

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: December 2, 2011

Subject: Inspector Qualifications

Chair: Tracy Miedema

The NOSB hereby recommends to the NOP the following:

Guidance Statement

Statement of the Recommendation (Including Recount of Vote):

Recommendation to provide draft guidance language to NOP as per attached CACC Recommendation. Passed by a vote of 13 yes, 0 no, and 1 abstention

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

CACC recommendation is attached.

NOSB Vote:

Moved: Joe Dickson		Second: John Foster		
Yes: 13	No: 0	Abstain: 1	Absent: 0	Recusal: 0

**National Organic Standards Board
Certification, Accreditation and Compliance Committee
Inspector Qualification Requirements**

December 2, 2011

Background

On June 23, 2011, the Deputy Administrator of the National Organic Program (NOP) issued a memorandum to the chair of the National Organic Standards Board (NOSB) requesting a proposal outlining the criteria that inspectors should be required to meet prior to conducting inspections of organic production and handling operations. The Certification, Accreditation and Compliance Committee (CACC) has reviewed this request and, in consultation with representatives from the organic community, developed this proposal. We believe that it would be appropriate, and in the best interest of the organic community, for the NOP to issue guidance to Accredited Certification Agencies (ACAs) on this subject and respectfully submit our recommendations below.

Relevant Regulatory Text

The NOP regulations require that certifiers use employees and contractors with sufficient expertise in organic production. The following passages represent all of the rule language directly addressing or related to inspector qualifications:

205.501 General requirements for accreditation.

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

- (1) Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part;
- (2) Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart;
- (4) Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;
- (5) Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.

(6) Conduct an annual performance evaluation of all persons who perform on-site inspections.

§ 205.504 Evidence of expertise and ability.

A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques:

(a) *Personnel.*

- (1) A copy of the applicant's policies and procedures for training, evaluating, and supervising personnel;
- (2) The name and position description of all personnel to be used in the certification operation, including certification inspectors;
- (3) A description of the qualifications, including experience, training, and education in agriculture, organic production, and organic handling, for:
 - (i) Each inspector to be used by the applicant and
- (4) A description of any training that the applicant has provided or intends to provide to personnel to ensure that they comply with and implement the requirements of the Act and the regulations in this part.

Discussion

Organic inspectors perform a critical function in the ongoing fulfillment the Organic Foods Production Act and the NOP regulations. What professional and technical skills, knowledge and training are necessary to conduct effective inspections? There are currently no specific qualification criteria or standards for what constitutes the "sufficient expertise" called for by the section 205.501(a)(1) of the regulations. This discussion seeks to clarify issues related to defining standard inspector qualifications for all ACAs, and offers a proposal for baseline levels of:

- a) pre-requisite experience, training and knowledge,
- b) continuing education and training, and
- c) performance oversight and assessment .

Because there are a number of different scenarios under which ACAs employ inspectors-including full time employees, part time employees, regular contractors, one-off contractors, etc- we must consider a system that allows for a wide variety of ACA- inspector relationships while ensuring that the inspectors are doing their part to uphold the high levels of integrity expected by the organic community.

In the absence of specific regulatory requirements for the qualifications of organic inspectors, ACAs have instituted a wide range of requirements and criteria in their hiring

process, training, and performance monitoring. While the CACC is aware of the requirements of a few ACAs in particular, the actual extent and range of these specific requirements among the 100 worldwide NOP approved ACAs is not fully known.

The International Organic Inspectors Association (IOIA), formed in 1991, offers an organic inspector training program which is broadly recognized among ACAs. The IOIA training is currently the only training of which we are aware that is targeted at organic inspectors. Most ACAs include IOIA training certificate among their baseline inspector qualification criteria. Some ACAs require additional training beyond the IOIA certificate. These commonly include apprentice inspections and/or annual inspector trainings. Some ACAs, especially those located outside the United States, do not require IOIA training.

The CACC believes that targeted training, such as that provided by IOIA, should be strongly encouraged. We suggest that the NOP consider entering in to a Memorandum of Understanding or other recognition agreement or subcontract with IOIA so that IOIA can be formally recognized and authorized by the NOP. This could allow IOIA to create a formal inspector approval for inspectors who have successfully passed their training course and participate in continuing education. While IOIA currently offers an “accredited inspector” status, it is the understanding of the CACC that this designation is not particularly meaningful to ACAs during their hiring process, and that relatively few qualified inspectors seek “accreditation”. We believe that having a pool of inspectors which are formally approved by IOIA under the auspices of the NOP would be extremely beneficial to the entire organic community.

It is essential that during the accreditation process, ACAs are verified as hiring only competent, trained inspectors. Anecdotal evidence suggests that while the qualifications of certification personnel are evaluated during current NOP audits, those of contract or part-time inspectors are not often reviewed. The CACC is particularly concerned about situations where an ACA may rely on only one inspector, or a small handful of inspectors, to perform all of the inspections for an ACA. In particular, it is essential that the ACA has sufficient criteria for assigning different types of operations to that inspector.

At minimum, all ACA’s should be required to attend annual NOP trainings and those trainings must include clear direction as to inspector qualification and continuing education. We find arguments that such trainings are cost prohibitive unconvincing. The NOP has been offering these trainings in many locations in the US and abroad for many years and has been clear of their intention to continue to do so. Those ACAs who need to adjust fees or adjust budgets accordingly need to do so. This is essential in assuring their clients—and thereby the general public—that they are operating on a level playing field in the national and international arena. This is critical to prevent responsible ACAs from falling victim to certifier shopping based on costs which have been subsidized by systematic use of under qualified inspectors who charge less for

their services. The training of ACAs is essential to ensuring that they have the opportunity to make judgments about the qualifications of the inspectors they use.

We recognize that there is not absolutely uniform need for training, experience or education for inspector qualifications across all types of inspections. Distinctions are needed according to the types of operations that are being inspected. These can be defined in different layers and to different degrees. The first and broadest categorization is by scope: Crops, Handling, or Livestock. Wild crop harvesting, the fourth scope under the NOP, should be considered a subtype of crop production, as it is of minor prevalence, and an experienced organic crops auditor can effectively perform these inspections after a focused briefing on specific issues and standards related to wild crop harvesting practices.

Within those three major lenses of the scope of production there are then a range of specialties and levels of complexity. Because of the significant diversity of crops and operation types, we cannot reasonably set the same requirements for inspectors of all the possible different crops, processes, products, animals and livestock rearing methods. While a good inspector should be capable of inspecting any operation under the general scope to which they are qualified, some types of production are particularly complicated and may require additional training. Dairy is one sub-category of livestock that arguably calls for a separate qualifications category. Dairy operations often involve unique practices and standards from other livestock production that require special training and experience for the inspector.

An additional challenge posed in appropriately assigning inspectors to operations is balancing the need for familiarity with the production system and ensuring a lack of conflict of interest. Operations being inspected rightfully expect that the inspector understand the fundamentals of the product being produced or handled. For example, an otherwise qualified inspector who is also growing strawberries or has grown strawberries might likely be a qualified inspector to inspect another strawberry farm. However, the strawberry farm being inspected may object to an inspector who currently or previously worked for a business that is in direct market competition. We recognize that this may be less of an issue for ACAs where inspectors are full time employees.

While familiarity of the inspector with the type of operation being inspected is necessary, what is more critical is the type of general auditing skills that are not easily taught. To a large extent, a typical organic inspector is a "general practitioner". Many of the general auditing skills are applicable across the entire range of organic inspections. Expertise in one of the three general areas makes it easier for an inspector to increase their scope to include additional types of inspections. We believe that a successful crop inspector can be more quickly trained to also do handling inspections than someone who has no inspection experience. Therefore, we believe that the specific-scope qualification criteria should be more flexible for an experienced inspector who is extending the scope of their existing qualifications.

We believe that ongoing continuing education is essential for organic inspectors. Like many other professions, we believe that organic inspectors should stay up to date on the emerging issues in the field through attending conferences, advanced trainings, or other educational events where either specific or general knowledge can be acquired. While most, if not all, ACAs do not currently require this of their inspectors, we assert that they can, and indeed should.

We recognize that we must be careful to implement requirements that are fair to all ACAs, regardless of size, but also seek to provide a meaningful baseline for hiring inspectors to assure to the greatest degree possible consistency the organic production marketplace and the consumer marketplace. At this time, we suggest that standardized inspector qualifications requirements should remain somewhat broadly defined. The organic inspector profession is not large or deep enough presently to accommodate many narrowly defined scopes of qualifications. There is a need for definitions and requirements for baseline qualifications that will meet the needs of having capable knowledgeable inspectors but that are practical and achievable by inspectors and the ACAs.

Beyond the required NOP annual performance evaluation for all inspectors, it is unknown to what extent ACAs monitor inspector performance, provide constructive feedback, and require corrective action when correctable performance issues are detected. Some ACAs provide an evaluation of every inspection report. Some ACAs may require periodic witness audits of their inspectors, however this is currently unusual, perhaps due to limited administrative and oversight resources within the ACAs. We believe that more rigorous oversight of the inspectors by ACAs would provide value to the organic community. Organic inspectors, especially those that work on contract for a number of ACAs, would likely welcome more feedback about their performance.

It is essential that ACAs are capable of ensuring that only qualified inspectors perform their inspections and assert that annual NOP training is essential for ACAs just as annual inspection training is for inspectors. While some ACAs use complex database systems to match inspector qualifications with the operation type, this can also be accomplished using simpler methods not requiring computerized systems. However it is done, we believe that each ACA must be able to justify why the specific inspector has been assigned to a particular operation and why they are qualified to perform the inspection.

Proposed Guidance

Baseline Qualification Criteria for Organic Inspectors

A. As fundamental initial "organic inspector" criteria:

1. Baseline pre-requisite knowledge and expertise for initial 'organic inspector' status.

- a. Minimum two years of combined work experience, education, and training in agricultural production, applicable to the scope of inspections to be initially performed: crops, handling, or livestock.
 - b. Must include at least two of the three different criteria: *experience* with the scope of operations to be inspected, *education* relevant to the scope of operations to be inspected, or specific *training* within the scope of operations to be inspected.
 - c. Training equivalent to the Independent Organic Inspectors Association (IOIA) basic training, i.e. four days of concentrated training culminating in a qualifying exam.
 - d. Apprenticeship consisting of a minimum of three shadow inspections, accompanied by an experienced organic inspector and followed by witness inspections where the apprentice is observed and deemed competent by the experienced inspector or certifying agent.
 - e. Must have a good evaluations and recommendations by an experienced organic inspector or certifying agent assessing the inspector understanding of inspection protocols and applicable organic standards.
 - f. Once an individual has established themselves as a competent organic inspector in any one of the three general areas, addition of a new scope does not require an additional two years of focused experience and training in that area. General organic inspecting skills are applicable to all areas and can therefore greatly assist the inspector in expanding their scope, while seeking whatever specific additional knowledge is required to sufficiently understand the new area.
- B. As continuing organic inspector criteria:
1. Continuing Education
 - a. Annual training by Accredited Certifiers Association (ACA) to update on specific procedures of the ACA as well as National Organic Program (NOP) standards updates and guidelines.
 - b. Minimum 8 hours annual continuing education related to the type of inspection work performed. Each hour of curriculum time (e.g. class time, coursework, field study, testing), equals one hour of continuing education hours. Trainings conducted by ACAs and closed to the general inspection community do not apply toward continuing education hours given their tendency to focus on certifier procedures, rather than broad knowledge such as agronomic and food industry practices, and general auditing skills.
 - c. In-depth training on the topic of recordkeeping and/or accounting must be included as part of continuing education, and IOIA is encouraged to develop a training to fulfill this need.
 - d. Continuing education credits include webinars, seminars, workshops, and colleges and university extension programs related to the type of inspection work performed or new scope of inspection interest.

- C. ACA accreditation criteria to ensure adequate monitoring and oversight of inspector qualifications:
1. Annual attendance of NOP trainings.
 2. Documented inspector qualification monitoring program that readily provides verification that all inspectors employed or contracted in the service of the ACAs are qualified according to these criteria.
 3. Provide programmatic and consistent annual training to inspectors regarding processes, policies and procedures specific to the ACA. Training materials used must be available for review during accreditation audits and included in annual ACA updates to the NOP.
 4. Provide all inspectors with performance assessment and oversight accordingly:
 - a. Witness audits by ACA to be conducted at a minimum every 300 inspections or 3 years, whichever is less. Results must be documented. Witness audits may be conducted by certification management, senior inspectors or senior reviewers.
 - b. Evaluation of every inspection provided to the inspector.
 - c. Annual performance evaluation provided to the inspector.
 - d. All serious or persistent performance issues that arise during any of the above assessments must be documented by the ACA, and must include documented corrective action and improvement measures as deemed necessary by the ACA.

Committee Vote

Motion: John Foster Second: Barry Flamm
Yes: 6 No: 0 Abstain: 0 Absent: 0 Recuse: 0