



Instruction

Disclosure of Information Concerning Operations Certified Under the National Organic Program

1. Purpose

The National Organic Program (NOP) is providing these instructions to ensure that all NOP accredited certifying agents disclose information pertaining to certified operations in a consistent manner while maintaining strict custody of confidential business-related information.

The NOP is restating required disclosure procedures for information concerning certifying agents and certified operations.

2. Scope

This document applies to NOP accredited certifying agents and certifying agents under recognition agreements.

3. Background

The NOP has received several requests from certifying agents for clarification regarding the disclosure of information.

4. Policy

Required Disclosures:

The NOP is required under the Freedom of Information Act (FOIA), 5 U.S.C. section 552, to disclose records requested in writing by any person. In the event of a FOIA request, the NOP will review and apply all applicable exemptions under FOIA, and release existing notices of noncompliance and existing notices of adverse action, including those copies forwarded by certifying agents.

Pursuant to 7 C.F.R. section 205.504(b)(5), certifying agents shall make the following information available to any member of the public:

1. Certification certificates issued to operations during the current and 3 preceding calendar years.
2. A list of producers and handlers whose operations it has certified, including the name of the operation, type(s) of operation, products produced, and the effective date of the certification, during the current and 3 preceding calendar years.
3. The results of laboratory analyses for residues of pesticides and other prohibited substances conducted during the current and 3 preceding calendar years.



4. Other business information as permitted in writing by the producer or handler.

Recommended Disclosures:

The NOP recommends that all certifying agents notify the Program in cases where a proposed adverse action notice has been issued to an operation as a result of a willful violation of the Organic Food Production Act and the NOP regulations. Upon receipt of this information the NOP, on a case by case basis, will determine if the proposed adverse action notice should be disclosed to the public.

Pursuant to 7 C.F.R. section 205.501(a)(10), certifying agents should, “Maintain strict confidentiality with respect to its clients under the applicable organic certification program and not disclose to third parties (with the exception of the Secretary or the applicable State organic program's governing State official or their authorized representatives) any business-related information concerning any client obtained while implementing the regulations in this part, except as provided for in §205.504(b)(5).”

5. References:

5 USC Sec 552. 1996. Print.

United States. Dept. of Agriculture. Agricultural Marketing Service. “National Organic Program.” *Federal Register* 21 Dec. 2000: 80548-80684. Print.