



National Organic Program
1400 Independence Avenue, SW
Room 2642-South, STOP 0268
Washington, DC 20250-0268

September 27, 2024

TO: USDA-Accredited Certifying Agents Operating in West Africa

FROM: Robert Yang
Director, Accreditation Division
National Organic Program

A handwritten signature in blue ink, appearing to read "Robert Yang", positioned to the right of the "FROM:" field.

SUBJECT: Information Submission and Oversight Requirements for USDA-accredited
Certifiers Operating in West Africa

This letter provides an alert to USDA-accredited certifiers regarding soybean and soybean meal imported into the United States from West Africa. It includes information submission and risk-based oversight requirements for certifiers who are certifying soybean and soybean meal producers and handlers in the West African countries of Benin, Burkina Faso, Ghana, Nigeria, and Togo.

Background

The National Organic Program (NOP) is aware of a sharp increase in the quantity of organic soybean and soybean meal imported into the United States from West Africa over the past two years. This spike coincides with a steep reduction of organic soybean/soymeal imported directly from India following the ending of the U.S. – India Recognition Agreement. As a result, the NOP has identified soybean supply chains originating in Benin, Burkina Faso, Ghana, Nigeria, and Togo as high-risk. This is due to the rapid growth of soybeans represented as organic in the region, security concerns in the region that can impede the ability for certifiers to conduct unannounced inspections, the prevalence of producer groups with thousands of members and associated issues with full traceability, feasible yields and adequate internal control systems, and known attempts to sell nonorganic soybeans from the region as organic.

Due to the above compliance concerns, the NOP is requiring certifiers to increase oversight of soybean supply chains in Benin, Burkina Faso, Ghana, Nigeria, and Togo by taking specific actions to protect the integrity of certified USDA organic soybean and soybean meal imported into the United States. The NOP is also requesting information to evaluate certifiers' current oversight practices and to assess the need for additional NOP surveillance of operations connected to soybean supply chains in these countries. In addition to the activities listed below, certifiers are to be prepared to promptly obtain and provide any information requested by the NOP.

Please note that all records required per this directive must be provided in English or an English translation with an example of each record type. Additionally, when submitting information required by the directive to the NOP, please include “West Africa Directive” in the subject line of the email. For large file submissions, please contact your Accreditation Manager for a CloudVault link.

NOP Import Certificate Requirements

Effective immediately and until further notice, for certified USDA organic soybean or soybean meal imported into the U.S. from Benin, Burkina Faso, Ghana, Nigeria, or Togo, certifiers must not issue time-based NOP import certificates (NOP-ICs) that cover multiple shipments. A separate NOP-IC must be issued for each shipment of soybean or soybean meal.

Certifier Information Submission and Oversight Requirements

Applicable Dates: September 27, 2024 – December 31, 2025

1. Certifiers who are providing USDA organic certification services to producers and handlers of soybean or soybean meal in Benin, Burkina Faso, Ghana, Nigeria or Togo are to submit the following information to the NOP at AIAInbox@usda.gov by **October 28, 2024**:
 - **Administrative Capacity:**
 - Evidence to demonstrate sufficient number of qualified, knowledgeable, and adequately trained certification staff to certify and oversee operations in Benin, Burkina Faso, Ghana, Nigeria, or Togo in accordance with the USDA organic regulations. Specifically, the evidence must demonstrate that certification reviewers and inspectors have sufficient expertise to verify the compliance of organic producer groups and handlers (including exporters) in soybean supply chains in the identified West African countries.
 - Procedures for providing certification services, including routine and unannounced inspections, in locations where personal safety or security concerns exist.
 - Procedures for verifying estimated vs. actual crop yields during onsite inspections of operations in Benin, Burkina Faso, Ghana, Nigeria, or Togo, including resources or references used to establish regional yield benchmarks.
 - If applicable, name(s) of any person or organization subcontracted to provide certification services, such as inspections, in Benin, Togo, Ghana, Burkina Faso, or Nigeria, and the following:
 - Copy of the service contract(s).

- If applicable, explanation of how you have determined that the subcontracted organization is qualified to perform the certification service(s) they are contracted for.
 - Explanation of how you have determined that the subcontracted person(s) meet the requirements of 7 C.F.R. 205.501(a)(4)(i-ii).
 - Procedure for evaluating performance of the subcontracted person(s)/ organization.
 - Name(s) of any laboratory used for pesticide residue analysis for operations in Benin, Burkina Faso, Ghana, Nigeria, or Togo, including copy of the laboratory's current ISO 17025 accreditation showing that the laboratory is accredited for all testing performed for the certifier on organic soybean and organic soybean meal. If the laboratory is not ISO 17025 accredited, provide evidence that the laboratory is currently accredited to an alternative standard approved by NOP, as described in section 4.2 of NOP 2611 Laboratory Selection Criteria for Pesticide Residue Testing.
- **Sampling and Testing:** Complete the attached template (Sampling and Testing.xlsx) to provide a summary of all sampling and testing of soybean producer or soybean meal handling operations, which includes exporters, in 2023 and 2024, including the operation's name and NOP ID, date of the sample collection, and the results of the pesticide residue analysis.
- **Operation and Supply Chain Information:** Complete the attached template (Operation and Supply Chain Information.xlsx) to provide the following information for each organic soybean producer and soybean or soybean meal handling operation:
- Operation name and NOP ID.
 - Additional locations.
 - Identification of whether the operation does split (organic and nonorganic) production/handling and indication of whether both organic and nonorganic soybean production or soybean meal handling occurs at the operation.
 - Identification of other organic certifications (ex. COR, EU, etc.) held by the operation.
 - Dates of the operation's 2023 and 2024 annual onsite inspections. If an annual inspection was not conducted, include an explanation as to why the inspection was not conducted.
 - Date(s) of any additional inspections conducted. Indicate whether the additional inspection was announced or unannounced and provide the reason for the additional inspection.
 - Additionally, for all exporters of soybeans and soybean meal to the U.S.:
 - Name(s) of organic supplier(s), including each supplier's NOP ID.

- Name(s) of any other country(ies) to which soybeans/soybean meal is exported.
 - Copy of the last annual inspection report, including exit interview and any attachments and exhibits referenced in the report.
 - **Data accuracy:** Written confirmation that all information in the Organic Integrity Database for operations located in Benin, Togo, Ghana, Burkina Faso and Nigeria is complete and accurate. Please refer to the NOP's March 1, 2024 email to certifiers (attached) for a list of mandatory data fields.
2. Certifiers providing USDA organic certification services to producers and handlers of soybean or soybean meal in Benin, Burkina Faso, Ghana, Nigeria or Togo are to conduct at least two (2) supply chain traceability (SCT) audits per quarter and submit a report of the SCT audits to the NOP in the following manner:
- If you certify exporters, at least one SCT audit per quarter must cover an exported shipment. The NOP may identify target lots/shipments for the SCT audit, in which case you will be informed through an Investigation Request from the NOP.
 - A different supply chain should be evaluated per SCT audit.
 - The SCT audit should go back to the producer. In the case of producer groups, the SCT audit should go back to the individual producer group members.
 - For this directive, SCT audits should include financial records showing payments made/received between buyers and sellers for the specified segment of the supply chain. This may include transactions involving producers, handlers, brokers, transport and logistics providers. Examples of such records include bank statements, payment receipts, and deposit slips.
 - If a supply chain traceability audit reveals discrepancies or compliance concerns, certifiers should evaluate the need to perform unannounced inspections and/or sample collection and testing for prohibited pesticides.
 - A report of SCT audits conducted per quarter is to be submitted to AIAInbox@usda.gov by the following dates: **April 30, 2025**, for the period covering October 2024 through March 2025; **October 31, 2025**, for the period covering April 2025 through September 2025; and **January 26, 2026**, for the period covering October 2025 through December 2025. The report is to include a description of the shipment audited, names of all operations/members in the supply chain, and any noncompliances resulting from the SCT audits. The NOP may request to review the documentation to support the SCT.

3. During the applicable dates noted above, the NOP may direct certifiers who are providing USDA organic certification services to producers and handlers of soybean or soybean meal in Benin, Burkina Faso, Ghana, Nigeria, and Togo to collect samples and test soybean or soybean meal and/or conduct unannounced inspections of soybean and soybean meal producers and handlers. Any unannounced inspection directed by NOP, unless otherwise instructed, is to include sample collection and testing for prohibited pesticides per NOP 2611-1, glyphosate, and 2,4-D. The NOP may also instruct certifiers to conduct traceability audits of specific lots or batches. The NOP will communicate those instructions to each certifier through an Investigation Request.

Certifiers may charge operations for the inspection, sampling, and testing as long as the charges have been filed with the NOP as part of their fee schedule for certification and oversight services. However, certifiers may not charge operations for the inspection, sampling, and testing if the activities are conducted to meet the requirements of 7 CFR 205.670(d).

If you have any questions, please contact Shannon Nally Yanessa, Deputy Director, Compliance & Enforcement Division at shannon.nallyyanessa@usda.gov.

Thank you for your continuing commitment to ensuring integrity in the global organic market.