

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	OFPA Docket No. 17-0261
)	
Christine Grovenstein, an individual,)	
d/b/a Seeds of Love Nursery,)	
)	Consent Decision
Respondent.)	and Order

This proceeding was instituted under the Organic Foods Production Act of 1990, as amended, 7 U.S.C. §§ 6501-6522 (OFPA), alleging that the respondent, Christine Grovenstein, doing business as Seeds of Love Nursery, violated the National Organic Program Regulations issued thereunder, 7 C.F.R. § 205.1 – 205.699 (NOP Regulations). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The Respondent admits the jurisdictional allegations as set forth herein and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations of the complaint, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, as well as all remaining alleged violations which may have occurred on or before the date of entry of this order, to the entry of this decision.

The Complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent is an individual, doing business as Seeds of Love Nursery, whose mailing address is [REDACTED]
2. Quality Certification Services (QCS) is accredited by USDA as a certifying agent pursuant to the USDA organic regulations. QCS certified Respondent for blueberry and

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blackberry crops on October 6, 2008 and conducted an annual inspection of Respondent's operation on October 22, 2015.

3. On or about October 20, 2015, Respondent applied Quantum Light, a compound containing a substance prohibited for use in organic production, to the soil on three acres of its blueberry crops, specifically fields A-H.

4. On or about December 22, 2015, QCS issued a combined Notice of Noncompliance and Proposed Partial Suspension to Respondent, proposing to suspend the portion of Respondent's operation affected by the application of the prohibited substance.

5. On or about January 12, 2016, Respondent filed a timely appeal of the combined Notice of Noncompliance and Proposed Suspension in which she admitted that she inadvertently applied Quantum Light to her soil.

6. On or about May 5, 2016, Respondent sold blueberries labeled as organic to Global Organic.

7. On or about May 11, 2016, the AMS Administrator issued a decision denying Respondent's appeal and affirming the partial suspension for three years.

8. On or about June 8, 2016, Respondent filed a timely request for a hearing before an Administrative Law Judge.

CONCLUSION OF LAW

1. On October 20, 2015 Respondent applied a prohibited substance to three acres of its blueberry crops in violation of § 205.202(b).

2. On or about May 5, 2016, Respondent knowingly sold as organic a product produced and handled with synthetic substances, in violation of § 205.105(a).

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The respondent having admitted the jurisdictional facts only, and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the OFPA and the USDA organic Regulations issued thereunder.

2. Respondent's organic certification is suspended until February 4, 2019. This suspension shall begin on the effective date of this Order.

3. Respondent is prohibited from applying for reinstatement for a period of one year after the effective date of this Order.


4. Respondent is assessed a civil penalty of \$500, to be paid by certified check or money order made payable to the U.S. Treasury, and sent to:

USDA, National Organic Program
Attn: Compliance and Enforcement Division
1400 Independence Ave., SW
Room 2957-S, Stop Code 0268
Washington, DC 20250


The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

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Daniel McCarthy for
Christine Grovenstein,
Respondent


Lauren Becker,
Attorney for Complainant

Done at Washington, D.C.
this 9th day of November 2017


Channing D. Strother
Administrative Law Judge