

MINUTES OF MOCAC CONFERENCE CALL, APRIL 12, 2005

MOCAC MEMBERS:

1. Nancy K Peterson
2. Robert Boettcher
3. Judy Owsowitz
4. Mikel Lund
5. Randy Hinebauch
6. Nancy Matheson

DEPARTMENT STAFF:

1. Donna Rise
2. Doug Crabtree
3. Angella Barngrover
4. Gregory H Ames

ABSENT:

1. David Oien
2. John Hoffland

The meeting was started promptly at 8:00 a. m. by Director, Nancy Peterson. She explained that she was doubtful about being able to attend the entire conference call because of a change in her schedule. She apologized that she had to leave prematurely as she was expected to be at the airport within the hour. She therefore requested that agenda item under 'New Business' scheduled for 9:10 a.m., 'Nominations For the Council', be moved up.

Under the direction of Director Peterson, two corrections were made to the minutes. Judy Owsowitz pointed out the error in paragraph 3 where it says 'Rob & David', it should read, 'Bob & David'. She also gave the proper spelling of her name to read, "OWSOWITZ" as opposed to "OSOWITZ". Approval of the minutes was then quickly moved and seconded by Bob & Randy respectively. The minutes were approved as amended unanimously.

Director Peterson congratulated the organic program for its success in having obtained funding from the Wheat & Barley Committee that recently met in Great Falls. She thought it was a good first step. Randy who gave the presentation at that meeting was applauded, even though he seemed reluctant to take much credit. Judy was very excited about the funds received but was equally excited about the fact that much awareness was brought to the committee about organic agriculture in Montana. Donna Rise felt that we should ride the present wave and start formulating our ideas (projects to submit for funding) for next year.

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Attention was then turned to the matter of nominations for the Council. The following members' term expire: David Oien, Bob Boettcher Judy Owsowitz and Randy Hinebauch. The question was raised as to whether or not there was going to be a general request for nominations presented to the Organic Community. Director Peterson indicated that she would consider all names brought to her attention, but had a preference that those submissions come from the present Council. Judy said that the organic community could be made aware of the upcoming vacancies through the organic list serve. Randy was asked whether he would renew his term of service. He was indecisive and promised to think more about it. Judy thought that it is a good idea that the organic community give their suggestions to the Council who would then pass it onto the Director for consideration. Director Peterson requested that each nomination fit into the specific categories that make up the Council eg., handlers, producers and member at large. She also requested that the Council submit nominations for consideration to the department by June 1st. There was a little discussion as to what the term 'at large' meant. Doug explained that it meant any person within the organic community, including producers, handlers, consumers, service providers and others interested in organic agriculture. He asked whether the council needed to schedule another conference call to make those nominations. Nancy Matheson said that the discussions could take place via email & telephone, with a call to be scheduled for final submission of the nominees.

Several potential nominees were discussed: Steve Baril, (producer) Andre Giles as a handler representative and Thad Willis as another producer. Donna said that Steve was eligible to serve since 6 months had passed since he worked for the Department. A member of the Council wondered whether Andre was certified producer with the department. Doug said that he is currently certified as both a handler (pertaining to his business, Montana Flour and Grains) and a producer. Bob emphasized that the choice of the members should be based on the fact that they are both willing and able to take up the **full** responsibility of being a Council member. Director Peterson then added that she liked the idea of broadcasting the vacancies over email because that would widen the pool. Randy proposed the idea of asking someone who was not currently certified with the department, such as someone from the Montana Milling.

After a general discussion, there was consensus that there was a need to broaden the base. At this point Director Peterson had to leave to catch her plane, and we were then joined by the Division Administrator, Greg Ames. Nancy Matheson assumed the role of chair for the remainder of the meeting.

The discussions then switched to the MOCAC review. First, Nancy thanked Bob for his support on the wheat & Barley discussions in Great Falls. Donna felt that there should be mention made on the website about the award. Judy Owsowitz recommended that we consider a press release for the Wheat and Barley award. Doug indicated he'd work with Ron to see if the committee announced these and if not he'd try to coordinate a press release.

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Judy apologized for the lateness of the report but attributed it to the time of year being spring, the time for planting. Nancy suggested that Judy walk the Council through the report. Several points were covered:

1. **FORMS** – Because of time constraint and personnel issues, only three files were examined this year. Judy felt that the forms were not user-specific and that we needed a specific form for each type of operation. She felt that too much paperwork was involved in the process. Proper forms were needed that were not intimidating to the users and that created efficiency for the staff. Nancy agreed that there is an issue with the forms but did not totally agree that the forms should accommodate every different type of operation. She said that she has been exposed to high quality forms from other organizations that are less cumbersome. Judy wondered whether we needed a sub-committee to review the forms, because she found many inconsistencies. Mike wondered whether the inconsistencies were to the point that they could not be used. Judy said ones she looked at were very incomplete. Discussion continued regarding the difficulty and confusion on completing forms and the committee's finding that forms were not complete by the applicants. The discussions surrounding forms did not end in a decision one way or the other since it has been an ongoing problem. It was left for future discussions.
2. **INSPECTORS-** Judy walked the Council through the fact that since the inspectors are such an integral part of the process of certification she felt that there needed to be a well-worded contract for them. Nancy was unclear as to her meaning here. Judy felt that some of the inspectors might be compromising the integrity of the process since some of them helped the users to fill the forms out. Donna felt that some mentoring needed to take place but this should not replace the objectivity required in the inspection process. Judy felt the inspectors should all be of high caliber. Doug seemed satisfied with the current pool of inspectors and was willing to put his name on the line to vouch for them. Judy apologized for emphasizing the negative aspects but felt that the inspectors should not assist the applicant in passing an inspection. Doug was unclear as to what the action item for this concern was. Nancy Matheson felt that the contract should not be mentioned in the report since it was not a part of the inspection process. Donna advised that Doug should continue to work with the inspectors to improve the consistency of their work and the quality of inspection reports. He agreed to do so.

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The question was raised by Nancy Matheson whether or not a flowchart should be attached to the application. Doug indicated that, ideally, the flow chart would have been submitted with the application, as part of the Handling System Plan. He also said that there is a fine line between actual authorship as opposed to transcription, and said that the inspection was the last chance for the applicant to submit information prior to final review and issuance of a certification decision. Bob brought up the fact that NOP requires total objectivity in the inspection process. Doug re-emphasized the fact that inspectors should not help applicants overcome identified barriers to inspection, but that educating the applicant on the standards and how they apply to the specific operation is (still) an important part of the inspection. Nancy Matheson then said that a flowchart should indeed be included but if it is not in their own handwriting it implies help from the inspector. Donna also emphasized the importance of objectivity to be maintained. Randy said that scolding or failing to offer appropriate information during the inspection would chase people away from the program. Judy responded by saying that a successful program was not just a success in numbers but in quality. Nancy Matheson felt that the grey areas being considered seem to be occurring with one particular inspector, even from past events. Judy wondered whether a system could be put in place to review applications beforehand by either sub-staff or by doing a peer-review. She wondered whether there was a way to do this that would reveal holes and omissions.

Note: Increasing the involvement of staff, other than the Program Manager, in the initial review of applications is planned. Such review is part of the position description for the administrative assistant position. Involving additional staff in the review process will also facilitate more timely review and obtaining more complete (OSP) information prior to the inspection. However, before we can assign such review responsibilities to staff, we have to hire and train the personnel. Retention of qualified personnel is a continuing challenge for the program.

Doug then asked that the review be adjusted to clarify action points and recommendations to the department. Nancy agreed and thought that the use of direct sentences would help, as well as stating things in the active voice as opposed to the passive voice. Judy apologized. Nancy then said that she would edit the report and send it out to folks. Doug reminded everyone that this report was time sensitive, already 12 days late and it needed to be included in the NOP report.

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Randy then asked whether we could require the applications be submitted earlier next year. Judy said that the only problem she would have with that, is that the assessment may not be included since she tended to do hers around tax time. She felt middle January was a good time for submissions. Doug felt that there would be opposition to this from the producers who already complain about the deadline being too early. Randy suggested that we ask them for early applications and let them know that they will be able to make changes later on, since many of them would not have yet made decisions regarding what to grow. Mikel made the point that the maps are difficult and suggested that the previous year's maps be accepted with applications. Doug said that that was what was happening in reality. Judy said that because of the nature of her farming that is exactly how she dealt with maps. Doug agreed with this because he said that the crop mix may not be determined until later in the season and can be updated at the inspection.

3. **UNDERSTAFFING** - Everyone agreed that Nancy Peterson, Greg Ames & Donna Rise were doing an outstanding job as leaders of the Department but they also could attest to the fact that under-staffing has had its impact. Doug Crabtree was applauded for his ongoing commitment to the program and to the organic community. It was duly noted that because of his continued diligence the results of under-staffing are less obvious. Randy felt the need to acknowledge the work that previous Director, Ralph Peck did.

Doug then went on to talk about the fact that there has been no formal accounting system in place for following up on review recommendations. Doug said that he would be happy to provide the Council with a copy of the report of planned corrective actions that is sent to the USDA.

4. GENERAL OBSERVATIONS AND CONCERNS

Judy mentioned the following as areas of general concern:

- a. Judy made mention of the fact that the year was added to the top of the page of each form. She felt that 'whereas this is a great help, the reviewer felt that it is still a bit confusing as it is not apparent if it was in the beginning or the end of the year.' She felt that the entire date would be more helpful, including the month and day.
- b. Judy outlined that 'The OSPs were incomplete on all three applications. One did not acknowledge the information on the field history. On another, the staff prepared 3 1/2 pages of *missing information*. On the third application, there was no purge log or a plan for how to purge between non-organic and organic processing.'

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- c. There were issues of legibility, particularly on faxed copies. Judy suggested the need for a check-box to be put on the back page to indicate when an application is to be sent back.

There was some discussion about these issues and Doug felt the check boxes would not help anything. He felt that it would just be an additional entry on the form. He considered some items to be critical and other non-critical; He said that it would be tedious process to dot every 'i' and cross every 't'. Judy felt that support staff should be given some of the responsibilities of the initial review and applications sent back to applicants for completion, before a review is done.

5. SPECIFIC OBSERVATIONS AND CONCERNS

- a. Judy reported that a grain producer listed transitional crops on 2004 and 2005 Field History Form that were not listed on the 2004 and 2005 Farm Plan. Only organic crops were listed on the Farm Plan. She felt that inconsistencies need to be noted and corrections made through contact with the applicant, and brought to the inspectors attention to be addressed at the inspection.
- b. Judy also reported that the inspector appears to have written the flow chart at one inspection, rather than the handler having it ready beforehand. She felt that the inspector needs to inspect and report rather than assisting the applicant to pass the inspection. She also felt that the inspectors' roles needs to be clearly stated in their contracts and a reminder given upon its signing.

Doug asked for clarification re transitional crop vs. organic crop listing. He said that by definition, transitional crops need not be listed in the listing of "crops requested for certification," but should be included on the field history forms. Doug did not see it as problem to be listed as part of the field history form. It was agreed by all to revisit this issue later on, and Judy said that it could be omitted from the review.

- c. The other issue raised was that soap was listed in the cleaning section of an OSP, but the type or brand was not specified. Judy reported that the inspector did not follow up to find out what type. She felt that 'Application should specifically address the rinse or wash down procedure as residue could be an issue.' She said that the inspector should clarify what type of cleaner is being used.

Doug's response to this issue was that if it was not covered in the application, then it should show up on inspection.

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- d. Another observation that Judy reported on was that the OSP form does not require a plan to prevent co-mingling of organic and non-organic products up front. She felt that the applicant may not be prepared at the inspection and may see it as optional, not required. She felt that the application form should be changed to require this if there is parallel production.

Nancy said that there was no co-mingle plan or purge procedures outlined or described in the file reviewed. This was the place where the Inspector created the flowchart at the inspection.

- e. Another issue was the ambiguity contained in the Inspection Notification letters currently being sent out to applicants. Judy felt that the observations made upon inspection and any non-compliances need to be clearly stated by the Inspector. At the moment she feels that these observations are too vague. Doug felt that much of the information in the inspection report is superfluous. Doug also explained that the Inspection Notification letters now in use shifts the responsibility of identifying specific issues of emphasis for the inspection from the inspectors to the certifier/reviewer. Nancy mentioned that she had received such a letter and it did not match the reality she experienced during the inspection. Judy also mentioned an occasion when an Inspector demanded to see her tax records. Donna noted that there is a difference in how different inspectors report their results. Her preference would be for emphasis to be placed on consistency, detail and grammar. Doug concurred and agreed that the matter of the inspection reports needs to be revisited. However, Nancy Matheson felt that this matter should be dropped from the report because of vagueness of expression.

Judy reported that one particular applicant's certification may need to be reviewed for the following reasons:

- a) The livestock addendum requested certification for Cornish Rock Straight Hens only. She said that "certification was also granted for chickens, turkeys and ducks, and the file is unclear why these additional certifications were granted." Judy wanted to find out what type of operation it was. Doug said that he was both a producer and a handler.

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- b) 2) The OSP indicated that no parallel production occurred yet there was evidence of such. She felt that this needs to be investigated and the appropriate fees assessed and that the matter could be taken up at the next inspection.
- c) Thirdly, the OSP did not contain a manure management plan. She felt that with the number of animals planned, manure management was an essential in order to protect surface and ground water and to maintain the outdoor area. This she said could also be addressed at the next inspection.

Nancy Matheson's recommendation was that matters like this should be referred back to the staff.

At this point in the discussions time was running out so the Council had to wrap things up. Nancy Matheson offered to do further editing of Judy's report and eliminate any confusing language and ambiguities. Donna emphasized the two- week deadline that the Department is working with, at which point Nancy Matheson asked Doug exactly what he needed to get the report ready. Doug said that he needed a final version of the Council review report in order to complete his Annual Report to the USDA. He also said that a Council vote approving the final report after it has been edited would be in order. He said that he would respond to any issue in the report and that the response may include offering refuting information to observations in the report.

Nancy Matheson then agreed to edit the report based on suggestions and discussion from this meeting. She will email it to the Council and submit the final version to the department by the end of the week. **The Council agreed, unanimously, to approve the report on the Council's review and to submit it to the department, with Nancy Matheson's editorial changes.**

Randy then moved that the meeting be adjourned and Judy seconded it. All were in favor. The meeting was adjourned at 9:30 AM.