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CERTIFICATE OF ACCREDITATION

United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

Yolo County Department of Agriculture (YDA)

Woodland, California, USA

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 .

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

Certificate No: NP6067NNA
Effective Date: January 22, 2016
Expiration Date: January 22, 2021

Miles V. McEvoy
Deputy Administrator
National Organic Program

USDA ORGANIC

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USDA Agricultural Marketing Service

1400 Independence Avenue, SW.
Room 2646-S, STOP 0268
Washington, DC 20250-0201

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a renewal assessment of the Yolo County Department of Agriculture (YDA). An onsite audit was conducted and the audit report reviewed to determine YDA's capability to continue operating as a USDA accredited certifying agent. This report provides the results of the renewal assessment and review of YDA's corrective actions.

GENERAL INFORMATION

Applicant Name	Yolo County Department of Agriculture (YDA)
Physical Address	700 Cottonwood, Woodland, CA 95695
Mailing Address	700 Cottonwood, Woodland, CA 95695
Contact & Title	John Young, Yolo County Ag Commissioner
E-mail Address	john.young@yolocounty.org
Phone Number	(530) 666-8148
Reviewer(s) & Auditor(s)	Rebecca Claypool, NOP Reviewer; Patricia Heckart, On-site Auditor; Renee Gebault-King, On-site Auditor.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective actions review: June 15 – July 21, 2016 NOP assessment review: April 21, 2016 Onsite audit: March 7 – March 9,16
Audit Identifier	NP6067NNA
Action Required	None
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of YDA's certification program.
Audit & Determination Criteria	*7 CFR Part 205, National Organic Program as amended*
Audit & Review Scope	YDA's certification services in carrying out the audit criteria during the period: January 2013 through March 2016

Yolo County Department of Agriculture is a government entity located in Woodland, California and Yolo County Organic Agriculture (YDA) is the organic program within the department. YDA was accredited as a certifying agent on January 22, 2006, to the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations. YDA currently has 46 certified clients with 36 crops, 2 livestock and 11 handlers. The clients are located primarily in Yolo County, California, and there are several clients also in San Joaquin, Butte, Solano, and Contra Costa counties. There are currently no wild crop clients certified by YDA.

NOP DETERMINATION:

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

NP3203LCA.NC1 – Cleared.
NP3203LCA.NC2 – Cleared.
NP3203LCA.NC3 – Cleared.
NP3203LCA.NC4 – Cleared.
NP3203LCA.NC5 – Cleared.
NP3203LCA.NC6 – Cleared.

NP3203LCA.NC7 – Accepted. 7 CFR §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…"

2013 Comments: *YDA conducts annual performance evaluations of certification staff. However, certification managers do not conduct any evaluations or observations of inspector on-site inspection activities.*

2014 Corrective Action: YDA implemented a policy in October 2013 to have a supervisor conduct an annual oversight inspection of each organic inspector. The inspection form is signed as reviewed by both the inspector and supervisor. The first on-site inspection evaluation was scheduled for Dennis Chambers to evaluate Michelle Lawson in November 2013.

2016 Verification of Corrective Action: YDA conducts field evaluations of its inspectors; however, a written record of this evaluation is not created for the personnel file. There is no written evaluation, nor performance plan for the employee.

2016 Corrective Action: YDA created the YCOA Inspector Field Evaluation form (YCOA Oversight Inspection form ORG-124) to document inspector evaluations. A copy of the evaluation form was submitted.

NP3203LCA.NC8 – Cleared.
NP3203LCA.NC9 – 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.

NP6067NNA.NC1 – Accepted. 7 CFR §205.403(c)(2) states that "The on-site inspection of an operation must verify:… That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation."

2016 Comments: *The review and witness audits revealed that the inspectors did not verify all aspects of the operations' OSPs.*

a. *Additional inputs (chlorine bleach) were noted by the inspector on the inspection report; however, the use of such inputs nor sources of the inputs were verified. This information was not noted in the operator's OSP nor added to the OSP at the time of inspection.*
b. *In the livestock inspection, the inspector did not note the physical alteration (castration) of the male cattle in the OSP. Livestock housing information was not verified, and the second pasture was not viewed. The OSPs were not updated to reflect the additional information.*
c. *In review of an inspection report, there were fruit trees noted on the operation which were not in the OSP. The inspector noted that these could possibly be certified but did not have the operator add them to the OSP. The organic certificate issued for this operation did include the fruit trees.*

2016 Corrective Action: YDA plans to have an inspector attend the IOIA basic livestock inspection training in November 2016 for inspector training, and another inspector attend the IOIA Processing Inspection training in August of 2016.

a. YDA submitted the client's organic systems plan including the chlorine bleach input.
b. The Livestock OSP (ORG-007), Section 4 and Livestock Inspection form (ORG-123), were amended to include questions and verification points for livestock alterations. An unannounced inspection was conducted on the same operation to confirm livestock alterations and to view all pastures.
c. YDA submitted the client's OSP including the fruit trees that are also certified. YDA updated the YCOA Handbook, section 3 on Certification Requirements. The updated section notifies clients that changes to their OSP must be communicated to YDA. The updated handbook will be sent to clients.

NP6067NNA.NC2 – Accepted. 7 CFR §205.501(a)(1) states, "Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part."

2016 Comments: *During witness and review audits and based on interviews with YDA staff, several issues were noted that require additional training in order for staff to comply with USDA organic regulations.*

a. *Inspectors: During the review of four inspection reports (livestock, crops and handling), information on the OSP was not verified or updated to reflect information gathered during the Inspection of the operation. The inspector for the livestock witness audit discussed other certified operations (mentioned certified operations by names), which is*

a violation of the confidentiality agreement. Livestock Living Conditions section of the inspection report was left blank by the inspector. The inspector reported "physical alterations were not applicable" during a livestock inspection on an operation that raises male and female cattle.

b. *Reviewers: The YDA decision maker signed and issued an organic certificate that listed Himalayan salt, which implies it is a certified organic product.*

2016 Corrective Action: All staff were trained on General Requirements for Accreditation regarding confidentiality, and a training log was submitted.

a. The Livestock OSP (ORG-007) and inspection form (ORG-123) were amended to include questions about physical alterations. YDA plans to send one of their two inspectors to the IOIA basic livestock inspection training in November 2016 for inspector training.
b. The organic certificate for the operation was amended and organic salt was omitted. A copy of the certificate was submitted. YDA trained the inspector on the use of salt in processed products. The client was notified to remove organic claims for salt from their labels and packaging. The annual inspection was completed July 19, 2016 and it was verified that the salt labels and packaging are compliant. Labels and packaging were submitted.

NP6067NNA.NC3 – Accepted. 7 CFR §205.406(b) states, "Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall within a reasonable time arrange and conduct an on-site inspection of the certified operation pursuant to §205.403."

2016 Comments: *In 2015, YDA did not conduct an annual inspection at one handling operation for continuation of certification.*

2016 Corrective Action: YDA conducted the 2015 annual inspection in April of 2016, and the report was submitted. The Annual Membership Renewal process was updated in the YCOA Handbook stating that renewal applications are due within 30 days of notice and an on-site inspection will follow. A copy of the updated handbook will be sent to clients.

NP6067NNA.NC4 – Accepted. 7 CFR §205.501(a)(21) states, "A private or governmental entity accredited as a certifying agent under this subpart must… Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary."

2016 Comments: *Neither the YDA application/OSP or inspection documents require applicants to disclose information about whether clients are importing or exporting products. Furthermore, YDA has not developed procedures for assessing operation compliance to various international trade arrangements.*

2016 Corrective Action: The Handler-Processor System Plan (ORG-113), and the Handler-Processor Inspection Form (ORG-122), were revised to include questions regarding the export and import of products. The Crop Organic System Plan (ORG-006), and inspection form (ORG-121), were also revised to include export and import information. The updated forms will be sent to all inspectors and management. The revised forms were submitted.

NP6067NNA.NC5 – Accepted. 7 CFR §205.501(a)(21) states, "A private or governmental entity accredited as a certifying agent under this subpart must… Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." In accordance with NOP Instruction 2609, Section 4.1.1 and 4.1.2 state, "…recommend that certifying agents conduct unannounced inspections of 5 percent of their total certified operation per year…. Certifying agents should have a long term plan for conducting unannounced inspections across their client base…."

2016 Comments: *YDA did not conduct the required five percent unannounced inspections of the total number of certified operations for 2015 (one unannounced inspection was conducted in 2015 and one in 2014). YDA does not have any written plan for conducting these unannounced inspections.*

2016 Corrective Action: An unannounced Inspection and Residue Sampling Plan (ORG-125) was created. The Quality Systems Manual section Additional Inspections was revised to include the requirement that management periodically evaluates the plan to ensure five percent of operations are assigned an inspector and receive an unannounced inspection.

NP6067NNA.NC6 – **Accepted.** 7 CFR §205.662(c)(3) states that a notification of proposed adverse action must state "…The impact of a suspension or revocation on future eligibility for certification."

2016 Comments: *The Notice of Proposed Suspension and Notice of Proposed Revocation templates do not contain a statement about the "impact of the adverse action."*

2016 Corrective Action: The notice of proposed suspension/revocation (ORG-049) was amended to include the impact of the adverse action on the future eligibility for certification. An updated template was submitted.

NP6067NNA.NC7 – Accepted. 7 CFR §205.670(d) states, "A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number."

2016 Comments: *In 2015, YDA did not meet the five percent minimum requirement for residue analyses. In 2016, YDA collected two samples for testing meeting the five percent requirement.*

2016 Corrective Action: An unannounced Inspection and Residue Sampling Plan (ORG-125) was created. The Quality Systems Manual section Pesticide Sampling and Residue Testing was revised to include the requirement that management periodically evaluates the plan to ensure five percent of operations are sampled annually.

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Applicant Name:	Yolo County Department of Agriculture (YDA)
Est. Number:	N/A
Physical Address:	70 Cottonwood Street, Woodland, CA 95695
Mailing Address:	70 Cottonwood Street, Woodland, CA 95695
Contact & Title:	John Young, County Agricultural Commissioner
E-mail Address:	John.Young@YoloCounty.org
Phone Number:	(530) 666-8148
Auditor(s):	Julie Hartley and Meg Kuhn, Accreditation Manager
Program:	USDA National Organic Program (NOP)
Audit Date(s):	March 4 - 27, 2014
Audit Identifier:	NP3203LCA
Action Required:	No
Audit Type:	Corrective Action audit
Audit Objective:	To verify review and approve corrective actions addressing the noncompliances identified during the Mid-Term Assessment.
Audit Criteria:	*7 CFR Part 205, National Organic Program; Final Rule*, dated December 21, 2000; revised January 1, 2013.
Audit Scope:	YDA's response letters to the Mid-Term Assessment noncompliance report.
Location(s) Audited:	Desk

GENERAL INFORMATION

The Yolo County Department of Agriculture (YDA) is a government entity located in Woodland, California, and Yolo Certified Organic Agriculture (YCOA) is the organic program within the department. YDA was accredited as a certifying agent on January 22, 2006, to the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations. The company currently has 25 certified operations with 17 crops, 2 livestock, and 6 handlers certified to the NOP. The operations are located primarily in Yolo County, California, and there are several clients also in San Joaquin, Butte, Solano, and Contra Costa counties. There are currently no wild crop operations certified by YDA.

AUDIT INFORMATION

During the Mid-Term Assessment, the corrective actions for the noncompliances identified during the 2007 Initial and 2010 Renewal Assessments were found to be implemented and effective. Those noncompliances were cleared. There were nine noncompliances identified during this audit. The NOP notified YDA of these findings in writing on September 17, 2013. YDA submitted a response to the NOP on October 14, 2013, and March 25, 2014.

FINDINGS

NP3203LCA.NC1 – Accepted – NOP §205.406(c) states, "If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in § 205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with § 205.662." *YDA issued a Notice of Proposed Revocation to a safflower producer on 4/18/13; however, YDA did not issue a Notice of Noncompliance prior to the Notice of Proposed Revocation. YDA issued a non-compliance notification on 6/13/13 after YDA realized the mistake.* **Corrective Action:** YDA created and implemented the use of a noncompliance flowchart (ORG-120) to be used solely by the YDA Program Manager to follow noncompliance and adverse action procedures compliant with §205.662. The flowchart displays boxes allowing the program manager to determine subsequent adverse actions after a notice of noncompliance is issued and also includes sections to input dates of issuance.

NP3203LCA.NC2 – Accepted – NOP §205.662 states that certifiers must:
"(a) *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: (1) A description of each noncompliance; [and] (2) The facts upon which the notification of noncompliance is based." *A Notice of Noncompliance issued 8/14/13 did not clearly describe the facts upon which the notification was based. The notice stated, "[The operation] has failed to submit the required information, as directed by YCOA, to complete the Organic System Plant (OSP)".*

"(e) Suspension or revocation. (1) If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of suspension or revocation."

- *One Notice of Proposed Suspension and one Notice of Proposed Revocation listed the effective date of the suspension or revocation was the same date as the issue date of the notifications. This is not possible, since the operation must be given the opportunity to appeal or request mediation.*
- *YDA issued a "Notice of Proposed Revocation of Certification" to an operation 7/20/11. However, after the operation failed to request mediation or file an appeal, YDA did not issue a Notice of Revocation of Certification" to complete the adverse action.*

Corrective Action: YDA created and implemented the use of a noncompliance flowchart (ORG-120) to be used by the YDA Program Manager to follow noncompliance procedures compliant with §205.662, including appeal/mediation requirements. There is a final "disposition" box on the flow chart that is meant to identify the final action of the file taken by the SOP or County (or NOP, if applicable). The YDA Notice of Noncompliance template (ORG-50) was amended to include a section for the Program Manager to enter USDA organic regulations and facts upon which the noncompliance is based.

NP3203LCA.NC3 – Accepted – NOP §205.660 (d) states, "Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to §205.662, §205.663, and §205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts." *Non-compliance and adverse action notifications for three operations were not issued with a service providing dated return receipts.*
Corrective Action: YDA implemented the use of certified mail for all noncompliance and adverse action notifications issued. The certified receipts are retained and attached to a file's noncompliance flowchart (ORG-120).

NP3203LCA.NC4 – Accepted – NOP §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." *YDA's recordkeeping/client update system does not ensure that OSPs are up-to-date and/or provide enough information to show that all operations comply with the organic regulations. If an operation has many updates to the OSP over multiple years, the OSPs on file do not clearly communicate 1) what practices are currently implemented and 2) if the operation is in compliance.*
Corrective Action: YDA eliminated the use of its abbreviated Organic System Plan (OSP) update forms. YDA revised its crops (ORG-006), livestock (ORG-007), and handling (ORG-113) OSP templates to comply with current USDA organic certification requirements for each scope. Certified operations must complete new OSPs annually, allowing an operation's file to remain current and able to be fully reviewed by YDA for compliance. Certified operations are notified of the OSP update changes through the annual update process. At this time, the operations receive a notice 30 days prior to the renewal date requesting an updated OSP, along with a copy of the revised OSP template.

NP3203LCA.NC5 – Accepted – NOP §205.501(a)(8) states, "A private or governmental entity accredited as a certifying agent under this subpart must provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and the regulations in this part." *YDA's livestock Organic System Plan form (Organic Livestock Plan Questionnaire: Slaughter/ Dairy/ Pasture) does not ask applicants or operators to describe how they are complying with §205.240 (Pasture Practice Standard).*
Corrective Action: YDA eliminated the use of its abbreviated livestock Organic System Plan (OSP) forms. YDA revised its livestock (ORG-007) OSP to comply with current USDA organic production requirements, including §205.540 (Pasture Practice Standard). Certified operations are notified of the OSP update changes through the annual update process. At this time, the operations receive a notice 30 days prior to the renewal date requesting an updated OSP, along with a copy of the revised OSP template.

NP3203LCA.NC6 – Accepted – NOP §205.403(c)(1) states, "The on-site inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations in this part." *During the review of YDA Inspection Report templates and completed certified operation inspection reports, the auditor noted the following issues:*

- *Inspection report formats for all scopes do not require the inspector to record mass balance or trace back verification activities and results.*

- *The handler inspection report format requires the inspector to describe the type and activities of the operation rather than providing information regarding the verification to the Organic System Plan (OSP) and the operation's compliance to USDA organic regulations.*
- *The livestock inspection report format does not adequately address all organic livestock management requirements in order for the inspector to verify compliance to Livestock Feed (§205.237) and Pasture Practice Standard (§205.240).*
- *The crop inspection report format did not include a section for the inspector to describe verification of compliance to §205.204 when non-organic seeds are used by an operator.*

During the witness inspection of the handling operation, the auditor noted the following issues:

- *The inspector pursued field production information that was not relevant to the scope of the inspection.*
- *The inspector did not review purchase invoices for product ingredients to verify compliance.*
- *The inspector did not adequately verify the compliant use of citric acid which is a restricted material. There was no record that the acid was produced by microbial fermentation of carbohydrate substances. There was no statement that confirmed the lack of excluded methods (§205.105(e)).*

The above mentioned auditor findings are evidence that YDA's current inspection report templates hinder inspectors from recording and conducting complete verification of compliance.
Corrective Action: YDA created crops (ORG-121), livestock (ORG-122), and handling (ORG-123) inspection forms to address each point listed in the noncompliance, including having sections to record trace-back audits within all forms, adding numerous points to ensure an inspector verifies OSP information within the handling form, adding two sections to the livestock form to address Livestock Feed (§205.237) and Pasture Practice (§205.240) regulations, and adding points to allow an inspector to describe compliance to §205.204. The new templates also include areas for the inspector to review and record purchase and certification status records of ingredients, material input use in reference to possible National List annotations, and commingling and contamination prevention. YDA's response indicates the new templates were implemented in the inspection system in January 2014. There are only two (2) inspectors in use at YDA, both staff, who were made aware of the changes through the Mid-Term Assessment corrective action process. In addition, YDA conducted a staff training in on March 24, 2014 to address all changes to YDA's program as a result of Mid-Term corrective actions; records of the training were provided in the April 7, 2014 supplemental response.

NP3203LCA.NC7 – 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…" *YDA conducts annual performance evaluations of certification staff. However, certification managers do not conduct any evaluations or observations of inspector on-site inspection activities.*
Corrective Action: YDA implemented a policy in October 2013 to have a supervisor conduct an annual oversight inspection of each organic inspector. The inspection form is signed as reviewed by both the inspector and supervisor. The first on-sight inspection evaluation was scheduled for Dennis Chambers to evaluate Michelle Lawson in November 2013.

NP3203LCA.NC8 – Accepted – NOP §205.403(e)(1) states "At the time of the inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector." *Since the prior on-site assessment in 2010, YDA has collected and submitted one product sample for pesticide residue analysis. The YDA inspector did not provide the operator with a receipt of the sample collected.*
Corrective Action: YDA updated its Quality Manual Pesticide Sampling and Residue Testing policy to state that the inspector will provide the operation with a receipt for samples taken. This procedure was implemented by YDA inspectors. YDA conducted a staff training in on March 24, 2014 to address all changes to YDA's program as a result of Mid-Term corrective actions; records of the training were provided in the April 7, 2014 supplemental response.

NP3203LCA.NC9 – Accepted – NOP §205.510(b)(2) states, "Records created by the certifying agent regarding applicants for certification and certified operations must be maintained for not less than 10 years beyond their creation."

- *According to the "YCOA Enforcement Processing Checklist," YCOA two issued Notices of Noncompliance respectively on 5/15/12 and 10/22/12. However, YCOA could not locate the files for the auditor's review.*
- *YCOA staff does not adequately record the dates of pre-inspection compliance reviews. The "Organic Production Certification Update Questionnaire" template (used for crop operations only) has a section for the date of receipt and the review date; however, in many client files, this section was not completed.*
- *An additional document inconsistently used by YDA during the post-inspection review is the "Final Document Review for YCOA Organic Certification." This document records the YDA reviewer's post-inspection assessment of compliance of an applicant or continuing certified operation.*

Corrective Action: All YDA OSP templates were amended to include sections for dates received and reviewed, and the reviewer initials; staff is instructed to complete this section through the form itself. The "Final Document Review for YCOA Organic Certification" form is no longer used and replaced with revised YDA inspection form templates which include sections for the program head to complete with final review details. YDA indicated that the two Notices of Noncompliance could not be found because they were not in fact issued; in the final review, the decision-maker determined that the issue identified at inspection was not an actual noncompliance and, therefore, did not issue the noncompliance. The inspector logged the noncompliances into the quality systems manual, unaware that the final reviewer determined the issue to be an "area of concern" rather than a noncompliance. The documents cited in the "area of concern" for both client files were provided by the operations, which YDA submitted with their response. To prevent this noncompliance from reoccurring, the YDA Program Manager is now responsible for entering noncompliances and adverse actions into the QM system, as the Program Manager is the staff person responsible for citing and issuing these notices.

1400 Independence Avenue, SW.
Room 2646-S, STOP 0268
Washington, DC 20250-0201

AUDIT INFORMATION

ACA Name:	Yolo County Department of Agriculture (YDA)
Est. Number:	N/A
Physical Address:	70 Cottonwood Street, Woodland, CA 95695
Mailing Address:	Same
Contact & Title:	John Young, Agricultural Commissioner; Dennis Chambers, Chief Deputy Agriculture Commissioner; Elpidio Tijerino, Ag & Standards Specialist
E-mail Address:	john.young@yolocounty.org; dennis.chambers@yolocounty.org; elpidio.tijerino@yolocounty.org
Phone Number:	530-666-8140
Auditor(s):	Lars Crail, NOP Regional Accreditation Manager (RAM)
Program:	USDA National Organic Program (NOP)
Audit Date(s):	NOP Review: December 7, 2010 through April 27, 2011.
Audit Identifier:	NP0287ADA
Action Required:	No
Audit Type:	Corrective Action Review
Audit Objective:	To verify continuing compliance to the requirements of the audit criteria.
Audit Criteria:	7 CFR Part 205, National Organic Program, Final Rule, December 21, 2000, amended August 24, 2010.
Audit Scope:	The company's quality manual including personnel, processes, procedures, facilities and related records.
Location(s) Audited:	Desk

FINDINGS

On October 14, 2010, and November 1 – 3, 2010, the AMS Audit, Review, and Compliance Branch (ARC) conducted a Renewal on-site assessment (NP0287ADA) of Yolo County Department of Agriculture (YDA). Four noncompliances were identified during the Renewal assessment. The corrective actions for the six noncompliances identified during the Initial on-site assessment (NP7137OOA) were verified and four of the six noncompliances were found to be implemented and effective.

NP7137OOA.NC1 – Cleared
NP7137OOA.NC2 – Cleared
NP7137OOA.NC5 – Cleared
NP7137OOA.NC6 – Cleared

On November 16, 2010, NOP issued a Notice of Noncompliance regarding the two outstanding noncompliances (NC3 and NC4) from the Initial assessment and the four new noncompliances from the Renewal Assessment. YDA staff submitted corrective actions and the NOP reviewer determined that all six noncompliances are adequately addressed.

NP7137OOA.NC3 – Adequately Addressed -NOP §205.303 (b) states, "Agricultural products in packages

described in §205.301(a) and (b) must: (1) For products labeled "organic," identify each organic ingredient in the ingredient statement with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic. (2) 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 demonstration inspection for the processor, it was observed that the label being applied to the bottles of olive oil stated "Organic"; however, it did not contain an ingredient statement indicating which ingredients were organic or the information identifying the handler or distributor. During the review of the label, the inspector did not identify that the label was non-compliant. It was also discovered that the label had never been reviewed for approval by YDA.*

Initial Corrective Action: YDA has notified the client that the label was not in compliance and reminded the client that labels are to be approved by YDA prior to use in accordance with their certification handbook. A copy of the label submitted verified that the label has been revised to be in compliance with the NOP Final Rule. YDA also indicated that the inspector will be training with an experienced inspector in order to improve the inspector's skills. **Surveillance Audit Findings:** YDA conducted a one-on-one training with an experienced CCIA inspector on January 8, 2009, and the training was documented. During the processor witness inspection it was observed that the YDA inspector did not notice, or identify as a finding, that the bag currently being used did not contain an ingredient statement, show the product as organic, have the 'Certified by' statement, or that the 'Fair Trade' seal was larger and more prominently placed than the NOP seal. The bag in use was not the bag approved in the client file. Additionally, only one product was submitted for approval but there are five varieties of which at least one had an additional bag size being used. **Subsequent Corrective Action:** YDA issued the client a Notice of Noncompliance for the label violations. The client submitted compliant labels for YDA review and approval; furthermore, YDA initiated a training program to provide staff on-going NOP instruction and education. The label with the 'Fair Trade' seal was reviewed by the NOP reviewer and was not determined to be in violation of the regulation since the seal is not an organic claim. This noncompliance is adequately addressed.

NP7137OOA.NC4 – Adequately Addressed -NOP §205.403 (c) states, "The on-site inspection of an operation must verify: (1) The operation's compliance or capability to comply with the Act and the regulations in this part; (2) That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; (3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples." *It was observed during the demonstration inspection for the processor that the inspector did not review the organic system plan with the client to determine that it was still accurate and was unaware that the label being used did not comply with the NOP Rule. It was observed during the demonstration inspection of the producer that the inspector did not inspect the condition of equipment, verify seed invoices for untreated non-organic seeds, and had a tendency to take the clients answer when questions were asked rather than requesting to see objective evidence to support her answer.* **Corrective Action:** YDA

has arranged to have the inspector to be trained by an experienced inspector to aid in improving the inspector's skills. **Surveillance Audit Finding:** YDA conducted a one-on-one training with an experienced CCIA inspector on January 8, 2009, and the training was documented. During the processor witness inspection it was observed that the YDA inspector did not verify the sections of the original OSP or updated OSP that were no longer accurate or missing information for the client to correct.

It was observed that the client was processing flavored coffee during the inspection, and while the inspector did identify that the product was not submitted for approval, he did not ask to see any of the flavoring ingredients, labels or information. Additionally, when the inspector looked at the finished packages available, he was not aware that the label was not in compliance to 205.303 (a)(5) & (b)(1, 2) as there was no ingredient statement, wording to show the product as organic, no 'Certified by' statement, or that a 'Fair Trade' Seal was larger and more prominently placed than the NOP seal on the main panel. **Subsequent Corrective Action:** YDA issued the client a Notice of Noncompliance for the label violations. The client submitted compliant labels for YDA review and approval; furthermore, YDA initiated a training program to provide staff on-going NOP instruction and education. The label with the 'Fair Trade' seal was reviewed by the NOP reviewer and was not determined to be in violation of the regulation since the seal is not an organic claim. This noncompliance is adequately addressed.

NP0287ADA.NC1 – Adequately Addressed - NOP §205.501(a)(15) states "A private or governmental entity accredited as a certifying agent under this subpart must: Submit to the Administrator a copy of (i) 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 files found that one of two noncompliances were not submitted to the Administrator as required when issued or when verified as resolved and corrected.* **Corrective Action:** YDA updated their noncompliance and adverse action notice templates to include a 'checkbox' for sending copies to the State Organic Program (SOP) and/or to the NOP. YDA has implemented a 'Processing' log that will indicate the date notices are submitted to the SOP and NOP. This noncompliance is adequately addressed.

NP0287ADA.NC2 – Adequately Addressed -NOP §205.662 (a) states, "When an inspection, review or investigation of a certified operation by a certifying agent… 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: (1) A description of each noncompliance; (2) The facts upon which the notification of noncompliance is based; and (3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each correction when correction is possible." *A review of various files found that a Notice of Noncompliance is not always being written and issued to the client but are being written on the 'Final Document Review for YCOA Organic Certification' form and then followed up with a call or email to the client to inform them and request corrective actions.*

NOP §205.662 (b) states, "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." *A review of various files found that when corrective actions are performed and verified, a notice of resolution is not being sent to the certified operation.*

NOP §205.662 (c) states, "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. The notification of proposed suspension or revocation of certification shall state: (2) The proposed effective date of such suspension or revocation." *A review of the 'Notice of Proposed Suspension or Revocation of Certification' form found that there is no effective date section.*

Corrective Action: YDA updated their 'Final Document Review' form to include a section for identified noncompliances. YDA has implemented a 'Processing' log that indicates the date notices are issued to clients. Updated notice templates were submitted to the NOP reviewer. This noncompliance is adequately addressed.

NP0287ADA.NC3 – Adequately Addressed -NOP §205.404 (b) states, "The certifying agent must issue a certificate of organic operation which specifies the: (2) Effective date of certification." *A review of the certificates during the witness inspection at the crop operation found that the issued certificates by YDA showed the annual approval date and not the effective date of initial certification. However, a review at the YDA office found that YDA has changed their template to now show the 'effective date' as well as the 'most recent on-site inspection date'.* **Corrective Action:** YDA updated their certificate template to indicate the effective date, the date the operation was initially certified. Further investigation by the NOP reviewer of other certificates revealed that one operation's certificate effective date was incorrect. The effective date indicated on the certificate was the date YDA had initially certified this operation; however, the operation was previously certified by another certifier. YDA made the necessary correction and re-issued the certificate. This noncompliance is adequately addressed.

NP0287ADA.NC4 – Adequately Addressed -NOP §205.404 (a) states, "Within a reasonable time after completion of the initial on-site inspection, a certifying agent must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, the agent shall grant certification. The certification may include requirements for the correction of minor noncompliances within a specified time period as a condition of continued certification." *A review of a crop operation first certified in 2009 found that 'top soil, peat moss and perlite' were used as the potting mixture for plants. No documentation of organic source was requested, provided or addressed in the OSP. Additionally, the client did not have any documentation for seed sourcing. Neither issue was cited as a noncompliance, and the client was subsequently granted certification. The 2010 annual OSP update has not been received and the inspection has not been performed yet.* **Corrective Action:** YDA issued the client a Notice of Noncompliance and the client subsequently submitted corrective measures and objective evidence that was deemed adequate by YDA. YDA has initiated a training program to provide staff on-going NOP instruction and education. This noncompliance is adequately addressed.