



<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	Yes, very thorough inspection. All inputs, OSP, maps, ect were reviewed and verified.
That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)	Yes, any areas that needed to be updated were done during the inspection.
That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)	Yes, thorough review. None have been used or applied.

6/20/12 Wild Crop Witness Insp. - Alaska Wild

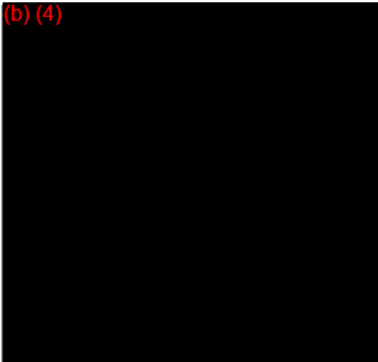
Harvest, LLC dba Kahiltua Birchworks

Wasilla, AK certificate # 2128 - producer  
2160 - processor

Current certificate issued 6/11/12

1<sup>st</sup> certified 5/9/08

(b) (4)



(no sap collection in 2012)

(b) (4)



2011 Inspection = no NCS, notes that sites #

(b) (4)



2012 renewal review = (b) (4)

(b) (4)



2012 Inspection = 4/25-27/12 8 hrs by

(b) (6)



Wild craft birch sap collection + birch syrup operation

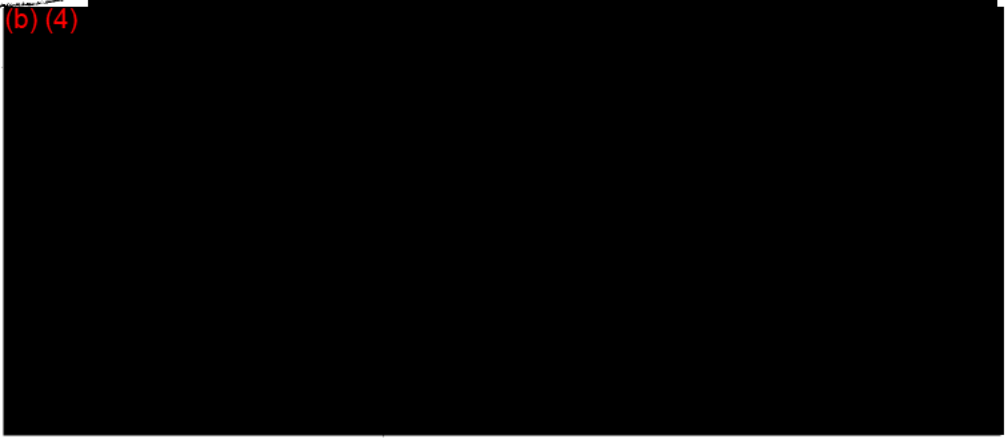
(b) (4)



(b) (4)



- Records = (b) (4)  
(b) (4)

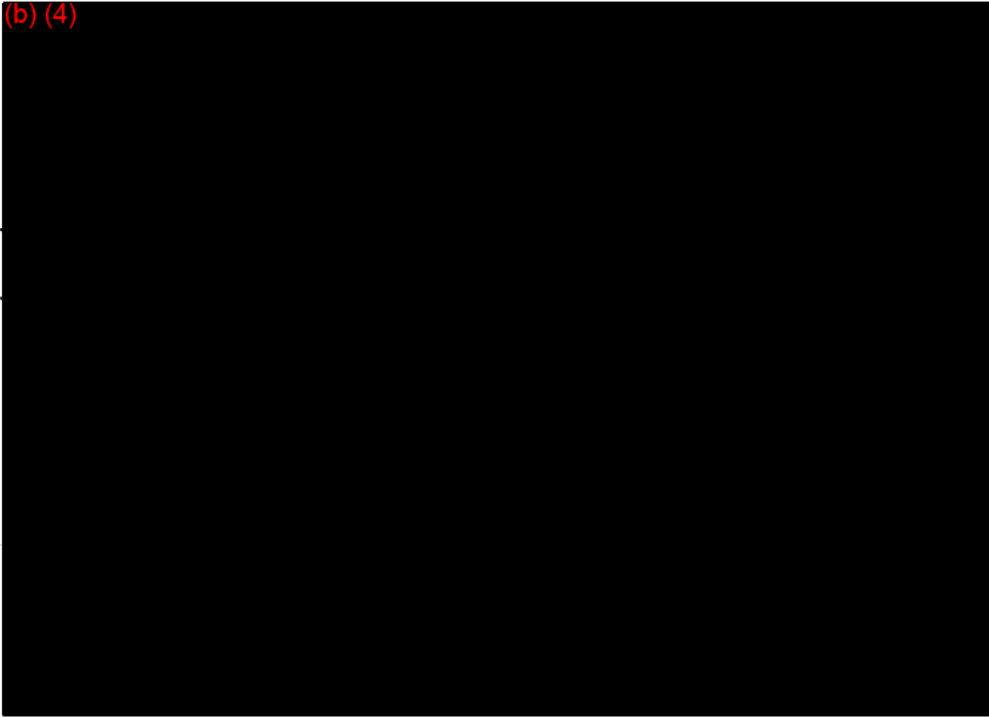


(b) (4)



Sites

(b) (4)



Equipment -

(b) (4)



(b) (4)

2012 Inspection Review = 6/1/12  
No NCRs or actions cited

Original OSP = 3/12/08  
No previous certifications

(b) (4)

(b) (4)

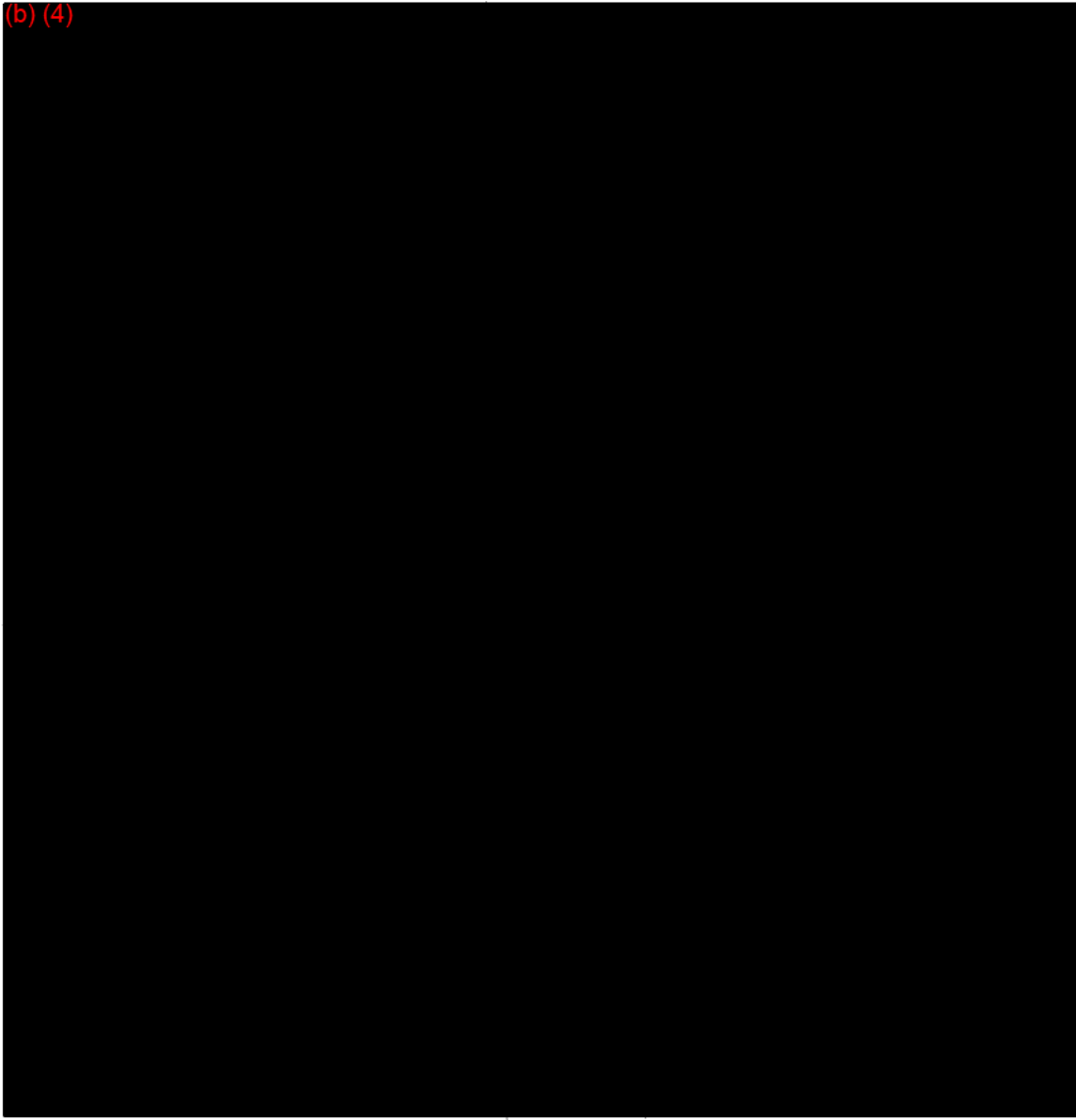
OSP updates 2012

6/20/12 Witness Inspection

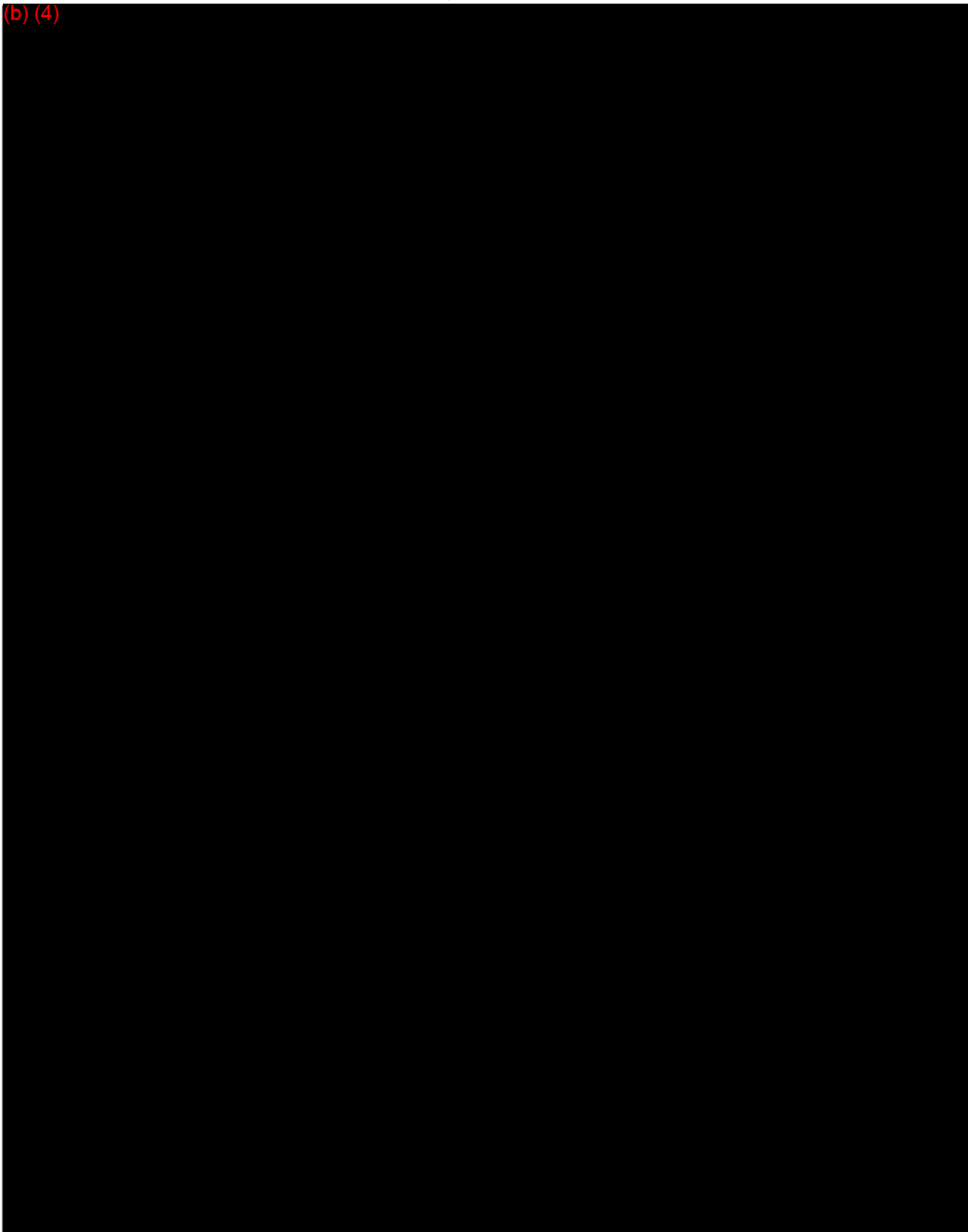
START 11:00 am  
STOP 6:55 pm

Inspector -

Operation Rep.

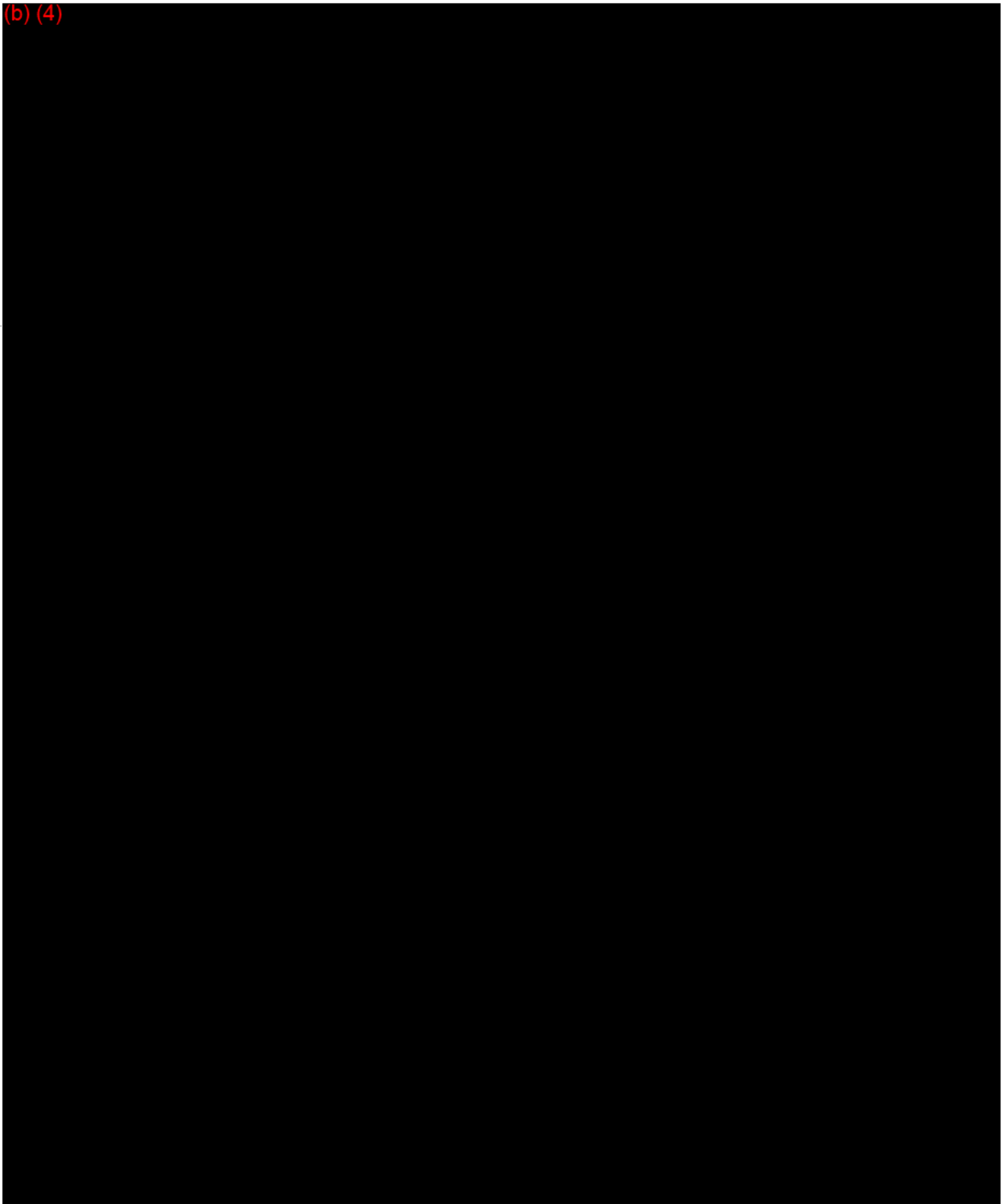


(b) (4)

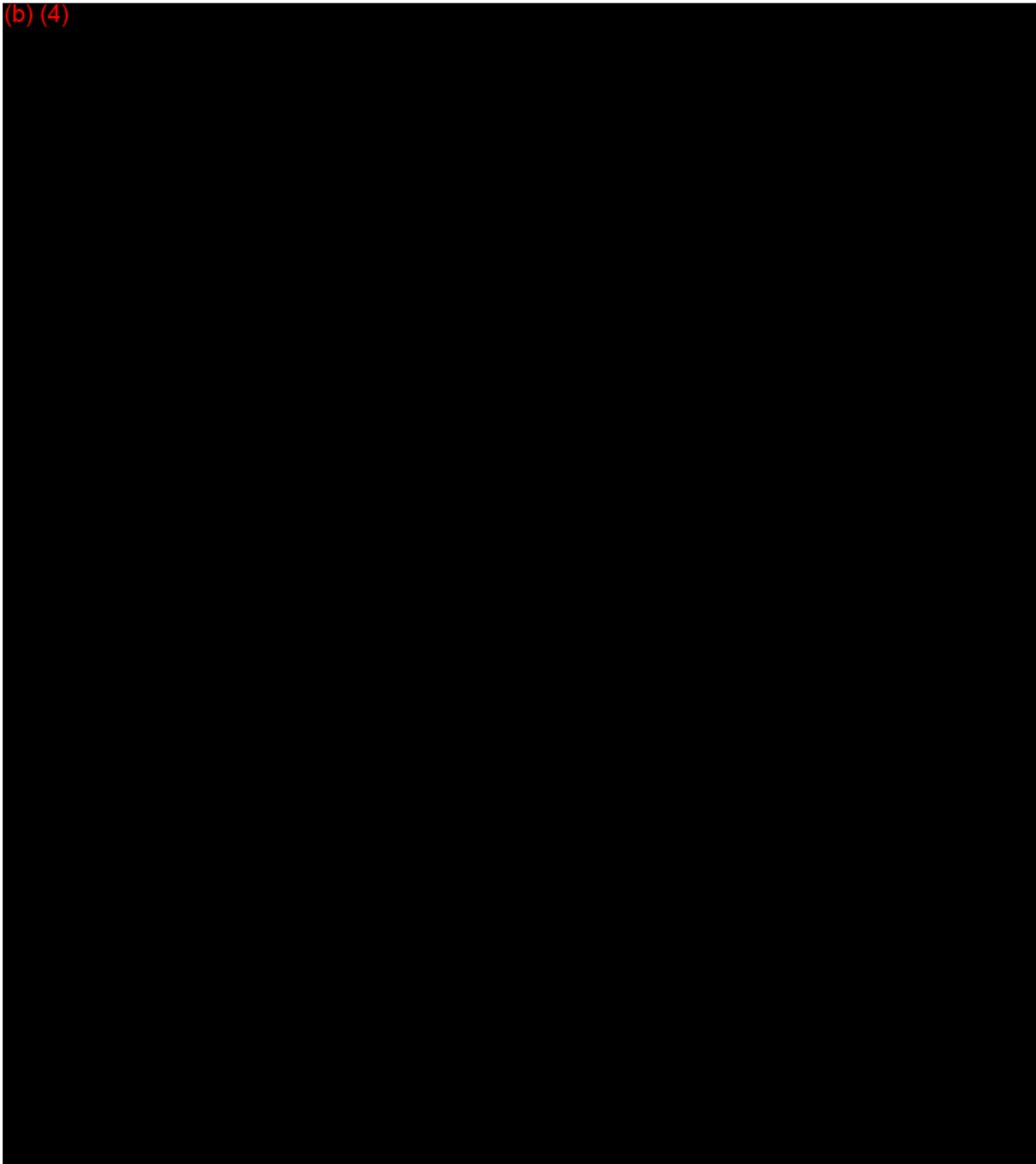




(b) (4)



(b) (4)





## National Organic Program Witness Audit Checklist

Witness Audit - General Information	
This Checklist is used in conjunction with Tables 1 through 3 of the Certification File Review Worksheets. The Certification File Review Worksheets and a full file review shall be completed prior to conducting the witness audit. This Checklist is used to record evaluation information for each witness audit with exception to Grower Groups. The Witness Audit Checklist for Grower Groups shall be used when witnessing Grower Groups.	
Witness audit date:	June 21, 2012
Name of operation:	Rempel Family Farm
Location of operation:	Palmer, AK
Scope of certification requested:	Crop
Scope of certification granted:	Organic Food Producer- however, this is not a scope of the NOP per 205.404 (b)(3)
Actual or Demonstration inspection:	Actual
Inspector's Name:	(b) (6)
Subcontracted or staff inspector:	Staff Inspector
Verify conflict of interest and confidentiality status of inspector:	COI on file, no COIs apparent
Name of knowledgeable representative of the operation:	Mark Rempel - owner
Names of anyone else present during the inspection:	(b) (6)
Time Inspection started:	9:10 am
Time Inspection completed:	2:00 pm
Was there enough time allocated for the inspection?	Yes
Did the inspector verify the corrective actions on previous non-compliances as applicable?	No previous non-compliances
General information on operation to include: <b>crops</b> grown, acreage, fields, where fields are located (1 site or 2 or more); <b>wild-crops</b> collected, training of collectors; type of <b>livestock</b> operation, number of animals, identification methods; type of <b>handling</b> operation, products processed, etc...	(b) (4)
General information on materials and inputs used and are they in compliance with the National List (NL) and annotations.	All inputs verified as approved via the National List and OMRI or WSDA listed. (b) (4)

Rempel Family Farm Crop Witness Inspection WSDA 06 21 12



	(b) (4)
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As appropriate did the OSP adequately address the requirements for:	
Crops	
Land requirements §205.202	There have been no prohibited substances applied since the farm became organic in 1992. There are distinct borders and adequate border zones with forest and wind breaks on all sides. There are no conventional farms nearby and only forest land surrounding the property.
Soil fertility and crop nutrient management practice standard §205.203	Soil testing performed annually. Records for 2011 reviewed. Add minerals for soil health. Do not add any compost. Do apply aged raw manure in the fall before planting and freezing. However, they do not have any records for when applied.
Seeds and planting stock practice standard §205.204	Do not purchase any planting stock. Seeds sourced from organic sources for the most part, but do purchase non-organic, non treated or non-GMO seeds when organic sources are not available. The inspector was very thorough in reviewing the seeds on hand, sources, invoices, ect.
Crop rotation practice standard §205.205	The farm has a crop rotation in place and have extensive records for crop rotation by rows in each field. The rotation is adequate to maintain soil health.
Crop pest, weed, and disease management practice standard §205.206	(b) (4)

Rempel Family Farm Crop Witness Inspection WSDA 06 21 12



	(b) (4)
<b>Wild Crops</b>	
<del>Wild crop harvesting practice standard §205.207</del>	
<b>Livestock</b>	
<del>Origin of livestock §205.236</del>	
<del>Livestock feed §205.237</del>	
<del>Livestock health care practice standard §205.238</del>	
<del>Livestock living conditions §205.239</del>	
<del>Pasture Practice Standard §205.240</del>	
<b>Handler</b>	
<del>Organic handling requirements §205.270</del>	
<del>Facility pest management practice standard §205.271</del>	
<del>Commingling and contact with prohibited substance prevention practice standard §205.272</del>	


<b>Sampling</b>	
Was a sample pulled during the inspection? §205.670	No samples pulled during the inspection.
What was sampled and why?	N/A
Verify sampling procedures, chain of control, etc. §205.670(c)	N/A
Did the inspector provide the applicant with a receipt for any samples taken? §205.403(e)	N/A
Did the sampling process follow the ACA's sampling procedure?	N/A
Was the inspector charged for the samples? §205.403(e)	N/A
Did the ACA pay for the testing? §205.670(b)	N/A

<b>Labels</b>	
Were labels verified during the on-site inspection? §205.403(c)(2)	No labels used, only have boxes that state Certified Organic
Were the labels being used the same as those approved by the ACA?	N/A

Rempel Family Farm Crop Witness Inspection WSDA 06 21 12



How was the inspector made aware of which labels are approved by the ACA?	N/A
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Exit Interview §205.403(d)	
Document information addressed by the inspector during the exit interview	
Yes at 1:45 pm at the owner's office on the site.	
Was the exit interview conducted with a knowledgeable representative?	Yes
Did the exit interview address the accuracy and completeness of the inspection observations?	Yes- need for information for: (b) (4)  4) more clearly written crop rotation schedule for currently to be included in the OSP
Did the exit interview address the need for additional information?	Yes, see above
Did the exit interview address issues of concern identified during the inspection?	Yes, see # 2 above

Questions for the inspector:	
As the inspection progresses insert additional questions to ask the inspector on areas of the inspection/operation that need clarification.	
What did the inspector receive from the ACA in order to conduct the inspection?	The full client file, report, maps, correspondence, ect.
Does the Inspector have a copy of the NOP Standards?	Yes- current
If applicable was the inspector knowledgeable of recent updates to the standards or policy clarifications?	Yes, via conf calls, email, conversation and trainings by WSDA
How is the inspector informed of the ACA's policies and procedures and changes to them?	Via conf calls, email, conversation and trainings by WSDA
Does the inspector provide consulting services of any kind?	No, and none observed during the inspection.
If so, how is this information provided to the ACA?	
What is the inspector's background (experience, training, and education) in relation to the operation being inspected?	Many years of organic farming, inspection, trainings and education in Agriculture and organics. Previous

Rempel Family Farm Crop Witness Inspection WSDA 06 21 12



	work in entomolgy, crops and farm management. Has been an inspector with WSDA for 13 years.
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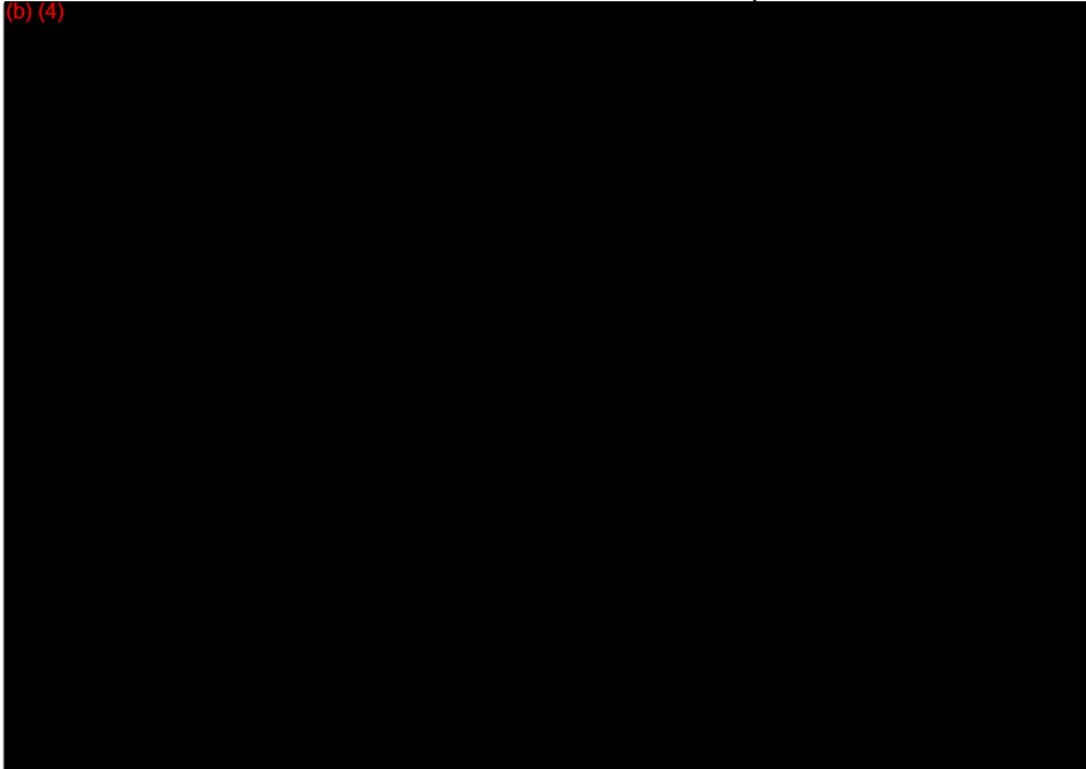
<b>Questions for the Applicant / Certified Operation:</b>	
As the inspection progresses insert additional questions to ask the operation's representative on areas of the operation that need clarification	
Did the certified operation receive a copy of the previous inspection report, if applicable?	Yes
Did the operation receive a certificate from the ACA?	Yes
Does the client have a current copy of the NOP Standards?	Yes
If applicable, how did the operation receive information on temporary variances?	N/A

<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	Yes, very thorough inspection. All inputs, OSP, maps, ect were reviewed and verified.
That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)	Yes, any areas that needed to be updated were done during the inspection.
That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)	Yes, thorough review. None have been used or applied.

Crop Witness Inspection = Rempel Family Farm

Palmer, AK

Certificate # 1315 Effective 8/15/03, issued  
3/12/12



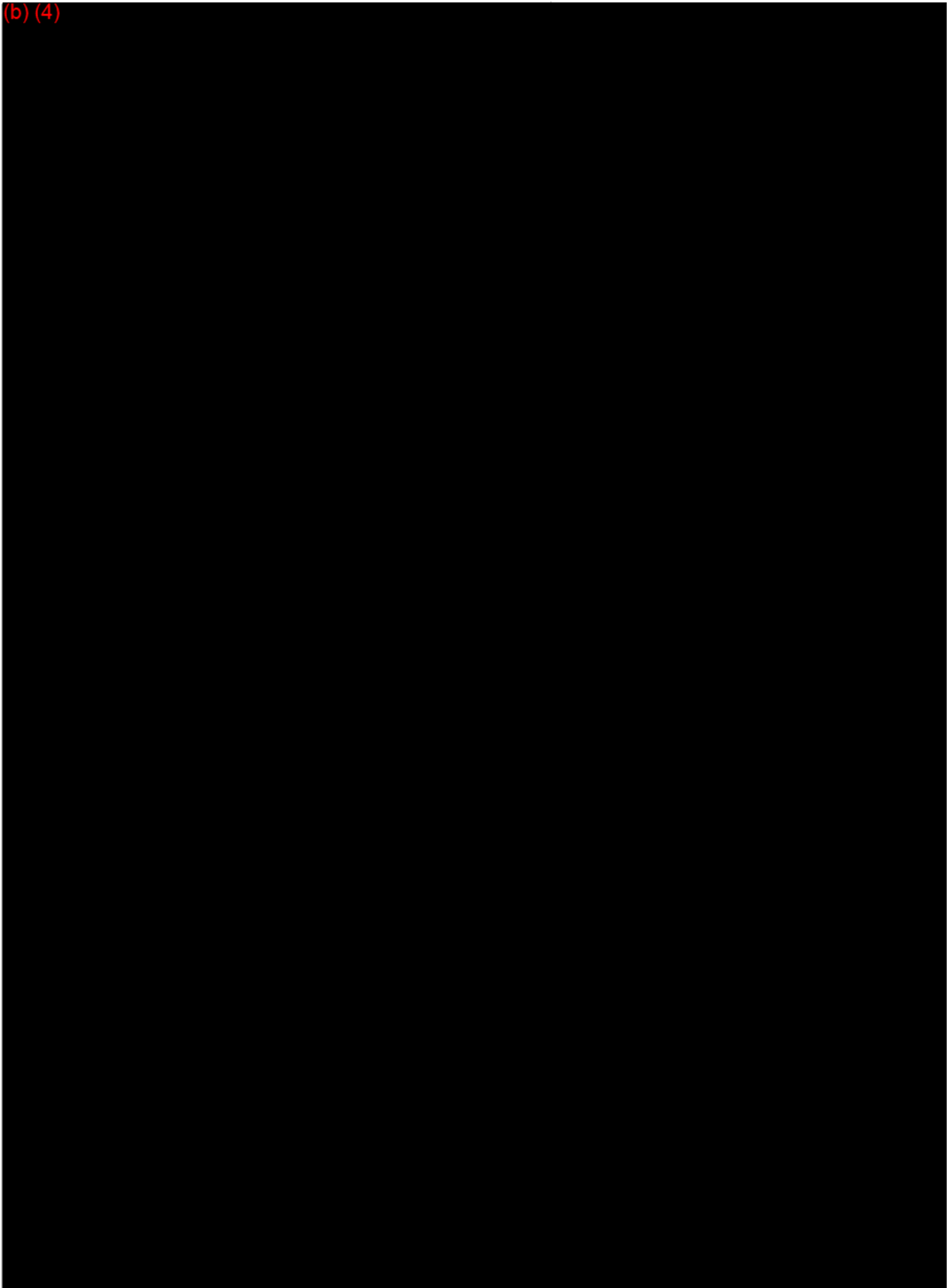
Original DSP 3/7/05

- previously certified in 1998 to AK Organic Assoc.  
prior to the NOP

- seed sourcing - [redacted] (b) (4) [redacted] [redacted]  
[redacted] [redacted] [redacted] [redacted]  
[redacted] [redacted] [redacted]



(b) (4)



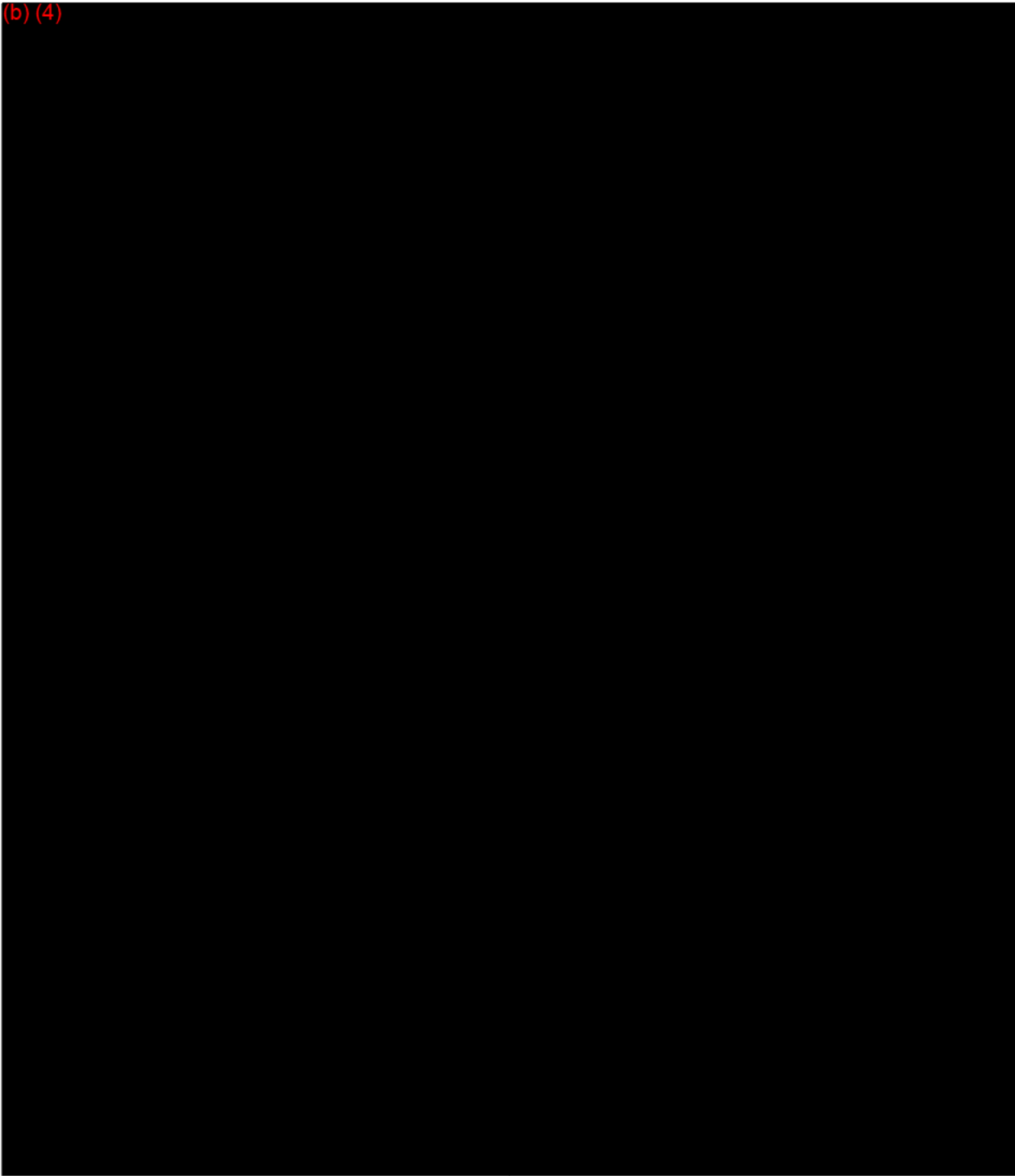
(b) (4)



(b) (4)



(b) (4)



(b) (4)



(b) (4)



(b) (4)



Sales Records - market sales logs and  
pick sheets order sheets

Exit Intv

Issues / Info

- 1) list of non org seeds
- 2) written





## National Organic Program Witness Audit Checklist

Witness Audit - General Information	
This Checklist is used in conjunction with Tables 1 through 3 of the Certification File Review Worksheets. The Certification File Review Worksheets and a full file review shall be completed prior to conducting the witness audit. This Checklist is used to record evaluation information for each witness audit with exception to Grower Groups. The Witness Audit Checklist for Grower Groups shall be used when witnessing Grower Groups.	
Witness audit date:	July 17, 2012
Name of operation:	National Frozen Foods, Corp
Location of operation:	Chehalis, WA
Scope of certification requested:	Handler
Scope of certification granted:	Handler
Actual or Demonstration inspection:	Actual
Inspector's Name:	(b) (6)
Subcontracted or staff inspector:	Staff
Verify conflict of interest and confidentiality status of inspector:	None, COI on file
Name of knowledgeable representative of the operation:	(b) (6) QA Mgr (b) (6) Asst QA Mgr Scott Rice- WSDA Accred Mgr
Names of anyone else present during the inspection:	Nikki Adams, GVD SAM Kathy Matejovsky, GVD SAM (Training- observer) Steve Ross, GVD Verification Branch Chief (evaluating the auditors- observer)
Time Inspection started:	9:30 AM
Time Inspection completed:	2:00 PM
Was there enough time allocated for the inspection?	Yes
Did the inspector verify the corrective actions on previous non-compliances as applicable?	No previous issues or NCs. However, there were several areas that need more information from their annual update: 2011 Gross Annual Income form needed all products listed (green beans not included); need the Organic Product and Supplier Summary form not

NP2171ADA Handler Witness Inspection Checklist 07 17 12



	filled out for suppliers, certifiers, ect; Need legible copies of current labels for (b) (4)
General information on operation to include: <b>crops</b> grown, acreage, fields, where fields are located (1 site or 2 or more); <b>wild-crops</b> collected, training of collectors; type of <b>livestock</b> operation, number of animals, identification methods; type of <b>handling</b> operation, products processed, etc...	Packaging facility- do re-packaging of products as Organic and/ or 100% Organic (corn, green beans, peas, peas & carrots and mixed vegetables). 97% conventional and 3% organic. Bring product in from (b) (4) Package for NOP, COR and JAS.
General information on materials and inputs used and are they in compliance with the National List (NL) and annotations.	Cleaning/ sanitation: Sodium Hypochlorite and Alkaline Chlorinate Soap.

As appropriate did the OSP adequately address the requirements for:	
<b>General</b>	
Maintain or improve natural resources §205.200	N/A- no water added to the product. No erosion to soil, water contamination.
<b>Crops</b>	
<del>Land requirements §205.202</del>	
<del>Soil fertility and crop nutrient management practice standard §205.203</del>	
<del>Seeds and planting stock practice standard §205.204</del>	
<del>Crop rotation practice standard §205.205</del>	
<del>Crop pest, weed, and disease management practice standard §205.206</del>	
<b>Wild Crops</b>	
<del>Wild crop harvesting practice standard §205.207</del>	
<b>Livestock</b>	
<del>Origin of livestock §205.236</del>	
<del>Livestock feed §205.237</del>	
<del>Livestock health care practice standard §205.238</del>	
<del>Livestock living conditions §205.239</del>	
<del>Pasture Practice Standard §205.240</del>	
<b>Handler</b>	
Organic handling requirements §205.270	No prohibited substances used, processing aids, synthetic solvents, ect. All products are Organic or 100% organic vegetables. Only 1

NP2171ADA Handler Witness Inspection Checklist 07 17 12



	product is a mixture (4 vegetables), but no other added ingredients. Mass production volume traceback audit conducted.
Facility pest management practice standard §205.271	A pest management program is in place. The facility uses an outside contractor to monitor monthly and the facility monitors weekly. Checks are logged into QA documentation. Pest management records for the pest control company are logged. There are no substances sprayed inside the facility, only tin cats and insect/ fly traps. Substances are sprayed on the exterior, but no contact with products. Documented and verified.
Commingling and contact with prohibited substance prevention practice standard §205.272	Incoming materials (vegetable bins), finished package and finished cases all have a bar code and lot # for tracing in the system. Product is stored in the warehouse in designated areas. Production runs are done on designated lines which have not been cleaned with any prohibited substances. The organic product is run 1 <sup>st</sup> of the day. Documented and verified.

Sampling	
Was a sample pulled during the inspection? §205.670	None taken
What was sampled and why?	N/A
Verify sampling procedures, chain of control, etc. §205.670(c)	N/A
Did the inspector provide the applicant with a receipt for any samples taken? §205.403(e)	N/A
Did the sampling process follow the ACA's sampling procedure?	N/A
Was the inspector charged for the samples? §205.403(e)	N/A
Did the ACA pay for the testing? §205.670(b)	N/A

Labels	
Were labels verified during the on-site inspection? §205.403(c)(2)	Yes, there are 3 labels with OTCO as the certifier (b) (4)

NP2171ADA Handler Witness Inspection Checklist 07 17 12



	(b) (4) There are 2 labels (b) (4) with the NOP seal and the WSDA COB statement. Labels were compliant.
Were the labels being used the same as those approved by the ACA?	Yes, the recent ones were not legible, so the 2010 labels were included and compliant. The actual labels used on site were reviewed and verified as compliant and the same as on file.
How was the inspector made aware of which labels are approved by the ACA?	Has a copy of the client file with photos of the labels. The client gave actual packages during the inspection to take and verified against those in the file.

Exit Interview §205.403(d)	
Document information addressed by the inspector during the exit interview	
The interview was conducted at 1:50 PM at the NFFC QA office.	
Was the exit interview conducted with a knowledgeable representative?	(b) (6) QA Mgr (b) (6) Asst QA Mgr
Did the exit interview address the accuracy and completeness of the inspection observations?	Yes
Did the exit interview address the need for additional information?	None
Did the exit interview address issues of concern identified during the inspection?	None

Questions for the inspector:	
As the inspection progresses insert additional questions to ask the inspector on areas of the inspection/operation that need clarification.	
What did the inspector receive from the ACA in order to conduct the inspection?	The complete client file including the product flow chart, previous inspection report, letters/ correspondence, labels, product profiles, OSP, OSP updates, certificate, ect.
Does the Inspector have a copy of the NOP Standards?	Yes
If applicable was the inspector knowledgeable of recent updates to the standards or policy clarifications?	Via staff meetings, trainings, email communications, ect.
How is the inspector informed of the ACA's policies and	Via staff meetings, trainings, email



procedures and changes to them?	communications, ect.
Does the inspector provide consulting services of any kind?  If so, how is this information provided to the ACA?	No, none observed.
What is the inspector's background (experience, training, and education) in relation to the operation being inspected?	Has a BS degree in soil science from Cal Poly SLO. Has been a staff inspector with WSDA since 2005 and prior to that with QAI. Has had on going trainings with NOP, WSDA, IOIA, ect.

<b>Questions for the Applicant / Certified Operation:</b> As the inspection progresses insert additional questions to ask the operation's representative on areas of the operation that need clarification	
Did the certified operation receive a copy of the previous inspection report, if applicable?	Yes, have a hard copy
Did the operation receive a certificate from the ACA?	Yes, current, but requesting to have additional products added.
Does the client have a current copy of the NOP Standards?	Yes, current
If applicable, how did the operation receive information on temporary variances?	N/A, but would be received form WSDA if applicable.

<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	Yes, there were no prohibited substances used and no evidence of use. The OSP is accurate, except as identified below. The traceback audit was conducted.
That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)	Yes – the OSP was verified and accurate. Any updates needed were noted with the client to revise and submit to WSDA for review.
That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)	Yes- none observed, no evidence of any use.

Witness Inspection - National Frozen Food Corp

(b) (4)



prev inspection 4/23/12 - audit trail / sales records  
at corp office = No issues

11/29/11 - Chehalis facility = No issues

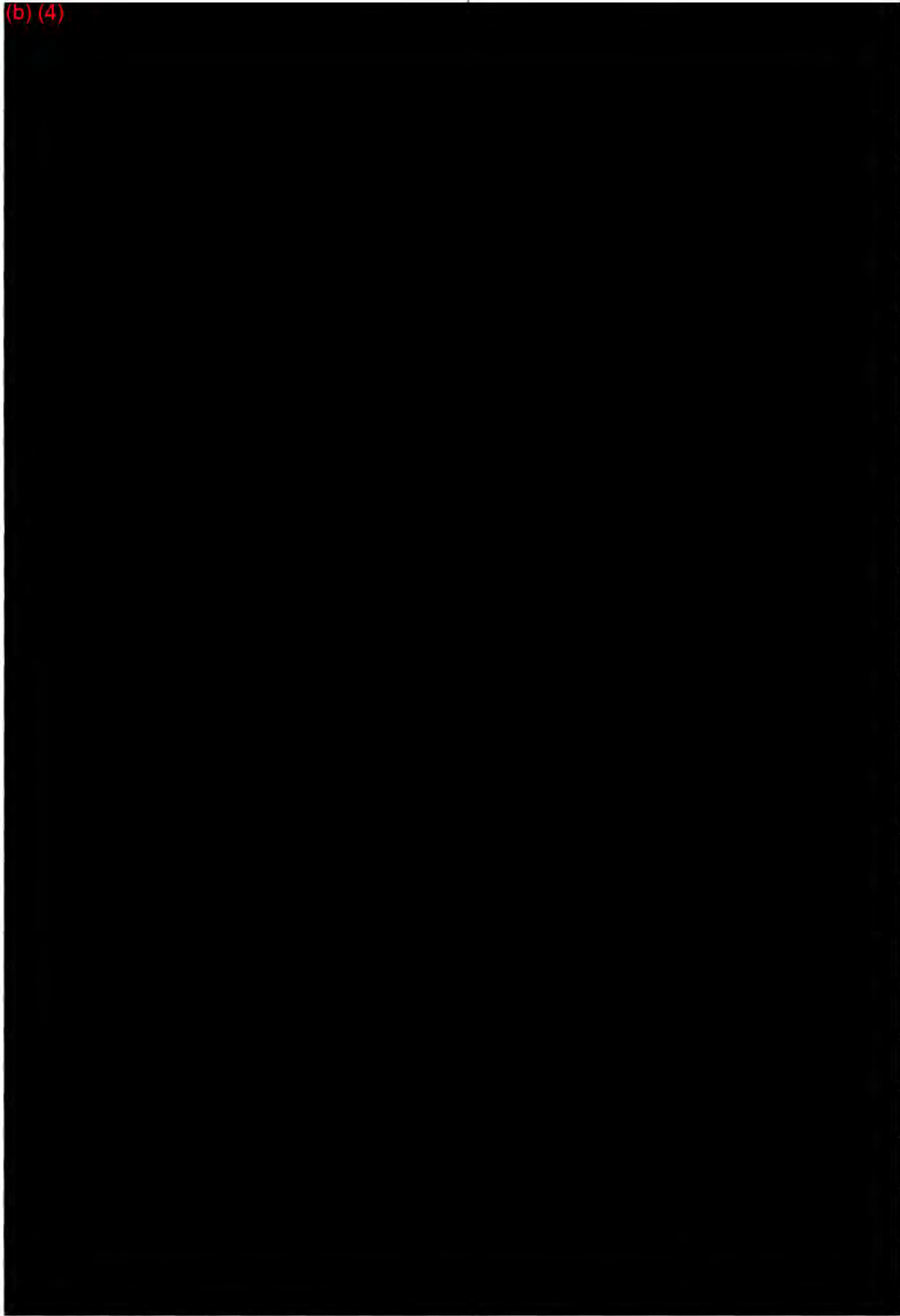
(b) (4)



Renewal Application - rec'd 4/24/12

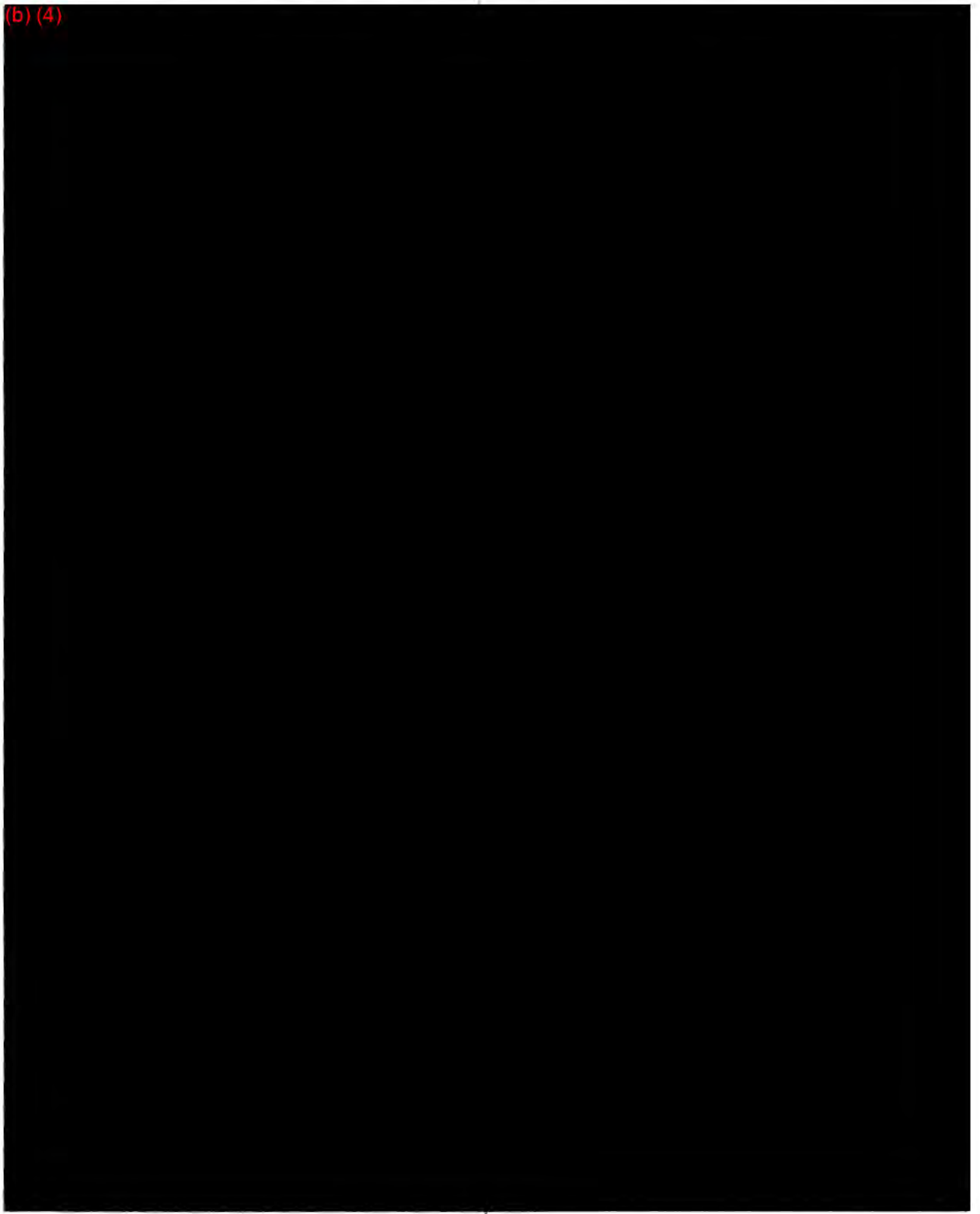
Orig Operator Agreement - " "

(b) (4)





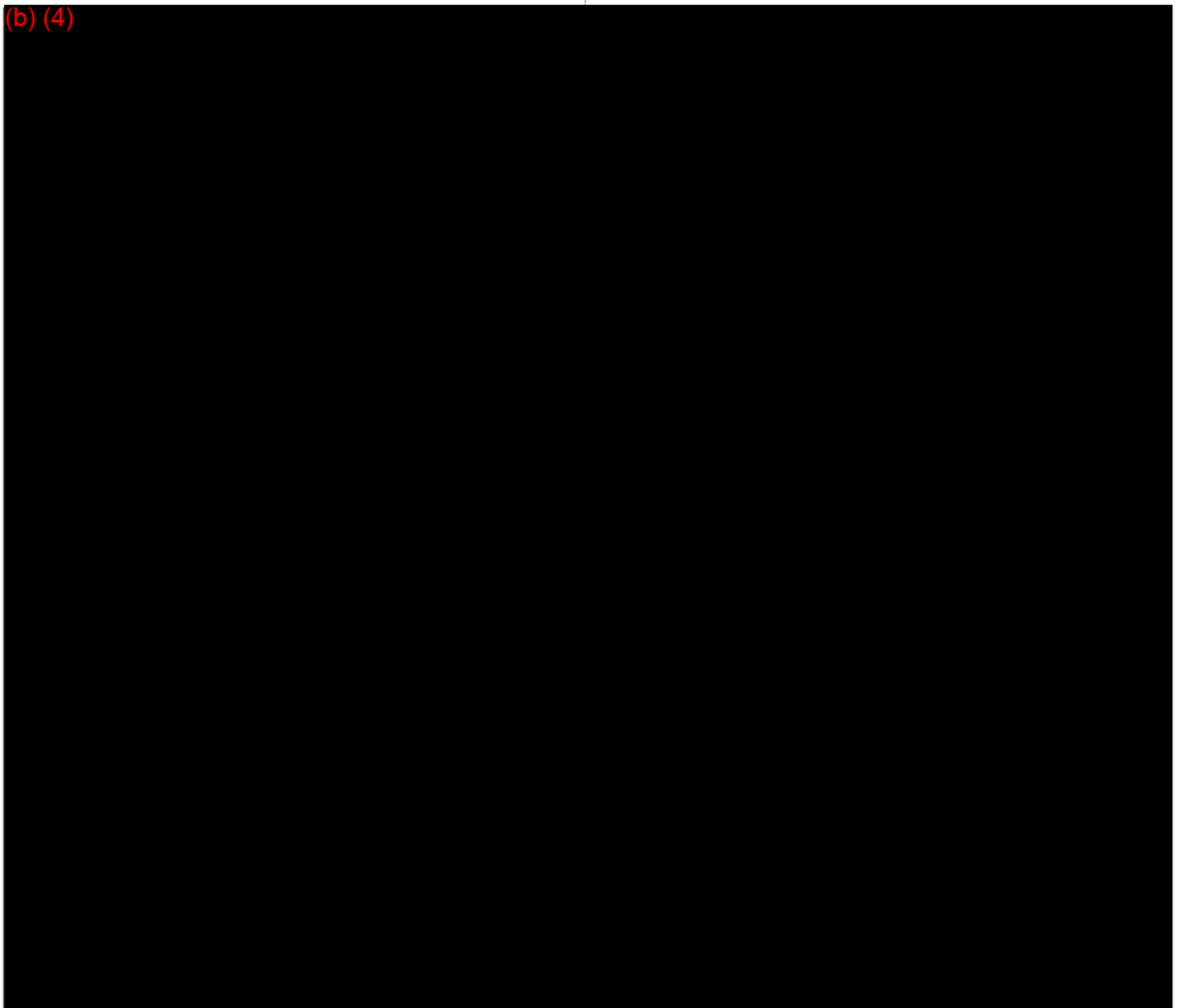
(b) (4)



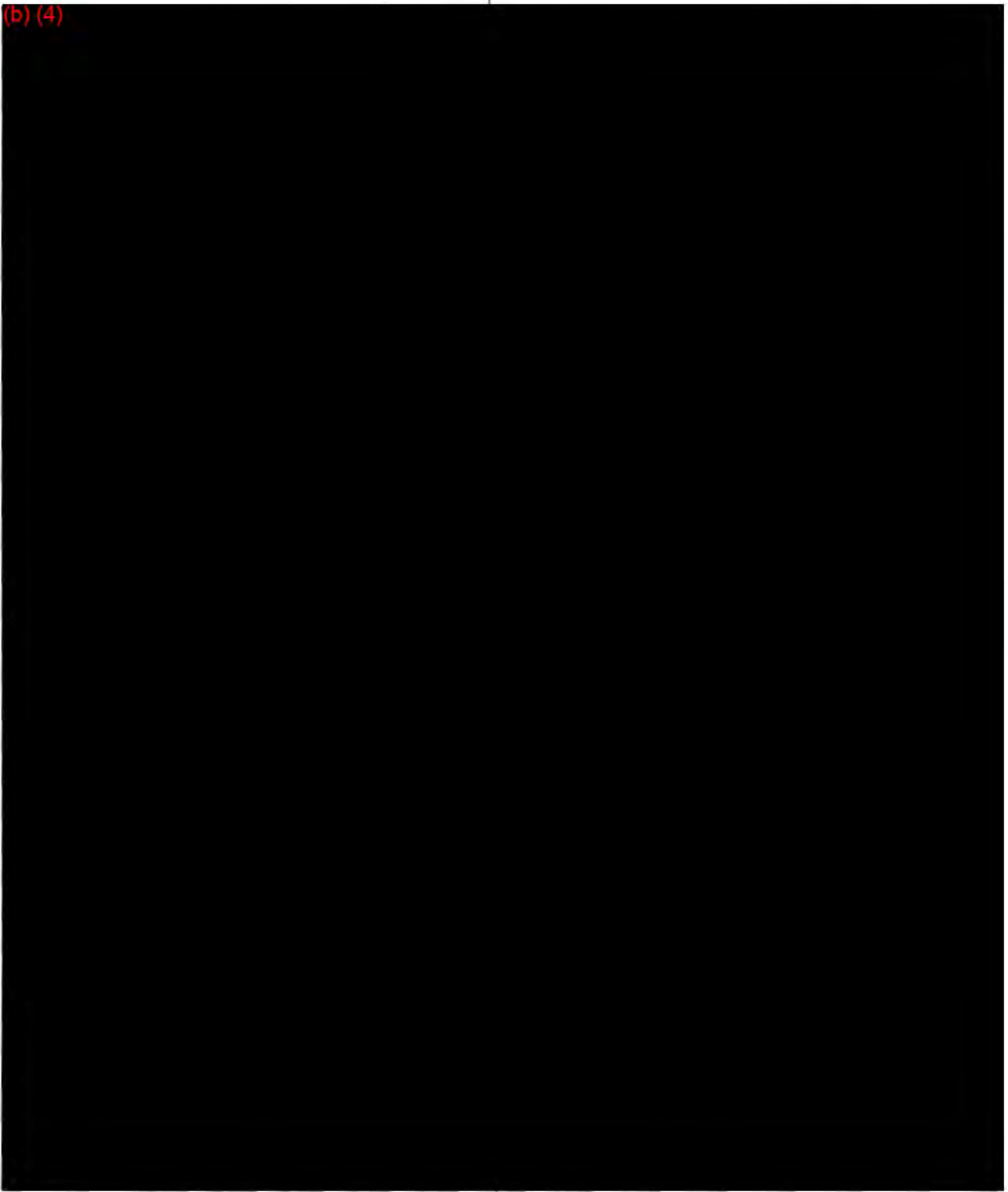
(b) (4)



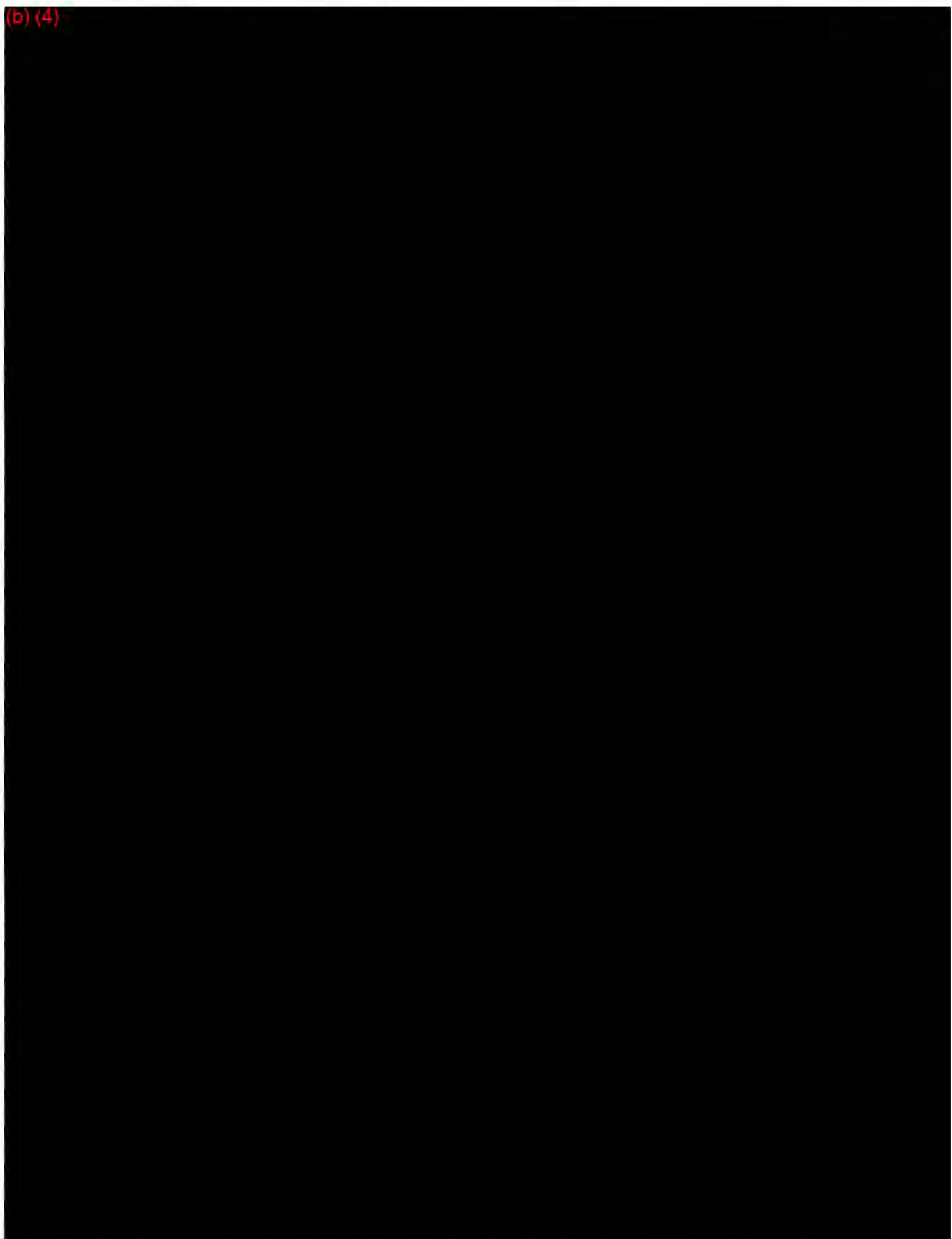
(b) (4)



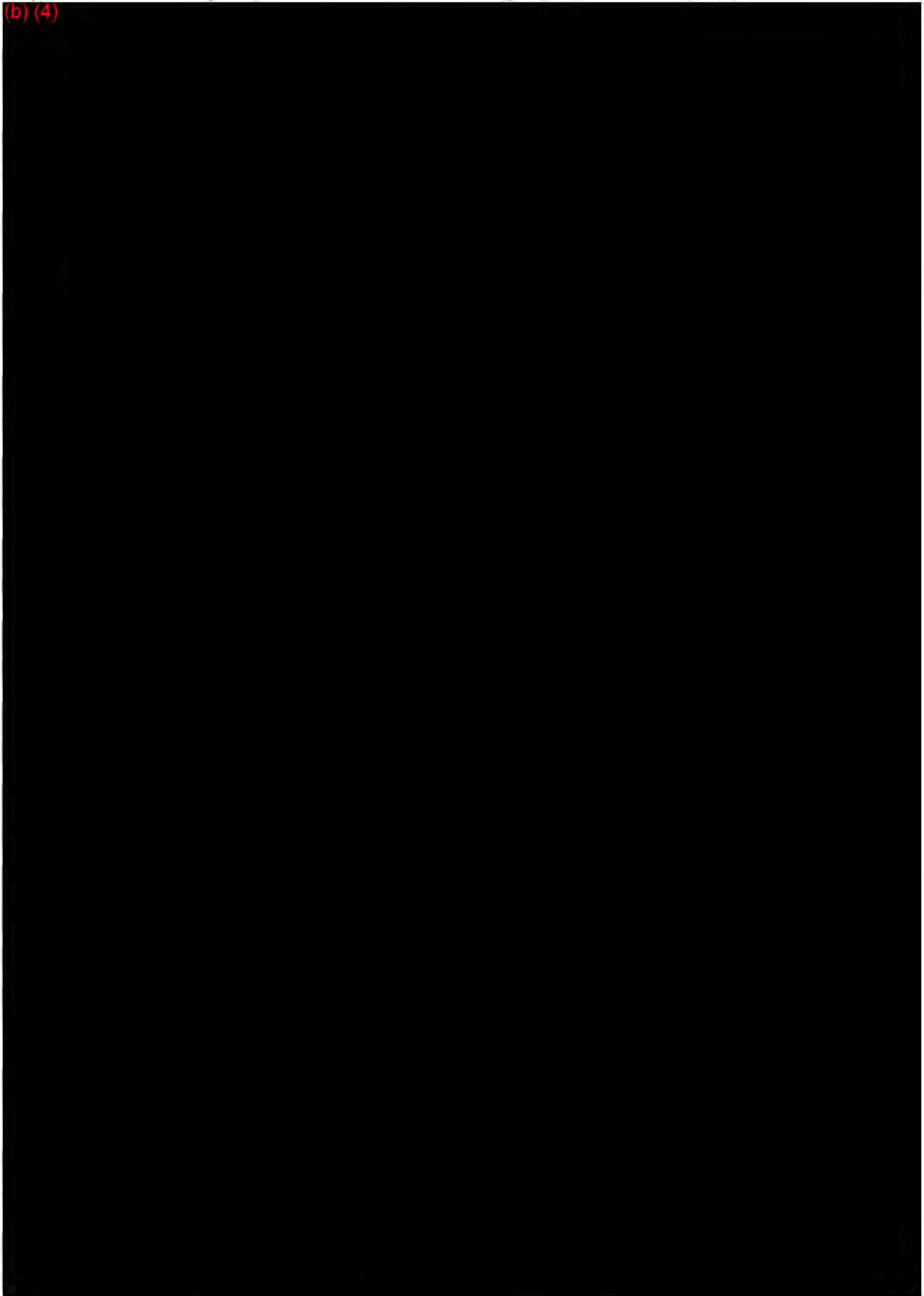

(b) (4)



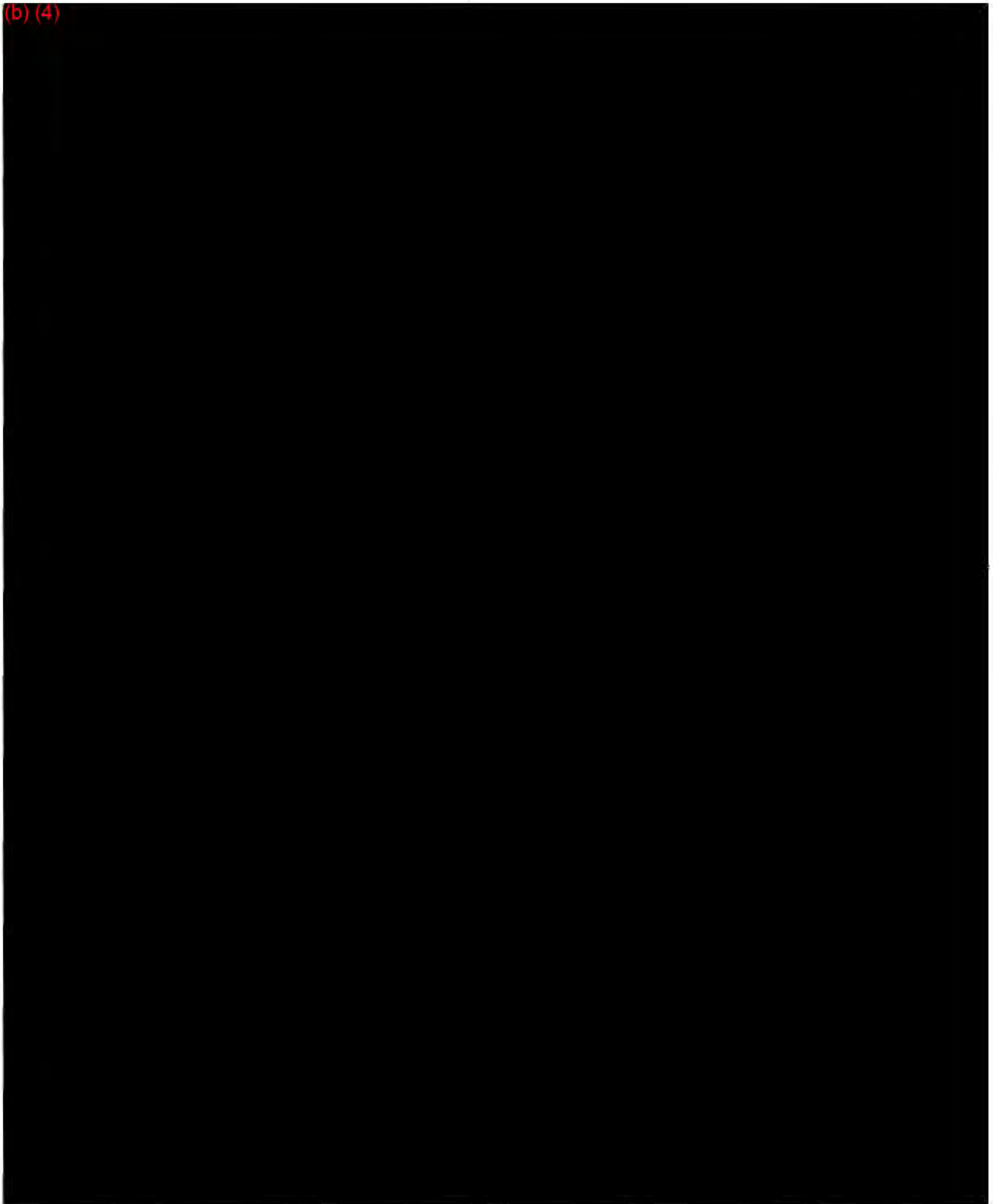

(b) (4)



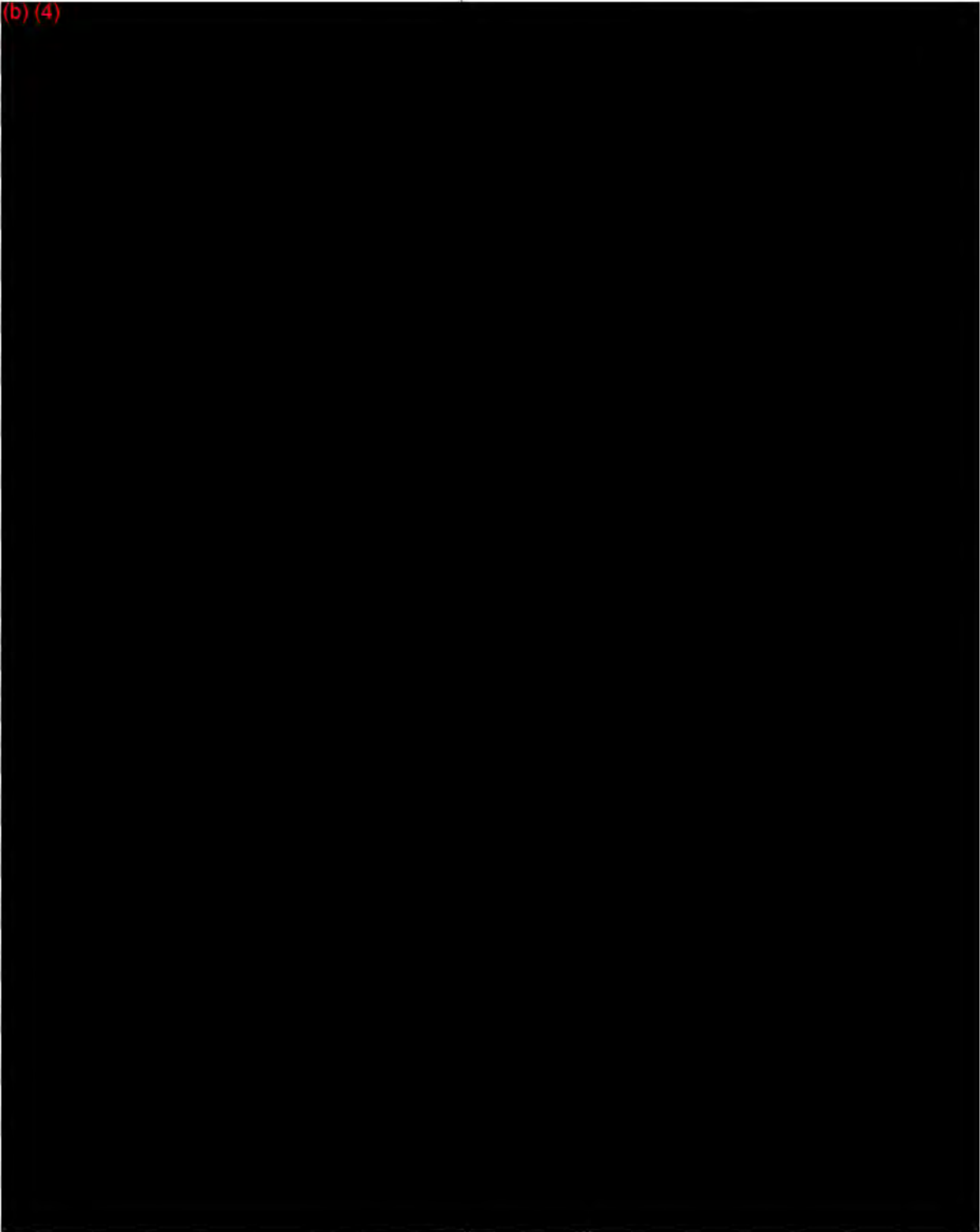
(b) (4)



(b) (4)

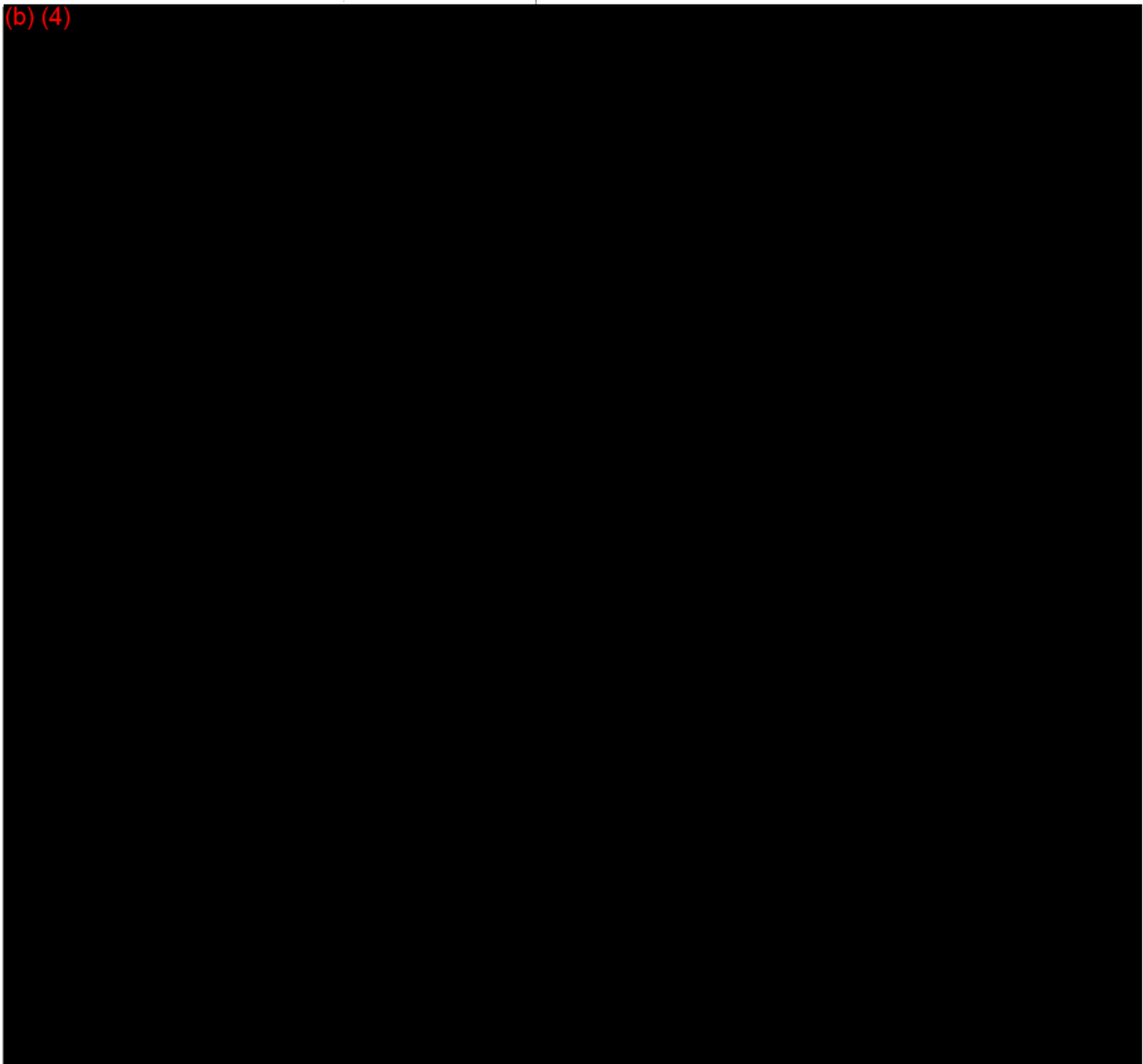


(b) (4)





(b) (4)






## National Organic Program Witness Audit Checklist

Witness Audit - General Information	
This Checklist is used in conjunction with Tables 1 through 3 of the Certification File Review Worksheets. The Certification File Review Worksheets and a full file review shall be completed prior to conducting the witness audit. This Checklist is used to record evaluation information for each witness audit with exception to Grower Groups. The Witness Audit Checklist for Grower Groups shall be used when witnessing Grower Groups.	
Witness audit date:	July 18, 2012
Name of operation:	Styger Family Dairy Farm
Location of operation:	Chehalis, WA
Scope of certification requested:	Livestock
Scope of certification granted:	Livestock
Actual or Demonstration inspection:	Actual: Annual monitoring inspection.
Inspector's Name:	(b) (6) WSDA Organic Processor and Livestock Certification Coordinator. Part of Her job responsibilities include conducting inspections.
Subcontracted or staff inspector:	Staff
Verify conflict of interest and confidentiality status of inspector:	No conflict of interest stated on her completed current statement. Confidentiality statement is current within one year.
Name of knowledgeable representative of the operation:	Linda Styger, Owner.
Names of anyone else present during the inspection:	Andrew Styger, Owner (introduced); Lars Crail, NOP Accreditation Manager and NOP Auditor; Kathy Matejovsky, GVD SAM (Training); Steve Ross, GVD (Evaluator); Scott Rice, WSDA Accreditation Manager.
Time Inspection started:	10:30 AM
Time Inspection completed:	5:45 PM
Was there enough time allocated for the inspection?	Yes. There was no time constraints. The inspector did a very thorough inspection and took all the necessary time to do so.
Did the inspector verify the corrective actions on	NA – no prior noncompliances.

Styger Family Dairy NOP Witness Audit Checklist 07 18 12



previous non-compliances as applicable?	
<p>General information on operation to include: <b>crops</b> grown, acreage, fields, where fields are located (1 site or 2 or more); <b>wild-crops</b> collected, training of collectors; type of <b>livestock</b> operation, number of animals, identification methods; type of <b>handling</b> operation, products processed, etc...</p>	<p>This is a small family operated all-organic dairy operation with approximately (b) (4)</p> <p>[REDACTED]</p> <p>(b) (4)</p> <p>[REDACTED]</p> <p>All livestock appear healthy and well cared for.</p> <p>The focus of the inspection was the livestock scope; however, the crop scope portion was fully covered during the inspection.</p>
<p>General information on materials and inputs used and are they in compliance with the National List (NL) and annotations.</p>	<p>(b) (4)</p> <p>[REDACTED]</p> <p>Records are well maintained and the owners are</p>

Styger Family Dairy NOP Witness Audit Checklist 07 18 12



	<p>experienced and very knowledgeable organic dairy farmers.</p> <p>There were a few items that were not noted on the updated application (i.e. OSP), but this had to do with the operator not fully understanding how to complete the update form. Linda Styger had thought that previously submitted and approved materials did not need to be on the update.</p> <p>(b) (4) [REDACTED]. No issues noted.</p> <p>All seeds purchased were verified and all seed sown is organic. This is one of the largest operations I have seen to date that does an excellent job at attempting to source and obtain organic seed.</p>
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<b>As appropriate did the OSP adequately address the requirements for:</b>	
<b>Crops</b>	
Land requirements §205.202	One new field added and land history was reviewed.
Soil fertility and crop nutrient management practice standard §205.203	Good management. Some soil tests results were reviewed by the inspector. No issues noted.
Seeds and planting stock practice standard §205.204	See above, re: Materials and Inputs. No issues noted.
Crop rotation practice standard §205.205	Good management. In some cases, no rotation for three years, but this is not normal. Inspector did cover this thoroughly with the owner.
Crop pest, weed, and disease management practice standard §205.206	None mentioned and none observed.
<b>Wild Crops</b>	
<del>Wild crop harvesting practice standard §205.207</del>	
<b>Livestock</b>	
Origin of livestock §205.236	Inspector reviewed activity log. All calves are born on farm.
Livestock feed §205.237	Off farm feed sources verified. Inspector did an excellent job conducting a feed audit on alfalfa.
Livestock health care practice standard §205.238	Medications and health records were reviewed. No issues noted.
Livestock living conditions §205.239	Excellent living conditions observed. No issues noted.
Pasture Practice Standard §205.240	The inspection party observed practice activities while on site. Dairy cows were moved into the milking facility for their afternoon milk production cycle. Inspection party observed the cows milking and rotating out of the parlor. No issues noted. Grazing season and DMI calculations were verified by the inspector.
<b>Handler</b>	
<del>Organic handling requirements §205.270</del>	
<del>Facility pest management practice standard §205.271</del>	
<del>Commingling and contact with prohibited substance prevention practice standard §205.272</del>	

Styger Family Dairy NOP Witness Audit Checklist 07 18 12



Sampling	
Was a sample pulled during the inspection? §205.670	NA – no sample obtained.
What was sampled and why?	
Verify sampling procedures, chain of control, etc. §205.670(c)	
Did the inspector provide the applicant with a receipt for any samples taken? §205.403(e)	
Did the sampling process follow the ACA’s sampling procedure?	
Was the inspector charged for the samples? §205.403(e)	
Did the ACA pay for the testing? §205.670(b)	

Labels	
Were labels verified during the on-site inspection? §205.403(c)(2)	NA – no labels used.
Were the labels being used the same as those approved by the ACA?	
How was the inspector made aware of which labels are approved by the ACA?	

Exit Interview §205.403(d)	
Document information addressed by the inspector during the exit interview XXX	
Was the exit interview conducted with a knowledgeable representative?	Yes. The exit interview was conducted with Linda Styger, the owner.
Did the exit interview address the accuracy and completeness of the inspection observations?	Yes.
Did the exit interview address the need for additional information?	Yes. Some additional information was requested.
Did the exit interview address issues of concern identified during the inspection?	No. there were no issues of concern.  WSDA does not require inspectors to complete an “Exit Interview” form on-site and a copy given to the operator. This is not a NOP requirement; however, if the inspector has many issues of concern and/or requests for specific information, this communication is lost when documented unless the operator is taking notes (which many do not).



	My suggestion is for WSDA to implement a form for inspectors to document the exit interview and provide a copy to the operator.
--	---

<b>Questions for the inspector:</b> As the inspection progresses insert additional questions to ask the inspector on areas of the inspection/operation that need clarification.	
What did the inspector receive from the ACA in order to conduct the inspection?	A complete client file: OSP, correspondence, past IRs.
Does the Inspector have a copy of the NOP Standards?	Yes
If applicable was the inspector knowledgeable of recent updates to the standards or policy clarifications?	Yes. She is primary staff for WSDA and is very knowledgeable of any updates.
How is the inspector informed of the ACA's policies and procedures and changes to them?	See above.
Does the inspector provide consulting services of any kind?  If so, how is this information provided to the ACA?	No consulting services or advice was provided.
What is the inspector's background (experience, training, and education) in relation to the operation being inspected?	Master's in Environmental Studies, BA in Sustainable Ag. IOIA Basic Livestock and Processing Training, Organic dairy and vegetable farm manager for three years. WSDA inspector since 2002. Other roles and responsibilities include certification review to include materials since 2002. Currently the Livestock and Processor Certification Coordinator since 2007 oversees the review and inspection of these operations. Makes final certification decisions.

<b>Questions for the Applicant / Certified Operation:</b> As the inspection progresses insert additional questions to ask the operation's representative on areas of the operation that need clarification	
Did the certified operation receive a copy of the previous inspection report, if applicable?	Yes.
Did the operation receive a certificate from the ACA?	Yes.
Does the client have a current copy of the NOP Standards?	Yes. WSDA provides a copy of the regulations, the owner knows how to



	obtain them off of the NOP website.
If applicable, how did the operation receive information on temporary variances?	NA

<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	Yes.
That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)	Yes. The inspector reviewed all the field maps at each site for updates. Excellent job.
That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)	Yes.



## USDA - 10yr Re-accreditation Audit

Investigations - yes

2 files reviewed - investigations, from complaints

① 11/3/11 Steibers Farms - Yelm, WA

Anonymous complaint that placing non-org. eggs into org cartons. Also that a truck load of non org eggs shipped from midwest & arrived at 10/31/11 & packed as organic. Also 11/3/11 non organic eggs shipped to Bridgwood as organic.

AdH inspections conducted 11/9 & 11/10. Investigation noted that there was at least one incident where non org eggs were packed as organic & observed by USDA Inspection - returned & corrected, but there were no records.

Notices of NC issued 11/27/11

205.272 (a) - commingling

205.103 - records not kept

Corrective actions by 4/12/12 w/ response received

4/12/12 - did not respond, pending NOP review

NOP issued a Notice of NC 6/20/12 w/ response required by 7/27/12.

NOP conducted onsite investigation 4/27/12 - 3 NCC identified

1) 205.272(a) comingling

2) 205.201(a)(2) OSP - description of practices

3) 205.103(b)(2) - recordkeeping

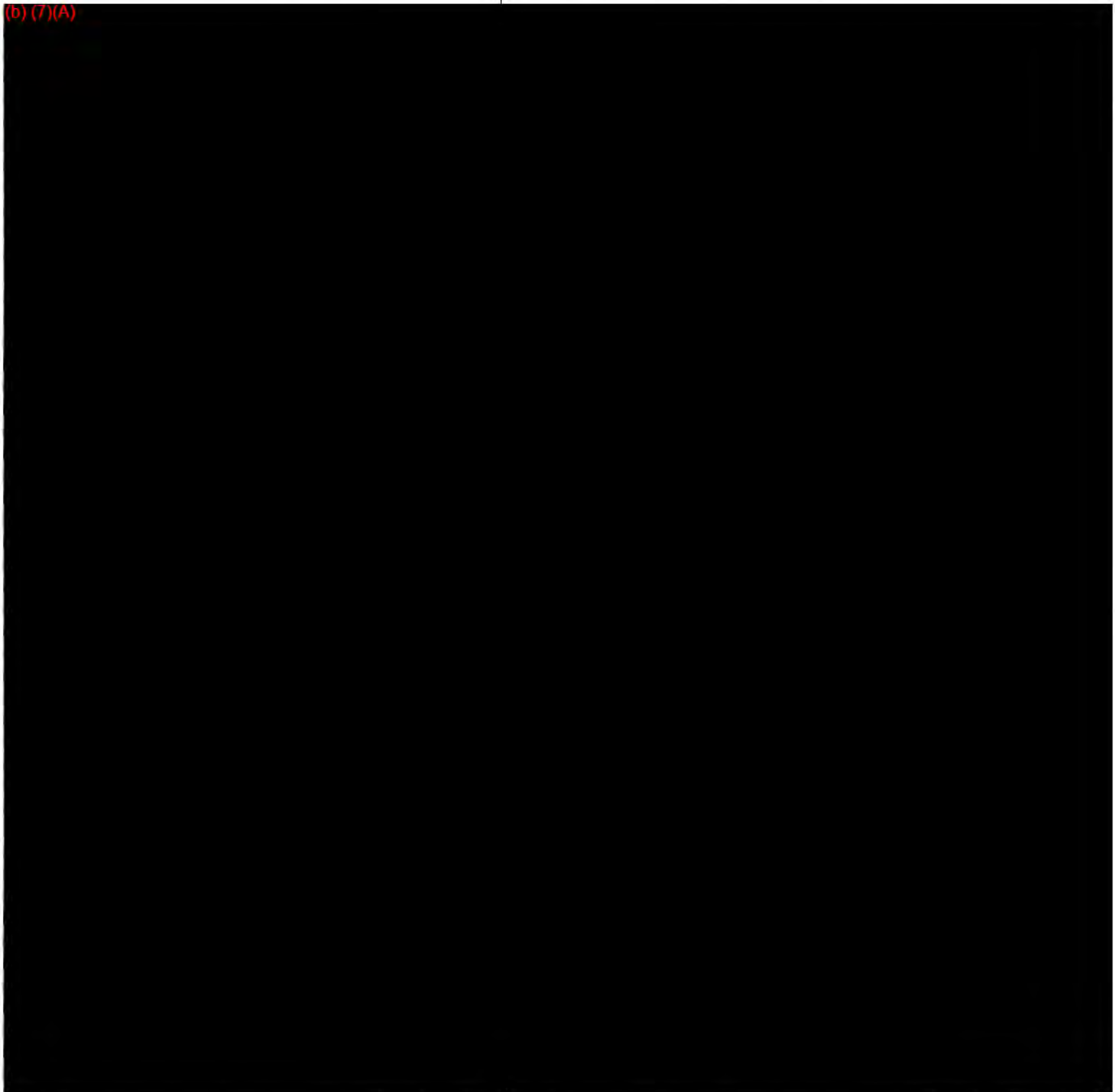
Current cert issued 6/14/12 # 2573

1<sup>st</sup> cert issued 1/6/11

(b) (7)(A)



(b) (7)(A)






## Materials

### section 1c - Materials Inventory

Admin puts info into database list then goes to the Reviewer. Look at WSDA Material Reg list first and OMR1 to determine if approved & on list. If it is = etc, if not = ask for more info - send a request for full disclosure of info to make determination

If can't get enough info to determine will not approve. Sometimes the manuf will disclose to WSDA only or submit info to get material review done & be on their list. The list / approval is only good for one yr - then have to reapply, affirm no changes, if changes - then have to disclose.

If not enough info in report - request clarification from inspector first.

The material list from comp database is printable to take to inspection for rev.

Flags info for insp to review, has  
comments from reviewer ect.

Closing Mtg

Me

(b) (6)

Case

Brenda

3 NC's



**Agricultural Marketing Service  
Livestock and Seed Program  
Audit, Review, and Compliance Branch**

<b>Company Information:</b>	
<b>Company Name:</b>	New Hampshire Department of Agriculture, Division of Regulatory Services
<b>Est. No.:</b>	NA
<b>Street Address:</b>	25 Capital Street
<b>City, State, Zip:</b>	Concord, NH 03302
<b>Contact:</b>	Victoria Smith
<b>Phone:</b>	603-271-3685
<b>Email:</b>	<a href="mailto:vsmith@agr.state.nh.us">vsmith@agr.state.nh.us</a>
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Comments:</b>	Renewal Assessment

<b>Audit Objectives:</b>
To verify continuing conformance to the audit criteria; and to verify the implementation and effectiveness of corrective actions in addressing the previous non-compliances.

<b>Audit Scope:</b>
The company's quality manual including personnel, processes, procedures, facilities, and related records.

<b>Audit Criteria &amp; Reference Documents:</b>
7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000 as amended August 3, 2011; revised March 15, 2012

Company Name: New Hampshire Department of Agriculture, Division of Regulatory Services

<b>Audit Team and Responsibilities</b>		
<i>Auditor:</i>	<i>Title:</i>	<i>Responsibility:</i>
David J. Hildreth	Team Leader	All areas of the audit
Lars Crail	Team Member	All areas of audit as assigned by team leader



**Agricultural Marketing Service  
Livestock and Seed Program  
Audit, Review, and Compliance Branch**

<b>Audit Schedule</b>				
<i>Date:</i>	<i>Time:</i>	<i>Activity:</i>	<i>Location:</i>	<i>Auditor</i>
7/9/2012	5:00 AM	Travel	NH	Audit Team
7/9/2012	2:00 PM	Opening Meeting NHDOA Office Discuss audit process and procedures	Concord, NH	Audit Team: Hildreth, Crail
7/10/2012	8:00 AM	Records review	Concord, NH	Crail
7/10/2012	8:00 AM		Winchester, NH	Hildreth
7/11/2012	8:00 AM	Continue Office Audit- review records	Concord, NH	Hildreth
7/12/2012	8:00 AM	Witness Audit - Crops Pasture	Keene, NH	Crail
7/12/2012	9:00 AM	Witness Audit - Processor	Concord, NH	Hildreth
7/12/2012	8:00 AM	Continue Office Audit -	Concord, NH	Hildreth
7/13/2012	8:00 AM	Continue records review	Concord, NH	Audit Team
7/13/2012	12:00 PM	Closing Meeting	Concord, NH	Audit Team
7/13/2012	1:00 PM	Travel		Audit Team





**Agricultural Marketing Service  
Livestock and Seed Program  
Audit, Review, and Compliance Branch**

Company Name: New Hampshire Department of Agriculture, Division of Regulatory Services

<b>Cost Estimate</b>				
<i>Audit Time:</i>	<i>Auditor 1:</i>	<i>Auditor 2:</i>	<i>Rate:</i>	<i>Amount:</i>
Onsite Audit				
Travel	7.00	7.00	\$ 108.00	\$ 1,512.00
Pre-Audit	4.00	0.00	\$ 108.00	\$ 432.00
Audit	29.00	29.00	\$ 108.00	\$ 6,264.00
Post-Audit	5.00	0.00	\$ 108.00	\$ 540.00
Desk Audit Only	0.00	0.00	\$ 108.00	\$ -
<i>Per Diem:</i>	<i>Auditor 1:</i>	<i>Auditor 2:</i>	<i>Rate:</i>	<i>Amount:</i>
Per Diem Days	4.50	4.50	n/a	9.00
Lodging	391.50	391.50	\$ 87.00	\$ 783.00
M&IE	252.00	252.00	\$ 56.00	\$ 504.00
<i>Associated Costs:</i>	<i>Auditor 1:</i>	<i>Auditor 2:</i>	<i>Cost:</i>	<i>Amount:</i>
Airfare	250.00	250.00	\$ 500.00	\$ 500.00
Local Transportation	20.00	25.00	\$ 45.00	\$ 45.00
Room Tax	54.00	54.00	\$ 108.00	\$ 108.00
Rental Car	300.00	0.00	\$ 300.00	\$ 300.00
Parking	45.00	45.00	\$ 90.00	\$ 90.00
POV Miles	54.00	0.00	\$ 0.510	\$ 27.54
Administrative Cost	0.00	0.00	\$ 108.00	\$ 108.00
<b>GRAND TOTAL</b>				<b>\$ 11,213.54</b>

*I have reviewed the audit plan and cost estimate; and agree to them. I realize that the actual audit and cost may differ from this document. Additionally, I realize that audit costs associated with a corrective action audit are not included in this estimate.*

(b) (6)



7/09/12

Date:

*David H. H. H. H.*

6/15/2012

Lead Auditor Signature:

Date:

*\*The ARC Branch meets the requirements outlined in 5 CFR 2635.703, Use of nonpublic information.*



<b>National Organic Program Accreditation Assessment Checklist</b>	
<b>Date:</b>	July 9 - 13, 2012
<b>Assessment Identifier:</b>	NP2191ACA
<b>Assessment Activity: (select one)</b>	<input type="checkbox"/> Documentation Adequacy Review <input type="checkbox"/> Pre-decisional Assessment <input type="checkbox"/> Initial Assessment <input type="checkbox"/> Mid-Term Assessment <input type="checkbox"/> XXX Renewal Assessment <input type="checkbox"/> Corrective Action Review <input type="checkbox"/> Corrective Action Assessment <input type="checkbox"/> Other
<b>Company Information</b>	
<b>Name of Company:</b>	New Hampshire Department of Agriculture, Market and Foods, Division of Regulatory Services
<b>Company Address:</b>	25 Capital Street, PO Box 2042
<b>City, State, Zip:</b>	Concord, NH 03302-3685
<b>Contact Name:</b>	Victoria M. Smith
<b>Title:</b>	Program Coordinator
<b>Phone #:</b>	603-271-3685
<b>Email:</b>	<a href="mailto:vsmith@agr.state.nh.us">vsmith@agr.state.nh.us</a>
<b>Location(s) of Program Activities:</b>	State of New Hampshire
<b>Standards Applied:</b>	7 CFR Part 205 National Organic Program (NOP), Final Rule, dated December 21, 2000; as amended March 15, 2012
<b>Scope of Program Activities:</b>	The company's quality manual including personnel, processes, procedures, facilities, and related records. Crops, Livestock, Wild Crops, Handling
<b>Countries of Operations:</b>	USA
<b>Assessment Team</b>	
<b>Team Leader:</b>	David J. Hildreth
<b>Second Auditor:</b>	Lars Crail
<b>Other (Identify Role):</b>	



### PLANNING AND SCHEDULING OF THE ASSESSMENT

- Send email using the appropriate template to schedule the on-site assessment. This should be conducted as early as possible. Planning of foreign assessments should start at least 6 months prior to the anticipated assessment date. Scheduling of domestic assessments should commence no later than 3 months prior to the anticipated assessment date.
- Once assessment date is scheduled with the ACA, select satellite offices and witness audit sites to be visited during the assessment.
- After assessment sites and on-site schedule has been finalized, complete the audit plan, cost estimate, and appropriate letter regarding the assessment.
- Send the above information via email using the appropriate template. *Remember to include attachments in the email and CC all of the personnel listed on the "Letter".*

### PRE-ASSESSMENT ACTIVITIES

- Verify that LS-313 Application for Service is on file and is the current version; not applicable for the pre-decisional assessment.
- Obtain & review the most recent copy of program documentation from the company.

<b>Title of documentation:</b>	<b>New Hampshire Department of Agriculture Quality and Procedures Manual</b>
<b>Date or revision number of documentation:</b>	<b>Updated December 2011</b>

- Review previous audit report. *Reviewed*
- Review previous corrective actions report, as applicable. *Reviewed*
- Review previous notices of noncompliance issued to the ACA. *Reviewed*
- Receive approval to conduct the assessment activity by obtaining a signed copy of the audit plan and cost estimate from the client. *Signed copy received in Denver GVD office*



## ON-SITE ASSESSMENT ACTIVITIES *OPENING MEETING*

The purpose of the opening meeting is to confirm the assessment plan, provide a short summary of how the assessment activities will be undertaken, confirm communication channels, and provide an opportunity for the client to ask questions.

- Introduction of participants and their roles.
- Confirmation of assessment objectives, scope, and criteria.
- Confirmation of assessment timetable and other relevant arrangement.
- Review the assessment plan. Have there been any changes since it was approved?  
No                      Yes - What are the changes?
- Review program documentation. Have there been any changes since the last assessment?  
No                      Yes - What are the changes? *NHDA has updated the QM since last on site assessment*
- Have findings from previous assessments been addressed? (if applicable)  
Yes    *See remarks section of checklist and NC report*                      No
- Methods and procedures to be used to conduct the assessment.
- Confirmation of formal communication channels.
- Confirmation that auditee will be kept informed of assessment process during the assessment.
- Confirmation that the resources and facilities needed by the assessment team are available.
- Confirmation of confidentiality matters.
- Confirmation of relevant work safety, emergency, and security procedures for the assessment team.
- Confirmation of the availability, roles, and identities of guides.
- The method of reporting, and explain that non-compliances (if any are identified) will not be classified as to severity.
- Provide an opportunity for the client to ask questions.
- Explain the conditions under which the audit would be terminated.
- Explain that audit findings and associated information is releasable under FOIA.
- Explain the audit appeal process.



*Complete the following Attendance List:*

Name	Title or Position	Opening	Closing
David J. Hildreth	Lead Auditor, USDA, GVD	XX	XX
Lars Crail	2 <sup>nd</sup> Auditor, USDA, GVD	XX	XX
Victoria M. Smith	Program Coordinator	XX	XX
David J. Rousseau	Acting Director	XX	XX



CHECKLIST SECTION I – General Information on Certification Process		
1	List locations of offices where key activities occur including key activities performed.	25 Capital Street, Concord, NH
2	Note the number of operations certified to the NOP at the time of the assessment.	Total: <u>155</u> NOP certified operations Crop: <u>104</u> Wild-crop: <u>0</u> Livestock: <u>30</u> Handlers: _____ Grower Groups: <u>0</u> Approximate Handler Types: Processors: <u>21</u> Distributors: _____ Traders: _____ Retailers: _____ New Clients for Certification - 10
3	What does the ACA submit to applicants on initial application?	Applicants are provided a copy of the fees (estimate) blank copy of OSP/OFP instructions for application, copy of the NOP rule
4	How is the information, documents and or forms provided to those inquiring about certification (hard copy/electronic)?	The information is provided via electronic media, USPS or if desired the client stops by the NHDA office in Concord
5	Who (job title/position description) conducts the initial review for completeness and ability to comply?	NOP Program Coordinator/Agriculture Inspector.
6	Who (job title/position description) reviews labels and material inputs?	Agriculture Inspector/Pesticide Director
7	How are inspectors selected / assigned for inspections?	Geographical area
8	Are they staff inspectors or subcontracted?	Staff
9	Who (job title/position description) makes the certification decision?	Acting Director of Regulatory Service
10	Provide a brief description of the annual update process.	Notices are sent to clients and reminder one month prior to annual update is due.
11	Who (job title/position description) reviews the inspection report, results of analysis conducted (as applicable), and information requested from and provided by the applicant?	Acting Director of Regulatory Service
12	Who (job title/position description) makes the determination on whether to issue a notice of non-compliance?	Acting Director with recommendations from Inspector



CHECKLIST SECTION I – General Information on Certification Process		
13	When operations submit corrective actions or a rebuttal, who (job title/position description) reviews the materials and makes the determination if they are adequate?	Acting Director
14	Are there any operations certified or undergoing the certification process which were re-instated after having been suspended or revoked?	No operations presently undergoing the certification process
15	Does the ACA have a material evaluation program for liquid nitrogen fertilizers (LNF) with a nitrogen content greater than 3%?	Not a written policy however NHDA is aware of the requirement and reviews each request for use of any inputs thoroughly
16	Does the ACA certify grower groups?	No

**PROGRAM REQUIREMENTS**

- <sup>(1)</sup> Complies: For each requirement, identify whether the certifying agent complies, does not comply, or that a requirement is not applicable with an “X”.
- <sup>(2)</sup> Remarks: Provide explanations and/or comments to present evidence of compliance or non-compliance, as applicable. If a requirement is not applicable include why it does not apply.

<b>Exclusions: Sections not included or addressed in checklist</b>
<p>§205.502 <b>Applying for Accreditation</b> – procedural requirements not addressed by auditors.            §205.505 <b>Statement of Agreement</b> – Reference only. If requirements are not met, cite to the appropriate section(s) of §205.501.            §205.510(c) – (e) NOP Administrator procedural requirements not addressed by auditors.</p>

<b>§§205.400, 205.401 &amp; 205.402 General Requirements, Application, and Review</b>				
For audit purposes, §205.400 or §205.401 are to be referenced, as applicable. These are requirements for certified operations and not the ACA. If requirements are not met, cite to the appropriate section §205.402(a)(1) or (3) and <u>reference</u> this section. The application requirements are reviewed when completing the Certification File Review Worksheets. An overall assessment based on all files reviewed, information gathered during review of certification process, interviews, and Witness Audit Checklists should be made, then identify findings under appropriate requirement.				
CHECKLIST SECTION II	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
References: NOP 2605 Reinstating Suspended Organic Operations NOP Policy Memo 11-4 Verification of Materials				
<p>§§205.400(c) and 205.670(a)            Is there any evidence that a certified operation denied access to a representative of the Administrator, State, or ACA?</p>	XX			Interviews conducted indicate that access to certified operations has not been denied to any representative



**§§205.400, 205.401 & 205.402 General Requirements, Application, and Review**

For audit purposes, §205.400 or §205.401 are to be referenced, as applicable. These are requirements for certified operations and not the ACA. If requirements are not met, cite to the appropriate section §205.402(a)(1) or (3) and reference this section. The application requirements are reviewed when completing the Certification File Review Worksheets. An overall assessment based on all files reviewed, information gathered during review of certification process, interviews, and Witness Audit Checklists should be made, then identify findings under appropriate requirement.

CHECKLIST SECTION II	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
				of the Administrator, State, or ACA
<b>§205.401</b> Are all applications complete and do the OSPs meet the requirements for an OSP?	XX			Records reviewed indicated that all OSP's
<b>§205.402(a)(1)</b> Upon accepting applications does the ACA review the application for completeness?		XX		(b) (5)
<b>§205.402(a)(2)</b> Does the review include making a determination if the applicant is in compliance or can comply with the requirements?		XX		See 205.402 (a) (1)
<b>§205.402(a)(3)</b> Does the ACA verify that an applicant, who previously applied to another certifying agent and received a notification of noncompliance or denial of certification, has submitted documentation to support the correction of any noncompliances identified in the notification of noncompliance or denial of	XX			Interviews conducted and records reviewed indicate that the ACA has a protocol in place to verify this information. There is an area on the application that asks for this information.





**§§205.400, 205.401 & 205.402 General Requirements, Application, and Review**

For audit purposes, §205.400 or §205.401 are to be referenced, as applicable. These are requirements for certified operations and not the ACA. If requirements are not met, cite to the appropriate section §205.402(a)(1) or (3) and reference this section. The application requirements are reviewed when completing the Certification File Review Worksheets. An overall assessment based on all files reviewed, information gathered during review of certification process, interviews, and Witness Audit Checklists should be made, then identify findings under appropriate requirement.

CHECKLIST SECTION II	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
certification?				
<b>§205.402(b)(1)</b> Is the time from receiving the application materials and the review reasonable?	XX			Records reviewed indicate that the time from receipt to review is within a reasonable time.
<b>§205.402(b)(1)</b> Is the time between receiving an application and communicating the results of the review to an applicant reasonable?	XX			Records reviewed indicate that the time from receipt to review is within a reasonable time.
<b>§§205.402(b)(2) and 205.403(e)(2)</b> Is a copy of the inspection report as approved by the ACA provided to that operation by the ACA?	XX			Files reviewed and interviews conducted indicate that a copy of the final inspection report is provided to the operation by the ACA
<b>§205.402(c)</b> Do any clients withdraw their application and if so, was the process in accordance with the requirements?	XX			1 Livestock operation (poultry) withdrew their application for certification after a notice of non-compliance was issued.

**§205.403 Inspection**

Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists.

CHECKLIST SECTION III	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<b>§205.403(a)(1)</b> Does the ACA conduct initial on-site inspections of each production unit, facility, and site that produces or handles organic products and that is included in the operation for which certification is requested, on all applicants?	XX			The records reviewed indicate that NHDA does conduct initial on-site inspections for each production unit, facility and site that produces or handles organic products.
<b>§205.403(b)(1)</b> Are all inspections conducted within a reasonable	XX			The records reviewed indicate that inspections are scheduled



<b>§205.403 Inspection</b>				
Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists.				
<b>CHECKLIST SECTION III</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
time after the determination that the applicant appears to comply or can comply with the requirements?				and conducted within a reasonable time.
<b>§205.403(b)(2)</b> Are all inspections conducted when an authorized representative of the operation who is <u>knowledgeable</u> about the operation was present <u>and</u> at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of subpart C could be observed?	XX			The records reviewed and witness audits observed indicate that an authorized/knowledgeable representative of the company is present when the inspections are performed
<b>§205.403(c)(1)</b> Do all inspections verify the operation's compliance or capability to comply with the Act and the regulations?		XX		(b) (5)
<b>§205.403(c)(2)</b> Do all inspections verify that the information (including the OSP), provided in accordance with §§205.401, 205.406, and 205.200, accurately reflect the practices used or to be used by the applicant or certified operation?		XX		See 205.402(a) (1)
<b>§205.403(c)(3)</b> Do all inspections verify that prohibited substances had not been and were not being applied to the operation?	XX			Records reviewed
<b>§205.403(d)</b> Do inspectors conduct an exit interview with an authorized representative of the operation, who is knowledgeable about the inspected operation, <u>to confirm the accuracy and completeness</u> of inspection		XX		(b) (5)



<b>§205.403 Inspection</b>				
Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists.				
<b>CHECKLIST SECTION III</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	Yes	No	N/A	
<p>observations and information gathered during the on-site inspection?</p> <p>Does the exit interview(s) address the need for any <u>additional information</u> as well as any <u>issues of concern</u>?</p>				
<p><b>§205.403(e)(1)</b>            Do inspectors provide the operation's authorized representative with a receipt for any samples taken during the inspections?</p>			XX	No samples were taken during the witness audits observed however NHDA does have a sampling protocol in place.

<b>§205.404 Granting Certification</b>				
Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists.				
<b>CHECKLIST SECTION IV</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	Yes	No	N/A	
<p>References:  <i>NOP 2603 Organic Certificates</i>  <i>NOP 2605 Reinstating Suspended Organic Operations</i>  <i>NOP Policy Memo 11-4 Verification of Materials</i></p>				
<p><b>§205.404(a)</b>            Does the ACA meet the requirements of 205.404(a) by:</p> <p>reviewing the inspection report, sample results, and any additional information within a <u>reasonable time</u> after the inspection;</p> <p>granting certification in all cases where it is determined that the OSP and the applicant's operation are in compliance and is able to conduct operations in accordance with the plan; and</p> <p>(if the certification is granted and included requirements for the correction of minor noncompliances) <u>indicating</u> they have to be addressed within a specified time period as a condition of continued certification?</p>	XX			Records reviewed indicated that the ACA was reviewing all documents within a reasonable time.



<b>§205.404 Granting Certification</b>				
Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists.				
CHECKLIST SECTION IV	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<b>§205.404(b)</b> Does the ACA issue a certificate of organic operation in all cases where certification was granted?	XX			Certificates reviewed during records review indicate that the ACA issues a certificate in all cases where certification was granted.
<b>§205.404(b)(1) – (4)</b> Do certificates issued by the ACA contain the required information?  Do certificates issued by the ACA contain the additional information and statements recommended by NOP 2603?	XX			Certificates reviewed during records review indicate that all certificates issued to certified operations contain the required information.

<b>§205.405 Denial of Certification</b>				
Based on review of Certification File Review Worksheets (including Table 5a - Notice of Noncompliance/Adverse Action Worksheet).				
CHECKLIST SECTION V	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
References: <i>NOP 2607 Disclosure of Information concerning USDA Accredited Certifying Agents and Certified Operations to the NOP</i> <i>NOP 4002 Enforcement Policy</i> <i>NOP Policy Memo 11-4 Verification of Materials</i>				
<b>§205.405(a)</b> Does the ACA provide a written notification of noncompliance to all applicants in cases where there was a reason to believe, based on the review, that the applicant was not able to comply or was not in compliance with the requirements?	XX			Records reviewed indicated that a written notification of noncompliance was provided to all applicants as necessary.
<b>§205.405(a)</b> If the ACA issued any combined notice of noncompliance and denial of certification, does it meet the requirements for both notifications?			XX	ACA has not issued a combined notice since the last on-site audit
<b>§205.405(a)(1) – (3)</b> Do all notices of noncompliance that were issued contain the required information in accordance with §205.405(a)(1) – (3)?	XX			A portion of all notices that were issued by the ACA were reviewed and reviewed indicated that they contained



<b>§205.405 Denial of Certification</b>				
Based on review of Certification File Review Worksheets (including Table 5a - Notice of Noncompliance/Adverse Action Worksheet).				
<b>CHECKLIST SECTION V</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
				the required information in accordance with the Rule
<p><b>§205.405(c)(1)</b>            In cases when the applicant provided corrective actions or a rebuttal, does the ACA:</p> <p>evaluate the rebuttal or corrective actions taken and supporting documentation;</p> <p>issue the applicant an approval of certification if the corrective action or rebuttal is sufficient for the applicant to qualify for certification; or</p> <p>issue the applicant a written notice of denial of certification when the corrective action or rebuttal, <u>is not</u> sufficient for the applicant to qualify for certification?</p>	XX			Records reviewed indicate that the ACA did not reject or rebut any corrective action submitted by applicants since the previous on-site audit.
<p><b>§205.405(c)(2)</b>            Does the ACA issue a written notice of denial of certification to all applicants that failed to respond to the notification of noncompliance?</p>	XX			1 file reviewed indicated that this procedure was properly followed per the requirements of the rule
<p><b>§205.405(c)(3)</b>            Does the ACA provide all notices of approval or denials to the Administrator?</p>	XX			Interviews conducted and files reviewed indicate that all notices are provided to the Administrator as required.
<p><b>§§205.405(d) and 205.405(d)(1) – (3)</b>            Do all issued denials of certification contain the required information in accordance with 205.405(d), and 205.405(d)(1) – (3)?</p>	XX			The ACA has had only 1 denial of certification since the last audit and the record reviewed indicates that the notice of denial contained the required information in accordance with the applicable sections of the Rule.
<p><b>§205.405(f)</b>            If the ACA received new applications for certification, which included a notification of</p>	XX			Interviews conducted and policies reviewed indicate that this is the policy and



<b>§205.405 Denial of Certification</b>				
Based on review of Certification File Review Worksheets (including Table 5a - Notice of Noncompliance/Adverse Action Worksheet).				
<b>CHECKLIST SECTION V</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
noncompliance or a notice of denial of certification, does the ACA <u>treat the application as a new application</u> and begin a new application process?				procedure that will be followed if the circumstance should arise.

<b>§205.406 Continuation of Certification</b>				
Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists. Describe the annual update process under "General information on Certification Process", Checklist Section I. Document requirement evaluations on the Certification File Review Worksheets and "Table 5a - Notice of Noncompliance/Adverse Action Worksheet" as applicable.				
<b>CHECKLIST SECTION VI</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
References: NOP 2607 Disclosure of Information concerning USDA Accredited Certifying Agents and Certified Operations to the NOP NOP 4002 Enforcement Policy NOP Policy Memo 11-4 Verification of Materials				
<b>§205.406(a)(1) – (4)</b> Do all certified operations submit an updated OSP and pay the annual certification fees as required by §205.406(a)(1) – (4)?	XX			Records reviewed indicate that an updated OSP and the annual certification fees are submitted as required by the Rule
<b>§205.406(b)</b> Following the receipt of an updated OSP does the ACA review it to see if the requirements of §205.406(a) have been met?	XX			Records reviewed and interviews conducted indicate that the updated OSP is reviewed to ensure the requirements of 205.406 (a) have been met.
<b>§§205.406(b) and 205.403(a)(1)</b> Following the receipt of an updated OSP does the ACA within a reasonable time arrange and conduct an on-site inspection?	XX			Records indicate that the ACA conducts within a reasonable time the on-site inspection.
<b>§205.406(c)</b> Does the ACA provide a written notification of noncompliance to all operations in accordance with §205.662 if the ACA had 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?	XX			Records reviewed and interviews conducted indicate that the ACA is complying with this section of the act.



**§205.406 Continuation of Certification**

Based on review of Certification File Review Worksheets, information gathered during review of certification process, interviews, and Witness Audit Checklists. Describe the annual update process under “General information on Certification Process”, Checklist Section I. Document requirement evaluations on the Certification File Review Worksheets and “Table 5a - Notice of Noncompliance/Adverse Action Worksheet” as applicable.

CHECKLIST SECTION VI	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<p><b>§205.406(d)</b>            Does the ACA issue an updated certificate for all certified operations that were in compliance with the Act and the regulations if any information specified on the previous certificate changed?</p>	XX			Records reviewed indicate that an updated certificate is issued as necessary.

**§205.501 General Requirements for Accreditation**

CHECKLIST SECTION VII	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<p>References:            NOP 2000 General Accreditation Policies and Procedures            NOP 2026 Submitting Annual Lists of Certified Operations            NOP 2606 Processing Requests for Temporary Variances            NOP Appeals Procedure: Adverse Action Appeal Process – Certified Operation or Applicant for Certification            Policy Memo 11-8 California State Organic Program, Additional Requirements Granted</p>				
<p><b>§205.501(a)(1)</b>            Does the ACA have <u>sufficient expertise</u> in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program?</p>	XX			Records and resumes reviewed indicated that the ACA has sufficient expertise in organic production and handling techniques to fully comply with and implement the terms and conditions of the organic certification program.
<p><b>§205.501(a)(2)</b>            Does the ACA <u>demonstrate the ability</u> to fully comply with the requirements for accreditation?</p>	XX			Records reviewed and interviews conducted indicate that the ACA does demonstrate the ability to fully comply with the requirements for accreditation.
<p><b>§205.501(a)(3)</b>            Does the ACA <u>carry out the provisions</u> of the Act and the regulations, including the provisions of §205.402</p>	XX			Records reviewed and interviews conducted indicate the ACA does carry out the



<b>§205.501 General Requirements for Accreditation</b>				
<b>CHECKLIST SECTION VII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
through 205.406 and §205.670?				provisions of the Act and regulations, including the provisions of §§205.402 through 205.406 and §205.670, except as indicated in the findings observed.
<b>§205.501(a)(4)</b> Does the ACA use a <u>sufficient number of adequately trained personnel</u> , including inspectors and certification review personnel, to comply with and implement the organic certification program?	XX			Interviews conducted and records reviewed indicate that the ACA uses a sufficient number of personnel to comply with and implement the organic certification program.
<b>§205.501(a)(5)</b> Does the ACA ensure certification personnel <u>have sufficient expertise</u> in organic production or handling techniques to successfully perform the duties assigned?	XX			Records reviewed indicate that certification personnel have sufficient expertise in organic production and handling techniques to successfully perform the duties assigned.
<b>§205.501(a)(6)</b> Does the ACA conduct annual <u>performance evaluations</u> of all certification personnel in accordance with §205.501(a)(6)?	XX			Records reviewed indicate that annual performance evaluations have been conducted for all certification personnel.
<b>§205.501(a)(7)</b> Does the ACA have an <u>annual program review</u> of its certification activities conducted by someone who has expertise to conduct the reviews?  Does the ACA <u>implement measures to correct</u> any noncompliances that are identified in the evaluation?		XX		NHDAMF provided to NOP auditors a one page document dated January 1, 2011: "2011 Annual NHDAMF Organic Program Review." This document lists four actions or changes that have been implemented to its organic program. Additionally, there are five recommendations listed.
<b>§205.501(a)(8)</b> Does the ACA <u>provide sufficient information</u> to persons seeking certification to enable them to comply with the Act and the regulations?	XX			Records indicate that adequate information is provided to the applicants to enable them to comply with the Act and the regulations.





<b>§205.501 General Requirements for Accreditation</b>				
<b>CHECKLIST SECTION VII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
<b>§205.501(a)(9)</b> Does the ACA <u>maintain all records</u> pursuant to §205.510(b) and make all such records available for inspection and copying during normal business hours?	XX			All records requested were available for inspection
<b>§205.501(a)(10)</b> Does the ACA <u>maintain strict confidentiality</u> with respect to its clients and not disclose to third parties any business-related information concerning any client obtained while implementing the regulations, except as provided for in §205.504(b)(5)?	XX			Records reviewed and interviews conducted indicate that a strict confidentiality is maintained within the NHDA concerning any clients
<i>Does the ACA prevent conflicts of interest by:</i>	---	---	---	---
<b>§205.501(a)(11)(i)</b> Not certifying a production or handling operation if the <u>ACA or a responsibly connected party</u> of such ACA has or has held a commercial interest in the production or handling operation?	XX			Policy dictates that this procedure is being followed
<b>§205.501(a)(11)(ii)</b> <u>Excluding any person, including contractors</u> , with conflicts of interest from work, discussions, and decisions in all stages of the certification process and the monitoring of certified operations for all entities in which such person has or has held a commercial interest.	XX			State law in reference to conflicts of interest prohibits this policy and the ACA adheres to this policy due to all personnel are State employees
<b>§205.501(a)(11)(iii)</b> Not permitting any employee, inspector, contractor, or other personnel to <u>accept payment</u> , gifts, or favors of any kind, other than prescribed fees, from any business inspected.	XX			State law in reference to conflicts of interest prohibits this policy and the ACA adheres to this policy due to all personnel are State employees
<b>§205.501(a)(11)(iv)</b> <u>Not giving advice or providing consultancy</u> services, to certification applicants or certified operations, for overcoming identified barriers to certification.	XX			Records reviewed and interviews conducted indicate that the staff of NHDA does not provide consultancy services.
<b>§205.501(a)(11)(v)</b>		XX		All employees are held to the



§205.501 General Requirements for Accreditation				
CHECKLIST SECTION VII	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
Requiring all certification personnel and responsibly connected parties to complete an <u>annual conflict of interest disclosure report</u> .				policy of the Governor in regards to this policy; (b) (5)
<p>§205.501(a)(11)(vi)          Ensuring that the <u>decision to certify</u> an operation is made by a person different from those who conducted the review of documents and on-site inspection.</p>		XX		
<i>A private or governmental entity accredited as a certifying agent (ACA) under this subpart must:</i>	---	---	---	
<p>§205.501(a)(12)(i)  <u>Reconsider a certified operation's application</u> for certification and, if necessary, perform a new on-site inspection when it is determined, within 12 months of certifying the operation, that any person participating in the certification process and covered under §205.501(a)(11)(ii) has or <u>had a conflict of interest</u> involving the applicant.</p>	XX			Policy in place and reviewed by the auditor also interviews were conducted and all personnel interviewed stated that they are aware of the policy and that it is adhered to.



<b>§205.501 General Requirements for Accreditation</b>				
<b>CHECKLIST SECTION VII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	Yes	No	N/A	
<p><b>§205.501(a)(12)(ii)</b> Refer a <u>certified operation</u> to a different ACA for recertification and reimburse the operation for the cost of the recertification when it is determined that any person covered under §205.501(a)(11)(i) at the time of certification of the applicant <u>had a conflict of interest involving the applicant</u>.</p>	XX			Policy in place and reviewed by the auditor
<p><b>§205.501(a)(13)</b> <u>Accept the certification decisions</u> made by another ACA accredited or accepted by USDA.</p>	XX			Interviews conducted and polycys reviewed indicate that this policy is enforced if the situation dictates.
<p><b>§205.501(a)(14)</b> <u>Refrain from making false or misleading claims</u> about its accreditation status, the USDA accreditation program for ACAs, or the nature or qualities of products labeled as organically produced.</p>	XX			Interviews conducted indicated that the ACA makes no false or misleading claims about its accreditation status.
<p><b>§205.501(a)(15)(i)</b> <u>Submit to the Administrator</u> a copy of: Any notice of denial of certification (§205.405), notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation (§205.662) simultaneously with its issuance.</p>	XX			Verified thru interviews and copies of emails that all stated notices were copied to the Administrator.
<p><b>§205.501(a)(15)(ii)</b> <u>Submit to the Administrator</u> a list, on January 2 of each year, including the name, address, and telephone number of each operation granted certification during the preceding year.</p>	XX			Verified email sending the required information to the administrator.
<p><b>§205.501(a)(16)</b> <u>Charge applicants</u> for certification and certified production and handling operations only those fees and charges for certification activities that it has filed with the Administrator.</p>	XX			5 of 5 invoices reviewed indicated that the applicants were charged only those fees and charges that it has filed with the administrator.
<p><b>§205.501(a)(17)</b> Pay and submit fees to AMS in accordance with §205.640.</p>	XX			Records reviewed indicate that the required fees have been submitted to the AMS
<p><b>§205.501(a)(18)</b> <u>Provide the inspector</u>, prior to each on-site inspection,</p>	XX			Interviews and witness audits observed indicate that the



<b>§205.501 General Requirements for Accreditation</b>				
<b>CHECKLIST SECTION VII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
with previous on-site inspection reports and <u>notify the inspector</u> of its decision regarding certification of the operation site inspected by the inspector and of any requirements for the correction of minor noncompliances.				ACA provides the inspector with all the the required documents and certification decision prior to the on-site inspection.
<b>§205.501(a)(19)</b> Accept all production or handling applications that fall within its area(s) of accreditation and certify all qualified applicants, to the extent of its administrative capacity to do so without regard to size or membership in any association or group;	XX			Interviews with NHDA staff indicate that the ACA will accept all production and handling applications that fall within its areas of accreditation and certify all who comply with the Act and regulation.
<b>§205.501(a)(20)</b> Demonstrate its ability to <u>comply with a State's organic program</u> to certify organic production or handling operations within the State.			XX	Not a state program
<b>§205.501(a)(21)</b> Comply with, implement, and <u>carry out any other terms and conditions</u> determined by the Administrator to be necessary.	XX			Records reviewed and interviews conducted indicate that the NHDA is capable of complying with and carrying out all terms and conditions determined by the Administrator.
<b>§205.501(b)(1)</b> A private or governmental entity accredited as a certifying agent under this subpart may establish a seal, logo, or other identifying mark to be used by production and handling operations certified by the certifying agent to indicate affiliation with the certifying agent. <i>Provided</i> , That, the certifying agent:  <u>Does not require use of its seal, logo, or other identifying mark on any product sold, labeled, or represented as organically produced as a condition of certification.</u>	XX			NHDA has established a seal/logo and allows it to be used however it is not required its use.
<b>§205.501(b)(2)</b> <i>Provided</i> , That, the certifying agent: <u>Does not require</u>	XX			NHDA only requires that the applicants comply with the



<b>§205.501 General Requirements for Accreditation</b>				
<b>CHECKLIST SECTION VII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
compliance with any production or handling practices other than those provided for in the Act and the regulations in this part as a condition of use of its identifying mark.				Act and the regulation.
<i>A private entity accredited as a certifying agent must:</i>	---	---	---	---
<b>§205.501(c)(1)</b> Hold the Secretary harmless for any failure on the part of the certifying agent to carry out the provisions of the Act and the regulations in this part.	XX			NHDA policy states it holds the Secretary harmless.
<b>§205.501(c)(2)</b> Furnish reasonable security, in an amount and according to such terms as the Administrator may by regulation prescribe, for the purpose of protecting the rights of operations certified by the ACA under the Act and the regulations.	XX			Addressed in the NHDA policy.
<b>§205.501(c)(3)</b> Transfer to the Administrator and make available to any applicable State organic program's governing State official all records or copies of records concerning the person's certification activities in the event that the certifying agent dissolves or loses its accreditation.	XX			Addressed in the NHDA policy
<b>§205.501(c)(d)</b> No private or governmental entity accredited as a certifying agent under this subpart shall exclude from participation in or deny the benefits of the National Organic Program to any person due to discrimination because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.	XX			EEO policy stated in NHDA policy manual.

<b>§205.503 Applicant Information</b>		
This section of the checklist should be completed <u>only</u> if conducting an initial assessment, annual update assessment or renewal assessment. If during any on-site assessment there is objective evidence that required information was not submitted then cite under the appropriate requirement.		
<b>CHECKLIST SECTION VIII</b>	<b>Complies <sup>(1)</sup></b>	<b>Remarks <sup>(2)</sup></b>



	Yes	No	N/A	
References: NOP 2000 General Accreditation Policies and Procedures NOP Appeals Procedure: Adverse Action Appeal Process – Certified Operation or Applicant for Certification				
<b>A private or governmental entity seeking accreditation as a certifying agent must submit the following information:</b>	---	---	---	---
<b>§205.503(a)</b> The business name, primary office location, mailing address, name of the person(s) responsible for the certifying agent's day-to-day operations, contact numbers (telephone, facsimile, and Internet address) of the applicant, and, for an applicant who is a private person, the entity's taxpayer identification number;	XX			All information was submitted as required.
<b>§205.503(b)</b> The name, office location, mailing address, and contact numbers (telephone, facsimile, and Internet address) for each of its organizational units, such as chapters or subsidiary offices, and the name of a contact person for each unit;	XX			All information was submitted as required.
<b>§205.503(c)</b> Each area of operation (crops, wild crops, livestock, or handling) for which accreditation is requested and the estimated number of each type of operation anticipated to be certified annually by the applicant along with a copy of the applicant's schedule of fees for all services to be provided under these regulations by the applicant;	XX			All information was submitted as required.
<b>§205.503(d)(1)</b> The type of entity the applicant is (e.g., government agricultural office, for-profit business, not-for-profit membership association) and for: A governmental entity, a copy of the official's authority to conduct certification activities under the Act and the regulations in this part,	XX			All information was submitted as required.
<b>§205.503(d)(2)</b> The type of entity the applicant is (e.g., government agricultural office, for-profit business, not-for-profit membership association) and for: A private entity, documentation showing the entity's status and	XX			All information was submitted as required.



<b>§205.503 Applicant Information</b>				
This section of the checklist should be completed <u>only</u> if conducting an initial assessment, annual update assessment or renewal assessment. If during any on-site assessment there is objective evidence that required information was not submitted then cite under the appropriate requirement.				
CHECKLIST SECTION VIII	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
organizational purpose, such as articles of incorporation and by-laws or ownership or membership provisions, and its date of establishment;				
<b>§205.503(e)</b> A list of each State or foreign country in which the applicant currently certifies production and handling operations and a list of each State or foreign country in which the applicant intends to certify production or handling operations.	XX			All information was submitted as required, NHDA only certifies in the State of NH.

<b>§205.504 Evidence of Expertise and Ability</b>				
This section of the checklist should be completed <u>only</u> if conducting an initial assessment, annual update assessment or renewal assessment. If during any on-site assessment there is objective evidence that required information was not submitted then cite under the appropriate requirement.				
CHECKLIST SECTION IX	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
References: NOP 2000 General Accreditation Policies and Procedures NOP Appeals Procedure: Adverse Action Appeal Process – Certified Operation or Applicant for Certification				
<i>Personnel</i>	---	---	---	---
<b>§205.504(a)(1)</b> A copy of the applicant's policies and procedures for training, evaluating, and supervising personnel;	XX			This information was submitted as required
<b>§205.504(a)(2)</b> The name and position description of all personnel to be used in the certification operation, including administrative staff, certification inspectors, members of any certification review and evaluation committees, contractors, and all parties responsibly connected to the certifying agent;	XX			This information was submitted as required
<b>§205.504(a)(3)(i)</b> A description of the qualifications, including	XX			This information was provided as required.



**§205.504 Evidence of Expertise and Ability**

This section of the checklist should be completed only if conducting an initial assessment, annual update assessment or renewal assessment. If during any on-site assessment there is objective evidence that required information was not submitted then cite under the appropriate requirement.

CHECKLIST SECTION IX	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
experience, training, and education in agriculture, organic production, and organic handling, for each <b>inspector</b> to be used by the applicant:				
<b>§205.504(a)(3)(ii)</b> and for Each person to be designated by the applicant to review or evaluate applications for certification:	XX			This information was provided as required.
<b>§205.504 (a) (4)</b> A description of any training that the applicant has provided or intends to provide to personnel to ensure that they comply with and implement the requirements of the Act and the regulations in this part.	XX			This information was provided as required.
<b>Administrative Policies and Procedures</b>	---	---	---	---
<b>§205.504(b)(1)</b> A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates;	XX			A copy of the Quality/Policy Manual was submitted addressing this area.
<b>§205.504(b)(2)</b> 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;	XX			This information was submitted to the Administrator as required.
<b>§205.504(b)(3)</b> A copy of the procedures to be used for complying with the recordkeeping requirements set forth in §205.501(a)(9);	XX			This information was submitted to the Administrator as required.
<b>§205.504(b)(4)</b> A copy of the procedures to be used for maintaining the confidentiality of any business-related information as set forth in §205.501(a)(10);	XX			This information was submitted to the Administrator as required.
<b>§205.504(b)(5)</b> A copy of the procedures to be used, including any	XX			This information was submitted to the





**§205.504 Evidence of Expertise and Ability**

This section of the checklist should be completed only if conducting an initial assessment, annual update assessment or renewal assessment. If during any on-site assessment there is objective evidence that required information was not submitted then cite under the appropriate requirement.

CHECKLIST SECTION IX	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
fees to be assessed, for making the information required under this clause available to any member of the public upon request;				Administrator as required.
<b>§205.504(b)(6)</b> A copy of the procedures to be used for sampling and residue testing pursuant to §205.670.	XX			This information was submitted to the Administrator as required.
<b>Conflicts of Interest</b>	---	---	---	---
<b>§205.504(c)(1)</b> A copy of procedures intended to be implemented to prevent the occurrence of conflicts of interest, as described in §205.501(a)(11)	XX			This information was submitted to the Administrator as required.
<b>§205.504(c)(2)</b> A conflict of interest disclosure report, identifying any food- or agriculture-related business interests, including business interests of immediate family members, that cause a conflict of interest for all personnel required by this section and §205.501(a)(11)(v).		XX		See NP2191ACA.NC5
<b>An applicant who currently certifies production or handling operations must submit:</b>	---	---	---	---
<b>§205.504(d)(1)</b> A list of all production and handling operations currently certified by the applicant	XX			All information was submitted as required.
<b>§205.504(d)(2)</b> Copies of at least 3 different inspection reports and certification evaluation documents for production or handling operations certified by the applicant during the previous year for each area of operation for which accreditation is requested.	XX			All information was submitted as required.
<b>§205.504(d)(3)</b> The results of any accreditation process of the applicant's operation by an accrediting body during the previous year for the purpose of evaluating its certification activities.	XX			All information was submitted as required.
<b>§205.504(e)</b>	XX			All information was



<b>§205.504 Evidence of Expertise and Ability</b>				
This section of the checklist should be completed <u>only</u> if conducting an initial assessment, annual update assessment or renewal assessment. If during any on-site assessment there is objective evidence that required information was not submitted then cite under the appropriate requirement.				
CHECKLIST SECTION IX	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
Any other information the applicant believes may assist in the Administrator's evaluation of the applicant's expertise and ability.				submitted as required.

<b>§205.510 Annual Report, Recordkeeping, and Renewal of Accreditation</b>				
CHECKLIST SECTION X	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<i>An accredited certifying agent must submit annually to the Administrator, on or before the anniversary date of the issuance of the notification of accreditation, the following reports and fees:</i>	---	---	---	---
<b>§205.510(a)(1)</b> A complete and accurate update of information submitted pursuant to §§205.503 and 205.504;	XX			All information was submitted as required.
<b>§205.510(a)(2)</b> Information supporting any changes being requested in the areas of accreditation described in §205.500;	XX			All information was submitted as required.
<b>§205.510(a)(3)</b> A description of the measures implemented in the previous year and any measures to be implemented in the coming year to satisfy any terms and conditions determined by the Administrator to be necessary, as specified in the most recent notification of accreditation or notice of renewal of accreditation;	XX			All information was submitted as required.
<b>§205.510(a)(4)</b> The results of the most recent performance evaluations and annual program review and a description of adjustments to the certifying agent's operation and procedures implemented or to be implemented in response to the performance evaluations and program review; and	XX			Annual performance evaluations were reviewed. Annual program review was conducted



§205.510 Annual Report, Recordkeeping, and Renewal of Accreditation				
CHECKLIST SECTION X	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
§205.510(a)(5) The fees required in §205.640(a).	XX			Fees required were submitted to the USDA
<i>Certifying agents must maintain records according to the following schedule:</i>	---	---	---	---
§205.510(b)(1) Records <u>obtained from</u> applicants for certification and certified operations must be maintained for <u>not less than 5 years</u> beyond their receipt;	XX			Review of records storage area and interviews conducted indicate that NJDA is complying with this section of the Act and Regulations
§205.510(b)(2) Records <u>created by</u> the ACA regarding applicants for certification and certified operations must be maintained for <u>not less than 10 years beyond</u> their creation; and	XX			Review of records storage area and interviews conducted indicate that NJDA is complying with this section of the Act and Regulations
§205.510(b)(3) Records <u>created or received</u> by the ACA pursuant to the <u>accreditation requirements</u> of subpart F, <u>excluding</u> any records covered by §205.510(b)(2), must be maintained for <u>not less than 5 years</u> beyond their creation or receipt.	XX			Review of records storage area and interviews conducted indicate that NJDA is complying with this section of the Act and Regulations
<i>Amending Accreditation</i>	---	---	---	---
§205.510(f) Amendment to scope of an accreditation may be requested at any time. The application for amendment shall be sent to the Administrator and shall contain information applicable to the requested change in accreditation, a complete and accurate update of the information submitted pursuant to §§205.503 and 205.504, and the applicable fees required in §205.640.			XX	Interviews conducted indicate that NHDA is aware of this policy however no amendments to its scope of certification are being requested at this time.

§205.642 Fee Schedule				
Document on Certification File Review Checklist and Certification File Review Worksheets.				
CHECKLIST SECTION XI	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
§205.642 Are the fees charged reasonable?	XX			Fee schedule reviewed indicates that the fees charged



<b>§205.642 Fee Schedule</b>				
Document on Certification File Review Checklist and Certification File Review Worksheets.				
<b>CHECKLIST SECTION XI</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	Yes	No	N/A	
				appear to be reasonable
<b>§205.642</b> Is the fee schedule that was submitted to applicants the same as the one provided to the Administrator?	XX			Reviews indicate that the fee scheduled posted on the NHDA web site and the one sent to applicants is the same as the one provided to the Administrator
<b>§§205.501(a)(16) and 205.642</b> Are the fees charged to operations for certification consistent with the fee schedule filed with the Administrator?	XX			Invoices reviewed indicted that the fee charged to operations for certification are consistent with the fee schedule filed with the Administrator.
<b>§205.642</b> Are all applicants provided with an estimate of the total cost of certification and an estimate of the annual cost of updating the certification?	XX			Records indicated this is being accomplished
<b>§205.642</b> Are the nonrefundable portions of certification fees and the stages at which they become nonrefundable explained in the fee schedule submitted to the Administrator?	XX			Fee scheduled indicates the refunable portions of the certification fee and at what stage they become refundable is explained in the fee schedule submitted to the Administrator
<b>§205.642</b> Does the ACA provide a copy of the fee schedule to anyone inquiring about the application process?	XX			Fee schedule is provided when requested and is also posted to the NHDA web site.

<b>§205.661 Investigation of Certified Operations</b>				
<b>§205.662 Noncompliance Procedure for Certified Operations</b>				
Document on Certification File Review Worksheet, "Table 5a - Notice of Noncompliance/Adverse Action Worksheet".				
<b>CHECKLIST SECTION XII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	Yes	No	N/A	
References: NOP 2607 Disclosure of Information concerning USDA Accredited Certifying Agents and Certified Operations to the NOP NOP 4001 Complaint Handling Procedure NOP 4002 Enforcement Policy NOP Appeals Procedure: Adverse Action Appeal Process – Certified Operation or Applicant for Certification				
<b>§205.661(a)</b> If the ACA conducts any investigations of complaints			XX	The ACA has not conducted any investigations of



<b>§205.661 Investigation of Certified Operations</b> <b>§205.662 Noncompliance Procedure for Certified Operations</b> Document on Certification File Review Worksheet, "Table 5a - Notice of Noncompliance/Adverse Action Worksheet".				
CHECKLIST SECTION XII	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
of noncompliance concerning production and handling operations certified as organic by the ACA, does the ACA notify the Program Manager of all compliance proceedings and actions taken?				compliance of noncompliance since the last on-site audit.
<b>§205.662(a)</b> In all cases when an inspection, review, or investigation of a certified operation by the ACA or a State organic program reveals any noncompliance with the Act or regulations, is a written notification of noncompliance sent to the certified operation?			XX	
<b>§205.662(a)(1) – (3)</b> Does all Notifications of Noncompliance include: 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?	XX			Records reviewed indicate that the Notification of Noncompliance includes all areas necessary under this section of the Act or Regulations.
<b>§205.662(b)</b> Does the ACA send the certified operation a written notification of noncompliance <b>resolution</b> after the certified operation demonstrates that each noncompliance is resolved?	XX			Records reviewed indicate that a noncompliance resolution is sent as required.
<b>§205.662(c)</b> If rebuttal is unsuccessful or the correction of the noncompliance is not completed in the prescribed time period, does the ACA send the certified operation a written notice of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance?			XX	No notices of suspension or revocation were issued by NHDA since the last on-site assessment.
<b>§205.662(c)(1) – (4)</b> Does all Notifications of Proposed Suspension / Proposed Revocations include: The reasons for the proposed suspension or revocation; The proposed effective date of such suspension or revocation; The impact of a suspension	XX			Procedure is in place for this action to occur if necessary but to date no action has been necessary.



<b>§205.661 Investigation of Certified Operations</b>				
<b>§205.662 Noncompliance Procedure for Certified Operations</b>				
Document on Certification File Review Worksheet, "Table 5a - Notice of Noncompliance/Adverse Action Worksheet".				
<b>CHECKLIST SECTION XII</b>	<b>Complies <sup>(1)</sup></b>			<b>Remarks <sup>(2)</sup></b>
	Yes	No	N/A	
or revocation on future eligibility for certification; and The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681?				
<b>§205.662(d)</b> If the ACA or State organic program has reason to believe that a certified operation willfully violated the Act or regulations, the ACA or State organic program shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.	XX			Procedure is in place for this action to occur if necessary but to date no action has been necessary.
<b>§205.662(e)(1)</b> Does the ACA or State program send the certified operation a written notification of suspension or revocation in all cases that a certified operation failed 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?	XX			Procedure is in place but no occurrences since last on-site audit.
<b>§205.662(e)(2)</b> Has the ACA or State program sent a notice of Suspension / Revocation during the time a final resolution of either mediation or appeal is pending for a certified operation which requested either one?	XX			No notices were sent.
<b>§205.662(g)</b> Violations of Act Has the ACA fined operations as a result of any noncompliance issues?	XX			No fines were issued by the NHDA
<b>§205.660(d)</b> Are all notifications of noncompliance, noncompliance resolutions, proposed suspensions or revocations, and suspensions or revocations issued and each response to such notification sent to the recipient's place of business via a delivery service which provides dated return receipts?	XX			Interviews conducted indicate that all notices sent to clients are sent via a delivery service which issues a dated return receipt.



**§205.663 Mediation**

Mediation procedures are applicable to certified operations that have received a denial of certification, notification of proposed suspension, a notification of proposed revocation or a notification of noncompliance that is combined with a denial, proposed suspension, or proposed revocation. Mediation procedures do not apply to operations that have received a notification of noncompliance with no adverse action.

CHECKLIST SECTION XIII	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<p><b>§205.663</b>            In all instances where mediation is requested, is the request from the applicant or certified operation in writing?</p>	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<p><b>§205.663</b>            If the ACA rejects the request, is the notification to reject the request of mediation sent to the operation in writing?</p>	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<p><b>§205.663</b>            Does the notification to reject the request of mediation advise the operation of their right to request an appeal pursuant to 205.681?</p>	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<p><b>§205.663</b>            Does the notification to reject the request of mediation advise the operation that an appeal must be requested within 30 days of the date of the written rejection of mediation?</p>	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<p><b>§205.660(d)</b>            Is the notification to reject the request of mediation and each response to such notification sent to the recipient's place of business via a delivery service which provides dated return receipts?</p>	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<p><b>§205.663</b>            If mediation was accepted by the ACA, is the mediation conducted by a qualified mediator mutually agreed upon by the parties to the mediation?</p>	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<p><b>§205.663</b></p>	XX			NHDA has a procedure in



**§205.663 Mediation**

Mediation procedures are applicable to certified operations that have received a denial of certification, notification of proposed suspension, a notification of proposed revocation or a notification of noncompliance that is combined with a denial, proposed suspension, or proposed revocation. Mediation procedures do not apply to operations that have received a notification of noncompliance with no adverse action.

CHECKLIST SECTION XIII	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
Is an agreement reached no more than 30 days following the mediation session?				place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit
<b>§205.663</b> If mediation is unsuccessful, is the operation informed they have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to §205.681?	XX			NHDA has a procedure in place in the Quality Manual that addresses this section of the rule. Mediation has not been requested since the last on-site audit

**§205.670 Inspection and Testing**

**§205.671 Exclusion from Organic Sale**

§205.504(b)(6) requires that the ACA have procedures for sampling and residue testing. Procedures should address the requirements of §205.670. Evaluate procedures under §205.504(b)(6); Checklist Section IX.

CHECKLIST SECTION XIV	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
References: NOP 2610 Sampling Procedures for Residue Testing NOP 2611 Laboratory Selection Criteria For Pesticide Residue Testing NOP 2611-1 Prohibited Pesticides for NOP Residue Testing				
<b>§205.670(c)</b> Are samples collected by an inspector representing the ACA, State, or Administrator as applicable?	XX			No samples have been collected by the NHDA since the previous audit however NHDA does have a procedure in place which addresses all areas of Inspection and Testing, interviews conducted indicated that when samples are collected they may be collected by members of the Pesticide Division of the NHDA and all samples will be tested by the NHDA Laboratory which is an accredited laboratory. The sampling protocol that the





<b>§205.670 Inspection and Testing</b>				
<b>§205.671 Exclusion from Organic Sale</b>				
§205.504(b)(6) requires that the ACA have procedures for sampling and residue testing. Procedures should address the requirements of §205.670. Evaluate procedures under §205.504(b)(6); Checklist Section IX.				
CHECKLIST SECTION XIV	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
				ACA has in place is the same as the one used by the Pesticide Department of the NHDA.
<b>§205.403(e)(1)</b> Does the inspector provide the operation with a receipt for the samples taken at the time of the inspection?	XX			See above
<b>§205.403(e)(1)</b> Is there any objective evidence that inspectors were charged for the samples taken?			XX	
<b>§205.670(c)</b> Is chain of custody maintained?	XX			See above
<b>§205.670(c)</b> Is the sample submitted to an accredited lab?	XX			See above
<b>§205.670(c)</b> Is the sample tested in accordance with the methods described in the most current edition of the <i>Official Methods of Analysis of the AOAC International</i> or other current applicable validated methodology?	XX			See above
<b>§§205.670(d)(2) and 205.504(b)(5)(iii)</b> Are test results available for public access?	XX			See above
<b>§§205.402(b)(3) and 205.403(e)(2)</b> Is a copy of the test results provided to the applicant or certified operation?	XX			See above
<b>§205.670(d)(1)</b> Are test results promptly provided to the Administrator or governing State official if applicable?	XX			See above
<b>§205.670(b)</b> Was the testing paid for by the requesting official	XX			See above



<b>§205.670 Inspection and Testing</b>				
<b>§205.671 Exclusion from Organic Sale</b>				
§205.504(b)(6) requires that the ACA have procedures for sampling and residue testing. Procedures should address the requirements of §205.670. Evaluate procedures under §205.504(b)(6); Checklist Section IX.				
CHECKLIST SECTION XIV	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
(Administrator or State) or the ACA?				
<b>§205.403(c)(3)</b> Are results compared against the National List and the Act?	XX			See above
<b>§205.670(e)</b> Do the results exceed the FDA or EPA regulatory tolerance (if there is an applicable tolerance)?	XX			See above
<b>§205.670(e)</b> If the regulatory tolerance was exceeded is it reported to the applicable agency?	XX			See above
<b>§205.671</b> Is there a prohibited substance detected that is greater than 5% of the EPA tolerance for the residue or greater than the unavoidable residual environmental contamination (UREC) level and is the product allowed to be represented as organic?	XX			See above
<b>§205.671</b> Are investigations conducted to determine the cause of the prohibited substance?	XX			See above

<b>§205.672 Emergency Pest or Disease Treatment</b>				
If there is no instance of a prohibited substance applied due to a Federal or State emergency pest or disease treatment program identify with an "X" in NA column; and include a statement in Remarks column. These requirements only apply in the United States and not to other countries.				
CHECKLIST SECTION XV	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<b>§205.672</b> Is there any instance where a prohibited substance was applied to a certified operation due to a Federal or State emergency pest or disease treatment program?			XX	
<b><i>If a prohibited substance is applied to a certified operation...the certification status of the operation shall</i></b>	---	---	---	---



<b>§205.672 Emergency Pest or Disease Treatment</b>				
<p>If there is no instance of a prohibited substance applied due to a Federal or State emergency pest or disease treatment program identify with an "X" in NA column; and include a statement in Remarks column.            These requirements only apply in the United States and not to other countries.</p>				
CHECKLIST SECTION XV	Complies <sup>(1)</sup>			Remarks <sup>(2)</sup>
	Yes	No	N/A	
<i>not be affected as a result of the application of the prohibited substance: Provided, That:</i>				
<b>§205.672(a)</b> Any harvested crop or plant part to be harvested that has contact with a prohibited substance, cannot be sold, labeled, or represented as organically produced.			XX	
<b>§205.672(b)</b> Any livestock that are treated with a prohibited substance or product derived from treated livestock, cannot be sold, labeled, or represented as organically produced.			XX	
<i>Except that:</i>				
<b>§205.672(b)(1)</b> Milk or milk products may be sold, labeled, or represented as organically produced beginning 12 months following the last date that the dairy animal was treated with the prohibited substance; and			XX	
<b>§205.672(b)(2)</b> The offspring of gestating mammalian breeder stock treated with a prohibited substance may be considered organic: <i>Provided that</i> , the breeder stock was not in the last third of gestation on the date that the breeder stock was treated with the prohibited substance.			XX	

**CLOSING MEETING**

The purpose of the closing meeting is to present the assessment findings and conclusions in such a manner that they are understood and acknowledged by the client.

- Sign out on attendance list (at beginning of checklist).
- Present positive aspects of the certification program.
- Present any items that are pending a determination by the NOP AIA Division.
- Present the assessment findings. For each finding, cite the specific requirement of the assessment criteria.
-



- Discuss the next steps in the process:
  - 1) The report is written and sent to Headquarters for review.
  - 2) The NOP reviews the report and determines the compliance / noncompliance of the program and makes all decisions concerning the accreditation. The NOP has the discretion to modify the assessment findings.
  - 3) The report is issued to the client by the NOP.
- Provide information about the NOP appeals process (§205.681(b)).
- Encourage feedback. Clients can submit feedback to [AIAInBox@ams.usda.gov](mailto:AIAInBox@ams.usda.gov).

### POSITIVE ASPECTS OF ACA'S CERTIFICATION PROGRAM

- Positive Aspect (1) – All staff members appear to be dedicated to the organic program.
- Positive Aspect (2) – Inspectors were very professional and very knowledgeable overall
- Positive Aspect (3) –

### ITEMS PENDING A DETERMINATION BY NOP

- Pending Item (1) – None

### FINDINGS:

#### Cleared Previous Non-Compliances:

**NP9138ACA.NC1 – Adequately Addressed** - NOP §205.201 (a) states, “The producer or handler of a production or handling operation except as exempt or excluded under 205.101, intending to sell, label, or represent agriculture products as "100 percent organic," "organic," or "made with organic (specified ingredients or food group (s))" must develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling plan must include: 1-6....” *A processor/handler file was reviewed and it was observed that the client did not have a complete OSP in the file and has not had one since certification. Inspections have been accomplished each year and certification granted even with the lack of a complete or updated OSP. Corrective Actions – The NHDAMF reviewed the file in question and issued a Notice of Non-Compliances to the client in question. A copy of the Notice of Non-Compliance was sent to the NOP. The NC covered the areas that were observed by the AMS Auditor during the on-site audit. Verification*



*of Corrective Actions* – A review of several files indicated that a complete OSP or an updated OSP is required to be submitted annually before an on-site inspection and/or certification is granted.

### **NEW NON-COMPLIANCES:**

**NP2191ACA.NC1** - NOP §205.402(a)(1) and (2) states, “Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to §205.401; and (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply...” *A review of the 10 client files found that the reviews of Organic System Plans (OSP) and labels are not being adequately reviewed. The following issues were identified during the assessment:*

#### Material/Input Lists

*Four of ten OSP’s were found to be incomplete. In three cases, the processors or producers indicated that there were no changes to their OSP when in fact there were significant changes. Inspectors conduct an initial review of the OSPs prior to the inspection; however, significant missing information regarding inputs, procedures and other required information is not addressed with the operation prior to the on-site inspection.*

- §205.201(a)(2) states, “A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used...” *During the witness inspection at the livestock/crop operation, the inspector found significant updates or changes to the OSP. There were many feed supplements and medications that were identified by the inspector that were not documented on the OSP.*

#### Label Review

- §205.304(b)(2) states, “On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by \*\*\*”...” *On two of the 10 labels reviewed for a processor found that the placement of the “Certified organic by NHDAMF” statement is located above of the distributor’s name.*
- §205.301(b) states, “A raw or processed agricultural product sold, labeled, or represented as “organic” must contain (by weight or fluid volume, excluding water and salt) not less than 95 percent organically produced raw or processed agricultural products. Any remaining product ingredients must be organically produced, unless not commercially available in organic form, or must be nonagricultural substances or nonorganically produced agricultural products produced consistent with the National List in subpart G of this part. If labeled as organically produced, such product must be labeled pursuant to §205.303.” *Although there was no evidence that NHDAMF approved “100% Organic” or “Organic” products containing non-organic agricultural ingredients; a footnote on NHDAMF’s Organic Product Profile sheet states: “For products labeled as “100% organic” and “organic”, handlers are required to source organic ingredients when commercially available.” These instructions to operations are contrary to the regulations in that all agricultural ingredients for products labeled “100 organic” or*



*“organic” must be certified organic or must be consistent with materials listed at §205.606. Interviews with NHDAMF staff confirmed a misunderstanding of NOP regulations.*

**NP2191ACA.NC2** – 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.” *NHDAMF does not require inspectors to conduct trace-back and input/output sampling activities, nor does the inspection report or checklist provide for a section that documents these inspection verification activities.*

**NP2191ACA.NC3** – NOP §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.” *During 1 of 3 witness inspections observed by NOP auditors, the inspector did not conduct an exit interview.*

**NP2191ACA.NC4** – NOP §205.501(a)(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection. *5 of the 10 NHDAMF client files and NHDAMF’s certification procedures reviewed during the assessment revealed that two staff members were involved in the process of the certification review, inspection and decision making. The Acting Director does a cursory review to ensure all material and information needed is included in the application. One staff member conducts the initial review of the application and conducts the on-site inspection and then the acting director conducts the post-inspection review and makes the final certification decision. In order to prevent a conflict of interest, the regulations require a separation of the reviewer of the documents, inspection, and the final decision maker functions. These roles involve at least three people.*

**NP2191ACA.NC5** – NOP §205.501(a)(7) states “A private or governmental entity accredited as a certifying agent under this subpart must: Have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation.” *During the assessment, NHDAMF provided a one page document dated January 1, 2011, titled “2011 Annual NHDAMF Organic Program Review” to the NOP auditors for review. The document listed four actions or changes that have been implemented to NHDAMF organic program. Additionally, there were five recommendations listed. The document does not identify noncompliances referencing the Act; consequently, there is no basis or reference to develop a plan to implement corrective measures to address deficiencies in the program.*

**NP2191ACA.NC6** – NOP §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:



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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.” *All employees are held to the policy of the Governor in regards to this policy; however, no annual signed conflict of interest disclosure reports are on file within the NHDA Division of Market and Regulatory Affairs.*



## National Organic Program Certification File Review Worksheets

Tables 1 - 3 are used to record information gathered from full certification file reviews. Tables 4 - 7 are used to record information gathered from partial certification file reviews. All of the certification file review worksheets are separated into tables as described below.

<b>Certification File Review Worksheets</b>
Table 1 - General Certification File Review Information <i>(only for full file reviews)</i>
Table 2 – Summary of Certification File Review Information <i>(only for full file reviews)</i>
Table 3 – Grower Group Information <i>(only for full file reviews)</i>
Table 4 – Personnel Worksheet
Table 5a – Notice of Noncompliance / Adverse Action Worksheet
Table 5b – Notice of Noncompliance / Denial of Certification Worksheet
Table 6a - Label Review Worksheet - Products labeled as “100% Organic” or “Organic”
Table 6b - Label Review Worksheet - Packaged Products labeled as “Made with Organic”
Table 6c - Label Review Worksheet - All other labels reviewed
Table 7a – Sample Worksheet – General Information
Table 7b – Sample Worksheet - Sample Testing and Reporting Information





**Table 1 - General Certification File Review Information**

File #	Name of applicant/certified operation sampled	A Date application received	B Date of review	C Review conducted by	D Inspection date	E Inspection conducted by	F Date of final review	G Final review conducted by	H Date certification decision made	I Certification decision made by	J Date findings sent to operation 205 402(b)(1)
1	W.S. Badger Company, Inc.	05/20/11	6/6/11	Vickie Smith	6/9/11	(b) (6)	6/16/11	David Rousseau	6/16/11	David Rousseau	6/16/11
2	Gungue Farm (Livestock)	1/5/11	Unknown	Vickie Smith	2/17/11	(b) (6)	Unknown	David Rousseau	Unknown	David Rousseau	Unknown
3	Gingue Farm (Crop)	8/12/11	Unknown	Vickie Smith	8/17/11	(b) (6)	Unknown	David Rousseau	Unknown	David Rousseau	Unknown
4	Crocker Farm (Crop)	3/2/11	Unknown	(b) (6)	7/1/11	(b) (6)	Unknown	(b) (6)	6/30/10	Richard Uncles	Unknown
5	Stonewall Farms (Crops)	6/20/11	Unknown	(b) (6)	9/29/11	(b) (6)	10/4/11	David Rousseau	10/4/11	David Rousseau	Unknown
6	Stonewall Farms (Livestock)	6/20/11	Unknown	(b) (6)	9/29/11	(b) (6)	10/4/11	David Rousseau	10/4/11	David Rousseau	Unknown
7	Apple Hurst Dairy (Crop)	3/26/12	unknown	(b) (6)	6/15/12	(b) (6)	6/27/11	David Rousseau	6/20/12	David Rousseau	6/25/12
8	Met Coffee Roasters	9/19/11	10/12/11	Agriculture Inspector	10/13/11	Agriculture	No date recorded in file		10/22/11	Acting Director	No date listed in file
9	Butcher Block Inc/DBA North Country Smokehouse	8/11/11	8/28/11	Agriculture Inspector	8/30/11	Agriculture Inspector	9/1/11	Acting Director	9/2/11	Acting Director	9/2/11
10	Omega Smart Inc	2/28/11	3/11/11	Agriculture Inspector	4/11/11	Agriculture Inspector	4/11/11	Acting Director	4/11/11	Acting Director	4/12/11
11											
12											
13											
14											
15											
16											



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**Table 1 - General Certification File Review Information**

<b>File #</b>	<b>Name of applicant/certified operation sampled</b>	<b>A</b> Date application received	<b>B</b> Date of review	<b>C</b> Review conducted by	<b>D</b> Inspection date	<b>E</b> Inspection conducted by	<b>F</b> Date of final review	<b>G</b> Final review conducted by	<b>H</b> Date certification decision made	<b>I</b> Certification decision made by	<b>J</b> Date findings sent to operation 205 402(b)(1)
17											
<b>Instructions:</b> Enter dates in the mm/dd/yy format.											



**TABLE 2 - Summary of Certification File Review Information**

File #	A Scope requested	B Scope granted (L, C, WC, H)	C IA/UA	D Sample (Y/N)	E Labels (Y/N)
1	H	(H) W.S. Badger Company, Inc.: All organic processing facility of personal care products. Product line of approximately 63 "Organic" category items, lip balm, insect repellent, soaps, and body oils. Certified since 2008	UA	N	Y
2	L	(L) Gingue Farm. (b) (4) Milk sold to (b) (4)	UA	N	N
3	C	(C) Gingue Farm. (b) (4)	UA	N	N
4	C	(C) Crocker Farm initially certified in 2004. (b) (4)	UA	N	N
5	C	Stonewall Farms (Crops): This livestock operation is located in southwestern New Hampshire and was initially certified in 2006. The operation is a non-profit educational facility that has horses, grows vegetable crops, and maintains a small produce store/outlet that is not part of the organic certification. Certification of the operation covers the dairy (livestock) and pasture (crop) activities. (b) (4) ID of the animals is with ear tags. The milk is sold to (b) (4) (b) (4)	UA	N	N
6	L	Stonewall Farms (Livestock): This livestock operation is located in southwestern New Hampshire and was initially certified in 2006. The operation is a non-profit educational facility that has horses, grows vegetable crops, and maintains a small produce store/outlet that is not part of the organic certification. Certification of the operation covers the dairy (livestock) and pasture (crop) activities. (b) (4) ID of the animals is with ear tags. The milk is sold to (b) (4) Feed is primarily pasture in the summer. Some of the fields are only used to grow hay that is later baled for on-farm feeding of the livestock.	UA	N	N
7	C	(c) Apple Hurst Dairy. Certified since 2009. (b) (4) producing certified hay only. No livestock certification. It appears that the owner is certified for no marketing value, but to ensure her own livestock is receiving certified organic forage.	UA	N	N
8					
9					
10					
11					
12					



**TABLE 2 - Summary of Certification File Review Information**

File #	A Scope requested	B Scope granted (L, C, WC, H)	C IA/UA	D Sample (Y/N)	E Labels (Y/N)
13					
14					
15					

**Instructions:** For each requirement (A-E), enter the appropriate information into **Table 2**. Make sure the information provided in Table 2 is entered into the corresponding File # in Table 1.

- A.** Scope requested (L, C, WC, H)
- B.** Scope granted (L, C, WC, H): *For crop operations, include a description about the type of crop and operation such as single crop, parallel production, split production, etc. For livestock operations, include a description about the type of livestock and operation. For handling operations, include a description of the type of products and operation such as single ingredient product, multi ingredient products, trader, distributor, etc. For wild crop operations, include a description of the type of products and operation such as single products, organic and non-organic of same product in collection area, single harvester or multiple harvesters, collection areas, staging areas, production areas, and management and oversight of harvester.*
- C.** Initial application (IA) or updated application (UA)
- D.** Was a sample pulled during the inspection? (Y/N) *If samples were pulled, include information in Table 7b. Sampling Worksheet - Sample and Reporting Information*
- E.** Are any labels used by the operation? (Y/N) *If there are labels, include information in Table 6a, 6b, or 6c Label Review Worksheet.*

Auditor Notes:

**W.S. Badger Co., Inc.:** Attachment #1 of the annual update lists 5 “organic” products: After Sun Balm, Badger Balm, Sore Joint Rub/Joint Rub, Sore Muscle Rub Cooling Blend, and Yoga and Meditation Balm. According to client correspondence, organic ingredients cannot be sourced and thus nonorganic agricultural ingredients are sourced for use. See Pending (1) in NOP 2005, NHDAMF allows agriculture products that are not certified and not on 205.606 in products that are “organic.” Example: Badger Balm ingredient Sweet Birch Essential Oil (nonorganic Agricultural). Ask for a spec sheet during Thursday’s inspection to confirm it is not a “flavor” and allowed under 205.605(a). NOP Policy 11-1 describes flavors, but these cosmetic products are not food; whereas, a flavor according to FDA is to transmit the flavor component of a natural product, not its nutritional element.



**Applehurst Dairy:** (b) (5)

[Redacted]

[Redacted]

**Crocker Farm:** (b) (5)

[Redacted]

[Redacted]

**Stonewall Farms:** See witness inspection Checklist for details.



File #	Table 3 - Grower Group Information
1	NHDA DOES NOT CERTIFY ANY GROWER GROUPS
2	
3	
4	
5	
<p><b>Instructions:</b> For each grower group Certification file reviewed, provide a description on the type and scope of the grower group (Crops harvested; organic and non-organic of same crops grown by producers or processed by handling operations; collection areas; staging areas and production areas; and management and oversight of ICS). This information must be entered into <b>Table 3</b>. Make sure the information provided in Table 3 is entered into the corresponding File # in Table 1.</p>	



**Table 4 - Personnel Information Worksheet**

Name	Status – Employee / Contractor	Title / Position	Scopes Approved	Education	Training	Experience	Job Description?	COI?	Confidentiality?	Perf Eval?
David J. Rousseau	Employee	Acting Director	All	BS in Natural Resources, MS in Environmental Planning,	Several classes on organic operation conducted by NOP via web, classes and instructions on organic inspection	Worked with the Department of Agriculture for 5 years,	Acting Director Department of Agriculture Division of Regulatory Affairs	10/11	10/11	6/12
Victoria M. Smith	Employee	Agriculture Inspector	All	AAS and BS in Plant Science	IOIA Training in Basic, Advanced, Processing, Livestock, GAP, IOIA Pasture Rule	Organic inspector for NHDA since the inception of the rule, Inspected for NHDA prior to the NOP under NH	Agriculture Inspector		10/11	Current, July 5, 2012



(b) (6)	Employee	Agriculture Inspector	All	Registered Public Health Sanitarian, (PHS)	training IOIA Training Basic, Processing, Livestock, GAP training, GMP training IOIA Pasture Rule training, Local workshop conducted by NHDA on Pasture rule for NOP	organic rules Organic Inspector for NHDA for 13 years, Inspecting for NOP requirements since NHDA certification	Agriculture Inspector		10/11	7/12
(b) (6)	Employee	Agriculture Inspector	All	BS Animal Science	IOIA Training Basic, Processing, training, GMP	Conducting organic inspection for NHDA for 12 years and for the	Agriculture Inspector		10/11	7/12





					training IOIA Pasture Rule training.	NOP requirements since the NHDA was certified by NOP				
(b) (6)	Part Time Employee	Agriculture Inspector	All	BA, MS in Horticulture NRSC Technical Service Provider	IOIA Training in Basic, Advanced, Processing, Livestock, GAP IOIA Pasture Rule training	Has worked as an independent Organic Inspector for Northeast NOP Certifiers, Conducted organic inspection for NHDA as a full time employee and now as a part time employee			10/11	7/12



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**Below please provide number of personnel, divided into categories and / or job titles.**  
*EX: Administrative Staff (3), Technical Staff [including inspectors, reviewers] (7), etc.*

**Administrative Staff (1) Technical Staff (5)**



**Table 5a – Notice of Noncompliance / Adverse Action Worksheet §205.662**

Name of Client	Scope	Notification of Noncompliance				Type of Proposed Adverse Action:	Notification of Proposed Adverse Action				Adverse Action Taken:	Request for Mediation or Appeal and Remarks
		Enter Yes, No, or NA as applicable					Reasons for proposed action §205.662(c)(1)	Proposed Eff. Date §205.662(c)(2)	Impact of proposed action §205.662(c)(3)	Right of Mediation or appeal §205.662(c)(4)		
		Description of NC §205.662(a)(1)	Facts of Each NC §205.662(a)(2)	Date to Rebut or Correct §205.662(a)(3)	Resolution Notice Sent §205.662(a)(1)							
						Proposed Suspension (PS)  Proposed Revocation (PR)  NA – none sent Enter PS, PR, or NA as applicable					Suspension (Susp)  Revocation (Rev)  205.662(e)(1) Enter Revocation or suspension if applicable	Did the certified operation request mediation or file an appeal?  If so did the ACA or State send the notice of Suspension / Revocation while final resolution of either mediation or appeal was pending? <b>205.662(e)(2)</b>  <i>Enter Remarks as appropriate. Document: 1) when Notices were submitted to the client and method used; 2) when and if the notices were sent to the Administrator.</i>
Abenaki Springs Farm. Bruce Bickford.	C	Y	Y	Y	NA	PS (combined notice) issued on 10/19/11	Y	Y	N	N	No – remains pending. See note below.	Notices were sent to the NOP.
Better Than Fred's Salsa	Processing	Y	Y	Y	Y	Proposed Suspension	Yes	Yes	Yes	Yes	Susp	Proposed suspension was rescinded, client corrected the NC and in discussion with the NOP it was approved for NHDA to issue a resolution of Non-Compliance and Proposed Suspension



**Table 5a – Notice of Noncompliance / Adverse Action Worksheet §205.662**

Name of Client	Scope	Notification of Noncompliance <i>Enter Yes, No, or NA as applicable</i>				Type of Proposed Adverse Action:	Notification of Proposed Adverse Action				Adverse Action Taken:	Request for Mediation or Appeal and Remarks
		Description of NC §205.662(a)(1)	Facts of Each NC §205.662(a)(2)	Date to Rebut or Correct §205.662(a)(3)	Resolution Notice Sent §205.662(a)(1)		Reasons for proposed action §205.662(c)(1)	Proposed Eff. Date §205.662(c)(2)	Impact of proposed action §205.662(c)(3)	Right of Mediation or appeal §205.662(c)(4)		
						Proposed Suspension (PS)  Proposed Revocation (PR)  NA – none sent Enter PS, PR, or NA as applicable					Suspension (Susp)  Revocation (Rev)  205.662(e)(1) Enter Revocation or suspension if applicable	Did the certified operation request mediation or file an appeal?  If so did the ACA or State send the notice of Suspension / Revocation while final resolution of either mediation or appeal was pending? <b>205.662(e)(2)</b>  <i>Enter Remarks as appropriate. Document: 1) when Notices were submitted to the client and method used; 2) when and if the notices were sent to the Administrator.</i>

**Instructions:**

- For livestock clients, **identify** the type of livestock (poultry, dairy, beef cattle, sheep, etc)
- Start with Notifications of Noncompliance (NC) and then move on to Adverse Actions (proposed suspension or revocation; and Actual suspension or revocation)
- Notifications of NC **without** Adverse Actions would have “NA” in the “Type of Proposed Adverse Action” column; all other columns after could remain blank if NA
- For Notifications of NC the response **must** be “Yes” for the first 3 columns. If the certified operation demonstrates that each NC has been resolved the response for the 4<sup>th</sup> column **must** also be “Yes”.
- For Notifications of Proposed Adverse Actions the response **must** be “Yes” for all 4 columns.



---

Notes:

**Abenaki Springs Farm.** The NH regulations Agr 911(Certification of organically produced plant, animal , food or fiber commodities and Agr 910 Certification of processors and handlers is adopted for 8 years (now 10). Since the regulation expired and was not adopted in March 2011, NHDAMF was directed by regulatory attorneys not to issue suspension or revocation notices (i.e. revoke licenses). NHDAMF is waiting for the adoption of the regulations to issues the operation a Notice of Suspension. An annual inspection since has not occurred since 2010. **The Lead Auditor was informed that the NH regulations are due to be voted on July 19, 2012.**



**Table 5b – Notice of Noncompliance / Denial of Certification §205.405**

A.	B.	C.	D.	E.	F.	G.
Name of Client	Scope	Notification of Noncompliance Included: §205.405(a)	Applicant Response §205.405(b)	ACA Action Taken §205.405(c)	Denial of Certification included:	Identify if any of the two denial methods were used and if they were appropriate
North Country Smokehouse	Processor	Yes	No response provided	4 – No response by applicant – issued denial of certification	Yes	Notice of NC was issued no response from Applicant, denial of certification issued with all requirements included
<p><b>Instructions:</b></p> <p><b>C.</b> Enter <b>Yes</b> if <u>all 3 requirements met</u>. (1) A description of each NC, (2) Facts upon which the notification of NC is based, and (3) Date for rebuttal or CA for each NC with supporting documentation.</p> <p><b>D.</b> Enter the applicant's response: (1) Corrected NC – submitted CA; (2) Corrected NC – applied to another ACA; (3) Rebutted NC; (4) No Response provided.</p> <p><b>E.</b> Enter action taken by ACA: (1) Reviewed CA/Rebuttal and conducted inspection if necessary; (2) CA/Rebuttal accepted, issued cert; (3) CA/Rebuttal not accepted, issued Denial of certification; (4) No Response by Applicant – issued Denial of certification.</p> <p><b>F.</b> Enter <b>Yes</b> if <u>all 4 requirements met</u>. If any is missing indicate which one and identify NC on main checklist. The reason(s) for denial §205.405(d); (1) right to <b>Reapply for Certification</b> §205.405(d)(1); (2) right to <b>Request mediation</b> §205.405(d)(2); (3) right to <b>File an Appeal</b> §205.405(d)(3).</p> <p><b>G.</b> See main checklist for guidance notes Section V. (1) ACA issued <b>combined</b> notice of NC and Denial of certification §205.405(a), if correction of NC is not possible. Combined notice <u>must</u> include requirements of §§205.405(a) and 205.405(d); (2) ACA <b>denied</b> certification without issuing a notification of noncompliance §205.405(g), if ACA had reason to believe applicant <b>willfully</b> made a false statement or <b>purposefully</b> misrepresented the applicant's operation.</p>						



**Tables 6a - Label Review Worksheet – “100% Organic” or “Organic” §205.303**

Client File	Product	1	2	3	4	5	6	7	8	9	10	11	12	Complies
W.S. Badger Company, Inc.	Badger Balm 2.75 oz	(b) (5)												
W.S. Badger Company, Inc.	Massage Oil - Ginger													
North Country Smokehouse	Boneless Organic Bistro Ham													
North Country Smokehouse	Fruitwood Smoked Organic Bacon													
W. S. Badger Company	Deep Tissue Massage Oil													
Buzz Bomb's	Louisiana Creole Rub													
Buzz Bomb's	Mad Moose Rub New England BBQ													
Omega Smart Inc	Organic Cherry Berry													
Omega Smart Inc	Organic Cinnamon Apple													

**Instructions:** For products labeled as “100% Organic” or “Organic”, review against the requirements and record on table using “Y”, “N”, or “NA” as applicable (Y = Yes / N = No). Indicate for each label if it complied with requirements. Insert more rows as needed.

1. For products labeled as “Organic”, does label contain the percentage of organic ingredients in the product? §205.303(a)(2) (if no, put NA for 2 and 3)
2. Does the percentage statement exceed one-half the size of the largest type size on the panel on which the statement is displayed? §205.303(a)(2)
3. Does the percentage statement appear in its entirety in the same type size, style, and color without highlighting? §205.303(a)(2)
4. Is this a multi-ingredient Product labeled as 100% Organic? §205.303(a)(3)
5. If product is labeled organic does it identify each organic ingredient in the ingredient statement? §205.303(b)(1)
6. Does it identify water or salt as organic? §205.303(b)(1)
7. Does the label (on the information panel) identify the name of the ACA that certified the handler of the finished product preceded by the statement, “Certified organic by \* \* \*,” or similar phrase? §205.303(b)(2)
8. Is the ACA identifying statement (#7 above) on the information panel and below the information identifying the handler or distributor of the product? §205.303(b)(2)
9. Does the label use the ACA’s seal or logo? §205.303(a)(5)
10. Is the ACA seal or logo individually displayed more prominently than the USDA seal? §205.303(a)(5)
11. Does it contain the USDA Seal? §205.311(a)
12. Does the Seal replicate the form and design of figure 1, is printed legibly and conspicuously, and meets all



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**requirements of §205.311(b)?**









**Table 7a - Sample Testing Worksheet – General Information**

Provide information on sampling conducted by the ACA since the previous assessment.  
 (# of operations with samples pulled; number of samples pulled overall; types of samples (soil, tissue, product, water, etc...))

NHDA has not conducted sampling since the last on-site assessment audit.

**Table 7b – Sample Testing and Reporting Information**

File #	Name of applicant / certified operation sampled	A	B	C	D	E	F	G	H	I	J	K	L Type of Sample Pulled	M What was sample tested for?	N Why was the sample pulled?	O Provide info on test results	P Provide info on ACA decision & outcome	Complies	
																		Yes	No
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			

**Instructions:** Review the procedures and processes that describe how the sample was pulled and the reporting requirements. For requirements A – K, enter “Y” for “Yes” or “N” for “No”, as appropriate. Make an assessment on whether or not the requirements are met by entering an “X” under the appropriate response of the “Complies” column. If any requirement is not met, identify on Checklist Section XIV (§§205.670 & 205.671). For requirements L through P, enter the appropriate response.

- A. Was the sample collected by an inspector representing the ACA, Administrator, or State? §205.670(c)
- B. Was a receipt provided to the operation by the inspector? §205.403(e)(1)
- C. Was the chain of custody maintained? §205.670(c)
- D. Was an accredited lab used? §205.670(c)
- E. Was an approved AOAC or Validated Method used? §205.670(c)





## National Organic Program Certification File Review Checklist

<b>Instructions:</b> This Checklist is used in conjunction with Tables 1 - 3 of the Certification File Review Worksheet. The Checklist is used only to record the overall evaluation of files where a <u>full file review</u> was conducted.			
Use the certification file number as recorded in the Certification File Review Worksheet to identify the certification file(s). If a requirement is not applicable, include relevant information in the "Remarks" for that section.			
This Checklist is not used to record the overall evaluation of full file reviews for Grower Groups. Instead, the Certification File Review Checklist—Supplement for Grower Groups must be used.			
<b>Fees and other charges for certification §205.642</b>			
	<b>Yes</b>	<b>No</b>	<b>Certification File Number(s)</b>
Is the operation provided with an estimate?	XX		1,2,3,4,5,6,7,8,9,10
Are the fees charged consistent with the Fee Schedule submitted to the Administrator?	XX		1,2,3,4,5,6,7,8,9,10
<b>Certificate §205.404(b)</b>			
<b>Does the certificate include:</b>	<b>Yes</b>	<b>No</b>	<b>Certification File Number(s)</b>
Name and address of the certified operation? §205.404(b)(1)	XX		1,2,3,4,5,6,7,8,9,10
"Effective date of certification"? §205.404(b)(2) <i>(Date operation was initially certified to NOP Regulations)</i>	XX		1,2,3,4,5,6,7,8,9,10
Scope -- Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation? §205.404(b)(3)	XX		1,2,3,4,5,6,7,8,9,10
Name, address, internet address, and telephone number of the certifying agent? §205.404(b)(4)	XX		1,2,3,4,5,6,7,8,9,10
Issue date of the certificate?	XX		1,2,3,4,5,6,7,8,9,10
Anniversary date? <i>(Date when certified operation is required to submit their next annual update)</i>	XX		1,2,3,4,5,6,7,8,9,10
Label classification for processed organic products? <i>(100% Organic, Organic, or Made with Organic (specified ingredients or food groups))</i>	XX		1,2,3,4,5,6,7,8,9,10
The statement "Certified Organic under the US National Organic Program 7 CFR Part 205"?	XX		1,2,3,4,5,6,7,8,9,10
The statement "Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked"? §205.404(c)	XX		1,2,3,4,5,6,7,8,9,10
Are certificates issued in English?	XX		1,2,3,4,5,6,7,8,9,10
<b>Remarks:</b>			



<b>Application §205.401</b>			
<b>Does the application include:</b>	<b>Yes</b>	<b>No</b>	<b>Certification File Number(s)</b>
The name of person completing the application?	XX		1,2,3,4,5,6,7,8,9,10
Applicant's business name?	XX		1,2,3,4,5,6,7,8,9,10
Applicant's address?	XX		1,2,3,4,5,6,7,8,9,10
Applicant's telephone number?	XX		1,2,3,4,5,6,7,8,9,10
If a corporation, the name, address, and telephone number of the person authorized to act on the applicant's behalf?	XX		1,2,3,4,5,6,7,8,9,10
Information on previous certifications?	XX		1,2,3,4,5,6,7,8,9,10
Other information deemed necessary by the ACA to determine compliance with the ACT?	XX		1,2,3,4,5,6,7,8,9,10
<b>Remarks:</b>			
XXX			
<b>Organic System Plan (OSP) §205.401(a) and §205.406(a)</b>			
<b>Does the OSP include:</b>	<b>Yes</b>	<b>No</b>	<b>Certification File Number(s)</b>
A <b>description of practices and procedures</b> to be performed and maintained, including the frequency with which they will be performed? §§205.200; 205.202 - 205.207; 205.236 – 205.240; and 205.270 – 205.272	XX		1,2,3,4,5,6,7,8,9,10
A <b>list of each substance</b> to be used as a production input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable?	XX		1,2,3,4,5,6,7,8,9,10
A <b>description of the monitoring practices and procedures</b> to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented?	XX		1,2,3,4,5,6,7,8,9,10
A <b>description of the recordkeeping</b> system implemented to comply with the requirements established in §205.103?	XX		1,2,3,4,5,6,7,8,9,10
Does the OSP include a description of the <b>management practices and physical barriers</b> established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and products with prohibited substances	XX		1,2,3,4,5,6,7,8,9,10
<b>Additional information</b> deemed necessary by the certifying agent to evaluate compliance with the regulations?	XX		1,2,3,4,5,6,7,8,9,10



Continuing Certification: Did the certified operation submit an updated OSP which includes:	Yes	No	Certification File Number(s)
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?	XX		2,3,4,5,6,7,8,9,10
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?	XX		1,2,3,4,5,6,7,8,9,10
Any additions to or deletions from the information required pursuant to §205.401(b)?	XX		1,2,3,4,5,6,7,8,9,10
An update on the correction of minor noncompliance's previously identified by the certifying agent as requiring correction for continued certification?	XX		1,2,3,4,5,6,7,8,9,10
Other information as deemed necessary by the certifying agent to determine compliance with the Act and the regulations	XX		1,2,3,4,5,6,7,8,9,10
<b>Remarks:</b>			
XXX			
General Assessments:	Yes	No	Certification File Number(s)
Are the materials and inputs used in compliance with the NL and annotations?	XX		1,2,3,4,5,6,7,8,9,10
Is the application and OSP complete?	XX		2,3,4,5,6,7,8,9,10
Is there evidence that an exit interview was conducted?	XX		1,2,3,4,5,6,7,8,9,10
Information on issues of concern identified by inspector.	XX		1,2,3,4,5,6,7,8,9,10
Were there any notices of non-compliance, or adverse actions by the ACA and was the correct process followed?	XX		1,2,3,4,5,6,7,8,9,10
If this was a continuation of certification review and any information on the certificate changed, did the ACA provide the operation with an updated certificate? §205.406 (d)	XX		1,2,3,4,5,6,7,8,9,10
<b>Remarks:</b>			
XXX			

**Overall Determination Statement:**  
**Include** a statement based on an overall determination on whether the operation meets the following as applicable: the crop production standards (§§205.200 through 205.206); wild crop production standards (§205.207); livestock production standards (§§205.236 through 205.240); handling production standards (§§205.270 through 205.272); and applicable guidance documents of the NOP Handbook.

**Include** a statement on whether the initial review, inspection, and final decisions were in compliance with the requirements.

The initial review, inspection were in compliance with the requirements, however the certification decision is made by only two people not more than 2 as required by the Act. The operation over all meets the crop production standards, the livestock production standards and the handling production standards.



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## National Organic Program Witness Audit Checklist

Witness Audit - General Information	
This Checklist is used in conjunction with Tables 1 through 3 of the Certification File Review Worksheets. The Certification File Review Worksheets and a full file review shall be completed prior to conducting the witness audit. This Checklist is used to record evaluation information for each witness audit with exception to Grower Groups. The Witness Audit Checklist for Grower Groups shall be used when witnessing Grower Groups.	
Witness audit date:	July 10, 2012
Name of operation:	Picadilly Farm
Location of operation:	Winchester, NH
Scope of certification requested:	Crops
Scope of certification granted:	Crops
Actual or Demonstration inspection:	Actual
Inspector's Name:	(b) (6)
Subcontracted or staff inspector:	Staff
Verify conflict of interest and confidentiality status of inspector:	COI not on file, Confidentiality on file
Name of knowledgeable representative of the operation:	(b) (6)
Names of anyone else present during the inspection:	(b) (6)
Time Inspection started:	10:30 AM
Time Inspection completed:	2:30 PM
Was there enough time allocated for the inspection?	Yes
Did the inspector verify the corrective actions on previous non-compliances as applicable?	No NC's noted from previous audit
General information on operation to include: <b>crops</b> grown, acreage, fields, where fields are located (1 site or 2 or more); <b>wild-crops</b> collected, training of collectors; type of <b>livestock</b> operation, number of animals, identification methods; type of <b>handling</b> operation, products processed, etc...	Crops grown – Several vegetables, (corn-cabbage-tomatoes-spinach-radishes-etc) approx. (b) (6) acres on two sites almost side by side the two fields are separated by a stand of trees owned by the farm, buffer zones are stands of trees and a river.
General information on materials and inputs used and are they in compliance with the National List (NL) and annotations.	All inputs used were listed on the updated OSP and verified by the inspector.



**As appropriate did the OSP adequately address the requirements for:**

<b>General</b>	
Maintain or improve natural resources §205.200	Yes
<b>Crops</b>	
Land requirements §205.202	Yes
Soil fertility and crop nutrient management practice standard §205.203	Yes
Seeds and planting stock practice standard §205.204	Yes
Crop rotation practice standard §205.205	Yes
Crop pest, weed, and disease management practice standard §205.206	Yes
<b>Wild-Crops</b>	
Wild crop harvesting practice standard §205.207	NA
<b>Livestock</b>	
Origin of livestock §205.236	NA
Livestock feed §205.237	NA
Livestock health care practice standard §205.238	NA
Livestock living conditions §205.239	NA
Pasture Practice Standard §205.240	NA
<b>Handler</b>	
Organic handling requirements §205.270	NA
Facility pest management practice standard §205.271	NA
Commingling and contact with prohibited substance prevention practice standard §205.272	NA

<b>Sampling</b>	
Was a sample pulled during the inspection? §205.670	No samples pulled
What was sampled and why?	
Verify sampling procedures, chain of control, etc. §205.670(c)	
Did the inspector provide the applicant with a receipt for any samples taken? §205.403(e)	
Did the sampling process follow the ACA's sampling procedure?	
Was the inspector charged for the samples? §205.403(e)	
Did the ACA pay for the testing? §205.670(b)	

<b>Labels</b>	
Were labels verified during the on-site inspection? §205.403(c)(2)	No labels are used by the farm
Were the labels being used the same as those approved by the ACA?	



How was the inspector made aware of which labels are approved by the ACA?	
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Exit Interview §205.403(d)	
Document information addressed by the inspector during the exit interview	
XXX	
Was the exit interview conducted with a knowledgeable representative?	Yes/Owner
Did the exit interview address the accuracy and completeness of the inspection observations?	Yes
Did the exit interview address the need for additional information?	No additional information was needed
Did the exit interview address issues of concern identified during the inspection?	No areas of concern noted by the inspector

Questions for the inspector:	
As the inspection progresses insert additional questions to ask the inspector on areas of the inspection/operation that need clarification.	
What did the inspector receive from the ACA in order to conduct the inspection?	Last inspection report, copy of the submitted OSP
Does the Inspector have a copy of the NOP Standards?	Yes/Verified
If applicable was the inspector knowledgeable of recent updates to the standards or policy clarifications?	Yes
How is the inspector informed of the ACA's policies and procedures and changes to them?	Staff inspector, kept current by briefings from the program coordinator. Inspector is not registered to receive the NOP Organic Insider
Does the inspector provide consulting services of any kind?  If so, how is this information provided to the ACA?	No
What is the inspector's background (experience, training, and education) in relation to the operation being inspected?	Training reviewed, Agriculture Inspector & Registered Public Health Sanitarian (PHS). NHDAMF employee for 13 years. Former Health Inspector for the City of Manchester, NH for 2+ years. He continues to maintain his PHS registration status, and annually attends seminars and trainings related to this field. Inspector has



	<p>been conducting organic inspections for the past 13 years. Inspector has not attended IOIA basic courses.</p>
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<b>Questions for the Applicant / Certified Operation:</b>	
As the inspection progresses insert additional questions to ask the operation's representative on areas of the operation that need clarification	
Did the certified operation receive a copy of the previous inspection report, if applicable?	Yes
Did the operation receive a certificate from the ACA?	Yes, verified
Does the client have a current copy of the NOP Standards?	Yes, Verified
If applicable, how did the operation receive information on temporary variances?	NA

<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	Yes
That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)	Yes
That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)	Yes



## National Organic Program Witness Audit Checklist

Witness Audit - General Information	
This Checklist is used in conjunction with Tables 1 through 3 of the Certification File Review Worksheets. The Certification File Review Worksheets and a full file review shall be completed prior to conducting the witness audit. This Checklist is used to record evaluation information for each witness audit with exception to Grower Groups. The Witness Audit Checklist for Grower Groups shall be used when witnessing Grower Groups.	
Witness audit date:	July 11, 2012
Name of operation:	W. S. Badger Company
Location of operation:	Gilsum, NH
Scope of certification requested:	Processing
Scope of certification granted:	Processing
Actual or Demonstration inspection:	Demonstration
Inspector's Name:	(b) (6)
Subcontracted or staff inspector:	Staff
Verify conflict of interest and confidentiality status of inspector:	See Finding on NC report
Name of knowledgeable representative of the operation:	(b) (6) Quality Control and Compliance Coordinator
Names of anyone else present during the inspection:	(b) (6) – Director of Operations
Time Inspection started:	9:00 AM
Time Inspection completed:	1:00 PM
Was there enough time allocated for the inspection?	Yes
Did the inspector verify the corrective actions on previous non-compliances as applicable?	Yes
General information on operation to include: <b>crops</b> grown, acreage, fields, where fields are located (1 site or 2 or more); <b>wild-crops</b> collected, training of collectors; type of <b>livestock</b> operation, number of animals, identification methods; type of <b>handling</b> operation, products processed, etc...	Processing – Skin care products – Lip Balm, insect repellent...
General information on materials and inputs used and are they in compliance with the National List (NL) and annotations.	All inputs were reviewed and one question remained and will be referred to the NOP reference the use of flavoring.



**As appropriate did the OSP adequately address the requirements for:**

<b>General</b>	
Maintain or improve natural resources §205.200	NA
<b>Crops</b>	
Land requirements §205.202	NA
Soil fertility and crop nutrient management practice standard §205.203	NA
Seeds and planting stock practice standard §205.204	NA
Crop rotation practice standard §205.205	NA
Crop pest, weed, and disease management practice standard §205.206	NA
<b>Wild-Crops</b>	
Wild crop harvesting practice standard §205.207	NA
<b>Livestock</b>	
Origin of livestock §205.236	NA
Livestock feed §205.237	NA
Livestock health care practice standard §205.238	NA
Livestock living conditions §205.239	NA
Pasture Practice Standard §205.240	NA
<b>Handler</b>	
Organic handling requirements §205.270	Yes
Facility pest management practice standard §205.271	Yes
Commingling and contact with prohibited substance prevention practice standard §205.272	Yes

<b>Sampling</b>	
Was a sample pulled during the inspection? §205.670	No
What was sampled and why?	NA
Verify sampling procedures, chain of control, etc. §205.670(c)	NA
Did the inspector provide the applicant with a receipt for any samples taken? §205.403(e)	NA
Did the sampling process follow the ACA's sampling procedure?	NA
Was the inspector charged for the samples? §205.403(e)	NA
Did the ACA pay for the testing? §205.670(b)	NA

<b>Labels</b>	
Were labels verified during the on-site inspection? §205.403(c)(2)	Yes
Were the labels being used the same as those approved by the ACA?	Yes



How was the inspector made aware of which labels are approved by the ACA?	Inspector had copies of labels that were previously approved by the ACA
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Exit Interview §205.403(d)	
Document information addressed by the inspector during the exit interview	
Inspector addressed the issue of flavorings being added to the organic product being produced and this was referred to the NOP for further clarification.	
Was the exit interview conducted with a knowledgeable representative?	Yes
Did the exit interview address the accuracy and completeness of the inspection observations?	Yes
Did the exit interview address the need for additional information?	No further information was requested by the Inspector.
Did the exit interview address issues of concern identified during the inspection?	No areas of concern were noted by the inspector.

Questions for the inspector:	
As the inspection progresses insert additional questions to ask the inspector on areas of the inspection/operation that need clarification.	
What did the inspector receive from the ACA in order to conduct the inspection?	Inspector was a staff inspector and received from the program coordinator a copy of the updated and complete OSP previous Inspection report.
Does the Inspector have a copy of the NOP Standards?	Yes
If applicable was the inspector knowledgeable of recent updates to the standards or policy clarifications?	Yes
How is the inspector informed of the ACA's policies and procedures and changes to them?	Changes are provided via email, office meetings and knowledge of NHDA policies and procedures.
Does the inspector provide consulting services of any kind?  If so, how is this information provided to the ACA?	None provided during the witness audit.
What is the inspector's background (experience, training, and education) in relation to the operation being inspected?	See Personnel file review.



<b>Questions for the Applicant / Certified Operation:</b>	
As the inspection progresses insert additional questions to ask the operation's representative on areas of the operation that need clarification	
Did the certified operation receive a copy of the previous inspection report, if applicable?	Yes
Did the operation receive a certificate from the ACA?	Yes
Does the client have a current copy of the NOP Standards?	Yes
If applicable, how did the operation receive information on temporary variances?	Email updates from the ACA

<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	Yes
That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)	Yes
That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)	Yes





## National Organic Program Witness Audit Checklist

Witness Audit - General Information	
This Checklist is used in conjunction with Tables 1 through 3 of the Certification File Review Worksheets. The Certification File Review Worksheets and a full file review shall be completed prior to conducting the witness audit. This Checklist is used to record evaluation information for each witness audit with exception to Grower Groups. The Witness Audit Checklist for Grower Groups shall be used when witnessing Grower Groups.	
Witness audit date:	July 11, 2012
Name of operation:	Stonewall Farm
Location of operation:	242 Chesterfield Road, Keene, NH 03431
Scope of certification requested:	Livestock/Crop
Scope of certification granted:	Livestock/Crop
Actual or Demonstration inspection:	Actual
Inspector's Name:	(b) (6)
Subcontracted or staff inspector:	Staff inspector
Verify conflict of interest and confidentiality status of inspector:	Confidentiality Statement signed on 10/12/11. No issues noted.  Check with (b) (6) on Conflict of Interest statement.
Name of knowledgeable representative of the operation:	(b) (6) Manager
Names of anyone else present during the inspection:	NA
Time Inspection started:	10:15 am
Time Inspection completed:	1:45 pm
Was there enough time allocated for the inspection?	Yes. The inspector had the entire day to conduct the inspection. There were no time constraints.
Did the inspector verify the corrective actions on previous non-compliances as applicable?	There were no previous noncompliances requiring verification.
General information on operation to include: <b>crops</b> grown, acreage, fields, where fields are located (1 site or 2 or more); <b>wild-crops</b> collected, training of collectors; type of <b>livestock</b> operation, number of animals, identification methods; type of <b>handling</b> operation, products processed, etc...	This livestock operation is located in southwestern New Hampshire and was initially certified in 2006. The operation is a non-profit educational facility that has horses, grows vegetable crops, and maintains a small produce store/outlet that is not



	<p>part of the organic certification. Certification of the operation covers the dairy (livestock) and pasture (crop) activities. There are (b) (4) [redacted] ID of the animals is with ear tags. The milk is sold to (b) (4) [redacted]. Feed is primarily pasture in the summer. Some of the fields are only used to grow hay that is later baled for on-farm feeding of the livestock.</p> <p>Hay and Baylage are purchased to supplement the hay grown on the farm. Non-organic hay is purchased for the horses.</p> <p>The grazing season appears to be May through October (180 days).</p>
<p>General information on materials and inputs used and are they in compliance with the National List (NL) and annotations.</p>	<p>A list of Health Care Products (feed supplements, vaccines, and medicines) was submitted with the application/annual update; however during the inspection, the inspector found several products in the office cabinets that were not listed on the form submitted with the application. The list has a column for the certifying agent to include the date of approval, but this was not marked or dated. There was no indication that all of these inputs were approved by the certifier and in compliance with the regulations.</p>



As appropriate did the OSP adequately address the requirements for:	
<b>General</b>	
Maintain or improve natural resources §205.200	No. This requirement was not discussed with the operator, nor was this part of the application completed (Section 4G, Crop OSP). The livestock application does not address this requirement.
<b>Crops</b>	
Land requirements §205.202	No new land/pasture was added to the operation.  Buffer zones were established for the first time in one field that is used to grow hay; however, this field has been certified for many years and was adjacent on two sides to residential properties absent of any physical barriers. The residential lawn areas merged into the growing field and the hay was cut to the edge of the lawn. The inspector felt that added fertilizers to the lawn had the potential to contaminate the organic hay field.
	(b) (5)
	The prior year's inspection report did not indicate issues with potential contamination from neighboring fields.
Soil fertility and crop nutrient management practice standard §205.203	No.  No long term plan was stated in the OSP to address identified (discussed



	<p>during the inspection) (b) (5)</p> <p>[Redacted]</p> <p>The operation had conducted a soil test; however, the inspector did not review the document, but asked the operator to submit it to the certifier.</p>
Seeds and planting stock practice standard §205.204	<p>No.</p> <p>(b) (5)</p> <p>[Redacted]</p> <p>copy to be sent to the office for verification.</p>
Crop rotation practice standard §205.205	NA
Crop pest, weed, and disease management practice standard §205.206	<p>Yes.</p> <p>Mechanical removal of weeds; however, very minimal weed pressure was observed.</p>
<b>Wild-Crops</b>	
Wild crop harvesting practice standard §205.207	NA
<b>Livestock</b>	
Origin of livestock §205.236	A log record is maintained. All replacement livestock are born on the farm.
Livestock feed §205.237	A delivery statement for the grains was reviewed by the inspector; however, no corresponding certificate was asked for or reviewed by the inspector. One of the hay supplier certificates that was
Livestock health care practice standard §205.238	<p>(b) (5)</p> <p>[Redacted]</p> <p>A history record was provided along with the OSP that lists medical treatments. (b) (5)</p> <p>[Redacted]</p>



	(b) (5)
Livestock living conditions §205.239	(b) (5)
Pasture Practice Standard §205.240	<p>DMI Calculation Worksheets were provided to the inspector during the inspection (i.e. these documents had not been submitted with the application). The OSP does not identify or refer specifically to this requirement of 30% DMI during the pasture season. My review of the DMI calculations for the operation determined that they were calculated correctly, reasonable and compliant.</p> <p>(b) (5)</p>
<b>Handler</b>	
Organic handling requirements §205.270	NA



Facility pest management practice standard §205.271	
Commingling and contact with prohibited substance prevention practice standard §205.272	

Sampling	
Was a sample pulled during the inspection? §205.670	No.
What was sampled and why?	NA
Verify sampling procedures, chain of control, etc. §205.670(c)	NA
Did the inspector provide the applicant with a receipt for any samples taken? §205.403(e)	NA
Did the sampling process follow the ACA's sampling procedure?	NA
Was the inspector charged for the samples? §205.403(e)	NA
Did the ACA pay for the testing? §205.670(b)	NA

Labels	
Were labels verified during the on-site inspection? §205.403(c)(2)	No labels for this operation.
Were the labels being used the same as those approved by the ACA?	NA
How was the inspector made aware of which labels are approved by the ACA?	NA

Exit Interview §205.403(d)	
Document information addressed by the inspector during the exit interview	
(b) (5)	
Was the exit interview conducted with a knowledgeable representative?	An exit interview was not conducted.
Did the exit interview address the accuracy and completeness of the inspection observations?	No.
Did the exit interview address the need for additional information?	No. The inspector indicated to the operation, that a letter would be sent to him at a later date summarizing the request for information.
Did the exit interview address issues of concern identified during the inspection?	No.



<b>Questions for the inspector:</b>	
As the inspection progresses insert additional questions to ask the inspector on areas of the inspection/operation that need clarification.	
What did the inspector receive from the ACA in order to conduct the inspection?	This inspector has conducted the farm inspection for several years consecutively. The inspector is also the initial reviewer of the application.
Does the Inspector have a copy of the NOP Standards?	Yes
If applicable was the inspector knowledgeable of recent updates to the standards or policy clarifications?	Updates are provided via the certifier's office. However, the inspector was not registered to receive the "Organic Insider."
How is the inspector informed of the ACA's policies and procedures and changes to them?	He is a staff inspector for NHDAMF and is informed through the office.
Does the inspector provide consulting services of any kind?  If so, how is this information provided to the ACA?	No; however, staff inspector functions include other inspection and assistance programs for the benefit of farmers in the state (e.g. GAP, COOL, conservation, etc...). Inspectors must be cognizant of their role as an organic inspector and not provide consultancy.
What is the inspector's background (experience, training, and education) in relation to the operation being inspected?	Agriculture Inspector & Registered Public Health Sanitarian (PHS). NHDAMF employee for 13 years. Former Health Inspector for the City of Manchester, NH for 2+ years. He continues to maintain his PHS registration status, and annually attends seminars and trainings related to this field. (b) (6) has been conducting organic inspections for the past 13 years.  (b) (6) has not attended IOIA basic courses. He thought he attended the New Pasture Rule training for livestock conducted by NOP and NE certifiers during 2011 or 2010. This is not indicated on the NH's training sheet.









	<p>Given the lack of specific training on NOP livestock requirements and my observations of the conducted witness inspection (b) (6) (b) (5)</p> <p>With the proper training he has the capability to be a good livestock inspector.</p>
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<b>Questions for the Applicant / Certified Operation:</b>	
As the inspection progresses insert additional questions to ask the operation's representative on areas of the operation that need clarification	
Did the certified operation receive a copy of the previous inspection report, if applicable?	The operator did not recall ever receiving a copy of the previous IR; however, he indicated that the office collects and retains records that arrive in the mail. I could not verify this during the on-site because no one was present in the main office during the inspection.
Did the operation receive a certificate from the ACA?	Yes. One of the two current certificates was hanging on the wall of the barn office.
Does the client have a current copy of the NOP Standards?	No. The client had a version of the regulations without the updates.
If applicable, how did the operation receive information on temporary variances?	NA

<b>Overall did the inspection verify:</b>	
That the operation was in compliance or was able to comply with the ACT? §205.403(c)(1)	<p>I did not observe any integrity issues; however, the following issues I did note:</p> <p>(b) (5)</p> <p>(b) (5)</p>





	<p>(b) (5)</p>  
<p>That the OSP accurately reflected the practices used by the operation? §205.403(c)(2)</p>	<p>(b) (5)</p>   
<p>That prohibited substances had not been and were not being applied to the operation? §205.403(c)(3)</p>	<p>(b) (5)</p> 



United States Department of Agriculture  
Agricultural Marketing Service  
National Organic Program

1400 Independence Avenue S.W.  
Room 2648-South Building  
Washington, DC 20250

NOP 2005-4  
Effective Date: June 26, 2012  
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## Livestock and Seed Program Grading and Verification Division Quality System Audit Report

### AUDIT INFORMATION

<b>Applicant Name:</b>	New Hampshire Department of Agriculture, Markets & Food; Division of Regulatory Services
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	25 Capital Street, Concord, NH 03302
<b>Mailing Address:</b>	P.O. Box 2042, Concord, NH 03302-2042
<b>Contact &amp; Title:</b>	David J. Rousseau, Acting Director; and Victoria M. Smith, Certification Coordinator
<b>E-mail Address:</b>	<a href="mailto:vsmith@agr.state.nh.us">vsmith@agr.state.nh.us</a>
<b>Phone Number:</b>	603-271-3685
<b>Auditor(s):</b>	David J. Hildreth, Lead Auditor; Lars Crail, Auditor
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	July 9 – 13, 2012
<b>Audit Identifier:</b>	NP2191ACA
<b>Action Required:</b>	Yes
<b>Audit Type:</b>	Renewal Assessment
<b>Audit Objective:</b>	To verify continuing compliance to the audit criteria; and to verify the implementation and effectiveness of corrective actions in addressing the previous noncompliances from the Deferred/Mid-Term Audit.
<b>Audit Criteria:</b>	7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; updated March 15, 2012.
<b>Audit Scope:</b>	The company's quality manual including personnel, processes, procedures, facilities, and related records.
<b>Location(s) Audited:</b>	New Hampshire Department of Agriculture in Concord, NH; a livestock/crop operation in Keene, NH; a crop operation in Winchester, NH; and a processor/handler in Gilsum, NH.

### GENERAL INFORMATION

The New Hampshire Department of Agriculture, Markets & Food (NHDAMF) Organic Certification Program is under the Division of Regulatory Services. NHDAMF, Division of Regulatory Services was accredited as a certifying agent on April 29, 2002, to the USDA National Organic Program (NOP) for crops, wild crops, livestock, and handling operations. The NHDAMF organic program currently includes 127 operations certified to the NOP, consisting of 104 crops, 30 livestock, 0 wild crops, and 21 processor/handling operations. All operations are located in the United States and per New Hampshire State Law clients are only certified in the state of New Hampshire.



## **Livestock and Seed Program Grading and Verification Division Quality System Audit Report**

### **PERSONNEL**

NHDAMF consists of one office located in Concord, NH. The NHDAMF organic certification program staff at the Concord location consists of the Acting Director of the Division of Regulatory Services (also the Pesticide Director), the Certification Coordinator (also an inspector), two other full time staff inspectors, and one part time inspector.

Records reviewed verified that NHDAMF is meeting the requirements for annual performance evaluations and confidentiality statements. However, annual conflict of interest disclosure reports for all personnel were not on file (See NC5). The personnel files reviewed indicated that that the staff had the required education, training and/or experience in organic agricultural production and/or handling techniques to perform the duties assigned; and interviews conducted verified personnel had an understanding of the NOP requirements and their application. NOP training for staff members and inspectors has been completed on a regular basis.

### **CERTIFICATION PROCESS**

When applications are received, the Acting Director does a cursory review and notes any major questions or concerns. The application is then forwarded to the Certification Coordinator (who is also an inspector) and either the coordinator or another inspector will conduct a full review and the on-site inspection. Once the inspection is completed, a final review is conducted by a different inspector. The completed file is then given to the Acting Director of the Division of Regulatory Services who makes the final certification decision.

Upon certification, NHDAMF issues a certificate that includes the applicable information to the NOP as required by the NOP Regulations. NHDAMF requires information to be updated annually or as changes are made for NOP certification. NHDAMF requires annual renewal inspections for continuing NOP certification and NOP certificates are updated after each inspection if changes are necessary.

### **ADMINISTRATIVE PROCEDURES**

NHDAMF has policies and procedures in place for investigation of complaints, as well as denials, proposed suspension and revocation. Since 2009, there were 2 proposed suspension notices and 1 denial notice. NHDAMF has had no requests for mediation or appeals filed by clients. Records reviewed verified that notification letters submitted to clients were in accordance with the NOP Regulations.

NHDAMF has a Material Review Contract and Recognition Agreement with the Organic Materials Review Institute (OMRI) to assist in all material reviews; however, the Acting Director has the final say in approving the product. Labels are submitted by clients to NHDAMF with the initial application or at other times during the year if new labels are developed. NHDAMF reviews and approves the label prior to use by the client. The labels are reviewed by one of the inspectors and then passed to the Acting Director who makes the final decision. All labels are again reviewed on-site and compared with the copies that have been given to the inspector as part of the inspector package.

NHDAMF has completed and submitted the annual updates as required.



## Livestock and Seed Program Grading and Verification Division Quality System Audit Report

### FEES

The NHDAMF fee schedule is supplied to applicants who submit information requesting certification. The fee schedule includes non-refundable information. The fee schedule outlines the various set costs for the certified operations. The fees appear to be reasonable and the schedule is clear in the amounts to be charged.

### WITNESS INSPECTIONS

The assessment included observations of actual renewal inspections at a crop operation in Winchester, NH and a crop/livestock operation in Keene, NH, and a mock inspection at a processor/handling operation in Gilsum, NH. The crop operation included organic vegetables, flowers and herbs; the crop/livestock operation included organic hay, crop, and dairy; and the processor/handling operation produced organic body products, (lip balms, insect repellants, and facial products). The witness inspections were conducted by two different inspectors from the NHDAMF staff which were qualified to conduct the inspections. Exit interviews were conducted with an operation representative at 2 of the 3 inspections. Complete certification files were also reviewed for ten operations.

### FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that NHDAMF is currently operating in compliance to the requirements of the audit criteria except as noted below. The corrective actions for the noncompliance identified during the Deferred/Mid-Term Audit were verified and found to be implemented and effective and the noncompliance was cleared. There were five new noncompliances identified during the renewal assessment.

#### **NP9138ACA.NC1 – Cleared**

**NP2191ACA.NC1** - NOP §205.402(a)(1) and (2) states, “Upon acceptance of an application for certification, a certifying agent must: Review the application to ensure completeness pursuant to §205.401; and (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply...” *A review of the 10 client files identified that the Organic System Plans (OSP) and labels are not being adequately reviewed. Four of ten OSP’s were found to be incomplete. In three cases, the processors or producers indicated that there were no changes to their OSP when in fact there were significant changes. Inspectors conduct an initial review of the OSPs prior to the inspection; however, significant missing information regarding inputs, procedures and other required information is not addressed with the operation prior to the on-site inspection.*

*The following issues were identified during the file review and witness inspection:*

- *During the witness inspection at the livestock/crop operation, the inspector found significant updates or changes to the OSP. There were many feed supplements and medications that were identified by the inspector that were not documented on the OSP.*
- *Of the 10 labels reviewed, two labels from the same processor had the placement of the “Certified organic by NHDAMF” statement located above of the distributor’s name.*
- *During the witness inspection, the inspector indicated that a need for a buffer zone had been discussed with the operation manager during the previous year’s inspection. The current OSP did not include the buffer zones that had been discussed and required from the previous inspection.*



## Livestock and Seed Program Grading and Verification Division Quality System Audit Report

- *One OSP did not have the seeds and planting stock practice standard section completed.*
- *One operator's OSP was incomplete for the livestock living conditions. The operator did not include all cases of temporary confinement for breeding, calving, illness, etc.*
- *One OSP had an incomplete pasture plan that did not address the proposed DMI calculations for the entire grazing season; field maps were incomplete and did not identify details such as neighboring land use, water, sources, buffers, natural areas, etc.; the type of grazing methods used in the pasture system; and no information on erosion control and protection of natural wetlands and riparian areas practices.*

**NP2191ACA.NC2** – 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.” *NHDAMF does not require inspectors to conduct trace-back and input/output sampling activities, nor does the inspection report or checklist provide for a section that documents these inspection verification activities.*

**NP2191ACA.NC3** – NOP §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.” *During 1 of 3 witness inspections observed by NOP auditors, the inspector did not conduct an exit interview.*

**NP2191ACA.NC4** – NOP §205.501(a)(7) states “A private or governmental entity accredited as a certifying agent under this subpart must: Have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation.” *During the assessment, NHDAMF provided a one page document dated January 1, 2011, titled “2011 Annual NHDAMF Organic Program Review” to the NOP auditors for review. The document listed four actions or changes that have been implemented to NHDAMF organic program. Additionally, there were five recommendations listed. The document does not reference the Act when identifying noncompliances; consequently, there is no basis or reference to develop a plan to implement corrective measures to address deficiencies in the program.*

**NP2191ACA.NC5** – NOP §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.” *No annual signed conflict of interest disclosure reports are on file within the NHDA Division of Market and Regulatory Affairs.*



**CORRECTION TO PREVIOUS VERSION**  
**Request to Conduct Inspection**

TODD STAPLES, COMMISSIONER

Please inspect the following account:

Account #: (b) (4)

Account Type: **ORGANIC LIVESTOCK PRODUCER**

Facility Name: **BOEHNING DAIRY FARM**

Street Address: **690 COUNTRY ROAD 45**

City: **EARTH**

State: **TX**

County: **LAMB**

Zip: **79031**

Contact: **BRIAN BOEHNING**

Phone #: **806-965-2447**

Directions to Physical Location (if difficult to locate):

**Inspection Type:**

Routine Inspection

Re-inspection

Harvest Inspection

Investigative Inspection

Complaint Inspection

**Special Instructions:**

This is the annual, routine inspection for Boehning Dairy Farm. Please note that one or more USDA officials will observe the inspector conducting the inspection as part of TDA accreditation renewal process.

The responsible party has been notified about the USDA official

If you have any questions, please contact me directly.

Mary Ellen Holliman  
Coordinator for Organic Certification  
512-463-7513