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MOSA Comments on NOP 2027

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To: Miles.McEvoy@ams.usda.gov

Cc: "Gebault King, ReneeA - AMS" <ReneeA.GebaultKing@ams.usda.gov>, "Patricia Kane, ACA" <patriciakane@accreditedcertifiers.org>, mscoles@rangeweb.net

Dear Mr. McEvoy,

The staff of MOSA supports and finds value in the concept of field evaluation of inspectors as a means of improving the overall integrity of organic certification. At next week's Accredited Certifiers Association training in Savannah, Georgia, the agenda includes a panel discussion regarding certifiers' experiences in conducting field evaluations of inspectors, including the value, cost, and pitfalls; we look forward to seeing you there. It is our understanding, also, that the National Organic Program is re-reviewing NOP Instruction 2027, Personnel Performance Evaluations.

Over the past couple of years, particularly during the 2015 inspection season, we've put a lot of thought and effort into how best to administer the requirements of NOP 2027. MOSA would like to engage the National Organic Program and the certification community regarding ways the Instruction can be improved. We agree with the sound intentions behind the requirement to perform an annual field evaluation of each inspector. **However, from our experience, we do not believe strict enforcement of the requirements of NOP 2027 as written is sensible.** Below, we will share our own experience with this Instruction, and present suggestions for changes in the requirement.

To begin with, we would like to draw attention to a difference in language between the annual field evaluations described in NOP 2027, section 3.2(b), and annual personnel evaluations described in section 3.1. Annual personnel evaluations, according to the Instruction, "*must*" be performed for all staff and contractors performing the roles outlined in 3.1. This has always been a part of MOSA's program. In contrast, the document uses the word "*should*" when describing annual field evaluations of inspectors. As such, up until 2015, MOSA performed annual field evaluations of a portion of our inspectors based upon perceived need, and our ability to conduct the site visit in a timely, efficient, and cost-effective manner

In 2014, we performed field evaluations of all of our staff inspectors; approximately half of our contract inspectors were field evaluated either by us or a different agency. However, we received a noncompliance on our 2014 NOP audit citing Standards section 205.501(a)(6), because MOSA had not conducted field evaluations for all of our contract inspectors. Following extensive conversation regarding this issue with other certification agents, we understand that issuing noncompliances for this was not common practice for NOP that year. Some agencies report that their auditors did not ask *any* questions about their field evaluation programs. Some report that they were asked about their program, but were not issued noncompliances, even if field evaluations were not performed annually as suggested in NOP 2027. **We have concerns regarding the apparent inconsistency in how NOP 2027 requirements have been enforced by NOP.**

Nevertheless, MOSA made significant strides in 2015 to make program improvements following the issuance of the noncompliance. After several months of discussing this issue with our Accreditation Manager, and after some changes from our original proposed corrective action, we set forth a plan to ensure that 100% of staff inspectors and contract inspectors would receive annual field evaluations and that MOSA would maintain responsibility for those evaluations. Some of these were to be conducted by IOIA, using their new pilot program, provided that the program was approved by NOP. However, if the IOIA program was not approved as an alternative, we agreed that MOSA would ensure that the evaluations were conducted by our staff or by independent evaluators with whom we would contract directly. We calculated and reported that the cost for MOSA to perform field evaluations will quadruple by 2017 to accommodate our full oversight of the process. Our resolution plan also included a caveat, noting that should an inspector suddenly discontinue working for MOSA prior to his/her evaluation, it would not be possible for us to perform an evaluation.

So, what was our experience in implementing this resolution in 2015? In 2015, MOSA's 12 staff inspectors and approx. 50 contract inspectors conducted about 1720 annual inspections in 21 States.

We accomplished the goal of field evaluating 100% of the inspectors. Logistically it was difficult, time-consuming, costly, and it put a severe strain on our inspection department resources.

Scheduling an inspection with just an operator and inspector can often be challenging. In some cases, we found it nearly impossible to accommodate the presence of a third party evaluator who was often from out-of-state. With our large inspection pool, we had to address these logistical challenges for approx. 50 inspections. The time commitment was large and the logistics were challenging. At times, the inspector or operator was uncooperative; operators or clients would cancel an inspection after the logistics for the evaluator had been planned out or even was en route. In at least one case, car trouble kept the evaluator from arriving on time to conduct a distant and out-of-the way evaluation. The inspection could not be rescheduled due to the strict itinerary of the evaluation road trip. In that case, another MOSA staff member ended up traveling back to this remote location, seven hours away, to conduct the evaluation. Even "basic" situations were challenging and took a lot of time in planning and collaboration. And since significant amounts of time and staff were diverted toward this year-long endeavor, those resources were unavailable for other important areas of our inspection and certification program.

Let us be clear. The financial cost, use of resources, and logistical challenges of this, while significant, are not the real problem. After all, the hard work of verification is what we do and love doing. The real problem is that all of this expense of time, money, and energy does not consistently provide a meaningful payoff. Here are some reasons why:

1. Requiring all agencies to perform evaluations on all inspectors annually often results in duplicate evaluations, or inspectors who are field evaluated multiple times in one year. Sometimes, these are the most seasoned and trusted inspectors in the industry. This is an unnecessary use of resources. Many agencies contracted with IOIA in 2015 as a way of sharing the evaluation burden and cutting down on the duplication. And although IOIA has sought to keep costs low, the program does not necessarily result in a guaranteed cost savings on a per-inspector basis. As a result, many ACA's do not participate and duplication still occurs, resulting in unnecessary commitment of resources.

2. Annual field evaluations seem, in many cases, excessive. New inspectors or inspectors who have had challenges with the quality of their work certainly require additional guidance and oversight, but this is not needed for all inspectors. We can think of no other profession where requirements dictate annual field evaluations, including NOP auditors. What problem are we trying to solve?
3. The requirement is contrary to other existing NOP requirements for certification agencies. To be specific, certifiers are required by §205.501(a)(13) to accept the certification decisions of other certification agencies. Certification decisions are directly tied to the performance and ability of their inspector to supply a quality report. By accepting the certification decision of another ACA, certifiers *are* accepting their judgment about the sufficiency of their inspectors. If we are required to accept other agencies' decisions about inspector quality on an everyday basis, then why would we be prohibited from doing so when it comes to the field performance evaluation, when the level of scrutiny is even higher than usual?
4. Due to the large amount of financial and human resources that go into arranging and performing field evaluations, it makes it cost-prohibitive to contract with an inspector for just a handful of inspections. Instead, we would try to utilize other inspectors who we have already evaluated. The consequence of this is that operators may experience delays in their certification process, and this inhibits the ability of MOSA and other ACA's to reasonably expand the inspector pool. In the meantime, we hear messages from the organic industry that with increasing demand for organic products, "organic needs more of everything" - including new inspectors. MOSA experienced significant inspector availability challenges in the midwest in 2015 which was only exacerbated by the requirement that they be field evaluated and our limited capacity to perform them.

MOSA's suggestions for specific changes align with those presented in the September 4, 2015 letter from the Accredited Certifiers' Association to the NOP (attached). That is: to revise NOP 2027, taking certifier feedback into account to arrive at more options that are sound and sensible. We ask that the NOP responds to the certification community as soon as possible, since over-commitment of our resources during the 2016 inspection season is bound to detract from the availability of resources for other more useful and effective inspection programs and processes.

We hope that the above feedback is informative and helpful, and we ask that NOP be willing to join in on this pressing discussion with the certification community at the Savannah ACA/NOP training. Thanks for your continued consideration of our concerns.

Sincerely,

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