



OEFFA Organic Certification Fact Sheet

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Notices of Noncompliance

You received a Notice of Noncompliance: What does it mean?

Noncompliances are issued to certified organic producers each time a management practice or material in the OSP or on the farm does not comply completely with the NOP regulations. Minor noncompliances must be resolved to maintain certification, but they are not uncommon and most do not threaten your certification status if they are addressed promptly and completely. Unresolvable and major noncompliances may affect the certification status of a portion of or an entire operation.

Definition & NOP Citation

A noncompliance is defined as any violation, intentional or unintentional, of the NOP standards.

§ 205.662 describes the procedure we must follow when issuing a Notice of Noncompliance to an applicant or certified organic producer. It also describes process that ensues if a noncompliance is not adequately resolved.

Noncompliances Explained

If you have ever received a letter from OEFFA in which you were issued a noncompliance, you may have wondered what it actually meant. Like the organic producers and handlers we certify, OEFFA is required to follow specific rules under the National Organic Program (NOP). One of these is that we must write a “Notice of Noncompliance” letter when there is reason to believe that a producer’s management practices do not fully comply with the NOP regulations.

The certification process is designed to help us identify potential noncompliances before they compromise the organic integrity of a product. We are required to send all noncompliance letters to our producers by certified mail and send a copy to the USDA NOP offices.

A noncompliance may be something that the producer has done without being aware that it was in violation of the NOP rules. Even when this is the case, the NOP requires that OEFFA send a letter to make the producer aware of the violation.

The producer always has an opportunity to resolve the noncompliance within a specified timeframe (usually 30 days), unless the noncompliance is something that cannot be resolved (i.e. planting of seed treated with a prohibited substance). If the producer is able to correct the noncompliance within the given timeframe, the problem is solved and there are no

Common Noncompliances

- Use of a product that contains prohibited substances
- Insufficient search for organic seeds
- Use of treated lumber
- Lack of or insufficient crop rotation
- Mislabeling of an organic product
- Application of raw manure to crops intended for human consumption less than 90/120 days before harvest
- Lack of or inadequate buffer areas
- Incomplete records
- Failure to submit paperwork or other requested information on time

further consequences. You should receive an additional notification that the noncompliance is resolved.

Noncompliances that cannot be resolved, willful violations, and failure to resolve minor noncompliances may lead to major noncompliances, suspension, denial, or revocation. This process is rare and appeals are possible throughout.

If you receive a Notice of Noncompliance, please do not be alarmed as these letters are a routine part of the organic certification process. Contact the OEFFA office with any questions you have.

Resources

The Notice of Noncompliance letter you receive from OEFFA certification is your primary resource for information on the situation. The letter should contain a description of the practice, substance, or incident in question, a citation of the section of the rule that has been violated, a description of the action we expect to be taken to correct the noncompliance, and a timeline for your response.

First, consult your OSP or the inspector’s report, and the rule cited in the notice. You can look this rule up in the NOP production standards booklet we provided to you. If reviewing these items does not make it immediately clear what must be done to resolve the noncompliance, please do not hesitate to contact the OEFFA office for further assistance. Although we are unable to help you bring your operation into compliance, we can explain the noncompliance, what we need from you, and refer you to relevant resources for the circumstances.