

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
BEFORE THE ADMINISTRATOR

In re:	)	
	)	
	)	
Buck ‘N’ Bird Farm	)	Administrator’s Decision
Nottingham, Pennsylvania	)	APL-066-24
	)	

This Decision responds to an Appeal (APL-066-24) of a Notice of Proposed Suspension of Certification under the National Organic Program (NOP) issued to Buck ‘N’ Bird (Buck) of Nottingham, Pennsylvania by USDA accredited certifier Global Organic Alliance, Inc (GOA). The operation has been deemed not in compliance with the Organic Foods Production Act of 1990 (Act)¹ and the U.S. Department of Agriculture (USDA) organic regulations.²

BACKGROUND

The Act authorizes the Secretary to accredit agents to certify crop, livestock, wild crop, and/or handling operations to the USDA organic regulations (7 CFR part 205). Certifying agents also initiate compliance actions to enforce program requirements, as described in section 205.662, Noncompliance procedure for certified operations. The NOP may also initiate compliance actions against operations and certifying agents to enforce program requirements. Persons subject to the Act who believe they are adversely affected by a noncompliance decision of a certifying agent, or the NOP may appeal such decision to the USDA Agricultural Marketing Service (AMS) pursuant to § 205.680 Adverse Action Appeals Process – General, and §

¹ 7 U.S.C. 6501-6522

² 7 C.F.R. Part 205

FINDINGS OF FACT

1. On September 10, 2021, GOA certified Buck for crops and livestock.
2. On March 11, 2024, GOA issued Buck a Notice of Noncompliance for failure to provide input and seed records, use of prohibited substances, use of inputs not listed in its Organic System Plan, use of nonorganic seed, use of livestock feed not approved by GOA, and inadequate documentation to support dry matter percentage used for livestock.
3. On May 30, 2024, GOA issued Buck a Notice of Proposed Suspension because Buck did not resolve the previous noncompliance.
4. On June 11, 2024, Buck filed an Appeal of the Notice of Proposed Suspension to NOP and requested additional time to find a new certifier.
5. On December 4, 2024, Buck entered into a Settlement Agreement with NOP whereby, among other things, Buck agreed to maintain input documentation for all seed purchases to include whether seeds were untreated/non-genetically modified organism (GMO), receive certifier approval prior to use of inputs for its organic livestock and organic crops, and ensure ruminant livestock obtain a minimum of 30 percent of the livestock's dry matter intake from pasture during the grazing season.
6. Buck applied for organic certification with Quality Certification Services (QCS). On June 24, 2025, QCS issued Buck a Notice of Noncompliance and Denial of Certification for non-correctable violations and failure to implement corrective actions to similar noncompliances previously issued by GOA. The violations QCS identified indicated that Buck had breached its Settlement Agreement with NOP.

7. On July 19, 2025, Buck requested mediation, which was rejected by QCS on August 6, 2025.
8. On December 3, 2025, GOA conducted an on-site inspection at Buck and identified ongoing violations of the organic regulations that were related to previous issued noncompliances.

REGULATORY CITATIONS

The USDA organic regulations at 7 CFR 205.400, General requirements for certification, state that, “A person seeking to receive or maintain organic certification under the regulations in this part must: (a) Comply with the Act and applicable organic production and handling regulations of this part ...

The regulations at 7 CFR 205.105 state that products sold or labeled as “organic” or “made with organic” must be produced and handled without the use of synthetic substances and ingredients except as provided in 7 CFR 205.601 or 7 CFR 205.603, or nonsynthetic substances prohibited in 7 CFR 205.602 or 7 CFR 205.604. In addition, 7 CFR 205.105(e) states that organic products must be produced without the use of excluded methods, except for vaccines approved in accordance with 7 CFR 205.606. “Excluded methods” are defined in 7 CFR 205.2 as methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production.

The regulations at 7 CFR 205.201(a) state that an organic production or handling system plan must include a list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable. Additionally, an organic production or handling plan must include a

description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances.

The regulations at 7 CFR 205.204(a)(1) state that the producer must use organically grown seeds, annual seedlings, and planting stock, except that non organically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available. However, organically produced seed must be used for the production of edible sprouts.

The regulations at 7 CFR 205.237(a) state that the producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced and handled. In addition, 7 CFR 205.237(d) states that ruminant livestock producers shall (1) describe the total feed ration for each type and class of animal. The description must include the percentage of each feed type, including pasture, in the total ration; and (4) provide the method for calculating dry matter demand and dry matter intake.

DISCUSSION

Global Organic Alliance, Inc (GOA) certified Buck for crops and livestock on September 10, 2021.

On March 11, 2024, GOA issued Buck a Notice of Noncompliance. According to the Notice, Buck did not provide sufficient records to confirm that the active ingredient, citric acid, found in anti-diarrheal medicine Buck administered to its organic livestock, was not derived from genetically modified products; a violation of the USDA organic regulations at 7 CFR 205.105.

Further, Buck did not provide documentation to support that it was using inputs and seeds that were labeled and stored to prevent commingling and to protect organic products from contact with prohibited substances. Buck also did not list inputs for its crop or livestock in its Organic System Plan. These are violations of the USDA organic regulations at 7 CFR 205.204(a)(1), and 7 CFR 205.201(a), respectively.

Lastly, Buck confirmed feeding nonorganic garden scraps to its organic livestock, a violation of the USDA organic regulations at 7 CFR 205.237(a). Buck did not provide GOA with documentation to support the percentage of dry matter used for the grass hay in the dry cow and pre-fresh heifer grazing rations receive, a violation of the USDA organic regulations at 7 CFR 205.237(d).

Buck responded with insufficient evidence to resolve the noncompliance issued by GOA on March 11, 2024. Therefore, on May 30, 2024, GOA issued Buck a Notice of Proposed Suspension for violations of the USDA organic regulations according to 7 CFR 205.662(c). This paragraph states that when a rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent shall send the operation a written notification of proposed suspension of the entire operation or portion of the operation, as applicable to the noncompliance.

On June 11, 2024, Buck filed an Appeal to GOA's Notice of Proposed Suspension to NOP and requested additional time to find a new certifier.

On December 4, 2024, Buck entered into a Settlement Agreement with NOP, whereby, among other things, Buck agreed to maintain input documentation for all seed purchases to include whether seeds were untreated/non- GMO, receive certifier approval prior to use of inputs

for its organic livestock and organic crops, and ensure ruminant livestock obtain a minimum of 30 percent of the livestock's dry matter intake from pasture during the grazing season.

Subsequently, Buck applied for organic certification with a new certifier, Quality Certification Services (QCS). As part of its evaluation of Buck's application for certification, on December 13, 2024, QCS conducted an onsite inspection at Buck. QCS identified non-correctable violations related to prohibited inputs and a failure to implement corrective actions to noncompliances that were similar to those previously issued by GOA. Consequently, on June 24, 2025, QCS issued Buck a Notice of Noncompliance and Denial of Certification. Specifically, QCS stated that Buck did not conduct seed searches to verify that organic seeds were not commercially available or have records of organic seed searches for crops and cover crops grown from nonorganic seeds, Buck used several inputs that were not in its Organic System Plan from GOA and that had not been approved by QCS, and Buck fed nonorganic agricultural ingredients to organic livestock. Based on the violations cited in QCS' Notice of Noncompliance and Denial of Certification, Buck was in breach of its Settlement Agreement with NOP.

On July 19, 2025, Buck requested mediation to resolve QCS' Notice of Noncompliance and Denial of Certification. On August 6, 2025, QCS issued Buck a Notice of Rejection of Mediation, citing non-correctable violations and failure to implement corrective actions from GOA's March 11, 2024, Notice of Noncompliance.

Although QCS denied Buck's application for organic certification, Buck remained certified by GOA under its Settlement Agreement with NOP. On December 3, 2025, GOA conducted an onsite inspection at Buck. On January 7, 2026, GOA provided NOP excerpts of its Inspection Report and Exit Interview, which cited concerns with verifiable record keeping, labels

missing from containers, and use of inputs not approved by GOA. These noncompliances are the same noncompliances cited by GOA and QCS since March 11, 2024.

The NOP entered into a Settlement Agreement with Buck in good faith, providing Buck with an opportunity to retain its organic certification. Buck failed to maintain input and seed records, seek approval from its certifier before the use of inputs, use non-synthetic and non-genetically modified inputs and seed for its organic crop and organic livestock, and label its containers to mitigate commingling of organic and nonorganic input and seeds, as it had agreed to do when it signed the Settlement Agreement with NOP. The NOP Settlement Agreement states that, “Buck agrees that the failure to abide by the terms of paragraphs immediately above shall result in USDA, AMS possibly pursuing administrative action against Buck.” Clause 3D of the Settlement Agreement states that, “Buck withdraws its appeal and waives further appeal rights in this matter. Failure to comply with the Settlement Agreement shall automatically void paragraph 2 above.” Paragraph 2 states, “USDA, AMS agrees not to issue a formal Administrator’s Decision charging Buck with alleged violations of the OFPA and the USDA organic regulations for any actions disclosed by the investigation which gave rise to this agreement.” A closure letter sent to Buck, with the executed Settlement Agreement also stated that, “... failure to abide by the terms of the agreement shall automatically void the Settlement Agreement and USDA, AMS may pursue an administrative hearing process.”

Therefore, AMS finds that Buck has breached its December 4, 2024, Settlement Agreement with NOP and upholds the May 30, 2024, Notice of Proposed Suspension issued by GOQ.

CONCLUSION

The evidence substantiates that Buck violated the USDA organic regulations at 7 CFR 205.201(a), which state that an organic production or handling system plan must include a list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable. Further, the evidence supports Buck violated the USDA organic regulations at 7 CFR 205.105(a) and (b) stating that organic or made with organic must be produced and handled without the use of synthetic substances and ingredients except as provided in 7 CFR 205.601 or 7 CFR 205.603, without the use of nonsynthetic substances prohibited in 7 CFR 205.602 or 7 CFR 205.604, and without the use of excluded methods as defined in 7 CFR 205.2. Lastly, the evidence supports Buck violated the USDA organic regulations at 7 CFR 205.237(a) and (d)(1) and (4), which state that the producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced and handled, and that ruminant livestock producers describe the total feed ration for each type and class of animal and provide the method for calculating dry matter demand and dry matter intake.

Despite Buck entering into a Settlement Agreement with NOP, Buck has failed to provide corrective actions to QCS, GOA, or NOP regarding sufficient documentation for handling organic livestock and organic crops. Therefore, Buck may not remain certified.

DECISION

Buck's June 11, 2024, Appeal of GOA's March 11, 2024, Notice of Proposed Suspension is denied. The organic certification of Buck is suspended. Pursuant to the organic regulations at 7 CFR 205.662(f), Buck may apply for reinstatement at any time after it has implemented

sufficient measures to come into full compliance with the USDA organic regulations. While under suspension, Buck may not handle, sell, label, or represent any products as organic.

Should Buck wish to appeal this matter further, Buck has thirty (30) days to request an administrative hearing before an Administrative Law Judge.

Done at Washington, D.C., on this ____
day of _____, 2026.

ERIN MORRIS Digitally signed by ERIN MORRIS
Date: 2026.03.05 08:48:26 -05'00'

Erin Morris
Administrator
Agricultural Marketing Service