



Policy Memorandum

To: Stakeholders and Interested Parties

From: Miles McEvoy, Deputy Administrator

Subject: Retained Memo: “Reporting Health & Safety Violations”

Date: Original Issue Date – January 31, 2011
References Updated March 20, 2024

Attached is the “Reporting Health & Safety Violations” memo issued by former Transportation and Marketing Programs Deputy Administrator Barbara C. Robinson on February 25, 2009. This memo is being retained by the NOP as a new policy memo and remains in effect. This document has been assigned the control number “PM 11-6”.

References:

The Strengthening Organic Enforcement final rule (88 FR 3548; January 19, 2023) redesignated § 205.501(a)(21) as § 205.501(a)(23).

Enclosure: “Reporting Health & Safety Violations” February 25, 2009 memo



United States
Department of
Agriculture

Agricultural
Marketing
Service

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NOTICE TO ALL USDA CERTIFYING AGENTS

FROM: Barbara C. Robinson, Acting Director
National Organic Program

SUBJECT: Reporting Health & Safety Violations

DATE: February 25, 2009

Effective immediately, certifying agents are obliged to report violations of health or safety to the appropriate local, State, or Federal officials. A copy of all such reporting shall be forwarded to the National Organic Program (NOP) in care of the NOP Compliance and Enforcement Branch (CEB). Further, organic certification shall not be granted or continued when current health or safety inspections have not been granted or renewed for the facility.

The NOP is implementing these requirements under authority of § 205.501 (a) (21) of the NOP regulations—General Requirements for Accreditation.

An organic system plan for every handling facility must have a full description for compliance under § 205.271—the facility pest management practice standard. Under this section, all handling facilities are given various options to prevent pests, including substances on the National List. And if practices in paragraphs (a), (b), (c) and (d) of §205.271 fail, handlers may otherwise use substances to prevent or control pests as required by Federal, State, or local laws and regulations: Provided, *That*, measures are taken to prevent contact of the organically produced products or ingredients with the substance used.

Clearly, the regulations in § 205.271 recognize the importance of pest prevention because of the problems that pests can cause—disease and illness. While the NOP is not a health or safety program, no operation can demonstrate compliance with these regulations if the operation fails to comply with the pest management practice standard—that is, the operation exhibits any pest infestation that could lead to a health hazard in that facility.

For example, while we do not expect organic inspectors to be able to detect salmonella or other pathogens, their *potential* sources should be obvious from such evidence as bird, rodent, and other animal feces or other pest infestations.