

## [Extracted Copy of ZENITH Guidance & Working Instruction]

### Instruction Reinstating Suspended Operations (NOP & COR)

- 1) The suspended operation can request reinstatement of its organic certification either directly to the NOP, or to its certifier (ZENITH), who will forward the request to the NOP.
- 2) To request reinstatement, a suspended operation must submit a written request for reinstatement as described in [7 C.F.R. § 205.662\(f\)](#), and explained in section below.
- 3) The reinstatement request must include evidence showing that all of the operation's non-compliances have been corrected, and should include copies of the original Notices of Noncompliance, Proposed Suspension, and Suspension, as well as a copy of the full onsite inspection report of the operation, conducted within the three months preceding the reinstatement request. These steps are outlined further below.
  - The effective date of certification under re-instatement process will be the date the NOP reinstates the operation's organic certification.
  - Suspended operations not allowed to sell, label or represent products as "100% organic," "organic," or "made with organic (specified ingredients or food group(s))." Agricultural products that are produced and/or handled prior to reinstatement may not be sold, labeled, or represented as "100% organic," "organic," or "made with organic (specified ingredients or food group(s))." This includes:
    - crops harvested prior to reinstatement;
    - stored crops from previous harvests;
    - milk or eggs produced prior to reinstatement;
    - animals slaughtered prior to reinstatement;
    - products processed prior to reinstatement; and
    - products packaged or labeled prior to reinstatement.

Any crops harvested, livestock products produced (e.g., eggs, milk, meat, fiber), and products processed or packaged *after* reinstatement may be sold, labeled, or represented as "100% organic," "organic," or "made with organic (specified ingredients or food group(s))" as stated on the organic certificate issued to the operation.

#### Steps for Requesting Reinstatement by Certified Operations

The following steps are required for reinstatement consideration. The suspended operation must:

- 1) Correct all non-compliances, including those that led to the suspension, as well as any outstanding non-compliances subsequently identified by the certifier.
- 2) Ensure that its organic system plan (OSP) is complete, that the OSP complies with the regulations, and that the OSP is being implemented.
- 3) Contact ZENITH (if opting ZENITH) and submit a new application for certification. If the new certifier is different from the certifier that issued the suspension, the operator must inform the new certifier of its suspended status and the reasons for the suspension.
- 4) Pay all fees required by ZENITH as per fee schedule.
- 5) Complete a full onsite inspection, during which the inspector will review all relevant aspects of the operation. The inspection will be conducted pursuant to [7 C.F.R. § 205.403\(a\)\(1\)](#).

Prepare a letter addressed to the Secretary of Agriculture, care of the NOP, requesting certification reinstatement.

USDA, AMS, National Organic Program 1400 Independence Avenue, SW  
Room 2648, Stop 0268  
Washington, DC 20250  
Or [AIAInBox@ams.usda.gov](mailto:AIAInBox@ams.usda.gov)

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Retain all documents related to the request for reinstatement for future audit by the certifier and the NOP.

### Steps for Evaluating Reinstatement Applications for Certifiers

Upon receipt of an operation's request for reinstatement,

- 1) Conduct a compliance review of the certification application, including the OSP, to ensure that all provisions of the regulations are met.
- 2) Notify the operation of any non-compliances according to [7 C.F.R. § 205.662\(a\)](#). (Any non-compliances discovered after suspension as well as any remaining non-compliances that led to the operation's suspension must be addressed.)
- 3) Schedule a full onsite inspection to verify the operation's compliance with the regulations, provided that the OSP is deemed to comply. The inspection must include verification of whether (1) products were sold, labeled, or represented as organic during the suspension period, and (2) there is a system in place that will prevent comingling of noncompliant product produced or inventoried during the suspension period. Onsite inspections should occur within the three month period prior to the NOP receiving the reinstatement request. Deviations from this procedure are to be justified and approved by the NOP.
- 4) If ZENITH finds evidence of a noncompliance during the application review or inspection process, then issue a Notice of Noncompliance to the operation. In order to be reinstated, the operation applying for reinstatement must demonstrate resolution of all non-compliances, including those that led to the suspension and any additional non-compliances identified during the reinstatement review and inspection.
- 5) Prepare a signed letter to the Secretary of Agriculture, care of the NOP. There are two types of letters: one if the operation requesting reinstatement has met all the requirements of the regulations; the other if it has not.

If ZENITH verifies that the operation is in full compliance, then the letter should affirmatively state that:

- The ZENITH has conducted an NOP compliance review of the operation's OSP;
- The review found that the OSP adequately addressed the noncompliance(s) that led to the suspension, and complies with the regulations; and
- The ZENITH conducted an onsite inspection of the operation and found the operation to fully comply and/or be capable of remaining in compliance with the regulations. If the ZENITH issued a Notice of Noncompliance to the operation as a result of the onsite inspection, and the operation submitted sufficient corrective actions, then the certifier should state this as well.

**If ZENITH did not find the operation to be able to come into full compliance with the regulations during the application process, then the letter should state that:**

- The ZENITH has conducted an NOP compliance review of the operation's OSP;
- The review found evidence of outstanding noncompliance(s) that led to the suspension, or new noncompliance(s) that prevent certification;
  - 1) The ZENITH conducted an onsite inspection of the operation and found the operation unable to comply and/or not capable of remaining in compliance with the regulations.
  - 2) If ZENITH issued a Notice of Noncompliance to the operation as a result of the onsite inspection, and the operation submitted insufficient corrective actions, then the certifier should state this as well.
  - 3) ZENITH will not issue Denials of Certification to suspended operations requesting reinstatement. Only the NOP has the authority to make reinstatement decisions.
  - 4) Submit the letter (along with the operation's request for reinstatement), as well as the following:
  - 5) Initial Notice of Noncompliance, Notice of Proposed Suspension, Notice of Suspension; Copy of the inspection report, including the results of verification of whether
    - products were sold, labeled, or represented as organic during the suspension period, and

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- there is a system in place that will prevent comingling of noncompliant product produced or inventoried during the suspension period; and
- 6) Notice(s) of Noncompliance issued as result of the onsite inspection and documented objective evidence to demonstrate that the operation has corrected the noncompliance(s).
- 7) Retain all documents related to the request for reinstatement for future NOP audits.

In case of suspension for a defined period, Upon successful Reinstatement request and operation compliance verification, ZENITH may recommends reinstatement before completion of the suspension period, with explanation to the NOP the rationale for doing so.

***COR : A cancelled operator who wishes to be reinstated must apply as a new applicant as per section 344 of the SFCR(above mentioned basic requirements are applicable to COR as well).***