



CERTIFICATE OF ACCREDITATION



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

OREGON TILTH CERTIFIED ORGANIC

301 SW 4th St, Ste 110, Corvallis, Oregon, 97333, 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-95-23**

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

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National Organic Program

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NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

Certifier Name	Oregon Tilth Certified Organic (OTCO)
Physical Address	301 SW 4 th St. Ste 10, Corvallis, Oregon 97333
Audit Type	Mid-term Audit
Auditors & Audit Dates	Kelley Belina, Jonathan Surrency, Josh Lindau, Allison Howard, Rebekah Ritson, 09/24/2024 to 10/18/2024
Audit Identifier	NOP-28-24

CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted a midterm audit of Oregon Tilth Certified Organic (OTCO)'s USDA organic certification program covering the period November 30, 2021 to October 18, 2024. The purpose of the audit was to verify OTCO'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 remote audit of records and certification activities and two onsite witness audits. The witness audits consisted of an annual inspection of a crops and livestock operation in North Carolina, and an annual inspection of a crops and handling producer group operation in Mexico.

OTCO is a non-profit organization initially accredited on April 29, 2002. OTCO is accredited to the crops, wild crops, livestock, and handling scopes. OTCO has a main office in Corvallis, Oregon. OTCO certifies 2122 operations and offers certification services in the United States, Canada, Iceland, Mexico, the United Kingdom of Great Britain, and Northern Ireland. Certification activities are performed by 89 employees.

NOP DETERMINATION:

NOP reviewed the audit results to determine whether OTCO's corrective actions adequately addressed previous noncompliances. The NOP also reviewed any corrective actions submitted as a result of the 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 audit.

Noncompliances from Prior Assessments

AIA-7968-21 - Cleared.

AIA-7969-21 - Cleared.

AIA-8797-21 - Cleared.

AIA-8798-21 - Cleared.

AIA-8799-21 - Cleared.

AIA-8800-21 - Cleared.

AIA-8801-21 - Cleared.

AIA-8802-21 - Cleared.

AIA-8803-21 - Cleared.

AIA-8804-21 - Cleared.

Noncompliances Identified during the Current Assessment

AIA-3572-24 - Accepted. 7 CFR § 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: *OTCO does not carry out the provisions of the act and regulations. OTCO inspectors do not conduct adequate audit trail exercises as required by the USDA organic regulations. The auditors reviewed 25 mass balance and traceability exercises completed by 4 different inspectors. The auditors identified that 18 of the audit trail exercises contained multiple deficiencies, as follows:*

- 1. For traceability exercises, the auditor found the following issues: incorrect or missing linking elements, failure to trace flocks back to organic origin, and misidentification of mass balance exercises as traceability exercises.*
- 2. For mass balance exercises, the auditor found the following issues: missing or incorrect units of measurement, incorrect mathematical calculations, conflicting information within calculations, failure to use the organic system plan (OSP) ration to verify that the amount of feed fed aligns with the cows' ration, and failure to identify which records were reviewed.*

Corrective Action: OTCO updated its annual training plan to require the following courses for all inspectors and certification officers in 2025: Organic Integrity Learning Center (OILC) Microlearnings on Documenting a Traceback Audit; Conducting a Mass Balance Audit; and Livestock Traceability. OTCO updated its internal traceability and mass balance training to

incorporate more deliberate instructions to inspectors regarding how these activities should be conducted and reported. The revised training also provides instructions to certification officers regarding what they are expected to do when reviewing traceability forms submitted by the inspector, as well as instructions to provide feedback to the Inspections Department. OTCO will release the revised training in the third quarter of 2025 and require all inspectors and certifications staff to complete it by the end of 2025. OTCO conducted training meetings with the individual inspectors with deficiencies identified through this noncompliance and additional review conducted by OTCO. OTCO is establishing an internal monitoring system to assess the success of these revised trainings and ensure inspectors and certification officers are appropriately conducting, reporting, and reviewing traceability and mass balance exercises. OTCO is developing an Inspector Feedback Tool that will be completed by certification officers at the end of every final review as well as a Quality Control (QC) tool to evaluate certification officer's Final Review Decision Sheets. Each tool will include questions regarding the conduct, reporting, and evaluation of audit trail exercises. Additional one-on-one training may be provided based on these QC checks. OTCO will begin piloting the use of these two feedback tools in the second half of 2025, and changes to some elements of the tools may occur based on the results of this pilot period. OTCO is targeting full implementation of the new feedback system for January 1, 2026.

AIA-3573-24 - Accepted. 7 CFR § 205.403(a)(2)(ii) states, "On-site inspections of a producer group operation must: Conduct witness audits of internal control system inspectors performing inspections of the producer group operation."

Comments: *OTCO does not comply with the requirements for producer group witness audits. The auditors conducted a witness audit of a producer group's annual inspection and observed the inspector did not conduct a witness audit of an internal control system (ICS) inspector performing an inspection. The OTCO inspector requested an ICS inspector describe how a previous internal inspection was performed but did not conduct a witness audit of an internal inspection.*

Corrective Action: OTCO found that their Spanish-language trainings did not adequately describe the requirements of ICS witness audits, and the question regarding ICS witness audits in the Spanish-language OTCO Inspection Report form was translated from English in way that resulted in an unclear prompt. OTCO updated the inspection report to make the requirement clear. OTCO sent a notice to all contract inspectors authorized to conduct producer group inspections reminding them of this specific requirement, and each inspector conducting producer group inspections has acknowledged their understanding. OTCO is developing a producer group training for inspectors of these types of operations, which they will administer in July of 2025. Additionally, OTCO added specific language to the Inspector Indications letter for all producer group inspections to ensure inspectors are aware of this requirement.

AIA-3578-24 - Accepted. 7 CFR § 205.403(d)(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: *During the witness audit of a producer group's annual inspection, the auditors observed that the inspector did not fully verify the operation's compliance with the USDA organic regulations. The inspector did not verify that the operation's internal inspections include mass-balance audits and reconciliation of each producer group member's yield and group sales as required by § 205.400(g)(8).*

Corrective Action: OTCO found that their Spanish-language trainings did not adequately describe the requirements for verifying the compliance internal audits, which resulted in a lack of inspector awareness. OTCO sent a notice to all contract inspectors authorized to conduct producer group inspections reminding them of these specific requirements, and each inspector

conducting producer group inspections has acknowledged their understanding. OTCO is developing a producer group training that will address this requirement, to be delivered in July of 2025. The Producer Group Inspection Indications letter also provides clarification on these requirements.

AIA-3579-24 - Accepted. 7 CFR § 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: *OTCO does not fully comply with the requirements for producer group certification as described in § 205.201(c). The auditors reviewed producer group certification files and found OTCO does not require producer groups’ organic system plans (OSP) to:*

- 1. Describe the internal control system definition of the geographic proximity criteria for producer group members and producer group production units as required by § 205.201(c)(4); and*
- 2. Describe the system of records used to demonstrate compliance, including traceability and mass-balance audits as required by § 205.201(c)(9).*

Corrective Action: OTCO updated its Producer Group OSP module (C12) to require the Producer Internal Control System to define geographic proximity criteria for producer group members and production units. OTCO submitted a plan for requesting and reviewing updates to the C12 going forward, for both new applicants and annual updates. Regarding traceability and mass balance audits, OTCO demonstrated how the revised C12 works together with the revised C13 to ensure the producer group describes the system of records necessary to demonstrate compliance. OTCO will require all new producer groups to complete the new C13 form and will train personnel on producer group requirements in July of 2025.

AIA-3580-24 - Accepted. 7 CFR § 205.403(e) 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: *OTCO’s inspection exit interviews do not fully comply with the requirements of the USDA organic regulations. The auditors reviewed certification files and conducted witness audits and found that during the exit interview, OTCO inspectors are not consistently citing issues of concern identified during the inspection, confirming the accuracy of information gathered during the on-site inspection, or addressing the need for additional information.*

Corrective Action: OTCO held training meetings with the two inspectors who conducted and reported the exit interviews cited by NOP auditors as being unacceptable. OTCO also updated its Interview Expectations training to incorporate more deliberate instructions related to exit interview requirements. The revised training establishes that the exit interview concludes the inspection, and that any additional information requested should be sent directly to OTCO. The training also gives instructions delineating between OSP updates and issues of concern. OTCO will release the revised training and an accompanying wiki in third quarter of 2025 and will require all inspectors to complete the training by January 1, 2026. Finally, OTCO is also developing an internal monitoring system to assess the success of this revised training and ensure inspectors are appropriately conducting and reporting exit interviews. The Inspector Feedback Tool will also include a question specific to exit interviews. The tool will be tested in the second half of 2025 with full implementation expected by January 1, 2026.

AIA-3581-24 - Accepted. 7 CFR § 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: *OTCO does not demonstrate the ability to fully comply with the requirements for accreditation. The auditors reviewed certification files and quality system documents and interviewed staff and found that OTCO uses fully remote unannounced inspections to meet the requirement to conduct unannounced inspections of 5% of its certified operations. The requirement to conduct unannounced inspections of 5% of certified operations is described under subsection “§ 205.403 On-site inspections” in the USDA organic regulations. Therefore, unannounced inspections that are conducted to comply with § 205.403(b)(1) must be on-site.*

Corrective Action: OTCO updated its policies to state that remote inspections will not count towards the 5% requirement, and they trained inspectors on this change in December 20, 2024. The new policy was implemented mid-2024 with full implementation in 2025.

AIA-3582-24 - Accepted. 7 CFR § 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: *OTCO does not carry out the provisions of the Act and regulations. The auditors reviewed certification files and found that OTCO did not identify that organic system plans (OSP) contained inconsistent and insufficient information. OTCO did not require the operation to provide missing information or update the documentation. The following issues were found:*

- 1. Incorrect information on suppliers and export activities.*
- 2. Different OSP modules for the same operation contradicted each other.*
- 3. Active OSP modules were not always filled in completely.*
- 4. Updates to the OSP are not being made when changes are identified.*

Corrective Action: On June 6, 2025, OTCO requested OSP updates from the four operations whose OSPs were found to be incomplete or incorrect. OTCO is developing a new policy for verifying and updating the organic system plan during inspection and final review, which will be accompanied by an in-depth training that includes instructions for:

1. Reviewing the OSP when preparing for inspection and noting areas where the OSP is inconsistent, incomplete, or indicates high-risk activity to be explored while on-site.
2. Accepting OSP updates from clients as well as facilitating minor OSP updates with clients during inspections.
3. Understanding that OSP deviations observed at inspection not previously reported to OTCO necessitate an Issue of Concern and request to the client that they submit updated OSP forms directly to their certification team.
4. Ensuring that reviewers are cross-checking the content of inspection reports against approved and/or updated OSP forms to ensure their accuracy, completeness, and compliance and, when necessary, issuing Requests for Information or Noncompliances to correct inaccurate, incomplete, or noncompliant OSP forms.

OTCO will release the training and a related wiki by fourth quarter of 2025 and will also include these in its 2026 annual training plan. Additionally, OTCO will use its evaluation tools to confirm OSP accuracy and guide OTCO’s ongoing process of evaluating and providing feedback to staff.

AIA-3587-24 - Accepted. 7 CFR § 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: *OTCO does not carry out the provisions of the Act and regulations. OTCO does not fully implement the NOP's international organic trade policies and procedures, which are outlined on NOP's International Trade Partners webpage. The auditors reviewed certification files, interviewed staff and reviewed OTCO's procedure wiki resources and found that OTCO is not fully verifying the compliance of products exported from India after July 12, 2022. OTCO did not confirm that its operations' Indian suppliers were granted certification by USDA-accredited certifying agents or confirm that all products were exported from India to the United States were accompanied by NOP Import Certificates.*

Corrective Action: OTCO updated its Reviewing NOP Products for Import from India wiki to communicate that, order to approve products imported from India, OTCO requires an organic certificate and product addendum listing the specific imported organic product, which must be certified to the NOP standards by a USDA-accredited certifier or certified to the Canadian Organic Regime (COR). OTCO developed a micro-training on requirements for importing organic products from India into the US that will be available in third quarter of 2025. All inspectors will be required to take the training by the end of 2025.

AIA-3588-24 - Accepted. 7 CFR§ 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: *OTCO does not carry out the provisions of the Act and regulations. OTCO does not fully implement the NOP's international organic trade policies and procedures, which are outlined on NOP's International Trade Partners webpage. The auditors reviewed certification files and certificates of inspection (COIs) for export to the EU and found OTCO completed and issued COIs for shipments that were not produced in or did not have their final processing in the United States.*

Corrective Action: OTCO updated its procedures for issuing EU COIs to include verification of the country of origin (box 8), the producer or processor of the product (box 4), and exporter of the product (box 9). OTCO revised its training wiki on this topic and informed staff responsible for issuing EU COIs of the change on June 10, 2025. OTCO also updated its procedures for reviewing NOP products for export to the EU to state US-based brokers and traders are not allowed to export products directly from third countries (other than the USA) to the EU under the US/EU equivalency arrangement as such activities are outside of the scope of the arrangement and require full EU certification. OTCO is developing a micro-training to reflect this updated policy. The training is scheduled for completion in third quarter of 2025.

NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Oregon Tilth Certified Organic, OTCO
- **Physical Address** 301 SW 4th St, Ste. 110, Corvallis, Oregon 97333, U.S.A.
- **Audit Type** Renewal Audit
- **Auditor(s) & Audit Dates** Sherry Aultman, Emily Prisco, Samuel Schaefer-Joel, Stephen Nix, Lars Crail, Desk audit: 11/29/2021 to 12/3/2021, Witness Audits: 10/24/2021 to 10/28/2021
- **Audit Identifier** NOP-50-21

CERTIFIER OVERVIEW

A renewal audit was conducted of Oregon Tilth Certified Organic (OTCO). Audit activities included a remote desk audit and three on-site witness audits.

The NOP assessed the certifier's conformance to the USDA organic regulations during the period September 27, 2019 to November 29, 2021.

OTCO was first accredited on April 29, 2002 and is accredited for Crops, Wild Crops, Livestock and Handling scopes. OTCO is a non-profit organization. OTCO has a main office located in Corvallis, Oregon and one satellite office located in Mexico. Each office has an administrative assistant and all other OTCO staff work remotely. OTCO's satellite office in Mexico functions primarily to provide certification information to operations in Latin America. All certification activities take place out of the main office in Corvallis, Oregon.

OTCO staff consists of 26 Certification Officers/reviewers, 20 Inspectors, 12 Managers/Supervisors, three Directors, seven administrative staff, and six technical specialists/quality control.

OTCO certifies operations to the following scopes: 1,084 crops, 21 wild crops, 366 livestock, 1,081 handling, and 12 grower groups (Mexico and United States). OTCO has certified operations in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. OTCO has certified operations in Mexico, Canada, and Iceland.

NOP DETERMINATION:

NOP reviewed the audit results to determine whether OTCO'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-2332-20 - Cleared.

AIA-3331-20 - Cleared.

AIA-3332-20 - Cleared.

AIA-3333-20 - Cleared.

AIA-3334-20 - Cleared.

AIA-3335-20 - Cleared.

AIA-6427-21 - Cleared.

AIA-6553-21 - Cleared.

Noncompliances Identified during the Current Assessment and Corrective Actions

AIA-8797-21 - Accepted. 7 C.F.R. §205.642 states, “Fees charged by a certifying agent must be reasonable, and a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator...”

Comments: *OTCO charged operations certification fees that were not filed with the NOP. The auditors reviewed fee schedules and identified that OTCO submitted an updated fee schedule to the NOP on January 25, 2021, although OTCO published it on their website on November 11, 2020. Additionally, the OTCO internal audit identified that OTCO submitted an updated fee schedule to the NOP on April 21, 2020, but the fee schedule was published on the OTCO website on November 15, 2019.*

Corrective Action: OTCO established a WIKI: Quality Management Guidance that states that any changes to the fee schedule must be emailed to OTCO’s Accreditation Manager prior to publication. OTCO issued a training notification on the new WIKI to its Finance Department on August 8, 2022. OTCO updated their project management tool for processing renewal applications to include a step requiring that the fee schedule must be sent to NOP prior to sending the fee schedule to operations. OTCO submitted their new fee schedule to NOP on September 2, 2022 and then notified its operators of the new fee schedule on September 15, 2022.

AIA-8798-21 - 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: *OTCO did not conduct an annual inspection of all its certified operations in 2020.*

The auditors conducted interviews with certification staff and identified that annual inspections were not conducted for up to 25% of its certified operations in 2020.

Corrective Action: OTCO fully onboarded all inspectors as full-time employees to better manage timelines and increase control and consistency of inspections. OTCO also hired additional inspectors in 2022 and 2023. OTCO's Certification Director monitors the number of mandatory annual inspections performed on an ongoing basis through OTCO's Key Organizational Indicator (KOI) process.

AIA-8799-21 – Accepted. 7 CFR § 205.403(a)(2)(ii) states, “The Administrator or State organic program’s governing State official may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with the Act and the regulations in this part.”

Comments: *OTCO did not meet the requirements of NOP 2609 Instruction Unannounced Inspections. The auditors reviewed certification files and conducted interviews with certification staff and identified that:*

- 1. OTCO did not conduct unannounced inspections of 5% of its total certified operations in 2020 (2.7%).*
- 2. OTCO’s unannounced inspection protocol allows up to three days-notification to certified operations (in socio-geographic zones presenting a risk to personal safety) prior to conducting an unannounced inspection. This is not in alignment with NOP policy allowing no more than four hours notification prior to an unannounced inspection and only in extenuating circumstances.*

Corrective Action: OTCO submitted the following corrective actions:

- OTCO has established a goal of conducting unannounced inspections of 5% of its total certified operations plus 5 additional operations annually to ensure they meet the minimum requirement. OTCO submitted an updated WIKI – Annual OTCO Unannounced Inspection Plan, which requires the inspection department to monitor completion of unannounced inspections quarterly. Additionally, OTCO's Certification Director monitors unannounced inspection goals through monthly Key Organizational Indicators (KOI).
- OTCO updated its Inspector Manual to state that notification of an unannounced inspection may be provided up to four hours in advance when deemed appropriate. OTCO also removed the noncompliant language from the Inspector Manual that allowed for operations to be notified up to four days ahead of unannounced inspections. OTCO provided the updated manual to all staff through document control and notified staff by email of the changes on October 3, 2022.

AIA-8800-21 – 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: *OTCO’s Material Review Policy does not demonstrate OTCO’s ability to fully comply with the requirements for accreditation. OTCO’s policy titled, “Materials That Do Not Require Review” incorrectly states that fully contained crop pesticides that do not contact soil or crops do not require review. Materials used in crop pest control must be reviewed for compliance with §205.206.*

Corrective Action: OTCO updated their policy titled, “Materials that Do Not Require Review” to remove the row that directed Certification Officers to not review materials that fully contain attractants/bait used as crop pesticides that do not contact soil. OTCO will only allow operators to

use fully contained pesticides in the field if product information is submitted to OTCO and reviewed for compliance. OTCO also added a verification point to their Inspection Report to ensure fully contained pesticides are consistently verified at inspection. OTCO notified employees and farm operators of changes to the OTCO policy for fully contained pesticides and its use requirements. OTCO submitted the policy and notification of the policy changes.

AIA-8801-21 - 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: *OTCO does not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files and identified that input materials are included in OTCO’s approved materials database without carrying the required use restriction as required on the National List.*

Corrective Action: OTCO determined that the proper use restriction had been communicated to the operation for the input, however, OTCO’s approved materials database incorrectly classified the input as being approved for the operation as a crop pesticide rather than as a livestock input. OTCO corrected its approved materials database and completed an internal audit of its approvals of the same material input for other operations. The internal audit identified additional instances of the input being incorrectly classified. OTCO plans to re-review those material approvals and determine whether any operations need to be notified. OTCO determined that the erroneous approvals originated from a material review service provider that OTCO contracts with and notified the material review service provider that it needed to update the materials list it provides to OTCO.

AIA-8802-21 - Accepted. 7 C.F.R. §205.662(c) states, “Proposed Suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.”

Comments: *OTCO’s adverse action process is not always in compliance with the USDA organic regulations. The auditors reviewed adverse action files and identified two notifications of suspension that were issued up to 72 days after the deadline in the notification of proposed suspension. Additionally, OTCO accepted a request for mediation 55 days after the deadline in the notification of proposed suspension.*

Corrective Action: In March 2022, OTCO required all staff issuing adverse actions notifications to take the OILC NOP-040 training. OTCO Certification Managers increased the frequency of tracking noncompliances and adverse actions to monthly. OTCO updated its WIKI: Managing Adverse Actions (Mediations and Appeals) to include a supplemental video tutorial explaining how to track the dates for issuing adverse actions in the database. This WIKI is available to all staff who issue notifications of adverse actions.

AIA-8803-21 - Accepted. 7 C.F.R. §205.663 states, “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... 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.”

Comments: *OTCO’s settlement agreements do not consistently comply with the requirements of the USDA organic regulations. The auditors reviewed settlement agreements established by OTCO and found that settlement agreements do not always include a defined period of time for the certified operations to complete the terms.*

Corrective Action: OTCO updated its settlement agreement template to include a date the settlement agreement will be considered resolved if all terms are met. OTCO required any Certification Officer or Supervisor hired after April 2021 to complete the OILC NOP-040 training before December 31, 2022. Going forward, OTCO will require all new Certification Officers or Supervisor staff to complete the OILC NOP-040 training. Additionally, the training is registered as a 2022 required course in the OTCO WIKI: OTCO Certification Staff Training, which all relevant staff must complete.

AIA-8804-21 - 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: *OTCO did not consistently carry out the provisions of the Act and regulations. The auditors reviewed certification files and identified that OTCO did not verify compliance of a producer’s Organic System Plan (OSP) in the following instances:*

1. *OTCO accepted a ruminant producer’s OSP which combined different classes of animals for the dry matter demand and dry matter intake calculations, which is not in alignment with §205.237(c)(1).*
2. *OTCO’s inspector identified inaccuracies with the producer’s method for calculating dry matter demand and dry matter intake per §205.237(d)(4), and OTCO did not require the producer to update the OSP.*
3. *OTCO accepted a livestock producer’s OSP that did not accurately describe the operation’s multiple grazing seasons per §205.240(c)(3).*
4. *OTCO accepted a livestock producer’s OSP that specified a prohibited reason for temporary confinement per §205.239(b),(c).*

Corrective Action: OTCO reviewed the files associated with the noncompliances and provided confirmation that each issue had been addressed or would be addressed during the 2022 certification cycle. OTCO submitted training documents and participant lists for the OTCO Annual Herd List and DMI Training delivered to certification officers in February 2022 and delivered to inspectors in March 2022. OTCO also launched an OTCO DMI Calculation micro-training for operations and submitted the training materials. OTCO required certification officers and inspectors qualified for NOP livestock to take the OILC NOP-290 training by December 30, 2022 and OTCO provided all staff with the Annual Herd List & Planned DMI Calculation Requirement FAQ Guide on August 31, 2022.