

Dear Certification Specialist...

by Jacomijn Schravessande-Gardei, Associate Director of Crops

Dear Certification Specialist,

After my inspection last year, I got a lovely letter that listed a few conditions for continued certification. I was not able to work on some of those conditions and this year I got a letter with the following text in bold: "Subject: Non-Compliance notice."

It had those issues listed again and then some other scary language. Can you please explain what a non-compliance is?

*Thanks,
Don't Want to be Remembered for the Rules I Break*

Dear Don't Want to be Remembered for the Rules I Break,

Thank you for this question.

First, please know that non-compliance notices are not intended to be scary, rather they are one of the ways that MOFGA Certification Services (MCS) can make sure that people comply with the National Organic Program (NOP) organic rule.

Under the NOP rule MCS is required to write a notice of non-compliance letter when we believe that a producer's practices do not fully comply with the NOP rules. So, when an inspection, review or investigation reveals an operation is not compliant with the requested standards, we will issue a non-compliance for items that are correctable.

A notice of non-compliance will include a description of the non-compliance(s); reference and connection to the applicable regulation and/or standard; basis for the non-compliance notice (e.g., observations, evidence, etc.); and the due date for submission of a written response.

The certification process is set up to identify potential non-compliances before they compromise the organic integrity of a product. All non-compliance letters are sent to our producers by certified mail and a copy is sent to the USDA NOP offices.

The most common non-compliances are for record-keeping issues; failure to submit paperwork on time; and management practices such as no crop rotations, use of compost that has not been heated enough, etc.

When you receive a non-compliance you have the opportunity to resolve the non-compliance by the due date. The first step when you receive a non-compliance is to read the letter and make sure you understand what the issues are. Use the practice manual if things are not clear or contact your certification specialist. Second, you should gather all the information that is requested. Write down what your plan is to make sure that you will not have the same issue in the future. Be sure to be detailed in your response, and possibly indicate implementation dates, and dates of completion. Compile all this information and send it to your organic specialist.

Once your specialist receives your response they will review it and may ask for additional information. If your non-compliance is resolved they will send you a non-compliance resolved letter.

When farms and businesses fail to fix correctable non-compliance issues, a proposed adverse action, such as a Notice of Proposed Suspension or Revocation, may be issued. However, this process is rare, and appeals and mediations are possible throughout. The proposed suspensions and revocation process is complicated, and will require another article to explain.

Again, if you get a notice of non-compliance there is no need to be alarmed as this is a routine part of the organic certification process. If you have any questions about the notice please contact your organic certification specialist.

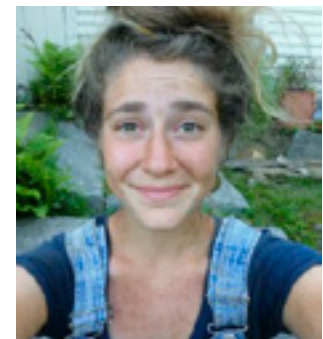
For more information regarding non-compliances please see NOP §205.662

which describes the procedure certifying agents must follow when issuing a notice of non-compliance to an applicant or certified organic producer. It also describes the process that ensues if a non-compliance is not adequately resolved.

Hope that helped!
Sincerely,
MOFGA Certification Specialist



STAFF NEWS



Please welcome our newest MCS staff member, staff inspector Brittany (Bee) Cooper! Bee grew up on North Haven Island off the coast of Maine as a part of her family's 11th generation of islanders. After graduating from the College of the Atlantic she decided to stay on the mainland to continue building her farming skills. She worked on, and managed, multiple small organic farms in Maine for over a decade until moving into her role as a staff inspector with MOFGA Certification Services (MCS).

She is thrilled to be joining the certification team at MOFGA and is looking forward to building her skills as an organic inspector in order to serve her community and contribute to the ever-evolving world of sustainable food production.

