



April 1, 2022

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National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave., SW.,
Room 2642-S., Mail Stop 0268
Washington, DC 20250-0268

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

RE: Docket # AMS-NOP-21-0087

NOSB Certification, Accreditation and Compliance Subcommittee (CACS) Proposal on NOP Risk Mitigation Table Review

Dear NOSB Members:

Thank you for the opportunity to provide comments on the Proposal on NOP Risk Mitigation Table Review. MOSA certifies over 2,000 organic operations throughout the United States. We have over 20 years of experience in receiving service and oversight from the National Organic Program. MOSA was among the first group of certifiers to be accredited by the NOP in April, 2002.

We appreciate that the Program is looking into how to better safeguard its impartiality and we thank the NOSB for serving as the “representative body” to enable conformity with the ISO 17011 requirements.

We’ve provided some feedback on the questions to stakeholders, below.

1. What potential conflicts of interest and mitigation strategies are missing from the table?
We agree with the CACS’s assessment that all potential conflicts are included in the table.

2. Could any potential conflicts of interest and mitigation strategies identified in the table need further clarification?

We considered whether accreditation decisions could be affected by improper partiality related to a certifier’s enforcement and compliance decisions. For example, if a certifier’s adverse action decision was sound, but debateable, and the affected operation complained or appealed the decision, could that third-party’s pressure affect an accreditation decision? This type of scenario seems to be part of what is encompassed under the “Undue influence” section. It’s probably clear enough without providing further examples.

In this same “undue influence” section, it’s noted that adverse actions and appeal outcomes are publicly available. On occasion, the Accredited Certifiers Association has discussed ways of improving certifiers work and comparing accreditation decision consistency by somehow making accreditation audit findings more readily available, and perhaps organized by applicable

standards requirement. The historical body of accreditation decisions is likely a valuable educational resource, and we'd like the Program to consider ways that such public information could be organized as a useful educational and work improvement tool for certifiers. The table makes reference to the ACCREDIT database. We're not familiar with that resource and would like to learn more about what type of information is housed there.

Last, the NOP 1009 document suggests a scale to determine when action is needed. Circumstances that are remote, rare, or unlikely would not require further action, while action would be taken if a potential conflict of interest is "possible" or "likely" to raise a real or perceived threat to the accreditation program's integrity. This leaves some room for subjectivity, so implies a need for defensible critical thinking around how determinations are made as to where various circumstances fall on the scale.

Thank you for your work on this continuous improvement issue.

Respectfully submitted,

The MOSA Certification Team