP in its entirety to ensure every question has an answer, changed its process to provide all paper clients with their OSP annually starting in 2023, and developed an OSP comparison tool to help Certification Specialists identify any changes an operation made to its OSP. MOSA implemented the updated OSP template in January 2023 and the updated inspection report templates in April 2023.

**AIA-1833-22 - 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:** *MOSA is not carrying out the procedures of NOP 2613 Instruction Responding to Results from Pesticide Residue Testing. The auditors' review of pesticide residue sample test results and the notices MOSA subsequently sent to the operation found that MOSA did not sufficiently assess why residues were present when the test results indicated presence of a prohibited substance below five percent of the EPA tolerance.*

**Corrective Action:** MOSA followed up with the operation to determine the cause of the contamination. When an operation cannot determine the source, MOSA requires next year's inspector to take a sample from the same location where the detection was found the previous year. MOSA reminded inspectors of this during a September 2023 inspector meeting. MOSA also required all review staff to complete the Sampling and Testing training in the Organic Integrity Learning Center.

**AIA-1834-22 - 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:** *MOSA does not have a sufficient number of personnel to implement its USDA organic certification program. MOSA is not consistently issuing notices of proposed suspension in a timely manner after a certified operation fails to successfully correct or rebut a noncompliance. The auditor reviewed certification files and found three instances where MOSA issued a notice of proposed suspension 35 or more days after the deadline for the operation to respond to the notice of noncompliance.*

**Corrective Action:** MOSA determined that the three instances were related to operations not submitting fees. MOSA updated its Noncompliance and Adverse Action Event Checklist and Process Document to specify when an extension to responding to a noncompliance may be appropriate and informed staff of this change on September 5, 2023. MOSA also adjusted staff responsibilities to increase capacity for the staff responsible for managing fee-related noncompliances.

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

### **GENERAL INFORMATION**

- **Certifier Name** Midwest Organic Services Association, MOSA
- **Physical Address** 122 West Jefferson Street, Viroqua, Wisconsin 54665, U.S.A.
- **Audit Type** Mid-term Assessment (Desk-audit)
- **Auditors & Audit Dates** Sherry Aultman, Patricia Bursten, 02/16/2021 to 02/19/2021
- **Audit Identifier** NOP-112-21

### **CERTIFIER OVERVIEW**

Midwest Organic Services Association, Inc. (MOSA) is a non-profit corporation located in Viroqua, Wisconsin. MOSA was initially accredited by the USDA National Organic Program (NOP) on April 29, 2002 to certify crops, wild crops, livestock, and handling operations. All key certification activities are conducted from the Viroqua office.

MOSA certifies 2104 operations: 1831 crops, 40 wild crops, 771 livestock, and 322 handling operations. MOSA does not certify grower groups. MOSA certifies operations in Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Dakota, Tennessee, Utah, and Wisconsin.

MOSA's organic certification program staff consists of an Executive Director, a Director of Certification Services, 8 Department Managers, 3 Material Review specialists, 19 Certification Reviewers/Officers, 1 Staff Inspector, 42 Contract Inspectors, 4 Administrative Staff, and 6 Board of Directors. MOSA also has an IT department to assist with their database systems.



## **NOP DETERMINATION:**

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

### **Non-compliances from Prior Assessments**

**AIA-2562-20 - Cleared**

**AIA-2564-20 - Cleared**

**AIA-2566-20 - Cleared**

**AIA-3319-20 - Cleared**

**AIA-2563-20 - Accepted.** (NOP-95-17.NC2) - 7 C.F.R. §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... Tests conducted under paragraphs (b) and (c) of this section will apply to the minimum percentage of operations."

**Comments:** *MOSA did not sample and test a minimum of five percent of the operations it certified in 2016. MOSA did sample and test a minimum of five percent of the operations it certified in 2015 and 2017.*

**Corrective Action:** MOSA clarified that it did not meet the minimum residue testing requirements in 2016 because of insufficient infrastructure in the Inspection Department and a staff change in the Inspection Manager position. MOSA hired an Inspection Assistant, who is responsible for coordinating with the Inspection Manager, and tracking residue sampling documentation and the sampling log. MOSA is currently on track to complete the required five percent testing in 2018.

**Verification of Corrective Action:** MOSA did not sample and test a minimum of five percent of its certified operations in 2019, sampling 106 out of 2123 operations (4.9%) and did not meet the minimum in 2020, sampling 103 out of 2102 operations (4.9%). MOSA did meet the requirements in 2018 by sampling 109 out of 2107 operations (5.2%).

**2021 Corrective Actions:** MOSA increased their residue sampling target, established a monitoring plan, updated inspection assignment information, and is requiring training. Specifically,

- MOSA increased their residue sampling target to 7.5% of operations to account for incomplete assignments and started tracking assignments based on calendar year rather than the internal certification cycle. MOSA submitted their "2021 Master Residue Sampling Spreadsheet," which shows that 7.5% of operations were designated for residue sampling in 2021. MOSA submitted the "2021 Year End Residue Sampling-Testing Report," which shows that they sampled 119 of their operations (over 5%) in 2021.
- The Inspection Manager will regularly report sampling progress to the Certification Services Director and the Certification Management Team will monitor progress at weekly Inspection Department check-ins.

- To prevent inspectors from overlooking residue sampling assignments, MOSA updated the Inspector Summary in the inspection assignment database so that assignments are highlighted. MOSA submitted an example of an inspector assignment with the sampling assignment highlighted to the NOP.
- MOSA required the Inspection Assistant, Inspection Department Manager, Staff Inspectors, and Certification Services Director to complete the Organic Integrity Learning Center training course titled, *NOP-120 Sampling and Testing* by the end of 2021.

**AIA-2565-20 - Accepted.** (NOP-95-17.NC4) - 7 CFR §205.501(a)(21), states that certifiers must “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2609, Instruction Unannounced Inspections, Section 4.1.1 instructs certifying agents to “conduct unannounced inspections of 5 percent of their total certified operations per year...”

**Comments:** *In 2015 and 2016, MOSA did not conduct unannounced inspections to attain the minimum of five percent of their total certified operations. MOSA did conduct unannounced inspections of five percent of their operations in 2017.*

**Corrective Action:** MOSA clarified that it did not meet the minimum unannounced inspection requirements in 2015 and 2016 because of insufficient infrastructure in the Inspection Department and a staff change in the Inspection Manager position. Starting in 2017, MOSA’s Inspection Coordinator has taken on an increased role in assigning, tracking unannounced inspections, and working with the Inspection Manager to ensure that the required number of unannounced inspections are accomplished. MOSA assigns unannounced inspections for more than five percent of clients to ensure that the minimum requirement is met.

**Verification of Corrective Action:** MOSA did not conduct unannounced inspections on a minimum of five percent of its certified operations in 2019, inspecting 91 of 2123 operations (4.3%) and did not meet the minimum in 2020, inspecting 48 of 2102 operations (2.2%). MOSA did meet the requirements in 2018 by conducting unannounced inspections on 110 out of 2107 operations (5.2%).

**2021 Corrective Actions:** MOSA increased their unannounced inspection target, established a monitoring plan, and implemented changes to address capacity limitations. Specifically,

- MOSA increased the target for unannounced inspections to 7.5% of operations and started tracking assignments based on the calendar year rather than the internal certification cycle. MOSA submitted their 2021 inspection tracking dashboard which tracks assigned and completed unannounced inspections. MOSA also submitted their “2021 Year End Unannounced Inspection Report,” which shows that they conducted 115 unannounced inspections (over 5%) in 2021.
- The Inspection Manager and Certification Services Director will monitor progress weekly.
- MOSA developed a Staff Unannounced Virtual Inspections plan to allow trained staff reviewers to conduct unannounced virtual inspections. MOSA submitted the Staff Unannounced Virtual Inspection purpose and process document to the NOP.
- MOSA created a 2021-2023 Growth Plan, which proposes limiting new applicants to areas within MOSA’s geographic capacity. MOSA submitted the growth plan to the NOP.

**AIA-2922-20 - Accepted.** 7 C.F.R. §205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.”

**Comments:** *MOSA does not consistently issue its certified operations a Notice of Noncompliance, even though the review of the inspection report finds that the operation does not comply with the USDA organic regulations. The reviewer found instances where MOSA did not provide operations with a written notification of noncompliance for noncompliant practices identified during the operation’s onsite inspection. The noncompliant practices were relayed to the operations as “Additional Information Needed” in the Pre-Decision Requirements Letter. In one instance, MOSA’s inspection determined that the operation would not comply with the requirements of the pasture rule. MOSA did not issue the operation a noncompliance but instead requested additional information from the operation.*

**Corrective Action:** MOSA’s Pre-Decision Requirements (PDR) Letter states that the operation’s failure to respond to the PDR Letter could result in the issuance of a Notice of Noncompliance to the operation. MOSA identified that while the operation was issued a Notice of Noncompliance for not responding to the PDR Letter, this Notice of Noncompliance did not include noncompliances for those specific concerns identified in the PDR Letter. In response, MOSA has implemented the following corrective actions:

- MOSA held a meeting on October 23, 2020 with the Certification Review Team to review the NOP Notice of Noncompliance. MOSA then held a training on “Standards Requirements and Procedure Change Related to Pre-Decision Requirements Letters and Noncompliance Notices” on November 23, 2020. MOSA provided a training agenda and list of attendees.
- MOSA plans to hold further refresher training for Certification Department staff on noncompliance and adverse action requirements, decision-making and procedures. MOSA provided an updated version of its training document Noncompliance and Adverse Action Training and has tentatively scheduled this training to be completed by the end of the first quarter of 2021.
- MOSA will continue having all noncompliance, PDR letters and adverse action letters reviewed by managers in the certification department before the letters are sent to MOSA’s operations. MOSA will put added focus on ensuring appropriate enforcement action is taken when Notices of Noncompliance are issued due to lack of response to a PDR Letter.

**Verification of Corrective Action:** The auditors verified that MOSA provided training to certification staff on noncompliances and adverse actions and reminded staff about trainings available in the Organic Integrity Learning Center. The auditors also verified that MOSA has an active peer review and manager review process to provide guidance and assistance to certification staff regarding their decisions on issuing noncompliances versus Pre-Decision Requirements letters. However, because the majority of files reviewed during this assessment were dated prior to MOSA’s implementation of these corrective actions in November 2020, the auditors could not fully verify that MOSA’s corrective actions have been effective in preventing a reoccurrence of the noncompliance. Therefore, the NOP will assess the effectiveness of MOSA’s corrective actions during their next audit.

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

**AIA-5945-21 - 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:** *MOSA’s review and inspection process do not always verify an operation’s compliance with the USDA organic regulations. The auditors’ review of four livestock certification files found that MOSA reviewers and inspectors are not consistently verifying an operations’ compliance with the provisions of §205.237(c)-(d) and §205.239(a). Specifically, MOSA is not always requiring and/or verifying the following documentation (for each type and class of animal):*

- *Total feed ration with the percentage of each type of feed (including pasture), the amount of feed actually fed, and documentation of all ration changes during the grazing season; and*
- *Complete outdoor access records including total days grazed, temporary confinement and justification for temporary confinement.*

**Corrective Action:** MOSA implemented a new organic system plan (OSP) worksheet, continues to update its livestock inspection report, conducted training, and established a livestock cohort. Specifically,

- MOSA replaced their “Summer/Winter Ration” OSP worksheet with a new “Grazing Season Ration Workbook,” which requires operations to provide a more complete livestock dry matter intake (DMI) calculation. MOSA submitted the “Grazing Season Ration Workbook” to the NOP.
- MOSA updated their livestock inspection report in April 2021. The inspection report requires inspectors to verify outdoor access records including total days grazed, temporary confinement, and justification for temporary confinement. MOSA submitted the updated report to the NOP. MOSA will make additional updates to the livestock inspection report in February 2022. The updated report will include questions asking for the calculated DMI from grazing, by group, during the grazing season; how the DMI was calculated; and a description of records that were available documenting feed as fed and ration changes.
- On May 3, 2021, MOSA conducted an in-house training for reviewers, staff, and contract inspectors focused on completing and reviewing the updated livestock inspection report. The training also included instruction on how to adequately document the records that were verified at inspection and use of the “Grazing Season Ration Workbook.” MOSA submitted the training slides and an attendance list to the NOP.
- To allow for more focus and specialization on livestock-specific issues, MOSA created a livestock-specific review cohort that is now responsible for all livestock reviews. This cohort meets monthly to discuss livestock compliance issues.

**AIA-5946-21 - Accepted.** 7 C.F.R. §205.501(a)(6) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services.”

**Comments:** *MOSA did not implement their alternate policy for inspector field evaluations per the requirements of NOP 2027 Personnel Performance Evaluations and failed to conduct inspector field evaluations in 2020 for any inspectors. MOSA’s policy requires that new inspectors receive an annual field evaluation for the first three years in which they inspect for MOSA. The auditors’ review of 2020 field evaluations found that five new inspectors did not receive a field evaluation, and two inspectors did not receive a field evaluation within a three-year period as required by MOSA’s policy.*

**Corrective Action:** MOSA explained that COVID-19 challenges resulted in a failure to fully implement their alternate policy in 2020. MOSA submitted documentation showing that seven field evaluations were conducted in 2020 and 43 of the 44 required field evaluations were conducted in 2021. MOSA submitted justification for the reason why one field evaluation was not conducted. MOSA’s Certification Services Director will communicate weekly with the Inspection Manager to monitor the progress of the Inspector Annual and Field Evaluation Schedule. MOSA submitted the Inspector Annual and Field Evaluation Schedule to the NOP.

**AIA-5947-21 - 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:** *MOSA’s inspectors and review staff do not have sufficient expertise in organic production or handling techniques to perform the duties assigned. The auditors’ review of four certification files found that inspectors are not collecting the records needed to conduct mass balances and traceback exercises and verify the operation’s organic system plan. The auditors found the following:*

- *For two files reviewed by the auditors, the mass balance exercise did not include enough information about the operation’s actual crop yield, including the total quantity harvested and the unit of measure, for the inspector to verify that the quantity of feed purchased by the operation and the crop yield declared in its OSP were reasonable.*
- *For one file reviewed by the auditors, the traceback exercise was limited in scope to one cow and her progeny.*
- *For one file reviewed by the auditors, the mass balance exercise was missing the quantities of the beginning and ending inventories for the product and time frame chosen.*
- *For four files reviewed by the auditors, the inspector did not compare the quantity of seed purchased and the acreage planted to the actual crop yield to determine if the yield was reasonable. Additionally, the inspector did not compare the quantity of crop harvested to the amount of crop that was either sold or fed.*
- *For three dairy files reviewed by the auditors, the mass balances did not include the documentation needed to verify that the amount of milk produced by the herd corresponded to the quantity of milk shipped.*
- *For three files reviewed by the auditors, the inspector did not conduct a mass balance.*

**Corrective Action:** MOSA updated forms, implemented monitoring, conducted training, and is requiring additional training as part of their corrective actions. Specifically,

- MOSA updated their livestock inspection report to include sections for inspectors to conduct audits of a single animal or group of animals and of livestock product such as milk, eggs, or meat. The updated report also instructs the inspector to include appropriate records and documentation including the new “Grazing Season Ration Workbook.”
- MOSA implemented a monitoring program for reviewing and identifying insufficient inspection audit exercises including providing inspectors with clear, specific feedback throughout the season. Additionally, MOSA will provide feedback at annual inspector training sessions.
- MOSA outlined inspection audit requirements during their October 2021 Inspector Roundtable. MOSA submitted notes and an attendee list from the discussion to the NOP. MOSA presented the NOP audit results to staff during a Certification Review Team Meeting on September 2, 2021. MOSA submitted the meeting agenda and minutes to the NOP.
- MOSA is requiring all members of the Certification Department to complete the following trainings in the Organic Integrity Learning Center: NOP-140: Recordkeeping, NOP-320: Conducting Yield Analysis, and NOP-080: Traceability Techniques in 2022.

**AIA-5948-21 - Accepted.** 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:** *MOSA is not consistently conducting investigations required for positive samples per NOP 2613 Responding to Results from Pesticide Residue Testing. MOSA did not investigate why a sample of seed corn tested positive for GMO's in 2018. The MOSA reviewer noted that the producer should investigate and provide follow-up information at the inspection in 2019. There were no instructions regarding the investigation provided to the inspector, and no follow-up was reported in the inspection report. Additionally, MOSA did not fully complete an investigation for a positive residue detection of feed oats in 2020. The initial investigation implicated a second MOSA certified operation and MOSA did not follow up with that operation.*

**Corrective Action:** MOSA updated their “Residue and GMO Test Review and Documentation Process.” The document includes the following requirements:

- Further investigation, including some cross-check with the other operation and/or their certifier, in cases where a positive sample comes from another certified operation's product.
- Reviewing and entering positive detections into the database as part of the annual final review event. If MOSA has already conducted the annual final review, then they will create an additional final review event in the database to capture the positive residue result.

MOSA trained their staff on the process and the new requirements for investigations during a staff meeting on September 13, 2021. MOSA submitted meeting notes to the NOP.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

An onsite renewal assessment of Midwest Organic Services Association, Inc. (MOSA) organic program was conducted on March 19-23, 2018. The National Organic Program (NOP) reviewed the auditor's report to assess MOSA's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

### GENERAL INFORMATION

<b>Applicant Name</b>	Midwest Organic Services Association, Inc.
<b>Physical Address</b>	122 W Jefferson Street, Viroqua, WI 54665
<b>Mailing Address</b>	122 W Jefferson Street, Viroqua, WI 54665
<b>Contact &amp; Title</b>	Cori Skolaski, Executive Director
<b>E-mail Address</b>	cskolaski@mosaorganic.org
<b>Phone Number</b>	608-637-2526
<b>Reviewer(s) &amp; Auditor(s)</b>	Bridget McElroy, NOP Reviewer; Penny Zuck and Graham Davis, On-site Auditor(s).
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective Action Review: November 7, 2018 NOP assessment review: August 6, 2018 Onsite audit: March 19-23, 2018
<b>Audit Identifier</b>	NOP 95-17
<b>Action Required</b>	No
<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 MOSA'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>	MOSA's certification services in carrying out the audit criteria during the period: August 2014 through March 2018.

MOSA is a non-profit corporation located in Viroqua, Wisconsin. Midwest Organic Services Association, Inc. (MOSA) was initially accredited by the USDA National Organic Program (NOP) on April 29, 2002 to certify crops, wild crops, livestock, and handling operations. All key certification activities are conducted from the Viroqua office.

MOSA certifies 2009 operations: 1788 crops, 35 wild crops, 896 livestock, and 219 handling operations. MOSA does not certify grower groups.

MOSA's organic certification program staff consists of an Executive Director, 8 Department Managers, 14 Technical Staff including Certification Reviewers and Staff Inspectors, 2

Inspection Department Staff, 43 Contract Inspectors, 2 Certification Customer Service Specialists, a Compliance Specialist/Cost Share Coordinator, a Database Administrator, a Finance/HR Assistant, 2 Administrative Staff, and 3 Administrative TEMP staff.

As part of the NOP's on-site audit, four witness audits were conducted: a dairy operation in Hillsboro, WI; a maple crop and handling operation in Viroqua, WI; a field crop operation in Kerryville, WI; and a garlic crop operation in Kerryville, WI.

## **NOP DETERMINATION**

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

### **Noncompliances 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 "**Accepted**" indicates acceptance of the corrective actions and verification of the implementation of those corrective actions will be conducted during the next onsite audit.

**NP417000A.NC1 – Cleared.**  
**NP417000A.NC2 – Cleared.**  
**NP417000A.NC3 – Cleared.**  
**NP417000A.NC4 – Cleared.**  
**NP417000A.NC5 – Cleared.**  
**NP417000A.NC6 – Cleared.**

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

**NOP-95-17.NC1 – Accepted.** 7 C.F.R. §205.662(a)(1) - (3) states, "...A written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: A description of each noncompliance [citation]; the facts upon which the notification of noncompliance is based; and, 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 auditors reviewed several Notices of Noncompliance, and all notices do not include the option to submit a rebuttal of the noncompliance(s). MOSA's Notice of Noncompliance Template does not include the option to submit a rebuttal of the noncompliance(s).*



**Corrective Action:** MOSA has added language to its Notice of Noncompliance template stating the operator's option to rebut noncompliance(s). Additionally, notices will be reviewed by the Operations Manager prior to their issuance to ensure that the rebuttal language is present.

**NOP-95-17.NC2 – Accepted.** 7 C.F.R. §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... Tests conducted under paragraphs (b) and (c) of this section will apply to the minimum percentage of operations.”

**Comments:** *MOSA did not sample and test a minimum of five percent of the operations it certified in 2016. MOSA did sample and test a minimum of five percent of the operations it certified in 2015 and 2017.*

**Corrective Action:** MOSA clarified that it did not meet the minimum residue testing requirements in 2016 because of insufficient infrastructure in the Inspection Department and a staff change in the Inspection Manager position. MOSA hired an Inspection Assistant, who is responsible for coordinating with the Inspection Manager, and tracking residue sampling documentation and the sampling log. MOSA is currently on track to complete the required five percent testing in 2018.

**NOP-95-17.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 or conditions determined by the Administrator to be necessary.” NOP 2613, Responding to Residue Results, Section 5.3.1(b), states that a certifier must issue a notice of noncompliance for violation of 7 CFR 205.671, having prohibited substances at levels greater than 5 percent of the EPA tolerance level.

**Comments:** *A 2016 potato sample tested positive for a prohibited substance at a level above 5 percent but below the EPA tolerance level. MOSA did not issue a notice of noncompliance to the operation.*

**Corrective Action:** MOSA has created a Residue and GMO Test Review and Documentation Process that includes specific information regarding when a notice of noncompliance must be issued. MOSA trained its staff on the new process on September 10, 2018.

**NOP-95-17.NC4 - Accepted.** 7 CFR §205.501(a)(21), states that certifiers must “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2609, Instruction Unannounced Inspections, Section 4.1.1 instructs certifying agents to “conduct unannounced inspections of 5 percent of their total certified operations per year...”

**Comments:** *In 2015 and 2016, MOSA did not conduct unannounced inspections to attain the minimum of five percent of their total certified operations. MOSA did conduct unannounced inspections of five percent of their operations in 2017.*

**Corrective Action:** MOSA clarified that it did not meet the minimum unannounced inspection requirements in 2015 and 2016 because of insufficient infrastructure in the Inspection Department and a staff change in the Inspection Manager position. Starting in 2017, MOSA's Inspection Coordinator has taken on an increased role in assigning, tracking unannounced inspections, and working with the Inspection Manager to ensure that the required number of

unannounced inspections are accomplished. MOSA assigns unannounced inspections for more than five percent of clients to ensure that the minimum requirement is met.

**NOP-95-17.NC5** – 7 C.F.R. § 205.501(a)(21) 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; Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” The NOP website provides instructions and the terms of international trade arrangements.

**Comments:**

- *International trade arrangements (importing and exporting) are not included in all Organic System Plan and Inspection Report templates.*
- *A TM-11 export certificate reviewed for product exported to Taiwan did not include the required statement, “Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances.”*
- *Labels reviewed by the auditor for retail products being exported to Canada under the US-Canada equivalency arrangement included some label information in both English and French, but not all label information was bi-lingual. The “certified organic by\*\*\*” statement, ingredient statement, and ‘produced by’ statement were bi-lingual but all information on the principal display panel was in English only.*
- *One NAQS import certificate issued for product exported to Korea did not include the statement, “Certified in compliance with the terms of the US-Korea Organic Equivalency Arrangement” All other NAQS certificates reviewed included the required statement.*

**Corrective Action:** MOSA has taken the actions described below and provided evidence of these actions to the NOP:

- Modifications for 2019 to the New Client Overview (NCO) and Annual Update (AU) forms, which connect with all Organic System Plans (OSP). The modifications include adding questions that capture whether an operation imports or exports organic products, and a listing of countries and products. MOSA’s inspection report already includes a question (number 4) about whether the NCO or AU were confirmed to be accurate and complete, ensuring information about importing/exporting will be reviewed.
- Updated its Certification Review Team (CRT) Policy Manual, which provides work instructions to reviewers, to include correct information regarding required statements for TM-11 export certificates for Taiwan and for NAQS certificates for the Republic of Korea, and additional detail on the bilingual labeling requirements for Canada.
- Delivered an update on proposed changes to international procedures to its staff on September 10, 2018.

## NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

### AUDIT AND REVIEW PROCESS

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

### GENERAL INFORMATION

<b>Applicant Name</b>	Midwest Organic Services Association (MOSA)
<b>Physical Address</b>	122 W. Jefferson St., Viroqua, WI 54665
<b>Mailing Address</b>	122 W. Jefferson St., Viroqua, WI 54665
<b>Contact &amp; Title</b>	Cori Skolaski, Executive Director
<b>E-mail Address</b>	<a href="mailto:cskolaski@mosaorganic.org">cskolaski@mosaorganic.org</a> ; <a href="mailto:mosa@mosaorganic.org">mosa@mosaorganic.org</a>
<b>Phone Number</b>	608-637-2526
<b>Reviewer(s) &amp; Auditor(s)</b>	Renée Gebault King, NOP Reviewer; Darrell Wilson, Lead Onsite Auditor, and Kathy Matejovsky, Trainee; Alan Kohles, Witness Inspection Auditor.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	NOP corrective action review: November 7, 2014-May 27 2015 NOP assessment review: September 19, 2014 Onsite audit: August 19-21, 2014 Witness inspection: June 19, 2014
<b>Audit Identifier</b>	NP14700OA
<b>Action Required</b>	Yes
<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 MOSA'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>	MOSA's certification services in carrying out the audit criteria during the period: May 2, 2013 through August 21, 2014

### ORGANIZATIONAL STRUCTURE:

The Midwest Organic Services Association (MOSA) is a non-profit, non-stock corporation registered in the state of Wisconsin, offering a third-party certification program and verification services to organic producers and processors/handlers. MOSA has been accredited as a certifying body since April 29, 2002 to the National Organic Program (NOP) for the scopes of crop, wild crop, livestock, and handling. MOSA currently has approximately 1,506 certified clients, which include 651 crops, 704 livestock, 36 wild crops, and 139 handling operations

certified to the NOP; no grower groups are currently part of MOSA's client base. The clients are certified in U.S., mostly in the Midwestern section of the country. All certification activities are conducted at the Viroqua office. MOSA does not have any other accreditations at this time.

The MOSA certification program staff consists of an Executive Director, a Quality Manager, an Administrative Manager, 3 Administrative Specialists, 1 Compliance Manager, 1 Certification Manager, an Inspector Manager/Inspector, an Inspection Coordinator, a Certification Specialist, 7 Certification Specialists/Inspectors, 2 Staff Inspectors, and 33 contracted inspectors.

A review of the files and interviews conducted verified that the organic certification staff had sufficient experience, training, and education or a combination thereof in agriculture, organic production, and organic handling. A review of the personnel files confirmed that annual conflicts of interest forms and confidentiality statements were current for all employees and contracted inspectors. However, performance evaluations for contract inspectors did not include an annual onsite evaluation as stated in the NOP 2027.

## **NOP DETERMINATION**

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

### **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.

**NP9222OOA.NC4 – Cleared**

**NP2240NNA.NC1 – Cleared**

**NP2240NNA.NC2 – Cleared**

**NP2240NNA.NC3 – Cleared**

**NP2240NNA.NC4 – Cleared**

### **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.

**NP4170OOA.NC1 – Accepted** – 7 CFR §205.404 (b)(1) states “The certifying agent must issue a certificate of organic operation which specifies the: Name and address of the certified operation;” Furthermore, NOP 2603, Organic Certificates, Section 3.2, states, “Certifying agents

must identify only one “person” (typically a farm or business as defined in 7 CFR § 205.2) on the organic certificate.” *One of the files reviewed consisted of 9 operations contracted to produce products for another certified operation was issued a certificate which contained the name of the entity contracting and the names of the 9 contracted entities.*

**Corrective Actions:** MOSA has updated the Terms and Conditions Agreement to obtain more specific information describing the identity and business structure of applicants, including subcontractors operating under a single certified operation. MOSA also revised the General Requirements section of the program manual, annual update form, general information form for new applicants and accompanying resources based on the instructions in NOP 4009 “Who Needs to be Certified?” MOSA developed a staff training document explaining the certification of groups that contain subcontractors under a single certified operation. MOSA’s policy for subcontractors requires they obtain individual certification in order to process certified product on behalf of another certified entity. Staff training on these items occurred February 5, 2015.

**NP417000A.NC2 – Accepted** – 7 CFR §205.406 (c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.” *During the witness inspection of the crop and livestock operation it was observed that the label being used for cucumbers contained the USDA Seal but did not meet the requirements outlined in section §205.311 of the NOP rule. It was further determined that this issue was known by at least some of the MOSA staff since the inspector indicated to the operator that he would be allowed to use up the remaining inventory of the noncompliant labels.*

**Corrective Actions:** MOSA reviewed USDA NOP training modules with staff to ensure all are aware of the label compliance requirements. MOSA subsequently issued a Notice of Noncompliance to the operator identified in the audit for incorrect use of the USDA organic seal on labels. The operator discarded the noncompliant labels, which was confirmed during a recent onsite inspection. Furthermore, MOSA has revised the label review procedures in the administrative manual and included information congruent with current USDA NOP label requirements, which will continue to be part of ongoing staff training and OSP reviews.

**NP417000A.NC3 – Accepted** – 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 for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.” *It was observed during the witness inspection of the crop and livestock operation that the inspector did not visit all of the fields associated with the certified operation and therefore did not verify compliance with the regulations.*

**Corrective Actions:** MOSA interviewed the inspector and discovered that the field in question was viewed during a separate, earlier inspection in 2014. MOSA confirmed that the earlier inspection report did not clarify this and therefore sent the inspector back to the farm during the growing season to review and document observations from prior field visits in 2014. MOSA has updated the inspection report template to include specific questions to gather information on

which fields/facilities were or were not inspected; the report template also requires inspectors explain why any fields/facilities were not views during the inspection. Staff training occurred on February 28, 2015.

**NP417000A.NC4 – Accepted** – 7 CFR §205.501 (a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” The training module, International Trade Arrangement, dated February 20, 2014, states that the certifiers must verify certified operations’ compliance to USDA organic trade arrangements during certification process, including during onsite inspections. *Compliance requirements of the applicable JAS and EU trade arrangements have not been incorporated into the quality manual. A review of the export documents for organic products exported to Japan revealed that labels were not being verified for compliance and there was no verification that operations had a contract with a JAS certified importer. Bulk labels for product destined to the EU were not verified for compliance to the EU or the NOP labeling requirements.*

**Corrective Actions:** MOSA has updated procedures in the administrative manual for verification requirements of the US-Japan equivalence arrangement. MOSA procedures currently describe specific requirements for use of the JAS seal. The revised procedures also require MOSA staff to verify existence of a trade partnership with a JAS-certified importer prior to issuing form TM-11 for products destined for export to Japan. MOSA label review procedures for the EU have been updated to include retail and bulk labeling requirements per EU Organic Regulations 834/2007. MOSA plans to implement additional staff training in early 2015 to address these updates. MOSA also intends to develop informational tools for clients seeking to export their products that will address labeling, contracts, shipping details and certification verification requirements.

**NP417000A.NC5 – Accepted** – 7 CFR §205.501 (a)(6) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services.” NOP 2027 further states, “Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually. This field evaluation should be conducted at the certifying agent’s expense.” *Interviews with MOSA personnel revealed that contract inspectors are not being evaluated during onsite inspections.*

**Corrective Actions:** MOSA verified that roughly half of the contract inspectors working on behalf of MOSA in 2014 have received either an onsite peer or supervisor evaluation from MOSA or other certifiers. MOSA organized field evaluations for as many contract inspectors as possible who were still in the process of performing inspections in 2014, which amounted to an additional four inspector evaluations conducted in November 2014. At the close of 2014, MOSA conducted field evaluations of 48% of its contract inspection staff and reported that the remaining 52% had field evaluations conducted by another USDA-accredited certifier or an independent inspector training association. MOSA has conducted non-field evaluations of all inspectors in 2014. MOSA developed a plan and proposed budget to achieve field evaluations for 100% of its inspector pool beginning in 2015.

**NP417000A.NC6 – Accepted** – 7 CFR §205.402 (b)(3) states, “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.” *A review of the sampling and testing procedures for randomly selected samples revealed that only analyses with positive results were being sent to the operations from which they were collected, but negative results were not disclosed to the operations.*

**Corrective Actions:** On October 9, 2014, MOSA conducted staff training so that all staff were informed that test results, whether positive or negative, shall be issued to all clients not just those with a positive result. Furthermore, documents that are part of the review process have been updated to specify that all test results shall be issued to clients in a certification letter.

<b>Applicant Name:</b>	Midwest Organic Services Association (MOSA)
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	122 W. Jefferson Street, Viroqua, WI 54665
<b>Mailing Address:</b>	P.O. Box 821, Viroqua, WI 54665
<b>Contact &amp; Title:</b>	Jo Anne M. Shrum, Quality Manager
<b>E-mail Address:</b>	<a href="mailto:joshrum@mosaorganic.org">joshrum@mosaorganic.org</a>
<b>Phone Number:</b>	(608) 637-2526
<b>Auditor(s):</b>	Julie Hartley, Accreditation Manager
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	March 1, 6, and 21, 2013
<b>Audit Identifier:</b>	NP2240NNA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Corrective Action audit
<b>Audit Objective:</b>	To verify review and approve corrective actions addressing the non-compliances identified during the 2012 Renewal Assessment and the outstanding non-compliance identified during the 2009 Mid-Term Audit.
<b>Audit Criteria:</b>	7 CFR Part 205, National Organic Program; Final Rule, dated December 21, 2000; updated March 15, 2012
<b>Audit Scope:</b>	MOSA's January 2 and March 15, 2013 response letters to the Renewal Assessment non-compliance report
<b>Location(s) Audited:</b>	Desk

## GENERAL INFORMATION

The Midwest Organic Services Association (MOSA) is a non-profit, non-stock corporation registered in the state of Wisconsin, offering a third-party certification program and verification services to organic producers and processors/handlers. MOSA has been accredited as a certifying body since April 29, 2002, to the National Organic Program (NOP) for the scopes of crop, wild crop, livestock, and handling. MOSA currently has approximately 1,412 certified clients, which include 1,277 crops, 691 livestock, 26 wild crops, and 157 handling operations certified to the NOP. The clients are certified in U.S., mostly in the Midwestern section of the country. All certification activities are conducted at the Viroqua office.

## AUDIT INFORMATION

During the Renewal Assessment, 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 NP9222OOA.NC4, which remained outstanding. There were four non-compliances identified during this audit. The NOP notified MOSA of these findings in writing on December 3, 2012. MOSA submitted responses to the NOP on January 2, and March 15, 2013.



## FINDINGS

The NOP accepts the corrective actions MOSA submitted to address the non-compliances identified during the 2012 Renewal Assessment and the outstanding non-compliance identified during the 2009 Mid-Term Assessment.

**NP9222OOA.NC4 – Accepted** – NOP §205.501 (a)(6) General requirements for accreditation states, “A private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services.” *4 of 21 evaluations reviewed for contracted inspectors had not been completed annually.* **Corrective Action:** Reviewers evaluate the inspectors on each inspection report. The evaluations are entered into a computer data base and the Inspection Manager consolidated the information annually by hand. The computer data base has been upgraded to enable this information to be sorted by the computer thus eliminating the chance of missing any inspector’s evaluations in the future. Evaluations for three of the four contracted inspectors have been completed. The other contracted inspector will be evaluated at the end of the 2009 inspection season since he only performed one inspection in 2008. **Reassessment Finding:** Due to a complaint regarding the evaluation process, the MOSA Board of Directors suspended evaluations of employees to allow reassessment of the evaluation process. Records indicated that 18 of 25 performance evaluations were not conducted in 2012. **Corrective Action:** The MOSA Board of Directors hired a consultant to develop a new performance evaluation process for personnel which was implemented October 31, 2012. The new evaluation process, which includes a quarterly employee check-in and annual review with a manager, has been incorporated into a draft of the MOSA Personnel Manual, and was explained to employees at a full staff meeting. MOSA created new forms to conduct performance evaluations, and developed an Employee Evaluation Schedule to return employees to a regular evaluation schedule based on their date of hire.

**NP2240NNA.NC1 – Accepted** – NOP §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.” *In 2010, samples were collected at an operation as part of an investigation. There is no record that a receipt was issued to the operator at the time of the sample collection.* **Corrective Action:** MOSA submitted receipts for recent samples taken to verify that MOSA is following its Administrative Manual’s procedure (Section IV: Inspectors and Inspections, Part 3: Residue Testing, D. Procedures for Sample Collection) which states “The sample collector must provide a receipt to the operator from whom the sample is taken....” MOSA also revised its Program Manual, Section X Certification Program Policies, Part D. Residue Testing Policy and Exclusion from Organic Sale to state that the operator will be issued a receipt for samples taken if residue testing is conducted. The revised Program Manual will be sent with other annual mailing materials to all certified operations in 2013. Training for inspectors responsible for collecting residue samples will occur in April, 2013 to review residue testing procedures, including the requirement to provide a sample receipt to the operation.

**NP2240NNA.NC2 – Accepted** – NOP §205.501(a)(15)(i) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Submit to the Administrator a copy of: Any notice of denial of certification issued pursuant to §205.405, notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation sent pursuant to §205.662 simultaneously with its issuance.” *MOSA issues notices of non-compliance in certification decision letters after review of inspection documents. In 3 of 5 files reviewed with such non-compliances, the notices were not forwarded to the Administrator. The MOSA’s Administrative Manual Part III. Section V Part 1.J.5 states, “Minor noncompliances do not require notification of the NOP,” which does not comply with NOP requirement for notification. Corrective Action:* MOSA has amended its understanding of what constitutes a noncompliance and revised its Administrative Manual and Decision Log database to be aligned with NOP 2612, Recommended Penalties for Violations of Specific Regulatory Requirements and Penalty Matrix. An email was issued to MOSA staff describing the revisions made to the Administrative Manual and Decision Log. MOSA will now include noncompliances once deemed minor but not categorized as a condition for continued certification to also be sent to the NOP as it has done in the past for all major noncompliances. MOSA sent six staff members to the January 2013 NOP certifier training, which included training on NOP Instruction 2612.

**NP2240NNA.NC3 – Accepted** – NOP §205.662 (a) and (b) state, “(a) 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. (b) *Resolution.* When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.” *MOSA’s Administrative Manual Part III. Section V Part 1.J.5 outlines a time frame for correction of minor noncompliances to be “on the update application or at the next inspection.” The notification issued provides a description of the noncompliance and the facts upon which the notification of noncompliance is based; however, the date for rebuttal or correction is indeterminate since the operator is allowed to correct the noncompliance “Prior to the next inspection.” Secondly, operators may implement corrective actions during the time prior to the next inspection that is included as part of an updated organic system plan or verified as part of an inspection; however, MOSA does not send the certified operation a written notice of non-compliance resolution. File reviews and observations during the handling witness inspection, showed that MOSA implemented the noncompliance procedures described in its program manual. Corrective Action:* MOSA amended its definition of a noncompliance to include noncompliances once deemed minor but now aligned with NOP 2612 as stated above, but not to include minor issues categorized as conditions for continued certification. MOSA will implement noncompliance procedures under its new definition of noncompliance as it has done in the past for all major noncompliances, which includes providing a date for rebuttal or correction and providing a written notice of noncompliance resolution.

MOSA sent 6 staff members to the January 2013 NOP certifier training, which included training on NOP Instruction 2612.

**NP2240NNA.NC4 – Accepted** – NOP §205.403 (c)(1) & (d) states, “The on-site inspection of an operation must: verify the operation's compliance or capability to comply with the Act and the regulations in this part; (d) The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.” *During the livestock and crop witness inspection, the inspector reviewed the organic system plans with the operator to verify that the information in the plan was correct. He concluded this portion of the inspection with an exit interview and the operator signed the MOSA affirmation document at this point. The inspector then proceeded to review the pastures and livestock after the exit interview. He neglected to review some of the cattle that were in a far pasture and also bypassed some buildings on the site. He did not conclude with a summary of all activities to confirm the completeness of the inspection observations. The MOSA inspection procedure also requires that an inspection be concluded with an exit interview.*

**Corrective Action:** MOSA provided email correspondence to the inspector noted in the noncompliance and to all other inspectors reiterating the MOSA policy outlined in the Administrative Manual concerning proper Exit Interview procedures. MOSA also developed an Inspector Shadowing Checklist, which includes a section to review exit interview processes, for the Inspection Manager to use when conducting periodic field evaluations of the inspectors.