



National Organic Coalition

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April 20, 2009

Valerie Frances
National Organic Standards Board
USDA-AMS-TMP-NOP,
1400 Independence Ave., SW., Room 4004
South Ag Stop 0268,
Washington, DC 20250-0268

RE: TM-09-0014

The National Organic Coalition, (NOC) is a national alliance of organizations representing farmers, environmentalists, other organic industry members, and consumers concerned about the integrity of national organic standards. The goal of the coalition is to assure that organic integrity is maintained, that consumers' confidence is preserved and that policies are fair, equitable and encourage diversity of participation and access.

The National Organic Coalition will be submitting detailed comments on a number of issues related to the upcoming National Organic Standards Board meeting, including various materials decisions and definitions; retailer certification discussion document; 100% label claim; support of the comments on Implementing Biodiversity Conservation in Organic Agriculture Systems by the Wild Farm Alliance; support of comments on nanotechnology by the Center for Food Safety; support of the comments of the Organic Consumers Association on the Problem of Misabeled organic cosmetics and Personal Care Products; and more.

However, one issue on the agenda stands out for the members of NOC as one of most significant concern regarding the integrity of the organic label as administered by USDA/NOP. That is the issue of a "Peer Review Panel," or more to the point, NOP's compliance with industry recognized accreditation standards, as mandated by §205.509 of the NOP regulations. The NOP accreditation program is the foundation of the sound functioning of the entire organic regulatory structure, and previous audits of the NOP's accreditation system have disclosed serious problems. It is regular, systematic audits, performed by qualified auditors that form the basis for the continued quality of this regulatory system.

NOC fully supports the comments of Lynn Coody and Jim Riddle on this matter, and encourages the NOSB to consider Lynn's alternate proposal. Ms. Coody is an industry-recognized expert in accreditation issues.

We specifically agree that this Peer Review Panel should not be a Task Force of the NOSB, and should not name or limit its work to the OIG or ANSI reports in any way. Compliance with ISO 61 (now 17011) standards is comprehensive and oversight of this compliance must be handled by trained auditors in order to ensure the highest degree of rigor in the evaluation, which will ensure the highest integrity for the label and the National Organic Program.

We hereby quote extensively from Ms. Coody's comments:

“As noted by the Compliance, Accreditation, and Certification Committee (CACC) in its March 2009 document, over the years the NOSB has made multiple recommendations supporting establishment of a Peer Review Panel (PRP) to provide oversight of the NOP accreditation system. A review of comments in response to these proposals shows a high level of support from the public—certification bodies, consumer groups, environmental groups, and individual industry members concurred that the PRP is an essential component of the National Organic Program.

“...[T]he NOSB [should] specifically state that the PRP must verify that NOP's accreditation program complies with ISO 17011 (formerly named ISO Guide 61). Not only is ISO 17011 the industry standard for evaluating accreditation bodies, NOP's compliance with this standard is required by §205.509 of the NOP regulations. Using ISO 17011 as the basis for evaluation of an accreditation program not only provides a framework for analysis of all aspects of the system, it also results in increased acceptance of the accreditation program by regulatory authorities in other countries due to the ISO 17011's international use.

Second, CACC notes that its proposal to rely on NOSB and other industry members as evaluators of NOP's accreditation program may be limited by conflict of interest concerns. To address this,...[we] recommend that the CACC consider an existing government program, which is specifically focused on auditing organic accreditation programs against ISO 17011, to fulfill the role of the PRP. The US Department of Commerce's National Institute of Standards and Technology (NIST) manages this program—it's called the National Voluntary Conformity Assessment System Evaluation (NVCASE) program. Here are its benefits...:

- a. “NVCASE has authority to grant recognition to organic accreditation systems that are compliant with ISO 17011. Recognition is an ongoing relationship (similar to accreditation or certification) through which NVCASE requires accreditation bodies to correct noncompliances within a clearly delineated timeframe and to allow regular surveillance of the accreditation system in order to retain recognition. In contrast, the auditing bodies referred to in the CACC's proposal can point out problems with NOP's accreditation system but they lack

mechanisms for timely correction of problems or for ensuring that compliance is maintained between audits.

- b. Formal recognition is an outcome that will be highly respected by authorities in other countries, increasing the value of the funding that NOP will be allocating to oversight activities.
- c. Evaluating an accreditation system is a complex task that requires a significant time commitment. NVCASE's staff is specifically trained for auditing against ISO 17011 and has years of experience with evaluation of organic accreditation agencies.
- d. NVCASE provides third-party verification by professional auditors who are carefully selected to ensure that they are free from conflicts of interest.
- e. NVCASE requires an audit of the accreditation body's office every other year. In the intervening year, NVCASE conducts a Witness Audit to assess the accreditation body's work during a certification body's NOP audit. This cycle for the office audits is similar to the 2-year review cycle proposed by the CACC.
- f. NVCASE's audits are documented in detailed reports that NOP could release to the public, as it has done with the past assessments by ANSI and OIG. In that case, NVCASE's audit reports would be available for NOSB to review and to use as a basis for recommendations for improvements of the accreditation system. Compared to the CACC's proposal calling for the NOSB to maintain a standing task force for evaluating the accreditation system, reviewing regular reports emanating from the NVCASE program would be more closely aligned with NOSB's mandate as an advisory body. In addition, this advisory role would require less time commitment and technical expertise from NOSB's volunteer members.
- g. As NVCASE is managed through an agency of the US government, there should be no questions about its acceptability to NOP.

“In conclusion, ...the NVCASE program is well suited to address the requirements for assessing the NOP against ISO 17011 and to fulfill the role of a Peer Review Panel. Taking advantage of this already-implemented government program would obviate the need to establish either an NOSB task force or a FACA Committee for the PRP. Practically speaking, ...[there are] many positive outcomes when organic accreditation bodies have participated in the NVCASE program, such as 1) increased transparency, 2) improved clarity, 3) timely attention to corrective actions, and 4) greater use of stakeholder input to ensure the fairness and practicality of new policies. ... stakeholders of the organic industry would welcome similar outcomes in the NOP accreditation program!

“... Substantial information about the program may be obtained through the NVCASE website: <http://ts.nist.gov/standards/conformity/nvcase.cfm>.”

We appreciate the work of the NOSB and look forward to submitting more extensive comments as testimony for the upcoming meeting.

Sincerely,



Liana Hoodes, Policy Organizer

National Organic Coalition:

Beyond Pesticides
Center for Food Safety
Equal Exchange
Food & Water Watch
Maine Organic Farmers and Gardeners Association
Midwest Organic and Sustainable Education Services
National Cooperative Grocers Association
Northeast Organic Dairy Producers Alliance
Northeast Organic Farming Association, Interstate Council
Rural Advancement Foundation International, USA
Union of Concerned Scientists