



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Organic Food Development & Certification Centre of China

Nanjing, China

meets all the requirements prescribed in the USDA National Organic Program Regulations

7 CFR Part 205

(As amended)

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 .

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Certificate No: **NPAlA3200RLP**

Effective Date: **April 04, 2014**

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Applicant Name:	Organic Food Development and Certification Centre of China (OFDC)
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Auditor(s):	Meg Kuhn, Agricultural Marketing Specialist, NOP/AIA
Program:	USDA National Organic Program (NOP)
Audit Date(s):	March 11, 2014
Audit Identifier:	AIA3200RLP
Action Required:	None
Audit Type:	Corrective Action Audit
Audit Objective:	To evaluate the corrective actions and/or responses submitted by the certifying agent regarding the non-compliances issued on January 2, 2014.
Audit Criteria:	7 <i>CFR Part 205, National Organic Program; Final Rule</i> , dated December 21, 2000; revised January 1, 2013.
Audit Scope:	OFDC's February 19, 2014 corrective action plan, in response to the Notice of Noncompliance issued on January 2, 2014.
Location(s) Audited:	Desk

GENERAL INFORMATION

The Organic Food Development and Certification Center of China (OFDC), founded in 1994, is a for profit corporation established by the Nanjing Environment Science Research Institute, the State Environmental Protection Administration of China. The corporation is a state-owned company that is responsible for its profit and loss. OFDC's business scope includes organic food and product certification, analysis, cooperation, training, development and research on domestic and international organic food and product.

OFDC's primary office location is in Nanjing, China, and currently has no satellite offices or chapters. The corporation plans to offer certification worldwide, with a primary focus on China. At this time, OFDC estimates providing annual NOP certification to 20 crop operations; 10 livestock operations; 20 handling operations; and 5 wild crop operations.

OFDC is registered as a certification body with the China National Authority (CNCA) and is both nationally (China National Accreditation Service for Conformity Assessment - CNAS) and internationally accredited (International Federation of Organic Agricultural Movements - IFOAM, Canadian Organic Regime - COR). OFDC is approved for equivalence with the European Union (EU) Regulation. OFDC provides the following certifications: China-GAP, Japanese Agriculture Service (JAS), COR, OFDC organic, and China National Standard for Organic Products.

AUDIT INFORMATION

This was a Pre-Decisional Assessment for a new application of accreditation in China. There were four (4) non-compliances identified during this audit. The NOP notified OFDC of these findings in writing on January 2, 2014. OFDC submitted a response to the NOP on February 19, 2014.

FINDINGS

AIA3200RLP.NC1 – Accepted – NOP § 205.405(a) (d)(1 -3) Denial of certification, (a) 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. (d) 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 or, if applicable, pursuant to a State organic program. *OFDC's combined Notice of Noncompliance and Denial of Certification template did not include information on the right to reapply for certification, file an appeal, and request mediation.* **Corrective Action:** OFDC submitted a revised template for Notice of Denial, which includes options for the operator to reapply, request mediation, or submit an appeal to the NOP.

AIA3200RLP.NC2 – Accepted – NOP § 205.663 – Mediation. Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to §205.681, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. If a State organic program is in effect, the mediation procedures established in the State organic program, as approved by the Secretary, will be followed. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to §205.681. Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and the regulations in this part. The Secretary may review any mediated agreement for conformity to the Act and the regulations in this part and may reject any agreement or provision not in conformance with the Act or the regulations in this part. *OFDC has not established procedures for notifying new applicants or notifying operations continuing with certification on the right to request mediation on any dispute with respect to denial of*

certification or proposed suspension or proposed revocation. OFDC has not established procedures for selecting qualified mediators nor has OFDC established procedures for notifying operations receiving adverse action notices on the right to appeal if mediation is unsuccessful.

Corrective Action: OFDC provided a procedure for mediation that included rejection and acceptance procedures, identified a mediator from the USDA Farm Service Agency Mediation Program, and revised all adverse action notices to include mediation as an option for operators.

AIA3200RLP.NC3 – Accepted – § 205.670(b & c) – Inspection and testing of agricultural products to be sold or labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).” (b) The Administrator, applicable State organic program's governing State official, or the certifying agent may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Samples may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples. Such tests must be conducted by the applicable State organic program's governing State official or the certifying agent at the official's or certifying agent's own expense. (c) A certifying agent must conduct periodic residue testing of agricultural products to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).” Samples may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples. Such tests must be conducted by the certifying agent at the certifying agent's own expense. *OFDC collects mandatory annual samples for residue testing and requires clients pay a mandatory fee for the testing. During the crop witness inspection and during the audit review, the operation's manager stated that the operation is responsible for the residue testing expense. At these events, OFDC acknowledged that operations are charged fees for the residue testing.*

Corrective Action: Regarding the witness inspection, OFDC notes that the operation was also being inspected for the Chinese organic standard, under which operations are required to pay the certifier for residue testing. OFDC's corrective action response confirms that NOP clients undergoing residue testing will not be charged for this service. OFDC also provided a revised “Sampling and Testing Guidance” procedure; section 7 clearly states tests conducted for NOP clients will be done at OFDC's expense.

AIA3200RLP.NC4 – Accepted – § 205.681 – Appeals. (a) *Certification appeals.* An applicant for certification may appeal a certifying agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator. *OFDC certification procedures indicate OFDC staff will accept, review, and process appeal requests. The procedures do not specify appeals should be filed with the NOP administrator.* **Corrective Action:** OFDC submitted a revised procedure for “Disposal on Appeal, Complaint, and Disputes.” Section 4.1 separates NOP clients, showing that appeals made to OFDC regarding NOP adverse actions must be sent to the NOP Appeals Team for appeal review/determination.