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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	OFPA Docket No. 16-0115
)	
Global Organic Alliance, Inc.,)	
)	
Respondent.)	Consent Decision
)	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, Global Organic Alliance, Inc., 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 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, and for such purposes only, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Conclusions

1. Global Organic Alliance, Inc. (Respondent), is a corporation whose mailing address is P.O. Box 530, 3185 Township Road 179, Bellefontaine, Ohio 43311-0530.
2. The Respondent has been a certifying agent accredited by the United States Department of Agriculture (USDA) National Organic Program (NOP) since April 29, 2002.
3. On August 9, 2012, NOP issued the Respondent a Notice of Noncompliance, citing a violation of 7 C.F.R § 205.403(a)(1) for failure to conduct an annual on-site inspection of its client, Heyde Farm.
4. On September 24, 2012, the Respondent replied to the August 9, 2012, Notice of Noncompliance. The response detailed how the outstanding noncompliance was remedied and the Respondent's plan to prevent future noncompliance.
5. On October 19, 2012, NOP resolved the August 9, 2012, Notice of Noncompliance based on the information provided by the Respondent in its correspondence of September 24, 2012.
6. On May 5, 2015, NOP issued the Respondent a Notice of Proposed Suspension of Accreditation, citing two violations of 7 C.F.R § 205.403(a)(1) (On-site inspections), one of 7 CFR § 205.406(b) (Continuation of certification), and one of 7 C.F.R §205.662(f)(1) (Noncompliance procedure for certified operations; eligibility). The noncompliance cited in the notice include willful and repeated violations of the NOP Regulations.
7. On May 22, 2015, the Respondent filed a timely appeal of the Notice of Proposed Suspension of Accreditation with the AMS Administrator.

8. On September 2, 2015, the AMS Administrator issued a decision denying the Respondent's appeal.

9. On October 7, 2015, the Respondent filed a timely request for a hearing before an Administrative Law Judge.

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 agrees to undergo two additional accreditation audits, conducted at Respondent's expense, within twenty-four (24) months of signing this agreement. The dates of the audits to be determined by the Complainant. The Complainant agrees to provide the Respondent with notice 60 days prior to the audit date, and the Complainant agrees to provide the Respondent with the opportunity to propose an alternative date, subject to Complainant's agreement, which will not be unreasonably withheld. Respondent agrees that the site evaluation will be focused on the following accreditation areas: continuation of certification, including on-site inspection procedures and scheduling protocols; reinstatement procedures; and staff training and competencies in administering an accreditation program.

2. Respondent agrees to undergo two additional witness audits of an on-site inspection of a USDA organic program certification client, conducted at Respondent's expense, within twenty-four (24) months of signing this agreement. The dates of the audits to be determined by the Complainant. The Complainant agrees to provide the Respondent with notice 60 days prior to the audit date, and the Complainant agrees to provide the Respondent with the opportunity to propose an alternative date, subject to Complainant's agreement.

3. Respondent agrees not to accept any new handling certification applicants for a period of three (3) months to begin upon the execution of this Order.

4. Respondent agrees to obtain the services of a qualified accreditation consultant to develop an on-going training program for certification staff, auditors, and contractors to ensure an adequate staff skill level for maintaining compliance with the USDA organic regulations. Respondent agrees this training will provide a minimum of 40-hours of training time per year for two (2) years. Respondent agrees that training materials will address USDA organic regulations, NOP Handbook, and Respondent's processes and procedures. Respondent agrees to submit its annual training plan to NOP within three (3) months of execution of this Order and on the same date the following year.

5. Respondent agrees that as an accredited certifying agent, it is required to conduct an internal audit of its NOP certification services. For the next two (2) years, Respondent agrees to obtain the services of a qualified accreditation consultant to conduct bi-annually internal audits and to provide NOP a copy of said audits within thirty (30) days after report completion. The first of these internal audit reports shall be submitted within six (6) months of execution of this Order and on the same date the following year.

The provisions of this order shall become effective upon issuance.


Copies of this decision shall be served upon the parties.


Global Organic Alliance, Inc.
Respondent


Buren W. Kidd
Attorney for Complainant

Done at Washington, D.C.

this 20th day of April, 2017


Administrative Law Judge