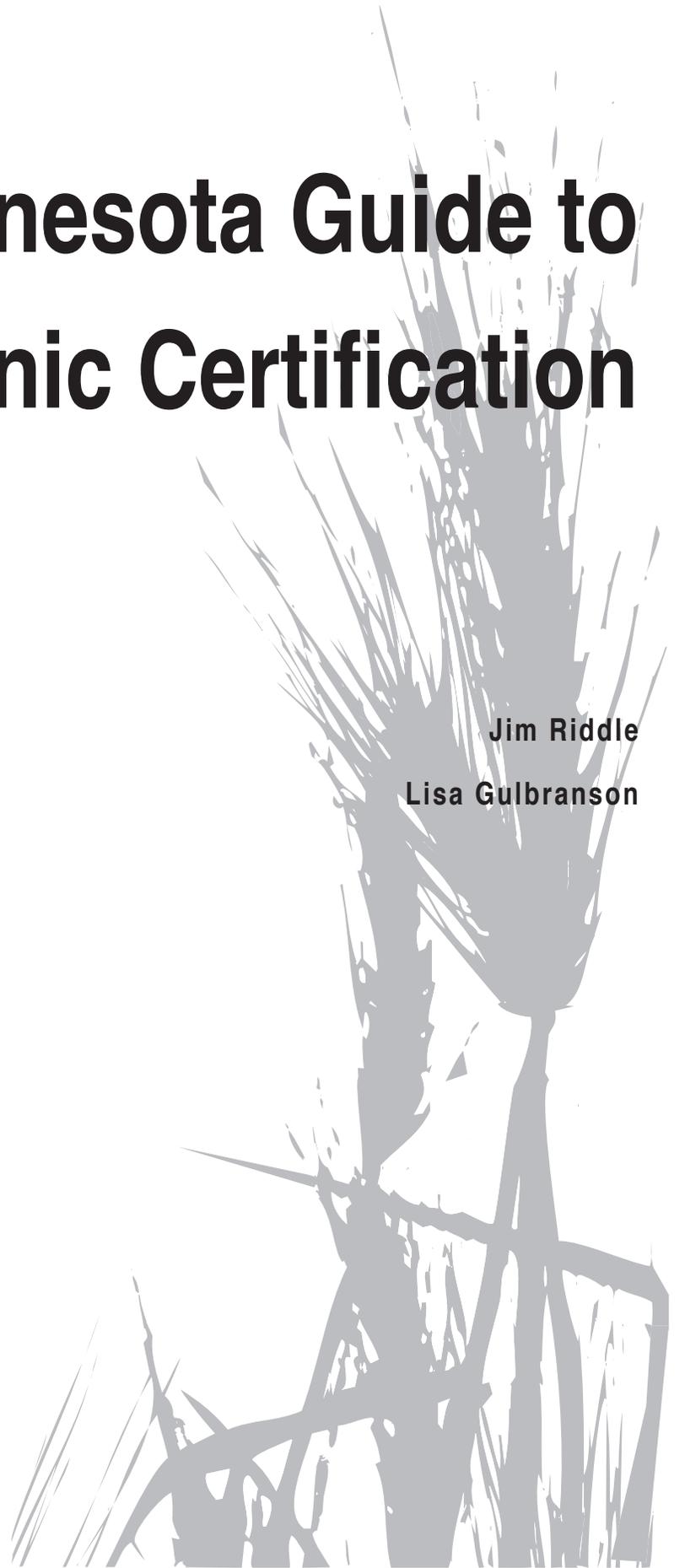




Minnesota Guide to Organic Certification

Jim Riddle

Lisa Gulbranson



Minnesota Institute for Sustainable Agriculture

This publication is part of a series developed by MISA, through its Information Exchange Program, a clearinghouse of sustainable agriculture information and materials in Minnesota. These informational materials are accessible to the public by phone (toll-free), fax, e-mail, or the World Wide Web.

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Organic Ecology at the University of Minnesota

The University of Minnesota's Organic Ecology Program coordinates UMN organic research and outreach activities. Based at the Southwest Research and Outreach Center in Lamberton, the program works with researchers and extension educators from other University Research and Outreach Centers and the St. Paul campus to provide research-based organic information to Minnesota farmers. The 160-acre Elwell Agroecology Farm, also located at the Southwest Research and Outreach Center, is one of the largest certified organic research acreages at any land grant university. UMN researchers and students have a unique opportunity to conduct long-term organic systems research at this flag-ship site.

The UMN's Organic Ecology Program:

- provides research-based recommendations to help producers convert conventional systems to successful certified organic operations;
- sponsors organic field days and workshops;
- participates in organic agriculture conferences and symposia;
- facilitates connections between producers, researchers, industry leaders, and policy makers;
- hosts the www.organicecology.umn.edu website; and
- helps UMN students pursue avenues for organic agriculture research and education.

For more information about this program, contact

Organic Ecology Research and Outreach Program
Southwest Research and Outreach Center
23669 130th Street
Lamberton, MN 56152
(507) 752-7372
www.organicecology.umn.edu



The Organic Ecology Program is located at the University of Minnesota's Southwest Research and Outreach Center.



MISA is a partnership between the University of Minnesota's College of Food, Agricultural, and Natural Resource Sciences, University of Minnesota Extension and the Sustainers' Coalition. MISA's purpose is to bring together the agricultural community and the University community in a cooperative effort to develop and promote sustainable agriculture in Minnesota and beyond.

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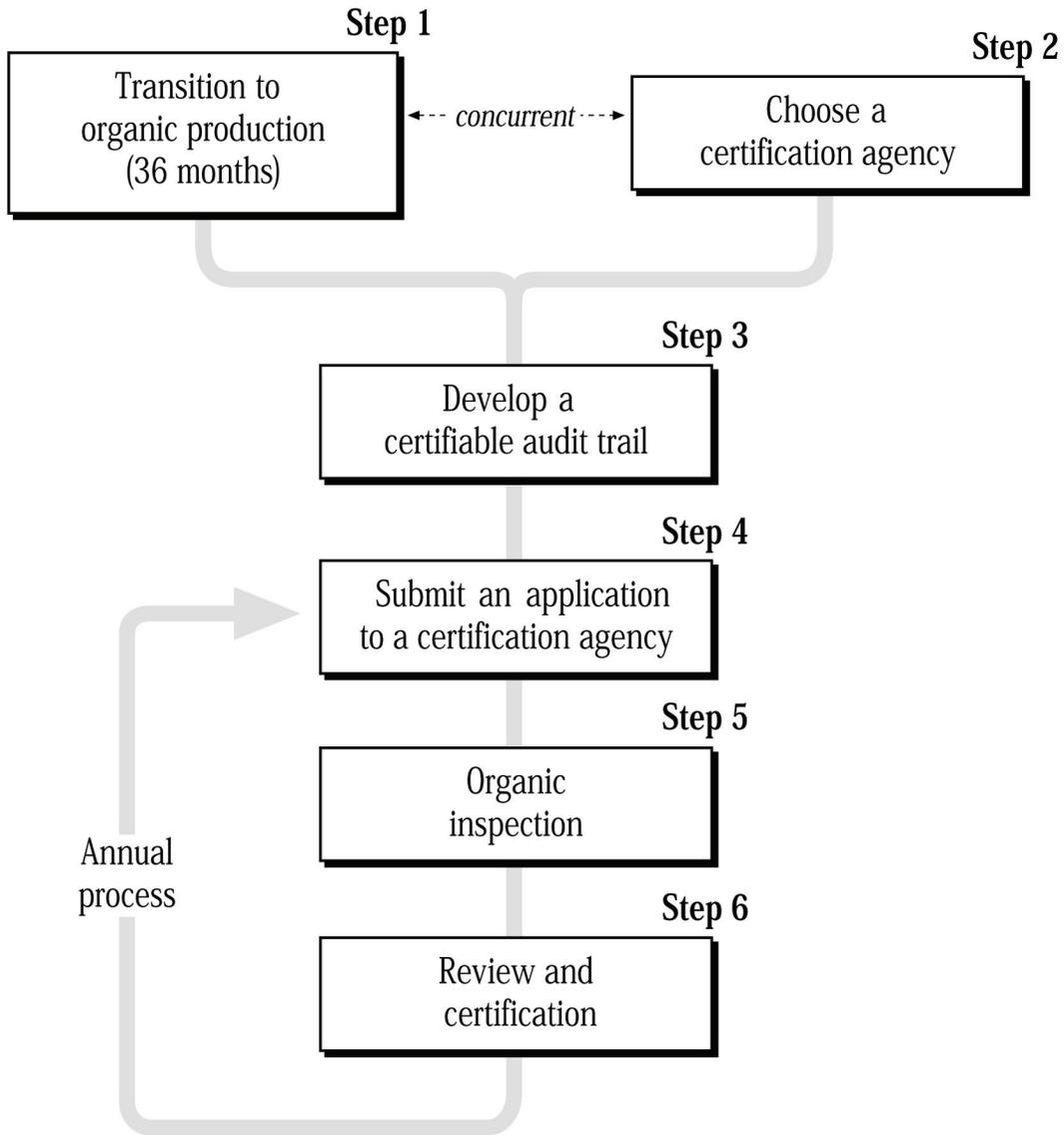
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The Organic Certification Process



The Decision: Whether to Become Certified Organic

INTRODUCTION

Producers have heard about many of the potential benefits of organic production, such as

- premium prices for organic products,
- improved soil and water quality associated with diversified cropping systems and reduced use of synthetic chemical inputs,
- reduced handling of potentially hazardous agricultural chemicals, and
- increased profits through reduced use of off-farm (purchased) inputs.

But, what does organic mean? How can a producer participate in the organic market? How does a producer develop a certifiable organic production system? This publication will answer these questions and others as it describes organic certification for Minnesota farmers and processors. The publication includes the following:

.....
Organic certification assures the consumer that products labeled as “organic” were produced and processed according to strict standards established by the USDA.

- 1) answers to commonly asked questions concerning the decision to develop a certified organic cropping system (crops include grains, legumes, forages, fruits, and vegetables);
- 2) an overview of the organic industry;
- 3) a detailed description of the certification process along with usable forms, examples, and tips for navigating through it;
- 4) an overview of certification for organic livestock production and organic on- and off-farm processing; and
- 5) further sources of information.

WHAT DOES “ORGANIC” MEAN?

“Organic” generally refers to a farm production management system that promotes and enhances biodiversity, biological cycles, and soil biological activity to promote healthy crops without the use of synthetic chemicals (meaning synthetic pesticides—herbicides, insecticides, etc.—and synthetic fertilizers).

WHAT DOES “ORGANIC PRODUCTION” MEAN?

Organic production is defined in the National Organic Program (NOP) regulation as “a production system that is managed ... to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.”

WHAT DOES “CERTIFIED” MEAN?

The NOP regulation defines “**certified**” as “a determination made by a certifying agent that a production or handling operation is in compliance with the Act and the regulations in this part, which is documented by a certificate of organic operation.” In other words—you’re following the Rule and have been inspected and approved by a USDA-accredited certifying agent (See NOP Summary in Appendix B.)

WHAT ARE THE BASIC REQUIREMENTS FOR CERTIFICATION?

In simplified terms, the NOP Standards require:

FOR CROP FARMS

- 3 years with no application of prohibited materials (no synthetic fertilizers, pesticides, or GMOs) prior to certification; the National List of Approved and Prohibited Materials, shown in Appendix B, Subpart G, is available at: www.ams.usda.gov/nop/NOP/standards/ListReg.html;
- implementation of an Organic System Plan, with proactive fertility systems; conservation measures; environmentally sound manure, weed, disease, and pest management practices; and soil building crop rotation systems;
- use of natural inputs and/or approved synthetic substances on the National List (see Appendix B);
- no use of prohibited substances while certified;
- no use of genetically engineered organisms, (GMOs) defined in the rule as “excluded methods”;
- no sewage sludge or irradiation;
- use of organic seeds, when commercially available;
- use of organic seedlings for annual crops;
- restrictions on use of raw manure and compost;
- maintenance of buffer zones, depending on risk of contamination; and
- no residues of prohibited substances exceeding 5 percent of the EPA tolerance.

FOR LIVESTOCK OPERATIONS

- implementation of an Organic Livestock Plan;
- mandatory outdoor access;
- access to pasture for ruminants;
- no antibiotics, growth hormones, or GMOs;
- 100 percent organic feed and approved feed supplements;

- organic management from last third of gestation or second day after hatching; and
- no rotating animals between organic and non-organic management.

FOR PROCESSING OPERATIONS

- no commingling or contamination of organic products during processing;
- implementation of an Organic Handling Plan;
- no use of GMOs or irradiation;
- proactive sanitation and facility pest management practices;
- use of organic ingredients in “organic” products, when commercially available; and
- use of approved label claims for “100 percent organic”, “organic” (at least 95 percent organic ingredients), “Made with organic ingredients” (at least 70 percent organic ingredients) and proper use of the word “organic” in ingredient list (less than 70 percent organic ingredients).

WHO MUST BE CERTIFIED TO SELL ORGANIC PRODUCTS?

Under the NOP, all producers and processors, except for retailers and warehouses that do not process products, who sell over \$5,000 per year of organic products must be certified by an accredited certification agency in order to sell their products as “organic.”

WHAT IS ORGANIC CERTIFICATION?

Organic certification was developed as an evaluation system to validate the authenticity of products labeled and sold as organic. It is a process of review and approval of a production system by an organic certification agency, after which a producer is able to call his or her product “organic” or “certified organic.” It seeks to assist the producer in achieving optimal systems that are ecologically and economically sustainable, while assuring the consumer that the product was produced without the use of prohibited materials. Certification must be renewed annually, and is valid until surrendered, suspended, or revoked.

Exemption: Producers who sell less than \$5,000 per year in organic product do not have to be certified but must still follow the rule in order to use the term “organic.” Such exempt producers must not sell their products to be used as organic ingredients by others, unless they choose to be certified.

WHAT “ORGANIC” DOES NOT MEAN

It is a common misconception that “organic” applies to the food itself and assures that the food is residue-free. Although the food product carries the seal of certification, this certification applies to the system that yielded the product, rather than to the product itself.

HOW DO I BECOME CERTIFIED?

The flow diagram on page 4 briefly outlines the steps to organic certification. This publication will address each step in more detail.

WHO CAN CERTIFY?

Only agencies accredited by the USDA can certify. A complete list of accredited certification agencies is available at: <http://www.ams.usda.gov/nop/CertifyingAgents/Accredited.html>.

SHOULD I APPLY FOR CERTIFICATION?

Many producers have explored the possibility of converting their farm operation, or a portion of their farm, to organic production practices. Once the commitment has been made to move away from conventional farming and the use of synthetic chemicals, producers must work with an accredited certifier if they want to market their products as organic.

Table I: USDA-Accredited Organic Certifiers Active in Minnesota

NOTE: This list was accessed from the Minnesota Department of Agriculture (MDA) website in January 2007, and is included for reader convenience. Check the MDA website or contact MDA for updates to the list.

Farms and handlers may contract with ANY USDA-accredited certifier, no matter where its office is located.

This list is prepared and provided by the MDA from information provided by certifiers, and as a convenience to farms and handlers—you may use a certifier not on this list as long as they are USDA-accredited.

CALIFORNIA CERTIFIED ORGANIC FARMERS (CCOF)

Jake Lewin
1115 Mission Street
Santa Cruz CA 95060
831-423-2263 ext. 16
jake@ccof.org

Other certifications and accreditations:
CCOF International

Certificates offered: crops, livestock, handlers/processors

CONTROL UNION CERTIFICATIONS

Johan C. Maris
PO Box 161
Dr. Klinkertweg 28b
8000 AD Zwolle NETHERLANDS
31 38-4260100
certification@controlunion.com
www.controlunion.com

Other certifications and accreditations: EU Organic, JAS Organic, Other non-organic certification programs

Certificates offered: crops, livestock, wild harvest, handlers/processors

CALIFORNIA CROP IMPROVEMENT ASSOCIATION

Robert Simas
Parsons Seed Certification Center
One Shields Way, U of CA-Davis
Davis CA 95616-8541
530-752-0544
fax: 530-752-4735
www.ccia.ucdavis.edu

Other certifications and accreditations:
AOSCA Identity Preservation Certification

Certificates offered: handlers/processors

GLOBAL ORGANIC ALLIANCE, INC.

Betty Kananen
PO Box 530
3185 Township Rd 179
Bellefontaine OH 43311-0530
937-593-1232
kananen@logan.net www.goa-online.org

Other certifications and accreditations: EU, MAFP/USDA

Certificates offered: crops, livestock, wild harvest, handlers/processors

INDIANA CERTIFIED ORGANIC. INC.

Cissy Bowman

8364 S SR 39

Clayton IN 46118

317-539-4317

cvof@iquest.net

Cell phone: 317-902-6743

Other certifications and accreditations:
ISO 65

Certificates offered: crops, livestock, wild
harvest, handlers/processors

**MIDWEST ORGANIC SERVICES
ASSOCIATION, INC.**

Stephen Walker

PO Box 821

122 West Jefferson St

Viroqua WI 54665

608-637-2526

mosa@mosaorganic.org

www.mosaorganic.org

Other certifications and accreditations:
Additional verification as determined by
buyer need.

Certificates offered: crops, livestock, wild
harvest, handlers/processors

OREGON TILTH CERTIFIED ORGANIC

Chris Schreiner

470 Lancaster Drive NE

Salem OR 97301

503-378-0690 ext. 311

organic@tilth.org

Other certifications and accreditations:
Transitional certification; Compliance
with EU organic standards (EC 2092/91);
American Organic Standards: Fiber and
Textile Handling; USDA/Japan MAP export
agreement for organic product

Certificates offered: crops, livestock, wild
harvest, handlers/processors

**INTERNATIONAL CERTIFICATION
SERVICES, INC.**

(dba, Farm Verified Organic)

Christina Dockter

301-5th Avenue SE

Medina ND 58467

701-486-3578

info@ics-intl.com www.ics-intl.com

Other certifications and accreditations:
Farm Verified Organic (FVO) - a
private program that meets NOP and
has additional requirements for the
international marketplace, Bio Suisse
(add-on to the FVO program)

Certificates offered: crops, livestock, wild
harvest, handlers/processors

**MINNESOTA CROP IMPROVEMENT
ASSOCIATION**

Brenda Rogers

1900 Hendon Avenue

St. Paul MN 55108

612-625-7766

brenda.rogers@mncia.org

www.mncia.org

Other certifications and accreditations:
JAS, EU, NOP

Certificates offered: crops, wild harvest,
handlers/processors

**ORGANIC CROP IMPROVEMENT
ASSOCIATION - MINNESOTA
CHAPTER #1**

Lorri Ann Hartel

2609 Wheat Drive

Red Lake Falls MN 56750

218-253-4907

info@mnocia.org

www.mnocia.org

You may also contact OCIA International
in Lincoln, Nebraska at 402-477-2323.

Other certifications and accreditations:
OCIA International, Bio-Suisse, JAS, EU,
CAQ, JAS Equivalency, Swiss Ordinance

Certificates offered: crops, livestock, wild
harvest, handlers/processors

**IOWA DEPARTMENT OF AGRICULTURE
AND LAND STEWARDSHIP**

Maury Wills

Organic Program

Des Moines IA 50319

515-281-5783

maury.wills@idals.state.ia.us

www.agriculture.state.ia.us/organicAg

Certificates offered: crops, livestock, wild
harvest, handlers/processors

ONECERT

Samuel K. Welsch

2811 Tennyson Street

Lincoln NE 68516

402-420-6080

sam@onecert.net

www.onecert.net

Other certifications and accreditations:
Europe EEC 2092/91, Japan Export

Certificates offered: crops, livestock, wild
harvest, handlers/processors

PENNSYLVANIA CERTIFIED ORGANIC

Leslie Zuck

406 South Pennsylvania Ave.

Centre Hall PA 16828

814-364-1344

pco@paorganic.org www.paorganic.org

Certificates offered: crops, livestock, wild
harvest, handlers/processors

PRIMUSLABS.COM

Brian Mansfield
 2810 Industrial Parkway
 Santa Maria CA 93455
 805-922-0055
 Brian@primuslabs.com

Other certifications and accreditations:
 EUREPGAP

Certificates offered: crops, handlers/
 processors

STELLAR CERTIFICATION SERVICES

Jim Fullmer
 PO Box 1390
 Philomath OR 97370
 541-929-7148
 fax: 541-929-4387
 demeter@peak.org

Other certifications and accreditations:
 Demeter Biodynamic, Aurora Certified
 Organic

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

OCP/PRO-CERT CANADA INC.

J. Wallace Hamm
 Box 100 A, Rural Route #3 Saskatoon
 S7K3J6 CANADA
 306 382-1299
 Procertorganic@yahoo.com
 www.ocpro.ca

Other certifications and accreditations:
 OC/PRO Standards; Canadian Organic
 Standards; EU Regulation 2092/91;
 Quebec Standards, JAS (Japan)

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

QAI, INC.

Tom Chapman
 9191 Towne Centre Drive, Ste 510
 San Diego CA 92122
 858-792-3531
 tom@qai-inc.com
 www.qai-inc.com

Other certifications and accreditations:
 IFOAM, EEC 2092/91 (EU), JAS, CAAQ,
 Source, Fiber, Personal Care

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Miles McEvoy
 PO Box 42560
 Olympia WA 98504-2560
 360-902-1924
 Organic@agr.wa.gov

Other certifications and accreditations:
 European Organic Certification under ISO
 Guide G5; IFOAM JAS verification under
 ISO Guide 65

Certificates offered: handlers/processers

SASKATCHEWAN ORGANIC CERTIFICATION ASSOCIATION, INC.

Russell Plamondon
 Box 2293 Tisdale Sk.
 S0E1T0 CANADA
 306 873-2207
 fax: 306-873-4941
 p.and.e@sasktel.net

Other certifications and accreditations:
 Eurocert EU; Biosuisse; JAS

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

QUALITY CERTIFICATION SERVICES

Marty Mesh
 PO Box 12311
 Gainesville FL 32604
 352-377-6345
 qcs@qcsinfo.org www.qcsinfo.org

Other certifications and accreditations:
 Specific retail practices, private standards

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

ARGENCERT S.R.L.

Laura Cecelia Montenegro
 Bernardo de Irigoyen
 972-4th B
 (1072) Buenos Aires ARGENTINA
 54 11 4963 0033
 argencert@argencert.com.ar

Other certifications and accreditations:
 IFOAM; EU 2092/91

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

ECOCERT INTERNATIONAL

Michel Reynaud
 Gueterbahnhofstrasse 10
 D - 37154
 Northheim GERMANY
 49 55 51 90 843 0
 info@ecocert.de antje.rachel@ecocert.com

Other certifications and accreditations:
 JAS; EC Regulation 2092/91

Certificates offered: crops, livestock, wild
 harvest, handlers/processers

A FEW KEY QUESTIONS:

DO I QUALIFY FOR CERTIFICATION?

Compliance with the NOP regulation determines whether your organic operation is certifiable. To keep from wasting resources and time on a certification application that has little chance of success, potential applicants should evaluate key aspects of their farm operation and management. It is relatively easy to get a good sense for the probability of success by requesting and reading certification materials from one or more certification agencies. For a detailed checklist, look up the National Organic Program Compliance Checklist for Producers or for Handlers developed by the Appropriate Transfer of Technology to Rural Areas (ATTRA) (see Publications in Resources). In general, there is a reasonably good chance of being certified if you can answer “yes” to the following questions:

.....
Answering whether your operation is eligible for certification, whether certification is useful to you, and how you view the challenges and benefits, will help you decide whether certification is for you.
.....

- Are you making a conscious and effective attempt to build up your soil?
- Is your current or planned crop rotation sufficiently long and diverse to minimize pressure from insects, diseases, and weeds?
- Are you using generally accepted conservation and erosion-prevention measures in your system?
- Have you not used prohibited materials, including synthetic fertilizers and pesticides, on the fields requested for certification for at least 36 months prior to harvest of the first organic crop?
- Have you made progress in learning to identify and understand the life cycles of the farm’s most troublesome pests?
- Do you keep records of field activities, crops planted, inputs used, harvests, storage, and sales?

Keep in mind that you may initiate certification on a field-by-field basis, increasing the number of fields each year until your whole farm is organically managed and certified. You do not have to convert your entire farm to organic production, though some farmers do. If you maintain a “split operation” (part organic, part conventional), then you must have the ability to prevent commingling and contamination of organic crops.

.....
Organic certification is done by private certification organizations or state departments of agriculture, that have been accredited by the United States Department of Agriculture.
.....

WILL CERTIFICATION BE A USEFUL ADDITION TO MY MARKETING?

Organic certification is a marketing tool. Certification may open certain markets and it may provide a price premium, but it is important to remember that the organic industry is still young and possesses challenges. The basic criteria of sound marketing (quality, reliability, presentation, price, etc.) still apply to certified organic products. The responsibility for marketing the product remains with the producer. Sometimes marketing products as organic can be more difficult than marketing conventional products due to the comparatively small size and evolving nature of the organic market. For producers who want to enter the organic market, certification is essential, but it is important to understand that certification is only one component of marketing, not a substitute for marketing.

WILL ORGANIC CERTIFICATION MAKE ME RICH?

Many producers first consider a shift to certified organic production because they have heard stories of excellent prices and market premiums for organic products. While certification may promote greater profits over the long run, it is definitely not a path to easy money or a way to save the farm. Organic producers must be willing to approach specialty markets and accept that the organic market requires a long-term commitment. In addition, you may need to invest substantial time and resources before you are able to reap the rewards of obtaining organic certification for your products.

WHAT ARE THE CHALLENGES OF CERTIFICATION?

Organic crop production has many challenges. As with any new system of management, producers experience a learning curve as they develop pest and fertility management systems based on the unique characteristics of their land, without the aid of synthetic pesticides and synthetic fertilizers. During the learning period, there may be greater production risks and a potential for lower yields, at least in the short-term. In addition to the agronomic challenges presented by organic production, there is paperwork. Many certified producers consider the organic premium to be primarily a payment for the extra administrative efforts required to receive and maintain certification. A detailed audit trail must be maintained for organic products. Others see recordkeeping as a valuable management tool that contributes to the overall profitability of the farm. A producer who does not keep good records should take this into consideration before applying for certification.

.....
**There are both
benefits and costs
associated with
organic certification.**
.....

WHAT ARE THE BENEFITS OF ORGANIC CERTIFICATION?

- Many certified organic products command a premium price.
- Due in part to premium prices, the profitability of small farms with certified organic production systems can be competitive with that of larger conventional farms.
- Most of the time, merchandisers and retailers dealing in organic products cannot sell products labeled “organic” unless they have been certified.
- The organic food market has grown 15 percent to 21 percent since 1997, when comprehensive data was first available, and based on historical survey and interviews is estimated to have grown nearly 20 percent annually since 1990 (Source: Organic Trade Association (OTA) 2006 Manufacturer Survey). This translates to future demand for certified organic products.
- Organic farming has been one of the fastest growing segments of U.S. agriculture for over a decade. The U.S. had fewer than a million acres of certified organic farmland when Congress passed the Organic Foods Production Act of 1990. By the time USDA implemented national organic standards in 2002, certified organic farmland had doubled, and doubled again between 2002 and 2005. Source – USDA Economic Research Service, <http://www.ers.usda.gov/Data/Organic/>

WHAT ARE THE COSTS OF ORGANIC PRODUCTION AND CERTIFICATION?

- Increased management
- Increased labor
- Certification fees
- Inspection fees
- Increased paperwork/recordkeeping

An Overview: Certification and the Organic Industry

THE BEGINNINGS OF ORGANIC CERTIFICATION

For years, while organic products were traded on a small scale and generally in the region where they were grown, personal trust functioned relatively well as an assurance of organic quality. As more and more farmers adopted organic methods, organic products began to circulate in interregional and international commerce. It became increasingly difficult to establish or maintain the trust relationship between consumers and distant producers. Also, demand for most organic products exceeded supply and the gap was occasionally filled with conventional product fraudulently marketed as organic.

Thus, a need arose to regulate and validate organic production through standards created by consumers, producers, processors, and experts in the industry. At the same time, the word “organic” appeared to be destined for the same dilution-effect in the marketplace as was earlier experienced by the term “natural.” To clearly define and identify “organic”, the industry began to institute certification in the early 1980s.

THE DEVELOPMENT OF PRIVATE, THIRD-PARTY CERTIFICATION AGENCIES

Private certification agencies arose through grassroots efforts. These agencies, governed by their members, were established to verify the authenticity of the organic products grown or processed in their region and so protect the term “organic” in the marketplace. Each agency created its own certification standards to signify healthy, quality food grown with the environment and community in mind.

By the mid-1980s, organic certification had generally come to resemble the present system. Producers could choose from several regional, national, or international programs. Also, organic growers, businesses and certifiers came to a broader agreement on fundamental organic standards. Organic certification developed into a credible system for passing an organic guarantee all along the chain of ownership, from producer to consumer.

FEDERAL REGULATION AND THE NATIONAL ORGANIC PROGRAM

The Organic Foods Production Act (OFPA) is a section of the 1990 Farm Bill which called for the establishment of the National Organic Program (NOP) and the National Organic Standards Board (NOSB). The NOP exists under the authority of the United States Department of Agriculture (USDA). The Secretary of Agriculture appoints NOSB members to assist in the development of national organic standards and to advise the secretary on materials approved for use in organic production and handling. With input from the NOSB, the National Organic Program has developed national organic standards for production, processing, handling, and labeling of organic products as well as a list of prohibited and allowable materials in the organic industry.

The NOSB recommendations were incorporated into the proposed rules, which were published in the federal register for public comment in December 1997 and again in March and December 2000. By 2001, over half of the states in the U.S., including Minnesota, had passed legislation regarding organic labeling and certification. In 2002, the federal organic rule went into effect. It now governs organic production, processing, and commerce throughout the U.S. (See USDA-NOP Rule Summary in Appendix B.) A clear Rule ensures consistency in certification, and allows farmers to use feed from any organic-

certified source. THE OUTLOOK FOR ORGANIC PRODUCTS

The organic food market grew 16.2 percent in 2005 and accounted for \$13.8 billion in consumer sales, representing 2.5 percent of total U.S. food sales. Organic foods have shown consistent annual growth rates of 15 percent to 21 percent since 1997, when fairly comprehensive data was first available (Source: OTA's 2006 Manufacturer Survey.) Organic products have established themselves in mainstream distribution and retail markets. Organic food is available in all varieties and types, with rapid growth seen in convenience food items since 1990.

The Certification Process

STEP 1: TRANSITION TO ORGANIC PRODUCTION

As indicated in *Do I Qualify for Certification?*, prohibited chemical inputs must not have been applied to a field for 36 months prior to harvest of the first certifiable crop. This period is referred to as the **transition period**. Most certified organic producers recommend starting with a few acres as a testing ground for new methods of pest control, crop rotation, tillage, and soil health maintenance. This approach will ensure that you can maintain economic viability while transitioning to a new method of agriculture on other fields. During transition, it is important to get information from other certified organic farmers about how they manage their operations. You can do this by contacting one of the mentor farmers who are part of the Minnesota Organic Farming Information Exchange (MOFIE - organicecology.umn.edu/mofie); calling the Midwest Organic and Sustainable Education Service (MOSES) toll-free Farmer Transition Hotline (888-551-4769); joining a local Sustainable Farming Association chapter (www.sfa-mn.org) or other appropriate group; or asking for information from other producers who have certified organic crop or livestock systems. The certification agency you choose should work with you to provide information and to connect you with certified organic producers in your area. Although not required, it is recommended that you work with your certifier during the transition period, so that there are no surprises.

Approved materials for certified organic production include composted manures, naturally mined minerals, and some biological pest controls such as naturally derived Bt sprays. However, some products that may appear natural (such as municipal sewage sludge) are prohibited for use in organic production systems as noted in the Rule (see Appendix B, Subpart G on page 43). In addition, genetically modified organisms are also prohibited by the Federal Rule. It is important that you consult the National List of Allowed and Prohibited Substances, available from your certifier and the NOP. This list will help you make management decisions that won't jeopardize your eligibility for organic certification. The Organic Materials Review Institute (OMRI) screens products for compatibility with NOP National List requirements. You can view the "OMRI Brand Name Products List" at www.omri.org.

DO I HAVE TO BE CERTIFIED?

If your gross agricultural income from organic sales totals \$5,000 or less annually, you are exempt from certification requirements. You don't have to complete an Organic System Plan, but you must comply with all NOP production and labeling requirements. You can sell your products as "organic" or "organically grown" at a farmers market, on-farm stand, CSA, or to a retail outlet, but you cannot sell your products as organic ingredients to be processed by others or as organic livestock feed used by a certified organic livestock producer. Your products cannot be represented as "certified organic" or display the USDA Organic seal (unless you choose to get certified).

STEP 2: CHOOSING A CERTIFICATION AGENCY

It is important to choose a certification agency during the early stages of the 36-month transition period. The relationship should be started early to ensure that the production system is properly managed during the transition period and that

.....
A field must be free of prohibited chemical inputs for at least 36 months prior to harvest of the first certifiable crop.
.....

.....
The USDA accredits Certification Agencies under the National Organic Program.
.....

prohibited practices or materials are not used inadvertently on your fields during that time. Your certification agency can help you set up for successful certification following transition.

CONSIDERATIONS IN CHOOSING A CERTIFICATION AGENCY

At present, the USDA has accredited a large number of certification organizations. The MDA maintains a list of organizations that certify operations in Minnesota. Diversity exists among the competing certification agencies and you should choose a certification agency that best meets your needs. Considerations include the structure of the organization, policies and procedures, reputation, costs, location, additional services, international recognition, and trademark use. Rodale's NewFarm.org website has a Guide to U.S. Organic Certifiers at www.newfarm.org/ocdbt. In order to choose the right agency, you should review these considerations, and talk with other certified farmers to get a clearer idea of the agency's quality of service.

DOES THE ORGANIZATION OF THE AGENCY SERVE MY NEEDS?

Another area of considerable variation among certification agencies is the nature of their membership or constituency. Some agencies are owned and controlled by members (both producers and processors/handlers). This can be reassuring to those who are skeptical of corporate control and the possible distortions of the certification system that could result. Also, this type of structure ensures that organizational decisions are made by people who understand organic production and processing. However, this kind of organization requires active participation by all members and may require that you volunteer time for the organization.

A common organizational structure for certification programs is the corporation, whether nonprofit or for-profit. Most of these programs exist solely to provide certification. They do not buy or sell the products that they certify, and they exhibit a "brand-neutral" philosophy for their certification seal. These organizations usually consist of an administrative staff, third-party reviewers, and a board of directors consisting of producers, processors, and other experts in the industry. (Under NOP conflict of interest provisions, producers and processors who serve on the board of directors must not be certified by that agency.)

HOW MUCH WILL CERTIFICATION COST?

Fee structures vary by certification agency. Some have a flat fee that includes many if not all services of processing the application. Others may have smaller initial fees but add user fees for additional services. Some charge a fraction of a percent of sales, so that larger operations pay more than smaller ones. It is important to ask about the fee structure for your particular operation and the services that are included in or additional to that fee. Certifiers are required by the NOP to make their fee schedules available to the public. Go to NewFarm website's "Guide to U.S. Organic Certifiers," www.newfarm.org/ocdbt, for information about current fee schedules.

WHAT IS THE ORGANIC CERTIFICATION COST SHARE PROGRAM?

In 1999, Minnesota implemented the first organic cost-sharing program in the nation. Available through the Minnesota Department of Agriculture, this program reimburses producers for a portion of their certification costs. Minnesota's program served as a model for a federal cost share program that provides up to 75 percent of the cost of certification with an annual maximum of \$500. When available, those funds are also administered by the State. For more information and application materials, contact the Organic Program at the MDA (see Resources).

WHAT IS THE CERTIFICATION AGENCY’S REPUTATION?

In selecting a certification agency, consider your desired market. If you plan to sell in U.S. markets, certification by accredited agencies is equivalent. If you plan to sell in an international market, your buyer may require certification by a specific agency. For export, you may also need to be certified as compliant with the standards in effect in the target market, such as Europe or Japan. Local or regional agencies have a tendency to be less expensive because they do not have the expenses associated with administering a national or international program.

If you have a specific market in mind, find out what certification agencies these markets tend to prefer. Many producers who sell only to local or regional markets will select regional agencies, due to name recognition and/or personal service. However, many producers choose a national/international agency because their products are then seen with the same seal as a wide range of well-known, national or international products.

HOW DOES TRADEMARK POLICY AFFECT ME?

An important question for certification is who owns the certification trademark and its use on certified product. All of the certifiers that operate in Minnesota have brand-neutral certification programs. In brand-neutral certification programs, the certified producer owns the right to use the seal or trademark on all certified products sold from his or her farm to any buyer. The producer, therefore, has more freedom in the marketplace, but also is solely responsible for marketing the product. Some certifiers take a more active role in assisting their clients with marketing by posting lists of all operations and products certified. You will want to find the certifier that best fits your needs.

WILL I WANT TO USE THE USDA ORGANIC LOGO?

That decision is up to you. Use of the USDA Organic logo is voluntary. All certified operators have the right to use the logo or seal on all products that comply with the regulations. Once certified by an accredited certifier, you can use the USDA Organic seal on your advertising, web site, farmers’ market stand, and on product labels that contain at least 95 percent organic ingredients.

STEP 3: ESTABLISHING A CERTIFIABLE AUDIT TRAIL

WHAT IS AN AUDIT TRAIL?

“Audit trail” is defined by the NOP as “Documentation that is sufficient to determine the source, transfer of ownership, and transportation of any agricultural product labeled as “organic” ...”

The integrity and value of your organic crops depends on careful record keeping. An audit trail is a recordkeeping system in which all field activities and inputs are recorded and by which a product can be traced from field to sale via a lot number. All certification agencies require an accurate and complete audit trail. Logs are used to record specific and routine field management activities, harvest activities, post-harvest handling, storage, and sales. At the time of inspection, the inspector reviews the audit trail for documented field activities and verifies that all inputs, practices, and products are in compliance with the organic standards.

In addition, the inspector randomly selects some products to trace through the system in order to verify that the lot number and quantities associated with the product remain the same throughout the operation. This auditing assures the certification agency and,

.....
Trademark policy, the organization’s constituency and reputation, and the cost of certification are also factors in choosing a certification agency.
.....

.....
The audit trail is the recordkeeping system in which all field activities and inputs are recorded and by which a crop can be traced from field to sale via its lot number.
.....

ultimately, the consumer, that no conventional product has slipped into the system. Thus, it is especially important for producers who farm both conventional and organic fields (split operations) to develop a clear audit trail that documents the separation of conventional and organic products.

Audit trail systems are unique to each operation and should contain the necessary elements to track products for that operation—the system doesn't need to be complicated. Audit trails can be simple and functional, and they need to be designed to fit the operation. For example, lot numbers are essential for operations that produce bulk commodities, such as grains and beans. Lot numbers are not needed for operations that sell their products at farmers markets or through CSAs.

COMPONENTS OF A GOOD LOT NUMBERING SYSTEM

.....
A good lot numbering system is essential for tracking the crop's history from the field to the point of sale.
.....

Lot numbers play a critical role in the identification of product as it moves through the organic system from the field to the final point of sale. A lot number is a code assigned by producers to the crop as it leaves the field. As the crop moves through storage, processing, and sale, the lot number serves to link products back to fields of production. There is no standard method for developing a lot numbering system, but it should be as simple as possible. Lot numbers are unique to each operation, but must be used consistently once established. For most producers, the lot number generally indicates the type of crop, field number or storage unit, and year of production. It may also contain the producer's initials.

If product is sold directly from the field, the lot number should contain the field numbers from which the organic product was harvested. For instance, the lot number code, S12131907, means the following:

Example of Lot Number: Sold directly from the field

S12131907

S 121319 07

(organic soybeans) (fields 12, 13 and 19) (year 2007)

If organic product is stored in a storage bin, the lot number should include the storage bin number, but need not include the field number. In this instance, a storage bin record must show date of harvest and the field numbers of the harvested crop that went into that bin. This information can be included in the Harvest and Storage Record as shown in our example, or in a separate record. The lot number code, DJSB807, means the following:

Example of Lot Number: Stored in a storage bin before sale

DJSB807

DJ S B8 07

(Dave Jones) (organic soybeans) (bin #8) (year 2007)

It is important to remember that the farm-level lot number is often associated with the product after the producer has sold the product. For example, the lot number a producer assigns to a load of organic soybeans is required at the bagging and

cleaning plant or the brokerage house. It may even be linked to a new lot number assigned to the tofu product that resulted from that initial load of soybeans.

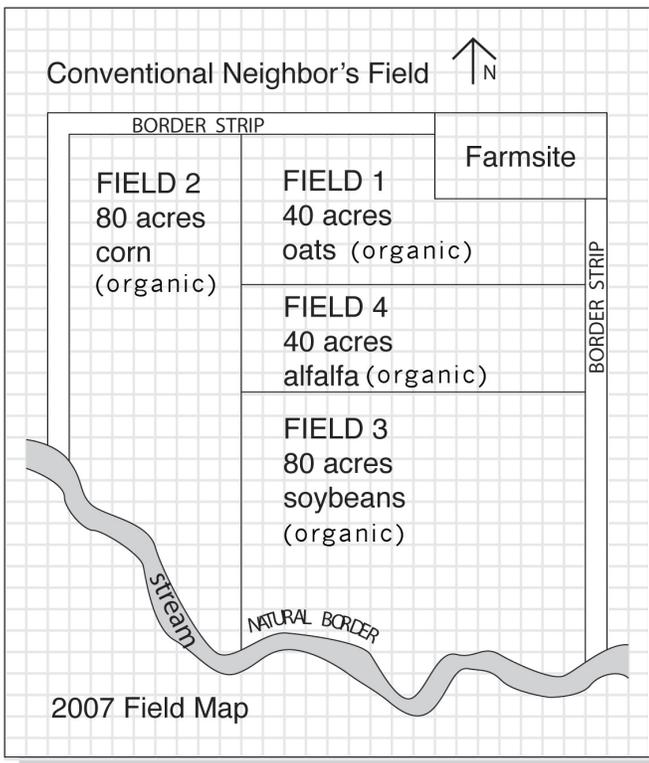
ELEMENTS OF A COMPLETE AUDIT TRAIL

Sample forms that you can photocopy and use on your own farm for many of these elements are included in Appendix C. Additional recordkeeping templates are available from ATTRA at www.attra.org/organic.html. Use the recordkeeping template forms as a guide in establishing a certifiable audit trail. Feel free to modify or adapt the forms to best suits your needs. Some of the forms must be submitted directly to the certification agency during the application process. Others provide recordkeeping and back-up information to support your application. Here are the required elements of a complete audit trail.

FIELD/FARM MAPS

Field maps must include all conventional, transitional, and organic acreage, roads, and other geographical information such as creeks, groves, and drainage ditches. Field numbers and individual field acreages, as well as the width of field borders or buffer zones should be indicated on the maps.

In contrast to conventionally farmed fields, certified organic fields must have a border around the sides of fields that are in contact with conventional cropland or land with potential sources of contamination. This border is used as a buffer zone and may be:



- a portion of the field itself that is harvested for conventional sale,

- a natural barrier such as a grass strip or grove of trees that is not sprayed with chemicals, but provides wildlife habitat or habitat for beneficial species,

- an unsprayed ditch, field road or waterway.

The required width of field borders will depend upon the adjoining use and contamination potential—check with your certifier.

Request a field map for your farm from your local Soil and Water Conservation District (SWCD), Natural Resource Conservation Service (NRCS) or Farm Service Agency (FSA) office. They have maps for every section of every county in Minnesota. If you know the legal description of your property, you can locate your land in the county directory and photocopy that map. Use colored marking pens to indicate borders, field numbers, acres and other characteristics, and submit it with your application materials.

FIELD HISTORY SHEETS

All certified fields under organic production must be numbered and have a documented field history for the 36 months prior to harvest. This record should contain the field number, crop, status (organic, transition, or conventional), acres, summary of inputs, yield, planting and harvest dates, and storage information.

Field #	Crop	OG / T / C	Acres	Rent / Own	Yield Per Acre	Harvest Date	Storage Location
1	oats	OG	40	own	45 bu	July 18	n/a
2	corn	OG	80	own	80 bu	Oct 10	Bin 3
3	soybeans	OG	80	own	30 bu	Sept 30	Bin 2
4	alfalfa	OG	40	own	4 tons	June/July/Aug	hayloft

ACTIVITY LOG

The activity log is a detailed account of actual production practices such as dates and types of tillage, dates of planting and varieties, custom services, input records, noted problems, weather conditions, equipment settings, method of equipment cleaning, pest control, sanitation procedures for storage sites or equipment, and other activities or observations. The activity log may be in the form of a journal, field notebook, calendar, or computer spreadsheet. This information may also be included, or summarized, on field history sheets. Activity logs are not typically submitted to the certifier with your Organic System Plan, but must be present and complete for the inspector to review.

Date	Field #	Activity	Type of Input	Source of Input	Product Label and Receipt (check)	Rate of Application	Other comments and observations
April 10	1	fertilizer appl.	manure	own	none	2T /ac.	composted
April 10	2	↓	↓	↓	↓	↓	↓
April 10	3	↓	↓	↓	↓	↓	↓
April 10	4	↓	↓	↓	↓	↓	↓
June 6	2	cultivate					
June 6	3	cultivate					

INPUT RECORD

.....
Note: Genetically modified or engineered seed (GMO, GEO), fungicide treated seeds, and sewage sludge are strictly prohibited in organic production during all 36 months of transition through certification.

Input records are required for organic certification. The input record may be incorporated into the activity log (as shown on the activity log example) or field history sheet, or may be a separate piece of the audit trail. Use it to record the use of both farm-produced and off-farm inputs such as manure, compost, and approved commercial products. Information listed on the input record should include the date of application, field numbers, type of input, source, retention of product labels and receipts, and rate of application. Labels for all products and receipts of purchase must be kept, since the inspector will review them for compliance with the organic standards. Failure to have a label that lists the ingredients of the applied input may seriously jeopardize the success of certification. Note: Any inputs you use during the transition period of your production system must be in compliance with the NOP organic standards. Remember, organic production methods must begin during the first year of transition. Check with your certifier before you purchase or apply any inputs. Keep your seed tags and input product labels and receipts!

Harvest and Storage Record – 200__ Crop Year									
Date of Harvest	Certified Organic Crop	Field #	Yield	Lot #	Storage Bin #	Quantity In	Quantity Out	Current Inventory	Sales Invoice #
7/18	oats	1	1800 bu	O-1-07	n/a	n/a	n/a	0	85608
9/30	soybeans	3	2400 bu	S-B2-07	2	2400 bu	2400	0	93116
10/10	corn	2	6400 bu	C-B3-07	3	6400 bu	2000	4400	10486

HARVEST AND STORAGE RECORD

The harvest and storage record contains the date of harvest, crop, field number, yield, lot number, and storage bin number (if applicable). In the example above, the oats were sold directly from the field while the soybeans and corn were stored in storage bins. Note: Rather than keeping storage records by crop year, as this example suggests, you can also keep individual storage bin records for multiple years.

Sales Record – 200__ Product										
Date	Commodity	Lot #	Quantity	Organic Certificate #	Buyer	Sales Invoice #	TC #	Scale Ticket or BOL #	Transaction Fee? (\$)	Total Sale (\$)
7/18	oats	O-1-00	1800 bu	#4569	Broker	85608	1509	3492	\$ 18	\$ 3,600
12/21	soybeans	S-B2-00	2400 bu	#4569	Smith	93116	1743	3719	\$ 120	\$ 24,000
2/2/98	corn	C-B3-00	2000 bu	#4569	Jones	10486	1859	1302	\$30	\$ 6,000

SALES RECORD

The sales record shows date of sale, product sold, lot number, quantity, organic certificate number, buyer, sales invoice number, transaction certificate number, bill of lading number, and scale ticket number. The organic certificate number will be listed on your certificate once you are certified. The transaction certificate (TC) number will be listed on the transaction certificate, discussed in more detail below. The sales record can be used as an audit trail summary for quick tracking of products.

TRANSPORTATION CLEANING AFFIDAVIT

If a third party is hired to ship product (for example, a bulk grain truck), the producer may have to supply a transportation cleaning affidavit stating that the vehicle used for shipment has been properly cleaned and that there is no possibility for contamination from previously hauled products. (Proper cleaning methods include sweeping and vacuuming.) This form is signed by the third party involved with shipping. Check with your certification agency to see whether this form is needed. If it is, the agency can supply you with the proper form.

.....
A transaction certificate (TC), obtained from the certification agency, helps track products when ownership is transferred.

The Transaction Certificate: What Is It?

The transaction certificate (TC) becomes an element of the audit trail after organic certification is achieved. Once your operation is certified, transaction certificates, or TCs, are used by some certification agencies to record all transactions of certified organic products during the year. A TC is issued for each transaction during the year. Transaction fees are paid only when the crop is sold on the organic market, not when sold on the conventional market. The certificate contains a serial number and documents the details of a transfer of ownership of certified organic product, such as the date, the parties involved in the trade, the commodity traded, the quantity, the lot number of the product, and the organic certificate number under which the operation was certified.

When a producer contacts the certification agency with information about the sale, such as date, buyer, commodity, lot number, and quantity, the agency issues the TC and sends

copies of the TC to the seller and buyer. (Some certifiers do not use a TC system. Check with your certifier regarding their policies and procedures for TCs.)

The organic certificate number is listed on all organic certificates issued by a certification agency to a certified producer. This number is used on various documents, such as sales invoices, as proof of certification. By requiring the organic certificate number on a TC, the certification program can guard against the fraudulent trade of products under a suspended or revoked organic certificate or the infiltration of conventional food products.

Most certification programs will require either a TC or export certificate for all international trades. They may or may not require a TC for domestic trade. In addition, some certification programs have fees associated with obtaining a TC.

STEP 4: THE ORGANIC SYSTEM PLAN APPLICATION

Once you have chosen a certification agency and the 36-month transition period is nearly completed on selected fields, the producer is ready to begin the application process.

The first step is to complete an Organic System Plan (OSP), which is an application form obtained from your certifier. The NOP defines an “organic system plan” as a “plan of management of an organic production 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” which demonstrate how the operation complies, or intends to comply, with organic certification requirements.

Application forms, including the OSP, and instructions should have been included with the original packet of information that was sent from the certification agency. If not, contact the agency and they will send you the required application materials and any additional instructions. When you complete the application, you will be asked to list the exact crops (and acreage) or products requested for certification. The procedure for each agency can vary. However, these three pieces of information are a part of any application process:

- 1) a documented three-year field history that includes activities during the transition period,
- 2) a farm management plan (OSP) that describes your current practices and future plans for soil fertility, pest control, weed control, inputs used or planned for use, audit trail, and other information required by the certification agency,
- 3) copies of field maps for all fields requested for certification.

After your first year as a certified organic producer, you will typically have to submit only a shorter update form.

.....
The application process begins as the 36-month transition period is nearly complete. All agencies will require at least a 3-year field history, a farm management plan, and a completed questionnaire with backup records.
.....

THREE-YEAR FIELD HISTORIES

During the 36-month transition period, you will have kept accurate field histories, as explained in “Elements of a Complete Audit Trail.” It is important that this information be well-documented as it has great influence on the final certification decision. Field histories you use in your application will rely heavily on the field history sheets you developed while establishing your audit trail.

ORGANIC SYSTEM PLAN

The OSP gives you an opportunity to describe your current and future management strategies. Although developing this plan can seem burdensome at first, most producers agree that it gives them an opportunity to examine their goals, philosophies, and management practices. The OSP summarizes the strategies and inputs you will use to:

- manage soil fertility with natural and approved inputs and crop rotation;
- reduce soil erosion;
- manage weeds, diseases, and other pests using approved organic practices;
- describe the recordkeeping system (audit trail) that tracks your products from field to buyer;
- list all substances to be used as production or handling inputs, indicating their composition, source, location(s) where they will be used;
- describe your monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;
- describe the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and
- address any other issues as directed by the certification agency.

In the OSP application, you may also be asked to explain your understanding of and commitment to organic agriculture. Why do you want to be a certified organic producer? How does your management style reflect your commitment? What are some of the strategies that will lead to organic production methods over your total acreage? Be sure to include potential crop rotations, tillage methods, plans to incorporate livestock, use of inputs to improve and maintain soil health, and approved control methods for pests and weeds. The certifier will understand that some of your plans may change, but it is important for them to know what you are thinking.

Most producers choose gradual transition from conventional to organic production, rather than converting the entire farm at once. Many producers in the initial stages of the certification process manage “split operations”, which produce or handle both organic and non-organic agricultural products.

Organic certification agencies encourage long-term commitment to organic agriculture and the benefits that are sustained through these practices, but cannot require conversion of the entire operation. Records (farm histories, inputs, harvest, sales)

must be kept for all fields (organic, transitional, and conventional) in a split operation, and the inspector must be provided access to records pertaining to conventional production, upon request.

THE QUESTIONNAIRE

A completed questionnaire, which is typically integrated into the OSP form, is an essential part of any application process. The length and range of questions will vary depending on the certification agency you have chosen.

In general, the OSP questionnaire asks about operation profile, crop rotation, soil management, seed sources, equipment uses in split operations, post harvest handling and storage, irrigation and water source, prohibited materials storage, pest control, and field histories for the farm.

DO NOT LEAVE ANY QUESTION UNANSWERED! This may appear too obvious to mention, but many applicants skip questions and provide incomplete responses, which frustrates certifiers and jeopardizes the success of the application. If a question is not applicable to your operation, then state that this particular situation does not apply. Do not leave the space blank. In contrast, if a question does pertain to your production system, answer the question as clearly and with as much information as you can provide. Do not assume that the certification reviewers will be able to decipher what you mean.

Also, do not assume that the inspector will elaborate in his or her report and fill in blanks that you left open. One-word answers do not paint a complete picture. Incomplete questionnaires may be returned to the applicant to be completed before being submitted to the review committee, resulting in a delay in processing the application. An incomplete questionnaire can reflect a half-hearted commitment to organic certification and may influence reviewers who will decide the fate of your request. Complete responses that are written neatly and clearly, or typed, will reflect the value that you place on your certification.

REMEMBER TO MAKE A COPY OF YOUR OSP TO RETAIN FOR YOUR RECORDS, BEFORE YOU SUBMIT IT TO THE CERTIFICATION AGENCY.

STEP 5: THE ORGANIC INSPECTION

WHO IS THE INSPECTOR?

The organic inspector is a trained, experienced professional who is qualified to evaluate an organic system. The inspector serves as the eyes of the certifying agency and the consumer. The inspector gathers information about your operation, but does not make the certification decision. Certification agencies may use an inspector who is on staff at the agency or who is an independent contractor. The certification agency assigns an organic inspector for your on-site farm inspection. Inspectors often group inspections together to save travel costs and consequently must adhere to a tight schedule. It is important to set aside time for the inspector. The inspection usually takes three to four hours.

WHO IS THE INDEPENDENT ORGANIC INSPECTORS ASSOCIATION?

Most organic programs use inspectors who have been trained by and are members of the Independent Organic Inspectors Association (IOIA). The IOIA includes organic production and processing inspectors as well as supporting members who are dedicated to maintaining high standards for organic inspection and inspection integrity. All members follow the IOIA's professional Code of Ethics and Code of Conduct.

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**The OSP
questionnaire,
which should be as
completely answered
as possible, also
requires field maps,
with substantiation
of field borders and
buffer zones, where
they apply.**
.....

This association provides training for new inspectors as well as continuing education programs and accreditation for experienced inspectors. Through training and other curricula, the IOIA promotes consistency in the inspection process. This consistency, coupled with common organic standards, facilitates cooperation between organic certification agencies.

.....
The organic inspector evaluates the production system, conducting a producer interview and a farm tour.
.....

WHAT ARE THE INSPECTOR'S RESPONSIBILITIES?

The inspector serves as the eyes and ears of the review board or certification committee at the certification agency. The inspector gathers information based on the producer's questionnaire and on his or her own observations at the farm. All information gathered is confidential and will only be seen by the client, the inspector, the certification committee reviewers, and some staff at the certification agency. Inspectors verify information given in the application and evaluate the adherence of the entire operation to the organic standards. The inspector is objective in his or her report and does not have authority over the final certification decision. The decision is made by the certifying agency, after reviewing your OSP and the inspector's report.

WHAT ARE THE INSPECTION PROCEDURES?

Although agencies may differ in the specific requirements of an inspection, the general procedure includes a producer interview, a farm tour of both the fields and the building site, and an exit interview. The inspection must occur before harvest, while the crops are still in the field. The inspector must be accompanied by someone knowledgeable about the operation.

THE PRODUCER INTERVIEW

During the producer interview, the inspector reviews your application, field histories, maps, input labels, and audit trail documents for the specific production system for which you are seeking certification. Questions may also pertain to your background and interest in organic agriculture as well as long-term plans for your land. The audit trail, consisting of all relevant records, is reviewed. Labels and ingredient information on all inputs are gathered. The inspector may request packaging labels or bags used for on-farm processed organic products.

THE FARM TOUR

The inspector tours the farm to verify information that is listed on the application and to look for potential problems.

The inspector verifies that the crops match the field acreage and field numbers on the application.

- The inspector verifies the use of borders on sides of fields that are adjacent to conventional cropland or to potential sources of contamination.
- The inspector reviews your soil fertility and management practices, and observes soil health and conservation practices.
- The inspector verifies your seed and/or seedling sources.
- If greenhouses are used, the inspector tours the greenhouses, evaluates plant health, soil mix, inputs, and general environmental conditions.

- The inspector notes weed, disease, and pest problems and discusses management and control strategies.
- If applicable, the inspector observes your irrigation system and inspects the source of water for the system. A water test for coliform bacteria and nitrates may be required if water is used to wash produce.
- The inspector tours the farm buildings, equipment, and post-harvest storage to verify the activities/storage listed in the OSP and to verify the farm has the infrastructure to complete the task described in the OSP.
- The inspector reviews the inputs list with the producer and notes any indications of prohibited substance use.
- The inspector notes any sources of potential contamination or areas of non-compliance with organic standards.

The inspector may take soil or tissue samples for testing, if there is reason to believe that contamination has occurred.

THE EXIT INTERVIEW

Before leaving your farm, the inspector is required to conduct an exit interview to:

- 1) confirm the accuracy and completeness of information obtained during the inspection;
- 2) describe any additional information that needs to be submitted to the certification agency;
- 3) discuss any issues of concern identified during the inspection.

THE INSPECTION REPORT

The inspector includes his or her observations in a written report that is submitted to the agency and used extensively in the review process. This report also contains the information gathered in the interview. Organic product labels, input labels (including seed tags), audit trail information or sample forms, and any other information collected during the inspection is also submitted to the certification agency for review.

TRANSITIONAL INSPECTIONS

In addition to being accredited by the USDA, some certification agencies are accredited by international agencies. In order to be compliant with international accreditation standards, some certifiers require an organic inspection during transition. Check with your certification agency to determine whether you will need an additional inspection or not.

STEP 6: REVIEW AND CERTIFICATION

The review of a client's application is usually done by a review or certification committee. This committee is most often composed of fellow producers and peers in the organic industry who are independent, third-party reviewers who have no conflict of interest with the client. All reviewers must observe the confidentiality policy. However, many variations to this review process are available and utilized by certification programs to create efficient and expedient systems that ensure organic integrity while offering good customer service. Once certified, you need to continue to keep records and comply with organic standards. You will also need to complete an annual update form to maintain certification. You should begin your annual certification update process at least three months before your current certified status expires.

APPEALING DECISIONS OF THE CERTIFICATION AGENCY

The federal organic rule provides that if your certification request is denied, you have the right to appeal that decision, and certification agencies must have an appeal process. A producer should contact the NOP to receive specific instructions for the appeals process. In general, a producer can appeal decisions that he or she feels were not fair, were based upon lack of information, were based upon misinformation, or did not consider "special circumstances." A producer should be prepared to provide documentation that supports the case for reversing or amending a decision made by the certification agency.

.....
Certification is continuous, as long as a producer updates his or her OSP, undergoes inspection, and pays any required fees each year.
.....

.....
For information comparing the review and certification process of certification agencies that operate in Minnesota go to www.newfarm.org/ocdbt
.....

Other Considerations in Organic Certification

The preceding discussion focused mainly on certification of crop production. Many producers are also interested in livestock production and processing. While most of the principles and procedures governing crop production apply, this chapter describes each of these topics in more detail.

ORGANIC LIVESTOCK PRODUCTION

As with organic crops, organic livestock must also be certified to verify the authenticity of the organic livestock operation. Organic livestock standards have been developed for meat, dairy, and egg production. As with crop production, individual certification agencies may differ in some procedures, but all must comply with the National Organic Program Standards. Review a number of agencies before you choose a certification agency.

In general, organic livestock standards require the following:

- Access to fresh air, natural daylight, and freedom of movement.
- Feeding of 100 percent certified organic feed. Mineral/vitamin supplements are treated separately from feed sources, and must be FDA-approved. No poultry or mammalian slaughter byproducts are allowed in feed supplements for poultry or mammals.
- Sourcing slaughter stock from certified animals or from breeding stock under organic management from the last third of gestation.
- Poultry for either meat or eggs must be fed and managed organically from the second day after hatching.
- A health management program that emphasizes prevention of problems through environmental factors (ventilation, sanitation, pasture rotation, feed quality, stress prevention, etc.) and selection of species and genotypes of animals that are adapted to the environment and resistant to prevalent diseases and parasites. Vaccines, homeopathy, and biotherapies are allowed. If animals require antibiotics or other active intervention with a prohibited substance, they cannot be sold as organic but can be sold on the conventional market.
- Humane and sanitary slaughter conditions. Physical alterations (debeaking, tail docking, etc.) must be performed humanely and only for reasons related to animal welfare. For example, tail docking of sheep or pigs is allowed, since there can be humane reasons for the practice. Tail docking of cattle is not allowed, since it is only done for the farmers' convenience.
- Proper handling of manure and recycling of nutrients.

.....
Note: The use of growth hormones, embryo transfer techniques, cloning, and genetically engineered substances is prohibited.
.....

Audit trail requirements include herd health records, an animal identification system, identifying sources of feed and feed supplements, and records of the purchase and sale of all animals and animal products.

Dairy livestock have additional requirements. Existing dairy herds can be converted to organic production by feeding and managing the animals organically for one year prior to the production of organic milk. Operators may feed farm-raised, third year transitional feed (harvested between 24 and 36 months after application of a prohibited substance) to the animals during the final year, when the herd is being converted to organic production. (Third year transitional feed must be grown on your own farm, it can not be purchased). Pasture land must meet the same standard as crop land to be certified organic (36 months with no prohibited inputs) prior to use for organic grazing. Once converted, all dairy animals must be fed and managed organically (certified organic feed), and cannot be rotated between organic and nonorganic management. Read the NOP Rule and contact certifiers for more information.

ORGANIC CERTIFICATION OF ON-FARM PROCESSING

On-farm processing includes cleaning, packaging, blending, milling, dehydrating, pressing, cooking, juicing, and extracting of grains, vegetables, fruits, herbs, honey, maple syrup, and other products at the farm level. Many organic farmers have an on-farm processing operation to add value to their organic products. Washing and packing fresh fruits or vegetables, small scale grain cleaning, or herb drying are examples of on-farm processing in Minnesota. In addition, if any organic crops are custom cleaned, hulled, bagged, or further processed, information about the custom cleaning or processing operation should be included in the Organic System Plan.

The size and complexity of the processing operation may necessitate the use of a separate processor/handler questionnaire. Contact your certification agency for guidance on what form applies to your situation.

Develop and submit a facility map and product flow chart with the questionnaire. Certification agencies have slightly different paperwork and fees for processing. Be clear on the requirements of the certification agency. There may be additional audit trail requirements as well. The inspector must inspect this area of the operation if organic products are processed or handled.

When you initially contact a certification agency, be sure to let them know that you have an on-farm processing operation so that the appropriate paperwork can be completed and sufficient time allowed for the inspection.

ORGANIC CERTIFICATION OF OFF-FARM PROCESSING

As long as products are under your ownership and further processing is necessary, it is your responsibility to ensure that your organic products are cleaned, bagged, slaughtered, or further processed at a certified organic facility. Otherwise, your products will lose their organic certification. The audit trail is broken whenever certified organic products are cleaned, processed, repackaged (or if the label is changed in any way), blended, stored, or handled by a non-certified party, unless the product is already packaged for final sale to the consumer.

Any place the organic product is physically moved to is a part of the audit trail, and accurate records must be kept—including information on product movement, storage, processing, packaging, and sales. Farmers should always keep copies of current organic certificates for all processors who handle their products, and Transaction Certificates, if those are issued.

Your certification agency may allow a contract processor to be certified under your certification if the processor is only handling organic products for you. If the processor is handling organic products for several organic farmers, the processor must either be certified as a contract processor under each farmers' certification, or obtain its own certificate.

The USDA has established organic standards for the processing/handling of organic products. In addition, processed products must be labeled according to NOP labeling requirements. If you plan to have your organic products processed, be sure you inform the certification agency so that the appropriate paperwork is completed and an inspection is scheduled.

Conclusion

CERTIFICATION: PRIVILEGES AND RESPONSIBILITIES

Certification has rewards. The obvious reward is the validation of an organic product that offers entry to niche markets and potential for price premiums. But there are more subtle rewards that stem from the certification process and certificate. Many producers express a newfound understanding of their land and operation that results from the certification process and the analysis of the farm operation accompanying that process. Also, producers enjoy the sense of land stewardship, improvements to soil quality and wildlife habitat, commitment to rural community, and promotion of diversified farms--all supported by the organic philosophy.

Certification also comes with responsibilities. A certified organic producer is entrusted with the use of logos or seals designed by the certification agency that distinguish the certified organic product from other products. Misuse of the seal, logo, or the word "organic" on an uncertified product or misrepresentation of a non-organic product as organic will result in certification being revoked and possible fines, up to \$10,000 per violation. Remember, an organic producer has committed to manage the land in accordance with the organic practices and standards as outlined by federal law. That producer also has the responsibility to act as a watchdog, contributing to and upholding organic integrity in the industry.

WHERE DO I GO FROM HERE?

Now that you have been introduced to the organic certification process, where do you go from here? You probably have additional questions about certification, and a host of questions concerning organic production. Most organic producers say that the real challenge for producers interested in organic production is not certification, but rather managing an organic system. Switching from a conventional to an organic system is complicated and does not happen overnight. It is a long-term process of learning what works best for you and your farm conditions.

With that in mind, here are some tips on where to go next.

CERTIFICATION PACKAGES:

Call the certification agencies and request their certification packages. Besides containing everything you need to know about certification with that agency, they may also have information that can help with production-related questions. Many agencies have web sites which provide information. See Table I for web site addresses.

OTHER FARMERS:

Networking with other organic producers is the most valuable tool a new organic producer has available to him or her. Ask the certification agencies or MDA for names of organic producers in your area. Call a MOFIE mentor. Talk to these experienced producers about how they handle the certification process and how they manage their farms using organic practices. Attend organic farm tours and research field days.

PUBLICATIONS:

Ask experienced organic producers for the names of publications they have found helpful. Contact organizations such as MOSES or ATTRA, ask your University of Minnesota Extension Agent, and visit your local library to gather information on organic production methods. See Resources for more information on publications and organizations.

CONFERENCES:

Organic conferences are a great place to learn from experienced organic farmers and other experts. Most have trade shows where you can find approved inputs, talk with certification agency representatives, and connect with buyers for certified products. They are also the best place to network with other, more experienced producers.

Two especially good conferences to attend in our area are the Upper Midwest Organic Farming Conference (late February) and the Minnesota Organic Conference (mid-January). See “Conferences” under Resources below for more information.

RESOURCES

Publications

ATTRA's Guide to Organic Publications. 2006. George Kuepper. ATTRA has over 100 online or print bulletins pertaining to organic certification, production, marketing and business. This publication helps you sort through where to start reading by providing brief summaries of what you'll find in each publication. This publication lists bulletins covering everything from certification and organic production enterprise budgets to organic compliant production practices for field crops, fruit and nut trees, livestock, vineyards and horticultural crops. Available from ATTRA, PO Box 3657, Fayetteville, AR 72702. (800) 346-9140 (English), (800) 411-3222 (Español). Full text available online: www.attra.org/attra-pub/PDF/organicpubslist.pdf.

Future Harvest. 1994 Jim Bender. From his own farming experience in Nebraska, the author addresses the crucial issues involved in developing a viable commercial pesticide-free farm with emphasis upon soil and water conservation. He examines the context of contemporary alternative agriculture, provides a rationale for the goal of complete freedom from pesticides, and offers a detailed description of practical steps for farmers wishing to do the same. Available from University of Nebraska Press, 1111 Lincoln Mall, Lincoln, NE 68588-0630. (800) 755-1105. pressmail@unl.edu.

Managing Cover Crops Profitably. 2001. 2nd edition. Christopher Shirley, Greg Bowman, Craig Cramer. A user-friendly reference tool to help select cover crops for your farm's unique conditions and manage them to reap multiple benefits. Good descriptions of cultural traits and management requirements of each species and great cross-references. Available from Sustainable Agriculture Publications, PO Box 753, Waldorf, MD 20604-0753. (301) 374-9696. sanpubs@sare.org. Full text available online: www.sare.org/publications/covercrops/covercrops.pdf

The Organic Broadcaster Newspaper. This bimonthly publication from Midwest Organic and Sustainable Education Service (MOSES) has practical information for producers as well as national news, marketing information and ideas, organic field days/tours calendar, and resources. Available through MOSES, PO Box 339, Spring Valley, WI 54767. (715) 772-3153. broadcaster@mosesorganic.org. Online articles (accessed January 2007): www.mosesorganic.org/broadcaster/introob.htm

Organic Farm Certification & The National Organic Program. 2002. George Kuepper. This guide outlines the considerations involved in "going organic" and the basic steps to organic certification. Available from ATTRA, PO Box 3657, Fayetteville, AR 72702. (800) 346-9140 (English), (800) 411-3222 (Español). Full text available online: www.attra.org/attra-pub/PDF/organcert.pdf.

Organic Dairy Farming. 2005. Jody Padgham, ed. This is a resource book for all organic dairy farmers. It is filled with practical information on preventing health problems in dairy cows as well as using organic methods for specific health problems. Available from MOSES, PO Box 339, Spring Valley, WI 54767. (715) 772-3153. cathy@mosesorganic.org. www.mosesorganic.org

The Organic Field Crop Handbook. 2001. 2nd edition. This reference book describes organic principles, crop rotations, green manure and cover crops, and specific grain groups. This is an excellent book for the grain farmer in transition, as it gives a step-by-step guide to design a crop rotation. Available from Canadian Organic Growers, National Office, 323 Chapel Street, Ottawa, Ontario, K1N 7Z2 Canada. (888) 375-7383. (613) 236-0743. office@cog.ca. www.cog.ca.

The Organic Livestock Handbook. 2004. 2nd edition. Ann Macey, ed. A comprehensive guide covering a wide array of management tools, the role of livestock in an organic farm, marketing, recordkeeping, and sections focusing on dairy cows, beef cattle, sheep, goats, pigs, poultry, rabbits, work horses, and honeybees. Available from Canadian Organic Growers, National Office, 323 Chapel Street, Ottawa, Ontario, K1N 7Z2 Canada. (888) 375-7383. (613) 236-0743. office@cog.ca. www.cog.ca.

The Soul of Soil. 1999. 4th edition. Joseph Smillie and Grace Gershuny. This reference handbook shows you how to observe and evaluate your soil, interpret soil tests, and design the best program to improve your soil with a variety of techniques. Includes many tables and illustrations. Available from Chelsea Green Publishing, P.O. Box 428, 85 N. Main Street, Suite 120, White River Jct., VT 05001. 802 295-6300. chelseagreen.com.

Steel in the Field: A Farmer's Guide to Weed Management Tools. 2001. Greg Bowman, ed. A practical guide to weed-control tools, this book combines university research, engineering expertise, and farmer experience to analyze the usefulness of 37 implements and 18 accessories for a wide range of applications. Available from Sustainable Agriculture Publications, PO Box 753, Waldorf, MD 20604-0753. (301) 374-9696. sanpubs@sare.org. Full text available online: www.sare.org/publications/steel/steel.pdf.

Transitioning to Organic Production. 2003. Lays out conversion strategies covering typical organic farming production practices, innovative marketing ideas and federal standards for certified organic crop production. With special sections on livestock production and profiles of four organic producers. Available free from USDA/SARE, 10300 Baltimore Avenue, Building 046 BARC West, Beltsville, Maryland, 20705. (301) 504-5411. san_assoc@sare.org. Full text available online: www.sare.org/publications/organic/organic.pdf.

Upper Midwest Organic Resource Directory. Updated annually. This conveniently sized reference handbook provides quick access to information about organic agriculture in the Upper Midwest. It includes contact information for organic farmer networks, certification agencies, buyers, processors, consultants, suppliers, websites, publications, and events. Available online: www.mosesorganic.org/umord/directory.htm. Request a print copy from MOSES, PO Box 339, Spring Valley, WI 54767. (715) 772-3153.

Weeds and Why They Grow. 1994. Jay McCann. This farmer combines a knowledge of soil nutrient balance with his observations of weeds, and asserts that each weed species prefers certain soil conditions and mineral balance, thus weeds can be controlled by adding mineral inputs and/or changing soil condition. Many charts providing information on over 800 weed species. Available from MOSES, PO Box 339, Spring Valley, WI 54767. (715) 772-3153. cathy@mosesorganic.org.

Organizations

Appropriate Technology Transfer for Rural Areas (ATTRA)

P.O. Box 3657
Fayetteville, AR 72702
(800) 346-9140
www.attra.org

ATTRA is a public information service and offers many free booklets about organic production systems. Besides requesting ATTRA publications, producers may also call with specific production questions. If the answer is not immediately available, staff will research it for the producer and mail out the information.

Michael Fields Agricultural Institute (MFAI)

W2493 Cty. Rd. ES
East Troy, WI 53120
(262) 642-3303
www.mfai.org

Michael Fields Agricultural Institute is a public nonprofit education and research organization committed to promoting resource-conserving, ecologically sustainable, and economically viable food and farming systems. MFAI has programs in education, research, food systems, international support, and farm policy. They offer various workshops, conferences, and field days that focus on training beginning and current farmers in sustainable, organic, and biodynamic practices.

Minnesota Department of Agriculture

625 Robert Street North
St. Paul, MN 55155
(651) 201-6012
www.mda.state.mn.us/esap/organic

MDA offers organic information (including directories and fact sheets), a comprehensive organic web site, educational events, speakers, and other assistance and resources for many areas of organic agriculture including: production methods, transition, certification, processing, marketing, and special projects. MDA administers organic certification cost share funds and an on-farm demonstration grant program.

Minnesota Institute for Sustainable Agriculture (MISA)

1991 Buford Circle
St. Paul, MN 55108-1013
(800) 909-6472 or (612) 625-8235
misamail@umn.edu
www.misa.umn.edu

MISA is located at the University of Minnesota and is a partnership between the College of Food, Agricultural and Natural Resource Sciences, the Sustainers' Coalition, and University of Minnesota Extension. MISA will answer individual requests for information, including helping connect farmers, researchers, and other specialists who can help answer questions.

Midwest Organic and Sustainable Education Services (MOSES)

P.O. Box 339
Spring Valley, WI 54767
(715) 772-3153
Fax: (715) 772-3162
www.mosesorganic.org

MOSES is a nonprofit organization whose mission is to help agriculture make the transition to a sustainable organic system of farming. MOSES disseminates organic farming information via a website, publications and fact sheets, and the Upper Midwest Organic Farming Conference and the Organic University, a series of in-depth, full-day courses on production and marketing of organic crops and livestock.

Northern Plains Sustainable Agriculture Society

PO Box 194, 100 1 Ave. SW
LaMoure, ND 58458
(701) 883-4304
www.npsas.org

The Northern Plains Sustainable Agriculture Society is a grassroots educational organization committed to the development of a sustainable society through the promotion of ecologically and socially sound food production and distribution systems in the Northern Plains. It focuses on organic production methods and philosophy, and started an organic marketing cooperative to help experienced and new organic growers access markets for their products.

Organic Ecology Program - Southwest Research and Outreach Center, University of Minnesota

Jim Riddle, Organic Outreach Coordinator
PO Box 428
Lamberton, MN 56152
(507) 752-7372
www.organicecology.umn.edu

The University of Minnesota's Organic Ecology program is based at the Southwest Research and Outreach Center in Lamberton, MN. Organic agriculture research takes place at the SWROC's Elwell Agroecology Farm. The website provides research results, event announcements and other information pertaining to organic agriculture. The website is also the portal to contact members of the Minnesota Organic Farmers Information Exchange (MOFIE).

Sustainable Farming Association of Minnesota

Mary Jo Forbord, Executive Director
29731 302 St.
Starbuck, MN 56381
(866) 760-8732
www.sfa-mn.org

The Sustainable Farming Association (SFA) of Minnesota is a farmer-run nonprofit organization that serves as an information-sharing network about sustainable farming practices. There are currently 12 chapters throughout the state. Contact the SFA to find out about the chapter nearest your area.

Conferences

MINNESOTA ORGANIC CONFERENCE

Held each January, this two-day event offers dozens of workshops about organic production and marketing; many of them led by experienced organic farmers. The conference offers sessions for both new and experienced growers, along with a trade show attended by buyers, input suppliers, consultants, educational organizations and public agencies. For more information, call the Minnesota Department of Agriculture at (651) 201-6012.

UPPER MIDWEST ORGANIC FARMING CONFERENCE

This is the largest organic farming conference in the United States and draws more than 2000 attendees. It is held in LaCrosse, Wisconsin, during the last weekend in February. The Organic University occurs the day before the conference. It is a full day of in-depth learning on a specific topic, and is presented by farmers and professionals in the field. The two-day conference offers 50 to 60 workshops with five to six concurrent sessions on a variety of organic topics, including crop production for row crops, vegetables, and fruits; livestock (slaughter and dairy); marketing; and updates on national issues. There is a trade show with exhibits by supporting businesses and buyers of organic products. For information, contact Midwest Organic and Sustainable Education Services (MOSES), (715) 772-3153.

Appendix A

Minnesota Statutes Pertaining to Organic Certification

The text in this appendix was downloaded from the website maintained by the state of Minnesota (www.leg.state.mn.us/leg/statutes.asp), and is included here for your convenience. No comparison for accuracy has been made to printed versions of the Statutes and Rules.

Minnesota Statutes 2006, Chapter 31

31.92 DEFINITIONS.

Subdivision 1. Scope.

As used in sections <http://ros.leg.mn/bin/getpub.php?type=s&num=31.92&year=2006>

31.92 to <http://ros.leg.mn/bin/getpub.php?type=s&num=31.94&year=2006>

31.94, the terms defined in this section have the meanings given.

Subd. 1a. [Repealed, 1996 c 310 s 1]

Subd. 2. Department. "Department" means the Department of Agriculture.

Subd. 2a. [Repealed, 2003 c 107 s 33]

Subd. 2b. Federal law. "Federal law" means the Organic Foods Production Act of 1990,

United States Code, title 7, sections 6501 et seq. and associated regulations in Code of Federal Regulations, title 7, section 205.

Subd. 3. Organic. "Organic" is a labeling term that refers to an agricultural product produced in accordance with federal law.

Subd. 3a. Organic production. "Organic production" means a production system that is managed in accordance with federal law to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

Subd. 4. Producer. "Producer" means a person who is responsible for growing or raising organic food.

Subd. 5. [Repealed, 2003 c 107 s 33]

History: 1985 c 237 s 3; 1990 c 547 s 1,2; 2003 c 107 s 15-17

31.925 UNIFORMITY WITH FEDERAL LAW.

The federal law specified in section <http://ros.leg.mn/bin/getpub.php?type=s&num=31.92&year=2006> "stat. 2b"

31.92, subdivision 2b, is adopted as the organic food production law and rules in this state.

History: 2003 c 107 s 18

31.94 COMMISSIONER DUTIES.

(a) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;

(2) work with the University of Minnesota to demonstrate the on-farm applicability of

organic agriculture practices to conditions in this state;

(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;

(4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and

(5) work closely with producers, the University of Minnesota, the Minnesota Trade

Office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.

(b) By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture.

The report must include:

(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;

(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;

(3) a description of current and future research needs at all levels in the area of organic agriculture;

(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture;

(5) a description of market trends and potential for organic products;

(6) available information, using currently reliable data, on the price received, yield, and profitability of organic farms, and a comparison with data on conventional farms; and

(7) available information, using currently reliable data, on the positive and negative impacts of organic production on the environment and human health.

(c) The commissioner shall appoint a Minnesota Organic Advisory Task Force to advise the commissioner on policies and practices to improve organic agriculture in Minnesota. The task force must consist of the following residents of the state:

(1) three farmers using organic agriculture methods;

(2) two organic food wholesalers, retailers, or distributors;

(3) one representative of organic food certification agencies;

(4) two organic food processors;

(5) one representative from the Minnesota Extension Service;

(6) one representative from a Minnesota postsecondary research institution;

(7) one representative from a nonprofit organization representing producers;

(8) one at-large member;

(9) one representative from the United States Department of Agriculture; and

(10) one organic consumer representative.

Terms, compensation, and removal of members are governed by section

<http://ros.leg.mn/bin/getpub.php?type=s&num=15.059&year=2006> "stat. 6" 15.059, subdivision 6.

The task force must meet at least twice each year and expires on June 30, 2009.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota

agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section <http://ros.leg.mn/bin/getpub.php?type=s&num=205.101&year=2006> 205.101, and certification agents operating within the state.

History: 1985 c 237 s 5; 1990 c 547 s 3; 1995 c 233 art 2 s 56; 1999 c 231 s 56; 2003 c 107 s 19; 1Sp2005 c 1 art 1 s 61
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Appendix B

USDA National Organic Program Rule Summary

Prepared by Jim Riddle¹ and Miles McEvoy², Updated by Jim Riddle 12/20/06

¹Organic Outreach Coordinator, University of Minnesota, 31762 Wiscoy Ridge Road, Winona, MN 55987, 507-454-8310 riddl003@umn.edu

²Organic Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, 360-902-1805, MMcEvoy@agr.wa.gov

Subpart A – Definitions

Subpart A defines one hundred and five terms used in the NOP regulation.

Subpart B – Applicability

The applicability section describes the production and handling operations that must be certified under the NOP. In general, the NOP provides for several significant exemptions and exclusions from certification.

The applicability subpart also includes recordkeeping requirements and a broad list of prohibited substances.

§205.100 What has to be certified.

1. Requires all organic production and handling operations to be certified unless they are exempt or excluded from certification.
2. Provides for continuation of certification if the production or handling operation was certified by an accredited certifier prior to October 21, 2002.
3. Specifies that knowingly selling a product as organic that is not in compliance with the NOP may result in a \$10,000 civil penalty, per violation.

§205.101 Exemptions and exclusions from certification.

Exemptions

1. Producers that sell less than \$5,000 worth of organic products are exempt from organic certification requirements. Such products must be produced according to the NOP in order to be labeled “organic.”
2. Handlers that sell less than \$5,000 worth of organic products are exempt from organic certification requirements. Such products must be handled according to the NOP in order to be labeled “organic.”
3. Organic products from exempt producers and handlers may not be used in processed organic food products.
4. Organic products from exempt producers and handlers may be sold at farmers markets and retail stores as organic.
5. Retail food stores are exempt from organic certification requirements.
6. Processors that produce products with less than 70 percent organic ingredients are exempt from organic certification requirements.
7. Processors that produce products that limit their organic claims to the information panel are exempt from organic certification requirements.
8. Exempt handlers must maintain records to track organic ingredients and verify quantities of organic products produced.

Exclusions

1. Handlers that only sell packaged organic food products are excluded from organic certification requirements. This exclusion would include produce and grocery distributors.
2. Retailers that have in-store bakeries, delicatessen, salad bar or ready to eat food are excluded from the organic certification requirements.
3. Excluded handlers and retailers must prevent commingling of organic and nonorganic products; prevent contamination of organic products with prohibited substances; and label products according to NOP requirements in section 205.310.

§ 205.102 Use of the term, “organic.”

Specifies that agricultural products sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic ingredients” must be produced and handled in accordance with the National Organic Program requirements.

§205.103 Recordkeeping by certified operations.

Specifies that records must be maintained to fully disclose all activities and transactions of the operation; demonstrate compliance with the Act; be maintained for 5 years; and be available for inspection.

§205.105 Allowed and prohibited substances, methods, and ingredients in organic production and handling.

1. Specifies that synthetic substances are prohibited for use in crop or livestock production unless specifically allowed under the National List.
2. Specifies that nonsynthetic (natural) substances are allowed in crop or livestock production unless specifically prohibited under the National List.
3. Specifies that nonagricultural substances used in processed organic products must be approved on the National List.
4. Specifies that nonorganic agricultural substances used in processed organic products must be approved on the National List.
5. Prohibits genetically modified organisms (defined as “excluded methods”) for use in organic production or handling, except for animal vaccines that appear on the National List.
6. Prohibits the use of ionizing radiation.
7. Prohibits the use of sewage sludge.

Subpart C – Organic Production and Handling Requirements

§205.200 General

Specifies that organic production practices (for crop and livestock operations) must maintain or improve the natural resources of the operation, including soil and water quality.

§205.201 Organic production and handling system plan.

This section requires all producers and handlers to have an organic system plan, approved by an accredited certification agency, that must include:

1. A narrative or descriptive format that identifies the practices and procedures performed. Practices include the methods used for applying manure, fertilizers, or pest control materials; tillage, planting, cultivation, harvest, and storage practices; mechanical and biological methods used to prepare and combine ingredients; methods used to package finished products; and measures taken to exclude pests from a facility. Examples of procedures include protocols established for locating commercially available organic seeds, and procedures to inform neighbors about the organic status of the fields.
2. The plan must include a list of all materials that will be applied to the land or within the handling facility, including information on the composition, source, and location where the substance is used. The plan must also address how the application of these materials meets other requirements of the NOP (e.g. how the operator will prevent any manure applications from contributing to water contamination; or documentation that organic seeds or minor ingredients are not available from organic sources.)
3. The plan must include a description of the monitoring practices

used to evaluate the effectiveness of the organic plan. Monitoring practices could include soil tests to monitor fertility management; production objectives such as pounds of product produced per acre or number of organic apples distributed; or results of pesticide residue tests.

4. The plan must include a description of the recordkeeping system used to track a product from harvest through sale; or receiving through shipping; or identifying each animal in production.
5. All operations, including split operations, must describe the management practices and physical barriers that have been established to prevent commingling or contamination of organic food products.
6. Certifying agents may require additional items to be included in the plan to determine if an operation meets the organic requirements.

Crop Production

§205.202 Land requirements.

1. Requires organic crops to have had no prohibited materials applied within three years of harvest of the first organic crop.
2. Requires distinct boundaries and adequate buffer zones to prevent drift. The NOP does not specify a minimum buffer zone requirement.

§205.203 Soil fertility and crop nutrient management practice standard.

1. Standards require organic producers to select tools (e.g., tillers, plows) and practices that maintain or improve soil quality and minimize soil erosion.
2. Producers are required to utilize crop rotations, cover crops and plant and animal materials to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogens, heavy metals, or residues of prohibited substances.
3. Prohibits the use of raw manure unless it is incorporated into the soil more than 120 days prior to harvest for crops for human consumption whose edible portion is in direct contact with the soil or soil particles; or 90 days prior to harvest for crops whose edible portion does not contact soil or soil particles.
4. Defines compost as material that has an initial C:N ratio of between 25:1 and 40:1. Requires compost to reach specific temperature parameters for specific time periods. If produced according to requirements, compost can be applied at any time.
5. Allows use of uncomposted plant materials.
6. Allows mined substances of low solubility.
7. Allows the use of fertility inputs on the National List. Prohibits the use of synthetic fertilizers not on the National List.
8. Prohibits the burning of crop residues, except to prevent disease or to stimulate seed germination.
9. Ash from the burning of plant or animal material is allowed, but manure ash is prohibited.
10. Micronutrient trace minerals may be used when soil deficiency is documented by testing. Micronutrients must not be used as defoliant, herbicides, or desiccants. Nitrate and chloride forms are prohibited.

§205.204 Seeds and planting stock practice standard.

1. Requires annual seedlings to be organically grown, unless a temporary variance due to natural disaster has been granted by the USDA.
2. Requires perennial transplants to be organically grown for one year prior to harvest.
3. Requires use of organic seeds unless organic seeds are commercially unavailable. Producers have to choose an "equivalent" organic seed variety, when commercially available in the form, quality, and quantity needed. The term, "equivalent," indicates that two seed varieties have similar performance attributes, such as resistance to drought, disease, and insects; and production traits, including yield, size, taste, and shape of the commodity.
4. If organic seeds are unavailable, requires use of untreated seeds.
5. If untreated seeds are unavailable, only allows use of seeds treated with a substance included on the National List. There are currently no allowed seed treatments on the National List. Thus, the NOP currently prohibits the use of treated seeds under all circumstances.
6. Prohibits the use of genetically engineered seeds and planting

stock.

§205.205 Crop rotation practice standard.

Soil building crop rotations are required to maintain or improve soil organic matter; provide pest management; manage nutrients; and provide erosion control. There is a requirement for cover crops and/or habitat required in perennial crops to provide for pest management.

§205.206 Crop pest, weed, and disease management practice standard.

1. The producer must use management practices to prevent crop pests, weeds, and diseases. These practices include crop rotation, nutrient management, sanitation measures, and cultural practices.
2. Producers may use other preventative practices including beneficial insects, natural habitat enhancement, and the use of lures, traps and repellants.
3. Weeds may be controlled by mulching with biodegradable materials, mowing, grazing, mechanical cultivation, hand weeding, or flame, electrical or heat treatments.
4. If plastic mulch is used for mulch, it must be removed at the end of the growing or harvest season.
5. If preventative practices are not adequate to prevent or control pests, weeds or diseases, the producer may use biological or botanical substances or materials allowed under the National List.
6. Producers must not use lumber treated with arsenic or other prohibited substances in direct contact with soil or livestock.

§205.207 Wild-crop harvesting practice standard.

Wild crops can be sold and labeled as organic as long as no prohibited materials have been applied to the land for 3 years prior to harvest and harvest of the crop is not destructive to the environment and will sustain the growth and production of the wild crop.

Livestock Production

§205.236 Origin of livestock.

1. Poultry and edible poultry products (meat and eggs) must be from poultry that has been under organic management since the second day of life.
2. Slaughter stock (animals raised for their meat, e.g. cattle, pigs, sheep) must be under organic management since the last third of gestation.
3. Dairy animals must be under organic management for at least one year prior to the production of organic milk, or a producer may feed farm-raised, third year transitional feed for one year prior to organic milk production.
4. Once a dairy herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation.
5. Breeder stock may be brought onto an organic farm from a nonorganic operation prior to the last third of gestation. Breeder stock must be under organic management during the last third of gestation in order to produce organic offspring.
6. Animals must not be rotated between organic and nonorganic production.
7. Livestock producers must maintain records that preserve the identity of all organic animals and edible and nonedible organic products.

§205.237 Livestock feed.

1. Organic livestock must be fed organic feed.
2. Organic feed may contain feed additives and feed supplements that are allowed on the National List. Approved feed supplements include nonsynthetic substances (e.g. fish meal) and synthetic milk replacers for emergency use only (must not contain antibiotics or be from rBST-treated animals).
3. Approved feed additives include trace minerals and vitamins approved by FDA and listed by the American Association of Feed Control Officials (AAFCO).
4. Prohibits use of animal drugs to promote growth.
5. Prohibits feed supplements or additives in amounts in excess of basic nutritional needs of the animal species.

6. Prohibits plastic pellets for roughage and feeds containing urea, manure, or mammalian or poultry slaughter by-products.

§205.238 Livestock health care practice standard.

1. The producer must establish preventative health care practices such as:
 - Selection of species and types of livestock with regard to resistance to disease and parasites.
 - Providing quality feed.
 - Establishing living conditions that minimize occurrence and spread of disease and parasites.
 - Provide conditions that allow for exercise, freedom of movement, and reduction of stress.
 - Perform physical alterations (e.g. beak trimming) as needed to promote the animal's welfare in a manner that minimizes pain and stress.
 - Administer vaccines and veterinary biologics.
2. When preventative practices are not adequate to prevent sickness, producers may use synthetic medications allowed on the National List. Approved medications include aspirin; vaccines; chlorhexidine for surgical procedures and teat dip; electrolytes; glucose; glycerin as a teat dip; iodine; hydrogen peroxide; magnesium sulfate; oxytocin for postparturition; lidocaine or procaine as a local anesthetic, with extended withdrawal period; mineral oil for topical use; copper sulfate for external use; and mineral oil for external use.
3. Ivermectin may be used on breeder stock prior to the last third of gestation and dairy stock at least 90 days prior to milk production, when preventative measures fail.
4. DL-Methionine may be used as a feed supplement for poultry until October 1, 2008.
5. Antibiotics are prohibited for slaughter stock, poultry and dairy stock.
6. It is prohibited to administer any medication or drug in the absence of illness.
7. Hormones are prohibited.
8. It is prohibited to withhold medical treatment from a sick animal to preserve its organic status. Livestock treated with prohibited substances must be clearly identified and not sold as organic.

§205.239 Livestock living condition.

1. Producers must establish living conditions that accommodate the health and natural behavior of the animals, including:
 - Access to the outdoors, shade, shelter, fresh air as suitable to the species.
 - Access to pasture for ruminants.
 - Appropriate clean, dry bedding. If the bedding is consumed, it must be organic.
2. The producer may provide temporary confinement because of inclement weather, the animal's stage of production (e.g. young birds, finishing cattle), risk to the animal's health or safety, or risk to soil or water quality.
3. The producer must manage manure in a manner that does not contribute to the contamination of crops, soil or water, and optimize the recycling of nutrients.

Handling

§205.270 Organic handling requirements.

This section provides general requirements for ingredients and practices used in organic processing.

1. Approved processing methods include cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, distilling, extracting, slaughtering, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing, and the packaging, canning, jarring, or otherwise enclosing food in a container.
2. All ingredients and processing aids used in "100% organic" food must be 100% organic.
3. All agricultural ingredients in "organic" food (at least 95% organic ingredients) must be either organic or not commercially available in organic form, if listed on 205.606. Nonagricultural ingredients and processing aids must appear on 205.605. All ingredients must also not be genetically engineered; irradiated; produced from sewage sludge; or be produced with a volatile synthetic solvents.

4. All agricultural ingredients in products labeled "made with organic ingredients" (at least 70% organic ingredients) must not be genetically engineered; irradiated; or produced from sewage sludge. All non-agricultural ingredients and processing aids used in products labeled "made with organic ingredients" must appear on 205.605.

§205.271 Facility pest management practice standard.

1. The handler must use management practices to prevent pests, including removal of pest habitat; prevention of access to facilities; good sanitation; and managing environmental factors to prevent pest reproduction.
2. The handler may use mechanical traps; lures and repellants (must be natural or on National List).
3. If preventative practices are not adequate, the handler may use materials approved on the National List.
4. If the preventative practices and the materials approved on the National List are not adequate to control pests, the handler may use a synthetic substance that is not on the National List as long as the material does not contact the organic products (e.g. the organic products are removed during treatment or the organic products are in sealed containers).
5. Records must be kept of all inputs used for facility pest control and steps taken to prevent contamination of organic products and packaging.

§205.272 Commingling and contact with prohibited substance prevention practice standard.

1. The handler must implement procedures to prevent commingling (mixing of organic and nonorganic ingredients or products).
2. The handler must implement procedures to prevent organic products from contacting prohibited substances.
3. Containers and packaging materials must not contain preservatives, fungicides, or fumigants.
4. Containers may be reused as long as they are thoroughly cleaned and pose no risk of contact with prohibited substances.

§205.290 Temporary variances.

1. Temporary variances to certain organic production and handling requirements may be granted by the USDA for natural disasters; damage from drought, flood, hail, tornado, earthquake or other business interruption; and for research.
2. A State organic program or state certifying agent may recommend to the USDA that a temporary variance should be granted.
3. Temporary variances will not be granted for the use of prohibited synthetic or natural substances; genetically modified organisms; irradiation; or sewage sludge.

Subpart D - Labels, Labeling and Market Information

The National Organic Program has created five label categories for organic food:

1. 100 percent organic – All ingredients and processing aids must be 100% organic.
2. Organic – At least 95% of ingredients must be organic.
3. Made with organic ingredients – At least 70% of ingredients must be organic.
4. Products with less than 70% organic ingredients.
5. Organic Livestock feed.

Key definitions –

Processing aid – A substance used during processing that does not become an ingredient or is present at insignificant levels in the finished food product.

Principal display panel – That part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale.

Information panel – That part of the label of a packaged product that is immediately contiguous to and to the right of the principal display panel as observed by an individual facing that principal display panel, unless another section of the label is designated as the information panel because of package size or other package attributes.

Ingredients statement – the list of ingredients contained in a product shown in their common and usual names in the descending order of predominance.

§205.300 Use of the term, “organic.”

This section specifies that the term “organic” may only be used on labels that comply with the National Organic Program regulations. The word “organic” must not be used on a product label to modify a nonorganic ingredient. Products for export may be labeled to meet the receiving countries’ specifications as long as they are labeled “for export only.” Products imported to the United States from foreign countries must be certified and labeled according to the NOP regulations.

§205.301 Product Composition

1. 100 percent organic – All ingredients and processing aids used in 100% organic food must be 100% organic.
2. Organic – At least 95% of ingredients must be organic. All agricultural ingredients in the product must be either organic or not commercially available in organic form and listed on 205.606. All non-organic agricultural ingredients must not be genetically engineered; irradiated; produced from sewage sludge; or be produced with a volatile synthetic solvent. All non-agricultural ingredients and processing aids used must be approved on the National List.
3. Made with organic ingredients – At least 70% of ingredients must be organic. All non-organic agricultural ingredients must not be genetically engineered; irradiated; or produced from sewage sludge. All non-agricultural ingredients and processing aids must be approved on the National List.
4. Products with less than 70% organic ingredients. All organic ingredients must be produced in compliance with the NOP regulations. There are no restrictions on the non-organic ingredients used in this labeling category.
5. Livestock feed – Organic livestock feed must include only organic agricultural ingredients and approved feed additives and supplements.

§205.302 Calculating the percentage of organically produced ingredients.

This section describes the procedure for determining the percentage of organic ingredients in a food product. The percentage of organic ingredients is determined by dividing the sum of the organic ingredients by the sum of all ingredients, at formulation, by weight or fluid volume. Water and salt are not included in the calculation of the percentage of organic ingredients.

§205.303 Packaged products labeled “100 percent organic” or “organic.”

Optional labeling provisions - Products in these categories may display on the principal display panel:

- The percentage of organic ingredients,
- The USDA seal,
- The seal of the state or private certification agency,
- The term “100 percent organic” or “organic” as appropriate,

Required labeling provisions – Products in these categories must:

- Identify each organic ingredient with the word , “organic,” or with an asterisk that identifies the ingredient as organic.
- Water and salt cannot be identified as organic.
- On the information panel, the statement “Certified organic by ... (name of certifying agent).”

§205.304 Packaged products labeled “made with organic (specified ingredients or food groups(s)).”

Optional labeling provisions - Products in this category may display on the principal display panel:

- The percentage of organic ingredients,
- The seal of the state or private certification agency,
- The term “made with organic (specified ingredients)” as appropriate. The term “made with organic (specified ingredients)” must appear in letters that do not exceed one-half the size of the product identity.

Required labeling provisions – Products in this category must:

- Identify each organic ingredient with the word , “organic,” or with an asterisk that identifies the ingredient as organic.
- Water and salt cannot be identified as organic.
- On the information panel, the statement “Certified organic by ... (name of certifying agent).”

Prohibited labeling provisions – Products in this category must not display:

- The USDA seal.

§205.305 Multi-ingredient packaged products with less than 70 percent organically produced ingredients.

Optional labeling provisions - Products in this category may display on the information panel:

- Identify each organic ingredient with the word , “organic,” or with an asterisk that identifies the ingredient as organic.
- If the organic ingredients are identified on the ingredients statement then the percentage of organic ingredients may be displayed on the information panel.

Prohibited labeling provisions – Products in this category must not display:

- The word “organic,” on the principal display panel,
- The USDA seal,
- The seal of the state or private certification agency, or
- The statement “Certified organic by ... (name of certifying agent).”

§205.306 Labeling of livestock feed.

Optional labeling provisions – Organic livestock feed may display on any package panel:

- The USDA seal,
- The seal of the state or private certification agency,
- The term “100 percent organic” or “organic” as appropriate,
- Identify each organic ingredient with the word , “organic,” or with an asterisk that identifies the ingredient as organic.
- Water and salt cannot be identified as organic.

Required labeling provisions – Organic livestock feed must display:

- On the information panel, the statement “Certified organic by ... (name of certifying agent).”

§205.307 Labeling of nonretail containers used for only shipping or storage of raw or processed agricultural products labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”

Optional labeling provisions – These products may display:

- The name of the certifying agent.
- Identification of the product as organic.
- The seal of the state or private certification agency.
- The USDA seal.

Required labeling provisions – These products must display:

- The production lot number to maintain identity of organic products.

Export labeling provisions – Products for export may display:

- May be labeled in accordance with foreign labeling requirements provided that they are labeled “For Export Only.”

§205.308 Agricultural products in other than packaged form (e.g. produce, bulk food) at the point of retail sale that are sold, labeled, or represented as “100 percent organic” or “organic.”

Optional labeling provisions – Retailers may display on non-packaged food):

- The term “100 percent organic” or “organic” as appropriate.
- The seal of the state or private certification agency.
- The USDA seal.

§205.309 Agricultural products in other than packaged form (e.g. bulk food) at the point of retail sale that are sold, labeled, or represented as “made with organic (specified ingredients or food groups (s)).”

Optional labeling provisions – Retailers may display on non-packaged “made with organic (specified ingredients)” products (e.g. bulk food):

- The seal of the state or private certification agency,

• The term “made with organic (specified ingredients)” as appropriate. The term “made with organic (specified ingredients)” must appear in letters that do not exceed one-half the size of the product identity, provided that each organic ingredient is identified with the word , “organic,” or with an asterisk that identifies the ingredient as organic.

§205.310 Agricultural products produced on an exempt or excluded operation.

Optional labeling provisions – Organic products from exempt or excluded operations may:

• Identify organic products as organic. These organic products may not be used as an organic ingredient in processed organic products.

Prohibited labeling provisions – Organic products from exempt or excluded operations must not display:

- The USDA seal.
- The seal of the state or private certification agency.
- Be represented as a certified organic product.

§205.311 USDA Seal.

It’s round and it says “USDA ORGANIC.”

Subpart E - Certification

The Certification subpart specifies the requirements for certification including the application requirements, inspection procedures and conditions for granting and denying certification.

§205.400 General Requirements for certification

Persons seeking to receive or maintain organic certification must: Comply with the standards.

Establish and implement an organic production or handling system plan.

Update the plan on an annual basis.

Permit on-site inspections.

Maintain records for five years.

Pay annual application fees.

Certified operations are required to immediately notify the certifying agent concerning:

Any application, including drift, of any prohibited substance to any field, production unit, site, facility, livestock, or product that is part of the operation; and

Any change to the operation or portion of the operation that may affect its organic status.

§205.401 Application for certification

Application – Must contain organic production and handling system plan and appropriate fees.

§205.402 Review of application

1. The certifying agent is responsible for reviewing the application and responding to applicant within a reasonable amount of time. The response to the application must communicate whether the applicant appears to comply or has the ability to comply with the organic regulations.

2. The certifying agent must schedule an inspection to determine whether the applicant qualifies for certification.

3. The applicant may withdraw application at any time.

§205.402 On-site inspections.

1. Initial inspection must be conducted within a reasonable period of time. Inspection must be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.

2. Initial inspection must be conducted within 6 months of application or time of renewal.

3. Additional announced or unannounced inspections may be conducted at the discretion of the certifying agent.

4. All inspections must be conducted with an authorized representative

who is knowledgeable about the operation.

5. The inspection must verify that the operation is in compliance or has the capability to comply with the organic regulations.

6. The inspection must verify that the organic production and handling system plan accurately reflects the practices used by the applicant.

7. The inspection must verify that no prohibited substances have been applied.

8. Inspectors must conduct an exit interview with an authorized representative who is knowledgeable about the inspected operation.

The purpose of the exit interview is to discuss known issues of concern regarding their application for organic certification and identify any missing information.

9. The certifying agent must provide a copy of the inspection report to the inspected operation within a reasonable time frame.

§205.404 Granting certification

1. The certifying agent must review the on-site inspection report within a reasonable time frame and grant certification if the operation is in compliance with the organic regulations.

2. The criteria for granting certification are 1) the applicant’s operation is in compliance with the organic standards and 2) that the applicant is able to conduct operations in accordance with its organic system plan.

3. Once certified, a producer’s or handler’s organic certification continues until it is suspended or revoked by the State Organic Program, or voluntarily withdrawn from the program by the applicant.

§205.405 Denial of certification (Note: This pertains to new applicants only)

1. When an applicant is not in compliance or not able to comply with the organic regulations, the certifying agent must issue a notification of noncompliance that specifies

- 1) each noncompliance; and
- 2) the date by which the rebuttal or correction of the noncompliance must occur .

2. Upon receipt of the notice of noncompliance the applicant may

- 1) Correct the noncompliance; or
- 2) Submit information to rebut the noncompliance.

3. A notice of denial of certification is issued when a correction of noncompliance is not possible; when an applicant fails to respond to a notice of noncompliance; or when the corrective actions are not sufficient for qualifying for certification.

4. A notice of denial of certification must state the reasons for denial, include information about the applicant’s right to reapply for certification, request mediation, or file an appeal of the denial.

5. An applicant may be denied certification for willfully making a false statement or misrepresenting the applicant’s operation.

§205.406 Continuation of certification (Note: This pertains to renewal applicants only)

1. To continue certification an operation must annually pay certification fees and submit an updated organic production or handling system plan.

2. An on-site inspection must be conducted within six months of the renewal date.

3. When a certified operation is not in compliance with the organic regulations, the certifying agent must issue a notification of noncompliance that specifies:

- 1) each noncompliance; and
- 2) the date by which the rebuttal or correction of the noncompliance must occur.

4. Upon receipt of the notice of noncompliance the certified operation may:

- 1) Correct the noncompliance; or
- 2) Submit information to rebut the noncompliance.

5. A notice of proposed revocation of certification is issued when a certified operation fails to take the corrective actions within the prescribed time period.

7. A notice of proposed revocation of certification must state the reasons for the proposed revocation; the proposed effective date; and the right to appeal or request mediation.

Subpart F – Accreditation of Certifying Agents

205.500 Areas and Duration of Accreditation.

1. The NOP shall accredit qualified domestic or foreign applicants to certify production or handling operations.
2. Accreditation may be issued for crop certification, livestock certification, wild crop certification, handling certification or any combination of certification areas.
3. Accreditation shall be for five years.
4. Foreign certifying agents may be accepted by USDA under the following criteria:
 - The foreign certifier is accredited by the foreign government authority to meet NOP requirements, or
 - The foreign government that accredited the certifier has an equivalency agreement with the United States.

205.501 General Requirements for Accreditation.

This section contains the criteria that must be met. For a private or state certifier to obtain accreditation, the certifier must:

1. have sufficient expertise in organic production and handling.
2. demonstrate the ability to comply with the requirements for accreditation.
3. carry out the provisions of the National Organic Program.
4. use a sufficient number of adequately trained personnel.
5. ensure that personnel have sufficient expertise in organic production and handling.
6. ensure that all personnel have an annual performance evaluation.
7. conduct an annual program review of its certification activities.
8. provide sufficient information to persons seeking certification to enable them to comply with the regulations.
9. Maintain required records.
10. Maintain confidentiality of records.
11. Prevent conflict of interest.
12. Accept the certification decisions made by another certifying agent accredited or accepted by USDA.
13. Submit to the NOP any notice of denial of certification, notification of noncompliance, notification of proposed revocation; and an annual list of the name address and telephone number of all operations granted certification.
14. Pay the accreditation fees to USDA.
15. Provide the inspector with copies of previous inspection reports, and decisions regarding the certification of production and handling operations that they inspect.
16. Comply with a State's organic program for the states that the certifier operates within.
17. Certifiers may establish a seal or logo to identify products certified by that certifier.
18. Certifiers may not require any additional requirements as a condition for allowing the use of its seal or logo.

205.502 Applying for accreditation.

This section specifies where the application for accreditation must be sent.

205.503 Applicant information.

This section specifies the information that must be submitted by the applicant for accreditation.

205.504 Evidence of expertise and ability.

This section specifies the information that must be submitted to demonstrate its expertise in organic production and handling.

205.505 Statement of agreement.

This section specifies the conditions that state and private certification agencies need to agree to in order to obtain accreditation. An accredited certifier must agree to accept the certification decisions made by another USDA-accredited certifier; refrain from making false or misleading claims in regards to its accreditation status; conduct annual performance evaluations of all persons; have an internal review process; pay required fees; and meet other terms and conditions. In addition to these criteria, private certifiers must hold the Secretary harmless and furnish reasonable

security to protect the rights of certified operations.

205.506 Granting accreditation.

1. Accreditation is granted when:
 - 1) the required information is submitted;
 - 2) the fees are paid; and
 - 3) the NOP determines that the accreditation criteria have been met.
2. Accreditation is granted for one or more specific areas such as crops, livestock, wild crops, or handling.

205.507 Denial of accreditation.

This section specifies the process that the NOP must follow in order to deny accreditation to a certifier.

205.508 Site evaluations.

Site evaluations of certifiers are conducted to examine a certifier's compliance with the NOP. Site evaluations are conducted by NOP staff and involve reviewing certification procedures and production and handling operations certified by the certifier. Site evaluations are conducted at least once during the five year accreditation period.

205.509 Peer review panel.

The NOP will establish a peer review panel to review the NOP accreditation policies and procedures and ensure the procedures meet ISO Guide 61 standards (General requirements for assessment and accreditation of certification/registration bodies).

205.510 Annual report, recordkeeping, and renewal of accreditation.

1. Accredited certifiers must submit an annual report that includes any changes to the certification program; a description of measures taken to address the terms and conditions of the accreditation; the most recent performance evaluations; the annual program review; and the required fees.
2. Certifiers must maintain required records (most records must be maintained for ten years).
3. Renewal of accreditation occurs every five years. Certifiers must apply to renew their accreditation at least six months prior to the expiration date of their accreditation.

Subpart G – Administrative

The National List of Allowed and Prohibited Substances

The National List within the NOP is constructed very differently than most approved material lists. Under the NOP, all nonsynthetic substances (= natural materials) are allowed to be used unless they are specifically prohibited. Conversely, all synthetic substances are prohibited unless specifically allowed. The difficulty with this approach is that it is often difficult to determine whether a material is natural or synthetic. In addition, many materials that are approved for use in organic crop production are not included on the National List because they are nonsynthetic (= natural).

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

205.600 Evaluation criteria for allowed and prohibited substances, methods, and ingredients.

The criteria for adding a synthetic substance to the National List for use in organic crop production or for adding to processed organic food is:

1. The substance cannot be produced from a natural source and there are no organic substitutes.
2. The substance's manufacture, use and disposal do not have adverse effects on the environment.
3. The nutritional quality of the food is maintained when the substance is used.

4. The substance or its breakdown products do not have an adverse effect on human health.
5. The substance's primary use is not as a preservative or to recreate flavors, colors, textures, or nutritive value lost during processing.
6. If used in food, the substance is listed as generally regarded as safe (GRAS) by FDA.
7. The substance is essential to the handling of organic food products.
8. Use of the substance is compatible with organic production and handling.

205.601 Synthetic substances allowed for use in organic crop production.

In accordance with restrictions specified in this section, the following synthetic substances may be used in organic crop production: Provided, That, use of such substances do not contribute to contamination of crops, soil, or water. Substances allowed by this section, except disinfectants and sanitizers in paragraph (a) and those substances in paragraphs (c), (j), (k), and (l) of this section, may only be used when the provisions set forth in §205.206(a) through (d) prove insufficient to prevent or control the target pest.

(a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

- (1) Alcohols.
 - (i) Ethanol.
 - (ii) Isopropanol.
- (2) Chlorine materials—Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.
 - (i) Calcium hypochlorite.
 - (ii) Chlorine dioxide.
 - (iii) Sodium hypochlorite.
- (3) Copper sulfate—for use as an algicide in aquatic rice systems, is limited to one application per field during any 24-month period. Application rates are limited to those which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent.
- (4) Hydrogen peroxide.
- (5) Ozone gas—for use as an irrigation system cleaner only.
- (6) Peracetic acid—for use in disinfecting equipment, seed, and asexually propagated planting material.
- (7) Soap-based algicide/demosers.

(b) As herbicides, weed barriers, as applicable.

- (1) Herbicides, soap-based—for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops.
- (2) Mulches.
 - (i) Newspaper or other recycled paper, without glossy or colored inks.
 - (ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC)).

(c) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks.

(d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop.

(e) As insecticides (including acaricides or mite control).

- (1) Ammonium carbonate—for use as bait in insect traps only, no direct contact with crop or soil.
- (2) Boric acid—structural pest control, no direct contact with organic food or crops.
- (3) Copper sulfate—for use as tadpole shrimp control in aquatic rice production, is limited to one application per field during any 24-month period. Application rates are limited to levels which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent.
- (4) Elemental sulfur.
- (5) Lime sulfur—including calcium polysulfide.
- (6) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils.
- (7) Soaps, insecticidal.
- (8) Sticky traps/barriers.

(f) As insect management. Pheromones.

- (g) As rodenticides.
 - (1) Sulfur dioxide—underground rodent control only (smoke bombs).
 - (2) Vitamin D3.

(h) As slug or snail bait. Ferric phosphate (CAS # 10045–86–0).

(i) As plant disease control.

- (1) Coppers, fixed—copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, Provided, That, copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides.
- (2) Copper sulfate—Substance must be used in a manner that minimizes accumulation of copper in the soil.
- (3) Hydrated lime.
- (4) Hydrogen peroxide.
- (5) Lime sulfur.
- (6) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.
- (7) Peracetic acid—for use to control fire blight bacteria.
- (8) Potassium bicarbonate.
- (9) Elemental sulfur.
- (10) Streptomycin, for fire blight control in apples and pears only.
- (11) Tetracycline (oxytetracycline calcium complex), for fire blight control only.

(j) As plant or soil amendments.

- (1) Aquatic plant extracts (other than hydrolyzed)—Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction.
- (2) Elemental sulfur.
- (3) Humic acids—naturally occurring deposits, water and alkali extracts only.
- (4) Lignin sulfonate—chelating agent, dust suppressant, floatation agent.
- (5) Magnesium sulfate—allowed with a documented soil deficiency.
- (6) Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing.
 - (i) Soluble boron products.
 - (ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt.
- (7) Liquid fish products—can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.
- (8) Vitamins, B1, C, and E.

(k) As plant growth regulators. Ethylene gas—for regulation of pineapple flowering.

(l) As floating agents in postharvest handling.

- (1) Lignin sulfonate.
- (2) Sodium silicate—for tree fruit and fiber processing.

(m) As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.

- (1) EPA List 4—Inerts of Minimal Concern.
- (2) EPA List 3—Inerts of Unknown Toxicity allowed:
 - (i) Glycerine Oleate (Glycerol monooleate) (CAS #s 37220–82–9)—for use only until December 31, 2006.
 - (ii) Inerts used in passive pheromone dispensers.

(n) Seed preparations. Hydrogen chloride (CAS # 7647–01–0)—for delinting cotton seed for planting.

205.602 Nonsynthetic substances prohibited for use in organic crop production.

The following nonsynthetic substances may not be used in organic crop production:

- (a) Ash from manure burning.

- (b) Arsenic.
- (c) Calcium chloride, brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.
- (d) Lead salts.
- (e) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.
- (f) Sodium fluoaluminat (mined).
- (g) Sodium nitrate—unless use is restricted to no more than 20% of the crop's total nitrogen requirement; use in spirulina production is unrestricted until October 21, 2005.
- (h) Strychnine.
- (i) Tobacco dust (nicotine sulfate).

205.603 Synthetic substances allowed for use in organic livestock production.

In accordance with restrictions specified in this section the following synthetic substances may be used in organic livestock production:

- (a) As disinfectants, sanitizer, and medical treatments as applicable.
 - (1) Alcohols.
 - (i) Ethanol—disinfectant and sanitizer only, prohibited as a feed additive.
 - (ii) Isopropanol—disinfectant only.
 - (2) Aspirin—approved for health care use to reduce inflammation.
 - (3) Biologics—Vaccines.
 - (4) Chlorhexidine—Allowed for surgical procedures conducted by a veterinarian. Allowed for use as a teat dip when alternative germicidal agents and/or physical barriers have lost their effectiveness.
 - (5) Chlorine materials—disinfecting and sanitizing facilities and equipment. Residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.
 - (i) Calcium hypochlorite.
 - (ii) Chlorine dioxide.
 - (iii) Sodium hypochlorite.
 - (6) Electrolytes—without antibiotics.
 - (7) Glucose.
 - (8) Glycerine—Allowed as a livestock teat dip, must be produced through the hydrolysis of fats or oils.
 - (9) Hydrogen peroxide.
 - (10) Iodine.
 - (11) Magnesium sulfate.
 - (12) Oxytocin—use in postparturition therapeutic applications.
 - (13) Parasiticides. Ivermectin—prohibited in slaughter stock, allowed in emergency treatment for dairy and breeder stock when organic system plan-approved preventive management does not prevent infestation. Milk or milk products from a treated animal cannot be labeled as provided for in subpart D of this part for 90 days following treatment. In breeder stock, treatment cannot occur during the last third of gestation if the progeny will be sold as organic and must not be used during the lactation period of breeding stock.
 - (14) Phosphoric acid—allowed as an equipment cleaner, Provided, That, no direct contact with organically managed livestock or land occurs.
- (b) As topical treatment, external parasiticide or local anesthetic as applicable.
 - (1) Copper sulfate.
 - (2) Iodine.
 - (3) Lidocaine—as a local anesthetic. Use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals.
 - (4) Lime, hydrated—as external pest control, not permitted to cauterize physical alterations or deodorize animal wastes.
 - (5) Mineral oil—for topical use and as a lubricant.
 - (6) Procaine—as a local anesthetic, use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals.
- (c) As feed supplements—Milk replacers without antibiotics, as emergency use only, no nonmilk products or products from BST treated animals.

(d) As feed additives.

- (1) DL-Methionine, DL-Methionine-hydroxyl analog, and DL-Methionine-hydroxyl analog calcium (CAS #—59–51–8; 63–68–3; 348–67–4)—for use in organic poultry production until October 1,

2008.

- (2) Trace minerals, used for enrichment or fortification when FDA approved.
- (3) Vitamins, used for enrichment or fortification when FDA approved.
 - (e) As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or a synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.
- (1) EPA List 4—Inerts of Minimal Concern.

205.604 Nonsynthetic substances prohibited for use in organic livestock production.

The following nonsynthetic substances may not be used in organic livestock production:

- (a) Strychnine.

205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

The following nonagricultural substances may be used as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))” only in accordance with any restrictions specified in this section.

(a) Nonsynthetics allowed:

- Acids (Alginic; Citric—produced by microbial fermentation of carbohydrate substances; and Lactic).
 - Agar-agar.
 - Animal enzymes—(Rennet—animals derived; Catalase—bovine liver; Animal lipase; Pancreatin; Pepsin; and Trypsin).
 - Bentonite.
 - Calcium carbonate.
 - Calcium chloride.
 - Calcium sulfate—mined.
 - Carageenan.
 - Colors, nonsynthetic sources only.
 - Dairy cultures.
 - Diatomaceous earth—food filtering aid only.
 - Egg white lysozyme (CAS # 9001–63–2)
 - Enzymes—must be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria.
 - Flavors, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.
 - Glucono delta-lactone—production by the oxidation of D-glucose with bromine water is prohibited.
 - Kaolin.
 - L-Malic acid (CAS # 97–67–6).
 - Magnesium sulfate, nonsynthetic sources only.
 - Microorganisms—any food grade bacteria, fungi, and other microorganism.
 - Nitrogen—oil-free grades.
 - Oxygen—oil-free grades.
 - Perlite—for use only as a filter aid in food processing.
 - Potassium chloride.
 - Potassium iodide.
 - Sodium bicarbonate.
 - Sodium carbonate.
 - Tartaric acid.
 - Waxes—nonsynthetic (Carnauba wax; and Wood resin).
 - Yeast—nonsynthetic, growth on petrochemical substrate and sulfite waste liquor is prohibited (Autolysate; Bakers; Brewers; Nutritional; and Smoked—nonsynthetic smoke flavoring process must be documented).
- (b) Synthetics allowed:
- Activated charcoal (CAS #s 7440–44–0; 64365–11–3)—only from vegetative sources; for use only as a filtering aid.
 - Alginates.
 - Ammonium bicarbonate—for use only as a leavening agent.
 - Ammonium carbonate—for use only as a leavening agent.
 - Ascorbic acid.
 - Calcium citrate.
 - Calcium hydroxide.
 - Calcium phosphates (monobasic, dibasic, and tribasic).

Carbon dioxide.

Cellulose—for use in regenerative casings, as an anti-caking agent (non-chlorine bleached) and filtering aid.

Chlorine materials—disinfecting and sanitizing food contact surfaces, except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite).

Cyclohexylamine (CAS # 108–91–8)—for use only as a boiler water additive for packaging sterilization.

Diethylaminoethanol (CAS # 100–37–8)—for use only as a boiler water additive for packaging sterilization.

Ethylene—allowed for postharvest ripening of tropical fruit and degreening of citrus.

Ferrous sulfate—for iron enrichment or fortification of foods when required by regulation or recommended (independent organization).

Glycerides (mono and di)—for use only in drum drying of food.

Glycerin—produced by hydrolysis of fats and oils.

Hydrogen peroxide.

Lecithin—bleached.

Magnesium carbonate—for use only in agricultural products labeled “made with organic (specified ingredients or food group(s)),” prohibited in agricultural products labeled “organic”.

Magnesium chloride—derived from sea water.

Magnesium stearate—for use only in agricultural products labeled “made with organic (specified ingredients or food group(s)),” prohibited in agricultural products labeled “organic”.

Nutrient vitamins and minerals, in accordance with 21 CFR 104.20, Nutritional Quality Guidelines For Foods.

Octadecylamine (CAS # 124–30–1)—for use only as a boiler water additive for packaging sterilization.

Ozone.

Pectin (low-methoxy).

Peracetic acid/Peroxyacetic acid (CAS # 79–21–0)—for use in wash and/or rinse water according to FDA limitations. For use as a sanitizer on food contact surfaces.

Phosphoric acid—cleaning of food-contact surfaces and equipment only.

Potassium acid tartrate.

Potassium tartrate made from tartaric acid.

Potassium carbonate.

Potassium citrate.

Potassium hydroxide—prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the Individually Quick Frozen (IQF) production process.

Potassium iodide—for use only in agricultural products labeled “made with organic (specified ingredients or food group(s)),” prohibited in agricultural products labeled “organic”.

Potassium phosphate—for use only in agricultural products labeled “made with organic (specific ingredients or food group(s)),” prohibited in agricultural products labeled “organic”.

Silicon dioxide.

Sodium acid pyrophosphate (CAS # 7758–16–9)—for use only as a leavening agent.

Sodium citrate.

Sodium hydroxide—prohibited for use in lye peeling of fruits and vegetables.

Sodium phosphates—for use only in dairy foods.

Sulfur dioxide—for use only in wine labeled “made with organic grapes.” Provided, That, total sulfite concentration does not exceed 100 ppm.

Tartaric acid.

Tetrasodium pyrophosphate (CAS # 7722–88–5)—for use only in meat analog products.

Tocopherols—derived from vegetable oil when rosemary extracts are not a suitable alternative.

Xanthan gum.

§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

Only the following nonorganically produced agricultural products may be used as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)),” only in accordance with any restrictions specified in this section, and only when the product is not commercially available in

organic form.

(a) Cornstarch (native)

(b) Gums—water extracted only (arabic, guar, locust bean, carob bean)

(c) Kelp—for use only as a thickener and dietary supplement

(d) Lecithin—unbleached

(e) Pectin (high-methoxy)

205.607 Amending the National List.
This section states that any person may petition the National Organic Standards Board to add materials to or remove materials from the National List.

State Organic Programs
The NOP provides four options for States.

1. A state may be a state certifying agent.
2. A state may have a State Organic Program, which has authority to enforce the NOP in the state.
3. A state may be a state certifying agent and have a State Organic Program.
4. A state may choose to not have a State Organic Program or be a state certifying agent.

205.620 Requirements of State Organic Programs.

1. Specifies that any State may establish a State Organic Program .
2. Specifies that State Organic Programs must meet the NOP requirements.
3. Allows a State to have more restrictive requirements because of environmental conditions or specific production or handling practices.
4. Requires a State Organic Program to assume enforcement obligations of the NOP.
5. Requires a State Organic Program to be approved by the USDA Secretary prior to implementing its state program.

205.621 Submission and determination of proposed State Organic Programs and amendments to approved State Organic Programs.

This section includes the details of the information that must be submitted by a State in order for a State Organic Program to be approved under the NOP.

205.622 Review of approved State Organic Programs.
Specifies that NOP must review State Organic Programs at least once every five years.

Fees
Sections 205.640 and 205.641 205.642

These sections specify the costs for accreditation.

205.642 Fees and other charges for certification.

1. Certifiers are required to charge reasonable fees for the certification services they provide.
2. Certifiers are required to publish their fee schedules and provide justification for any nonrefundable fees that are charged.

Compliance
The NOP compliance proceedings are similar to administrative procedures of many states.

205.660 General
This section specifies that the NOP may conduct inspections or initiate revocation proceedings against a certified operation or a certifying agent’s accreditation.

205.661 Investigation of certified operations.
Allows certifying agents and State Organic Programs to investigate complaints of noncompliance with the NOP regulations.

205.662 Noncompliance procedure for certified operations.

Specifies the procedures that certifiers and State Organic Programs must take for any compliance action. The procedures provide due process for certified operations. The procedures outline notification procedures, resolution options, proposed suspension or revocation notices, and procedures for willful violations.

205.663 Mediation.

This section specifies the procedures for a mediated settlement of noncompliance proceedings. Mediation is not mandated but offered as an option for settlement of a noncompliance proceeding.

205.665 Noncompliance procedure for certifying agents and 205.668 Noncompliance procedures under State Organic Programs.

These sections specify the procedures for noncompliance proceedings against certifying agents and State Organic Programs respectively.

205.670 Inspection and testing of agricultural product to be sold or labeled "organic."

1. Organic food products must be available for sampling for pesticide residues.
2. State Organic Programs or certifying agents may require preharvest or postharvest testing when there is reason to believe that the product has come into contact with a prohibited substance or has been produced using genetically modified ingredients.
3. Sampling may only be conducted when there is reason to believe that there may be residues present. This may require the SOP's and state certification agencies to only sample producers where there is a risk of pesticide drift, residual soil contamination, or misapplication of prohibited substances. It needs to be demonstrated that there is a reason to believe that the product may have come into contact with prohibited substances.
4. Sampling must be done by qualified inspectors and must maintain chain of custody.
5. Chemical analysis must be done by official methods of analysis.
6. Results of all analyses must be provided to the National Organic Program and must be available for public access.
7. Residue tests are conducted at the expense of the certifying agent.

205.671 Exclusion from organic sale.

1. The NOP establishes an organic tolerance level at 5% of the Environmental Protection Agency's tolerance levels for registered pesticides.
2. The NOP establishes the FDA action level as the organic tolerance level for pesticides that are no longer registered (e.g. DDT, dieldrin, chlordane).
3. When residues are detected that exceed these levels, the products must not be sold, labeled or represented as organic.

205.672 Emergency pest or disease treatment.

1. Allows a prohibited substance to be applied to a certified organic operation as part of a Federal or State emergency pest or disease control program.
2. Prohibits any crop or product that has come into contact with a prohibited substance to be labeled, represented or sold as organic.
3. This section protects consumers by prohibiting any organic crops from having prohibited substances applied to them while also protecting the organic producer from losing their organic certification due to an emergency pest control program outside of their control.

Adverse Action Appeal Process

§205.680 General and §205.681 Appeals.

This section describes the appeals process for person's that believe that they are adversely affected by a noncompliance decision of the National Organic Program, a State organic program, or a certifying agent. The primary difference between the NOP appeal process and the current state process is that appeals would be appealed to a U.S. District Court rather than a State court.

Appendix C

Sample Forms

The following are sample recordkeeping forms that you can photocopy and use on your own farm. These forms are meant to be a guide in establishing a certifiable audit trail and can be adapted to suit your needs.

See other forms available at: www.attra.org/organic.html and scroll down to Organic Regulation, Certification, Transition & History. Forms are available for organic field crop, livestock, orchard, vineyard and market farm producers and handlers.

