



Reinstating Suspended Organic Operations

Purpose

This document provides recommended procedures to be followed by organic certification agencies accredited by the National Organic Program (NOP) and suspended organic producers and handlers when requesting reinstatement of certification. It further provides procedures and decision criteria for use by NOP officials when considering requests for reinstatement.

Scope

These procedures apply to all U.S. and foreign certification bodies and clients subject to regulations under the National Organic program.

Standards Reference

§ 205.662(f) Eligibility. (1) A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.

Policy

Once an organic producer or handler's organic certification has been suspended for any reason, including nonpayment of fees, eligibility for certification must be reinstated by the NOP prior to resuming certified operations. Accredited certification agencies may not reinstate certification of any producer or handler without NOP review and written approval. The NOP Associate Deputy Administrator has been delegated the responsibility to act on behalf of the Secretary with regards to reviewing and approving requests for reinstatement of certified organic operations.

Managers of suspended operations must submit a written request for reinstatement as described in the Regulations and as explained in the Procedures section of this instruction. The document may be submitted directly to the NOP Associate Deputy Administrator or through the operation's accredited certifier.

Requests for reinstatement must be supported by evidence maintained by the operation's accredited certifier. Accredited certifiers must ensure all requirements for certification have been met and that the client is capable of remaining in compliance before submitting written statements to the NOP in support of reinstatement.

NOP will consider reinstatement when it has received a written request for reinstatement from the management of the suspended operation and a statement of complete compliance with the NOP regulations from the operation's accredited certifier. NOP will grant reinstatement upon receipt of a declaration of compliance provided by the accredited certification agent which affirms that the organic operation is in full compliance with the NOP regulations and is capable of remaining in compliance. In situations where NOP considers the operation at risk of repeated or ongoing violations, NOP may deny reinstatement until a pattern of compliance is demonstrated.



Procedures

Producers and Handlers - In order to achieve reinstatement, organic producers and handlers who have had their organic certification suspended must:

1. Correct all nonconformances to the NOP regulations. This includes not only the reasons stated in the notice of suspension issued by the certifier, but any outstanding nonconformances that have been identified by the certifier or internal reviews by the certified operator.
2. Ensure that their organic systems plan is complete and current and that the plan has been fully implemented.
3. Contact an accredited certification agent (either the agent that issued the suspension or a different agent) and submit all documents required by the certifier for reinstatement. If the certifier is different from the certifier that issued the suspension, the producer or handler must inform the certifier of their suspended status and the reasons for the suspension.
4. Pay all fees required by the accredited certification agency.
5. Successfully complete an onsite inspection.
6. Prepare a letter addressed to the Secretary of Agriculture requesting reinstatement of certification.
7. Send the letter to:

USDA, AMS, National Organic Program
1400 Independence Avenue, SW
Room 4008, STOP 0268
Washington, DC 20250

Delivery services that require a telephone number may use (202) 720-3252.

As an alternative, producers or handlers may submit the letter addressed to the Secretary through their accredited certification agent. The certifier will forward the request along with the required statement of compliance to the NOP regulations.

8. Retain all documents related to the request for reinstatement for future audit by the certifier and the NOP.

Accredited Certification Agents - Upon receipt of the operation's request for reinstatement or notification that such a request has been sent to NOP, certifiers will:

1. Conduct a complete adequacy review of the organic system plan and ensure that all provisions of the NOP regulations have been met.
2. Notify the producer or handler of any nonconformances and arrange for appropriate corrective actions.
3. Arrange for and conduct an onsite inspection of the operation to ensure complete compliance.
4. Prepare a signed letter or other instrument to the Secretary stating that the operation requesting reinstatement has met all requirements of the NOP regulations. A sample letter showing the information to be included is attached to this instruction. [See Exhibit A] The letter must affirmatively state that:



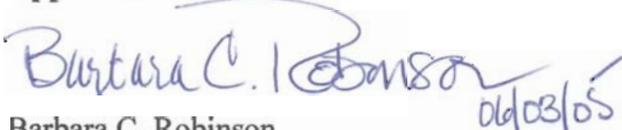
- a. The certifier has conducted a complete review of the client's organic systems plan. The review found that the client's organic systems plan adequately addresses the root causes of the nonconformances which led to the suspension and is in all respects in full compliance with the NOP regulations.
 - b. The certifier has conducted an onsite inspection of operation and found the operation to be in full compliance and capable of remaining in compliance with the NOP regulations.
5. Submit the letter (along with the operation's request for reinstatement, if appropriate) to the above address.
 6. Retain all documents related to the request for reinstatement for future audit by the NOP.

National Organic Program - Upon receipt of the required documentation, the NOP will:

1. Review the request for reinstatement along with any other supporting or historical documentation available. Contact the certifier if questions remain regarding the request.
2. Approve the request if:
 - a. All required documents have been submitted;
 - b. The documentation clearly demonstrates that the client is in compliance with the NOP regulations and is capable of remaining in compliance, and
 - c. Review of historical documents related to the client does not indicate that the client has an ongoing history of nonconformance which may indicate an inability or unwillingness to remain in compliance.
3. If the request is approved, issue a letter to the client, with a copy to the certifying body, stating that:
 - a. The client is eligible for reinstatement by the certifier referenced in the request, and
 - b. The certifier must retain all documents related to the reinstatement for future audit by the NOP.
4. If the request is denied, issue a letter to the client, with a copy to the certifying body, stating the reasons for denying eligibility for reinstatement.
5. Review all documentation related to the reinstatement at the certifier's next onsite audit.

Persons with questions regarding these policies or procedures may contact the NOP at the above address.

Approval


06/03/05

Barbara C. Robinson
Acting Associate Deputy Administrator
Agricultural Marketing Service
National Organic Program



Exhibit A: Sample Letter from Suspended Operator Requesting Reinstatement

[The following sample letter may be used as a guide when suspended organic operations wish to submit their request for reinstatement through their certification agency. Certifiers should forward this letter to the USDA along with a letter attesting to their client's compliance with the NOP regulations.]

July 22, 2005

Secretary of Agriculture
c/o USDA, AMS, TM, National Organic Program
1400 Independence Avenue SW
Room 4008, STOP 0268
Washington, DC 20250

Dear Secretary Johanns,

The purpose of this letter is to formally request reinstatement of organic certification of our [organic farm or handling facility] under the USDA National Organic Program (NOP) pursuant to paragraph 205.662 (f) of the NOP regulations.

On January 15, 2005, [name of certifier] suspended our certification for [briefly state reasons for suspension]. Those deficiencies have been corrected and on [date of inspection] [name of current or new certifier] conducted an onsite inspection to verify our compliance with the NOP regulations.

We have asked [name of certifier] to forward this letter to you along with the necessary supporting documentation. We would appreciate your prompt consideration of this request for reinstatement.

Sincerely,

/Signature/

[Name of person responsible for program], [Title]
[Name of company, if any]



Exhibit B: Sample Letter from Suspended Operator Requesting Reinstatement

[The following sample letter may be used as a guide when suspended organic operations wish to submit their request for reinstatement through their certification agency. Certifiers should forward this letter to the USDA along with a letter attesting to their client's compliance with the NOP regulations.]

July 22, 2005

Secretary of Agriculture
c/o USDA, AMS, TM, National Organic Program
1400 Independence Avenue SW
Room 4008, STOP 0268
Washington, DC 20250

Dear Secretary Johanns,

The purpose of this letter is to formally request reinstatement of organic certification of our [organic farm or handling facility] under the USDA National Organic Program (NOP) pursuant to paragraph 205.662 (f) of the NOP regulations.

On January 15, 2005, [name of certifier] suspended our certification for [briefly state reasons for suspension]. Those deficiencies have been corrected and on [date of inspection] [name of current or new certifier] conducted an onsite inspection to verify our compliance with the NOP regulations.

We have asked [name of certifier] to provide you with the necessary supporting documentation. We would appreciate your prompt consideration of this request for reinstatement.

Sincerely,

/Signature/

[Name of person responsible for program], [Title]
[Name of company, if any]



Exhibit C: Sample Letter from Certifier Requesting Reinstatement of Suspended Operation

[Certifiers may use the following sample letter as a guide when suspended organic operations submit their request for reinstatement through their certification agency. Certifiers should send the letter to USDA and enclose the client's letter requesting reinstatement.]

July 23, 2005

Secretary of Agriculture
c/o USDA, AMS, TM, National Organic Program
1400 Independence Avenue SW
Room 4008, STOP 0268
Washington, DC 20250

Dear Secretary Johanns,

The purpose of this letter is to provide the necessary statements of compliance in support of a request for reinstatement of organic certification of [name of organic operation] under the USDA National Organic Program (NOP) pursuant to 7CFR § 205.662 (f). A letter to you from our client requesting reinstatement is enclosed.

On January 15, 2005, [name of certifier] suspended [name of operation] for [briefly state reasons for suspension]. Since that time, [name of operation] has worked to correct the deficiencies identified in the notice of suspension and has requested reinstatement under the NOP. In order to verify our client's eligibility for certification, we have:

1. Reviewed the client's proposed corrective actions and found that all identified nonconformities have been fully addressed;
2. Conducted a complete review of their organic systems plan and found it to be in compliance with the NOP regulations, and
3. Conducted an onsite inspection of the operation on [date of inspection] which found that [name of operation] has fully implemented their organic systems plan and is capable of remaining in compliance with the NOP regulations.

We would appreciate your prompt consideration of their request. If you have questions or other concerns regarding their eligibility for reinstatement, please contact [Name of certifier contact] at [phone number] or by e-mail at [email address].

Sincerely,

/Signature/

[Name of certification agency representative], [Title]
[Name of certification agency]

Enclosure



Exhibit D: Sample Letter from Certifier Requesting Reinstatement of Suspended Operation

[Certifiers may use the following sample letter as a guide when suspended organic operations submit their request for reinstatement directly to USDA.]

July 23, 2005

Secretary of Agriculture
c/o USDA, AMS, TM, National Organic Program
1400 Independence Avenue SW
Room 4008, STOP 0268
Washington, DC 20250

Dear Secretary Johanns,

The purpose of this letter is to provide the necessary statements of compliance in support of a request for reinstatement of organic certification of [name of organic operation] [location of organic operation] under the USDA National Organic Program (NOP) pursuant to 7CFR § 205.662 (f).

On January 15, 2005, [name of certifier] suspended [name of operation] for [briefly state reasons for suspension]. Since that time, [name of operation] has worked to correct the deficiencies identified in the notice of suspension and has requested reinstatement under the NOP. In order to verify our client's eligibility for certification, we have:

1. Reviewed the client's proposed corrective actions and found that all identified nonconformities have been fully addressed;
2. Conducted a complete review of their organic systems plan and found it to be in compliance with the NOP regulations, and
3. Conducted an onsite inspection of the operation on [date of inspection] which found that [name of operation] has fully implemented their organic systems plan and is capable of remaining in compliance with the NOP regulations.

[Name of client] has already submitted their request for reinstatement directly to USDA. We would appreciate your prompt consideration of their request. If you have questions or other concerns regarding their eligibility for reinstatement, please contact [Name of certifier contact] at [phone number] or by e-mail at [email address].

Sincerely,

/Signature/

[Name of certification agency representative], [Title]
[Name of certification agency]