



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Nevada Department of Agriculture

405 South 21st Street, Sparks, Nevada, USA

meets all the requirements prescribed in the National Organic Program Regulations

7 CFR Part 205

(Updated June 6, 2012)

as an Accredited Certifying Agent

for the scope of

Crops and Handling Operations

This certificate is receivable by all officers of all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture .

Status of this accreditation may be verified at <http://www.ams.usda.gov>

CERTIFICATE OF ACCREDITATION



Certificate No: NP1339MMA

Effective Date: May 14, 2012

Expiration Date: May 14, 2017


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AUDIT INFORMATION

ACA Name:	Nevada Department of Agriculture (NVDA)
Est. Number:	N/A
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Auditor(s):	Julie Hartley, Accreditation Manager
Program:	USDA National Organic Program (NOP)
NOP Audit Date(s):	June 19 – August 3, 2012
Audit Identifier:	NP1339MMA
Action Required:	No
Audit Type:	Corrective Action review (Renewal Assessment)
Audit Objective:	To verify that corrective actions adequately address the noncompliances identified during the renewal assessment.
Audit Criteria:	7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; as amended June 6, 2012.
Audit Scope:	NVDA's submitted corrective actions
Location(s) Audited:	Desk

The NOP conducted a Renewal Assessment of the Nevada Department of Agriculture (NVDA) on December 5-8, 2011. The Renewal Assessment, NP1339MMA, resulted in four noncompliances, and the NOP issued a Notice of Noncompliance to NVDA on March 1, 2012. In addition, as reviewed in the renewal assessment audit report, ten of eleven noncompliances identified during the previous 2009 Mid-term Assessment (NP9166DDA) were verified as implemented and effective during the Renewal Assessment, and thereby cleared; whereas, one noncompliance remained outstanding. NVDA's submitted corrective actions consisted of:

- Cover letters detailing corrective actions for each noncompliance
- Inspection Report Cover Page form (ORG 227)
- NVDA Application forms (ORG 100, ORG 110)
- Organic System Plan (OSP) Annual Update forms (ORG 120, ORG 130)
- Employee Appraisal and Development Reports (2) – documented as submitted then shredded for confidentiality purposes
- Application Checklist (ORG 145)
- Inspection Report forms (ORG 210, ORG 220)

- NVDA Policy Memo
- Signed staff acknowledgements (6)
- Copy of the *Nevada Organic Certification Program Policies and Procedures*
- Documentation from NVDA certified operation's files concerning material reviews

FINDINGS

The corrective actions submitted by NVDA are found to adequately address the noncompliances identified during the renewal or mid-term assessment, and are accepted. NVDA's next assessment will verify whether all corrective actions are implemented and effective.

NP9166DDA.NC4 – Accepted. NOP §205.501(a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the... on-site inspection.”

Certification decisions do not clearly delineate between the program manager (who conducts inspections also) and the person who makes the decision (Regional Manager). NVDA Policy states, “A review team consisting of three trained Department employees will review the application and inspection report.” Six files reviewed found that two files showed two persons had reviewed, three files showed that one person reviewed the files, and one file showed that no one other than the program manager/inspector had reviewed the file.

Corrective Action: NVDA will begin to hire contracted inspectors to conduct the inspections which will allow the Program Manager to make the decisions and also change the fee structure. This will require Legislative approval and a change to the *Organic Program Policies and Procedures* in 2010. In the interim, the current Program Manager will conduct the inspections and the former Program Manager will be the reviewer/decision maker for the Organic Program.

Renewal Assessment Finding: In one of the six files reviewed, the inspector and the final decision maker were the same. In addition, it is not always clear in the records that there is complete separation between the initial review and the certification decision as the “Inspection Report Cover Page”, which is used to document the reviews, either had information missing to indicate who completed the review (one file) or did not include the date when the certification decision was made (two files).

Corrective Action: NVDA developed a policy to clarify the NVDA process preventing conflict of interest which states the staff member reviewing documents and conducting on-site inspections is different than the staff member making the certification decision. Staff members signed documents stating the policy was reviewed and understood. NVDA application and inspection report review forms which describe the document reviews, inspection activities, and certification decisions are initialed and dated by the appropriate staff member when completed.

NP1339MMA.NC1 – Accepted. NOP §205.402 (a)(1) and (2) states, “Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to §205.401; (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part.”

Organic system plans (OSP) were approved without the complete requirements of §205.201(a)

being met in that:

- For one producer file reviewed, the OSP contained a check mark that they will use “Compost; soil amendments (i.e., lime, sulfur, gypsum); and materials listed as allowed with restrictions,” but does not indicate which substance, its source, and the locations where it would be used (§205.201(a)(2)).
- In two producers’ OSPs, information on buffer zones was inadequate, with only a check mark to indicate the buffer zones were “25 – 50 ft. or more,” with no description of the buffer, or what the danger is to make a determination if it is or may be adequate (§205.201(a)(5)).
- In one handler file reviewed, the OSP did not provide a complete description on how they will receive and verify product as being organic; and in another handler file the OSP did not include information specific to the receipt of organic product and how it will be identified to distinguish it from non-organic product to prevent commingling (§205.201(a)(3), (4) and (5)).

Corrective Action: The NVDA OSP application forms and annual update forms were revised to allow an operation to provide more detailed information regarding materials, buffers and the prevention of commingling in order for NVDA to review. To ensure that updated documentation is on file for all clients, NVDA has required all operations to complete a new OSP for 2013. The revised OSP annual update forms for 2012 were mailed out and will serve to provide more detailed information for all clients for NVDA to review.

NP1339MMA.NC2 – Accepted. NOP §205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must: (3) 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.”

One crop/handling operation was allowed the use of a dish soap as an insecticide and as a surfactant with no verification or assessment by NVDA on how this product was allowed for use under the NOP standards. One producer inspection report included three products used by the operation which were not listed in the organic system plan and were not discussed during the exit interview as evidenced by “Points of Discussion” on the inspection report.

Corrective Action: After auditors identified the product as not compliant with USDA organic regulations, NVDA notified the operation to discontinue use of the product. The operation then elected to use an OMRI-listed product which was reviewed and approved by NVDA. NVDA reviewed and approved the products used by the producer as identified in an inspection report and not listed on an OSP. NVDA modified its inspection report forms to include sections for the inspector to identify discrepancies between the materials used by the operation and those listed in the OSP and then to discuss the discrepancies during the exit interview. NVDA will issue a Notice of Noncompliance when products other than those listed on the OSP documents are found to be in use. Amendments to the NVDA OSP and annual update forms, as stated above in the corrective action for NP1339MMA.NC1, provides NVDA with applicable materials information from the operation in order to complete a material review. Staff members signed documents acknowledging they have reviewed NOP Policy Memo 11-4, Evaluation of Materials used in Organic Crop, Livestock and Handling Operations, and understand changes made in the NVDA inspection report forms.

NP1339MMA.NC3 – Accepted. NOP §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.” *There were no performance evaluations available for the two employees involved in the certification program to verify this requirement was being met.*

Corrective Action: Nevada Department of Personnel Employee Appraisal and Development Reports were completed for NVDA staff members on February 2 and 17, 2012 and submitted to the NOP. Supervisors of organic program staff are required to complete these reports on an annual basis and have been made aware of this requirement.

NP1339MMA.NC4 – Accepted. NOP §205.504 (b)(6) states, “A private or governmental entity seeking accreditation as a certifying agent must submit... (6) A copy of the procedures to be used for sampling and residue testing pursuant to §205.670.”

Information on sampling and testing was included in the NVDA Application for Accreditation Renewal with a cover letter dated November 11, 2011 and the “State of Nevada Department of Agriculture Inspector’s Manual” (1995 plus updates 1999). However, the procedure states processed product samples can be collected but does not include guidance on how product is to be sampled and how much product to collect for sampling. The NVDA inspector manual addresses collecting samples of foliage, soil, sediment, water, air, small animals and fish, surface swabs, and tank mix; but also does not include guidance on collecting product samples. Neither document addresses the requirements for submitting the sample to an accredited lab in accordance with §205.670(c) or the reporting requirements of §205.670(e).

Corrective Action: NVDA replaced the *State of Nevada Department of Agriculture Inspector’s Manual* with NOP 2610, *Sampling Procedures for Residue Testing* for use as the NVDA procedure for sampling and residue testing. NVDA updated its *Nevada Organic Certification Program Policies and Procedures* document to address USDA organic requirements for submitting samples to an accredited laboratory and reporting requirements. Staff members signed documents acknowledging they have reviewed and understood the changes made in the *Nevada Organic Certification Program Policies and Procedures* and NOP 2610.