“Toward Organic Integrity: A Guide to the Development of US Organic Standards”.

1997

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NOSB RECOMMENDATIONS

NOSB
RECOMMENDATIONS

The NOSB used the Organic Foods Production Act, private and state certifiers, the Organic Trade Association (OTA) standards and public comments as the guides for developing recommendations to USDA. The work was organized around three chief areas: standards, materials list, and protocols for accreditation and certification. This represents a compilation of recommendations to USDA, which were submitted over a 5 year period. The Author did not attempt to edit but merely to logically order, number and organize the recommendations for quick access are reference. Out of this work developed recommendations organized as follows:

A. Certification and accreditation
B. International
C. Processing, handling and labeling
D. Livestock
E. Crops
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INTRODUCTION AND ACKNOWLEDGEMENTS

The Rural Advancement Foundations International is a non-profit organization dedicated to the preservation of family farms, conservation of agricultural biodiversity, and sustainable systems of agriculture. RAFI-USA's programs address trends and changes in agriculture that affect us from the local to the global levels. Working with a variety of farm, community, university and government groups, RAFI-USA promotes sustainability, equity and diversity in agriculture through research, policy analysis, practical assistance, marketing opportunities and access to financial and technical assistance. RAFI-USA receives financial support from individual contributors, private foundations, churches and fees for publications and services. RAFI -USA receives no government funds. This guide is part of RAFI's Organic Integrity Project and has received primary funding by a generous grant from the Clarence E. Heller Charitable Foundation and through RAFI's individual donors.

This guide was developed and written by Michael Sligh, Director of RAFI-USA's Sustainable Agriculture Program. He served as a founding member of the NOSB from 1992 - 1997 and served as its founding chair from 1992-1995. He has been active in organic and sustainable agricultural issues for over 25 years.

This guide and the opinions expressed are the solely those of Michael Sligh and RAFI-USA. This guide did not seek any official endorsements by the NOSB and is solely a non-governmental public educational effort. This guide was created to help focus and compile work done over 5 years that if left uncompiled would be very hard to reference or find. This guide did not attempt to alter or edit the NOSB recommendations section but merely organized them logically to provide easier access through sequential page numbering and a complete table of contents.

The goals of this guide are to: provide a clear road map for a more rapid citizens response to the upcoming USDA Federal Register proposed rules for US Organic standards, to serve as an easily accessed historical compository of key NOSB, and other governmental documents necessary for making well grounded responses, to lay-out what the author observed as the main issues at stake and to serve as a guide to other organic standards experiments in other countries or the private sector.

The original NOSB must be credited for their unprecedented commitment in developing this first set of recommendations to USDA-- Kay Chandler, Margaret Clark, Merrill Clark, Dean Eppley, Jay Friedman, Gene Kahn, Don Kinsman, Gary Osweiler, Bob Quinn, Michael Sligh, Tom Stoneback, Nancy Taylor, Rich Theuer and Craig Weakly. This anthor also wishes to thank the following people for their contributions and help in developing this guide. First much thanks to my family, Janet, David and Jesse for their support through this long process. I also wish to thank and acknowledge Sarah Slover for her compilation, editing and tedious file search work in preparing this document and to John Justice for his patient editorial reviews. And many thanks to Melanie Adcock, Katherine Dimatteo, Yvonne Frost, Michael Hansen, Elizabeth Henderson, Marti Mellon, Bob Scowcroft, Alan Spalt and Tim Sullivan for their thoughtful review and feedback.

PREAMBLE

This guide consists of three parts. The first is a section-by-section review of key issues/concerns raised through this process. The second is a complete set of recommendations that the National Organic standards board made to USDA during 1992-1996. And third, the law, Codex draft organic guidelines and other pertinent documents are attached as an appendix.

The guide is intended to put all of its readers "on the same page and thereby increase effective responses to the USDA's upcoming proposed rule and to subsequent setting of other national and international standards. The coming months and years will necessitate ongoing dialogue and consensus-building, and this guide is intended as basis to aid this evolving process.

The National Organic Standards Board (NOSB) was envisioned and grounded by Federal law as a new type of Federal Advisory Board. It was to have the traditional responsibility of making timely recommendation to the Secretary of Agriculture. But it was also to have the primary on-going responsibility for establishing the national list of materials for organic agriculture in the United States. This provision created a balance of power and a public/private partnership with USDA. This provision was seen as essential by the organic community. The other very strong requirement was that USDA **should not** "reinvent the wheel". Rather, the USDA was to build-on and enhance the existing private sector infrastructure and expertise. The core of this relationship was that the new law should not damage the organic pioneers who built this movement to its current state. Nor should the new law threaten consumer confidence.

The NOSB recommendations are a key part of the overall process of developing and implementing national organic standards for the United States. The recommendations are the product of thousands of hours of volunteer contributions. They represent personal and business sacrifices by the NOSB members and the public who contributed to NOSB sessions. A total of 15 NOSB meetings were held in Washington, D.C., Minnesota, California, Colorado, Maine, Maryland, Pennsylvania, Oregon, Arkansas, Virginia, New Mexico, Florida, Texas and Indiana. Each of these meetings started with a day of public comments and tours of local organic farms and/or processing facilities. The recommendations also represent thousands of hours spent, by citizens, in making written comments. Some sections required submitting multiple drafts to the public before general support, or consensus, was reached.

These recommendations do not represent complete consensus. They are not totally comprehensive, and they have not been perfected. However, they do represent

the current and best U.S. attempt to build an open pre-rule development process. And they reflect the best thinking of a broad base that includes consumer, environmental, processor, industry, farmer, retailer, academic, scientific and other public interest groups.

These recommendations are intended for use as substantive guides for evaluating the proposed rules and programs that the government will develop. Please be aware that the recommendations were created and submitted with the understanding that they will be continually revised, based on responses from the people who must operate under the resulting rules. Also, these recommendations were developed within the full context of the parallel Codex Alimentarious guideline process and those guidelines of the private sector .

This is a summary of the process:

* The Organic Foods Production Act of 1990 (OFPA) established the legal basis for the National Organic Program (NOP) of USDA and required the Secretary of Agriculture to establish the National Organic Standards Board (NOSB).

* USDA then appointed the NOSB in 1992, which developed these initial recommendations and submitted them to the USDA, during the years of 1992-1996.

* The USDA reviews the NOSB recommendations and advice and seeks comments and approval from all relevant USDA agencies, plus Food and Drug Administration (FDA), EPA and finally the Office of Budget and Management (OMB).

* OMB reviews the document and asks for clarifications from USDA for 90 days and can request at least an additional 30 days, if needed.

* USDA then publishes the proposed rule in the Federal Register. The publication will trigger a period for public response—probably between 90 and 120 days. USDA may run controversial sections of the proposed rule through this process more than once.

* The USDA will respond to public comments by either accepting or rejecting these comments and stating their reasons in the final published regulations. They will also describe the timetable for industry compliance.

* Congress then must approve these final regulations. * **See addenda #9, page 214.**

* USDA will then develop an operations manual for USDA employees and call for certification organizations to apply to USDA to be accredited to certify organic farms and handling and processing facilities which meet the national standards.

* The Certification Peer Review makes recommendations to USDA concerning the

applied certifiers. USDA approves successful applicants and the official program begins.

* It is important to remember that when civil societies transfer power to governments, continued vigilance and attention is required throughout this entire process.

In developing the following recommendations the NOSB used the following criteria for evaluation :

1. What are the costs and are they fairly distributed?
2. Does the rule satisfy the intent of the framers and supporters, as well as the law?
3. Is the rule user-friendly?
4. Does the rule enhance the community for which it was designed?
5. Does the rule facilitate full public participation?

I think it is very important to stay focused on these over-arching themes and concerns both in using these recommendations and evaluating proposed rules. These five criteria may also be useful in evaluating other experiments in organic rule-making.

There are also certain other key important points on which Congressional intent and the understanding of supporters are in accord. They include:

* The final rules should build in a strong public/private partnership between the government and the organics industry, which up until now has been self-regulated.

* Specifically, the NOSB should be an ongoing board and, in addition to its traditional advisory role to USDA, should retain the power to create and maintain the national list of organics materials.

* Reviewing certifiers for accreditation is to be done as a peer review process and standards will be reviewed and amended as needed, based on input from those whom the rule seeks to serve.

* The national list will be formally amended, or reaffirmed by the NOSB, within each five-year period.

* The rule shall not imperil or undermine the traditional organic community by weight of excessive paperwork, costs, scale bias, or the lowering of generally approved standards.

* These rules are meant to ensure consumer confidence, facilitate trade, and create harmonious U.S. national organic standards.

In conclusion, I ask you to bear in mind three points:

First, these recommendations, standards and materials lists are built upon a very long history of farmer knowledge. I would argue back to the very beginning of agriculture. This is one of the many reasons why the benefits of the organic marketplace must be extended fairly to the farmers of the Southern countries. It is precisely these farmers who are the historical founders of this approach. This law and subsequent rules must reflect and preserve this rich history and wealth of experience and passion. It is essential that the organic method be built on positive principles. That is, it must be conceptualized as a comprehensive systems approach, not one based on what it is not or what it does not allow.

Second, a central materials sourcing principle must be to " source it organic first". That is, require organic sourcing first -- and non-organic second-- to all commercial availability decisions, including processing and handling ingredients, productions inputs, feed, breeding and slaughter stock, seeds and planting stocks. This principle is to ensure that strong signals are sent to the marketplace to stimulate enough of an organic source to meet this growing demand for organic inputs and to not lock the organic input industry into a status quo situation. But at the same time by allowing non-organic as a second choice -- within carefully defined parameters-- it will not hinder organic market development growth when demand outstrips input supply temporarily. This principle encourages a continual ratcheting up toward 100% organic products and inputs (please see pages 73-75).

Finally, the soul of organics is at stake. This process will institutionalize the word "organic " within the U.S. government. And if this process proves to be too onerous or false, the soul of organics will be lost. Then, those who love organics will have two choices: to reclaim the word and concept, or find new words and concepts. The future will determine this. Meanwhile, the central guiding principles for our work--including evaluation of any proposed rules--should be *integrity, fairness*, and *transparency*.

Respectfully yours,

Michael Sligh

Executive Summary

The following guide describes many of the major issues at stake and the readers will need to decide where they stand on each particular concern. However, some very strong messages and cross-sectorial hot issues have already risen to the top during this process. Everyone will probably have a slightly different "top 10 " list but to be sure there is much overlap and immediate agreement about the bulk of these issues. Exactly how they are worded, where people draw the line and how it is resolved will determine the extent of the reactions. The bulk of deal-breakers that cut across sectors and constituencies or are of such a nature that any one of the major sectors or alliances of several groups would affective block or "kill' this process include;

1. The biotech question,
2. Costs and red tape,
3. Socio-economic impacts on family-size and historic organic operations,
4. Impacts on private sector infrastructure-including fair roles for private certifiers and meaningful peer review,
5. Livestock standards that include access to outdoors and BSE concerns.
6. Meaningful clear standards and enforcement, including a strong, workable farm plan and careful resolution of the enhanced standards question,
7. Lack of full and accurate labeling,
8. Consumer right to know and access through transparency,
9. Materials list development, including which synthetics are allowed and why,
10. On-going role of the NOSB.

Any one of the above could trigger a major loss of integrity and confidence. Or a combination of several could do so. In fact, some of the above contain potentially critical subsets of issues, that are described in further detail in the next section of this guide. Take the materials list for example. A single controversial material could spark a major attack on the program. A single standard about what's allowed in the non-organic 5% of a organic product . So could the single question of setting the allowable safe residue levels for organic produce.

This industry has been built on very high consumer expectations and confidence. This means that the proposed rules must accurately reflect a comprehensive and systems approach and embody meaningful and clear standards and enforcement that are built to ratchet up over time.

WHAT "S AT STAKE ?

Deal-breakers, Hot and Unresolved Issues
A guide to the OFPA and NOSB recommendations

The purpose of this guide is to draw to the attention of the reader some of the key issues at stake in this process and to help provide background, context and quick access to NOSB recommendations. Please keep in mind, what is a deal-breaker or hot issue to some sectors or people may not be to others. One of the purposes of this guide is to describe some the universe of issues and to help the readers to identify which of these issues are essential to their view of organic integrity. The challenge of the proposed rule process is building cross- sectorial consensus which will be essential for providing USDA with a clear and united voice concerning the forthcoming rules. If sectors remain pitted against each other the USDA will be forced to make its own interpretations.

This is not a comprehensive review but rather a highlight of major issues. The description of these issues also reflects the observations of the author as well as the concerns and biases of both the author and his organization. Other issues will also arise from the proposed rule process itself. There also may need to be a later bridge document developed if the USDA proposed rules are formatted or otherwise greatly changed in scope, content or orientation from these recommendations.

The NOSB recommendations will be crucial in formulating public comments in response to USDA proposed rules and are merely compiled and arranged to provide quick access. They are also a useful tool for developing such organic standards in other countries. Please find below a list of key referenced provisions of the law and list of key issues followed by the entire NOSB recommendations. The law, and other key documents are in the appendix at the end of this document. The current Codex guidelines are included to help set the international context of these discussions. They are not in their final form and are included for reference only.

I. Key provisions of the Organic Foods Production Act.

The 1990 Congress passed the Organic Foods Production Act (OFPA), setting into motion the process for Federally mandated national organic standards. While all of the Act's sections are important, here are some of the key ones:

A. **Public / private partnerships including role of NOSB, accreditation & peer review, and public access to documents** - See the following sections and

pages : page 191, 6503(c), page 192, 6506(a) (9), page 195, 6514,6515, page 196, 6516, 6517(2)(d)(1) & (2) and page 197, 6518.

B. **Relationship between State certification and oversight roles and those of the private certification organizations** - See: page 198, section 6519(e).
C. **Crops and Livestock** - see: pages 193-195, sections 6508-6513.
D. **Materials list development process** -see: pages 196-197, section 6517.
E. **International equivalency** - see: page 192, section 6505(b).
F. **Enforcement and Appeals** - see: page 198, sections 6519-6520.

II. Hot issues and what's at stake.

This section describes most of the universe of hot issues and possible deal-breakers. Deal-breakers are issues which, if violated or not adequately addressed, would cause some or all of the involved sectors to reject the proposed rule. The result of broken deal-breakers could include; a loss of organic integrity of the final system, loss of confidence and support for organically labeled products, lawsuits, or the "killing" of the implemeotation. The main sectors or stakeholders include; farmers, processors, handlers and co-packers, retailers, consumers and public interest groups, environmental, scientific and certification organizations. These sectors should not be viewed as homogeneous but as diverse and somewhat split along the lines of specific standards, scale issues, conventional v. organic, regional or commodity perspectives. The goal here is to highlight some of the key issues in an attempt to help facilitate dialogue, debate and consensus duriog the upcoming rule-making process.

A. Certification, Accreditation, Appeals and Enforcement. - pages 1-38

The major issues at stake in this area include, but are not limited to, the following: scale bias based on costs/paperwork; state-v.-private-sector roles and rights; large v. small certifiers, public/private partnership roles in peer review of certifier applications; developing an appeal process that is timely, fair, and non-biased; and resolution of the issue of whether national standards are minimum requirements (the "floor") or the maximum allowed standards (the "ceiling). Enforcement and what is deemed enforceable , the overall transparency ,and consumer access are all key issues to be resolved in this section.

1. **Field evaluation of certifiers - page 21-22, lines 758-805:** Field evaluations and a team approach were recommended by the NOSB for making the process affordable and locally based. If the evaluations are done by USDA/National Organic Program (NOP) staff working out of Washington, the costs to applicants may be higher;

this will also lead to less of a public/private partnership than envisioned by some of the supporters of this legislation.

2. Peer Review - pages 23-26, lines 874-1019: As things stand, the organic community has two concrete places to play a role as a genuine partner. One is participation in the NOSB, and peer review is the other. So this issue is critical to the balance of power and grassroots participants. Genuine peer review is critical to ensure continued buy-in from many in the historic organic community and to keep organics from becoming the latest in a long line of programs run solely by the government. And it should be noted that Congressional-intent language indicated that the USDA should not attempt to reinvent the wheel with the review process, but build and provide oversight of what is already in place.

* **3. Socio-economic impacts -- Fees, costs, and red tape of accreditation and certification - page 28-29, lines 1089-1107:** This is, of course, a bottom-line deal-breaker issue for all participants, especially those of limited scale, resources or product market share. If the bottom-end cost of doing business scale is too high, or if the time and energy necessary to meet the regulatory rules exceeds the immediate benefit of participation it will force the loss of small scale farmers, certifiers and processors, who currently comprise the largest group. This will accelerate concentration in organics. If the top-end is too high, many of the very large or split operations will pull out of the organic marketplace. The NOSB recommended this process concerning the fee structure: The USDA would bear the costs of the first round of accreditation. It would keep impeccable records of costs and use the first-round actual costs to set fees for the ongoing accreditation cost. This process was given NOP approval at public NOSB meetings.

A complication has arisen. The USDA/ Office of General Counsel, (OGC) reported during the USDA internal review that the law is unclear about how to set fees. Serious problems could arise if the government sets fees up front. Because if fees are too low, the program will run into the red. If they are set too high, they will discourage participation and drive small and limited resource certifiers, processors and farmers out. If the fees are entirely too high even large scale players will drop out thus reversing the recent and dramatic expansion currently under way in organics. Here, scale, public v. private, and regional biases are big concerns. The industry could be faced a scenario of high fees and no allowance to use these fees to run the program. USDA would then need to obtain annual appropriations to keep the program running. And finally, there is the possibility that USDA will attempt to make user-fees bear the whole cost of the program, including the NOSB and non-accreditation-related administrative costs. The missing link in the costs -sharing system is retailers. They were not required to be certified by the legislation. Their voluntary participation in certification cost sharing could make a major contribution to holding costs down. It will also be essential for all processors and all of those who make profits from certified organic products to pay their fair share of the costs to provide this service. Farmers and

consumers can only pay so much before the system is either priced out of the marketplace or concentrated into very few hands. The law is also intended to remove current reciprocity barriers between certifiers, especially the large v. small certifiers, and those who are in very competitive markets by leveling the playing field. If this does not occur much of the initial impetus for the law will have been lost.

4. Appeals - pages 27-28, lines 1027-1088: This will be an acid test of the law, because the appeal process will be the last chance to resolve problems before going to litigation. The very integrity of implementation will greatly determine the volume of appeals. The OFPA appeals process is also complicated by the fact that adverse determinations made by private certification organizations and state agencies will also be subject to the USDA appeals procedures. The appeals process will also highlight areas where USDA needs to make administrative changes. If this section does not work, lawsuits are likely to pile up, and the law may eventually have to be amended.

5. Use of private seals and additional standards - Addenda # 5, page 210 : These are potential deal-breakers concerning which the organic community is somewhat split. The NOSB has recommended allowing additional requirements with USDA approval, as is the case for states. Additional requirements could be identified by private certifiers, farmers, or processors. Among the issues at the heart of the debate are at least the following:

(a). Clarity must be obtained on whether Federal standards are the floor or the ceiling. If they are the ceiling, great pressure would be required--on USDA, NOSB, Congress--to drive up standards over time. If the standards are the floor and too low, the risk is that they will weaken organic standards and lead to a loss of consumer confidence. Or if the standards are high but too many exemptions are allowed consumer confidence will be lost.

(b). If states can have additional standards, and not privates, this will drive out the privates.

(c). There is a fundamental concern that government prohibition of additional or higher standards is an illegal constraint of trade and commercial free speech against the private sector and that the USDA has no right to dictate in this area. It also raises consumer 's right to know issues concerning complete and honest label differentiation of what they are purchasing.

(d). Others have expressed that this issue is really only about certifiers wanting to keep their current market share by promoting labels that claim superiority over USDA standards, but without having to have specific higher standards in place to verify this claim. Or by not providing real consumer access to determine true superiority.

(e). Enforcement of this regulation and who is responsible for enforcement of what is a huge, undefined area and will rapidly become a major de facto, **Deal-breaker**, for consumers and those concerned about proactively preserving organic integrity. Little or no money has been assigned, little discussion has taken place, and few recommendations have been made. Some of the issues are: Who decides who will decertify? ,and Who will implement de-certification decisions? Regarding enforcement, some of the issues include: What are the respective roles of the private certifiers, the states, the trade industry, consumers and the Federal government? What are the costs, What is the enforcement trigger mechanism? And, critically, will the current mechanisms of what is enforceable determine this area or will the current mechanisms be expanded and adjusted to meet quality and standards that consumers require? Consumer participation and access will be key. The amount of industry self-regulation and internal enforcement of meaningful ethical protocols will again determine the ultimate success of this regulatory experiment. **It must be stressed repeatedly that governmental oversight can only provide a limited amount of enforcement and that stepped-up meaningful industry self-enforcement must be put in place immediately to preserve consumer confidence.** Describing and negotiating this gray area between governmental oversight and industry self-regulation is one of this most critical challenges facing this growing industry today.

B. International - pages 39-42

This section and the appended Codex draft guidelines are included not to confuse the reader but to stress that the US standards are not being developed in isolation and to point out that US standards can and do have many implications for farmers and rural communities outside of the US, The provisions of this section have many implications for the organic rules. There are practical barriers to be resolved. For example, it is important to find a way to avoid the present routine spraying of toxic fumigants on imported organic goods at the point of entry into countries .There is also the problem of U.S. organic equivalency with the Codex guidelines, Europe and other countries. These are large, complex issues. Finally, it should be noted that neither the law nor the regulations deal with the huge question of the effects of the globalization of organics vis a viz the goal of maximizing local production for local consumption. There has been very little outreach to Southern countries to confirm that these pro posed guidelines do not negatively impact their growing organic sectors. This is a critical section for organic integ rity for those countries and those concerned about such issues.

1. **Fumigation at point of entry - page 42, lines 85-88 :** The NOSB has not yet made practical suggestions here, but has flagged the issue as a critical control point that if the USDA does not address, consumer confidence will surely be violated.

2. **NGO accreditation and certification allowance - page 42, lines 69-75 :** This is a critical international **deal-breaker** issue concerned with the right of the NGO and private sector in countries without government programs in situ to provide this function. This could take the form of colonialism if outside or US certification or inspection is required in order for these countries or private sector groups to trade with the US.

3. **USDA Secretary criteria for equivalency - Addenda # 1, OFPA sec. 6505 (h) :** Worldwide organic integrity and trade access will be affected by the outcome of the process of determining how much discretion the Secretary will be given in determining equivalency of non-U.S. goods to U.S. organic goods. The NOSB has not yet given specific recommendations for these criteria. But close scrutiny to the powers and process for determining this equivalency is required to ensure that these determinations are well reasoned and balanced.

4. **Codex - Addenda # 10, page 215:** This section is not addressed in the law or the NOSB recommendations. It is included here for reader education and international grounding of the US process. It is important to note that the included Codex Draft is not final and will certainly be refined and changed before its final form is accepted. However, this parallel process is nearing completion and its outcome will have trade implications for both imports into and exports out of the US. A developing issue to monitor is the possibility that U.S. standards may differ greatly from these international guidelines. If so, the United States could be: isolated from world trade, be required to have different standards for world trade, have to change their standards or will fight to change current Codex guidelines to suit US government standards. The biggest incomplete sections of the current **Codex draft 97/22 A** involves organic principles, livestock and processing. Another important specific issue is the process for updating and revising of the list and standards. And importantly, it is not clear at this time whether Codex will be considered just guidelines or enforceable requirements under the World Trade Organization (WTO). If they are used to resolve trade disputes it will be very important for countries at variance to Codex to have strong arguments for their derogation. Also, currently, Codex is based largely on European standards. This means that the materials list is composed oppositely from the US, using allowed naturals and prohibited synthetics lists versus the US list composition of prohibited natural and allowed synthetics. Other differences include: non-allowance for "split" operations, the types of manures allowed, and percentage of organic ingredient required for organic status. Codex, importantly also agreed with the NOSB position on genetically modified organisms (GMO). This could be a very big trade barrier between the US and other countries if the US becomes isolated in this point.

5. Organic colonialization: This issue is not covered or addressed by the law or the NOSB. It is included here, again for education and for international context setting. This issue looms as one of the de facto organic integrity deal-breakers for farmers and rural communities in the Southern countries and for the growing number of consumers who wish to vote for "fair trade" with their food dollars. If the international concentration of organics continues to accelerate and models the current agribusiness paradigm of a growing inequity between North and South, then the historic alternative role played by the organic industry will be lost along with some consumers, as well. This could be by virtue of costs, scale-bias, unfair trade practices, inspections, accreditation or continuing to encourage prime farmland in the South to be devoted to Northern trade demands.

C. Processing, handling and labeling -pages 43-85 :

This section has several key critical areas. Consumers and processors are concerned about label clarity, including: size, organic percentage requirements ,placement of the organic label, use and labeling of non-organic ingredients, labeling of and use of allowed synthetic ingredients and what is allowed in the 5% non-organic ingredients .Retail stores and store-front coops will be affected by the specific requirements of handler plans. Another important issue is commercial availability. and its authenticity. The current processing and handling recommendations are much less comprehensive and holistic than what is required of farmers. Also they will be seen as inadequate to meet the complex needs of the multiple chemically sensitive (MCS) . They are also silent on the whole issue of processing and handling standards that address nutritional quality and the relationship between minimally processed and organic integrity.

1. Labeling standards - pages 44-56. Some consumer groups argued strongly for the specific percentage of organic to be placed prominently on the front display panel so as not to confuse consumers, since the law allows products which are 50% - 94% as "made with organic ingredients" and 95-100% as "organic". The Board recommended that percentage labeling is not practical since the % could vary widely from batch to batch of processed products and require different labels for each batch! The board did clarify when, where and what sizes the wnrd organic could be used so as not to confuse or mislead consumers. Label clarity for both front, side and back panels is essential for consumer confidence and ease of identification. Whether there is full label disclosure requirements for of all ingredients including those that are in the allowed 5% non-organic or synthetic ingredients category could be a huge consumer right to know issue and could cause unfair competition between processors. This area needs to be carefully examined with these concerns in mind.

2. Allowed synthetic ingredients - pages 54-56, 73- 75, 156-157 and 181-184 : There has been a hot, on-going debate about whether and which synthetics were or should be allowed in the processing of organic foods. The law itself is silent regarding synthetics in the processing phase. Some interpret the law as prohibiting any synthetic ingredients in the processing of organic products; exemptions would be allowed only in the production phase. However, another view is that such a stringent interpretation would unduly limit what could be organically processed and that the law simply did not fully or fairly address the growing needs of the processing industry. This debate is not resolved. **After serious debate, the board took the middle ground and recommended limited use of synthetics in processing, based on criteria given in the law; the assumption is that this issue would be sorted out by the USDA's Office of General Counsel (OGC), the Federal Register process, Congress or a combination of the above.** This area will require careful educational work to avoid possible backlash from consumers, conventional agriculture and/or processors in the form of confusion, lawsuits, and/or requirements to amend the law.

3. Handling Plan - pages 59-72 - Scale & costs bias are issues here just as with producers. The handling plan and its associated costs, red tape and requirements could have a major scale, commodity or regional bias if not carefully scrutinized. This plan must also promote on-going processing and handling improvements for this to be meaningful.

4. Audit trail & handling requirements - pages 59-60, lines 86-139 - The impact on store front coops and store w/ delis, handlers that do not take possession of the product need careful considerations to ensure organic integrity but to prevent scale bias or unfair advantage for some processors and handlers. Also if USDA exempts processors who use co-packers from needing to be certified themselves this could open a huge loophole or gap in the organic audit trail and place a larger costs burden on rest of the community.

5. Processing standards - Processing standards, like livestock standards, are historically less developed than crop standards. This sets up some possible rigger bias between farmers and processors. The concepts of organic processing principles that would be parallel to production principles has yet to emerge. The processing issues surrounding minimally processed, nutritional quality and organic integrity were not fully addressed by the law or the NOSB . This remains an area requiring additional consideration, especially as the debate ensues on allowable synthetic ingredients in processing and on the criteria used to determine that such ingredients are essential. Some ingredients are only needed in very large operations or for highly processed foods. There are others which, if not allowed, would undermine certain product identities. These include examples like certain breads if they could not use baking powder or pretzels if they could not use sodium hydroxide. Full ingredient labeling is also key here, especially for those organic consumers with Multiple Chemical sensitivity (MCS). The Sulfites in wine issue though basically resolved through labeling is one that

could be a **deal breaker** for the sulfite sensitive and their advocates and could be interpreted as prohibited by the OFPA.

D. Livestock - pages 86-119 :

This includes all livestock. A section on recommendations for bees is still in process, by the NOSB as of this writing. Fish have not been addressed yet and represent an important growth area for the future. The livestock section is historically the least developed within the organic community. But nonetheless there is strong history of specific principles by which organic livestock have been produced. There is potential for great growth of organic meats, feeds and processing. This potential is also generating much concerns about concentration, being co-opted, an acceleration of the loss of family-size farms and thus a loss of integrity for this segment of the industry. Clearly antibiotics, feed requirements and living conditions are key hot issues in this area.

1. Feed requirements and animal restocking rules - pages 91-94 : The percentage of organic feed requirements, restocking rules and consumer concerns about BSE (bovine spongiform encephalopathy) or mad cow disease are big issues in this section. Among the major integrity issues that consumer groups have flagged as **deal-breakers** are the determination of exemptions and rules and ways of preventing animal by-products from being fed to other animals. The wording here is essential to preserve consumer confidence and ensure growth in demand for organic meats, especially as the BSE issues begin to heat up in the US.

2. Housing and access to outdoors - pages 95-96, lines 263-282, page 111, lines 752-776, & page 116 : Organic livestock production is based on mimicking the physiological and behavioral needs of the animals involved, just as with plants, prevention and health are cornerstones of this approach. Appropriate and adequate access to land, water, pasture, shade and sunlight are seen as key components of organic livestock production. This will be one of the key integrity defining issues for organic livestock production. This is another **deal-breaker** for consumers, animal welfare, and farmer constituents. How this rule plays out will have a major impact on whether the current trend of large, vertically integrated livestock corporations and accelerated loss of family-size farm units is extended into organic livestock production. Currently, family-sized operations have a greater chance of maintaining the correct livestock to land ratio to meet environmental and consumer livestock production criteria.

3. Antibiotic use - pages 98-100, 118 & 170 -171 : Consumers identify antibiotics as a major concern, and it is imperative that the final rule be clear enough to maintain consumer confidence. Having said that, antibiotic use is another issue requiring balance, and it is another **deal-breaker**. If the rules are too lenient, industrial -style operations could be accelerated into organics with many of their present antibiotic uses in place. But if the rules are too strict, they will choke off the legitimate expansion of

organic livestock production. Antibiotics use in slaughter stock , milk and eggs products are key to avoid.

4. Parasiticides and use - pages 101-104, 116, & 169-170 : This is a difficult and complex issue that cuts across constituencies. A too-strict rule will effectively limit organic livestock production to those areas of the U.S. that can currently raise livestock without this medication. In practice, this boils down mainly to the Midwest, where winters are very severe. But (again), if the rule is too lenient, consumers will lose confidence. And the rule must be very clear, in order to inspire consumer confidence.

E. Crops - pages 120-154:

This heading covers standards for all crops, planting stocks, fibers and seeds. Specific standards were given for mushrooms, greenhouses, and hydroponics. Standards for pineapples and other specialities are still being developed. The hot topic issues are the following:

1. Pesticide drift - pages 124-127: The NOSB recommended that local certifiers determine appropriate buffers zones, other protective practices against off-farm pesticide drift, and including drift from contaminated irrigation water. If crops or fields are determined to be contaminated, the crops cannot be sold as organic for a certain length of time. The length of the de-certification will be determined based on the level of contamination. The NOSB has recommended that residue testing be triggered by a "for cause" incident. (Some groups such as Oregon Tilth are now requiring more stringent requirements.) Certifiers are responsible for verifying such incidents. Key issues to scrutinize in the proposed rule include: farmer compensation for loss of products, the mechanism by which testing is triggered, costs, irrigation water requirements, and size of buffer zones. Careful examination is required to make sure pesticide-drift provisions build consumer confidence, while not punishing organic farmers for "unavoidable drift" that is not of their making.

2. Small-farmer & processor exemption pages 128-129: Key factors to analyze in the proposed rule include fairness and scale biases. The law requires this exemption, but the issue is controversial. Too much red tape will raise barriers for small farmers and on-farm processors. But an exemption that is too loose could create a loophole for loss of organic integrity by small producers and on-farm processors. Issues remain to be addressed for Community Supported Agriculture, (CSA), small-farmer cooperatives, and other marketing schemes that directly connect farmers with consumers. This is especially true if they also wholesale or move excess product into certified organic channels, in addition to marketing directly from farmer to consumers.

3. Residue testing - pages 130-134: The key here is the specific percentage nf

allowable residue. A low standard or high percentage of allowable residues will be a **deal-breaker** with the organic, environmental and consumer communities. This would hurt organic's marketplace advantage over conventional products by only requiring organics to meet current FDA and EPA conventional agriculture residues standards. On the other hand, a standard that is too high (too low of a percentage) , could be a **deal-breaker** for farmers and a substantive barrier to increasing organic production. The NOSB recognized that farmers farm in a polluted world and that a realistic goal for organic products should be 5% of the current EPA tolerance requirements with a annual NOSB review of this standard. Mandatory testing again, could be a scale bias against small or limited resource producers. Care needs to be taken to define a middle ground based on clear protocols for when residue testing is required, what percentage is allowable and how the costs are share.

4. "Split Operations" - pages 135-136: The NOSB recommendations allow field-by-field conversion, with no requirement to convert the whole farm over time. This recommendation was made recognizing that split operations may be more costly to inspect and need stricter protocols to prevent product substitution and the mixing of organic and conventional products. However, European and current Codex standards prohibit split-field operations; thus trade problems could result. Also, there is debate within the organic community. Some favor allowing only whole-farm conversions for maximum organic impact and as a way to help protect smaller farms; but most contend that split operations will make organic production more accessible to new growers. Disallowance of split operations world hit hard on California and other states where many new organic growers are running split operations. Too strict a rule will probably encourage growers to legally split their operations to avoid this rule.

5. Planting stock policies (includes seeds) page 141, lines 770-771: This section contains the potential deal-breaker of genetically engineered seed. The NOSB recommendations prohibit genetically engineered seeds from organics, and this provision is considered a **deal-breaker** by many in the U.S. organic community as well as in Europe and Codex. Another key issue here concerns rules about the exemption clause and options when organic seeds and stocks are not commercially available. The exact wording of this section will either encourage or discourage growth of the organic seeds and planting stock market.

6. Organic Farm Plan pages 142-146: The farm plan is the heart of the operational definition of organic; it is designed to create a mechanism to "drive-up" bio-rational, ecological strategies and to encourage continued ecological improvements. However, if the farm plan in the proposed rule is full of red tape or otherwise burdensome, it will fail to provide this function. Without viable farm planning, the operational definition of "organic" could turn out to mean merely a list of allowed and prohibited materials. This provision could turn out to be a major **deal-breaker,** if the language does not define this plan as a tool for on-going improvement of the ecological stewardship of the certified farms over time.

7. **Emergency spray exception 147-149:** This is another provision that must balance potentially conflicting interests. Organic farmers must be compensated for losses of certification or crops through mandatory local, state or federal emergency spraying programs that are not their fault. Possible sources of compensation include private insurance, farmers trust fund, government support or a combination of plans. Without such aid, farmers could be forced out of business because of losses from mandatory emergency sprays. However, the rules must be stringent enough to maintain consumer confidence. And the rule needs to include strong language for the agencies requiring spraying to first use "approved for organic" materials when spraying near or on organic farms. This can help reduce greatly potential farmer losses. The certification agency also needs to do careful, qualitative evaluation to determine when the spraying warrants a loss of certification or just a loss of that crop to preserve organic integrity.

8. **Transitional labeling - page 208 :** The NOSB recommended a transitional label for food products grown on land under organic management for at least one year, but not yet three years free from use of prohibited materials. This is a controversial recommendation: Opponents say consumers may be confused and farmers may abuse the label. Supporters argue that transitional labeling will help enable farmers to make this transition by giving them earlier risk-reduction and marketplace rewards and will help enlarge the organic marketplace at a much faster pace. How USDA decides on this will have both organic marketplace growth and trade implications. Many see this as essential to building a more stable marketing linkage between organic, IPM, sustainable agriculture and conventional products.

E. National Materials List - pages 155-189:

This whole section is full of deal breakers. Key issues include whether and which synthetics can be allowed in organic production and processing, the biotech question, generic v. brand reviews, full disclosure of inert ingredients, commercial availability and the role of the NOSB & USDA. Here are some specifics:

1. **Allowed synthetics - pages 156-157 -** As mentioned before, the larger organic and consumer community is somewhat divided over whether and which synthetics are or should be allowed in organic processed food. The law does not expressly clarify this, but the board took the middle ground by reviewing and allowing some synthetics for processing, in addition to the synthetics that are allowed by law for production. * **See processing section above.** Potential consumer confusion is great because of narrow current understanding on the part of many consumers that Organic equals no synthetics. Synthetics v. no synthetics, both for production and processing, as the dividing line between organics and conventional is both too simplistic and a lost opportunity to educate about the real dividing lines for organics. These include

emphasis on soil health, water quality, and disease prevention as the foundation of a balanced ecosystem. Pest management decisions are based on the approach of the least ecologically disruptive intervention first strategies. Unfortunately these are much more complex issues and not easily translated into media sound bites. This will be one of the major challenges for organics in the future--more sophisticated consumer education. There is much work to be done during the rule-making process and the final rule implementation to educate consumers understand that organics is also about soil health, water quality, and ecological balance, as well as safe foods.

2. Inerts and full disclosure - page 156, first paragraph , page 178-181, and Addenda # 1, page 193, section 6518 (l) (2). The NOSB has supported the full disclosure by manufacturers of all inert ingredients in materials to be allowed on the National List. This issue is closely tied to the above outcomes concerning brand name reviews. This is another example of where transparency is key to organic integrity and public trust. This issue must be resolved simultaneously with the rule to prevent farmer / processor chaos. If the rule does not require full disclosure of inert ingredients then many in the consumer community could lose confidence in organic foods. The NOSB did not attempt to deal with the inert ingredient issue in its initial materials list for fear of lengthy delays. The NOSB planned to develop this process after finishing its initial recommendations to USDA.

3. Generic v. brand name - This is a technically complex issue. The NOSB currently is reviewing only generic materials not brand names. There is controversy over who will do this task. The NOSB has supported a multidisciplinary NGO approach. The government may want to do this itself. This is another one of those critical "sunshine" and transparency issues which will build more public trust and confidence if handled by the NOSB or independently by an organic community supported non-governmental organization (NGO).

4. Biotech - Addenda # 6, page 207. This is a major deal breaker for almost all of the participants.The NOSB after much research and thought prohibited genetically engineered ingredients or materials and those derived from genetic engineering due to: its non-compatibility with organic principles, the overwhelming public comments in opposition to its official allowance into organics, and the availability of non-genetically engineered alternatives. The allowance of biotechnology into organics by the US would also create trade barriers to equivalency with Europe and disharmony with the Codex organic guidelines, which also prohibits the use of genetic engineering. We are aware that there is much pressure from the supporters of this technology for USDA to find some way around the current Codex and NOSB positions. But most agree that biotechnology is too novel and is not compatible with the organic approach. The bottom-line is that currently consumers who are concerned about biotech foods currently turn to organics as their food supply choice. And to the active core consumer supporters of organics, genetically engineered organic products is simply an oxymoron. Consumers would also insist that organic foods that contain genetically engineered

ingredients or processing aids must be labeled a such. Crossing this yellow line for the very few possibly " benign biotech ingredient products" will surely cause chaos for organic and a loss of prnduct differentiation. This could also put organics for one of the first times in a defensive media position - something that it has managed to mostly avoid up until now. This could be the real "media honeymoon" buster. Concerns about commercial availability of non-genetically engineered processing aids and the lack of biotech product tracking to ensure biotech exclusion must be addressed by the certification agencies, farmers and processors through developing more sophisticated auditing, ingredient tracking and sourcing protocols. It would be a mistake to lower organic standards to solve a commercial availability problem. Others have concerns that a prohibition is too restrictive and closes off opportunities. But, the door is already left open for on-going discussion by the law requiring the NOSB to revisit its materials list decisions within each 5 year period, which would include products derived from biotechnology. Continued debate and education is needed as the finer points and implications of this technology become more widely known.

5. **Role of NOSB v. USDA - Addenda # 8, pages 209- 213.** This is also a major **deal breaker.** The law provides for the NOSB to be the sole primary evaluator of what goes on the National List and all materials and ingredients must be reviewed by the NOSB and its technical advisory panel prior to being allowed for organic. **USDA can remove items from the list if it can show that the NOSB did not protect the safety requirements of the law, but USDA can not add to the list, that the NOSB creates.** If USDA, in the proposed rules, changes the materials list by adding additional materials or by downplaying the on-going role of the NOSB, then one of the critical key functions of this public/ private partnership will be violated. Also the current critical issue of no stand-aloue federal NOSB funding makes for a shift in power relationships between these two bodies more likely. Due to this change, USDA is now currently the sole determiner of when the NOSB can meet based on when they say they have money to convene the meeting v. in the past the board could make this decision based on their needs and responsibilities.

III. Other cross-cutting concerns -

A. Scale and type of operation bias: As mentioned in numerous sections above, this affects the overall integrity of organics. The future structure of the organic community and industry are at stake if any of the proposed rules have an unfair bias against small and family-style farmers, handlers or processors or against any geographical region or commodity. It is assumed that the overall trends in agriculture are biased toward the very large entities, therefore focusing on impacts on the smaller and non-industrially integrated nperations is key to maintaining the continuum of organic participants. This is particularly important because the recent US interest in organics was pioneered by small grass-roots operations who are family-size and who more easily align them selves with organic principles of reintegration of crops and animals and a balanced ecological system. The law does not address this issue except

through the internal USDA administrative requirement to assess the socioeconomic impact of the proposed rule on the organic industry. USDA has very little baseline data and is therefore expected to do very little pre-introduction assessments. It will be up to those who care to externally assess these impacts and to press for reforms where needed. The connection between organic, local and family farms is also a growing consumer interest area.

B. Ongoing role of the NOSB: As mentioned above this is one of the key public-private partnerships which make this process unique. A rightful role for the NOSB--that is, the authority and duties as set forth in the OFPA and in related and subsequent meetings of the involved parties--is essential for long-term public confidence, public ownership, and public participation in the organic process. If the NOSB's role is diminished, organics will revert to just another government program that will be resistant to self-correction and heedless of public outcries.

C. Phase-in and Phase-out: This issue is an important one to watch for and evaluate in the proposed rules. This regulatory tool can be very helpful in creating a reasonable timeframe for various segments of this industry to come up to higher standards in cases where the proposed rule might be a higher standard than the current norm. This could be particularly helpful in phasing -in or out certain materials or feed or processing requirements. But the amount of time allowed must meet both consumer expectation and the reality of the marketplace.

D. Implementation and compliance time allowances: This is closely related to the above issue and is one that each stakeholder group must access for fairness and feasibility. The time allowed between the announcement of the final rule and the requirement for full compliance is very important and must be realistically evaluated to ensure that after all of this work the compliance times do not bias certain segments of this growing industry.

E. Organics v. other eco-labels: And finally, this topic is clearly beyond the scope of this document but is included here because it is important to remember that the development of organic standards is not taking place in a vacuum but within a very fluid and fast paced consumer driven marketing atmosphere. The very integrity of the organic label will directly affect the direction and growth of new eco-labels. The relationship of the Federal organic label to other eco-labels is however not specifically addressed. This will also be affected by; the outcome of the ceiling/floor debate within organics and the strength of the farm plan section. How the eco-labels define themselves and those outcomes will influence the consumer demand for labeling which addresses concerns other than organics. The way this issue plays out will determine whether Eco-labeling enhances, competes with, or confuses organics. Eco-labeling is growing because it is addressing consumer demands for such issues as local growing / processing, family farms, integrated pest management, (IPM), distance from production to consumption, (food miles), social equity, energy, fair trade and others

consumer concerns not presently embodied in organic standards. Also because the needs of farmers to find marketplace rewards for stewardship practices due to decline in traditional Federal supports. But any such new schemes must deal effectively with the same issues that organics must : of consumer confidence, verifiability, harmonized standards, and principles. The question is will this enlarge the overall market share for "green" food products and lengthen the farmers' marketing runway or will it confuse consumers and just compete with the existing organic market share ? In the ideal world eco-labels would: draw more farmers to sustainable agriculture, expand the "green" share of food products, maintain pressure on organics to continually improve and provide consumers more opportunity to vote for the kind of food system they want by their food dollars, especially concerning social and ethical purchasing decisions. Much more constructive dialogue is urgently needed to help shape the challenges of this fast growing labeling arena.

ACCREDITATION RECOMMENDATIONS

DRAFT

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 4, 1994 in Santa Fe, New Mexico

STANDARDS AND PROCEDURES GOVERNING THE ACCREDITATION OF ORGANIC CERTIFICATION ORGANIZATIONS

INTRODUCTION

This document includes the NOSB Draft Recommendations in the following areas of accreditation of organic certification organizations:

I. The purposes of accreditation

II. Three basic criteria, and standards based on statutory requirements and purposes
   - A. Competence (Expertise)
   - B. Transparency (Record-keeping)
   - C. Independence (freedom from conflict of interest)

III. The three phases of the accreditation process, the procedures for each and possible outcomes
   - A. Application
   - B. Field Evaluation and Audit of Agency Records
   - C. Peer Review and Recommended Outcome

IV. Other procedures:
   - A. Determination of Indemnification process and costs
   - B. Administrative Appeals and Complaints Process
   - C. Costs of Accreditation

V. Appendices:
   - A. Glossary. [IN PROGRESS]
   - B. Application
     1. Basic Information
     2. Memorandum of Agreement
     3. Questionnaire: Policies and Procedures
     4. Required Documents
   - C. Report and Scoring forms [IN PROGRESS]

NOTE: An additional section of the Table of Contents concerning implementation will be developed by the Accreditation Committee for subsequent inclusion into the Final Board Recommendations. This section will include, but not be limited to:

1. Control of the use of the certifier's mark or symbol;
2. Control of the USDA shield by the certifying agency;
3. Cost of certification; and
4. Suspension or termination of accreditation.

Part I. The purposes of Accreditation

The Organic Foods Production Act of 1990, or Title XXI, Organic Certification, was enacted by Congress as part of the 1990 Farm Bill (Food Agriculture, Conservation and Trade Act) The purposes of the OFPA are:

(1) To establish national standards governing the marketing of certain agricultural products as organically produced products
(2) To assure consumers that organically produced products meet a consistent standard; and
(3) To facilitate interstate commerce in fresh and processed food that is organically produced.

To achieve these goals, OFPA requires the USDA to establish a mandatory national organic certification program, and the accreditation process is a crucial component of this national program.

Accreditation has two basic purposes:

First, accreditation will assure the public that organic certification agents and organizations, both public and private, will carry out certification activities consistent with OFPA and the certification requirements of the national organic certification program. Section 6514 of the OFPA states:

> "The Secretary [of Agriculture] shall establish and implement a program to accredit a governing state official, and any private person, that meets the requirements of this section as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation."

Second, the accreditation program provides a role for state government and the private sector in the national organic certification process. The accreditation process encourages the utilization of existing organic certification organizations as certifying agents and allows private certification organizations to coexist with state certification agents on a level playing field.

To understand how the accreditation program fits into the organic certification scheme, it is helpful to view the national organic certification program as a whole. The national organic certification program has four fundamental components:

1. USDA Administrative and Enforcement Authority. The Secretary of Agriculture has ultimate authority and responsibility to administer and enforce the national organic certification program and OFPA statutory

requirements. The Secretary has delegated this authority to the Agricultural Marketing Service (AMS), which is a USDA agency. The Secretary is also authorized to delegate administrative and enforcement authority to states with a USDA-approved state organic certification program.

2. USDA-Approved State Programs. The Secretary of Agriculture is authorized to approve state organic certification programs that are consistent with the requirements of the national certification program. States with USDA-approved state certification programs may assume administrative responsibilities under the implementation of the national organic certification program within that state. OFPA allows states to include additional standards and/or requirements in the state organic certification program, if those standards and requirements have been approved by the USDA, are consistent with the purposes of OFPA, and do not have a discriminatory impact in the organic marketplace. Approved state organic certification programs are subject to the authority of the Secretary of Agriculture.

3. The USDA Accreditation Program. OFPA requires the Secretary of Agriculture (USDA) to implement the national organic certification program through accredited certifying agents. Accredited certifying agents will be responsible for determining whether organic producers and/or handlers are in compliance with OFPA standards and requirements. State officials and private organizations can apply to the USDA for accreditation as certifying agents. The USDA will administer the accreditation program and make all determinations regarding approval of accreditation applications and/or revocation of a certifying agent's accreditation status. State and private applicants for accreditation will be evaluated under the same basic accreditation criteria and procedures. Once accredited, state and private certifying agents will be functionally equivalent.

In addition, guidelines will be established for the accreditation of agencies conducting certification services in foreign countries. For a product bearing the seal of a U.S.-based certifying agency to be imported into the United States, the agency indicated shall meet the following requirements:

a. The agent shall be accredited to certify the production and handling of organic products within the United States.

b. The agent shall be able to demonstrate that

oversight of the procedures utilized to certify the production and handling of the imported product has been provided by a USDA-recognized governmental or non-governmental authority.
c. The agent shall be able to demonstrate that only those imports produced and/or handled in compliance with the U.S. Organic Food Production Act have been certified.
d. The agent shall be able to demonstrate the application of U.S. OFPA inspection requirements to the certification of a farm or handling operation located within a foreign country.
e. The agent shall be able to demonstrate adequate documentation of the organic integrity of the imported product from farm through U.S. Customs clearance.
f. Copies of all records pertinent to the certification of each imported product shall be maintained at the U.S. agency office.

It is recognized that some private certifying agents have established programs to address specific philosophies and/or regional considerations, and may wish to include requirements for the awarding of the certifying agent's seal that are supplemental to the standards promulgated in the OFPA. Such requirements shall not be in conflict with the National Organic Standards. Supplemental requirements shall not preclude the certification to OFPA standards of producers and handlers who do not seek to utilize the private agent's seal.

4. The National Organic Standards Board (NOSB). The NOSB serves as an advisory board to the Secretary of Agriculture. The role of the NOSB is to recommend organic standards and provide public input to help the Secretary shape the policies and regulations that will govern the national organic certification program.

It is important to distinguish between the process of accreditation of certifying agents and the process of approval of State organic certification programs. The outcome of the accreditation process is authorization of a certifying agent, be it a state or a private person, to certify an organic farm or handling operation. The outcome of the approval process is authorization of a state to (1) administer the certification program in that state; and (2) enact additional standards. "Approval" of a state organic certification program does not constitute "accreditation" of the state as a certifying agent. Consequently, a state with a USDA-approved state organic certification program must also independently apply to the USDA

for accreditation in order to carry out certification activities.

OFPA authorizes the Secretary to appoint a Peer Review Panel to assist the Secretary in the accreditation process. The purpose of the Peer Review Panel is to represent and utilize the expertise existing in the organic community. The Peer Review Panel shall be comprised of individuals with experience in the production and handling of organic food and familiarity with organic certification methods and procedures.

The Peer Review Panel is a critical component of the Accreditation Program because it utilizes the expertise of the private sector and preserves a role for the private organic industry in the National Organic Certification Program. Sec. 6516 (a) of the OFPA states:

> Peer Review
> In determining whether to approve an application for Accreditation submitted under Section 6514 of this title, the Secretary shall consider a report concerning such applicant that shall be prepared by a peer review panel established under subsection (b) of this section.

The NOSB interprets this statutory provision, which requires the Secretary to consider a peer review panel report when determining whether to approve an application for Accreditation, to be a mandatory requirement. The NOSB recommends that the Peer Review Panel be incorporated into the USDA Accreditation Program as a mandatory requirement through the rule making process.

Part II: Criteria for Accreditation

The accreditation process is designed to reach judgments regarding a certifying agent's degree of compliance with three essential program attributes -- competence, transparency, and independence, each of which is grounded in OFPA statutory provisions. These attributes reflect key goals all certifying agents should strive toward; the degree to which certifying agent programs, policies, and activities are found to be consistent with these goals will be among the most heavily weighted factors taken into account by the Peer Review Panel in reaching accreditation status recommendations.

A. Competence: (Expertise)

I. Competency of the Certifying Agent

The Committee reviewed the steps in the certification process with respect to the content of each step in terms of the output of the Certifying Agent; the input received from applicant producers, handlers, inspectors and others, and the process

involved; the competencies required to perform each step of the certification process; and indices of competence.

a. Steps in the Certification Process

The Committee identified seven (7) steps in the certification process. These are:

(1). Promulgation of the Application for Certification and Certification Standards;

(2) Submission of the completed Application and Affidavit, including the Organic Plan, by a producer or handler;

(3) Initial review of the Application by the Certifying Agent;

(4) On-site inspection of the farm or handling operation by an inspector;

(5) Administrative review and certification determination by the Certifying Agent;

(6) Annual recertification and reinspection and submission of an affidavit by the producer or handler; and

(7) Procedures relating to the handling of complaints and appeals of adverse determination by the certifying agency.

Each of these steps requires input, process and output, with the corresponding competencies.

(1) Promulgation of the Application for Certification and Certification Standards:

The output of this step of the certification process includes the Application Form and Certification Standards, the Organic Plan requirements for each particular kind of operation seeking certification, a fee schedule, and, by identifying the competence areas of the certifying agent, the specific kinds of operations for which the Certifying Agent declares expertise.

The competencies required are:

* knowledge of the Organic regulations, as evidenced by the requirements outlined in the Application Form and Certification Standards and the Certifying Agent's Organic Plan requirements;

* knowledge of the specific kinds of operations for which the Certifying Agent declares expertise (e.g., for a vegetable processing operation: Current Good Manufacturing Practice for processing operations, low-acid food canning regulations), as evidenced by appropriate training of inspectors and reviewers of

applications (e.g., see Title 21, Code of Federal Regulations, Section 113.10 and Title 9, Code of Federal Regulations, Section 381.310);

* knowledge of operationally specific standards, handbooks and manuals; and

* financial competence, as evidenced by a published fee schedule and current financial statements, such as an independently audited annual financial statement or similar financial report.

(2) Submission of the completed Application and Affidavit, including the Organic Plan, by a producer or handler:

The output of this step in the certification process is a completed Application and an Organic Plan. The competencies required of the Certifying Agent relate to the confidentiality of certain information submitted by the producer or handler and generated by the Certifying Agent and to the record keeping system and procedures of the Certifying Agent required to satisfy the record keeping requirements of the OFPA.

(3) Initial review of the Application by the Certifying Agent:

This step in the certification process involves a general evaluation of the Application and Organic Plan against the organic regulations and the specific requirements and standards for the type of operation requesting certification, and requires sufficient expertise to make valid judgments. Many of the competencies required in step 1, above, are required here. In addition, the Certifying Agent must have competence in systematically recognizing potential conflicts of interest and avoiding actual conflicts of interest, as evidenced by specific written policies and procedures.

The output of this step in the certification process is to determine eligibility and provide specific instructions to an inspector who physically performs the next step in the process. The Certifying Agent must be knowledgeable of the organic regulations and the specific type of operation being reviewed by the reviewers within the Certifying Agent, in order to identify both general and specific areas for inspection. The Certifying Agent must have policies and procedures to maintain confidentiality of its internally generated initial recommendation.

The Certifying Agent must be competent in training its Application reviewers to achieve individual competence in the organic regulations, organic plan content, and specific standards and good operating practices for specific types of operations.

(4) On-site inspection of the farm or handling operation by an inspector:

The Certifying Agent must have the competence to evaluate the credentials, ability and affiliations of inspectors, in order to select inspectors competent to inspect the type of operation requesting certification, without conflict of interest. The Certifying Agent must show competence in its supervision of inspectors, with regard to inspector performance standards, reporting requirements and ethical behavior. Specifically, the Certifying Agent must have a general inspection protocol and specific criteria for assessing risks to organic integrity, especially adherence to the Organic Handling Plan and contamination with synthetic pesticides and other synthetic substances, and for testing food and soil and water for residues of pesticides and other synthetic substances as appropriate.

The competency required of the inspector, as an agent of the Certifying Agent and thus of the Secretary, includes technical knowledge of the type of operation in addition to knowledge of the organic regulations.

The output of this step in the certification process ia the inspection report. The Certifying Agent, specifically the members of its review panel, must be competent in evaluating the inspection report as it pertains to the type of operation requesting certification.

The Certifying Agent is responsible for maintaining as confidential information proprietary information gathered by the Inspector. The Certifying Agent must demonstrate satisfactory oversfght of inspectors' conduct with respect to protection of confidential information. This is evidenced by a signed affidavit.

(5) Administrative review and certification determination by the Certifying Agent:

This step in the certification process consists of reviewing the Application, the Initial Recommendation and the Inspection Report, and deciding whether the operation will be certified or not. The competencies required for this process are the same as those required for step 3 and step 4. The output of this step is the certification decision. The record-keeping and confidentiality competencies of step 2 are again essential here. The final reviewers should have competence in determining compliance with organic standards and regulations and in interpreting inspectors' reports.

A written procedure with objective decision criteria is an indicator of competency in this step. This can also be verified at the time of field evaluation.

(6) Annual recertification and reinspection and submission of an affidavit by the producer or handler:

The OFPA requires annual inspection and recertification of organic producers and handlers. The Organic Plan will require evaluation of progress toward certain goals agreed upon by the Certifying Agent and the producer or handler. Record keeping competency of the Certifying Agent is essential, as evidenced by the ability to locate prior years' Organic Plans for the producer or handler requesting recertification. A system for "automatic" follow-up that will assure pesticide testing of soil or food when justified by the prior history of an operation is an index of record keeping competency.

(7) Procedures relating to the handling of complaints and appeals of adverse determination by the certifying agency:

The Certifying Agent must have formal procedures that protect the rights of petitioners, to enable producers, handlers, inspectors, and others to submit complaints or to appeal decisions of the Certifying Agent. The Certifying Agent must have competency in enforcing its decisions and adjudicating appeals of its decisions.

The output of the appeal process is a "decision review report." The Certifying Agent must have access to competent legal counsel, to minimize its legal exposure and thus risks to the integrity of the organic program.

An index of competency is the availability of records documenting the results of the appeals process.

b. Qualifications of Inspectors

Certifying agents must employ or contract inspectors who have thorough knowledge of, and/or can demonstrate expertise in the following:

(1) General principles of organic food production, for crops, livestock or processing/handling.
(2) All applicable organic food production regulations, including audit and labeling requirements. (Federal, State)
(3) Applicable inspections procedures, forms, and policies.
(4) Specific production, handling, or processing and pest control methods (both organic and conventional), for product to be inspected, i.e.:
Livestock (species)
Processing (type)
Crops (type)
Handling.
(5) Risk assessment for potential contamination and appropriate steps to be taken when contamination is suspected.
(6) Adequate written and oral communication skills.

Required expertise may be acquired by work experience in

TABLE A.1. COMPETENCE

STEP IN CERTIFICATION PROCESS	STEP INCLUDES	COMPETENCIES REQUIRED OF CERTIFIER	INDICATORS OF COMPETENCE
. PROMULGATION OF APPLICATION GUIDE	OUTPUT: APPLICATION FORM ORGANIC PLAN RQMTS FEE SCHEDULE OPERATIONAL COMPETENCIES	KNOWLEDGE OF: ORGANIC REGULATIONS & ORGANIC PLANS SPECIFIC OPERATIONAL RQMTS FINANCIAL COMPETENCE	APPLICATION FORM CONTENT, INCLUD. ORGANIC PLAN(S) RQMTS OUTLINE SPECIFIC STANDARDS/HANDBOOKS PUBLISHED FEE SCHEDULE DUNNBRADSTREET/TAX RET/ANN REPORT
. APPLICATION BY A FARMER OR HANDLER	OUTPUT: COMPLETED APPLICATION ORGANIC PLAN	CONFIDENTIALITY OF SUBMITTED & GENERATED INFORMATION RECORD KEEPING RECORD RETENTION/REPOSITORY	DOCUMENTATION PROCEDURES, INCL. DATABASE MANAGEMENT
. REVIEW OF ORGANIC PLAN BY CERTIFIER	PROCESS: REVIEW VERSUS ORGANIC REGULATION RQMTS REVIEW VERSUS SPECIFIC OPERATIONAL RQMTS OUTPUT: INITIAL RECOMMENDATION SPECIFIC INSPECTOR TASKS	RECOGNITION OF CONFLICTS OF INTEREST MANAGEMENT OF CONFLICTS OF INTEREST KNOWLEDGE OF GOOD PRACTICES FOR SPECIFIC TYPES OF FARMS AND/OR HANDLING OPERATIONS BY THE INDIVIDUAL REVIEWERS KNOWLEDGE OF ORGANIC REGS BY REVIEWERS	CONFLICT OF INTEREST PROCEDURES FOR REVIEWERS & INTERNAL STAFF REVIEWER TRAINING IN ORGANIC REQS, ORGANIC PLAN CONTENT & SPECIFIC STANDARDS, GOOD MANUF PRACTICES
. SITE INSPECTION OF FARMER/HANDLER	PROCESS: GENERAL ORGANIC INSPECTION F/U ON CERTIFIER SPECIFICS OUTPUT: INSPECTOR'S REPORT	RECOGNITION OF INSPECTOR'S CREDENTIALS AND KNOWLEDGE IN SPECIFIC OPERATIONAL STDS SELECTION OF INSPECTORS RECOGNITION AND MANAGEMENT OF CONFLICTS OF INTEREST BY INSPECTORS ASSESSMENT OF RISKS TO ORGANIC INTEGRITY FOR SPECIFIC TYPES OF OPERATIONS	CONFLICT OF INTEREST PROCEDURES FOR INSPECTORS (AFFIDAVIT) INSPECTOR TRAINING IN SPECIFIC STD STANDARDS/PROCEDURES FOR INSPECTOR SELECTION, PERFORMANCE, REPORTING GENERAL & SPECIFIC STANDARDS FOR PESTICIDES, OTHER INTEGRITY RISKS
. ADMINISTRATIVE DETERMINATION	PROCESS: REVIEW INITIAL RECOMMEND. & INSPECTOR'S REPORT OUTPUT: CERTIFICATION DECISION CERTIFICATION RENEWAL	SAME AS FOR INITIAL REVIEW + ABILITY TO COMPREHEND INSPECTORS' REPORTS OBJECTIVE DECISION MAKING	REVIEWER TRAINING PROCEDURES PROCEDURE WITH DECISION CRITERIA
. ANNUAL RECERTIFICATION(STEPS 1-5)	INPUT: FARM PLAN OR HANDLING PLAN PROCESS: GENERAL INSPECTION OUTPUT: INSPECTOR'S REPORT CERTIFIED'S AFFIDAVIT	RECORD KEEPING AND FOLLOW-UP	SYSTEM FOR "AUTOMATIC" FOLLOW-UP
. APPLICANT APPEAL PROCESS	INPUT: COMPLAINT PROCESS: REVIEW OF CERTIF. DECISION OUTPUT: DECISION REVIEW REPORT	ADMINISTRATIVE APPEAL PROCEDURES FOR ALL STEPS OF CERTIFICATION, INCLUDING INSPECTION AND CERTIFICATION DECISIONS	FORMAL APPEAL PROCEDURE AVAILABILITY OF RECORDS

agriculture (crops/livestock), food processing, or audit-inspection (as applicable), formal education, specific training courses, or past organic inspection experience &/or training. "Sufficiency" of expertise as regards "qualified inspectors" must be determined in relation to the types of operations an inspector is assigned to inspect. (A processing inspector, familiar only with fruit and vegetable processing, may for example, need to seek additional training, reading, or other exposure to familiarize her/himself with another particular type of food processing.)

It is the responsibility of an Accredited Certification organization to determine that an inspector has both the general and specific expertise required to adequately observe and report compliance with and deviations from organic production and handling methods in the operations to which s/he is assigned. It is the responsibility of the inspector to note the need for additional information or expertise if deemed necessary in the course of an inspection, and to decline an assignment for which s/he lacks necessary expertise, or where sufficient information/protocols are not provided by the certification agency.

REFER TO: [TABLE A.1. Competence]

Additional requirements:

7. Accredited Certification organizations must have on file affidavits from all inspectors assuring compliance with statutory requirements regarding confidentiality and conflict of interest.

B. Transparency: Record-keeping

The basis of transparency is documentation, maintenance of records, publication of basic certification information and appropriate access to information by the public, and to records by the Secretary, and the certified party as specified below:

PRODUCER/HANDLER RECORDS

Record-keeping required of producers and handlers that must be available to the Secretary, certification agent, and State official:

Information which must be outlined and documented, as appropriate, by the producer or handler and reviewed by the certifier, includes:

a. All substances applied to the growing and stored crop, growing medium, growing area, storage area, irrigation or post-harvest wash, or seed, while owned by the producer or handler, with dates, rates, and method of application, and name of applicator. [OFPA Sec. 2112 (d)]

b. All substances administered and fed to animals, all medication and drugs, with dates and dosages; and all

substances applied in any area where animals, milk or animal products are kept, with dates, rates, and method of application, and name of applicator, while animals are owned by this certified producer or handler.

c. All substances applied to food, or applied in any area or container where food is handled while under the ownership of the certified entity who handles the food, with dates, rates, and method of application, and name of applicator. [OFPA Sec. 2112 (d)]

d. All substances used in the handling of food or applied in any area or container where food is handled or stored, while under the ownership of the certified entity who handles the food, with dates, rates, and method of application, and name of applicator. [OFPA Sec 2112 (d)]

e. Proof of certification of all products handled and all organic ingredients used for each product labelled as organic or "with organic ingredients." (refer to NOSB PHL Committee Labeling Draft.)

f. Sufficient records of all inputs, products handled, and date, source, lot number, and quantity; and all sales (whether bulk, raw or processed) with date, source lot number, quantity and recipient/transferee, to enable an auditing or inspecting certifier or investigator to reconstruct a "chain of custody" for all transactions during the period of time in which the certified entity holds title to the product, whether or not the product is physically in the possession of the certificant.

On at least an annual basis, certifying agencies or their inspectors must conduct at least one random product commodity tracking that demonstrates the steps of production or manufacturing prior to the shipment of that product from the premises of that farm or manufacturer.

CERTIFIER RECORDS

A. Records required to be kept by certifier, to be submitted to USDA/AMS as part of the Accreditation Application and upon request available to the public [FOIA]:

Because verification of information about practices is crucial to consumer confidence in the organic label, accountability of certifiers is essential. The basic premise that "organic" means "basic information about this food is obtainable," extends logically to verification of the organic claim. Thus, "certified organic" must mean "basic information about this certification claim is obtainable."

For this reason USDA will maintain updated records of each Accredited Certifier's policies and procedures, and will compile a list on quarterly basis of all Accredited Certifiers and

certified parties, which can be made available to the public by request. The availability of the list should be published in the Federal Register and food trade periodicals.

1. Organization address, phone #, hours

2. List of certified parties
    a. Producers, handlers, processors
        i. Past and present
        ii. Current status of each

3. Decision documentation procedures

4. Decision making structure

5. Decision maker identities and affiliations

6. Certification review process
    a. Certification standards and procedures
    b. Review body identities and affiliations

7. Inspector selection criteria covering both the competence of inspectors and their assignment.

8. Organizatioual Structure (Articles of Incorporation, By-laws, and organizational chart.)

9. Organizational affiliations
    a. Major funding sources
    b. Major shareholders

10. Established standard procedures for document request response
    a. Fees for information requested (expenses, i.e., fax, photocopy, staff time)
    b. Reasonable turnaround time for "standard" requests for information.

11. Established standard procedures for sampling and laboratory analyses that pertain to certification. [Sec. 2107 (a) (9)]

B. Public Access to Production and Handling Information

NOTE: An additional section concerning public access will be developed by the Accreditation Committee for subsequent inclusion into the Final Board Recommendations. This section will include, but not be limited to:

1. Transparency and record keeping;
2. Availability of producer/handler records;
3. Availability of certification documents; and
4. Content of producer's records of operation that are to be available for public review.

C. Records required to be kept by certifier and available upon request to the Secretary or his representative:

The critical determinants of transparency are clear articulation of the policies and procedures governing certification decision-making, as well as open accessibility and clear documentation of the evidentiary basis upon which a particular certification decision is based. Transparency is achieved by having and following clear written standards, procedures and policies; good record-keeping; explaining the roles and responsibilities of officers, staff, inspectors and decision-making bodies; responsiveness to legitimate inquiries and complaints; maintaining an open, accessible, and responsive appeals process; and, by full disclosure and timely resolution of potential conflicts of interest.

Disclosure of the fiscal foundation for a certifying agent's activities is also essential to achieve transparency. Certifying agents should, on an ongoing basis in an annual report or other accessible means, document all sources of funds and revenue, the level and purpose of all expenditures, and the relationship between fee structure, income, other sources of revenue, expenditures, and services rendered.

Verification of certification claims through ongoing independent review is the basis of National Accreditation. Certifiers work must be replicable, documented, and accessible to review, following consistently administered policies and procedures. Field evaluators, under confidentiality agreements, designated by the Secretary, shall have access [Sec. 2116 (c)(2)] upon request to any and all records concerning the certifying agent's activities under this chapter, including:

a. Certificant files, including application, organic plan, inspection forms and questionnaires, decision documentation.

b. Personnel and policy manuals, organizational chart.

c. Full documentation of all appeals, complaints, and trademark or seal violations.

d. Fiscal accounting: breakdowns of income and expenditures.

e. Inspector, staff and decision maker contracts, including confidentiality agreements and disclosure of affiliations relative to potential conflict of interest. [Sec. 2116 (c)(2);(d); Sec. 2107 (a) (9)]

f. Laboratory analyses, which must be reported to Secretary if shows any violative residue.

g. Business records relating to conflict of interest provisions of the National Standards.

C. Records required to be routinely available upon request to certificant at reasonable cost for processing of request:

a. Inspector contract, as above.
b. Inspection report.
c. Names and affiliations of all decision makers.
d. Results of laboratory analyses.

D. Maintenance, access and transference of records as required under OFPA:

a. Producers and handlers are required to keep records of all substances as required above, for five years. [Sec. 2112 (d)]

b. Certifiers are required to keep records as above for ten years. [Sec. 2116 (c)(1)]

c. Any certifying agent shall allow access by the Secretary or his representative, or the governing State official, to any and all records concerning the certifying agents activities under this title. [Sec. 2116 (c) (2)]

d. If any certifying agent is dissolved, suspended or loses Accreditation, all certification records or copies of records concerning certifier activities Accredited under this title shall be transferred to the Secretary immediately upon request, and made available to the governing State official. Confidentiality of records must be maintained by certifiers even following a dissolution, suspension, or de-accreditation of the certifier. [Sec.2116 (c) (3)]

C. Independence: (freedom from conflict of interest)

Definition: The term "conflict of interest" is defined as the use by an individual of his or her position for personal advantage or to the detriment of the integrity of the Organic Program. Personal advantage includes interest in another organization by the individual or a member of his or her immediate family (household), or receipt or acceptance of economic or non-economic favors, gifts or benefits of more than nominal value accruing to the individual or his or her designee, other than as part of his or her bona fide compensation."

Owners, officers, staff, committee members, board members, employees and contractors of Certifying Agents who have a financial interest in a farm or handling operation certified by the Certifying Agent, or who otherwise stand to gain financially from a certification decision, except for receipt of agreed upon fees for service or for use of a trademark or seal, must be isolated from those certification decisions in which they have an interest. Certifying Agents act as agents of the Secretary under the Organic Program, so an individual employed by a Certifying Agent represents the Secretary in certification activities.

Recommendation: The Committee recommends to the Secretary

that a Certifying Agent must have written policies and procedures regarding:

1. the application handling process;
2. disclosure of inspector financial interests and affiliations;
3. the appeal of inspection results;
4. the certification decision making process;
5. disclosure of financial interests and affiliations of members of the decision making body, including conditions of disqualification from decision making; and
6. the appeal of certification decisions

Furthermore, the Committee recommends that the Accreditation Authority itself must have a responsive and accessible complaint, appeal and investigation process.

Part III: Procedures for Accreditation (and Outcomes)

The Accreditation Process has three phases:

A. Application;
B. Field Audit and Evaluation; and
C. Peer Review and Recommendation to Secretary.

A. APPLICATION (Phase I) [see accompanying chart]

1. Submission of Application

To be eligible for review within the first round of accreditation, certifying organizations must submit applications for accreditation within 90 days of the publication of this notice. Certification organizations who submit an application for accreditation within this time frame will be evaluated in the first round of Accreditation and may continue to provide certification services.

Certifying agents will be asked in the application form to request accreditation in specific program categories:

i. Organic Production: crops, livestock and related on-farm processing.

ii. Organic Food Processing and Handling.

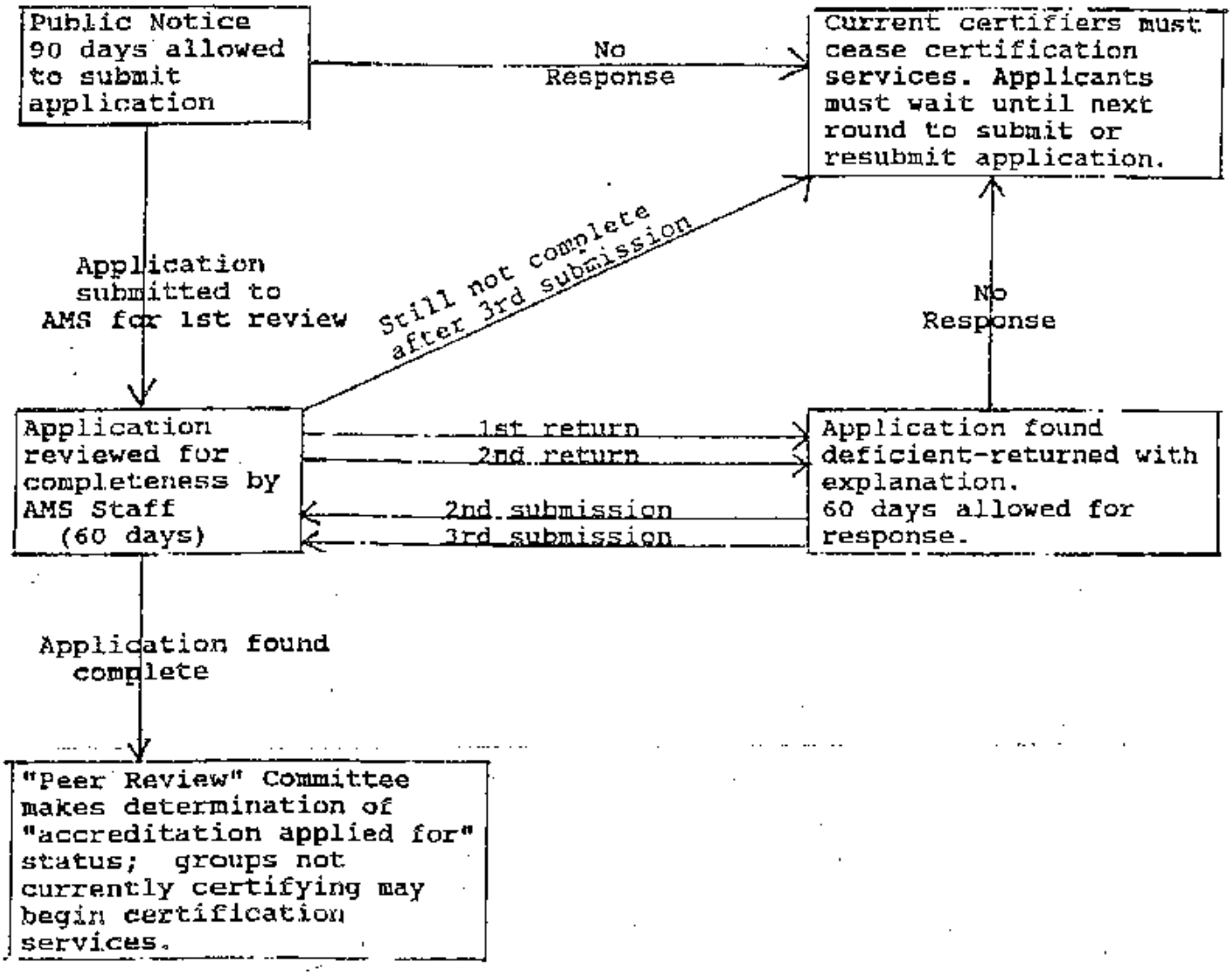
iii. International Trade. (Certifiers who certify operations outside the USA who wish approval from the Secretary for import equivalency to US standards.)

To initiate the accreditation process, a certifying agent shall submit to the Secretary of Agriculture or his designee, an

ACCREDITATION PHASE I: Application

Groups currently certifying: May continue certifying while continuing through the process.

Groups NOT currently certifying: May not begin certifying until Phase I completed.



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application, along with all required memoranda, documentation, and the applicable fee. Appendix B contains the Application Form, Memorandum of Agreement, and a description of required documentation.

The completed application form and accompanying documentation should be sent to:

National Organic Standards Program
USDA/AMS/TMD
P.O. Box 96456
Washington, D.C. 20090-6456

Phone inquiries regarding the status of applications should be directed to: Michael Hankin (202) 205-7806.

In the first round, applications will be reviewed in the order in which they are received. Existing certifying organizations shall be given priority in the processing of applications and field evaluation. Organizations which have not been certifying prior to the beginning date of the application period should not begin doing so until they have completed Phase I of the Accreditation Process.

Until completion of the first round of accreditation reviews in response to all properly completed applications received from currently active certifying organizations, certifying organizations may continue certification activities, or initiate new categories of certification services.

2. Review of Application:

The AMS/NOP Staff shall review applications for completeness and any obvious deficiencies or problems in a certifying agent's policies, programs, procedures, fiscal arrangements, or in regard to conflict of interest. If AMS/NOP staff makes a preliminary determination that the certifier's application indicates that the certifier meets the statutory requirements and the basic criteria of independence, transparency and competence as outlined in this regulation, they shall recommend to the Peer Review Panel that the "Accreditation Applied For" status be granted.

If AMS/NOP staff determines that the certifier's application does not meet the requirements of the OFPA, or if there is a need for further information or clarification of policies and procedures, the applicant will be notified accordingly.

Notification:

Within 60 days of receipt of an application, the AMS Staff shall respond to the applicant regarding whether the application has been found to be complete or deficient. Notification shall explain any deficiencies in the application and its supporting documentation, and explain options for overcoming deficiencies. New organizations wishing to begin certifying, and those who have been notified of an unsatisfactorily completed application, and have not responded within 60 days of notice, may not provide certification services, and must reapply for Accreditation.

Within 60 days of receipt of any additional information submitted to complete an application deemed incomplete, the Accreditation Staff shall inform the applicant of any remaining deficiencies, or acceptance of the application as complete. If the applicant does not respond within 60 days to notice of an incomplete application, they will have to wait for the next annual cycle of application and shall not be allowed to continue or begin certification activities. If the response still does not fulfill the requirements of the application, resubmission may continue, but Phase I must be complete within 12 months of the opening date for applications in that annual cycle, or further certification activity will be prohibited.

Close and thorough review of fully completed applications is intended to optimize certifier's successful field evaluation, to focus field evaluation on most salient areas of certifiers' operations, and to increase efficiency and effectiveness of time spent in field evaluation visits. To this end, the Committee recommends that AMS utilize the existing expertise in Organic Certification Program Evaluation to provide in-service training to AMS/NOP staff who will be reviewing applications.

To facilitate commerce during the first annual cycle of Accreditation, The National Organic Production Program will publish a list of certifiers who have satisfactorily applied for Accreditation, and are in the "pipeline" for field evaluation and peer review. This list will be published six months following the opening of the application process, and subsequently every six months.

Following the determination of "Application Accepted" status, the Peer Review Panel must be consulted on recommended assignment of the field evaluators and priority scheduling of visits. Upon completion of Phase I, and in preparation for the review process carried out in Phase II, AMS/NOP Staff shall provide applicants an explanation of the basic steps in the process and an estimated time-line for completion of various stages in the review and decision-making process.

At this point, for the first round of Accreditation application, AMS shall publish a list of all certifiers who have their applications complete and who are ready for field evaluation.

B. FIELD EVALUATION AND AUDIT OF AGENCY RECORDS (PHASE II)

1. Nature and Purpose of Field Evaluation

The purpose of the field evaluation-audit phase of Accreditation is to verify that each certifying organization is in fact functioning in a manner consistent with the requirements of the OFPA, the Accreditation Program and the policies and

procedures outlined in their applications. Basic functions such as record keeping, assignment and activities of inspectors, and the content and uses of the organic plan and audit control will be checked to assure that certification decisions rest upon an acceptable technical foundation. Policies on decision making, conflict of interest protection and confidentiality will be reviewed in the context of actual cases, to determine that they are effectively being followed.

2. Design/ Assignment/ Approval of Evaluation Team

The overall design of the field evaluation will follow the procedures outlined below. Some emphasis on certain program or policy areas may be indicated by the review of the Application, and these will be considered in the assignment and balance of particular evaluator expertise. Questions of procedure or application of policies that remain from the Application review shall be indicated to the assigned evaluators. The size and composition of evaluation review teams will vary depending on the scale and scope of a certifying organization's activities.The proposed composition of Evaluation Teams shall be submitted routinely for comment to the Peer Review Panel, as well as to the certifying agent to be visited. AMS shall take into account the suggestions of the Peer Review Panel, and any concerns raised by certifying agents regarding the ability of an individual review team member to carry out an impartial review. The USDA should seek in its selection to create the most qualified, appropriate and unbiased team possible. Final responsibility for approving Evaluation Teams shall rest with AMS, with a process for appeal. All certifiers have the right to impose confidentiality conditions on any member of the site visit team, except insofar as OFPA requires USDA access to records.

An international organic standards organization that is recognized by the Secretary for purposes of accreditation of certifying agents may perform on-site evaluations in the United States. Any on-site evaluation performed by such entity may, at the discretion of the Secretary, constitute compliance with the on-site evaluation requirement appearing in the Secretary's domestic accreditation program provided that: (1) All written reports or documents produced or resulting from the on-site evaluation by such organization shall be provided to the Secretary; and (2) Such documents and reports become part of the permanent record of the certifying agent held by the Secretary.

The site visit will routinely be scheduled at the certification agent's headquarters, and possibly at certain other field locations. In cases where a certifying organization carries out its activities through multiple chapters in several locations, AMS/NOP, in consultation with the Peer Review Panel, shall decide how many additional field locations, if any, will be visited and evaluated in order to gain an accurate appraisal of the certifying agent's programs and policies followed across all locations or chapters. The key factor governing whether

locations in addition to headquarters will need to be visited, and possibly accredited separately, is the locus of final decision making, permanent record storage, oversight and audit control. If chapters are completely autonomous in making and reviewing the final certification decisions, and are issuing certifications, they should require separate field visits.

3. Content of Site Visit

a. Formal meeting to introduce evaluators and staff, and to review procedures to be followed.

b. Random sample of certification files pulled for review, with case-file review form to be completed.

c. Review of written policies and procedures, with questions for staff relative to actual implementation of these. Do staff functions appear to be well defined, understood, and carried out effectively?

d. Review of decision making process, composition of review panels.

e. Review of complaints and appeals cases, at discretion of evaluation team.

f. Review of residue testing procedures and findings.

g. Review of certifier's production audit systems, if applicable. If certifier does not maintain a transaction-audit system of certified product, what methods do they use to insure that such systems are practiced effectively by their certificants?

h. Review of inspector qualifications and assignments.

i. Optional field visits of certificants: (NOSB shall develop further recommendations).

j. Interviews by phone of parties relevant to certification decisions when warranted.

k. Completion of Evaluation Scoring Form, including all areas listed above, as well as compliance with OFPA re: conflict of interest, confidentiality, use of seal, reasonable fees, appeals and complaints and investigation/enforcement.

l. Exit Interview: A summary of the Team's finding shall be presented verbally to the Certification Director at the conclusion of the Team's visit.

4. Access to Records

In carrying out field evaluations, individuals acting on behalf of the Accreditation Program shall be granted the full rights of access to information accorded the Secretary in the statute. Evaluators who are contracted by the USDA for this purpose shall sign non-disclosure agreements assuring protection of confidential information.

Inability or unwillingness to provide requested

documentation, records, statements of policy, resumes of staff or members of governing bodies, or financial disclosure forms shall be grounds for denial or suspension of accreditation.

The certifying agent shall be prepared, upon request, to provide copies of selected documents and records to Evaluation Team members, although most basic documents shall already have been provided as part of the application. Such requests may include basic procedures and policy manuals, a limited number of case file records, resumes of personnel, and fiscal records, and any other supporting material which may aid in the evaluation.

5. Evaluation Report

The Evaluation Team's field visit(s) shall be summarized in a written report completed, under all but exceptional circumstances, within 30 calendar days of the visit. An outline of the Team's findings shall have been presented verbally at the conclusion of the Site Visit (Exit Interview, step 1. above.) The report must be signed by all members of the review team, any of which are free to add personal observations or additions to the report, which may include objections or differing views relative to certain conclusions or sections of the report. A copy of the field evaluation report, as submitted to AMS, shall be provided to the certifying agent, who shall have 14 days to clarify or correct factual matters addressed in the report, or provide further clarification or documentation of program elements identified in the report as a possible basis for a decision to deny accreditation.

6. Role of Peer Evaluators

A peer evaluator will be selected from each certification group being accredited that wishes to exchange volunteer time for this purpose with other certification groups. Selection must be based on the qualifications outlined in Sec.A2. (below) and who is most familiar with the day to day operations of certification, and qualified to assist in the assessment of other certification program's management. These individuals will comprise an evaluator pool from which the selection of members for each review team can be made to create a balance of expertise and experience which reflects the size and type of program being evaluated. In the case of very small programs it may be determined that only one evaluator is required for the field visit. In composing each review team from the pool of qualified peer evaluators, AMS shall strive to create a balance of expertise in keeping with the size and complexity of the certifying operation. State certification programs shall have their evaluations include a peer-certifier from another state program, as private certifiers shall have their evaluation team include another private certifier. All those in the pool will be required to attend a Training and Orientation session before doing any site visits. Evaluators may be compensated for travel

and per diem expenses to attend a training session.

7. Qualifications of Evaluators

Evaluators assigned to do field audits of Certification Organizations seeking Accreditation under the O.F.P.A. should:

1) Have complete familiarity with policies and procedures of Organic Certification program management: application, inspection and decision making, and required record-keeping. Shall have received orientation in risk assessment in relation to certification program management.

2) Have: a) demonstrable expertise in agricultural cropping and livestock systems predominately certified by the certifier to which they are assigned, or
b) demonstrable expertise in food technology and inspection, or
c) have demonstrable experience in quality systems management, audit-inspection, or pesticide-food safety enforcement.

3) Be familiar with all requirements of the O.F.P.A., and ensuing U.S.D.A. regulations.

4) Have demonstrated both written and oral communication skills.

5) Submit three letters of recommendation verifying expertise and relevant experience.

6) Submit notarized affidavits ensuring compliance with all Federal requirements regarding confidentiality and conflict of interest, for each assigned evaluation.

Preference will be given to those with past experience as certification inspectors.

C. PEER REVIEW AND RECOMMENDED OUTCOME (PHASE III)

1. Background commentary

Under the Organic Foods Production Act of 1990, any person or State government can apply to be an agent of the Department of Agriculture for the purpose of certifying a farm or handling operation in accordance with the Act. Only food products produced on a USDA certified farm and handled by a USDA certified

organic handling operation can sell or label their food products "organically produced" or "organic." Organic handling operations are defined as operations that receive or otherwise acquire organic agricultural products, and process, package, or store such products. Under the USDA's National Organic Production Program, consumers of food labeled "organic" are guaranteed by the USDA they are purchasing food products raised and handled according to the standards set forth in the Act.

Because the USDA Accredited Organic Certifying Agents are the critical element in legitimizing the organic label claim, to be an accredited certifying agent, an application must be made to the USDA, and verified through on-site field evaluation. both the application and the field assessment then go to a Peer Review Panel appointed to assist the secretary in evaluating the performance of certifiers.

The specification of a Peer Review Panel in the Act, the history of the US organic movement, and the use of quality management systems models (which certification programs resemble and which are required for international trade) argue for a community or stakeholder role in assuring consumers that organic farmers and handles are meeting the quality standards indicated by the "organic" label.

2. Functions, Responsibilities, and Operation of the Stakeholder-Peer Review Panel may include:

a). advise (oversight) of screening of applications,

b). recommendations for site evaluators and evaluations,

c). reviews the Field Evaluation Report, Application Screening Report, and other documentation. (Might include complaint or appeals information, other evaluation reports, references.)

d). completes Scoring Document

e). recommends to Secretary as to approval (with time frame for re-evaluation, renewal shorter or longer) or denial,

f). oversee fairness of process,

g). make recommendations to NOSB and USDA on how to improve or adjust the program.

This panel will conduct routine operational/ administrative activities by conference calls and by mail. In person meetings to make recommendations will be scheduled to coincide with accreditation cycles. The locations of these meetings will be determined by the panel. Panel members, exclusive of the USDA member, shall serve without compensation. Travel costs will be reimbursed.

3. Qualifications, Composition and Size of the Peer Review Panel

The Secretary shall establish a Peer Review Panel that provides impartiality and representation of all sectors of the organic community. Individuals to be considered must have a history of participation and experience in a certification program/process. Key qualifying components of this experience include serving on a certification committee, advisor to a certification board or program, or as a certification inspector, as well as having expertise in organic farming and handling.

The nine Peer Review Panel members should represent five key sectors of the organic community, as follows:

1. certified organic farmer - 3
2. certified organic handler/processor - 2 total (1 each)
3. organic certification agents - 2 total (1 each from a state and a private agent)
4. a consumer/public interest group representative - 2
5. USDA representative - 1
6. NOSB representative (ex-officio) - 1.

Each of the four geographical regions (as defined under the USDA-Sustainable Agriculture Research and Education program) should have at least two voting members on the Panel.

All Peer Review Panel member must have required experience and should be trained on all aspects of the USA/NOPP Organic Accreditation Program.

Conclusion: A Peer Review Panel with member representation from the entire organic community, working in conjunction with the Secretary of Agriculture embodies a democratic quality management system consistent with certification review practices used historically in the United States. It will further the ongoing involvement of grassroots organizations and consumers in a productive, efficient and effective partnership with USDA.

Such a quality system for organic certifying agent accreditation offers consumers, regulators, and trading partners the assurance that "organic" food will consistently meet US national "organic" standards.

Note: In keeping with international guidelines for standard setting organizations, no individual acting as a Peer Evaluator or member of an Accreditation Field Evaluation Team shall also participate on the Review Panel. Members of the Review Panel may be asked to assist in the Application Screening/Review process, prior to Field Evaluation. Essentially, evaluation must be an independent and discrete function.

PART IV. OTHER PROCEDURES

A. Determination of Indemnification process and costs

"Indemnification" means that the private certifiers must extend their General Liability Insurance to add a clause naming the Secretary of the U.S.D.A. as an "additional insured." Typical cost for this estimated at 2-5% of premium cost. (Indemnification is not a "surety bond" procedure.)

B. Administrative Appeals and Complaints Process

A fair and effective appeals system is essential to the success and integrity of the "National Organic Production Program" and to the accreditation process. Independence and objectivity being of prime importance, the NOSB makes the following recommendations to the Secretary:

1. Any person adversely affected by a National Organic Production Program action or decision must be given the opportunity to appeal that determination. The Secretary must, in all cases, have final decision making authority in the administrative review process.

2. In the interest of fairness, the National Organic Accreditation Program appeals must be conducted by independent hearing officers who are not responsible for the implementation and administration of the National Organic Production Program. Because AMS is responsible for this program, the use of hearing officers who or employed or under the authority or control of AMS, presents a problem of conflict of interest. To protect the integrity of the appeals process, and to ensure fairness of these determinations, this board recommends that an independent USDA Appeals Division be utilized or established to conduct the appeals review process, and to make final appeals decisions. This board further recommends that the National Organic Production Program appeals be administered by the National Appeals Division that is being proposed in the current USDA reorganization plan as called for in HR 3171, Sec.4. This recommendation is not meant to imply the establishment of a separate USDA Appeals Division solely for organics, but to strongly recommend the necessity for an independent review process and for organics to be included in the new USDA independent appeal division.

3. To ensure an "expedited" appeals process [OFPA, Sec 6520 (a)] and because food products are seasonal and some are highly perishable, organic farmers, handlers, processors and certifiers must be given the opportunity to correct any adverse decision by the National Organic Accreditation Program so that they can carry out their business activities and avoid undue economic losses due to the inability to market their products.

4. It is essential that all persons adversely affected by the National Organic Accreditation Program be notified, in a timely manner, that they have appeal rights. Therefore, the NOSB recommends mandatory procedures be established that shall require all National Organic Accreditation Program decisions to be made in writing, including written explanation of the basis for the decision and a timely written notice of appeal rights and procedures.

5. To ensure that this appeals system is end-user friendly and that knowledge of appeals rights are readily available and simple to understand, the NOSB recommends that at the accreditation and certification application stages that appeals informational brochures be mandatorily provided to such persons. This informational brochure must include in easy to understand language the following: Their appeals rights, procedures, time lines for due process and all key phone numbers, personnel and addresses necessary to "expedite" these rights, if and when necessary.

6. Furthermore it is the intent of the NOSB to be systematically apprised of the appeals process functioning, on a quarterly basis. This information should include: number of appeals, and outcome, kinds of appeals, and any problems arising from this process that may need new or revised recommendations to USDA for ensuring this independent and expedited appeals process.

C. Costs of Accreditation

Recognizing that there will be substantial start-up costs to implement the USDA Accreditation Program; that revenues from certification fees will be substantially higher after handlers not now certified have applied; and that costs of the first year of accreditation will exceed successive years; and, because the OFPA is a consumer protection law and is intended as well to support and encourage environmentally sound agricultural practices and because additional costs to organic producers will be perceived as disincentives; the Board sees the use of appropriated funds as justified, and therefore recommends that the first round of accreditation be paid for through a direct appropriation of federal funds. Furthermore, the Board recommends that (1) fees charged to certifiers not exceed the ongoing costs of administering Accreditation after the first round and that fees collected be used exclusively for that purpose; and (2) the ongoing program administration costs above the cost of Accreditation be paid for through direct appropriated funds.

Part V. APPENDICES

Contents:

B. Application
Part 1. Basic Information
Part 2. Memorandum of Agreement
Part 3. Questionnaire: Policies and Procedures
Part 4. Required Documents
C. Other forms
Application screening report
Notification
Field evaluation report
Peer review board scoring document and memo
Indemnification of Secretary (Bond)

APPENDIX A

GLOSSARY (to be developed)

APPENDIX B

APPLICATION FOR ACCREDITATION

Submitted to:

The United States Department of Agriculture
for the
USDA Organic Certification Accreditation Program

Please fill out all sections and answer all questions. Before answering questions in this application, please study carefully the content of the Federal Register Notice: " Standards and Procedures Governing Accreditation of Organic Certification Organizations."

This application contains four sections:

1. Basic Information

2. Memorandum of Agreement
(Statement of Intent)

3. Questionnaire (Program policies and Procedures)

4. Checklist of Required Documentation

Please send the completed application and all accompanying materials to:

National Organic Standards Program
USDA/AMS/TMD
Room 2510 - S
P.O. Box 96456
Washington, D.C. 20090-6456

Phone inquiries regarding the status of applications should be directed to: Michael Hankin (202) 205-7806.

Application for Accreditation

Part 1. Basic Information

1. Name of Organization; contact person for inquiries regarding this application; phone/fax numbers; headquarters address

2. Organization Type: state or private.

2.A. Describe your legal status. Do you have chapters/field offices -- what do they do, what policies and procedures do they follow, and how do services offered differ across chapters/offices and headquarters?

2.B. Please describe the relationship of your governing body to the body which makes certification decisions.

3. How long have you offered organic certification services? Please describe briefly the history of your organization or program.

4. Please list the name, title, address, and phone/fax of your organizations chief staff officer, chairperson or head of your board or governing body, and the individual responsible for fiscal management.
(Attachment)

5. PLEASE CHECK THE CATEGORIES OF CERTIFICATION FOR WHICH YOU ARE APPLYING FOR ACCREDITATION, and list the current number of certificate holders and/or licensees and estimated annual sales of certified product:

	Number of certificants	Volume
_____Crops and/or livestock		
_____Processing and handling		
_____Foreign certifications		

of certificants who import to US

6. If conducting certifications of the production and/or handling of organic products imported into the United States, please complete the following sections (a.-e.) below:

a. List the foreign countries within which you presently conduct certification services, and indicate those from which products are imported into the U.S.

b. List those countries other than the United States to which products bearing the seal of your agency are exported.

c. Explain cases where the application of agency policies, procednres, and standards differ from those applied within the United States.

d. Describe the measures controlling the issuance of certificates to producers and/or handlers in foreign countries that ate implemented by your agency. Please cite how these measures differ from thoae employed to ensure the integrity of products prodnced and/or handled within the U.S.

e. List the records pertaining to the certification of producers and/or handlers located in foreign countries that are accessible and on file at the U.S. agency office.

7. Geographic area(s) of current certification activity (states and other countries.)

8. Areas of certification competence (specific typas of producers and or handlers for which you have specific standards and inspector expertise.)

Part 2. **MEMORANDUM OF AGREEMENT**

NAME OF CERTIFYING AGENT _____

The following signatories, being duly authorized to represent the above referenced organic certification agency, hereby confirm, according to the best of their knowledge, full and ongoing compliance with requirements of the Organic Food Production Act, 1990, National Organic Production Standards, and Standards and Procedures Governing the Accreditation of Organic Certification and the accuracy of information provided in this Accreditation Application. Further, said signatories hereby assume full responsibility for submitting or providing access to the Secretary, or his designee, to supporting documentation as may be required. [§ 2116(d), (e) & (i): "Agreement;" "Private certifying agent agreement;" &"Administrator"]

Further it is agreed that the private entity signatories shall hold the Secretary harmless for any failure on the part of said agent to carry out the provisions of the OFPA 1990.

Signed: _____

Date: _____

(Name, title)

Notary Public

Name:

Number:

Date:

Place:

Part 3. QUESTIONNAIRE

Description of Program Policies and Procedures

Please answer all questions in the space provided, summarizing information, policies, and procedures described in more detail in your attachments.

VERY IMPORTANT -- After your summary response to each question, please provide clear and explicit directions regarding where the full explanation/documentation is located in the various attachments.

ORGANIC PRODUCTION STANDARDS

The purpose of this section is to provide information needed to evaluate the basic equivalency of your procedures with the OFPA provisions governing the content and use of organic plans.

1. Do you require a three-year history of management without prohibited substances for all farms certified? yes__ no__

2. Do you have provisions and policies to insure that organic integrity is maintained in "mixed" (organic/conventional) operations? yes__ no__

3. Do you require annual on-site inspection? yes__ no__

4. Do you have a published list of approved/prohibited inputs? yes__ no__

5. Do you have standards for:

organic farm and handling plans yes__ no__

soil fertility management	yes__	no__
manure management	yes__	no__
seeds and transplants	yes__	no__
wild crops	yes__	no__
livestock	yes__	no__

6. Do you have standards for organic food processing and handling? yes__ no__

7. Will your standards, fiscal policies or practices prohibit your organization from recognizing certifications by other organizations accredited under the OFPA? yes__ no__

POLICIES AND PROCEDURES

Seal or Trademark

1. Please describe your trademark or seal, and the policies governing its use.

2. What are the financial consequences, if any, and policies governing use of your seal or trademark? (By "consequences", we mean any obligation to exchange funds, or incur a financial obligation of any sort).

Staff

1. Describe your policy regarding inspector qualifications, training, and assignments. What do you ask inspectors to do? How are they paid? Who selects and assigns them to specific cases?

2. Describe your policies to guard against conflict of interest

among inspectors, staff, officers, committee members and clients.

3. Does your organization perform consulting or advisory services? Are these agricultural, marketing or legal services?

If so, do you have written procedures with respect to the separation of certifying functions and consulting functions? How do you insulate the certifying function?

By procedure

By organizational function

Confidentiality and Access to Records

1. Describe the policies and procedures you have used, or will use to assure confidentially of records on individual clients.

2. Describe how you handle requests for information on a client from another certifying organization, from a member of the public, from a prospective buyer.

Finances

Explain how your program is financed, with references to an attachment which provides an accounting for your last fiscal year. (i.e., audited annual report, financial statement, IRS report, State govt audit)

Appeals and Complaints

1. Describe your appeals processes and policies.

Policy Changes

1. Describe the process you use, and who makes decisions relative to changes in:

+ Standards

+ Program management

+ Decision-making authority

+ Job descriptions

+ Fiscal matters

+ Actions recognized by applicant as essential to attain accreditation

Part 4. Additional Documentation Required

1. Criteria for certification (Standards) (What you send to a potential client who seeks information on the services you offer.)*

2. Minimum information required from producers or processors regarding growing or handling practices (Application/Organic Plan Questionnaire) and methods for verifying that information.

3. Procedures for inspection, including frequency instructions given to inspectors, and what Inspection Report must cover.*

4. Qualifications of and training requirements for all inspectors.*

5. List of key staff, officers, shareholders, committees, approved inspectors and persons with decision making authority, for chapters as well as main office.*

6. Program and personnel policy manual, including decision making procedures.

7. Articles of incorporation or state law/charter.

8. Organizational chart.

9. Latest annual report or its equivalent.

10. Procedures for soil and tissue sampling and analysis.

11. List of currently certified clients.*

*Changes or updates in * items must be revised and reported annually to USDA.

APPENDIX C

OTHER FORMS (to be designed)

INTERNATIONAL RECOMMENDATIONS

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 3, 1994 in Santa Fe, New Mexico

PROPOSED RULE REGARDING
IMPORTATION OF ORGANIC AGRICULTURAL PRODUCTS

I. Authority: U.S. Organic Foods Production Act of 1990 §2102 et seq. ; §2106(b)

II. Scope:

The recommendatiou set forth herein governs the importation of any foreign product, whether raw or processed, that is offered for entry to the United States as organically produced and/or handled. The rule also governs the export of foreign products brought into the United States pursuant to this rule. The definitions appearing herein are intended to apply to this regulation solely.

III. Definitions:

a. "Certification Program", means a system for determining whether a product conforms with product standards applicable to that product; and

If a product so conforms, for attesting, by means of a document, mark, or other appropriate evidence of conformity, to that conformity.

b. "Foreign Product", refers to any product that has a country of origin other than the United States or its possessions or territories.

c. "Imported" means a foreign product that has been released by the U.S. Customs Service for importation into the United States.

d. "International Organic Standards Organization" (IOSO), means any organization,

1. The membership of which is open to representatives of all countries, whether public or private, including representatives of the United States and,

2. has been recognized by the Secretary for the oversight purposes set forth herein.

e. "Standard" means, any of the following:

1. The specification of the characteristics of a product, including, but not limited to, levels of quality, performance, safety, or dimensions.

2. Specifications relating to the terminology, symbols, testing and test methods, packaging, or marking or labeling requirements applicable to a product.

3. Administrative procedures related to the application of any specification referred to in paragraph (1) or (2) above.[1]

IV. Rules

Importation

A foreign product, whether raw or processed, that is imported into the United States as organically produced and/or organically handled, shall be imported pursuant to one of the following three methods:

A. Foreign products may enter the United States if they bear the official shield, seal or mark of a certification program or certification agent provided that the certification program or agent is regulated by a foreign sovereign, an IOSO, or regional entity that is recognized by the Secretary as regulating the certification program or agent in a manner that ensures observance of standards that are at least equivalent to those set forth in the United States Organic Certification Program.

B. Foreign products may enter the United States if they bear the official shield, seal or mark of an organic certification program or agent that has received accreditation as a certifying agent or, where applicable, approval as a State program by the Secretary, provided all additional requirements for United States accredited agents or, where applicable, approved State programs certifying in non-United States' territory are met.

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[1]These definitions are slightly modified versions of the ones appearing at 19 U.S.C.A. §2571.

C. Foreign products may enter the United States if they bear the official shield, seal or mark of a certification program or agent, provided that the Secretary has determined that the certification program or agent ensures observance of standards that are at least equivalent to those set forth in the United States organic certification program.

V. Exportation of Imported Products

A. No foreign product imported under this regulation that is handled within the United States, may be exported from the United States for purpose of sale as organically produced and handled, unless it is handled by a certified handler having received certification from a certifying agent accredited by the Secretary or a State program approved by the Secretary. See §2106(a)(1).

VI. Maintaining Organic Integrity During Importation

Recommendations related to maintaining organic integrity during importation of organic products will be developed later.

HANDLING AND PROCESSING RECOMMENDATIONS

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 5, 1994 in Santa Fe, New Mexico

GENERAL ORGANIC FOOD LABELING STANDARDS

[NOTE: All foods must conform to federal food labeling regulations. For foods regulated by the Food and Drug Administration, see Code of Federal Regulations, Title 21; for foods regulated by the Food Safety and Inspection Service, United States Department of Agriculture, see Code of Federal Regulations, Title 9.]

1. CALCULATION OF THE TOTAL PERCENTAGE OF ORGANICALLY PRODUCED INGREDIENTS

A. This section applies to any food that purports to be organic or to contain organically produced food ingredients (i.e., the product label or labeling bears the term "organic" or makes any direct or indirect representation that the food is organic or contains organically produced ingredients).

B. The total percentage of organically produced ingredients in the food shall be calculated from the actual amounts of the listed ingredients:

1. By weight or optionally by fluid volume if all the ingredients of the food are liquid;

2. By excluding the ingredients air, water and salt (sodium chloride) from the calculation; and

3. On the basis of single-strength concentration for food concentrates reconstituted with water, if the food is identified as being from concentrate on the principal display panel or in the product identity statement.

C. The total percentage of organically produced ingredients in a food shall be declared by the words "Contains ____ percent (or %) organic ingredients" or "____ percent (or %) organic ingredients" or a similar phrase, with the blank filled in with the percentage expressed as a whole number not greater than the actual total percentage of organically produced ingredients in the food.

D. The total percentage of organic ingredients in a food purporting to be organic or to contain organically produced ingredients shall be considered mandatory labeling information.

E. The total percentage of organic ingredients in a food purporting to be organic or to contain organically produced ingredients shall be calculated by the handler and verified by a certifying agency accredited by the Secretary through documentary submissions and spot checks. Each handler shall be subject to not less than one spot check for each year of certification.

2. FOODS THAT ARE "ORGANIC FOODS" (I.E., THE COMMON OR USUAL NAME OF THE FOOD IS "ORGANIC ****.")

A. Composition and processing requirements:

The requirements for Section A are not accepted as of this time as a Board Final Recommendation.

B. Labeling

1. Requirements:

a. Declare the total percentage of organic ingredients on the information panel above the ingredient listing;

b. Identify each organic ingredient in the ingredient declaration with the words "organic" or "organically grown;"

c. Identify the Certifying Agent (provide the name and address) who certified the Handler, immediately adjacent to the information identifying the manufacturer or distributor of the food as currently required by food regulations.

2. Prohibitions:

a. Must not declare the percentage of organic ingredients on the principal display panel unless:

(i) the ingredient listing is on the principal display panel; or

(ii) the food is composed wholly of organic agricultural products, salt and water and the percentage of organic ingredients is 100%.

b. Must not use any percentage modifying the organic nature of food or an ingredient on the principal display panel unless the food is composed wholly of organic agricultural products, salt and water and the percentage of organic ingredients is 100%.

c. Must not use the term "organic when available."

3. Optional label statements (not an all inclusive

list):

a. A USDA organic emblem (shield), to be created by USDA;

b. The seal, emblem or logo of the Certifying Agent.

3. FOODS THAT ARE LABELED "MADE WITH ORGANIC INGREDIENT(S)".

A. Composition and processing requirements:

The requirements for Section A are not accepted as of this time as a Board Final Recommendation.

B. Labeling

1. Requirements:

a. Declare the percentage of organic ingredients on the information panel above the ingredient listing;

b. Identify each organic ingredient in the ingredient declaration with the words "organic" or "organically grown;"

c. Identify the Certifying Agent (provide the name and address) who certified the Handler, immediately adjacent to the information identifying the manufacturer or distributor of the food as currently required by food regulations.

2. Prohibitions:

a. Must not declare the percentage of organic ingredients on the principal display panel, other than above the ingredient listing;

b. Must not use any percentage modifying the organic nature of food or an ingredient on the principal display panel;

c. Must not use the term "organic when available."

d. Must not use a USDA organic emblem (shield).

e. Must not use the seal, emblem or logo of the Certifying Agent

3. Optional label statements (not an all inclusive list):

a. On the Principal Display Panel, the term "organic" may be used only to identify clearly and unambiguously the organically produced ingredients and must not list both

organic and non-organic ingredients in conjunction with the word organic. The type size of the term "organic" cannot be larger than three-fourths the size of the name of the food.

4. FOODS THAT ARE LABELED WITH AN INGREDIENT DECLARATION AS CONTAINING ORGANIC INGREDIENT(S).

A. Composition and processing requirements:

The requirements for Section A are not accepted as of this time as a Board Final Recommendation.

B. Labeling

The requirements for Section B are not accepted as of this time as a Board Final Recommendation.

5. INGREDIENT DECLARATIONS FOR FOODS PURPORTING TO CONTAIN ORGANICALLY PRODUCED INGREDIENTS.

A. Definitions.

1. Ingredient For the purpose of labeling foods purporting to contain organically produced ingredients, an "ingredient" is defined as any substance used in the preparation of the food product that is still present in the final product as consumed, even if in modified form.

2. Processing Aid For the purpose of labeling foods purporting to contain organically produced ingredients, a "processing aid" means a substance that is added to food during the processing of such food but is removed from the food before it is packaged in its finished form, that meets the definition of 21 CFR101.100(a)(3)(ii)(a).

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 1

GENERAL ORGANIC FOOD LABELING STANDARDS

Date adopted: October 14, 1994
Location: Rohnert Park, California

The following additions are to be inserted in the General Organic Food Labeling Standards section of the NOSB Final Recommendations, page 7, line 126.

4. Foods that are labeled with an ingredient declaration as containing organic ingredient(s).

   A. Composition and processing requirements:

      1. Certified organic agricultural products must comprise 1% or more of the food, excluding the ingredients water, air and salt from the calculation.

      2. The same listed ingredient cannot be present in both organic and non-organic form.

   B. Labeling

      1. Requirements:

         a. Declare the percentage of organic ingredients on the information panel at the beginning of the ingredient listing;

         b. Identify each organic ingredient in the ingredient declaration with the words "organic" or "organically grown;"

      2. Prohibitions:

         a. Must not use the term "organic" on the principal display panel other than in the ingredient listing, if applicable;

         b. Must not use any percentage modifying the organic nature of food or an ingredient on the principal display panel, other than the percentage of organic ingredients at the beginning of the ingredient declaration, if applicable;

c. Must not use the term "organic when available."

d. Must not use a USDA organic emblem (shield).

e. Must not use the seal, emblem or logo of the Certifying Agent

3. Optional label statements:

a. None allowed.

C. Documentation

1. Audit trail documents for all certified organic agricultural products shall be available for inspection by State and Federal inspectors.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 4

GENERAL ORGANIC LABELING STANDARDS

Date Adopted: April 25, 1995
Location: Orlando, Florida

The following additions are to be inserted into the General Organic Labeling Standards section, page 4, line 85, of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

4. Information on non-retail containers of an organic product should be given either on the container or in accompanying documents, except that the name of the product, lot identification, organic identification and the name and address of the handler should appear on the container. Lot identification, and the name and address of the handler may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 10

GENERAL ORGANIC FOOD LABELING STANDARDS

Date adopted: October 31, 1995
Location: Austin, Texas

The following additions are to be inserted in the General Organic Food Labeling Standards section, as indicated, of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Add at line 44, page 3, [Foods that are "organic foods" (i.e., the common or usual name of the food is "organic".)]

A. Composition and processing requirements:

1. Certified organic agricultural products must comprise 95% or more of the food, excluding the ingredients water, air and salt from the calculation.

2. Non-synthetic non-organic agricultural products and their derivatives, that are used as ingredients, processing aids, or incidental food additives are categorically allowed for use in foods labeled as "organic foods" unless specifically listed as "prohibited naturals" on the National List. [Note: Because of the format of the National List, these allowed substances will not be itemized.]

3. Non-synthetic non-agricultural products used as ingredients, processing aids, or incidental food additives are categorically allowed for use in foods labeled as "organic foods" unless specifically listed as "prohibited naturals" on the National List. [Note: Because of the format of the National List, allowed substances will not be itemized.]

4. Synthetically processed non-organic agricultural products and their derivatives shall not be used as ingredients, processing aids, or incidental food additives in foods labeled as "organic foods" unless specifically listed as "allowed synthetics" on the National List.

5. Synthetic non-agricultural products shall not be used as ingredients, processing aids, or incidental food additives in foods labeled as "organic foods" unless specifically listed as "allowed synthetics" on the National List.

6. The food must be handled/processed by a certified organic handler.

7. The same listed ingredient cannot be present in both organic and non-organic form.

Add at line 86, page 5, [Foods that are labeled "made with organic ingredient(s)".]

A. Composition and processing requirements:

1. Certified organic agricultural products must comprise 50% or more of the food, excluding the ingredients water, air and salt from the calculation.

2. Non-synthetic non-organic agricultural products and their derivatives, that are used as ingredients, processing aids, or incidental food additives are categorically allowed for use in foods labeled as "foods made with organic ingredient(s)" unless specifically listed as "prohibited naturals" on the National List. [Note: Because of the format of the National List, these allowed substances will not be itemized.]

3. Non-synthetic non-agricultural products used as ingredients, processing aids, or incidental food additives are categorically allowed for use in

foods labeled as "foods made with organic ingredient(s)" unless specifically listed as "prohibited naturals" on the National List. [Note: Because of the format of the National List, allowed substances will not be itemized.

4. Synthetically processed non-organic agricultural products and their derivatives shall not be used as ingredients, processing aids, or incidental food additives in foods labeled as "foods made with organic ingredient(s)" unless specifically listed as "allowed synthetics" on the National List.

5. Synthetic non-agricultural products shall not be used as ingredients, processing aids, or incidental food additives in foods labeled as "foods made with organic ingredient(s)" unless specifically listed as "allowed synthetics" on the National List.

6. The food must be handled/processed by a certified organic handler.

7. The same listed ingredient cannot be present in both organic and non-organic form.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 4, 1994 in Santa Fe, New Mexico

ORGANIC HANDLING PLAN

COMMENTARY

An Organic Handling Plan must be created by all organic handlers certified under the National Organic Program as required by the Organic Foods Production Act of 1990 (OFPA). "The term 'organic plan' means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title." (OFPA Section 2103) "A producer or handler seeking certification under this title shall submit an organic plan to the certifying agent and the state organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such a plan meets the requirements of the program." (OFPA Section 2114(a)) "An organic handling plan shall contain provisions designed to ensure that agricultural products that are sold or labeled as organically produced are produced and handled in a manner.that is consistent with the purposes of this title." (OFPA Section 2114(e))

The N.O.S.B. thinks that the Organic Handling Plan is a key element for implementing the required standards for organic handlers as well as other desirable handling practices. The OFPA requires provisions in the handling plan to ensure practices that are consistent with the Act (Section 2114 (e)). The Board has included such provisions in Section I of the Organic Handling Plan Proposed Regulations. The Board has also included "ecologically sound waste management" as a desirable practice for organic handlers and has included this in Section II of the Organic Handling Plan Proposed Regulations. Desirable practices in Section II must be completed as part of the Organic Handling Plan but certification is not affected by compliance with the practices listed in Section II.

The Board believes that the Organic Handling Plan must be both practical and useful and must be applicable to all types of organic handlers (distributors, processors, packers, shippers, receivers, retailers who process, etc.). The Board sees the purpose of the Organic Handling Plan as being twofold: to assist the handler and to assist the certifying agent. For the handler, the Organic Handling Plan should provide a flexible, useful, and affordable tool for developing organic handling practices and an

ecologically sound management system for the handling operation. The Organic Handling Plan should serve as a process for planning and evaluating management practices and for making tangible improvements to the handling operation. For the certifying agent, the Organic Handling Plan should provide essential information for assessing the handler's compliance with the OFPA.

As required by the OFPA, the Organic Handling Plan must be a written document that describes how the organic handling operation is managed. It must be written by the handler, agreed to by the certifying agent, and must be updated annually to reflect changes and improvements in handling operation management. The Committee thinks that the actual format of the Organic Handling Plan is best determined by the certifying agent.

In order to comply with the OFPA, the Organic Handling Plan must address all elements of organic handling including the handling that are applicable to a particular handling operation including the handling system description, procedures for assuring organic integrity, material inputs, the audit trail system, pest management, and waste management. The required components of the Organic Handling Plan are outlined in the "Proposed Regulations" that follow. In order to provide a practical example, the Board has also included a sample Organic Handling Plan in questionnaire format.

While the N.O.S.B. recognizes that the OFPA does not establish waste reduction requirements for organic handlers, the Committee has included a waste management section in the "Proposed Regulations." The Board thinks that organic handlers should establish waste reduction goals for their operations. By including a waste reduction section, the Organic Handling Plan can more thoroughly serve as a vehicle for the development of ecologically sound management practices for the handling operation.

ORGANIC HANDLING PLAN PROPOSED REGULATIONS

I. REQUIRED

The Organic Handling Plan (OHP) shall include the following components if they pertain to the specific handling operation or its agents, licensees, employees, contractors, and subcontractors who handle its organic products:

A. Organic Handling System Description

(1) A general description of the handling operation, handling and/or processing procedures, and organic food(s) handled.

(2) A schematic flow chart or written description showing the movement of organic food during handling and/or processing. All equipment, machinery, and storage areas used in handling and/or processing must be identified in the flow-chart.

B. Assurance of Organic Integrity

(1) A description of the Hazard Analysis Critical Control Point (HACCP)* system or similar system for the handling operation which addresses the following areas of potential contamination (hazards) of the organic food:

(a) Co-mingling certified organic food with non-organic food;
(b) Containers and packaging;
(c) Sanitizer, boiler chemicals, processing aids, and prohibited substances;
(d) Transportation and storage;
(e) Pest control substances;
(f) Food spoilage microorganisms; and
(g) Prohibited handling and processing procedures.

* HACCP is a system by which food processors and importers can evaluate the kinds of hazards that could effect their products, institute controls necessary to keep these hazards from occurring, monitor the performance of these controls, and maintain records of this monitoring as a matter of routine practice.

(2) A list that identifies all known individuals or businesses that sell, transport, or store the products of the organic handling operation but do not hold legal title to such products.

(3) Documentation that all individuals and businesses that sell, transport, or store the products of the organic handling operation but do not hold legal title to such products have been informed in writing of the requirements of proper handling of

organic products and of the possible exposure to federal civil penalties for violation thereof and that all such individuals and businesses affirm by signature on a bill of lading or other appropriate affidavit that they do not open, mix, combine or otherwise transform the organic products and that the organic integrity of the products are not compromised while in their custody.

C. Material Inputs

(1) A list of all certified organic ingredients and non-organic ingredients used including those used for curing and smoking.

(2) For each food labeled as an organic food that contains one or more non-organic agricultural products as ingredients, a written description of:

(a) the good faith efforts made to locate or develop a source of the certified organic form of the ingredient and
(b) the progress made over the previous years to eliminate non-organic agricultural products as ingredients.

(3) For each non-organic agricultural product used as an ingredient, a description of the reasons why the certified organic form of the ingredient is not used.

(4) A list of all processing aids used.

(5) A description of how water is used in the handling operation including the quality of the water used.

D. Audit Trail/Record Keeping System

A description of the system of internal record keeping that documents the movement of each specific lot of organic food through each step of the handling operation.

E. Pest Management

(1) A description of the pest problems encountered in the handling operation and of the pest monitoring techniques used.

(2) A description of the non-chemical pest control methods used in the handling operation.

(3) A description of the use of chemicals for controlling pests in the handling operation.

F. Livestock Care

(1) A description of handling methods used to minimize livestock stress.

(2) A description of arrangements made for feeding livestock that may be held at the packing plant for more than 24 hours.

(3) A description of arrangements made for supplying livestock with fresh water while at the packing plant.

II. DESIRABLE PRACTICES

Waste Management

(1) A description of efforts to reduce solid waste, liquid waste, and airborne emissions produced by the handling operation.

(2) A description of recycling efforts, the use of recycled materials, and efforts to reduce packaging in the handling operation.

III. FORMAT

The format of the OHP shall be determined by the certifying agent.

ORGANIC HANDLING PLAN QUESTIONNAIRE
(YEAR) (CERTIFYING AGENT)

PRODUCER NAME: _____

FARM NAME: _____

ADDRESS: _____

PHONE & FAX: _____

I. REQUIRED:

A. ORGANIC HANDLING SYSTEM DESCRIPTION

1. Describe your handling operation and your handling and/or processing procedures. Include a description of all equipment and machinery used.

_____

_____

_____

_____

2. Attach a schematic flow chart showing the movement of certified organic food during handling and processing. Show all equipment, machinery, and storage areas used from the time the certified organic food is received until it is shipped.

B. ASSURANCE OF ORGANIC INTEGRITY

1. Describe your Hazard Analysis Critical Control Point (HACCP) system for assuring the integrity of the certified organic food(s) handled in your operation. Include procedures used to assure that:

(a) certified organic food is segregated from non-organic food;
(b) containers and packaging do not contaminate certified organic food;
(c) certified organic food does not come in contact with sanitizer, boiler chemicals, and prohibited substances;
(d) contamination of the certified organic food does not occur during transportation or storage;
(e) pest control substances do not come in contact with the certified organic food;
(f) food spoilage microorganisms do not contaminate the certified organic food; and
(g) prohibited handling and processing procedures are not used.

* Submission of this information shall constitute compliance that a HACCP or similar system is identified.

C. MATERIAL INPUTS

1. List all certified organic ingredients and all non-organic ingredients used in your handling operation.

2. Describe your verification procedures for documenting that the non-organic agricultural products you use as ingredients are not commercially available in certified organic form.

3. List all processing aids used in your handling operation.

4. Describe how water is used in your handling operation. Describe your water source and your water quality including the frequency and method of testing water quality.

D. AUDIT TRAIL/RECORD KEEPING SYSTEM

1. Describe your system of internal record keeping for documenting the movement of each specific lot of organic food through each step of your handling operation.

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247 2. Describe your batch and/or lot numbering system and coding
248 system.

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254 3. Attach a sample set of audit trail documents.

255 E. PEST MANAGEMENT

256 1. Describe the pest problems you encounter in your handling
257 operation.

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262 2. Describe the pest monitoring techniques used and the non-
263 chemical pest control methods you use.

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269 3. Describe the use of chemicals for pest control in your
270 handling operation.

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F. LIVESTOCK CARE

1. A description of handling methods used to minimize livestock stress.

2. A description of arrangements made for feeding livestock that may be held at the packing plant for more than 24 hours.

3. A description of arrangements made for supplying livestock with fresh water while at the packing plant.

II. DESIRABLE:

A. WASTE MANAGEMENT

1. Briefly describe your efforts to reduce solid waste, liquid waste, and airborne emissions produced by your handling operation.

2. Briefly describe your recycling efforts, your use of recycled materials, and your efforts to reduce packaging in your handling operation.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 6

ORGANIC HANDLING PLAN

Date adopted: April 25, 1995
Location: Orlando, Florida

The following additions are to be inserted in the Organic Handling Plan section, as indicated, of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Page 4, lines 143-144: (2) A description of the non-chemical activities and actions used in and around the handling operation to avoid pest problems.

Page 4, lines 145-146: (3) A description of the use of chemicals for controlling pests in and around the handling operation, including efforts taken to reduce or eliminate such use in the future.

Page 8, lines 256-257: 1. Describe the pest problems you encounter in your handling operation and the pest monitoring techniques you use.

Page 8, lines 262-263: 2. Describe the non-chemical activities and actions you use in and around the handling operation to avoid pest problems.

Page 8, lines 269-270: 3. Describe the use of chemicals for pest control in and around your handling operation, including efforts taken to reduce or eliminate such use.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 4, 1994 in Santa Fe, New Mexico

REQUIREMENTS FOR HANDLER CERTIFICATION

COMMENTARY

"The term 'handle' means to sell, process, or package agricultural products." (OFPA Section 2103(8)) "The term 'handler' means any person engaged in the business of handling agricultural products, except such term shall not include final retailers of agricultural products that do not process agricultural products." (OFPA Section 2103(9)) "The term 'handling operation' means any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that receives or otherwise acquires agricultural products and processes, packages, or stores such products" (OFPA Section 2103(10)). Thus, the definition of "handling operation" further defines "handle" and "handler" to limit the meaning of these terms to individuals and businesses that "receive or otherwise acquire agricultural products and processes, packages, or stores such products." For example, a broker falls under the definition of "handler" as someone who sells organic products. But, in the case of a broker who does not "receive or otherwise acquire" the organic products, the broker is not a "handling operation." Thus, such a broker does not need to be certified under the OFPA as an organic handling operation. The Board thinks that clarification of the types of handlers who must be certified under the OFPA as organic handling operations is necessary.

RECOMMENDATION

The N.O.S.B. recommends that, for the purposes of the OFPA, "receive or otherwise acquire" means to take legal title to the organic product. Handlers who hold legal title to organic products should and must be responsible for maintaining the organic integrity of the organic products they handle. Handlers who must be certified under the OFPA include distributors, food services, jobbers, packers, shippers, and processors who take legal title to organic products, including livestock feed, as well as retailers who process organic agricultural products. Some common definitions of food handlers are included in Attachment 1.

The activity of individuals or businesses who do not take legal title to organic products but act as agents, licensees, employees, contractors, or subcontractors and who process, package, or store organic agricultural products for a certified

organic handling operation will be covered by the certification of that organic handling operation. Such activity must be described in the Organic Handling Plan and inspected and scrutinized with the same rigor and to the same standards as certified entities as part of the certification requirement of the certified organic handling operation for which they act as agent, licensee, employee, contractor, or subcontractor. Examples include co-packers and co-processors.

Individuals and businesses that do not need to be certified under the OFPA include brokers, commission merchants, truckers, and warehousers which do not take legal title to organic products.

A small farmer/handler/processor selling no more than $5,000 annually would be exempt from the above [OFPA Sec. 2106 (d)].

ATTACHMENT 1
Common Definitions of Food Handlers

1. Brokers
A broker acts as an agent for others in negotiating a sales contract. A selling broker generally represents the shipper, a buying broker acts as a purchasing agent for a distant buyer. A broker who does not take legal title to organic products does not need to be certified as an organic handler under the OFPA.

2. Commission Merchants
A commission merchant acts as an agent for the sale of merchandise on consignment. A commission merchant who does not take legal title to organic products does not need to be certified as an organic handler under the OFPA.

3. Distributors
A distributor purchases product under its own name, usually from shippers, processors, or other distributors, and generally sell outside their local area. Distributors may or may not take physical possession of the merchandise. A distributor must be certified as an organic handler under the OFPA.

4. Food Services
A food service company buys and receives produce and/or processed products for distribution to institutional accounts such as schools and restaurants. A food service company must be certified as an organic handler under the OFPA.

5. Jobbers
A jobber sells locally in small lots and purchases from receivers on the local market. A jobber must be certified as an organic handler under the OFPA.

6. Packers
A produce packing operation receives raw agricultural products and packs the products for shipping. A produce packer may also store products and apply postharvest materials. A meat packer converts live animals to carcass meats and possibly to primal cuts or boxed meat and other fresh meat forms. A packer that takes legal title to the organic product must be certified as an organic handler under the OFPA.

7. Receivers
A receiver purchases and takes physical possession of truck lots or car lots and resells them intact or in jobbing lots in the local area. Receivers are at destination points. A receiver that takes legal title to the organic product must be certified as an organic handler under the OFPA.

8. Repackers
A repackar receives products from growers or other sources,

removes the products from the original container, may or may not sort the product, and repacks the product for resale either in the original container or in a different container. A repacker that takes legal title to the organic product must be certified as an organic handler under the OFPA.

9. Shippers

A shipper is located at growing or other shipping/intermediate points. A shipper sells products that is has grown and/or packed under its own name. A shipper may sell for the account of growers or other shippers. A shipper that takes legal title to the organic product must be certified as an organic handler under the OFPA.

10. Processors [refer to OFPA Sec. 2103 (17)]

A processor cooks, bakes, heats, dries, mixes, grinds, churns, separates, extracts, cuts, ferments, eviscerates, preserves, dehydrates, freezes, otherwise manufactures, packages, cans, jars, or otherwise encloses food in a container. A meat processor converts fresh meat items to comminuted and/or seasoned products such as sausages, corned beef and cured and/or smoked products. A processor must be certified as an organic handler under the OFPA.

11. Co-Processor

A processor who does not take legal title to the ingredients or the final product which is manufactured for another party. A co-processor does not need to be certified as an organic handler but its activities as agent, licensee, employee, contractor, or subcontractor for a certified organic handler must be covered under the certification of that handler.

12. Truckers

A trucker transports products between farms, processing plants, other handling operations, or other facilities. A trucker does not open product containers or mix, combine, or otherwise handle the product while it is in its custody. A trucker does not need to be certified as an organic handler under the OFPA.

13. Warehousers

A warehouser receives and stores products. A warehouser does not take legal title to the product. A warehouser does not open product containers or mix, combine, or otherwise handle the product while it is in its custody. A warehouser does not need to be certified as an organic handler under the OFPA.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 11

REQUIREMENTS FOR HANDLER CERTIFICATION

Date adopted: October 31, 1995
Location: Austin, Texas

The following amendments are to be made in the Requirements For Handler Certification section, as indicated, in the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Change lines 27-29, page 1, to read as follows:

Handlers who hold legal title to organic products *shall be* responsible for maintaining the organic integrity *and the audit trail* of the organic products they handle.

Change lines 29-33, page 1, to read as follows:

Handlers who must be certified under the OFPA include ~~distributors~~, food services, jobbers, packers, shippers, and processors who take legal title to organic products, including livestock feed, as well as retailers *and distributors who process and substantially transform, repack or relabel* organic agricultural products.

Add at line 51, page 2:

Retailers and distributors who take legal title to organic products, but do not process[1], [OFPA Section (2103) see footnote] substantially transform, repack or relabel these products are exempt from the certification provisions of the OFPA.

Add as footnote, page 2:

[1]OFPA Section 2103 Definitions (17) Processing - The term "processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, dehydrating, freezing, or otherwise manufadturing, and includes the packaging, canning, jarring, or otherwise

enclosing food in a container.

Change lines 66-71, page 3, to read as follows:

3. Distributors
A distributor purchases product under its own name, usually from shippers, processors, or other distributors, and generally sell outside their local area. Distributors may or may not take physical possession of the merchandise. A distributor must be certified as an organic handler under the *OFPA only if they both take title to the organic products and substantially transform, process, repackage or relabel these products.*

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 5

COMMERCIAL NON-AVAILABILITY OF SUITABLE INGREDIENTS IN ORGANIC FORM

Date Adopted: April 25, 1995
Location: Orlando, Florida

LEGISLATIVE REVIEW

References possibly related to commercial availability in handling and in the use of non-organic, non-synthetic materials.

Section 2111(a)(4)(OFPA):

(a) For a handling operation to be certified under this title, each person on such handling operation shall not, with respect to any agricultural product covered by this title:

(4) add any ingredients that are not organically produced in accordance with this title and the applicable organic certification program, unless such ingredients are included on the National List and represent not more than 5 percent of the weight of the total finished product (excluding salt and water);

Sections 2118(c)(1)(A)(ii) and 2118(c)(B)(iii)(OFPA):

(c) Guidelines for Prohibitions or Exemptions.

(1) Exemption for prohibited substances. The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this title only if:

(A) the Secretary determines, in consultation with the Secretary of Health and Human Services and Administrator of the Environmental Protection Agency, that the use of such substances:

(ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products;

(B) the substance :

(iii) is used in handling and is non-synthetic but is not organically produced;

Section 2119(m)(6)(OFPA):

(m) Evaluation. In evaluating substances considered for

inclusion in the proposed National List or proposed amendment to the National List, the Board shall consider:

(6) the alternatives to using the substance in terms of practices or other available materials;

Senate Committee Report, page 299:

"The committee intends that the guidelines for processed food ingredients on the National List be that such ingredients are difficult or impossible to obtain."

BACKGROUND

The Committee has struggled with the complexity of trying to define and regulate "commercial availability" as it relates to a minor ingredient in an organic food. The definition of commercial availability must encompass more than the mere existence of an organically grown and processed form of the commodity in question. The following list illustrates both the complexity and subjectivity of defining availability.

* Supply must be adequate for handler's volume requirements. For a handler to commit to the development aud production of a new item, or the cost and effort to make changes in an existing product, there has to be a fair amount of certainty that the ingredient under consideration will be available into the foreseeable future.

* Quality (grade or specification, color, character, defects, etc.)

* Suitability in product formulation. As products become more complex, the chemical characteristics of minor ingredients become more critical. The way organic ingredients interact must be consistent in order to perform successfully.

* Cost and cost stability where applicable. The market is the arbiter of whether a cost is too high to be acceptable.

* Consistency of supply and evaluation of business risk.

DISCUSSION

The Committee would place the determination of organic availability within the domain of the handler. This will not create a regulatory loophole. Responsibility for making a comprehensive effort to obtain organic ingredients must reside

with the handlers, as they are best qualified to make this judgment. Responsibility for verifying that the effort has been made lies with the certifier. In this manner we allow each party to perform its proper function and avoid asking certifiers to become food technologists.

The Committee believes that the handlers who have achieved a 95% organic product are generally predisposed to use organic ingredients whenever practicable and that the competitive forces of the market will further drive organic ingredient use. To make this even more certain, the Committee strongly restates its belief that percent organic ingredient labeling is of critical importance.

RECOMMENDATION

The handler must make and document a comprehensive effort to obtain organic ingredients. The certifier must verify that the level of effort has been adequate. Specifically, the certifier must conduct an annual inspection of the handler and must review the Organic Handling Plan, as well as conduct an audit of handler records. Records which will be audited will include documentation for each non-organic minor ingredient which documents the unavailability of a suitable organic form. In this review, the certifier should:

1. verify that the handler has a process for seeking out organic ingredients in the Organic Handling Plan;

2. verify that the handler has made good faith efforts to obtain the organic form of the ingredient following steps outlined in the Plan;

3. withhold certification if, in the review of the Handling Plan, the certifier determines that sufficient documentation to justify use of a non-organic ingredient is absent; and

4. have available a listing of non-organic agricultural products used in foods labeled as "organic foods" by each handler that it certifies.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 7

ORGANIC GOOD MANUFACTURING PRACTICES

Date adopted: April 25, 1995
Location: Orlando, Florida

COMMENTARY

Section 6510 of the Organic Foods Production Act of 1990 (OFPA) outlines some general standards for certified organic handling operations. In addition, Section 6512 of the OFPA, states: "If a production or handling practice is not prohibited or otherwise restricted under this chapter, such practices shall be permitted unless it is determined that such practice would be inconsistent with the applicable organic certification program." The NOSB thinks that it is in the best interest of those affected by the National Organic Program to have more specific guidelines established for organic handling operations and to more clearly define those handling practices that are "inconsistent with the applicable organic certification program."

The NOSB recognizes that all organic handling operations must comply with all federal, state, and local food handling regulations. In addition, many organic handling operations must comply with the current good manufacturing practices outlined in the Code of Federal Regulations, Volume 21, Chapter 1, Part 110. These current regulations form the basis for organic good manufacturing and handling standards.

While complying with current food handling regulations, organic handling operations must prevent the "loss of organic integrity" of the organic food and feed. "Loss of organic integrity" includes commingling organic food or feed with conventional food or feed; contamination of organic food or feed with substances that are not included on the National List of allowed synthetic materials or that are on the list of prohibited naturals; or the use of prohibited handling practices as described in the OFPA and this document.

ORGANIC GOOD MANUFACTURING PRACTICES

GOOD MANUFACTURING PRACTICE IN PROCESSING, PACKING, OR HOLDING ORGANICALLY PRODUCED HUMAN FOOD AND ANIMAL FEED

I. Definitions (refer to 21 CFR Part 110.3)

The following definitions shall be effective for the processing, packing, or holding organically produced human food and animal feed by a certified organic handler.

1. "Loss of Organic Integrity" means the contamination of an organically produced raw agricultural product or an organic processed food by commingling with non-organically produced food or by contact with substances that are not included on the National list of allowed materials.

2. "Critical Control Point" means a point in a food process used by a certified organic handler where there is a high probability that improper control may cause, allow, or contribute to a hazard, a loss of organic integrity of the food, or to filth in the final food or decomposition of the final food.

3. "Quality Control Operation" means a planned and systematic procedure for taking all actions necessary to prevent an organic food from being adulterated within the meaning of the Federal Food Drug and Cosmetic Act and to prevent the loss of organic integrity of the food.

4. "Sanitize" means to adequately treat food-contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the product or its safety for the consumer or causing the loss of organic integrity of the organic food.

II. Requirements of Certified Organic Handlers

1. All certified organic handlers must comply with the current good manufacturing practices specified in the Code of Federal Regulations, Volume 21, Chapter 1, Part 110. In addition,

certified organic handlers must comply with all other federal, state, and local food handling regulations.

2. All certified organic handlers must comply with the following additional requirements for the processing, packing, or holding of organically produced human food.

a) Cleanliness [refer to 21 CFR Part 110 (b) (9)]

Necessary precautions must be taken to protect against contamination of food, food-contact surfaces, or food-packaging materials with microorganisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, substances that are not included on the National list of allowed materials, and medicines applied to the skin.

b) Education and Training [refer to 21 CFR Part 110.10 (c)]

Food handlers and supervisors should receive appropriate training in proper food handling techniques, proper organic food handling techniques, and food-protection principles and should be informed of the danger of poor personal hygiene and insanitary practices.

c) Plant Construction/Design [refer to 21 CFR Part 110.20 (b) (2)]

Plant construction and design must permit the taking of proper precautions to reduce the potential for contamination of food, food-contact surfaces, or food-packaging materials with pests, microorganisms, chemicals, substances that are not included on the National list of allowed materials, filth, or other extraneous material.

d) Pest Control [refer to 21 CFR Part 110.35 (c)]

Pest control substances that are not included on the National List of allowed materials or that appear on the National List of prohibited natural materials shall not be used during the processing, packing, or holding of organically produced human food and animal feed. Should the use of prohibited pest control substances be required to control an infestation, all organic food and feed must be removed from the facility before and during the application of the prohibited pest control substance.

Organic food and feed may be brought back into the facility when there is no danger of contamination of the organic food with the prohibited pest control substance.

e) Sanitation/Food Contact Surfaces [refer to 21 CFR Part 110.35 (d)]

In organic handling operations, treatment of food contact surfaces, including utensils and food-contact surfaces of equipment, with cleaning compounds and sanitizers must be done in such a way as to prevent the loss of organic integrity of the food.

f) Processing Aids [refer to 21 CFR Part 170.3 (o) (24)]

For the purposes of labeling organic foods or foods purporting to contain organic ingredients, an "ingredient" is defined as any substance used in the preparation of the food product that is still present in the final product as consumed, even if in modified form.

g) Boiler Water Additives [refer to 21 CFR Part 173.310 (a)]

Residues of boiler water additives must be prevented from contacting organically produced food by the use of steam without entrained water, steam filtering, or other means.

3. Certified organic handlers may not use any of the following prohibited practices for the processing, packing, or holding of organically produced human food.

a) Chemicals Used in Washing/Peeling [refer to 21 CFR Part 173.315]

Substances that are not included on the National list of allowed materials shall not be used to wash, peel, or otherwise prepare organically produced raw agricultural products or organic food.

b) Water Used in Handling

Water that contacts conventionally produced raw agricultural products during handling operations such as washing, floating,

rinsing, or cooling must not be used for handling of organically produced raw agricultural products. If State or local water conservation laws prevent compliance with this provision, then organically produced raw agricultural products that come in contact with water used to handle conventionally produced raw agricultural products must receive a thorough final clean water rinse before further handling.

c) Ionizing Radiation [refer to 21 CFR Part 179.26]

Ionizing radiation for the purpose of killing insects or microorganisms in the food (21 CFR 179.26) may not be used in the handling of organic food. Use of radiation (X-rays) for inspection of organic food is allowed (21 CFR 179.21).

d) Recombinant DNA Technology

Organisms that are created through the use of recombinant DNA technology, or products of such organisms, shall not be used as ingredients or processing aids in the handling of organic food unless they appear on the National List as "allowed synthetics."

III. Requirements of Certifying Agents

During the inspection of certified organic handling operations, the certifying agent shall assess compliance with the good manufacturing practices for processing, packing, or holding organically produced human food outlined in this document.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 9

NOSB PHASE-IN / IMPLEMENTATION RECOMMENDATIONS

Date adopted: April 27, 1995
Location: Orlando, FL

ORGANIC HANDLER CERTIFICATION PHASE-IN RECOMMENDATION:

For the purposes of organic certification, the implementation date of the Federal OFPA shall be the date that USDA first publishes a list of Accredited Organic Certifying Agents or the date that the Final Rules are published, whichever is later.

Organic Handlers who do not process but handle organically produced and/or processed food after the implementation date of the Federal OFPA must have a current application on file with a USDA Accredited Organic Certifying Agent within two(2) months of the implementation date of the Federal OFPA. Such Organic Handlers must be certified by a USDA Accredited Organic Certifying Agent within twelve (12) months of the implementation date of the Federal OFPA.

Organic Processors selling previously third party certified products in interstate commerce labeled as "organic foods" or "foods made with organic ingredients" after the implementation date of the Federal OFPA shall: 1) have a current application on file with a USDA Accredited Organic Certifying Agent within two(2) months of the implementation date of the Federal OFPA; and 2) be certified by a USDA Accredited Organic Certifying Agent within twelve (12) months of the implementation date of the Federal OFPA.

Inventories of Certified Organic Ingredients Used in Existing Products

Inventories of certified organic ingredients that were purchased prior to the implementation date of the Federal OFPA for the purpose of use in an existing product and were not produced and/or processed in compliance with the Final Rules may be used in as ingredients in "organic foods" and "foods made with organic ingredients" for no longer than twelve (12) months after the implementation date of the Federal OFPA.

Existing Processed Food Products

Organic processed food products that were first introduced into interstate commerce prior to the implementation date of the

Federal OFPA must be in compliance with the Final Rules eighteen (18) months after the implementation date of the Federal OFPA.

New Organic Processed Food Products
After the implementation date of the Federal OFPA, Organic Processors shall not introduce into interstate commerce any new products labeled as "organic foods" or "foods made with organic ingredients" until their application has been received by a USDA Accredited Organic Certifying Agent. All new organic processed food products must be in compliance with the Final Rnles.

Date adopted: April 25, 1995
Location: Orlando, Florida

PHASE-IN PERIOD FOR LABELS ON FOODS WITH ORGANIC INGREDIENT CLAIMS:

All previously third party certified products labeled as an "organic food" or as a food "made with organic ingredients" or containing any ingredient listed as an organic ingredient manufactured 18 months after the publication date of the Final Rules shall meet the labeling requirements of the National Organic Program Regulations.

Date adopted: April 28, 1995
Location: Orlando, Florida

CROPS AND LIVESTOCK COMMITTEES RECOMMENDATIONS ON IMPLEMENTATION OF CROPS AND LIVESTOCK STANDARDS:

A. (1) The use of a practice or material which becomes prohibited under the National Organic Program (NOP) shall be terminated at the time of implementation. However, any such practice or material which had been permitted by a USDA accredited certifying agency at any time within the 36 months immediately prior to implementation of the NOP shall not be cause for decertification of a field, crop, or livestock.

(2) If a certifying agency should decide to deny a producer's certification on the basis of a practice or material prohibited under the NOP, but which had been permitted by a USDA accredited certifying agency at any time within 36 months immediately prior to implementation, the decision may be appealed by the producer according to procedures established in the NOP.

B. (1) Policies concerning Pesticide and Fertilizer Drift and Misapplication Policy; Small Farmer Exemption; Residue Testing; Allowance for a Split Operation; and Emergency Spray Exception shall be applicable at the time of implementation.

(2) Policies concerning Livestock Feed; Healthcare, Record keeping and Transportation Practices; Antibiotic Use; and Synthetic Parasiticide Use shall be applicable at the time of implementation.

C. The language concerning Planting Stock Policies shall be applicable at the time of implementation. However, any practice which had been permitted by a USDA accredited certifying agency at any time within the 36 months immediately prior to implementation of the NOP shall not be cause for decertification of a field or crop.

D. The requirement for an Organic Farm Plan (Crop or Livestock) written by the producer shall be applicable at the time of implementation. The approval of the Farm Plan by the certifying agency shall be completed no later than the time at which the applicant is certified under the NOP.

E. In order to maintain their certification, producers previously certified by third party certifiers must be certified under the NOP by a USDA accredited certifying agency no later than 12 months following the date that USDA first publishes a list of accredited certifying agencies.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 30

LABELING OF CLOTHING MADE WITH ORGANIC COTTON

Date adopted: September 20, 1996
Location: Indianapolis, Indiana

Introduction:

The Processing, Handling, and Labeling Committee has debated the issue of creating standards for organically grown textiles, specifically as regards the dyeing process and proper labeling of fibers and clothing made from organically grown cotton. Although the State of Texas has a well-crafted document for the growing, harvesting, handling, and ginning of organic cotton which the Committee recommended as the basis for the organic cotton standards for the first draft of the Proposed Rules, the Texas standard stops short of the dyeing process. Complexities include 1) the dyeing process' typical use of heavy metals in the mordant in both natural source dyes and low-impact dyes (conventionally-sourced dyes reportedly use less energy and water in production) and 2) the seeming lack of viable alternatives which satisfy color variety and color fastness expectations.

Meanwhile, clothing made from organically grown cotton but dyed with "natural" dyes or low-impact dyes, both using heavy metals in the process, is typically advertised and labeled as "organic", a situation the Committee views as unacceptable.

Currently, unbleached, undyed, "color grown" cottons exist as alternatives to dyed cotton. Commercially-viable natural dyes, based on organically cultivated source material, and free of heavy metals, salts, solvents, and toxic chemicals are now being successfully developed. These produce compostable, biodegradable waste products and could likely fit under organic processing guidelines.

Recommendation:

Upon implementation of the National Organic Program, textiles made with organically grown fiber based on adherence to the regulations as detailed in the National Organic Standards shall be labeled only as "made with organic fiber" pending future

deliberation on the definition of organic textiles which will include approved dyeing process standards.

LIVESTOCK

RECOMMENDATIONS

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATIONS

Adopted June 2-4, 1994 in Santa Fe, New Mexico

ORGANIC LIVESTOCK PRODUCTION STANDARDS

TABLE OF CONTENTS

NOTE: Handling, Processing and Labeling requirements for livestock and livestock products are included in the recommendations put forth in the separate Board documents:

- Organic Handling Plan
- Requirements for Handler Certification
- Organic Good Manufacturing Practices
- General Organic Food Labeling Standards

PART I INTRODUCTION

A. PURPOSE

This comprehensive document contains the recommended organic livestock production standards being prepared by the Livestock Committee and the National Organic Standards Board (NOSB) for recommendation to the Secretary of Agriculture, USDA.

B. DEFINITIONS

THE FOLLOWING TERMS AND DEFINITIONS ARE A WORKING VOCABULARY FOR THE LIVESTOCK COMMITTEE AND HAVE NOT BEEN FORMALLY ACCEPTED FOR RECOMMENDATION TO THE SECRETARY.

Statutory Definitions
Section 2103 of the OFPA

Botanical Pesticides. The term "botanical pesticides" means natural pesticides derived from plants.

Certified Organic Farm. The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under [the OFPA] as utilizing a system of organic farming as described by [the OFPA].

Livestock. The term "livestock" means any cattle, sheep, goats, swine, poultry, equine animals used for food or in the production of food, fish used for food, wild or domesticated game, or other nonplant life.

Synthetic. The term "synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

In addition to these statutory definitions, the Livestock Committee proposes that the following definitions be established:

Audit Trail. The term "audit trail" means a verifiable record-keeping system which enables the organic product to be traced from final stage back to origin and includes a documentation of all inputs used in production for the purpose of organic certification.

Breeder Stock. Female parent of organic livestock.

Commercially Available. [incomplete]

Concentrate. The term "concentrate" means a feed used with another feed to improve the nutritional value of the ration. Generally, a concentrate is a feed grain with a greater protein or energy content than roughage.

Drylot. Paved or unpaved enclosure, devoid of vegetation.

Farming Operation. The term "farming operation" means a single farm site located in isolation from other farm sites under the ownership or management of the producer. [Draft]

Feed. The term "feed" means edible materials which are consumed by livestock. Feed may be concentrates (grains) or roughages (hay, silage, fodder). The term "feed" encompasses all agricultural commodities, including pasture, ingested by livestock for nutritional purposes.

> Feed Supplement. The term "feed supplement" means a feed used with another feed to improve the nutritive balance or performance of the total ration and intended to be:
> (1) Diluted with other feeds when fed to livestock;
> (2) Offered free choice with other parts of the ration if separately available; or
> (3) Further diluted and mixed to produce a complete feed.

Feed Additive. The term "feed additive" means a substance or combination of substances added to feed in micro quantities to fulfill a specific need, i.e. nutrients in the form of amino acids, minerals, and vitamins.

Forage. The term "forage" means vegetable material in a fresh, dried, or ensiled state (pasture, hay or silage) which is fed to livestock.

Inputs. [incomplete]

Manure Refeeding. The intentional addition of manure or livestock litter to the ration.

Organic. An adjective to define livestock certifiable according to the recommended standards.

Organic Production Methods. Fed 100% organic feed and under organic methods as defined by the recommended standards.

Organically-Raised. Fed 100% organic feed and under organic production methods as defined by the recommended standards.

Ration. The term "ration" means the daily amount of feed supplied to an animal.

Balanced Ration. The term "balanced ration" means a ration that provides an animal the proper amounts and proportions of all the required nutrients.

Routine Use. The term "routine use" means the scheduled regular or periodic administration of management practices or application of ingredients such as feed supplements, parasiticides, or medications to livestock rations or production practices.

Roughage. The term "roughage" means any coarse, rough food for livestock, such as hay, silage, fodder, browse, or pasture.

Species. The term "species" means a group of livestock with common attributes and designated by a common name; subset of genus.

Subtherapeutic. The term "subtherapeutic" means low-level administration of medications, such as antibiotics, to the rations of animals to prevent the development of disease in those animals, even when symptoms of such conditions may not be evident.

Systemic. The term "systemic" means absorbed and distributed throughout the body with the potential for affecting multiple bodily systems.

Topical. The term "topical" means superficial or external.

Toxic. The term "toxic" means any natural or synthetic substance to which livestock are exposed that may be harmful or poisonous. "Toxic" effects are largely determined by dosage (amount of exposure) and individual sensitivity.

PART II ORGANIC LIVESTOCK PRODUCTION STANDARDS

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 2, 1994 in Santa Fe, New Mexico.

LIVESTOCK SOURCES

GENERAL

(1) Livestock which do not meet the standards for organic livestock shall not contaminate organic livestock remaining in the farming operation with substances prohibited by the National List.

(2) Livestock and/or the products of livestock which do not meet the standards for organic livestock shall be diverted to the conventional market when sold.

(3) The USDA accredited certifying agents shall include a section in the Organic Farm Plan which requests that producers describe their current efforts and existing obstacles toward conversion.

(4) Breeder stock, day-old poultry stock, and replacement dairy stock shall be obtained from organic sources, with the following exception:

> Non-organic stock shall be permitted to be purchased if the producer can document to the satisfaction of a USDA accredited certifying agent that organically raised stock of acceptable quality and genetic potential is not commercially available.

BREEDER STOCK

(1) Only slaughter stock that are progeny of female breeder stock under organic production methods from the last third of gestation or longer shall be considered organic.

(2) Purchased breeder stock shall be under organic production methods from such time such stock is brought onto a certified organic farm. If such breeder stock is eventually sold for slaughter, it will not be considered organic unless it meets the requirements for slaughter stock.**

** Organic breeder stock may receive an application of synthetic

antibiotic in the event of a healthcare emergency. In such instance, the progeny may be sold or labeled as organically produced provided that the application to the breeder stock does not occur in the last third of gestation or while nursing the progeny, and the application is prescribed by a licensed veterinarian. The organic breeder stock, having received an application of synthetic antibiotics, is not disqualified from having its future progeny sold or labeled as organic.

(3) Breeder stock born on the organic farm shall be under organic production methods from birth.

(4) Artificial insemination is allowed.

SLAUGHTER STOCK

Slaughter stock shall be born to organic breeder stock and be raised under organic production methods.

POULTRY STOCK

All poultry from which meat or eggs will be sold as organically produced shall be raised under organic production methods from one day old.

DAIRY STOCK

Replacement dairy stock must be fed certified organic feeds and raised under organic management practices from the time such stock is brought onto a certified organic farm and for not less than the 12 month period immediately prior to the sale of milk and milk products from such stock.

NATIONAL ORGANIC STANDARDS BOARD
FINAL BOARD RECOMMENDATION

Adopted on June 2, 1994 in Santa Fe, New Mexico

LIVESTOCK FEED STANDARD

A. All certified organically produced livestock shall be fed certified organically produced feeds and feed supplements.

1. Feed supplements fed to livestock directly or as a supplement to feed rations shall be certified organically produced.

2. Pasture land upon which livestock are grazed or pastured shall be certified, and the Organic Livestock Plan shall contain management measures designed to maximize soil fertility and rangeland health as determined by the certifying agent.

B. Feed additives fed to livestock shall meet the following requirements:

1. Natural feed additives shall be from any source, provided the additive is not classified as a Prohibited Natural on the National List;

2. Synthetic feed additives shall be materials which are classified as Allowed Synthetics on the National List.

C. The Organic Livestock Plan shall include a contingency plan for obtaining certified organic feed from a secondary source.

D. In the event of a feed availability emergency, non-organic feed may be fed to certified organically produced livestock on an extremely limited basis, provided that the certifying agent is immediately notified of the emergency and establishes a maximum time period during which the non-organic feed may be used. Efforts to locate feed which has been produced without use of prohibited substances shall be documented.

1. Feed availability emergency is a temporary and unforeseeable shortage of certified organic livestock feed due to emergency conditions beyond the producer's control. This emergency must be verified by the certification agent using consistent criteria to ensure uniform exceptions.

2. In the case of such emergency, the producer shall make

every reasonable effort and maintain a record of every such effort to locate organically grown feed, using the following prioritization:

a. Certified Organic Feed
b. Non-certified Organic Feed
c. Feed from farms under organic management for 2 years
d. Feed from farms under organic management for 1 year
e. Conventional Feed.

NATIONAL ORGANIC STANDARDS BOARD
FINAL BOARD RECOMMENDATION

Adopted on June 2, 1994 in Santa Fe, New Mexico

ORGANIC LIVESTOCK HEALTHCARE, RECORD-KEEPING, & TRANSPORTATION PRACTICES

Statutory Requirements

The following practices are prohibited under Section 2110(d)(1) of the OFPA:
(1) Use of "subtherapeutic doses of antibiotics";
(2) Use of "synthetic internal parasiticides on a routine basis";
(3) Administration of "medication, other than vaccinations, in the absence of illness"

Section 2110(d)(2) sets forth the responsibility of the Board to "recommend to the Secretary standards in addition to those in [Section 2110(D)(1)] for the care of livestock to ensure that such livestock is organically produced."

Given the authority set forth under Section 2110(d)(2), the NOSB proposes that the following standards be established:

(1) Livestock which are treated with or fed prohibited materials for healthcare purposes shall not contaminate organic livestock remaining in the farming operation. Use of prohibited materials on individual livestock shall not result in a change of status for the remaining organic livestock.

(2) The action of a producer to withhold treatment to maintain the organic status of an individual livestock animal which results in the otherwise avoidable suffering or death of the animal shall be grounds for decertification.

(3) A production environment which limits livestock stress and promotes livestock health shall be provided; it must include the following factors:

(a) access to shade, shelter, fresh air, and daylight suitable to the species, the stage of production, the climate, and the environment;
(b) appropriate clean and dry bedding, appropriate to the husbandry system, provided that if the bedding is typically consumed by the animal species, the certifying agency shall make an express determination that the feed standard set forth in these regulations is not violated.
(c) a housing design which provides for:

(i) natural maintenance, comfort behaviors, and the opportunity to exercise;
(ii) temperature level, ventilation, and air circulation suitable to the species; and
(iii) the reduction of potential for livestock injury.

(d) a proper manure management system to reduce disease and parasite recycling and which also optimizes nutrient recycling and minimizes soil and water degradation.

(4) Livestock confinement standards to be developed later.

RECORDKEEPING FOR ORGANIC LIVESTOCK PRODUCERS

1. ANIMAL SOURCE AND LIFE CYCLE RECORDS

Statutory Requirements

Section 2110(f)(1) sets forth the requirement that producers must "maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to [the] farm."

In addition to statutory requirements, the NOSB proposes that the following standards be established:

(1) An identification system must ensure the identity of organic livestock.
(2) Each slaughter animal/poultry flock/fish lot must be traceable through the life-cycle.
(3) A producer shall document all livestock sales and purchases.

2. HEALTHCARE RECORDS

Statutory Requirements

Section 2110(f)(2)(A) sets forth the requirement that producers must "keep accurate records" pertaining to "amounts and sources of all medications administered" to "each animal (or in the case of poultry, each flock."

In addition to statutory requirements, the NOSB proposes that the following standards be established:

(1) Producers must document the rationale for use of all synthetic health care inputs appearing on the National List.

3. FEED, FEED SUPPLEMENT, AND FEED ADDITIVE RECORDS

Statutory Requirements

Section 2110(f)(2)(B) sets forth the requirement that producers must "keep accurate records" pertaining to all feeds and feed supplements bought and fed" for and to "each animal" (or in the case of poultry, each flock).

The NOSB proposes no standards in addition to the above statutory requirements.

TRANSPORTATION

In addition to statutory requirements, the NOSB Livestock Committee proposes that the following standards be established:

(1) Audit trail must remain verifiable throughout transportation.
(2) Contamination by prohibited materials shall not occur during transport.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 4, 1994 in Santa Fe, New Mexico.

THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION

Antibiotic Use in Organic Slaughter Stock

The use or application of antibiotics as medication or growth promoters in organically produced slaughter livestock that is labeled or sold as organically produced, is prohibited.

Should an antibiotic be administered for whatever reason, to otherwise organically produced livestock, that livestock and any products derived therefrom shall not be labeled or sold as organically produced.

Antibiotic Use in Organic Breeder Stock

The use or application of antibiotics as medication or growth promoters in animals labeled or sold as organic breeder stock, the progeny of which is intended to be labeled or sold as organically produced, is restricted.

Organic breeder stock may receive application of antibiotic in the event of a healthcare emergency. In such instance, the progeny may be sold or labeled as organically produced provided that the application to the breeder stock does not occur in the last third of gestation or while nursing the progeny, and the application is prescribed by a licensed veterinarian. The organic breeder stock, having received an application of antibiotics, is not disqualified from having its future progeny sold or labeled as organic.

Antibiotic Use in Organic Dairy Stock

The use or application of antibiotics as medication or growth promoters in dairy animals, whose milk or milk products are intended to be labeled or sold as organically produced, is restricted.

Should an antibiotic be administered for whatever reason to otherwise organically produced dairy stock, milk or milk products derived from that dairy stock may not be sold or labeled as organically produced for 90 days following the date of application or use and furthermore must satisfy all five

conditions listed in the addendum to the recommendation on the use of antibiotics in organic livestock production. This policy to be reevaluated in two years.

ADDENDUM TO THE RECOMMENDATION ON THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION

1. Organic farmers and ranchers shall practice preventative health maintenance through quarantine for incoming stock, sound nutrition, good breeding practices, proper sanitation and manure management, appropriate vaccination programs for the region, reduction of animal stress, well managed pastures and other sound health management practices.

2. Any use or application of antibiotics in organically produced livestock will be the last resort after all appropriate organic management practices have been utilized and documented in the Farm Plan. Antibiotics should only be used for medical emergencies requiring treatment and where effective alternative treatment are not yet available, in order to save an animal's life, to prevent unnecessary suffering, and to restore the animal to full health.

3. Any use or application of antibiotics in organically produced livestock is restricted to those substances which have been reviewed by the technical advisory panel according to the criteria and process required under the Act, placed on a National List by specific use, application and/or species, and approved by the Secretary of Agriculture. Any use or application of antibiotics in organically produced livestock shall occur within the context of a valid veterinarian client patient relationship as defined by the Food and Drug Administration Compliance Policy Guide #7125.06.

4. Any use or application of antibiotics in organically produced livestock will require a written justification for each use during the annual farm plan review and an evaluation of practices in place in order to eliminate the need for antibiotic use in the future.

5. If used, antibiotic treatments muat be subject to record keeping and observation of strict withdrawal periods. Any treated animal must be individually identifiable during the drug withdrawal period. Subtherapeutic or routine use of any antibiotics and administration of any antibiotics in the absence of illness is prohibited.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION

Adopted on June 4, 1994 in Santa Fe, New Mexico

THE USE OF SYNTHETIC PARASITICIDES IN ORGANIC LIVESTOCK PRODUCTION

SYNTHETIC PARASITICIDE USE IN ORGANIC SLAUGHTER STOCK

The use or application of synthetic parasiticides in organically produced slaughter stock that is labeled or sold as organically produced is prohibited.

Should a synthetic parasiticide be administered for whatever reason to otherwise organically produced livestock, that livestock and any products derived therefrom shall not be labeled or sold as organically produced.

SYNTHETIC PARASITICIDE USE IN ORGANIC BREEDER STOCK

The use and application of synthetic parasiticides in livestock labeled or sold as organic breeder stock, the progeny of which is intended to be labeled or sold as organically produced, is restricted.

Organically produced breeder stock may receive application of synthetic parasiticides in the event of a healthcare emergency; such an exception for use of synthetic parasiticides shall not be construed as allowance for routine application. The progeny of the treated breeder stock may be sold or labeled or organically produced provided the application does not occur in the last third of gestation or during lactation, and provided the need for the application has been verified by a licensed veterinarian.

The treated organic breeder stock is not disqualified from the organic production program, and remains eligible for the production of future organic offspring.

SYNTHETIC PARASITICIDE USE IN ORGANIC DAIRY STOCK (continued)

Should a synthetic parasiticide be administered for whatever reason to otherwise organically produced dairy stock, milk or milk products derived from that dairy stock may not be sold or

labeled as organically produced for 90 days following the date of application or use.

Dairy stock may receive application of synthetic parasiticides only in the event of a healthcare emergency; such an exception for use of synthetic parasiticides shall not be construed as allowance for routine application. The need for such application to dairy stock must be verified by a licensed veterinarian.

Any deviations from the above standards shall be species specific and be set forth in a separate document. Such review shall include, but not be limited to, sheep, goats and swine.

ADDENDUM TO THE RECOMMENDATION ON THE USE OF SYNTHETIC PARASITICIDES IN ORGANIC LIVESTOCK PRODUCTION

1. The regular, planned or periodic use of parasiticides is considered to be a dependency on routine medication and is prohibited.

2. Any intentional use or application of synthetic parasiticides in organically produced livestock will be the last resort after all appropriate organic management practices have been utilized and documented in the Farm Plan. These would include but not be limited to:

   a. Quarantine and fecal exams for all incoming stock.
   b. Adequate pasture rotation and good pasture management.
   c. Periodic fecal exam and culling seriously infested individuals.
   d. Vector and intermediate host control.
   e. Using biological control measures such as fly parasites.
   f. Maintaining dusting wallows for poultry.

3. Any intentional use or application of synthetic parasiticides in organically produced livestock is restricted to those substances which have been reviewed by the technical advisory panel according to the criteria and process required under the Act, placed on a National List of permitted synthetics by specific use, application, and/or species and approved by the Secretary of Agriculture. The use or application of synthetic parasiticides in organically produced livestock shall occur within the content of a valid veterinarian client patient relationship as defined by the Food and Drug Administration Compliance Policy Guide #7125.06.

4. Any intentional use or application of synthetic parasiticides in organically produced livestock shall require a justification, for each use, during the annual farm plan review and an evaluation of practices in place to eliminate the need for parasiticides in the future. If used, synthetic parasiticide treatments must be subject to careful record keeping and observation of strict withdrawal periods. Any treated animal must be individually identifiable during the drug withdrawal period.

5. Any intentional use or application of synthetic parasiticides in organically produced livestock shall be administered in a manner as to most effectively treat parasite infestations in order to eliminate the need to treat in the future.

PART III ORGANIC FARM PLAN

STATUTORY REQUIREMENTS

"The term 'certified organic farm' means a farm or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title." (OFPA § 2114(a))

"The term 'organic plan' means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title." [Organic Foods Production Act of 1990 (OFPA) § 2103] "A producer or handler seeking certification under this title shall submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs." (OFPA § 2114)

RECOMMENDATION

The purpose of the Organic Farm Plan is twofold; to assist the producer and to assist the certifying agent. For the producer, the Organic Farm Plan provides a flexible, useful, and affordable tool for developing an ecologically sound resource management system on her/his farm. The process of developing the Organic Farm Plan allows the producer to plan and evaluate farm management practices and make tangible improvements in the farming operation. For the certifying agent, the Organic Farm Plan provides essential information for assessing the producer's compliance with the OFPA.

The Organic Farm Plan is a written document that describes how the organic farm is managed. It is written by the producer, agreed to by the certifying agent, and must be updated annually to reflect changes and improvements in farm management. The actual format may be incorporated into the documents which the certifying agent uses in their yearly application/renewal process or as a part of their annual farm inspection. The following components, presented below in questionnaire form, must be included if they are relevant to the operation.

The Organic Farm Plan must address the key elements of organic crop production: soil and crop management, resource management, crop protection, and maintaining organic integrity through growing, harvesting, and post-harvest operations. Where livestock are included in the overall operation of the Organic Farm for the purpose of marketing and labeling organic livestock and livestock

products, the Organic Farm Plan must address the key elements of organic livestock production: manure management; livestock health, care, and breeding practices; animal sources; feed sources; feed contingency plans for shortages and emergencies; maintenance of organic feed integrity from field to feeding; housing and living conditions; record keeping; handling practices; pasture and grazing land management; ecosystem oversight to reduce the environmental impact of animal production practices; and, if applicable, appropriate details for ensuring integrity of organic animals on a split operation.

Not all components of the Crops or Livestock questionnaires presented below will apply to all farms. Producers must decide which components are relevant to their operations and include them in their individual organic farm plans.

Organic farming is not merely a list of acceptable and prohibited materials. It is a management-intensive technology designed to achieve a balance in the agricultural and livestock system similar to that found in natural systems. Such a balance produces healthy soils and high quality crops and livestock. A commitment to long-term soil improvement or maintenance at a high fertility level should be reflected in the Organic Farm Plan. The emphasis should be on building up organic matter in the soil through green manuring and/or applications of composted materials with complementary application of rock minerals. While certain soluble soil fertilizing materials and foliar applications are not prohibited, they must be used as an adjunct to a long-term approach to soil fertility and/or for specific short-term needs.

The grower will provide adequate maps of all parcels farmed under his or her control, with 3-year histories of all parcels, as part of their certification application.

The inclusion of livestock in a total farm organic management system contributes significantly to closed nutrient recycling through the utilization of forages on fields with rotational seedings and through the production of nutrient-rich manure.

Persons raising livestock organically must be committed to providing positive health management practices and the utilization of organically produced feeds for nutrient and mineral needs in order to produce progressively stronger animals and eliminate a dependency on and use of veterinary medications. The animal's spatial environment must be managed so as to avoid population densities that may lead to stress and disease problems.

ORGANIC LIVESTOCK FARM PLAN QUESTIONNAIRE

[NOTE: It was the intention of the NOSB Livestock Committee in preparing this questionnaire to indicate as clearly as possible the areas to be addressed by organic livestock producers. Thus, this document in its present state may appear overly exhaustive. Furthermore, many areas of this questionnaire may not apply to all organic livestock producers.]

I. GENERAL APPLICATION

BUSINESS NAME _____

BRAND NAME _____

PRODUCER _____

ADDRESS/LOCATION _____

_____

_____

COUNTY _____

Throughout the entire questionnaire, a "livestock unit" refers to the following specific classifications of livestock by species and maturity:

CATTLE
Calves
Yearlings
Heifers (open or bred)
Cows
Slaughter Stock
Other

POULTRY
Broilers
Layers
Turkeys
Other

SWINE
Weauling/Feeder Pigs
Growing/Finishing Hogs
Gilts (open or bred)
Sows
Slaughter Stock
Other

BEES

SHEEP
Lambs
Yearlings
Mature Ewes
Slaughter Stock
Other

GOATS
Kids
Yearlings
Mature Does
Slaughter Stock
Other

FISH
Fingerlings
Mature Stock

WILD/DOMESTICATED GAME

EQUINE ANIMALS

A. From the categories described above, please describe the type(s) of livestock produced organically on your farm and for which you are requesting certification.

B. Please describe the type(s) of livestock product(s) marketed bearing your farm's registered brand name by checking the applicable boxes below.

	Brand Name	Other Label
Dairy Products		
Eggs		
Beef		
Veal		
Pork		
Poultry Meat		
Lamb/Mutton		
Wool		
Fish		
Goat Meat		
Honey		
Other		

C. If your farming operation was certified previously, identify the certification agency(s) and the date(s). Is documentation available for verification?

D. How many years has part or all of your farming operation been under organic production methods? Please elaborate.

E. Are there livestock produced under conventional production methods in your farming operation? _____ If so, please be sure to complete Section J of this questionnaire.

F. Utilizing the livestock categories provided in Section I, please complete the following chart for the past certification year:

	Current Livestock		
Livestock Type	Number Produced Organically	Number Produced Conventionally	Number Sold as Organic

G. Utilizing the livestock product categories provided in Section IB, please complete the following chart for the past certification year:

	Percentage		
Livestock Product Type	Product Produced Organically	Product Produced Conventionally	Percentage Sold as Organic

H. Utilizing the livestock categories provided in Section I, please complete the following chart to indicate your plans for sale

of livestock produced organically this certification year:

Livestock Type	Current Livestock: Number Produced Organically	Number Produced Conventionally	Number Sold as Organic

I. Utilizing the livestock product categories provided in Section IB, please complete the following chart to indicate your plans for sale of livestock products produced organically this certification year:

Livestock Product Type	Percentage: Product Produced Organically	Product Produced Conventionally	Percentage Sold as Organic

II. ORGANIC LIVESTOCK PRODUCTION PRACTICES

An "Organic Livestock Production Practices" questionnaire form must be completed for each organic livestock type intended for inclusion in the overall certification decision.

A. Livestock Sources

1. Describe your method for identifying your organically-produced livestock (i.e. ear-tagging, branding) and how this method ensures that each livestock animal can be traced back to its origin.

2. Describe your method for identifying organically-produced livestock products and how this method ensures that each livestock animal can be traced back to its origin.

3. Please indicate the sources of your current livestock inventory within the chart format provided below.

a. For livestock raised organically from birth in the farming operation, describe livestock unit:

Description of Unit (i.e. lot#, identification #)	Age of Unit	Number in Unit

b. For livestock raised organically from birth but purchased outside your farming operation, describe each livestock unit:

Description of Unit (i.e. lot#, identification #)	Age of Unit	Number in Unit	Date Purchased	Source of Purchase

c. For livestock raised organically from some time after birth and raised within your farming operation, describe each livestock unit:

Description of Unit (i.e. lot#, identification #)	Age of Unit	Number in Unit	Date from which organically produced

d. For livestock raised organically from some time after birth and purchased off-farm, describe livestock unit:

Description of Unit (i.e. lot#, identification #)	Age of Unit	Number in Unit	Date Purchased	Source of Purchase

B. Feed Sources

1. What percentage of total feed fed to livestock this past certification year was produced on-farm? If feed was purchased off-farm, please answer questions 2 and 3. Taking the capacity of your farm into account, what would you consider the optimum level of on-farm feed production?"

2. For each feed purchase made within the past certification year, complete the chart below. You have the option to attach a copy of your feed records in place of this chart.

Feed Type	Quantity Purchased	Date of Purchase	Source of Purchase	Lot No.	Certified By (Agent)

3. If you have plans to purchase feed from sources other than those listed in the chart above this certification year, please identify your new sources and cite the certification status of each.

4. Describe your audit trail for feed purchased off-farm. See Glossary for definition of Audit Trail.

5. What back-up sources of feed exist in case of a short-supply in your current on-farm or purchased feed sources?

6. Please list the components, with percentages, of the basic feed ration fed to your livestock, describing variations in it according to seasons or other reasons. For example:
Wheat(30%)/Oats(20%)/Alfalfa Hay(50%) --- Summer (June-Sept.)
Do not include feed additives.

C. Feed Additives

See Definitions for description of Feed Additive.

1. Please complete the chart below for each feed additive to the basic feed ration fed to livestock last certification year. Please attach labels for premixes or other additives.

Type of Feed Additive	Brand Name	Method of Feeding	Average Quantity Fed Per Feeding	Purpose of Feed Additive

2. Which feed additives, if any, do you plan to discontinue use of in this certification year? Are there any feed additives that you plan to add to the diets of your livestock this certification year?

3. Are you aware of nutritional deficiencies specific to your region which are of specific concern to you as an organic livestock producer?

D. Drinking Water

1. Describe the primary source of drinking water for your livestock and list other sources.

2. For those drinking water sources which you control (i.e. wells or ponds on your property), are nitrate or other contaminant tests regularly conducted? If so, please describe frequency and findings and attach a copy of each test result.

3. Are you aware of contaminants in the local water table which are specific to your region? Please cite and indicate whether or not tests for these contaminants are regularly conducted and by whom. If you have results of such tests on file, please attach a copy(s).

E. Livestock Production Environment

1. Describe, in general terms, the environment in which your livestock are produced. For example, dairy cattle -- stanchion barn.

2. For livestock which graze on pastureland, describe the length of time each plot of pastureland is grazed before rotation, and what length of time each year the livestock are not grazing on pastureland.

3. Describe how your system for managing land grazed by livestock is sustainable. For example, describe your management of over-grazing, waste run-off, erosion, and stocking rates.

4. For those livestock confined to a drylot at certain times of the year, describe the length of each confinement period and the conditions of the drylot during that period. Be sure to indicate the type of shelter and space allotment given to livestock during this period.

5. For those livestock confined within a building during certain times of the year, describe the length of each confinement period and the practices which ensure organic integrity in confinement, i.e. ventilation, temperature, space allotment.

6. Briefly explain how your livestock production system incorporates the husbandry standards outlined in the OFPA.

7. Are any changes planned for this certification year which would improve the production environment of your livestock, i.e. improvements in housing, etc.?

F. Manure Management

1. Describe your system for handling, storage, and utilization of manure. If applicable, describe your system for composting manure on-farm for use on crops.

2. What measures are taken in your farming operation to avoid environmental degradation? For example, describe how the water table is protected from nutrient-leaching and/or manure runoff.

3. What chauges, if any, in your manure management system are planned for this certification year?

G. Breeding Practices

1. How are your livestock serviced - by artificial insemination, natural breeding, or both?

2. Describe your breeding program. What traits do you select for which enhance livestock health?

H. Health Practices

1. Describe the type of health records kept for your organic livestock. For example, individual dairy cow health cards, log book, computer spreadsheet.

2. How does your livestock record-keeping and identification system ensure that livestock that are treated with prohibited materials are not sold as organic? How does your system also ensure that all material inputs are recorded and restrictions complied with?

3. Describe your livestock health plan, citing commonly used material inputs. Be sure to describe preventative measures taken for disease and parasite control.

4. For each livestock unit (L. Unit), complete the chart below for each specific livestock disease outbreak(s), parasite outbreak(s), and/or injury(s) during the past certification year, citing the practices/material inputs used to ensure the organic integrity of the animal(s) afflicted:

Health Ailment	% of Total L. Unit Afflicted	Therapeutic Practice	Material Input(s) Utilized: Type	Material Input(s) Utilized: How Often	Preventative Practice for % Not Afflicted

5. Complete the chart below for each livestock animal or livestock unit withdrawn from organic production because of treatment with a prohibited material input:

Livestock Afflicted (Identify)	Health Ailment	Material Input(s) Utilized: Type	Material Input(s) Utilized: How Often

6. What, if any, new organic practices will you try this certification year to enhance livestock health and to avoid the need for prohibited materials?

7. Please explain how barnyard flies and other insect pests (excluding parasites) are controlled in your farming operation, citing both preventative practices and material inputs utilized.

8. If applicable, describe the material input utilized to disinfect your livestock facility(s), and how often it is applied. Please also describe how the livestock were removed and protected from exposure to the disinfectant.

I. On-Farm Handling of Livestock Product

1. For each of the products derived from your livestock, describe the relevant Federal and/or State grading status. For example, U.S. Grade A milk.

2. In the chart below, describe each of the sanitizers, soaps and cleansers utilized in the process of handling your livestock product(s).

National List Material Input (Name)	Prohibited Material Input (Name)	Purpose of Material Input Use	Procedure to Prevent Contamination

J. Mixed Organic/Conventional Production

Please complete this section if livestock are produced under both organic and conventional methods within your farming operation.

1. Please complete the chart below for each livestock unit in transition to organic in your farming operation:

Type of Livestock	Age of Unit	Number in Unit	Description of Unit (Identification #(s), Lot Numbers)

2. Please describe how you ensure that organically-produced livestock products are not contaminated by material inputs or practices utilized under conventional production.

3. Please describe how you prevent a co-mingling of conventionally and organically produced feed in your farming operation.

4. If, within your farming operation, you produce the same species of livestock under conventional methods that you produce under organic methods, please describe your current efforts and existing obstacles toward conversion.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 17

ORGANIC LIVESTOCK PRODUCTION

Date adopted: October 31, 1995
Location: Austin, Texas

The following deletions are to be made in the Organic Livestock Production Standards section of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Introduction:

The Committee has determined that the following sections should be deleted from the formerly approved recommendations for the following reasons: 1) mandating the use of a veterinarian might lay added costs on producers who, because of their own knowledge and experience, can make appropriate decisions regarding the care of their animals, 2) the recommendations shouldn't suggest this kind of micro management, and 3) this is an unenforceable issue that should be between certifiers and producers.

Delete at lines 378-381, page 14:
Any use or application of antibiotics in organically produced livestock shall occur within the context of a valid veterinarian client patient relationship as defined by the Food and Drug Administration Compliance Policy Guide #7125.06.

Delete at lines 462-466, page 17:
Any use or application of synthetic parasiticides in organically produced livestock shall occur within the context of a valid veterinarian client patient relationship as defined by the Food and Drug Administration Compliance Policy Guide #7125.06.

Introduction:

The following changes should be made to make the NOSB Final

Recommendations consistent with the law. The committee recommends that the words "or growth promoters" be deleted because the law prohibits the use of antibiotics as growth promoters. At the present time the RECOMMENDATION ON THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION, page 12, lines 332-335 and lines 346-349, read as follows: 'The use or application of antibiotics as medication or growth promoters in animals sold as organic breeder stock, the progeny of which is intended to be labeled or sold as organically produced is restricted' (lines 332-335); and 'The use or application of antibiotics as medication or growth promoters in dairy animals, whose milk or milk products are intended to be labeled or sold as organically produced, is restricted' (lines 346-349).

Delete at lines 332-333 and at lines 346-347, page 12:

"or growth promoters".

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 8

ORGANIC LIVESTOCK HEALTHCARE PRACTICES

Date adopted: April 25, 1995
Location: Orlando, Florida

The following additions are to be inserted in the Organic Livestock Healthcare Practices section, page 10, line 278 of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Certified organic livestock farms shall be based on a system that incorporates access to the outdoors and direct sunlight.

It is understood that proper livestock health management may include periods of time when livestock are housed indoors. Temporary indoor housing may be justified for:

1. inclement weather conditions;
2. health, care, safety, and well being of the livestock; and
3. protection of soil and water quality.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 21

USE OF INOCULANTS AND VACCINES IN LIVESTOCK PRODUCTION

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

Committee discussion revealed that a statement on the use of inoculants and vaccines had not been developed in the National Organic Standards Board Final Recommendations passed in June, 1994. Therefore, an Addendum to the recommendations is required to provide guidance.

Statement of Principle:

The Committee believes use of inoculants and vaccines may be necessary to ensure the health of the animal and to remain in compliance with Federal, State, or regional regulations.

The following additions are to be inserted in the Organic Livestock Production Standards section of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Add prior to line 278, page 10:

The inoculation and vaccination of livestock is allowed. In all cases, killed or attenuated vaccines should be used rather than live vaccines unless the latter is the only effective means of prevention or control. Livestock producers must show in their records which vaccines or inoculants have been administered and when they were administered. The Farm Plan should reflect efforts to use proper management, nutrition, and genetic selection for disease resistance and longevity.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 22

THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION

Date Adopted: October 31, 1995
Location: Austin, Texas

The following additions are to be inserted in the Organic Livestock Production section, as indicated, of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Add at line 358, page 13:

ANTIBIOTIC USE IN ORGANIC LAYING HENS (Egg Production)

The use of antibiotics as a growth promoter in poultry is prohibited. The use of antibiotics in poultry whose eggs or egg products are intended to be labeled or sold as organically produced is restricted.

Should an antibiotic be administered for whatever reason to otherwise organically produced poultry, eggs or egg products derived from that poultry may not be sold or labeled as organically produced for 90 days following the date of applications or use and furthermore must satisfy all five conditions listed in the addendum in the recommendations on the use of antibiotics in organic livestock production. This policy is to be reevaluated in two years.

To be inserted at line 360, page 14, as a preface to:

ADDENDUM TO THE RECOMMENDATION ON
THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION

Just as soil health must be restored after the use of restricted materials, animals, whose health has been threatened by illness or infection, must be allowed adequate time to recuperate after administration of an antibiotic. The restoration of health is effected through adequate recovery management. Products from both restored soil and restored animals may then be labeled as organically produced.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 23

THE USE OF PARASITICIDES IN ORGANIC LIVESTOCK PRODUCTION

Date Adopted: October 31, 1995
Location: Austin, Texas

The following additions are to be inserted in the Organic Livestock Production section, as indicated, of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Add at line 435, page 16:

PARASITICIDE USE IN ORGANIC LAYING HENS (Egg Production)

The use of parasiticides as a growth promoter in poultry is prohibited. The use of parasiticides in poultry whose eggs or egg products are intended to be labeled or sold as organically produced is restricted.

Should a parasiticide be administered for whatever reason to otherwise organically produced poultry, eggs or egg products derived from that poultry may not be sold or labeled as organically produced for 90 days following the date of applications or use and furthermore must satisfy all five conditions listed in the addendum in the recommendations on the use of parasiticides in organic livestock production. This policy is to be reevaluated in two years.

To be inserted at line 441, page 17, as a preface to:

ADDENDUM TO THE RECOMMENDATION ON
THE USE OF PARASITICIDES IN ORGANIC LIVESTOCK PRODUCTION

Just as soil health must be restored after the use of restricted materials, animals, whose health has been threatened by parasite infestation, must be allowed adequate time to recuperate after administration of a parasiticide. The restoration of health is effected through adequate recovery management. Products from both restored soil and restored animals may then be labeled as organically produced.

CROP

RECOMMENDATIONS

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATIONS

Adopted June 1-4, 1994, in Santa Fe, New Mexico

ORGANIC CROP PRODUCTION STANDARDS

TABLE OF CONTENTS

1. INTRODUCTION

A. Introduction: The National Organic Standards Board (NOSB) has prepared this comprehensive document to present the areas of agriculture which pertain to crop production. The document gives a brief overview of the statutory requirements and describes the standards approved for recommendation to the Secretary of Agriculture June 1-4, 1994.

B. Definitions:

(1) Organic Foods Production Act of 1990 (OFPA) Section 2103:

Botanical Pesticides: The term "botanical pesticides" means natural pesticides derived from plants.

Certified Organic Farm: The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title.

Crop Year: The term "crop year" means the normal growing season for a crop as determined by the Secretary.

Organic Plan: The term "organic plan" means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title.

Organically Produced: The term "organically produced" means an agricultural product that is produced and handled in accordance with this title.

Pesticide: The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.)

Producer: The term "producer" means a person who engages in the business of growing or producing food or feed.

Secretary: The term "Secretary" means the Secretary of Agriculture.

State Organic Certification Program: The term "State organic certification program" means a program that meets the

requirements of section 2107, is approved by the Secretary, and that is designed to ensure that a product that is sold or labeled as "organically produced" under this title is produced and handled using organic methods.

Synthetic: The term "synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

(2) National Organic Standards Board Definition Recommendations

Drift: The term "drift" means the physical movement of prohibited pesticide or fertilizer droplets or granules from the intended target site onto a certified organic field or farm, or portion thereof.

Misapplication: The term "misapplication" means the accidental direct application of a prohibited pesticide or fertilizer to a certified organic field or farm, or portion thereof, by a person who is not the certified organic producer or a person working under the direction of the certified organic producer.

2. CROP PRODUCTION STANDARDS

A. PESTICIDE AND FERTILIZER DRIFT AND MISAPPLICATION POLICY

1. Statutory Requirement Section 2105(2): [To be sold or labeled as an organically produced agriculture product under this title, an agricultural product shall] (2) except as otherwise provided in this title and excluding livestock, not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of the agricultural products.

2. Senate Agriculture Report: "On occasion, organic farmers, although following the strict standards in this bill, may produce products with minimum residues due to inadvertent environmental contamination such as drift from a neighboring farm." "The (Senate Agricultural) Committee does not intend to prohibit minimal residue contamination that does not result from practices used by the organic farming operation." (Reference: U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Report 101-357, July 6, 1990, page 300.)

COMMENTARY

An understanding of the legislative intent of the Organic Foods Production Act with respect to pesticide and fertilizer drift onto certified organic farms can be found in the Senate Agricultural Committee Report. "On occasion, organic farmers, although following the strict standards in this bill (emphasis added), may produce products with minimum residues due to inadvertent environmental contamination such as drift from a neighboring farm." "The (Senate Agricultural) Committee does not intend to prohibit minimal residue contamination that does not result from practices used by the organic farming operation (emphasis added). (Reference: U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Report 101-357, July 6, 1990, page 300).

The National Organic Standards Board has received many comments from the public on the subject of pesticide drift onto organic farms. In addition, discussion and debate of the drift issue at the May 1993 NOSB meeting clearly indicated that the majority of NOSB members think that pesticide drift incidents should be handled in the same manner as the NOSB Draft Recommendation for government emergency pest eradication programs.

Recognizing the importance of striking a balance between meeting the consumer's expectation that organic food has not been subjected to drift and protecting organic producers from unreasonable penalties caused by drift or misapplication incidents which are beyond the organic producer's control, the NOSB makes the following recommendation.

RECOMMENDATION

The National Organic Standards (NOSB) requests that the Secretary recommend to Congress that certified organic producers who incur crop losses and/or market losses caused by pesticide or fertilizer drift or misapplication be eligible for reimbursements from Federal crop disaster programs or Federal crop insurance programs for all damages and expenses incurred. Such eligibility should only apply in situations where the drift incident or misapplication occurs as the result of actions of a person who is not the certified organic producer or a person working under the direction of the certified organic producer.

I. Definitions of Drift and Misapplication

A. For the purpose of the OFPA, "drift" means the physical movement of prohibited pesticides or fertilizers from the intended target site onto a certified organic field or farm, or portion thereof, caused by a person who is not the certified organic producer or a person working under the direction of the certified organic producer.

B. For the purpose of the OFPA, "misapplication" means the accidental direct application of a prohibited pesticide or fertilizer to a certified organic field or farm, or portion thereof, by a person who is not the certified organic producer or a person working under the direction of the certified organic producer.

II. Agricultural Products Subjected to Drift or Misapplication

Agricultural products, including livestock feed crops and pasturage, that are exposed to drift or misapplication with a prohibited pesticide or fertilizer shall not be sold or labeled as organically produced or fed to certified organic livestock.

A. Requirements of the Certified Organic Producer

1. As a drift prevention measure, certified organic producers must give notification to all adjacent property owners and to their appropriate public officials informing them of the boundaries of the organic farming operation and of any possible financial responsibility should any drift or misapplication incident occur. It is recommended that this notification be in writing in order to facilitate any potential legal claims on behalf of the certified organic producer.

2. In cases where physical and/or visual evidence indicate that agricultural products have been subjected to drift or misapplication with a prohibited substance, the certified organic

producer shall:

a. notify the certifying agent and the appropriate public officials within 48 hours of discovery.

b. not sell or label as organically produced or feed to certified organic livestock the agricultural products subjected to drift or misapplication.

B. Requirements of the Certifying Agent and/or State Official

1. Upon receiving notification (from a certified organic producer, an organic farm inspector, a certifying agent, a State or County Official, or a member of the public) that an agricultural product has been subjected to drift or misapplication with a prohibited substance on a certified organic farm, the certifying agent shall work with the appropriate public officials to do the following:

a. determine if a drift or misapplication incident has actually occurred and, if so, investigate the incident;

b. attempt to identify the prohibited substance that has drifted onto or been misapplied to the certified organic farm;

c. identify and mark the portion of the organic field exposed to drift or misapplication and assure that agricultural products growing in this area of the field are not sold or labeled as organically produced or fed to certified organic livestock;

d. conduct, if necessary, pre-harvest residue testing to verify the extent of the drift of misapplication incident; and

e. determine the portion, if any, of the field that was not subjected to drift or misapplication and determine if agricultural products growing in this area of the field can be sold or labeled as organically produced or fed to certified organic livestock.

III. Agricultural Products Grown In The 3 Year Period Immediately Following A Drift Or Misapplication Incident

Agricultural products grown in the 3 year period immediately following a drift or misapplication incident may be excepted from the requirement in § 2105(2) [§ 6504(2)] which requires agricultural products sold or labeled as organically produced to be produced on land that has not had prohibited substances applied during the 3 years immediately preceding harvest of the agricultural products. The exception shall be

determined by the certifying agent subject to the following requirements:

A. Requirements of the Certified Organic Producer

The certified organic producer shall not, without the approval of the certifying agent, sell or label as organically produced or feed to certified organic livestock, any agricultural products grown on the portion of a certified organic farm that was subjected to drift or misapplication in the 3 year period immediately following the drift or misapplication incident.

B. Requirements of the Certifying Agent and/or State Official

The certifying agent and/or State Official shall determine using pre-harvest residue testing, if deemed necessary, if agricultural products can be sold or labeled as organically produced or fed to certified organic livestock that are:

1. produced on the portion of a certified organic farm that was previously subjected to drift or misapplication; and

2. not directly exposed to drift or misapplication during the current crop growing season.

In the case of drift or misapplication onto pastures or forage that cannot be cut for hay or otherwise removed, organic livestock shall not be allowed access to the pasture or forage for the remainder of that pasture season. For continuous season pasture systems, the determination of the withholding period shall be at the discretion of the certifying agent.

B. SMALL FARMER EXEMPTION

STATUTORY PROVISIONS

U.S. Organic Foods Production Act of 1990, Section 2106 (d): "Small Farmer Exemption.--Subsection (a)(1)" shall not apply to persons who sell no more than $5,000 annually in value of agricultural products."

"Subsection (a)(1): "In general.--On or after October 1, 1993--
(A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this title; and
(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this title."

RECOMMENDATION

Persons who sell no more than $5,000 annually in value of agricultural products and sell or label a portion or all of such agricultural products as organically produced or handled are exempted from certification by an USDA-accredited agency but are required to produce and handle organic products in accordance with the production and handling standards provided for in the OFPA.

The exempted person shall demonstrate compliance with the OFPA by the implementation of the following measures:
(1) Signature on a completed Declaration form, which attests to a thorough knowledge of the provisions of the OFPA and to the production and handling of organic products according to the OFPA.
(2) The development of an Organic Farm and/or Handling Plan, in accordance with the requirements of the OFPA.
(3) The establishment of record-keeping adequate to trace an organic product from production site through to sale for consumption. Records must be kept for five years.
(4) The provisions of public access to the above documents.

Exempted Small Farmers who demonstrate compliance with the OFPA shall be able to market non-certified organic products from their farms directly to consumers at direct sales outlets. Examples of direct sales outlets include roadside stands, farm markets, and consumer subscription programs (Community Supported Agriculture). Exempted Small Farmers who wish to market directly to retail outlets may do so by providing copies of the Declaration form to the individual retail outlet. In no instance shall non-certified organic products be marketed through exporters, wholesalers, brokers, processors, or retail chain warehouses.

Furthermore, an exempt farmer may not sell or label an agricultural product as "certified organic" unless certified by an USDA-accredited certifying agency.

The exempted Small Farmer and/or retail outlet may display the Small Farmer Declaration form at the place of sale. There shall be no mandatory filing requirements for the above small farmer exemption provisions. All required information must be on file and available on the premises of the exempted farmer.

The above provisions shall not be construed as precluding a State from issuing additional regulations regarding the Small Farmer Exemption.

. . . . . .

SMALL FARMER EXEMPTION FROM USDA CERTIFICATION PROGRAM

ANNUAL DECLARATION OF _____

1. I declare that I sell no more than $5,000 annually in all agricultural products and that all agricultural products that I sell as organically produced or handled are produced and handled in accordance with the Organic Foods Production Act of 1990 (OFPA).

2. I declare that:
   a. I have read and understand the regulations regarding production and handling of organic products to the OFPA;
   b. I have developed an organic farm and/or handling plan in accordance with the requirements of the OFPA;
   c. I have records tracing the organic production from production site to sale; and
   d. I will provide reasonable public access to the above documents.

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this _____ day of _____, 19___, at _____.
(city & State)

_____
(Signature)

. . . . . .

C. RESIDUE TESTING

COMMENTARY

A. Summary of Existing Law Related to Pesticide Residues

Pesticide residues on food and feed are regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)(7 USC 136) and the Federal Food, Drug, and Cosmetic Act (FFDCA)(21 USC 321). A pesticide tolerance (established by EPA under the FFDCA) is the amount of a pesticide residue that legally may be present in or on a raw agricultural commodity or a processed food (40 CFR Chapter 1, § 177.3). Under the FFDCA, food or feed containing a pesticide residue in excess of the EPA tolerance or containing a pesticide residue for which no tolerance exists for that food or feed is adulterated and cannot be sold. Under the FFDCA, the FDA is responsible for enforcing pesticide tolerances.

Some pesticides (e.g., DDT, aldrin, dieldrin) have had their registrations canceled and tolerances revoked by the EPA but continue to persist in the environment and may occur as unavoidable residues in food or feed. Because their EPA tolerances have been revoked, FDA established "action levels" for these pesticides to be used for enforcement. In establishing the FDA action level for each pesticide, the agency: 1) used its pesticide residue monitoring data to determine residue levels that could not be avoided by farmers and food processors using good growing or manufacturing practices; and 2) took into account its analytical ability to detect and measure the amount of the unavoidable pesticide residue in a food or feed. The FDA action levels are substantially lower than the original EPA tolerances for these pesticides. (Reference: Federal Register, Vol. 55, No. 74, 4/17/90)

B. Summary of the OFPA and Legislative Intent

There are six specific references to residue testing in the OFPA. § 2112(a) requires the Secretary, State official, and certifying agent to utilize a "system of residue testing" to assist in enforcement. § 2107(a)(6) requires "periodic residue testing" by certifying agents to determine if organic food contains pesticide residues, other non-organic residues, or natural toxicants. § 2112(b) states that the Secretary, State official, or certifying agent may require pre-harvest residue testing of any crop grown on soil suspected of harboring contaminants. § 2112(c)(1) requires an investigation to be conducted by the Secretary, State official, or the certifying agent if it is determined that an organic crop or product contains any "detectable" (emphasis added) pesticide residue, non-organic residue, or prohibited natural substance residue. § 2112 (c)(2) states that food may not be sold as organic if it contains residues at levels that are greater than "unavoidable residual environmental contamination." § 2119(k)(5)

requires the NOSB to advise the Secretary concerning testing of organically produced products for residues caused by "unavoidable residual environmental contamination."

The Report of the Committee on Agriculture, Nutrition, and Forestry, US Senate, to Accompany S. 2830 (Report 101-357) provides assistance in understanding the legislative intent of the OFPA. The report has an entire section devoted to residue testing (pp. 299-301) which contains considerable discussion of the subject.

C. Maximum Allowable Pesticide Residue for Organic Food

Because residue testing is mandated by the OFPA, a maximum pesticide residue level must be established as a standard for organic food. But the OFPA does not establish such a residue level. The NOSB has devoted considerable time in its attempt to develop a pesticide residue standard that is reasonable, practical, affordable, consistent with consumer interests, and consistent with the OFPA. Three options have been considered and debated: 1) a zero residue standard which may be implied by the term "unavoidable residual environmental contamination" in § 2112(c)(2) of the OFPA; 2) a 100% of EPA pesticide tolerance standard which is the same standard applied to conventional food; and 3) a percentage (5% or 10%) of EPA pesticide tolerance standard which is used by some State organic laws, some certification agents, and specifically recommended in the Senate Committee Report.

The NOSB believes that a zero residue standard for organic food would be impractical, expensive, and difficult to achieve (it is impossible to prove a negative - particularly when residue testing levels of detection are lowered each time the analytical technology improves). A zero residue standard would force organic farmers to bear the expense and consequences of pesticide use by conventional farmers. While § 2112(c)(3) of the OFPA may appear to set a zero residue standard, careful study of the Senate Committee Report reveals that the legislative intent was not to set a zero residue standard. The Senate Committee Report states: 1) "Historically, "organic" has been a production claim and not a residue-free content claim." 2) "On occasion, organic farmers, although following the strict standards in this bill, may produce products with minimum residues due to inadvertent environmental contamination such as drift from a neighboring farm." 3) "Second, residue testing bridges the concept that organically produced food is defined by the manner in which such food was produced and the widely held concept that organically produced food has fewer (emphasis added) residues." 4) "The Committee has been asked to provide guidance regarding the meaning of 'unavoidable residual environmental contamination.' The Committee does not intend to prohibit minimal residue (emphasis added) contamination that does not result from practices used by the organic farming operation." 5) "The Committee does not intend, however, that a level greater than 10% of the EPA level or that zero percent of tolerance be

approved by the Secretary. The desire is to leave the Secretary the discretion to set residue levels somewhere between 1% and 10% of the EPA levels." and 6) "Finally, as a result of the Committee's debate as to the merits of various levels of acceptable residues of prohibited materials for organic food, the Committee decided that the NOSB () would be the most knowledgeable on this subject and thus the Committee intends that the NOSB shall advise the Secretary concerning appropriate residue levels and testing methods for organic products." Furthermore, § 2119(k)(5) requires the NOSB to advise the Secretary concerning the testing of organic food for residues caused by "unavoidable residual environmental contamination." This implies that the meaning of "unavoidable residual environmental contamination" must be determined by the Secretary and, therefore, is not predetermined to mean zero residue.

The NOSB believes that a residue standard of 100% of EPA tolerance is unacceptable. The organic community, consumer groups, and environmental groups are generally opposed to such a standard for organic food as well.

Because a zero residue standard and a 100% of EPA tolerance standard are both unacceptable, the NOSB is proposing that the residue level for organic food be set at 5% of EPA tolerance. For the purposes of the OFPA, "unavoidable residual environmental contamination" shall mean no more than 5% of the EPA tolerance.

In proposing this residue standard, the NOSB re-emphasizes that the residue standard does not define organic food (organic is a production claim, not a residue-free claim). Rather, the residue standard serves as a tool (mandated by the OFPA) to assist USDA, State organic programs, and private certification agents in assuring compliance with the OFPA by organic producers and handlers. Nevertheless, the NOSB recognizes that the residue standard being considered is central to maintaining consumer confidence in the entire organic system. With this responsibility in mind, the NOSB believes the proposed residue standard is consistent with the OFPA, with the legislative intent, and with several existing State organic laws. In addition, the proposed residue standard will well serve consumer interest by adequately balancing food safety concerns with the practical limitations of producing organic food in farm communities where pesticides have been used and will continue to be used in the future.

RECOMMENDATION

1. Pesticide Residue Level for Organic Food and Feed

Agricultural products sold or labeled as organic shall not contain pesticide residues in excess of the FDA action level or 5% of the EPA tolerance. If, for a specific pesticide, detection at 5% of the EPA tolerance is not technically feasible, the pesticide

residue level shall be the lowest level of detection attainable for that pesticide. In such situations, the certifying agent shall survey the regionally available accredited laboratories and select the laboratory with the analytical procedures capable of detecting the lowest level for the pesticide.

For the purposes of the Federal Organic Foods Production Act, "unavoidable residual environmental contamination" shall mean no more than the FDA action level or 5% of the EPA tolerance.

No State shall be permitted to lower the pesticide residue level for organically produced agricultural products below the FDA action level or 1% of the EPA tolerance.

The pesticide residue level for organic food and feed shall be reviewed annually by the National Organic Standards Board. Such review shall include consideration of the effects of improvements in residue testing technology and changes in EPA tolerances.

2. System of Residue Testing - OFPA §§ 2112(a), 2107(a)(6)

A. National

The Secretary of Agriculture and the Secretary of Health and Human Services shall enter into an agreement that directs FDA to include a relative percentage (not less than 1%) of organic raw agricultural commodity samples and organically processed product samples as part of its Regulatory Monitoring program for pesticide residues. Results obtained from organic produce and organically processed products shall be compiled in a separate annual report submitted to USDA.

If a pesticide residue or residue of another prohibited substance is found on an organic raw agricultural commodity or an organically processed product by the FDA Regulatory Monitoring program, FDA shall immediately notify the Secretary, the applicable governing State official, and the applicable certifying agent of the finding so an investigation can be conducted under § 2112(c)(1) of the Act.

B. State

For those States that conduct pesticide residue monitoring programs, the Secretary of Agriculture and the applicable governing State official shall enter into an agreement that directs the State to include a relative percentage (not less than 1%) of organic raw agricultural commodity samples and organically processed product samples as part of the State pesticide residue monitoring program. Results obtained from organic produce and organically processed product samples shall be compiled in a separate annual report submitted to USDA.

If a pesticide residue or residue of another prohibited substance is found on an organic raw agricultural commodity or an organically processed product by a State pesticide residue monitoring program,

the State shall immediately notify the Secretary, the State governing official, and the applicable certifying agent of the finding so an investigation can be conducted under § 2112(c)(1) of the Act.

C. Local - Periodic Residue Testing Program - § 2107(a)(6)
The certifying agent shall develop and implement a system for evaluating the potential for agricultural products produced on certified organic farms or by certified organic handlers to contain residues of pesticides or other prohibited substances. Such evaluation shall include an assessment of the potential for residues on organic products resulting from residues in soil, residues in irrigation water or rainfall, drift, State or Federal emergency spray programs, and intentional application of prohibited substances by the grower or handler.

The certifying agent shall conduct periodic residue testing of agricultural products to be sold as organic in the following situations:

1. In cases of pesticide drift.
2. When farm or handling facility inspection leads to suspicion of residue problems.

The certifying agent may conduct periodic residue testing of agricultural products to be sold as organic in situations such as the following:

1. Suspicion that the soil harbors contaminants.
2. Suspicion that irrigation water or rainfall contains residues.
3. During the 36 month period immediately following treatment of a certified organic farm by a State or Federal emergency spray program.
4. In response to written complaints.
5. To follow up on positive residue testing results from Federal, State, or local government testing.

If a pesticide residue or residue of another prohibited substance is found on an organic raw agricultural commodity or an organically processed product by a certifying agent, the certifying agent shall immediately notify the Secretary and the State governing official of the finding so an investigation can be conducted under § 2112(c)(1) of the Act. Strict confidentiality will be maintained by all parties notified of a drift incident or misapplication during the investigation.

D. ALLOWANCE FOR A "SPLIT OPERATION"

STATUTORY REQUIREMENT

Section 2107(b)(1)(A), (B), and (C):
Discretionary Requirements:
(1) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if -

(A) in the case of a farm or field, the area to be certified has distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(B) the operators of such farm or handling operation maintain records of all organic operations separate from records relating to other operations and make such records available at all times for inspection by the Secretary, the certifying agent, and the governing State official; and

(C) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified area. . .

COMMENTARY

The process of conversion from a conventional farming operation to an operation that relies solely on organic production methods is based on the producer's assessment of the agronomic, economic, and environmental benefits of organic agriculture as well as on the producer's personal philosophy. The fact that some farmers decide to maintain conventional production methods in some areas of their farms while employing organic methods in other areas prompts philosophical debate over the producer's commitment to "organic" and practical debate over the implications for organic certification. The debates over such "split operations" have been carried out at the local, national, and international levels for many years.

Those promoting a required 100% conversion to organic production methods offer the following arguments. The extent to which a farming operation has been or is being converted to organic production is an indication of the producer's commitment to the organic philosophy to some. Others believe split operations are difficult or impossible to certify because the risks of contamination or fraud are too high and an unbroken chain of custody is poasible only within an all organic management system. It is also pointed out that some certification organizations in this country and in Europe now require a gradual conversion of participating farms to a totally organic operation.

Those promoting an allowance for split operations offer the following arguments: Real commitment to an organic system will flow from the actual success of a producer and should not be mandated by the government. Sometimes the economics of an operation will prohibit a producer from fully acting on the commitment they might have to the organic philosophy. In addition, it is argued that mandatory whole farm conversion discourages entry level organic production and may force a premature commitment from growers who are evaluating the agronomic and economic impacts of the organic transition of their farms. While split operations present a significant challenge to certifiers, the real issue is the ability of the farm management system to maintain the organic integrity of organic fields and crops.

The NOSB believes that the Organic Foods Production Act of 1990 (OFPA) neither requires nor implies a commitment from the producer to complete conversion of the farm to organic production methods. The OFPA states in the definitions (§ 2103(4)) that the term "certified organic farm" may refer to a "portion of the farm." § 2107(b)(1)(A),(B), and (C) states that the "program established under this title may provide for the certification of an entire farm. . . or specific fields of a farm." The NOSB recognizes the challenges that certifying a split operation presents, but again believes that the OFPA addresses this challenge. Under § 2107(b)(1), restrictions on farms with split operations are clearly identified, setting forth requirements for boundaries and buffer zones, separate record-keeping, measures for preventing co-mingling of product in handling and processing, and measures for preventing "a penetration" of substances used under conventional farming practices into "the certified area." The NOSB wishes to acknowledge that significant challenges lie ahead for certifying agents whose task is to verify compliance on split operations. It can be especially difficult in split livestock operations where the mobility of animals presents increased risks and may require increased scrutiny. In order to address this issue over time, and to encourage conversion to 100% organic production, the Committees will amend the Organic Farm Plan to include a section which requests that producers describe their current efforts and existing obstacles toward conversion.

RECOMMENDATION

In a farming operation where both organic and non-organic fields, crops, and livestock are managed, the time table and level of transition to organic production is at the discretion of the producer. The producer must be in full compliance with § 2107(b)(1)(A), (B), and (C) of the OFPA of 1990. Organic certification should be determined solely on the basis of the farm's compliance with the OFPA.

E. PLANTING STOCK POLICIES

STATUTORY REQUIREMENTS FOR SEED, SEEDLINGS, AND PLANTING STOCK

OFPA § 2109: "For a farm to be certified under this title, producers on such farm shall not apply materials to, or engage in, practices on seeds or seedlings that are contrary to, or inconsistent with, the applicable organic certification program."

TRANSPLANTS

OFPA § 2109(c)(3): "For a farm to be certified under this title, producers on such farm shall not . . . use transplants that are treated with any synthetic or prohibited materials."

RECOMMENDATION

In addendum to the statutory requirements, the NOSB proposes the following standards:

Definitions

Commercially Available: The determination of commercial availability shall be at the discretion of the certifying agent and entail the following good faith efforts documented in writing by the producer: (a) the good faith efforts made to locate or develop a source of organic transplants or untreated seed; and (b) progress made over the previous year to eliminate non-organic transplants or untreated seed.

Annual Transplants

Recommendation: All annual transplants utilized in a certified organic farming operation shall be organically grown in accordance with the Organic Foods Production Act of 1990 (OFPA), with the following exception: If organically grown transplants are destroyed by frost, flood, or other natural disaster, resulting in non-availability of organically grown transplants for replanting, the use of non-organic transplants may be permitted. Determination of disaster status and organic transplant availability shall be determined by the certifying agency.

Perennial Transplants

Recommendation: One year of organic management is required prior to harvest from perennial plant material which is not produced from organic stock.

Commentary: The term "perennial transplant," for the purposes of the above standard, identifies tree fruits, grapes, and small fruits of genus Rubus, Ribes, and Vaccinium, including transplanted

mature bearing stock. In general, the NOSB considers perennial planting stock from any source to be "organically produced" after one year of organic management. Although there is some organically produced stock currently available, there are not enough of all varieties of all crops yet available to require perennial trees and vines be organically produced.

Specific Transplant Standards

The types of transplants described specifically below are plants propagated vegetatively, by means of division, specialized organs, such as bulbs or corms, layering, cuttings, and tissue culture to reproduce an individual plant without genetic change.

In all situations where availability of organic planting stock is an issue, the NOSB urges organic producers to persistently request that organic stock and transplant growers research and develop organic propagation.

Asparagus

Recommendation: One year of organic management is required prior to the harvest of spears from asparagus crowns that were not organically produced.

Commentary: Asparagus is a perennial plant. Direct field seeding of asparagus is practiced by few growers. Most asparagus plants are started by planting one year old crowns. Typically, the crowns are grown in a nursery in early spring. The following spring, the plants are dug, separated, and replanted in permanent beds. Harvesting of asparagus spears usually begins the third spring from planting.

Garlic

Recommendation: Garlic cloves utilized for the propagation of garlic plants shall be organically produced, with the following exception: if the producer can document to the satisfaction of a USDA accredited certifying agency that organic garlic cloves are not commercially available, non-organic garlic cloves shall be permitted.

Commentary: Garlic is vegetatively propagated through the cloves. Garlic seed is rarely produced.

Onion

Recommendation: Onion sets, top sets, and multipliers utilized in a certified organic farming operation shall be organically produced, with the following exception: if the producer can document to the satisfaction of a USDA accredited certifying agency

that organic onion sets, top sets, or multipliers are not commercially available, non-organic stock shall be permitted.

Commentary: Although the common field onion is propagated directly from seed, other varieties of the same species are propagated asexually, by 1) sets; 2) top sets; or 3) multipliers. Sets are small onions halted in development by being grown very thickly from seed and ripened off early in the season. When planted the following spring, they resume their growth and produce mature bulbs earlier than direct seeded onions of the same variety. Top set onions are little bulbuls that appear on the flower cluster in the place of flowers and are handled in the same way as sets. Multipliers or "potato onions": are a form in which the bulb divides into separable parts and each part is planted the following spring.

Rhubarb

Recommendation: One year of organic management is required prior to harvest from rhubarb roots that were not organically produced.

Commentary: Rhubarb is a perennial plant, usually propagated by division of the fleshy roots, small pieces of which will grow if separated from the old established roots and planted in rich soil. Planting is typically in the spring.

Seed Potatoes

Recommendation: Seed potatoes utilized for the propagation of organic potato plants shall be organically produced, with the following exception: if the producer can document to the satisfaction of a USDA accredited certifying agency that organic seed potatoes are not commercially available, non-organic seed potatoes, including those treated with synthetic post-harvest fungicides, shall be permitted.

Commentary: Potatoes are vegetatively propagated through the tubers, commonly known as "seed potatoes" within the trade. To the knowledge of the NOSB, sources of potatoes produced organically for seed are scarce, particularly because of the strict phytosanitary requirements of various State seed certification programs which encourage post-harvest use of fungicide and other prohibited materials prior to storage.

Strawberries

Recommendation: Strawberry crowns utilized in a certified organic farming operation shall be organically produced, with the following exception: If the producer can document to the satisfaction of a USDA accredited certifying agency that organic strawberry crowns

are not commercially available, non-organic strawberry crowns, including those treated post-harvest with prohibited substances, shall be allowed.

Commentary: Strawberry plants are typically propagated by the formation of new plants called "crowns" that are formed on runners, and are abundantly produced during the growing season. Commercial strawberry producers usually set nursery-grown plants. Although strawberries are perennial plants, in California and most southern States, strawberries are planted in the fall and will produce their first crop the following spring, about six months from planting. To the knowledge of the NOSB, organically produced strawberry crowns are not commercially available, particularly because in many areas they must be certified disease-free by county or State order which necessitates fumigation.

Sweet Potatoes

Recommendation: Sweet potato slips and vine cuttings must be organically produced. "Seed" tubers may be obtained from non-organic sources and post-harvest treatment with synthetic fungicides is allowed if the producer can document to the satisfaction of a USDA accredited certifying agency that organically produced seed tubers are not commercially available. Such tubers must have been grown without the application of pesticides prohibited by the National List to the plant or soil.

Commentary: Propagation of sweet potatoes is asexual, using transplants or vine cuttings. Transplants are called "slips," and arise from "seed" tubers placed in either heated or unheated beds and covered by about 2 inches of sterilized sand. Two or three pullings of slips are often practiced. In areas of long growing seasons, after early plantings are established with transplants, later plantings may be established with vine cuttings obtained by cutting eight to ten inches of tips of growing vines. This involves considerable labor and tends to reduce yields of the mother plantings, but has the advantages of requiring less seed stock and reducing danger of spreading diseases and pests.

TREATED SEEDS

OFPA § 2118(c)(1)(B)(i): "The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this title only if . . . the substance . . . is used in production and contains an active synthetic ingredient in the following categories: . . . treated seeds . . ."

As an addendum to the statutory requirements, the NOSB proposes the following standards:

Recommendation: Seed treated with substances prohibited by OFPA

are prohibited, with the exception of seed treated with synthetic fungicides appearing on the National List. The requirements appearing in the section addressing commercial availability must be fully satisfied. Pelletized seed is allowed unless it contains prohibited substances. Plastic polymer pelletization of seed shall be prohibited. Seed originating from recombinant DNA technology shall also be prohibited.

Commentary: Synthetically treated seeds have been historically exempted for use in organic production and are exempted in the OFPA. It is the understanding of the NOSB that fungicide treatment plays a critical role in germination and establishment of certain seeded crops planted into heavy, wet, cold soils. Furthermore, to the knowledge of the NOSB, treated seed may be the only seed commercially available for certain crop varieties. While some work is being done to find alternatives to chemical treatment of seed by treating with naturally occurring substances, this research has not yet resulted in practical alternatives to chemical seed treatments. The NOSB strongly supports the efforts of seed companies to offer untreated seed and the efforts of researchers to develop organically acceptable seed treatments.

Seed for Sprouts

Recommendation: Seed utilized for the production of edible sprouts shall be organically produced.

F. ORGANIC FARM PLAN

STATUTORY REQUIREMENTS

"The term 'certified organic farm' means a farm or portion of a far or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a syst of organic farming as described by this title." (OFPA § 2114(a))

"The term 'organic plan' means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title." [Organic Foods Production Act of 1990 (OFPA) § 2103] "A producer or handler seeking certification under this title shall submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs." (OFPA § 2114)

RECOMMENDATION

The purpose of the Organic Farm Plan is twofold; to assist the producer and to assist the certifying agent. For the producer, the Organic Farm Plan provides a flexible, useful, and affordable tool for developing an ecologically sound resource management system on her/his farm. The process of developing the Organic Farm Plan allows the producer to plan and evaluate farm management practices and make tangible improvements in the farming operation. For the certifying agent, the Organic Farm Plan provides essential information for assessing the producer's compliance with the OFPA.

The Organic Farm Plan is a written document that describes how the organic farm is managed. It is written by the producer, agreed to by the certifying agent, and must be updated annually to reflect changes and improvements in farm management. The actual format may be incorporated into the documents which the certifying agent uses in their yearly application/renewal process or as a part of their annual farm inspection. The following components, presented below in questionnaire form, must be included if they are relevant to the operation.

The Organic Farm Plan must address the key elements of organic crop production: soil and crop management, resource management, crop protection, and maintaining organic integrity through growing, harvesting, and post-harvest operations. Where livestock are included in the overall operation of the Organic Farm for the purpose of marketing and labeling organic livestock and livestock products, the Organic Farm Plan must address the key elements of organic livestock production: manure management, livestock health,

care, and breeding practices; animal sources; feed sources; feed contingency plans for shortages and emergencies; maintenance of organic feed integrity from field to feeding; housing and living conditions; record keeping; handling practices; pasture and grazing land management; ecosystem oversight to reduce the environmental impact of animal production practices; and, if applicable, appropriate details for ensuring integrity of organic animals on a split operation.

Not all components of the Crops or Livestock questionnaires presented below will apply to all farms. Producers must decide which components are relevant to their operations and include them in their individual organic farm plans.

Organic farming is not merely a list of acceptable and prohibited materials. It is a management-intensive technology designed to achieve a balance in the agricultural and livestock system similar to that found in natural systems. Such a balance produces healthy soils and high quality crops and livestock. A commitment to long-term soil improvement or maintenance at a high fertility level should be reflected in the Organic Farm Plan. The emphasis should be on building up organic matter in the soil through green manuring and/or applications of composted materials with complementary application of rock minerals. While certain soluble soil fertilizing materials and foliar applications are not prohibited, they must be used as an adjunct to a long-term approach to soil fertility and/or for specific short-term needs.

The grower will provide adequate maps of all parcels farmed under his or her control, with 3-year histories of all parcels, as part of their certification application.

The inclusion of livestock in a total farm organic management system contributes significantly to closed nutrient recycling through the utilization of forages on fields with rotational seedings and through the production of nutrient-rich manure.

Persons raising livestock organically must be committed to providing positive health management practices and the utilization of organically produced feeds for nutrient and mineral needs in order to produce progressively stronger animals and eliminate a dependency on and use of veterinary medications. The animal's spatial environment must be managed so as to avoid population densities that may lead to stress and disease problems.

ORGANIC FARM PLAN QUESTIONNAIRE
(YEAR) (CERTIFYING AGENT)

Producer Name _____
Farm Name _____
Address _____
Phone/(fax) _____

I. Crop Management

A. Describe the general crop rotation for your annual crops. Explain any particular management strategies in the rotation and list which fields are following this rotation. List fields that are not following this rotation and comment on their status. Comment on any trends you are seeing and mention any changes you may make in your rotations because of these trends.

_____

_____

_____

B. Describe the general management plan for your perennial crops. List which fields are following this plan. List fields that are not following this plan and comment on their status. Comment on any trends you are seeing and mention any changes you may make in your plans because of these trends.

_____

_____

_____

C. (ANNUAL CROPS) Describe seedling production, including planting media ingredients or source of seeds and seedlings. Comment on any trends you are seeing and mention any changes you may make in your management because of these trends.

_____

_____

_____

D. (FOR OPERATIONS THAT DO NOT FIT INTO THE ABOVE, I.E., MUSHROOMS, SPROUTS, MAPLE SYRUP, ETC.) Describe your basic crop management scheme and strategy. Comment on any trends you are seeing and mention any changes you may make in your management because of these trends.

_____

_____

_____

II. Soil and Resource Management

A. Describe your tillage program and any steps taken to control soil erosion. Comment on any trends you are seeing and mention any changes you may make in your management because of these trends.

_____

_____

B. List all resources used to build or maintain soil fertility. Indicate quantity used, how used, and source of all bulk organic

matter, including green manures. Comment on any trends you are seeing using these resources and mention any changes you may make in your management because of these trends.

C. List all uses of manure in the operation and discuss how manure is handled within the guidelines in the OFPA. Describe uses of raw manure on green manure crops, perennial crops, or other crops not for human consumption. When raw manure is applied to crops for human consumption, verify that applications are made no less than 60 days before harvest. Describe management steps to assure that manure application does not contribute to nitrate or bacterial contamination of water. Include description of on-farm composting where applicable and/or document off- farm compost ingredients. Comment on any trends you are seeing using manure and mention any changes you may make in your management because of these trends.

D. List all other inputs used in crop production for nutrients or growth promotion (include all microbial inoculate, foliar feeds, etc.). Itemize all use of fertilizing materials with high salt content, such as sodium nitrate and potassium chloride, and explain how salt buildup in soil is prevented. Comment on any trends you are seeing using these inputs and mention any changes you may make in your management because of these trends.

E. Describe your water source and management of it. Comment on any trends you are seeing in the quality of your water source and results of any irrigation program and/or moisture management program. Mention any changes you may make in your management because of these trends.

F. Describe use of soil, water, and plant tissue testing as management tools on your farm. Comment on any trends you are seeing in the results obtained from soil, water, and plant tissue testing and mention any changes you may make in your management because of these trends.

III. Pest Management

A. List pest management strategies and pest control materials used to prevent or manage insect, disease, nematode, weeds, and vertebrate pest problems. Comment on any trends you are seeing as a result of the use of these materials and strategies and mention any changes you may make in your management because of these

trends.

IV. Maintaining Organic Integrity

A. Identify potential sources of contamination by prohibited substances and stages of production where co-mingling of organic crops and conventional crops could occur. Describe land use on the borders of the organic fields on your farm. If conventional farming operations exist near the borders of the organic fields of your farm, describe strategies used (notification, buffer zones, etc.) to minimize the potential for contamination by prohibited substances on the organic fields of your farm. If a split operation, describe your system for avoiding potential contamination of prohibited substances used on the conventional portion of your farm. Describe how your crops are handled after harvest to prevent contamination or mixing of organic and non-organic products. Mention how your precautionary steps have been working as well as any changes you may be considering.

B. Describe the farm's record-keeping system and illustrate the ability to preserve the organic identity of farm products through the maintenance of an unbroken chain of custody.

V. Management of Wild Crops

A. Identify the area from which the wild crop will be gathered or harvested. Include a three-year history of the management of the area, listing all materials applied to the area and date of application. Comment on any trends you are seeing and mention any changes you may make because of these trends.

B. Describe plan for the harvesting or gathering of the wild crops that assures such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop. Comment on any trends you are seeing as a result of this plan and mention any changes you may make in your management because of these trends.

C. Answer Section IV Part A as it applies to the wild crop in question. Comment on any trends you are seeing as a result of these precautionary measures and mention any changes you may make because of these trends.

G. EMERGENCY SPRAY EXCEPTION
STATUTORY REVIEW

Section 2105(2): To Be Sold Or Labeled As An Organically Produced Agricultural Product Under This Title, An Agricultural Product Shall-

(2) . . . Not Be Produced On Land To Which Any Prohibited Substances, Including Synthetic Chemicals, Have Been Applied During The 3 Years Immediately Preceding The Harvest Of The Agricultural Product.

Section 2107(B)(2):
Discretionary requirements: an organic certification program established under this title may -

(2) provide for reasonable exemptions from specific requirements of this title (except the provisions of section 2112) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease program.

Emergency Spray Exception:
Report Of The Committee On Agriculture, Nutrition, And Forestry - United States Senate

Exemptions For Emergency Pest Or Disease Treatment:

The Secretary may provide for reasonable exemptions from specific requirements of this legislation with respect to agricultural products produced on organically certified farms if such farms are subject to Federal or State emergency pest or disease treatment programs.

RECOMMENDATION

The exemption for organic farms means that such farms shall not lose certification and shall be permitted to continue labeling food produced on such farms as "organically produced." The one exception to this is in regard to residue testing - the products of such farms must still meet whatever residue requirements are set by the Secretary for all organically produced food. The NOSB recommends to the Secretary that in those areas where emergency pest or disease treatment occurs additional residue testing be undertaken to ensure that food products meet the standards set forth under this title.

I. Mitigation of Damages to Producers Created by Emergency Pest Eradication Programs

The Secretary shall instruct local, State, and Federal agencies responsible for conducting emergency pest eradication programs to take all possible steps to avoid treatment of certified organic farms with prohibited substances when such farms are subjected to emergency pest eradication programs. Agencies responsible for conducting emergency pest eradication programs shall be encouraged to use non-chemical pest control methods and/or substances allowed

under this title for use on certified organic farms when conducting emergency pest eradication programs on such farms.

II. Compensation for Damages to Producers Created by Emergency Pest Eradication Programs

The Secretary shall work with local, State, and Federal agencies responsible for conducting emergency pest eradication programs to develop a system of compensation for all damages resulting from the treatment of a certified organic farm, or portion thereof, with a prohibited substance used in any emergency pest eradication program. The producer shall be compensated by the responsible government agency for all crop losses and market losses caused by the treatment of the certified organic farm with a prohibited substance used in an emergency pest eradication program.

III. Emergency Spray Exception

Pursuant to the discretionary authority granted the Secretary under § 2107(b)(2) [§ 6506(b)(2)], the following exception to the National Organic Standards that appear in § 2105(2) [§ 6504(2)] is proposed:
Any certified organic farm or portion of a certified organic farm that is:

1. treated with a prohibited substance; and
2. such treatment is the direct result of an intentional local, State or Federal emergency pest eradication program,

shall be excepted from the requirement in § 2105(2) [§ 6504(2)] which requires agricultural products sold or labeled as organically produced to be produced on land that has not had prohibited substances applied during the three years immediately preceding the harvest of the agricultural products.

IV. Agricultural Products Receiving Direct Emergency Spray

Any agricultural products, including livestock, feed crops and pasturage, that are:

1. produced on a certified organic farm;

2. exposed to a prohibited substance; and

3. such exposure is the direct result of an intentional local, State or Federal emergency pest eradication program,

shall not be sold or labeled as organically produced or fed to organic livestock.

V. Requirements for the Producer

In situations where a certified organic farm, or portion thereof, is exposed to a prohibited substance as a direct result of an intentional State or Federal emergency pest eradication program, the certified producer shall:

1. Notify the accredited certifying agent that a Federal or State emergency pest eradication program has caused a material prohibited by the Organic Foods Production Act to be applied to the certified farm. Notification shall occur within 48 hours of discovery.

VI. Requirements for Certifying Agents

In situations where a certified organic farm, or portion thereof, is exposed to a prohibited substance as a direct result of an intentional local, State or Federal emergency pest eradication program, the certifying agent shall:

1. Determine the prohibited substance or substances used by the government in the emergency pest eradication program;

2. Notify the certified organic producer that all agricultural products that received a direct exposure to the prohibited substance (or substances) used in the emergency pest eradication program shall not be sold or labeled as organically produced or fed to organic livestock. In the case of pasturage that cannot be cut for hay or otherwise removed, organic livestock shall not be allowed access to the pasture for the remainder of that pasture season. For continuously growing pasture systems, the determination of the withholding period shall be at the discretion of the certifying agent; and

3. Determine how residue testing will be used to ascertain if agricultural products can be sold or labeled as organically produced or fed to organic livestock that:

a) did not receive a direct exposure to the prohibited substance used in the emergency pest eradication program; and

b) are harvested or used for pasturage within the three year period immediately following exposure of the certified organic farm with the prohibited substance.

Such agricultural products and pasturage having pesticide residues that exceed the FDA action level or 5% of the EPA tolerance for any prohibited pesticide shall not be sold or labeled as organically produced or fed to organic livestock.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 3

Date adopted: April 25, 1995
Location: Orlando, Florida

The following additions are to be inserted in the Crops Production Standards section, page 21, line 788 of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Specialized Standards for Greenhouses

Recommendation:

(1) Greenhouses shall comply with all provisions of the OFPA, including Farm Plan provisions, with the following exception: greenhouses operated as bench systems shall be allowed to plant crops after demonstrating to the satisfaction of an USDA-accredited certifying agent that no prohibited materials will compromise the organic integrity of the greenhouse production system. Greenhouses operated as in-ground or permanent soil systems shall comply with the standard three-year period without applications of prohibited substances.

(2) All greenhouses shall take adequate measures to prevent contamination by prohibited materials of certified organic crops or transplants.

(3) Use of potting soils containing prohibited materials is not allowed.

(4) Plants and soil shall not be in direct contact with wood treated with prohibited materials that is used for greenhouse structures or frames of raised beds.

(5) Both organic and non-organic production may co-exist in a greenhouse operation, if the following conditions are met:
(a) An impermeable wall shall separate organic and non-organic production sites.
(b) The ventilation system shall ensure that prohibited materials do not drift from non-organic to organic production sites.
(c) To ensure that prohibited substances applied during mixing of non-organic potting soils are not conveyed to organic

soils, soil mixing machines shall be thoroughly cleaned prior to use for mixing organic potting soils.

(d) Adequate physical facilities, as determined by the inspector, shall separate organic and non-organic plants in storage or holding areas for shipping; adequate records shall also be maintained.

(e) Greenhouses shall be conspicuously labeled as in organic production.

Specialized Standards for Mushroom Production

Recommendation:

(1) House Mushrooms:

(a) Mushroom houses shall comply with all provisions of the OFPA: production in mushroom houses shall not be allowed until it has been demonstrated to the satisfaction of an USDA-accredited certifying agent that no prohibited materials will compromise the organic integrity of the mushroom production system.

(b) Uncomposted substrate shall be organically produced.

(c) Culturing spawn on organic grain is not required, but prohibited materials shall not be applied during spawn production.

(d) Spawn is not required to be certified organically produced.

(e) Sanitizers and disinfectants not on the national list may not be applied to crops or growing substrates.

(f) Both organic and non-organic sites may co-exist in a mushroom house operation, if the following conditions are met:

(i) Organic and non-organic production sites are separated by permanent structures.

(ii) The ventilation system shall ensure that prohibited materials do not drift from non-organic to organic production sites.

(2) Log-Grown Mushrooms

(a) The operation shall be managed organically throughout the entire growing period of the fungus to be sold as certified.

(b) Log-grown mushroom producers shall comply with all provisions of the OFPA: production shall not be allowed until it has been demonstrated to the satisfaction of an USDA-accredited certifying agent that no prohibited materials will compromise the organic integrity of the mushroom production system.

(c) Logs to be inoculated shall be organically produced or sourced from a site that has not been treated with prohibited materials for a minimum of three years. Logs and sawdust treated with prohibited materials, during the milling process and

otherwise, shall not be utilized as production media. Sources of trees shall be documented.

Specialized Standards for Hydroponic Production In Soilless Media

Hydroponic production in soilless media to be labeled organically produced shall be allowed if all provisions of the OFPA have been met.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 24

BANANA PLANTING STOCK

Date adopted: November 1, 1995
Location: Austin, Texas

The following additions to be inserted in the Crops Production Standards section, page 20, line 755 of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

BANANAS

Commentary:

Banana trees were typically propagated in the field in seedbeds which produced three types of rhizomes: maidenheads, sword suckers, and sword suckers with attached mother rhizome and base of pseudostem. It is possible to produce 8-10 suckers per plant the first year under ideal conditions. The number of suckers diminishes in the following years. Sucker production must be limited or fruit production yields will lessen.

Plants are now produced in vitro for commercial use in the form of tissue cultures. Depending on the variety, bananas may set fruit anywhere from 9-18 months after planting. After producing fruit, the mother tree is destroyed and the suckers are either transplanted or their fruit is harvested. To the knowledge of the NOSB, organically produced banana rhizomes are not commercially available.

Recommendation:

Banana rhizomes utilized in a certified organic farming operation shall be organically produced with the following exception: If the producer can document to the satisfaction of a USDA accredited certifying agency that organic banana rhizomes are not commercially available, non-organic rhizomes and/or tissue cultures, including those treated post-harvest with prohibited substances, shall be allowed. If non-organic rhizomes are used, the producer must document in the Farm Plan efforts to obtain rhizomes that have not received post harvest treatment with prohibited materials. The producer must also demonstrate efforts to obtain organic rhizomes.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 29

EMERGENCY SPRAY EXCEPTION

Date adopted: November 1, 1995
Location: Austin, Texas

The following additions are to be inserted in the Crops Production Standards section, page 27, line 1049 of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

The Secretary shall instruct local, State, and Federal agencies responsible for conducting emergency pest eradication programs and all county or legally constituted insect abatement programs such as mosquito and vector control districts, to take all possible steps to avoid treatment of certified organic farms with prohibited substances when such farms are subjected to emergency pest eradication programs.

The Secretary shall work with local, State, and Federal agencies responsible for conducting emergency pest eradication programs and all country or legally constituted insect abatement programs such as mosquito and vector control districts, to develop a system of compensation for all damages resulting from the treatment of a certified organic farm, or portion thereof, with a prohibited substance used in any emergency pest eradication program. The producer shall be compensated by the responsible government agency for all crop losses and market losses caused by the treatment of the certified organic farm with a prohibited substance used in an emergency pest eradication program.

MATERIAL LIST RECOMMENDATIONS

PREAMBLE TO THE PROPOSED NATIONAL LIST

The National List applies only to "generic" materials which are active ingredients, and does not apply directly to brand name products or product formulations which may contain synthetic inert ingredients or other synthetic additives. A separate procedure for examining and determining the acceptability of proprietary inert ingredients is under development.

The expectation (to be embodied in the National Organic Program Standards) is that cultural, biological, and other management practices will be sought to replace the use of any material inputs, synthetic or natural, as an organic production system evolves over time.

Materials determined to be synthetic must appear on the National List of Allowed Synthetics before they may be used in the production or handling of any organic product under any conditions. In every case restrictions will be placed on the use and application of such materials in relevant sections of the National Organic Program Standards. Any use and application will have to be justified within the required Organic Farm or Handler Plan, including provisions for seeking alternatives that continually enhance organic production. Documentation that such a plan has been implemented will be part of required recordkeeping.

Materials determined to be non-synthetic will appear on the National List only if their use is prohibited in the production or handling of any organic product. The exception is that all non-agricultural products must appear on the National List before they can be used as ingredients or additives in organically produced foods.

Non-synthetic crop or livestock production inputs that are not prohibited, but which may be incompatible with organic principles in certain circumstances, will be restricted by use and application in the relevant portions of the National Organic Program Standards, and be subject to the Organic Plan and recordkeeping requirements.

Some confusion can arise with regard to materials known to exist commercially in both synthetic and non-synthetic forms. The synthetic forms of such materials are being reviewed for inclusion on the National List in the event that the non-synthetic forms are commercially unavailable or their source cannot readily be determined. In cases where the synthetic form is accepted for the National List, the non-synthetic form must be chosen whenver possible.

All allowed uses of materials, whether synthetic or non-synthetic, must be consistent with any label or usuage restrictions imposed by FDA or EPA.

Materials for Organic Production of Crops and Livestock

There are a few generic non-synthetic materials which are commercially unavailable in formulations that do not contain synthetic stablizers or other additives. Such materials must, after identification of the specific synthetic additive materials, be evaluated as Allowed Synthetics on the National List. Some materials traditionally assumed to be natural are included on the National List because of known synthetic additives. For example, liquid fish product is a non-synthetic

material that includes phosphoric acid as a stabilizer. In this and other cases, the synthetic additive does not appear independently as an Allowed Synthetic on the National List and cannot be used other than in the designated form.

Materials for Organic Handling

All non-agricultural ingredients used as ingredients in organic foods (which contain at least 95 percent organic ingredients) must appear on the National List. An allowed synthetic ingredient or processing aid that is compatible with organic handling principles may be used in organic foods only when an acceptable, non-synthetic ingredient is commercially unavailable.

Non-organic agricultural ingredients may be used in organic foods only when an acceptable organically produced form is commercially unavailable. Justification of use of non-organic ingredients as well as efforts to develop organic sources for non-organic ingredients must be addressed within the Organic Handling Plan and recordkeeping requirements.

(PARTIAL) PROPOSED NATIONAL LIST

(Michael Johnson insert)

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 26

NOSB MATERIALS REVIEW CRITERIA

Date adopted: November 1, 1995
Location: Austin, Texas

Objective: Develop review criteria or principles for proposed synthetic farm input materials that more clearly define and elaborate on the seventh OFPA criterion for evaluation: "compatibility with a system of sustainable agriculture." These criteria must refer back to the foundation principles of organic production stated in "Prologue: Moving Towards Sustainability," and will be used to guide the NOSB and the Secretary in making decisions about whether to add a material to the National List of Allowed Synthetics. These criteria are offered in acknowledgment that adequate available scientific data may not be available to address the other six OFPA criteria. It is important to emphasize that none of these criteria can be considered in isolation; any one may expand or diminish in importance in relation to the clarity (or ambiguity) of determinations about the others. However, no material may be consistent with organic agriculture and appear on the National List in the absence of a strong factual showing in scientific criteria.

The Preamble to the National List (July 1995) language referencing Standards and Farm Plan requirements also applies; specifically, that the use of any allowed synthetic materials demands that the producer be making a good faith effort to find or develop alternatives that are more compatible with organic principles. Phase-out requirements are best considered in this context since the length of time for which the use of a material may be necessary will vary according to site-specific constraints which are best left to the judgement of the producer and the certifier.

1. Impact on Ecological Balances:
Organic agriculture is distinguished from conventional agriculture by its emphasis on nutrient recycling and maintaining ecological balances for soil and crop management. Therefore, the introduction of synthetically derived organisms whose

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 12

ALLOWABLE METHODS OF OIL EXTRACTION FOR PROCESSED FOODS

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Committee has debated whether oils added as an ingredient in organic foods should only be from oils extracted according to a non-chemical extraction method. There are two basic ways in which oils are currently being extracted from their source material.

Mechanical pressing, also known as expeller pressing, removes oil through the use of continuously driven screws that crush the seed or other oil-bearing material into a pulp from which the oil is expressed. Friction created in the process can generate heat between 120-190° F. Therefore, the use of the term "cold pressed", sometimes used in reference to mechanical pressing, is a misnomer.

Solvent extraction of oil was invented in Germany in 1870 as a way to maximize the efficient removal of oil from the raw material, especially since the pulp left over from mechanical pressing has about 5-13% residual oil remaining. During solvent extraction, flaked and cooked kernels are exposed to hexane, a highly flammable, colorless, volatile solvent that dissolves out the oil, leaving only 1-3% oil remaining in the residual meal. Hexane compounds are considered carcinogenic by the EPA and are classified as a hazardous substance. Oil manufactures claim that hexane is flashed off when the oil/solvent blend is heated to 212° F. and then distilled to remove all traces of hexane. Some traces may remain in the residual meal leftover from production, a substance than sold to the livestock industry as cattle feed. Full refining of the oil will generally remove most traces of hexane.

According to some manufactures, expeller-pressed oil costs approximately 8-10 cents more per pound than solvent extracted oil. Although more expensive, the fact remains that a non-

chemical means of extraction, i.e., the expeller press, is available.

Recommendation:

Upon implementation of the National Organic Program, all products labeled as "organic" or "made with organic ingredients" which contain oil as an added ingredient must be able to document that the oil has been extracted according to non-chemical means, i.e., mechanical pressed (expeller pressed), hydraulic pressed, or stone pressed.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 13

THE USE OF NUTRIENT SUPPLEMENTATION IN ORGANIC FOODS

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Committee has debated the issue of the inclusion of synthetic vitamins, minerals, and/or accessory nutrients in organic foods. Although it is generally considered that foods themselves are the best source of nutrients, in some cases, State regulations mandate the inclusion of vitamins and/or minerals to fortify foods. An example of this is enriched white flour pasta in which some States mandate the inclusion of thiamin, riboflavin, niacin, and iron.

The Committee also believes that recommendation by independent professional associations may also be taken into consideration. An example of this is infant cereals in which fortification of iron is highly recommended by the American Dietetic Association and various associations dealing with pediatric care and nutrition as a baby's stored iron supply from before birth runs out after the birth weight doubles.

In the recommendation listed below, the term "accessory nutrients" means nutrients not specifically classified as a vitamin or mineral but found to promote optimal health. Examples include omega-3 fatty acids, inositol, choline, camitine, and taurine. Without this inclusion, we believe we may be limiting ourselves given future nutritional discoveries. It is also a term used frequently throughout the food and supplement industries.

Recommendation:

Upon implementation of the National Organic Program, the use of synthetic vitamins, minerals, and/or accessory nutrients in products labeled as organic must be limited to that which is required by regulation or recommended for enrichment and fortification by independent professional associations.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 14

THE USE OF NATURAL FLAVORS IN ORGANIC FOODS

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Committee has debated the issue of the use of natural flavors as ingredients in organic foods. The focus of the debate has been whether natural flavors, with certain constraints, are appropriate for use in "organic foods" (95%-100% organic ingredients) or whether natural flavors should be restricted to use in foods "made with organic ingredients" (50%-95% organic ingredients) only.

Natural flavors are materials which are comprised of flavor compounds derived from natural (non-synthetic) bases (typically botanicals such as herbs, spices, fruits or compounds derived from fermentation), a carrier (ethanol, propylene glycol, etc.), and agents which help preserve the natural flavors (glycerin, acetic acid, etc.). The natural constituents included in the natural flavor are extracted using a number of natural and synthetic solvents. The solvents may be alcohols, ethyl acetate, hexane or acetone and are chosen based on their physical and chemical properties and their ability to extract the desired natural constituent. The solvents are removed by evaporation with the final flavor compounds including trace amounts of the solvents (typically <10ppm). The number of flavor compounds comprising natural flavors vary, but may number up to 100 or more.

Natural flavors are used in very small amounts (approximately .05-.40%) to boost the flavor profile in products which, because of functional or economic necessity, require less than optimal amount of foodstuff necessary to give the finished products the required flavor profile. They are widely used in dairy products, baked goods, and juice products, as well as in other foods.

Recommendation:

Upon implementation, all manufacturers will be required to have certification from the producers of the natural flavors that,

For "organic foods" (95%-100% organic ingredients):

1) All of the flavor constituents used in the natural flavor are from natural sources and have not been chemically modified in a way which makes them different than their natural chemical state.

2) The natural flavor has not been produced using any synthetic solvent and carrier systems or any artificial preservatives.

For "foods made with organic ingredients" (50%-95% organic ingredients):

1) All of the flavor constituents used in the natural flavor are from natural sources and have not been chemically modified in a way which makes them different than their natural chemical state.

2) The natural flavor does not contain propylene glycol, any artificial preservatives, and is not extracted with hexane.

Additionally, manufacturers shall provide written documentation in their Organic Handling Plan showing efforts made toward the ultimate production of an organic natural flavor as listed in the stepwise progression below:

Natural flavor constituents and non-synthetic carrier base and preservative agents (ex. grain ethanol, non-synthetic glycerin and non-synthetic acetic acid).

Organic flavor constituents, organic carrier base, and organic preservative agents.

Organic flavor constituents extracted using organically produced solvents, organic carrier base, and organic preservative agents.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 15

INCIDENTAL FOOD ADDITIVES IN ORGANIC FOODS

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Food and Drug Administration's Code of Federal Regulations (CFR), Title 21, Part 170.3 (o) lists the types of ingredients that may be added to foods for the purpose of imparting physical or technical functional effects to the food. This list includes many categories of ingredients including anti-caking agents, colors and coloring adjuncts, emulsifiers, leavening agents, processing aids, stabilizers and thickeners. These food additives must be listed as ingredients on food product labels unless exempted from the labeling requirements in 21 CFR, Part 101.100. 21 CFR, Part 101.100 (a)(3) describes incidental food additives that are exempt from food labeling requirements and do not need to be listed in the ingredient statement of food product labels. Incidental food additives are present in food in insignificant levels and do not have any technical or functional effect in that food. Such incidental food additives include: 1) substances that are incorporated into the food as a result of being an ingredient of another food (Example: An ingredient in pasta sauce is diced tomatoes that contain citric acid for pH control. Citric acid must be listed as an ingredient in the diced tomatoes. But the pasta sauce label does not have to list citric acid as an ingredient unless additional citric acid is added during processing of the pasta sauce.); and 2) processing aids that: i) are added to the food during processing but are removed from the food before packaging, ii) are added to the food during processing, are converted to constituents normally present in the food, and do not significantly increase the amount of these constituents normally found in the food; and iii) are added to the food for their technical or functional effect during processing but are present at insignificant levels in the final product and have no technical or functional effect in the final product.

Although incidental food additives may not appear in the ingredient statement of foods labeled as organic foods, these additives must be subjected to the same National List evaluation process as other processed food ingredients.

Recommendation:

Organic processors must list all incidental processing aids that are added to their organic foods during processing in the Organic Handling Plan. For each incidental processing aid used, the organic processor must document, to the satisfaction of the certifying agent, that the substance is non-synthetic or synthetic. For incidental processing aids that are synthetic, the organic processor must: 1) document that the food cannot be processed without the synthetic incidental processing aid; 2) document that a good faith effort has been made to source and develop a non-synthetic alternative; and 3) demonstrate progress over time in the effort to replace or discontinue use of the synthetic incidental processing aid.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 16

ADDITION OF SYNTHETIC MAGNESIUM CHLORIDE TO NATIONAL LIST

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

Included within the discussion of the materials review of magnesium sulfate, considerable concern was raised about "nigari" or magnesium chloride, a substance used to coagulate soymilk in the production of tofu, specifically if it was currently being mislabeled as to the actual source used. Accordingly, the Processing, Handling, and Labeling Committee was charged to research nigari as well as natural and synthetic forms of magnesium chloride to report the group's recommendations as to whether these should or should not be included on the National List. Our research includes the following:

In general, the confusion originates on the correct definition of "nigari", the traditional name used for the tofu coagulant made from salt water. Natural extracted nigari is the most traditional and one of the most natural coagulants for tofu. Extracted from sea water by removing most or all of the sodium chloride and water, it contains primarily magnesium chloride plus all the other salts and trace minerals naturally found in sea water, as well as twigs, sand, plankton, organic matter, etc. if not properly filtered. As most tofu shops have found natural nigari of questionable purity and sanitation, most prefer the refined form.

Japanese production of refined nigari continues to be extraction from sea water, available via two different extraction methods: 1) the ion-exchange process or 2) a method in which sea water is concentrated, filtered, bleached, and cooked to yield magnesium and natural salt. Most tofu producers in the U.S. use refined nigari processed according to the second method. Although from sea water, refined nigari must be classified as a synesthetic due to the bleaching process in its manufacture.

Food grade magnesium chloride made in the U.S. is produced from the reaction between hydrochloric acid and magnesium. It, too, is a synthetic process, albeit very pure, sanitary, and safe to use. However, since the Japanese source is extracted from sea

water, it appears that it remains "more natural" than U.S. food grade magnesium chloride.

While other types of coagulants can be used to produce tofu, such as calcium chloride, calcium sulfate, magnesium sulfate, and glucono delta-lactone, most manufacturers use magnesium chloride (or refined nigari) as at least the primary coagulant (often a blend of coagulants is used) to achieve the flavor and texture that is typically preferred.

Recommendation:

The Processing, Handling, and Labeling Committee recommends that synthetic magnesium chloride extracted from sea water (often referred to as "refined nigari") be added to the National List as an allowed synthetic for use as an ingredient in organic foods. Natural (unrefined) nigari should be listed as a prohibited natural on the National List.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 18

TAP REVIEW OF SYNTHETIC VITAMINS AND MINERALS IN LIVESTOCK PRODUCTION

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Committee has determined that a policy on the TAP review of vitamins and minerals as described in the NOSB Standards for Organic Livestock Production passed in June, 1994, should be developed. Discussions with authorities from two universities revealed two specific issues with regard to the TAP review of synthetic vitamins and minerals: 1) non-synthetic vitamins for use as supplements are difficult to obtain, and 2) there are hundreds of combinations of mineral supplements available on the market. The FDA already reviews synthetic vitamins and minerals used in livestock production, and the National Research Councils and the Association of American Feed Control Officials, Inc. provide recommendations specific to use of these supplements for each species. Therefore, Committee decided technical advisors should be recruited in the future to review synthetic vitamins and minerals and to alert the committee to call for a TAP review of any substance which may conflict with the organic principles. This information would be made available to producers and certifiers by the National Organic Standards Board through incorporation into the USDA National Organic Program policy.

Statement of Principle:

Producers often may not be able to control the quantity of vitamins and minerals naturally occurring in feedstuffs. Non-synthetic vitamins or minerals should be used if available, but synthetics are allowed. However, the quantity, kind, and dates that the synthetic vitamins and minerals are added to feed must be documented in the producer records and reviewed by the certifier. Guidelines for preferred vitamin and mineral feed additives will be developed by the NOSB Livestock Committee. The producer's farm plan should reflect attempts to follow the

guidelines and to decrease or eliminate use of feed additives when possible. Synthetic vitamins and minerals should be used in keeping with the recommendations of the National Research Council and the Association of American Feed Control Officials, Inc. specific to each species.

Recommendation:

The use of vitamins and minerals as feed additives is permitted. The Livestock Committee recommends deferring initial TAP review of synthetic vitamins and minerals except in the case that the technical advisor calls for a TAP review of a substance which may appear to conflict with the organic principles. This policy is to be reevaluated within 2 years.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 19

TAP REVIEW OF INOCULANTS AND VACCINES IN LIVESTOCK PRODUCTION

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Committee determined that the use of inoculants and vaccines is allowed in organic livestock production. Relative to this decision, the committee believes that two issues regarding the Technical Advisory Panel (TAP) review of the these materials need to be evaluated: 1) the concern that inoculants and vaccines needed to protect the health of animals and to conform to Federal, State, or regional regulations must be readily available to organic producers; and 2) the active materials in inoculants and vaccines are non-synthetic, usually carried in a water or oil base, and contain a small amount (.5 cc) of reservative.

Statement of Principle:

The Committee recognizes that the USDA already reviews inoculants and vaccines for safety. Based upon this recognition and because the NOSB Recommendations allow for the use of these materials, the Committee suggests the following basis be established for the use of inoculants and vaccines:
The committee should rely on knowledgeable technical advisors to rank the inoculants and vaccines by degree of preference for organic production. For example, killed or attenuated vaccines should be ranked more acceptable than live vaccines, or an inoculant carried in water may be preferable to the same one carried in oil. This information would be made available to producers and certifiers by the National Organic Standards Board through incorporation into the USDA National Organic Program policy. Producers record keeping should reflect the appropriate information regarding use of inoculants or vaccines. The farm plan should reflect measures taken to reduce the use of these materials when possible.

Recommendation:

The Livestock Committee recommends deferring initial TAP review of inoculants and vaccines except in the case that a technical advisor alerts the NOSB of a material necessary for livestock production but in conflict with the organic principles. This policy is to be reevaluated within 2 years.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 20

TAP REVIEW OF ANTIBIOTICS AND PARASITICIDES IN LIVESTOCK PRODUCTION

Date adopted: October 31, 1995
Location: Austin, Texas

Introduction:

The Committee has determined that the use of antibiotics and parasiticides has been thoroughly described in the NOSB Standards for Organic Livestock Production passed in June, 1994. The Committee believes that the recommendations should be amended to take the practicalities of implementation into consideration. Specifically two issues need to be evaluated: 1) the amount of time necessary to conduct Technical Advisory Panel reviews for each possible material and 2) the concern that materials needed to help restore the health of animals would not be available in time for program implementation. Because FDA already reviews hese materials for safety, the committee decided to recommend a means of prioritizing antibiotics and parasiticides for TAP review and to allow the substitution of non-reviewed antibiotics and parasiticides when TAP reviewed materials are not available.

The Committee recognizes that the Board may wish to review information about the creation and production of the antibiotics and parasiticides and about the persistence of the materials in the bodies of the animals after administration.

Statement of Principle:

The Committee recognizes that the FDA already reviews antibiotics and parasiticides for safety. Based upon this recognition and because the NOSB Recommendations already greatly limit the use of medications and parasiticides, the Committee suggests that the following basis be established for the TAP review of antibiotics and parasiticides: The committee should rely on knowledgeable technical advisors to rank antibiotics and parasiticides by likelihood of satisfying the Section 2119 (m) criteria under the statutory requirement for establishing the materials list. The materials should then be reviewed by the Technical Advisory Panel for consideration by the NOSB for placement on the National List. The technical advisors' prioritized list of information would be made available to

producers through USDA National Organic Program policy, thus providing producers an opportunity to choose antibiotics and parasiticides in keeping with the organic principles.

The following additions are to be inserted in the Organic Livestock Production section, as indicated, of the NOSB Final Recommendations adopted June 1-4, 1994 in Santa Fe, New Mexico.

Add at line 378, page 14:

If an antibiotic is necessary to fulfill the intent of section 2, the first choice of the producer should be a material that is included on the National List; however, if a suitable antibiotic is not on the National List, the producer may use an antibiotic that has not been reviewed. This policy is to be reevaluated within 2 years.

Add at line 462, page 17:

If a parasiticide is necessary in case of a health care emergency in permitted situations, the first choice of the producer should be a material that is included on the National List; however, if a suitable parasiticide is not on the National List, the producer may use a parasiticide that has not been reviewed. This policy is to be reevaluated within 2 years.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 2

BOTANICAL PESTICIDES POLICY

Date adopted: October 14, 1994
Location: Rohnert Park, California

COMMENTARY

The National Organic Standards Board (NOSB) is charged with the responsibility of conducting a special review of botanical pesticides under Section 2119(k)(4) of the Organic Foods Production Act of 1990 (OFPA): "The Board shall, prior to the establishment of the National List, review all botanical pesticides used in agricultural production and consider whether any such botanical pesticide should be included in the list of prohibited natural substances."

The special review has been conducted with the following results:

10/13/94	Neem	Motion to add to the Prohibited Natural List was defeated.
10/13/94	Nicotine	Tabled while identity and review are re-established.
10/13/94	Pyrethrums	Motion to add to the Prohibited Natural List was defeated.
10/13/94	Quassia	Removed from consideration
10/13/94	Rotenone	Motion to add to the Prohibited Natural List was defeated.
10/13/94	Ryania	Motion to add to the Prohibited Natural List was defeated.
10/13/94	Sabadilla	Motion to add to the Prohibited Natural List was defeated.
10/13/94	Strychnine	Tabled until TAP reviewers are found to complete review.
10/14/94	Piperonyl Butoxide	Motion to add to the Approved Synthetic list as a synergist for use with botanicals was defeated.

Additionally more TAP reviewers or clarifications of unclear points were requested for Rotenone and Ryania. More information on all the botanicals is still coming in and will be evaluated as it does.

This list of botanical pesticides is limited to those generic substances that are commonly known, registered with the EPA under FIFRA, and that have been used historically in organic crop production because of their documented insecticidal properties.

RECOMMENDATION

The Board maintains that prevention should be a producer's primary approach to pest management. Cultural and biological techniques must be given the highest priority by producers and be well documented in the Organic Farm Plan. Nothwithstanding, the Board recognizes that when cultural and biological practices fail to provide adequate crop protection, the use of botanical pesticides can be an effective second line defense.

It is the position of the Board that producers who use botanical pesticides in organic crop production shall comply with the restrictions set forth below:

1. Botanical pesticides shall only be utilized within the context of a biorational pest management program and shall not be the primary method of pest control set forth in the Organic Farm Plan.

2. Producers shall utilize botanical pesticides in a manner which is least toxic and least ecologically disruptive.

3. All EPA label restrictions and directions need to be followed. This includes livestock, crops, target pests, safety precautions, pre-harvest intervals and worker re-entry.

4. In light of the fact that the Sunset Provision in Section 2118 of OFPA does not apply to Botanicals unless they are prohibited, and serious data gaps have been identified in some areas, the NOSB recommends that a comprehensive review of Botanicals occur within 5 years of implementation of OFPA.

Furthermore, the Board concludes that it is not possible to define the "cautious and judicious use" of botanical pesticides on a national basis, and therefore asserts its position that organic certifying agencies shall monitor the use of particular botanical pesticides as appropriate to local situations and shall assure that these recommendations are strictly adhered to. Additionally, certifiers may use their discretion on further restricting the pre-harvest interval beyond the minimum label requirements.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 27

CHILEAN NITRATE SPECIAL USE GUIDELINES

Date adopted: November 1, 1995
Location: Austin, Texas

Recommendation:

The use of Chilean Nitrate (16-0-0) in organic crop production is limited to not more than 20 percent of total nitrogen supplied to a crop. The producer's Farm Plan shall contain specific provisions and strategies designed to substantially reduce the use of Chilean Nitrate over time. The amount and timing of these reductions will be consistent with documented site specific constraints. The Farm Plan will seek to explore each and every alternative to the routine use of Chilean Nitrate in the farming system. These alternatives include, but are not limited to: composting, improvement of compost, leguminous cover crops, interplanting, rotations, microbial enhancements, animal manures, varietal selections, planting date alterations, and reducing amounts of applied supplemental nitrogen. The timing and efficiency of Chilean Nitrate applications shall be optimized and documented in the Farm Plan. Certifiers will monitor progress in the reduction of Chilean Nitrate use and will decertify farmers that develop long term dependence on this material. Strong farmer commitment, aggressive action, and measurable results are all necessary elements of this special use of Chilean Nitrate.

This policy shall be reviewed within two years.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 28

ARSENATE (and other prohibited materials) TREATED LUMBER

Date adopted: November 1, 1995
Location: Austin, Texas

The following addition is to be added to the National Organic Standards Board's Phase-In / Implementation Recommendations, Addendum Number 9, adopted April 27, 1995, in Orlando, Florida.

Recommendation:

Effective on the publication date of the final rule, the use of arsenate (and other prohibited materials) treated lumber is prohibited for new construction and replacement purposes. Certification applicants shall provide records to the certifying agent that arsenate (and other prohibited materials) treated lumber was not installed within 36 months immediately preceding the initial harvest date of any organic agricultural products. In no case shall arsenate (and other prohibited materials) treated lumber be allowed in installations in contact with the soil and used to grow vegetables (soil beds).

proceeded to discuss a document entitled "*Handling of Inerts Policy at the NOSB April Meeting,*" dated April 11, 1995.

Vote 1. Inerts on the National List

This motion is intended to help the Board to move forward in the materials review process by leaving inerts to be dealt with in the future after publication of the initial National List. Eppley proposed and Sligh seconded to discuss the following Proposed Motion 1: "Synthetic inert ingredients shall be reviewed by the NOSB according to the criteria in the OFPA for inclusion on the National List. This shall be handled as an amendment to the National List after the publication of the initial List and after the inerts are identified and evaluated." Hankin noted the Staff's position on inerts and the problems inherent with the NOSB trying to attain confidential information necessary for reviewing inerts, and observed that the Board's continuing at this time to develop a policy on inerts review does not contribute to the working relationship between the Staff and the NOSB. Sligh noted that the Board cannot shrink from its perceived responsibility to let the industry know where they stand on this issue. Merrigan went on to discuss some of the historical concerns that the industry has with inerts.

Chandler offered the following amendment: *The inert priority shall be after the initial national list.* Vote: Yes - 4. Opposed - 9. Abstain - 1. Amendment fails.

Merrigan made a motion seconded by Kirschenmann: *The NOSB will make every effort to review synthetic inert ingredients for their appropriateness in organic production systems. The NOSB will work with manufacturers of inert substances to obtain full disclosure. This*

process will take place after the proposed national list and its subsequent Federal Register publication. Clark commented that if the NOSB doesn't review an inert, then that inert shouldn't be allowed in production. Crossley pointed out the difference between full disclosure (for instance, confidentially to the USDA) and public disclosure (to the general public). Others thought the NOSB could be granted an approved status to review confidential information. Rogers noted that the NOSB does not have statutory authority to be granted this status or review inerts for the Program. Vote: Yes - 10. Opposed - 4. The motion passed.

Sligh proposed the following motion: *Inerts on the EPA List 4 are considered to be generally recognized as safe and will be accepted for organic production, with a TAP review and NOSB evaluation according to the criteria in the OFPA for those that are synthetic. Inerts proposed for organic production on EPA's List 2 which are potentially toxic and List 3 which are unknown will be compiled by the NOSB and forwarded to the EPA as materials for fast-track review and possible reclassification by them.*

Craig offered an amendment, seconded by Crossley to strike "with a TAP review and NOSB evaluation according to the criteria on the OFPA for those that are synthetic." Sligh remarked that he opposed this amendment because he wanted to review each inert rather than accept an entire category. Vote: Yes - 8. Opposed - 6. The amendment fails. Weakley then followed with a motion and it was seconded by Kahn to table the discussion. Vote: Yes - 10. Abstain - 2. Motion carried.

The Board then passed a resolution on inerts which read: *Inerts on the EPA List 4 are considered to be generally recognized as safe and will be accepted for organic production,*

unless an NOSB evaluation finds a specific List 4 inert to be unacceptable. Inerts proposed for organic production on EPA's List 2 which are potentially toxic and List 3 which are unknown will be compiled by the NOSB and forwarded to the EPA as materials for fast-track review and possible reclassification.

SUMMARY OF NOSB MATERIALS VOTED UPON AT ROHNERT PARK, CA; ORLANDO, FL; AUSTIN, TX; AND INDIANAPOLIS, IN

Key:
Rohnert Park, CA = R
Orlando, FL = O
Austin, TX = A
Indianapolis, IN = I

PROCESSING

1. The following materials have been determined to be non-synthetic and allowed for organic processing:

Agar-Agar = O
Alginic Acid = O
Calcium Carbonate = A
Calcium Chloride = O
Carrageenan =O
Citric Acid - Must be produced by microbial fermentation of carbohydrate substrates.= O
Cornstarch (Native) = A
Cultures, Dairy - Bacteria may not be a product of rDNA technology. = A
Diatomaceous Earth - For food filtering aid only. = O
Enzymes: Malted Barley = I
Fruit Waxes (Plant-derived) - Restricted to carnauba and wood-resin. = I
Gums (Water Extracted Only - Arabic, guar, locust bean, and carob bean) = A
Kaolin & Bentonite = O
Kelp - Allowed for use as a thickener and dietary supplement (as defined in the CFR).=O
Lactic Acid = O
Lecithin (Unbleached) = O
Magnesium Sulfate - (The synthetic form of this substance is to be reviewed at a later date by the Processing Committee.) = O
Natural Bacterial Enzymes - (Enzymes that are produced by microorganisms that are products of recombinant DNA technology are synthetic and are prohibited unless specifically allowed. Synthetic bacterial enzymes must be petitioned by the manufacturer or processor.) = O
Nitrogen - Oil-free grades; from non-oil source. = O
Oxygen - Oil-free grades; from non-oil source. = O
Pectin (High Methoxy) = O
Perlite - Allowed as a filter aid in food processing. = I
Potassium Chloride = O
Potassium Iodide = O

Sodium Carbonates & Bicarbonates = O
Yeast, Autolysate - Yeast (used for source) that is a product of rDNA technology is prohibited. = A
Yeast, Bakers - Yeast (used for source) that is a product of rDNA technology is prohibited. = A
Yeast, Brewers - Yeast (used for source) that is a product of rDNA technology is prohibited. = A
Yeast, Nutritional - Yeast (used for source) that is a product of rDNA technology is prohibited. Growth on petrochemical substrates and sulfite waste liquor is also prohibited. = A
Yeast, Smoked - Yeast (used for source) that is a product of rDNA technology is prohibited. Growth on petrochemical substrates and sulfite waste liquor is also prohibited. The handler must document in the Organic Handling Plan that the smoke flavoring used is produced using a non-synthetic process that does not use synthetic processing aids or additives. = A

2. The following materials have been determined to be synthetic and allowed for organic processing:

Alginates = A
Ammonium Carbonates & Bicarbonates - Limited to use as a leavening agent. = O
Ascorbic Acid = O
Calcium Citrate = A
Calcium Hydroxide = O
Calcium Phosphates (Di, Tri, Mono) = A
Carbon Dioxide = A
Chlorine Bleach (Calcium hypochlorite, sodium hypochlorite, chlorine dioxide) - Allowed for disinfecting and sanitizing food contact surfaces. Residual chlorine levels for washwater in direct crop or food contact and in flush water from cleaning irrigation systems that is applied to crops or fields cannot exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (currently 4mg/L expressed as Cl_2). This substance is to be reviewed again in two years. = A
Ethylene - For use as a ripening agent for bananas only. = A
Ferrous Sulfate - Allowed for iron fortification of foods that is required by regulation or for iron enrichment by professional recommendation. = O
Glycerin - Must be produced by hydrolysis of fats and oils. = A
Hydrogen Peroxide = A
Lecithin (Bleached) = O
Magnesium Chloride - Allowable only if extracted from sea water. Magnesium chloride produced by synthetic processes (e.g., hydrochloric acid reaction) is not allowable. Unrefined non-synthetic magnesium chloride (nigari) is not recognized by FDA as an allowed food ingredient. = A
Mono & Diglycerides - For use in drum drying of food only. = O

Nutrient Vitamins and Minerals - Allowed for use in organic foods for enrichment or fortification when required by regulation or recommended by an independent professional organization. = A
Ozone = A
Pectin (Low Methoxy) = O
Potassium Acid Tartrate = A
Potassium Carbonate - Allowed only for FDA-approved applications where natural sodium carbonate is not an acceptable substitute. = O
Potassium Citrate = O
Potassium Hydroxide - Prohibited for use in lye peeling of fruits and vegetables and where non-synthetic sodium carbonate is an acceptable substitute. = A
Silicon Dioxide = I
Sodium Citrate = O
Sodium Hydroxide - Prohibited for use in lye peeling of fruits and vegetables and where the non-synthetic sodium carbonate is an acceptable substitute. = O
Sodium Phosphates - Use restricted to dairy foods. = A
Sulfur Dioxide - For use in organic wine only; may not be added to wine at levels greater than 100 ppm; the level of free sulfites may not exceed 35 ppm in the final product. = O
Tocopherols - Must be derived from vegetable oil when rosemary extracts are not a suitable alternative. = A
Xantham Gum = O

3. The following materials have been determined to be synthetic and unacceptable for use in organic foods, but acceptable for use in the food category, "made with organic ingredients":

Magnesium Carbonate = I
Magnesium Stearate = A
Potassium Iodide = O
Potassium Phosphate = O

4. The following materials have been determined to be synthetic and unacceptable for use in organic foods and unacceptable for use in the food category, "made with organic ingredients":

Ammonium Phosphate = A
Calcium Sulfate = I
Chymosin (Microbial Rennet: bio-engineered form) = I
Colloidal Silica = A
Magnesium Silicate = A
Nisin = A
Sodium Tartrate = A
Sorbic Acid = A

Sulfuric Acid = I

5. The following materials have been determined to be non-synthetic and unacceptable for use in organic food processing:

Non-organically Produced Whey Protein (Permitted from an organic source only).= I

6. The following materials have been tabled by the NOSB:

Baking Powder (Aluminum Free) = A
Chymosin (Enzyme form) = I
Clay (Fuller's Earth, Attapulgite) = I
Enzymes: Mold, fungal, yeast, plant, animal = I
Fruit Waxes (Animal waxes) = I
Lime, controlled atmosphere = I
Magnesium Carbonate (non-synthetic form) = I
Unmodified Starches = A

CROPS

1. The following materials have been determined to be synthetic and allowed for use in organic crop production:

Alcohol (Ethanol) - Permitted for use as a disinfectant. = **A**
Alcohol (Isopropyl) - Permitted for use as a disinfectant. = **A**
Ammonium Carbonate - For use as bait in insect traps only. Cannot be in direct contact with crop or soil. = **A**
Ammonium Soaps - Cannot come in contact with soil or edible portion of crop; to be used as an animal repellant only. = **I**
Antibiotics (Streptomycin sulfate) - Permitted for use as a fireblight control in apples and pears only. To be reviewed again in two years. = **A**
Antibiotics (Terramycin) - (Oxytetracycline calcium complex) To be reviewed again in two years. = **A**
Aquatic Plant Extracts (Other than hydrolyzed) - Extraction process is limited to the use of potassium hydroxide and sodium hydroxide. The amount of the solvent used is not to exceed the amount necessary for extraction. = **A**
Bordeaux Mixes (Copper Sulfate and Hydrated Lime) - Must be used in a manner that minimizes accumulation of copper in the soil. = **O**
Boric Acid - May be used for structural pest control. No direct contact with food or crops being certified. = **O**
Chlorine Bleach (Calcium hypochlorite, sodium hypochlorite, chlorine dioxide) - Acceptable for cleaning irrigation systems. Allowed for disinfecting and sanitizing food contact surfaces. Residual chlorine levels for washwater in direct contact with crops or food, and in flush water from cleaning irrigation systems that is applied to crops or fields cannot exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (currently 4mg/L expressed as Cl_2). This substance is to be reviewed again in two years.=**A**
Coppers, Fixed - May be used for disease control. May not be used as an herbicide. Shall be used in a manner that prevents excessive copper accumulation in the soil. = **A**
Fish Products - Liquid fish products can be pH adjusted using sulfuric, citric, or phosphoric acids. The amount of acid used cannot exceed the minimum amount needed to lower the pH to 3.5. = **O**
Humic Acids (from water and alkali extracts or naturally occurring deposits) = I
Hydrogen Peroxide = A
Lignin Sulfonate - Allowed for use with micronutrients and macronutrients and as a chelating agent. Also allowed for use as a dust suppressant and a floatation agent. = **A**
Lime Sulfur - Restricted to application as a fungicide or an insecticide if no feasible alternative exists. = **O**
Magnesium Sulfate - Allowed for use as a soil amendment with a documented magnesium deficiency. = **A**
Micronutrients - Use restricted to cases where soil/plant nutrient deficiency is documented by soil or tissue testing. Those made from nitrates are not allowed; those made

from chlorides are not allowed; not to be used as a defoliant, herbicide, or desiccant. = O
Newspaper Mulch - Glossy paper and colored ink paper is prohibited. = A
Oils, Petroleum Based - Allowed on woody plants for dormant and summer pest control. Prohibited for weed control use. = O
Petroleum Distillates - Restricted to petroleum derivatives with a 50% boiling point at 10mm mercury pressure between 415 degrees F° and 440 degrees F°, ± 8 degrees F°. Aromatic petroleum solvents including, but not limited to, benzene, naphthalene, toluene and xylene are prohibited. Allowed for use in organic production as suffocating or stylet oils on foliage and as inert ingredients. May be applied to dormant perennials. Direct application to harvested crop is prohibited. Petroleum distillates may not be used as either weed or carrot oils in organic production. Land covered with petroleum derived pavement and road oils cannot be certified organic for 3 years following application. = A
Pheromones = O
Plastic Mulch and Covers [Petroleum based; other than poly-vinyl chloride (PVC)] - PVC is prohibited. Petroleum based plastics other than PVC are acceptable. Restricted by OFPA as having to be removed at the end of each growing or harvest season; also, shall not be incorporated into the soil or left in the field to decompose. = A
Soaps - Not allowed as an herbicide. = O
Soap-based Algicides/demossers = I
Soap-based Herbicides - Allowed for use around buildings, on roadways, ditches, right-of-ways, and ornamental crops. = I
Sodium Silicate - Allowed for floating tree fruits and fiber processing. = I
Sulfur (elemental) = O
Sulfur Dioxide - Allowed for use in sulfur smoke bombs for control of underground rodents. = I
Sticky Traps and Barriers = A
Vitamins B1, C, and E = A
Vitamin D3 - Permitted as a rodenticide. = A

2. The following materials have been determined to be synthetic and unacceptable for use in organic crop production:

Antibiotics (Avermectin) = A
Arsenate Treated Lumber - Effective on the publication date of the final rule, the use of arsenate (and other prohibited materials) treated lumber is prohibited for new construction and replacement purposes. Certification applicants shall provide records to the certifying agent that arsenate (and other prohibited materials) treated lumber was not installed within 36 months immediately preceding the initial harvest date of any organic agricultural products. In no case shall arsenate (and other prohibited materials) treated lumber be allowed in installations in contact with the soil and used to grow vegetables (soil beds). = A
Gypsum By-Product (From flue trappings and fertilizer manufacture) = A
Gypsum By-Product (From drywall manufacture) = A
Killed Microbial Pesticide (*Pseudomonas florescens with Bt gene*) = A

Leather By-Product = A
Nicotine = O
Potassium Nitrate (Niter) = A
Sewage Sludge = I
Sodium Chlorate = I
Sodium Fluoaluminate (Non-mined) = I

3. The following materials have been determined to be non-synthetic and recommended for placement on the Prohibited Naturals List:

Ash (from manure burning) = O
Sodium Fluoaluminate (Mined) = I
Strychnine = O
Tobacco Dust = O

4. The following materials have been determined to be non-synthetic and not within the scope of the National List:

Ash (from the combustion of biologically derived materials) = O
Calcium chloride (Extracted from brine) - Allowed for use to correct bitter pit problems in apples; allowed for use to comply with emergency spray programs (cotton desiccant) or to prevent immediate crop loss in organic cotton production. = I
Gibberellic Acid - Must be produced from fermentation of non-genetically engineered organisms. = I
Gypsum By-Product (Mined Source) = A
Hydrolyzed Aquatic Plant Extracts = O
Magnesium Chloride (Extracted from brine, seawater, and salt deposits) = I
Potassium Chloride (Muriate of Potash) - Only the mined source is considered non-synthetic. Any use shall be in a manner that prevents excessive chloride accumulation in soils. Soil testing may be required in both treated and untreated adjacent soils to verify absence of chloride build-up. = A
Sodium Bicarbonate = A
Sodium Chloride - Allowed for use to comply with emergency spray programs (cotton desiccant) or to prevent immediate crop loss in organic cotton production. = I
Sodium Nitrate (Mined) - (The Crops committee will develop a position paper for appropriate use restrictions and possible phase out.) = O

5. The following materials have been tabled by the NOSB:

Amino Acids = I
Ash (from coal burning) = O
Boron Products, Soluble = O

Pelargonic acid = I
Potassium Bicarbonate = O
Potassium Permanganate = A

6. Botanical pesticides.

Neem - Motion to add to the Prohibited Naturals List was defeated. = R
Pyrethrums - Motion to add to the Prohibited Naturals List was defeated. = R
Quassia - Removed from consideration. = R
Rotenone - Motion to add to the Prohibited Naturals List was defeated. = R
Ryania - Motion to add to the Prohibited Naturals List was defeated.= R
Sabadilla - Motion to add to the Prohibited Naturals List was defeated. = R
Piperonyl Butoxide - Motion to add to the Allowed Synthetics list as a synergist for use with botanicals was defeated. = R

LIVESTOCK

1. The following materials have been determined to be synthetic and allowed for use in organic livestock production:

Alcohol (Ethanol) - Allowed for use in medical treatments and as a disinfectant. Prohibited for use as a feed additive. = A
Alcohol (Isopropyl) - Approved for use only as a disinfectant. = A
Aspirin- Approved for health-care use to reduce inflammation. = O
Chlorine Bleach (Calcium hypochlorite, sodium hypochlorite, chlorine dioxide) - Allowed for disinfecting livestock facilities and sanitizing food contact surfaces. Residual chlorine levels for washwater in direct contact with crops or food, and in flush water from cleaning irrigation systems that is applied to crops or fields cannot exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (currently 4mg/L expressed as Cl_2). This substance is to be reviewed again in two years. = A
Copper Sulfate - For topical use or as an essential nutrient. = A
Electrolytes - May not contain antibiotics. = A
Glucose = A
Hydrated Lime (Calcium Hydroxide) - Not permitted for soil application or to cauterize mutilations or deodorize animal wastes. = A
Iodine = O
Local Anesthetics (Lidocaine and Procaine only) - Use requires a withdrawal period of 90 days in livestock intended for slaughter and 7 days in dairy animals. = A
Magnesium Sulfate = A
Milk Replacers - Emergency use only when fresh milk is not available. Milk replacers based on non-milk products or from BST treated animals are not permitted. No antibiotics may be added. Milk from certified organic animals is preferred. = A
Mineral Oil - For topical use and as a lubricant. = A

Nutrient Vitamins and Minerals - Limited to those approved by the Food and Drug Administration for livestock use. = **A**
Oxytocin - No routine or long term use. May be used only when necessary to allow an animal to let down milk during first few days of lactation and also for other approved veterinary uses. = **A**

2. The following materials have been determined to be non-synthetic and not within the scope of the National List:

Alcohol (Derived from fermentation) = **A**
Colostrum Whey - No colostrum from rBST treated animals allowed. = **I**
Probiotics = **A**

3. The following materials have been tabled by the NOSB:

Alcohol (Methanol) = **A**
Biotin = **O**
Brewery Wastes (As a feed supplement) = **A**
Colostrum Whey Antibodies = **A**

ADDENDA

FEDERAL ORGANIC FOODS PRODUCTION ACT OF 1990

Provided by
California Certified Organic Farmers, Inc.

§6501 PURPOSES.

It is the purpose of this chapter

(1) to establish national standards governing the marketing of certain agricultural products as organically produced products;

(2) to assure consumers that organically produced products meet a consistent standard; and

(3) to facilitate interstate commerce in fresh and processed food that is organically produced.

§6502 DEFINITIONS.

As used in this chapter:

(1) **Agricultural Product.** The term "agricultural product" means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock consumption.

(2) **Botanical Pesticides.** The term "botanical pesticides" means natural pesticides derived from plants.

(3) **Certifying Agent.** The term "certifying agent" means the chief executive officer of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of a State, such official, and any person (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation in accordance with this chapter.

(4) **Certified Organic Farm.** The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this chapter as utilizing a system of organic farming as described by this chapter.

(5) **Certified Organic Handling Operation.** The term "certified organic handling operation" means any operation, or portion of any handling operation, that is certified by the certifying agent under this chapter as utilizing a system of organic handling as described under this chapter.

(6) **Crop Year.** The term "crop year" means the normal growing season for a crop as determined by the Secretary.

(7) **Governing State Official.** The term "governing State official" means the chief executive official of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, who administers an organic certification program under this chapter.

(8) **Handle.** The term "handle" means to sell, process or package agricultural products.

(9) **Handler.** The term "handler" means any person engaged in the business of handling agricultural products, except such term shall not include final retailers of agricultural products that do not process agricultural products.

(10) **Handling Operation.** The term "handling operation" means any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that

(A) receives or otherwise acquires agricultural products; and

(B) processes, packages or stores such products.

(11) **Livestock.** The term "livestock" means any cattle, sheep, goats, swine, poultry, equine animals used for food or in the production of food, fish used for food, wild or domesticated game, or other non-plant life.

(12) **National List.** The term "National List" means a list of approved and prohibited substances as provided for in section 6517 of this title.

(13) **Organic Plan.** The term "organic plan" means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this chapter including crop rotation and other practices as required under this chapter.

(14) **Organically Produced.** The term "organically produced" means an agricultural product that is produced and handled in accordance with this chapter.

(15) **Person.** The term "person" means an individual, group of individuals, corporation, association, organization, cooperative, or other entity.

(16) **Pesticide.** The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(17) **Processing.** The term "processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container.

(18) **Producer.** The term "producer" means a person who engages in the business of growing or producing food or feed.

(19) **Secretary.** The term "Secretary" means the Secretary of Agriculture.

(20) **State Organic Certification Program.** The term "State organic certification program" means a program that meets the requirements of section 6506 of this title, is approved by the Secretary, and that is designed to ensure that a product that is sold or labeled as "organically produced" under this chapter is produced and handled using organic methods.

(21) **Synthetic.** The term "synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

§6503 NATIONAL ORGANIC PRODUCTION PROGRAM.

(a) **In General.** The Secretary shall establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this chapter.

(b) **State Program.** In establishing the program under subsection (a) of this section, the Secretary shall permit each State to implement a State organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this chapter.

(c) **Consultation.** In developing the program under subsection (a) of this section, and the National List under section 6517 of this title, the Secretary shall consult with the National Organic Standards Board established under section 6518 of this title.

(d) Certification. The Secretary shall implement the program established under subsection (a) of this section through certifying agents. Such certifying agents may certify a farm or handling operation that meets the requirements of this chapter and the requirements of the organic certification program of the State (if applicable) as an organically certified farm or handling operation.

§6504 NATIONAL STANDARDS FOR ORGANIC PRODUCTION.

To be sold or labeled as an organically produced agricultural product under this chapter, an agricultural product shall

(1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this chapter;

(2) except as otherwise provided in this chapter and excluding livestock, not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of the agricultural products; and

(3) be produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the certifying agent.

§6505 COMPLIANCE REQUIREMENTS.

(a) Domestic Products.

(1) In General. On or after October 1, 1993

(A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this chapter; and

(B) no person may affix a label to, or other provide market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.

(2) USDA Standards and Seal. A label affixed or other market information provided, in accordance with paragraph (1) may indicate that the agricultural product meets Department of Agriculture standards for organic production and may incorporate the Department of Agriculture seal.

(b) Imported Products. Imported agricultural products may be sold or labeled as organically produced if the Secretary determines that such products have been produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of this chapter.

(c) Exemptions for Processed Food. Subsection (a) of this section shall not apply to agricultural products that

(1) contain at least 50 percent organically produced ingredients by weight, excluding water and salt, to the extent that the Secretary, in consultation with the National Organic Standards Board and the Secretary of Health and Human Services, has determined to permit the word "organic" to be used on the principal display panel of such products only for the purpose of describing the organically produced ingredients; or

(2) contain less than 50 percent organically produced ingredients by weight, excluding water and salt, to the extent that the Secretary, in consultation with the National Organic Standards Board and the Secretary of Health and Human Services, has determined to permit the word "organic" to appear on the ingredient listing panel to describe those ingredients that are organically produced in accordance with this chapter.

(d) Small Farmer Exemption. Subsection (a)(1) of this section shall not apply to persons who sell no more than $5,000 annually in value of agricultural products.

§6506 GENERAL REQUIREMENTS.

(a) In General. A program established under this chapter shall

(1) provide that an agricultural product to be sold or labeled as organically produced must

(A) be produced only on certified organic farms and handled only through certified organic handling operations in accordance with this chapter; and

(B) be produced and handled in accordance with such program;

(2) require that producers and handlers desiring to participate under such program establish an organic plan under section 6513 of this title;

(3) provide for procedures that allow producers and handlers to appeal an adverse administrative determination under this chapter;

(4) require each certified organic farm or each certified organic handling operation to certify to the Secretary, the governing State official (if applicable), and the certifying agent on an annual basis, that such farm or handler has not produced or handled any agricultural product sold or labeled as organically produced except in accordance with this chapter;

(5) provide for annual on-site inspection by the certifying agent of each farm and handling operation that has been certified under this chapter;

(6) require periodic residue testing by certifying agents of agricultural products that have been produced on certified organic farms and handled through certified organic handling operations to determine whether such products contain any pesticide or other nonorganic residue or natural toxicants and to require certifying agents, to the extent that such agents are aware of a violation of applicable laws relating to food safety, to report such violation to the appropriate health agencies;

(7) provide for appropriate and adequate enforcement procedures, as determined by the Secretary to be necessary and consistent with this chapter;

(8) protect against conflict-of-interest as specified under section 6515(h) of this title;

(9) provide for public access to certification documents and laboratory analyses that pertain to certification;

(10) provide for the collection of reasonable fees from producers, certifying agents and handlers who participate in such program; and

(11) require such other terms and conditions as may be determined by the Secretary to be necessary.

(b) Discretionary Requirements. An organic certification program established under this chapter may

(1) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if

(A) in the case of a farm or field, the area to be certified has distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(B) the operators of such farm or handling operation maintain records of all organic operations separate from records relating to other operations and make such records available at all times for inspection by the Secretary, the certifying agent, and the governing State official; and

(C) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified area; and

(2) provide for reasonable exemptions from specific requirements of this chapter (except the provisions of section 6511 of this title) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

(c) **State Program.** A State organic certification program approved under this chapter may contain additional guidelines governing the production or handling of products sold or labeled as organically produced in such State as required in section 6507 of this title.

§6507 STATE ORGANIC CERTIFICATION PROGRAM.

(a) **In General.** The governing State official may prepare and submit a plan for the establishment of a State organic certification program to the Secretary for approval. A State organic certification program must meet the requirements of this chapter to be approved by the Secretary.

(b) **Additional Requirements.**

(1) **Authority.** A State organic certification program established under subsection (a) of this section may contain more restrictive requirements governing the organic certification of farms and handling operations and the production and handling of agricultural products that are to be sold or labeled as organically produced under this chapter than are contained in the program established by the Secretary.

(2) **Content.** Any additional requirements established under paragraph (1) shall

(A) further the purposes of this chapter;

(B) not be inconsistent with this chapter;

(C) not be discriminatory towards agricultural commodities organically produced in other States in accordance with this chapter; and

(D) not become effective until approved by the Secretary.

(c) **Review and Other Determinations.**

(1) **Subsequent Review.** The Secretary shall review State organic certification programs not less than once during each 5-year period following the date of the approval of such programs.

(2) **Changes in Program.** The governing State official, prior to implementing any substantive change in programs approved under this subsection, shall submit such change to the Secretary for approval.

(3) **Time for Determination.** The Secretary shall make a determination concerning any plan, proposed change to a program, or a review of a program not later than 6 months after receipt of such plan, such proposed change, or the initiation of such review.

§6508 PROHIBITED CROP PRODUCTION PRACTICES AND MATERIALS.

(a) **Seed, Seedlings and Planting Practices.** For a farm to be certified under this chapter, producers on such farm shall not apply materials to, or engage in practices on, seeds or seedlings that are contrary to, or inconsistent with, the applicable organic certification program.

(b) **Soil Amendments.** For a farm to be certified under this chapter, producers on such farm shall not

(1) use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this chapter or under the applicable State organic certification program; or

(2) use as a source of nitrogen: phosphorous, lime, potash, or any materials that are inconsistent with the applicable organic certification program.

(c) **Crop Management.** For a farm to be certified under this chapter, producers on such farm shall not

(1) use natural poisons such as arsenic or lead salts that have long-term effects and persist in the environment, as determined by the applicable governing State official or the Secretary;

(2) use plastic mulches, unless such mulches are removed at the end of each growing or harvest season; or

(3) use transplants that are treated with any synthetic or prohibited material.

§6509 ANIMAL PRODUCTION PRACTICES AND MATERIALS.

(a) **In General.** Any livestock that is to be slaughtered and sold or labeled as organically produced shall be raised in accordance with this chapter.

(b) **Breeder Stock.** Breeder stock may be purchased from any source if such stock is not in the last third of gestation.

(c) **Practices.** For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm

(1) shall feed such livestock organically produced feed that meets the requirements of this chapter;

(2) shall not use the following feed

(A) plastic pellets for roughage;

(B) manure refeeding; or

(C) feed formulas containing urea; and

(3) shall not use growth promoters and hormones on such livestock, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production of such livestock.

(d) **Health Care.**

(1) **Prohibited Practices.** For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall not

(A) use subtherapeutic doses of antibiotics;
(B) use synthetic internal parasiticides on a routine basis; or
(C) administer medication, other than vaccinations, in the absence of illness.

(2) **Standards.** The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.

(e) **Additional Guidelines.**

(1) **Poultry.** With the exception of day old poultry, all poultry from which meat or eggs will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter prior to and during the period in which such meat or eggs are sold.

(2) **Dairy Livestock.** A dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter for not less than the 12-month period immediately prior to the sale of such milk and milk products.

(f) **Livestock Identification.**

(1) **In General.** For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to such farm.

(2) **Records.** In order to carry out paragraph (1), each producer shall keep accurate records on each animal (or in the case of poultry, each flock) including

(A) amounts and sources of all medications administered; and
(B) all feeds and feed supplements bought and fed.

(g) **Notice and Public Comment.** The Secretary shall hold public hearings and shall develop detailed regulations, with notice and public comment, to guide the implementation of the standards for livestock products provided under this section.

§6510 HANDLING.

(a) **In General.** For a handling operation to be certified under this chapter, each person on such handling operation shall not, with respect to any agricultural product covered by this chapter

(1) add any synthetic ingredient during the processing or any post harvest handling of the product;

(2) add any ingredient known to contain levels of nitrates, heavy metals, or toxic residues in excess of those permitted by the applicable organic certification program;

(3) add any sulfites, nitrates, or nitrites;

(4) add any ingredients that are not organically produced in accordance with this chapter and the applicable organic certification program, unless such ingredients are included on the National List and represent not more than 5 percent of the weight of the total finished product (excluding salt and water);

(5) use any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives, or fumigants;

(6) use any bag or container that had previously been in contact with any substance in such a manner as to compromise the organic quality of such product; or

(7) use, in such product water that does not meet all Safe Drinking Water Act [42 U.S.C.A. § 300f et seq.] requirements.

(b) **Meat.** For a farm or handling operation to be organically certified under this chapter, producers on such farm or persons on such handling operation shall ensure that organically produced meat does not come in contact with nonorganically produced meat.

§6511 ADDITIONAL GUIDELINES.

(a) **In General.** The Secretary, the applicable governing State official, and the certifying agent shall utilize a system of residue testing to test products sold or labeled as organically produced under this chapter to assist in the enforcement of this title.

(b) **Pre-Harvest Testing.** The Secretary, the applicable governing State official, or the certifying agent may require preharvest tissue testing of any crop grown on soil suspected of harboring contaminants.

(c) **Compliance Review.**

(1) **Inspection.** If the Secretary, the applicable governing State official, or the certifying agent determines than an agricultural product sold or labeled as organically produced under this chapter contains any detectable pesticide or other non-organic residue or prohibited natural substance the Secretary, the applicable governing State official, or the certifying agent shall conduct an investigation to determine if the organic certification program has been violated, and may require the producer or handler of such product to prove that any prohibited substance was not applied to such product.

(2) **Removal of Organic Label.** If, as determined by the Secretary, the applicable governing State official, or the certifying agent, the investigation conducted under paragraph (1) indicates that the residue is

(A) the result of intentional application of a prohibited substance; or
(B) present at levels that are greater than unavoidable residual environmental contamination as prescribed by the Secretary of the applicable governing State official in consultation with the appropriate environmental regulatory agencies;

such agricultural product shall not be sold or labeled as organically produced under this chapter.

(d) **Recordkeeping Requirements.** Producers who operate a certified organic farm or handling operation under this chapter shall maintain records for 5 years concerning the production or handling of agricultural products sold or labeled as organically produced under this chapter, including

(1) a detailed history of substances applied to fields or agricultural products; and

(2) the names and addresses of persons who applied such substances, the dates, the rate, and method of application of such substances.

§6512 OTHER PRODUCTION AND HANDLING PRACTICES.

If a production or handling practice is not prohibited or otherwise restricted under this chapter, such practice shall be permitted unless it is determined that such practice would be inconsistent with the applicable organic certification program.

§6513 ORGANIC PLAN.

(a) **In General.** A producer or handler seeking certification under this chapter will submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs.

(b) **Crop Production Farm Plan.**

(1) **Soil Fertility.** An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(2) **Manuring.**

(A) **Inclusion in Organic Plan.** An organic plan shall contain terms and conditions that regulate the application of manure to crops.

(B) **Application of Manure.** Such organic plan may provide for the application of raw manure only to

(i) any green manure crop;

(ii) any perennial crop;

(iii) any crop not for human consumptions; and

(iv) any crop for human consumption, if such crop is harvested after a reasonable period of time determined by the certifying agent to ensure the safety of such crop, after the most recent application of raw manure, but in no event shall such period be less than 60 days after such application.

(C) **Contamination by Manure.** Such organic plan shall prohibited raw manure from being applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria.

(c) **Livestock Plan.** An organic livestock plan shall contain provisions designed to foster the organic production of livestock consistent with the purposes of this chapter.

(d) **Mixed Crop Livestock Production.** An organic plan may encompass both the crop production and livestock production requirements in subsections (b) and (c) of this section if both activities are conducted by the same producer.

(e) **Handling Plan.** An organic handling plan shall contain provisions designed to ensure that agricultural products that are sold or labeled as organically produced are produced and handled in a manner that is consistent with the purposes of this chapter.

(f) **Management of Wild Crops.** An organic plan for the harvesting of wild crops shall

(1) designate the area from which the wild crop will be gathered or harvested;

(2) include a 3 year history of the management of the area showing that no prohibited substances have been applied;

(3) include a plan for the harvesting or gathering of the wild crops assuring that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop; and

(4) include provisions that no prohibited substances will be applied by the producer.

(g) **Limitation on Content of Plan.** An organic plan shall not include any production or handling practices that are inconsistent with this chapter.

§6514 ACCREDITATION PROGRAM.

(a) **In General.** The Secretary shall establish and implement a program to accredit a governing State official, and any private person, that meets the requirements of this section as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation.

(b) **Requirements.** To be accredited as a certifying agent under this section, a governing State official or private person shall

(1) prepare and submit, to the Secretary, an application for such accreditation;

(2) have sufficient expertise in organic farming and handling techniques as determined by the Secretary; and

(3) comply with the requirements of this section and section 6515 of this title.

(c) **Duration of Designation.** An accreditation made under this section shall be for a period of not to exceed 5 years, as determined appropriate by the Secretary, and may be renewed.

§6515 REQUIREMENTS OF CERTIFYING AGENTS.

(a) **Ability to Implement Requirements.** To be accredited as a certifying agent under section 6514 of this title, a governing State official or a person shall be able to fully implement the applicable organic certification program established under this chapter.

(b) **Inspectors.** Any certifying agent shall employ a sufficient number of inspectors to implement the applicable organic certification program established under this chapter, as determined by the Secretary.

(c) **Recordkeeping.**

(1) **Maintenance of Records.** Any certifying agent shall maintain all records concerning its activities under this chapter for a period of not less than 10 years.

(2) **Access for Secretary.** Any certifying agent shall allow representatives of the Secretary and the governing State official access to any and all records concerning the certifying agent's activities under this chapter.

(3) **Transference of Records.** If any private person that was certified under this chapter is dissolved or loses its accreditation, all records or copies of records concerning such person's activities under this chapter shall be transferred to the Secretary and made available to the applicable governing State official.

(d) **Agreement.** Any certifying agent shall enter into an agreement with the Secretary under which such agent shall

(1) agree to carry out the provisions of this chapter; and

(2) agree to such other terms and conditions as the Secretary determines appropriate.

(e) **Private Certifying Agent Agreement.** Any certifying agent that is a private person shall, in additional to the agreement required in subsection (d) of this section

(1) agree to hold the Secretary harmless for any failure on the part of the certifying agent to carry out the provisions of this chapter; and

(2) furnish reasonable security, in an amount determined by the Secretary, for the purpose of protecting the rights of participants in the applicable organic certification program established under this chapter.

(f) **Compliance with Program.** Any certifying agent shall fully comply with the terms and conditions of the applicable organic

certification program implemented under this chapter.

(g) **Confidentiality.** Except as provided in section 6506 (a)(9) of this title, any certifying agent shall maintain strict confidentiality with respect to its clients under the applicable organic certification program and may not disclose to third parties (with the exception of the Secretary or the applicable governing State official) any business related information concerning such client obtained while implementing this chapter.

(h) **Conflict of Interest.** Any certifying agent shall not

(1) carry out any inspections of any operation in which such certifying agent, or employee of such certifying agent has, or has had, a commercial interest, including the provision of consultancy services;

(2) accept payment, gifts, or favors of any kind from the business inspected other than prescribed fees; or

(3) provide advice concerning organic practices or techniques for a fee, other than fees established under such program.

(i) **Administrator.** A certifying agent that is a private person shall nominate the individual who controls the day-to-day operation of the agent.

(j) **Loss of Accreditation.**

(1) **Noncompliance.** If the Secretary or the governing State official (if applicable) determines that a certifying agent is not properly adhering to the provisions of this chapter, the Secretary or such governing State official may suspend such certifying agent's accreditation.

(2) **Effect on Certified Operations.** If the accreditation of a certifying agent is suspended under paragraph (1), the Secretary or the governing State official (if applicable) shall promptly determine whether farming or handling operations certified by certifying such agent may retain their organic certification.

§6516 PEER REVIEW OF CERTIFYING AGENTS.

(a) **Peer Review.** In determining whether to approve an application for accreditation submitted under section 6514 of this title, the Secretary shall consider a report concerning such applicant that shall be prepared by a peer review panel established under subsection (b) of this section.

(b) **Peer Review Panel.** To assist the Secretary in evaluating applications under section 6514 of this title, the Secretary may establish a panel of not less than three person who have expertise in organic farming and handling methods, to evaluate the State governing official or private person that is seeking accreditation as a certifying agent under such section. Not less than two members of such panel shall be persons who are not employees of the Department of Agriculture or of the applicable State government.

§6517 NATIONAL LIST.

(a) **In General.** The Secretary shall establish a National List of approved and prohibited substances that shall be included in th standards for organic production and handling established under this chapter in order for such products to be sold or labeled as organically produced under this chapter.

(b) **Content of List.** The list established under subsection (a) of this section shall contain an itemization, by specific use or application, of each synthetic substance permitted under subsection (c) (1) of this section or each natural substance prohibited under subsection (c)(2) of this section.

(c) **Guidelines for Prohibitions or Exemptions.**

(1) **Exemption for Prohibited Substances.** The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if

(A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances

(i) would not be harmful to human health or the environment;

(ii) is necessary to the production or handling of the agricultural product because of unavailability of wholly natural substitute products; and

(iii) is consistent with organic farming and handling;

(B) the substance

(i) is used in production and contains an active synthetic ingredient in the following categories: copper and sulfur compounds; toxins derived from bacteria; pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals; livestock paracitcides and medicines and production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleansers;

(ii) is used in production and contains synthetic inert ingredients that are not classified by the Administrator of the Environmental Protection Agency as inerts of toxicological concern; or

(iii) is used in handling and is non-synthetic but is not organically produced; and

(C) the specific exemption is developed using the procedures described in subsection (d) of this section.

(2) **Prohibition on the use of Specific Natural Substances.** The National List may prohibit the use of specific natural substances in an organic farming or handling operation that are otherwise allowed under this chapter only if

(A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances

(i) would be harmful to human health or the environment; and

(ii) is inconsistent with organic farming or handling, and the purposes of this chapter; and

(B) the specific prohibition is developed using the procedures specified in subsection (d) of this section.

(d) **Procedure for Establishing National List.**

(1) **In General.** The National List established by the Secretary shall be based upon a proposed national list or proposed amendments to the National List developed by the National Organic Standards Board.

(2) **No Additions.** The Secretary may not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the Proposed National List or Proposed Amendments to the National List.

(3) **Prohibited Substances.** In no instance shall the National List include any substance, the presence of which in food has been prohibited by Federal regulatory action.

(4) **Notice and Comment.** Before establishing the National List or before making any amendments to the National List, the Secretary shall publish the Proposed National List or any Proposed amendments to the National List in the Federal Register and seek public comment on such proposals. The Secretary shall include in such Notice any changes to such proposed list or amendments recommended by the Secretary.

(5) **Publication of National List.** After evaluating all comments received concerning the Proposed National List or Proposed Amendments to the National List, the Secretary shall publish the final National List in the Federal Register, along with a discussion of comments received.

(e) **Sunset Provision.** No exemptions or prohibition contained in the National List shall be valid unless the National Organic Standards Board has reviewed such exemption or prohibition as provided in this section within 5 years of such exemption or prohibition being adopted or reviewed and the Secretary has renewed such exemption or prohibition.

§6518 NATIONAL ORGANIC STANDARDS BOARD.

(a) **In General.** The Secretary shall establish a National Organic Standards Board (in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2 et seq.)) (hereafter referred to in this section as the "Board") to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this chapter.

(b) **Composition of Board.** The Board shall be composed of 15 members, of which

(1) four shall be individuals who own or operate an organic farming operation;

(2) two shall be individuals who own or operate an organic handling operation;

(3) one shall be an individual who owns or operates a retail establishment with significant trade in organic products;

(4) three shall be individuals with expertise in areas of environmental protection and resource conservation;

(5) three shall be individuals who represent public interest or consumer interest groups;

(6) one shall be an individual with expertise in the fields of toxicology, ecology, or biochemistry; and

(7) one shall be an individual who is a certifying agent as identified under section 6515 of this title.

(c) **Appointment.** No later than 180 days after November 28, 1990, the Secretary shall appoint the members of the Board under paragraph (1) through (6) of subsection (b) of this section (and under subsection (b) (7) of this section at an appropriate date after the certification of individuals as certifying agents under section 6515 of this title) from nominations received from organic certifying organizations, States, and other interested persons and organizations.

(d) **Term.** A member of the Board shall serve for a term of 5 years, except that the Secretary shall appoint the original members of the Board for staggered terms. A member cannot serve consecutive terms unless such member served an original term that was less than 5 years.

(e) **Meetings.** The Secretary shall convene a meeting of the Board not later than 60 days after the appointment of its members and shall convene subsequent meetings on a periodic basis.

(f) **Compensation and Expenses.** A member of the Board shall serve without compensation. While away from their homes or regular places of business on the business of the Board, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of Title 5 for persons employed intermittently in the Government service.

(g) **Chairperson.** The Board shall select a Chairperson for the Board.

(h) **Quorum.** A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

(i) **Decisive Votes.** Two-thirds of the votes cast at a meeting of the Board at which a quorum is present shall be decisive of any motion.

(j) **Other Terms and Conditions.** The Secretary shall authorize the Board to hire a staff director and shall detail staff of the Department of Agriculture or allow for the hiring of staff and may, subject to necessary appropriations, pay necessary expenses incurred by such Board in carrying out the provisions of this chapter, as determined appropriate by the Secretary.

(k) **Responsibilities of the Board.**

(1) **In General.** The Board shall provide recommendations to the Secretary regarding the implementation of this chapter.

(2) **National List.** The Board shall develop the proposed National List or proposed amendments to the National List for submission to the Secretary in accordance with section 6517 of this title.

(3) **Technical Advisory Panels.** The Board shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. Such panels may include experts in agronomy, entomology, health sciences and other relevant disciplines.

(4) **Special Review of Botanical Pesticides.** The Board shall, prior to the establishment of the National List, review all botanical pesticides used in agricultural production and consider whether any such botanical pesticides should be included in the list of prohibited natural substances.

(5) **Product Residue Testing.** The Board shall advise the Secretary concerning the testing of organically produced agricultural products for residues caused by unavoidable residual environmental contamination.

(6) **Emergency Spray Programs.** The Board shall advise the Secretary concerning rules for exemptions from specific requirements of this chapter (except the provisions of section 6511 of this title) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

(l) **Requirements.** In establishing the proposed National List or proposed amendments to the National List, the Board shall

(1) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, and such other sources as appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed National List;

(2) work with manufacturers of substances considered for inclusion in the proposed National List to obtain a complete list of ingredients and determine whether such substances contain inert materials that are synthetically produced; and

(3) submit to the Secretary, along with the proposed National List or any proposed amendments to such list, the results of the Board's evaluation and the evaluation of the technical advisory panel of all substances considered for inclusion in the National List.

(m) **Evaluation.** In evaluating substances considered for inclusion in the proposed National List or proposed amendment to the National List, the Board shall consider

(1) the potential of such substances for detrimental chemical interactions with other materials used in organic farming systems;

(2) the toxicity and mode of action of the substance and of its breakdown products or any contaminants, and their persistence and areas of concentration in the environment;

(3) the probability of environmental contamination during manufacture, use, misuse or disposal of such substance; ..

(4) the effect of the substance on human health;

(5) the effects of the substance on biological and chemical interactions in the agroecosystem, including the physiological effects of the substance on soil organisms (including the salt index and solubility of the soil), crops and livestock;

(6) the alternatives to using the substance in terms of practices or other available materials; and

(7) its compatibility with a system of sustainable agriculture.

(n) **Petitions.** The Board shall establish procedures under which persons may petition the Board for the purpose of evaluating substances for inclusion on the National List.

(o) **Confidentiality.** Any confidential business information obtained by the Board in carrying out this section shall not be released to the public.

§6519 VIOLATIONS OF CHAPTER.

(a) **Misuse of Label.** Any person who knowingly sells or labels a product as organic, except in accordance with this chapter, shall be subject to a civil penalty of not more than $10,000.

(b) **False Statement.** Any person who makes a false Statement under this chapter to the Secretary, a governing State official, or a certifying agent shall be subject to the provisions of section 1001 of Title 18.

(c) **Ineligibility.**

(1) **In General.** Except as provided in paragraph (2), any person who

(A) makes a false Statement;

(B) attempts to have a label indicating that an agricultural product is organically produced affixed to such product that such person knows, or should have reason to know, to have been produced or handled in a manner that is not in accordance with this chapter; or

(C) otherwise violates the purposes of the applicable organic certification program as determined by the Secretary; after notice and an opportunity to be heard, shall not be eligible, for a period of 5 years from the date of such occurrence, to receive certification under this chapter with respect to any farm or handling operation in which such person has an interest.

(2) **Waiver.** Notwithstanding paragraph (1), the Secretary may reduce or eliminate the period of ineligibility referred to in such paragraph if the Secretary determines that such modification or waiver is in the best interests of the applicable organic certification program established under this chapter.

(d) **Reporting of Violations.** A certifying agent shall immediately report any violations of this chapter to the Secretary or th governing State official (if applicable).

(e) **Violations by Certifying Agent.** A certifying agent that is a private person that violates the provisions of this chapter or that falsely or negligently certifies any farming or handling operation that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the governing State official (if applicable) shall, after notice and an opportunity to be heard

(1) lose its accreditation as a certifying agent under this chapter; and

(2) be ineligible to be accredited as a certifying agent under this chapter for a period of not less than 3 years subsequent to the date of such determination.

(f) **Effect of Other Laws.** Nothing in this chapter shall alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) concerning meat, poultry and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C 301 et seq.), nor the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.).

§6520 ADMINISTRATIVE APPEAL.

(a) **Expedited Appeals Procedure.** The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this chapter that

(1) adversely affects such person; or

(2) is inconsistent with the organic certification program established under this chapter.

(b) **Appeal of Final Decision.** A final decision of the Secretary under subsection (a) of this section may be appealed to the United States District Court for the District in which such person is located.

§6521 ADMINISTRATION.

(a) **Regulations.** Not later than 540 days after the date of enactment of this title, the Secretary shall issue proposed regulations to carry out this chapter.

(b) **Assistance to State.**

(1) **Technical and Other Assistance.** The Secretary shall provide technical, administrative, and Extension Service assistance to assist States in the implementation of an organic certification program under this chapter.

(2) **Financial Assistance.** The Secretary may provide financial assistance to any State that implements an organic certification program under this chapter.

§6522 AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this chapter.

NATIONAL ORGANIC STANDARDS BOARD

DEFINITION OF "ORGANIC"

The following definition of "organic" was drafted and passed by the NOSB at their April 1995 meeting in Orlando, Florida. It was developed by a joint NOSB/National Organic Program task force, and incorporates language from the Codex Draft Guidelines for organically produced foods. This definition is being distributed for your information.

Organic agriculture is an ecological production management system that promotes and enhances biodiversity, biological cycles and soil biological activity. It is based on minimal use of off-farm inputs and on management practices that restore, maintain and enhance ecological harmony. "Organic" is a labeling term that denotes products produced under the authority of the Organic Foods Production Act. The principal guidelines for organic production are to use materials and practices that enhance the ecological balance of natural systems and that integrate the parts of the farming system into an ecological whole. Organic agriculture practices cannot ensure that products are completely free of residues; however, methods are used to minimize pollution from air, soil and water. Organic food handlers, processors and retailers adhere to standards that maintain the integrity of organic agricultural products. The primary goal of organic agriculture is to optimize the health and productivity of interdependent communities of soil life, plants, animals and people.

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 25

DEFINITIONS AND INTERPRETATIONS

Date adopted: November 1, 1995
Location: Austin, Texas

Statutory Review, Section 2114(a)(2). Organic Plan (Manuring): "Inclusion in Organic Plan. An organic plan shall contain terms and conditions that regulate the application of manure to crops.

Application of Manure. - Such organic plan may provide for the application of raw manure only to - (i) any green manure crop; (ii) any perennial crop; (iii) any crop not for human consumption; and (iv) any crop for human consumption, if such crop is harvested after a reasonable period of time determined by the certifying agent to ensure the safety of such crop, after the most recent application of raw manure, but in no event shall such period be less than 60 days after such application.

Contamination by Manure. - Such organic plan shall prohibit raw manure from being applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria."

DEFINITIONS & INTERPRETATIONS

These definitions and interpretations apply to every entry on the National List of materials.

Combustion. Reaction of a substance with heat and oxygen.
Composts. Compost refers to the carefully managed process in which carbon based materials are digested aerobically or anaerobically by microbial action. Farm compost made from crop residues, crop waste from food processing operations, animal manures, and other vegetative by-products are allowed. Green or yard waste compost from municipalities or private sources are allowed. Municipal solid waste compost and sewage sludge compost are prohibited. No prohibited materials may be added in

composting (including no synthetically "fortified" compost starters) and all ingredients must be documented.
[Plant/soil input.] Certifiers may evaluate the risk of prohibited materials residues remaining after composting.
Distillation. Evaporation of a substance, and its collection by condensation
Extraction. The concentration, separation or removal of a substance from a plant, animal, microbiological or mineral source. Materials used in plant crop and animal production may be extracted in any way that does not result in a synthetic reaction as defined by 2103(21).
The products of any other methods of extraction shall be considered on a case by case basis and reviewed for compatibility under OFPA Sec. 2119 (m)(1-7).
Fermentation. Digestion of complex molecules by micro-organisms.
Genetically Engineered. (after Food Processing's Biotechnology Glossary, January 1993) Made with techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes recombinant DNA and RNA techniques, cell fusion, micro- and macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes. It shall not include breeding, conjugation, fermentation, hybridization, in-vitro fertilization and tissue culture.
Heat. To transfer energy between bodies by means of a temperature difference.
Hydrolysis. Reaction of a substance with water.
Inert Ingredient. Any ingredient that is not an active ingredient. See Section 2118 (c)(B)(ii) - "is used in production and contains synthetic inert ingredients that are not classified by the Administrator of the E.P.A. as inerts of toxicological concern."
Killed Microbial Pesticide. A nonviable microbial pesticide that is incapable of multiplication or propagation in the environment. If altered by genetic engineering, the resulting DNA shall not be contained within a viable organism and must contain only dead organisms.
Manures, Raw. Raw manure is defined as any animal excrement which is characterized as fresh and has not undergone substantial decomposition. (See Composts) As cited in OFPA Section 2114 (b)(2)(B), raw manure is restricted to applications approved by a

USDA-accredited certifying agent and made at least 60 days prior to harvest of crops produced for human consumption; raw manure may be applied to any green manure crop, any perennial crop, or any other crop not for human consumption without time restriction, subject to the approval of a USDA-accredited certifying agent.

Manures, Aged. Any animal excrement which has undergone substantial decomposition and humification. It is characterized by: 1) reduction in moisture 2) reduction of foul odors 3) change of color, towards darker brown and 4) not in heating phase. Properly aged manure may be used under the compost guidelines.

Microbial Pesticide. Microbial pesticides are microorganisms and include but are not limited to bacteria, algae, fungi, viruses, and protozoa used as pest control agents.

Micro Propagation. The development of new plants in an artificial medium under aseptic conditions from very small pieces of plants. It is the opinion of the Crop Standards Committee that plants and propagules treated with prohibited materials during micro propagation may not be directly planted on an organic farm. Any plants or propagules of later generations of these processes are acceptable for use on organic farms. They have been reviewed for compatibility under OFPA Section 2119 (m)(1-7).

Mined Mineral. Any naturally-occurring non-living substance derived from the earth or water. A mined mineral cannot have undergone molecular change through heating, acidulation, basification or fortification with synthetic materials.

Recombinant RNA and DNA Techniques. Techniques that artificially break apart and recombine DNA and RNA molecules with the intent or altering genetic instructions.

Synthetic.

(OFPA Definition) The term "synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animals, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

(Crops Standards Committee's Interpretation) The term "synthetic" is defined as a substance or organism that is formulated, [or] manufactured or genetically manipulated by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animals, or mineral sources, except

that such term shall not apply to substances created by naturally occurring biological processes.
Heating and combustion of plants, animals, and microorganisms shall not be considered synthetic unless expressly prohibited in the National list.
The combustion of minerals shall be considered synthetic and reviewed for compatibility under the OFPA Sec. 2119 (m)(1-7).

Synthetic Analogue:

A synthetic analogue (or chemical copy) of a non-synthetic material is acceptable when the non-synthetic form is commercially unavailable or information specifying the source of the material is not available to the organic producer (i.e., not indicated on the product label), provided that the synthetic material is on the National List. Use must be limited to applications appropriate for the non-synthetic version of the material, and any restrictions on these applications noted in the Standards must be followed. Examples: pheromones, magnesium sulfate, potassium sulfate, livestock vitamins.

Synthetic analogues can be further identified as to whether the compound is chemically organic or inorganic, in the sense of containing carbon atoms.

a) Inorganic compounds (e.g. magnesium sulfate) are universally indistinguishable as to source, and therefore may be permitted for organic production in any situation which calls for the non-synthetic version. Their use would still require appearance on the National List, and be governed by protocols set in the Standards and Organic Plan requirements.

b) Organic compounds (e.g. pheromones) can often be distinguished from their non-synthetic forms by looking at molecular structure (isomers), which may vary depending on whether the compound was synthesized or extracted from a biological source. Since variations in isomers can have subtle and unanticipated biological effects, organic synthetic analogues should be screened against the criteria for compatibility with systems of sustainable agriculture.

DRAFT AFFIDAVIT FORMAT FOR U.S. CERTIFYING AGENTS

Prepared By the Agricultural Marketing Service, U.S. Department of Agriculture on March 10, 1993.

Submitted to Eugene Philhower, U.S. Mission to the European Community, for information and discussion purposes.

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I, [insert name], being first duly sworn upon my oath according to law, depose and hereby state:

1. I am of legal age, and under no disability that prevents me from attesting to the following statements and information which are based on my personal knowledge and observations;

2. I am the officer responsible for the day to day operation of the [insert name of certifying agency or State program];

3. The [insert name of agency or State program] is a certifying agent and is engaged in the business of certifying organic farms and handling operations within the meaning of the Organic Foods Production Act of 1990 (See 7 U.S.C.A. Section 6501 et. seq. (hereinafter, "the Act");

4. I have reviewed the requirements of certifying agents appearing at Section 6514(b) of the Act and declare that [insert name of certifying agency or State program] fully complies with all currently applicable statutory terms and conditions appearing therein;

5. I have reviewed the requirements of certifying agents appearing at Section 6515 of the Act and declare that [insert name of certifying agency or State program] fully complies with all currently applicable statutory terms and conditions appearing therein;

6. I understand that the U.S. Secretary of Agriculture will promulgate further regulations and rules regarding the requirements of certifying agents and that [insert name of certifying agent or State program] must comply as the Secretary determines appropriate.

7. I have reviewed the requirements of the technical dossier set forth in Council Regulation (EEC) No. 94/92, Article 2 and declare that [insert name of certifying agency or State program] has submitted full documentation required therein;

   a. Agreement to supply information pertaining to the inspection system upon request by European Community (EC) Commission officials.

   b. Agreement to furnish the EC Commission with changes made in the production or labeling rules or in the inspection system described in the documentation provided herein immediately upon institution.

   c. Agreement to on-site examination by officials entrusted with EC authority of the rules of production and labeling and the application of inspection.

8. I understand that the European Economic Community (EEC) Council will promulgate further regulations and rules regarding the requirements of certifying agents and that [insert name of certifying agent or State program] must comply as the EEC Council determines appropriate.

Further Affiant sayeth not.

_____
[Affiant's Name]

Subscribed and Sworn to before me this _____ day of _____, 1993, by [Affiant's Name].

_____
Notary Public My commission expires _____.

SEALS

(A) A certifying agent may permit the use of its seal, logo, or trademark on product labels to:

(a) denote affiliation with or membership in the applicable private certification program or organization;

(b) indicate the state or region of origin of the product; and/or (c) designate claims on the part of the producer, processor, or product not covered under Sections XXX (organic production standards and National List).

(B) A seal, logo, or trademark shall not be used:

(1) to restrict trade or prevent procedures or processors from being certified in accordance with the Act;

(2) to imply that products so labeled are superior to other products produced in accordance with Sections XXX (organic production standards and National List);

(3) to imply USDA accreditation of certifying activities for claims not covered under Sections XXX (organic production standards and National List); and shall not be

(4) required to be displayed on any product offered for sale as "organic" or "organically produced" as a condition of certification.

Next, a document, developed by the Organic Certifiers Caucus organization, was circulated which suggested a new approach for selecting future NOSB meeting certifier representatives. The document will be considered by the Accreditation Committee before recommending future temporary certifier positions to the Executive Committee.

NATIONAL ORGANIC STANDARDS BOARD BIOTECHNOLOGY POLICY

The National Organic Standards Board recommends that the class of genetically engineered organisms and their derivatives be prohibited in organic production and handling systems. Genetically engineered is defined as: Made with techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes recombinant DNA, cell fusion, micro- and macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes. It shall not include breeding, conjugation, fermentation, hybridization, in-vitro fertilization and tissue culture.

1270 A discussion on a transitional label was the next topic for
1271 debate. Kahn expressed the industry need for some type of

transitional labelling program. Sam Fahr of the Arizona Dept. of
1273 Agriculture noted that their transitional labeling program uses
1274 the terminology "certification pending". Ten members of the
1275 Board supported a transitional label in a straw vote, although
1276 they recognized the difficulty of the use of transitional organic
1277 products in multi-ingredient processed foods. The Board
1278 supported USDA Staff's intention to move ahead with exploring a
1279 transitional label that maintains all components of organic
1280 production standards except the three year rule for no prohibited
1281 substances having been applied to the land.

- ON-GOING ROLE OF THE NOSB:

Upon completion of all recommendations to USDA necessary to begin the initial program - the NOSB SHALL -

A. Provide advice to the Secretary as requested

B. Continue to provide additional recommendations to fully implement the OFPA and any subsequent legislative additions.

C. Provide oversight, & advice on the functioning of appeals process *and enforcement measures* for this title.

D. Provide oversight & advice on the functioning of peer review; including appointing a NOSB representative *in an observer role*. to the Peer Review.

E. Make on-going recommendations concerning additional materials to be added to or deleted from the National List based on petitions and board determinations.

E. Conduct every (5) years a comprehensive review of National Materials List based on new information and petitions from the public *as required by the law.*

G. Conduct a comprehensive and complete review of the entire National Organic Standards Program after the first two years of implementation to:

1. Provide the public a formalized opportunity to express concerns, problems and needed administrative changes.

2. Provide the NOSB the opportunity to compare the functioning of the program - to the board adopted criteria, and to make recommendations for needed corrections.

3. Analyze need for changes in standards *or phase-in or phase-out requirements* based on increased organic inputs

availability and/or other new developments as determined by the board, public petition or comment.

4. Recommend changes in USDA regulations *and/or amendments or changes to the Act* based on input from the public and the end-users of this program.

H. Conduct a review of the potential benefits to the organic program of establishing an organic transitional certification program and make recommendations based on this informed review.

I. Make on-going recommendations to the Secretary as requested or as deemed appropriate by the board concerning legislative matters as it pertains to any aspect of OFPA.

***

The Board next debated the resolution on the NOSB statutory authority. Anderson spoke first, referring to a railroad analogy with the need for the crew to work together and act responsibly in consideration of its many passengers. He identified the responsibilities that each member of the NOSB and USDA Staff has in acting together as conductor of the train and hoped that differences will be put aside as we work side by side to deliver our payload. Courtesy, honesty, and fresh starts are the concepts to keep in mind as we continue on down the track.

Merrigan read the resolution and the Senate report and affirmed that the resolution is necessary because groups are concerned about the USDA authority over the National List. Weakley, Chandler and Anderson agreed with the interpretation of the OFPA that only the NOSB can propose synthetics for the National List. Ricker replied that it is not AMS' intention to add synthetics to the proposed National List or to act contrary to the Board's wishes, but the Secretary of Agriculture does have final authority over all aspects of the National Program and the real issue is whether the NOSB, an advisory Board to the Secretary appointed by the Secretary, should be passing a resolution that insists that his advisory Board has more authority than he does for certain aspects of the program. Ricker expressed futility

rather than objections to the resolution. All persons commenting agreed that the Board needs to review the materials for the List after they have been reviewed by a TAP member(s) and that USDA's decision about a synthetic proposed for the List by the Board may differ. Kirschenmann then moved and Crossley seconded that the following resolution be adopted, which it was by a vote of 8 - aye, 4 - opposed, and 1 abstention: *The NOSB is more than an advisory board in one very important aspect. The Organic Foods Production Act (OFPA) requires the NOSB to recommend to the Secretary the universe of synthetic materials acceptable for organic production (USC 6517 (c) and (d); see also 6518 (k). In turn, the Secretary can, both before and after public comment, delete synthetic materials from the proposed and final National Lists. The Secretary cannot, at any time, add synthetic materials to the List that are* not *first recommended by the NOSB (USC 6517 (d)(2). This statutory responsibility makes the NOSB unique among USDA advisory boards. The "Resolution of Focus" document should be amended to reflect this special role of the NOSB in establishing the National List. In doing so, the "Resolution of Focus" document would reflect the common understanding of those involved in the construction of the Act, including the organic, environmental, consumer, and humane care organizations who came together in support of the OFPA and now support the NOP. The NOSB understands and respects the role and responsibilities of the secretary in the rulemaking process. With the exception of the placement of synthetic materials on the National List, the role of the NOSB is advisory. Nevertheless, this advisory function is critical to the development of a sound national program. Prior to publication of proposed rules, the NOSB expects to engage in active two-way communication with the NOP staff to maximize information exchange. Such exchanges*

will enhance the expertise of the NOP and aid their rulemaking efforts. Further, such exchanges will enhance NOSB understanding of USDA decisionmaking, aid NOSB in providing counsel to the NOP, and prepare NOSB members to educate the public about NOP efforts.

Congressional Review of Agency Rulemaking
Title II – Small Business Regulatory Fairness Act Subtitle E
Public Law 104-121 – Signed in to Law 3/29/96

Provides new authority for Congress to review and disapprove ALL FINAL rules --

Federal Agencies must submit all final rules to Congress and GAO before they can take effect. GAO will then submit a report on each major rule to the committees of jurisdiction within 15 days after the submission or publication date in the Federal Register.

Rules not deemed major shall take effect after submission to Congress unless Congress passes a joint resolution of disapproval.

Major rules would take effect either 60 days after Congress receives a rule or the rule is published in the Federal Register, (whichever is the later date), unless a joint resolution of disapproval is enacted.

President can override 60 day rule if the rule is (1) necessary because of an imminent threat to health or safety or other emergency; or (2) necessary for the enforcement of criminal laws, or necessary for national security.

President can veto a joint resolution of disapproval. Congress can vote to override the veto.

Provides a look back provision to all major rules published in the Federal Register on or after **March 1, 1996.**

Major rule is defined as any rule that the Office of Information and Regulatory Affairs of OMB finds -

-has an annual effect on the economy of $100 million or more;

-causes a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

- causes significant adverse effects on competition, employment, investment; productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The definition of "major" is similar, but not identical to the definition of "economically significant" found in E.O. 12866, and the definition of "major" as associated with the risk assessment provisions of the Department's Reorganization Act. Rules will go through the same development and review procedure as prescribed in DR 1512-1 and the "major determination will be made (when appropriate) by OMB/OIRA when the rule is submitted to OMB for classification in the workplan stage. An agency should therefore have ample notice that a proposed rulemaking action is a "major" rule and subject to the Congressional review process for such rules.

Codex Alimentarious

Codex is the guidelines and standards setting body for the following United Nations bodies; World Trade Organization , (WTO), Food and Agriculture Organization, (FAO) and the World Health Organization, (WHO). The labeling committee of Codex which is hosted by the Canadians, has the primary responsibility for developing the international guidelines for organics, along with all other food related labeling issues. These guidelines will be used as guidance for governments and for settling trade disputes between countries. As of this writing, the Code organic labeling guidelines are at step 6 in an 8 step process, step 8 being official adoption by the International Codex Commission in Rome. The next official meeting will be in April of 1998 in Ottawa. The goal will be to finish the guidelines and have them sent forward for formal international adoption. The main areas of unresolved work include; livestock, processing and a section on overarching organic principles. These areas must be completed before the document can be adopted. Please find enclosed the draft document at step 6 from the April 1997, Ottawa meeting.

The guidelines are included to help set the international context of US and other country attempts at establishing organic standards.

ADDENDA 10

codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

JOINT OFFICE: Via delle Terme di Caracalla 00100 ROME Tel.: 57251 Telex: 625825-625853 FAO I Cables: Foodagri Rome Facsimile: (6)5225.4593

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
Twenty-second Session
Geneva, 23-28 June 1997

REPORT OF THE TWENTY-FIFTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING
Ottawa, Canada, 15-18 April 1997

Note: This document incorporates Codex Circular Letter 1997/10-FL

DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS

(At Step 6 the Procedure)

Contents

DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS

FOREWORD

Background

1. Sustainable agriculture represents a broad spectrum of agricultural methodologies which are supportive of the environment. These range from conventional, more intensive methods to alternative methods such as bio-dynamics. Organic agriculture is one method within this range which calls for specific and precise standards of production.

2. Organic agriculture is a holistic production management system which promotes and enhances biodiversity, biological cycles and soil biological activity. It is based on the low use of external inputs and non-use of artificial fertilizers and pesticides. This takes into account that regional conditions require locally adapted systems. Organic agricultural practices can only guarantee that no chemicals have been used during production. It cannot guarantee total absence of chemical residues due to general environmental pollution, even on land where no chemicals have been used. However, in such cases, any residue levels would be well below established maximum residue levels for agricultural products and foodstuffs.

3. Requirements for organically produced foods differ from those for other agricultural products in that production procedures are an intrinsic part of the identification and labelling of, and claims for, such products.

4. The term "organic" has generally become well understood by those associated with this form of agriculture. Other terms have also been introduced such as "biological" and "ecological" in an effort to describe the organic system more clearly.

5. For the practical application of organic production methods, more detailed standards are needed to assist the operator in achieving optimal systems which are socially, ecologically and economically sustainable. With the increased interest in organic production, a system of farm evaluation has developed to ensure that products labelled and sold as "organic" actually originate from farms that follow organic production methods. In this way, the consumer is assured of the authenticity of the product and the integrity of the operator is protected. Processor and handler evaluations have also been added to help ensure that the integrity of organically produced products is not lost through the processing and distribution system.

6. Adoption of organic practices requires a period of conversion. This period gives the operator time to adapt to and refine the production practices necessary to the environment in which the product is being produced. The system which supports production, ie soil, existing livestock, etc, may also need time for the depletion of possible residues of agricultural chemicals which may exist in the soil, manure heaps, etc and time for livestock to respond to the changed environment.

7. The concept of close contact between the consumer and the producer is common. Greater market demand, the increasing economic interests in production, and the increasing distance between producer and consumer has stimulated the introduction of external control and certification procednres.

8. An integral component of certification is the inspection of the organic management system which provides formal product verification. Procedures for operator certification are based primarily on a yearly description of the agricultural enterprise as prepared by the operator in cooperation with the inspection body. Likewise, at the processing level, standards are also developed against which the processing operations and plant conditions can be inspected and verified. Inspection bodies which certify the procedures of the operator should be independent of economic interests with regard to the certification of operators in order to maintain their integrity.

9. Apart from a small portion of agricultural commodities marketed directly from the farm to consumers, most products find their way to consumers via established trade channels. To minimise deceptive practices in the market place, specific measures are necessary to ensure that trade and processing enterprises can be audited effectively. Therefore, the regulation of a process, rather than a final product, demands responsible action by all involved parties.

10. These guidelines have been prepared for the purpose of providing an agreed approach to the requirements which underpin production of, and the labelling and claims for, organically produced foods.

11. The aims of these guidelines are:

- to protect consumers against deception and fraud in the market place and unsubstantiated product claims;
- to protect producers of organic produce against misrepresentation of other agricultural produce as being organic;
- to ensure that all stages of production, preparation, storage, transport and marketing are subject to inspection and comply with these guidelines;
- to harmonise provisions for the production, certification, identification and labelling of organically grown produce;
- to provide international guidelines for organic food control systems in order to facilitate recognition of national systems as equivalent for the purposes of imports; and
- to maintain and enhance organic agricultural systems in each country so as to contribute to the local and global preservation.

12. These guidelines set out the principles of organic production at farm, preparation, storage, transport, labelling and marketing stages, and provides an indication of accepted permitted inputs for soil fertilising and conditioning, plant and animal pest and disease control and, food additives and processing aids. For labelling purposes, the use of certain terms inferring that organic production methods have been used are restricted to products derived from operators under the supervision of an inspection body.

13. Import requirements should be based on the principles of equivalency and transparency as set out in the Principles for Food Import and Export Inspection and Certification[1]. In accepting imports of organic products, countries would usually assess the inspection and certification procedures and the standards applied in the exporting country.

14. Recognizing that organic production systems continue to evolve and that organic principles and standards will continue to be developed under these guidelines, the Codex Committee on Food Labelling (CCFL) shall review these guidelines on a regular basis. The CCFL shall initiate this review process by inviting member governments and international organizations to make proposals to the CCFL regarding amendments to these guidelines prior to each CCFL meeting.

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[1] CAC/GL 20-1995.

SECTION 1. SCOPE

1.1 These guidelines apply to the following products which carry, or are intended to carry, descriptive labelling referring to organic production methods:

(a) unprocessed plants and plant products, animals and unprocessed animal products, and

(b) processed product for human consumption derived mainly from (a) above.

1.2 A product will be regarded as bearing indications referring to organic production methods where, in the labelling or claims, advertising material or commercial documents, the product, or its ingredients, is described by:

- the terms "organic", "biodynamic", "biological", "ecological", or words of similar intent which, in the country where the product is placed on the market, suggests to the purchaser that the product or its ingredients were obtained according to organic production methods;

1.3 Paragraph 1.2 does not apply where these terms clearly have no connection with the method of production.

1.4 These guidelines apply without prejudice to other Codex Alimentarius Commission (CAC) provisions governing the production, preparation, marketing, labelling and inspection of the products specified in paragraph 1.1.

1.5 All materials and/or the products produced from genetically modified organisms (GMO) are not compatible with the principles of organic production (either the growing, manufacturing, or processing) and therefore are not accepted under these guidelines.

SECTION 2. DESCRIPTION AND DEFINITIONS

2.1 Description

Foods described using the term organic or words of similar intent, are the product of an organic farming system employing management practices that seeks to nurture ecosystems which achieve sustainable productivity, and provide weed, pest and disease control through a diverse mix of mutually dependent life forms, recycling plant and animal residues, crop selection and rotation, water management, tillage and cultivation. Soil fertility is maintained and enhanced by a system which optimises soil biological activity and the physical and mineral nature of the soil as the means to provide a balanced nutrient supply for plant and animal life as well as to conserve soil resources. Pest and disease management is attained by means of the encouragement of a balanced host/predator relationship, augmentation of beneficial insect populations, biological and cultural control and mechanical removal of pests and affected plant parts.

2.2 Definitions

For the purpose of these guidelines:

(a) "accreditation" means the recognition by the competent authority or its delegated agent, that an inspection and/or certification body is complying with the requirements as set down in paragraphs 6.5 and 6.6 of these guidelines.

(b) "agricultural product/product of agricultural origin" means any product or commodity, raw or processed, that is marketed for human consumption (excluding water and salt) or animal feed.

(c) "animal" means any cattle, sheep, goats, swine, poultry, equine animals raised for food or in the production of food; fish used for food; domesticated game, or other non-plant life.

(d) "audit" is a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives[2].

(e) "certification" is the procedure by which official certification bodies, or officially recognised certification bodies, provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may he, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems and examination of finished products.

(f) "competent authority" means the official government agency having jurisdiction.

(g) genetically modified organisms are all materials produced through the modern methods of biotechnology; specifically gene technology "recombinant DNA (r DNA)" and all other techniques nsing molecular and/or cell-biology for altering the genetic make-up of living organisms in ways or with results which do not occur in nature or throngh traditional breeding.

(h) "ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form [3].

(i) "inspection" is the examination of food or systems for control of food, raw materials, processing, and distribution including in-process and finished product testing, in order to verify that they conform to requirements[4].

(j) "inspection body" means a body which is responsible for verifying that a product sold or labelled as "organic" is produced, processed, prepared handled, and imported according to these guidelines. This procedure may also carried out by a certification body.

(k) "labelling" means any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal[5].

(l) "marketing" means holding for sale or displaying for sale, offering for sale, selling, delivering or placing on the market in any other form.

(m) "officially recognized inspection systems"/" officially recognized certification systems" are systems which have been formally approved or recognized by a government agency having jurisdiction.

(n) "operator" means any person who produces, prepares or imports, with a view to the subsequent marketing thereof, products as referred to in Section 1.1, or who markets such products.

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[2] CAC/GL 20-1995

[3] Codex Alimentarius Volume 1A - General Requirements, Section 4 - Labelling of Prepackaged Foods (Stan 1-1985 Rev 1-1991)

[4] CAC/GL 20-1995

[5] Codex Stan 1-1985 (rev 1-1991)

(o) "plant protection product" means any substance intended for preventing, destroying, attracting, repelling, or controlling any pest including unwanted species of plants or animals during the production, storage, transport, distribution and processing of food, agricultural commodities, or animal feeds.

(p) "preparation" means the operations of slaughtering, processing, preserving and packaging of agricultural products.[, and also alterations made to the labelling concerning the presentation of the organic production method.]

(q) "production" means the operations undertaken to supply agricultural products in the state in which they occur on the farm, including initial packaging and labelling of the product.

(r) "veterinary drug" means any substance applied or administered to any food-producing animal, such as meat or milk-producing animals, poultry, fish or bees, whether used for therapeutic, prophylactic or diagnostic purposes or for modification of physiological functions or behaviour[6].

SECTION 3. LABELLING AND CLAIMS

3.1 Organic products should be labelled in accordance with the Codex General Standard for the Labelling of Prepackaged Foods[7].

3.2 The labelling and claims of a product specified in Section 1.1(a) may refer to organic production methods only where:

(a) such indications show clearly that they relate to a method of agricultural production;

(b) the product was produced in accordance with the requirements of Section 4 or imported under the requirements laid down in Section 7;

(c) the product was produced or imported by an operator who is subject to the inspection measures laid down in Section 6, and

(d) the labelling refers to the name and/or code number of the officially approved recognised inspection or certification body to which the operator is subject.

3.3 The labelling and claims of a product specified in paragraph 1.1(b) may refer to organic production methods only where:

(a) such indications show clearly that they relate to a method of agricultural production and are linked with the name of the agricultural product in question, as obtained on the farm;

(b) all the ingredients of agricultural origin of the product are, or are derived from, products obtained in accordance with the requirements of Section 4, or imported under the arrangements laid down in Section 7;

(c) the product should not contain any ingredient of non-agricultural origin not listed in Annex 2, Table 5A;

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[6] Codex Alimentarius Commission Procedural Manual, Definitions

[7] Codex Stan 1-1985 (Rev 1-1995)

(e) the product or its ingredients have not been subjected during preparation to treatments involving the use of ionizing radiation or substances not listed in Annex 2, Table 4B;

(f) the product was prepared or imported by an operator subject to the regular inspection system as set out in Section 6 of these guidelines; and

(g) the labelling refers to the name and/or the code number of the official or officially recognised inspection/certification body to which the operator who has carried out the most recent preparation operation is subject.

3.4 By way of derogation from paragraph 3.3(b), certain ingredients of agricultural origin not satisfying the requirement in that paragraph may be used, within the limit of a maximum level of 5% m/m of the ingredients of agricultural origin in the final product, in the preparation of products as referred to in paragraph 1.1(b);

- where such ingredients of agricultural origin are not available, or in sufficient quantity, in accordance with the requirements of Section 4 of these guidelines;

3.5 The labelling and claims of a product as referred to in paragraph 1.1(b) which has been prepared partly from ingredients not satisfying the production requirements of paragraph 3.3(b) may refer to organic production methods provided that:

(a) at least 70% of the ingredients of agricultural origin satisfy the production requirements of paragraph 3.3(b),

- where such ingredients are less than 70% of the total iogredients of agricultural origin, reference to the organic production method may appear only in the list of ingredients;

(b) the product satisfies the requirements of paragraphs 3.3(c), (d) (e), (f) and (g);

(c) the indications referring to organic production methods appear in the list of ingredients and only in relation to those ingredients obtained in accordance with the organic production method

- the statement shall be in the following form: "x% of the agricultural ingredients were produced in accordance with the rules of organic productiou;

(d) the ingredients, appear in descending order (mass/mass) in the list of ingredients;

(e) indications in the list of ingredients appear in the saine colour and with an identical style and size of lettering as other indicatious in the list of ingredieats, and

(f) the labelling refers to the name and/or the code number of the official or officially approved inspection/certification body to which the operator who has carried out the most recent preparation is subject.

Labelling of product in Transition/Conversion to Organic

3.6 Products of farms in transition to organic production methods may only be labelled as "transition to organic" after 12 months of production using organic methods providing that:

(a) the requirements referred to in paragraphs 3.2 and 3.3 are fully satisfied;

(b) the indications referring to transition/conversion do not mislead the purchaser of the product regarding its difference from products obtained from farms and/or farm units which have fully completed the conversion period;

(c) such indications take the form of words, such as "product under conversion to organic farming", or similar words or phrase, and must appear in a colour, size and style of lettering which is not more prominent than the sales description of the product";

(d) foods composed of a single ingredient may be labelled as "transition to organic" on the principal display panel;

(e) product prepared of more than one ingredient of agricultural origin may only refer to transition to organic in the list of ingredients providing it satisfies the requirements of paragraphs 3.2 and 3.3;

(f) the labelling refers to the name and/or the code number of the official or officially approved inspection/certification body to which the operator who has carried out the most recent preparation is subject.

Labelling of non-retail containers

3.7 Information on non-retail containers of a product specified in paragraph 1.1 should be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the manufacturer or packer [and the name and/or the code number of the official or officially recognised inspection/certification body] should appear on the container.

Lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.

SECTION 4. RULES OF PRODUCTION AND PREPARATION

4.1 Organic production methods require that for the production of products referred to in paragraph 1.1(a):

(a) at least the production requirements of Annex 1 should be satisfied;

(b) in the case where (a) (above) is not effective, substances listed in Annex 2, Tables 1, 2 and 3 may be used as plant protection products, fertilizers, soil conditioners, animal feedstuffs, or animal protection products insofar as the corresponding use is not prohibited in general agriculture in the country concerned in accordance with the relevant national provisions

4.2 Organic processing methods require that for the preparation of products referred to in paragraph 1.1(b):

(a) at least the processing requirements of Annex 1 should be satisfied;

(b) substances listed in Annex 2, Tables 4A and 4B [or substances approved by individual countries that meet the criteria established in Section 5.1] may be used as ingredients of non-agricultural origin or processing aids insofar as the corresponding use is not prohibited in the relevant national requirements concerning the preparation of food products and according to good manufacturing practice.

4.3 Organic products should be stored and transported according to the requirements of Annex 1.

SECTION 5. REQUIREMENTS FOR INCLUSION OF SUBSTANCES IN ANNEX 2 AND CRITERIA FOR THE DEVELOPMENT OF LISTS OF SUBSTANCES BY COUNTRIES[8]

5.1 At least the following criteria should be used for the purposes of amending the permitted substance lists referred to in Section 4. These lists include products whose use is established in organic agriculture as well as new products that have to meet this criteria. Each input is necessary/essential and should be considered in the context in which the product will be used. Their use satisfies the principles of organic production as outlined in these guidelines. Available alternatives, including inputs which are already in use in organic production, should be evaluated:

(a) if they are used for fertilization, soil conditioning purposes–

- they are essential for obtaining or maintaining the fertility of the soil or to fulfil specific nutrition requirements of crops, or specific soil-conditioning and rotation purposes which cannot be satisfied by the practices included in Annex 1 or other products included in Table 2 of Annex 2; and,

- the ingredients will be of plant, animal, microbial, or mineral origin and may undergo the following processes:
  - physical (eg. mechanical, thermal)
  - enzymatic
  - microbial; and

- their use does not result in, or contribute to, unacceptable effects on, or contamination of, the environment, including soil organisms; and

- their use has no unacceptable effect on the quality and safety of the final product.

(b) if these substances are used for the purpose of plant disease or pest and weed control-

- they should be essential for the control of a harmful organism or a particular disease for which other biological, physical, or plant breeding alternatives and/or effective management practices are not available, and

- substances should be plant, animal, microbial, or mineral origin and may undergo the following processes:
  -physical (eg. mechanical, thermal)
  -enzymatic
  -microbial (eg. composting, digestion);

- their use does not result in, or contribute to, unacceptable effects on, or contamination of, the environment.

- however, if they are nature identical products such as pheromones, which are chemically synthesized they will be considered for addition to lists if the products are not available in sufficient quantities in their natural form, provided that the conditions for their use do not directly or indirectly result in the presence of residues of the product in the edible parts.

(c) if they are used for the purpose of animal health - (criteria to be developed).

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[8] These criteria are recommended to governments on a trial basis for a period of two years in order to achieve experience in line with organic production principles at the national level.

(d) if they are used as additives or processing aids in the preparation or preservation of the food–

- they are indispensable for ensuring the safety of the food, or
- they are essential to prepare or preserve such foods, and
- such substances are as found in nature and may have undergone mechanical/physical processes (eg extraction, precipitation), biological/enzymatic processes (eg fermentation) and microbial processes;
- however, if they are nature identical products which are chemically synthesized and it is not possible to prepare or preserve such food products without having recourse to such ingredients they will be considered for addition to the lists if the ingredients are not available in sufficient qnantities in their natural form.

5.2 Countries should develop a list of substances which satisfy the requirements of these guidelines. Substances included in the list developed by a country but not yet included in Annex 2 of these guidelines may be a part of the equivalence judgement and decision referred to in section 7.4 of these guidelines. In doing so, countries may reduce the list of substances indicated in the lists included in Annex 2. Countries may include in their own lists substances other than those listed in Annex 2 only if:

- the criteria in 5.1 are used as a basis for these additions;

5.3 When a country proposes inclusion of a substance in Annex 2 it shonld submit the following information:

(a) a detailed description of the product and the conditions of its envisaged use;

(b) any information to demonstrate that the requirements under Section 5.1 are satisfied.

The open nature of the lists

5.4 Because of the primary purpose of providing a core list of substances, the lists in Annex 2 are open and subject to the inclusion of additional substances or the removal of existing ones on an ongoing basis. The procedure for requesting amendments to the lists is set out under Section 8 of these Guidelines.

SECTION 6. INSPECTION AND CERTIFICATION SYSTEMS[9]

6.1 Inspection and certification systems are used to verify the labelling of, and claims for, organically-produced foods. Development of these systems should take into acconnt the Principles for Food Import and Export Inspection and Certification and the (draft) Guideline for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems.[10]

6.2 Competent authorities should establish an inspection system operated by one or more designated authorities and/or officially recognized inspection/certification[11] bodies to which the operators producing,

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[9] The systems conducted by certification bodies may in some countries be equivalent to those systems condncted by inspection bodies. Therefore, the term "inspection and certification" has been used wherever these systems may be synonymous.

[10] CAC/GL 20-1995, ALINORM 97/30A, Appendix II, respectively

[11] In organic approval processes reference is frequently made to certification performed by either a 'certification body' or an 'inspection body'. Where these functions are conducted by the same body there must be clear separation of the inspection and certification roles.

preparing or importing products as referred to in paragraph 1.1 should be subject.

6.3 The officially recognized inspection and certification systems should comprise at least the application of the measures and other precautions set out in Annex 3.

6.4 For the application of the inspection system operated by the official or officially recognized inspection/certification body, countries should identify a competent authority responsible for the approval and supervision of such bodies;

- The identified competent authority may delegate the assessment of private inspection and certification bodies to a private or public third party. If delegated, the private or public third party should not be engaged in inspection and/or certification;

- for this purpose an importing country may recognise a third party accrediting body when the exporting country lacks an identified competent authority and a national program.

6.5 In order to attain approval as an officially recognized inspection or certification body, the competent authority, or its designate should take into account the following:

(a) the standard inspection/certification procedures to be followed, including detailed description of the inspection measures and precautions which the body undertakes to impose on operators subject to inspection;

(b) the penalties which the body intends to apply where irregularities and/or infringements are found;

(c) the availability of appropriate resources in the form of qualified staff, administrative and technical facilities, inspection experience and reliability;

(d) the objectivity of the body vis-a-vis the operators subject to inspection.

6.6 After an inspection or certification body has been approved, the competent authority or its designate should:

(a) ensure that the inspections carried out on behalf of the inspection or certification body are objective;

(b) verify the effectiveness of inspections;

(c) take cognizance of any irregularities and/or infringements found and penalties applied;

(d) withdraw approval of the inspection or certification body where it fails to satisfy the requirements referred to in (a) and (b) or, no longer fulfils the criteria indicated in paragraph 6.5 or, fails to satisfy the requirements laid down in paragraphs 6.7 to 6.9.

6.7 Official and/or officially recognized inspection and certification bodies referred to in paragraph 6.2 should:

(a) ensure that at least the inspection measures and precautions specified in Annex 3 are applied to undertakings subject to inspection; and

(b) not disclose confidential information and data obtained in their inspection or certification activities to persons other than the person responsible for the undertaking concerned and the competent authorities.

6.8 Official or officially recognized inspection and/or certification bodies should:

(a) give the competent authority or its designate, for audit purposes, access to their offices and facilities and, for random audit of its operators, access to the facilities of the operators, together with any information and assistance deemed necessary by the competent authority or its designate for the fulfilment of its obligations pursuant to these guidelines;

(b) send to the competent authority or its designate each year a list of operators subject to inspection for the previous year and present to the said authority a concise annual report.

6.9 The designated authority and the official or officially recognized inspection/certification bodies referred to in paragraph 6.2 should:

(a) ensure that, where an irregularity is found in the implementation of Sections 3 and 4, or of the measures referred to in Annex 3, the indications provided for in paragraph 1.2 referring to the organic production method are removed from the entire lot or production run affected by the irregularity concerned;

(b) where a manifest infringement, or an infringement with prolonged effects is found, prohibit the operator concerned from marketing products with indications referring to the organic production method for a period to be agreed with the competent authority or its designate.

6.10 The requirements of the Guidelines for the Exchange of Information between Countries on Rejections of Imported Food [12] should apply where the competent authority finds irregularities and/or infringements in the application of these guidelines.

SECTION 7. IMPORTS

7.1 Products as specified in paragraph 1.1 which are imported may be marketed only where the competent authority or designated body in the exporting country has issued a certificate of inspection stating that the lot designated in the certificate was obtained within a system of production, preparation and inspection applying at least the rules provided for in all sections and annexes of these guidelines and satisfy the decision on equivalency referred to under 7.4.

7.2 The certificate referred to in paragraph 7.1 above should accompany the goods, in the original copy, to the premises of the first consignee; thereafter the importer should keep the transactional certificate for not less than two years for inspection/audit purposes.

7.3 The authenticity of the product should be maintained after import through to the consumer. If imports of organic products are not in conformity with the requirements of these guidelines due to treatment required by national regulations for quarantine purposes that is not in conformity with these guidelines they loose their organic status.

7.4 An importing country may:

(a) require detailed information, including reports established by experts mutually agreed between competent authorities of the exporting and importing countries, on the measures applied in the exporting country to enable it to make judgements and decisions on equivalency with its own rules provided that these rules of the importing country are in conformity with these guidelines, and/or

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[12] Alinorm 97/30, Appendix 7

(b) arrange for site visits to examine the rules of production and preparation, and the inspection/certification measures including production and preparation itself as applied in the exporting country.

(c) require, in order to avoid any confusion to the consumer, that the product is labelled in accordance with the labelling requirements applied, in accordance with the provisions of section 3, in the importing country for the products concerned.

SECTION 8. ONGOING REVIEW OF THE GUIDELINES

8.1 In line with the purpose of the guidelines to provide advice to governments, member governments and international organizations are invited to make proposals to CCFL on an ongoing basis. Once a final document is agreed, the CCFL shall conduct a review each 4 years of these guidelines and review each two years (or as required) the lists included in Annex 2 in order to take into account the latest developments in this area.

8.2 Proposals should be directed in the first instance to the Chief, Joint FAO/WHO Food Standards Programme, FAO, 00100, Rome ITALY.

PRINCIPLES OF ORGANIC PRODUCTION

A. Plants and plant products

1. The principles set out in this Annex should have been applied on the parcels, farm or farm units during a conversion period of at least two years before sowing, or in the case of perennial crops other than grassland, at least three (3) years before the first harvest of products as referred to in paragraph 1.1(a) of these guidelines. The official or officially recognized inspection/certification body may decide in certain cases (such as idle use for two years or more) to extend or reduce that period in the light of previous parcel use but the period must equal or exceed 12 months, unless in individual cases the inspection body has adequate justification to reduce further this period.

2. Whatever the length of the conversion period it may only begin once a production unit has been placed under an inspection system as required by 6.2 and once the unit has started the implementation of the production rules referred to in Section 4 of these Guidelines.

3. In cases where a whole farm is not converted at one time, it may be done progressively whereby these guidelines are applied from the start of conversion on the relevant fields. Conversion from conventional to organic production should be effected using permitted techniques as defined in these guidelines.

4. Areas in conversion as well as areas converted to organic production must not be alternated (switched back and forth) between organic and conventional production methods.

5. In cases where a whole farm is not converted at the one time, the holding must be split into units as referred to in Annex 3, part A, paragraphs 3 and 11.

6. The fertility and biological activity of the soil should be maintained or increased, where appropriate, by:

(a) cultivation of legumes, green manures or deep-rooting plants in an appropriate multi-annual rotation programme;

(b) incorporation in the soil of organic material, composted or not, from holdings producing in accordance with these guidelines. By-products from livestock farming, such as farmyard manure, may be used if they come from livestock holdings producing in accordance with these guidelines;

Substances, as specified in Annex 2, Table 1 may be applied only to the extent that adequate nutrition of the crop or soil conditioning are not possible by the methods set out in 6(a) and (b) above.

(c) for compost activation, appropriate micro-organisms or plant-based preparations may be used;

(d) biodynamic preparations from stone meal, farmyard manure or plants may also be used for the purpose covered by paragraph 6.

7. Pests, diseases and weeds should be controlled by any one, or a combination, of the following measures:

- choice of appropriate species and varieties;

- appropriate rotation programs;

- mechanical cultivation;

- protection of natural enemies of pests through provision of favourable habitat, such as hedges and nesting sites;

- diversified ecosystems. These will vary between geographical locations. For example, ecological buffer zones which maintain the original vegetation to house pest predators, counteract erosion, etc;

- flame weeding;

- release of predators and parasites;

- biodynamic preparations from stone meal, farmyard manure or plants;

- mulching and mowing;

- grazing of livestock;

- mechanical controls such as traps, barriers, light and sound;

- steam sterilization when proper rotation of soil renewal cannot take place.

8. Only in cases of imminent or serious threat to the crop and where the measures identified in 6. (above) are, or would not be effective, recourse may be had to products referred to in Annex 2.

9. Seeds and vegetative reproductive material should be from plants grown in accordance with the provisions of Section 4.1 of these guidelines for at least one generation or, in the case of perennial crops, two growing seasons. Where an operator can demonstrate to the official or officially recognized inspection/certification body that material satisfying the above requirements is not available, the inspection/certification body may support:

(a) in the first instance, use of untreated seeds or vegetative reproductive material, or

(b) if (a) is not available, use of seeds and vegetative reproductive material treated with substances other than those included in Annex 2.

10. The collection of edible plants and parts thereof, growing naturally in natural areas, forests and agricultural areas, is considered an organic production method provided that:

- the products are from a clearly defined collection area that is subject to the inspection/certification measures set out in Section 6 of these guidelines;

- those areas have received no treatments with products other than those referred to in Annex 2 for a period of three years before the collection;

- the collection does not disturb the stability of the natural habitat or the maintenance of the species in the collection area.

B. Animal Production in an Organic System

At Step 6- see CX/FL 97/4.

C. Processing (To be Developed)

D. Packaging, Storage and Transport

1. Where only part of the unit is certified, other product not covered by these guidelines should be stored and handled separately and both types of products should be clearly identified.

2. Bulk stores for organic product should be separate from conventional product stores and clearly labelled to that effect.

3. Storage areas and transport containers for organic product should be cleaned using methods and materials permitted in organic production. Measures should be taken to prevent possible contamination from any pesticide or other treatment not listed in Annex 2 before using a storage area or container that is not dedicated solely to organic products.

4. Permitted specific storage conditions may include substances listed in Annex 2, Table 4.

5. Pests should be avoided by good manufacturing practice. Pest control measures within storage areas or transport containers may include physical barriers or other treatments listed in Annex 2, Table 4.

6. Use of pesticides not listed in Annex 2 for post harvest or quarantine purposes should not be permitted on products prepared in accordance with these guidelines and would cause organically produced foods to lose their organic status. Irradiation is not permitted as a pest control measure under the organic system.

7. All materials used for packaging must conform to food grade packaging materials as established by national regulations and should minimise the migration of substances not permitted under these guidelines.

8. Any contamination of packaging material from substances that could comprise the organic product should be excluded.

ANNEX 2

PERMITTED SUBSTANCES FOR THE PRODUCTION OF ORGANIC FOODS

Precautions

1. Any substances used in an organic system for soil fertilisation and conditioning, pest and disease control, for the health of livestock and quality of the animal products, or for preparation, preservation and storage of the food product should comply with the relevant national regulations.

2. Conditions for use of certain substances contained in the following lists may be specified by the inspection/certification body, eg volume, frequency of application, specific purpose, etc.

3. Where substances are required for primary production they should be used with care and with the knowledge that even permitted substances may be subject to misuse and may alter the ecosystem of the soil or farm.

4. The following lists do not attempt to be all inclusive or exclusive, or a finite regulatory tool but rather provide advice to governments on internationally agreed inputs. A system of review criteria as detailed in Section 5 of these Guidelines for products to be considered by national governments should be the primary determinant for acceptability or rejection of substances.

5. The lists of ingredients and processing aids of non-agricultural origin included in Tables 5 and 6 take into account the expectations of consumers that processed products from organic production systems should be composed essentially of ingredients as they occur in nature.

TABLE 1: SUBSTANCES FOR USE IN SOIL FERTILIZING AND CONDITIONING

Substance	Description; compositional requirements; conditions of use
Farmyard and poultry manure	need recognised by inspection body if not sourced from organic production systems. 'Factory' farming sources not permitted.
Slurry or urine	If not from organic sources, need recognised by inspection body. Use preferably after controlled fermentation and/or appropriate dilution. 'Factory' farming sources not permitted.
Composted animal excrements, including poultry manure and composted farmyard manure	need recognised by the inspection authority. 'Factory' farming sources not permitted.
Dried farmyard manure and dehydrafted poultry manure	need recognised by inspection body. 'Factory' farming sources not permitted.
Guano	need recognised by inspection body
Straw	need recognised by inspection body
Composts from spent mushroom & vermiculture substrates	need recognised by inspection body The initial composition of the substrate must be limited to the products on this list.
Composts from organic household refuse	need recognised by inspection body
Composts from plant residues	—
Processed animal products from slaughterhouses & fish industries	need recognised by inspection body
By-products of food & textile industries	need recognised by inspection body and not treated with synthetic additives.
Seaweeds and seaweed products	need recognised by inspection body
Sawdust, bark and wood waste	need recognised by inspection body
Wood ash	—
Natural phosphate rock	need recognised by inspection body Cadmium should not exceed 90mg/kg P_2O_5.
Basic slag	need recognised by inspection body
Rock potash, Mined potassium salts (eg kainit, sylvinite)	less than 60% chlorine
Sulphate of potash (eg patentali)	need recognised by inspection body
Calcium carbonate of natural origin (eg chalk, marl, maerl, limestone, phosphate chalk)	—
Magnesium rock	—
Calcareous magnesium rock	—
Epsom salt (magnesium-sulphate)	—
Gypsum (calcium sulphate)	—
Stillage and stillage extract	ammonium stillage excluded
Sodium chloride	only mined salt
Aluminium calcium phosphate (pH >7.5)	maximum 90 mg/kg P2O5. Use limited to basic soils
Trace elements (eg. boron, copper, iron, manganese, molybdenum, zinc)	need recognised by inspection body
Sulphur	need recognised by inspection body
Stone meal	—
Clay (eg. bentonite, perlite, zeolite)	—
Naturally occurring biological organisms (eg worms)	providing not genetically modified
Vermiculite	—
Peat	excluding synthetic additives; permitted for seed, potting module composts. Other use as recognised by inspection body.
Humus from earthworms and insects	—
Zeolites	—

Wood charcoal	—
Chloride of lime/soda	need recognised by inspection body (calcium chloride only for foliar treatment against bitter pit on apples)
Human excrements	need recognised by inspection body, if possible aerated or composted
By-products of the sugar industry (eg Vinasse)	need recognised by inspection body
By-products of industries processing ingredients from organic agriculture	need recognised by inspection body

TABLE 2: SUBSTANCES FOR PLANT PEST AND DISEASE CONTROL

Substance	Description; compositional requirements; conditions for use
Preparations on basis of pyrethrins extracted from Chrysanthemum cinerariaefolium, containing possibly a synergist	need recognised by inspection body
Preparations from Derris elliptica	need recognised by inspection body
Preparations from Quassia amara	need recognised by inspection body
Preparations from Ryania speciosa	need recognised by inspection body
Preparations on basis of metaldehyde containing a repellent to higher animal species and as far as applied in traps	need recognised by inspection body
Inorganic compounds (Bordeaux mixture, copper hydroxide copper oxychloride)	need recognised by inspection body
Burgundy mixture	need recognised by inspection body
Copper salts	need recognised by inspection body
Sulphur	need recognised by inspection body
Pheromone preparations	in traps, not sprayed on crops
Bacillus thuringiensis preparations	need recognised by inspection body
Granulose virus preparations	need recognised by inspection body
Propolis	need recognised by inspection body
Mineral powders (stone meal, silicates, Betonit)	—
Diatomaceous earth	need recognised by inspection body
Silicates, clay (e.g. Bentonite)	—
Sodium silicate	—
Sodium bicarbonate	—
Potassium permanganate	need recognised by inspection body
Carbon dioxide and nitrogen gas	need recognised by inspection body
Potassium soap (soft soap)	—
Plant and animal oils	—
Paraffin oil	need recognised by inspection body
Seaweed, seaweed meal, seaweed extracts, sea salts and salty water	not chemically treated
Gelatine	—
Lecithin	need recognised by inspection body
Casein	
Ethyl alcohol	need recognised by inspection body
Natural acids (eg vinegar)	need recognised by inspection body
Neem oil and extracts	need recognised by inspection body
Homoeopathic preparations	—
Fermented product from Aspergillas	
Extract from mushroom (shiitake fungus)	
Extract from Chlorella	
Natural plant extracts, excluding tobacco	need recognised by inspection body
Tobacco tea (except pure nicotine)	need recognised by inspection body
Herbal and biodynamic preparations	—
Release of predators of insect pests	need recognised by inspection body
Sterilised insect males (if not genetically modified)	need recognised by inspection body

TABLE 3: SUBSTANCES FOR ANIMAL PEST AND DISEASE CONTROL

(To be Developed)

TABLE 4: SUBSTANCES AND METHODS PERMITTED FOR PEST CONTROL IN STORAGE AND TRANSPORT *UNITS*.

Substance/physical method	Conditions of use
Physical barriers	
Sound	
Ultra-sound	
Light	
Ultra-violet light	
Traps (pheromone traps and static bait traps)	Not in sealed containers
Controlled temperature	
Controlled atmosphere (carbon dioxide, oxygen, nitrogen)	
Diatomaceous earth	

TABLE 5: INGREDIENTS OF NON AGRICULTURAL ORIGIN REFERRED TO IN SECTION 3 OF THESE GUIDELINES

A1. Food additives, including carriers

INS	Name	Specific conditions
170	Calcium carbonates	
220	Sulphur dioxide	wine products
270	Lactic acid	concentrated fruit and vegetable juice and fermented vegetable products
290	Carbon dioxide	
296	Malic acid	
300	Ascorbic acid	if not available in natural form
306	Tocopherols, mixed natural concentrates	—
322	Lecithin	obtained without the use of bleaches and organic solvents
330	Citric acid	concentrated fruit and vegetable juice, jam and fermented vegetable products
331	Sodium citrates	meat products
332	Potassium citrates	meat products
333	Calcium citrates	meat products
335	Sodium tartrate	cakes/confectionary
336	Potassium tartrate	cereals/cakes/confectionary
341i	Mono calcium phosphate	only for raising flour
400	Alginic acid	
401	Sodium alginate	
402	Potassium alginate	
406	Agar	
407	Carageenan	
410	Locust bean gum	
412	Guar gum	
413	Tragacanth gum	
414	Arabic gum	Milk, fat and confectionary products
415	Xanthan gum	fat products, fruit and vegetables, cakes & biscuits, salads
416	Karaya gum	
440	Pectins (unmodified)	
500	Sodium carbonates	cakes & biscuits/confectionary
501	Potassium carbonates	cereals/cakes & biscuits/confectionary
503	Ammonium carbonates	
504	Magnesium carbonates	
508	Potassium chloride	frozen fruit and vegetables/canned fruit and vegetables, vegetable sauces/ketchup and mustard
509	Calcium chloride	milk products/fat products/fruit & vegetables/soy bean products
511	Magnesium chloride	soy bean products
516	Calcium sulphate	cakes & biscuits/soy bean products/bakers yeast Carrier
524	Sodium hydroxide	cereal products
938	Argon	
941	Nitrogen	
948	Oxygen	

A2. Flavourings

Substances and products labelled as natural flavouring substances or natural flavouring preparations as defined in Codex Alimentarius 1A- 1995, Section 5.7

A3. Water and salts

Drinking water
Salts (with sodium chloride or potassium chloride as basic components generally used in food processing).

A4. Preparations of Microorganisms and Enzymes

(a) Any preparations of microorganisms and enzymes normally used in food processing, with the exception of microorganisms genetically modified or enzymes derived from genetic engineering;

A5. Minerals (including trace elements), vitamins, essential fatty and amino acids, and other nitrogen compounds. Only approved in so far as their use is legally required in the food products in which they are incorporated.

TABLE 6: PROCESSING AIDS WHICH MAY BE USED FOR THE PREPARATION OF PRODUCTS OF AGRICULTURAL ORIGIN REFERRED TO IN SECTION 3 OF THESE GUIDELINES

Name	Specific conditions
Water	
Calcium chloride	coagulation agent
Calcium carbonate	
Calcium hydroxide	
Calcium sulphate	coagulation agent
Magnesium chloride (or nigari)	coagulation agent
Potassium carbonate	drying of grape raisins
Carbon dioxide	
Nitrogen	
Ethanol	solvent
Tannic acid	filtration aid
Egg white albumin	
Casein	
Gelatin	
Isinglass	
Vegetable oils	greasing or releasing agent
Silicon dioxide	as gel or colloidal solution
Activated carbon	
Talc	
Bentonite	
Kaolin	
Diatomaceous earth	
Perlite	
Hazelnut shells	
Beeswax	releasing agent
Carnauba wax	releasing agent
Sulphuric acid	pH adjustment of extraction water in sugar production
Sodium hydroxide	pH adjustment in sugar production
Tartaric acid and salts	
Sodium carbonate	sugar production
Diatomaceous earth	
Preparations of bark components	
Potassium hydroxide	pH adjustment for sugar processing
Citric Acid	pH adjustment

Preparations of microorganisms and enzymes:
Any preparations of microorganisms and enzymes normally used as processing aids in food processing, with the exception of genetically modified organisms and enzymes derived from genetically modified organisms.

ANNEX 3

MINIMUM INSPECTION REQUIREMENTS AND PRECAUTIONARY MEASURES UNDER THE INSPECTION OR CERTIFICATION SYSTEM

1. Inspection measures are necessary across the whole of the food chain to verify product labelled according to Section 3 of these guidelines conforms to internationally agreed practices. The official or officially recognised inspection/certification body and the competent authority should establish policies and procedures in accordance with these guidelines.

2. Access by the inspection body to all written and/or documentary records and to the establishment under the inspection scheme is essential. The operator under an inspection program should also give access to the competent or designated authority and provide any necessary information for third party audit purposes.

A. Production units

3. Production should take place in a unit where the land parcels, production areas and storage facilities are clearly separate from those of any other unit which does not produce according to these guidelines; preparation and/or packaging workshops may form part of the unit, where its activity is limited to preparation and packaging of its own agricultural produce.

4. When the inspection arrangements are first implemented, the operator and the official or officially recognised inspection/certification body should draw up and sign a document which includes:

- a full description of the unit and/or collection areas, showing the storage and production premises and land parcels and, where applicable, premises where certain preparation and/or packaging operations take place;

- and, in the case of collection of wild plants, the guarantees given by third parties, if appropriate, which the producer can provide to ensure that the provisions of Annex 1, para 10 are satisfied;

- all the practical measures to be taken at the level of the unit to ensure compliance with these guidelines;

- the date of the last application on the land parcels and/or collection areas concerned of products the use of which is not compatible with Section 4 of these guidelines;

- an undertaking by the operator to carry out operations in accordance with Sections 3 and 4 and to accept, in event of infringements, implementation of the measures as referred to in Section 6, paragraph 9 of these guidelines.

5. Each year, before the date indicated by the inspection body, the operator should notify the official or officially recognised inspection/certification body of its schedule of production of crop products and livestock, giving a breakdown by land parcel/herd.

6. Written and/or documentary accounts should be kept which enable the official or officially recognised inspection/certification body to trace the origin, nature and quantities of all raw materials bought, and the use of such materials; in addition, written and/or documentary accounts should be kept of the nature, quantities and consignees of all agricultural products sold. Quantities sold directly to the final consumer should preferably be accounted for on a daily basis.

7. Storage, on the unit, of input substances, other than those whose use is compatible with paragraph 4.1(b) of these guidelines is prohibited.

8. Apart from unannounced inspection visits, the official or officially recognised inspection/certification body should make a full physical inspection, at least once a year, of the unit. Samples for testing of products not listed in these guidelines may be taken where their use is suspected. An inspection report should be drawn up after each visit.

9. The operator should give the inspection/certification body, for inspection purposes, access to the storage and production premises and to the parcels of land, as well as to the accounts and relevant supporting documents. The operator should also provide the inspection body with any information deemed necessary for the purposes of the inspection.

10. Products referred to in Section 1 of these guidelines which are not in their packaging for the end consumer should be transported in a manner which would prevent contamination or substitution of the content with substances or product not compatible with these guidelines and provide the following information, without prejudice to any other indications required by law:

- the name and address of the person responsible for the production or preparation of the product;
- the name of the product; and
- that the product is of organic status

11. Where an operator runs several production units in the same area, units in the area producing crop, crop products or livestock not covered by Section 1 should also be subject to the inspection arrangements as regards the dash points of paragraph 4 and paragraphs 6 and 7 above. Plants and animals or their products of the same variety as those prodnced at the nnit referred to in paragraph 3 above should not be produced at these units.

[The official or officially recognised inspection/certification body may grant a derogation for a period determined by the inspection/certification body or the competent authority, subject to supplementary inspection requirements imposed by the inspection/certification body.

OR

The official or officially recognised inspection/certification body may grant a derogation for a period in particular cases such as perennial crop production, subject to the supplementary inspection requirements imposed by the inspection/certification body.]

B. Preparation and packaging units

1. When the inspection arrangements are first implemented, the producer and/or operatorand [inspection body] should draw up:

- a full description of the unit, showing the facilities used for the , preparation, packaging and storage of agricultural products before and after the operations concerning them;

- all the practical measures to be taken at the level of the unit to ensure compliance with these guidelines.

This description and the measures concerned should be contained in an inspection report, countersigned by the responsible person of the unit.

In addition, the report should include an undertaking by the operator to perform the operations in such a way as to comply with Section 4 of these guidelines and to accept, in the event of infringements, the implementation of measures as referred to in paragraph 6.9 of these guidelines.

2. Written accounts should be kept enabling the inspection/certification body to trace:
- the origin, nature and quantities of agricultural products as referred to in Section 1 of these guidelines which have been delivered to the unit;

- the nature, quantities and consignees of products as referred to in Section 1 of these guidelines which have left the unit;

- any other information such as the origin, nature and quantities of ingredients, additives and manufacturing aids delivered to the unit and the composition of processed products, that is required by the inspection/certification body for the purposes of proper inspection of the operations.

3. Where products not referred to in Section 1 of these guidelines are also processed, packaged or stored in the unit concerned:

- the unit should have separate areas within the premises for the storage of products as referred to in Section 1 of these guidelines, before and after the operations;

- operations should be carried out continuously until the complete run has been dealt with, separated by place or time from similar operations performed on products not covered by Section 1 of these guidelines;

- if such operations are not carried out frequently, they should be announced in advance, with a deadline agreed on with the inspection/certification body;

- every measure should be taken to ensure identification of lots and to avoid mixtures with products not obtained in accordance with the requirements of these guidelines.

4. Apart from unannounced inspection visits, the official or officially recognised inspection/certification body should make a full physical inspection, at least once a year, of the unit. Samples for testing of products not listed in these guidelines may be taken where their use is suspected. An inspection report must be drawn up after each visit countersigned by the person responsible for the unit inspected.

5. The operator should give the official or officially recognised inspection /certification body, for inspection purposes, access to the unit and to written accounts and relevant supporting documents. The operator should also provide the inspection body with any information necessary for the purposes of inspection.

6. The requirements in respect to the transport as laid down in paragraph A.11of this Annex are applicable.