UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC
2019 MAY 9 AM8:56

In re:	)	
	)	
Amos K. Stoltzfus	)	OFPA Docket No. 19-0016
d/b/a Healthy Harvest,	)	
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under the Organic Foods Production Act of 1990 (7 U.S.C. § 6501 et seq.) (OFPA), by a complaint filed by the Administrator, Agricultural Marketing Service, United States Department of Agriculture, alleging that respondent Amos K. Stoltzfus d/b/a Healthy Harvest willfully violated the Act and the regulations promulgated thereunder (7 C.F.R. §§ 205.1-205.699) (the organic regulations). This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure; waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States; and waives any action against the United States Department of Agriculture (USDA) under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by respondent

in connection with this proceeding or any action against any USDA employee in his individual capacity.

Respondent consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Amos K. Stoltzfus d/b/a Healthy Harvest (hereinafter, respondent) is an individual with a mailing address of (b) (6) [redacted]

2. Respondent was, at all times material herein, certified under the Act and the organic regulations as a producer and handler of organic crops.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Amos K. Stoltzfus d/b/a Healthy Harvest, his agents and employees, successors and assigns, directly or indirectly through any corporate or other device, shall not apply a prohibited synthetic substance, sodium ferric ethylenediaminetetraacetate, to his certified organic crops, in accordance with section 205.202(b) of the organic regulations (7 C.F.R. § 205.202(b)).

Respondent shall not sell, label, or otherwise represent as organic any crops that have been or will be produced on and harvested from respondent's land occupied by Tunnel #1 and Tunnel #2 during the period from January 1, 2017, and December 31, 2019.

Respondent's land occupied by Tunnel #1 and Tunnel #2 shall be suspended from organic certification from the date on which this Consent Decision and Order becomes final and effective through December 31, 2019. After December 31, 2019, the land occupied by Tunnel #1 and Tunnel #2 may be recertified for organic production and handling if (1) there have been no applications of any prohibited substances to these lands since January 1, 2017, and (2) a certifying agent accredited by USDA inspects these lands and approves them for inclusion in respondent's organic certification.

This Consent Decision and Order shall become final and effective on the date on which it is served on respondent.

Copies of this decision shall be served upon the parties.

[redacted]

Amos Stoltzfus d/b/a Healthy Harvest
Respondent

[redacted]

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.
this 9th day of May, 2019

[redacted]

Chief Administrative Law Judge
Channing D. Strother