

USDA PEER REVIEW OF THE UNITED KINGDOM ORGANIC PROGRAM

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1. INTRODUCTION

The U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS) established an equivalence arrangement whereby each government recognizes the other's organic production and handling standards for the purpose of international trade. To further inform these discussions, USDA's National Organic Program (NOP) representative conducted an onsite review of the United Kingdom's (UK) organic accreditation, certification, and production/handling systems.

This peer review was conducted jointly with the Canadian Food Inspection Agency (CFIA). The USDA prepared its own report based on the findings of the review.

2. OBJECTIVES OF REVIEW

- 2.1. The objective of the review was to evaluate the system capabilities and performance of the United Kingdom's authorities in controlling the proper application and enforcement of the United Kingdom's organic certification program for crop and livestock products and processed products.

3. SCOPE OF REVIEW

- 3.1. The scope of the audit included activities related to the following:
 - 3.1.1. UK's Department for Environment Food and Rural Affairs (Defra) and United Kingdom Accreditation Service (UKAS) accreditation and oversight of certification bodies.
 - 3.1.2. Certification and oversight of operations certified under the United Kingdom's

(UK) organic program by certification bodies approved/accredited by Defra and UKAS

3.1.3. Approval of organic exports and imports, pesticide residue testing, and complaints handling

4. BASIS FOR THE REVIEW

- 4.1. The April 2019 U.S. – United Kingdom Organic Equivalency Arrangement (USUKOEA) provides for representatives of USDA, following advance notice, to conduct onsite evaluations to verify whether United Kingdom (UK) relevant regulatory authorities and certification bodies of the UK organic program are carrying out the requirements of the program. This includes visits to offices of relevant regulatory authorities, certification body offices, certified production facilities and farms. On June 21, 2022, AMS-NOP informed Defra of its intent to conduct an onsite review of the United Kingdom as part of the ongoing requirements of the USUKOEA. Equivalency arrangements are provided pursuant to USDA organic regulations at 7 CFR 205.500(c)(1).
- 4.2. The following statutes, regulations, and standards were considered in the review:
- 4.2.1. U.S. Organic Foods Production Act of 1990
 - 4.2.2. U.S. Code of Federal Regulations (CFR) Part 205, National Organic Program
 - 4.2.3. ISO/IEC 17011:2017 Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies.
 - 4.2.4. United Kingdom’s accreditation and certification policy and procedures, including all related regulations, enforcement rules, and operating guidelines
 - 4.2.5. Council Regulation (EC) No 834/2007 on organic production and labelling of organic products.
 - 4.2.6. Commission Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.

- 4.2.7. Commission Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries.
- 4.2.8. UKAS organic agricultural products certification bodies accreditation service program (Accreditation Regulations 2009 and Agreement)
- 4.2.9. ISO/IEC 17065:2012 Conformity assessment — Requirements for bodies certifying products, processes, and services.

5. PROTOCOL

- 5.1. The review was accomplished by observing the competent authority, accreditation body, control bodies, and certified organic operations. In selecting control bodies and operations to be reviewed, the auditors worked with representatives of Defra to select operations representative of organic products produced in the UK which are being exported to the United States.
- 5.2. The auditors reviewed various phases of the organic production, certification, and accreditation system to determine if the responsible authorities had the necessary controls in place to ensure traceability and compliance with the referenced organic standards.
- 5.3. The review was accomplished in three parts: a review of activities at UKAS headquarters office; a review of activities by two Control Bodies (CB); and observing three witness audits conducted by UKAS. A review of activities at Defra headquarters planned for 19 September in London was impacted by the State Funeral of Her Majesty Queen Elizabeth II. Instead, interviews with Defra staff were conducted on 20 September and throughout the duration of the peer review.
- 5.4. An opening meeting was conducted with Defra and Welsh Government representatives at the UKAS head office in Staines, just outside London. At the UKAS office, the AMS NOP auditors reviewed UKAS' accreditation process and management system, with input from the Defra staff in attendance.
- 5.5. The AMS NOP auditors reviewed each control body's policies and procedures for certification and handling complaints.

- 5.6. The AMS NOP auditors observed UKAS's witness audit of inspections by the CBs. The inspections were of handling operations and livestock operation. The AMS NOP auditors also observed an organic salmon producer.
- 5.7. The AMS NOP auditors were accompanied by representatives of Defra throughout the review. During the witness audits, the auditors were accompanied by at least one representative of the CB.
- 5.8. A closing meeting of the onsite review was conducted with Defra officials, some in person and others joining remotely, on September 28, 2022.

6. OBSERVATIONS

- 6.1. Overview of the United Kingdom (UK) Organic Industry: As of 2021, there are over 5,700 organic operators and 507,000 hectares of land are certified organic. Of UK's organic land area, 61% is permanent grassland and 9% is devoted to growing cereals. The majority, 61%, of organic land is in England. Approximately 3% of the UK's total cattle population is reared organically. The top three UK organic exports to the U.S. are black tea, green tea and white wine.
- 6.2. Defra is the competent authority in the UK, operating the approval system for UK control bodies (CBs) involved with the production, labelling, storage, and import of organic products. Defra is the organic program authority in England; Defra works with the devolved governments to implement the organic program in Scotland (Scottish Government, SG), Wales (Welsh Government, WG), and Northern Ireland (Department of Agriculture, Environment & Rural Affairs, DAERA). The devolved governments are responsible for their own nation's organics policy, but in consultation with Defra, set policy to ensure a consistent domestic approach. Defra is also responsible for operating an approval system for third countries, and control authorities and control bodies in third countries, for the production, labelling, storage, and import of organic products. Defra consults with the devolved governments through monthly meetings of the Four Nations Working Group (FNWG). The FNWG is coordinated by Defra and policy representatives from each of the four Governments participate.

6.3. The United Kingdom Accreditation Service (UKAS) is the UK's national accreditation body. UKAS is a non-profit entity, independent of the UK government.

UKAS operates under a Memorandum of Understanding through the UK's Secretary of State for Business, Energy and Industrial Strategy (BEIS). UKAS is also a member of international accreditation groups like the International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), and the European Cooperation for Accreditation (EA). UKAS assesses against international standards for organizations that provide certification, testing, inspection, and calibration services.

UKAS is licensed by BEIS to use and confer the national accreditation symbols which symbolize government recognition of the accreditation process.

6.4. There are currently nine control bodies authorized and supervised by Defra to conduct organic certification activities in the UK. CBs are accredited for four years by UKAS, with UKAS assessing each control body annually. The UKAS assessors observed during the onsite inspections of this peer review were verified to be well-qualified and possessed extensive experience in organic inspection and assessment. UKAS sends its audit reports to Defra, and these reports may note some non-compliances. UKAS receives and approves corrective actions, and then submits a final report to Defra summarizing all assessments and conformity annually to cover the previous calendar year. UKAS refers major violations to Defra for resolution. Defra and UKAS meet biannually to discuss issues of common interest, concerns, and progress with assessments. Defra also meets regularly with the UK Organic Certifiers Group (UKOCG), which includes all authorized UK-based control bodies and representatives of the devolved governments. UKAS also attends the UK Certification Body Technical Working Group (CBTWG) when necessary.

6.5. Control Body #1 –The CB has been providing organic certification for several decades and currently certifies over 2,000 operations. It holds accreditation from UKAS for organic certification and offers certification to other schemes under other accreditations. The CB uses a robust computer-based system to track and monitor the certification process and cycle, including the tracking and resolution of non-conformities. The CB employs targeted, risk-based analysis to determine the need for additional oversight

- actions. The CB conducts unannounced inspections annually at a minimum of 10% of its certified organic operations.
- 6.6. Control Body #2 – The CB has been in operation for several decades and certifies over 300 operations. It holds accreditation from UKAS for organic certification and offers certification to other schemes under other accreditations. The CB regularly participates in working groups with UKAS and Defra. It holds an annual training for inspectors, and its certification officers provide significant training and oversight for the contracted inspectors. The CB conducts a minimum of 10% unannounced inspections annually. The CB provides regular training to its inspectors on certification schemes.
- 6.7. Observations from Certified Operation #1 – The operation, located in Wales, is a pasture raised cattle and sheep operation. The farm is family owned and has been certified organic for several years. All finished livestock are verified for no antibiotic use and are sold for slaughter. The farm manager/owner is highly knowledgeable and promptly produced all the records requested during the onsite visit. The inspector conducted a thorough inspection of the farm and its organic system plan, including a traceability audit on select livestock and a feed audit. The inspector recorded some findings, which were discussed during the exit interview. The UKAS auditors, one for the livestock portion and one for the crops/pasture portion, conducted thorough witness audits of the inspector. Both UKAS auditors demonstrated strong qualifications to perform their portions of the witness audit.
- 6.8. Certified Operation #2 – This operation, located in Scotland, is a packing operation for both conventional and organic fresh vegetables. Organic vegetables are grown in the UK or are imported from the company's sister operation in Europe. The operation's records were well organized and readily available. The inspector performed a thorough inspection, including a mass balance and product tracebacks. The UKAS auditor conducted a thorough witness audit. The UKAS auditor possessed the knowledge and training required to conduct the witness audit.
- 6.9. Certified Operation #3 – This operation, located in Scotland, manufactures organic biscuits. The inspector conducted a thorough inspection of the processing facility, including product traceability and mass balance exercises for ingredients. The inspector

noted the findings and discussed these with the operation at the closing meeting. The UKAS auditor performed a thorough witness audit and possessed the knowledge and skills necessary to conduct this witness audit.

7. CLOSING MEETING

- 7.1. The AMS NOP auditors conducted the closing meeting with UK officials on September 28, 2022, with some UK officials in-person and others joining remotely.
- 7.2. At the meeting, the auditors presented a summary of the findings and discussed other observations from the peer review, which are included in this report.

8. FINDINGS

- 8.1. ISO 17011 6.2.1 states, “The accreditation body shall have access to a sufficient number of competent personnel to manage and support all its accreditation activities for all accreditation schemes.” *The UK 2021 annual report states that Defra is conducting oversight activities (e.g., surveillance audits) of UK control bodies, but DEFRA explained that this has not happened as planned. The proposal also seems to be duplicative of current UKAS assessments. The AMS NOP is interested in an update on the status of control body oversight and Defra’s plans and timeline moving forward.*

UK’s response: In addition to the accreditation audits and regular communication with organic control bodies, Defra intended to implement direct supervision of approved organic control bodies in 2021. However, due to the combination of Covid and the changes due to leaving the EU, supervision of control bodies in 2022 has continued to be conducted by UKAS under a formal agreement with Defra.

Defra is scoping out the direct supervision of control bodies which will be based on requirements provided in Articles 92c and 92e of Retained Commission Regulation (EC) No 889/2008. This supervision is anticipated to complement the work undertaken by UKAS on Defra’s behalf.

To enable effective supervision of the control bodies, Defra staff are undergoing a series of training activities, hosted by UKAS, including:

1. UKAS ISO17065:2012 Awareness training
2. UKAS Preparing for an assessment.
3. UKAS The Art of Assessing and how to report appropriately.
4. Observing UKAS accreditation audits.

Defra anticipates that direct supervision of control bodies by Defra will be conducted during 2023 onwards, this will include a combination of office audits and witnessing control body inspections of operators.

Between 2019 and 2021, Defra staff supported the organic control bodies to submit applications for recognition of equivalence to the EU. This included Defra staff visiting the control bodies offices in 2019 and assessing the documents, processes and procedures that formed part of their technical dossier. In 2022, Defra staff observed some inspections of organic operators conducted by organic control bodies. Defra staff have observed witnessed UKAS audits both remotely and in person as part of international audits between 2018-2022.

8.2. ISO 17011 4.3.1(a) states, “The accreditation body shall take measures to ensure that the accredited conformity assessment body: a) fully conforms to the requirements of the accreditation body for claiming accreditation status when making reference to its accreditation. *The auditors observed multiple UK organic certificates that do not reference the UK Organic Regime (the retained EU Regulations), and instead reference another CB’s standards. This does not accurately reflect the standards upon which the U.S.-UK equivalence arrangement was established.*

UK’s response: Defra now require all our Control Bodies to submit their certificate templates to Defra for approval. The certificates must include all the information contained in the template provided in Annex XII of Retained Commission Regulation 889/2009 and include details of the retained organic regulations, rather than simply references to individual organic control body standards.

Whilst this change is being implemented, details of all UK-approved operators and their certificate, produced in line with Annex XII of Retained Commission Regulation 889/2008 continues to be available on the BioC database: <https://www.bioc.info/>.

8.3. ISO 17011 6.4.2 states, “Accreditation decisions shall not be outsourced. The person(s) assigned by the accreditation body to make an accreditation decision shall be employed by, or shall be under enforceable arrangements with the accreditation body.” *DEFRA accepts the accreditation of control bodies by third-country entities through a document review process only. The US has concerns about this approach given that neither Defra nor UKAS has direct oversight of these third country control bodies. Furthermore, these third country control bodies are accredited to an unknown organic standard that AMS NOP did not assess when the equivalence was established, yet the UK accepts import of products certified by third-country control bodies that may end up in products exported to the U.S. The AMS NOP requests that Defra provide an update on the status of this approach and the plan moving forward, including a timeline for decisions and the control bodies reviewed/approved.*

UK’s response: When the UK left the EU, we rolled over the recognition of third country control bodies as we retained the EU regulations. These control bodies were recognised on the basis that they were accredited to certify products to an equivalent EU standard.

Following the comprehensive review of third country control body re-applications to be recognised to equivalent GB (Great Britain) organic standards from 1st January 2023, Defra have approved those third country control bodies where equivalence was demonstrated. The review process also led Defra to remove recognition of several third country control bodies as they either did not meet the rigorous criteria set out in the regulations or provide the necessary information. We are also now considering which third countries/ third country control bodies should be targeted for on-site audits. On-site audits will be conducted by the Organic Teams and will be completed on a risk-based approach.

New applications for recognition will be reviewed in depth and factors such as other existing or lapsed recognitions/certifications will be taken into consideration. Annual reports are required to be submitted by 28 February each year. Defra will continue to monitor these control bodies and carry out necessary reviews if issues arise.

9. OBSERVATIONS

- 9.1. The UK operates an organic program with robust oversight and enforcement. The staff at Defra are knowledgeable, dedicated, and professional. They deftly accommodated an intensive peer review schedule and were responsive to requests for more information when questions arose during the review. There is transparent and frequent communication among Defra, UKAS, the CBs, and the certified businesses across the various working groups or committees.
- 9.2. UKAS has rigorous oversight and accreditation processes that cover various compliance verification activities. The UKAS leadership and assessors showed transparency, consistency, and strong competence in the organic technical requirements. The UKAS assessors observed during the witness audits demonstrated strong technical backgrounds and excellent knowledge of the regulations.
- 9.3. The staff at both CBs were knowledgeable and accommodating. The CBs have systems that allow for comprehensive client management, tracking, and oversight. The inspectors, the peer review team observed were proficient, courteous, and professional. The peer review team also found that the organic operators were transparent about their processes, records, and overall organic system plans.

10. CONCLUSIONS

- 10.1. The AMS NOP accepts the UK Organic Team's responses to the findings.
- 10.2. The AMS NOP will post the final report on its website.

END OF REPORT