



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
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April 3, 2004

National Organic Standards Board
c/o Keith Jones
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, D.C. 20250-0001

RE: Procedures for Determining Minor Noncompliances

The draft NOSB recommendations on “Procedures for Determining Minor Noncompliances” will provide useful guidance to accredited certification agencies. The following suggestions are offered to improve the usefulness of the document.

1. The recommendation appears to describe four levels of violations. I would suggest that the levels be described as follows:

Conditions – Requirements that an operator must comply with in order to obtain or maintain organic certification. Conditions can include the requirement to maintain certain records, to monitor soil quality, to pay required fees or other items that are not violations.

Minor noncompliance – Violations of the standards that are correctable and do not affect the integrity of the organic system or product. A Notice of Noncompliance must be issued for all minor noncompliances in accordance with 205.662.

Major noncompliance – Violations that are not correctable and that affect the integrity of the organic system or product.

Criminal violations – Fraud or violations of state or federal law. These types of violations should be referred to county prosecutors or state attorney general’s offices as appropriate.

2. Under B. Definition of terms – change “Noncompliance” to “Major Noncompliance.” The use of the term “Major Noncompliance” will clearly distinguish this type of violation from the term “Minor Noncompliance.” The use of the term “Noncompliance” is imprecise and does not clearly distinguish the term from “minor noncompliance.”
3. Change C. “Minor Noncompliances” to “Conditions for Continued Certification.”
4. Under D. Situations ... delete 1. Producer or handlers who represent nonorganic products as “organic.” Replace with “All findings of Minor Noncompliance.” Delete #4.
Include Distribution Guidelines. All NONC’s need to be copied to the NOP.
5. Under E. Notice of Denial. Include effective date of Denial.
6. Change headings of Addendum to Conditions, Minor Violations, Major Violations and Fraudulent Actions.

I’ve attached the WSDA Compliance and Appeals Procedures that include specific details regarding procedures for providing mediation. These procedures were developed with the assistance of the Washington State Attorney General’s Office.

If you have any questions please contact me at (360) 902-1924, email: mmcevoy@agr.wa.gov.

Sincerely,

Miles McEvoy
WSDA Organic Program Manager