



Accredited Certifiers Association, Inc.

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

September 4, 2015

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 Mr. McEvoy:

The members of the Accredited Certifiers Association (ACA) support and find value in the concept of field evaluation of inspectors as a means of improving the overall integrity of organic certification. ACAs use the field evaluation of an inspector as just one part of the overall annual performance evaluation as required by 205.501(a)(6). Annual evaluations are informed by the results of several critical components of inspectors' work, including the written inspection report, knowledge of the USDA organic regulations, ability to communicate clearly with certified operations, and field evaluations.

We write to formally ask you to reconsider a specific problematic sentence in the August 13, 2013 **NOP Instruction 2027: Personnel Performance Evaluations**: "Inspectors should be evaluated during an onsite inspection...at least annually." This sentence is found under 3.2(b) Evaluation Criteria, Field Evaluation.

Over the course of implementing annual field evaluations for all inspectors, our members have expressed a great amount of concern and frustration with the reality of their implementation and compliance to NOP 2027. The issue has become increasingly important for our members. As an organization we are seeking your assistance to work toward common ground that addresses several issues brought to our attention. We specifically request the NOP to address the following:

1. Provide information to ACAs on the nature of the problem ACAs are supposed to be solving. There has been no detailed information from NOP to ACAs on the issues that initiated the requirement for annual field evaluations of all inspectors. With a clearer understanding of the concerns and issues of the NOP, certifiers can better work to develop procedures and plans to address them.
2. Issue guidance and instruction with consistent use of the term *should* and *must*. NOP Instruction 2027 indicates that *Inspectors should be evaluated during an onsite inspection by a supervisor or peer (another inspector) at least annually*. However, NOP is issuing Notices of Noncompliance to ACAs that have not conducted a field evaluation on all of their inspectors, essentially making the "should" a "must."
3. Permit certifiers to develop a plan to conduct field evaluations of inspectors that work for them and are unique to their business size and scale by allowing a plan over a specified period of time

(2 – 3 years) or over a number of inspections. A risk-based approach to conducting annual field evaluations could provide the needed oversight of inspectors new to the field, or who routinely submit poor reports, while at the same time not overburden experienced inspectors who consistently provide complete, well substantiated reports. ACAs already identify these issues based on the annual performance evaluation of inspectors. The development of a plan that works for the individual situation and inspector allows for a more sound and sensible approach to resolving any concerns and we believe this flexibility will provide more value in the long term.

4. Permit a certifier to accept a field evaluation conducted by another certifier when both utilize the services of the same inspector. Inspectors are increasingly evaluated multiple times by various ACAs. This consumes additional time and expense for both the certifier and inspector. One recent example is a single experienced inspector evaluated by eight different agencies this year. This simply is not a good use of anyone's time or funds nor sensible or necessary given that all certifiers are evaluating in the field in generally the same way.

In addition, certifiers are required by §205.501(a)(13) to accept the certification decisions of other certification agencies. These decisions are directly tied to the performance and ability of the inspector to supply a quality report. By accepting the certification decision of another ACA, certifiers are – clearly and definitively – accepting their judgment about the sufficiency of their inspector pool.

5. Revise NOP 2027 Instruction accordingly.

With the implementation of field evaluations over the past two seasons, several issues have been identified as problematic in this process. By highlighting these issues below, we hope to bring these challenges to the NOP's attention to achieve a thorough understanding of the reality of implementing NOP 2027 and specifically the requirement for annual field evaluations.

- At the 2015 NOP training, NOP staff stated during the Q & A that a field evaluation must be done annually. We believe that this is not an acceptable practice on the part of NOP. If the field evaluation on an annual basis is a requirement, enforced by Notices of Noncompliance, this must be stated in NOP 2027 and consistently applied. Otherwise, the “should” statement is open to various interpretations and inconsistent implementation by ACAs.
- The implementation of annual field evaluations for all inspectors has caused a large burden on ACAs both in the time and funds to conduct these evaluations. The increased costs are problematic for all ACAs, but ACAs involved with inspections in multiple countries face disproportionately higher costs than other ACAs. The increased expenditures by ACAs will result in the reduction of many certifiers' inspector pools and an increase of certification costs to operators. ACAs do not believe the requirement as currently written is cost-effective and are uncertain whether it even addresses the issue(s) of concern. An effective inspector evaluation program will incorporate field evaluations as one key part of an ACA's comprehensive staff performance evaluation process.
- There is an overall lack of clarity on exactly what NOP will accept from a certifier as a plan to conduct field evaluations of inspectors. With the initiation of the International Organic Inspectors Association (IOIA) Peer Evaluation, several certifiers are utilizing this system for field evaluations. NOP has not officially stated this is an acceptable process, yet NOP has indicated to some ACAs the IOIA evaluation is acceptable. Certifiers need to hear clearly from the NOP whether they can use an outside evaluation system like this or not.

Summary

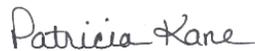
If the NOP has identified deficiencies in the inspection process, or in inspector education, training and selection, NOP should put forth the appropriate education (including continuing education) and training criteria expected for organic inspectors. We understand that IOIA submitted specific inspector education and training requirements to NOP in 2011, but no NOP follow-up to this has yet been published. A publically available resource on this subject would be beneficial to all.

The simple requirement of an annual field evaluation will not elevate the inspector pool. It will lead to certifiers reducing the number of inspectors used in order to reduce costs which will hinder the growth of the organic industry. Without available inspectors to do the necessary work of inspections, we cannot grow and continue to transition more acres to organic, a primary goal of the NOP.

We reiterate that while ACAs are committed to an annual evaluation as required by 205.501(a)(6), we are very concerned with the logistics and costs associated with an *annual field evaluation for every* inspector. We are also concerned with the NOP assertion that “should” appears to be interpreted as “must” and Notices of Noncompliance have been issued for a “should” statement.

We look forward to your response, and moving toward a mutual understanding on the path to improve the certification process, making it more robust, efficient, and flexible, to accommodate multiple types of agencies and processes. We believe that with each conversation we can improve the system to make it more available to organic producers and grow organic trade.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Kane".

Patricia Kane
ACA Coordinator