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ACA Annual Meeting / Election Results

ACA held its Annual Meeting on February 9 during the ACA / NASOP Training Program, at the Doubletree Hotel in Portland, OR. There were approximately 45 attendees at the meeting. Leslie Zuck, ACA Chair, welcomed the group. A review of ACA 2010 activities, membership and finances was presented by Pat Kane, ACA Coordinator. Liana Hoodes, National Organic Coalition, presented information on the attempts to turn back the deregulation approval of genetically modified alfalfa and asked that ACA indicate its support for this in a letter to President Obama. Those present, and many on the ACA Discussion Group supported this. A draft letter will be circulated to the membership for review and has been sent to President Obama.

Thirty three ACA certifier member organizations cast ballots (between December 8, 2010 and January 14, 2011) for the three open seats on the Board of Directors. Carol King, NOFA-NY Certified Organic, Scott Rice, Washington State Department of Agriculture and Gwendolyn Wyard, Oregon Tilth Certified Organic were elected to two-year terms beginning in April 2011. Retiring Board Members are Don Franczyk, Baystate Organic Certifiers; Kristy Korb, Oregon Tilth Certified Organic; and Bonnie Wideman, Midwest Organic Services Association were recognized for their participation on the Board. In early March Gwendolyn Wyard announced that she was taking a position with the Organic Trade Association, so she stepped down from the Board. The Board then appointed Jackie VonRuden, Midwest Organic Services, to fill the vacant board seat. Jackie was next in line in the vote count in our recent election.



Incoming Board Members (left to right):
Carol King, Scott Rice, Jackie VonRuden

The ***Draft Code of Conduct*** was reviewed and discussed by the members. There was general support for the development of a code of conduct for ACA. Several suggestions were made for revision. The Code of Conduct was not voted upon. Pat will distribute a revised document to all members, along with a copy of the European Organic Certifiers Council (EOCC) Code of Conduct. Comments will be solicited from members. The Board will discuss this again at a future meeting.

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ACA / NASOP Training Program Report

The ACA / NASOP 2011 Training Program, held in Portland, OR, was our largest program to date with 104 attendees! The Portland location provided to be ideal for the Washington State Department of Agriculture, the Oregon Department of Agriculture and Oregon Tilth to send many, many staff to the training. Thank you to all who attended the training. The Program Evaluation Forms indicated much satisfaction with our sessions and the panel participants – and some ideas to get us started for 2012. Miles McEvoy, along with Ruihong Guo, from the National Organic Program were also in attendance and on several occasions joined our discussions. Those present noted that Miles’ participation was welcomed and informative. Attendees were provided with flash drives containing copies of presentations and additional resource information.

A new session held this year – *NOSB, ACA, NASOP Listening Session* – with Mac Stone, NOSB Certifier Representative, ACA Chair Leslie Zuck and Brenda Book, NASOP President hosting, had lively discussions on many “big picture” issues such as

- need to identify alternative funding mechanism for certification fees; current system is inherent conflict of interest
- cost share reimbursement for certifiers to cover a percentage of costs for pesticide residue testing
- look at rule change for elimination of \$5,000 exemption, as it is abused

- how can we maintain the continuous improvement concept for producers; design a tool for producers to measure their continuous improvement
- will the current system “scale up” to 25% of agriculture in organic production
- developing an ongoing feedback loop between certifiers and NOP
- producers leaving organic certification for other label claims
- forming an animal welfare working group
- standards issues: sustainability & the use of plastic mulch; remove annotation for sodium nitrate

ACA & NASOP will be reviewing the items discussed during this session for follow-up action.

The final session of the day was to be discussion of the ACA Materials Review Working Group White Paper, however the discussion focused on the future path for OMRI regarding obtaining official recognition from the National Organic Program. Suggestions were:

- continue as 3rd party reviewer as per the 1.21.2011 NOP Policy Memo
- create a memorandum of understanding with NOP for legal recognition
- become an accredited certifier
- wait for accreditation scope to be created

This was a wide ranging discussion session which will continue.



ACA Annual Meeting (cont.)

The **2011 ACA Work Plan** was discussed and includes:

- a) continuation of Working Groups
- b) development of a process to expand work with NASOP
- c) development of a consistent decision making process
- d) plan to increase the presence of ACA at NOSB meetings
- e) look at discussion group for ways to improve

Members agreed that the Working Groups have been effective in getting the message of ACA out. In 2011 Working Groups will develop a specific mandate and have a stated deliverable product. The following Working Groups were identified to either continue working or be reactivated:

- *International Issues*
- *Post Harvest Handling* – provide recommendations to NOP
- *Residue Testing* (reactivate) – tasks would include (i) developing a list of laboratories that meet NOP requirements for testing; (ii) recommend a program that aca’s can live with to the NOP; (iii) ability to provide comments on NOP rulemaking.

- *Planning for ACA / NASOP Training Program for 2012*
- *Poultry* – develop recommendation on specific rulemaking for outdoor access
- *Providing Guidance to NOSB regarding Development of a Materials Review Program*
- *Livestock Issues* – continue work to develop consistency; address the night grazing issue

Many members indicated interest in working on the above groups. Participation will also be solicited via the ACA Discussion Group.



Retiring ACA Board Members:
 Kristy Korb (l) and Bonnie Wideman (r).
 Absent: Don Franczyk

ACA and NASOP extend our thanks and appreciation to the panelists and presenters at our Training Program.

National Organic Program Certifier Training

National Organic Program staff – Miles McEvoy, Judy Ragonesi, Ruihong Guo, and Denise Sylvester – conducted an accredited certifier training session on February 7, 2011 in conjunction with the ACA / NASOP Training in Portland, OR. All attendees received a *large* USDA binder containing a printed copy of the Program Handbook, including the most up to date revisions, plus a printed/bound copy of the most current version of the National Organic Program Rule. The Training Power Point is on the NOP website at:

<http://www.ams.usda.gov/NOPTraining>

In a review of the NOP work, Miles stated that Rulemaking will be initiated for Pesticide Residue Testing (currently under development), Origin of Livestock, Poultry, Mushrooms, Organic in the brand name, Pet food, Apiculture, Greenhouses and Aquaculture. Additional Draft Guidance documents are being developed for:

- Commercial availability of seeds
- Responding to residue testing results
- Livestock feed, feed additives
- Packaging
- Nutrient vitamins and minerals
- Grower groups

Miles noted that current NOP Policy is contained in the Program Handbook – if a topic is not in the handbook, there is no policy – even if there is information on the website. He noted when asked what plans are to improve the Q & A on the website – the plan is to take the Q & A's off the website.

The Appeals Process was discussed, with several certifiers indicating that the process does not work well (lengthy, no information on status of appeal). Miles indicated that there is a backlog and they are seeking ways to streamline the process.

During the training, the following information was clarified by NOP:

- The same person may evaluate the inspection report and make a recommendation for certification; a separate person must make the certification decision.
- The same person may conduct the initial OSP review and the review of the inspection report, and make a recommendation for certification; a separate person must make the certification decision.
- If an operation decides to change certifiers, submits an updated OSP but no fees to existing certifier, the certifier should issue a notice of noncompliance for non-payment of fees, but must conduct the inspection (even without being paid). Operator will be billed for inspection.
- If a certifier makes an error in allowing a material that contained a prohibited substance (ex: material found later to contain a list 3 inert) then the operator would need to withdraw fields or farm parcels from organic production for three years.
- If operation used a material and full disclosure of ingredients is not obtained: in that situation, it is appropriate to tell them to stop using the material, and the use of the material does not affect their certification.

Upcoming ACA Meeting

ACA members planning to attend the National Organic Standards Board meeting in Seattle, from April 26 – 29, are invited to join fellow ACA members at a meeting to discuss the relevant issues of the day. The meeting will be held on **April 26** at the Red Lion Hotel, 1415 Fifth Ave. Seattle, from 5:30 – 7:30 pm. Light refreshments will be served. If you have a particular topic you wish to discuss or have discussed please email: partriciakane@accreditedcertifiers.org

ACA Board of Directors Call Summary

The ACA Board of Directors held their monthly conference call on March 9, 2011. Newly elected Board Members as well as those retiring in April participated in the call.

Miles McEvoy, Deputy Administrator, National Organic Program, participated in a portion of the call. Miles indicated that the current Program focus is on the following:

- completing the process of moving Residue Testing to rulemaking
- organizing the NOSB meeting; most recommendations have been posted. The accessory nutrients and vitamins issue is proving difficult for the committee. They hope to complete soon.
- Canadian Equivalency – have met with the Technical Working Group and requested that ruminants be removed from the variances. The Canadians must go back to their Standards Board with the request. NOP hopes to have a response soon, but no specific time frame is known. NOP did explain to the Canadians the challenges of the Attestation statements (in multi-ingredient processed products) in going all the way back to the farm.
- EU – there are several issues:
 - Miles noted that the NOP is looking into why some certification agencies were told they were not eligible to be included in the first listing of certifiers recognized by the EU. Board members indicated that letters received from the EU stated that some certifiers were rejected because the accreditation body lacked properly trained staff.
 - the rejection of fruit certified by Washington State; the reason stated was that there was not an adequate inspection during the transition process.
 - EU Equivalency – discussions are continuing

The Board asked Miles to address the following issues:

- a) We would like know what areas, if any, are under reconsideration as a result of the various trainings. In particular, is the NOP giving any consideration to more reasonable approaches to label changes and the suspension timeline issue? Board members emphasized that the current NOP non use-up limitation (in the case of changing certifiers) is leading to much friction among the parties regarding the lack of ability to use up labels. We suggested that there be a 90 – 100 day timeframe for use-up of labels. We noted that if all parties agree to the timeframe and are aware of the process, that this should not be a problem.

Response: NOP is still looking at the 5 Steps to Certification and evaluating whether we need to make changes here. Miles suggested that ACA develop a proposal of what certifiers would like to see in this area, and submit it to NOP. He noted that the certifier name on the label is required to take responsibility for the product in the marketplace.

Miles indicated that NOP will be providing additional clarification regarding the suspension timeline in the coming months.

- a) What is the NOP's current approach to ACAs who have failed to implement the pasture rule inspection requirement?

Response: ACAs that violate accreditation responsibilities will receive notice of noncompliance or adverse actions. Failure to implement the pasture rule appropriately would fall into this category.

- b) What does the NOP need from the ACA?

Response: Miles requested that ACA distribute copies of our newsletter and reports that are created to the NOP, including all division heads. He also indicated newsletters from our members would be welcome. These newsletters will enable NOP to be better informed of the issues facing ACAs.

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ACA Board of Directors Call (cont.)

Miles was asked the following additional questions:

- How is pasture enforcement uniformity going to be monitored?

Response: Accreditation audits will focus on how enforcement is being done. NOP will be conducting Compliance visits to view how the operator is complying with the requirements and how the certifier is overseeing the process.

- What is the status of the NOSB Recommendation regarding §205.101?

Response: NOP is working on draft guidance on this issue. It will likely be published later in the summer.

- What is the status of publishing of accreditation audit reports (recent reports not always available)?

Response: The posting of the accreditation audit reports has not been maintained. NOP is addressing this issue and hopes to have them posted up to date in the next couple of months.

Additional topics discussed by the Board were:

- Review and approval of the Annual Meeting Notes;
- Confirmation of appointment of Jackie VonRuden to the ACA Board for a two year term;

- 2011 ACA / NASOP Training Recap – a summary of the Program Evaluations is completed and will be distributed to the Board and to the 2012 Training Program Planning Group; the financial report should be complete in March;
- Working Groups – a “Made With Comments” working group has nearly completed a draft document. This will be distributed to the Board and the membership. The working groups discussed at the Annual Meeting will be initiated as necessary. A working group to address the NOSB recommendations will be formed.
- Participation on the ACA Discussion Group – there is a request before the Board for participation on the ACA Discussion Group from a person not involved in certification. The Board discussed the value in having industry experts on the list serve. (Examples included legal experts, pesticide residue experts, materials experts.) The current policy of ACA for participation in the Discussion Group is that only certification agency staff may participate (OMRI is our sole exception). The Board discussed if a firewall could be created between potential participants and their networks and if it would be possible to develop criteria to determine the benefit a particular person or organization would bring to ACA members. No action was taken; the topic was tabled for discussion at our next meeting due to time constraints.

ACA Board of Directors 2011 - 2012

Brett Bakker, New Mexico Organic Commodity Commission
Carol King, NOFA-NY Certified Organic
Jake Lewin, CCOF Certification Services
Marty Mesh, Quality Certification Services
Scott Rice, Washington State Department of Agriculture
Jackie VonRuden, Midwest Organic Services Association
Leslie Zuck, Pennsylvania Certified Organic

Note: Officers for the 2011 – 2012 year will be selected at the April, 2011 Board Meeting