



1400 Independence Avenue, SW.
Room 2642-South, STOP 0268
Washington, DC 20250-0268

August 11, 2017

Dear USDA Accredited Certifier,

The U.S. Agricultural Marketing Service (AMS) National Organic Program (NOP) has determined that certain shipments of corn and soy, shipped from Turkey, were fraudulently represented as organic. The corn and soy were produced and/or handled in Kazakhstan, Moldova, Romania, Russia, or Ukraine and shipped to Turkey before being shipped to the United States. Certain corn and soy handlers involved in the supply chain falsified documents to misrepresent non-organic products as organic. Other products from these regions, including edible dry beans, wheat, flax and sunflower meal may also be at risk for falsified documentation and misrepresentation as organic.

In order to deter any additional fraudulent shipments and protect the integrity of the organic system, AMS-NOP is implementing additional control measures. In 2016, the AMS-NOP directed certifiers operating in Eastern Europe and Turkey to increase oversight of grain exporters in certain countries. This included additional unannounced inspections and mass balance audits, as well as sampling and testing of each corn shipment destined for the U.S. The AMS-NOP has recently expanded the control measures to include soy, edible dry beans, wheat, flax and sunflower meal. These control measures are being implemented for certified organic handlers operating in Kazakhstan, Moldova, Romania, Russia, Turkey, and Ukraine.

If you certify handling operations that directly receive imported organic corn, soy, edible dry beans, wheat, flax, or sunflower meal from Kazakhstan, Moldova, Romania, Russia, Turkey, and Ukraine, you must enact the following control and reporting measures for those handling operations:

1. Conduct at least one unannounced inspection from the period of August 1, 2017 to March 1, 2018. The unannounced inspection may serve as the client's annual inspection, if the unannounced inspection covers the entire Organic System Plan. The unannounced inspection may contribute to the five percent annual quota requirement stated in [NOP 2609 Unannounced Inspections](#). During the unannounced inspection, the certifier will:
 - a. Verify product flows, traceability, and audit trails established by the operator;
 - b. Identification of responsible parties in the supply chain and verification of certification for each, according to [NOP 4009 Who Needs to be Certified?](#) and [NOP 5031 Certification Requirements for Handling Unpackaged Organic](#)

- Products (ie: handlers transloading product from rail car containers into ship containers must be certified);
- c. Verification of audit trail documents, such as phytosanitary certificates, bills of lading (BOL), and fumigation documentation; and
 - d. Conduct sampling, according to item 2 below.
2. Sample and analyze for presence of pesticide residues and GMOs for all shipments (consignments) of organic food and feed commodities (as listed above) being imported to the U.S. The certifier must take at least one representative sample of each shipment.
- a. Sampling should be conducted according to [NOP 2610 Sampling Procedures for Residue Testing](#).
 - b. Laboratory selection should be conducted according to [NOP 2611 Laboratory Selection Criteria for Pesticide Residue Testing](#).
 - c. Samples should be tested for the list at [NOP 2611-1 Prohibited Pesticides for NOP Residue Testing](#).
 - d. Certifiers should respond to results according to instruction [NOP 2613 Responding to Results from Pesticide Residue Testing](#).
 - e. Sampling handling, including selection, retrieval, and shipment, may not be conducted by the certified operation. The certifier must maintain the chain of custody of each sample throughout the sampling process.

Since this testing is being conducted at the NOP's request, the NOP will cover the cost of a limited number of residue tests at our National Science Laboratory in Gastonia, North Carolina on a first-come, first-served basis. Please visit <https://www.ams.usda.gov/services/lab-testing/nsl> for laboratory information.

3. Submit copies of all verification documentation, sample test results, and transaction certificate and/or NOP import certificate for each shipment to the NOP Accreditation and International Activities Division (AIAInbox@ams.usda.gov).
4. If noncompliances are issued to certified organic handlers of these commodities, immediately send a copy of the noncompliance to the NOP Accreditation and International Activities Division (AIAInbox@ams.usda.gov).
5. Document the full actions and results of the actions listed above in two reports issued to the NOP. The first report must be submitted to AIAInbox@ams.usda.gov by November 15, 2017, and the final report must be submitted to the AIAInbox@ams.usda.gov by March 1, 2018. The reports must include:
 - a. The list of operations under the certifier's control that receive organic corn, soy, wheat, dry edible beans, sunflower, and/or flax certified to the USDA organic standard that originated in the following countries: Kazakhstan, Moldova, Romania, Russia, Turkey, and/or Ukraine.
 - b. For each operation inspected list:
 - i. Inspections carried out,
 - ii. Sampling and analysis conducted,
 - iii. Issues and Noncompliances found,
 - iv. Corrective actions and/or adverse actions issued, and



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- v. The results of each corrective action and/or adverse action issued (such as certification, continued certification, proposed suspension, etc.).

The NOP encourages certifiers to review organic transaction certificates, NOP import certificates, and phytosanitary certificates to verify imports, as well as other documentation typically used in international shipping and sales. If the documentation obtained from the certified operation is inadequate to verify the valid certification of the product being imported, the certifier should notify the handler that the product lacks verification to be considered an organic product. Organic operations that accept organic products without proper verification are not in compliance with the USDA organic regulations. Certifiers must take proper enforcement actions if these types of violations are identified.

We would like to remind certifiers that you must accept the decisions of other certifiers. At the same time, accredited certifiers should provide confidential information to other accredited certifiers for the purposes of verifying compliance with the USDA organic regulations. Sharing information is vital for many purposes, such as verifying traceability and records. Confidentiality must be maintained per 205.201(a)(10), as discussed during the NOP's June 1st webinar for certifiers on Organic Integrity in the Supply Chain.

Thank you for your cooperation and timely response in instituting these control measures to ensure organic compliance. If you have any questions regarding these investigations, please contact me at Cheri.Courtney@ams.usda.gov or (202) 720-8491.

Sincerely,

A handwritten signature in blue ink that reads "Cheri Courtney". The signature is written in a cursive, flowing style.

Cheri Courtney
Accreditation and International Activities Division Director
National Organic Program