

AMS-National Organic Program (NOP)
Access to Records Complaint & Promiseland
Questions & Answers

Q: Why was the administrative complaint filed against Promiseland?

A: A proposal to revoke Promiseland's organic certification was issued in June, 2007 for failure to provide authorized representatives of the Secretary of Agriculture access to organic certification records. This access is required under the NOP regulations at 205.103 and 205.400. Promiseland's appeal of that proposal was denied but the penalty was reduced to a 2-year suspension. NOP procedures require that, before the penalty can be enforced, an administrative complaint must be filed and the appellant be given due process under Title 7, Code of Federal Regulations, Part 1, Subpart H.

Q: What is the status of Promiseland's certification?

A: An organic certificate remains valid until surrendered, suspended, or revoked and a certified operation's organic certification status remains in effect during the complaint process.

Q: Why was the Secretary seeking access to Promiseland's organic certification records?

A: Occasionally, the USDA requires access to a certified operation's records to assure consumers that organically-produced products meet a consistent standard which is one of the purposes of the Organic Foods Production Act of 1990. As stated above, under the NOP regulations, representatives of the Secretary must be given access to such records when needed. The point of the administrative complaint is related solely to the issue of access to records.

Q: How long will this matter take to be resolved?

A: The process and procedures provided for in the regulations can take months to be brought to closure, depending in part on the caseload of the USDA's Office of Administrative Law Judges. Our hope is to bring the matter to closure as expeditiously as possible, in the interests of all parties concerned.

Q: Why was Aurora mentioned in the complaint?

A. Prior to this complaint being filed, USDA requested records from Promiseland related to, among other matters, Aurora Organic Dairy (AOD). That request was only partially fulfilled and led to the issue of access of records which formed the basis of this complaint. However, this complaint is about access to the records of Promiseland, not about AOD.

Q. Is Aurora Organic Dairy (AOD) under investigation? (Has USDA re-opened an investigation on Aurora?)

A. No. USDA has not re-opened an investigation of Aurora. AOD is operating under a consent agreement and valid organic certificates.