



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Oklahoma Department of Agriculture, Food, & Forestry

2800 N. Lincoln Blvd., Oklahoma City, OK 73152

meets all the requirements prescribed in the National Organic Program Regulations

7 CFR Part 205

(Updated September 27, 2012)

as an Accredited Certifying Agent

for the scope of

Crops, Wild Crops, Livestock and Handling Operations

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

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

Certificate No: **NP2115AKA**
Effective Date: **December 6, 2012**
Expiration Date: **December 6, 2017**



Miles V. McEvoy
Deputy Administrator
National Organic Program



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NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a mid-term assessment of Oklahoma Department of Agriculture, Food & Forestry. An onsite audit was conducted, and the audit report reviewed to determine Oklahoma Department of Agriculture, Food & Forestry's capability to continue operating as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Oklahoma Department of Agriculture, Food & Forestry (ODAFF)
Physical Address	2800 North Lincoln Boulevard, Oklahoma City, OK 73152
Mailing Address	2800 North Lincoln Boulevard, Oklahoma City, OK 73152
Contact & Title	Bryan Buchwald, Organic Director
E-mail Address	Bryan.buchwald@ag.ok.gov
Phone Number	405-522-5898
Reviewer & Auditor(s)	Jason Lopez and Rebecca Claypool, NOP Reviewer; Penny Zuck and Lars Crail, Onsite Auditors.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	NOP corrective action review: April 4, 2016 NOP noncompliance report issued: November 3, 2015. Onsite audit: July 6-10, 2015.
Audit Identifier	NP5187PZA
Action Required	None
Audit & Review Type	Mid-Term Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ODAFF's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	ODAFF's certification services in carrying out the audit criteria during the period: May 2012 through July 2015.

Organizational Structure

Oklahoma Department of Agriculture, Food & Forestry (ODAFF) is a state government agency accredited as a certifying agent, to the United States Department of Agriculture (USDA) National Organic Program (NOP) in December 2002 for crops, and June 2003 for livestock and handling operations. A scope expansion for wild crops was granted in January 2010.

In 2015 ODAFF issued 119 certificates to the USDA organic regulations: 92 are Crops, 20 are Handlers (Processors), 6 are Livestock, and 1 is Wild Crops. Many operations are certified for

multiple scopes. The most recent client list was dated May 14, 2015. The majority of NOP certified clients are located in Oklahoma, Arkansas, Kansas, Missouri, and Texas.

Certification Process

The ODAFF organic program staff consists of the Organic Director, Organic Program Coordinator and one staff inspector. The majority of the inspections (95%) are done by the Organic Program Coordinator. Files reviewed for personnel indicated they have the required education and experience in organic agricultural production and handling techniques to perform the duties assigned. Records reviewed verified that ODAFF was meeting the requirements for annual performance evaluations, confidentiality, and annual conflicts of interest disclosure reports for all personnel. There were no conflicts of interest within the organization or certified operations.

When requests for certification are received, the applicants are provided an application package. The application package consists of a cover letter, an application (based on scope) which includes the appropriate organic system plan(s), fee schedule, an estimate of the inspection fees, an organic fact sheet, and copies of the ODAFF Rules and Regulations and USDA organic regulations. When the completed documents are returned to the ODAFF office, the application documents and files for initial and continuing certification are reviewed by the ODAFF Organic Program Coordinator prior to the on-site inspection. The Organic Program Coordinator will then conduct the inspection himself, or assign it to the other ODAFF inspector. The decision to assign the inspection to the staff inspector is made based on geography and availability. Once the inspection is completed and inspection report submitted to the office, the final review and decision for certification is made by the Organic Director. It was noted that ODAFF has a very efficient certification process, with the entire process typically concluded within one month's time.

All submitted labels and inputs are reviewed by the Organic Program Coordinator or the Organic Director and verified by the inspector during the on-site inspections. All inputs reviewed during the on-site assessment were in compliance with the USDA organic requirements. Two labels reviewed were not in compliance (See Findings).

Two suspensions were reviewed during the on-site assessment, and some documents were not in compliance (See Findings). There have been no denials or revocations since the previous assessment. ODAFF has received no appeals or requests for mediation since the previous assessment. Records reviewed verified that notification of noncompliances submitted to clients were not in compliance with the USDA organic regulations (See Findings).

Summary of Witness Inspections and Review Audits Conducted

One review audit was conducted in Missouri and two witness audits were conducted in Oklahoma. The review audit was certified to the scopes of Livestock (beef), Crops (pasture, hay, and grains) and Processing/Handling (milling of wheat). The first witness audit was of an operation certified to the scope of Crops (vegetables). The second witness inspection took place at an operation certified as a handler (processor) for the co-packing of pet treats. Both witness inspections were conducted by the Organic Program Coordinator and all areas requiring

verification including labels and inputs were adequately reviewed by the inspector. Thorough exit interviews were also conducted by the inspector at each inspection.

NOP DETERMINATION:

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

AIA15078RK.NC1 – Cleared.

NP2115AKA.NC1 – Cleared.

NP2115AKA.NC2 – Cleared.

NP2115AKA.NC3 – Cleared.

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.

NP5187PZA.NC1 – Accepted - 7 CFR §205.662(a)(3) states, "When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible."

2015 Comments: *ODAFF's Notice of Noncompliance template does not include the right for the operator to rebut the noncompliance.*

2015 Corrective Actions: ODAFF amended its notice of noncompliance template to include the right to rebut the noncompliance. The current noncompliance template now states "The Oklahoma Department of Agriculture, Food, & Forestry must receive a written response to correct each noncompliance when correction is possible or the operation can rebut the noncompliance(s) listed above by close of business on 00/00/0000, so we can ensure proper consideration for the ongoing certification."

NP5187PZA.NC2 – Accepted - 7 CFR 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.” Additionally, 7 CFR §205.311(b)(1) states, “The USDA seal must replicate the form and design of the example in figure 1 and must be printed legibly and conspicuously: On a white background with a brown outer circle and with the term, “USDA,” in green overlaying a white upper semicircle and with the term, “organic,” in white overlaying the green lower half circle...”

2015 Comments: *ODAFF staff reviewed and approved an organic label that included the USDA logo in green and white, with a black outer circle.*

2015 Corrective Action: On November 5, 2015, the ODAFF staff reviewed and trained on Subpart D – “Labels, Labeling, and Market Information” of the USDA organic regulations (§205.300 -§205.312-§205.399). ODAFF provided a training attendance sheet listing all staff that received the training on compliant labeling.

NP5187PZA.NC3 – Accepted - 7 CFR §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.”

2015 Comments: *Below are two examples identified during the onsite audit where ODAFF did not verify requirements of the USDA organic regulations:*

- a) *Recordkeeping systems are not described in ODAFF’s Crops and Livestock OSPs. 7 CFR §205.201(a)(4) states, “The producer or handler of a production or handling operation, except as exempt or excluded under §205.101, intending to sell, label, or represent agricultural products as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling system plan must include: a description of the recordkeeping system implemented to comply with the requirements established in §205.103.”*
- b) *Buffer zones and adjoining land uses are not described in the OSP. 7 CFR §205.202(c) states, “Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as “organic,” must: have distinct, defined boundaries and buffer zones such as runoff diversions to prevent the unintended application of a prohibited substance to the crop or contact with a prohibited substance applied to adjoining land that is not under organic management.”*

2015 Corrective Action: ODAFF amended the OSP templates for Farm, Livestock, Poultry and Re-Certification Short Forms to include a description of the operator’s recordkeeping system that complies with §205.103. The ODAFF Farm Application OSP now includes a question regarding buffer zones. The question asks “Are buffer zones in place between organic and non-organic fields? If yes, please describe the prohibited substance applied to the adjoining land and illustrate your buffer zones on your farm maps.” All livestock and poultry operations are also required to complete the Farm OSP.

NP5187PZA.NC4 – Accepted - 7 CFR §205.501(a)(7) states, “A private or governmental entity

accredited as a certifying agent under this subpart must: have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation.” Additionally, 7 CFR §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: (21) Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” Instruction NOP 2025 *Internal Program Review*, Section 3.1 states, “Internal program reviews are conducted by personnel different from those who perform certification activities.”

2015 Comments: *The 2014 annual program review was conducted by the Organic Director, who is involved with ODAFF's certification activities.*

2015 Corrective Action: Internal program reviews are now conducted by the ODAFF Administrative Director who is knowledgeable of certification, auditing, and the USDA organic regulations. The Administrative Director does not make certification decisions.

AUDIT INFORMATION

Applicant Name:	Oklahoma Department of Agriculture, Food, & Forestry (ODAFF) Poultry, Egg & Organic Section
Est. Number:	N/A
Physical Address:	2800 N. Lincoln Blvd., Oklahoma City, OK 73152
Mailing Address:	2800 N. Lincoln Blvd., Oklahoma City, OK 73152
Contact & Title:	Bryan Buchwald, Section Director – Poultry, Egg & Organic Section
E-mail Address:	bryan.buchwald@ag.ok.gov
Phone Number:	405-522-5924
Auditor(s):	Julie Hartley, Accreditation Manager; Betsy Rakola, Agricultural Marketing Specialist
Program:	USDA National Organic Program (NOP)
Audit Date(s):	July 16 – October 23, 2012
Audit Identifier:	NP2115AKA
Action Required:	No
Audit Type:	Corrective Action Assessment
Audit Objective:	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 Mid-Term Audit.
Audit Criteria:	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; updated March 15, 2012.
Audit Scope:	Proposed corrective actions submitted by ODAFF.
Location(s) Audited:	Desk

Oklahoma Department of Agriculture, Food, & Forestry (ODAFF) is a state government agency that was accredited as a certifying agent on December 6, 2002, to the United States Department of Agriculture (USDA) National Organic Program (NOP) for crops and June 2003 for livestock and handling operations. A scope expansion for wild crops was granted in January 2010.

ODAFF currently certifies 99 operations to the USDA organic regulations, of which 82 are Crops, 18 are Handlers (Processors), 3 are Livestock, and 1 is Wild Crops. Four operations are certified for multiple scopes. The most recent client list was dated March 13, 2012. The majority of the NOP certified clients are located in Oklahoma with some in Arkansas, Kansas, and Missouri.

Representatives of the NOP conducted an accreditation renewal assessment of ODAFF's organic certification program from April 24 – May 18, 2012. The assessment report indicated three new noncompliances. The NOP issued a Notice of Noncompliance to ODAFF with a copy of the assessment

report on July 2, 2012. ODAFF provided corrective actions for all three noncompliances on July 16, 2012. The NOP requested additional information on October 23, 2012. ODAFF replied on November 1, 2012. On December 12, 2012, the NOP Accreditation Committee met to review ODAFF's submitted corrective actions and voted to recommend renewal of accreditation.

FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that ODAFF is currently operating in compliance to the audit criteria, except as identified below. The corrective actions for the five non-compliances identified during the Mid-Term audit were verified and found to be implemented and effective; therefore, the non-compliances were cleared. There were three (3) new non-compliances identified during the assessment.

NP0130LLA.NC1 – Cleared

NP0130LLA.NC2 – Cleared

NP0130LLA.NC3 – Cleared

NP0130LLA.NC4 – Cleared

NP0130LLA.NC5 – Cleared

NP2115AKA.NC1 – Accepted. NOP §205.405(a) states, “When the certifying agent has reason to believe, based on a review of the information specified in §205.402 or §205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification. The notification of noncompliance 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 applicant must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.” NOP §205.405(d) states, “A notice of denial of certification must state the reason(s) for denial and the applicant’s right to: (1) Reapply for certification pursuant to §§205.401 and 205.405(e); (2) Request mediation pursuant to §205.663 or, if applicable, pursuant to a State organic program; or (3) File an appeal of the denial of certification pursuant to §205.681...” *During the review of two Notices of Denial of certification, it was found that Notices of Noncompliance had not been issued prior to or combined with the issuance of the Notice of Denial of certification. Within the Notices of Denial, the reasons for denial, the facts upon which the denial was based, the right of the applicant to reapply for certification, and the right of the applicant to file an appeal of the denial of certification were included. A Notice of Noncompliance or combined Notice of Noncompliance/Notice of Denial must also include §205.405(a)(3), date by which applicant must rebut or correct each noncompliance. A Notice of Denial or combined Notice of Noncompliance/Notice of Denial must also include §205.405(d)(2), right to request mediation.*

Corrective action: ODAFF submitted selections of the revised language in Section 5 of its quality manual. The procedures incorporate the requirements of §205.405. In addition, ODAFF conducted training for its staff on July 10, 2012 to ensure implementation of the new procedures. Training on the quality manual shall be conducted annually.

NP2115AKA.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...” *A review of four files identified two operations which Notices of Noncompliance Resolution were issued. The Notices of Noncompliance Resolution were not recorded as having been sent to the Administrator.* **Corrective action:** ODAFF modified Subchapter 15 of its Organic Products Rules & Regulations to incorporate the NOP regulations on the submission of adverse action notices to the USDA AMS Administrator. ODAFF conducted training on this topic on July 16, 2012. Since that date, ODAFF has sent all adverse actions via email to the NOP.

NP2115AKA.NC3 – Accepted. NOP §205.662(c) states, “Proposed suspension or revocation: When...correction of the noncompliance is not completed within the prescribed time period, the certifying agent...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.” *A review of four files identified two operations that Notices of Noncompliance were issued and included a date by which the certified operation must rebut or correct each noncompliance. In both instances, second Notices of Noncompliance were re-issued at later dates which covered the same noncompliance and included another date by which the certified operation must rebut or correct each noncompliance. Notices of Proposed Suspension or Revocation were not issued.* **Corrective action:** Both of the operations in question have since surrendered their organic certificates. ODAFF modified Subchapter 15 of its Organic Products Rules & Regulations to incorporate procedures from §205.662(c). ODAFF conducted training on this topic on July 16, 2012.



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

AUDIT INFORMATION

Applicant Name:	Oklahoma Department of Agriculture, Food, & Forestry (ODAFF) Poultry, Egg & Organic Section
Est. Number:	N/A
Physical Address:	2800 N. Lincoln Blvd., Oklahoma City, OK 73152
Mailing Address:	2800 N. Lincoln Blvd., Oklahoma City, OK 73152
Contact & Title:	Bryan Buchwald, Section Director – Poultry, Egg & Organic Section
E-mail Address:	bryan.buchwald@oda.state.ok.us
Phone Number:	405-522-5924
Auditor(s):	Alan Kohles
Program:	USDA National Organic Program (NOP)
Audit Date(s):	August 27, 2010
Audit Identifier:	NP0130LLA
Action Required:	No
Audit Type:	Corrective Action Audit
Audit Objective:	To verify that corrective actions adequately address the non-compliances identified during the mid-term audit.
Audit Criteria:	7 CFR Part 205 National Organic Program (NOP), Final Rule, dated December 21, 2000; revised February 17, 2010.
Audit Scope:	Submitted corrective actions
Location(s) Audited:	Desk

ODAFF submitted corrective actions to the National Organic Program for the non-compliances identified during the mid-term audit conducted May 10-14, 2010. The corrective actions were forwarded to the auditor on July 21, 2010.

FINDINGS

The corrective actions submitted by ODAFF adequately addressed the five non-compliances identified during the mid-term audit.

NP0130LLA.NC1 – Adequately Addressed – NOP §205.403(c) states, “The on-site inspection of an operation must verify: (2) That the information, including the organic production or handling system plan...accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.” *During the onsite inspections of the certified operations, the inspector did not have the original long form of the OSP. ODAFF has an OSP short form that is used for recertification and that was the form that the inspector had. The short form does not include all of the required information*



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that the inspector would need to verify all aspects of the organic system plans or the applicants' compliance with the Act during the onsite inspection. Therefore, all areas were not verified adequately. These areas included weed control procedures, the use and monitoring of Perilite (potting soil), and the pest control monitoring. **Corrective Action:** ODAFF has revised the short form (FS-5125) to include the additional required information that the inspector would need to verify all aspects of the organic system plan and the applicant's compliance to the NOP during the onsite inspection. The FS-5125 form was submitted for review.

NP0130LLA.NC2 – Adequately Addressed – NOP §205.303(b) (2) states, “On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by * * *,” or similar phrase, identify the name of the certifying agent that certified the handler of the finished product and may display the business address, Internet address, or telephone number of the certifying agent in such label.” *During the file reviews for labels, the labels used by one of the meat processor clients did not include the correct statement in the form of, “Certified organic by”.* *The label statement only stated that the product was, “Certified by the ODAFF”.* *Also the statement was not below the information identifying the handler or distributor of the product as required.* **Corrective Action:** ODAFF stated that they have contacted the processor and new labels will be printed to comply with NOP §205.303(b)(2). All other processor labels, which have been approved by ODAFF, have been reviewed to verify that the labels comply with NOP §205.303(b)(2).

NP0130LLA.NC3 – Adequately Addressed – NOP §205.404(b) states, “The certifying agent must issue a certificate of organic operation which specifies the: (4) Name, address, and telephone number of the certifying agent.” *The reviews of the ODAFF final certificates found that the certificates did not include the telephone number of the certifying agent.* **Corrective Action:** ODAFF has started to add the telephone number of the certifying agent to all organic certificates issued. An example of a final certificate was submitted for review, which include the telephone number.

NP0130LLA.NC4 – Adequately Addressed – NOP §205.662(a) states, “*Notification.* 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: (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.” *The reviews of the letters of noncompliance indicated that two of the eleven letters reviewed did not include the date by which the certified operation must rebut or correct each noncompliance.* **Corrective Action:** ODAFF did fail to include the date by which the certified operation must rebut or correct each noncompliance on two letters. After the mistake was made in August of 2009, all letters of noncompliance issued included the date by which the certified operation must rebut or correct each noncompliance.

NP0130LLA.NC5 – Adequately Addressed – NOP §205.662(b) states, “*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.” *The review of the ODAFF procedures indicated that ODAFF was not sending the certified operation a written notification of noncompliance resolution after the*



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Quality System Audit Report**

*corrective actions were reviewed and deemed adequate. ODAFF stated that the corrective actions were verified during the next onsite audit and the client was notified at that time and it was documented on the inspection report. It was explained to ODAFF that this was not adequate to meet the NOP program requirements. **Corrective Action:** ODAFF revised their procedures and a written notification of noncompliance resolution will be sent to the certified operation when the certified operation demonstrates that each noncompliance has been resolved.*