



Reinstating Suspended Operations

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USDA Agricultural Marketing Service
National Organic Program (NOP)



Training Objectives



- Review the responsibilities of the suspended operation and certifier
- Review which documents need to be submitted by the certifier to the NOP
- Review the eligibility of products produced and/or handled by the operation prior to and after reinstatement

NOP 2605 Reinstating Suspended Operations

Effective February 17, 2015



7 CFR §205.662(f)(1)

A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.

Suspended Operation Responsibilities



- Submit a new, complete application for certification to a certifier, and pay all fees required by the certifier
- Undergo a full onsite inspection
- Resolve all noncompliances, including those that led to the suspension and any resulting from the onsite inspection
- Prepare a signed letter addressed to the Secretary of Agriculture requesting reinstatement

Sample letter requesting reinstatement



Secretary of Agriculture
c/o USDA, AMS, National Organic Program
1400 Independence Avenue SW
Room 2648, STOP 0268
Washington, DC 20250

Dear Secretary Vilsack,

The purpose of this letter is to formally request reinstatement of organic certification of our [organic farm or handling facility] under the USDA National Organic Program (NOP) pursuant to §205.662(f) of the USDA organic regulations.

On [date of suspension], [name of certifying agent] suspended our certification for [briefly state reasons for suspension]. Those noncompliances have been corrected and on [date of inspection], [name of current or new certifying agent] conducted a full onsite inspection to verify our compliance with the USDA organic regulations.

We have asked [name of certifying agent] to provide you with the necessary supporting documentation. We would appreciate your prompt consideration of this request for reinstatement.

Sincerely,

/Signature/

[Name of person responsible for program], [Title]
[Name of company, if any]

Certifier Responsibilities



- Review application for compliance in accordance with 7 CFR §205.402(a)
- Conduct a full onsite inspection no more than 3 months prior to submitting the reinstatement to the USDA. The inspection **must** also verify:
 - ✓ Whether products were sold, labeled, or represented as organic during the suspension period;
 - ✓ Whether there is a system in place that will prevent commingling of noncompliant product produced or inventoried during the suspension period; and
 - ✓ Whether previous noncompliances were resolved, and how, if applicable.

Certifier Responsibilities



- Issue a Notice of Noncompliance in accordance with 7 CFR §205.662 (a) if the operation is found to be noncompliant as a result of the application review or onsite inspection
- Do not issue a notice of denial. Only the NOP can issue the denial at this stage. If the noncompliance is not corrected, or is not correctable, let the NOP know.

Certifier Responsibilities



- Prepare a signed letter addressed to the Secretary of Agriculture, stating either:
 1. That the operation requesting reinstatement complies with all the USDA organic regulations, or
 2. That there are unresolved noncompliances which prevent the certifier from recommending reinstatement
 - ❖ *An explanation of the outstanding noncompliance(s) should be included in the certifier's letter to the Secretary of Agriculture.*

Certifier Responsibilities



- Once the NOP sends notice of reinstatement the certifier should issue a new organic certificate to the operation.
 - ❖ *The effective date on the certificate should be the date of the Notice of Reinstatement of Certified Operation*

Reinstatement Request Submission



- Submit the letter to the NOP with:
 - Operation's letter requesting reinstatement
 - Initial Notice of Noncompliance, Notice of Proposed Suspension, Notice of Suspension

Reinstatement Request Submission



- Submit the letter to the NOP with: (cont.)
 - Copy of the full inspection report, including results of verification of:
 - ✓ whether products were sold, labeled, or represented as organic during the suspension period
 - ✓ whether there is a system in place that will prevent commingling of noncompliant product produced or inventoried during the suspension period
 - ✓ whether noncompliances that led to the suspension were resolved, and how.

Reinstatement Request Submission



- Submit the letter to the NOP with, if relevant: (cont.)
 - Notice(s) of Noncompliance issued as result of the onsite inspection and documented objective evidence to demonstrate that the operation has corrected the noncompliance(s) and is fully compliant
 - Reasons for the delay if the onsite inspection did not occur within the three month period prior to the NOP receiving the reinstatement request

Reinstatement Request Submission



- Submit the letter to the NOP with: (cont.)
 - The operation's email address, if available
 - Identification of the scopes being requested for reinstatement (crops, livestock, handling, wild crop), if this is not clear from the inspection report
 - Identification of the products produced, if this is not clearly stated in the inspection report

Sample Certifier Letter



[Date]

Secretary of Agriculture
c/o USDA, AMS, National Organic Program
1400 Independence Avenue SW
Room 2648, STOP 0268
Washington, DC 20250

Dear Secretary Vilsack,

The purpose of this letter is to provide the necessary statements of compliance in support of a request for reinstatement of organic certification of [name of organic operation] under the USDA National Organic Program (NOP) pursuant to 7CFR §205.662(f). [A letter to you from our client requesting reinstatement is enclosed. / (Name of client/applicant) has already submitted their request for reinstatement to the USDA.]

On [date of suspension], [name of certifying agent] suspended [name of operation] for [briefly state reasons for suspension]. Since that time, [name of operation] has worked to correct the deficiencies identified in the notice of suspension and has requested reinstatement under the NOP. In order to verify our [client's or applicant's] eligibility for certification, we have:

1. Reviewed the [client's or applicant's] proposed corrective actions and found that all identified noncompliances have been fully addressed;
2. Conducted a complete review of their organic systems plan (OSP) and found it to be in compliance with the USDA organic regulations, and
3. Conducted a full onsite inspection of the operation on [date of inspection] and determined that [name of operation] has fully implemented their OSP and is capable of remaining in compliance with the USDA organic regulations.

We would appreciate your prompt consideration of their request. If you have questions or other concerns regarding their eligibility for reinstatement, please contact [Name of certifying agent contact] at [phone number] or by e-mail at [email address].

Sincerely,

/Signature/

[Name of certifying agent representative], [Title]
[Name of certifying agent]
Enclosure

Submission Address



Send all information to:

AIInBox@ams.usda.gov

or

USDA, AMS, National Organic Program
1400 Independence Avenue, SW
Room 2642-S, STOP 0268
Washington, DC 20250

Prior to Reinstatement



Suspended operations may **not** sell, label or represent products as “100% organic,” “organic,” or “made with organic (specified ingredients or food group(s)).” This includes products produced and/or packaged prior to suspension.



Prior to Reinstatement



Agricultural products that are produced and/or handled prior to reinstatement may not be sold, labeled, or represented as “100% organic,” “organic,” or “made with organic (specified ingredients or food group(s)).” This includes:

- crops harvested prior to reinstatement
- stored crops from previous harvests
- milk or eggs produced prior to reinstatement
- animals slaughtered prior to reinstatement
- products processed prior to reinstatement
- products packaged or labeled prior to reinstatement

Upon Reinstatement



Any crops harvested, livestock products produced (e.g., eggs, milk, meat, fiber), and products processed or packaged *after* reinstatement may be sold, labeled, or represented as “100% organic,” “organic,” or “made with organic (specified ingredients or food group(s))” as stated on the organic certificate issued to the operation.



Questions?

