



Instruction

Separation of Duties in Certification Decisions

1. Purpose

This instruction clarifies the procedures to be followed by certifying agents accredited by the U.S. Department of Agriculture (USDA) National Organic Program (NOP) when making certification decisions. Certification decisions include granting initial or continuing organic certification and issuing any adverse action notices.

2. Scope

These procedures apply to all NOP-accredited certifying agents, including those that operate satellite offices where staff grant certification or issue adverse action notices.

3. Background

The USDA organic regulations separate the acts of reviewing documents and inspecting operations from the act of granting certification in order to prevent a conflict of interest in the certification decision-making process. Pursuant to § 205.501(a)(11)(vi) of the regulations, the decision to certify an operation must be made by a person different than the one who conducted the onsite inspection. The regulations separate the roles of reviewers, inspectors, and final decision-makers. Sections 205.400 – 406 of the regulations describe the certification process in more detail.

4. Policy

The USDA organic regulations outline the roles and responsibilities of certifying agents for reviewing, inspecting, and granting certification of initial applicants for certification and operations continuing certification. To prevent a conflict of interest, the regulations require a separation of the duties of the onsite inspector and the final certification decision-maker. The individual who conducted the onsite inspection cannot conduct a final review of documents or make a certification decision for the operation they inspected for 12 months after the date of that inspection.

The following roles are required to complete the certification process:

- a. Reviewer of documents:** Reviews the application, the Organic System Plan or annual update, inspection reports, and any other related documents.

- b. Inspector:** Conducts the onsite inspection and audit.



c. Certification decision-maker: Makes the final decision to grant or deny certification of an operation based on a review of the documents referenced above.

These roles are typically filled by at least three people. Two people may fill these roles, however, so long as the person who conducted the onsite inspection does not conduct the final document review or make the final certification decision. Since the initial review is an important step in thoroughly assessing whether an initial application or an annual update appears able to comply with the regulations, it is, however, beneficial to use three people for the three roles discussed above.

The NOP considers the issuance of adverse actions to be an important certification decision. The NOP therefore suggests that the certifying agent use at least two people when issuing a Notice of Proposed Suspension or Revocation, or a Notice of Suspension or Revocation.

5. Procedure

5.1 Certifying agents are to use at least two people to complete the certification process.

5.1.1 The person who conducted the onsite inspection cannot conduct a final review of documents or make a certification decision for an operation he previously inspected for 12 months after that inspection.

5.1.2 Certifying agents are encouraged to use at least three different people for the initial certification, the continuation of certification, and the adverse action process, namely, a document reviewer, an inspector, and a certification and/or adverse action decision-maker.

5.1.3 In order to adequately perform their duties, all inspectors, document reviewers, and certification decision-makers must have sufficient expertise in organic production and handling standards and practices.

5.2 Compliance with this instruction will be verified during onsite accreditation assessments.

6. References

USDA Organic Regulations ([7 CFR Part 205](#))

7 CFR § 205.402 Review of application.

7 CFR § 205.404 Granting certification.

7 CFR § 205.406 Continuation of certification.

7 CFR § 205.501 General requirements for accreditation.

Approved on April 7, 2014