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November 8, 2011

Lorraine Coke
National Organic Standards Board
USDA-AMS-TMP-NOP
1400 Independence Ave., SW.,
Room 2646-So., Mail Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-11-0081; NOP-11-15

RE: NOSB Compliance, Accreditation & Certification Committee Recommendation for Evaluation of Materials Review Organizations

Dear Ms. Coke:

Thank you for the opportunity to provide comments to the National Organic Standards Board regarding the Compliance, Accreditation & Certification Committee Recommendation pertaining to Evaluation of Materials Review Organizations to be discussed at the November 2011 NOSB meeting.

The Accredited Certifiers Association (ACA) represents 40 USDA Accredited Certifying Agents, both foreign and domestic. ACA did supply the Compliance, Accreditation and Certification Committee with a copy of our *Materials Review White Paper* of 2010 in which our membership identified many of the same issues and concerns outlined by the Committee in this document.

The ACA welcomes and appreciates the work of the Compliance, Accreditation and Certification Committee on the topic of materials review. Based upon our review of the Committee Recommendation and the January, 2010 Request from the National Organic Program (NOP) to begin this work, we believe that the Committee has not fully addressed the request from the NOP. The NOP requested that the Committee develop criteria and processes to be used by certifying agents to determine approval of input substances in crop production, livestock production, and handling and food processing. The current Committee Recommendation focuses mainly on the formation of an additional scope of accreditation and the structure of a materials list.

While an additional scope of accreditation and a public brand names materials list may be options that NOP would pursue in the future, the ACA believes very strongly that there is much

ground work that must be done prior to a scope of accreditation being required of accredited certifying agents or materials review organizations. We suggest the following process:

- a) The ACA believes that the first step in the improvement of the materials review process is a comprehensive review of the current policies and practices used by accredited certifying agents and materials review organizations to conduct materials reviews. We welcome and fully support the NOP's recent statements that the materials review process will be one of the focal points of the 2012 accreditation audits of certification agencies.
- b) Once the NOP has a picture of the current practices and policies used by accredited certifying agents for review of materials, additional guidance and criteria on the materials review process can be developed.
- c) The ACA respectfully disagrees with the Compliance, Accreditation and Certification Committee and we strongly support the creation of a Task Force to develop criteria for input approval. We believe that this is a large and critically important step in the development of consistent materials review processes and outcomes. The input of a wide range of knowledgeable stakeholders, including the NOP and NOSB, will be required to complete this task in a comprehensive and efficient manner. Stakeholders with expertise in materials review, accredited certifying agents, experienced auditors, non-governmental organizations and representatives of input manufacturers should participate in this Task Force. We do not believe the work of developing criteria should be the province of the NOSB, a volunteer board of diverse organic factions of the organic community, but generally limited in time and in the expertise of materials review in relation to the certification process.
- d) Only after the review of current policies and processes – and after the development of criteria for review of inputs, additional guidance and enforcement by the NOP – should the development of an additional scope of accreditation be considered and implemented. In the interim, organizations conducting materials review outside of the certification process, should be required to seek ISO Guide 65 accreditation. While the ISO Guide 65 accreditation is not specific to material review, the accreditation process will ensure that the organizations have developed policies and procedures that are appropriate and transparent. There is already precedence for this in that the Organic Materials Review Institute and the Washington State Department of Agriculture are currently ISO Guide 65 Accredited for review of inputs and the NOP has asked the California Department of Food and Agriculture to obtain ISO Guide 65 Accreditation for its organic input review program in order to be recognized by NOP.

Clarification is needed regarding whether and under what criteria other federal agencies, such as the EPA, will be permitted to review materials for compliance with the National Organic Program.

ACA Comments on NOSB Compliance, Accreditation & Certification Committee
Recommendation for Evaluation of Materials Review Organizations

- e) In the development of the scope of accreditation for materials review, a two-track system – one track for materials review organizations (those outside of the certification process and likely to have a public list of brand name materials) and a track for accredited certifying agents who review materials for use in conjunction with an organic system plan (and do not publish a list of brand name materials) will be needed. Both types of review would utilize the same criteria to determine input approval and be subject to oversight and enforcement from the NOP.

- f) While the Committee recommendation for the NOP to manage a single, national Generic Materials List along with a Brand Names Materials List (in real time) would provide a single location for information on acceptable materials, the ACA does not believe that the NOP could provide the necessary management to maintain an up to date listing. Fluctuations in funding, staffing, electronic database management and political changes will affect the ability to maintain this list. As an example, the current Certified Operations database is updated on an annual basis only, and there is much inconsistency of the information provided about the operations – some have complete addresses, others do not; some are listed only by operation name, not the operator name.

The ACA also believes that the creation of a single, national Brand Names Materials List, based upon an aggregation of accredited certifying agents and materials review organizations decisions, will be problematic. While materials review organizations charge manufacturers for review and listing of materials, accredited certifying agents review materials for a specific use by a specific client in conjunction with their organic system plan. Clients generally are not charged for this review. The material is generally not given a blanket approval. Many of the materials reviewed by accredited certifying agents are produced in local areas, and are not available nationally, thus the effectiveness of such a list would be questionable.

The ACA supports the NOP and OMRI (Organic Materials Review Institute) contract for the publication of a permitted substances guidance document, as this will provide consistency in the materials review process.

The ACA is also including in Appendix A, our suggestions of examples of information to include in the criteria for evaluation of input materials.

Again, we would like to thank the Compliance, Accreditation and Certification Committee for the work on this important aspect of the National Organic Program.

Sincerely,



Patricia Kane
Coordinator

Appendix A

Suggested Criteria for Evaluation of Materials Review Organizations

Standard Procedures for Evaluating Materials

A. Organizational Procedures / Policies

- Base Standards to include
 - Organic Foods Production Act
 - USDA National Organic Standards
 - National Organic Program Guidance Documents
 - National Organic Program National List
- Decision Policy to address:
 - precedent setting decisions on materials
 - reinterpretation of previous decision
 - decisions that are in conflict with other materials review organizations or accredited certifying agents
- Policy for notification if there are formulation changes of product
- Manufacturer Inspection Policy – frequency and types of operations that would require inspection
- Policy for determining allowance for genetically modified organisms (GMOs) in inputs
- Complaints Policy
- Conflict of Interest Policy
- Confidentiality Policy
- Access to Information Policy
 - National Organic Program access to records
 - General Public access to information
- Policy on Requirement for Accreditation
- Appeals Policy
- Policy for Renewing Listing, including a re-review of material
- Maintenance of Records Policy
- Performance Evaluation Procedure / Policy (evaluators and inspectors)

B. Input Review Procedures / Policies

- Separation of Duties
 - Evaluators different from inspectors and decision makers
- Specific requirements for submission of documentation and product labels
- Review Process Policy to include:
 - ~ specifications on the source of acceptable information – is the ingredient label sufficient, or is additional information from the manufacturer necessary
 - ~ the depth of review for various types of materials – examples include single ingredient, vs. multi-ingredient materials; whether additives not included in the ingredient list are reviewed

Suggested Criteria for Evaluation of Materials Review Organizations
<ul style="list-style-type: none"> ~ process for determining agricultural or non agricultural status of material ~ process for determining synthetic or non synthetic status of a material ~ timeline for completion of Review and Decision • Development of in house resource materials and review tools, such as Decision Trees • Documentation of the Review, Inspection and Decision • Documentation of review of the product label, advertising materials, websites • Process for Removal from Listing
<p>Qualifications of Material Evaluators</p> <p>Background of education in science and chemistry Good understanding of NOP Regulations Good understanding of input manufacturing processes, including conventional inputs Two years of work experience in the organic sector</p>
<p>Training Requirements of Material Evaluators</p> <p>Basic quality system auditing skills Basic organic inspector handling / processing training Specialized training offered by the materials manufacturing sector</p>
<p>Qualifications of Inspectors of Material Input Manufacturers</p> <p>Background of education in science and chemistry Demonstrated understanding of organic certification Demonstrated understanding of input manufacturing processes, both conventional and organic Highly skilled, competent, experienced organic inspector International Organic Inspectors Association Accreditation</p>
<p>Training Requirements of Inspectors of Material Input Manufacturers</p> <p>International Organic Inspectors Association Basic and Advanced Handling/Processing Training, or equivalent training Specialized training offered by the materials manufacturing sector</p>
<p>Type of documentation required of input manufacturers, including records to be maintained</p> <p>The Organic Trade Association developed an Input Manufacturer Compliance Plan Guidance Document for Inputs Used in Organic Crop and Livestock Production; it can be found at the following link: http://www.ota.com/pp/regulatory/inputcompliance.html</p>