



Accredited Certifiers Association, Inc.

**Consistency and Collaboration**  
in Organic Certification

# CONTINGENCY PLANS FOR VERIFYING COMPLIANCE WHEN ON-SITE INSPECTIONS ARE NOT POSSIBLE

## ACA Best Practices

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*In collaboration with...*

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# Contingency Plans for Verifying Compliance When On-Site Inspections are not Possible

## ACA Best Practices

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# Contingency Plans for Verifying Compliance When On-Site Inspections are not Possible

## ACA Best Practices

### I. Introduction

We must use critical thinking to determine how to verify compliance with the USDA organic regulations when on-site inspections are not possible. This best practices document was created during the COVID-19 pandemic crisis. Our goal is to verify compliance, while maintaining public health and safety for our communities.

We offer a set of general guidelines, tools, and best practices that are consistent, credible, and based in critical thinking of certifiers, inspectors, and the trade. It is our hope that this will guide certifiers, inspectors, and operations during this COVID-19 pandemic crisis. We also understand the need for flexibility - certifiers, inspectors, and operations are urged to use critical thinking on a case-by-case basis to develop specific details for each inspection; and to fully document that thinking and those details for each inspection.

We view this as a first set of Best Practices - to be reevaluated as this COVID-19 pandemic situation develops. We will monitor the implementation of this best practice document to consider next steps, and to further refine these best practices based on what we learn from their initial implementation.

These Best Practices are the result of the work of an ACA-IOIA Working Group set up to develop contingency plans for verifying compliance during this pandemic. That Working Group was composed of 129 individuals representing 50 USDA-NOP accredited organic certifiers, independent organic inspectors, and other stakeholders. The Working Group was divided into five subcommittees to dive deeper into the following topics: Risk Assessment and Justification; Remote Audit Process; Non-Technical Communities; Local Inspector Networks; and Inspector Support. Each subcommittee had both inspector and certifier representation, and was made up of between 9 and 38 participants.

During a three-week period, the subcommittees each held four video conference meetings, during which they developed best practices within their jurisdictions. Between meetings, participants commented on the living best practices documents via Google docs. The ACA and IOIA boards met jointly each week to assess progress. A draft best practices document was shared with the entire Working Group, to ensure all participants across all subcommittees had the opportunity to comment on the entire document.

## II. Justifications for Organic Inspection Contingency Plan When On-Site Inspections are not Possible

As the risk of COVID-19 continues to spread and travel restrictions, stay at home/shelter in place orders, and other restrictions develop, it has become challenging to conduct on-site organic inspections as usual while ensuring the safety of inspectors and clients. Our first priority is public health and safety - and public health officials and experts have urged social distancing and limiting any non-essential activity, in order to stem the spread of COVID-19 and keep people safe.

We must find ways to continue to serve our clients and verify ongoing compliance while also being socially responsible and conducting limited or no on-site inspections. These ways must align with [existing travel restrictions](#), [shelter in place orders](#), and any other local, state,<sup>1</sup> or federal rules.

Also of note, section 7 CFR 205.406(b) recognizes the possibility that it could be “impossible for the certifying agent to conduct the annual on-site inspection” - which could guide us in this emergency pandemic situation. Regulatory language allows for continuation of certification “on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months: *Provided*, That, the annual on-site inspection, required pursuant to §205.403, is conducted within the first 6 months following the certified operation's scheduled date of annual update.”. This regulatory language may not be sufficient to guide us during a pandemic, when conducting an inspection within 6 months may not be possible.

The National Organic Program (NOP) has been limited in its official guidance. In particular, the NOP issued the following on April 8, 2020:

[W]e want to remind certifiers that the USDA organic regulations drive compliance. While we encourage critical thinking about ways to ensure operation compliance in the current environment, certifiers must remain true to the regulations during this period.

For example, we have been asked if the on-site inspection requirement can be modified for new applicants for organic certification. The initial onsite inspection (7 CFR 205.403(a)(1)) is a fundamental requirement – a virtual inspection cannot replace an initial on-site inspection. Once certified, an operation remains certified until the operation surrenders or is suspended or revoked. Section 7 CFR 205.406 addresses the different approaches to managing the continuation of certification – this is where different risk-based oversight approaches may be appropriate to ensure ongoing compliance until an on-site inspection can be conducted.

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<sup>1</sup> For example, the definition of “essential” is made state-by-state, and it will be critical for certifiers, inspectors, and operations to determine whether organic inspection is considered essential, and therefore allowed, in specific states. If it is, on-site inspections should only proceed if inspectors and operations both consent. In those cases, certifiers should consider giving inspectors a letter describing their work and its determination as essential.

There have also been questions about the role of administrative capacity in evaluating new or ongoing certifications. This part of the regulations (7 CFR 205.501(a)(19)) *may apply* when a certifier is considering new applications from a region where the certifier does not have or cannot send qualified inspectors. For example, some onsite inspections may be possible in an area if the certifier already has a local inspection presence – however, travel restrictions may constrain the number or types of new clients a certifier can take on in a specific region, because of the number of qualified inspectors. In the case of new applications from a specific geographic area, it is reasonable for a certifier to temporarily stop accepting these new applications until a sufficient number of qualified inspectors are able to travel safely to that area.

This suggests that for currently certified operations, critical thinking is encouraged to develop a risk-based approach to ensure ongoing compliance, using a variety of verification and inspection options, including remote inspections. For new applicants for organic certification, NOP is clear that “a virtual inspection cannot replace an initial on-site inspection”. Our work is to develop a hybrid recommendation to prepare for when on-site inspections become available for new applicants.

It is worth noting that other U.S. government agencies have issued guidance severely limiting on-site inspections during the COVID-19 pandemic. These precedents suggest that sending inspectors out into the field should only be done in the most critical cases.

- USDA APHIS is limiting routine inspections, and conducting inspections only when aware of potential violations. If an operation declines an inspection, this will not be considered a refusal.
- USDA Livestock and Poultry Program is shifting completely to off-site remote audits until travel restrictions are lifted.
- Food and Drug Administration (FDA) is temporarily not enforcing on-site audit requirements, and is allowing on-site audits only if critical and for-cause.
- United States Department of State is temporarily waiving in-person visa interviews for H2 visas.

ISO standards also include a number of sections related to remote audit process and procedures - including references to electronic and virtual audits<sup>2</sup> and non-standard inspection methods or procedures.<sup>3</sup> Review of these ISO standards suggests that remote auditing is generally acceptable as long as:

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<sup>2</sup> ISO 17021 section 9.4 states: “Conducting Audits – Where any part of the audit is made by electronic means or where the site to be audited is virtual, the certification body shall ensure that such activities are conducted by personnel with appropriate competence. The evidence obtained during such an audit shall be sufficient to enable the auditor to make an informed decision on the conformity of the requirement in question.”

<sup>3</sup> ISO 17020 notes that: 7.1.3 “When the inspection body has to use inspection methods or procedures which are non-standard, such methods and procedures shall be appropriately and fully documented.”

- The standards or scheme owner allow for it either on a temporary or permanent basis;
- The policy and process are clearly documented;
- The inspectors/auditors and the auditee are comfortable with the technology;
- Inspectors are appropriately informed and trained.

### III. Definitions

This definition section is intended to clarify how we use terms in this document. It is not intended to be a substitute for regulatory language, and where there are existing definitions in the NOP regulations, we defer to those.

- *On-site Inspection:* This is an inspection pursuant to 7 CFR 205.403. It is performed at the operation’s place of business and/or where production occurs.
- *Remote Inspection:* This is an inspection that may be performed via web meetings, teleconferencing, or other electronic verification of processes. This type of inspection can also be known as an e-inspection or virtual inspection, and follows the same guidelines as an on-site inspection, but uses electronic or alternative means to collect objective evidence. This type of inspection includes a virtual live interaction between the operation and the inspector, and visual verification of on-site processes.
- *Records Audit:* A records audit is performed based on documents and information requested from the client. Records audits consist of requesting a set of records, reviewing that set of records, and then discussing any questions or concerns with the operation - with the ability to both look at the relevant records at the same time. (This can be achieved with electronic records, screen-sharing, or ensuring both the inspector and operation have a copy of physical records.)<sup>4</sup> During this pandemic, a remote inspector will verify as much as possible through an interview and reviewing documents. Operations subject to a records audit will be prioritized for on-site inspection upon availability.
- *Hybrid Inspection:* This refers to a combination of on-site inspection, remote inspection, and records audit. Such an approach allows flexibility for certifiers, inspectors, and operations to determine what is best for each situation.

### IV. Risk-Based Approach to Prioritizing Existing Operations for Remote, Records, or Hybrid Inspection During COVID-19 Pandemic

During the COVID-19 pandemic, extraordinary circumstances do not allow for on-site organic inspections as usual. We recommend the organic sector use remote inspections and records

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Also, 7.1.9 “The inspection body shall have documented instructions for carrying out inspection in a safe manner”

<sup>4</sup> 205.103(c) requires records to be made available, and will support records audits.

audits to verify compliance for existing operations; and follow up with on-site inspections when it is safe to do so, using a risk-based approach as follows.

We anticipate a glut of on-site inspections when travel restrictions, stay at home orders, and shelter in place orders are lifted - and when operators, inspectors, and certifiers agree that it is safe to conduct on-site inspections. Under best-case circumstances all operations will receive a follow-up on-site inspection; certifiers will need to conduct a risk assessment to prioritize the order of on-site inspections while the ability to conduct such on-site inspections remains limited. On-site inspections will be conducted when possible, with certifiers prioritizing follow-up on-site inspections at higher risk operations. Even when on-site inspections are conducted, it may still be best to combine them with robust remote records audits to reduce the amount of time needed for the on-site inspection.

### **A. Risk Assessment for Existing Operations - How to Prioritize Remote Inspections/Records Audits**

We recommend that certifiers establish and follow a fully documented risk-based system to determine how to prioritize remote inspections and/or desk audits to establish or verify continued compliance. Certifiers should take into consideration whether an operation is deemed low risk based on the [ACA Risk Assessment document](#); has previous noncompliances; or has a physical operation that takes possession of or produces products. Certifiers should also consider whether a certified operation in good standing is adding land or facilities to an existing certificate,<sup>5</sup> or is switching certifiers (and for what reason).<sup>6</sup> We encourage certifiers, inspectors, and operations to remain inspection-ready at all times.

We also recommend certifiers triage based on time elapsed since the last on-site inspection,<sup>7</sup> as well as seasonality (whether it is an appropriate time to conduct a remote inspection and see relevant activity).<sup>8</sup>

Within these categories, we recommend an operation-by-operation risk assessment to consider additional factors and concerns,<sup>9</sup> areas of focus for the remote inspection and/or records audit, and any areas of focus for the eventual on-site inspection. We also recommend that the risk assessment for each operation be fully documented.

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<sup>5</sup> These would be prioritized for a follow-up on-site inspection, when available.

<sup>6</sup> Operations who are switching certifiers because their current certifier can no longer certify them due to capacity or geography might be good candidates; operators who are switching certifiers for other reasons may require an on-site inspection, pursuant to NOP Instruction 2604 and the requirement for due diligence.

<sup>7</sup> Note, in particular, the requirement in 205.403(b) regarding delaying on-site inspection up to six months. This should be considered when prioritizing existing operations for on-site inspections after travel restrictions, stay at home orders, and shelter in place orders are lifted.

<sup>8</sup> See 205.403(b)(2), which requires on-site inspections be conducted when growing can be observed.

<sup>9</sup> Important factors include (but are not limited to) size of the operation, nature of the operation, complexity of the operation, type of risk, length of time since last on-site inspection, and material changes to OSP.

## **B. Risk Assessment for Existing Operations - How to Prioritize On-Site Inspections When Available**

With the uncertainty of the COVID-19 pandemic, and attendant travel restrictions, stay at home orders, and shelter in place orders, it is possible that operations deemed low risk may not get on-site inspections in 2020. When on-site inspections become available in a region, we recommend that certifiers establish and follow a fully documented risk-based system to determine how to prioritize on-site inspections to establish or verify continued compliance. Certifiers should take into consideration whether the inspection is to verify corrective actions, investigate existing complaints, or verify additions to an existing certificate. Certifiers should also take into consideration whether an operation was able to conduct a remote inspection. We encourage certifiers, inspectors, and operations to remain inspection-ready at all times.

We also recommend certifiers triage based on time elapsed since the last on-site inspection,<sup>10</sup> as well as seasonality (whether it is an appropriate time to conduct an on-site inspection and see relevant activity).<sup>11</sup>

Within this system, we recommend an operation-by-operation risk assessment to consider additional factors and concerns,<sup>12</sup> areas of focus for the remote inspection and/or records audit, and any areas of focus for the eventual on-site inspection. We also recommend that the risk assessment for each operation be fully documented.

A particular question arises regarding existing operations who are seeking the addition of new products, land, or facilities. Currently certified organic operations must check with their certifier for specific inspection policies related to adding products, land, or facilities to their existing certification. The USDA Organic Regulations require certified operations immediately notify their certifier concerning any changes in their operation or a portion of their operation that may affect compliance. Operations must communicate with their certifiers about anticipated changes before implementing them. For new products, on-site inspection may not be required if new products are produced and handled on a certified operation following the existing, approved organic systems plan and a certification decision can be made based on document review alone. For other changes, certifiers should apply risk-based approaches to determine if remote inspections will be sufficient to assess compliance. Certifiers must require operations to check with them about the specific planned changes, to determine whether an inspection is required and if so, if a remote inspection would be sufficient.

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<sup>10</sup> Note, in particular, the requirement in 205.403(b) regarding delaying on-site inspection up to six months. This should be considered when prioritizing existing operations for on-site inspections after travel restrictions, stay at home orders, and shelter in place orders are lifted.

<sup>11</sup> See 205.403(b)(2), which requires on-site inspections be conducted when growing can be observed.

<sup>12</sup> Important factors include (but are not limited to) size of the operation, nature of the operation, complexity of the operation, type of risk, length of time since last on-site inspection, and material changes to OSP.



On-site inspections will be robust, and will focus on any concerns identified or items not easily verified during remote audit, as well as the physical premises. Questions may be asked about compliance going back to the previous on-site inspection.

If these on-site inspections take place during the pandemic, we recommend using local inspectors who would not need to travel significantly,<sup>13</sup> or inspector teams.<sup>14</sup>

### **C. Risk Assessment for New Operations - How to Meet the On-Site Inspection Requirement During COVID-19 Pandemic**

Relying on the NOP regulations and NOP guidance referenced above, it is clear that certification decisions for new operations must be based (at least in part) on an on-site inspection. We acknowledge that in some instances new certificates will be delayed and that certifiers may choose not to accept new clients. In an effort to allow for continued certification of new operations when compliance can be verified, and doing so is in compliance with all relevant local, state, and federal restrictions and orders, we recommend the following:

- Where limited on-site inspections are available - allowed under local, state, and federal restrictions or orders; as well as accepted by the inspector, operation, and certifier; we recommend a hybrid approach - implementing a brief and socially distanced on-site inspection (in which the operator is still verifying compliance, in accordance with all relevant social distancing norms, recommendations, and orders),<sup>15</sup> along with a robust remote inspection and/or records audit. This will keep inspectors and operations safe by limiting exposure, and will support new operations entering the market.
- If on-site is not available in an area due to local, state, or federal restrictions or orders; or because it is not agreed to by any of the inspector, operation, or certifier; then new operations may not be certified. In these cases, we recommend beginning the remote inspection and records audit process, and delaying the certification decision until an on-site inspection has been performed.<sup>16</sup> We also recommend offering technical assistance to these operations regarding labeling and marketing options that are available to uncertified operations (such as using the term organic in the ingredient statement) in the interim.
- New operations should receive a high priority for on-site inspections when travel restrictions, stay at home, and shelter in place orders are lifted.

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<sup>13</sup> See SECTION VII of this document.

<sup>14</sup> See SECTION VIII of this document.

<sup>15</sup> Documentation may be required to allow for socially distanced on-site inspections.

<sup>16</sup> There is a six-month period for this; and we expect that the pandemic situation may change in that time, along with the ACA's Best Practices and NOP's guidance. We urge continued reevaluation of this matter, including a reconvening of the ACA Committee to reevaluate these Best Practices within three months.

- If any of these on-site inspections take place during the pandemic, we recommend using local inspectors who would not need to travel significantly,<sup>17</sup> or inspector teams.<sup>18</sup>

## **V. What Do Remote Inspections Look Like?**

### **A. Deciding on Technology**

Technologies should be chosen that support specific remote inspection needs - and we understand that flexibility to address different situations with different specific tools is needed.

We recommend:

- Consider technologies that offer the functions that you need (live video, recorded video with date and GPS stamp, file sharing, screen sharing, etc.), are easily available to your operations and inspectors, and offer confidentiality and security protections (including end to end encryption) aligned with your and your operation's needs.
- Expect that platforms and technologies can and will fail, and build redundancy into the system.
- Remote inspections will require internet or cell service, as well as hardware (such as a smartphone or tablet). If such is not available, an operation will need to rely on other alternatives.<sup>19</sup>

### **B. Preparing for a Remote Inspection - Training and Other Best Practices**

No remote inspection should take place unless both the inspector and the operation agree to its use. We recommend a signed agreement between the inspector and the operation outlining what technology will be used, date/time, and who will be expected to be present and able to use the technology. If the inspector wishes to record any part of the remote inspection, consent must be given by the operator and all participating individuals first.

We recommend additional training for inspectors and operations, to include:

- Training on any technology platforms that the operator is expected to use.
- Inspectors should receive specific training for conducting remote inspections.<sup>20</sup> This can include training on the use of open-ended questions to get answers to questions you might otherwise get through your eyes or other senses on-site. It can also include

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<sup>17</sup> See SECTION VII of this document.

<sup>18</sup> See SECTION VIII of this document.

<sup>19</sup> See SECTION VI of this document.

<sup>20</sup> IOIA is considering such trainings, and considering making them available to non-members, and/or to certifiers who can then allow their employee inspectors to attend. See also SECTION VIII of this document.

training on the limitations of a remote inspection, and what inspectors can do to verify compliance from afar and with different tools.

We recommend that certifiers are transparent about their approach to allocating costs for inspections (to include remote inspection, records audits, and on-site inspections) during this pandemic. Some considerations include who pays for technology, who pays for the cost of multiple inspections on one facility, should late fees or finance charges be lifted, and should additional payment plan options be considered.

### **C. Process of Remote Inspection**

***Pre-Inspection Meeting*** - We recommend a pre-inspection meeting. By the end of this meeting, we recommend a signed agreement between the inspector and the operation outlining what technology will be used, date/time, and who will be expected to be present and able to use the technology. This pre-meeting should be conducted using technologies that will be used in the remote inspection, to set the tone for the remote inspection. During this pre-inspection meeting, we recommend that inspectors share inspection objectives, scope, criteria, and methods - and how the inspector will assess compliance remotely. We also recommend that the inspector identify areas of interest and ensure that the operation is prepared to demonstrate compliance in those areas (e.g., by walking to a particular field with the video chat, or recording a video tour). At this time, we also recommend that the inspector outline some best practices regarding teleconferencing - such as lighting, having materials ready, video on, limiting background noise. The inspector should set the expectation that this may be a multi-day event, with significant back and forth and learning while doing (e.g., the inspector may come back and ask for more documents, more video, and another interview - if he or she feels necessary).

***Interview*** - This can be conducted remotely using agreed-to video technology. It is important to ensure that the inspector and the operator are comfortable with the technology being used. It should be done using video technology, if possible, to ensure that non-verbal communication is captured. If video technology is not available or practical, a phone interview is acceptable.

***Verify Documents and Records*** - We recommend that this is done live, via screen-sharing and video technology. The operation can send or share files electronically, screen-share, or physically mail documents. (If using physical mail, it will have a significant time lag, and there will need to be agreement on what to do with the physical documents afterwards.<sup>21</sup>) We recommend that the pre-inspection meeting outlines which documents must be shared, and the operation shares them in a timely manner. There is an opportunity to use this review of records as a window into operations on the operation, and to dig deeper on the processes and systems that we would otherwise see on-site. A deep review of documents and records, with extensive open-ended questioning, can provide good insight.

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<sup>21</sup> See SECTION VI of this document.

Records can be requested and reviewed/audited in advance so that the time required for the live portion can be shortened. §205.103(b)(2) requires records that "Fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited". Records that require an explanation by the operator do not fulfill this requirement.

***Count and Measure (physical examination)*** - As part of operational tours and audits, inspectors regularly count, measure or observe quantities. This can be done through video and requested records, but inspectors and operations will need to be prepared for it to be more difficult and take more time.

***Observe Tasks, Processes, Inputs, and Outputs*** - A physical view, tour, or observation of the operation is necessary. While this may be challenging to accomplish in a remote audit, it is possible with video/camera technology. A video tour of the operation with special focus on certain areas, and extensive open-ended questioning, could accomplish a lot here. Inspectors should be prepared to specifically direct the operator where to point the camera - the smartphone will be the inspector's eyes.

***Brief and Socially Distanced On-Site Visits*** - If something cannot be verified any other way, and can only be verified by a brief and socially distanced on-site visit (in which the inspector is still verifying compliance, in accordance with all relevant social distancing norms, recommendations, and orders), that can be considered as a last resort - only if such behavior cannot be postponed, is necessary, is agreed to by both the inspector and operation, and complies with current travel restrictions, stay at home orders, shelter-in-place orders, and any other orders of the state or locality.

***Exit Interview/Inspection Report*** - Exit interviews must include the fact that the inspection was remote. Inspection reports must include that fact as well, and be very precise in their documentation of all specific details of how the inspection was conducted. This should include a list of what could not be verified, and an opinion about what needs to be verified on a follow-up on-site inspection, once restrictions are lifted.

## **VI. Records Audit Alternative to a Remote Inspection for Technologically-Limited Operations**

As we outlined above, we encourage remote inspections and records audits to be used for all organic inspections for which they can verify compliance. New operations will require an on-site component prior to certification, which we encourage to take place through brief and socially distanced on-site visits (in which the operator is still verifying compliance, in accordance with all relevant social distancing norms, recommendations, and orders) that comply with all relevant travel restrictions, stay at home orders, shelter in place orders, and other orders.

There are also operations that cannot avail themselves of the technology needed to conduct a remote audit, and for whom a records audit will need to suffice until on-site inspections become available.

### **A. Who Qualifies for a Records Audit?**

We recommend that for operations who cannot avail themselves of the technology needed for a remote audit (whether due to lack of hardware or lack of cellular or wireless service), inspectors conduct a records audit until travel restrictions are lifted. This is likely to arise for operations without remote connectivity or for operations which prohibit or severely limit the use of technology. For operations that have connectivity and do not prohibit or limit the use of technology, solutions such as borrowing technology from neighbors should be considered on a case-by-case basis.

Beyond this, a risk assessment should be used to determine what operations qualify for records audits. Lower-risk annual audits may be considered good candidates; new operations are not good candidates.

### **B. Preparing for a Records Audit**

Records audits with limited technology can be difficult. We recommend flexibility, and recognition that an operation inspected with a records audit will need a follow-up on-site inspection. Thus, a key outcome will be verifying what can be verified on the documents, and identifying specific areas for follow up in an on-site inspection, when available.

We recommend that the certifier contact the operation and indicate that a records audit will be conducted. We recommend that the certifier explain what that is and how to prepare.

We recommend that the certifier works closely with inspectors who have experience with particular operations or communities to develop specific plans for a pre-inspection meeting during which a set of records and paperwork is requested in advance of the records audit. In particular, we recommend that certifiers and inspectors consider the cultural gap between operators and policy, and we recommend the inspector is empowered to use his or her expertise to ask for what is needed in a way the operation will understand.

What specific records?

- Focus on what is feasible to verify based on documents, and request those documents.
- Base this on areas of interest in the operation's Organic Systems Plan, and previous inspection reports and exit interviews.
- Focus on continuous improvement, and accept that there will be topics that cannot be verified, and on which the inspector will have to focus at the next on-site inspection.
- Document clearly what was asked for, what was received, what is a top priority for follow up on-site.

Appropriate records will vary by operation, and should be determined by the certifier and inspector. Some records that might be particularly easy to request (and use for verification) include, but are not limited to:

<b>Crops</b>	<b>Livestock</b>	<b>Handling</b>
Seed invoices	Milk slips or egg sales	Current SOPs
Seed search records (if non-organic seed purchased)	Herd list	Receiving logs
Field records (planting, input applications, etc.)	Field history sheet	Pest logs
Harvest records	Birth records	Sales records
Storage records	Medical treatments	Batch records
Sales records	Feed records	Organic certificates for purchased ingredients and other traceability records to verify that organic ingredients came from a certified source.
Shipping records	Sales records for livestock sold for slaughter	Inventory records

How to send?

- File sharing, email, fax, mail, or other contactless sharing - understanding that mail takes longer, and it will be critical for the operation to have its own copy of the records during the telephonic records audit.

Once the records are received and reviewed, the inspector should conduct a telephone call with the operation to go over the records.

### **C. Process of a Records Audit**

***Pre-Inspection Meeting*** - We recommend that the certifier contact the operation and indicate that a records audit will be conducted, what that is, and how to prepare (including having access to a telephone). We recommend that the certifier works closely with inspectors who have experience with particular operations or communities to develop specific plans for a pre-inspection meeting during which a set of records and paperwork is requested in advance of the

records audit. In particular, we recommend that certifiers and inspectors consider the cultural gap between operators and policy, and we recommend the inspector is empowered to use his or her expertise to ask for what is needed in a way the operation will understand.

**Interview** - This should be conducted remotely using the telephone.

**Verify Documents and Records** - We recommend that the pre-inspection meeting outlines which documents must be shared, and the operation shares them in a timely manner. There is an opportunity to use this review of records as a window into operations on the operation, and to dig deeper on the processes and systems that we would otherwise see on-site. Following that review, we recommend a phone conversation between the operation and the inspector, in which both have access to the documents, during which questions can be asked and concerns resolved. A deep review of documents and records, with extensive open-ended questioning, can provide good insight.

**Count and Measure (physical examination)** - As part of operational tours and audits, inspectors regularly count, measure or observe quantities. This can be done through requested records, but inspectors and operations will need to be prepared for it to be more difficult and take more time.

**Exit Interview/Inspection Report** - Exit interviews must include the fact that the inspection was a records audit. Inspection reports must include that fact as well, and be very precise in their documentation of all specific details of how the inspection was conducted. This should include a list of what could not be verified, and an opinion about what needs to be verified on a follow-up on-site inspection, once restrictions are lifted.

#### **D. Brief and Socially Distanced On-Site Inspection as Last Resort**

If something cannot be verified any other way, and can only be verified by a brief and socially distanced on-site visit (in which the operator is still verifying compliance, in accordance with all relevant social distancing norms, recommendations, and orders), that can be considered as a last resort - only if such behavior cannot be postponed, is necessary, is agreed to by both the inspector and operation, and complies with current travel restrictions, stay at home orders, shelter-in-place orders, and any other orders of the state or locality.

### **VII. Facilitating the Inspection Process by Developing a Directory of Local Inspectors**

On-site inspections will begin to be reintroduced when travel restrictions, stay at home orders, and shelter in place orders are lifted - and when operators, inspectors, and certifiers agree that it is safe to conduct on-site inspections. At that time, certifiers will need to identify inspectors who can conduct on-site inspections without significant travel - such as flights, overnight stays, or restaurant visits. We need tools to connect local inspectors to certifiers' need for such

inspectors. This will enable certifiers to have on-site inspections done as long as they comply with relevant travel restrictions, stay at home orders, and shelter in place orders and as long as certifiers, inspectors, and operators agree it is safe. It will also enable inspectors to more fully get back to work as soon as it is safe.

Inspector vulnerability, health, and safety--as well as that of their family--must be carefully evaluated prior to any on-site inspection assignments. The inspector's choice to decline an assignment for health reasons must be respected and not lead to future negative consequences in limiting assignments.

### **A. Memorandum of Understanding among ACA Members**

We recommend that the ACA develop a "Memorandum of Understanding" among its members. This MOU would include a commitment to engage with each other to ensure inspectors are available where needed.

This will allow certifiers to meet their inspection needs with limited to no travel; and should preclude the need for multiple certifier-to-certifier subcontracts. It would also allow for effective utilization of local inspector resources during this pandemic, without changing the employer-employee relationship or requiring additional inspector approvals. We understand there are examples of this sort of behavior with inspections for certifications other than organic (e.g., grass-fed, non-GMO, gluten free); with international inspections where there is no equivalence arrangement; and with field evaluations (in Certifier Instruction 2027).

This MOU should include a requirement that inspectors sign any releases (e.g. NDA, COI) required by a certifier; that certifiers commit to offering a brief training on any non-standard reporting system; and that certifiers will share the date of an inspector's most recent evaluation with any certifier considering using that inspector's services.

### **B. Job Board to Connect Inspectors to Opportunities**

We recommend that certifiers use the [IOIA Job Board](#), to ensure that certifiers who have work for inspectors in a particular location can connect with inspectors in that location. This can be used for on-site inspections when available, as well as other work opportunities (such as remote inspections, records audits, and trainings).<sup>22</sup>

It will be important to encourage participation by all certifiers and inspectors. Privacy and confidentiality must be monitored, and we suggest that when posting needs, operations should not be named - only scope, deadline, and general location. We also recommend that the job board not be interactive, and responses to postings be conducted off of the board.

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<sup>22</sup> See SECTION VIII of this document.



### **C. Survey to Develop Directory of Available Inspectors During COVID-19 Pandemic**

We recommend the development of a directory of available inspectors during the COVID-19 pandemic. This will allow us to connect inspectors to work opportunities, as they arise.<sup>23</sup> This list would not include any existing certifier relationship, to prevent competitive concerns.

We must use critical thinking to determine how we can demonstrate compliance with the regulations during this pandemic. Flexibility is key – collectively we seek to offer a set of tools and best practices, understanding that different situations will require different specifics.

As one of those tools, we seek to develop a temporary database of inspectors, a tool which would provide the following benefits to entire organic sector:

- Certifiers would have an expanded resource of inspectors - especially local inspectors, during the period of travel restrictions, stay at home orders, and shelter in place orders.
- Certifiers would also have an expanded resource that would facilitate assigning remote inspections to technologically savvy inspectors, and developing mentorships or training opportunities.
- Inspectors would be able to get local work in this time of restricted travel.

This will be a voluntary database, identifying where inspectors are, so that when on-site inspections become available again, they will best be able to be matched with local inspection opportunities. Anyone who shares information for the database may access the database. The database will be maintained through the duration of this pandemic, and any travel restrictions, stay at home orders, and shelter in place orders.

We recommend a survey (to be sent to inspectors, and to certifiers to share with their inspectors who may fill it out if they wish) as follows:

1. Please provide your information, including the following fields:
  - a. Name
  - b. Email address
  - c. Phone
  - d. Location (city, state or province)
  - e. Distance willing to travel (understanding this may change over time)
  - f. Scope(s)
  - g. Have you participated in specific training to conduct remote audits?
  - h. Date of last Field Evaluation conducted (and by which certifier)

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<sup>23</sup> See SECTION VIII of this document.

## VIII. Supporting our Inspectors During COVID-19 Pandemic

The critical question in this section is, how do we protect and invest in our inspectors, who are a critical part of the organic value chain, and are bearing the brunt of the travel restrictions, stay at home orders, and shelter in place orders.

### A. Ensure Inspectors Receive Available Work and Training Opportunities within the Organic Sector

Inspectors want to be back at work, supporting the organic sector. Opportunities to utilize their skills, experience, and expertise most effectively should be taken, including:

- We recommend that certifiers prioritize even distribution of work to inspectors (to be reached via database or job board<sup>24</sup>) for conducting remote audits, records audits, risk assessment file reviews, and other appropriate assignments.
- We recommend partnering inspectors with different expertise (new and more experienced; technological training; etc.) to create inspection teams that can conduct the remote, records, and eventual on-site pieces of the inspection. ISO 19011 provides guidance for group inspections (i.e., multiple inspectors with an inspector lead), and could be valuable for developing a partnered/grouped inspection protocol.
- We recommend that during this pandemic slowdown, the organic sector take the opportunity to increase its investment in inspector training, mentoring and support. The sector benefits directly from rigorous and comprehensive inspections, and would be well-served to use this opportunity to support that.
  - This could include training on specific elements of conducting an audit, report-writing, or how to conduct a remote inspection and/or records audit.
  - This will develop a more cohesive, unified, and expert inspector group.
  - These trainings could be paid opportunities, in which more experienced inspectors could be paid to develop and conduct trainings, and less experienced inspectors could be paid a smaller stipend for attending.
  - Funds could come from a variety of sources including (a) certifiers or the ACA may be able to take out loans or access SBA funds for training and inspection; (b) direct grant funds for training from NOP; (c) certifiers, brands, or trade associations may be able to reallocate their travel and conference budgets to support inspector training.

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<sup>24</sup> See SECTION VII of this document.

## **B. Ensure Inspectors Have Access to Available Financial Support**

In addition to work and training opportunities, we should also ensure that inspectors have access to funds available to help them through this time of limited travel.

- We recommend that certifiers consider prepaying a percentage of contracted future inspections for inspectors with whom they have an existing relationship. This will help inspectors get through the lean times when on-site inspections are not available, as a prepayment against already contracted inspections. It also reminds inspectors that they are valued in the organic sector.
- We recommend facilitating inspectors' access to government support, including CARES Act/SBA Disaster Assistance loans, state funds, and unemployment. This may include identifying a resource through IOIA to assist - perhaps IOIA could contract with an HR firm or attorney as a service to its members. (Other resources include <https://pasafarming.org/resources/webinar-covid-19-financial-assistance-for-farms-small-businesses/>; <https://extension.psu.edu/covid-19-stimulus-benefits-for-sole-proprietors-and-independent-contractors-webinar?fbclid=IwAR0ZbCgUIZKaGjqv16irbGqvvrQeOb-UyVdJWHHasJqyUogYYIsDRxACXc54>)
- We recommend that AMS dedicate some of the additional money it received from the CARES Act to organic certification cost share, because certification costs may go up due to the more time consuming records audit/remote inspection/on-site inspection approach. We recommend that AMS make these payments directly to organic certification agencies to cover their costs of certification, so that organic operations do not have to bear that cost during this market disruption.

## **C. Create Opportunities for Non-Financial Support for Inspectors**

Inspectors are not only bearing the costs of being out of work, and financial hardship, but are also dealing with the other impacts of this COVID-19 pandemic. Inspectors are used to being out in the field, and now are on lockdown. This is having an impact on not only their professional well-being and financial well-being, but also emotional well-being and happiness. There are opportunities to offer support in these areas as well:

- Opportunities to Strengthen the Certifier - Inspector Relationship
  - We recommend frequent communication from certifiers to their clients and inspectors, including sharing updates, and reminding everyone that they are a valued piece of the organic supply chain. Lack of information creates fear and mistrust.
  - In particular, we recommend that certifiers communicate to their clients the changes in inspection protocol during this time, and not rely on inspectors to be the first communicator on that. Certifiers can instill in operations the important

- role they will need to play as a partner in the remote inspection, records audit, and/or on-site inspection when available.
- We recommend certifiers consider allowing inspectors to revise their already approved fee schedules in light of the pandemic.
  - We recommend certifiers consider providing the technology (e.g. subscriptions to software, or a technology fee) needed for remote inspections to inspectors.
  - Opportunities for Increased Training
    - We recommend increased training. IOIA is considering providing some trainings for free to members; Penn State Extension is offering free courses (<https://extension.psu.edu/shopby/online-courses>), and the NOP's Organic Integrity Learning Center includes new training sessions on investigations, administrative capacity, and other topics (to create an account, go to [www.ams.usda.gov/services/organic-certification/training](http://www.ams.usda.gov/services/organic-certification/training); with an account, access Learning Center at <http://usda.blackboard.com/>)
  - Opportunities for Connection
    - We recommend weekly calls among inspectors to share experiences, feedback on training, etc.
    - We recommend creative trainings and opportunities to connect, such as an organic book club, where the group reads a relevant book and discusses.
    - We recommend ad hoc trainings on non-organic issues - such as managing financial hardship, staying connected, gardening, preserving food, things to do at home to feel balanced.
    - We recommend increasing personal connections and a sense of being part of a team, through methods such as video conferencing.