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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	OFPA Docket No. 15-0013
	)	
The Organic Food Chain Pty Ltd.	)	
	)	Consent Decision and
Respondent	)	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 willfully 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, specifically admits that the Secretary has jurisdiction in this matter, denies violating the NOP Regulations willfully or at all, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and any other claims, actions, suits and demands that the parties may have against each other relating to, in connection with or arising in any way from any non-compliances with the NOP Regulations by the Respondent alleged by the Complainant, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Conclusions

1. The Organic Food Chain Pty Ltd. is a corporation located at 677 Ruthven Street, Toowoomba, Queensland, 4350, Australia, hereinafter referred to as Respondent.
2. At all times material hereto, Respondent was engaged in business as an accredited certifying agent for AMS' National Organic Program (NOP), as defined in OFPA. Respondent

became accredited by AMS under the NOP Regulations on April 12, 2007 for crops, wild crops, livestock, and handling operations.

3. On January 19, 2010, NOP issued a Notice of Noncompliance to Respondent based on an on-site audit conducted December 7-10, 2009.

4. On May 29, 2012, NOP issued a Notice of Noncompliance to Respondent based on an on-site audit conducted February 13-17, 2012.

5. On October 12, 2012, NOP issued a Notice of Proposed Suspension based on the May 29, 2012, Notice of Noncompliance.

6. On October 23, 2012, Respondent filed a timely appeal with regard to the October 12, 2012, Notice of Proposed Suspension with the AMS Administrator (Control Number APL-005-13).

7. On January 8, 2013, NOP issued a Notice of Noncompliance to Respondent based on an alleged violation of the NOP Regulations on January 2, 2013.

8. On January 17, 2013, NOP issued a Notice of Proposed Suspension based on the alleged January 2, 2013, violation of the NOP Regulations.

9. On January 21, 2013, Respondent filed a timely appeal with regard to the alleged violation of the NOP Regulations on January 2, 2013 with the AMS Administrator (Control Number APL-014-13).

10. On August 5, 2013, the AMS Associate Administrator issued a decision denying the Respondents' appeals and suspending Respondent's accreditation.

11. On September 4, 2013, Respondent filed a timely request for an administrative hearing.

The Respondent having admitted the jurisdictional facts 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 any violation of the OFPA and the NOP Regulations issued thereunder;

2. Respondent's accreditation as a certifying agent shall be suspended for a period of two years, pursuant to sections 205.507(d) and 205.665(g)(1) of the NOP Regulations, during which time Respondent will be ineligible for accreditation as a certifying agent; and


3. There be no order as to costs.

The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.


  
The Organic Food Chain Pty Ltd  
Respondent

KEITH MORRIS'S  
MANAGING DIRECTOR

  
Buren W. Kidd  
Attorney for Complainant

Done at Washington, D.C.

this 22 day of June, 2015

  
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Administrative Law Judge  
Jill S. Clifton