

National Organic Certification Program Status October 1994

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Background

The organic certification program is authorized by the Organic Foods Production Act of 1990 as part of Public Law 101-624 (1990 Farm Bill). The Secretary designated the Agricultural Marketing Service (AMS) to be the lead agency in developing the program.

The purposes of the Act are threefold:

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

National Organic Standards Board

The Act calls for the establishment of a National Organic Standards Board (NOSB) to develop a national list of approved and prohibited substances to be used in organic production and to provide recommendations to the Secretary of Agriculture on implementing the program.

Activities of the NOSB

Members of the NOSB were first appointed on January 24, 1992. The Act calls for 15 members to the NOSB—four grower/farmers, two handlers, one retailer, three consumer/public interest persons, three environmentalists, one scientist, and one certifying agent. The requirement in the language of the Act for someone to be a certifying agent is such that it was earlier determined that the position could not be filled until the process for approving certifying agents is in place, and so only 14 members of NOSB have been appointed.

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Status

The NOSB held its first meeting in Washington, DC on March 23-25, 1992. In the two and three-quarter years that it has operated since 1992, the NOSB held nine full board meetings and 11 committee meetings.

The Board has welcomed public input at all of their meetings and has circulated draft documents of working drafts and position papers for public comment. The circulation of draft papers has had both positive and negative effects. Positive effects include getting useful input and keeping the public informed. Negative effects can be that readers become excessively concerned about positions stated in the draft that may never be adopted.

Hearings

The Act called for the Secretary to hold public hearings on livestock and livestock products, which were held across the country this past winter. Testimony was taken from approximately 80 witnesses, and has proven to be very helpful to the Department and to the NOSB in developing recommendations.

Six Committees

The committees are as follows: Crops Standards; Livestock Standards; Processing, Handling and Labeling; Materials; Accreditation; and International. The committees have developed 24 recommendations in their respective subject areas which the Board has approved and forwarded to the Secretary of Agriculture.

Crops Committee

Organic Farm Plan (Includes Livestock). The production management system that is the keystone of organic certification. For the producer, the Farm Plan provides a flexible, useful, and affordable tool for developing an ecologically sound resource management system on her/his farm. It allows the producer to plan and evaluate farm management practices and

make tangible improvements in the farming operation. For the certifying agent, the plan provides essential information for assessing compliance with the Organic Foods Production Act, and the department's program. By focusing on a few questions, the plan addresses key elements of organic crop and livestock production that must be addressed by the producer.

Split Operations. Split farming operations (conventional and organic) are allowed, providing appropriate measures are taken to ensure the integrity of the organic production. In a farming operation where both organic and non-organic fields, crops, and livestock are managed, the time table and level of transition to organic production is at the discretion of the producer.

Planting Stock. Defines procedures for securing seeds, seedlings, and planting stock that are to be allowed in organic production. Emphasis is placed on use of organically produced planting stock and untreated seed to the extent they can be obtained, as verified by the certifying agent. Seed treated with pesticides and other substances prohibited by the Organic Foods Production Act (OFPA) shall not be allowed, with the exception of fungicides in cases where the producer can document to the certifying agent that untreated seed is not available. Seed originating from recombinant DNA technology shall be prohibited.

Emergency Spray. Organic products subjected to emergency sprays that are a direct result of intentional local, state, or Federal emergency spray pest eradication programs shall not be sold as organically produced or fed to organic livestock. The certifying agent will determine the need for residue testing for subsequent crops in the following three-year period. Subsequent crops shall not have pesticide residues that exceed the FDA action level or 5 percent of the EPA tolerance for any prohibited pesticide in order to be labeled as organically produced or fed to organic livestock.

Policy on Spray and Drift Misapplications. Policy to cover drift of prohibited pesticides or fertilizers from the intended target site onto a certified organic farm. Misapplication occurs when these materials are directly applied to the farm by someone who is neither the producer nor a person working under the direction of the certified producer. Provisions similar to those under the Emergency Spray program apply.

Small Farmer Exemption. There shall be no mandatory filing exemptions for the small farmer eligible for the \$5,000 small farmer exemption, but a qualifying farmer should have a signed declaration on the premises indicating compliance with the production and handling practices provided for in the OFPA.

Residue Testing. The certifying agent shall conduct periodic residue testing of agricultural products to be sold as organic in cases of pesticide drift, when there is suspicion of residue problems, suspicion the soil harbors contaminants, suspicion that rainwater contains residue, during the 36 months following an emergency spray and in response to complaints. Shall not contain residues in excess of the FDA action level or 5 percent of EPA tolerance.

Processing Committee

Organic Handling Plan. Includes a general description of the handling/processing operation with procedures for handling organic foods and maintaining organic integrity. It requires record keeping, pest management, livestock care, and material inputs (to be developed). Definitions of the types of handler/processors needing to be certified are included.

Labeling. Calculation of the total percentage of organically produced ingredients, labeling for foods that are organic, and labeling for foods that are made with organic ingredients were approved. A couple parts of the original proposal still need work such as foods that are labeled as containing organic ingredients.

Processing Aids vs Ingredients. Processing Aid = Substance that is added to a food during the processing of such food, but is removed from the food before it is packaged in its finished form.

Ingredient = Any substance used in the preparation of the food product that is still present in the final product as consumed, even if in modified form.

Livestock Committee

Livestock Production Plan With Species Specifics (tba) Integrated into the Organic Farm Plan. Contains specific references to livestock health, care and breeding practices, manure management, animal and feed sources, handling practices, housing and living conditions. Incorporated into the Organic Farm Plan.

Livestock Health Plan. Contains general provisions for the treatment and management of animals, including a focus on the production environment.

Antibiotics. Prohibits the use of synthetic antibiotics as medication or growth promoters in slaughter stock. Restricted use of antibiotics in breeder stock and determined that milk products from a cow that has been treated with antibiotics cannot be labeled as organically produced during 90 days after treatment, with the policy reviewed in two years. Adopted an addendum providing recommendations on the use of antibiotics in livestock.

Parasiticides. Use of parasiticides is prohibited for slaughter stock, restricted for breeder stock, and dairy stock with a 90 day withdrawal period. Deviations from the above will be done on a species specific basis.

Breeder Stock. Defines conditions for production of organic breeder stock.

Livestock Sources and Records. Each animal/flock must be traceable throughout the life cycle with documented records, and to the extent possible, obtained from organic stock.

Feed Availability. Feed fed to organic livestock shall be certified organically produced feeds and supplements. An emergency feed availability provision was also approved.

Accreditation

Accreditation of Certifying Agents. The approved accreditation program for State and private certifying bodies to apply to be accredited includes identification of the competencies, transparency, and independence required of certifying agents to certify to the national program.

Peer Review Panel. Proposes a Peer Review Panel composed of three certified organic farmers; two certified organic handler/processors; a state and a private certifier representative; two consumer/public interest group representatives; one USDA; and one NOSB member--ex-officio; for a total of 11 members to review applicants to the Secretary to become Certifying Agents for the national program.

Recommendation on Costs. Asks for appropriated funds to cover the first round of accreditation, and recommends that administrative costs beyond accreditation costs in subsequent years be covered by appropriated funds. The rationale is that this is a consumer protection program and that they should bear some of the costs until the program grows to the point of self sufficiency.

International

Recommendation on Imports of Organic Products. Approved a recommendation that sets out procedures for the importation of organically produced goods, and the exportation of imported products that have been handled within the United States.

International Issues. There is a lot of international interest in organic products and production methods. The Codex Alimentarius Commission is developing guidelines for international trade in organic products in anticipation of the implementation of the World Trade Organization and the adoption of Codex guidelines and standards by it. The organic guidelines are being developed through the Codex Committee on Food Labelling, which met last week in Ottawa Canada. As a result of that meeting, the organic guidelines were held at step six of the eight-step codex process to receive additional country comments for an additional round.

Materials Process

Technical Advisory Panel. The Department has contracted with a couple of individuals to spearhead a technical review of materials for consideration for the National List. It is the responsibility of the NOSB to make recommendations to the Secretary for materials to be included on the National List. The List is to be made up of allowed synthetic substances and prohibited naturals.

Botanical Review. At its meeting earlier in October 1994, the Board began the review of natural materials that is required in the Act. Botanicals are quite controversial and will likely be the subject of much future discussion, but as of yet the NOSB has not recommended adding any to the prohibited natural list.

Other Issues

States will likely have an interest, to the extent they have certification programs, and enforcement roles to provide oversight for certifying agents operating in their state and for products labeled as organic moving into their state.

October 1, 1993

The Act calls for implementation of the program by October 1, 1993, with the requirement that all product labeled as organic must be certified, and certifying agents and state programs be approved.

However, USDA does not have a program in place and is not able to enforce the intent of the Act at this time. Unless there is a legal opinion to the contrary from the Office of General Counsel, it is business as usual until the national program is implemented.

USDA is developing the regulatory language and plans to complete the development of the planning process for accreditation early next year, with the likely first call for applications next summer. USDA is also striving to have at least part of the program standards ready at that time.

Summary

As anticipated, the work has been growing exponentially. We are getting more calls everyday as people are becoming more aware of the program and beginning to realize that it will actually come into being. There are many times when we wish we could shut off the phones and get on with the work. However, we also value the input we receive and encourage people to express their concerns now rather than before it is too late.

The community is proud of the fact that with this program we have set a new precedent in openness for the Department, both with the community and with other agencies within and outside of USDA. Many of the things being done are touted by the administration as the way government should work. I know that some would say we haven't done enough, and we might agree with them, but never has so much been done with so few resources in the history of the Department.