Non-compliances

A GUIDE

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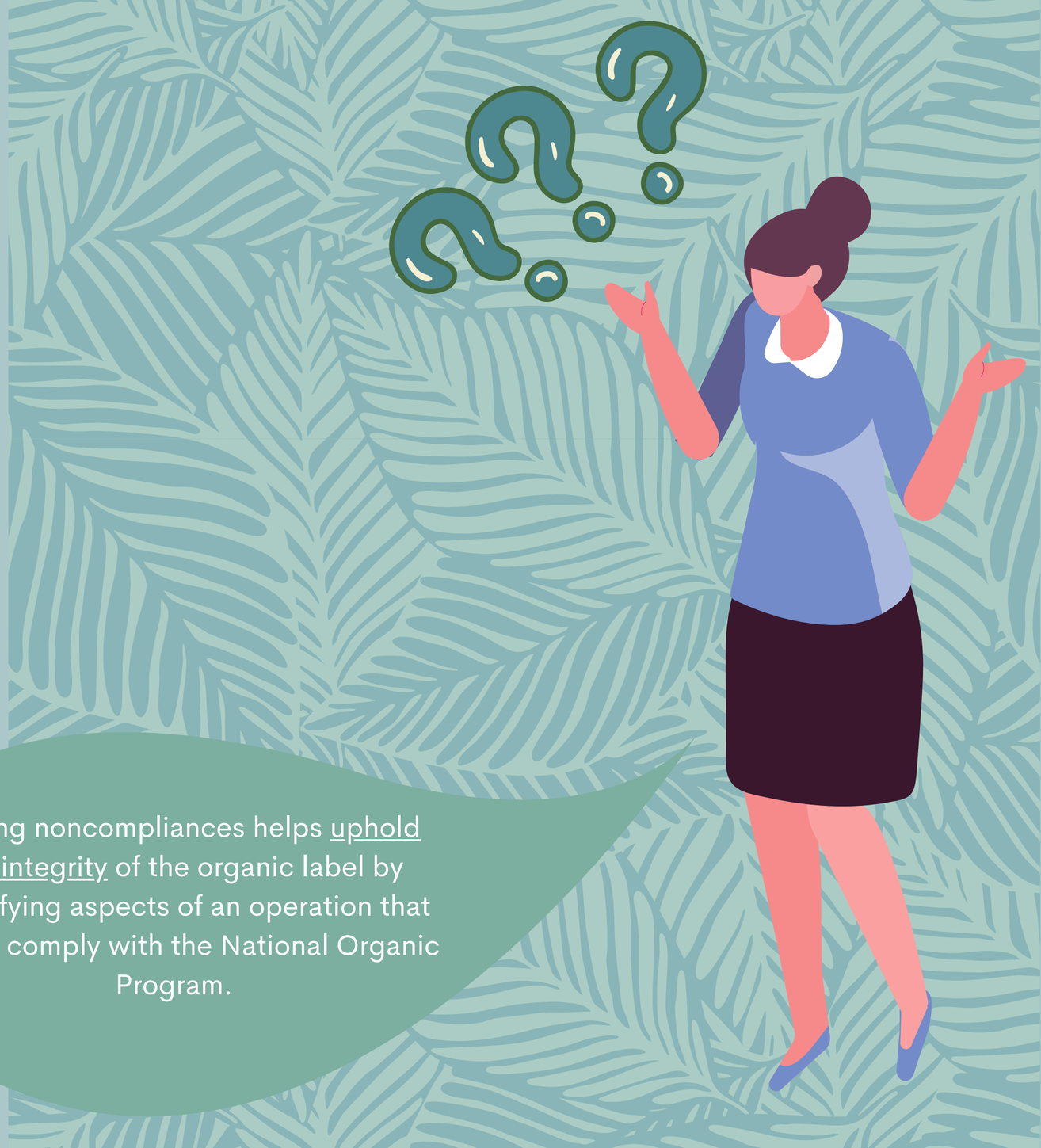
Non-compliance defined:

A noncompliance is a citation issued by a certification body to either a certified operation or an operation in the process of becoming certified that addresses practices on an operation that do not comply with the National Organic Program.

Noncompliances are issued in writing to the operation. They detail the specific area(s) of your operation affected by the non-compliance and which part of the Code of Federal Regulations are being violated.



Issuing noncompliances helps uphold the integrity of the organic label by identifying aspects of an operation that do not comply with the National Organic Program.

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Why a non-compliance is issued:

Non-compliances are issued for any infractions of organic regulations that are significant enough to require a written corrective action plan to ensure future compliance. Examples of issues that warrant a Noncompliance may include:

- Recordkeeping concerns (ex: not keeping a certain type of record)
- Issues with production practices (ex: not having adequate cleaning protocols for equipment shared with conventional production)
- Label concerns (ex: missing or misplaced labeling elements).

Operators must submit a corrective action plan or a rebuttal within the timeline described in the noncompliance.

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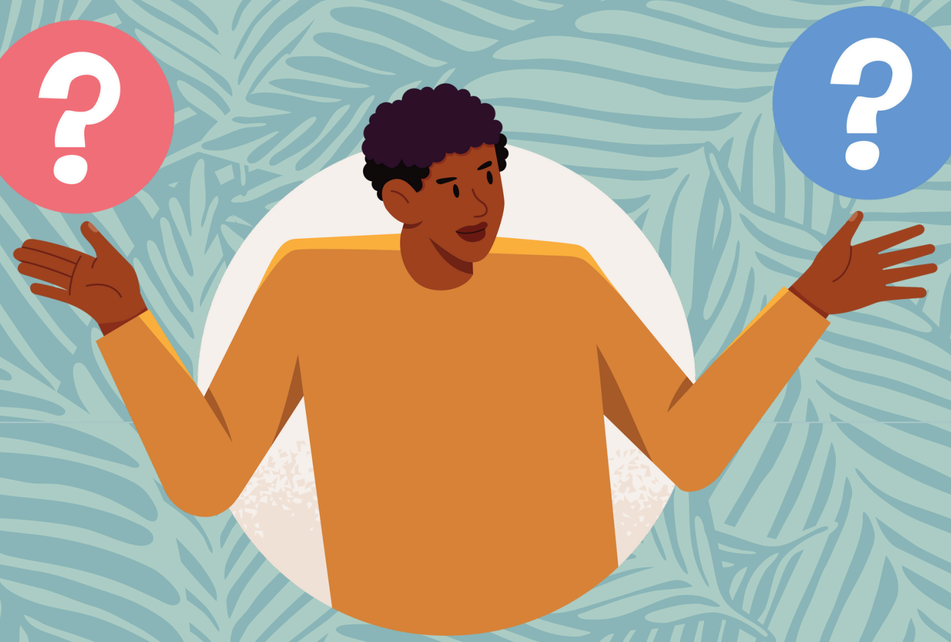

Notices of noncompliance are sent to the operation as well as to the National Organic Program.

How do you resolve a Noncompliance?

You have a specific timeframe from the date of issue to develop & submit a corrective action plan (CAP) or submit a rebuttal. The date this information is due will be stated in the written notice of non-compliance.

It is important to respond to all communications regarding non-compliances. Failure to respond will lead to further compliance action.

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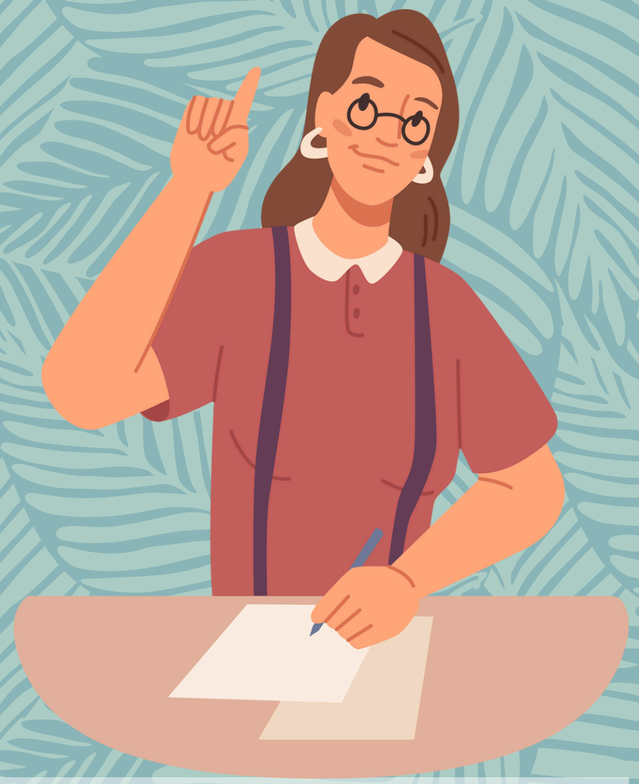

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What to include in a Corrective Action Plan (CAP):

Correcting the cause of the non-compliance

- Describe the verifiable action that will bring your operation into compliance.

Provide objective evidence of how the non-compliance was corrected

- Provide documented evidence to QCS indicating that the non-compliance was corrected and that changes have been implemented.

Prevention of recurrence of the non-compliance in the future.

- Describe the verifiable action that will prevent a reoccurrence of the non-compliance.

Provide objective evidence supporting how the non-compliance will be prevented in the future.

- Provide documented evidence to QCS indicating how the implemented changes are effective in preventing reoccurrence of the non-compliance.

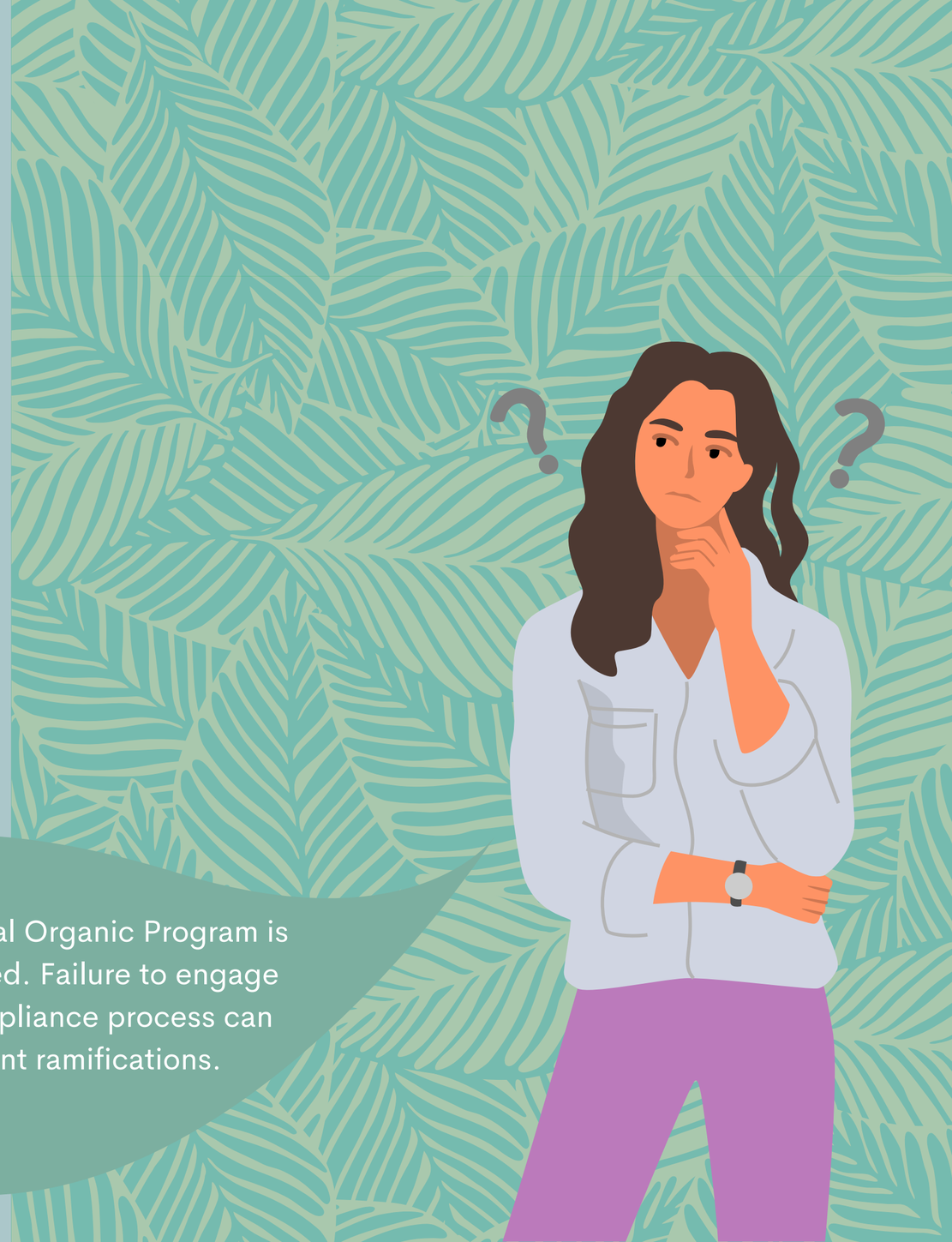
Control measures for non-compliant product as appropriate.

- Describe the verifiable actions taken to control non-compliant product on the market. Examples can include relabeling or removing product from distribution.

What does a Noncompliance mean for your certification status?

A non-compliance does not change your operation's organic certification status. However, the non-compliance is reported to the NOP, and leads to a formal oversight process with your certifier.

If the non-compliance is unaddressed or not corrected within the specified period after it's issued, it could escalate to a Proposed Adverse Action. If carried through due process, an Adverse Action does impact certification status, leading to suspension or revocation of a certificate.



The USDA National Organic Program is federally regulated. Failure to engage with the noncompliance process can have significant ramifications.

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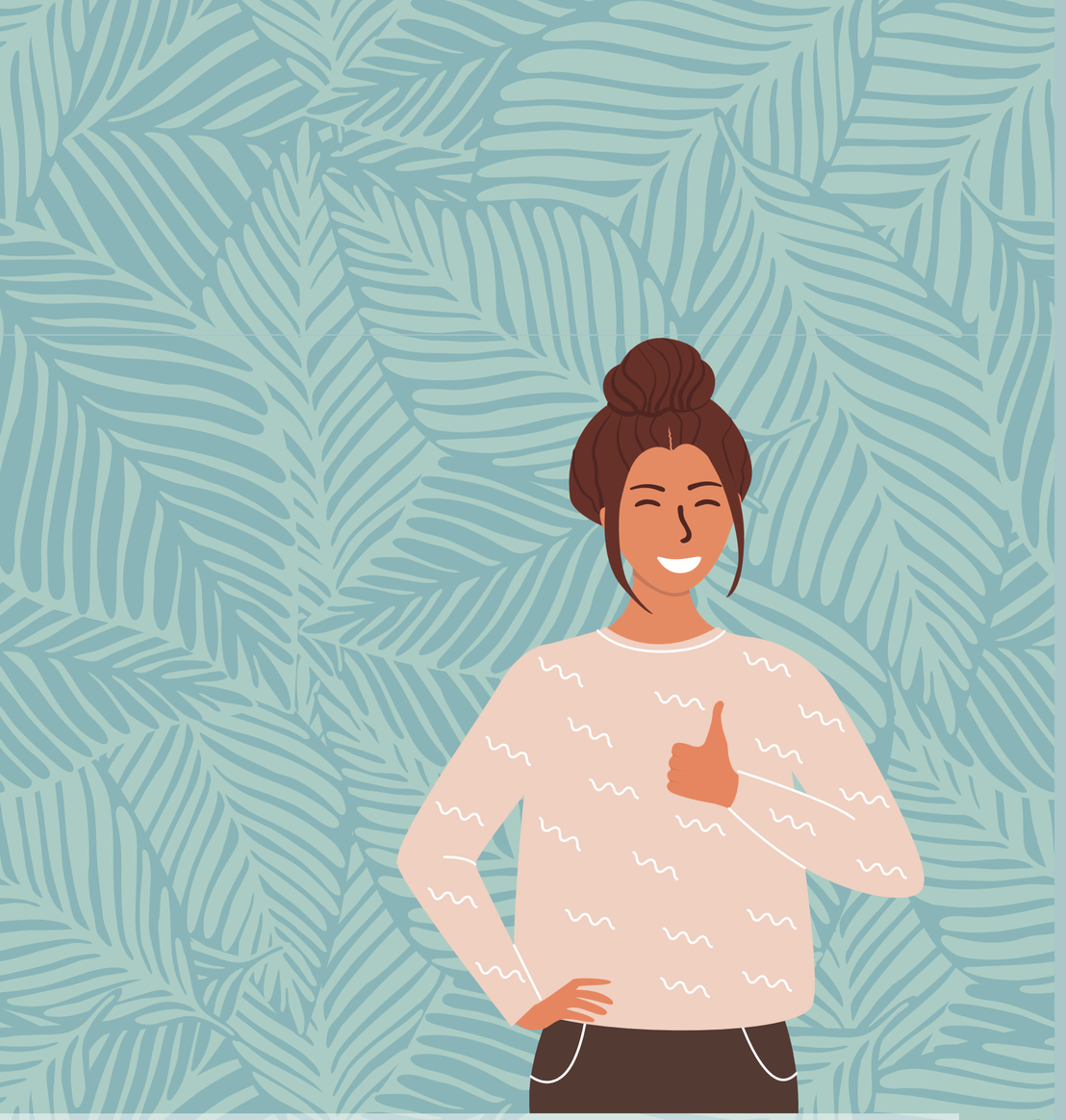

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Common Non Compliances and How to Avoid Them

Not Renewing by Anniversary Date: Ensure that all renewal paperwork and annual certification fees are submitted by your operation's anniversary date.

Non-payment: Ensure that all invoices are paid within 15 days of receipt.

Recordkeeping: (Ex: Incomplete, ineffective, or missing records) Be sure to accurately document all activities at your operation, train all staff how to use templates & documentation systems, and maintain records for a minimum of five years.

Improper Labels: For an infographic showing correct labeling practices, click here.

Inaccurate/ Out-of-Date Organic System Plans: (Ex: Changes to production practices, documentation systems, input sources, ingredient suppliers etc. not described in your OSP) Changes or updates to your OSP must be submitted for approval prior to implementation. Think of the OSP as a living document which you must keep current and accurate as updates are made.

You're Not the Only One!

Noncompliances can seem scary and intimidating. But... They happen!

If you receive a notice of noncompliance, remember, noncompliances are an opportunity to improve your operation and you will have ample time to craft a corrective action plan or submit a rebuttal, if you believe it to be issued in error.

Identifying and addressing noncompliances are vital to keeping confidence in the USDA organic seal and it ensures that all certified operations are adhering to the same standards. Your commitment to addressing noncompliance is important to the integrity of the program. Thank you for your commitment.

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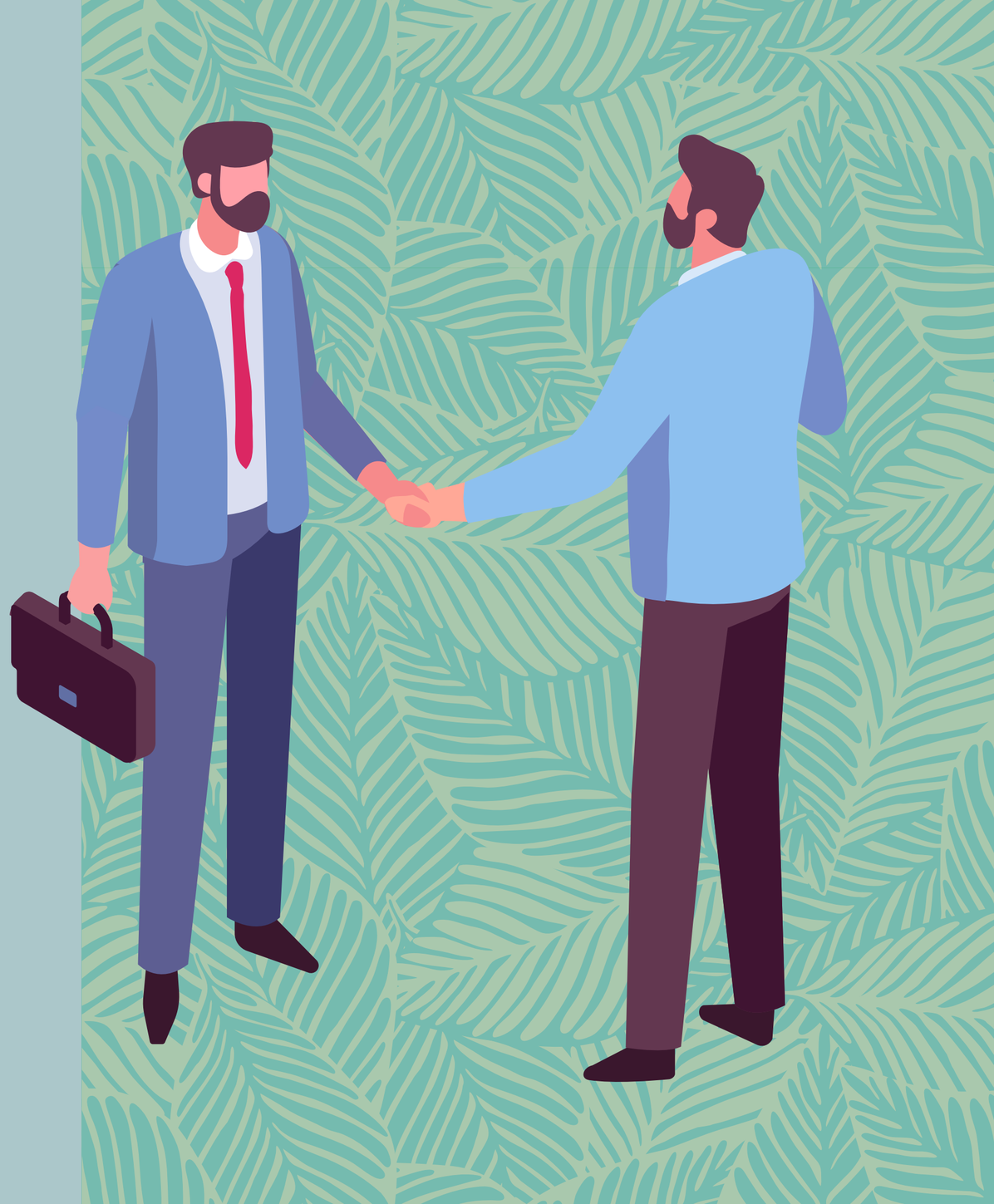

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Please reach out to our team if you have any questions!

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