

USDA PEER REVIEW OF THE UNITED KINGDOM ORGANIC PROGRAM

REPORT DATE: December 23, 2025

DATES OF ONSITE AUDIT: June 9-17, 2025

AUDIT TEAM: Renée Gebault King, International Specialist, Trade Activities Division, U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP); Jessica Walden, International Specialist, USDA AMS NOP

1. INTRODUCTION

In January 2021, the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS) established an equivalence arrangement with the United Kingdom (UK) whereby each government recognizes the other's organic program for the purpose of international trade. The arrangement allows organic products produced under the UK's organic regulations, as defined under the terms of the arrangement, to be sold, labeled, or represented as organic in the U.S. As part of ongoing maintenance of this organic equivalence arrangement, USDA's National Organic Program (NOP) representatives conducted an onsite review of the UK's organic accreditation, certification, and production/handling systems. This report is an account of those activities and the findings of the review.

2. OBJECTIVES OF REVIEW

The objectives of the review were the following:

1. To verify that Department for Environment, Food and Rural Affairs (Defra) and United Kingdom Accreditation Service (UKAS), and UK-accredited control bodies ("certifiers") are carrying out the requirements of the UK's Organic Food Labelling and Advertising Rules, hereafter the U.K. organic regulations.
2. To evaluate Defra, UKAS, and UK-accredited control bodies' continuing adherence with the provisions of the U.S. – UK Organic Equivalence Arrangement, including organic livestock production requirements.
3. To verify the implementation of Defra's three corrective actions in response to the AMS NOP's 2022 onsite peer review findings.

3. SCOPE OF REVIEW

The scope of the audit included activities related to the following:

- UK's Department for Environment, Food and Rural Affairs (Defra) oversight of domestic and foreign control bodies (CBs).
- United Kingdom Accreditation Service (UKAS) accreditation of domestic CBs.
- Certification and oversight of operations certified under the UK's organic program by domestic CBs accredited by UKAS and foreign CBs approved by Defra.
- Defra and CB's oversight of organic imports/exports, including exports under the U.S.- UK Organic Equivalence Arrangement.
- Defra's system for conducting organic market surveillance, investigations and taking enforcement actions when violations of the UK organic regulations or the U.S.- UK Organic Equivalence Arrangement are identified.

4. BASIS FOR THE REVIEW

The January 2021 U.S. – UK Organic Equivalence Arrangement (USUKOEA) provides for representatives of USDA, following advance notice, to conduct onsite evaluations to verify that the relevant regulatory authorities and control bodies of the UK organic program are carrying out the requirements of the program. The onsite evaluations include visits to offices of relevant regulatory authorities, control body offices, certified production facilities, and farms within the U.K. In December 2024, AMS-NOP informed Defra of its intent to conduct an onsite review of the United Kingdom in 2025 as part of the ongoing requirements of the USUKOEA.

Equivalency arrangements are provided pursuant to USDA organic regulations at 7 CFR 205.511.

The following statutes, regulations, and standards were considered in the review:

- The Organic Products Regulations 2009
- Assimilated Regulation (EC) No 834/2007 on organic production and labelling of organic products.

- Assimilated Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products regarding organic production, labelling, and control.
- Assimilated Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries.
- UK's accreditation and certification policy and procedures, including all related regulations, enforcement rules, and operating guidelines.
- UKAS organic agricultural products control bodies accreditation service program (Accreditation Regulations 2009 and current accreditation agreement)
- ISO/IEC 17011:2017 Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies.
- ISO/IEC 17065:2012 Conformity assessment — Requirements for bodies certifying products, processes, and services.
- U.S. Organic Foods Production Act of 1990
- U.S. Code of Federal Regulations (CFR) Part 205, National Organic Program
- Provisions of the U.S.-UK Organic Equivalence Arrangement

5. ONSITE REVIEW PROCESS

AMS NOP auditors conducted the review in multiple parts: a review of oversight and accreditation activities with Defra and UKAS staff at Defra's London headquarters; a review of certification activities and meetings with two CBs; a witness audit of UKAS conducting a CB assessment; a witness audit of UKAS assessing an inspection at a certified operation; and witness audits of three inspections by two CBs. These activities covered various phases of the organic control system (accreditation, certification, production) to assess whether the responsible authorities exercised the necessary controls to ensure traceability and compliance with the referenced organic standards. In selecting CBs and operations to review, the AMS NOP auditors worked with Defra to select some operations representative of organic products produced in the UK that are commonly exported to the United States.

On June 9, AMS NOP auditors conducted an opening meeting with Defra at London headquarters. A representative from the U.S. Embassy Foreign Agricultural Service in London joined the opening meeting. UKAS representatives attended in the afternoon.

AMS NOP auditors reviewed selected CBs' policies and procedures for certification staff and inspector qualifications and training, certification decisions, verifying UK organic exports for compliance before issuing NOP Import Certificates, and handling complaints. AMS NOP auditors observed three inspections by the CBs. The inspections were conducted at operations for livestock production or handling (processing). Defra representatives accompanied AMS NOP auditors throughout the review. CB representatives also accompanied AMS NOP auditors during the witness audits.

6. OVERVIEW OF UK ORGANIC SYSTEM

According to the UK's [organic farming statistics](#), there were just over 5,100 organic operators in the UK as of 2024. The UK had approximately 503,000 hectares of organic farmland, a 1.0% increase from 2023. This includes 49,000 hectares in conversion. At 311,000 hectares, permanent pasture accounts for the largest share (62%) of organic acreage. Area in cereal production amounts to 50,000 hectares (10%) of total organic farmland.

Defra is the UK competent authority, operating the approval system for UK CBs involved with the production, labeling, storage, and import of organic products. Furthermore, Defra is the organic program authority in England. Defra works with the devolved governments in Scotland (Scottish Government, SG), Wales (Welsh Government, WG), and Northern Ireland (Department of Agriculture, Environment & Rural Affairs, DAERA) to implement the organic program in these nations. The devolved governments are responsible for their respective nation's organics policy, but in consultation with Defra set policy to ensure a consistent domestic approach. Defra consults with the devolved governments through monthly meetings of the Four Nations Working Group (FNWG). The FNWG is coordinated by Defra and representatives from each of the four governments participate.

Defra is also responsible for managing an application review and approval system for control bodies in foreign countries. CBs in foreign countries must apply to Defra and be ISO 17065 accredited and approved for organic certification to either equivalent standards to Assimilated Regulation (EC) No 834/2007 or European Union Regulation 2018/848. As of this peer review, Defra had approved 42 CBs to certify production, labeling, storage, and export of organic products to the UK from multiple foreign countries. For example, several foreign CBs are approved by Defra for certification of organic products for export to the UK from over 40 countries.

The United Kingdom Accreditation Service (UKAS) is the UK's national accreditation body. UKAS is a non-profit entity, independent of the UK government. UKAS is responsible for certain accrediting activities through a Memorandum of Understanding (MoU) with the Department for Business and Trade. UKAS is also a member of international accreditation groups like the International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), and the European Cooperation for Accreditation (EA). UKAS assesses UK CBs against international standards for organizations that provide certification services. UKAS has an MoU with the Department for Business and Trade to use and confer the national accreditation symbols which symbolize government recognition of the accreditation process.

Defra currently approves and supervises eight control bodies to conduct organic certification activities in the UK. UKAS accredits these CBs for four years and conducts surveillance assessments annually. The UKAS assessors that AMS NOP observed during the onsite inspections of this peer review were well-qualified and possessed extensive experience in organic inspection and assessment. UKAS receives and approves corrective actions from CBs, then submits a report annually to Defra summarizing all the CB assessments for the previous calendar year. Defra and UKAS meet biannually to discuss issues of common interest, concerns, and progress with assessments. Defra also meets regularly with the UK Organic Certifiers Group (UKOCG), which includes all approved UK-based control bodies and representatives of the devolved governments. UKAS also attends the UK Control Body Technical Working Group (CBTWG) when necessary.

AMS NOP Observations of Certification Bodies and Operations

Control body #1 –The CB holds ISO 17065 accreditation from UKAS for organic certification and offers certification to other schemes under other accreditations. The CB has a robust computer-based system to track and monitor the certification process and cycle, including the tracking and resolution of non-conformities. The CB employs targeted, risk-based analysis to determine the need for additional oversight actions, such as product sampling, unannounced inspections, and additional inspections. In accordance with the Assimilated Regulations, the CB annually performs unannounced inspections of a minimum of 10% of its certified operations and collects samples for residue analysis from a minimum of 5% of its certified organic operations. AMS NOP auditors verified that the CB’s staff follow established policies and procedures to comply with the “no antibiotics” critical variance for livestock under the U.S.-UK organic equivalence arrangement. CB staff are required to complete annual training on the “no antibiotics” requirements before performing an inspection or issuing NOP Import Certificates (NOPICs) for UK certified organic products exported to the U.S.; this is documented for each employee in the CB’s training platform. During interviews with the staff responsible for issuing NOPICs, the coordinator explained that any time an operation requests the NOPIC (an operation that exports organic butter, for example), CB staff must first verify that the operator’s profile is approved for U.S. export, which is first validated through onsite inspection. CB staff then verify that each specified product or ingredient planned for export is also compliant before listing the operation in the Organic Integrity Database and issuing the NOPIC. During the visit to this control body, AMS NOP auditors observed three UKAS auditors performing the annual renewal audit for the CB. AMS NOP auditors observed the UKAS auditors conduct a thorough onsite office assessment of the CB.

Certified Operation #1 – This dairy operation was due for its annual surveillance inspection. The farm has been certified organic for several years. The farm managers demonstrated knowledge about the restriction for no antibiotics in livestock production for export of dairy products to the U.S. market, in accordance with the U.K.’s interpretation of the variance under the U.S.-UK Organic Equivalence Arrangement. The inspector conducted a thorough inspection,

visiting the barns, milking parlor and milk storage, medicine storage, fields, and stock in paddocks and on pasture. The inspector completed the CB's compulsory livestock welfare assessment, which was deemed satisfactory. The managers maintained thorough records. During the records review, the inspector performed a milk audit, a feed audit, and traceback on a sick cow that required treatment with antibiotics. Records indicate the milk was dumped during the cow's treatment phase. The cow did not recover and was eventually removed from the herd (sold). There were no findings for follow-up verification from last year's renewal inspection nor at the conclusion of this surveillance inspection.

Certified Operation #2 – This dairy operation was due for its annual surveillance inspection. This organic dairy farm does not produce milk for dairy exports to the U.S., but it is part of a larger group of farms that produce both organic and nonorganic milk for a domestic cheese production company. The inspector performed a thorough inspection, visiting the stock on pasture, barns and calving pens, milking parlor and milk storage, and medicine storage, and conducted a thorough records review, including a milk audit. The inspector completed the CB's compulsory livestock welfare assessment, which was deemed satisfactory. The inspector evaluated a recent purchase of 80 non-organic replacement first-calf heifers purchased late in 2024. The heifers and calves are in-conversion to join the organic milking herd, as allowed under the U.K. organic regulations. The inspector issued a major noncompliance to the operator for failing to notify the CB of this purchase in advance and update their organic management plan accordingly, which are requirements of the U.K. organic regulations. Corrective actions are due to the CB within 30 days. The inspector also noted two minor noncompliances: 1) a metal hazard on a door in the cow race, and 2) missing information about one medication in the treatment record. The inspector accepted the corrective actions for the minor noncompliances onsite. Finally, the inspector noted that the farm is due to submit an updated annex and health plan to the CB within 30 days. There were no findings from the 2024 renewal inspection requiring follow-up verification.

Control body #2 – The CB has been in operation for several decades. The CB holds ISO 17065 accreditation from UKAS for UK organic certification and offers certification to other schemes

under other accreditations. The CB regularly participates in working groups with UKAS and Defra. The CB hosts annual inspector training sessions, and its certification officers provide ongoing training and oversight for the contracted inspectors throughout the year. In accordance with the Assimilated Regulations, the CB annually performs unannounced inspections of a minimum of 10% of its certified operations and collects samples for residue analysis from a minimum of 5% of its certified organic operations. The CB uses a risk-based approach to target operations for additional oversight actions, such as product sampling, unannounced inspections, and additional inspections. The CB noted that for farms, it typically provides 24-hour notice for unannounced inspections to ensure the farmer/manager will be present. Defra later clarified that any advance notice means that an inspection cannot count towards meeting the 10% minimum unannounced inspections required of all UK CBs. The CB previously gave 24 hours' notice for unannounced inspections until Defra clarified this in a publication issued in October 2018, which states, “Unannounced means without previous notice or arrangement and therefore unexpected,” ensuring that the operator has been given no prior notice that the visit or inspection will take place. Defra staff confirmed that all CBs must follow this regulatory requirement and that Defra will assess compliance with this requirement at oversight visits.

The CB is working towards an enhanced online portal to improve client management. Although no dairy operations certified by this CB were assessed during this peer review, AMS NOP auditors interviewed the CB director and reviewed inspection reports to verify how the CB inspects dairies and evaluates herd conversions for compliance with the “no antibiotics” critical variance for U.S. exports. The AMS NOP auditors also verified that this CB has policies and procedures in place for verifying compliance of UK organic exports with the terms of the U.S.-UK organic equivalence arrangement, including the “no antibiotics” critical variance. CB staff explained that they evaluate production records—such as net and gross weights, batch runs, picking orders, and invoices—to reconcile and verify compliance for quantities planned for export before issuing the NOPIC.

Certified Operation #3 – This operation imports organic oils into the UK. The witness inspection was cancelled at the last minute due to extenuating circumstances.

Certified Operation #4 – This operation manufactures a variety of organic beverages and has been in business for several decades. A UKAS auditor conducted a routine witness audit of this surveillance inspection. The inspector conducted a thorough inspection of the processing facility, beginning with a walk-through from ingredient storage to the production line and ending with outbound shipping. The inspector interviewed various employees along the production line to verify knowledge of organic control points and verify recordkeeping practices. The inspector also performed product traceback and mass balance exercises. The inspector had no findings for follow-up verification from the 2024 renewal inspection or at the outcome of this inspection. The product traceback exercise was successful. However, AMS NOP auditors determined that the mass balance exercise was insufficient to reconcile purchases, amounts used, and remaining inventory of the selected ingredient. No one from the CB, UKAS, or Defra called out this issue at the close of the inspection.

7. CLOSING MEETING

AMS NOP auditors conducted the closing meeting virtually with UK officials on June 23, 2025. Two representatives from the U.S. Embassy Foreign Agricultural Service in London also joined the online closing meeting. AMS NOP auditors presented a summary of the findings and discussed other observations from the peer review, which are included in this report.

8. SUMMARY OF PREVIOUS FINDINGS AND VERIFICATION OF CORRECTIVE ACTIONS

AMS NOP conducted the last onsite review of the UK organic program in September 2022, which resulted in three findings. Defra submitted responses to the findings on January 31, 2023. The 2025 onsite review verified Defra's responses.

A previous finding labeled as "Cleared" indicates that the response was verified. A previous finding labeled as "Outstanding" indicates that either the reviewers could not verify the response or observed ongoing evidence of the finding.

2022 Finding 1 – Cleared. ISO 17011 6.2.1 states, “The accreditation body shall have access to a sufficient number of competent personnel to manage and support all its accreditation activities for all accreditation schemes.”

Comments: *The UK 2021 annual report states that Defra is conducting oversight activities (e.g., surveillance audits) of UK control bodies, but DEFRA explained that this has not happened as planned. The proposal also seems to be duplicative of current UKAS assessments. The AMS NOP is interested in an update on the status of control body oversight and Defra’s plans and timeline moving forward.*

UK Response: In addition to the accreditation audits and regular communication with organic control bodies, Defra intended to implement direct supervision of approved organic control bodies in 2021. However, due to the combination of Covid and the changes due to leaving the EU, supervision of control bodies in 2022 has continued to be conducted by UKAS under a formal agreement with Defra.

Defra is scoping out the direct supervision of control bodies, which will be based on requirements provided in Articles 92c and 92e of Retained Commission Regulation (EC) No 889/2008. This supervision is anticipated to complement the work undertaken by UKAS on Defra’s behalf.

To enable effective supervision of the control bodies, Defra staff are undergoing a series of training activities, hosted by UKAS, including:

1. UKAS ISO 17065:2012 Awareness training
2. UKAS Preparing for an assessment.
3. UKAS The Art of Assessing and how to report appropriately.
4. Observing UKAS accreditation audits.

Defra anticipates that direct supervision of control bodies by Defra will be conducted during 2023 onwards, this will include a combination of office audits and witnessing control body inspections of operators.

Between 2019 and 2021, Defra staff supported the organic control bodies to submit applications for recognition of equivalence to the EU. This included Defra staff visiting the control bodies offices in 2019 and assessing the documents, processes and procedures that formed part of their technical dossier. In 2022, Defra staff observed some inspections of organic operators conducted

by organic control bodies. Defra staff have witnessed UKAS audits both remotely and in person as part of international audits between 2018-2022.

2025 Onsite Verification: This finding is cleared. Defra provided updates on the control body assessments they have completed in Great Britain and Northern Ireland since the last peer review. Several Defra staff have participated in these oversight assessments with technical experts. AMS NOP auditors reviewed examples of completed assessment reports. Defra plans to continue working with approved organic experts to provide ongoing training through shadow inspections and audits.

2022 Finding 2 – Cleared. ISO 17011 4.3.1(a) states, “The accreditation body shall take measures to ensure that the accredited conformity assessment body: a) fully conforms to the requirements of the accreditation body for claiming accreditation status when making reference to its accreditation.”

Comments: *The auditors observed multiple UK organic certificates that do not reference the UK Organic Regime (the retained EU Regulations) and instead reference another CB’s standards. This does not accurately reflect the standards upon which the U.S.-UK equivalence arrangement was established.*

UK Response: Defra now requires all our control bodies to submit their certificate templates to Defra for approval. The certificates must include all the information contained in the template provided in Annex XII of Retained Commission Regulation 889/2009 and include details of the retained organic regulations, rather than simply references to individual organic control body standards. Whilst this change is being implemented, details of all UK-approved operators and their certificates, produced in line with Annex XII of Retained Commission Regulation 889/2008, continue to be available on the BioC database: <https://www.bioc.info/>.

2025 Onsite Verification: This finding is cleared. During the peer review, AMS NOP auditors observed several examples of organic certificates for operations in Great Britain that clearly reference the UK retained organic regulations instead of the European Union regulations or another CB’s standards.

2022 Finding 3 – Outstanding. ISO 17011 6.4.2 states, “Accreditation decisions shall not be outsourced. The person(s) assigned by the accreditation body to make an accreditation decision shall be employed by, or shall be under enforceable arrangements with, the accreditation body.”

Comments: *DEFRA accepts the accreditation of control bodies by third-country entities through a document review process only. The US has concerns about this approach given that neither Defra nor UKAS has direct oversight of these third country control bodies. Furthermore, these third country control bodies are accredited to an unknown organic standard that AMS NOP did not assess when the equivalence was established, yet the UK accepts import of products certified by third-country control bodies that may end up in products exported to the U.S. AMS NOP requests that Defra provide an update on the status of this approach and the plan moving forward, including a timeline for decisions and the control bodies reviewed/approved.*

UK response: When the UK left the EU, we rolled over the recognition of third country control bodies as we retained the EU regulations. These control bodies were recognized on the basis that they were accredited to certify products to an equivalent EU standard. Following the comprehensive review of third country control body re-applications to be recognized to equivalent GB (Great Britain) organic standards from 1st January 2023, Defra have approved those third country control bodies where equivalence was demonstrated. The review process also led Defra to remove recognition of several third country control bodies as they either did not meet the rigorous criteria set out in the regulations or provide the necessary information. We are also now considering which third countries/ third country control bodies should be targeted for on-site audits. On-site audits will be conducted by the Organic Teams and will be completed on a risk-based approach. New applications for recognition will be reviewed in depth and factors such as other existing or lapsed recognitions/certifications will be taken into consideration. Annual reports are required to be submitted by 28 February each year. Defra will continue to monitor these control bodies and carry out necessary reviews if issues arise.

2025 Onsite Verification: This finding remains outstanding. Defra requires third country CBs to apply for approval with Defra, and the CB must be accredited to ISO 17065 standard and either equivalent to 834/2007 (the UK organic regulations) or compliant to 2018/848 (the EU organic regulations). Defra also requires the CB to provide an annual report including their latest accreditation report. Since the 2022 peer review, however, Defra has not conducted any onsite reviews of the 42 third country control bodies it had approved, despite previously asserting this

will be part of their oversight activities. Furthermore, most of the 42 third-country CBs on Defra's list are approved for organic certification activity in multiple countries. Defra's limited direct oversight of these CBs is concerning given the complexity of global supply chains and known risks of fraud commonly associated with certain commodities and regions. Defra's current approach means that UK domestic CBs are subject to frequent, direct scrutiny by multiple UK authorities while higher-risk third-country CBs are not. This puts the UK organic market at increased risk for importing noncompliant product, which may subsequently end up in UK organic products exported to the U.S. Finally, Defra does not have formal relationships, such as contracts, or other oversight with any international accrediting bodies or other competent authorities to ensure robust, impartial and transparent controls under the UK organic regulations. AMS NOP understands that Defra and other equivalence partners are in the process of refining their approach to CB accreditation and oversight. AMS NOP and Defra will continue to review this topic in the Organic Working Group and future peer reviews.

2025 UK Response: Defra requires third-country control bodies to be accredited to ISO/ IEC 17065 standards and either equivalent standards to Assimilated Regulation (EC) 834/2007 or in compliance with Regulation (EU) 2018/848. In the forthcoming year, Defra will be undertaking inspections of some third-country CBs, selected based on a risk assessment with the support of external experts. Defra also aims to supplement any in-person inspections with requests for additional technical reports and information from third-country Control Bodies under Article 11(4) of Assimilated Regulation (EC) 1235/2008.

9. SUMMARY OF 2025 PEER REVIEW FINDINGS

2025 Finding 1. ISO 17011, 7.6.4 states, "The assessment team shall analyze all relevant information and objective evidence gathered prior to and during the assessment to determine the competence of the conformity assessment body as determined through its conformity with the requirements for accreditation."

Comments: *Based on document reviews and observations during the UKAS witness audit of one operation, AMS NOP auditors observed that Defra and UKAS do not fully verify a CB's compliance with the organic standards and the U.S.-UK Organic Equivalence Arrangement. For*

example, AMS NOP auditors observed an inadequate mass balance exercise at an inspection, despite the CB publishing explicit instructions on how to complete this exercise in their regulations guide, which is publicly available online. The UKAS auditor did not address this or any other findings at the conclusion of the inspection, nor did staff from Defra or the CB representative that were present. During the file review of this operation, AMS NOP auditors also found product labels approved by the CB for export to the U.S. but with noncompliant “Certified organic by ...” statements (incorrect location on labels).

2025 UK response: For mass balance exercises the regulations do not state how many ingredients or the time period covered by a mass balance exercise. CBs determine how to carry these out and the approach may vary from CB to CB. Most Control CBs have a list of documents to review and a template to complete at the inspection. During the inspection, the inspector will pick an ingredient(s) and the period to review. Records including current stock, purchases, usage, waste, and closing stock figures must be reviewed to complete a mass balance. The UKAS assessor was content that the mass balance at the witness inspection was completed satisfactorily as the inspector reviewed the necessary records of an organic ingredient and checked that the figures reconciled over the period selected. Details of current stock, purchases, use of the ingredient, wastage and remaining stock were all provided to the inspector and comments regarding any variance were addressed satisfactorily. The inspector also selected a different ingredient to review from the previous annual inspection, which is considered best practice. As a follow up to this, Defra has asked for copies of Control Bodies’ mass balance guidance documents and templates issued to their inspectors. Defra will review these and issue a CB paper in due course following input from our technical Working Group and experts. This will ensure that mass balance exercises are carried out consistently across the CBs. Regarding product labels for export to the U.S., Defra will work with the NOP team to update guidance to its CBs on labeling to include guidance on the location of the “Certified organic by ...” statement.

10. OBSERVATIONS

Observation 1. The U.S.-UK Organic Equivalence Arrangement was established in 2021 when the UK left the European Union. In 2022, USDA published the Origin of Livestock final rule that amended the USDA organic regulations to further specify livestock management practices,

including organic dairy herd conversions. During the onsite assessment, AMS NOP auditors identified that the UK's current dairy herd conversion and management practices regarding the "no antibiotics" critical variance under the equivalence do not align with the amended USDA organic regulations. Defra, UKAS and the UK CBs interpret the critical variance for "no antibiotics" to mean that any animals or animal products (e.g., milk) from livestock treated with antibiotics do not comply with the U.S.-UK organic equivalence arrangement until a 12-month withdrawal period has been completed. Under the UK interpretation, dairy animals (calves, heifers, cows, etc.) may cycle in and out of the organic herd as long as they meet a 12-month withdrawal period post-treatment. The USDA organic regulations, however, now require that all organic livestock be managed organically, including no use of antibiotics, from the last third of gestation. The USDA regulations only permit a one-time conversion of a farm's entire nonorganic herd into organic production for new or existing farms moving to organic production with a 12-month timeframe before livestock products like milk may be labeled as organic. Once the herd is converted, the USDA regulations also require that any subsequent new or replacement livestock must be managed organically from the last third of gestation, while the UK program allows a limited percentage of nonorganic replacement animals to join the existing organic herd. The significant differences between the USDA and UK organic livestock regulations resulting from USDA's Origin of Livestock update raise issues about fairness and integrity under the U.S.-UK organic equivalence arrangement. NOP and Defra agreed to work to resolve this disparity and ensure equivalent requirements for products traded under the arrangement.

11. CONCLUSIONS

Throughout AMS NOP's review, representatives from Defra, UKAS, the certification bodies, inspectors, and certified operators were responsive and supportive to ensure that AMS NOP met its review objectives. AMS NOP auditors observed that there is frequent communication among Defra, UKAS, and the UK CBs across the various working groups or committees, which supports consistent understanding and application of the requirements. The UK organic program has continued to mature, and Defra has continued to take on more CB oversight activities. Oversight of UK domestic CBs is especially robust since Defra and UKAS conduct surveillance

and oversight assessments of the CBs together and independently, but oversight of the third country CBs is much less robust.

AMS NOP accepts the UK Organic Team's responses to the findings and will post the final report on its website.

END OF REPORT

USDA PEER REVIEW OF THE UNITED KINGDOM ORGANIC PROGRAM

REPORT DATE: March 17, 2023

DATES OF ONSITE AUDIT: September 20-28, 2022

AUDIT TEAM: Cheri Courtney, Director, International Activities Division, USDA AMS NOP;
Renée Gebault King, International Specialist, USDA AMS NOP

12. INTRODUCTION

The U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS) established an equivalence arrangement whereby each government recognizes the other's organic production and handling standards for the purpose of international trade. To further inform these discussions, USDA's National Organic Program (NOP) representative conducted an onsite review of the United Kingdom's (UK) organic accreditation, certification, and production/handling systems.

This peer review was conducted jointly with the Canadian Food Inspection Agency (CFIA). The USDA prepared its own report based on the findings of the review.

13. OBJECTIVES OF REVIEW

- 2.1. The objective of the review was to evaluate the system capabilities and performance of the United Kingdom's authorities in controlling the proper application and enforcement of the United Kingdom's organic certification program for crop and livestock products and processed products.

14. SCOPE OF REVIEW

- 3.1. The scope of the audit included activities related to the following:
 - 3.1.1. UK's Department for Environment Food and Rural Affairs (Defra) and United Kingdom Accreditation Service (UKAS) accreditation and oversight of certification bodies.
 - 3.1.2. Certification and oversight of operations certified under the United Kingdom's

(UK) organic program by certification bodies approved/accredited by Defra and UKAS

3.1.3. Approval of organic exports and imports, pesticide residue testing, and complaints handling

15. BASIS FOR THE REVIEW

- 4.1. The April 2019 U.S. – United Kingdom Organic Equivalency Arrangement (USUKOEA) provides for representatives of USDA, following advance notice, to conduct onsite evaluations to verify whether United Kingdom (UK) relevant regulatory authorities and certification bodies of the UK organic program are carrying out the requirements of the program. This includes visits to offices of relevant regulatory authorities, certification body offices, certified production facilities and farms. On June 21, 2022, AMS-NOP informed Defra of its intent to conduct an onsite review of the United Kingdom as part of the ongoing requirements of the USUKOEA. Equivalency arrangements are provided pursuant to USDA organic regulations at 7 CFR 205.500(c)(1).
- 4.2. The following statutes, regulations, and standards were considered in the review:
 - 4.2.1. U.S. Organic Foods Production Act of 1990
 - 4.2.2. U.S. Code of Federal Regulations (CFR) Part 205, National Organic Program
 - 4.2.3. ISO/IEC 17011:2017 Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies.
 - 4.2.4. United Kingdom’s accreditation and certification policy and procedures, including all related regulations, enforcement rules, and operating guidelines
 - 4.2.5. Council Regulation (EC) No 834/2007 on organic production and labelling of organic products.
 - 4.2.6. Commission Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.

- 4.2.7. Commission Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries.
- 4.2.8. UKAS organic agricultural products certification bodies accreditation service program (Accreditation Regulations 2009 and Agreement)
- 4.2.9. ISO/IEC 17065:2012 Conformity assessment — Requirements for bodies certifying products, processes, and services.

16. PROTOCOL

- 5.1. The review was accomplished by observing the competent authority, accreditation body, control bodies, and certified organic operations. In selecting control bodies and operations to be reviewed, the auditors worked with representatives of Defra to select operations representative of organic products produced in the UK which are being exported to the United States.
- 5.2. The auditors reviewed various phases of the organic production, certification, and accreditation system to determine if the responsible authorities had the necessary controls in place to ensure traceability and compliance with the referenced organic standards.
- 5.3. The review was accomplished in three parts: a review of activities at UKAS headquarters office; a review of activities by two Control Bodies (CB); and observing three witness audits conducted by UKAS. A review of activities at Defra headquarters planned for 19 September in London was impacted by the State Funeral of Her Majesty Queen Elizabeth II. Instead, interviews with Defra staff were conducted on 20 September and throughout the duration of the peer review.
- 5.4. An opening meeting was conducted with Defra and Welsh Government representatives at the UKAS head office in Staines, just outside London. At the UKAS office, the AMS NOP auditors reviewed UKAS' accreditation process and management system, with input from the Defra staff in attendance.
- 5.5. The AMS NOP auditors reviewed each control body's policies and procedures for certification and handling complaints.

- 5.6. The AMS NOP auditors observed UKAS's witness audit of inspections by the CBs. The inspections were of handling operations and livestock operation. The AMS NOP auditors also observed an organic salmon producer.
- 5.7. The AMS NOP auditors were accompanied by representatives of Defra throughout the review. During the witness audits, the auditors were accompanied by at least one representative of the CB.
- 5.8. A closing meeting of the onsite review was conducted with Defra officials, some in person and others joining remotely, on September 28, 2022.

17. OBSERVATIONS

- 6.1. Overview of the United Kingdom (UK) Organic Industry: As of 2021, there are over 5,700 organic operators and 507,000 hectares of land are certified organic. Of UK's organic land area, 61% is permanent grassland and 9% is devoted to growing cereals. The majority, 61%, of organic land is in England. Approximately 3% of the UK's total cattle population is reared organically. The top three UK organic exports to the U.S. are black tea, green tea and white wine.
- 6.2. Defra is the competent authority in the UK, operating the approval system for UK control bodies (CBs) involved with the production, labelling, storage, and import of organic products. Defra is the organic program authority in England; Defra works with the devolved governments to implement the organic program in Scotland (Scottish Government, SG), Wales (Welsh Government, WG), and Northern Ireland (Department of Agriculture, Environment & Rural Affairs, DAERA). The devolved governments are responsible for their own nation's organics policy, but in consultation with Defra, set policy to ensure a consistent domestic approach. Defra is also responsible for operating an approval system for third countries, and control authorities and control bodies in third countries, for the production, labelling, storage, and import of organic products. Defra consults with the devolved governments through monthly meetings of the Four Nations Working Group (FNWG). The FNWG is coordinated by Defra and policy representatives from each of the four Governments participate.

6.3. The United Kingdom Accreditation Service (UKAS) is the UK's national accreditation body. UKAS is a non-profit entity, independent of the UK government.

UKAS operates under a Memorandum of Understanding through the UK's Secretary of State for Business, Energy and Industrial Strategy (BEIS). UKAS is also a member of international accreditation groups like the International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), and the European Cooperation for Accreditation (EA). UKAS assesses against international standards for organizations that provide certification, testing, inspection, and calibration services. UKAS is licensed by BEIS to use and confer the national accreditation symbols which symbolize government recognition of the accreditation process.

6.4. There are currently nine control bodies authorized and supervised by Defra to conduct organic certification activities in the UK. CBs are accredited for four years by UKAS, with UKAS assessing each control body annually. The UKAS assessors observed during the onsite inspections of this peer review were verified to be well-qualified and possessed extensive experience in organic inspection and assessment. UKAS sends its audit reports to Defra, and these reports may note some non-compliances. UKAS receives and approves corrective actions, and then submits a final report to Defra summarizing all assessments and conformity annually to cover the previous calendar year. UKAS refers major violations to Defra for resolution. Defra and UKAS meet biannually to discuss issues of common interest, concerns, and progress with assessments. Defra also meets regularly with the UK Organic Certifiers Group (UKOCG), which includes all authorized UK-based control bodies and representatives of the devolved governments. UKAS also attends the UK Certification Body Technical Working Group (CBTWG) when necessary.

6.5. Control Body #1 –The CB has been providing organic certification for several decades and currently certifies over 2,000 operations. It holds accreditation from UKAS for organic certification and offers certification to other schemes under other accreditations. The CB uses a robust computer-based system to track and monitor the certification process and cycle, including the tracking and resolution of non-conformities. The CB employs targeted, risk-based analysis to determine the need for additional oversight

actions. The CB conducts unannounced inspections annually at a minimum of 10% of its certified organic operations.

- 6.6. Control Body #2 – The CB has been in operation for several decades and certifies over 300 operations. It holds accreditation from UKAS for organic certification and offers certification to other schemes under other accreditations. The CB regularly participates in working groups with UKAS and Defra. It holds an annual training for inspectors, and its certification officers provide significant training and oversight for the contracted inspectors. The CB conducts a minimum of 10% unannounced inspections annually. The CB provides regular training to its inspectors on certification schemes.
- 6.7. Observations from Certified Operation #1 – The operation, located in Wales, is a pasture raised cattle and sheep operation. The farm is family owned and has been certified organic for several years. All finished livestock are verified for no antibiotic use and are sold for slaughter. The farm manager/owner is highly knowledgeable and promptly produced all the records requested during the onsite visit. The inspector conducted a thorough inspection of the farm and its organic system plan, including a traceability audit on select livestock and a feed audit. The inspector recorded some findings, which were discussed during the exit interview. The UKAS auditors, one for the livestock portion and one for the crops/pasture portion, conducted thorough witness audits of the inspector. Both UKAS auditors demonstrated strong qualifications to perform their portions of the witness audit.
- 6.8. Certified Operation #2 – This operation, located in Scotland, is a packing operation for both conventional and organic fresh vegetables. Organic vegetables are grown in the UK or are imported from the company's sister operation in Europe. The operation's records were well organized and readily available. The inspector performed a thorough inspection, including a mass balance and product tracebacks. The UKAS auditor conducted a thorough witness audit. The UKAS auditor possessed the knowledge and training required to conduct the witness audit.
- 6.9. Certified Operation #3 – This operation, located in Scotland, manufactures organic biscuits. The inspector conducted a thorough inspection of the processing facility, including product traceability and mass balance exercises for ingredients. The inspector

noted the findings and discussed these with the operation at the closing meeting. The UKAS auditor performed a thorough witness audit and possessed the knowledge and skills necessary to conduct this witness audit.

18. CLOSING MEETING

- 7.1. The AMS NOP auditors conducted the closing meeting with UK officials on September 28, 2022, with some UK officials in-person and others joining remotely.
- 7.2. At the meeting, the auditors presented a summary of the findings and discussed other observations from the peer review, which are included in this report.

19. FINDINGS

- 8.1. ISO 17011 6.2.1 states, “The accreditation body shall have access to a sufficient number of competent personnel to manage and support all its accreditation activities for all accreditation schemes.” *The UK 2021 annual report states that Defra is conducting oversight activities (e.g., surveillance audits) of UK control bodies, but DEFRA explained that this has not happened as planned. The proposal also seems to be duplicative of current UKAS assessments. The AMS NOP is interested in an update on the status of control body oversight and Defra’s plans and timeline moving forward.*

UK’s response: In addition to the accreditation audits and regular communication with organic control bodies, Defra intended to implement direct supervision of approved organic control bodies in 2021. However, due to the combination of Covid and the changes due to leaving the EU, supervision of control bodies in 2022 has continued to be conducted by UKAS under a formal agreement with Defra.

Defra is scoping out the direct supervision of control bodies which will be based on requirements provided in Articles 92c and 92e of Retained Commission Regulation (EC) No 889/2008. This supervision is anticipated to complement the work undertaken by UKAS on Defra’s behalf.

To enable effective supervision of the control bodies, Defra staff are undergoing a series of training activities, hosted by UKAS, including:

2. UKAS ISO17065:2012 Awareness training
3. UKAS Preparing for an assessment.
4. UKAS The Art of Assessing and how to report appropriately.
5. Observing UKAS accreditation audits.

Defra anticipates that direct supervision of control bodies by Defra will be conducted during 2023 onwards, this will include a combination of office audits and witnessing control body inspections of operators.

Between 2019 and 2021, Defra staff supported the organic control bodies to submit applications for recognition of equivalence to the EU. This included Defra staff visiting the control bodies offices in 2019 and assessing the documents, processes and procedures that formed part of their technical dossier. In 2022, Defra staff observed some inspections of organic operators conducted by organic control bodies. Defra staff have observed witnessed UKAS audits both remotely and in person as part of international audits between 2018-2022.

8.2. ISO 17011 4.3.1(a) states, “The accreditation body shall take measures to ensure that the accredited conformity assessment body: a) fully conforms to the requirements of the accreditation body for claiming accreditation status when making reference to its accreditation. *The auditors observed multiple UK organic certificates that do not reference the UK Organic Regime (the retained EU Regulations), and instead reference another CB’s standards. This does not accurately reflect the standards upon which the U.S.-UK equivalence arrangement was established.*

UK’s response: Defra now require all our Control Bodies to submit their certificate templates to Defra for approval. The certificates must include all the information contained in the template provided in Annex XII of Retained Commission Regulation 889/2009 and include details of the retained organic regulations, rather than simply references to individual organic control body standards.

Whilst this change is being implemented, details of all UK-approved operators and their certificate, produced in line with Annex XII of Retained Commission Regulation 889/2008 continues to be available on the BioC database: <https://www.bioc.info/>.

8.3. ISO 17011 6.4.2 states, “Accreditation decisions shall not be outsourced. The person(s) assigned by the accreditation body to make an accreditation decision shall be employed by, or shall be under enforceable arrangements with the accreditation body.” *DEFRA accepts the accreditation of control bodies by third-country entities through a document review process only. The US has concerns about this approach given that neither Defra nor UKAS has direct oversight of these third country control bodies. Furthermore, these third country control bodies are accredited to an unknown organic standard that AMS NOP did not assess when the equivalence was established, yet the UK accepts import of products certified by third-country control bodies that may end up in products exported to the U.S. The AMS NOP requests that Defra provide an update on the status of this approach and the plan moving forward, including a timeline for decisions and the control bodies reviewed/approved.*

UK’s response: When the UK left the EU, we rolled over the recognition of third country control bodies as we retained the EU regulations. These control bodies were recognised on the basis that they were accredited to certify products to an equivalent EU standard.

Following the comprehensive review of third country control body re-applications to be recognised to equivalent GB (Great Britain) organic standards from 1st January 2023, Defra have approved those third country control bodies where equivalence was demonstrated. The review process also led Defra to remove recognition of several third country control bodies as they either did not meet the rigorous criteria set out in the regulations or provide the necessary information. We are also now considering which third countries/ third country control bodies should be targeted for on-site audits. On-site audits will be conducted by the Organic Teams and will be completed on a risk-based approach.

New applications for recognition will be reviewed in depth and factors such as other existing or lapsed recognitions/certifications will be taken into consideration. Annual reports are required to be submitted by 28 February each year. Defra will continue to monitor these control bodies and carry out necessary reviews if issues arise.

20. OBSERVATIONS

- 9.1. The UK operates an organic program with robust oversight and enforcement. The staff at Defra are knowledgeable, dedicated, and professional. They deftly accommodated an intensive peer review schedule and were responsive to requests for more information when questions arose during the review. There is transparent and frequent communication among Defra, UKAS, the CBs, and the certified businesses across the various working groups or committees.
- 9.2. UKAS has rigorous oversight and accreditation processes that cover various compliance verification activities. The UKAS leadership and assessors showed transparency, consistency, and strong competence in the organic technical requirements. The UKAS assessors observed during the witness audits demonstrated strong technical backgrounds and excellent knowledge of the regulations.
- 9.3. The staff at both CBs were knowledgeable and accommodating. The CBs have systems that allow for comprehensive client management, tracking, and oversight. The inspectors, the peer review team observed were proficient, courteous, and professional. The peer review team also found that the organic operators were transparent about their processes, records, and overall organic system plans.

21. CONCLUSIONS

- 10.1. The AMS NOP accepts the UK Organic Team's responses to the findings.
- 10.2. The AMS NOP will post the final report on its website.

END OF REPORT