The proposed rule would maintain the current reporting requirements for submitting results of all analyses and tests performed under § 205.670. Certifying agents would continue to be required to submit results promptly to the AMS Administrator; except, that, where a State organic program exists, all results shall be provided to the State organic program's governing State official.

The proposed rule would amend § 205.670 to clarify the reporting requirements when test results indicate that a specific agricultural product contains pesticide residues or environmental contaminates that exceed the Food and Drug Administration's (FDA) or Environmental Protection Agency's (EPA) regulatory tolerances. Under the OFPA (7 U.S.C. 6506), certifying agents, to the extent that they are aware of a violation of applicable laws relating to food safety, are required to report such violation to the appropriate health agencies. This is promulgated in § 205.670(e) of the NOP regulations, which requires reporting to the Federal health agency whose regulatory tolerance or action level has been exceeded. The NOP has previously provided additional information on reporting health and safety violations to stakeholders and interested parties and is available on the NOP Web site at http://www.ams.usda.gov/nop. The proposed rule would amend § 205.670(e) to clarify that these results must also be reported to the appropriate State health agency or foreign equivalent. This change is proposed to acknowledge the role of State agencies, or their foreign equivalents, in responding to residues in violation of food safety requirements.

The test results will be used by the certifying agents as the basis for conducting follow up investigations for any detected residues that are not compliant with the NOP regulations. These results will also form the basis for issuing any noncompliances or

other adverse actions against certified operations for contamination of organic products. Furthermore, the results will be provided to the NOP and other agencies as applicable (e.g. FDA or EPA) to facilitate any significant actions such as issuance of civil penalties or recall of product that necessitate agency involvement. The overall purpose of the information is as a compliance tool to ensure integrity of organic products.