

## Sustainable Development Law & Policy

---

Volume 6

Issue 3 *Spring 2006: Sound Chemicals Management*

Article 10

---

# Safeguarding Organic Food: The Need for International Certification Standards

Balse Kornacki

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/sdlp>

 Part of the [Agriculture Law Commons](#), and the [Food and Drug Law Commons](#)

---

### Recommended Citation

Kornacki, Blase. "Safeguarding Organic Food: The Need for International Certification Standards." *Sustainable Development Law & Policy*, Spring 2006, 29.

This Feature is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in *Sustainable Development Law & Policy* by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact [fbrown@wcl.american.edu](mailto:fbrown@wcl.american.edu).

## SAFEGUARDING ORGANIC FOOD:

### THE NEED FOR INTERNATIONAL CERTIFICATION STANDARDS

by Blase Kornacki\*

The commonly acknowledged meaning of “organic” “prohibit[s] the use of synthetic fertilizers, pesticides, growth regulators, and livestock feed additives, and require[s] long-term soil management, emphasis on animal welfare and extensive record keeping and planning.”<sup>1</sup> Despite these general guidelines, the world struggles to reach formal agreement on a global definition of “organic.” As a result of this shortcoming, there is no uniform international standard for what makes a product organic.<sup>2</sup> The lack of a universal definition and the absence of a common organic certification standard presents formidable trade barriers to the expanding organic industry.

To certify an organic product, an accredited agent for the intended market must inspect each producer or manufacturer for compliance with that market’s standards.<sup>3</sup> For example, the U.S. Department of Agriculture (“USDA”) has established a set of national standards that “organic” food must meet, whether it is grown in the United States or imported from abroad.<sup>4</sup> Thus, a Brazilian farmer seeking to export his organic produce to the United States must obtain certification through one of the 95 Accredited Certifying Agents (“ACAs”) recognized by the USDA.<sup>5</sup> Of the 95 ACAs, however, only 40 are located outside of the United States, unequally distributed amongst eighteen countries, and only one is located in Brazil.<sup>6</sup> The limited access to certifying agents makes certification difficult and expensive, and thus raises obstacles to trade in the U.S. organics market.<sup>7</sup> Moreover, the lack of uniform certification standards hurts the efficiency of organic trade, contributes to higher prices of organic goods, and fails to meet the growing demand for organic products.

The need exists to provide clear organic regulations for consumers and farmers across national borders. A progressive example of this is an adopted European Commission proposal that aims to unite the 25-member European Union under a common certification standard.<sup>8</sup> The proposal aims to clarify the criteria of organic certification while still considering local conditions and stages of development.<sup>9</sup> Despite this step towards uniformity, exporters will still have to seek certification through multiple agents for each country of import.

As the worldwide organics market continues to grow at the rapid rate of thirteen percent per year,<sup>10</sup> fluid mechanisms of international organic certification become increasingly necessary to satisfy demand and facilitate trade.

Countries must agree on a common definition of organic and share the burden of certification. In 2002, Japan became the first country to accept organic products certified under the USDA standard.<sup>11</sup> However, Japan remains the only foreign country to recognize the USDA seal.<sup>12</sup> More recently, the United States recognized the ability of Canada, New Zealand, Denmark, and the United Kingdom to accredit agents who will certify organics under the USDA standard.<sup>13</sup> Sharing the task of certification with other governments is a good starting point in the search for a common organic standard and shows the potential for a common definition of “organic” sometime in the future.



### ENDNOTES:

- <sup>1</sup> Luanne Lohr, *Factors Affecting International Demand and Trade in Organic Food Products*, Changing Structures of Global Food Consumption and Trade, at 67 (May 2001), available at <http://www.ers.usda.gov/publications/wrs011> (last visited Mar. 27, 2005).
- <sup>2</sup> UNITED STATES DEPARTMENT OF AGRICULTURE, *USDA Market Profile for Organic Food Products*, at 3 (Feb. 2005), available at <http://www.fas.usda.gov/agx/organics/USMarketProfileOrganicFoodFeb2005.pdf#search='us%20market%20for%20organic%20food%20products'> (last visited Mar. 27, 2005) [hereinafter USDA].
- <sup>3</sup> USDA, *id.*
- <sup>4</sup> USDA, *id.*
- <sup>5</sup> THE NATIONAL ORGANIC PROGRAM, ACCREDITED CERTIFYING AGENTS, available at <http://www.ams.usda.gov/nop/CertifyingAgents/Accredited.html> (last visited Mar. 27, 2005).
- <sup>6</sup> NATIONAL ORGANIC PROGRAM, *id.*
- <sup>7</sup> *Organic Food Market Waits for Regulations to Take Off*, VALOR ECONOMICO, SOUTH AM. BUS. INFO., Jan. 26, 2006.
- <sup>8</sup> *EU Proposes Harmonized Rules for Organic Food Products*, EUR. RPT. (Dec. 23, 2005); see also *EU Adopts New Regulations for Production and Labeling of Spirits and Organic Food*, FOOD & DRINK WEEKLY, (Jan. 2, 2006).
- <sup>9</sup> Press Release, European Commission, Organic Food: New Regulation will Improve Clarity for Consumers and Farmers (Dec. 21, 2005), <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/1679&format=HTML&aged=0&language=EN&guiLanguage=en> (last visited Mar. 28, 2006).
- <sup>10</sup> *Global Organic Food Market Seen Growing 13% a Year*, FIN. TIMES INFO. LTD. - ASIA INTELLIGENCE WIRE, BUS. LINE, Jan. 23, 2006.
- <sup>11</sup> Press Release, U.S. Department of Agriculture, Japan Accepts U.S. Organic Standards for Some Food Exports, (Mar. 27, 2002), <http://usinfo.org/wf-archive/2002/020328/epf409.htm> (last visited on Mar. 27, 2005).
- <sup>12</sup> USDA, *supra* note 2, at 10.
- <sup>13</sup> USDA, *supra* note 2.

\*Blase Kornacki is a JD candidate, May 2008, at American University, Washington College of Law.