

# OREGON TILTH MEDIATION FAQ



## WHAT IS MEDIATION?

Mediation is a process by which you and Oregon Tilth can resolve adverse action letters, including a Notice of Proposed Suspension, a Notice of Proposed Revocation, or a Notice of Denial. Many situations will allow you to mediate through “informal” mediation. Informal mediation occurs with a trained Oregon Tilth staff member by phone. In other cases, it will be required that we mediate through “formal” mediation. Formal mediation utilizes either a trained Oregon Tilth staff member or a separate third-party mediator that both sides agree on, and can also be conducted either by phone or in person. Informal and formal mediation offers a clear process by which both parties attempt to maximize agreement and understanding of an issue to address a concern or unresolved situation.

## WHY USE MEDIATION?

The Oregon Tilth Procedures Manual allows for two options once an adverse action letter is issued. In such cases, the only way to remedy an adverse action situation is by either requesting mediation or filing an appeal in addition to addressing any compliance issues. Mediation provides an opportunity for discussion between you and Oregon Tilth in pursuit of an agreeable resolution. It is important that you request mediation (or file an appeal) even if you have already corrected the issue(s), e.g. paid outstanding fees. Oregon Tilth is unable to clear any adverse actions without either mediation or an appeal taking place, and your operation will be at risk of suspension or denial without one of these steps occurring.

## WHAT IS THE PROCESS FOR REQUESTING AND COMPLETING MEDIATION?

The first step is to contact the Oregon Tilth office and formally request mediation in writing and to specify if you prefer an OTCO staff member or third party to act as the mediator. The request must be made within 30 days of receipt of the notice of adverse action unless otherwise stated in the notice. You will be notified whether you qualify for informal or formal mediation if we accept the request to enter into mediation. In some cases, Oregon Tilth reserves the right to deny a request for mediation and will notify you with the reason for denying the

request. Upon acceptance, we will schedule a time for us to conduct the mediation. In some cases, mediation may be completed without the need for a mediation session. For example, if adequate corrective actions have already been submitted, Oregon Tilth may offer resolution by sending a settlement agreement to be signed. All options will result in a settlement agreement that will describe the actions that you and Oregon Tilth will take in order to keep you in compliance with the standards to which you are certified. Prepayment of \$150 for informal and \$350 for formal mediations must be submitted prior to the mediation being conducted.

## WHAT HAPPENS AFTER A SETTLEMENT AGREEMENT?

After the signed settlement agreement is received and all applicable terms have been met, Oregon Tilth will clear the noncompliance(s) and continue your certification under the agreed upon terms as defined in the settlement agreement.

## WHAT HAPPENS IF MEDIATION IS UNSUCCESSFUL?

Mediation may be unsuccessful if the terms of the settlement agreement are not honored and met, or if Oregon Tilth is not able to schedule mediation with you. Additionally, if the two sides cannot come to mutually acceptable terms then mediation will not proceed to a settlement agreement. If mediation is unsuccessful, you will be given an additional 30 days to appeal the decision to the USDA (or California State Organic Program for operations located in CA), or the Oregon Tilth adjudication committee for a situation that is not under certification to the National Organic Program Standards, such as certification to the NSF 305 standards.

## NOW WHAT? DON'T DELAY, START TODAY!

Please contact Oregon Tilth to see if mediation is an option for you to resolve adverse actions that have been issued. Oregon Tilth is committed to working together to find a positive resolution whenever possible. Please contact the OTCO staff member identified in your adverse action notice if you have any questions about the mediation process.