



## **Instruction**

### **Personnel Performance Evaluations**

#### **1. Purpose and Scope**

This instruction clarifies and standardizes procedures to be followed by certifying agents accredited by the U.S. Department of Agriculture (USDA) National Organic Program (NOP) when conducting personnel performance evaluations. This instruction is directed at certifying agents, who must satisfy additional USDA requirements as part of their accreditation (see [§ 205.501\(a\)](#)). Certifying agents that employ contracted personnel to perform certification duties are also affected by this instruction.

#### **2. Background**

Section 205.501(a)(6) of the USDA organic regulations requires that certifying agents conduct annual performance evaluations of all persons who conduct inspections, certification review, or implement measures to correct any deficiencies in certification services. This instruction establishes the minimum requirements for conducting certification personnel performance evaluations.

On January 19<sup>th</sup>, 2023, USDA published the Strengthening Organic Enforcement final rule ([88 FR 3548](#)), which defines certification review and provides additional clarification about personnel training and qualifications.

#### **3. Policy and Procedure**

A certifying agent must conduct annual personnel performance evaluations and implement measures to correct any deficiencies in certification services (see [§ 205.501\(a\)\(6\)](#)).

##### **3.1 Personnel**

Certifying agents must conduct annual performance evaluations of personnel and contract staff that perform any of the following roles:

- a. Conduct inspections;
- b. Conduct certification reviews; or
- c. Implement measures to correct any deficiencies in certification services.

##### **3.2 Evaluation Criteria**

Certifying agents conducting performance reviews should use the following kinds of evaluation criteria:

- a. Performance criteria
  - i. Knowledge, Skills, and Abilities



Defined competency system that assesses technical and interpersonal competencies, including whether personnel have sufficient expertise in organic production or handling techniques, the ability to work competently and effectively with clients and colleagues, and knowledge of the USDA organic regulations applicable to perform the duties assigned. The regulations provide additional clarification about personnel training and qualifications (see [§ 205.501\(a\)\(4\)-\(5\)](#)).

ii. Responsibilities

Personnel engage in timely planning, preparation, and follow-up of certification activities. This may include time management, deliverable review quality, and completeness of work.

b. Witness inspection (Inspectors only)

Witness inspections involve evaluating inspectors while they are conducting inspections and are considered the most effective method to assess inspector performance. Each inspector must be subject to a regular field evaluation at least once every three years, or more frequently if warranted, pursuant to [§ 205.501\(a\)\(6\)\(i\)](#). Inspectors with less than three years of inspection experience must undergo a witness inspection annually. The witness inspection system should be developed using best practices, such as a risk-based approach (i.e., inspector experience, annual number of inspections, work product assessment, etc.) or another approach sufficient to determine inspector competency. Certifying agents must maintain documented policies, procedures, and records for witness inspections, pursuant to [§ 205.501\(a\)\(6\)\(ii\)](#). All inspectors still require an annual performance evaluation, regardless of when their most recent witness inspection occurred.

- i. Witness inspections should be conducted at the certifying agent's expense.
- ii. Certifiers may use the witness inspection of another accredited certifier. If a certifier chooses to do this, it must review the evaluation to ensure a complete and thorough evaluation is conducted. It is each certifier's responsibility to ensure that its inspectors, both staff and contractors, comply with the USDA organic regulations.

c. Supervisor or Peer Review

A process for delivering performance feedback that includes both written and verbal feedback with personnel at least annually. This review should include both observations on past performance during the previous period and a performance plan to guide development and improvement in the upcoming period.

Each year certifying agents must confirm that all personnel, including contracted staff and inspectors that were field evaluated by other entities, meet performance criteria that they have established. If personnel have not met the performance criteria, then the certifying agent must implement measures to correct any deficiencies in certification services.

#### 4. References



## USDA Organic Regulations (7 CFR Part 205)

### 205.2 Terms defined.

*Certification activity.* Any business conducted by a certifying agent, or by a person acting on behalf of a certifying agent, including but not limited to: certification management; administration; application review; inspection planning; inspections; sampling; inspection report review; material review; label review; records retention; compliance review; investigating complaints and taking adverse actions; certification decisions; and issuing transaction certificates.

*Certification review.* The act of reviewing and evaluating a certified operation or applicant for certification and determining compliance or ability to comply with the USDA organic regulations. This does not include performing an inspection.

### § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

...

(6) Conduct an annual performance evaluation of all persons who conduct inspections, certification review, or implement measures to correct any deficiencies in certification services.

(i) Witness inspections—certifying agents must ensure that each inspector is evaluated while performing an inspection at least once every three years, or more frequently if warranted. Inspectors with less than three years of inspection experience must undergo a witness inspection annually. Witness inspections must be performed by certifying agent personnel who are qualified to evaluate inspectors.

(ii) Certifying agents must maintain documented policies, procedures, and records for annual performance evaluations and witness inspections.