



# Suspecting Organic Violations? How to File a Complaint to the NOP

*By Harriet Behar and Sancha Gonzales*

An enduring concern of organic producers is the fraudulent use of the USDA organic label in both the wholesale and retail marketplaces. Organic farmers support strong regulations and expect effective enforcement from the USDA organic certification program in order to protect organic integrity. In recent years, we've seen an increase in organic fraud, mostly at the wholesale level, which has resulted in significant price fluctuations and an unstable organic market for our domestic organic producers.

In response to this growing concern, the National Organic Program (NOP) improved their [online complaint portal](#). The main goal of this virtual service is to make it easier for anyone to report violations of the USDA organic regulations. Violations include:

- Marketing any bulk or retail product using the organic label that has not met the organic regulations from seed to sale. This includes buying nonorganic items and reselling as organic, or using prohibited materials in the growing or handling of products to be sold as organic.
- Labeling issues include using the USDA organic seal or label without being certified organic.
- Using the USDA organic seal or label on a multi-ingredient product that contains a small amount of organic ingredients, or using the word organic that does not meet the labeling regulation.

However, only reporting suspicious behavior is not enough to have your complaint fully investigated by the NOP. Think of the NOP as a prosecutor trying to convict a criminal. For the NOP to be able to effectively conduct an investigation, the NOP needs to have evidence to prove that someone is participating in organic fraud.

These investigations are within our legal system and if the NOP doesn't have evidence, they cannot prove a violation even if there could be fraud occurring.

The Organic Farmer Association recommends providing as much information as you can when first filing your complaint. The more evidence there is, the quicker the NOP will be able to follow up on your complaints.



## SUSPICIOUS BEHAVIOR RELATED TO FRAUD

As organic products have become more profitable, organic fraud has become increasingly more common. Here are some cases of suspicious behavior that may indicate some sort of organic fraud: If a business is offering a significant volume of organic commodities at a cheap price when there's a shortage in the market.

- If you see a sprayer in a field that you believe to be organic, look for information on a truck or other machinery to help you determine the custom applicator.
- If you see dead weeds in the field, take photos (do not trespass), and provide the day, time and location in your complaint.
- In order to ensure that organic regulations are protected, all of us can contribute to combating organic fraud.

## PROVIDING EVIDENCE

When the NOP portal first opened, people raised questions about what qualifies as evidence or how much evidence to give. NOP staff have stated they receive complaints they can't act upon because of a lack of evidence provided. When confronted with suspicious behavior, OFA has a couple of recommendations on what evidence to gather and how to gather it.

### Evidence to Get Before Submitting a Complaint

- Brand name of the product being sold that is suspicious
- Certifying agent of the product
- Any lot number (or best/before by dates) on the product
- Detailed explanation of the identified regulatory violations when known
- Actual product package or copy of the product labeled

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### More Evidence to Help NOP Agents

- Price of the product vs the market value
- Who the product is being sold to
- Phone number of the operation in question
- Address of the operation in question

### Recommendations for Gathering Evidence

- Take photos of the bad practice in the marketplace (labels in a store) or activities in the field
- Provide exact locations, dates, or names of the entities involved
- Ask others who may know useful information you can use to file a complaint

### Work with the Certification Agency

- File a written complaint with both the NOP and the certification agency of the business if known
- Certifiers are mandated to follow up on complaints and do their investigations very quickly whereas it may take the NOP longer to act upon your complaint



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