

# USDA National Organic Program update

Organic Certifier Training  
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National Organic Program





# NOP Training Agenda

## This Morning

NOP Update

Who needs to be certified?

Accreditation Update

Food Safety

Lunch

## This Afternoon

Organics at USDA

Penalty matrix

Settlements and Appeals

Standards Update

Q&A

## Tomorrow

International Update and Listening Session

# The National Organic Program (NOP)



- **Mission:**  
Ensure the integrity of USDA organic products throughout the world
- **Vision:**  
Organic Integrity from Farm to Table,  
Consumers Trust the Organic Label
- **Core Role:**  
Implement the Organic Foods Production Act and the USDA organic regulations

# NOP accredited certifiers



- Accredited by the USDA Agricultural Marketing Service National Organic Program to ensure the integrity of USDA organic products throughout the world
- Thousands of farmers and handlers, and millions of consumers depend upon the work that you do.
  - Evaluate applications for certification
  - Ensure continued compliance by certified operations
  - Inspect organic producers and handlers
  - Take enforcement action when appropriate
  - Collect and analyze samples
  - Ensure quality through personnel and processes

A vertical photograph on the left side of the slide showing a bunch of green onions. The green stalks are at the top, and the white bulbous roots are at the bottom, extending into a dark soil-like background.

# Thank you for your work!

- The USDA National Organic Program greatly appreciates the work carried out by certifiers. Certifiers are the front line in the investigation of complaints against certified operations. Certifiers also provide valuable, general assistance, stemming from their knowledge of the industry and regional situations. The partnership between the NOP and certifiers in regard to investigation and enforcement is a continuing success.

# What Does the NOP Do?



- Develop and maintain organic standards
- Accredite and oversee third party organic certifying agents, who review, inspect, and approve organic producers and handlers
- Implement international organic trade agreements
- Investigate complaints of violations (example: uncertified farmer selling food as organic, selling conventional food as organic)
- Manage the National Organic Standards Board
- **Oversight Responsibility:**
  - 84 certifying agents worldwide
  - 25,000 certified organic operations in 133 countries
  - \$35 billion in U.S. organic sales (2013)

# Quick Facts About USDA organics



- **NOP Staffing:** 34 employees in three Divisions and the Office of the Deputy Administrator
- **NOP Budget:**
  - FY 2012: \$6.919 million
  - FY 2013: \$6.369 million
  - FY 2014: \$9.04 million

## **USDA Organic Leadership:**

- Agricultural Marketing Service(AMS) Administrator Anne Alonzo
- USDA Organic Working Group – Dozens of USDA programs and staff that support Secretary Vilsack’s Guidance on Organic Agriculture
- Mark Lipson, USDA Organic Policy Coordinator

# Collaboration Across USDA and With Other Agencies



- AMS Livestock, Poultry, and Seed Program: Economic analyses, technical reports, appeals reviews, accreditation audits
- AMS Science and Technology Program: Residue Testing Program
- AMS Fruit and Vegetable Programs and Compliance and Analysis: Collaboration on investigations and enforcement actions; audits
- Food Safety Inspection Service and Natural Resources Conservation Service: Labelling coordination; streamline/reduce redundancies
- Economic Research Service, NASS/Census of Agriculture, and National Agricultural Library: New data usage agreements
- NOP works with Office of Inspector General, Department of Justice, Customs and Border Protection, the Food and Drug Administration, the Environmental Protection Agency, and the Tax and Tariff Bureau on both enforcement and regulatory issues.
- Federal Trade Commission: Joint project to collect data on consumer perceptions of personal care products and textiles sold as organic.

# Accreditation Activities



- NOP oversees the work of 84 certifiers, which certify over 25,000 certified organic operations.
  - Work includes audits, audit report reviews, notices of noncompliance, corrective action reviews, responding to questions, updating list of certified operations
  - This work is done by 6 Accreditation Managers and one Program Specialist
  - Supplemented by audit team in AMS Quality Assurance Divisions, Livestock and Seed Program
- At the close of FY 2013, certifiers were in full compliance with 95% of the NOP's accreditation criteria, and have implemented corrective actions for all deficiencies.

# Key Accreditation Activities in FY 2013



- 25 accreditation renewal audits, 5 accreditation midterm audits, 1 initial accreditation audit.
- 63 reinstatements of certification
- Issued 9 temporary variances to the USDA organic regulations; denied 2 temporary variances
- Issued 4 export authorizations.
- Supported training, policy development, and outreach activities (meetings, presentations, materials)
- Launched “sound and sensible” initiative to make the organic certification process affordable and attainable for organic operations.

# High Priority Certification Issues to Address



- Inconsistent certification process
- Recordkeeping focus and burden
- Expense of certification
- Burden of time that is involved in inspections and maintaining paperwork
- Some farms that comply with organic standards avoid certification.

**The Sound and Sensible Initiative was established to start to address these issues.**

# Sound and Sensible Certification



## Affordable, Accessible and Attainable for all operations

- **Affordable** – reasonable fees, reasonable compliance costs
- **Accessible** – certifiers and technical assistance available locally
- **Attainable** – Clear and understandable standards, plain language, reasonable record keeping requirements



# Sound and Sensible Implementation

- Technical Assistance Instructions – Certifiers/Inspectors responsible for providing technical assistance
- Organic System Plan Instructions – Multiple ways to comply, streamline certification process
- Settlement Agreements to support continuous improvement and timely compliance



# Sound and Sensible

- Certification must be **sound**:
  - Objective and complete evaluation of compliance
  - Verify and enforce compliance
  - Take action on noncompliances
- Certification should be **sensible**:
  - Reasonable records that verify compliance
  - Educate farmers and handlers on USDA organic requirements



# Sound and Sensible - 2014

- Certification must be **sound**:
  - Increased focus on uncertified operations – no organic claims unless exempt or excluded from certification
- Certification should be **sensible**:
  - Develop affordable, accessible, and attainable certification programs for underserved areas (e.g. CSAs, farmers markets, urban agriculture)

# Accreditation and International Activities Division: Key Priorities in FY 2014



- Publish updated list of certified operations
- Certifier Training: February 2014
- NOP auditor training: March 2014
- Costa Rica Training: March 2014
- Equivalency agreement negotiations with Korea
- Accreditation peer review by ANSI
- Accreditation Audits and Follow-up
- Maintain existing recognition and equivalency arrangements – peer reviews, working groups

# Purposes of Enforcement



**Purpose:** To protect the integrity of the organic standards so as to facilitate commerce

- Maintain consumer confidence
- Ensure a fair market for the great majority of organic operations that operate in compliance with the law



## Key Activities:

- Investigate complaints, work with operations to achieve compliance where possible and take enforcement actions as appropriate
- Represent the NOP in appeals of adverse actions
- Work with certifiers, state organic programs and Federal partners on enforcement of the OFPA and the USDA organic regulations
- Lead enforcement-related policy development and outreach efforts

# FY 2013 Successes

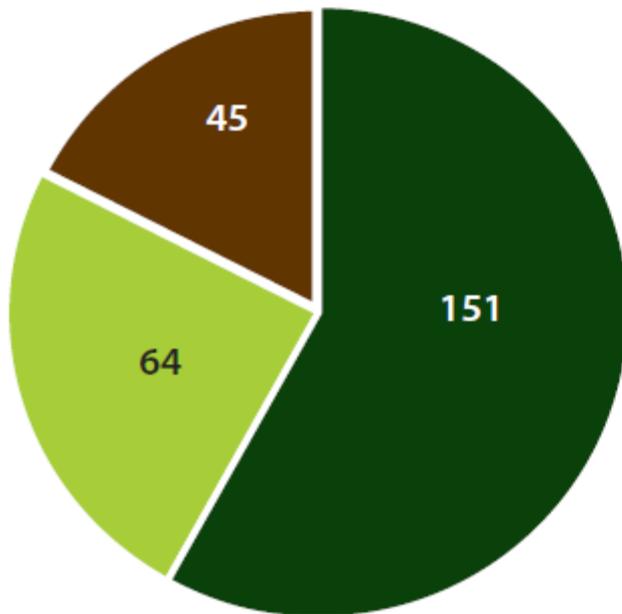


- NOP C&E issued 18 civil penalties, totaling \$78,500, for willful violations of the USDA organic regulations.
- Despite reduced staffing due to sequestration, the NOP closed 260 complaints, approximately 93% of the record high number closed in FY12.
- Continuous improvement of case handling and management, reducing overall backlog for the first time
- Worked with OIG and Department of Justice on high profile enforcement cases

# Complaint Distribution



## Case Distribution



- Uncertified operations
- Labeling violations and fraud
- Prohibited substances and methods

# FY 2014 Priorities



- Complaint investigations and closures - Reduce backlog and time to case closure
- Work closely with OGC to pursue complaints for hearing against violators, as appropriate
- Contribute to policy and training development related to enforcement
- Implement Farm Bill provisions related to enforcement



- **Key Activities**

- Develop new rules and coordinate clearance
- Develop and maintain Regulatory Priorities Agenda
- Draft new and updated guidance and policy memos
- Develop materials to support rollout of new standards, respond to letters and questions about standards
- Maintain National List, including petition intake and response, and list management activities
- Support the National Organic Standards Board

# Standards Division: FY 2013 Successes



- In FY 2013, NOP successfully led, managed, maintained, and communicated progress for approximately 20 Standards projects, including work plans, rules, and communication materials.
- In FY13, the Standards Division completed:
  - 3 final rules, 3 proposed rules, 2 draft guidance documents, and 5 final guidance documents.
  - Developed regulatory priority plan to ensure NOP's priorities are reflected in USDA's regulatory agenda.
  - Developed revised sunset process to improve efficient use of USDA resources.

# FY 2014 Priorities



- Origin of Livestock Proposed Rule
- Aquaculture Proposed Rule
- Pet Food Proposed Rule
- Other rules in progress: Apiculture, Mushrooms
- Guidance: “Made with,” Materials Classification Guidance, Substances in Post-Harvesting Handling
- Material Clarifications for Certifiers
- National List Management, including Technical Report contract management
- Provide support for National Organic Standards Board subcommittees



# National Organic Standards Board (NOSB)

- Appointed by the Secretary of Agriculture under the Federal Advisory Committee Act (FACA)
- FACA Committees purpose are to obtain advice or recommendations on issues or policies within the scope of an agency official's responsibilities
- NOSB reviews substances and recommends if they should be allowed/prohibited



# USDA's Role with the NOSB

- Ensure that public access to NOSB actions is maximized.
- Issue administrative guidelines for NOSB
- Efficiently use agency resources
- USDA may not include exemptions for the use of specific synthetic substances, without them having been proposed (by the NOSB)
- USDA is responsible for evaluating OFPA criteria associated with National List substances



## OFPA Sunset Provision

- No exemption or prohibition contained in the National List shall be valid unless the NOSB has reviewed such exemption or prohibition as provided in this section within 5 years of such exemption or prohibition being adopted or reviewed and the Secretary has renewed such exemption or prohibition

# Sunset needed a revision!

Drawbacks to the previous process:

- Only required 2/5 NOSB members to remove a substance
- Every sunset required three NOP rulemaking actions
- Substances used to be discussed in 1 public meeting
- Annotation changes during sunset were problematic

A vertical photograph on the left side of the slide showing a bunch of green onions. The green stalks are at the top, and the roots are visible at the bottom, extending downwards. The roots are light brown and fibrous.

# Sunset revision benefits

- **Thorough and transparent review process for all substances** - it provides 2 public comment opportunities before the NOSB completes its review of each substance.
- Ensures that any change to the National list (petitioned or sunset) is supported by a 2/3 majority of the NOSB.
- Streamlines the administration of the National List by simplifying rulemaking.



## Will it be difficult to remove substances?

- Substances that have been removed from the National List in the past have all had 2/3 votes supporting their removal, (e.g., sulfur dioxide for rodent control, forms of pectin, forms of lecithin, forms of silicon dioxide, hops).



# 2014 NOSB Nominations

- Environmentalist with expertise in areas of environmental protection and resource conservation
- Organic Producer who owns or operates an organic operation
- Organic Handler who owns or operates an organic handling operation
- Retailer with significant trade in organic products

# Thank You

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Farm to Table,

Consumers Trust the  
Organic Label

[www.ams.usda.gov/nop](http://www.ams.usda.gov/nop)

