



Instruction Technical Assistance

1. Purpose

This instruction is intended to clarify what technical assistance certifying agents and inspectors may provide to organic producers and handlers.

2. Scope

This instruction affects accredited certifying agents who conduct inspections pursuant to the USDA organic regulations.

3. Background

The National Organic Program (NOP) has noted inconsistent interpretation of § 205.501(a) criteria, and has received requests from certifying agents to clarify what technical assistance inspectors and certifiers can provide under § 205.501(a)(8) without providing advice or consultancy services, which would violate § 205.501(a)(11)(iv) of the regulations.

4. Policy

Certifying agents and inspectors are required to provide sufficient information to applicants for certification and certified operations to enable them to comply with the applicable requirements of the Organic Foods Production Act (Act) and the USDA organic regulations (§ 205.501(a)(8)). Certifying agents may provide technical assistance to applicants for certification and certified operations that help them understand the organic requirements. Technical assistance includes:

- Information on the mission, goals, and objectives of the NOP;
- Information on well-known alternatives for overcoming problems, which are available to everyone and not specific or proprietary to a single operation;
- Educational information, such as in-house publications, conferences, workshops, informational meetings, and webinars, for which participation is voluntary and open to the general public; and
- Suggesting alternatives that are in accordance with published decisions or the NOP Program Handbook, but ensuring the operation understands their responsibility for choosing production and handling methods and ensuring the methods comply with the regulations.

Certifying agents must prevent conflicts of interest, either real or perceived, by not giving advice or providing consultancy services to applicants for certification and certified operations for overcoming identified barriers to certification (§ 205.501(a)(11)(iv)). Consultancy does not automatically occur every time a certifying agent provides an operation with information to overcome barriers to complying with the regulations. Consultancy does occur, however, when a certifying agent:



- Does the work for an operation, or participates in any of the operation's activities or management;
- Gives specific advice or training to a single operation or small group of operations, in the development and implementation of the management system, operational procedures, or competence of an operation;
- Prepares or produces an operation's manuals, handbooks, or procedures;
- Provides specific advice on a single operation's certification problems;
- Is involved in an operation's decision-making process or participates in the design or manufacture of an operation's products or production methods;
- Suggests that the certification process would be simpler, easier, or less expensive if specific activities were undertaken; or
- Suggests actual changes that would bring an operation into compliance.

Inspections are not consulting visits. Inspectors often discover new information or documentation during onsite inspections, however, and may provide technical assistance by:

- Asking and answering questions, collecting information, and explaining the regulations;
- Requesting information that may be missing from the operation's organic system plan (OSP), or accepting updates to the OSP during the onsite inspection up until the exit interview begins, although clarifying information may be received during the exit interview;
- Capturing information provided by the operation, but not making suggestions that would bring the operation into compliance;
- Providing information on well-known alternatives for overcoming problems, provided that they are available to everyone and are not specific or proprietary to a single operation; or
- Suggesting alternatives that are in accordance with published decisions or the NOP program handbook, but ensuring the operation understands their responsibility for choosing production and handling methods and ensuring the methods comply with the regulations.

Inspectors may not:

- Provide advice on how a specific operation can overcome barriers to certification;
- Suggest that the certification process would be simpler, easier, or less expensive if specific activities were undertaken; or
- Suggest actual changes to an operation's system or OSP that would bring an operation into compliance.

5. References

USDA Organic Regulations

7 CFR 205.501 General Requirements for Accreditation

Approved on April 4, 2013