



# United States Department of Agriculture

Agricultural Marketing Service

National Organic Program

CERTIFICATE OF ACCREDITATION

***Ekolojik Tarim Kontrol Organizasyonu***

**160 Sokak 13/3, Bornova – Izmir, 35100, Turkey**

meets all the requirements prescribed in the USDA National Organic Program Regulations

**7 CFR Part 205**

**as an Accredited Certifying Agent**

for the scope of

**Crops, Wild Crops and Handling Operations**

This certificate is receivable by all officers of all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture .

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

Certificate No: **NP7051LCA**  
Effective Date: **January 22, 2013**  
Expiration Date: **January 22, 2018**

**Ruihong Guo, Ph.D.**  
**Acting Deputy Administrator**  
**National Organic Program**



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## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted a compliance assessment of Ecological Farming Controlling Organization (ETKO) in accordance with the terms in a settlement agreement signed April 6, 2016. An onsite audit was conducted, and the audit report reviewed to determine ETKO's capability to continue operating as a USDA accredited certifier.

### GENERAL INFORMATION

<b>Applicant Name</b>	Ecological Farming Control Organization (ETKO)
<b>Physical Address</b>	160 Sokak 13/3, Bornova – Izmir, 35100, Turkey
<b>Mailing Address</b>	160 Sokak 13/3, Bornova – Izmir, 35100, Turkey
<b>Contact &amp; Title</b>	Dr. Mustafa Akyuz, General and QMS Manager
<b>E-mail Address</b>	ma@etko.com.tr
<b>Phone Number</b>	90 542 640 5944
<b>Reviewers &amp; Auditor</b>	Rebecca Claypool, NOP Reviewer; Lars Crail, On-site Auditor.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective action review: November 7, 2017 NOP assessment review: July 19, 2017 Onsite audit: February 20 - 23, 2017
<b>Audit Identifier</b>	NP7051LCA
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Compliance Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ETKO's certification
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ETKO's certification services in carrying out the audit criteria during the period: April 6, 2016 through February 20, 2017

NOP conducted an onsite compliance audit of Ecological Farming Controlling Organization (ETKO) on February 22-23, 2017 at ETKO's main office in Izmir, Turkey. The purpose of the compliance audit was to assess ETKO's compliance with the terms of the settlement agreement signed with the NOP on April 6, 2016. ETKO agreed to submit corrective actions for the NOP's review, and if accepted ETKO would implement those corrective actions. ETKO also agreed to an additional onsite audit for NOP to assess the effective implementation of those accepted corrective actions. The audit was to assess two additional corrective actions for noncompliances that were issued after the signing of the settlement agreement.

ETKO was accredited as a certifying agent on January 22, 2003 for crops, wild crops, and

handling. ETKO currently certifies 34 (18 crops, 1 wild crops, 14 handling) operations and one grower group to the USDA organic regulations in the following countries: Turkey, Korea, and Ukraine. ETKO is a for profit, limited liability company with two shareholders.

ETKO's staff consists of 24 individuals: 8 Administrative and 16 Certification personnel.

The prior onsite audit occurred May 12-16, 2014 for the purpose of renewing ETKO's accreditation.

One handler witness audit of a trader was conducted on February 20, 2017 in Istanbul, Turkey. There were two one-day witness audits of handlers under a separate Audit Identification Number (NP6279LCA) in Kiev, Ukraine October 6-7, 2016.

### **NOP DETERMINATION:**

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

**NP9222ZZA.NC21 – Cleared**

**NP4132LCA.NC1 – Cleared**

**NP4132LCA.NC2 – Cleared**

**NP4132LCA.NC3 – Cleared**

**NP4132LCA.NC4 – Accepted.** 7 CFR §205.403(c) states, "The on-site inspection of an operation must verify: (1) The operation's compliance or capability to comply with the Act and the regulations of this part; (2) That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; (3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples."

**Comments:** *The following issues were identified by the NOP auditor during a review of the operation files and witness audits:*

1. *Inspectors did not completely verify the information stated in the Organic Compliance Plans (OCP). If observations and interviews at the onsite inspection did not align with the OCP, the inspector failed to state this finding as an issue of concern. **Cleared.***
2. *ETKO inspectors are responsible for collecting large amounts of information about the operations when the OCP is incomplete or in error. The inspector did not note the finding as an issue of concern, failing to indicate that the OCP is incomplete. The inspector did not record these findings in the inspection report. Minor updates or adjustments to the OCP during the onsite inspection is acceptable and can be noted in the inspector's report. **Cleared.***
3. *The inspection reports did not include a description and the outcome of the reconciliation activities (e.g. mass balance and audit trail audit) conducted by inspectors. **Accepted.***

**2014 Corrective Action:** ETKO submitted documentation from the training it conducted with inspectors on the following topics: “1) Using and evaluation of OCP during onsite inspection; 2) Review of organic compliance plans and identifying noncompliances before inspections, in order to avoid losing time to collect large amount of information and documents; and 3) How to make input-output balance and report it.” ETKO also submitted examples of completed inspection reports from inspectors showing input-output balance and updates to the inspection forms.

**2017 Verification of Corrective Action:** Witness audits observed in Istanbul and Ukraine demonstrated that inspectors are verifying the organic system plan adequately. Beginning in April 2017, the ETKO Inspection Report will be combined with the Annual Update and inspectors will be reporting verification on the same form. Mass-balance activities of the inspector are recorded on OP01 F24, Mass-Balance Traceability document; however, there is no section for the inspector to record traceability verification activities.

**Corrective Action:** ETKO combined the annual updates to the OCP with the inspection report. ETKO developed a new checklist for conducting traceability and mass balance audits for inspectors, OP 01 F 36 Traceability Checklist Mass Balance Table, and a new instruction on conducting traceability and mass balance audits TI 60 Verification of MB & Traceability. ETKO also updated their Certification Procedures to include the new documents. Inspectors were trained on the instruction on October 11, 2017.

**NP4132LCA.NC5 – Cleared**

**NP4132LCA.NC6 – Cleared**

**AIA6155PZ.NC1 – Cleared**

**NP6279LCA.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.

**NP7051LCA.NC1 – Accepted.** 7 C.F.R. §205.405(a) states, “When the certifying agent has reason to believe, based on a review of the information specified in §205.402 or §205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements

of this part, the certifying agent must provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification.

**Comments:** *The auditor reviewed two certification denial cases. ETKO issued a notice of noncompliance and a notice of certification denial on the same day. The notice of noncompliance indicated that the operator had 30 days to respond to the noncompliance; however, since a notice of certification denial was also issued on the same day, the operation was not able to respond to the noncompliance. The result of issuing two notices at the same time resulted in conflicting information to the operation; instead a combined notification should have been issued. ETKO does not have a combined notice template in their quality system.*

**2017 Corrective Action:** ETKO developed a combined notice of noncompliance and notice of denial template and a combined notice of noncompliance and proposed suspension/revocation template. The combined notices will be used instead of issuing a noncompliance and denial letter on the same day. ETKO also updated their Certification Procedure to include the use of the new combined templates.

**NP7051LCA.NC2 – Accepted.** 7 C.F.R. §205.662(c)(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 right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.”

**Comments:** *A review of one issued proposed suspension notification allowed the operation an opportunity to submit corrective actions. Proposed suspension notifications allow operations to request mediation or file an appeal, but should not allow the operation to correct or address the noncompliance(s).*

**2017 Corrective Action:** ETKO updated their notice of proposed suspension/revocation template which does not include the option to correct noncompliances. ETKO also updated their Certification Procedure, which only allows operators to file an appeal or request mediation. Staff were trained on the template and policy changes November 10, 2017.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) conducted witness audits of Ecological Farming Control Organization's (ETKO) certified operations. Onsite witness audits were conducted, and the audit reports reviewed to determine ETKO's capability to continue operating as a USDA accredited certifier.

### GENERAL INFORMATION

<b>Applicant Name</b>	Ecological Farming Control Organization (ETKO)
<b>Physical Address</b>	160 Sokak 13/3, Bornova – Izmir, 35100, Turkey
<b>Mailing Address</b>	160 Sokak 13/3, Bornova – Izmir, 35100, Turkey
<b>Contact &amp; Title</b>	Dr. Mustafa Akyuz, General and QMS Manager
<b>E-mail Address</b>	<a href="mailto:ma@etko.com.tr">ma@etko.com.tr</a>
<b>Phone Number</b>	90 542 640 5944
<b>Reviewer(s) &amp; Auditor(s)</b>	Graham Davis, NOP Reviewer; Lars Crail, Onsite Auditor.
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective actions review: December 21, 2016 NOP assessment review: November 15, 2016 Onsite audit: October 6-7, 2016
<b>Audit Identifier</b>	NP6279LCA
<b>Action Required</b>	No
<b>Audit &amp; Review Type</b>	Witness Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ETKO's certification system.
<b>Audit &amp; Determination Criteria</b>	7 CFR Part 205, National Organic Program as amended
<b>Audit &amp; Review Scope</b>	ETKO's certification services in carrying out the audit criteria.

### ORGANIZATIONAL STRUCTURE:

The Ecological Farming Controlling Organization is abbreviated as ETKO from their Turkish name (Ekolojik Tarım Kontrol Organizasyonu). ETKO is a for-profit, limited liability company with two shareholders. The main office for USDA organic certification is located in Bornova – Izmir, Turkey. All certification activities for the NOP are conducted at the Izmir office; there are no satellite offices that conduct USDA organic key activities. ETKO was initially accredited as a certifying agent on January 22, 2003 for crops, wild crops, and handling. ETKO currently certifies operations to the USDA organic regulations in the following countries: Turkey, Russia, Serbia, Korea, Kazakhstan, and the Ukraine.

#### SUMMARY OF WITNESS AND REVIEW AUDITS CONDUCTED:

The NOP auditor conducted a one-day witness audit of an annual announced inspection of an ETKO handler/trader/exporter located in Kiev, Ukraine. The operation trades organic grain and seed products and does not physically handle the products. The trading operation was first certified in December 1, 2014.

The NOP auditor conducted a half-day witness audit of an annual announced inspection of an ETKO handler/trader/exporter with an office in Kiev, Ukraine. This trader does not physically handle organic products. There are 18 grain products traded (or intended to be traded) as raw, processed, and as livestock feed. This trading operation was first certified on November 7, 2014.

#### **NOP DETERMINATION:**

NOP reviewed corrective actions submitted as a result of noncompliances issued from Findings identified during the onsite audit. Any noncompliance labeled as “**Accepted**” indicates acceptance of the corrective actions and verification of corrective action implementation will be conducted during the next onsite audit.

#### **Non-compliances Identified during the Current Assessment**

**NP6279LCA.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 the elements of an organic certificate.

**Comments:** *The following organic certificate elements are incorrect or missing on the certificates issued to operations:*

1. *The certificate does not list an anniversary date.*
2. *There are two labeling categories (100% Organic, Organic, Made With Organic....) stated on the certificate when only one category should be listed.*
3. *The certificate states “Certification renewal must be done annually before the anniversary date;” however, there is no anniversary date on the certificate and “certification renewal” is not defined in the USDA organic regulations nor the NOP Handbook.*
4. *The certificate states, “NOP regulation Final Rule 7 CFR Part 205,” rather than “Certified to the USDA organic regulations, 7 CFR Part 205.”*

**2016 Corrective Action:** ETKO revised and submitted their certificate template. The certificate template lists an anniversary date, only one labelling category per product (i.e, 100% Organic, Organic, or Made with Organic), and “Certified to the USDA organic regulations, 7 CFR Part 205”. ETKO revised and submitted their NOP Certification Procedure (Section 7.5.2). Their procedure requires their certificates to have an anniversary date, one labelling category for each product certified under the handling/processing scope, and state, “Certified to the USDA organic regulations, 7 CFR Part 205.”

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) received Ecological Farming Control Organization's (ETKO) renewal application to maintain its U.S. Department of Agriculture (USDA) National Organic Program accreditation in June 2012. The NOP has reviewed ETKO's application, conducted an onsite audit, and reviewed the audit report to determine ETKO's capability to operate as a USDA accredited certifier.

### GENERAL INFORMATION

<b>Applicant Name</b>	ETKO – Ecological Farming Control Organization
<b>Physical Address</b>	160 Sk. No. 13/7, 35040, Bornova - Izmir, Turkey
<b>Mailing Address</b>	160 Sk. No. 13/7, 35040, Bornova - Izmir, Turkey
<b>Contact &amp; Title</b>	Dr. Mustafa Akyuz General and QMS Manager
<b>E-mail Address</b>	ma@etko.org
<b>Phone Number</b>	+90-232-3397606
<b>Reviewer(s) &amp; Auditor(s)</b>	Penny Zuck, NOP Reviewer Lars Crail, Onsite Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective Action review: September 10 – November 3, 2015 NOP assessment review: April 29, 2015 Onsite Audit: May 12-16, 2014
<b>Audit Identifier</b>	NP4132LCA
<b>Action Required</b>	See Notice of Proposed Suspension
<b>Audit &amp; Review Type</b>	Renewal Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ETKO's certification system.
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	ETKO's certification services in carrying out the audit criteria for Crops, Wild Crops, and Handling

#### Organizational Structure:

The Ecological Farming Control Organization is abbreviated as ETKO from their Turkish name (Ekolojik Tarım Kontrol Organizasyonu). ETKO is a for-profit, limited liability company with two shareholders. The main office for USDA organic certification for ETKO is located in Bornova – Izmir, Turkey. All certification activities for the NOP are conducted at the Izmir office; there are no satellite offices that conduct USDA organic key activities.



ETKO was initially accredited as a certifying agent on January 22, 2003 to the USDA National Organic Program (NOP) for crops, wild crops, and handling. ETKO currently certifies operations to the USDA organic regulations in the following countries: Turkey, Russia, Serbia, Korea, Kazakhstan, and the Ukraine. As of May 2014, ETKO's NOP client list had 40 certified operations with 22 crops, 3 wild crops, and 39 handling operations. ETKO certifies to the Turkish Organic Standard under the legal authority of the Organic Farming Committee of the Republic of Turkey the Ministry of Agriculture and Rural Affairs Research Planning and Co-ordination Council (TURKAK). ETKO is also accredited by TURKAK to perform conformity assessments for Turkey's Good Agricultural Practices (GAP). At the time of the renewal audit, ETKO was accredited to ISO 17065 by the International Organic Accreditation Service (IOAS) in the areas of agricultural production, processing and imports of organic agricultural products according to the EEC, GlobalGap, and the Global Organic Textile Standard (GOTS).

ETKO employees 22 staff members that are involved in USDA organic certification. The staff consists of five administrative personnel and 17 technical personnel which also conduct inspections. No contract inspectors are used.

#### **NOP DETERMINATION:**

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

**NP719900A.NC3 – Cleared**  
**NP719900A.NC5 – Cleared**  
**NP719900A.NC6 – Cleared**  
**NP805000A.NC1 – Cleared**  
**NP805000A.NC2 – Cleared**  
**NP9222ZZA.NC1 – Cleared**  
**NP9222ZZA.NC2 – Cleared**  
**NP9222ZZA.NC3 – Cleared**  
**NP9222ZZA.NC4 – Cleared**  
**NP9222ZZA.NC5 – Cleared**  
**NP9222ZZA.NC6 – Withdrawn**  
**NP9222ZZA.NC7 – Cleared**  
**NP9222ZZA.NC8 – Cleared**  
**NP9222ZZA.NC9 – Cleared**  
**NP9222ZZA.NC10 – Cleared**

**NP9222ZZA.NC11 – Cleared**  
**NP9222ZZA.NC12 – Cleared**  
**NP9222ZZA.NC13 – Cleared**  
**NP9222ZZA.NC14 – Cleared**  
**NP9222ZZA.NC15 – Cleared**  
**NP9222ZZA.NC16 – Cleared**  
**NP9222ZZA.NC17 – Cleared**  
**NP9222ZZA.NC18 – Cleared**  
**NP9222ZZA.NC19 – Cleared**  
**NP9222ZZA.NC20 – Cleared**

**NP9222ZZA.NC21** - 7 CFR §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.” *Interviews conducted, records reviewed, and witness inspections observed, verified a general lack of understanding of the NOP standards. While personnel had sufficient experience and education in organic agricultural production and handling practices, there was insufficient understanding on the application of the NOP standards as evidenced by inadequate information in the approved organic compliance (system) plans with no issues of concern or non-compliances being identified over multiple years of certification. The primary Certification Committee (CC) member with expertise in crops was not familiar with basic requirements such as the 90/120 day rule for raw manure application, did not know where to reference in the NOP Rule to determine if an input is permitted, and did not know when commercially available seeds and planting stock could be used. Additionally, while it was stated that the Certification Committee (CC) had received training there were no training records for any of the CC members prior to 2009.*

**Corrective Action:** ETKO conducted training of inspectors, reviewers, and Certification Committee members on November 21, 2009 and March 12-14, 2010 which covered NOP standards, review, inspection, and certification procedures. ETKO has designed a 2010 training plan to ensure periodic training on the NOP is completed. ETKO submitted records of training for all inspectors, reviewers, and Certification Committee members.

**2014 Verification of Corrective Action:** The NOP auditor found the following issues of concern that demonstrated an insufficient understanding of the USDA organic regulations and NOP policies:

1. Label review – the label review checklist did not include USDA organic regulation label requirements to be verified.
2. Inspectors during the witness audits used incorrect regulation citations during exit interviews to identify findings.
3. OCP templates state the incorrect USDA organic regulations.
4. Inspectors are using outdated USDA organic regulations (2010).
5. Inspectors and reviewers not readily able to look up regulations.
6. ETKO personnel have an incomplete understanding of the noncompliance and adverse action notification procedures.
7. Several crop operation OCPs reviewed by the NOP auditor indicated “Not Applicable” for Crop Rotation practice standard (205.205).

8. ETKO personnel did not understand and document buffer zone requirements (205.202(c)).

**2015 Corrective Action:** ETKO submitted PowerPoint presentations, updated forms, training agenda, and training log of the training that was conducted for inspectors, staff, and advisory committee members. The documentation submitted also included copies of completed OCPs with documented buffer zones, and crop rotation practices.

ETKO has designated a responsible person to follow up on NOP updates to the Program Handbook and regulations. This person will translate all updates and provide them to staff members and inspectors by email and/or hardcopy. When necessary, related staff members will be trained for specific updates. The training will be recorded in the training register (new document) and the register will be provided to USDA with ETKO's annual reporting. A copy of the training register form was submitted to NOP.

### **Non-compliances Identified during the Current Assessment**

**NP4132LCA.NC1** –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.” Furthermore, NOP 4009, Instruction – Who Needs to be Certified?, states “The OFPA requires that agricultural products sold or labeled as organically produced must be produced only on certified farms and handled only through certified handling operations (see 7 USC § 6506(a)(1)). The USDA organic regulations reiterate these requirements (see 7 CFR 205.100).”

**Comments:** *ETKO certifies projects that contain uncertified operations (i.e. contractors) that produce or handle organic products that are not certified entities.*

**Corrective Action:** ETKO stated it will certify each subcontracted processing facility during the 2015 production period. ETKO sent a letter to all clients in August 2015 informing them of this requirement. ETKO issued a new instruction for staff, NOP Certification of Subcontracted Operators (TI 48), which describes the basic rules of subcontracted facilities under NOP certification requiring separate certification. ETKO updated the NOP procedure section 7.2.2.3 Processing and Handling Facilities, which requires subcontractors to be certified separately and refers to the instruction (TI 48) for details. ETKO staff was trained during the annual training in July 2015.

**NP4132LCA.NC2** –7 CFR §205.404(b)(3) states, “The certifying agent must issue a certificate of organic operation which specifies the: Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation.”

**Comments:** *Certificates do not adequately indicate the certification scopes of Crop, Wild Crop, and Handling/Processing.*

**Corrective Action:** ETKO submitted copies of corrected certificates identifying the scopes of certification. To prevent this from recurring, ETKO has updated the certificate template and the corrected form will now be used. ETKO submitted a copy of the revised template document with the correct NOP scopes of certification.

**NP4132LCA.NC3** –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... 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: (1) The reasons for the proposed suspension or revocation; (2) The proposed effective date of such suspension or revocation; (3) The impact of a suspension or revocation on future eligibility for certification; and (4) The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.”

**Comments:** *ETKO suspended an operation without issuing a Notice of Proposed Suspension. The same operation after receiving the Notice of Suspension effective for 30 days was issued a Notice of Proposed Revocation and subsequently a Notice of Revocation. The sequence of issued notices and contents of the notifications demonstrate that ETKO does not fully comprehend the process of issuing notifications for noncompliances and adverse actions.*

**Corrective Action:** ETKO has updated their procedures and trained staff and inspectors on the following: NOP 4002 Instruction Enforcement of the USDA Organic Regulations: Penalty Matrix, NOP Penalty Matrix 2612 and NOP 4011 Adverse Action Appeal Process for the NOP. These documents were translated into Turkish in order to provide better understanding of the procedures by NOP involved ETKO staff members. The translated documents, training documents and agenda were submitted to NOP. Further, ETKO will check the NOP Handbook regularly and pertinent documents will be translated immediately. Translated documents will be studied with related staff and inspectors. ETKO submitted NOP Handbook documents to NOP as they were being translated.

**NP4132LCA.NC4** –7 CFR §205.403(c) states, “The on-site inspection of an operation must verify: (1) The operation’s compliance or capability to comply with the Act and the regulations of this part; (2) That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; (3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.”

**Comments:** *The following issues were identified by the NOP auditor during a review of the operation files and witness audits:*

- 1. Inspectors did not completely verify the information stated in the Organic Compliance Plans. If observations and interviews at the onsite inspection did not align with the Organic Compliance Plan, the inspector failed to state this finding as an issue of concern.*
- 2. ETKO inspectors are responsible for collecting large amounts of information about the operations when the Organic Compliance Plan (OCP) is incomplete or in error. The inspector did not note the finding as an issue of concern, failing to indicate that the OCP is incomplete. The inspector did not record these findings in the inspection report. Minor updates or adjustments to the OCP during the onsite inspection is acceptable and can be noted in the inspector’s report.*

3. *The inspection reports did not include a description and the outcome of the reconciliation activities (e.g. mass balance and audit trail audit) conducted by inspectors.*

**Corrective Action:** ETKO submitted documentation from the training it conducted with inspectors on the following topics: “1) Using and evaluation of OCP during onsite inspection; 2) Review of organic compliance plans and identifying noncompliances before inspections, in order to avoid losing time to collect large amount of information and documents; and 3) How to make input-output balance and report it.” ETKO also submitted examples of completed inspection reports from inspectors showing input-output balance and updates to the inspection forms.

**NP4132LCA.NC5** –7 CFR § 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:** *During a crop witness audit observation, the NOP auditor noted that the inspector was not equipped and possibly not adequately trained to conduct sampling for pesticide residues. Product samples were collected during the crop inspection; however, the inspector collected the samples with bare hands potential exposing the samples to contamination and jeopardizing sample integrity.*

**Corrective Action:** ETKO submitted training slides and updated forms used to conduct training for NOP inspectors, staff, and advisory committee members on the following topics: OP 03 Testing, TI 05 Sampling Method, TI 40 NOP Guide Testing & Enforcement Action. Training took place July 6-9, 2015.

**NP4132LCA.NC6** –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 or conditions determined by the Administrator to be necessary.” NOP Policy Memo (PM) 11-10 (dated 01/21/11) states, “Grower group certification...accredited certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies.”

**Comments:** *Grower Groups certified by ETKO do not have documented and functioning Internal Control Systems.*

**Corrective Action:** ETKO created a form to be used for inspection of Internal Control Systems for grower groups and revised the OCP to include the grower group Internal Control System requirement. ETKO updated its NOP Certification Procedure Manual with the requirements to document and verify Internal Control Systems. These forms and procedures will be implemented this year for all grower groups. The forms and revised NOP Certification Procedure Manual were submitted to NOP. ETKO conducted training on this topic July 7, 2015. The training materials and an agenda were submitted to NOP.

## NATIONAL ORGANIC PROGRAM: CORRECTIVE ACTION REPORT

### AUDIT AND REVIEW PROCESS

The National Organic Program (NOP) received Ecological Farming Control Organization's (ETKO) renewal application to maintain its U.S. Department of Agriculture (USDA) National Organic Program accreditation in June 2012. The NOP has reviewed ETKO's application, conducted an onsite audit, and reviewed the audit report to determine ETKO's capability to operate as a USDA accredited certifier.

### GENERAL INFORMATION

<b>Applicant Name</b>	ETKO – Ecological Farming Control Organization
<b>Physical Address</b>	160 Sk. No. 13/7, 35040, Bornova - Izmir, Turkey
<b>Mailing Address</b>	160 Sk. No. 13/7, 35040, Bornova - Izmir, Turkey
<b>Contact &amp; Title</b>	Dr. Mustafa Akyuz General and QMS Manager
<b>E-mail Address</b>	ma@etko.org
<b>Phone Number</b>	+90-232-3397606
<b>Reviewer(s) &amp; Auditor(s)</b>	Penny Zuck, NOP Reviewer Lars Crail, Onsite Auditor
<b>Program</b>	USDA National Organic Program (NOP)
<b>Review &amp; Audit Date(s)</b>	Corrective Action review: September 10 – November 3, 2015 NOP assessment review: April 29, 2015 Onsite Audit: May 12-16, 2014
<b>Audit Identifier</b>	NP4132LCA
<b>Action Required</b>	See Notice of Proposed Suspension
<b>Audit &amp; Review Type</b>	Renewal Assessment
<b>Audit Objective</b>	To evaluate the conformance to the audit criteria; and to verify the implementation and effectiveness of ETKO's certification system.
<b>Audit &amp; Determination Criteria</b>	<i>7 CFR Part 205, National Organic Program as amended</i>
<b>Audit &amp; Review Scope</b>	ETKO's certification services in carrying out the audit criteria for Crops, Wild Crops, and Handling

#### Organizational Structure:

The Ecological Farming Control Organization is abbreviated as ETKO from their Turkish name (Ekolojik Tarım Kontrol Organizasyonu). ETKO is a for-profit, limited liability company with two shareholders. The main office for USDA organic certification for ETKO is located in Bornova – Izmir, Turkey. All certification activities for the NOP are conducted at the Izmir office; there are no satellite offices that conduct USDA organic key activities.

ETKO was initially accredited as a certifying agent on January 22, 2003 to the USDA National Organic Program (NOP) for crops, wild crops, and handling. ETKO currently certifies operations to the USDA organic regulations in the following countries: Turkey, Russia, Serbia, Korea, Kazakhstan, and the Ukraine. As of May 2014, ETKO's NOP client list had 40 certified operations with 22 crops, 3 wild crops, and 39 handling operations. ETKO certifies to the Turkish Organic Standard under the legal authority of the Organic Farming Committee of the Republic of Turkey the Ministry of Agriculture and Rural Affairs Research Planning and Co-ordination Council (TURKAK). ETKO is also accredited by TURKAK to perform conformity assessments for Turkey's Good Agricultural Practices (GAP). At the time of the renewal audit, ETKO was accredited to ISO 17065 by the International Organic Accreditation Service (IOAS) in the areas of agricultural production, processing and imports of organic agricultural products according to the EEC, GlobalGap, and the Global Organic Textile Standard (GOTS).

ETKO employees 22 staff members that are involved in USDA organic certification. The staff consists of five administrative personnel and 17 technical personnel which also conduct inspections. No contract inspectors are used.

#### **NOP DETERMINATION:**

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

**NP719900A.NC3 – Cleared**  
**NP719900A.NC5 – Cleared**  
**NP719900A.NC6 – Cleared**  
**NP805000A.NC1 – Cleared**  
**NP805000A.NC2 – Cleared**  
**NP9222ZZA.NC1 – Cleared**  
**NP9222ZZA.NC2 – Cleared**  
**NP9222ZZA.NC3 – Cleared**  
**NP9222ZZA.NC4 – Cleared**  
**NP9222ZZA.NC5 – Cleared**  
**NP9222ZZA.NC6 – Withdrawn**  
**NP9222ZZA.NC7 – Cleared**  
**NP9222ZZA.NC8 – Cleared**  
**NP9222ZZA.NC9 – Cleared**  
**NP9222ZZA.NC10 – Cleared**

**NP9222ZZA.NC11 – Cleared**  
**NP9222ZZA.NC12 – Cleared**  
**NP9222ZZA.NC13 – Cleared**  
**NP9222ZZA.NC14 – Cleared**  
**NP9222ZZA.NC15 – Cleared**  
**NP9222ZZA.NC16 – Cleared**  
**NP9222ZZA.NC17 – Cleared**  
**NP9222ZZA.NC18 – Cleared**  
**NP9222ZZA.NC19 – Cleared**  
**NP9222ZZA.NC20 – Cleared**

**NP9222ZZA.NC21** - 7 CFR §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.” *Interviews conducted, records reviewed, and witness inspections observed, verified a general lack of understanding of the NOP standards. While personnel had sufficient experience and education in organic agricultural production and handling practices, there was insufficient understanding on the application of the NOP standards as evidenced by inadequate information in the approved organic compliance (system) plans with no issues of concern or non-compliances being identified over multiple years of certification. The primary Certification Committee (CC) member with expertise in crops was not familiar with basic requirements such as the 90/120 day rule for raw manure application, did not know where to reference in the NOP Rule to determine if an input is permitted, and did not know when commercially available seeds and planting stock could be used. Additionally, while it was stated that the Certification Committee (CC) had received training there were no training records for any of the CC members prior to 2009.*

**Corrective Action:** ETKO conducted training of inspectors, reviewers, and Certification Committee members on November 21, 2009 and March 12-14, 2010 which covered NOP standards, review, inspection, and certification procedures. ETKO has designed a 2010 training plan to ensure periodic training on the NOP is completed. ETKO submitted records of training for all inspectors, reviewers, and Certification Committee members.

**2014 Verification of Corrective Action:** The NOP auditor found the following issues of concern that demonstrated an insufficient understanding of the USDA organic regulations and NOP policies:

1. Label review – the label review checklist did not include USDA organic regulation label requirements to be verified.
2. Inspectors during the witness audits used incorrect regulation citations during exit interviews to identify findings.
3. OCP templates state the incorrect USDA organic regulations.
4. Inspectors are using outdated USDA organic regulations (2010).
5. Inspectors and reviewers not readily able to look up regulations.
6. ETKO personnel have an incomplete understanding of the noncompliance and adverse action notification procedures.
7. Several crop operation OCPs reviewed by the NOP auditor indicated “Not Applicable” for Crop Rotation practice standard (205.205).



8. ETKO personnel did not understand and document buffer zone requirements (205.202(c)).

**2015 Corrective Action:** ETKO submitted PowerPoint presentations, updated forms, training agenda, and training log of the training that was conducted for inspectors, staff, and advisory committee members. The documentation submitted also included copies of completed OCPs with documented buffer zones, and crop rotation practices.

ETKO has designated a responsible person to follow up on NOP updates to the Program Handbook and regulations. This person will translate all updates and provide them to staff members and inspectors by email and/or hardcopy. When necessary, related staff members will be trained for specific updates. The training will be recorded in the training register (new document) and the register will be provided to USDA with ETKO's annual reporting. A copy of the training register form was submitted to NOP.

### **Non-compliances Identified during the Current Assessment**

**NP4132LCA.NC1** –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.” Furthermore, NOP 4009, Instruction – Who Needs to be Certified?, states “The OFPA requires that agricultural products sold or labeled as organically produced must be produced only on certified farms and handled only through certified handling operations (see 7 USC § 6506(a)(1)). The USDA organic regulations reiterate these requirements (see 7 CFR 205.100).”

**Comments:** *ETKO certifies projects that contain uncertified operations (i.e. contractors) that produce or handle organic products that are not certified entities.*

**Corrective Action:** ETKO stated it will certify each subcontracted processing facility during the 2015 production period. ETKO sent a letter to all clients in August 2015 informing them of this requirement. ETKO issued a new instruction for staff, NOP Certification of Subcontracted Operators (TI 48), which describes the basic rules of subcontracted facilities under NOP certification requiring separate certification. ETKO updated the NOP procedure section 7.2.2.3 Processing and Handling Facilities, which requires subcontractors to be certified separately and refers to the instruction (TI 48) for details. ETKO staff was trained during the annual training in July 2015.

**NP4132LCA.NC2** –7 CFR §205.404(b)(3) states, “The certifying agent must issue a certificate of organic operation which specifies the: Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation.”

**Comments:** *Certificates do not adequately indicate the certification scopes of Crop, Wild Crop, and Handling/Processing.*

**Corrective Action:** ETKO submitted copies of corrected certificates identifying the scopes of certification. To prevent this from recurring, ETKO has updated the certificate template and the corrected form will now be used. ETKO submitted a copy of the revised template document with the correct NOP scopes of certification.

**NP4132LCA.NC3** –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... 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: (1) The reasons for the proposed suspension or revocation; (2) The proposed effective date of such suspension or revocation; (3) The impact of a suspension or revocation on future eligibility for certification; and (4) The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.”

**Comments:** *ETKO suspended an operation without issuing a Notice of Proposed Suspension. The same operation after receiving the Notice of Suspension effective for 30 days was issued a Notice of Proposed Revocation and subsequently a Notice of Revocation. The sequence of issued notices and contents of the notifications demonstrate that ETKO does not fully comprehend the process of issuing notifications for noncompliances and adverse actions.*

**Corrective Action:** ETKO has updated their procedures and trained staff and inspectors on the following: NOP 4002 Instruction Enforcement of the USDA Organic Regulations: Penalty Matrix, NOP Penalty Matrix 2612 and NOP 4011 Adverse Action Appeal Process for the NOP. These documents were translated into Turkish in order to provide better understanding of the procedures by NOP involved ETKO staff members. The translated documents, training documents and agenda were submitted to NOP. Further, ETKO will check the NOP Handbook regularly and pertinent documents will be translated immediately. Translated documents will be studied with related staff and inspectors. ETKO submitted NOP Handbook documents to NOP as they were being translated.

**NP4132LCA.NC4** –7 CFR §205.403(c) states, “The on-site inspection of an operation must verify: (1) The operation’s compliance or capability to comply with the Act and the regulations of this part; (2) That the information, including the organic production or handling system plan, provided in accordance with §§205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; (3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.”

**Comments:** *The following issues were identified by the NOP auditor during a review of the operation files and witness audits:*

- 1. Inspectors did not completely verify the information stated in the Organic Compliance Plans. If observations and interviews at the onsite inspection did not align with the Organic Compliance Plan, the inspector failed to state this finding as an issue of concern.*
- 2. ETKO inspectors are responsible for collecting large amounts of information about the operations when the Organic Compliance Plan (OCP) is incomplete or in error. The inspector did not note the finding as an issue of concern, failing to indicate that the OCP is incomplete. The inspector did not record these findings in the inspection report. Minor updates or adjustments to the OCP during the onsite inspection is acceptable and can be noted in the inspector’s report.*

3. *The inspection reports did not include a description and the outcome of the reconciliation activities (e.g. mass balance and audit trail audit) conducted by inspectors.*

**Corrective Action:** ETKO submitted documentation from the training it conducted with inspectors on the following topics: “1) Using and evaluation of OCP during onsite inspection; 2) Review of organic compliance plans and identifying noncompliances before inspections, in order to avoid losing time to collect large amount of information and documents; and 3) How to make input-output balance and report it.” ETKO also submitted examples of completed inspection reports from inspectors showing input-output balance and updates to the inspection forms.

**NP4132LCA.NC5** –7 CFR § 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:** *During a crop witness audit observation, the NOP auditor noted that the inspector was not equipped and possibly not adequately trained to conduct sampling for pesticide residues. Product samples were collected during the crop inspection; however, the inspector collected the samples with bare hands potential exposing the samples to contamination and jeopardizing sample integrity.*

**Corrective Action:** ETKO submitted training slides and updated forms used to conduct training for NOP inspectors, staff, and advisory committee members on the following topics: OP 03 Testing, TI 05 Sampling Method, TI 40 NOP Guide Testing & Enforcement Action. Training took place July 6-9, 2015.

**NP4132LCA.NC6** –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 or conditions determined by the Administrator to be necessary.” NOP Policy Memo (PM) 11-10 (dated 01/21/11) states, “Grower group certification...accredited certifying agents should use the National Organic Standards Board (NOSB) recommendations of October 2002 and November 2008 as the current policies.”

**Comments:** *Grower Groups certified by ETKO do not have documented and functioning Internal Control Systems.*

**Corrective Action:** ETKO created a form to be used for inspection of Internal Control Systems for grower groups and revised the OCP to include the grower group Internal Control System requirement. ETKO updated its NOP Certification Procedure Manual with the requirements to document and verify Internal Control Systems. These forms and procedures will be implemented this year for all grower groups. The forms and revised NOP Certification Procedure Manual were submitted to NOP. ETKO conducted training on this topic July 7, 2015. The training materials and an agenda were submitted to NOP.



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**AUDIT INFORMATION**

<b>Applicant Name:</b>	ETKO – Ecological Farming Controlling Organization
<b>Est. Number:</b>	N/A
<b>Physical Address:</b>	160 Sk. No. 13/7 35040, Bornova - Izmir, Turkey
<b>Mailing Address:</b>	160 Sk. No. 13/7 35040, Bornova - Izmir, Turkey
<b>Contact &amp; Title:</b>	Dr. Mustafa Akyüz
<b>E-mail Address:</b>	<a href="mailto:ma@etko.org">ma@etko.org</a>
<b>Phone Number:</b>	+90-232-3397606
<b>Auditor(s):</b>	Corey D. Gilbert
<b>Program:</b>	USDA National Organic Program (NOP)
<b>Audit Date(s):</b>	January 25, March 16-18, June 9-11, and July 9, 2010
<b>Audit Identifier:</b>	NP9222ZZA
<b>Action Required:</b>	No
<b>Audit Type:</b>	Corrective Action Audit
<b>Audit Objective:</b>	To verify that corrective actions adequately address the outstanding non-compliances from the 2007 Annual Update and Desk – Accreditation Renewal Audit, and the non-compliances identified during the on-site Surveillance – Deferred Accreditation Renewal Audit.
<b>Audit Criteria:</b>	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; revised February 17, 2010
<b>Audit Scope:</b>	Submitted corrective actions
<b>Location(s) Audited:</b>	Desk

ETKO submitted corrective actions dated December 2 and 31, 2009 to the NOP, which were received by the auditor on January 25, 2010. ETKO submitted additional corrective actions on March 15 and 18, 2010.

**FINDINGS**

The corrective actions submitted by ETKO adequately addressed the outstanding non-compliances from the 2007 Annual Update and Desk – Accreditation Renewal Audit and the non-compliances identified during the on-site Surveillance – Deferred Accreditation Renewal Audit.

**NP719900A.NC3 – Adequately Addressed** – NOP §205.501 (a)(1) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the



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organic certification program established under the Act and the regulations in this part.” *Qualifications for the Certification Committee were not submitted for review.* **Corrective Action:** Qualifications for the Certification Committee were submitted. The submitted material verified that personnel serving on the Certification Committee have adequate qualifications. **Verification of Corrective Action (August 2009):** Personnel records reviewed during the on-site audit verified personnel had sufficient qualifications as they pertained to experience and education in organic agricultural production and handling methods. However, interviews conducted, records reviewed, and witness inspection findings verified that the training provided to personnel did **not** include sufficient information on the NOP standards for ETKO to fully comply with and implement the organic certification program in accordance with the NOP Final Rule. **Corrective Action (March 2010):** ETKO conducted training of inspectors, reviewers, and Certification Committee members on November 21, 2009 and March 12-14, 2010 which covered NOP standards, review, inspection, and certification procedures. ETKO has designed a 2010 training plan to ensure periodic training on the NOP is completed. ETKO submitted records of training for all inspectors, reviewers, and Certification Committee members.

**NP719900A.NC5 – Adequately Addressed** – NOP §205.501 (a)(11)(v) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report.” *Conflict of interest disclosure reports were not submitted for the Certification Committee.* **Corrective Action:** Signed Conflict of Interest Disclosure Reports for 2006 and 2007 were submitted for the Certification Committee. **Verification of Corrective Action (August 2009):** The *Agreement for Confidentiality and Conflict of Interest Disclosure Reports* were reviewed for all eight Certification Committee members. On two of the eight reports, the committee members had signed the document but did not provide any responses to the questions on the form. Additionally, there was no *Agreement for Confidentiality and Conflict of Interest Disclosure Report* for one of the two responsibly connected parties of ETKO. **Corrective Action (March 2010):** ETKO submitted completed *Agreement for Confidentiality and Conflict of Interest Disclosure Reports* for all Certification Committee members and responsibly connected parties.

**NP719900A.NC6 – Adequately Addressed** – NOP §205.662 (b) states, “When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.” *Non-compliance resolutions were not addressed in the policies or procedures submitted.* **Corrective Action:** ETKO has submitted a template of the non-compliance resolution. **Verification of Corrective Action (August 2009):** ETKO has the template letter of non-compliance as part of their quality management documentation; however, they have not implemented its use and the inspector, not ETKO, is documenting corrective actions and resolution of non-compliances using ETKO’s Non-Conformity Report (see NP9222ZZA.NC1). **Corrective Action (March 2010):** ETKO revised GP 18, section 5.24 to address the handling of non-compliances. ETKO has implemented the use of the non-compliance letter and submitted example non-compliance letters.



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**NP80500OA.NC1 – Adequately Addressed** – NOP §205.201 (a) states, “The producer or handler of a production or handling operation, except as exempt or excluded under §205.101, intending to sell, label, or represent agricultural products as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling system plan must include: (1) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed; (2) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable; (3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented; (4) A description of the recordkeeping system implemented to comply with the requirements established in §205.103; (5) A description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and (6) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.” *The organic system plans for the files submitted do not contain all of the information required in this section. The plans are designed with questions requiring a yes or no answer which does not give any detail as to how the applicant’s operation complies with the NOP Final Rule.* **Corrective Action:** Operators were requested to update the Organic System Plans. Organic System Plans for all NOP certified operations were submitted. They now contain information necessary to determine compliance to the NOP Final Rule. **Verification of Corrective Action (August 2009):** In three of four files reviewed there were deficiencies identified with the organic system plans (OSP). Two of the files were the same certified operations for which the original non-compliance was identified and were also the selected witness inspections. The on-site review of files, interviews, and observations during the witness inspections verified the OSPs were not in compliance.

1. *The wild crop Organic System Plan (OSP) did not adequately address requirements for recordkeeping, designated harvest areas and buffers zone.*
2. *The OSP for the producer witness inspection did not adequately address requirements for the description of recordkeeping, buffer zone requirements, soil fertility and crop nutrient management, and input use.*
3. *The OSP for the processor witness inspection had insufficient information to address the requirements for the monitoring and frequencies to be performed and maintained to verify the plan is implemented. The OSP did not contain documented procedures of the measures for preventing the commingling of organic and nonorganic products. The processor was not maintaining production, cleaning, or shipment records. The OSP did not identify the use of “organic” vegetable oil in the equipment used for processing the organic raisins.*
4. *The OSP for the processor/producer did not identify the use of lime sulfur for pest prevention at the raisin storage depot prior to shipment to the processor.*
5. *Overall, OSP’s did not meet the requirements for compliance to this clause.*

**Corrective Action (March 2010):** ETKO issued a notification of non-compliances to the operations and ultimately suspend the operations. ETKO revised their OSP for wild crop, producers, and processors to emphasize the requirement to fully address all requirements. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which addressed the need for fully completed



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OSPs.

**NP80500OA.NC2 – Adequately Addressed** – NOP §205.402 (a) states, “Upon acceptance of an application for certification, a certifying agent must: (2) 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.” *The organic system plans for the files submitted do not contain all of the information required in NOP §205.201. Due to the lack of the required information it would not be possible to make an accurate determination that the organic system plan complies with the requirements of this section.* **Corrective Action:** Operators were requested to update the Organic System Plans. Organic System Plans for all NOP certified operations were submitted. They now contain information necessary to determine compliance to the NOP Final Rule. **Verification of Corrective Action (August 2009):** The on-site review of files, interviews, and observations during the witness inspections verified that the OSPs had inadequate information to determine compliance to the NOP Final Rule and certified operations were not in compliance with the NOP Final Rule (see NP80500OA.NC1 above). **Corrective Action (March 2010):** ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which addressed the need for fully completed OSPs. ETKO submitted a completed OSP review documenting that the ETKO reviewers were requiring adequate information.

**NP9222ZZA.NC1 – Adequately Addressed** – NOP §205.405(a) states, “When the certifying agent has reason to believe, based on a review of the information specified in §205.402 or §205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of non-compliance to the applicant.” NOP §205.406(c) states, “If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with §205.662.” *ETKO as a certifying agent is not making a determination of compliance or issuing a written notification of non-compliance based on a review of the on-site inspection findings. ETKO’s inspectors are issuing non-compliances directly to the applicants or certified operations at the time of inspection using their Non-Conformity Report and also reviewing and approving the corrective actions for identified non-compliances. ETKO’s Certification Committee does not review or make a determination of non-compliances and all non-compliances identified by the inspector must be resolved prior to forwarding the file to the committee (see NP9222ZZA.NC3).* **Corrective Action:** ETKO revised General Procedure 18 (GP 18) in sections 5.7, 5.22, and 5.24 to require that the Certification Committee be responsible for providing notification of non-compliance and for the resolution of non-compliance. The revised procedures specifically state that inspectors are not issuing non-compliances directly to the applicants or certified operations.

**NP9222ZZA.NC2 – Adequately Addressed** – NOP §205.406(a)(1-4) states, “To continue certification, a certified operation must annually...submit the following information, as applicable, to the certifying agent:...” NOP §205.662(a) states, “*Notification.* When an inspection, review, or investigation of a certified operation by a certifying agent...reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation.” *ETKO is not issuing a notification of noncompliance to certified operations that do not annually submit the information*



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required in §205.406(a)(1-4). **Corrective Action:** ETKO revised GP 18 in sections 5.23 and 5.24 to require that a notification of non-compliance be sent to certified operations that do not submit the required annual update.

**NP9222ZZA.NC3 – Adequately Addressed** – NOP §205.501(11)(vi) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection.” *ETKO’s head inspector or the individual inspectors are conducting the inspections and essentially making the certification decision based on the fact that no files are forwarded to the certification committee until all non-compliances identified by the inspector have been addressed by the clients and corrective actions reviewed and approved by the inspector or head inspector. No files with outstanding non-compliances are sent forward for review by the Certification Committee.* **Corrective Action:** ETKO revised General Procedure 18 (GP 18) in section 5.24 to require that the Certification Committee be responsible for making the certification decision, including review and resolution of non-compliances, and that the head inspector and inspectors not have any responsibility or authority for these activities.

**NP9222ZZA.NC4 – Adequately Addressed** – NOP §205.662(a-c) states, “When an inspection, review, or investigation of a certified operation by a certifying agent... reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation...” NOP §205.404(c) states, “Once certified, production or handling operation’s organic certification continues in effect until surrendered by the organic operation or suspended or revoked by the certifying agent, the State organic program’s governing State official, or the Administrator.” *ETKO is not requiring clients to notify them when they want to surrender their certification and is issuing letters of surrender to the clients informing them their NOP certificate was surrendered because they did not re-apply for NOP Certification and they cannot use their NOP certificate and must return it. ETKO has “surrendered” the certification of four of their fifteen currently certified operations during years the clients chose not to re-apply for certification and then re-certified them in subsequent years when they re-applied. ETKO also “surrendered” the certification of sixteen additional clients that did not ever re-apply for certification and are no longer listed as certified operations.* **Corrective Action:** ETKO revised GP 15 in section 5.4 to require clients to inform ETKO of their decision to surrender their certification and to return the original certificate. The revised procedure also requires ETKO to contact clients that have not submitted updates to determine if they want to surrender.

**NP9222ZZA.NC5 – Adequately Addressed** – NOP §205.404(b)(2) states, “The certifying agent must issue a certificate of organic compliance to the certified operation which specifies the: effective date of certification. *The effective date of certification was not included on the certificates for 2 of 4 files reviewed.* **Corrective Action:** ETKO revised their template certificates to include the effective date of certification. ETKO reviewed their files and issued revised certificates with the effective date of certification for five certified operations.





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**NP9222ZZA.NC6 – Adequately Addressed** – ETKO’s general procedure GP 18, Section 5.2.2 Review of Application, specifies that the application review is conducted by a competent inspector assigned by ETKO. *The Managing Director is conducting all of the initial application reviews and prior to 2009 was also conducting the annual update reviews; however, this responsibility is not identified in ETKO’s procedures.* **Corrective Action:** ETKO revised GP 18, Section 5.2.2 Review of Application to specify that the application review is conducted by a competent person assigned by ETKO. The competent person may be the Managing Director or other review staff.

**NP9222ZZA.NC7 – Adequately Addressed** – NOP §205.501(a)(16) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Charge applicants for certification and certified production and handling operations only those fees and charges for certification activities that it has filed with the administrator.” *Fees charged and described on the Cost Estimate and Invoice as “Follow-up, Certification: NOP ETKO Staff” are not included on the submitted fee schedule (TI 14). On all three files reviewed for fees charged to clients all three clients were not charged in accordance with the fee schedule. All three clients were undercharged based on the number of inspectors and days taken for the certification which is the method utilized by ETKO to determine the certification fees to be charged.* **Corrective Action:** ETKO revised their fee schedule (TI 14) to match the fees charged and described in the Cost Estimate and Invoice.

**NP9222ZZA.NC8 – Adequately Addressed** – NOP §205.642 states, “Fees charged by a certifying agent must be reasonable... The certifying agent shall provide each applicant with an estimate of the total cost of certification and estimate of the annual cost of updating the certification... The certifying agent may set the nonrefundable portion of certification fees; however, the nonrefundable portion of certification fees must be explained in the fee schedule.” *Nonrefundable fees are explained in the procedures but not in the fee schedule.* **Corrective Action:** ETKO revised their fee schedule (TI 14) to explain nonrefundable fees.

**NP9222ZZA.NC9 – Adequately Addressed** – NOP §205.501(a)(7) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Have an annual program review of its certification activities conducted by the certifying agent’s staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measure to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation.” *ETKO’s annual program review is not addressing all certification activities for the NOP. The 2008 internal audit used for the annual program review only reviewed EU files. The 2009 internal audit included NOP files; however, the 2009 annual program review had not been completed so it was not possible to verify the information to be reviewed.* **Corrective Action:** ETKO revised TI 30 NOP Accreditation Requirements and SP 03 Management Review procedure to ensure the annual program review addresses all certification activities for the NOP.

**NP9222ZZA.NC10 – Adequately Addressed** – NOP §205.207(a) states, “A wild crop that is intended to be sold, labeled, or represented as organic must be harvested from a designated area...” NOP §205.202 states, “Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as organic must: (c) Have distinct, defined boundaries and buffer zones...” *The wild crop witness inspection operation did not have maps or description designating the harvest area or identifying*



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*the buffer zones.* **Corrective Action:** ETKO issued a notification of non-compliance to the operation and ultimately suspend the operation. ETKO revised their wild collection procedure (TI 20) to more specifically require maps or a description of designated harvest areas and identification of buffer zones. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010.

**NP9222ZZA.NC11 – Adequately Addressed** – NOP §205.307(b) states, “Nonretail containers used to ship or store raw or processed agricultural product labeled as containing organic ingredients must display the lot number of the product if applicable.” The clients organic system plan (Section A16.3 Collection Activities) stated the main wild crop collector stores the product in a barrel labeled as organic. *A barrel of capers at the wild crop collection depot did not have any labels or identification; although, the head collector stated it was organic.* **Corrective Action:** ETKO issued a notification of non-compliance to the operation and ultimately suspend the operation. ETKO revised the GP 18 procedure and the GP 18 F 01-02 forms to ensure adequate labels and identification of organic product during inspections. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures.

**NP9222ZZA.NC12 – Adequately Addressed** – NOP §205.103(b)(2)(4) states, “(a) A certified operation must maintain records concerning the production, harvesting, and handling of agricultural products that are... (b) Such records must: (2) Fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited; (4) Be sufficient to demonstrate compliance with the Act and the regulations in this part.” *The operators for the wild crop, crop, and processing witness inspections did not maintain sufficient records to comply with the requirements.* **Corrective Action:** ETKO issued a notification of non-compliance to the operations and ultimately suspended the operations. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures, including the necessity of maintaining sufficient records.

**NP9222ZZA.NC13 – Adequately Addressed** – NOP §205.403(c)(1) – (3) states, “The on-site inspection of an operation must verify: (1) the operation’s compliance or capability to comply with the Act and the regulations in this part; (2) That the information, including the organic production or handling system plan... accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; (3) That prohibited substances have not been and are not being applied to the operation through means which...”

1. *During the inspection of the wild crop operation, the inspector did not reference the organic system plan during the inspection, did not physically verify all buffer areas or inquire about potential areas of contamination, and did not identify a non-labeled barrel (containing organic product) as a non-compliance.*
2. *During the producer witness inspection, the inspector did not inspect the storage unit where raisins are stored prior to shipment to the processor because there was nothing currently in storage. The inspector did not inquire about the use of lime sulfur for pest prevention at the storage depot; although, the product had recently been used by the certified operation and a bag was available for review.*
3. *During the producer witness inspection, the inspector did not fully inspect the chemical storage area of the producer and did not inquire about the Valagro NPK 20.20.20 fertilizer, Cropex, and*



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*Sweet K-30 (water soluble potassium oxide) product in the storage area which were being used for conventional crops.*

**Corrective Action:** ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures. ETKO increased monitoring activities of inspectors in 2009 and identified that during the 2010 inspection cycle all inspectors will be observed conducting NOP inspections to ensure compliance. ETKO submitted Inspector Monitoring Reports from the end of 2009.

**NP9222ZZA.NC14 – Adequately Addressed** – NOP §205.202(c) states, “Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as ‘organic’ must: (c) Have distinct, defined boundaries and buffer zones...” *The crop witness inspection locations did not have maps or written descriptions to identify the boundaries and the buffer zones.* **Corrective Action:** ETKO issued a notification of non-compliance to the operation and ultimately suspended the operations. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures. ETKO revised GP 18 to specify that NOP applicants and clients must submit maps with defined boundaries and buffer zones, as applicable.

**NP9222ZZA.NC15 – Adequately Addressed** – NOP §205.203(a) states, “The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological conditions of soil...” *The OSP for the producer witness inspection stated they did practice cultivation methods to maintain or improve; however, five of the seven producers visited were leaving the fields unattended with little or no tillage or cultivation practices and only the application of inputs for pest or disease prevention and treatment.* **Corrective Action:** ETKO issued a notification of non-compliance to the operation and ultimately suspended the operations. ETKO revised GP 18 and GP 18 F 02 Agriculture Plan to address the issue of unattended fields. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures.

**NP9222ZZA.NC16 – Adequately Addressed** – NOP §205.501(a)(8) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and the regulations in this part.” *The wild crop, crop, and processor witness inspection clients and their subcontracted units did not have adequate knowledge of the NOP requirements to enable them to comply with the Act. The wild crop witness inspection client purchasing representative and person responsible for training the head collectors stated he had not seen the NOP Rule and did not have any knowledge of the NOP Rule.* **Corrective Action:** ETKO issued a notification of non-compliance to the operations and ultimately suspended the operations. ETKO revised GP 18 to emphasize the necessity of adequate knowledge of the NOP requirements. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures.



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**NP9222ZZA.NC17 – Adequately Addressed** – NOP §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...” and ETKO *Technical Instruction TI 20 Certification of Wild Collection*, Rev Nr. 2, 20.10.2008, section 5.4 states “ETKO inspectors will visit a certain number of collecting sites, according to the risk factors of the collection system; minimum site visit must be 5 and according to inspector’s decision: This number can be increased up to 10 collection sites.” *The ETKO instructions and procedures allow for a sampling of certified operations to be inspected as opposed to all certified sites being inspected annually and thereafter as required. These operations are not certified as grower groups and would not qualify as grower groups (don’t have to sell all organic harvest through the group). The wild crop and producer witness inspections along with interviews conducted, and records reviewed verified that not all sites are inspected as required.*

**Corrective Action:** ETKO revised TI 20 Certification of Wild Collection, section 5.4 to distinguish between group certification with an internal control system and individual collection operations without an internal control system. The individual collection operations have multiple collectors; however, they are not considered grower groups and according to the revised procedure the on-site inspection will include all collectors and all locations.

**NP9222ZZA.NC18 – Adequately Addressed** – NOP §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” and the 2002 NOSB Recommendation states, “The certifying agent shall have policies and procedures for determining how many growers must receive an annual inspection by the certifying agent.” *ETKO Procedure OP 02 Certification of Grower Groups is just a copy of the requirements for grower groups from the NOSB Recommendation. The procedure does not provide any actual information on how many growers will receive an annual inspection from the ETKO inspector.* **Corrective Action:** ETKO revised procedure OP 02 Certification of Grower Groups to define the risk categories of normal, medium, and high, and specify the number of members to be evaluated for each category. The total number for each category is based on increasing multiplication factors (1, 1.2, 1.4) of the square root of the total number of farmers with a mandatory minimum number of members that must be evaluated.

**NP9222ZZA.NC19 – Adequately Addressed** – NOP §205.403(b)(2) states, “All on-site inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present...” *Five of seven farms inspected did not have the farmer that manages the operation present for the inspection. The company representative responsible for purchasing the product from the farmers was present and he is also a farmer of a certified operation; however, he was only aware of the general production practices and not the specific practices of each operation. An interview with one of the farmers was conducted off-site; however, he was not present during the review at his field.*

**Corrective Action:** ETKO revised GP 18, section 5.7 to specify that the NOP inspection cannot be carried out without the presence of an authorized and knowledgeable representative. ETKO informed NOP clients to provide NOP training to their responsible staff and producers. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards, review, inspection, and certification procedures.



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**NP9222ZZA.NC20 – Adequately Addressed** – NOP §205.301(a) states, “A raw or processed agricultural product sold, labeled, or represented as “100 percent organic” must contain (by weight or fluid volume, excluding water and salt) 100 percent organically produced ingredients.” *The crop and processing witness inspection client’s organic certificate and organic system plan identifies the processed product (raisins) as 100 percent organic, but a potassium bicarbonate solution is being added to the grapes prior to on-farm drying to speed up the drying process and facilitate color development. One additional file reviewed identified the use of enzymes and non-certified pectin in a product identified as 100 percent organic.* **Corrective Action:** ETKO reviewed the files and revised the categories on the certificates to organic. ETKO conducted training of inspectors and reviewers on November 21, 2009 and March 12-14, 2010 which covered the NOP standards and labeling requirements.

**NP9222ZZA.NC21 – Adequately Addressed** – NOP §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.” *Interviews conducted, records reviewed, and witness inspections observed, verified a general lack of understanding of the NOP standards. While personnel had sufficient experience and education in organic agricultural production and handling practices, there was insufficient understanding on the application of the NOP standards as evidenced by inadequate information in the approved organic compliance (system) plans with no issues of concern or non-compliances being identified over multiple years of certification. The primary Certification Committee (CC) member with expertise in crops was not familiar with basic requirements such as the 90/120 day rule for raw manure application, did not know where to reference in the NOP Rule to determine if an input is permitted, and did not know when commercially available seeds and planting stock could be used. Additionally, while it was stated that the Certification Committee (CC) had received training there were no training records for any of the CC members prior to 2009.* **Corrective Action:** ETKO conducted training of inspectors, reviewers, and Certification Committee members on November 21, 2009 and March 12-14, 2010 which covered NOP standards, review, inspection, and certification procedures. ETKO has designed a 2010 training plan to ensure periodic training on the NOP is completed. ETKO submitted records of training for all inspectors, reviewers, and Certification Committee members.