

11 JUN 2014

NOTICE OF NONCOMPLIANCE RESOLUTION

Nicole Dehne
Certification Administrator
Vermont Organic Farmers
P.O. Box 697
Richmond, VT 05477

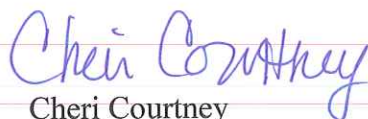
Dear Ms. Dehne:

On April 14, 2014, the United States Department of Agriculture (USDA), National Organic Program (NOP) issued a Notice of Noncompliance to Vermont Organic Farmers (VOF). This notice originated from the NOP's review of VOF's 2013 annual report. This report indicated that VOF did not conduct annual personnel evaluations of its Review Committee members and did not conduct an annual program review in the previous year. These action were noncompliances to USDA organic regulations §205.510(a)(6) and (a)(7).

VOF submitted corrective actions to the NOP on May 14, 2014. The proposed corrective actions demonstrate how existing noncompliances were remedied and also indicate how the VOF management system will be modified to prevent future noncompliances. These corrective actions adequately address the noncompliances, as described in the attached Corrective Action Report. These corrective actions will be verified during your next onsite assessment.

If you have questions regarding this notice, please contact your Accreditation Manager, Renee Mann, at (202) 260-8635 or Renee.Mann@ams.usda.gov.

Sincerely,



Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: Corrective Action Report

cc: USDA Quality Assessment Division
NOP Program Specialist

NOTICE OF NONCOMPLIANCE RESOLUTION

OCT 16 2014

Matt Green
Rhode Island Department of Environmental Management (RIDEM)
235 Promenade Street
Providence, RI, 02908

Dear Mr. Green:

On August 19-20, 2014, a representative of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed a Corrective Action Audit of the Rhode Island Department of Environmental Management (RIDEM) organic certification program. The objective of the audit was to determine RIDEM's compliance to the USDA organic regulations as an accredited certifying agent. A copy of the auditor's report, **NP4231ACA**, is enclosed for your reference. As the report indicates, seven (7) noncompliances (**NP2253ACA.NC1 through NC7**) were identified during RIDEM's September 10-14, 2012 Renewal Audit.

RIDEM submitted corrective actions to the NOP on October 8, 2013 and November 14, 2013. The proposed corrective actions demonstrated how existing noncompliances were remedied and also indicated how RIDEM's quality management system will be modified to prevent future noncompliances. These corrective actions were adequately addressed, as described in the attached Corrective Action Report. The corrective actions were then verified during the August 19-20, 2014 Corrective Action Audit.

If you have questions regarding this notice, please contact your Accreditation Manager, Janna Howley, at (202) 692-0047 or JannaB.Howley@ams.usda.gov.

Sincerely,



for Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

cc: AIA Inbox



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

JUN 09 2017

NOTICE OF NONCOMPLIANCE

Boliviana de Certificacion
Carmen Murillo Quiroga
Colon Street 756, Floor 2, Office 2A
P.O. Box 13030
La Paz, BOLIVIA

Dear Sra. Murillo:

On January 19-20, 2017, a representative of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed an onsite audit of the Boliviana de Certificacion (BOLI) organic certification program as part of its USDA Mid-Term Accreditation Assessment. On April 13, 2017, the NOP reviewed the results of the onsite audit to determine BOLI's compliance to the USDA organic regulations. A copy of the assessment report, NP7015LCA, is enclosed for your reference.

As the report indicates, nine new noncompliances, NP7015LCA.NC1 through NC9, were identified during the onsite audit. Please submit corrective actions for all noncompliances to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice. All corrective actions must indicate how the noncompliances will be corrected and how the BOLI management system will be modified to prevent a recurrence of the noncompliances. If you wish to rebut any noncompliances, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions on how to respond to noncompliances. Failure to promptly resolve noncompliances may result in proposed suspension or revocation of BOLI's USDA accreditation.

If you have questions regarding this notice, please contact, Penny Zuck, Accreditation Manager, at Penelope.zuck@ams.usda.gov or (202) 260.9444.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney".

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: Noncompliance Report

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: ASSESSMENT REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a mid-term assessment of Boliviana de Certificacion (BOLI). An onsite audit was conducted, and the audit report reviewed to determine BOLI's capability to continue operating as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Boliviana de Certificacion (BOLI)
Physical Address	Colon Street 756, Floor 2, Office 2A Building Valdivia, La Paz, Bolivia
Mailing Address	Colon Street 756, Floor 2, Office 2A, P.O. Box 13030, La Paz, Bolivia
Contact & Title	Carmen Murillo Quiroga
E-mail Address	bolicert@mail.megalink.com
Phone Number	591-2-29-02103
Reviewer(s) & Auditor(s)	Penny Zuck, NOP Reviewer; Lars Crail, Onsite Auditor.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective action review: August 31, 2017 NOP assessment review: April 13, 2017 Onsite audit: January 19-20, 2017
Audit Identifier	NP7015LC
Action Required	Yes – Outstanding Noncompliances
Audit & Review Type	Mid-Term Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BOLI's certification system.
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	BOLI's certification services in carrying out the audit criteria during the period: December 20, 2014 through January 20, 2017

NOP conducted an onsite mid-term audit of the Boliviana de Certificacion (BOLI) January 19 - 20, 2017. The onsite audit focused on requested and submitted certification materials provided by BOLI. There were no accepted corrective actions of prior outstanding noncompliances to be verified. No witness or review audits were conducted.

BOLI was initially accredited as a USDA certifying agent on March 13, 2003 and maintains the accreditation scopes for crops, wild crops, and handling/processing. BOLI's current accreditation period expired on March 12, 2013. The accreditation renewal assessment occurred in late 2014 and early 2015. NOP issued a proposed suspension in 2015 due to BOLI's inability to adequately address systematic noncompliances and fulfil the terms a settlement agreement established with the NOP in January 2013. BOLI appealed NOP's decision. On February 8,

2016, NOP issued BOLI a proposed suspension for failing to address a noncompliance for updating the Organic Integrity Database on January 2, 2016. BOLI appealed NOP's decision. On May 24, 2016, BOLI entered a settlement agreement with AMS to resolve the two appeal cases. BOLI did not adhere to the settlement agreement terms. Bolicert failed to submit corrective actions and Bolicert failed to provide updates to its Accreditation Manager concerning the list of certified operations. AMS reinitiated its administrative process to suspend BOLI and the Administrator on October 12, 2016 denied BOLI's appeal cases. BOLI has requested an administrative judge hearing and the case is pending resolution.

BOLI's office is located in La Paz, Bolivia and its certification activities occur in Bolivia. BOLI certifies 37 operations: Crops (26), Wild Crops (4), and Handler/Processor/Exporters (15). BOLI certifies 16 grower groups producing and handling quinoa, coconut, and cacao.

BOLI's staff consists of 21 individuals: Administrative Director (1), Certification Officers (4), Reviewer/Inspector (1), Contract Inspectors (13), and Administrative/support staff (2).

NOP DETERMINATION:

NOP reviewed BOLI's corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit.

Non-compliances Identified during the Current Assessment

Any noncompliance labeled as "**Accepted**," indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP7015LCA.NC1 – Accepted. 7 C.F.R. §205.501(a)(21) states, "Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." NOP 2603, Organic Certificates, Section 3.1, describes the elements of an organic certificate that should be included.

Comments: *The following issues were identified on BOLI issued certificates:*

- 1. The certification scopes on BOLI certificates are not clearly listed as Crops, Wild Crops, Livestock, and Handling/Processing.*
- 2. The effective date is stated on certificates as "Start Date."*
- 3. The statement on BOLI certificates identifying the US organic standard does not state: "Certified to the USDA organic regulations, 7 CFR Part 205."*
- 4. The statement on BOLI certificates does not state: "Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked."*

Corrective Action: BOLI revised the USDA-NOP organic certificate to comply with the requirements in the USDA organic regulations and NOP 2603. BOLI submitted a copy of a certificate issued to a certified operation to verify the revised certificate is being issued.

NP7015LCA.NC2 – Accepted. 7 C.F.R. §205.501(a)(15)(i) states, “Submit to the Administrator a copy of:... Any notice of denial of certification issued pursuant to §205.405, notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation sent pursuant to §205.662 simultaneously with its issuance;”

Comments: *BOLI is not sending copies of notification of noncompliance corrections (i.e noncompliance resolutions) to the NOP.*

Corrective Action: BOLI indicated that records of notifications being sent to the NOP were not available during the audit due to problems with the e-mail server. BOLI changed e-mail servers to Outlook and hired a technician responsible for sending notifications to the NOP. The technician stores copies of the notifications on an external memory system. BOLI updated the Certification System Procedures Chapter I, (point 2.11.15) to state that copies of notices of correction of noncompliances will be sent to the NOP. Chapter XII, (points 12.9.7 and 12.9.8) was also updated to include training of all personnel on changes to the certification procedures.

NP7015LCA.NC3 – Accepted. 7 C.F.R. §205.660(d) states, “Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to §205.662, §205.663, and §205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.”

Comments: *Email notifications issued by BOLI are not sent via a delivery service which provides dated return receipts.*

Corrective Action: BOLI sends hardcopy notices to the operator requiring the operator return a signed copy as acknowledgement of receipt. BOLI updated the Certification System Procedures Chapter I, (point 2.11.16) to state that notices must be sent to the operator by means of a demonstration of delivery and receipts with identification of dates. Chapter XII, (points 12.9.7 and 12.9.8) was also updated to include training of all personnel on changes to the certification procedures.

NP7015LCA.NC4 – Accepted. 7 C.F.R. §205.510(b)(2) states, “Certifying agents must maintain records according to the following schedule: Records created by the certifying agent regarding applicants for certification and certified operations must be maintained for not less than 10 years beyond their creation.”

Comments: *During the review of one certification file where the operation resolved a noncompliance, a notice of noncompliance resolution was issued to the operation, but a record of the notice could not be located by BOLI staff for the auditor to review. The auditor reviewed an email message issued by the BOLI Program Manager to the operation, but there was no attached resolution notification.*

Corrective Action: BOLI updated the Certification System Procedures Chapter I, (point 2.11.16) to state that notices must be sent to the operator by means of a demonstration of delivery and receipts with identification of dates. BOLI submitted copies of hardcopy notices sent to operations with signatures acknowledging receipt of the notices. Chapter XII, (points 12.9.7 and 12.9.8) was also updated to include training of all personnel on changes to the certification procedures.

NP7015LCA.NC5 – Accepted. 7 C.F.R. §205.403(e)(2) states, “A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.”

Comments: *Three of the three reviewed operation files where samples were collected by BOLI did not include a record demonstrating that the test results were provided to the operations.*

Corrective Action: BOLI submitted documentation (signed receipts) demonstrating the test results are received by the operations. BOLI updated the Certification System Procedures Chapter I, (point 2.7.5) to state any results of sampling will be delivered to the operator personally and requires the operator’s signature to document the receipt of laboratory results with corresponding date. Chapter XII, (points 12.9.7 and 12.9.8) was also updated to include training of all personnel on changes to the certification procedures.

NP7015LCA.NC6 – Outstanding. 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *The following evidence indicates that BOLI did not issue notices of noncompliance when issues of concern were identified:*

- *The auditor reviewed an unannounced inspection report with issues of concern identified by the inspector; however, BOLI did not issue the operation noncompliances as a result of the inspection report findings. The auditor determined that the report’s issues of concern warranted USDA organic noncompliances.*
- *An operation did not submit an annual update and BOLI did not issue a noncompliance.*
- *During the annual inspection of a grower group, the inspection report identified three major issues where group members had used prohibited inputs or identified evidence of prohibited input use (e.g. plastic herbicide containers); however, BOLI only issued a notification to the grower group for five unrelated minor noncompliances.*
- *The auditor reviewed an inspection report with issues of concern identified during an additional inspection of an operation. The operation was certified to the NOP and to the European Union (EU) organic standards. BOLI issued EU nonconformities associated with the identified issues of concern, but did not issue noncompliances to the operation for violations of the USDA organic regulations. The auditor determined that the report’s issues of concern warranted BOLI issuing USDA organic noncompliances.*

Corrective Action: BOLI addressed some of the operations issues identified in the noncompliance, however, did not address the noncompliance regarding issuing Notices of Noncompliance when warranted by issues of concern identified during inspections. BOLI has not demonstrated how this noncompliance will be prevented from reoccurring, such as updating any necessary procedures and training staff.

NP7015LCA.NC7 – Accepted. 7 C.F.R. §205.403(e)(2) states, “A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.”

Comments: *For one reviewed additional inspection in 2016, BOLI did not send the operation a copy of the inspection report.*

Corrective Action: BOLI developed a delivery letter to record the inspection report being received by the operator and will be used for all unannounced, special, or additional inspections. BOLI updated the Certification System Procedures Chapter I, (points 2.3.9, 2.7.1, and 2.7.4) to state BOLI may carry out additional, and unannounced inspections and inspectors shall prepare reports for any type of inspection that is performed and after committee decision, issuance of noncompliances found in the inspection and a copy of the inspection report, shall be sent to the operator. Chapter XII, (points 12.9.7 and 12.9.8) was also updated to include training of all personnel on changes to the certification procedures.

NP7015LCA.NC8 – Accepted. 7 C.F.R. §205.403(d) states, “The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.”

Comments: *Inspectors are not referencing the organic regulations on the exit interview forms for identified Issues of Concern.*

Corrective Action: BOLI revised the exit interview template to include the “reference to the standard” along with identifying possible non-compliances. BOLI updated the Certification System Procedures Chapter I, (point 2.6.1) to state the inspector should address the need for any additional information as well as the issues of concern in the exit interview. Chapter XII, (points 12.9.7 and 12.9.8) was also updated to include training of all personnel on changes to the certification procedures.

NP7015LCA.NC9 – Outstanding. 7 C.F.R. §205.662(c) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent... shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance...”

Comments: *BOLI is not issuing operations proposed adverse actions if the operations fail to meet noncompliance notification deadlines for submitting corrective actions or rebuttals. In the one case reviewed, BOLI de-certified an operation for not providing an annual update and payment of fees.*

Corrective Action: BOLI’s corrective action clarified the operations were meeting the notification deadlines for submitting corrective actions. However, BOLI was not filing the notices in timely manner and could not provide the documentation to the NOP auditor. BOLI has designated a staff member in charge of the organization and filing of notices so there is no reoccurrence of this noncompliance.

BOLI has not addressed the issue of de-certifying an operation for not providing an annual update and payment of fees which is not compliant with the USDA organic regulations.

NOTICE OF NONCOMPLIANCE RESOLUTION

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NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) received Bio-Hellas Institute's (BIOH) initial accreditation application to become a U.S. Department of Agriculture (USDA) accredited certifier on October 12, 2016. The NOP has reviewed BIOH's application, conducted an onsite audit, and reviewed the audit report to determine BIOH's capability to operate as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Bio-Hellas Institute (BIOH)
Physical Address	27 Omorfokklisias St., 15122 Marousi, Athens, Attica-Greece
Mailing Address	27 Omorfokklisias St., 15122 Marousi, Athens, Attica-Greece
Contact & Title	Maria Kornarou, Quality Manager
E-mail Address	ydp@bio-hellas.gr
Phone Number	0030 210 8211940
Reviewer & Auditor	Rebecca Claypool, NOP Reviewer; Lars Crail, Auditor.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Review of the corrective actions: June 28, 2017 On-site Audit: June 11, 2017
Audit Identifier	NP7163LCA
Action Required	None
Audit & Review Type	Pre-decisional Audit
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the completeness of BIOH's certification system.
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	BIOH's certification services in carrying out the audit criteria.

Bio-Hellas was previously accredited as a USDA National Organic Program certifying agent on February 13, 2009 to the accreditation scopes of crops, wild crops, and handling/processing. In 2010, Bio-Hellas requested and was granted the livestock scope. Bio-Hellas surrendered accreditation on July 31, 2012 after the US - EU Equivalency Arrangement was established.

Bio-Hellas' office is located in Athens, Greece. Their certification staff consists of eight individuals including two contract inspectors. Bio-Hellas' request for NOP accreditation is a result of operations seeking USDA organic certification. These operations produce and process non-food organic products that cannot be certified to the European Union organic regulations. The European Union organic regulations allow for non-food plant propagation; however, plant

processing of non-food products cannot be certified and therefore cannot be traded under the US - EU Equivalency Arrangement.

During the Pre-Decisional onsite audit, NOP conducted a witness audit of Bio-Hellas' inspections of a crop producer and a handler. The inspections were conducted to determine compliance to the USDA organic regulations.

NOP DETERMINATION:

NOP reviewed the onsite audit results to determine whether BIOH's corrective actions adequately addressed the previous noncompliance. NOP also reviewed any corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit.

Non-compliances from Prior Assessments

Any noncompliance labeled as "**Cleared**," indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as "**Outstanding**" indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance. Any noncompliance labeled as "**Accepted**" indicates acceptance of the corrective actions and verification of corrective action implementation will be conducted during the next onsite audit.

NP7058LCA.NC1 - Cleared

Non-compliances Identified during the Current Assessment

Any noncompliance labeled as "**Accepted**," indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP7163LCA.N1 – Accepted. 7 C.F.R. §205.403(d) states, "The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern."

Comments: *During the witness audit of a producer, Bio-Hellas' inspector informed the operator of a noncompliance and obtained a corrective action to record in the inspection report. The inspection report gives the perception that the inspector is issuing noncompliances and receiving corrective actions from the operator. An inspector's role is to identify issues of concern and request any additional information, not to issue noncompliances, obtain corrective actions, and assess those corrective actions for adequacy.*

Corrective Actions: Bio-Hellas modified their inspection report templates by removing the term "noncompliance" and adding "Issues of Concern." Bio-Hellas modified the Exit Interview section of the inspection report to include a location for the inspector to record a regulatory citation that corresponds to each "Issues of Concern" identified in the inspection report. Bio-

Hellas conducted training on June 26 and 27 with certification staff that covered inspection report template modifications and clarification regarding the inspector's role. BioHellas provided NOP with a copy of the training presentation and records of participating certification staff.

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of Kiwa BCS ÖKO-GARANTIE GMBH (Kiwa-BCS) organic program was conducted on June 20-23, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess Kiwa-BCS' compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Kiwa BCS ÖKO-GARANTIE GMBH (Kiwa-BCS)
Physical Address	Marientorgraben 3-5 Nuremberg, D-90402, Germany
Mailing Address	Marientorgraben 3-5 Nuremberg, D-90402, Germany
Contact & Title	Tobias Fischer, Certifier; Scheme Manager
E-mail Address	fischer@bcs-oeko.de
Phone Number	49 911 4 24 39 0
Reviewer & Auditor	Graham Davis, NOP Reviewer; Penny Zuck and Miles McEvoy, On-site Auditors.
Program	USDA National Organic Program (NOP)
Review & Audit Dates	NOP assessment review: July 26, 2017 Onsite audit: June 20-23, 2017
Audit Identifier	NP7171PZA
Action Required	Yes
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of Kiwa-BCS' certification
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	Kiwa-BCS' certification services in carrying out the audit criteria during the period: July 24, 2014 through June 23, 2017

Kiwa BCS Öko-Garantie GmbH (Kiwa-BCS) is a private company under German law. It has been licensed as a private controlling agency since 1992 to implement the European Union (EU) Regulation on organic production. Kiwa-BCS offers services to companies worldwide, and the legal and technical supervision of work as a control office for organic farming is controlled by authorities of the region, Federal Government, and EU level.

Kiwa-BCS is accredited for the scopes of crops, wild crops, livestock, and handling. Kiwa-BCS has approximately 1400 NOP certified operations worldwide with the majority certified for crops and handling. The NOP client breakdown for Kiwa-BCS includes approximately 1000 crops, 56

wild crops, 39 livestock (beekeeping only), 1020 handling operations and 228 grower groups.

The main office for NOP certification for Kiwa-BCS is located in Nuremberg, Germany and includes National (German) and International Departments. All inquiries and certification activities for the NOP are conducted at the Nuremberg office. Kiwa-BCS is accredited as an ISO Guide 17065 certification body and approved for GLOBALGAP and EU organic certifications. Kiwa-BCS is also accredited for JAS, GOTS and all countries that they have certified operations that require accreditation to operate within the country. Kiwa-BCS has additional offices or representatives in 17 countries that provide a variety of other contract certification services.

The Kiwa-BCS list of personnel identified 10 staff members as certifiers/reviewers and 3 are reviewers involved in the certification process. The certification program is divided into the International and National Departments. In addition, there are 137 staff inspectors and 54 subcontracted inspectors.

This was an office audit only. Witness and review audits will be conducted separately. One grower group witness audit was conducted in 2016.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether Kiwa-BCS corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to Kiwa-BCS.

Noncompliances from Prior Assessments

Any noncompliance labeled as “**Cleared**,” indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as “**Outstanding**” indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance.

NP420200A.NC1 – Cleared – 7 CFR § 205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.”

Comments: *One of the labels reviewed contained the USDA seal which did not meet the color requirements as stated in §205.311 (b)(3). A notice of non-compliance was not issued to the operation requiring the label be corrected.*

Corrective Action: BCS issued a Notice of Noncompliance to the client to correct the label, and the client provided an updated label. BCS issued its label review guidelines to staff to remind them of the label approval process.

Verification of Corrective Action: Several labels with the USDA seal were reviewed by the auditor and are compliant with the color requirements in 7 C.F.R. §205.311(b)(3).

NP4202OOA.NC2 – Cleared – 7 CFR § 205.662 (a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: (1) A description of each noncompliance.”

Comments: *Three notices of noncompliances reviewed made reference to NOSB recommendations as the standard violated instead of citing pertinent regulations in 7 CFR 205.*

Corrective Action: BCS drafted a letter to all inspectors requesting that they cite the USDA NOP regulations in reference to noncompliances. This letter included an example of how inspectors should cite an issue that references the USDA NOP regulations, not the NOSB recommendations. To prevent future occurrences of staff citing NOSB recommendations in noncompliance documents, BCS removed access to these pre-formatted NOSB responses in the computer system used to generate documents.

Verification of Corrective Action: Notices of Noncompliance reviewed during the audit contained citations referencing the USDA organic regulations. No references were made to NOSB recommendations.

NP4202OOA.NC3 – Cleared – 7 CFR § 205.662 (c) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state: (2) The proposed effective date of such suspension or revocation; and (3) The impact of a suspension or revocation on future eligibility for certification.”

Comments: *One Notice of Noncompliance/Notice of Proposed Suspension reviewed did not contain the proposed effective date of the suspension or the impact of the suspension. In reviewing this document, it was also determined that it was a combined notification of noncompliance/suspension. According to the training module for Noncompliance and Adverse Action Notices (dated January 24, 2012) the Notice of Noncompliance and/or Notice of Proposed Suspension need to be included in the Subject or Header but were not on the documents issued by BCS.*

Corrective Action: BCS reviewed their procedures and concluded that this was an isolated incident. BCS has established templates for issuing a Notice of Noncompliance or Proposed Suspension. The letters are formatted to reference the measure in the letterhead, as well as indicate the proposed effective date and impact of the suspension. BCS stated that all other internally revised notices use this format also.

Verification of Corrective Action: Notices of proposed suspension reviewed during the audit verified the notices included information as required in the USDA organic regulations.

NP4202OOA.NC4 – Cleared – 7 CFR § 205.501 (a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP training module on Mediation Training, dated January 16, 2013, provided guidance for the use of settlement agreements as an informal way to settle disputes with certified operations. 7 CFR § 205.662 (e)(1) states, “If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of suspension or revocation.”

Comments: *Two noncompliance resolutions reviewed contained terms for which both the operator and BCS would need to comply with in order to overcome the proposed suspension. By including these conditions, it constitutes a settlement agreement, which must be signed by both parties. There was no evidence provided to indicate that the operations agreed with the terms of the proposed settlement and no suspension was drafted or sent to the operations. In one case the client surrendered certification. BCS policies and procedures need to clarify this process to prevent future noncompliances.*

Corrective Action: BCS has updated their procedures (chapter 9.5.8 of A-EN-14 Certification System NOP) to include the process regarding how to implement a settlement agreement, which is signed by both parties. BCS also prepared a draft example of a settlement agreement, which will be used for reference when preparing future documents as needed.

Verification of Corrective Action: Current procedures in A-EN-14 Certification System NOP, section 6.5.8 includes procedures for implementing settlement agreements. Two settlement agreements were issued in 2014. No settlement agreements have been issued since 2014. A settlement agreement executed in December 2014, was signed by both parties, and was the result of pesticide residues detected by USDA-NOP and the request for investigation was carried out by Kiwa-BCS. Copies of the combined Notice of Noncompliance and Notice of Proposed Suspension; and executed settlement agreement were submitted to the USDA-NOP Compliance & Enforcement Division to close the investigation. No issues were identified by the auditor.

NP4202OOA.NC5 – Outstanding – 7 CFR § 205.501 (a)(6) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services.”

Comments: *A review of the personnel files found that there were 4 individuals that did not have current annual evaluations. Discussions with the Quality Manager revealed that inspectors are no longer receiving an annual evaluation. Inspectors, whether full-time or contracted staff, are considered part of certifying agent's personnel and are therefore subject to the personnel performance evaluations requirements.*

Corrective Action: The finding that four individuals did not have a current annual evaluation does not mean that BCS does not regularly conduct any evaluation of its technical staff. BCS conducts multiple evaluations of inspectors as follows: after each inspection the reviewer of the inspection documents provides feedback to the inspector, which serves as an evaluation of the inspector, but does not constitute a field evaluation of the inspector as required by the USDA organic regulations. BCS management updated the quality manual to specify that inspector field evaluations are required annually for any staff that conducts inspections for NOP certification.

Verification of Corrective Action: A review of seven inspector personnel files and nine reviewer/certifier personnel files found that performance reviews were not conducted in 2015 for two reviewer/certifier personnel.

NOP420200A.NC6 – Cleared – 7 CFR § 205.501 (a)(10) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Maintain strict confidentiality with respect to its clients under the applicable organic certification program and not disclose to third parties (with the exception of the Secretary or the applicable State organic program's governing State official or their authorized representatives) any business-related information concerning any client obtained while implementing the regulations in this part, except as provided for in §205.504(b)(5).” BCS procedure D-EN_04-011 requires that document D-EN_4-031, which contains the confidentiality clause’ must be signed upon hiring.

Comments: *One individual that was hired conducted certification activities without having signed the required form which contains the confidentiality clause.*

Corrective Action: BCS provided the updated confidentiality agreement for the individual noted in this audit, which had been misfiled. The document verifies that the individual has a current confidentiality agreement on file at BCS. BCS also provided the checklist used to track the records maintained for all staff members, which ensures required documents are on file.

Verification of Corrective Action: Kiwa-BCS requires all staff to sign a confidentiality agreement upon hiring. Confidentiality agreements were on file for all personnel reviewed by the auditor including all new hires since October 2016.

NOP420200A.NC7 – Cleared – 7 CFR § 205.501 (a)(11)(v) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.”

Comments: *Three individuals did not have current conflict of interest disclosures on file as required.*

Corrective Action: BCS provided the conflict of interest documents for the three individuals identified during this audit, which are current for 2014. BCS tracks the documents filed for each staff member in a spreadsheet, but detected an error in one of the string-formulas, which was corrected immediately to prevent future filing errors.

Verification of Corrective Action: Kiwa-BCS requires a conflict of interest disclosure annually from all staff. Conflict of interest disclosures were on file for 3 years (2015-2017) for all personnel reviewed by the auditor including all new hires since October 2016.

NOP420200A.NC8 – Outstanding – 7 CFR § 205.660 (d) states, “Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to §205.662, §205.663, and §205.665 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.”

Comments: *Notifications are currently being sent to the operation's place of business via email, which does not provide dated returned receipts or confirm receipt of the notification by the legally responsible party.*

Corrective Action: BCS selected an electronic delivery confirmation system that has been implemented in the German office as of May 31, 2015. A schedule of sequential implementation has been developed and implementation in the remaining 15 foreign offices is expected to be completed by November 2015. Offices that do not have access to the BCS database are required to send the message via the German office (or another foreign office) using the delivery confirmation system.

Verification of Corrective Action: Kiwa-BCS has installed Rpost for sending notices electronically with return receipts. All notices are processed in the main office in Nuremberg and saved in the database. For operations located in a country with a Kiwa-BCS satellite office, the staff at the satellite office will be notified the notices are ready to send and satellite office staff is expected to send the notices to the operator via Rpost. Interviews with two administrative staff who send out notices indicated that Rpost is not being used consistently. The main office did not have records of the satellite offices sending notifications via Rpost.

NP6103JZA.NC1 – Outstanding - 7 CFR §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP Policy Memo (PM) 11-10 “*Grower Group Certification*” states that “...certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies. NOSB 2002 Recommendation, *Criteria for the Certification of Grower Groups*, states, “Grower groups must establish and implement an internal control system (quality system), with supervision and documentation of production practices and inputs used at each producer's operation to insure compliance with the USDA's National Organic Standard.” NOSB 2008 Recommendation, Section III, provides a definition of an Internal Control System: “A written quality assurance system included in a master organic system plan that sets forth the practice standards, recordkeeping and audit trail requirements applicable at each production unit, facility or site and that identifies the internal verification methods used.”

Comments: *The inspected operation has no documented Internal Control System. This was not identified by the inspector as an issue of concern. Kiwa-BCS explained to the auditors that since 100% of the members were annually inspected by Kiwa-BCS, an internal control system was not necessary.*

2016 Corrective Action: BCS will stop certifying grower groups without an ICS under one inspection report and one OSP. They propose that in case of grower groups (associations) without ICS, BCS will conduct 100% inspections and for each grower (production unit). One individual OSP will be requested and BCS will fill out likewise one inspection report per grower. The organic certificate will be issued to the legal entity (The association) and each production unit (grower) will be listed in an attachment as an approved production unit.

Verification of Corrective Action: This operation's annual update is due in September 2017. The plan to have each grower complete a separate OSP and inspector to complete a separate inspection report has not yet been implemented and the auditors did not review any other grower group files where this is being done.

NP6103JZA.NC2 – Outstanding - 7 CFR §205.403(d) states, "The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern."

Comments: *During the witness audit, the NOP auditors observed the inspector issued noncompliances, received corrective actions, and determined whether the operator's corrective actions were adequate. Kiwa-BCS' procedures, "Handling of Non-Compliances," Section 4.2, instructs inspectors to identify noncompliances, accept and evaluate corrective actions, and determine the adequacy of the corrective actions during the onsite inspection. An inspector's role is to identify issues of concern and request any additional information, not to issue noncompliances, receive corrective actions, and assess those corrective actions for adequacy.*

Corrective Action: Kiwa-BCS has modified its inspection report form (D-EN_09-310, table 15.1) so that it is not possible for an inspector to issue noncompliances. Kiwa-BCS has revised their procedure (see attachment A-EN_14_Certification System NOP, chapter 9.5.1) to reflect the requirement that issues of concern identified by the inspector will be reviewed in Kiwa-BCS head offices to determine if they are noncompliances. Kiwa-BCS will notify the operator of any noncompliances in the certification decision letter. BCS will distribute the revised documents to each inspector. The modified procedures will be explained in their online training tool and training will be verified using BCS' training documentation.

Verification of Corrective Action: The new procedure and forms have not yet been implemented by Kiwa-BCS.

NP6103JZA.NC3 – Outstanding - 7 CFR §205.501(a)(21) states, "Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." NOP 2603, Organic Certificates, Section 3.1, lists the elements of an organic certificate.

Comments: *The following Kiwa-BCS organic certificate elements are incorrect or missing on Kiwa-BCS' organic certificate issued to the operation:*

- 1. The certificate's "Anniversary date" is incorrectly stated as the "Certificate renewal date."*
- 2. "Certified to the USDA organic regulations, 7 CFR Part 205." is not stated on the certificate.*

3. *The following statement is not located on the certificate: “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked.”*
4. *The “Issue Date” is not clearly identified on the certificate. The date above Kiwa-BCS’ authorized signature was explained by the Kiwa-BCS Program Manager to the NOP auditors to be the issue date.*

2016 Corrective Action: Kiwa-BCS made modifications to their organic certificate template and submitted a revised template (nop_mc_np6103.nc3) for NOP review. The template contains the four missing items.

Verification of Corrective Action: Certificates being issued have not been revised to comply with the above items.

NP6103JZA.NC4 – Outstanding - 7 CFR §205.403(a)(1) states, “A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.”

Comments: *Kiwa-BCS had not previously conducted an inspection of the operation’s office located in Puebla, Mexico and identified on the organic certificate. Kiwa-BCS’ previous inspections of this operation have taken place only at the operation’s crop production sites. During onsite inspections, records were transported from the Puebla, Mexico office to the field locations for Kiwa-BCS’ inspections. Certifiers are required to conduct onsite inspections of all locations that are included as part of the operation for which certification is requested.*

2016 Corrective Action: Kiwa-BCS revised and submitted their inspection program procedure to require its inspectors to visit all parts of an organic operation including offices (see attached inspection program D-EN_09-005_InspProg). Kiwa-BCS informed the concerned inspector about this procedure. BCS will distribute the revised documents to each inspector. The modified procedures will be explained in their online training tool and training will be verified using BCS’ training documentation.

Verification of Corrective Action: This operation’s annual update is due September 2017 and has not been inspected since 2016, therefore the audit was not able to verify this particular operation. In addition, during the review of certification files, farm inspections of large field crop operations lacked thoroughness and completeness. One inspection lasted 3 hours for over 12,000 hectares. Inspector noted inspecting each field in this 12,000 hectare operation as well as reviewing soil management, seeds, records, production and yield, and all other aspects of the Organic System Plan. Another inspection lasted 3 hours for a 7900 hectare operation. It is not feasible that the inspector inspected all of the fields and the operation’s organic system plan within these time periods. The inspection report indicated that all fields were inspected. The inspection report did not accurately reflect the actual inspection activities.

Noncompliances Identified during the Current Assessment

NP7171PZA.NC1 – 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *When an operation does not respond to Kiwa-BCS' request to submit their annual update for certification, Kiwa-BCS issues a notice to the operation cancelling the certification contract rather than issuing a notice of noncompliance.*

NP7171PZA.NC2 – 7 C.F.R. §205.405(d) states, “A notice of denial of certification must state the reason(s) for denial and the applicant's right to: Reapply for certification pursuant to §§205.401 and 205.405(e); Request mediation pursuant to §205.663 or, if applicable, pursuant to a State organic program; or File an appeal of the denial of certification pursuant to §205.681 or, if applicable, pursuant to a State organic program.”

Comments: *Notices of Denial reviewed during the audit did not include notification to the operation that their certification is being denied, nor does the notice include the option to file an appeal with the NOP.*

NP7171PZA.NC3 - 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: A description of each noncompliance; The facts upon which the notification of noncompliance is based; and The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.”

Comments: *The auditor identified the following issues:*

- 1. Notices of Noncompliance do not include the option for rebuttal.*
- 2. Following a residue detection above 5% of EPA tolerance level, Kiwa-BCS issued the operation a Notification of Decision on Noncompliance and provided mediation and appeal rights. This notice does not follow NOP compliance procedures. It appears to be a combined notice of noncompliance and proposed suspension. It does not state the section of the regulation that is noncompliant; provide deadlines for when a mediation request must be received; or provide information about where to appeal. The notice states that this is a final certification decision without appeal options.*

NP7171PZA.NC4 - 7 C.F.R. §205.662(c)(1-4) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.... The notification of proposed suspension or revocation of certification shall state: The reasons for the proposed suspension or revocation; The proposed effective date of such suspension or revocation; The impact of a suspension 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.”

Comments: *Kiwa-BCS accepted corrective actions from an operation after issuing a Notice of Proposed Suspension, and sent a Notice of Resolution to the operation upon accepting the corrective actions.*

NP7171PZA.NC5 – 7 C.F.R. §205.663 states, “Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent.

Comments: *One case reviewed where a Notice of Proposed Revocation was issued, the certifier and operation participated in an informal mediation. The mediation, however, was not requested in writing and an agreement was not signed by both parties.*

NP7171PZA.NC6 – 7 C.F.R. §205.501(a)(13) “A private or governmental entity accredited as a certifying agent under this subpart must: Accept the certification decisions made by another certifying agent accredited or accepted by USDA pursuant to §205.500.”

Comments: *Kiwa-BCS issued a Notice of Proposed Revocation to an operation that had already been suspended by another certifier. Once an operation has been suspended by one certifier, that operation should not be given the opportunity to appeal or request mediation because they are no longer certified.*

NP7171PZA.NC7 – 7 C.F.R. §205.401(a) states, “A person seeking certification of a production or handling operation under this subpart must submit an application for certification to a certifying agent. The application must include the following information: An organic production and handling system plan, as required in §205.200;... ” NOP 2615 provides details of how producers and handlers can comply with these requirements. Organic System Plan (OSP) templates are available in the NOP Handbook. NOP 2602 provides details on recordkeeping requirements. NOP has provided training on Organic Integrity in the Supply Chain that explains requirements for verifying OSPs are sufficient to verify organic products received by handling operations.

Comments: *Organic System Plans (OSPs) reviewed provided insufficient detail and did not address all OSP requirements. Producer OSPs did not provide sufficient details of the location of fields, buffer zones, and surrounding land use. Both producer and handler OSPs did not include information on monitoring practices and procedures; and sufficient descriptions of the recordkeeping system to comply with requirements in 205.103 which include a recordkeeping system in sufficient detail that can be readily understood and audited.*

NP7171PZA.NC8 – 7 C.F.R. §205.501(a)(18) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and of any requirements for the correction of minor noncompliances;...”

Comments: *Kiwa-BCS is not notifying inspectors of its decision regarding certification of the operations inspected and any requirements for the correction of minor noncompliances.*

NP7171PZA.NC9 – 7 C.F.R. 205.403(c)(1-3) 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; That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples. NOP 2601 provides details on the organic certification process including expectations on the inspection process conducted by the certifier.

Comments: *Inspection reports reviewed by the auditor indicate insufficient inspection time to verify the operation's compliance or ability to comply with the USDA organic regulations. Report inspection duration indicated 3 hour inspections for handling operations with multiple suppliers, multiple products, and hundreds of transactions involving cross-border transportation. Inspection duration for large production operations were insufficient to verify compliance.*

NP7171PZA.NC10 – 7 C.F.R. §205.404(a)(3) states, “Within a reasonable time after completion of the initial on-site inspection, a certifying agent must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, the agent shall grant certification. The certification may include requirements for the correction of minor noncompliances within a specified time period as a condition of continued certification.” 7 C.F.R. §205.501(a)(3) states, “A private or government entity accredited as a certifying agent under this subpart must:...Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670;...”

Comments: *Inspection reports do not provide sufficient information to determine whether the inspector verified the operation's compliance or capacity to comply, or that the OSP was implemented. The inspection reports do not include information on what records were reviewed, whether a trace-back audit was conducted, if a trace-back audit was conducted, and what products were audited. There are no details on whether a mass-balance audit was conducted or how the inspector conducted the mass-balance audit. Personnel responsible for reviewing inspection reports and OSPs for compliance do not have sufficient information to determine if the inspections were thorough and complete to verify on the information in the inspection reports. The lack of information does not enable the certifier to determine if inspection was thoroughly carried out to verify that the Organic System Plan was implemented and the operation was in compliance with USDA organic regulations. Inspection reports indicated 2 hour inspection of complex handling facility and did not provide any details on what records were reviewed during the on-site inspection.*

NP7171PZA.NC11 – 7 C.F.R. §205.501(a)(21) states, “A private or government entity accredited as a certifying agent under this subpart must:…Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 4009 states, “...an uncertified operation may not produce or process, on its own land or premises, agricultural products to be sold, labeled, or represented as organic on behalf of a certified operation.”

Comments: *Sub-contracted operations are not required to be independently certified by Kiwa-BCS. Kiwa-BCS includes subcontracted operations in the overall structure of the project’s certification. These subcontracted operations are required to be certified because they are producing or handling agricultural products that are intended to be sold, labeled, or represented as organic.*

NP7171PZA.NC12 – 7 C.F.R. §205.402(b)(3) states, “The certifying agent shall within a reasonable time:…Provide the applicant with a copy of the test results for any samples taken by an inspector.”

Comments: *Sample results are not provided to operations when no residues are detected.*

NP7171PZA.NC13 - 7 CFR § 205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.”

Comments: *The auditor reviewed two wine labels certified in the category of “made with organic (specified ingredients or food groups)”. One wine labels includes “organic wine” on the principle display panel and the other label includes “Organically Grown Grapes” on the principle display panel. Both labels are noncompliant and do not qualify for the “organic” label category.*

NP7171PZA.NC14 – 7 C.F.R. §205.505(a)(6) states, “A private or governmental entity seeking accreditation under this subpart must sign and return a statement of agreement prepared by the Administrator which affirms that, if granted accreditation as a certifying agent under this subpart, the applicant will carry out the provisions of the Act and the regulations in this part, including:…Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.”

Comments: *The Terms of Accreditation signed by Kiwa-BCS require the attendance and satisfactory completion of annual training provided by USDA-NOP. Kiwa-BCS staff have not attended the USDA-NOP annual training since 2010.*

NP7171PZA.NC15 – 7 C.F.R. §205.404(b)(1) states, “The certifying agent must issue a certificate of organic operation which specifies the: Name and address of the certified operation;…”

Comments: *A file reviewed by the auditor included a certificate issued to the operation without the physical location of the certified operation.*

NP7171PZA.NC16 – 7 C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;...”

Comments: *The placement of the “Certified organic by***” statement is beside (rather than below) the information identifying the handler/distributor of the product on two labels reviewed by the auditor and approved by Kiwa-BCS.*

NOTICE OF NONCOMPLIANCE

September 19, 2017

Tobias Fischer
Kiwa BCS Öko-Garantie GmbH
Marientorgraben 3-5
90402 Nürnberg
Fischer@bcs-oeko.de

Dear Mr. Fischer:

In December 2016, the USDA, Agricultural Marketing Service (AMS), National Organic Program (NOP) requested additional compliance measures for organic corn imports. Kiwa-BCS responded to this request on July 14, 2017, and supplied reports from an inspection of Beyaz Agro, which Kiwa-BCS conducted after the NOP revoked the operation's organic certification. We have determined that Kiwa-BCS is noncompliant with the USDA organic regulations, 7 CFR Part 205, as follows:

AIA17256GD.NC1 – 7 CFR §205.662(f)(2) states, “A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation, except, that, the Secretary may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.”

Comments: *On June 28-30, 2017, Kiwa-BCS conducted an inspection of Beyaz Agro in Gaziantep, Turkey. However, the NOP revoked Beyaz Agro's organic certification on June 1, 2017. Beyaz Agro is ineligible to receive USDA organic certification until June 1, 2022. The NOP revoked Beyaz Agro's certification due to the sales of 16,250 metric tons of non-organic, fumigated soybeans as organic in the U.S. Kiwa-BCS therefore conducted an inspection of an operation which was ineligible for organic certification. Kiwa-BCS' inspection report stated that corrections to quality manual documents and staff training were acceptable corrective measures for noncompliances issued by the NOP. However, Kiwa-BCS did not have the authority resolve these noncompliances.*

Kiwa-BCS must submit corrective actions to AIAInbox@ams.usda.gov within 30 days from the date of this Notice. The corrective actions should indicate how each noncompliance will be corrected and how the Kiwa-BCS management system will be modified to prevent a recurrence of the noncompliance. If you wish to rebut the noncompliance, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions. Failure to resolve the noncompliance may result in proposed suspension or revocation of Kiwa-BCS' USDA accreditation.

If you have questions regarding this notice, contact Graham Davis, Accreditation Manager, at Graham.Davis@ams.usda.gov or (202) 692-0047.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney". The signature is written in a cursive, flowing style.

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

cc: Compliance & Enforcement Division

NOTICE OF NONCOMPLIANCE

AUG 04 2017

Julia Winter
Bio.inspecta AG
Ackerstrasse
CH-5070, Frick
Switzerland

Dear Ms. Winter:

On June 19 – 20, 2017, a representative of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed an onsite audit of the Bio.inspecta AG (BIOI) organic certification program as part of its Compliance Assessment. On August 2, 2017, the NOP reviewed the results of the onsite audit to determine BIOI's compliance to the USDA organic regulations. A copy of the assessment report, NP7173MMA, is enclosed for your reference.

As the report indicates, four new noncompliances (NP7173MMA.NC1 through NC4), were identified during the onsite audit. Please submit corrective actions for all noncompliances to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice. All corrective actions must indicate how the noncompliances will be corrected and how the BIOI management system will be modified to prevent a recurrence of the noncompliances. If you wish to rebut any noncompliances, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions on how to respond to noncompliances. Failure to promptly resolve noncompliances may result in proposed suspension or revocation of BIOI's USDA accreditation.

If you have questions regarding this notice, please contact, Rebecca Claypool, Accreditation Manager, at Rebecca.E.Claypool@ams.usda.gov or (202) 350-5706.

Sincerely,



Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: Noncompliance Report

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a compliance audit of Bio.inspecta AG (BIOI). An onsite audit was conducted, and the audit report reviewed to determine BIOI's compliance with the USDA organic regulations.

GENERAL INFORMATION

Applicant Name	Bio.inspecta AG (BIOI)
Physical Address	Ackerstrasse, CH-5070, Frick, Switzerland
Mailing Address	Ackerstrasse, CH-5070, Frick, Switzerland
Contact & Title	Julia Winter, NOP Managere
E-mail Address	Julia.winter@bio-inspecta.ch
Phone Number	0041 62 865 63 15
Reviewer & Auditor	Rebecca Claypool, NOP Reviewer; Miles McEvoy, On-site Auditor.
Program	USDA National Organic Program (NOP)
Review & Audit Dates	NOP assessment review: August 2, 2017 Onsite audit: June 19-20, 2017
Audit Identifier	NP7173MMA
Action Required	Yes
Audit & Review Type	Compliance Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BIOI's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	BIOI's certification services in carrying out the audit criteria during the period: June 2016 through June 2017

Bio.inspecta AG (BIOI) is a private for-profit corporation, which was initially accredited as a USDA National Organic Program (NOP) certifying agent on April 15, 2004 for the scopes of crops, wild crops, livestock and handling. The main office is in Frick, Switzerland (Bio.inspecta AG) and a satellite office is located in Izmir, Turkey (Bio.inspecta Ltd). BIOI certifies operations in Switzerland, Albania, Bulgaria, Germany, Hungary, Iran, Kazakhstan, Romania, Russian Federation, Tanzania, Turkey, Ukraine, and United Arab Emirates.

The NOP conducted an onsite compliance audit of BIOI's main office in Frick, Switzerland. The purpose of the audit was to review BIOI certification of organic corn and soy production and handling in Eastern Europe and Central Asia.

NOP DETERMINATION

The NOP reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to BIOI.

Noncompliances from Prior Assessments - *Not reviewed during this audit.*

Noncompliances Identified during the Current Assessment

NP7173MVA.NC1 – 7 C.F.R. §205.403(a)(1) states, “A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.”

Comments: *BIOI does not inspect all fields or production units of their certified operations each year. The BIOI Inspection Manual (24_003EN) section 3.2 states that for risk countries and large operators (>5000 hectares) the inspector must inspect at least one third of all fields. Two thirds of an operation’s fields may not be inspected annually.*

NP7173MVA.NC2 – 7 C.F.R. §205.662(a) – (e) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation...”

Comments: *BIOI did not follow the noncompliance procedures required in §205.662 when cancelling the certification of an operation that was not complying with the requirement to permit on-site inspections. BIOI issued a notice cancelling the operation’s certification without first issuing the operation a Notice of Noncompliance and a Notice of Proposed Suspension (or Revocation). As a result, the operation was not provided with an opportunity to respond to the noncompliance or appeal the proposed adverse action.*

NP7173MVA.NC3 – 7 C.F.R. §205.501(a)(6) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services”

Comments: *The 2016 evaluation of a certification staff member indicated deficiencies in performance, specifically around the accuracy and completeness of the review and evaluation of certification documents. BIOI did not implement measures to correct the deficiencies identified in the 2016 evaluation.*

NP7173MVA.NC4 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 4009

Who Needs to be Certified? states in section 3, “When organically producing or handling agricultural products, a certified operation may not: Allow an uncertified operation to produce or handle agricultural products, under contract or other arrangement, on the uncertified operation’s land or premises (i.e., at units, facilities, or sites not explicitly subject to inspection or compliance action by the NOP or a certifying agent).”

Comments: *A file reviewed by the auditor listed four operations in the organic system plan that appeared to be separate operations. BIOI did not require the four operations to be independently certified even though they appeared to need organic certification in order to comply with the USDA organic regulations.*



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

NOTICE OF NONCOMPLIANCE

August 31, 2017

Julia Winter
Bio.inspecta AG
Ackerstrasse, CH-5070
Frick, Switzerland

Dear Ms. Winter:

On July 21, 2017, representatives of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed an onsite audit of the Bio.inspecta AG's (BIOI) satellite office in Turkey. On August 31, 2017, the NOP reviewed the results of the onsite audit to determine BIOI's compliance to the USDA organic regulations. A copy of the assessment report, NP7201LCA, is enclosed for your reference.

As the report indicates, three new noncompliances (NP7201LCA.NC1-NC3), were identified during the onsite audit. Please submit corrective actions for the noncompliances to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice. All corrective actions must indicate how the noncompliance will be corrected and how the BIOI management system will be modified to prevent a recurrence of the noncompliance. If you wish to rebut any noncompliances, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions on how to respond to noncompliances. Failure to promptly resolve noncompliances may result in proposed suspension or revocation of BIOI's USDA accreditation.

If you have questions regarding this notice, please contact, Penny Zuck, Accreditation Manager, at (202) 260-9444 or Penelope.zuck@ams.usda.gov.

Sincerely,

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: NP7201LCA NC Report

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An onsite audit of Bio.inspecta AG's satellite office in Turkey was conducted on July 20-21, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess Bio.inspecta AG's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Name	Bio.inspecta Kontrol ve Sertifikasyon Ltd.
Physical Address	Mansuroğlu Mah. 284/1 sok. No:11 D:11-12 Bayraklı / İzmir / Turkey
Mailing Address	Mansuroğlu Mah. 284/1 sok. No:11 D:11-12 Bayraklı / İzmir / Turkey
Contact & Title	(Ms.) Emel F.T.Erkan, Head of Turkish Branch and Certifier
E-mail Address	emel.erkana@bio-inspecta.com
Phone Number	+90 232 347 4868 (Turkey)
Reviewer & Auditors	Penny Zuck, NOP Reviewer; Lars Crail and Mark Bradley, Onsite Auditors
Program	USDA National Organic Program (NOP)
Review & Audit Dates	NOP assessment review: August 31, 2017 Onsite audit: July 20-21, 2017
Audit Identifier	NP7201LCA
Action Required	Yes
Audit & Review Type	Satellite Office Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of CUC's certification
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	BIOI's certification services in carrying out the audit criteria.

The NOP conducted an onsite audit of Bio.inspecta Kontrol ve Sertifikasyon Ltd. (BIOI Turkey), BIOI's satellite office in Izmir, Turkey. BIOI Turkey office conducts all key activities with oversight from BIOI's main office in Switzerland.

The auditors reviewed the office's accreditation and certification activities through file review and personnel interviews. No witness or review audits were conducted by NOP during the satellite office audit.

BIOI opened a branch office in Turkey in 2010. In 2015, BIOI Turkey was authorized by BIOI to conduct all NOP key activities. BIOI Turkey manages certification activities in the following countries: Turkey, Kazakhstan, and Lebanon. BIOI Turkey manages 64 certified operation with the following scopes: Crops (23), Wild Crops (13), and Handlers (32). BIOI Turkey certifies 27 grower groups.

Nine individuals work at or from the BIOI Turkey office. There is one Head of Turkish Branch/Certifier, one Administrative Staff, one additional Certifier (i.e. reviewer/decision maker), and six staff inspectors. BIOI Turkey also offers certification services for the European Union organic regulations, Turkey organic regulations; BioSuisse, Demeter, UTZ, Krav, and Naturland.

NOP DETERMINATION

The NOP reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to BIOI.

Noncompliances Identified during the Current Assessment

NP7201LCA.F1 - 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 5031 Certification Requirements for Handling Unpackaged Organic Products, Section 4.3, states, “An operation that handles unpackaged organic products (other than transporting), and is not an exempt or excluded handling operation, must be certified.”

Comments: *BIOI Turkey is not requiring handlers of unpackaged organic grain products operating in the supply chain to be certified. Cargo loading companies are transferring unpackaged grain from truck or train bulk containers to shipping vessel cargo hulls.*

NP7201LCA.F2 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2601, The Organic Certification Process, Section 3.4, states that inspectors are to verify compliance through records and reconciliation of the volume of products produced and/or handled.

Comments: *BIOI Turkey inspectors do not consistently record traceability and quantitative (i.e. mass-balance) activities on inspection reports. Inspection reports describe traceability and quantitative activities (such as specific lot, quantity, time frame, etc.) only when the operation is identified as risky. Otherwise, inspectors record only the outcome of these activities and not the specific records reviewed and inventories observed.*

NP7201LCA.F3 - 7 C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and

implement the organic certification program established under the Act and the regulations in subpart E of this part;”

Comments: *The auditors observed the following situations that indicated BIOI Turkey staff did not have sufficient knowledge and understanding of the USDA organic regulations and NOP policies:*

- *Two of three retail labels reviewed by the auditor were noncompliant, and the certifier identified the labels as compliant.*
- *One Certifier had difficulty identifying the restrictions for using citric acid in processed products (i.e. produced by microbial fermentation of carbohydrate substances).*

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite audit of Bio.inspecta AG's satellite office in Turkey was conducted on July 20-21, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess Bio.inspecta AG's compliance to the USDA organic regulations. Bio.inspecta AG submitted corrective actions and this report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Bio.inspecta Kontrol ve Sertifikasyon Ltd.
Physical Address	Mansuroğlu Mah. 284/1 sok. No:11 D:11-12 Bayraklı / İzmir / Turkey
Mailing Address	Mansuroğlu Mah. 284/1 sok. No:11 D:11-12 Bayraklı / İzmir / Turkey
Contact & Title	(Ms.) Emel F.T.Erkan, Head of Turkish Branch and Certifier
E-mail Address	emel.erkana@bio-inspecta.com
Phone Number	+90 232 347 4868 (Turkey)
Reviewer(s) & Auditor(s)	Penny Zuck, NOP Reviewer; Lars Crail and Mark Bradley, Onsite Auditors.
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective action review: January 4, 2018 NOP assessment review: August 31, 2017 Onsite audit: July 20-21, 2017
Audit Identifier	NP7201LCA
Action Required	None
Audit & Review Type	Satellite Office Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BIOI's certification system.
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	BIOI's certification services in carrying out the audit criteria.

The National Organic Program (NOP) conducted an onsite audit of Bio.inspecta AG's (BIOI) satellite office (BIO Turkey) in Izmir, Turkey. BIOI Turkey conducts all key activities with oversight from BIOI's main office in Switzerland.

The auditors reviewed the office's accreditation and certification activities through file review and personnel interviews. No witness or review audits were conducted by NOP during the satellite office audit.

BIOI opened a branch office in Turkey in 2010. In 2015, BIOI Turkey was authorized by BIOI to conduct all NOP key activities. BIOI Turkey manages certification activities in the following countries: Turkey, Kazakhstan, and Lebanon. BIOI Turkey manages 64 certified operation with the following scopes: Crops (23), Wild Crops (13), and Handlers (32). BIOI Turkey certifies 27 grower groups.

Nine individuals work at or from the BIOI Turkey office. There is one Head of Turkish Branch/Certifier, one Administrative Staff, one additional Certifier (i.e. reviewer/decision maker), and six staff inspectors. BIOI Turkey also offers certification services for the European Union organic regulations, Turkey organic regulations; BioSuisse, Demeter, UTZ, Krav, and Naturland.

NOP DETERMINATION:

NOP reviewed corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit.

Non-compliances Identified during the Current Assessment

Any noncompliance labeled as “**Accepted**,” indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP7201LCA.NC1 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 5031 Certification Requirements for Handling Unpackaged Organic Products, Section 4.3, states, “An operation that handles unpackaged organic products (other than transporting), and is not an exempt or excluded handling operation, must be certified.”

Comments: *BIOI Turkey is not requiring handlers of unpackaged organic grain products operating in the supply chain to be certified. Cargo loading companies are transferring unpackaged grain from truck or train bulk containers to shipping vessel cargo hulls.*

Corrective Action: BIOI notified operations, inspectors, and certifiers of the requirement for handlers of unpackaged organic grain products to be certified and of the additional directive from the NOP on testing of grain shipments. BIOI has revised the organic handling plan to request information regarding handling of unpackaged organic products. BIOI will conduct training for inspectors and certifiers on this issue in early 2018. This will be a focus during the 2018 audit season and a question will be included in the NOP audit checklist.

NP7201LCA.NC2 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2601, The Organic Certification Process, Section 3.4, states that inspectors are to verify compliance through records and reconciliation of the volume of products produced and/or handled.

Comments: *BIOI Turkey inspectors do not consistently record traceability and quantitative (i.e. mass-balance) activities on inspection reports. Inspection reports describe traceability and quantitative activities (such as specific lot, quantity, time frame, etc.) only when the operation is identified as risky. Otherwise, inspectors record only the outcome of these activities and not the specific records reviewed and inventories observed.*

Corrective Action: BIOI developed traceability/flow of goods forms to be completed by the inspector. BIOI Turkey and Switzerland offices have already implemented the forms. BIOI notified inspectors these forms must be used during each inspections for all operations. BIOI plans to expand the questions for flow of goods and traceability on the 2018 NOP audit checklists to require the inspectors to document which records are checked during the audit.

NP7201LCA.NC3 – Accepted. 7 C.F.R. §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:… Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part; …”

Comments: *The auditors observed the following situations that indicated BIOI Turkey staff did not have sufficient knowledge and understanding of the USDA organic regulations and NOP policies:*

- *Two of three retail labels reviewed by the auditor were noncompliant, and the certifier identified the labels as compliant.*
- *One Certifier had difficulty identifying the restrictions for using citric acid in processed products (i.e. produced by microbial fermentation of carbohydrate substances).*

Corrective Action: BIOI conducted training for all certifiers in Turkey on the labeling requirements and the inputs for processed products. BIOI created a checklist for label approval and includes a reminder of the BIOI guidelines as a resource for labelling. BIOI plans to train all certifiers again on this issue in early 2018.



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

NOTICE OF NONCOMPLIANCE RESOLUTION

January 16, 2018

Julia Winter
Bio.inspecta AG
Ackerstrasse
CH-5070
Frick, Switzerland

Dear Ms. Winter:

The United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) has completed a Compliance Assessment of the Bio.inspecta AG (BIOI) organic certification program.

Enclosed for your review is the assessment report (NP7173MMA), which indicates that four noncompliances were identified. Corrective actions submitted in response to these noncompliances (NP7173MMA.NC1–NC4) are accepted. The implementation and effectiveness of the corrective actions will be verified during your next on-site assessment.

Thank you for representing the USDA as an accredited certifying agent. If you have any questions, please contact Rebecca Claypool, Accreditation Manager, at (202) 440-1999 or Rebecca.E.Claypool@ams.usda.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney". The signature is written in a cursive, flowing style.

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: Corrective Action Report

cc: AIA Inbox

NOTICE OF NONCOMPLIANCE RESOLUTION

January 19, 2018

Julia Winter
Bio.inspecta AG
Ackerstrasse
Ch-5070 Frick
Switzerland

Dear Ms. Winter:

On July 20-21, 2017, a representative of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed a Satellite Office Audit of the Bio.inspecta Kontrol ve Sertifikasyon Ltd. located in Izmir, Turkey to assess the organic certification program. The objective of the audit was to determine Bio.inspecta AG (BIOI)'s compliance to the USDA organic regulations as an accredited certifying agent conducting certification activities at the office location in Izmir, Turkey. A copy of the auditor's report, NP7201LCA, is enclosed for your reference. As the report indicates, three noncompliances (NP7201LCA.NC1 through NC3) were identified during the audit.

BIOI submitted corrective actions to the NOP on September 29, 2017. The proposed corrective actions demonstrated how existing noncompliances were remedied and also indicated how the BIOI's quality management system will be modified to prevent future noncompliances. The corrective actions adequately address the noncompliances, as described in the attached Corrective Action Report. The corrective actions will be verified during your next site evaluation assessment.

If you have questions regarding this notice, please contact Penny Zuck, Accreditation Manager, at (202) 260-9444 or Penelope.zuck@ams.usda.gov.

Sincerely,



Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: Corrective Action Report

cc: AIA Inbox

AUG 18 2017

NOTICE OF NONCOMPLIANCE

August 17, 2017

Mr. Mitch Yergert
Colorado Department of Agriculture
305 Interlocken Parkway
Broomfield, Colorado 80021

Sent via registered e-mail: Mitchell.yergert@state.co.us

Dear Mr. Yergert,

On August 16, 2017, the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) completed its review of an appeal submitted by Berry Patch Farms, LLC, in response to a January 27, 2017 combined Notice of Noncompliance and Proposed Suspension issued by Colorado Department of Agriculture (CDA). Our review indicates that CDA had insufficient evidence to justify issuing this Notice. As a result, NOP is issuing the following noncompliance.

AIA17228GD.NC1 – 7 CFR § 205.662(a)(2) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: The facts upon which the notification of noncompliance is based.”

2017 Comments: *CDA incorrectly issued a combined notice of noncompliance and proposed suspension for correctable noncompliances. This prevented the operation from having the option to rebut or correct the noncompliances.*

1. *A CDA inspector reported that 3 fields, identified as #13, #14, and #15, were listed in Berry Patch Farms' organic system plan. These fields were managed by independent operator(s) with no management oversight by Berry Patch Farms.*
2. *The combined notice of noncompliance and proposed suspension stated that Berry Patch Farms was not able to provide the inspector documentation related to these 3 fields, and specifically did not have documentation available such as seeds used, non-GMO statements, and other information. Berry Patch stated that all three field operators were present during the inspection and did provide the information requested by the inspector.*
3. *CDA states in the combined notice, “Except for operations exempt or excluded in § 205.101, each production or handling operation or specified portion of a production or handling operation that produces or handles crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as “100 percent organic”, “organic”, or “made with organic” must be certified according to the*

provisions of subpart E of the part and must meet all other applicable requirements of this part." Berry Patch Farms confirmed that no crops were labeled or sold as organic from Field #13, a total of 7 bunches of lavender stems were sold for \$60 (total) from field #14, and zero crops were planted or harvested from field #15.

CDA must submit corrective actions to AIAInbox@ams.usda.gov within 30 days from the date of this Notice. The corrective actions should indicate how the noncompliance will be corrected and how the CDA management system will be modified to prevent a reoccurrence of the noncompliance. If you wish to rebut the noncompliance, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Additionally, CDA must withdraw the January 27, 2017 Notice of Noncompliance and Notice of Proposed Suspension that was issued to Berry Patch Farms. CDA may issue a Notice of Noncompliance for the findings that prompted the combined notice. Please provide a copy of the withdrawal notice with the corrective actions.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instruction. Failure to resolve this noncompliance may result in proposed suspension or revocation of CDA's USDA accreditation.

If you have questions regarding this notice, please contact your Accreditation Manager, Graham Davis, at Graham.Davis@ams.usda.gov or (202) 692-0047.

Sincerely,



Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of the Colorado Department of Agriculture organic program was conducted on August 7 - 11, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess the Colorado Department of Agriculture's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Colorado Department of Agriculture (CDA)
Physical Address	305 Interlocken Parkwy, Broomfield, CO 80021
Mailing Address	305 Interlocken Parkwy, Broomfield, CO 80021
Contact & Title	Mitch Yergert, Director, Division of Plant Industry
E-mail Address	Mitchell.yergert@state.co.us
Phone Number	303.869.9074
Reviewer & Auditors	Rebecca Claypool, NOP Reviewer; Penny Zuck and Graham Davis, Onsite Auditor(s).
Program	USDA National Organic Program (NOP)
Review & Audit Dates	NOP assessment review: August 23, 2017 Onsite audit: August 7-11, 2017
Audit Identifier	NP7219PZA
Action Required	Yes
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of CDA's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	CDA's certification services in carrying out the audit criteria during the period: June 2015 through August 2017

The Colorado Department of Agriculture (CDA) organic program is a state government certification program based in Broomfield, CO. CDA was initially accredited as a certifying agent by the USDA National Organic Program (NOP) on October 15, 2002.

At the time of the assessment, CDA certified 206 operations in Colorado: crops (136), wild crops (1), livestock (11), and handling (93). CDA is not currently accepting new clients for certification due to a moratorium imposed by the Colorado legislature. The moratorium was imposed because the legislature determined that the organic program resources (staffing) was at maximum capacity given its current client numbers and budget. There are no satellite offices, although staff inspectors (12) are distributed throughout the state and perform inspections for multiple CDA programs. The CDA organic program is administered by the Organic Program

Manager with the assistance of an Organic Certification Specialist. The program is overseen by the Division Director of the CDA.

The assessment included three witness audits – one Crops and Handling operation in Greeley, CO; one Crops, Livestock, and Handling operation in Fort Lupton, CO; and one Processing/Handling operation in Longmont, CO.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether CDA corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to CDA.

Noncompliances from Prior Assessments

Any noncompliance labeled as “**Cleared**,” indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as “**Outstanding**” indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance.

NP5159RKA.NC1 – Cleared. 7 C.F.R. §205.501(a)(21), states that certifiers must “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2613, Responding to Results from Pesticide Residue Testing, Section 5.3.1.a.2 instructs certifiers that when the pesticide test analysis results indicate detection below 5 percent of the EPA tolerance, but above .01 ppm, they are required to assess why the residue is present.

2015 Comments: *The certifier correctly issued a letter to an operation to investigate the source of contamination (Chlorpropham .592 mg/g) including a date by which the operation was to respond. The operation did not respond by the specified date and the certifier did not conduct a follow up. Therefore, the certifier was unable to assess why the residue was present and to determine if a noncompliance should be issued to the operation.*

2015 Corrective Action: CDA updated their Organic Policy and Procedure Manual regarding procedures when residue tests show positive results below 5% of the EPA tolerance. CDA will issue a notice of noncompliance to operations that do not respond to their letter of investigation within the time period stated in the letter. A notice of noncompliance was sent to the operation regarding no response to the letter investigating the source of the contamination.

2017 Verification of Corrective Action: A review of CDA’s Policy and Procedures Manual includes the revised procedure. A sample taken in 2016 tested positive for a prohibited substance below the 5% EPA tolerance level. The operation was contacted by CDA and issued a Notice of Noncompliance. The operation responded to the notice and was issued a Notice of Noncompliance Resolution by CDA. No other samples tested positive in 2016.

NP5159RKA.NC2 – Cleared. 7 C.F.R. §205.501(a)(21), states that certifiers must “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 4009, “Who Needs to be Certified?” provides clarification to certifiers regarding the certification requirements for operations that produce or handle agricultural products to be sold, labeled or represented as organic.

2015 Comments: *During the witness audit of a fruit producer, the auditor identified that one of the apple orchards listed in the operation’s OSP should be considered a separate certified entity. Under the current arrangement between the orchard owner and the certified operation, the orchard owner is under contract to sell his harvested fruit to the certified operation, but the certified operation does not manage the orchard (i.e. conduct cultural practices, pay labor, etc.), does not purchase and apply inputs, and does not maintain all the records that demonstrate compliance to the regulations.*

2015 Corrective Action: CDA issued a notice of noncompliance to the fruit producer, identifying that contracted farming operations are not allowed to be certified under another entity's certificate. CDA provided training for inspectors on June 26, 2015, regarding NOP Instruction 4009 and a Training Attendance sign-in sheet was submitted.

2017 Verification of Corrective Action: The contracted producer applied for certification and was denied by CDA. The denial was reviewed by the auditor and was issued in compliance with the USDA organic regulations. There are no other occurrences of contracted operations being certified under another entity’s certification.

NP5159RKA.NC3 – Cleared. 7 C.F.R. §205.403(c)(1) states that, “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...”

2015 Comments: *During a witness audit, the inspector did not fully verify whether the contracted or rented fields in the operator’s OSP were under the control (management) of the certified operation.*

2015 Corrective Action: A new inspection report cover sheet was created to be used in conjunction with new OSP module system being developed. Included in the cover sheet is a question specifically requesting information regarding control/management of rented portions of the certified operation. CDA trained inspectors on April 7, 2016, regarding use of new inspection forms and the cover letter.

2017 Verification of Corrective Action: Through file reviews and witness audits the auditor verified that the revised inspection cover sheet is being used to verify who controls/manages rented portions of a certified operation.

NP5159RKA.NC4 – Cleared - 7 C.F.R. §205.403(d) states that during an exit interview, “the inspector must...address...any issues of concern.”

2015 Comments: *During a witness audit of a split and parallel operation, the inspector did not identify as an issue of concern the lack of adequate controls to prevent contamination of products or fields. The storage of pesticides and fertilizers did not have a clear separation of approved and unapproved input materials. Input materials were located at spray rig filling stations in drums that were unlabeled. Brand names and sources are not listed on the OSP Input List; instead, some materials are listed with a generic identification: e.g. garlic oil, manganese, iron, sodium bicarbonate.*

2015 Corrective Action: CDA updated the Crop OSP Module 10 Soil.Fertility Inputs and Module 12 Weed.Pest.Disease Inputs to require the operation to include product names and manufacturers, to ensure full information (rather than just generic names) are included in the OSP. CDA also provided training on June 26, 2015, to inspectors regarding identifying issues of concern during inspections.

2017 Verification of Corrective Action: The witness audit of an inspection of a parallel operation verified the proper use of the revised OSP modules.

NP5159RKA.NC5 – Cleared. 7 C.F.R. §205.402(a)(2) states that “Upon acceptance of an application for certification, a certifying agent must... Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part...”

2015 Comments: *The certifier approved a “Made with Organic ***” granola cereal label that displayed the word “organic” on the front panel with no “Made with Organic” phrase.*

2015 Corrective Action: CDA issued a notice of noncompliance to the operation for the noncompliant cereal label. CDA updated the Organic System Plan Review Procedures Rev B 6.7 manual stating that the CDA logo, and USDA seal may not be used on the label of products certified to the “Made with Organic ***” labeling category. Training on label review is planned for June 17, 2016.

2017 Verification of Corrective Action: “Made with Organic***” labels reviewed by the auditor were in compliance with the regulations. The auditor verified the training records for label review training that took place in June 2016.

NP5159RKA.NC6 – Cleared. 7 CFR §205.403(e)(1) states that “At the time of the inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector.”

2015 Comments: *During a witness audit, a pesticide residue sample was obtained and proper sampling procedures were followed, with the exception that the operator was not provided a receipt.*

2015 Corrective Action: CDA updated the Sampling Form to clearly indicate that the pink sheet stays with the operation when samples are taken to serve as a receipt. Training was conducted on June 26, 2015, for all organic inspectors. The proper use of sampling forms, including leaving a copy with the operation as a receipt, was presented during the training.

2017 Verification of Corrective Action: During a witness audit, the auditor verified two samples were obtained and receipts were given to the operator. The chain of custody form is now being used as the receipt. The inspector prints a copy of the form and provides the copy to the operation as the receipt.

NP1595RKA.NC7 – Cleared. 7 CFR §205.662(c) states, “Proposed suspension or revocation. The notification of a proposed suspension...shall state: (3) The impact of a suspension...”

2015 Comments: *The auditor reviewed three letters of Notice of Proposed Suspension (NoPS) issued to clients. Two of the three letters issued do not explain the impact of the NoPS as stated in 205.100(a) “each production or handling operation...that produces or handles crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified*

ingredients or food group(s))” must be certified...” The auditor noted a discrepancy between the letters issued to clients and the CDA NoPS template, which actually does include language stating that “the operation will be unable to sell, or label its product as organic.”

2015 Corrective Action: The notice of proposed suspension and combined notice of noncompliance and proposed suspension letter templates were updated to specifically state the impact of suspension. CDA created a document control system to ensure only the most current version of documents and letter templates are used in the future. Inspectors were trained on document control during the April 7, 2016 training.

2017 Verification of Corrective Action: The auditor verified the document control system being used is located on the shared server. Older versions of the documents are archived. The current Notice of Proposed Suspension template includes the impact of suspension.

NP1595RKA.NC8 – Cleared. 7 CFR §205.510(b)(2) states, “Records created by the certifying agent regarding applicants for certification and certified operations must be maintained for not less than 10 years beyond their creation.”

2015 Comments: *In at least 3 files that were reviewed, the records of registered e-mails sent to the clients were not available during the audit. Currently, CDA sends registered e-mails from individual employee accounts and the delivery receipt required per 7 CFR §205.660(d) is not always retained (either electronically or as a hard copy).*

2015 Corrective Action: CDA adjusted the Policy and Procedures Manual to clearly outline the current process for issuance of notices, and created a new requirement to save the documentation that the noncompliance was received by the operation. A copy of the documentation is saved electronically in the operation’s Company Specific Information folder in the shared organic folder on the CDA server. Training was provided to the Program Manager and Certification Specialist on May 19, 2016.

2017 Verification of Corrective Action: The auditor verified electronic copies of receipts are saved in the operation’s files on the server.

AIA16120RK.NC2 – Cleared. 7 CFR § 205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Carry out the provisions of the Act and the regulations in this part, including the provisions of §§205.402 through 205.406 and §205.670.”

- **2016 Comments:** *CDA did not conduct adequate surveillance of a crop operation including its website to ensure compliance with the USDA organic regulations. The following issues were identified: CDA did not issue a noncompliance to the operation for its use of the word “organic” in the company name and labels on uncertified products.*
- *CDA did not issue a noncompliance to the operation for use of the USDA seal on the website pages advertising uncertified products.*

2016 Corrective Actions: CDA has updated the Organic System Plan to specifically request website URL's from certified operations. All review personnel have been trained to review an operation’s website for compliance with the USDA organic regulations, including organic marketing claims, use of the USDA organic seal, and the use of trade names with the word “organic” in them. CDA provided verification of staff training on these topics.

2017 Verification of Corrective Action: The auditor verified the revised organic system plan is currently being used. Certification staff review operator websites as part of the initial review of the organic system plan for compliance with the USDA organic regulations

Noncompliances Identified during the Current Assessment

NP7219PZA.NC1 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” The NOP website provides instructions and the terms of international trade arrangements.

Comments: *CDA’s Organic System Plans do not include questions about exporting, importing, or participation in trade arrangements. The Organic System Plan module 1 only includes the following question, “Through what avenues does the operation sell or otherwise market their products? Mark all that apply...Exporting (where?)”.*

NP7219PZA.NC2 - 7 C.F.R. §205.403 (c)(1) and (2) states, “The on-site inspection of an operation must verify: The operation’s compliance or capability to comply with the Act and the regulations of this part;... That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.”

Comments: *During witness inspections and interviews with staff, the following verification issues were identified:*

- *Inspector did not verify labels on-site were the same as the labels in the approved organic system plan.*
- *Operator indicated cleaning logs were kept for truck and equipment clean-outs, however inspector did not verify the record-keeping by reviewing the logs.*
- *Pest management company service logs and/or invoices were not reviewed by the inspector to verify no prohibited materials were used in the facility.*
- *Inspectors did not verify compliance of imported and exported products or ingredients purchased and handled by certified operations. Inspection report documents do not require inspectors to record compliance verification of internationally traded products.*

NP7219PZA.NC3 - 7 C.F.R. §205.663 states, “Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent....”

Comments: *CDA does not have mediation procedures.*

NP7219PZA.NC4 – 7 C.F.R. §205.662(a)(3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written

notification of noncompliance shall be sent to the certified operation. Such notification shall provide: ...The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

Comments: *Not all of CDA's templates for a Notice of Noncompliance include language that allows the operation to rebut the noncompliance.*

NP7219PZA.NC5 – 7 C.F.R. §205.402(a)(2) states that “Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part...”

Comments: *During the review of labels on file at CDA, the auditor could not determine which labels were the most recent labels approved by CDA because there was no indication of whether the product labels were reviewed and approved by CDA. Additionally, CDA indicated that Farmer's Market and wholesale labels do not undergo a formal label review process.*



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

SEP 18 2017

NOTICE OF NONCOMPLIANCE

Mitch Yergert
Colorado Department of Agriculture
305 Interlocken Parkway
Broomfield, CO 80021

Dear Mr. Yergert:

On June 6 – 9, 2017, representatives of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed a compliance audit of the Colorado Department of Agriculture's (CDA) organic certification program. On September 1, 2017, the NOP reviewed the results of the onsite audit to determine CDA's compliance to the USDA organic regulations. A copy of the assessment report, NP7162PZA, is enclosed for your reference.

As the report indicates, eight new noncompliances, (NP7162PZA.NC1 through NC7), were identified during the onsite audit. Please submit corrective actions for all noncompliances to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice. All corrective actions must indicate how the noncompliances will be corrected and how the CDA's management system will be modified to prevent a recurrence of the noncompliances. If you wish to rebut any noncompliances, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions on how to respond to noncompliances. Failure to promptly resolve noncompliances may result in proposed suspension or revocation of CDA's USDA accreditation.

If you have questions regarding this notice, please contact, Graham Davis, Accreditation Manager, at (202) 692-0047 or Graham.Davis@ams.usda.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney".

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: NP7151PZA NC Report

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a compliance assessment of Colorado Department of Agriculture (CDA). An onsite audit was conducted on June 6 – 9, 2017, and the audit report reviewed to determine CDA's capability to continue operating as a USDA accredited certifier.

GENERAL INFORMATION

Applicant Name	Colorado Department of Agriculture
Physical Address	305 Interlocken Parkway Broomfield, CO 80021
Mailing Address	305 Interlocken Parkway Broomfield, CO 80021
Contact & Title	Mitch Yergert, Division Director
E-mail Address	cda.organic@state.co.us
Phone Number	303-869-9052
Reviewer & Auditors	Graham Davis, NOP Reviewer; Penny Zuck and Rebecca Claypool, On-site Auditor(s).
Program	USDA National Organic Program (NOP)
Review & Audit Dates	NOP assessment review: September 1, 2017 Onsite audit: June 6 – 9, 2017
Audit Identifier	NP7162PZA
Action Required	Yes
Audit & Review Type	Compliance Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of CDA's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	CDA's certification services in carrying out the audit criteria during the period: June 12, 2015 through June 9, 2017

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether CDA corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to CDA.

Noncompliances Identified during the Current Assessment

NP7162PZA.NC1 - 7 C.F.R. §205.670(d) states, “A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number. A certifying agent that certifies fewer than thirty operations on an annual basis must sample and test from at least one operation annually...”

Comments: *CDA did not conduct residue sample testing of at least 5% of the total operations in 2016.*

NP7162PZA.NC2 – 7 C.F.R. §205.662 (e)(1) states, “If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension ..., the certifying agent ... shall send the certified operation a written notification of suspension”

Comments: *CDA accepted corrective actions from one operation it had issued a Notice of Proposed Suspension to in 2016. CDA also allowed three operations to voluntarily surrender after being issued a Notice of Proposed Suspension.*

NP7162PZA.NC3 – 7 C.F.R. §205.663 states, “Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent.”

Comments: *CDA issued a settlement agreement to an operation they had sent a Notice of Proposed Suspension without receiving a request for mediation in writing.*

NP7162PZA.NC4 – 7 C.F.R. §205.402(a)(2) states, “Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part;...” §205.206(e) states that an Organic System Plan must include, “Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.”

Comments: *For the witness audit, the auditors reviewed the operation’s records maintained by CDA. The file contained a list of inputs, however CDA did not record the review of the materials and if they were allowed.*

NP7162PZA.NC5 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:...” Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2040, “Personnel Performance Evaluation,” Section 3.2b states, “Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually.”

Comments: *CDA did not conduct field evaluations of all inspectors in 2016. Five of the twelve inspectors did not receive field evaluations.*

NP7162PZA.NC6 – 7 C.F.R. §205.403(d) states, “Exit Interview. The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the

inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.”

Comments: *During the witness audit, the inspector verbally communicated issues of concern and the need for additional information. However, the inspector did not review the issues of concern or request additional information in the exit interview.*

NP7162PZA.NC7 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2601 states, “If an operation plans to add new products, fields, operations, or labels to its OSP, then the certifier must first approve these changes and issue an updated certificate. A request to add new fields, animal species, or facilities would require an additional onsite inspection.”

Comments: *A CDA inspector conducted the inspection of a new facility to be added to a certified operation’s certification, however, an inspection report was not processed or reviewed by CDA and a decision was not issued to the certified operation.*

NOV 09 2017**NOTICE OF NONCOMPLIANCE RESOLUTION**

Janis Kieft
Colorado Department of Agriculture
305 Interlocken Parkway
Broomfield, CO 80021

Dear Ms. Kieft:

On August 18, 2017, the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), issued a Notice of Noncompliance to Colorado Department of Agriculture (CDA). In response, CDA submitted the corrective actions described below to the NOP on September 1, 2017.

AIA17228GD.NC1 – 7 CFR §205.662(a)(2) states, “*Notification.* When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: The facts upon which the notification of noncompliance is based...”

Comments: *CDA incorrectly issued a combined notice of noncompliance and proposed suspension for correctable noncompliances. This prevented the operation from having the option to rebut or correct the noncompliances.*

1. *A CDA inspector reported that 3 fields, identified as #13, #14, and #15, were listed in Berry Patch Farms' organic system plan. These fields were managed by independent operator(s) with no management oversight by Berry Patch Farms.*
2. *The combined notice of noncompliance and proposed suspension stated that Berry Patch Farms was not able to provide the inspector documentation related to these 3 fields, and specifically did not have documentation available such as seeds used, non-GMO statements, and other information. Berry Patch stated that all three field operators were present during the inspection and did provide the information requested by the inspector.*
3. *CDA states in the combined notice, “Except for operations exempt or excluded in § 205.101, each production or handling operation or specified portion of a production or handling operation that produces or handles crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as “100 percent organic”, “organic”, or “made with organic” must be certified according to the provisions of subpart E of the part and must meet all other applicable requirements of this part.” Berry Patch Farms confirmed that no crops were labeled or sold as organic from Field #13, a total of 7 bunches of lavender stems were sold for \$60 (total) from field #14, and zero crops were planted or harvested from field #15.*

Corrective Actions: CDA sent the operation a withdraw notice of the original combined notice on August 23, 2017. CDA provided training to their staff to instruct them that CDA will no longer issue combined notices of noncompliance and proposed suspension unless a willful, non-correctable noncompliance has been committed and CDA has supporting documentation. The case information and all documentation will be reviewed by the Organic Program manager in consultation with Colorado Dept. of Agriculture Organic Program staff prior to issuing the combined notice. CDA updated their organic policy and procedure manual to include a new section regarding combined notices. CDA downloaded the NOP's Adverse Actions Flow Chart and added it to their organic policy and procedures file.

The corrective actions demonstrated how the noncompliance was corrected, and how the CDA management system was modified to prevent a recurrence. The NOP reviewed CDA's submission and determined that the noncompliance was adequately addressed. The implementation and effectiveness of the corrective actions will be verified during CDA's next onsite assessment.

If you have any questions regarding this notice, please contact Graham Davis, Accreditation Manager, at Graham.Davis@ams.usda.gov or (202) 692-0047.

Sincerely,



Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of the Colorado Department of Agriculture organic program was conducted on August 7 - 11, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess the Colorado Department of Agriculture's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Colorado Department of Agriculture (CDA)
Physical Address	305 Interlocken Parkwy, Broomfield, CO 80021
Mailing Address	305 Interlocken Parkwy, Broomfield, CO 80021
Contact & Title	Janis Kieft, Program Manager; Mitch Yergert, Director, Division of Plant Industry
E-mail Address	Janis.Kieft@state.co.us; Mitchell.yergert@state.co.us
Phone Number	303.869.9074
Reviewer & Auditors	Rebecca Claypool, NOP Reviewer; Penny Zuck and Graham Davis, Onsite Auditor(s).
Program	USDA National Organic Program (NOP)
Review & Audit Dates	Corrective actions: December 20, 2017 NOP assessment review: August 23, 2017 Onsite audit: August 7-11, 2017
Audit Identifier	NP7219PZA
Action Required	No
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of CDA's certification
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	CDA's certification services in carrying out the audit criteria during the period: June 2015 through August 2017

The Colorado Department of Agriculture (CDA) organic program is a state government certification program based in Broomfield, CO. CDA was initially accredited as a certifying agent by the USDA National Organic Program (NOP) on October 15, 2002.

At the time of the assessment, CDA certified 206 operations in Colorado: crops (136), wild crops (1), livestock (11), and handling (93). CDA is not currently accepting new clients for certification due to a moratorium imposed by the Colorado legislature. The moratorium was imposed because the legislature determined that the organic program resources (staffing) was at

maximum capacity given its current client numbers and budget. There are no satellite offices, although staff inspectors (12) are distributed throughout the state and perform inspections for multiple CDA programs. The CDA organic program is administered by the Organic Program Manager with the assistance of an Organic Certification Specialist. The program is overseen by the Division Director of the CDA.

The assessment included three witness audits – one Crops and Handling operation in Greeley, CO; one Crops, Livestock, and Handling operation in Fort Lupton, CO; and one Processing/Handling operation in Longmont, CO.

NOP DETERMINATION:

NOP reviewed the onsite audit results to determine whether CDA's corrective actions adequately addressed previous noncompliances. NOP also reviewed any corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit.

Non-compliances from Prior Assessments

Any noncompliance labeled as “**Cleared**,” indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as “**Outstanding**” indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance. Any noncompliance labeled as “**Accepted**” indicates acceptance of the corrective actions and verification of corrective action implementation will be conducted during the next onsite audit.

NP5159RKA.NC1 – Cleared
NP5159RKA.NC2 – Cleared
NP5159RKA.NC3 – Cleared
NP5159RKA.NC4 – Cleared
NP5159RKA.NC5 – Cleared
NP5159RKA.NC6 – Cleared
NP1595RKA.NC7 – Cleared
NP1595RKA.NC8 – Cleared
AIA16120RK.NC2 – Cleared

Non-compliances Identified during the Current Assessment

Any noncompliance labeled as “**Accepted**,” indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP7219PZA.NC1 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” The NOP website provides instructions and the terms of international trade arrangements.

Comments: *CDA's Organic System Plans do not include questions about exporting, importing, or participation in trade arrangements. The Organic System Plan module 1 only includes the following question, "Through what avenues does the operation sell or otherwise market their products? Mark all that apply...Exporting (where?)".*

2017 Corrective Action: CDA updated Module 1 of their organic system plan to include questions about import and export activities. All operations will be required to complete Module 1 with their 2018 renewal applications. CDA held an inspector and staff training on the updated module on October 4, 2017. CDA submitted the updated Module 1.

NP7219PZA.NC2 – Accepted. 7 C.F.R. §205.403(c)(1) and (2) states, "The on-site inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations of this part;... That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation."

Comments: *During witness inspections and interviews with staff, the following verification issues were identified:*

- *Inspector did not verify labels on-site were the same as the labels in the approved organic system plan.*
- *Operator indicated cleaning logs were kept for truck and equipment clean-outs, however inspector did not verify the record-keeping by reviewing the logs.*
- *Pest management company service logs and/or invoices were not reviewed by the inspector to verify no prohibited materials were used in the facility.*
- *Inspectors did not verify compliance of imported and exported products or ingredients purchased and handled by certified operations. Inspection report documents do not require inspectors to record compliance verification of internationally traded products.*

2017 Corrective Action: CDA added verification points to the Inspection Report Cover Sheet to cover the verification of labels, operation record-keeping logs, and import and export activities. CDA held an inspector and staff training on the updated Inspection Report Cover Sheet on October 4, 2017. CDA submitted the updated Inspection Report Cover Sheet, training log, and training agenda.

NP7219PZA.NC3 – Accepted. 7 C.F.R. §205.663 states, "Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent...."

Comments: *CDA does not have mediation procedures.*

2017 Corrective Action: CDA updated their Organic Program Policy and Procedures Manual to include a mediation procedure (pg. 18). The three staff members at CDA involved in mediation – the Director, Program Manager, and Certification Specialist – developed the mediation procedure together and are aware of the process. CDA submitted an updated copy of their Organic Program Policy and Procedures Manual.

NP7219PZA.NC4 – Accepted. 7 C.F.R. §205.662(a)(3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: ...The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

Comments: *Not all of CDA's templates for a Notice of Noncompliance include language that allows the operation to rebut the noncompliance.*

2017 Corrective Action: CDA updated their notice of noncompliance templates to include the option to rebut the noncompliance. All previous notice of noncompliance templates were archived. A copy of the new notice of noncompliance template was submitted.

NP7219PZA.NC5 – Accepted. 7 C.F.R. §205.402(a)(2) states that “Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part...”

Comments: *During the review of labels on file at CDA, the auditor could not determine which labels were the most recent labels approved by CDA because there was no indication of whether the product labels were reviewed and approved by CDA. Additionally, CDA indicated that Farmer's Market and wholesale labels do not undergo a formal label review process.*

2017 Corrective Action: CDA changed their label review process to require that all labels be marked as approved or not with the date, the reviewer's initials, and saved to the operator's file. CDA began documenting the review of new labels on October 1, 2017. During 2018 CDA will conduct a full review of existing labels including wholesale and Farmer's Market labels. CDA will also send a letter with renewal applications requesting operations to submit new labels and confirm existing labels are current. CDA plans to conduct unannounced farmer's market and facility inspections in 2018 to verify labels are compliant. The Program Manager and Certification Specialist conduct all label reviews and developed the new label review process together.

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a compliance assessment of Colorado Department of Agriculture (CDA). An onsite audit was conducted on June 6 – 9, 2017, and the audit report reviewed to determine CDA's compliance with the USDA organic regulations.

GENERAL INFORMATION

Applicant Name	Colorado Department of Agriculture
Physical Address	305 Interlocken Parkway Broomfield, CO 80021
Mailing Address	305 Interlocken Parkway Broomfield, CO 80021
Contact & Title	Janis Kieft, Organic Program Manager
E-mail Address	janis.kieft@state.co.us
Phone Number	303-869-9074
Reviewer(s) & Auditor(s)	Graham Davis, NOP Reviewer; Penny Zuck and Rebecca Claypool, On-site Auditor(s).
Program	USDA National Organic Program (NOP)
Review & Audit Date(s)	Corrective Actions Review: December 22, 2017 NOP assessment review: September 1, 2017 Onsite audit: June 6 – 9, 2017
Audit Identifier	NP7162PZA
Action Required	None
Audit & Review Type	Compliance Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of CDA's certification system.
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	CDA's certification services in carrying out the audit criteria during the period: June 12, 2015 through June 9, 2017

The Colorado Department of Agriculture (CDA) organic program is a state government certification program based in Broomfield, CO. It was initially accredited to the USDA National Organic Program (NOP) on October 15, 2002. At the time of the audit, CDA provided organic certification for 214 operations in Colorado: crops (141), wild crops (1), livestock (10) and handling (86). CDA does not certify any grower groups. There are no satellite offices, although staff inspectors (12) are distributed throughout the state and perform inspections for multiple CDA programs. The CDA organic program is currently administered by the Division Director with the assistance of an Organic Certification Specialist/Program Assistant. The Organic

Program Manager recently left the program, and CDA plans to post the position by the end of June 2017.

One witness audit and one review audit of a Crops and Livestock operation were conducted.

NOP DETERMINATION:

NOP reviewed the onsite audit results to determine whether CDA's corrective actions adequately addressed previous noncompliances. NOP also reviewed any corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit.

Non-compliances Identified during the Current Assessment

Any noncompliance labeled as "**Accepted**," indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP7162PZA.NC1 – Accepted. 7 C.F.R. §205.670(d) states, "A certifying agent must, on an annual basis, sample and test from a minimum of five percent of the operations it certifies, rounded to the nearest whole number. A certifying agent that certifies fewer than thirty operations on an annual basis must sample and test from at least one operation annually..."

Comments: *CDA did not conduct residue sample testing of at least 5% of the total operations in 2016.*

Corrective Actions: CDA collected 20 samples in 2017 for residue sampling and submitted them to CDA Biochemistry Lab for testing. The number of collected samples in 2017 represents just under 10% of the 204 operations certified by CDA during the 2017 calendar year. To prevent future sampling deficiencies, CDA will develop a master calendar for 2018 to ensure that CDA identifies at least the minimum number of operations that will be sampled during the year. Inspectors will be notified of their assignments at the beginning of the year so that the sample collection is included in the onsite inspection.

NP7162PZA.NC2 – Accepted. 7 C.F.R. §205.662 (e)(1) states, "If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension ..., the certifying agent ... shall send the certified operation a written notification of suspension"

Comments: *CDA accepted corrective actions from one operation it had issued a Notice of Proposed Suspension to in 2016. CDA also allowed three operations to voluntarily surrender after being issued a Notice of Proposed Suspension.*

Corrective Actions: CDA submitted a revised notice of proposed suspension that only provides the options outlined in 7 CFR §205.662(c). CDA will no longer allow operations to voluntarily surrender in response to a notice of proposed suspension. CDA has posted the noncompliance and adverse actions flow chart in the program manager's office for the CDA staff to refer to.

NP7162PZA.NC3 – Accepted. 7 C.F.R. §205.663 states, “Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent.”

Comments: CDA issued a settlement agreement to an operation they had sent a Notice of Proposed Suspension without receiving a request for mediation in writing.

Corrective Actions: CDA submitted a revised notice of proposed suspension template that includes the option to request mediation and states that mediation requests must be requested in writing.

NP7162PZA.NC4 – Accepted. 7 C.F.R. §205.402(a)(2) states, “Upon acceptance of an application for certification, a certifying agent must: Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part;...” §205.206(e) states that an Organic System Plan must include, “Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.”

Comments: For the witness audit, the auditors reviewed the operation’s records maintained by CDA. The file contained a list of inputs, however CDA did not record the review of the materials and if they were allowed.

Corrective Actions: CDA has revised their label/input review process during the organic system plan review. CDA staff reviewing inputs are now required to insert a text box on all electronic copies of all labels that consists of approval/rejection, the reviewer’s initials, and the date of decision to approve or reject the label. The reviewer is also required to add any restrictions for use. CDA submitted a revised input materials review policy that reflects these changes and discussed the new process during its December 18, 2017 weekly meeting.

NP7162PZA.NC5 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must:...” Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2040, “Personnel Performance Evaluation,” Section 3.2b states, “Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually.”

Comments: CDA did not conduct field evaluations of all inspectors in 2016. Five of the twelve inspectors did not receive field evaluations.

Corrective Actions: CDA submitted a spreadsheet to verify that field evaluations of a twelve inspectors were completed in 2017. CDA developed and submitted a master schedule for 2018 for inspector evaluations to ensure that evaluations are conducted annually. CDA plans to fill in the spreadsheet as they add information and it will be submitted with their annual review.

NP7162PZA.NC6 – Accepted. 7 C.F.R. §205.403(d) states, “Exit Interview. The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.”

Comments: *During the witness audit, the inspector verbally communicated issues of concern and the need for additional information. However, the inspector did not review the issues of concern or request additional information in the exit interview.*

Corrective Actions: CDA conducted training on exit interviews for all inspectors during its 2017 Fall Inspector Training held on October 4, 2017. Inspectors were provided with information about what should be reviewed during the exit interview. The inspectors also watched the exit interview segment of the NOP's interactive training video "Path to Sound and Sensible" during which inspectors discussed the options provided by the video.

NP7162PZA.NC7 – Accepted. 7 C.F.R. §205.501(a)(21) states, "A private or governmental entity accredited as a certifying agent under this subpart must:... Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." NOP 2601 states, "If an operation plans to add new products, fields, operations, or labels to its OSP, then the certifier must first approve these changes and issue an updated certificate. A request to add new fields, animal species, or facilities would require an additional onsite inspection."

Comments: *A CDA inspector conducted the inspection of a new facility to be added to a certified operation's certification, however, an inspection report was not processed or reviewed by CDA and a decision was not issued to the certified operation.*

Corrective Actions: CDA reviewed with its inspectors CDA's process of inspections and completing inspection reports during the 2017 Fall Inspector Training held on October 4, 2017. During the presentation, the CDA program manager reviewed the documentation that must be submitted for annual and unannounced inspections.

NOTICE OF NONCOMPLIANCE

December 28, 2017

Janis Kieft
Colorado Department of Agriculture
305 Interlocken Parkway
Broomfield, CO 80021

Dear Ms. Kieft:

On December 18, 2017, the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) reviewed the Colorado Department of Agriculture's (CDA) 2017 annual report. We have determined that CDA is noncompliant with the USDA organic regulations, 7 CFR Part 205, as follows:

AIA17349KF.NC1 – 7 CFR § 205.662(a)(3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: ... The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.”

Comments: *The Notice of Noncompliance template submitted by CDA with its 2017 annual report includes an additional option for operations to respond to the notification by requesting to remove the affected portion(s) of the operation from the request for certification. This additional option is not a provision of § 205.662(a)(3).*

CDA must submit corrective actions to AIAInbox@ams.usda.gov within 30 days from the date of this Notice. The corrective actions should indicate how each noncompliance will be corrected, and how the CDA management system will be modified to prevent a recurrence of the noncompliance. If you wish to rebut the noncompliance, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instruction. Failure to resolve the noncompliance may result in proposed suspension or revocation of CDA's USDA accreditation.

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If you have questions regarding this notice, please contact Karin French, Accreditation Manager, at KarinR.French@ams.usda.gov or (202) 260-8635.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karin French", with the initials "for cc" written below it.

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

cc: AIA Inbox



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

NOTICE OF NONCOMPLIANCE RESOLUTION

February 22, 2018

Janis Kieft
Colorado Department of Agriculture
305 Interlocken Parkway
Broomfield, CO 80021

Dear Ms. Kieft:

On June 6 - 9, 2017, representatives of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed an onsite audit of the Colorado Department of Agriculture (CDA) organic certification program. The objective of the audit was to determine CDA's compliance to the USDA organic regulations as an accredited certifying agent. A copy of the auditor's report, NP7162PZA, is enclosed for your reference. As the report indicates, seven noncompliances (NP7162PZA.NC1 through NC7) were identified during the audit.

CDA submitted corrective actions to the NOP on October 12, 2017. The proposed corrective actions demonstrated how existing noncompliances were remedied and also indicated how CDA's quality management system will be modified to prevent future noncompliances. The corrective actions adequately address the noncompliances, as described in the attached Corrective Action Report. The corrective actions will be verified during your next site evaluation assessment.

If you have questions regarding this notice, please contact Graham Davis, Accreditation Manager, at (202) 692-0047 or Graham.Davis@ams.usda.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney". The signature is written in a cursive, flowing style.

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: NP7162PZA Assessment Report

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment Baystate Organic Certifiers (BOC) organic program was conducted on June 5-8, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess BOC's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Baystate Organic Certifiers (BOC)
Physical Address	1220 Cedarwood Circle North Dighton, MA 02764
Mailing Address	1220 Cedarwood Circle North Dighton, MA 02764
Contact & Title	Don Franczyk, Executive Director
E-mail Address	baystateorganic@earthlink.net
Phone Number	774-872-5544
Reviewer Auditors	Jason Lopez, NOP Reviewer; Lars Crail, On-site Auditor; Graham Davis, Technical Expert.
Program	USDA National Organic Program (NOP)
Review Audit Dates	NOP assessment review: August 21, 2017 Onsite audit: June 5-8, 2017
Audit Identifier	NP7156GDA
Action Required	Yes
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BOC's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	BOC's certification services in carrying out the audit criteria during the period: June 2014 through June 2017

The National Organic Program (NOP) conducted an onsite accreditation renewal audit of the Baystate Organic Certifiers (BOC) on June 5-8, 2017.

BOC is the certification program of Massachusetts Independent Certification Inc., a 501(c)(3) corporation. BOC was initially accredited as a certifying agent on April 29, 2002 to the following accreditation scopes: crops, wild crops, livestock, and handling.

BOC's certifies 394 operations under the following certification scopes: crops (237), livestock (46), and handling/processing (197).

BOC's office is located in North Dighton, Massachusetts. BOC's staff consists of: Technical Staff (8), Contracted Inspectors (6), and Administrative/support staff (2).

As part of the onsite accreditation audit activities, two witness audits were conducted – one of a new applicant crops inspection and one of a handling/processing inspection.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether BOC corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to BOC.

Noncompliances from Prior Assessments

None

Noncompliances Identified during the Current Assessment

NP7156GDA.NC1 - 7 C.F.R. §205.501(a)(21) states, "Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." NOP 2603, Organic Certificates, Section 3.1, indicates what elements and phrases should be on an organic certificate.

Comments: *The following organic certificate elements are incorrect or missing:*

1. *"Anniversary date" is not stated.*
2. *The statement "Certified to the USDA organic regulations, 7 C.F.R. Part 205." is not stated.*
3. *The certificate does not include the statement: "Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked."*

NP7156GDA.NC2 – 7 C.F.R. §205.403(d) states, "*Exit interview.* ... The inspector must also address the need for any additional information as well as any issues of concern."

Comments: *Operations are provided an "Exit Interview" document at the conclusion of each inspection where issues of concern are identified. BOC inspectors do not consistently reference the applicable organic regulations for the identified issues of concern.*

NP7156GDA.NC3 – 7 C.F.R. §205.662(c) states, "When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification...."

Comments: *BOC is not issuing notices of proposed suspensions or revocations in a timely manner once the prescribed time period stated in the notice of noncompliance has passed.*

NP7156GDA.NC4 – 7 C.F.R. §205.662 (e)(1) states, “If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension ..., the certifying agent ... shall send the certified operation a written notification of suspension”

Comments: *BOC is not issuing notices of suspension in a timely manner once the prescribed time period stated in the notice of proposed suspension has passed.*

NP7156GDA.NC5 – 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *BOC is not issuing operations that fail to submit their annual update by the anniversary date a notice of noncompliance in a timely manner. BOC gives its certified operations an additional 30 days or more to submit their annual update prior to issuing the operation a notice of noncompliance.*

NP7156GDA.NC6 - 7 C.F.R § 205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2025 Instruction Internal Program Review states, “Internal program reviews are conducted by personnel different from those who perform certification activities.

Comments: *A review of BOC’s 2016 annual program review revealed that it was conducted by BOC’s Executive Director and Certification Specialists who performed the certification activities being reviewed.*

NP7156GDA.NC7 - 7 C.F.R §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;...”

Comments: *Several BOC-approved labels did not identify each organic ingredient in the ingredient statement.*

NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of the Baystate Organic Certifiers (BOC) organic program was conducted on June 5-8, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess BOC's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Baystate Organic Certifiers (BOC)
Physical Address	1220 Cedarwood Circle North Dighton, MA 02764
Mailing Address	1220 Cedarwood Circle North Dighton, MA 02764
Contact & Title	Don Franczyk, Executive Director
E-mail Address	baystateorganic@earthlink.net
Phone Number	774-872-5544
Reviewer Auditors	Jason Lopez, NOP Reviewer; Lars Crail, On-site Auditor; Graham Davis, Technical Expert.
Program	USDA National Organic Program (NOP)
Review Audit Dates	Corrective action review: January 26, 2018 NOP assessment review: August 21, 2017 Onsite audit: June 5-8, 2017
Audit Identifier	NP7156GDA
Action Required	None
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BOC's certification
Audit & Determination Criteria	<i>7 CFR Part 205, National Organic Program as amended</i>
Audit & Review Scope	BOC's certification services in carrying out the audit criteria during the period: June 2014 through June 2017

Baystate Organic Certifiers (BOC) is the certification program of Massachusetts Independent Certification Inc., a 501(c)(3) corporation. BOC was initially accredited as a certifying agent on April 29, 2002 to the following accreditation scopes: crops, wild crops, livestock, and handling. BOC certifies 394 operations under the following certification scopes: crops (237), livestock (46), and handling/processing (197).

BOC's office is located in North Dighton, Massachusetts. BOC's staff consists of: Technical Staff (8), Contracted Inspectors (6), and Administrative/support staff (2).

As part of the onsite accreditation audit activities, two witness audits were conducted – one of a new applicant crops inspection and one of a handling/processing inspection.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether BOC corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to BOC.

Noncompliances from Prior Assessments

None

Noncompliances Identified during the Current Assessment

Any noncompliance labeled as “**Accepted**,” indicates that the corrective actions for the noncompliance are accepted by the NOP and will be verified for implementation and effectiveness during the next onsite audit.

NP7156GDA.NC1 – Accepted. 7 C.F.R. §205.501(a)(21) states, “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2603, Organic Certificates, Section 3.1, indicates what elements and phrases should be on an organic certificate.

Comments: *The following organic certificate elements are incorrect or missing:*

1. *“Anniversary date” is not stated.*
2. *The statement “Certified to the USDA organic regulations, 7 C.F.R. Part 205.” is not stated.*
3. *The certificate does not include the statement: “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked.”*

Corrective Action: BOC has amended its organic certificate template to correct all deficiencies noted above. Staff were notified via email on August 30, 2017 to use the new organic certificate template. Additionally, BOC submitted a newly designed organic certificate template it plans to implement in January 2018.

NP7156GDA.NC2 – Accepted. 7 C.F.R. §205.403(d) states, “Exit interview. ... The inspector must also address the need for any additional information as well as any issues of concern.”

Comments: *Operations are provided an “Exit Interview” document at the conclusion of each inspection where issues of concern are identified. BOC inspectors do not consistently reference the applicable organic regulations for the identified issues of concern.*

Corrective Action: BOC is requiring all inspectors to cite the applicable USDA regulation for all issues of concern identified in the exit interview. Inspectors were notified of this requirement verbally and via email on June 16, 2017. Additionally, during the final review, reviewers will

verify that references have been cited on the Exit Interview document. BOC submitted copies of completed exit interview documents from recent inspections to demonstrate that citations are being included on the document.

NP7156GDA.NC3 – Accepted. 7 C.F.R. §205.662(c) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program’s governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification...”

Comments: *BOC is not issuing notices of proposed suspensions or revocations in a timely manner once the prescribed time period stated in the notice of noncompliance has passed.*

Corrective Action: BOC will issue a notice of proposed suspension or revocation to an unresponsive operation 7-10 days after the response due date. BOC submitted copies of two recently issued notices of noncompliance and notices of proposed suspension to demonstrate that the corrective actions have been implemented.

NP7156GDA.NC4 – Accepted. 7 C.F.R. §205.662 (e)(1) states, “If the operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension ..., the certifying agent ... shall send the certified operation a written notification of suspension”

Comments: *BOC is not issuing notices of suspension in a timely manner once the prescribed time period stated in the notice of proposed suspension has passed.*

Corrective Action: BOC has updated its Quality Manual to include procedures for issuing notices of suspension in a timely manner based on the date stated in the notice of proposed suspension. BOC submitted copies of two recently issued notices of suspension to demonstrate that the corrective actions have been implemented.

NP7156GDA.NC5 – Accepted. 7 C.F.R. § 205.662(a) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.”

Comments: *BOC is not issuing operations that fail to submit their annual update by the anniversary date a notice of noncompliance in a timely manner. BOC gives its certified operations an additional 30 days or more to submit their annual update prior to issuing the operation a notice of noncompliance.*

Corrective Action: BOC has amended its process to now issue notices of noncompliance for late renewal applications 21-30 days after the anniversary date. BOC updated its quality manual with this procedural change, and notified its staff of the change. BOC submitted copies of three notices of noncompliance it issued since the NOP onsite audit for failure to submit an annual update and fees to demonstrate that BOC is issuing such notices in a timely manner.

NP7156GDA.NC6 - Accepted - 7 C.F.R § 205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP

2025 Instruction Internal Program Review states, “Internal program reviews are conducted by personnel different from those who perform certification activities.

Comments: *A review of BOC’s 2016 annual program review revealed that it was conducted by BOC’s Executive Director and Certification Specialists who performed the certification activities being reviewed.*

Corrective Action: BOC has adopted the use of external auditors to conduct their annual program review. BOC submitted a copy of its August 2017 annual program review, which was conducted by an external auditor.

NP7156GDA.NC7 - Accepted - 7 C.F.R §205.501(a)(4) states, “A private or governmental entity accredited as a certifying agent under this subpart must:... Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;...”

Comments: *Several BOC-approved labels did not identify each organic ingredient in the ingredient statement.*

Corrective Action: BOC has reviewed all labels in question and required the operation to correct the labels. BOC conducted training for its process reviewers on NOP labeling requirements including identification of each organic ingredient in the ingredient statement, on October 5, 2017.



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

AUG 29 2017

NOTICE OF NONCOMPLIANCE

Jake Lewin
CCOF Certification Services, LLC
2155 Delaware Ave, Suite 150
Santa Cruz, CA 95060

Dear Mr. Lewin:

On April 25-27, 2017, representatives of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed an onsite audit of the CCOF Certification Services, LLC (CCOF) organic certification program as part of its USDA Renewal Accreditation Assessment. On July 17, 2017, the NOP reviewed the results of the onsite audit to determine CCOF's compliance to the USDA organic regulations. A copy of the assessment report, NP7115MMA, is enclosed for your reference.

As the report indicates, two (2) new noncompliances (NP7115MMA.NC1 through NC2), were identified during the onsite audit. Please submit corrective actions for all noncompliances to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice. All corrective actions must indicate how the noncompliances will be corrected and how the CCOF management system will be modified to prevent a recurrence of the noncompliances. If you wish to rebut any noncompliances, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions on how to respond to noncompliances. Failure to promptly resolve noncompliances may result in proposed suspension or revocation of CCOF's USDA accreditation.

If you have questions regarding this notice, please contact, Jason Lopez, Accreditation Manager, at JasonJ.Lopez@ams.usda.gov or (202) 260-9445.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney".

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: Noncompliance Report NP7115MMA

cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An onsite renewal assessment of CCOF Certification Services, LLC (CCOF) organic program was conducted on April 25-27, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess CCOF's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	CCOF Certification Services, LLC (CCOF)
Physical Address	2155 Delaware Ave Suite 150, Santa Cruz, CA 95060
Mailing Address	2155 Delaware Ave Suite 150, Santa Cruz, CA 95060
Contact & Title	Kelly Lehman Goswamy, Quality Manager; Jody Biergiel Colclough, Director of Certification Operations
E-mail Address	Accreditation@ccof.org
Phone Number	(831) 423.2263, ext. 6255 & 6247
NOP Reviewer On-Site Auditors	Jason Lopez, NOP Reviewer Miguel Caceres, Lead Auditor; Rebecca Claypool, Second Auditor On-site Auditors.
Program	USDA National Organic Program (NOP)
NOP Review Audit Dates	NOP assessment review: July 17, 2017 Onsite audit: April 25-27, 2017 Review Audit: May 24, 2017
Audit Identifier	NP7115MMA
Action Required	Yes
Audit & Review Type	Renewal Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of CCOF's certification
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	CCOF's certification services in carrying out the audit criteria during the period: June 2014 through April 2017

The National Organic Program (NOP) conducted an on-site renewal assessment of the CCOF Certification Services, LLC (CCOF) organic certification program on April 25 – 27, 2017. CCOF is a wholly-owned subsidiary of CCOF, Inc. and was initially accredited as a USDA certifying agent on April 29, 2002. CCOF's accreditation scopes are crops, wild crops, livestock, and handling/processing. CCOF's main office is located in Santa Cruz, California. CCOF also has a one person office in Zapopan, Jalisco, Mexico. The Mexico office is solely accredited by SENASICA and does not make any final decisions of certifications. All certification services are performed by the CCOF home office in Santa Cruz, California.

CCOF's list of certified operations at the time of the assessment consisted of 3,380 operations: Crops (2,396), Wild Crops (7), Livestock (193), and Handler/Processor (1,724). CCOF does not certify any grower groups. Certification services are provided to operations in the following countries: United States, Canada and Mexico.

The CCOF staff are qualified to perform their job duties and many have extensive agricultural experience and education. CCOF staff receives new staff training, and additional training is required before staff are approved to move into different scopes of certification and review work.

As part of the onsite accreditation audit activities, one witness audit (WA), one unannounced inspection and one review audit (RA) was conducted. The WA was an annual announced inspection of a livestock operation and the unannounced inspection was of a crop operation. The RA was of a handling operation which receives, processes, and repacks vegetable crops.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether CCOF's corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to CCOF.

Noncompliances Identified during the Current Assessment

NP7115MMA.NC1 – 7 C.F.R. §205.662(c)(1) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program’s governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.... The notification of proposed suspension or revocation of certification shall state: The reasons for the proposed suspension or revocation....”

Comments: *The following two issues were identified during a review of notifications of noncompliance and proposed suspension issued to an operation: (1) The notice of noncompliance had five issues the operation was to address and the notice of proposed suspension indicated 11 issues. (2) The notice of proposed suspension did not include the reason for the proposed suspension as it was included in the notice of noncompliance which was issued prior to the proposed suspension notification.*

NP7115MMA.NC2 – 7 CFR §205.662(c)(3) and (4) states, “When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program’s governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.... The notification of proposed suspension or revocation of certification shall state: The impact of a suspension 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.”

Comments: *The following three issues were identified during a review of a proposed suspension issued to an operation: (1) The notice of proposed suspension issued to an operation did not include*

the impact of a suspension; (2) the option to request mediation; (3) and, the option to file an appeal.

NOTICE OF NONCOMPLIANCE RESOLUTION

Jake Lewin
CCOF Certification Services, LLC
2155 Delaware Ave, Suite 150
Santa Cruz, CA 95060

Dear Mr. Lewin:

On August 3, 2017, the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), issued a Notice of Noncompliance to CCOF Certification Services' (CCOF). In response, CCOF submitted the corrective actions described below to the NOP on August 29, 2017.

AIA7208RC.NC1 – Accepted. 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP Instruction 2603 *Organic Certificates* section 3.1.

Comments: *A CCOF certificate submitted to the NOP for review did not include the following elements of the organic certificate.*

- a) The term effective date is not used.*
- b) The term anniversary date is not used.*
- c) The statement, “Certified to the USDA organic regulations, 7 CFR Part 205” is not included on the certificate.*
- d) The statement “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked” is not included on the certificate.*

2017 Corrective Action: CCOF updated its NOP certificate template in their database to use the terms “effective date” and “anniversary date” appropriately. The following statements are also now included: “Certified to the USDA organic regulations, 7 CFR Part 205” and “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked.” All certificates are generated from the updated template in the CCOF database, so all certificates are the same and consistent with the requirements. A copy of the new certificate was submitted to the NOP.

The corrective action demonstrates how the noncompliance was corrected, and how the CCOF management system was modified to prevent a recurrence. The NOP reviewed CCOF’s submission and determined that the noncompliance was adequately addressed. The implementation and effectiveness of the corrective actions will be verified during CCOF’s next onsite assessment.

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If you have any questions regarding this notice, please contact Rebecca Claypool, Accreditation Manager, at Rebecca.E.Claypool@ams.usda.gov or (202) 350-5706.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney". The signature is written in a cursive, flowing style.

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

cc: AIA Inbox



1400 Independence Avenue, SW.
Room 2648-S, STOP 0268
Washington, DC 20250-0268

NOTICE OF NONCOMPLIANCE

February 5, 2018

Marcia Litsinger
Basin and Range Organics
1365 Corporate Blvd., Suite 200
Reno, NV 89403

Dear Mr. Litsinger:

On September 13-15, 2017, a representative of the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP), completed an onsite audit of the Basin and Range Organics (BARO) organic certification program as part of its USDA Renewal Accreditation Assessment. On November 22, 2017, the NOP reviewed the results of the onsite audit to determine BARO's compliance to the USDA organic regulations. A copy of the assessment report, NP7256RCA, is enclosed for your reference.

Sixteen new noncompliances (NP7256RCA.NC1 through NC16), were identified during the onsite audit. Please submit corrective actions for all noncompliances to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice. All corrective actions must indicate how the noncompliances will be corrected and how the BARO management system will be modified to prevent a recurrence of the noncompliances. If you wish to rebut any noncompliances, please submit objective evidence that supports your argument to the AIAInbox@ams.usda.gov within 30 days from the date of this Notice.

Please refer to [NOP 2608 Responding to Noncompliances](#) for further instructions on how to respond to noncompliances. Failure to promptly resolve noncompliances may result in proposed suspension or revocation of BARO's USDA accreditation.

If you have questions regarding this notice, please contact, Penny Zuck, Accreditation Manager, at (202) 260-9444 or penelope.zuck@ams.usda.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney". The signature is written in a cursive, flowing style.

Cheri Courtney
Director, Accreditation and International Activities Division
National Organic Program

Enclosure: NC Report NP7256RCA
cc: AIA Inbox

NATIONAL ORGANIC PROGRAM: NONCOMPLIANCE REPORT

AUDIT AND REVIEW PROCESS

An initial onsite assessment of Basin and Range Organics (BARO) organic program was conducted on September 13-15, 2017. The National Organic Program (NOP) reviewed the auditor's report to assess BARO's compliance to the USDA organic regulations. This report provides the results of NOP's assessment.

GENERAL INFORMATION

Applicant Name	Basin and Range Organics (BARO)
Physical Address	1365 Corporate Blvd., Reno, NV 89502
Mailing Address	1365 Corporate Blvd., Reno, NV 89502
Contact & Title	Clint Koble; Ben Rush
E-mail Address	(b)(6) Benjamin.t.rush@basinandrangeorganics.org
Phone Number	775.857.8500 ext 177
Reviewer & Auditor	Penny Zuck, NOP Reviewer; Rebecca Claypool, On-site Auditor
Program	USDA National Organic Program (NOP)
Review & Audit Dates	NOP assessment review: January 26, 2018 Onsite audit: September 13-15, 2017
Audit Identifier	NP7256RCA
Action Required	Yes
Audit & Review Type	Initial Assessment
Audit Objective	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of BARO's certification
Audit & Determination Criteria	7 CFR Part 205, National Organic Program as amended
Audit & Review Scope	BARO's certification services in carrying out the audit criteria during the period: November 5, 2015 through September 15, 2017

Basin and Range Organics (BARO) is a non-profit organization accredited by the National Organic Program (NOP) on January 26, 2016 to the scopes of crops, wild crops, livestock, and handling/processing. BARO certified operations list consists of 33 operations: 26 crops, 3 livestock, and 6 handling/processing. BARO certifies operations located in Nevada, California, and Utah. BARO does not certify grower groups.

BARO's organic program office is located in Reno, Nevada. BARO staff currently consists of two staff members, the Program Director and the Processing & Handling Specialist. BARO has three contract inspectors and a seven-member Board of Directors. Four of the board members are final reviewers. The Program Director administers the certification agency and conducts

inspections, initial reviews, and material reviews.

On July 7, 2017 and September 8, 2017 two witness audits were performed. One witness audit was conducted during the annual inspection of a handling operation. One witness audit was conducted during the initial inspection of a crops/livestock operation.

NOP DETERMINATION

The NOP reviewed the onsite audit results to determine whether BARO's corrective actions adequately addressed previous noncompliances. The NOP also reviewed the findings identified during the onsite audit to determine whether noncompliances should be issued to BARO.

Noncompliances from Prior Assessments

Any noncompliance labeled as "**Cleared**," indicates that the corrective actions for the noncompliance are determined to be implemented and working effectively. Any noncompliance labeled as "**Outstanding**" indicates that either the auditor could not verify implementation of the corrective actions or that records reviewed and audit observations did not demonstrate compliance.

NP5264EEA.NC1 – Cleared. 7 CFR §205.504(a)(1) states, "A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in ... §205.501: (a) Personnel. (1) A copy of the applicant's policies and procedures for training, evaluating, and supervising personnel;" (emphasis added)

Comments: *There are no policies or procedures listed in the BAR-O quality manual to perform annual personnel evaluations as required pursuant to §205.501(a)(6) which states, "Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services."*

Corrective Action: BAR-O submitted an updated BAR-O Program Manual with modifications to the "Personnel" section and they also submitted an "Employee Review Form" used as a record of performance review for personnel involved in certification activities. Both the BAR-O Program Manual and the employee review form align with guidance in NOP 2027, *Personnel Performance Evaluations*.

Verification of Corrective Action: BARO's Program Manual addresses performance evaluations and the Employee Review Form is used for annual evaluations.

NP5264EEA.NC2 – Cleared. 7 CFR §205.504 states that "A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in ... §205.501:" 7 CFR §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.” NOP 2025, Internal Program Review – Instruction, Section 3.1 states, “Qualified program reviewers must have the expertise to conduct such reviews, including knowledge of certification, auditing, and the USDA organic regulations. Internal program reviews are conducted by personnel different from those who perform certification activities.”

Comments: *The BAR-O Program Manual does include a section on internal review process; however, there is no selection criteria described for person(s) designated to perform the review.*

Corrective Action: BAR-O submitted an updated BAR-O Program Manual with modifications to the “Internal Review” section that establish the selection criteria for individuals performing the review. BAR-O also submitted a name and resume for a consultant that they propose to hire to conduct an internal review.

Verification of Corrective Action: BARO’s Program Manual contains the selection criteria for individuals performing the internal review. BARO used the consultant they previously proposed to the NOP for their 2016 internal review.

NP5264EEA.NC3 – Cleared. 7 CFR §205.504(b)(1) states that “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in ... §205.501...(b) *Administrative policies and procedures.* (1) A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates.” Furthermore, 7 CFR §205.404(b) (1)–(4) states, “...The certifying agent must issue a certificate of organic operation which specifies the: (1) Name and address of the certified operation; (2) Effective date of certification; (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and (4) Name, address, and telephone number of the certifying agent. NOP 2603, Organic Certificate – Instruction, Section 3.1, further defines what is to be included in an organic certificate:

1. Certifying agent’s name, address, web site, and phone number*;
2. Anniversary date (when the certified operation must submit its annual update). Organic certificates cannot include expiration dates;
3. The statement, “Certified to the USDA organic regulations, 7 CFR Part 205.” This differentiates USDA organic products from those certified to other organic standards; and
4. The statement, “Once certified, a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked.”

Comments: *BAR-O’s organic certificate template lacks the four above mentioned information or specific language items.*

Corrective Action: BAR-O made modifications to their Organic Certificate template and submitted a revised template for NOP review. The template contains the four missing items.

Verification of Corrective Action: BARO’s organic certificate contains all the required elements.

NP5264EEA.NC4 – Cleared. 7 CFR §205.642 **Fees and other charges for certification** states, “...Fees charged by a certifying agent must be reasonable, and a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator. The certifying agent shall provide each applicant with an estimate of the total cost of certification and an estimate of the annual cost of updating the certification...”

Comments: *The following items were noted during the review of BAR-O’s proposed fee schedule and procedures for providing certification cost estimates:*

1. *BAR-O’s program manual states that there is a \$250.00 fee for late submission of a certified operation’s annual update which is not included on the proposed fee schedule.*
2. *The process for providing an applicant a certification cost estimate only lists the cost for inspection and not the portion for the annual certification cost based on the gross sales.*

Corrective Action: BAR-O made modifications to and submitted both a revised BAR-O Program Manual (Fee Schedule section) and a Fee Schedule for NOP’s review. The two missing items are contained and aligned in both documents.

Verification of Corrective Action: BARO’s fee schedule includes the \$250 late fee and their process for providing estimates includes certification and inspection fees.

NP5264EEA.NC5 – Cleared. 7 CFR §205.501(a)(5) states, “... (a) A private or governmental entity accredited as a certifying agent under this subpart must: (1) Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part.”

Comments: *Interviews with BAR-O personnel indicate the organization intends to establish a contractual arrangement with a material review organization. There is currently no person in the organization identified as having the authority or sufficient expertise to perform material input reviews.*

Corrective Action: BAR-O submitted an updated BAR-O Program Manual with modifications to the “Material Review” section. This section states that the BAR-O Program Administrator will review input materials and make a decision on compliance. This section also outlines the process the BAR-O Program Administrator follows when conducting the review process. BAR-O intends to contract with a private material review organization for those materials BAR-O may need assistance in determining compliance. BAR-O also submitted for NOP review a “Material Review Request Form” for operations to submit material review requests and this form will provide a record for BAR-O decision results.

Verification of Corrective Action: BARO’s Program Manual maintains the Material Review section. BARO contracted with OMRI, and plans to maintain their contract with OMRI for material review support. The Material Review Request Form may be submitted by operators when requesting the use of a new material. The auditor reviewed two material request forms submitted by operators and found no issues.

NP5264EEA.NC6 – Cleared. 7 CFR §205.670(e) states that “...residue testing must be performed in an accredited laboratory.” NOP 2611, Laboratory Selection Criteria for Pesticide Residue Testing – Instruction, Section 4.2, indicates that a laboratory hold current accreditation to ISO 17025; or, an alternative standard approved by the NOP on a case-by-case basis.

Comments: *BAR-O has not identified an accredited laboratory for the residue testing of samples.*

Corrective Action: BAR-O submitted an updated BAR-O Program Manual with modifications to the “Sampling” section. The section states that BAR-O will use an ISO/IEC 17025:2005 accredited laboratory. The BAR-O Program Administrator provided the laboratory’s name which does comply with selection criteria in NOP 2611.

Verification of Corrective Action: BARO’s Program Manual maintains the Sampling section. The auditor verified the ISO/IEC 17025:2005 certificate for the accredited laboratory BARO selected.

NP5264EEA.NC7 – Cleared. 7 CFR §205.504(b)(1) states that “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in ... §205.501...(b) *Administrative policies and procedures.* (1) A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates.” 7 CFR § 205.662 (a)(3) states, “When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide: (3) The date by which the certified operation must rebut or correct each noncompliance ...” (emphasis added)

Comments: *BAR-O submitted their Notice of Noncompliance template to demonstrate the notification to applicants or certified operations when noncompliances are identified. The template does not describe or instruct the recipient of an option to rebut a noncompliance. In addition, the template incorrectly refers to 7 CFR §205.405, "Denial of Certification," as a reference to the process of issuing noncompliances. The correct sub-section of the regulations for issuing noncompliances is 7 CFR § 205.662.*

Corrective Action: BAR-O submitted a modified Notice of Noncompliance template that clearly states that the operator may submit corrective measures or rebut the noncompliance(s). All references to “Denial of Certification” were removed from the template. Lastly, the template refers to 7 CFR § 205.662 as a basis for issuing the noncompliance notification.

Verification of Corrective Action: BARO’s Notice of Noncompliance template includes the option to rebut the noncompliance and includes all required elements.

NP5264EEA.NC8 – Cleared. 7 CFR §205.503(d)(2) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following information: (d) The type of entity the applicant is (e.g. government agricultural office, for-profit business, not-for-profit membership association) and for: (2) A private entity, documentation showing the entity’s status and organizational purpose, such as articles of incorporation and by-laws or ownership or membership provisions, and its date of establishment; and...”

Comments: *BAR-O indicated on their application for accreditation (TM-10CG) that the organization is a not for profit business; however, disclosed during interviews with the Advisory Board members and a review of the submitted application documents, the group has not established a legal status.*

Corrective Action: On December 17, 2015, BAR-O was registered as a Nevada Non-Profit Corporation authorized by the Secretary of State to conduct business. BAR-O submitted documents to demonstrate their legal status.

Verification of Corrective Action: BARO is a registered Non-Profit, and the auditor reviewed their current Nevada Non-Profit Corporation document authorized by the Secretary of State.

AIA16175JL.NC1 – Cleared. 7 C.F.R. §205.642 states, “... a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator. The certifying agent shall provide each applicant with an estimate of the total cost of certification and an estimate of the annual cost of updating the certification.”

Comments: *BAR-O’s current practices are noncompliant in the following ways:*

1. *BAR-O is charging fees that have not been filed with the Administrator. Specifically, BAR-O’s inspection fees include charges for rental car, fuel, meals, and lodging. Such fees are not included in the fee schedule BAR-O has filed with the Administrator.*
2. *BAR-O is not providing applicants with an estimate of the cost of certification. BAR-O only provides applicants with its fee schedule.*

Corrective Action:

1. BAR-O submitted its revised Fee Schedule that includes all the fees BAR-O charges as part of its inspection fees. BAR-O will check the billing details in its invoices against the billing details in its Fee Schedule to prevent a reoccurrence of the noncompliance. Bar-O also plans to use an automated system to generate invoices in order to ensure proper billing.
2. BAR-O modified the format of its Fee Schedule to allow for operations to calculate their own certification cost estimate. BAR-O will provide applicants with an estimate of the cost of inspection so that the amount can be used by the operation as a reference for estimating inspection costs for subsequent years.

Verification of Corrective Action: BARO issues estimates for each operation and the fee schedule includes all inspection fees. The estimates provided to operations are consistent with BARO’s fee schedule.

AIA16164JZ.NC1 – Cleared. 7 C.F.R §205.505(a)(6) states, “Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.”

Comments: *BARO granted its first organic handler certification to an operation on May 19, 2016 prior to submitting the records to the NOP for review. BARO did not meet the signed terms of accreditation when making this certification decision. The terms of accreditation state, BARO must submit the applicants’ certification records to the NOP for review prior to making a certification decision. This process is to be followed for the first two certification applicants in each scope.*

Corrective Action: BARO submitted the certified organic handler file for NOP review. BARO will continue submitting all application materials to the NOP for review prior to granting certification for all remaining operations required by the terms of accreditation (the first two per scope). BARO has been in contact with the NOP and has submitted nine additional files for review, not all of which were submitted to fulfill the terms of accreditation.

Verification of Corrective Action: The auditor reviewed the email correspondence sent to the NOP, which included BARO's first two crops, livestock, and handler application files. BARO does not currently certify any wild crops operations, but will submit the first two wild crops application files to the NOP for review.

Noncompliances Identified during the Current Assessment

NP7256RCA.NC1 – 7 C.F.R. §205.501(a)(21) states, "A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary." NOP 2615 *Organic System Plans, Organic System Plan Updates, and Notification of Changes*, Section 3.1 states, "The NOP expects certifiers to require that OSPs, annual updates, and notifications of changes contain sufficient information to determine whether an operation complies with the USDA organic regulations."

Comments: *BARO's Organic System Plan (OSP) forms do not consistently request operations to disclose whether they import and/or export organic products. The Handler OSP does ask operators if they plan to export organic products; however, no information is requested for importing organic products.*

NP7256RCA.NC2 – 7 C.F.R. §205.403 (c)(1-2) states, "The on-site inspection of an operation must verify: The operation's compliance or capability to comply with the Act and the regulations of this part;"

Comments: *Questions about import and exporting activities are not on the inspection reports and therefore, verification of imported products is not recorded and may not occur.*

NP7256RCA.NC3 – 7 C.F.R. §205.662(a) states "When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation."

Comments: *The review of a handler file revealed that the inspector stated in the exit interview that records were not auditable to conduct a mass balance and that not all records were maintained. The inspector also recorded that this was an issue during the previous inspection. A notification of noncompliance was not issued to the operator as a result of BARO's review.*

NP7256RCA.NC4 – 7 C.F.R. §205.501(a)(5) states "A private or governmental entity accredited as a certifying agent under this subpart must: Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned."

Comments: *In four of the seven files reviewed by the auditor, the Certification Agreement letters did not reflect the issues of concern recorded in inspection reports and exit interview documents. Certification reviewers do not appear to have sufficient expertise to identify noncompliances and make certification decisions based on inspection reports and other evidence.*

NP7256RCA.NC5 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2603, Organic Certificates, Section 3.1, indicates the elements of an organic certificate.

Comments: *BARO is not updating the issue date when certificates are re-issued. Also, the anniversary date on some certificates is the date when renewal applications are due; the anniversary date on other certificates is the date of the last inspection.*

NP7256RCA.NC6 – 7 C.F.R. §205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” NOP 2601 *The Organic Certification Process*, Section 3.4, states that the organic inspection should include, “Reconciliation of the volume of organic products produced or received with the amount of organic products shipped, handled and/or sold, also known as trace-back audits or in-out balances.”

Comments: *The trace back and in-out balance audits recorded in the inspection reports in six of the seven files reviewed by the auditor were incomplete. The trace back audits reviewed did not record the documents used to trace the crop from seed to sale. The information provided in the inspection reports lacked the detail necessary to assess the operation’s compliance.*

NP7256RCA.NC7 – 7 C.F.R. §205.501(a)(11)(i) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Not certifying a production or handling operation if the certifying agent or a responsibly connected party of such certifying agent has or has held a commercial interest in the production or handling operation, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;”

Comments: *BARO certified two operations that are owned/operated by members of the Board of Directors. These board members also conduct certification activities and manage certification staff.*

NP7256RCA.NC8 – 7 C.F.R. § 205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart:”

Comments: *The Program Director conducts annual performance evaluations of board members who participate in certification activities (e.g. conducts final reviews and makes certification decisions) and these board members conduct performance evaluations of the Program Director, which could result in impartial performance evaluations.*

NP7256RCA.NC9 – 7 C.F.R. § 205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart:”

Comments: *BARO does not maintain training logs for inspectors and reviewers to demonstrate they have the training and knowledge of the regulations and supplemental information needed to conduct certification activities.*

NP7256RCA.NC10 – 7 C.F.R. §205.405(d)(1) states, “A notice of denial of certification must state the reason(s) for denial and the applicant’s right to: Reapply for certification pursuant to §§205.401 and 205.405(e).”

Comments: *A review of the notification of denial template found that it did not include the right to reapply for certification.*

NP7256RCA.NC11 – 7 C.F.R. §205.662(c)(3)-(4) states, “The notification of proposed suspension or revocation of certification shall state: The impact of a suspension 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.”

Comments: *A review of the notices of proposed suspension or revocation and the notices of suspension or revocation templates revealed the following:*

- 1. The notices of proposed suspension or revocation do not state the impact of suspension/revocation on future eligibility for certification.*
- 2. The notices of proposed suspension or revocation do not state the time frame for requesting mediation or filing an appeal; to whom mediation should be requested; and where to file an appeal.*
- 3. The notices of suspension or revocation incorrectly provide the operator the right to request mediation or appeal the decision.*

NP7256RCA.NC12 – 7 C.F.R. §205.501(a)(5) states “A private or governmental entity accredited as a certifying agent under this subpart must: Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.”

Comments: *The review of labels of certified operations revealed the following:*

- 1. Two labels with a black and white USDA seal had the black and white parts reversed.*
- 2. One of two labels did not identify each ingredient as organic in the ingredient statement.*
- 3. One label contained the “Certified organic by” statement, but it was not directly below the information identifying the certified operation.*
- 4. BARO communicates through email with the client on whether labels are approved. However, when reviewing a file it is not clear which labels are in use and if they are approved.*

NP7256RCA.NC13 – 7 C.F.R. § 205.501(a)(3) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Carry out the provisions of the Act and the regulations in this part, including the provisions of §§ 205.402 through 205.406 and § 205.670. Specifically, §205.201(a)(1) states, “The producer or handler of a production or handling operation ... 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... A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;”

Comments: *During the review of a poultry file it was discovered that the operation’s organic system plan did not cover the management practices and procedures of the outdoor access area(s).*

NP7256RCA.NC14 – 7 C.F.R. § 205.501(a)(2) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart:”

Comments: *BARO does not record the review and decision of materials submitted in Organic System Plans. Materials reviewed by BARO are not tracked to know when the material needs to be re-reviewed by certification staff.*

NP7256RCA.NC15 – 7 C.F.R. § 205.501(a)(21) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.” The NOP website provides instructions and the terms of international trade arrangements.

Comments: *The international section of the BARO Policies and Procedures includes an international agreement section, but it does not include information regarding the trade arrangement with Switzerland.*

NP7256RCA.NC16 – 7 C.F.R. § 205.504(b)(1) states, “A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; its ability to fully comply with and implement the organic certification program established in §§205.100 and 205.101, §§205.201 through 205.203, §§205.300 through 205.303, §§205.400 through 205.406, and §§205.661 and 205.662; and its ability to comply with the requirements for accreditation set forth in §205.501: A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates;...”

Comments: *Sampling procedures and documents for Chain of Custody and receipts have not been developed.*