



Appeals Process: Organic Certifying Agents/Accreditation Applicants

The National Organic Program (NOP) has a responsibility to work cooperatively with accredited certifying agents or applicants for accreditation to identify problem areas and resolve issues of alleged noncompliance long before the NOP Manager denies or initiates action to revoke or suspend accreditation.

However, if these efforts fail, and you are notified of a decision with which you don't agree, you have the right to appeal that decision.

Your appeal will not be reviewed, heard, or decided by anyone involved in making that decision.

How long do I have to appeal?

You must appeal within 30 days of receiving the decision letter, or within the time frame specified in that letter—whichever is later. Unless you appeal on time, the decision to deny, revoke, or suspend your accreditation will become final.

What should I put in my appeal?

You must include the following information in your appeal:

- a copy of the decision you are appealing; and
- a statement of your reasons for believing that the decision was not proper or did not follow National Organic Program regulations, policies, or procedures.

Who will make the decision on my appeal?

The Administrator of the Agricultural Marketing Service will review the information you put in your appeal and make a decision on whether to sustain or deny your appeal.

Where do I send my appeal?

You must send your appeal to:

Administrator, USDA, AMS
c/o NOP Appeals Staff
Stop 0203, Room 3529-S
1400 Independence Ave., SW
Washington, DC 20250-0203

***You must use a delivery service that provides dated return receipts. USDA will send all communications involved in the appeals process to your place of business, also using a delivery service that provides dated return receipts.

What happens if I win?

If the Administrator sustains your appeal, you will be granted accreditation, or if the NOP decision was for revocation or suspension, you will be notified that your accreditation will continue.

What happens if I lose?

If the Administrator denies your appeal, you will be notified that a formal proceeding to deny, suspend, or revoke your accreditation is being initiated. An Administrative Law Judge will handle this proceeding. Your notification letter from the Administrator

will contain instructions on what to do next, if you are not satisfied with the decision.

If I want to appeal further, what do I do?

There are two more levels of appeal within USDA, an Administrative Law Judge, and then a Judicial Officer. You will be notified at every step of exactly what to do, should you wish to appeal to a higher level. Appeals at these two levels will be heard as near as possible to your place of business or residence.

I've lost my appeal at the highest level of USDA—what next?

You may appeal the decision of the USDA Judicial Officer to the U.S. District Court for the district in which you are located.

Where can I find more information on the appeals process?

Subpart G, Administrative, sections 205.680 and 205.681 of the NOP regulations cover the “Adverse Actions Appeal Process.” Further discussion of this process can be found in the preamble to the NOP regulations.