



ORGANIC CERTIFIERS

NOTICE OF NONCOMPLIANCE: NEXT STEPS

You have received a Notice of Noncompliance from Organic Certifiers (OC). *Now what?*

I'm sure you're wondering why you received this Notice...

Your operation has received a Notice of Noncompliance because Organic Certifiers has identified one or more areas of your processes and procedures where the USDA National Organic Program Regulations ("NOP Rule") are not being followed. These violations may have been identified during a recent inspection (annual or unannounced), through a sample collection event, or revealed through OC's receipt and review of documentation.

Is this bad? Will I loose my organic certification over this?

We understand the words "noncompliance" and "violation" can be alarming. The NOP requires that certifiers document violations of the NOP Rule by sending these notices. However, a noncompliance is assumed to be correctable, and the regulations provide you with the opportunity to make that correction. For currently certified clients, your certification remains in effect even if you receive a noncompliance. For new applicants, a noncompliance gives you the chance to align your processes and procedures with the NOP Rule before Organic Certifiers makes a final decision on certification. Making sure you address your noncompliance sufficiently and comprehensively is an essential measure to prevent your operation from advancing to a Notice of Proposed Suspension, Notice of Proposed Revocation or Notice of Denial of Certification (for new applicants).

What do I do now?

Review the notice.

Read the notice carefully to understand the regulation(s) cited and the facts of the violation. If you don't understand the details of the notice, contact your certification specialist for clarification.

Understand your options.

The NOP Regulations allow your operation to either correct or rebut the noncompliances identified in the notice. Both options below require a response in writing:

- 1) Correct the noncompliance (in other words, take corrective action) – if you accept the facts upon which the noncompliance(s) was based, submit documentation identifying what actions have been implemented to correct the noncompliance and how re-occurrence will be prevented. Include the root cause of why or how the noncompliance occurred and provide evidence that supports your stated corrective actions. Evidence may include photos, records, new or updated standard operating procedures, new or updated record keeping forms, updated labels, an updated OSP, etc. It is likely that multiple forms of evidence will be needed to adequately address the noncompliance.
- 2) Rebut the noncompliance – If you feel a violation was cited in error, submit a written rebuttal to Organic Certifiers. Your rebuttal must include evidence to support your stance.

Note the deadline.

You have 30 days from issuance of the notice to submit a written response to Organic Certifiers. The deadline date will be indicated in the notice.

Send your response.

Submit your response via email to your Certification Specialist or send via U.S. Mail or fax.

Mailing Address:

990 Cindy Lane, Suite A, Carpinteria, CA 93013

Fax: 805-684-2767

If you need assistance with determining who your Certification Specialist is, email info@occert or call our main office at 805-684-6494.

Can Organic Certifiers help me correct or rebut my noncompliance(s)?

Helping you decide how to correct or rebut your noncompliance(s) is consulting. According to the NOP regulations, Organic Certifiers cannot give advice or consult with applicants or certified operations in order to help them overcome barriers to certification, including the resolution of noncompliances (per 205.501(a)(11)(iv)). Organic Certifiers will gladly assist with interpretation of the rules and can provide resources that the certified operation can utilize.

What if I don't respond by the date indicated in the Notice of Noncompliance?

We cannot stress enough how important it is to respond to the notice by the deadline. If you do not attempt to address the noncompliance by the deadline it is considered an inability or unwillingness on your part to comply with the NOP rule and you will be subject to receiving a Notice of Proposed Suspension. With a Notice of Proposed Suspension your certification status is at greater risk. A lack of response also subjects you to a penalty of \$500 (minimum). Your options to respond to a Notice of Proposed Suspension are much more limited and can come at additional financial cost to your operation. If you are concerned about meeting the deadline in your Notice of Noncompliance, reach out to your Certification Specialist immediately.

What happens if my response to the NC is accepted by Organic Certifiers?

When the certified operation demonstrates that each noncompliance has been resolved (corrected or rebutted successfully), Organic Certifiers will send the certified operation written notification of noncompliance resolution stating the noncompliance has been resolved. Follow up verification of implementation of your corrective action plan (as applicable) may take place at an unannounced inspection, at your annual renewal inspection or both. Failure to fully demonstrate implementation of your corrective action plan may result in Proposed Adverse Actions.

What happens if my response to the NC is not accepted by Organic Certifiers?

When a rebuttal proves unsuccessful or the correction of noncompliance cannot be completed within the specified timeframe, Organic Certifiers will issue a Notice of Proposed Suspension or Revocation of Certification for either the entire operation or the relevant part of it, depending on the nature of the noncompliance.

What if I need additional resources or consulting services?

- *Organic Integrity Learning Center:* Compliance & Enforcement: Adverse Actions, Appeals and Reinstatements Course discusses Adverse Actions, Mediation & Appeals procedures and also detailed in this [chart](#). If you don't currently have a learning center account, you can register [here](#). You will be sent login credentials immediately after registration.
- *Organic Consultants:* If you are in need of additional support on the fine details of the situation and would like advise on how to proceed, hiring an Organic Consultant may be of value to you. Check out OC's list of Organic Consultants [here](#).

Organic Certifiers does not view your operation negatively due to the identification of noncompliance with the regulations. We see this as an opportunity for all of us to contribute to the strength of the organic community. We appreciate your commitment to the organic industry and we look forward to work with you on continuing your Organic Certification.

Please contact your Certification Specialist if you have questions or would like to discuss this further.

Organic Certifiers Team

(805) 684-6494

info@occert.com

www.organiccertifiers.com