

Georgia Crop Improvement Association Organic Certification Program  
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## **Responding to a Notice of Noncompliance**

The National Organic Program (NOP) rules require that when an on-site inspection, an Organic System Plan review, or an investigation of a certified operation by Georgia Crop Improvement Association Organic Certification Program (GCIAOCP) reveals any noncompliance with the regulations, a written notification of noncompliance must be sent to the certified operation. If a certified operation has not received a notice of noncompliance before, this can be unsettling as the required information and format make this notice appear strict and intimidating. Certified operations may wonder why we don't simply make a phone call, send an email or mail a letter to ask about the issues identified. The NOP rules do not permit this. They stipulate that an official notice of noncompliance must be issued with proof of receipt. In most cases, GCIAOCP uses an email service that provides verification of receipt of the email or a letter is sent by certified mail. GCIAOCP is also required to send the notice of noncompliance to the USDA for documentation.

Certified Organic operations that receive noncompliances will maintain their certified status during the noncompliance process and can continue to produce and sell products as organically certified while addressing the noncompliance.

Noncompliances are typically sent to certified operations after the inspection report has been reviewed. Common noncompliances include: the certified operation has changed their practices or their location/address/contact persons and did not provide notification to GCIAOCP; missing record keeping elements; or using inputs that are not in the Organic System Plan. Noncompliances are also issued for failure to pay fees or to submit the annual update to the Organic System Plan. The noncompliance process is designed to help certified operations continuously improve and to identify issues before they compromise the organic integrity of a product.

According to the USDA NOP regulations, the notification of noncompliance must provide:

- 1) A description of each noncompliance;
- 2) The facts upon which the notification of noncompliance is based; and
- 3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each correction when correction is possible.

Georgia Crop Improvement Association Organic Certification Program allows 30 days for the operation to respond in writing to the notice of noncompliance and to submit their corrective action plan. However, for unusual or more complicated situations, the operation can contact GCIAOCP within the 30 days to discuss an extended timeline for the corrective action plan. The response to the noncompliance **MUST** be in writing and may be submitted either by email or hard copy.

According to the NOP regulations, GCIAOCP cannot give advice or consult with applicants or certified operations in order to help them overcome barriers to certification, including the resolution of noncompliances. GCIAOCP will gladly assist with interpretation of the rules and can provide resources that the certified operation can utilize. The first step in response is to be sure you understand the identified noncompliance. Please read the regulation citation, and, if it is unclear, contact our staff to help you interpret the rule.

Corrective action plans consist of the following five components:

- **Correcting the cause of the noncompliance.** *Describe the verifiable action that will bring the operation into compliance.*
- **Provide objective evidence to support how the noncompliance was corrected.** *Provide documented evidence to GCIAOCP that the noncompliance was corrected and implemented.*
- **Prevent the reoccurrence of the noncompliance in the future.** *Describe the verifiable action that will prevent a reoccurrence of the event.*
- **Provide objective evidence supporting how the noncompliance will be prevented in the future.** *Provide documented evidence to GCIAOCP indicating the implemented actions are effective in preventing a reoccurrence.*
- **Controlling noncompliant products, when appropriate.** Describe the verifiable actions that have been taken to correct noncompliant product. Examples of this may be correcting product labels or removing product from distribution.

When the certified operation demonstrates that each noncompliance has been resolved, GCIAOCP will send the certified operation a written notification of noncompliance resolution. This notification is simply a letter stating the noncompliance has been resolved. An updated organic certificate can then be provided if the noncompliance was found during the certification renewal process.

When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, GCIAOCP will send the certified operation a written notification of proposed suspension or revocation of the certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification.

Please know that GCIAOCP does not hold your operation in a negative light due to an identified noncompliance with the regulations. This is an opportunity for us all to improve the strength of the organic community. We are here to fully support you in understanding and complying with the organic regulations.

We appreciate the effort you put into producing certified organic products, and we look forward to working you towards maintaining your organic certification.

Sincerely,

***Johnny Luke, Jr.***

Johnny Luke, Jr.

Organic Program Manager

Georgia Crop Improvement Association Organic Certification Program