



How to File a Complaint about Violations of the Organic Standards



The USDA organic regulations describe the standards that farmers and processors must meet to produce, process, and market organic agricultural products. These standards govern the use of certain practices and substances during organic production and handling, and specify recordkeeping and labeling requirements. Ensuring compliance with these standards preserves the integrity of the USDA organic label.

To assure consumers that organic products meet consistent standards and to create a level playing field for certified organic producers and processors, the NOP reviews and investigates complaints alleging violation of the USDA organic regulations and carries out enforcement actions.

How Does the Complaint Process Work?

As the flow chart shows, there are several steps the National Organic Program (NOP) follows upon receiving a complaint.

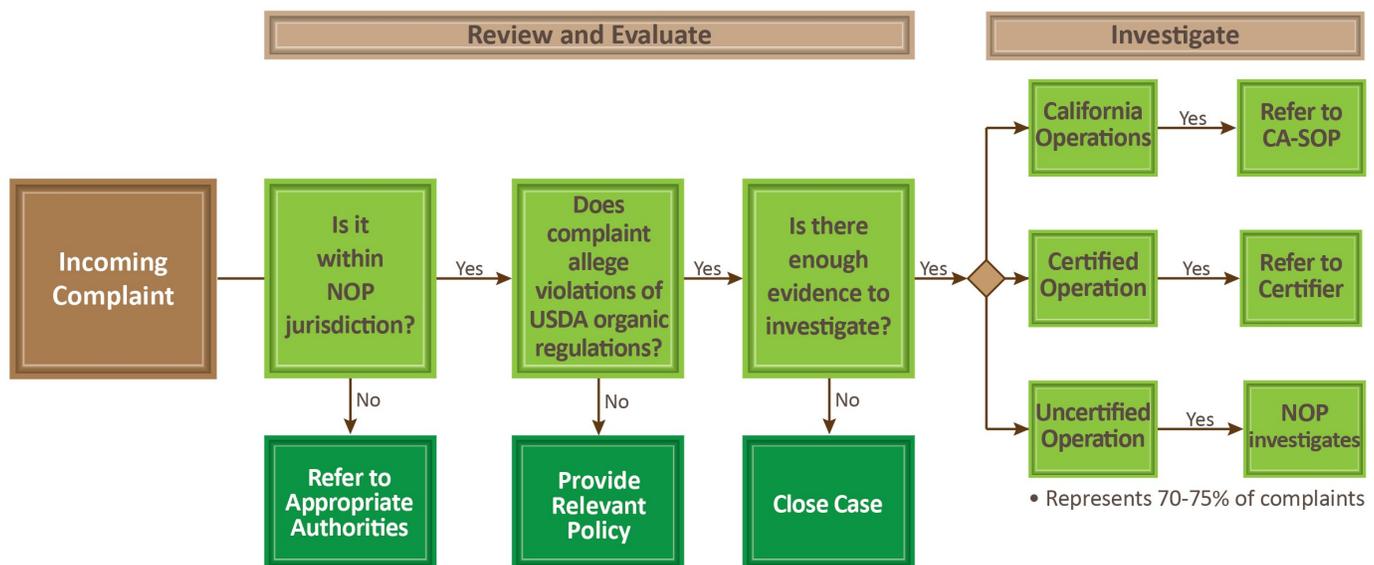
First, it reviews the complaint to see if it falls within NOP's jurisdiction. Complaints that fall outside of NOP's jurisdiction are referred to the appropriate authorities, like FSIS, FDA or State public health agencies if it is a food safety related complaint. Second, NOP determines if the complaint alleges a violation of the USDA organic standards. Some complaints

are about the existing standards, not violations of the standards. For example, if someone complains about the use of pyrethrum in crop production or vaccines in livestock production we would not investigate because those substances are allowed in organic production. Third, the complaint must include sufficient evidence that organic standards are being violated. If sufficient evidence is not available, NOP is unable to move forward with further review and investigation. In all instances, the NOP thoroughly reviews the complaint and determines whether or not there is a violation of the USDA organic regulations.

The NOP Compliance and Enforcement Division investigates alleged violations by uncertified operations. The NOP typically requests certifiers to investigate alleged violations by certified operations and to report findings back to the NOP.

Similarly, the NOP refers complaints concerning operations in California to the California (CA) State Organic Program (SOP), and refers complaints concerning operations in countries that have agreements with the NOP to those countries' organic governing bodies.

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- Examples:
- Food Safety and Inspection Service
 - Food and Drug Administration
 - State Public Health Offices

How to File a Complaint about Violations of the Organic Standards, continued

What Are Examples of Violations?

- Organic claims or the use of the USDA organic seal by uncertified operations on product labeling and in market information, such as webpages
- Presence of prohibited substances in agricultural products sold, labeled or represented as organic
- Use of uncertified co-packers or other handlers in the processing of agricultural products to be sold, labeled or represented as organic
- Use of fraudulent organic certificates to market or sell agricultural products

Operations that knowingly violate the USDA organic regulations can face penalties of up to \$11,000 per violation. Certified operations that violate the USDA organic regulations may receive Notices of Noncompliance or proposals to suspend or revoke their organic certification.

How Do I File a Complaint?

If you suspect that an operation is violating USDA Organic Standards, it is important to provide the NOP with as much information as possible.

The chart below provides an overview of the information to provide and where to send it. If you are willing to discuss the issue further or wish to be notified when the case is closed, please include your name and contact information with your complaint.

For more information, visit :

www.ams.usda.gov/services/enforcement/organic/

Anyone Can File a Complaint

If You Suspect a Violation...
gather as much information as possible

Who?	What?	When & Where?	Submit to:
Identify: <ul style="list-style-type: none">• Brand name• Manufacturer• Certifying agent• Other useful information regarding the operation	Identify: <ul style="list-style-type: none">• Product lot numbers• Product package or copy of the label• Other identifying information• Explanation of violation	Provide details of: <ul style="list-style-type: none">• When you observed the alleged violation• The location it occurred	Email: NOPCompliance@ams.usda.gov Phone: 202-720-3252 Fax: 202-205-7808 Mail: USDA Agricultural Marketing Service NOP Compliance and Enforcement Branch 1400 Independence Avenue SW Room 2648-S; Stop 0268 Washington, DC 20250-0268