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## Policy Memorandum

**To:** Accredited Certifying Agents and State Organic Programs

**From:** Miles McEvoy, Deputy Administrator

**Subject:** Accredited Certifying Agent Inspection Authority

**Date:** Original Issue Date – June 25, 2010

The United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) operates under the authority of the Organic Foods Production Act of 1990 (OFPA) and the Federal Regulations contained in Title 7, Part 205 et seq. of the Code of Federal Regulations. Under this authority, the NOP accredits private businesses, non-profit organizations, and government agencies to certify producers and handlers of agricultural products in accordance with NOP regulations.

Subpart F of the NOP regulations establish requirements that certifiers must meet in order to be accredited as a NOP accredited certifying agent. These requirements are designed to ensure that all organic certifying agents act consistently and impartially as well as implement procedures to prevent conflict of interest. Pursuant to paragraph 205.403(a) of the NOP regulations, the AMS Administrator or State Organic Program's governing State official may require that additional inspections be performed by a certifying agent for the purpose of determining compliance with the Act and NOP regulations.

In order to avoid potential conflicts of interests, the NOP and its recognized State Organic Programs will refrain from directing certifiers to conduct organic compliance inspections of organic producers or handlers who are either not certified or certified by another certifying agent. Similarly, certifying agents will not initiate inspections of operations that are certified by another certifying agent or uncertified operations who have not applied to them for certification

### References:

#### **NOP Regulations (as amended to date)**

7 CFR § 205.403 On-site inspections.

(a) On-site inspections.