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Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2648-So, Ag Stop 0268
Washington, DC 20250-0268

RE: Docket: AMS-NOP-13-0049
NOSB Compliance, Accreditation and Certification Subcommittee
Sound and Sensible Initiative

Oregon Tilth applauds the Compliance, Accreditation and Certification Subcommittee for creating the Sound & Sensible Initiative discussion document. We are very interested in the participating in this discussion and the ideas that will be circulated. Our staff helped to draft, and whole-heartedly support the Accredited Certifiers Association (ACA) *Road Map to Sound and Sensible (March 2013)* and the *Informational letter to the NOSB regarding Sound and Sensible Initiative (August, 2013)*. We also support the comments on this docket submitted by the ACA. Our comments here are limited to the questions asked in the discussion document to explain more fully our position on this issue.

1. How can the Organic Systems Plan (OSP)/information exchange mechanism be altered to verify compliance in a more user-friendly manner?

Oregon Tilth currently requires a complete OSP the initial year of certification. Each subsequent year that the client renews, we ask only for changes that have or will occur. We do not require a full OSP to be submitted. This is our first year of implementing the system and we are in prime position to assess how it is working. We have found that clients greatly appreciate the reduced paperwork and it has allowed our staff to focus on client requests instead of re-revising OSP, thereby, providing better and more efficient service. While many changes are notified at submission of the renewal form we have found that more OSP updates are made during the inspection.

As our renewal process is evolving and we strive for more efficiency within our program, our OSP has broadened to obtain an overview of the entire operation without getting lost in the small details of day-to-day

operations. We have found this to be sound in that we are capturing the information to determine compliance while also sensible in that we do not make a document that has to be updated so frequently. For example, it is not feasible to maintain correct cattle numbers per age group as part of the OSP as they are ever changing. We request the numbers at initial certification, so that we can see if there are any large increases or decreases that could show a compliance issue with origin of livestock. We do not require that it is updated annually. Another example can be found in the crop rotation. The client could simply mark crop rotation as a means of fertility management, instead of writing out which crops will be moved into which fields in the coming years. We do not feel that fields must have an individual identification name and number. Rather the each entire contiguous farm site should be listed. More scenarios are described in Question #4 regarding the role of the inspection in maintaining a complete OSP.

2. How could a feedback loop for operators and ACAs be developed for complaints and suggested changes without fear of retribution?

The development of a feedback loop between the NOP and ACA's would be a huge step forward in improving system. We think that our Regional Accreditation Manager (RAMs) could greatly assist in this effort. The NOP needs to empower RAMs to think creatively and strategically on our behalf to come up with meaningful decisions. For efficiency and consistency, there needs to be a way that those decisions can be viewed by other ACAs while maintaining some level of anonymity.

The ACA listserv is in use multiple times per day, and we work hard to deal with unique scenarios within our group of peers. Having that number of certifiers in one place is a good opportunity for the NOP to hit a large group of stakeholders at once. It could be very beneficial to assign a liaison between groups of certifiers and the NOP staff. This person would help us to get to the heart of the issue and then they could present that to the correct person at the NOP. We thank the NOSB for reaching out to the ACA while crafting this discussion document.

Operators also have a very important perspective on organic issues and should have the ability to give feedback directly to ACA's or to the NOP. There are anonymous online suggestion boxes or feedback surveys that could be employed. ACA's should be encouraged to get feedback from operators periodically, especially when there are changes that could impact the industry.

3. How can new technologies be employed to verify compliance and reduce document deluge?

Oregon Tilth relies heavily on technology for our certification program. We have MyOTCO where clients can see their file information in real time. This change substantially decreased our reliance on documentation back and forth to the client. Instead of requiring that all OSP updates come in written form, we would like the NOP to endorse obtaining updates by phone or within the inspection report. The information would then be correctly documented and filed by our staff.

The NOP requires that all Adverse Action letters be sent to them. It is unknown what that data is being used for and the benefits of sending that amount of correspondence to them. We feel that this could be a good place to employ more technology and to use this information in a meaningful way. For example, if clients are switching certifiers could we log into a certifier-only database where we could see past adverse action letters? The history and dates of certification, products certified? This may also be an excellent place to capture guidance that RAMs have given to other ACAs as noted in Question #2 above.

The NOP maintains a list of all certified entities on their website, however it is not up-to-date. Certifiers would feel comfortable using this tool if it was updated regularly. At the last ACA training, the NOP issued guidance that if processors were changing ingredient suppliers mid-year they would have to submit updated certificates. If the NOP List of Certified Operations was complete and accurate the ACA could quickly check to make sure that the product was listed and the client currently certified. For a sound and sensible approach, and in response to Question #6 below, certified operators should not have to submit updated certificates to the certifier, simply maintain the certificates on file for the next inspector.

4. How can ACAs create a functional information exchange with operators and inspectors to verify all information is current and accurate?

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6. When is visual verification satisfactory and when must documents be sent to the ACA?

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7. How can the ACAs and inspectors develop a more user friendly process to verify compliance with the regulation?

As noted above, MyOTCO has allowed us to quickly confirm with the client that file information is accurate and they can check on it at their leisure. For Oregon Tilth this system was very expensive to implement and we know it will not be feasible for all ACA members. However, all ACAs use Inspectors as a bridge to their client base. As thoroughly described in the *Roadmap to Sound and Sensible*, we strongly assert that Inspectors play a key role in the information exchange between operators and inspectors. We feel that this role can be improved and have a larger impact going forward.

ACAs have cautioned Inspectors to only be their eyes and ears on the ground. This gives the connotation that the Inspection Report must be a large narrative heavy document for the Reviewer to understand and “see” the entire operation. Further, that updates to the OSP should not be made while on-site. This does not need to be the case. We have found that as more extraneous information is requested as part of the Inspection Report important details are lost within the document. To go in a better direction we believe that Inspectors should be viewed as professional colleagues. They should be able to evaluate things like materials and conduct audits without showing numbers in the inspection report while educating the client about the National Organic Standards, and use their best judgment when describing compliance issues. Further, the Inspection is the best time to obtain updates to the OSP.

Supporting and empowering Inspectors in their role has wide ranging benefits and greatly lowers the barriers to certification. Clients obtain education and receive “face-time” with a representative of the agency instead of viewing the visit as an uncomfortable audit only. If the inspection report focuses less on description it decreases report writing time while still maintaining the integrity of the site visit. Shorter report writing time equates to direct cost savings to the Operator. ACA Reviewers are able to more quickly and efficiently complete the review when the inspection report is received and in turn provide better service to clients.

5. What forms of communication should be available for ACAs to encourage and document compliance, other than Notices of Noncompliance?

As other commenters have stated we believe that Notices of Non-compliances (NC) should be saved for issues of organic integrity only. The discussion document states that as more NCs are issued it reduces their effectiveness and in our experience we have found that to be the case. We feel that for non-organic integrity issues a focus should be made on continuous improvement. It should be expected and allowable that clients submit clarifying documentation after the inspection or during the final review of the inspection report. It should also be acceptable that the client is notified of the continuing improvement points or documentation to be verified at the next inspection. The CCOF penalty matrix is much more sensible than the NOP Penalty Matrix now removed from the NOP website and it still maintains integrity.

8. What are examples of USDA Food Safety and Inspection Service (FSIS), Food and Drug Administration (FDA), and the Environmental Protection Agency (EPA) inspection protocols that are less burdensome but effective to consider here?

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9. How should a peer review process for the NOP itself function? Who should be on that committee?

While Oregon Tilth does not have experience with these sectors protocols, we would like to see more organic inspectors with the ability to conduct other audits while on site. We receive many requests to conduct FDA inspections along with Organic and this is becoming increasingly more important to clients with the impending Food Safety Modernization Act. We believe that cross-training, specifically inspection cross-training between the FDA, EPA, NRCS, NOP and others could have a positive effect on the program and within the organic community. The discussion documents states that the recordkeeping burden may be greater for farmers who do not maintain records for other food safety programs like handlers do. However, the efficiencies gained through maintaining documentation for another program (HAACP, etc.) is lost when the same documentation has to be audited multiple times per year for different programs/agencies.

10. How should approved materials lists be shared among certifiers and to the operators themselves?

Oregon Tilth supports the sharing of material review decisions industry-wide. We feel that before that can happen we will have to first improve consistency between certifiers. The ACA listserv posts are frequently about materials and how to assess them for compliance. We would support having all materials approvals made by MRO's and ACA's in in one place. With this type of across the board sharing we would gain in both efficiency and oversight of materials. This could be within an ACA login only platform or a public list managed by the NOP. Either way, all Certifiers must agree to participate or be required to participate in this transfer of information for it to be successful.

Oregon Tilth appreciates the ability to add to this discussion. We are looking forward to the full discussion during the meeting. We recognize the issues discussed in the Sound and Sensible Initiative Discussion Document and believe that the issues are of critical importance to work through in order to continue to develop and grow the organic sector both nationally and internationally.

Respectfully submitted,

Oregon Tilth, Inc.

Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers.