

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE

BEFORE THE ADMINISTRATOR

In re: )  
William A. Kolaske ) **Administrator's Decision**  
Woodview Farm ) **APL-014-18**  
Seymour, Wisconsin )  
)

This Decision responds to an appeal (APL-014-18) of a Notice of Proposed Suspension of National Organic Program certification issued to Woodview Farm of Seymour, Wisconsin by Global Organic Alliance, Inc. (GOA). The operation has been deemed not in compliance with the Organic Foods Production Act of 1990 (Act)<sup>1</sup> and the U.S. Department of Agriculture (USDA) organic regulations.<sup>2</sup>

**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. Persons subject to the Act who believe they are adversely affected by a noncompliance decision of a certifying agent may appeal such decision to the USDA Agricultural Marketing Service (AMS) pursuant to § 205.680 Adverse Action Appeals Process – General, and § 205.681, Appeals of the USDA organic regulations.

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<sup>1</sup> 7 U.S.C. 6501-6522

<sup>2</sup> 7 CFR Part 205

## FINDINGS OF FACT

1. GOA is an accredited certifying agent under the USDA organic regulations. Woodview Farm of Seymour, Wisconsin, is certified under USDA organic regulations for crops and livestock. William A. Kolaske III is the owner/operator of Woodview Farm.
2. On September 1, 2016, GOA conducted the annual inspection of Woodview Farm. During the inspection, Woodview Farm did not make available field activity, harvest, storage, feed and equipment cleanout records covering the period from November 7, 2015 to September 1, 2016.
3. During July and August 2017, GOA issued four separate letters (dated July 1, July 20, August 7 and August 21) to Woodview Farm requesting missing and incomplete documentation. Woodview Farm provided partial responses.
4. On September 13, 2017, GOA issued a Notice of Noncompliance to Woodview Farm for failing to make feed and equipment clean out records available, as required by USDA organic regulations at §205.103 (Recordkeeping by organic operations).
5. On October 19, 2017, GOA issued another Notice of Noncompliance to Woodview Farm. GOA identified other noncompliances related to livestock feed (§205.237), livestock living conditions (§205.238), and pasture management practices (§205.240). GOA also restated the unresolved recordkeeping noncompliances from the September Notice of Noncompliance.
6. On November 7, 2017, GOA issued a Notice of Proposed Suspension to Woodview Farm for failure to make records covering the period November 7, 2015 to September 1, 2016,

available for inspection. The Notice also cited livestock feed and pasture management noncompliances.

7. On November 22, 2017, Woodview Farm requested mediation and submitted records related to feed rations, equipment cleaning, and crop harvest and storage to GOA. GOA denied the request for mediation in a letter dated December 4, 2017.
8. On January 2, 2018, AMS received an appeal from Woodview Farm.

### **DISCUSSION**

GOA proposed a suspension of Woodview Farm's organic certification, which would prohibit all sale, labeling or representation of its products as organic. The reasons for the proposed suspension are: (i) Woodview Farm failed to provide records about various farming activities (e.g., crop harvest and storage, equipment cleaning and feed rations) for the period from November 7, 2015 to September 1, 2016, which prevented GOA from conducting a complete inspection to verify compliance; (ii) Woodview Farm failed to demonstrate through feed records that dry matter intake (DMI) levels for livestock meet the 30% minimum from pasture requirement; (iii) Woodview Farm failed to provide complete feed records for all groups of animals; and (iv) Woodview Farm failed to report feed information for nongrazing lactating cows. In addition, GOA identified inconsistencies in feed records that were available and the use of unidentified minerals in feed rations.

The record in this case shows that GOA notified Woodview Farm several times of the noncompliances that needed to be resolved to maintain organic certification. GOA also provided Woodview Farm multiple opportunities, via seven written notifications, to address these noncompliances between July 2017 and November 2017. Woodview Farm did provide some

information to GOA over this time, but ultimately failed to sufficiently address all noncompliances.

In the appeal, Woodview Farm claimed that William Kolaske's spouse submitted all the information pertaining to the 2015 and 2016 records. Woodview Farm also apologized for "not having everything in," and Mr. Kolaske characterized himself as "not a very organized person."

The appeal essentially admits fault, fails to completely resolve the still outstanding noncompliances, and provides no information or evidence that the operation has made changes to prevent recurrent noncompliances in the future. Although Woodview Farm provided some information responsive to the noncompliances in the Notice of Proposed Suspension, the fact that these records were submitted over one year past the time they were due and after seven separate requests indicates that Woodview Farm does not have an adequate recordkeeping system. Further, the records submitted are incomplete. For example, there is no pasture management plan that describes all of the required elements (§ 205.240(c)), no information on the minerals in the feed ration, and dry matter intake and feed rations records do not clearly cover the entire November 2015 to September 2016 timespan.

## **CONCLUSION**

The availability of complete and coherent production records for certifiers and inspectors is a basic requirement for organic certification and is essential to oversight. Failure to maintain or make available necessary documents precludes a certifier from verifying that practices throughout the production cycle comply with the USDA organic regulations. Due to the absence of essential information in the records concerning its production practices, Woodview Farm cannot demonstrate compliance with the recordkeeping (§ 205.103), livestock feed (§§

205.237(c) and (d)) and pasture practices (§ 205.240(c)) standards to maintain organic certification.

### DECISION

The appeal is denied and Woodview Farm is to be suspended. Attached to this formal Administrator's Decision denying Woodview Farm's appeal is a Request for Hearing form. Woodview Farm has thirty (30) days to request an administrative hearing before an Administrative Law Judge.

If Woodview Farm waives the hearing, the Agricultural Marketing Service will direct GOA to issue a Notice of Suspension. At any time after suspension, Woodview Farm may, "...submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part."

Done at Washington, D.C., on this 14<sup>th</sup>  
day of March, 2018.



Bruce Summers  
Acting Administrator  
Agricultural Marketing Service