



Accredited Certifiers Association, Inc.

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

April 9, 2014

Miles McEvoy, Deputy Administrator
National Organic Program
U.S. Department of Agriculture
Room 2646-So. (Stop 0268)
1400 Independence Avenue SW
Washington, DC 20250

Dear Miles,

The Accredited Certifiers Association (ACA) would like to thank the National Organic Program (NOP) for publishing the revised NOP 2603 Organic Certificates Instruction Document.

As was stated in our previous letter regarding this document (12.13.2013), our Working Group has been reviewing and addressing issues about Certificates in order to move toward consistency in certificates. We have identified several questions that we would like to have clarified regarding the Instruction document.

1. NOP 2603 Instruction for Organic Certificates utilizes both the terms *should* and *must*. We request clarification of the following: is the term *should* equivalent to *must* in this document; in that it is understood to mean mandatory / obligatory
2. Inspection Date
Many ACAs currently include the most recent inspection date on certificates. We plan to continue that practice because it is useful to buyers when evaluating the validity of a certificate.

We recognize that under the current system, the NOP certificate is valid unless surrendered, suspended or revoked. However, purchasers of product want verification that the certificate is current and documentation that the operation is fulfilling the renewal requirements.

NOP 2603 specifically lists anniversary date, effective date and issue date for inclusion on the certificate. ¹Although no date by itself or in combination with other dates provides a guarantee of validity, including the most recent inspection date on the certificate provides additional information to indicate that a certificate is current.

3. Certificate Addenda

Many ACAs utilize an “addendum” to the actual certificate. This may be done for several reasons including

- To provide space for listing of products that are too numerous to fit on the main certificate;
- To provide a means for updating the change in products covered by the certificate;
- To provide a means to update information on an operation, without altering the certificate (some state certification agencies in particular, issue a certificate only at the time of initial certification; addenda are updated annually);

Another area where addenda are used is for co-packers. Many co-packers handle product for multiple clients, each with their own product brand names. The co-packer believes that it is a breach of confidentiality to list multiple private label brands on a single addendum. Therefore individual private label brand addenda are utilized so that the co-packers do not reveal other custom private labels to clients.

The addendum may include the specific products produced, fields that are certified, and/or services that may be provided. Many ACAs state that the certificate and addendum must be used in conjunction with each other and are not stand-alone documents.

NOP 2603 does not address the use of an addendum. We would like clarification regarding whether a separate addendum can be utilized and if the required information can be split between multiple pages.

4. Can services be included on the certificate or addendum?

In our Working Group discussions, it was noted that many operations are certified for services provided, and do not produce a product. An example of this would be *ginning* for cotton; the ginning service is provided, but the cotton is owned by the certified operation. There is no labeling or sale of product by the ginner. Feed roasters that travel from farm to farm to provide roasting are another example. They are providing a service. Including a product [such as *roasting soybeans*] may be confusing as the roaster does not provide the beans for roasting; the farm operation provides the beans.

If an operation is only providing a processing service, is it acceptable to include a statement on the certificate to that effect along with the list of products that result from performance of that service.

We would like clarification how services may also be included on organic certificates.

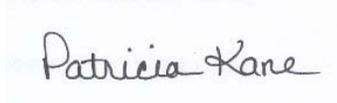
5. We are also requesting clarification on the meaning of “all legal names” as referenced in Section 3.1.1 of NOP 2603.

We would like NOP to provide examples of what is meant by “all legal names” as there are differing interpretations among ACAs.

Does this mean the operator (responsible party) name and the operation name, a DBA name; does this include multiple companies owned by a single party?

We appreciate the efforts of the National Organic Program in providing additional information through the use of Instruction and Guidance documents, and look forward to receiving information on the clarifications we have requested.

Sincerely,



Patricia Kane
ACA Coordinator

¹ NOP 2603 references the following dates for inclusion on the certificate:

- Anniversary Date (should be included) – the date when the certified operation is required to submit their next annual update.
- Effective date of the organic certification (must be included) – the date the operation was initially certified to the NOP regulations, and
- Issue date of the certificate (should be included)

Our Working Group discussed the various dates to be included on the certificate and noted that in the stream of commerce the date of a certificate is critical to determining the validity. Most large retailers are reluctant to accept a certificate if the date is in excess of one year. It was also noted that while many ACAs utilize the above terminology, their definitions do not agree with those stated above, making it difficult for retailers to determine exactly what the date indicates.

Our Working Group agreed that the Anniversary Date has little meaning and does not reflect on the validity of the certificate. It could possibly assist with determining where an operation may be in the certification cycle.

ACAs establish due dates for updating operations that fit their certification process, and seldom reflect any relationship to the issue date, last inspection date, etc. Example: Issue date on the certificate may be March 27, 2013; the ACA requires all farm operations to submit annual update by April 1 of each year. The Anniversary date would be listed as April 1, 2013 on the certificate. This would not appear to be very helpful.

The Issue Date of the certificate also does not offer validity, as this can vary from year to year, depending upon the date of the inspection, completion of file review and

determination. Many ACAs vary inspection time frames (spring, summer, fall, winter) annually in order to observe conditions at the operation during various times of the production year. It was also noted that some operations have many, many certificates issued, with new issue dates, as they add, remove, and/or update products being marketed.

As all operations must undergo an annual inspection, our Working Group believes that this is the date that reflects most accurately on the validity of the certificate. The last inspection date provides a specific point in time; purchasers of organic products would have a definitive date from which to make a judgment on the certificate's validity.

We believe the last annual inspection date is the most relative date that ties an operation to fulfilling renewal requirements and should be included on the certificate. NOP comments on the inclusion of the last annual inspection date would be useful for us.