Accredited Certifiers Association, Inc.
Accredited certifying agents working together to ensure the integrity of organic certification in the United States

September 30, 2013

Ms. Michelle Arsenault, Special Assistant
National Organic Standards Board
USDA–AMS–NOP
1400 Independence Ave. SW.,
Room 2648-So., Mail Stop 0268
Washington, DC 20250–0268;

Re: Docket AMS–NOP–13–0049; NOP–13–04
NOSB Compliance, Accreditation & Certification Subcommittee
Sound and Sensible Initiative Discussion Document

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the Compliance, Accreditation and Certification Subcommittee Proposal entitled Sound and Sensible Initiative Discussion Document.

The Accredited Certifiers Association (ACA) represents 47 foreign and domestic accredited certifying agents. Our comments were developed through a Working Group of interested ACA members with input solicited from our entire membership.

The ACA appreciates the Subcommittee's work in bringing this discussion forward to the public for comment; however, ACA members request that the NOSB and the National Organic Program (NOP) provide sufficient time for public comment - the recent public comment period was only 17 business days. This is not sufficient time to prepare comments for the Board. We ask that NOP and NOSB review the process used, revise the work plan and work schedules in order that the work is completed earlier and provide sufficient time for the public to submit well-documented, thorough comments to the NOSB. If the revision of the schedule means that fewer discussion documents / recommendations are presented, so be it. We do not judge the Board on the number of items for consideration, but on the quality of information provided. The public has recently seen the time frame for public comment shrink to the point that it is difficult for membership organizations to a) provide the information to their members; b) organize their members to begin the work of developing comments and c) draft and submit the comments. We request a concerted effort be made to extend the public comment period.

The ACA fully supports the Sound and Sensible concept for accreditation and certification under the NOP. The ACA was instrumental in leading the discussion of this topic along with many other representatives of the organic community, and has continued the discussion with an on-going Working Group comprised of ACAs, as well as other members of the organic community, dedicated to addressing this topic. We identified the following four topics as the primary issues to address:

- The Organic System Plan
- Noncompliances and Reminders
- Materials Review
- The On-site Inspection

During our meetings and discussion we have identified and discussed nearly all the issues the NOSB CAC Subcommittee has also identified. ACA has developed two written documents on the Sound & Sensible Initiative and these are available on our website and are included in Appendix A & B: www.accreditedcertifiers.org

- Appendix A: A Road Map to Sound & Sensible, March 2013
- Appendix B: An informational letter to the NOSB Chair regarding Sound & Sensible Initiative, August 2013

Many ACAs have begun working to address the concerns expressed in our two documents above, however, since the current system has arisen due to instructions from NOP and noncompliances issued to ACAs during accreditation audits, many other ACAs are reluctant to move forward with revisions. The primary reason for this is the lack of communication from the NOP to ACAs regarding support for specific revisions to the system. ACAs cannot move forward with revisions and risk accreditation noncompliances – there must be communication from NOP that they are willing to consider revisions from ACAs. There have been no formal communications from NOP to ACAs during the nearly 9 months of discussion.

Many of the questions asked in the Sound and Sensible Initiative Discussion Document by the CAC Subcommittee focus on communications:

- Communications between the ACA and the NOP
- Communications between the ACA and their accreditation auditor
- Communications between the ACA and the client

ACA believes that improved and revised communication practices are key to the Sound and Sensible Initiative succeeding.

Communications between the ACA and the NOP

ACAs are eager to embrace the Sound and Sensible concept once additional guidance is communicated by the NOP. Examples of the need for specific communications from NOP include: updates made to the OSP at the time of inspection which do not affect organic integrity are permitted; revision of the requirement that notices of noncompliance must be issued in all circumstances; and communicating this to ACAs. Many ACAs note that an open discussion between NOP, accreditation auditors, and ACAs could be very helpful to improving the communication and consistency among ACAs.

Communications between the ACA and their accreditation auditor

Many ACAs agree that the ballooning of paperwork requirements for organic certification are a direct result of the accreditation process and the perception that more paperwork equates to a more rigorous system. ACAs have been cited by auditors for not having enough documentation; auditors are satisfied when ACAs collect more documentation.

Consistency of certification systems among ACAs is impacted by the knowledge of NOP accreditation auditors. It is important to keep in mind that noncompliances issued to certifiers translate into system changes which impact organic operators. If done so inconsistently then the certification systems will vary widely among ACAs. We believe that the auditors must also respect the ability of certifiers to make decisions that most effectively serve their organization, certification applicants, and certified organic operators.

Communications between the ACA and the client
Our members realize that it is important to communicate clearly with clients, and to provide information on the certification process. ACAs use various processes to communicate: phone, email, and letter. Much of the communication stems from a lack of information submitted by the client, requiring follow-up to obtain this information.

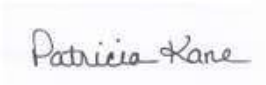
Inspectors communicate with clients at the time of inspection. There is agreement among ACAs that inspectors should be permitted to collect updates to the Organic System Plan during the on-site inspection based on discussions with the operator. This is an important tool, one that has been discouraged by the NOP and accreditation auditors in the past. ACAs note that OSPs are not a static document, but one that is revised continually dependent upon conditions at the operation.

Historically ACAs have been required to issue Notices of Noncompliance for all types of scenarios, even if organic integrity was not at risk. Noncompliance notices have been (and likely continue to be) issued for minor record keeping omissions, missing deadlines, etc. ACAs believe the continual issuance of noncompliances can lead to an adversarial relationship with the client and the devaluing of a noncompliance. We believe that a system of *reminders* and *conditions for certification* are more appropriate for these minor instances. *Noncompliances* should be used only for issues where organic integrity is at risk.

ACAs also understand the need to provide education to their clients regarding the certification process. Unfortunately, over the years, many ACAs have been reluctant to provide this education due to the perceived conflict between providing information and consulting. Clients believe the information should be provided and don't understand why ACAs do not provide the information. NOP training for ACAS which provides specific examples to ACAs regarding the fine line between providing information, consulting, and overcoming barriers to certification would be welcomed.

In summary, the ACA and our members recognize that the issues discussed in the Sound and Sensible Initiative Discussion Document are real and important for the certification process to continue to grow and remain credible. ACAs fully support the need for revision, but request NOP be engaged in this process also.

Respectfully submitted,



Patricia Kane
Coordinator

Appendix A

Accredited Certifiers Association, Inc.

Accredited certifying agents working together to ensure the integrity of organic certification in the United States

A Roadmap to "Sound and Sensible"

March 25, 2013

Developed as an outcome of the "Sound and Sensible" ACA Training Discussion, Jan. 2013, and expanded upon by the ACA Sound and Sensible Working Group.

Community conversations at trainings and testimonials at NOSB meetings have highlighted the need to reduce the burden of organic certification on operations and certifiers, to support the ongoing growth of the organic industry. Recordkeeping requirements have in some cases driven operations out of certification that are otherwise compliant. Additionally, a reliance on paperwork to demonstrate compliance has increased the costs of accreditation audits.

Since 2009 NOP has promoted a "Strict but Sensible" philosophy of certification. The Program reiterated its commitment to Sound and Sensible certification at the 2013 ACA training. While certifiers, operations, and the Program agree that certification should be Sound and Sensible, there are systemic barriers to our common goal. Some certifiers have developed creative solutions to minimize the barriers and stay in compliance with the Regulation. If certifiers and accreditation auditors can be trained on examples of Sound and Sensible and consistently accept this approach, organic certification will remain accessible to a diversity of operations and effective at ensuring compliance. We have organized examples into three categories: The Organic System Plan, Education of / Consulting with Organic Operations, and Focus on Compliance.

1. The Organic System Plan

The Organic System Plan may be the largest cultural barrier to paperwork reduction in the organic certification process. It has historically been a paper based, lengthy and annually updated document that has been interpreted as needing to capture all elements of a compliance plan accurately and in real time. These assumptions must be broken in order to move into the future of organic certification. The OSP does not have to be paper based, does not have to be updated in real time, does not have to be re-written in entirety annually, nor does it need to capture every practice, but only those that are required by the Regulation. Specific ways to shift our view of the OSP follow:

- NOP regulations only require an operation to notify the certifier when a change to their operation may affect compliance. Certifiers would like to stop issuing notices of noncompliance to operations who implement an otherwise compliant practice before updating the OSP. The 2013 NOP training clearly supported this approach. This message must be delivered to accreditation auditors. Additionally the Penalty Matrix must be updated so that a notice of noncompliance is not required for compliant practice changes. Detailed line-by-line feedback on the Penalty Matrix has been submitted by several certifiers.

- Rather than requiring a complete OSP to be filled out each year, some certifiers only require a short summary of changes or a statement from the operation that there were no changes and are no anticipated changes to practices. Accreditation auditors must be trained to expect and accept this as a compliant annual update.
- In order to capture changes to the OSP that may affect compliance in a timely manner, OSP's should be allowed to be updated by the operation in writing, over the phone, by email, or in person. ACA's should be allowed to collect these updates and record them in a variety of ways, including but not limited to making notes to the original OSP themselves, or changing data in a database to reflect the update from the operation. As long as the updated OSP is made accessible to the operation this flexibility accommodates the realities of an operation's time and resources. Accreditation auditors must be willing to accept many forms of updates other than written.
- It is acceptable for the ACA (either office staff or inspector) to manually make the update to the OSP based on the information provided by the client, so long as the updated OSP is provided to or made available to the operation which provides an opportunity for the client to edit or confirm the changes made by the certifier (electronically or in paper).
- OSP information may not always live in a "form", and may sometimes live as data in a database (for instance, client name, address, phone number, parcel location, crops, etc). Updating the data electronically is the same as updating a form.
- Records are not always paper. Certifiers and accreditation auditors should accept a variety of records, which were discussed in the NOP training including photos, videos, drawings or sketches, illustrations of procedures, non-written marks – hash marks, chalk marks, machete marks on wood, etc. (There may be legal considerations for accepting alternative records.)
- It is acceptable that minor updates to the OSP will be made at inspection and this is not a failing of the ACA or the operation. Accreditation auditors should be trained to accept this reality of working with dynamic operations.
- OSP's should not include plans for every potential scenario, aspect of the operation, or possible compliance point. Unless it is specifically required to be in the OSP by the Regulations, details about the operation, crops, herds or products can be verified on site by the ACA. For example, if an operation's OSP does not include the age at which pullets are provided access to the outdoors, or the temperature at which they are kept inside, this can be verified onsite.
- Simplified language should be acceptable to NOP auditors, even if it is not the exact regulatory language. Using plain language can sometimes convey a requirement more directly than the Regulatory language.
- Emphasize observation of practices during the inspection, in addition to verification of the OSP. Some observations may not fit within the inspection report forms. Use alternatives to record compliance or issue, such as a digital camera.

2. Education of / Consulting with Organic Operations

The "Education vs. Consulting" conflict of the regulatory system permeates many of the areas where ACAs interact on a day-to-day basis with their certified operations and applicants for certification.

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.*

At the same time, there are restrictions on consulting under NOP 205.501(a)(11)(iv) which states: A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: *Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.*

In comparison, ISO 17065 Standard (Section 4.2.6) and the IFOAM Norms (1.3.12 – 1.3.14) also do not allow a certification body to offer or provide consultancy to its clients. However, both reference the ability of accredited certifiers to provide information on findings, and to explain the standards or certification requirements to clients.

ACAs believe that the following types of information may be provided to a client/applicant, either by the ACA or the inspector, without there being concern that providing the information is consulting ***nor*** that they are helping the client (or applicant) '…overcome identified barriers to certification':

- **A specific rule section reference**

  Example # 1: a client/applicant calls asking if they may treat an animal with aspirin; ACA answers their question and refers them to §205.603(a)(2) of the rule.

  Example # 2: a client/applicant calls and asks if a certain crop rotation is acceptable; ACA answers their question and refers them to §§205.205 Crop rotation and 205.2 Terms defined – *Crop rotation*, with appropriate explanation of each relative to how the ACA has interpreted these sections.

  Example # 3: a client/applicant calls and asks if a multi-ingredient product whose individual ingredients are not on the National List is acceptable to use; ACA explains current requirements regarding the use of ingredients not on the National List. If the client would like to have the ingredient reviewed, the ACA requests ingredients and makes a determination based on ACA's material review process.

  Example # 4: a client/applicant asks if they can purchase nonorganic seeds; ACA refers them to §§205.205 Seeds, seedlings, planting stock and 205.2 Terms defined – *Commercially available*, and further clarifies the requirements under §205.204 by

providing a step-by-step explanation of what commercial availability means, what documentation will be required if nonorganic seeds are bought (e.g. for corn: non-GMO/untreated; for legumes: non-GMO/ untreated/ inoculant treatment; etc), and what records must be kept.

Example # 5: a client/applicant asks if a generic material is acceptable to use, (e.g. egg shell meal, worm castings, vermiculite, neem, molasses, milk replacer, pectin, dried poultry litter, boric acid, soap, pyrethrum, etc); ACA explains the requirements in the applicable sections of the regulation and may also refer to OMRI Generic Materials List, and if necessary (i.e. material not on OMRI List) further review is done per ACA material review process.

- **Policies & procedures of ACA**

  Example: ACA holds a meeting to share information with clients or potential clients regarding the certification process, which may include answers to questions regarding fees, a review of the forms used, how materials are reviewed, and examples of how certification requirements are verified (i.e. buffers, seeds, crop rotation, record keeping, pasture requirements, off-farm manure, off-farm bedding, etc. are assessed). This meeting may include actual filling out of forms by the client/applicant, as well.

- **Guidance materials developed by the ACA**

  Example # 1: client/applicant has questions regarding the appropriate buffer zone size; ACA provides guidance document pertaining to the issues to consider (topography, wind direction, type of adjoining crop, typical sizes of buffer zones) in establishing a buffer zone. The inspector then verifies whether the buffer zone is adequate.

  Example # 2: client/applicant submits noncompliant label sample; ACA responds with references to Rule sections, but additional labels submitted are still noncompliant. ACA provides samples of generic labels which are compliant, along with samples of generic labels that are noncompliant.

  Example # 3: client/applicant asks about seeds (see above); ACA provides guidance document on the issues to consider in order to comply with §§205.204 and 205.2 Terms defined – *Commercially available*.

- **Additional Resources - internal to ACA, or external resources**

  Example # 1: client contacts ACA asking for an appropriate material/product to treat a plant disease; ACA has a policy to provide clients with a list of materials that it has reviewed suitable for treatment of that disease. ACA also informs client that he/she may refer to the OMRI or WSDA lists of materials for an appropriate material. If client/applicant asks about a specific product, then ingredients are requested (if not

OMRI or WSDA approved already), reviewed and a determination is made (see above).

Example # 2: ACA makes available to clients a list of resources to locate additional information. This could include directories, such as the MOSES Resource Directory, seed catalogs, lists of input suppliers, lists of currently certified operations, any known regional, state or county resources and programs (e.g. department of agriculture, extension, NRCS, sustainable agriculture groups, meetings/conferences/field days, etc).

Barriers to Education

With the above in mind, ACAs have identified the accreditation process – specifically a given auditor's strict interpretation of *providing consultancy services* – as the driving mechanism that has led ACAs to be hesitant to provide information to clients/applicants. This results in clients/applicants feeling that they are in the dark, that the certifier is not forthcoming with answers to their questions, and that certification may not be attainable for them. This also results in, unavoidably, a perceived disparity between ACAs and their ability to provide service to a client/applicant, resulting in, "certifier shopping".

And, finally, given the apparent lack of understanding or agreement on what constitutes appropriate education and inappropriate consulting, the current accreditation process via the auditors (desk audit, site visit, findings, report) is tending to focus more on noncompliance notices that the auditor thinks should be issued to a client/applicant. This exacerbates an adversarial relationship between certifiers and clients/applicants, instead of a encouraging a collaborative relationship where certifiers can help an operation come in to full compliance through ongoing improvements. The current process also results in noncompliance(s) to the ACA, where none would be needed if a better understanding and broader perspective were had by an auditor.

Recommendation

We recommend that the National Organic Program consider the following modifications to the accreditation and auditing process:

- Education for NOP and auditors regarding the positive impact client/applicant education has on the certification process, including the bedrock principle of continuous improvement. An informed, educated client/applicant tends to take the process seriously, provides more complete applications, and is less likely to incur noncompliances. This saves time and money for both the client/applicant and the ACA. These clients/applicants are generally boosters of certification, including continual improvement in their own operations.

- Discussion(s) between a client/applicant and an inspector on topics other than a citation should not be identified as a noncompliance by auditors. As long as an inspector is not doing the work for the client—i.e. not providing or advising specific methods or materials to use—they (the inspector) should be allowed and encouraged to explain the

requirements of the standards and discuss compliant practices, with appropriate (see above) reference to the Rule.

- Auditors should be reminded that §205.501(a)(8) requires ACAs to provide information to clients. Auditors should have leeway to trust that ACAs are adhering to the Rule and using appropriate discretion. Just as auditors interpret and apply accreditation requirements with appropriate discretion and perspective, ACAs should also be given similar professional courtesy based on past and current performance over the wide range of areas/scopes being covered by an auditor, ***particularly with regards to agricultural methods and materials, of which ACAs are well-trained to assess and determine overall compliance of clients/applicants.***

- ACAs should participate in the training of auditors in order to provide real-life scenarios. Examples of scenarios could be prepared in ppt. presentations for future reference.

3. Focus on Compliance

While the ACA appreciates the efforts of the NOP to develop NOP 2612 Instruction Document, *Recommended Penalties for Violations of Specific Regulatory Requirements* and the *Penalty Matrix by Category of Violation* in an effort to provide consistency to compliance decisions, we believe that the current Instruction Document and Penalty Matrix rely too heavily on the use of noncompliances to address issues that do not affect organic integrity. The overreliance on noncompliance notices creates an adversarial relationship between certifiers and operators, and hampers beneficial collaboration that can better achieve desired continual improvement of organic systems.

Several ACAs have submitted comments and suggested revisions to the Penalty Matrix and to NOP 2612, *Recommended Penalties for Violations of Specific Regulatory Requirements.* The ACA supports the suggested revisions.

We believe that the following considerations are key in the development of an effective, fair and sensible compliance policy.

- Notices of noncompliance should only be issued in cases where there is an actual breach of organic integrity or where there is a serious organic system plan problem.

- ACAs should have autonomy and flexibility in assessing specific situations, to benefit both certifiers and organic operators. This should include empowering certifiers and operators to use multiple tools to bring operators into compliance, rather than relying strictly on noncompliances.

- Acknowledgement that minor changes to the OSP that do not otherwise affect organic integrity and that are approved by the certifier are not noncompliances. The definition of noncompliances should be revised accordingly. (Also see The Organic System Plan discussion above.)

- NOP must support and encourage certifiers to embrace the concept of *Practices not Paperwork*, as suggested by other certifiers. Focusing on the effectiveness of practices implemented by operations, rather than how these are described in documentation will allow certifiers to focus efforts on bringing noncompliant practices into compliance. This readjustment of focus will result in greater organic integrity, as certifiers will have more time and energy for enforcement of significant noncompliance issues and for development of a more sound and sustainable organic certification program.

We ask that the NOP respect the ability of certifiers to make decisions that most effectively serve their organization, certification applicants, and certified organic operators. With our suggested revisions and with a more general approach, certifiers will have the guidance they need to implement consistent certification decisions. Micro-managing certifiers and being too prescriptive in sanctions hurts certifiers and the operators who depend upon certification. Certifiers are capable and competent to evaluate individual circumstances and respond in a sound and sensible manner.

Suggested Revisions to NOP 2612

In order to carry out a more Sound and Sensible approach, we urge the NOP to revisit NOP 2612, *Recommended Penalties for Violations of Specific Regulatory Requirements, to* align it with principles suggested above. Revisions should include:

1) An additional definition: Reminder - An issue that does not or would not compromise organic integrity of product. Examples of this include minor OSP updates needed, such as an "n/a" box checked, or a reminder about how to maintain compliance. A Reminder may also impart information about areas for continuous improvement & learning opportunities. Inspectors may observe these opportunities onsite, or accredited certifying agents may issue a reminder after the review of an OSP update or inspection report. There is no immediate action to be taken by the operation, and any improvements can be observed at the next inspection.

2) Revision to "Notices of Noncompliance (NONC)": Noncompliances in this category must be corrected prior to issuing a new certification and must be promptly and sufficiently corrected by certified operations. Practices have been implemented that compromise Organic product integrity or the operation has failed to adequately resolve previous Conditions. Examples of this level of noncompliance include failure to submit requested information by a deadline, failure to pay fees, use of a noncompliant label that misleads consumers or use of a prohibited material.

   The examples of *timely information, failure to update the organic system plan*, and *inadequate recordkeeping* should be removed from this definition as these are not activities that compromise organic integrity.

3) Revision to Major Noncompliances – "Denial of Certification" or "Combined NONC with Proposed Suspension of Certification": Noncompliances in this category affect the integrity of the organic system or product and appear willful and/or noncorrectable.

They may include unresolved noncompliances previously issued. Examples include a complete lack of any records for several years, refusal to provide requested information or access to the operation, and refusal to modify practices or operation in order to comply.

4) Revision to Major Noncompliances – "Denial of Certification" or "Combined NONC with Proposed Revocation of Certification": Examples of this level of noncompliance include altering records to conceal noncompliance practices.

Suggested Revisions to the Penalty Matrix

Based upon our suggested revisions to Section 4.2 Definitions in NOP 2612, we suggest the Penalty Matrix is also revised to align with these revisions. Again, ACA supports the revisions submitted by individual organizations.

1) NOP should encourage certifiers to use other communication tools to ensure compliance, outside of noncompliance notices, when there is no major threat to organic integrity. Many sections in the Penalty Matrix insist that noncompliances be issued for items that certifiers have historically and effectively treated as simple requests for additional information. When certifiers need to request further information that has not been presented in the OSP they should be encouraged to do so without prescriptive language requiring issuance of a noncompliance notice.

2) By requiring certifiers to respond to small issues, such as the use of an allowed input that's not on the OSP, by issuing a Notice of Noncompliance, we decrease the relative impact of the noncompliance notification process, and we increase burden on the certification system. Notices of noncompliance should only be issued in cases where there is an actual breach of organic integrity or where there is a serious organic system plan problem.

   We do not consider that the following circumstances must be addressed by the issuance of a notice of noncompliance:
   - Requests for additional information
   - Incomplete OSP
   - Incomplete recordkeeping system
   - Wrong colors in the USDA seal
   - Failure to submit annual update in a timely manner
   - Placement of "certified organic by…" statement above the name of the certified operation.
   - Use of compliant material without OSP update

   We would consider the following as reasons to issue a notice of noncompliance:
   - Nonpayment of certification fees
   - Not providing sufficient access to pasture for ruminants

- Sale of product with a 100% organic label claim on that contains only 80% organic ingredients
- Use of a prohibited fertilizer on organic crop land
- Use of a prohibited ingredient in the formula of an organic product
- Commingling of organic & nonorganic products during storage.

3) Encourage the use of upgraded penalty levels for operations with continual noncompliances with marginal responses that are generally not effective. Examples include:

    - 2nd year repeat noncompliance requires the submission of a root cause analysis explaining why previously submitted responses to correct the issue were not adequately implemented;
    - 3rd year repeat noncompliance automatically triggers a notice of proposed suspension.

4) We suggest the inclusion of a Categorization Chart, similar to the CCOF Issue Severity Categorization chart below. This Chart would provide concise guidance in determining the level of noncompliance and also allow certifiers more flexibility in addressing compliance issues on an individual basis, while also providing the consistency amongst certifiers that the NOP desires.

5) Accreditation auditors must be trained to allow certifiers to utilize these other communication tools. This is a key element in bringing the compliance process to a sound and sensible level.

CCOF Issue Severity Categorization					
	REMINDER	**CONDITION**	**NONCOMPLIANCE**	**COMBINED NONC & PROPOSED SUSPENSION**	**COMBINED NONC & PROPOSED REVOCATION**
Description	Issue does not or would not compromise organic integrity of product.	No known issues related to product integrity, but additional information is needed. *Results in a Notice of Noncompliance if not sufficiently resolved.*	Organic product integrity is compromised or failure to adequately resolve previous Conditions. *Results in a Proposed Suspension if not resolved. May result in a Proposed Revocation if fraud is involved.*	Noncompliance is willful and/or non-correctable.	Noncompliance is willful and/or non-correctable, and includes fraud.
Action	No immediate action to be taken by operation.	Response from certified operation required within specified time period (usually 30 days).	Corrective action (or rebuttal) and response from certified operation required within specified time period (usually 30 days)	Rebuttal, mediation or appeal.	Rebuttal, mediation or appeal.
Examples	• Minor OSP issue such as: "Not Applicable" box not checked. • Area for learning & continuous improvement & opportunities. • Information about how to maintain ongoing or future compliance- such as notification of 2016 deadline for placement of COB statement or information about preharvest intervals when the operation may use manure in the future.	• Proposed plan is not compliant. • More information needed to determine if operation is compliant or not. • Integrity of product in the marketplace is not compromised, but minor issues related to record-keeping or paperwork. • OSP is inaccurate or incomplete but practice is compliant.	• Operation failed to respond to previous Conditions by specified date. • Operation responded to previous Conditions and the response showed that the issue was not corrected or did in fact affect organic integrity. • Use of a prohibited material including treated seed or prohibited processing aid. • Nonpayment of fees. • Ongoing issue that is not satisfactorily resolved. • Noncompliant label that misleads consumer printed and in use by client.	• Willful, repeated or ongoing noncompliances • Violation that is not correctable. • Complete lack of records for multiple years. • Refusal to provide information requested or access to portions of operation. during inspection • Refusal to modify operation in order to comply.	• Operation sells product as organic after being informed by certifier that product is not eligible for sale as organic/ • Operation falsely states that corrective action has been taken to resolve previous noncompliance/ • Fraudulently altering records to conceal noncompliant practices.

Appendix B

Accredited Certifiers Association, Inc.

Accredited certifying agents working together to ensure the integrity of organic certification in the United States

August 6, 2013

Robert (Mac) Stone, Chair
National Organic Standards Board
Member of Compliance, Accreditation & Certification Subcommittee

Via email

Re: Sound & Sensible Initiative

Dear Mac:

The Accredited Certifiers Association recently convened a Sound & Sensible Initiative Working Group to continue the work begun in January 2013. The members of the Working Group are noted below and reflect a broad coalition of the organic community.

Brett Bakker, New Mexico Dept. of Agriculture
Lynn Coody, Organic Agsystems Consulting
Dave DeCou, ECOCERT ICO
Dave Engel, Nature's International Certification Services
Ib Hagsten, International Organic Inspectors Association
Liana Hoodes, National Organic Coalition
Connie Karr, Oregon Tilth Certified Organic
Callyn Kircher, Oregon Tilth Certified Organic
Jake Lewin, CCOF Certification Services
Sandy Mays, Wolf, DiMatteo Associates
Scott Rice, Washington State Dept. of Agriculture
Margaret Scoles, International Organic Inspectors Assoc.
Kelly Shea, White Wave
Michael Sligh, National Organic Coalition
Jackie Townsend, Midwest Organic Services Association
Aaron Turner, Oregon Tilth Certified Organic
Stephen Walker, Midwest Organic Services
Sam Welsch, OneCert, Inc.
Mary Yurlina, MOFGA Certification Services
Aaron Zeis, Oregon Tilth Certified Organic

The focus of work for this group is to provide specific proposals in relation to a Sound & Sensible Certification process without sacrificing organic integrity. While ACA and the National Organic Program have been discussing this Initiative for some time, the larger organic

community may not be aware of this discussion. We are hoping that the National Organic Standards Board Compliance, Accreditation and Certification Subcommittee Discussion Document for the Fall 2013 NOSB Meeting will inform and engage the larger organic community in this important discussion. The purpose of this document is to inform the NOSB of the areas that ACAs and inspectors believe could undergo additional scrutiny in relation to improving the certification process.

Community conversations at trainings and testimonials at NOSB meetings have highlighted the need to reduce the burden of organic certification on operations and certifiers, to support the ongoing growth of the organic industry. ACAs are also feeling the burden of increasing paperwork and processes.

Our Working Group created 4 Subgroups focusing on:

A. The Organic System Plan
B. Noncompliances and Reminders
C. Materials Review
D. The On-site Inspection

We have summarized the discussions of the subgroups below and we hope this information will be useful to the NOSB in your discussions regarding the Sound & Sensible Initiative. Our Working Group will be continuing work on this important topic.

The group expressed an overarching concern regarding how Sound and Sensible it is for the community to spend time with the NOSB, make recommendations, comments etc. and then for the issues to not move forward to completion through the NOP process. We are concerned that this not productive or effective. Should there be a moratorium on new issues until we are caught up on existing recommendations? Major issues of consistency and quality in the certification system exist where recommendations, guidance and rulemaking is not occurring and therefore is not creating clarity in the regulatory environment. The failure to move the work of the NOSB forward is not contributing to a level playing field.

We welcome any comments or questions from the NOSB on this paper.

Regards,

Patricia Kane
ACA Coordinator

Accredited Certifiers Association, Inc.

Accredited certifying agents working together to ensure the integrity of organic certification in the United States

Sound & Sensible Initiative

8.2013

A. The Organic System Plan

The Organic System Plan may be the largest cultural barrier to paperwork reduction in the organic certification process. It has historically been a paper based, lengthy and annually updated document that has been interpreted as needing to capture all elements of a compliance plan accurately and in real time. In order to aid in the sound and sensible initiative certifiers, the National Organic Program, NOSB and clients must all work together to establish a system of updating the OSP that works in practical time. The assumptions that an OSP needs to capture all elements of a compliance plan in real time needs to be broken in order to move organic certification forward.

205.406 (a) – Continuation of certification, outlines the necessary requirements for an operation to update their certification annually. Within this section a certified operation must do the following annually;

- Pay the certification fees
- Submit an updated organic production or handling system plan which includes:
  - Changes from the previous year
  - Changes in the coming year
- Outline any additions to or deletions of contact, business name and/or address.
- Provide an update on the correction of minor noncompliances previously identified by the certifying agent as requiring correction for continued certification
- Any other information as deemed necessary by the certifying agent to determine compliance with the Act and the regulations in this part.

With regards to annual OSP updates and continuous updates throughout the year the following specific improvements should be discussed for implementation:

- Noncompliances should not be required to be issued when a compliant practice is implemented but not updated in the OSP. Currently certifiers are forced to issue noncompliances when the operator fails to update the OSP prior to implementing the practice. A common example is the use of a compliant material on their farm prior to certifier approval. Farmers need to make quick and immediate decisions regarding material use. However, certifiers may not have the resources to review and approve every change an operation implements in such a timely fashion.

- Rather than requiring a complete OSP to be filled out each year, some certifiers only require a short summary of changes or a statement from the operation that there were no changes or are no anticipated changes to practices. Accreditation auditors must be trained to expect and accept this as a compliant annual update. Certifiers should be instructed on what is necessary in an OSP update and not require a complete OSP to be filled out each year. One method to achieving this may be to have certifiers separate out aspects of the OSP from those that change annually (cropping systems, materials, etc.) and those that are standard practices as part of their plan. The 2013 certifier training presented by the NOP touched on this topic, however a formal requirement for OSP annual update forms may be necessary in order for some certifiers to change their current practice of requiring complete OSP's annually. Some OSP annual update forms are quite lengthy and time-consuming to complete, which defeats the purpose of having a different form for updating the OSP.

- Allow for flexibility in the means and methods of updates. In order to capture changes to the OSP that may affect compliance, the organic community needs to get creative and remain flexible in how the updates can be made. Updates during the inspection should be perfectly acceptable. Updating via a phone call to the certifier or in writing and in email are all methods, which need to be widely accepted. Certification staff made aware of the change through such means should be allowed to update the OSP on behalf of the operator by making notes in the file. This improves customer service and decreases the paperwork burden on operators. Flexibility in the documenting of compliant organic practices needs to be maintained or increased and certifiers should be allowed to develop systems for OSP updates that capture changes that work within the confines of their systems and needs as well as the operators needs.

- Accept that updates to the OSP are going to happen at inspection and encourage inspectors to collect such updates during the inspection provided that it is not an entirely new scope of the operation. Often inspectors do not collect these updates at inspection because they fear it is outside of their main duty of inspecting. However, there should be nothing hindering this update at inspection, as this is one of the best times to capture data that needs to be reflected in the OSP. Certifiers can develop methods to capture this information that inspectors can utilize and submit in order to ensure that the OSP is accurate.

- Accreditation auditors and certifiers must accept that it is unreasonable to expect the OSP to be up to date on every detail at all times. It is this unrealistic expectation that has caused great burden on operators. The OSP should be a living document that is updated at points in the year. The inspection is a logical point to ensure that these updates are reflected and full compliance is maintained.

- Certifiers grapple with the question of whether a certified operation must have a complete up to date copy of their OSP on site. Maintaining dual copies at two locations of this living document can add further paperwork burden on certifiers and certified

operations. It is our recommendation that the OSP lives with the certification agent and is made available to the operator at any time via various means. The certified operation maintains records to verify compliance to the plan that they have submitted to their certifier. We urge the NOP to develop clear guidance and instructions on updating the OSP's and include reasonable guidance on methods that a certifier can ensure that the operator is able to receive a copy of the updated OSP.

- When making recommendations both the NOP and NOSB should ensure that the recommendations do not rely on detailed and specific descriptions in the OSP. It is these recommendations of detail and specificity in the OSP that create an unacceptable paperwork burden and does not allow for the creativity, which has been the backbone of successful organic farmers.

We feel that with all of the recommendations above there is no compromise to organic integrity. In fact, in encourages open communication, dialogue and constant collaboration between the certifier, operator and inspector. This ensures that necessary information is captured in the OSP through proper updates. **We simply must unravel some current practices and assumptions that every detail of an operation needs to be kept current at all time with a master OSP on file with the certifier.**

B. Noncompliances and Reminders

While the ACA appreciates the efforts of the NOP to develop NOP 2612 Instruction Document, *Recommended Penalties for Violations of Specific Regulatory Requirements* and the *Penalty Matrix by Category of Violation* in an effort to provide consistency to compliance decisions, we believe that the Instruction Document and Penalty Matrix rely too heavily on the use of noncompliances to address issues that do not affect organic integrity. The overreliance on noncompliance notices creates an adversarial relationship between certifiers and operators, and hampers beneficial collaboration that can better achieve desired continual improvement of organic systems.

Several ACAs have submitted comments and suggested revisions to the Penalty Matrix and to NOP 2612, *Recommended Penalties for Violations of Specific Regulatory Requirements.* The ACA supports the suggested revisions.

We believe that the following considerations are key in the development of an effective, fair and sensible compliance policy.

- Notices of noncompliance should only be issued in cases where there is an actual breach of organic integrity or where there is a serious organic system plan problem.

- ACAs should have autonomy and flexibility in assessing specific situations, to benefit both certifiers and organic operators. This should include empowering certifiers and operators to use multiple tools to bring operators into compliance, rather than relying strictly on noncompliances.

- Acknowledgement that minor changes to the OSP that do not otherwise affect organic integrity and that are approved by the certifier are not noncompliances. The definition of noncompliances should be revised accordingly.

- NOP must support and encourage certifiers to embrace the concept of *Practices not Paperwork*, as suggested by other certifiers. Focusing on the effectiveness of practices implemented by operations, rather than how these are described in documentation will allow certifiers to focus efforts on bringing noncompliant practices into compliance. This readjustment of focus will result in greater organic integrity, as certifiers will have more time and energy for enforcement of significant noncompliance issues and for development of a more sound and sustainable organic certification program.

- Certifiers support a robust compliance mechanism. Noncompliances should always be used in a timely manner when there is a potential that adverse action is necessary. Certifiers hope that a revision to the penalty matrix representing sound and sensible principals could support greater consistency. ACAs are concerned about the need for consistency between certifiers within the organic certification system. Visits to certifiers

and greater empowerment within the department to provide feedback and course correction would be helpful.

We ask that the NOP respect the ability of certifiers to make decisions that most effectively serve their organization, certification applicants, and certified organic operators. With our suggested revisions and with a more general approach, certifiers will have the guidance they need to implement consistent certification decisions. Micro-managing certifiers and being too prescriptive in sanctions hurts certifiers and the operators who depend upon certification. Certifiers are capable and competent to evaluate individual circumstances and respond in a sound and sensible manner.

Suggested Revisions to NOP 2612

In order to carry out a more Sound and Sensible approach, we urge the NOP to revisit NOP 2612, *Recommended Penalties for Violations of Specific Regulatory Requirements, to* align it with principles suggested above. Revisions should include:

1) An additional definition: Reminder - An issue that does not or would not compromise organic integrity of product. Examples of this include minor OSP updates needed, such as an "n/a" box checked, or a reminder about how to maintain compliance. A Reminder may also impart information about areas for continuous improvement & learning opportunities. Inspectors may observe these opportunities onsite, or accredited certifying agents may issue a reminder after the review of an OSP update or inspection report. There is no immediate action to be taken by the operation, and any improvements can be observed at the next inspection.

2) Revision to "Notices of Noncompliance (NONC)": Noncompliances in this category must be corrected prior to issuing a new certification and must be promptly and sufficiently corrected by certified operations. Practices have been implemented that compromise Organic product integrity or the operation has failed to adequately resolve previous Conditions. Examples of this level of noncompliance include failure to submit requested information by a deadline, failure to pay fees, use of a noncompliant label that misleads consumers or use of a prohibited material.

   The examples of *timely information, failure to update the organic system plan*, and *inadequate recordkeeping* should be removed from this definition as these are not activities that compromise organic integrity.

3) Revision to Major Noncompliances – "Denial of Certification" or "Combined NONC with Proposed Suspension of Certification": Noncompliances in this category affect the integrity of the organic system or product and appear willful and/or noncorrectable. They may include unresolved noncompliances previously issued. Examples include a complete lack of any records for several years, refusal to provide requested information or access to the operation, and refusal to modify practices or operation in order to comply.

4) Revision to Major Noncompliances – "Denial of Certification" or "Combined NONC with Proposed Revocation of Certification": Examples of this level of noncompliance include altering records to conceal noncompliance practices.

Suggested Revisions to the Penalty Matrix

Based upon our suggested revisions to Section 4.2 Definitions in NOP 2612, we suggest the Penalty Matrix is also revised to align with these revisions. Again, ACA supports the revisions submitted by individual organizations.

1) NOP should encourage certifiers to use other communication tools to ensure compliance, outside of noncompliance notices, when there is no major threat to organic integrity. Many sections in the Penalty Matrix insist that noncompliances be issued for items that certifiers have historically and effectively treated as simple requests for additional information. When certifiers need to request further information that has not been presented in the OSP they should be encouraged to do so without prescriptive language requiring issuance of a noncompliance notice.

2) By requiring certifiers to respond to small issues, such as the use of an allowed input that's not on the OSP, by issuing a Notice of Noncompliance, we decrease the relative impact of the noncompliance notification process, and we increase burden on the certification system. Notices of noncompliance should only be issued in cases where there is an actual breach of organic integrity or where there is a serious organic system plan problem.

   We do not consider that the following circumstances must be addressed by the issuance of a notice of noncompliance:

   - Requests for additional information
   - Incomplete OSP
   - Incomplete recordkeeping system
   - Wrong colors in the USDA seal
   - Failure to submit annual update in a timely manner
   - Placement of "certified organic by…" statement above the name of the certified operation.
   - Use of compliant material without OSP update

   We would consider the following as reasons to issue a notice of noncompliance:

   - Nonpayment of certification fees
   - Not providing sufficient access to pasture for ruminants
   - Sale of product with a 100% organic label claim on that contains only 80% organic ingredients
   - Use of a prohibited fertilizer on organic crop land
   - Use of a prohibited ingredient in the formula of an organic product
   - Commingling of organic & nonorganic products during storage.

3) Encourage the use of upgraded penalty levels for operations with continual noncompliances with marginal responses that are generally not effective. Examples include:

    - 2nd year repeat noncompliance requires the submission of a root cause analysis explaining why previously submitted responses to correct the issue were not adequately implemented;
    - 3rd year repeat noncompliance automatically triggers a notice of proposed suspension.

4) We suggest the inclusion of a Categorization Chart, similar to the CCOF Issue Severity Categorization chart (attached at the end of this document). The Chart would provide concise guidance in determining the level of noncompliance and also allow certifiers more flexibility in addressing compliance issues on an individual basis, while also providing the consistency amongst certifiers that the NOP desires.

5) Accreditation auditors must be trained to allow certifiers to utilize these other communication tools. This is a key element in bringing the compliance process to a sound and sensible level.

C. Materials Review

Current materials review systems are not "Sound"

Although information on materials is necessary to complete multiple parts of the organic certification cycle, current materials evaluation systems are recognized as a weakness. There is no industry standard that provides criteria or procedures for review of brand name materials—OFPA and the NOP regulations only address review of generic materials. As a result, certifiers have implemented materials review systems that differ widely in both methodology and rigor and sometimes produce inconsistent results such as different rulings on the same brand name product.

Materials review systems require personnel with specialized training and skills and the pool of workers with such training is limited. Many certifiers do not have staff that is appropriately trained to perform materials reviews, which is a significant factor than can affect the soundness of decisions about materials.

Certifiers also report an inability to perform materials reviews in a timely fashion. Typically, there is an influx of applications for certification and continuation of certification that are processed over a span of months. During this period, operators are using the materials that they have reported on the OSPs, including those that may not yet have been approved by their certifier. Problems arise if the certifier's review of the material eventually determines that an operator has used a material that does not meet NOP standards.

A critically important reason that concerns about materials review are so widespread is that NOP's oversight of materials review systems through accreditation assessments is not rigorous. For example, NOP's Accreditation Assessment Checklist (Revision Date: May, 15, 2013) addresses materials review in a cursory fashion. Rather than a checklist of questions about the specific methods used in materials evaluation, NOP's document contains only a single question about materials evaluation: "Are the materials and inputs used in compliance with the NL and annotations?"

Current materials review systems are not "Sensible"

Although OMRI provides high-quality materials review services, there are still many brand name materials that are not submitted to OMRI and therefore must be reviewed by ACAs when these products appear on operators' OSPs. As reported during the ACA trainings, the need to review materials requires each ACA to devote resources to maintaining its own review system. To do so, certifiers must recruit and retain staff members who are competent to review materials and they must implement information systems to ensure that inspectors and reviewers have adequate information on each material.

Unfortunately, after doing the work to evaluate materials, most ACAs lack mechanisms for sharing the results of their evaluations, resulting in certifiers duplicating efforts to review the same materials. Some certifiers stated that they have not yet implemented effective procedures for sharing information about reviewed materials internally, among their own reviewers and inspectors. Clearly, it would be more sensible to have one review by a well-trained staffer, with the results shared.

Another problem is that maintaining review materials systems creates a financial burden on each ACA. One aspect of the financial burden is finding resources for materials review. Some certifiers charge clients to review materials submitted on an OSP, but most bear the cost of materials review as an overhead expense. The effect of treating materials review as general overhead can be that managers tend towards minimizing the resources needed for materials review, which in turn, tends to negatively affect the soundness of the output of materials review systems. Other types of overhead costs result when there are discrepancies between decisions made by different certifiers. This situation is a common occurrence and it creates inefficiencies for both operators and certifiers. An example of increased overhead for an operator might be the time needed for a processor that uses co-packers certified by different ACAs to check with these certifiers about conflicting information on the same material. In turn, the ACAs must devote staff time to checking their review decision, communicating with each other, and each communicating with their client.

Recommendation for Sound and Sensible Materials Review System

There are some improvements to the organic industry's approach to materials review that could be made easily. One idea is that Certification Procedures should "front load" the review of materials as a way to minimize the time and effort needed to complete a certification. Because assessment of materials is one of the more black and white parts of the NOP regulations and because use of a prohibited material clearly precludes certification for the field

where applied, emphasizing materials review earlier in the process could reduce the time and effort of reviewing other aspects of a production system in which a prohibited material has been used. Practical applications of this principle would include doing a thorough review of materials during the Initial Review as opposed to relying on the inspector to review materials or, simply reordering the work done at each step of the certification cycle so that materials review is done earlier.

Another immediate need is for training that is specific to materials review. Perhaps OMRI and IOIA could work together to offer trainings on development and implementation of certifier-based materials review programs. Such training would not only be valuable to certification personnel, but to those involved in accreditation as well.

Other ideas for Sound and Sensible materials review systems will need a longer time frame for development. These include:

- Standardizing the materials review systems through NOP issuing guidance on the criteria needed for such systems. One mechanism for such guidance could be in the form of increased detail on assessment of materials review systems in the NOP's accreditation checklist.
- Moving toward a centralized review system through policies that encourage materials suppliers to submit their materials to OMRI and for operators to used OMRI-approved materials.
- Requiring all certifiers and other MROs to make public their lists of approved materials. This would provide more transparency to operators, certifiers, and the public (Sound), reduce duplicative reviews of the same material (Sensible), and reduce the amount of time all certifiers would need to spend on evaluating materials (Sensible).

  It was acknowledged that publishing lists of approved (and prohibited) materials has inherent risks and liability for the ACA. It was noted that the higher level of oversight and a standard material review process, would likely lead to more confidence among certifiers regarding accepting other lists and publishing their own list. Publication of the lists would also serve as a precursor to establishment of a body to analyze the results of different certifiers' evaluations and resolve any points of disagreement.
- Moving towards materials review systems that incorporate inspections of materials suppliers based on random selection as well as risk factors such as concerns about individual suppliers, problems specific to certain types or classes of materials.
- Expanding the scope of the NOP's accreditation program to include MROs that are not ACAs.

D. The On-site Inspection

Although OSP updates were discussed previously, inspectors also believe that it is critical that the NOP clarify that there are multiple correct ways to update an OSP, including changes being made by the operator and inspector at inspection. The recent move aimed at getting all the updates before the inspection is clearly working against streamlining inspection by adding time to the certification process. Multiple communications are going back and forth between inspector, certifier, and operator for fairly insignificant details that could be dealt with at inspection.

Any OSP update forms should be limited only to those documents most likely to change (i.e. Seed Lists, Materials List, Annual Crop List). The Inspection Report could emphasize those things found to be a deviation from the plan or otherwise unusual.

Recommendation:
NOP Guidance clarifying that there are multiple acceptable ways to update an OSP, including changes being made by the operator and inspector at inspection.

Exit Interview Process and Exit Interview Document

Certifiers often have very rigid inspection report forms (often 10 or more pages long) that inspectors must complete while on-site or after leaving the operation. In most cases, the inspection report body could be much shorter if the Exit Interview process and document included OSP updates, follow-up to certifier's requests, follow-up to last year's non-compliances, scope of inspection, as well as issues of concern and further information needed. The focus of the body of the inspection report could be reporting things that could not be verified, things that were inconsistent with the OSP, or that were unusual.

The Exit Interview document is critical because it is the one document that is co-signed by the operator and the inspector. While ACAs generally require specific discussion of and documentation of noncompliances during the Exit Interview, the Exit Interview is neither well-enough used or understood. Properly used, it ties together updates, reports, and reviewers. In general terms, everyone understands what is to be covered in the Exit Interview (issues of concern and further information needed).

Currently, the Exit Interview forms used by different certifiers vary widely. They are often free-form, relying on the knowledge of the inspector on how to structure and report audit findings and nonconformities. Potential non-compliances are often buried in the body of the report and not re-iterated on the Exit Interview document. A study of EPA and state inspection reports that is cited in IOIA basic training showed that 5 out of 10 non-compliances are lost due to poor report writing. One of those five was described as "non-compliance buried in poorly written report". Industry-wide, there is much less focus on structure of the Exit Interview (both process and document) than the inspection report, when the exit interview is actually more important. Great inconsistency in what certifiers expect and what inspectors are doing has resulted.

The exit interview should summarize updates to the OSP. As described above, updates at inspection are still often the best way to update minor changes. A comprehensive Exit Interview document would provide both the certifier and the accreditors with information that could be readily used to see if inadequate OSPs are being pushed through the system without adequate initial review. Adding the OSP update summary to the Exit Interview could be one acceptable way of documenting the update. Because the operator has a copy, it eliminates the need for copious copies, hard copy follow-up mailings, or the possibility that the operator will not have a current plan. Also, it would become very clear and transparent how much of the updating is happening at inspection. Non-compliances are more likely to be caught.

In addition to providing solid information to the certifier on all potential non-compliances, the exit interview fills a positive role in process improvement, education, and in assisting compliance. As two examples:

1. Kelp used in organic livestock feed must be organic by March 4, 2014. Feeding non-certified kelp in 2013 would not result in a NONC. However, by noting it on the exit interview document that non-certified kelp is used and operator is aware of the deadline, the inspector helps reinforce the operator's memory that this issue will be followed up on the following year.
2. If a label has been printed and used without prior review for the certifier, the exit interview can note this and serve as a reminder that labels must be submitted for approval. If the label was actually compliant, no NONC will be issued. However, the exit interview serves as education for continuous improvement.

Recommendations:

1. NOP guidance or instruction to certifiers on the Exit Interview Process and Exit Interview Processes.
2. NOP/ACA/IOIA Training Topic on Doing a Good Exit Interview (Process and Document)

Inefficient, onerous forms

ACAs and inspectors are not in favor of standardizing forms. However, we agreed that poorly constructed forms (whether OSP, inspection report, or other), are contrary to Sound and Sensible. And if inspectors are spending as much time writing long reports after the inspection as they are on inspection, it is also counter to Sound and Sensible. Both are inefficient and costly. Focus should be on clear, concise forms.

Recommendation:

The ACA should have a focus, through working groups and training sessions, on discussion regarding improvement of forms and the possible development of templates for members to utilize.

Inspector Qualifications

The ACA Working group agrees that inspectors are key to the process of maintaining organic integrity because they are usually the only people on-site and that some inspectors are not competent, either because of lack of technical knowledge or because of lack of proper training.

Inspector competence does not equate to good inspector performance. The most efficient and cost-effective inspector is the well-trained, experienced, competent inspector.

Recommendation:
We encourage NOP to take steps toward implementation of the NOSB Inspector Qualifications Recommendation of December 2011. The recommendation includes good steps to increase inspector performance, including continuous education requirements and witness audits. Witness audits are valuable, but are currently vastly under-utilized.

Cost of Inspection

We generally agreed that it is the cost of certification, not the paperwork burden that is driving smaller producers out of certification. All of our efforts to reduce paperwork and time on inspection will not financially make up for the loss of cost share. The cost of the inspection is a major part of the certification cost. It is unrealistic to increase demands on and expectations of inspectors at the same time cost is being used heavily in selecting inspectors. We must reduce the amount of paperwork being done by the inspector. Moving paper from the operator to the inspector does not reduce costs.

Attachment #1

CCOF Issue Severity Categorization					
	REMINDER	**CONDITION**	**NONCOMPLIANCE**	**COMBINED NONC & PROPOSED SUSPENSION**	**COMBINED NONC & PROPOSED REVOCATION**
Description	Issue does not or would not compromise organic integrity of product.	No known issues related to product integrity, but additional information is needed. *Results in a Notice of Noncompliance if not sufficiently resolved.*	Organic product integrity is compromised or failure to adequately resolve previous Conditions. *Results in a Proposed Suspension if not resolved. May result in a Proposed Revocation if fraud is involved.*	Noncompliance is willful and/or non-correctable.	Noncompliance is willful and/or non-correctable, and includes fraud.
Action	No immediate action to be taken by operation.	Response from certified operation required within specified time period (usually 30 days).	Corrective action (or rebuttal) and response from certified operation required within specified time period (usually 30 days)	Rebuttal, mediation or appeal.	Rebuttal, mediation or appeal.
Examples	• Minor OSP issue such as: "Not Applicable" box not checked. • Area for learning & continuous improvement & opportunities. • Information about how to maintain ongoing or future compliance- such as notification of 2016 deadline for placement of COB statement or information about preharvest intervals when the operation may use manure in the future.	• Proposed plan is not compliant. • More information needed to determine if operation is compliant or not. • Integrity of product in the marketplace is not compromised, but minor issues related to record-keeping or paperwork. • OSP is inaccurate or incomplete but practice is compliant.	• Operation failed to respond to previous Conditions by specified date. • Operation responded to previous Conditions and the response showed that the issue was not corrected or did in fact affect organic integrity. • Use of a prohibited material including treated seed or prohibited processing aid. • Nonpayment of fees. • Ongoing issue that is not satisfactorily resolved. • Noncompliant label that misleads consumer printed and in use by client.	• Willful, repeated or ongoing noncompliances • Violation that is not correctable. • Complete lack of records for multiple years. • Refusal to provide information requested or access to portions of operation. during inspection • Refusal to modify operation in order to comply.	• Operation sells product as organic after being informed by certifier that product is not eligible for sale as organic/ • Operation falsely states that corrective action has been taken to resolve previous noncompliance/ • Fraudulently altering records to conceal noncompliant practices.