



CERTIFICATE OF ACCREDITATION



United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

PUBLIC INSTITUTION "EKOAGROS"

Laisves av. 67, Kaunas, LT-44304, LITHUANIA

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-81-23**

Effective Date: **01/23/2022**

Expiration Date: **01/23/2027**

Issue Date: **03/27/2023**

Jennifer Tucker, Ph.D.

Deputy Administrator

National Organic Program

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NATIONAL ORGANIC PROGRAM: AUDIT & CORRECTIVE ACTION REPORT

GENERAL INFORMATION

- **Certifier Name** Public Institution “Ekoagros” (EKOAGROS)
- **Physical Address** K.Donelacio st. 33, Kaunas, LT 44240, LITHUANIA
- **Audit Type** Renewal Assessment
- **Auditor(s) & Audit Dates** Stephen Nix, 08/08/2022 to 08/11/2022
- **Audit Identifier** NOP-14-22

CERTIFIER OVERVIEW

The National Organic Program (NOP) conducted an on-site renewal audit of Public Institution “Ekoagros” (EKOAGROS) NOP certification program from August 8-11, 2022. The purpose of the audit was to verify EKOAGROS’ compliance with the USDA organic regulations and NOP policies. The auditor reviewed certification files, conducted interviews with certification staff, and conducted one on-site witness audit of an announced annual inspection of a certified crops operation.

Ekoagros is a non-profit institution located in Kaunas, Lithuania and has been accredited by the USDA for the Crops, Wild Crops, Livestock, and Handling scopes. While EKOAGROS maintains additional offices in Telsiai and Utena, Lithuania, all USDA organic certification activities are performed in Kaunas.

EKOAGROS currently certifies three crops operations and one operation to the wild crops and handling scopes. EKOAGROS does not currently certify any livestock operations or grower groups. EKOAGROS’ USDA organic certification services are performed by 19 staff, referred to as either Experts, Inspectors, and/or Administrative. Experts are qualified to perform all certification activities, while Inspectors are qualified to conduct initial file reviews and inspections.

As of July 1, 2022, EKOAGROS discontinued NOP certification services in Belarus, the Russian Federation, and eastern Ukraine.

NOP DETERMINATION:

NOP reviewed the audit results to determine whether EKOAGROS' 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 audit.

Noncompliances from Prior Assessments

AIA-1813-20 – Cleared.
AIA-1814-20 – Cleared.
AIA-2009-20 – Cleared.
AIA-2010-20 – Cleared.
AIA-2011-20 – Cleared.
AIA-2012-20 – Cleared.
AIA-2544-20 – Cleared.

Noncompliances Identified during the Current Assessment and Corrective Actions

AIA-1630-22 - Accepted. 7 C.F.R. § 205.403(c)(2) states, “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 or by the certified operation;”

Comments: *During the witness audit of a crops inspection, the auditor observed that the EKOAGROS inspector did not fully verify the accuracy of the operation's organic system plan (OSP). The operation's biodiversity and natural resources conservation practices implemented to comply with §205.200 were not described in the operation's OSP, and the inspector did not verify whether the OSP was complete.*

Corrective Action: EKOAGROS revised its *Organic System Plan (OSP) – Crop Production (NOP-009)* to require operations to provide a description of their biodiversity and natural resource conservation practices. EKOAGROS also revised its *Inspection Report for NOP (NOP-005)* to require the inspector to document whether biodiversity and natural resource conservation practices observed at inspection correspond to those described in the OSP. EKOAGROS conducted training for certification staff on the revised templates, as well as a review of the responsibilities of experts (reviewers) and inspectors, on December 12, 2022. EKOAGROS submitted the revised OSP and inspection report templates and training record to NOP.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted an audit as part of the NOP's assessment of the Public Institution "Ekoagros" (EKOAGROS) organic program. The National Organic Program (NOP) reviewed the auditor's report to assess EKOAGROS' compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Public Institution "Ekoagros" EKOAGROS
Physical Address	K.Donelacio st. 33, Kaunas, LT-44240, LITHUANIA
Mailing Address	K.Donelacio st. 33, Kaunas, LT-44240, LITHUANIA
Contact & Title	Ms. Virginija Luksiene, Development Manager
E-mail Address	virginija.luksiene@ekoagros.lt
Phone Number	370 37 203181
Reviewer(s) & Auditor(s)	Melissa Lahullier, NOP Reviewer; Sherry Aultman, Jessica Walden, Melissa Lahullier, Auditors
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective Action Review: 12/10/2020 NOP Assessment: 08/20/2020 Audit: 06/25/2020 - 07/02/2020
Audit Identifier	NOP-72-20
Action Required	No
Audit & Review Type	Mid-term Audit (Desk Audit)
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of EKOAGROS's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	EKOAGROS' certification services in carrying out the audit criteria during the period: 04/26/2018 through 06/25/2020

Public Institution “Ekoagros” (Ekoagros) is a non-profit public institution in Lithuania. Ekoagros was granted USDA NOP accreditation for the scopes of crops, wild crops, livestock, and handling on January 23, 2017. As of June 29, 2020, Ekoagros certifies 11 operations: Crops (3), Wild Crops (1) and Handlers (8). Ekoagros currently conducts certification services in Lithuania, Ukraine, Russian Federation, and Kazakhstan.

The office where NOP accreditation activities take place is Kaunas, Lithuania. Ekoagros employs 16 staff members: two certification reviewers/officers, two inspectors, five inspector reviewers, two administrative staff, one director and four decision makers.

As part of the Mid-term Assessment, a desk audit was conducted. An onsite visit, including witness audits, was not possible due to travel restrictions.

NOP DETERMINATION:

NOP reviewed the onsite audit results to determine whether EKOAGROS’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 “**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. 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.

Non-compliances from Prior Assessments

AIA-1808-20 - Cleared

AIA-1810-20 - Cleared

AIA-1811-20 - Cleared

AIA-1812-20 - Cleared

AIA-1815-20 - Cleared

AIA-1816-20 - Cleared

AIA-1817-20 - Cleared

AIA-1908-20 - Cleared

AIA-1813-20 - Accepted. (NOP-4-18.NC5) - 7 C.F.R. §205.501(a)(9) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Maintain all records pursuant to §205.510(b) and make all such records available for inspection and copying during normal business hours by authorized representatives of the Secretary...”

Comments: *The auditor reviewed two fertilizer inputs approved for compliance by Ekoagros. There were insufficient records to demonstrate that the materials comply with §205.105, Allowed and prohibited substances, methods, and ingredients in organic production and handling.*

Corrective Action: Ekoagros developed a list of inputs that comply with §205.105. Ekoagros revised the appropriate sections of its NOP procedures PR-12, PR-14, and PR-13 with a reference to the “List of substances, methods and ingredients evaluated for the NOP.” The list will be updated at least once per year. Ekoagros submitted the list of substances, methods and ingredients evaluated to the NOP; along with revised procedures PR-12, PR-14, and PR-13. Ekoagros provided its staff with training.

Verification of Corrective Action: This corrective action was not fully implemented. The auditors reviewed the material review process for several inputs and the “List of substances, methods and ingredients evaluated for the NOP.” The auditors found that records of material input compliance were insufficient and limited to product labels and spec sheets that did not disclose all ingredients. The auditors found several instances of material inputs listed in operator OSPs that were approved for use, but were not listed on the “List of substances, methods and ingredients evaluated for the NOP”. Additionally, three inputs were reviewed and determined compliant to the European Union (EU) organic standards, and not to the USDA organic regulations. Ekoagros stated that their material review experts utilized other methods to verify NOP compliance (internet, direct conversations with manufacturers, etc.); however, these methods of verifying compliance were not documented.

2020 Corrective Action: Ekoagros updated its NOP procedure PR-14 to include detailed instructions for material input review including that an expert must evaluate all new substances and all its components, methods and ingredients; maintain review documentation as a separate file; and complete the spreadsheet "List of substances, methods and ingredients evaluated for NOP" in detail. Ekoagros revised the original "NOP List of substances" to now include the methods of review and ingredients and changed the name to "NOP List of substances, methods and ingredients evaluated for NOP". Ekoagros stated that all materials are reviewed completely each year. Ekoagros submitted the revised procedure PR 14 and the revised "List of substances, methods and ingredients evaluated for NOP" which included reviewed materials using the new methods. Ekoagros notified its staff of the updated procedures by email.

AIA-1814-20 - Accepted. (NOP-4-18.NC6) - 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.” The USDA organic regulations specifically allow for citation of minor noncompliances in § 205.404, which states, “the certification may include requirements for the correction of minor noncompliances within a specific time period as a condition of continued certification.”

Comments: *A review of one issued “minor issue” notification revealed that there was no specific time period in which the operation was to correct or rebut and provide evidence to the certifier.*

Corrective Action: Ekoagros revised its Notification of Issuing the Certificate of Organic Production and Information about Non-compliances template to include a specific time by which the operation has to correct or rebut the noncompliance.

Verification of Corrective Action: This corrective action was not fully implemented. The template for “Notification of Issuing the Certificate of Organic Production and Information about Noncompliances” does not have a time period included. A review of issued notifications found that Ekoagros issued four “Notification of Issuing the Certificate of Organic Production and Information about Non compliances” notices without a due date.

2020 Corrective Action: Ekoagros updated its NOP Procedure PR-14 to include requirements for the correction of minor noncompliances within 30 days as a condition of continued certification. Ekoagros updated the letter template "Notice of issuing the certificate of organic production and information about noncompliances" to include the specific deadline of 30 days for correction of minor noncompliances. Additionally, Ekoagros appointed the Head of V Certification Department as responsible for all aspects of NOP certification to ensure compliance. Ekoagros submitted a revised PR-14 and revised letter template.

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.

AIA-2009-20 - Accepted C.F.R. §205.404(b)(1-4) states, “The certifying agent must issue a certificate of organic operation which specifies the: (1) Name and address of the certified operation; (2) Effective date of certification; (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and (4) Name, address, and telephone number of the certifying agent.”

Comments: *Ekoagros' organic certificates are missing the required elements identified in NOP 2603 Organic Certificates. The auditors' review of certification files found the following:*

- 1. One organic certificate for an operation certified under the wild crops and handling scopes did not list the wild crop product, only the final handled product.*
- 2. The anniversary date on certificates is not consistently represented. Two of five certificates reviewed included an anniversary date with no year, only the month and day.*

Corrective Action: Ekoagros updated its NOP Procedure PR-14 to include instructions that all dates on certificates must be MM/DD/YYYY and that certificates should specify all certified products including certified primary products (ingredients) in the operation's Crops scope. Ekoagros submitted revised PR-14 and copies of certificate templates displaying the new date format. Ekoagros will update the certificate with missing products during the 2020 annual certification cycle.

AIA-2010-20 - Accepted 7 C.F.R. §205.403(c)(2) states, “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;”

Comments: *Ekoagros' inspectors do not fully verify the accuracy of an operation's organic system plan. The auditors' review of certification files found that Ekoagros' inspectors are not conducting or recording mass balance and trace-back audits as a part of initial onsite inspections. Ekoagros developed specific forms for inspectors to record the trace-back and mass balance audits; however, a review of inspection reports of new certification applicants revealed no recorded evidence that mass balance and trace-back audits were conducted.*

Corrective Action: Ekoagros updated its "Procedure for Organic products control according to USDA NOP" PR-12 to include instructions that Ekoagros forms for traceability audits (NOP 005/2) and mass balance audits (NOP 005/1) must be conducted and completed when inspecting certification applicants. Ekoagros appointed the Head of V Certification Department as responsible for ensuring that inspectors are completing these forms. Staff were notified of the requirements by email. Ekoagros submitted revised PR-12 for NOP's review.

AIA-2011-20 - Accepted 7 C.F.R. §205.405(a)(1) states, “When the certifying agent has reason to believe, based on a review of the information specified in §205.402 or §205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification. The notification of noncompliance shall provide: a description of each noncompliance.”

Comments: *Ekoagros does not consistently issue notifications of noncompliance to applicants that are not in compliance with or are not able to comply with the regulations. The auditors’ review of certification files found that for one reviewed certification denial case, Ekoagros issued a Notice of Denial without first issuing a notification of noncompliance or alternatively issuing a combined notification of noncompliance and denial.*

Corrective Action: Ekoagros provided internal training to all NOP certification personnel. Ekoagros required certification staff to take and pass course NOP 040 *Compliance and Enforcement: Adverse Actions, Appeals and Reinstatements* in the Organic Integrity Learning Center (OILC). Ekoagros provided a list of participants and slides for the internal training and also provided the assessment scores for the OILC NOP 040 course.

AIA-2012-20 - Accepted 7 C.F.R. §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."

Comments: *Ekoagros does not consistently require certified operations to resolve a noncompliance before issuing a written notification of noncompliance resolution. The auditors’ review of certification files found that Ekoagros issued a Notice of Noncompliance Resolution to an operation without receiving and evaluating corrective actions or a rebuttal.*

Corrective Action: Ekoagros provided internal training to all NOP certification personnel. Ekoagros also required main staff to take and pass course NOP 040 *Compliance and Enforcement: Adverse Actions, Appeals and Reinstatements* in the Organic Integrity Learning Center (OILC). Ekoagros provided a list of participants and slides for the internal training and also provided the assessment scores for the OILC NOP 040 course.

AIA-2013-20 - Accepted 7 C.F.R. §205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: A description of each noncompliance;”

Comments: *Ekoagros’ noncompliance procedure does not comply with the USDA organic regulations. In one case, Ekoagros did not issue a notice of noncompliance to its certified operation even though the operation was found to be noncompliant. Additionally, the auditors’ review of certification files found that noncompliance notifications are often merged into “Notices of Organic Inspection Results” that do not clearly identify the noncompliance and do not require the operation to respond according to the noncompliance procedure in the USDA organic regulations.*

Corrective Action: Ekoagros provided internal training to all NOP certification personnel. Ekoagros also required main staff to take and pass course NOP 040 *Compliance and Enforcement: Adverse Actions, Appeals and Reinstatements* in the Organic Integrity Learning Center (OILC). Ekoagros provided a list of participants and slides for the internal training and also provided the assessment scores for the OILC NOP 040 course.

AIA-2544-20 - 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. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification.”

Comments: *Ekoagros did not issue a combined notification of proposed suspension and notification of noncompliance to an operation whose noncompliance was not correctable. Additionally, Ekoagros issued a notice of noncompliance to an operation that described proposed suspension actions. This notification was intended as a combined notification of noncompliance and proposed suspension, but was incorrectly titled.*

Corrective Action: Ekoagros updated the combined notice of noncompliance and proposed suspension template with a corrected title. Ekoagros provided internal training to certification personnel. Ekoagros required certification staff to take and pass course NOP 040 *Compliance and Enforcement: Adverse Actions, Appeals and Reinstatements* in the Organic Integrity Learning Center. Ekoagros provided a list of participants and slides for the internal training and also provided the assessment scores for the OILC NOP 040 course. Ekoagros submitted the updated template for NOP’s review.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An on-site Initial Assessment of the Public Institution “Ekoagros” (Ekoagros) organic program was conducted on April 10-13 and April 23-24, 2018. The National Organic Program (NOP) reviewed the auditor’s report and corrective actions to assess Ekoagros’ compliance to the USDA organic regulations. This report provides the results of the NOP’s assessment.

GENERAL INFORMATION

Applicant Name	Public Institution “Ekoagros”
Physical Address	K. Donelaicio st. 33, LT-44240 Kaunas, Lithuania
Mailing Address	K. Donelaicio st. 33, LT-44240 Kaunas, Lithuania
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E-mail Address	Virginija.luksiene@ekoagros.lt
Phone Number	37061844141
Reviewer & Auditor	Penny Zuck, NOP Reviewer Lars Crail, Onsite Auditor
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective Action Review: October 2, 2018 NOP assessment: May 7, 2018 Onsite audit: April 10-13 (Office Audit) and April 23-24 (Witness Audits), 2018
Audit Identifier	NOP-4-18
Action Required	None
Audit & Review Type	Initial Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ekoagros’ certification system.
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	Ekoagros’ certification services in carrying out the audit criteria during the period: September 22, 2016 through April 13, 2018.

Public Institution “Ekoagros” (Ekoagros) is a non-profit public institution in Lithuania. Ekoagros was granted USDA-NOP accreditation for the scopes of crops, wild crops, livestock, and handling on January 23, 2017. At the time of the onsite audit, Ekoagros certified nine operations: Crops (6) and Handlers (3). Ekoagros currently conducts certification services in Lithuania, Ukraine, Russian Federation, and Kazakhstan.

Ekoagros’ office where NOP accreditation activities take place is located in Kaunas, Lithuania. Ekoagros employs 13 staff members: administrative (4), certification review (3), inspectors (6).

Two witness audits were conducted. One witness audit was an annual inspection of a crops operation in Lithuania producing corn, winter wheat, sunflower, mustard, and spring barley seeds. The other witness audit was an annual inspection of the handling/trading operation that purchases the grain seeds; selling the seeds to the buyers that process the seeds into oil in Ukraine.

NOP DETERMINATION:

NOP reviewed the onsite audit results to determine whether Ekoagros' 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 “**Accepted**” indicates acceptance of the corrective actions and verification of corrective action implementation will be conducted during the next onsite audit.

NP6263PZA.NC1 – Cleared
NP6263PZA.NC2 – Cleared
NP6263PZA.NC3 – Cleared
NP6263PZA.NC4 – Cleared
NP6263PZA.NC5 – Cleared
NP6263PZA.NC6 – Cleared
NP6263PZA.NC7 – Cleared
NP6263PZA.NC8 – Cleared
NP6263PZA.NC9 – Cleared
NP6263PZA.NC10 – Cleared
AP-46-18.NC1 – Cleared

Non-compliances Identified during the Current Assessment and Corrective Actions

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.

NOP-4-18.NC1 – Accepted. 7 C.F.R. §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.”

Comments: *Organic System Plan (OSP) templates do not provide enough detail (e.g. descriptions, data, flow chart, etc...) to allow operators to demonstrate compliance. Although OSP templates do contain subsection headings of §205.201(a)(1-6) and practice standard requirements (e.g. §205.205, Crop rotation), there should be additional prompts (e.g. questions,*

tables, etc..) for operators to answer or complete with sufficient detail. Below are some examples of missing critical information in OSPs reviewed by the auditor:

1. General information about operators (i.e. name, titles) and operations (e.g. address, parallel production, all-organic, etc...).
2. Labeling to include descriptions of applicable lot numbers.
3. Procedures of handling product during harvest and post-harvest up to sale of product.
4. Product or ingredient vendors and certification.
5. Export and/or import ingredients and/or products.
6. Flow charts displaying ownership, product production/handling, and records.
7. Description of buffer zones and the disposition of buffer zone crops harvested.
8. Attachment/Annex section listing for maps, labels, flow charts, etc...
9. Pest management procedures for post-harvest storage facilities.
10. An update on the correction of minor noncompliances previously identified by the certifier as requiring correction for continued certification.

Corrective Action: Ekoagros updated its Organic System Plan (OSP) templates (forms NOP-009 and NOP-009/1) to include subsection headings, practice standard requirements, and additional prompts for operators to answer and/or complete the forms with sufficient detail. Ekoagros submitted the new OSP forms to the NOP; published the forms on the Ekoagros website; and provided its staff (inspectors and reviewers) with training.

NOP-4-18.NC2 – Accepted. 7 C.F.R. §205.504(b)(2) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; ...: A copy of the procedures to be used for reviewing and investigating certified operation compliance with the Act and the regulations in this part and the reporting of violations of the Act and the regulations in this part to the Administrator.”

Comments: *There are no procedures or instructions for inspectors to record on the inspection report or addendum traceability tests.*

Corrective Action: Ekoagros developed form NOP-005/2 for inspectors to record in the inspection report traceability activities. Ekoagros updated its Procedure Manual (PR-12) with instructions for inspectors. Ekoagros submitted form NOP-005/2 and the updated procedures to the NOP. Ekoagros provided its staff (inspectors and reviewers) with training.

NOP-4-18.NC3 – Accepted. 7 C.F.R. §205.404(b)(3) states, “The certifying agent must issue a certificate of organic operation which specifies the: Categories of organic operation, including crops... or processed products produced by the certified operation....”

Comments: *Three issued certificates reviewed by the auditor lists “Crops” as the certification category; however, the certification category should be Handling since the operations only trade products.*

Corrective Action: Ekoagros issued new certificates to all operations with the correct certification category. Ekoagros revised NOP procedure PR-14 to include detailed information required on the NOP certificate, including certification categories. Ekoagros submitted examples of certificates it newly issued and the revised PR-14 procedures to the NOP. Ekoagros also provided its staff with training.

NOP-4-18.NC4 – Accepted. 7 C.F.R. §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. A certifying agent that certifies fewer than thirty operations on an annual basis must sample and test from at least one operation annually. Tests conducted under paragraphs (b) and (c) of this section will apply to the minimum percentage of operations.”

Comments: *No sampling and residue testing has occurred since Ekoagros was accredited on January 23, 2017.*

Corrective Action: Ekoagros prepared a sampling plan for 2018 and submitted the plan to the NOP, which included a plan to sample and test from at least one operation because Ekoagros currently certifies less than thirty operations. Ekoagros sampled from one operation on August 30, 2018. Ekoagros submitted the sampling documentation and test results to the NOP.

NOP-4-18.NC5 – Accepted. 7 C.F.R. §205.501(a)(9) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Maintain all records pursuant to §205.510(b) and make all such records available for inspection and copying during normal business hours by authorized representatives of the Secretary...”

Comments: *The auditor reviewed two fertilizer inputs approved for compliance by Ekoagros. There were insufficient records to demonstrate that the materials comply with §205.105, Allowed and prohibited substances, methods, and ingredients in organic production and handling.*

Corrective Action: Ekoagros developed a list of inputs that comply with §205.105. Ekoagros revised the appropriate sections of its NOP procedures PR-12, PR-14, and PR-13 with a reference to the “List of substances, methods and ingredients evaluated for the NOP.” The list will be updated at least once per year. Ekoagros submitted the list of substances, methods and ingredients evaluated to the NOP; along with revised procedures PR-12, PR-14, and PR-13. Ekoagros provided its staff with training.

NOP-4-18.NC6 – 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.” The USDA organic regulations specifically allow for citation of minor noncompliances in § 205.404, which states, “the certification may include requirements for the correction of minor noncompliances within a specific time period as a condition of continued certification.”

Comments: *A review of one issued “minor issue” notification revealed that there was no specific time period in which the operation was to correct or rebut and provide evidence to the certifier.*

Corrective Action: Ekoagros revised its Notification of Issuing the Certificate of Organic Production and Information about Non-compliances template to include a specific time by which the operation has to correct or rebut the noncompliance.

NOP-4-18.NC7 – Accepted. 7 C.F.R. §205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program’s governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.” NOP 4002, Enforcement

of the USDA Organic Regulations: Penalty Matrix Violations, Section 4.2, states “Violations that warrant a NONC are more significant than minor issues. They are serious or complex enough to require an approved corrective action plan and the certifier is to verify the implementation of the approved plan. Failure to correct (or successfully rebut) these violations in a prescribed time period indicates that an operation is unable or unwilling to comply with the USDA organic regulations.”

Comments: *A review of one issued “minor issue” notification revealed that one of the three minor issues should have been classified as a noncompliance because the issue was significant to warrant a corrective action plan.*

Corrective Action: Ekoagros revised its NOP procedure PR-14 to include a description of minor and major noncompliances. Ekoagros submitted the revised procedure, PR-14, to the NOP and provided its staff with training.

NOP-4-18.NC8 – Accepted. 7 C.F.R. §205.505(a)(3) states, “...as a certifying agent under this subpart, the applicant will carry out the provisions of the Act and the regulations in this part, including:... Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services;...”

Comments: *Ekoagros did not conduct annual performance evaluations of all certification staff in 2017.*

Corrective Action: Ekoagros plans to conduct annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in the certification program by the NOP annual report due date (January 23, 2019). Ekoagros will include the results of the performance evaluations with the annual report submission.

NOP-4-18.NC9 – 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.” Specifically, § 205.201(a)(6) states, “An organic production or handling system plan must include: Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.”

Comments: *Ekoagros’ organic system plan template does not request operations to provide information regarding whether the operation plans to export organic product(s) under the US-Canada Equivalency Arrangement.*

Corrective Action: Ekoagros updated its Organic System Plan (OSP) templates to request that operations provide information regarding whether the operation plans to export organic product(s) under the US-Canada Equivalency Arrangement. Ekoagros also requires its clients to complete its newly developed “Compliance Undertaking for Export of NOP Organic Product to Canada” form (NOP-016). Ekoagros submitted the revised OSP templates and new form NOP-016 to the NOP; published the documents on the Ekoagros website; and provided its staff with training.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) received Ekoagros's initial accreditation application to become a U.S. Department of Agriculture (USDA) accredited certifier on June 1, 2016. The NOP has reviewed Ekoagros's application, conducted an onsite audit, and reviewed the audit report to determine Ekoagros's capability to operate as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Public Institution "Ekoagros" (Ekoagros)
Physical Address	K. Donelaičio st. 33, LT-44240 Kaunas, Lithuania
Mailing Address	K. Donelaičio st. 33, LT-44240 Kaunas, Lithuania
Contact & Title	Antanas Makarevičius, Director
E-mail Address	antanas.makarevicius@ekoagros.lt
Phone Number	+370 37 203181
Reviewer	Jason Lopez, NOP Reviewer
Auditor	Penny Zuck, On-site Auditor
Program	USDA National Organic Program (NOP)
Review Date	NOP assessment review: December 1, 2016
Audit Dates	Onsite audit: September 19-22, 2016
Audit Identifier	NP6263PZA
Action Required	No
Audit & Review Type	Pre-decisional Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Ekoagros's certification
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	Ekoagros's certification services in carrying out the audit criteria.

ORGANIZATIONAL STRUCTURE:

Public Institution "Ekoagros" (Ekoagros) is a non-profit limited civil liability public legal entity in Lithuania. Ekoagros applied for accreditation to the USDA-NOP scopes of crop, wild crop, livestock, and handling. Ekoagros maintains three offices in Kaunas, Telsiai and Utena, Lithuania. NOP certification activities will be conducted at the Kaunas main office.

Ekoagros employs 57 staff members, with education and work experience qualifications in certification. Ekoagros currently is accredited to conduct certification activities to several international and European standards. Ekoagros currently offers certification services in Belarus, Ukraine, Tadjikistan, Russian Federation, and Kazakhstan. Ekoagros plans to also provide

certification services in Armenia, Azerbaijan, Kyrgyzstan, Turkmenistan, Uzbekistan, Moldavia, Georgia, Mongolia, China, and India.

Witness audits were conducted of operations in the crop, livestock and processing scopes. The auditor witnessed the operations inspected to the EU organic standards. There were no witness audit findings.

NOP DETERMINATION:

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

NP6183PZA.NC1 – Cleared
NP6183PZA.NC2 – Cleared
NP6183PZA.NC3 – Cleared
NP6183PZA.NC4 – Cleared
NP6183PZA.NC5 – Cleared
NP6183PZA.NC6 – Cleared
NP6183PZA.NC7 – Cleared
NP6183PZA.NC8 – Cleared
NP6183PZA.NC9 – Cleared
NP6183PZA.NC10 – Cleared
NP6183PZA.NC11 – Cleared
NP6183PZA.NC12 – Cleared
NP6183PZA.NC13 – Cleared
NP6183PZA.NC14 – 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.

NP6263PZA.NC1 – **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. The certifying agent shall provide each applicant with an estimate of the total cost of certification and an estimate of the annual cost of updating the certification... The certifying agent shall provide all persons inquiring about the application process with a copy of its fee schedule.”

Comments: *Ekoagros does not have procedures to provide a cost estimate of certification to applicants and certified operations.*

Corrective Action: Ekoagros has revised its “Organic Products Control Procedure” to state a total cost estimate for initial and annual maintenance costs will be provided to the applicant. Ekoagros has prepared new notification templates to include this certification estimate information.

NP6263PZA.NC2 - Accepted - 7 C.F.R. §205.501(a)(11)(v) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report;...”

Comments: *Ekoagros is not requiring certification staff to complete conflict of interest disclosure reports annually.*

Corrective Action: Ekoagros has revised its “Organic Products Control Procedure” to state all applicable staff and responsibly connected parties must annually complete and sign a “Declaration of Conflict of Interest Form.”

NP6263PZA.NC3 – 7 C.F.R. §205.662 (f)(1) states, “A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.”

Comments: *The following statement is included in the Ekoagros template for combined Notice of Noncompliance and Proposed Suspension; Notice of Proposed Suspension; and Notice of Suspension: “As provided for in 205.662(f) of the NOP Final Rule, reinstatement of certification is subject to review by the USDA Secretary of Agriculture.” This statement does not clearly state that the operation must request reinstatement from the USDA Secretary of Agriculture (NOP).*

Corrective Action: Ekoagros has amended the statement included in the templates for the combined Notice of Noncompliance and Proposed Suspension; Notice of Proposed Suspension; and Notice of Suspension to clearly state the operation must request reinstatement from the USDA Secretary of Agriculture (NOP).

NP6263PZA.NC4 – Accepted - 7 C.F.R. §205.662 (a)(1-3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a

written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: A description of each noncompliance; the facts upon which the notification of noncompliance is based; and, the date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.”

Comments: *The Ekoagros template for Notice of Noncompliance includes the option to file an appeal. According to the USDA organic regulations, an operation cannot appeal a noncompliance.*

Corrective Action: The corrected template for Notification of Noncompliance no longer states the option to file an appeal in response to Notification of Noncompliance.

NP6263PZA.NC5 – Accepted - 7 C.F.R. §205.402 (a)(1-2) states, “Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to §205.401; Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part;...”

Comments: *Ekoagros has not developed procedures to record its review of applications for completeness and compliance prior to the on-site inspection.*

Corrective Action: Ekoagros prepared a procedure and checklist for the review of organic application documents for completeness and compliance. The review will be completed prior to the onsite inspection. On November 8, 2016, Ekoagros trained employees on the new application review process and checklist.

NP6263PZA.NC6 – Accepted - 7 C.F.R. §205.402 (b)(2) states, “The certifying agent shall within a reasonable time: ...Provide the applicant with a copy of the on-site inspection report, as approved by the certifying agent, for any on-site inspection performed;...” And, 7 C.F.R. §205.403 (e)(2) states, “Documents to the inspected operation. A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.”

Comments: *A copy of the inspection report is provided to the operation by the inspector at the time of inspection which has not been “approved” by Ekoagros, nor “sent” to the operation by Ekoagros.*

Corrective Action: Ekoagros updated its Control Procedure Manual to state Ekoagros shall, within a reasonable time, send the applicant a copy of the certifier approved on-site inspection report. This process is to be followed for any onsite inspection performed. Additionally, a copy of the test results for any samples taken by an inspector will be provided.

NP6263PZA.NC7 – Accepted - 7 C.F.R. §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.”

Comments: *Ekoagros has not developed recording procedures and a process of the final review, decision, and notification of decision to the operation.*

Corrective Action: Ekoagros established a procedure and checklist for the review of on-site inspection reports and notification of the certification decision to the operation. The new template of “Notification of issuing the certificate of organic production and information about non-compliances” will inform the operation of Ekoagros’ certification decision and minor issues found during inspection.

NP6263PZA.NC8 – Accepted - 7 C.F.R. §205.406 (a)(1-4) states, “To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent: An updated organic production or handling system plan which includes: A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's organic system plan during the previous year; and Any additions or deletions to the previous year's organic system plan, intended to be undertaken in the coming year, detailed pursuant to §205.200; Any additions to or deletions from the information required pursuant to §205.401(b); An update on the correction of minor noncompliances previously identified by the certifying agent as requiring correction for continued certification; and, Other information as deemed necessary by the certifying agent to determine compliance with the Act and the regulations in this part.

Comments: *Procedures and templates to notify operations of the annual update requirements have not been developed.*

Corrective Action: Ekoagros developed a procedure and templates to inform operations of annual updates and estimated annual costs. The annual notices will be sent to all operators reminding them that in order to continue certification, operations must annually pay the certification fees and submit the requested information included in the notification.

NP6263PZA.NC9 – Accepted - 7 C.F.R. §205.403 (d) 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: *Conducting the exit interview is not currently part of the Ekoagros on-site inspection procedure.*

Corrective Action: Ekoagros amended its onsite inspection procedure to require inspectors to conduct an exit interview with a knowledgeable representative of the operation. Ekoagros amended the onsite inspection form to record exit interview information.

NP6263PZA.NC10 – Accepted - 7 C.F.R. § 205.501(a)(21) 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; Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be

necessary.” The NOP website provides instructions and the terms of international trade arrangements. The 2016 Certifier Training Presentation, International Trade Arrangements, pp 31-33, instructs certifiers what must be verified.

Comments: *The Ekoagros Procedure Manual does not include procedures for conducting required verification and documentation of operations exporting and/or importing organic products or ingredients according to the USDA International Organic Trade Arrangements and NOP policy. The US-Canada Equivalency Arrangement is the only trade arrangement relevant to Ekoagros since currently they only intend to certify operations in Lithuania.*

Corrective Action: Ekoagros added a section of International Trade Policies to its control procedures. This section summarizes the requirements of the US-Canada Equivalency Agreement and the information applicants must provide on the application form to export/import products to/from Canada under the agreement. Ekoagros has prepared forms of compliance affirmation and attestation of compliance statements to meet the US-Canada Organic Equivalency Agreement.