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Submitted via [Regulations.gov](https://www.regulations.gov).

**RE: Docket # AMS-NOP-20-0041**

**NOSB Certification, Accreditation and Compliance Subcommittee Discussion  
Document: Human Capital Management**

Dear NOSB members:

Thank you for the opportunity to provide comments on the Human Capital Management discussion document. MOSA certifies approximately 2200 organic operations throughout the United States. We manage a lot of folks' skills, knowledge, and experience, and logistics, and this human capacity challenge is ever-increasing. We are grateful for this conversation. It's a persistent and growing area of concern as certification expands into new areas and the need for oversight increases.

In our many comments to USDA on the organic regulatory process, we've often noted this "human capacity" challenge (and, we prefer that terminology to "human capital," which can seem rather dehumanizing). We support strengthened standards to regulate a growing industry and to correct gaps. Sound and sufficient oversight upholds integrity and consumer trust in the Organic Seal, and is key to the growing success of the organic industry.

However, we're conflicted when these improvements so often place more burden on certifiers. Related to this discussion on capacity, the proposed rule for Strengthening Organic Enforcement (SOE) adds to our concerns regarding ever increasing burdens. We find proposed SOE changes to be well-targeted, but we have serious concerns about capacity challenges, costs, and whether the strengthening also makes certification less widely accessible. Sometimes, our burdensome and deliberate regulatory process gets in the way of MOSA's organic vision of a "thriving organic world."

Among our SOE comments, we noted that one of our greatest ongoing concerns is that no rule ever simplifies the processes of certifiers, inspectors, or certified operations. Increased regulatory burdens on certifiers lead to increased costs for organic operations and ultimately consumers. The burden is felt throughout our entire organization: the burnout felt by reviewers as their work becomes increasingly detail-obsessed; the burden on MOSA as we stay in alignment with the NOP in our systems, paperwork, IT, and training; the burden felt by our inspectors who are spending an increasing amount of time on paperwork; and the burden felt by certified operations who are spending more time recordkeeping, documenting, and tracking paperwork, and who are paying more for certification because the certifier and the inspector are

trying to remain fiscally responsible. Clients and certifiers alike feel that organic certification becomes more complex, time consuming, and costly each year and the complexity and detail do not necessarily result in greater organic integrity.

Strengthening organic enforcement is important, but we are asking for reasonable respite as well. As we are asked to add more layers to the certification process, we wonder what role risk assessment can play in lightening burdens in other areas. For example, in our SOE comments, we've included a number of suggestions for decreasing burdens, including (using risk assessment): allowance for appropriate technology for parts of on-site inspections, risk-based inspection schedules, timely clarifications from NOP when informed that certifiers are inconsistent in Rule interpretation, and revisiting the \$5000 limit for exemption from certification.

In our comments below, we've provided some feedback on the questions for each section of the Discussion Document's sections including Strategic Workforce Planning, Talent Management: Pipeline Development, Talent Management: Recruitment and Matching, Performance Management and Evaluation, and Professional Support and Educational Infrastructure. Much of this feedback echoes points raised in the Accredited Certifiers Association (ACA) comments on this discussion document.

### **Strategic Workforce planning:**

1. *What is going well and reflects strengths with respect to human capital in the organic community? What weaknesses create risks for certifiers and the market? Where do opportunities lie? What are the threats if human capital is not strategically managed?*

Improved communication from NOP and collaboration between the NOP and ACA and the International Organic Inspectors Association (IOIA) is going well. Collaboration between IOIA and NOP helps inspector and review staff development through sharing perspectives, education/training, and networking. IOIA does an excellent job providing training and meeting the needs for their membership. However, not all involved in NOP certification are ACA or IOIA members, so access to these collaborative outlets is limited, and the cost of IOIA training is prohibitive for many potential candidates.

The Organic Learning Center, developed with community collaboration, is a valuable addition to training for staff and contracted employees.

Organic certification cost share programs have been very helpful, especially toward making certification accessible for smaller operations. From our perspective, the support needed by the organic sector is not currently reasonably funded. It seems the majority of the financial burden falls to certifiers, but that can't all be passed on to certified operators, many who also are struggling during these times. We ask for more policy and financial allocations directed toward organic, more on par with what is directed toward conventional production.

Our uncertain global landscape is a risk, as we try to plan for human capacity needs. 2020 has been a year with little good news. We are in the midst of a global pandemic,

experiencing unprecedented weather events due to climate change, and the US (and world) has increasing economic uncertainties with a very real concern of impending inflation. As such, MOSA is taking a conservative approach to growth. Continued growth in the number of certified operations is very challenging to predict.

Additionally, MOSA's ability to expand our services has been limited by the "pre-competitive problem" of finding qualified inspectors. As seasoned inspectors retire (some earlier than expected, because of the pandemic), and with proposed changes to inspector qualifications, we are concerned about our ability to meet the logistical requirements of increased oversight. We support this discussion as a means of finding creative ways to bolster professional growth in our industry. The lack of competitive pay and fair compensation is an issue in recruiting and retaining qualified personnel. Pressure to keep inspection affordable can affect quality, when inspectors feel rushed to complete inspections in order to make a living wage.

The SOE rule is an opportunity to consider the course of how we conduct certification oversight. We appreciate how SOE aims to plug gaps and responds to our changing, growing industry, but we also must consider ways that risk-based assessment might enable some innovation and efficiency in oversight processes.

There is an opportunity for education and invitation regarding consideration of organic certification work as a career path. We are interested in more discussion about how this type of work might better be brought to attention in educational institutions as a viable career option.

- 2. What are the pre-competitive problems related to human capital that many or all certifiers face? For example, what challenges do many certifiers share in identifying, attracting, developing, and retaining talent? What are the largest gaps in the current talent pool? What are the future risks that could be planned for today?*

We are experiencing a number of pre-competitive problems related to human capacity, including:

- Inspector fees are not necessarily commensurate with the quality of their work. Some certifiers report that organic inspectors are underbidding each other. Competition among contracted independent organic inspectors can lead to some inspectors lowering their fees to obtain work. While we do not believe that we have seen that circumstance at MOSA, sometimes we've paid higher than average fees because of inspector scarcity in some regions. It's an uncertain inspector economy. Certifiers consider fees when hiring inspectors, and may choose those with lower fees.
- Challenges in recruiting new inspectors. We've heard of some challenges with sufficient mentorship programs to develop and train new inspectors. It is difficult for inspectors to gain the necessary experience, somewhat contrary to a good organic principle of considering sustainability and looking out for the next generation. Our community benefits from individuals with talent and fresh

perspectives newly entering the industry. But, training individuals that are new to the organic certification niche requires investment in dollars and time.

- Retention of inspectors and review staff. MOSA does a lot of specialized training for new staff. Sometimes after our investment of dollars and time for training, staff leave for other work opportunities, perhaps with another organic company, but they take that training investment with them. We find that it takes at least a year of training for new staff to be independently productive.
- Geographic gaps in the talent pool. We are finding a lack of qualified organic inspectors in several areas in which we have concentrations of certified operations.
- We are concerned that the prescriptive SOE rule language regarding training and qualifications, the additional ongoing training being required, and the added paperwork impact will make it even more difficult for us to recruit candidates.
- Labor law challenges for independent contractors. This precludes us from being able to provide direct training for our 50+ independent inspectors, and from paying an hourly rate for inspections. Inspectors often must fund their own training and face lack of compensation when time on site or other expenses run over projections. To maintain a viable business with this uncompensated time, the inspectors will need to increase their fees.
- Inspector and reviewer turnover. At this time, we're seeing many seasoned inspectors leaving the industry. This is exacerbated this year by safety concerns related to the pandemic. We recognize that full-time inspection work makes for a career with a lot of travel and seasonality, and that does not suit many people. Also, historically, we've struggled with longevity for review staff. The SOE proposed rule will increase the need for additional inspectors and staff reviewers, due to added complexity of oversight, and new requirements for operations to be certified.
- Seasonality. We are required to inspect onsite, "at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of subpart C of this part can be observed." This creates a lot of demand for inspectors during the growing season, and also creates employment gaps for some inspectors during the off-season. The annual review cycle is dictated in part by inspection time frames, and there are a couple seasons each year where the workload is extreme, and unsustainable.

3. *What forums exist or could be created to facilitate strategic workforce planning between and among certifiers, to better understand and plan for existing and future human capital demands?*

We would primarily look to collegial organizations in the certification realm. The ACA and IOIA are two proven forums for productive and committed collaboration.

4. *How could certifiers conduct a shared Needs Assessment based on industry trends and metrics, to determine the target talent pool and skills that need to be further cultivated in the future?*

We would consider use of a survey to assess needs and gather data. A number of organizations within our community - like ACA, IOIA, and the Organic Trade Association

- are adept at organizing surveys and getting them to members of our community. We also would look toward trends, such as related to geography or types of products being certified, via information in the Organic Integrity Database. This might help to inform needs.

## **Talent Management: Pipeline Development**

1. *What are possible goals and opportunities for building long-term relationships with academic programs, in either specialized approaches (supporting the development of an organic agriculture specialty track) or multi-disciplinary tracks (cross-Department training in agriculture, law/investigations, and business)? How could these conversations be initiated or expanded?*

We support initiating conversations at educational institutions about certification and inspection work as a viable and interesting career choice. Certifiers can reach out to post-secondary education institutions to develop relationships, and might proactively participate in career fairs, utilize job boards, or consider offering internships for students that enable some immersion in the certification milieu in exchange for skills-appropriate contributions to our work.

In the proposed SOE rule, there is prescriptive language regarding qualifications for certification staff that does not allow for other life or training experiences apart from organic agricultural training. However, we've certainly found that a variety of education, training and life experience can provide skills useful and necessary to work in the organic certification profession. The discussion document notes some of the needed expertise beyond organic agriculture, including quantitative understanding, supply chain dynamics, forensic accounting, investigative skills, legal skills, and interpersonal and communication skills.

2. *What are possible options for developing Apprentice Programs for career changers who need specialized experience in organic before being ready for inspector or reviewer roles?*

The IOIA is working on developing and strengthening an apprentice program for inspectors. Challenges include connecting apprentices with seasoned inspection staff that are willing to provide mentorship. We'd suggest encouraging a positive culture and awareness around the importance of protecting our profession by teaching those who will follow in our line of work - sustainability concepts. We've sometimes heard that seasoned inspectors are not willing to take on apprentices, because of the time commitment without compensation, logistical challenges, and because of the potential of then facing competition for work. Virtual audits and the increase of online meeting forums happening during the pandemic point a way toward new logistical opportunities; virtual technology could provide new options for apprenticeship work and online learning.

3. *What other sectors may include the types of professionals that might have backgrounds and qualifications that provide a strong foundation for a move to organic agriculture?*

*How could the community identify and reach out to those possible communities in creative ways?*

While specialized knowledge in organic is necessary for our work, we recognize that we can train on many details, while some necessary skills are more difficult to teach. These softer skills include critical thinking, ability to compare varying circumstances on the ground with the letter of the regulations and reasonable interpretations, quantitative understanding, and good communication skills with a wide diversity of stakeholders. Many people with varying educational backgrounds, training, experience and aptitude can find meaningful work and success in the organic sector. For the most part, anytime we hire someone new to our profession, we recognize the need to invest in building their skills for our mutual success.

Our assessment of potential hires considers their formal education, background in farming or food processing, auditing experience, interpersonal and writing skills, and technical capabilities. Additional training deemed necessary is assigned by MOSA, including in-person training, webinars, written guidance, and additional resources. The Organic Integrity Learning Center is a welcome adjunct to our ongoing training procedures.

We have some concern that prescriptive minimal requirements, as noted in the SOE proposed rule, may prohibit our ability to consider qualified inspectors or reviewers with equally-valuable equivalent aptitude and knowledge gained through other training, education, or life experience. For example, prescriptive education requirements may disqualify a candidate that has extensive farming or food processing background or other applicable work experience. We support flexibility in making hiring decisions based on a balance of factors. That allows us to increase the quality and beneficial diversity of personnel involved in the certification system.

Other fields that may have the backgrounds and qualifications to provide a strong foundation include forensic sciences, law (especially agricultural law), accounting/auditing, environmental studies, food science, and chemistry (especially for the processing/handling scope). All certification personnel must have strong interpersonal and written communication skills, and emotional intelligence.

Recruiting in different sectors can happen through connections with educators as noted in 1. above. Primarily, we see a need to develop new conversations around certification as a potential profession, bringing our work to more awareness.

We recognize a challenge, however, in that a career in organic certification may not offer a competitive salary compared to similarly skilled work in other sectors. Again, we'd call for better funding/government support for our work, so we can hire and retain talent without making certification costs a burden that hinders accessibility to organic and increases costs for organic consumers.

4. *How can these candidate pipelines be developed in a way that maximizes diversity and inclusion, so that those working in the organic community represent the diversity of the public we serve?*

We suggest education and outreach regarding certification work as a career option be directed toward historically black land-grant agricultural universities, and also toward trade schools or online educational programs. We'd also suggest that outreach and training should be available in different languages, especially Spanish.

## **Talent Management: Recruitment and Matching**

1. *What are possible needs and opportunities for a shared job board to advertise either employment or contract opportunities across the organic certification community?*

The ACA allows its certifier members to post job openings on its listserv, but this is only accessible to ACA members, and this has sometimes been criticized because postings targeted toward other certifiers create competition for the same limited talent pool, rather than expanding the pool. Certifiers can use other traditional means for recruitment and job postings. There is no singular or best place for jobs to be posted, and with an opportunity to consider talent from other sectors, we're served by diverse recruitment approaches and forums. However, we would find a centralized job board for opportunities across the certification community to be valuable, and that could help education around certification work as a viable profession.

2. *A recent ACA and IOIA working group raised the possibility of developing an inspector registry, to better share the profiles of inspectors who wish to share their qualifications and availability. What would be the benefits and risks of such a system? How could such a system work, and how could it be implemented?*

We would fully support an inspector registry, including availability, that is available to all inspectors and not based on membership fees. We have found IOIA inspector directories helpful, but they would be more valuable if they included endorsement/vetting information and more inclusive inspector listings encompassing the full inspection community. Registry benefits would include bringing awareness of the breadth and skills of the full inspector pool, and possibly helping to link apprentices with available mentors. Certification agencies would still need to have a sound endorsement/vetting process for inspectors that they hire. Such a quasi-public registry may have some risk of uncertain confidentiality boundaries - providing information that should not be disclosed, or having information withheld that is pertinent to effective use of the registry.

3. *What are some other approaches for connecting organic certification talent with existing needs?*

Ideas for outreach and communication of needs are noted elsewhere in these comments.

4. *What steps could the organic community take to foster a diverse candidate pool that represents the public over time?*

See our answer to 4. in the "Pipeline" section above.

## Performance Management and Evaluation

1. *What changes are needed to ensure that well-qualified and highly experienced inspectors and reviewers are appropriately rewarded for their professional qualifications and achievements? How should the organic industry best reflect the need and value-added of a robust and complete organic inspection process, with a highly qualified and well-compensated inspector?*

In the current environment with increasing regulatory burdens and training expectations, certifiers are challenged to keep the cost of certification affordable, especially for smaller operations. As mentioned above, the requirements for certifiers are never reduced or simplified; we need more financial support and innovation for certification, as our costs increase. Inspection and review work requires diverse, specialized skills, and certification personnel must be paid fairly, commensurate with the requirements to do the job. MOSA strives to provide healthy salaries and benefits. Certification cost share must remain in place and increase, not decrease. In the current financially-stressed environment, inspectors can feel rushed to complete inspections to keep costs down.

Additionally, we aim to provide inspectors and reviewers with consistent and timely feedback on their performance, including affirmation of good work and communication of areas for improvement.

2. *Some inspectors have noted that recent high-profile enforcement actions have increased their concerns about the possible legal risks involved in conducting inspections and reporting on possibly fraudulent or noncompliant activities at high-risk operations. What are ways that the community can address this concern?*

MOSA carries liability insurance, in part as a means for addressing the “reasonable security” requirement at Standards section 205.501(c)(2). However, cost is a barrier for many inspectors to purchase personal liability insurance. If we see some consolidated efforts to boost recognition of inspection and certification as career choices, perhaps that may open some doors for more available coverage. Since inspectors are working under authority of ACA’s accredited by the USDA, we wonder if the USDA could make some provision for legal protection for inspectors and certifiers who are doing their work as trained and as required under the organic regulations.

3. *Some certifiers have asked for a systematic mechanism to share information about both high-performing and poor-performing inspectors with the NOP and with other certifiers. What mechanisms might allow for this, while protecting privacy and due process?*

This information could be shared on a centralized registry of inspectors. We would like to see a sound and sensible system for sharing inspector evaluations among certifiers, with provisions to keep such information confidential among certifiers and reduce subjectivity.

4. *What avenues might be possible for elevating strong performers that are able to serve multiple certifiers (e.g., contract staff)? How can high performers be identified for advanced development opportunities to support both retention and succession planning?*

Certifiers would benefit from a mechanism to share evaluations of inspectors with other certifiers. And, good performance should be recognized and reflected in appropriate pay rates. However, performance evaluations are tricky and subjective. Numerical measures such as number of inspections completed or number of training hours can be useful, but these must be viewed in context and with recognition that they don't tell the full story. Good inspection work can also be determined through general client feedback, reviewer feedback, and inspector evaluations that rate quality of work, timeliness, knowledge related to standards and the inspected operations, responsiveness, etc.

5. *How do/will we know there are sufficient well-qualified inspectors and reviewers to serve the organic community as it evolves?*

We do not currently have data or measures for this information, but we'd suggest periodic surveys as noted under 4. in the Strategic Workforce planning section.

6. *What other system-level performance measures will tell us that our collective human capital strategies are working to protect organic integrity?*

Some suggestions for performance measures include reduction in NOP complaints, employment retention data, healthier ratios of certification personnel numbers to number of certified operations, and staff satisfaction measures as might be obtained through surveys.

## **Professional Support and Educational Infrastructure**

1. *What services are most needed by independent inspectors or reviewers in the organic community that are not currently provided by an existing entity?*

We have a few suggestions:

- We recognize the lack or availability of affordable, perhaps group, health and liability insurance for contract inspectors and reviewers.
- We also suggest that contract inspectors might benefit from basic business management training, covering concerns like taxes, time management, and finding efficiencies.
- Some inspectors might benefit from training/support in adapting to information technologies. Software varies across certifiers and some inspectors are not comfortable with conducting inspections with available technology, so we fall back to a less-efficient reliance on paper-based information.
- We also would be interested in finding legal support to address sometimes-impractical labor laws around inspection billing, certifier-specific training, and independent contractor status within the organic inspection milieu.

2. *What might some options for providing these services be? What type of organization(s) may be able to help?*

Organizations such as the IOIA or the Farm Bureau may be able to help with the insurance needs. Other organizations such as local extension services or local small business associations may be able to help with business management.

3. *In addition to current resources, what other continuous learning and training and development opportunities are needed to support and retain well-qualified organic inspectors and reviewers?*

Collaborative onboarding training programs for new staff reviewers and inspectors could help relieve some burden of training our own staff and contractors. However, finding the right balance of content could be a challenge; a lot of our training at MOSA is specific to our own systems, procedures, and policies. We have found the current training available through the NOP Organic Learning Center to be valuable. We also find public peer-to-peer connection opportunities, such as in-person ACA training and its listserv, to be especially valuable in learning from others experiences, and finding connection and support beyond our localized perspective.

4. *How could academic institutions, particularly those with specialized programs in organic and/or sustainable agriculture, be engaged in providing ongoing educational resources and/or community support for organic inspectors and reviewers?*

University extension programs can engage the wider community in organic awareness. That would boost consumer awareness and confidence in the USDA Organic Seal. We also suggest forming a stronger, more deliberate connection between certifiers and educational institutions to promote organic certification as a career option. Educational outreach can also focus on the younger generations, such as presenting at high schools and collaborating with FFA & 4-H programs, to begin to plant some seeds toward their considering careers in the organic industry.

5. *How could the community overall support the retention of well-qualified professionals in the organic community, even if they move between organizations?*

Our system is burdened, which creates stress and retention problems. We would ask for consideration of ways to relieve burdens on the system, including more financial support, such as certification cost share, and increased innovations so we can offer competitive pay rates, expand our programs to enable job diversity and more advancement opportunities. We want to maintain our passion for organic agriculture and its positive impact on communities and our planet, but sometimes that passion fades under the burden of the day-to-day work.

Thank you for your consideration of these comments. We appreciate your opening this important discussion.

Respectfully submitted,

The MOSA Certification Team