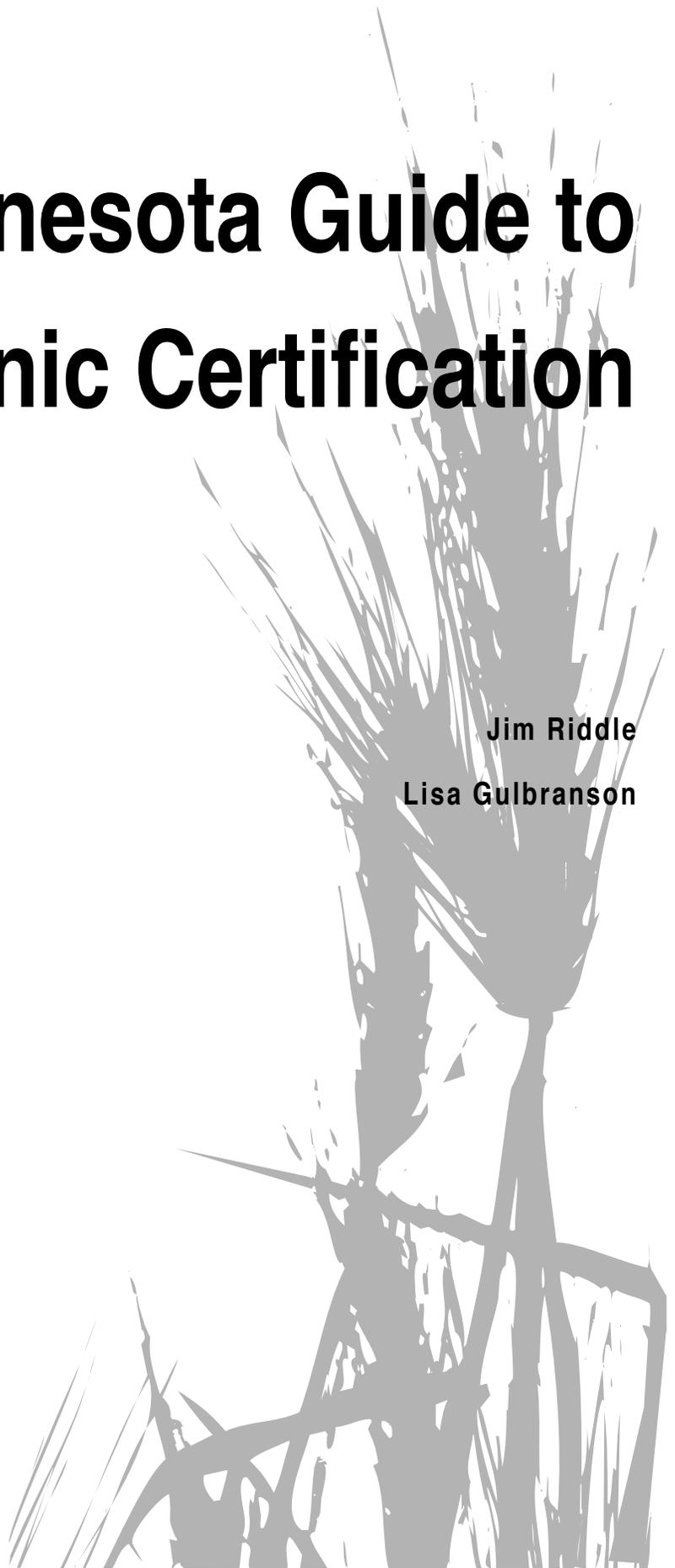




Minnesota Guide to Organic Certification

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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Time, Soil, and Children: Conversations with the Second Generation of Sustainable Farm Families in Minnesota
Local Food: Where to Find It, How to Buy It
Poultry Your Way: A Guide to Management Alternatives for the Upper Midwest

Dairy Your Way: A Guide to Management Alternatives for the Upper Midwest
Marketing Local Food Handbook

For more information on this series, the Information Exchange, MISA, or to request individualized information on questions related to sustainable agriculture, please contact:

Minnesota Institute for Sustainable Agriculture
411 Borlaug Hall
1991 Buford Circle
St. Paul, MN 55108-1013
(612) 625-8235, or (800) 909-MISA (6472)
misamail@umn.edu
www.misa.umn.edu

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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AUTHORS

Jim Riddle, *Outreach Coordinator, Organic Ecology Program, Southwest Research and Outreach Center, University of Minnesota*

Lisa Gulbranson, *formerly of Organic Services and Management International*

PROJECT TEAM MEMBERS

Harriet Behar, *Outreach Coordinator, Midwest Organic & Sustainable Education Service*

Carmen Fernholz, *Organic Producer and Research Coordinator, Organic Ecology Program, Southwest Research and Outreach Center, University of Minnesota*

Dennis Johnson, *Dairy Specialist (retired), West Central Research and Outreach Center, University of Minnesota*

Wayne Martin, *Extension Educator, Alternative Livestock, University of Minnesota Extension*

Meg Moynihan, *Organic and Diversification Specialist, Minnesota Department of Agriculture*

Jim Stordahl, *Extension Educator, Polk and Clearwater Counties, University of Minnesota Extension*

SERIES EDITOR

Beth Nelson, *Information Exchange Program Director, Minnesota Institute for Sustainable Agriculture*

DESIGN AND LAYOUT

Jim Kiehne

Eric Drommerhausen

Meredith Hart

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Participants in the development of the original publication:

Written by Lisa Gulbranson, with contributions from Joyce Ford; developed by project team members, Roger Becker, Carmen Fernholz, Dave Jorgenson, Jean Jorgenson, Paul Porter, Carl Rosen, Jim Riddle, Cindy Tong, and Ann Woods; reviewed by Prescott Bergh, Kathleen Delate, Annette Fernholz, Kay Fernholz, Hans Kandel, Greg Reynolds, Leon Roske, Mark Schwartz; edited by Debra Elias; designed by Jim Kiehne

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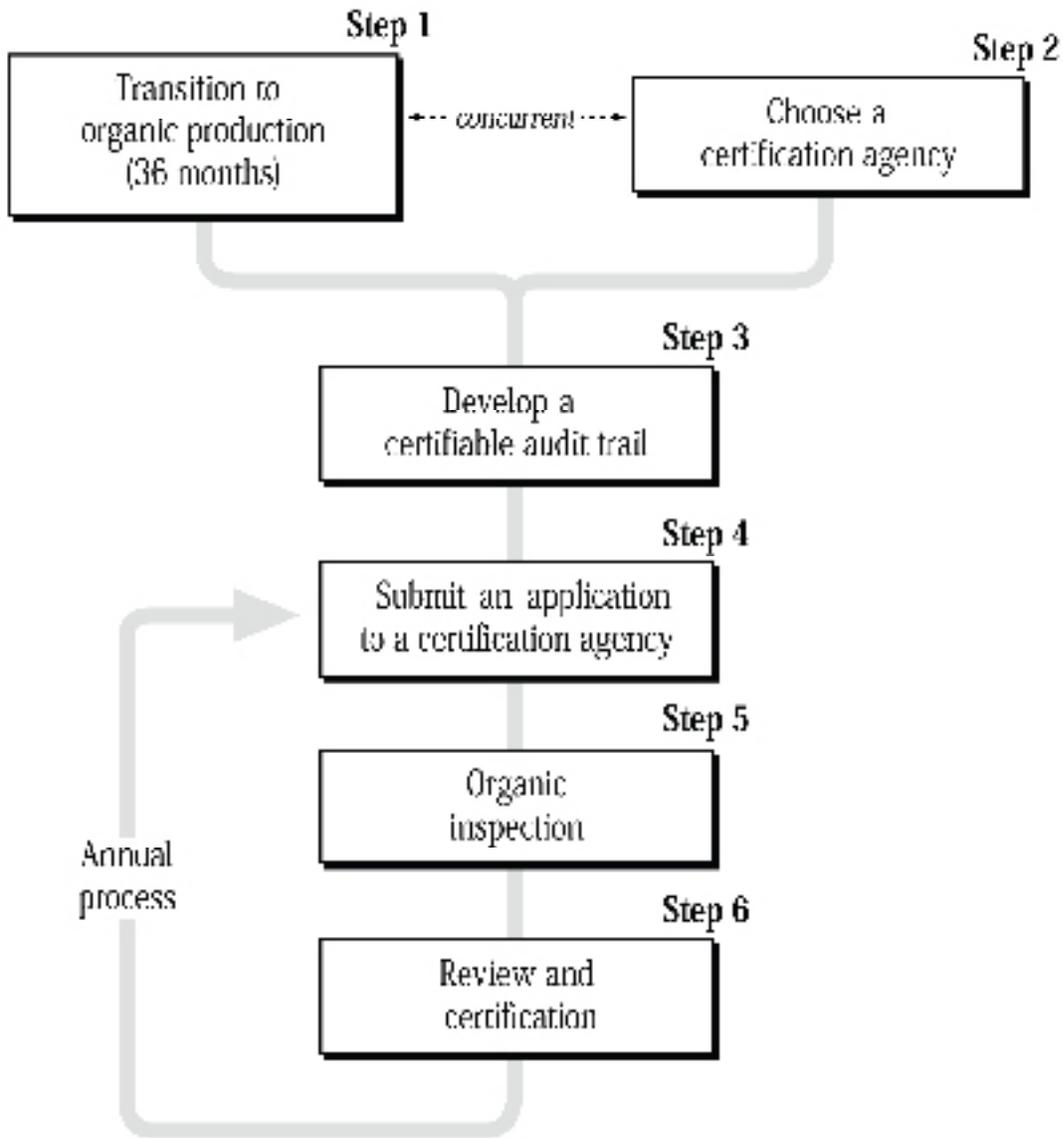
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The Organic Certification Process



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
- 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 crop and livestock 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) or genetic engineering.

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 (36 months) with no application of prohibited materials (no use of prohibited synthetic fertilizers, pesticides or GMOs) prior to the first harvest of organic crops (the National List of Approved and Prohibited Materials, part of the National Organic Program Final Rule, is available at: <http://www.ams.usda.gov/AMSV1.0/nop>);
- implementation of an Organic System Plan, with proactive fertility management systems, conservation measures, environmentally sound manure, weed, disease, and pest management practices, and soil building crop rotations;
- 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;
- no field burning to dispose of crop residues (may only burn to suppress disease or stimulate seed germination - flame weeding is allowed); 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 for all species;

- mandatory pasture for ruminants during the grazing season, during which the animals must receive at least 30% of their nutrition from grazing for at least 120 days per year;
- no antibiotics, growth hormones, or GMOs;
- 100 percent organic feed and approved feed supplements;
- no feeding of manure, urea, plastic pellets, or slaughter by-products;
- organic management from last third of gestation for slaughter stock or second day after hatching for poultry;
- one year of organic management for dairy cows prior to production of organic milk;
- implementation of preventative health care - vaccines are allowed;
- must not withhold treatment in order to preserve an animal's organic status, but any animal treated with a prohibited substance must not be used to produce organic products or be sold as organic;
- no rotating animals between organic and non-organic management;
- physical alterations are allowed, if done to promote the animal's welfare and stress is minimized; and
- manure must be managed to prevent contamination of crops, water, and soil and to optimize recycling of nutrients.

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 is an evaluation system used 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 or processors 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/processors must not sell their products to be used as organic ingredients or feed 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 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/AMSV1.0/nop>

SHOULD I APPLY FOR CERTIFICATION?

Many producers and processors have explored the possibility of converting their operations, or a portion of their operations, to organic production practices. Once the commitment has been made to move away from conventional farming or processing and the use of synthetic chemicals, producers must work with and be approved by 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 2011, 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.

CERTIFIED ORGANIC, INC.

500 First Street
Keosauqua, IA 52565
866-581-6428
certifiedorg@netins.net
www.certifiedorganic.org

Certificates offered: crops, livestock, wild crop, handling

INDIANA CERTIFIED ORGANIC

8364 SSR 39
Clayton, IN 46118
317-539-4317
icollcceo@earthlink.net

Certificates offered: crops, livestock, wild crop, handling

Other certifications: ISO 65, EU 834/2007

DEPARTMENT OF PLANT INDUSTRY

511 Westinghouse Road
Pendleton, SC 29670
864-646-2147
rstphns@clemson.edu

Certificates offered: crops, livestock, handling

INTERNATIONAL CERTIFICATION SERVICES, INC.

(dba, Farm Verified Organic ICS-US)
301 5th Avenue SE
Medina ND 58467
701-486-3578

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

Certificates offered: crops, livestock, wild crop, handling

Other certifications: IFOAM- Farm Verified Organic (FVO), ISO 65

GLOBAL ORGANIC ALLIANCE, INC.

PO Box 530
Bellefontaine, OH 43311
937-593-1232
globalorganicalliance@hughes.net
www.goa-online.org

Certificates offered: crops, livestock, wild crop, handling

Other certifications: EU, JAS, Canadian Organic Regime

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

502 Ninth Street East
Des Moines IA 50319
515-281-5783
maury.wills@iowaagriculture.gov
www.agriculture.state.ia.us

Certificates offered: crops, livestock, wild crop, handling

MIDWEST ORGANIC SERVICES ASSOCIATION, INC.

PO Box 821

122 West Jefferson West

Viroqua, WI 54665

608-637-2526

joshrum@mosaorganic.org

www.mosaorganic.org

Certificates offered: crops, livestock, wild crop, handling

ORGANIC CERTIFIERS, INC.

6500 Casitas Pass Road

Ventura CA 93001

805-684-6494

susan@organiccertifiers.com

Certificates offered: crops, livestock, wild crop, handling

Other certifications: International Program: EU, ISO 65, Canadian

QUALITY CERTIFICATION SERVICES

PO Box 12311

Gainesville FL 32604

352-377-0133

qcs@qcsinfo.org

www.qcsinfo.org

Certificates offered: crops, livestock, wild crop, handling

Other certifications: Certified Transitional; Hormone & Antibiotic-Free; EU, Japan, Canada & other international certifications; AJP (Agricultural Justice Project); Smithsonian Bird-Friendly

MINNESOTA CROP IMPROVEMENT ASSOCIATION

1900 Hendon Avenue

St. Paul MN 55108

612-625-7766

michelle.menken@mncia.org

www.mncia.org

Certificates offered: crops, livestock, wild crop, handling

ORGANIC CROP IMPROVEMENT ASSOCIATION - MINNESOTA CHAPTER #1

2609 Wheat Drive

Red Lake Falls MN 56750

218-253-4907

lhartel@prairieagcomm.com

www.mncia.org

Certificates offered: crops, livestock, wild crop, handling

Other certifications: JAS, EU, JAS Equivalent, Swiss Ordinance, Bio-Suisse, OCIA, EU 2092/91

STELLAR CERTIFICATION SERVICES, INC

PO Box 1390

Philomath OR 97370

541-929-7148

info@demeter-usa.org

Certificates offered: crops, livestock, wild crop, handling

Other certifications: Demeter Biodynamic, EC884/2007, BioSuisse, JAS Export Agreement, Taiwan Export Agreement

ONECERT, INC.

427 N. 33rd Street

Lincoln NE 68503

402-420-6080

sam@onecert.net

www.onecert.net

Certificates offered: crops, livestock, wild crop, handling

Other certifications: EC 834/2007, JAS

QUALITY ASSURANCE INTERNATIONAL

9191 Towne Centre Drive, Ste 510

San Diego CA 92122

858-792-3531

qai@qai-inc.com

www.qai-inc.com

Certificates offered: crops, livestock, wild crop, handling

Other certifications: European Union Council Regulation (EC) No 834/2007, Canadian Organic Regime (COR), CARTV

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 Technology Transfer for Rural Areas (ATTRA) program (see Publications in Resources). In general, there is a reasonably good chance of your farm 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 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?
- Have you not used prohibited materials, including synthetic fertilizers and pesticides, treated seeds, and GMOs, on the fields requested for certification for at least 36 months prior to harvest of the first organic crop?
- 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 many 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 during planting, production, harvest, storage, processing, transport, and sales.

.....
Organic certification is done by private 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. 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 premiums 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 weed, pest and fertility management systems based on the unique characteristics of their land, without the aid of synthetic pesticides and synthetic fertilizers. During the transition 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 the producer is 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/>
- The 2007 USDA Ag Census showed 20,437 organic farms in the United States, with 2,577,418 acres in organic production. The average organic sales were \$93,850 per farm. While the average age of all farmers in the US was 57.1 years in 2007, the average age of organic farmers was 53.2 years.

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 1970s.

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.)

THE OUTLOOK FOR ORGANIC PRODUCTS

The organic food market grew 15-21 percent from 2000 through 2008, representing 2.5 percent of total U.S. food sales. Despite the economic recession in 2009, the organic market continued to experience growth. In 2009, total US organic consumer product sales grew 5.3% to reach \$26.6 billion (Source: OTA's 2010 Organic Industry 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 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; attending organic field days; 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. 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 prohibited practices or materials are not used inadvertently on your fields during that time. Your certification agency can help answer your questions about NOP organic requirements and paperwork.

.....
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.
.....

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 <http://newfarm.rodaleinstitute.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 you may end up volunteering 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. Most certification agencies consist of an administrative staff, contracted and/or staff inspectors, 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," <http://newfarm.rodaleinstitute.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 inspection and 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 \$750/certified operation. 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 USDA-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.

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The organization's delivery of services, reputation, and the cost of certification are important factors in choosing a certification agency.
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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 depend 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, 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.

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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.
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COMPONENTS OF A GOOD LOT NUMBERING SYSTEM

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, transport, 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, S12131911, means the following:

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

Example of Lot Number: Sold directly from the field

S12131911

S 121319 11

(organic soybeans) (fields 12, 13 and 19) (year 2011)

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, DJSB811, means the following:

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

DJSB811

DJ S B8 11

(Dave Jones) (organic soybeans) (bin #8) (year 2011)

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 suit 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.

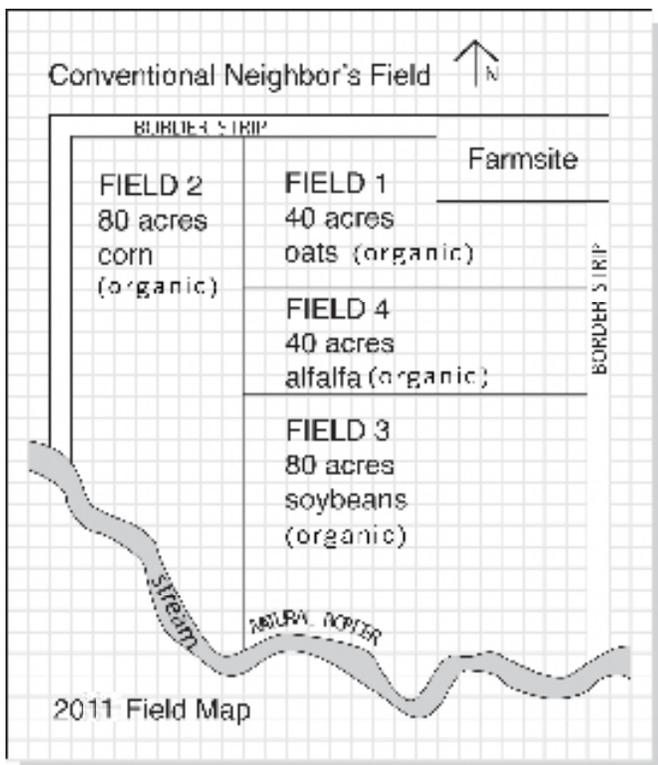
In contrast to conventionally farmed fields, certified organic fields must have a border around the sides of fields that are in contact with conventional cropland or land with potential sources of contamination. This border is used as a buffer zone and may be:

- 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, or
- 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 organic fields 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, transitional, 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	2 T /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!

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-1-11	n/a	n/a	n/a	0	85608
9/30	soybeans	3	2400 bu	S-B2-11	2	2400 bu	2400	0	93116
10/10	corn	2	6400 bu	C-B3-11	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.

Date	Commodity	Lot #	Quantity	Organic Certificate #	Buyer	Sales Invoice #	TC #	Scale Ticket or BOL #	Transaction Fee? (\$)	Total Sale (\$)
7/18	oats	O-1-11	1800 bu	#4569	Broker	85608	1509	3492	\$ 18	\$ 3,600
12/21	soybeans	S-B2-11	2400 bu	#4569	Smith	93116	1743	3719	\$ 120	\$ 24,000
2/2/98	corn	C-B3-11	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.

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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.

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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.
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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, or the agency’s forms may be available online. 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.

THREE-YEAR FIELD HISTORIES

During the 36-month transition period, you need to keep 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 (OSP)

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 organic practices and approved inputs;
- 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, and 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 organic products and organic production and handling operations from coming in contact 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? Do you plan to convert more acres, more animals, or your entire operation to organic production? Be sure to describe 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, crops/products requested for certification, crop rotation, soil management, seed sources, equipment and inputs used and planned for use, post harvest handling and storage, irrigation and water source, prohibited materials storage, pest/weed management, conservation practices, and field histories for the farm.

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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.**
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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 INTERNATIONAL ORGANIC INSPECTORS ASSOCIATION?

Most organic certification agencies use inspectors who have been trained by and are members of the International 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.

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. To learn more, visit: www.ioia.net.

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The organic inspector evaluates the production system, conducting a producer interview and a farm tour.
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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 buffer zones 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 and your attempts to source organic seeds.
- 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 possible areas of non-compliance with organic standards and verifies steps taken to protect organic integrity.

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 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.

ADDITIONAL 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 to be inspected during transition.

In addition, your operation may be subject to an unannounced inspection, either through random selection or for specific reasons, under both NOP and international organic standards.

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 experts 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.

CHANGES TO THE OPERATION

Any time you plan to make changes to your operation that may affect your certification status, you should contact your certification agency. Examples of such changes include: adding a new crop, product, or species of livestock, not listed on your OSP; renting or buying more land; using an input not listed on your OSP; or, application, including by drift or a mandated spray program, of a substance prohibited for use in organic production.

APPEALING DECISIONS OF THE CERTIFICATION AGENCY

The federal organic rule provides that if your certification request is denied, you have the right to rebut or appeal that decision, and certification agencies must have an appeal or rebuttal 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 a 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.

Applicants for certification are also allowed to appeal certification denials to the USDA. Applicants are generally given 30 days after the certification agency's decision to file an appeal with the USDA. The same holds true for operations that have had their certification suspended or revoked. In all cases, the certification agency must inform the operator of the exact reasons why certification has been denied or is proposed to be suspended or revoked. For more information, see section 205.405 and 205.662 of the NOP Final Rule.

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Certification is continuous, as long as a producer updates his or her OSP, undergoes inspection, and pays any required fees each year.
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For information comparing the review and certification process of certification agencies that operate in Minnesota go to www.newfarm.org/ocdbt
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Other Considerations in Organic Certification

The preceding discussion focused mainly on certification of crop production. Many producers are also interested in organic 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 or feed supplements for organic 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.), a nutritionally balanced diet, and selection of species, breeds and lines 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.
- Physical alterations (beak trimming, tail docking, castration, 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.

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Note: The use of growth hormones, embryo transfer techniques, cloning, and genetically engineered substances is prohibited.
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- Outdoor access for all species, as appropriate for the animals' stage of life and weather conditions; and
- Grazing on pasture for all ruminants during the grazing season, which must be at least 120 days per year, with at least 30% of the animals' nutrition from grazing during the grazing season.

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.

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.

ORGANIC CERTIFICATION OF PROCESSING OPERATIONS/ACTIVITIES

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

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

If you conduct on-farm processing, 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, either on the farm or at a contracted facility, unless the facility is certified organic on its own.

When you initially contact a certification agency, be sure to let them know that you have an on-farm processing operation or use a contracted processor, 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 processing operation 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, reduced exposure to toxins, 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 \$11,000 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, or review certification information on their websites. 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 lots of helpful 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. Ask certification agencies or the Minnesota Department of Agriculture for names of organic producers in your area. Talk to experienced organic 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 MOSES 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.

eOrganic. This resource, created by the eOrganic Community of Practice, is for farmers, ranchers, agricultural professionals, certifiers, researchers and educators seeking reliable information on organic agriculture, published research results, farmer experiences, and certification. Current content is focused on general organic agriculture, dairy production, and vegetable production. The content is collaboratively authored and reviewed by University researchers and Extension personnel, agricultural professionals, farmers, and certifiers with experience and expertise in organic agriculture. See: http://www.extension.org/organic_production

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 Certification of Vegetable Operations. 2009. Jim Riddle. This 23-page guide from the University of Minnesota explains, in clear and concise terms, how the NOP requirements apply to vegetable operations. The publication includes step-by-step information and examples to help vegetable producers set up record-keeping systems that meet organic requirements. Available online at: <http://www.extension.org/article/18646>

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

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.

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.

Organic Risk Management. This web publication from the University of Minnesota helps growers who are contemplating adopting organic production practices understand the risks that are associated with organic production and make choices that will minimize those risks. This guide is also beneficial to all organic producers, regardless of their level of experience. See: <http://www.organicriskmanagement.umn.edu/>

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/en/food/organic.aspx

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) 778-5775
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 MOSES 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).

ORGANIC MATERIALS REVIEW INSTITUTE

2495 Hilvard Street, Suite B
Eugene, OR 97405
(541) 343-7600
www.omri.org

The Organic Materials Review Institute (OMRI) provides organic certifiers, growers, manufacturers, and suppliers an independent review of products intended for use in certified organic production, handling, and processing. When companies apply, OMRI reviews their products against the National Organic Standards. Acceptable products are OMRI Listed® and appear on the *OMRI Products List*. OMRI also provides subscribers and certifiers guidance on the acceptability of various material inputs in general under the National Organic Program.

Sustainable Farming Association of Minnesota

John Mesko, Executive Director
Box 192
Princeton, MN 55371
(763) 260-0209
john@sfa-mn.org
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 9 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) 201-6616.

MOSES 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) 778-5775.

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 31.92 to 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 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) A Minnesota Organic Advisory Task Force shall advise the commissioner and the University of Minnesota on policies and programs that will improve organic agriculture in Minnesota, including how available resources can most effectively be used for outreach, education, research, and technical assistance that meet the needs of the organic agriculture community. The task force must consist of the following residents of the state:

(1) three farmers using organic agriculture methods;

(2) one wholesaler or distributor of organic products;

(3) one representative of organic certification agencies;

(4) two organic processors;

(5) one representative from University of Minnesota Extension;

(6) one University of Minnesota faculty member;

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

(8) two public members;

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

(10) one retailer of organic products; and

(11) one organic consumer representative.

The commissioner, in consultation with the director of the Minnesota Agricultural Experiment Station; the dean and director of University of Minnesota Extension; and the dean of the College of Food, Agricultural and Natural Resource Sciences shall appoint members to serve staggered two-year terms.

Compensation and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2013.

(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 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; 2009 c 94 art 1 s 79
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Appendix B

USDA National Organic Program Rule Summary

Prepared by Jim Riddle¹ and Miles McEvoy², and Brian Baker³.
Last updated by April 17, 2010

The following summary was prepared to help agricultural professionals understand the basic requirements of organic certification. It is not comprehensive and is not a substitute for the regulatory text. Producers and handlers who seek certification are encouraged to read the National Organic Program (NOP) rule in its entirety and contact their certification agent if they have specific questions about certification of their operation. Individuals seeking guidance on accreditation are encouraged to contact the USDA staff responsible for the accreditation program.

¹Organic Outreach Coordinator, University of Minnesota, 31762 Wiscovy 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

The regulation defines key terms used in the standards. Other words not defined are assumed to be under their common meaning.

Subpart B – Applicability

The NOP is a labeling law that applies to all products identified as 'organic,' in whole or in part. Operations that produce and handle organic products must be certified under the NOP, with a few significant exemptions and exclusions.

§205.100 What has to be certified

1. All organic production and handling operations are required to be certified unless they are exempt or excluded from certification.
2. Production or handling operation certified by an accredited certifier prior to October 21, 2002 remain certified.
3. Anyone who knowingly sells or labels a product as 'organic' that does not comply with the NOP may be subject to a \$10,000 civil penalty, per violation.
4. It is a Federal offense subject to fines and up to five years imprisonment to make a false statement under the NOP to USDA officials, state program officials, or accredited certifying agents.

§205.101 Exemptions and exclusions from certification

Exemptions

1. Producers and handlers that sell less than \$5,000 worth of organic products are exempt from organic certification requirements. Such products must be produced and handled according to the NOP in order to be labeled "organic."
2. Organic products from exempt producers and handlers may not be used as organic ingredients in processed organic food products or as organic feed by certified organic livestock producers, but may be sold at farmers markets, roadside stands, and retail stores as organic.
3. Retail food stores are exempt from organic certification requirements.

4. Processors that produce products with less than 70 percent organic ingredients or limit their organic claims to the information panel are exempt from organic certification requirements.
5. 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, such as produce and grocery distributors, are excluded from organic certification requirements.
2. Retailers, including establishments that prepare and serve food to consumers, are also excluded from the organic certification requirements.
3. Excluded operations must prevent commingling of organic and nonorganic products; prevent contamination of organic products with prohibited substances; and are subject to specific label requirements.

§ 205.102 Use of the term, "organic."

The NOP requirements apply to agricultural products sold, labeled, or represented as "100 percent Organic," "Organic," and "Made with Organic Ingredients."

§205.103 Recordkeeping by certified operations.

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

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

1. Synthetic substances are prohibited for use in crop or livestock production unless specifically allowed on the National List.
2. Nonsynthetic (natural) substances are allowed in crop or livestock production unless specifically prohibited on the National List.
3. Nonagricultural substances used in or on processed organic products must be on the National List.
4. Nonorganic agricultural substances used in or on processed organic products must be on the National List.
5. Genetically modified organisms (defined as "excluded methods") are prohibited for use in organic production or handling, except for animal vaccines that appear on the National List.
6. Ionizing radiation at levels that are effective to preserve or disinfect food is prohibited.
7. Sewage sludge is prohibited.

Subpart C – Organic Production and Handling Requirements

§205.200 General

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.

All producers and handlers are required to have an organic system plan, approved by an accredited certification agency, which must:

1. Identify the practices and procedures performed.
2. List 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. If the use of a material is restricted, the plan must address those restrictions.
3. Describe the monitoring practices used to evaluate the effectiveness of the organic plan.
4. Describe the recordkeeping system used by the operation.
5. Describe how the operation prevents 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. Fields or parcels from which organic crops are harvested must meet specific soil fertility and crop nutrient management standards.
2. Prohibited substances cannot be applied within three years of the harvest of an organic crop.
3. Distinct, defined boundaries and buffer zones must prevent drift, runoff, or any other source of unintended contamination of an organic crop by a prohibited material applied to adjoining land that is not under organic management.

§205.203 Soil fertility and crop nutrient management practice standard.

1. Organic producers must select tools and practices that maintain or improve soil quality and minimize soil erosion.
2. Producers are required to rotate crops, plant cover crops, and use plant and animal materials to maintain or improve soil organic matter content in a manner that does not contaminate crops, soil, or water by plant nutrients, pathogens, heavy metals, or residues of prohibited substances.
3. Producers are also required to maintain or improve soil quality by adding animal and plant materials.
4. Manure must be composted or must be incorporated into the soil at least 120 days before crops with edible portions that are in contact with the soil are harvested for human consumption; or 90 days prior to harvest for crops whose edible portion does not contact soil or soil particles.
5. Compost must be made according to parameters of method, time and temperature designed to reduce pathogens.
6. Mined minerals are allowed, with mined minerals of high solubility subject to restrictions.
7. Synthetic fertility inputs on the National List are allowed, subject to restrictions.
8. Synthetic fertilizers not on the National List and sewage sludge are prohibited.
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.

§205.204 Seeds and planting stock practice standard.

1. Annual seedlings must be organically grown, unless the USDA grants a temporary variance due to a natural disaster.
2. Perennial transplants must be organically grown for one year prior to harvest.
3. Organic seeds are required. An exception may be made only if a variety or its equivalent is commercially unavailable and the crop sold is not edible sprouts.
4. Seeds cannot be treated with prohibited substances, even when they are not organically produced, unless treatment is required by phytosanitary restrictions.
5. Genetically engineered seeds and planting stock are prohibited.

§205.205 Crop rotation practice standard.

Producers of both annual and perennial crops must maintain or improve soil organic matter; provide pest management; manage nutrients; provide erosion control; and provide habitat by rotating, planting, and maintaining cover crops, catch crops, and beneficial habitat.

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

1. Producers must use cultural and biological practices to prevent crop pests, weeds, and diseases, such as crop rotation, nutrient management, and sanitation measures.
2. Insect pests may be prevented by 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. Biological or botanical substances or materials on the National List may be used only if preventative practices are not adequate to

prevent or control pests, weeds or diseases.

6. Producers must not use lumber treated with arsenic or other prohibited substances for new installations or replacement purposes 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.
4. A producer may feed farm-raised, third-year transitional feed and forage for one year prior to organic milk production.
5. Once an entire, distinct dairy herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation.
6. 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.
7. Animals must not be rotated between organic and nonorganic production.
8. Livestock producers must maintain records that preserve the identity of all organic animals and edible and nonedible organic products.

§205.237 Livestock feed.

1. Producers must provide organic livestock a total ration of organic feed.
2. Organic feed may contain feed additives and feed supplements that are either non-synthetic or are synthetic and appear on the National List.
3. Animal drugs cannot be used to promote growth.
4. Feed supplements or additives cannot be used in amounts in excess of basic nutritional needs of the animal species at a given stage of life and must comply with FDA regulations.
5. Feeds containing urea, manure, mammalian or poultry slaughter by-products, or plastic pellets are prohibited.
6. Ruminants are required to have access to pasture during a grazing season of not less than 120 days..
7. Pasture provided to ruminants must be of sufficient quality and quantity to graze throughout the grazing season and must average at least 30% of their dry matter intake through the grazing season.
8. In their organic system plans, organic ruminant livestock producers must describe the total feed ration for each type and class of animal, including: all farm-raised feed; all purchased feed; the percentage of each type of feed, including pasture, in the ration; a list of all feed additives and supplements; changes made to the ration throughout the year; and the method used to calculate dry matter demand and dry matter intake.

§205.238 Livestock health care practice standard.

1. Organic livestock producers must use preventative health care practices such as: selection of disease and parasite resistant species and breeds; vaccination; balanced nutrition; sanitation; pasture rotation; exercise, freedom of movement, and stress reduction; Organic livestock producers may perform physical alterations to promote an animal's welfare, in a manner that minimizes pain and stress.
2. When preventative practices are not adequate to prevent sickness, producers may use medications that are either non-synthetic or synthetic and allowed on the National List.
3. Synthetic internal parasiticides 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.

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 and products from livestock treated with prohibited substances must be clearly identified and not sold as organic.

§205.239 Livestock living condition.

1. Producers must give livestock access to the outdoors, shelter, fresh air, and establish clean, dry living conditions that accommodate the animal's health and natural behavior.
2. Continuous total confinement of any animal indoors is prohibited.
3. Ruminants are required to have access to pasture throughout the grazing season.
4. Ruminant slaughter stock may be finished on a ration provided that the finishing area is large enough to allow all slaughter stock to feed simultaneously without crowding or competition, and the finishing period is less than 20% of the animal's total life or 120 days, whichever is shorter.
5. If the bedding can be consumed, it must be organic.
6. Animals may be temporarily confined because of inclement weather, the animal's stage of life, risk to the animal's health or safety, or risk to soil or water quality.
7. The producer must manage manure to optimize the recycling of nutrients and avoid contamination of crops, soil or water and manage pasture and other outdoor access areas to protect soil and water quality.

§205.240 Pasture Practice Standard.

1. Pasture is subject to all the same requirements of other organic crops.
2. Irrigation must be used if available and needed to raise pasture through the grazing season.
3. Producers must manage pasture to provide 30% of a ruminant's dry matter intake over the course of the grazing season, minimize parasites and diseases, and refrain from putting soil and water quality at risk.
4. Pasture plans must be included in the organic system plan and be subject to approval by the certifying agent. Pasture plans must state: 1) How the pastures are managed as crops in compliance with NOP crop production requirements; 2) If and how the pastures are irrigated; 3) How the pastures are managed to provide 30% dry matter intake during the grazing season; 4) Steps taken to minimize the occurrence and spread of diseases and parasites; 5) Steps taken to protect soil and water quality, including wetlands and riparian areas; 6) Types of pastures used; 7) Cultural and management practices used; 8) The regional grazing season; 9) Location and size of pastures, including maps; 10) Types of grazing system used; 11) Location and types of fences; and 12) Soil fertility and seeding systems. The pasture management plan must be updated annually along with the operation's organic system plan.

Handling

§205.270 Organic handling requirements.

1. Processors are permitted to use various physical and mechanical methods and organic food may be cut, separated, extracted, fermented, mixed, dehydrated, heated, chilled, or frozen, among other things. Organic food may also be packaged or enclosed in a container such as a can or jar.
2. All ingredients and processing aids used in "100% organic" food must be 100% organic.
3. All agricultural ingredients in "organic" food must be organic and comprise at least 95% of all ingredients by weight, net of water and salt.
 - a. Exceptions are made for agricultural and non-agricultural ingredients that appear on the National List.
 - b. The exception for agricultural ingredients also requires they are not commercially available in organic form.

c. Volatile solvents and other synthetic processing aids that do not appear on the National List are prohibited for use on organic ingredients or to process organic food.

d. All ingredients must also not be genetically engineered, grown using sewage sludge, or irradiated if an organic claim is made anywhere on the label.

§205.271 Facility pest management practice standard.

1. Pests must be managed by preventive measures such as habitat management, exclusion, sanitation; and disruption of pest reproduction.
2. Pests may also be managed by mechanical, physical, and non-lethal controls such as traps, or natural and allowed synthetic lures and repellants.
3. If preventative, mechanical, physical, and non-lethal practices are not adequate, the handler may use pesticides that are on the National List consistent with that purpose.
4. If preventative, mechanical, physical, non-lethal, and allowed pesticides are not adequate, the handler may use other pesticides in a plan approved by the certifier, provided that the application is made in a way that prevents the organic products from coming in contact with the pesticide.
5. Pesticides required for government quarantine programs may be applied to organic food.

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

1. The handler is required to prevent mixing of organic and nonorganic ingredients or products.
2. The handler must 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. The USDA may grant temporary variances because of natural disasters or to do research.
2. Temporary variances will not be granted for the use of prohibited substances; genetically modified organisms; irradiation; or sewage sludge.

Subpart D - Labels, Labeling and Market Information

The NOP has 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, with strict limitations on the non-organic ingredients.
3. Made with organic ingredients – At least 70% of ingredients must be organic, with some restrictions on the non-organic ingredients.
4. Products with less than 70% organic ingredients – Organic ingredients cannot exceed 70% of the product, and there are no restrictions on the non-organic ingredients.
5. Organic Livestock feed. – Livestock feed sold as organic must conform to the organic livestock feed requirements.

§205.300 Use of the term, "organic."

The word "organic" may be used only to identify food or ingredients that comply with the NOP. The word "organic" must not be used on a product label to modify a non-organic 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 on the National List and not commercially available in organic form. 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.

The percentage of organic ingredients is calculated by dividing the sum of the organic ingredients by the sum of all ingredients, by weight or fluid volume at formulation, minus any added water and salt. Water and salt are excluded from ingredient calculations and are ineligible to be labeled as organic.

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

Optional - Products in these categories may display on the principal display panel: the term “100 percent organic” or “organic” as appropriate; the percentage of organic ingredients; the USDA seal; and the seal of the state or private certification agency.

Required – Products in these categories must identify each organic ingredient as organic and the name of the certifying agent.

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

Optional - Products in this category may display on the principal display panel the term “made with organic (specified ingredients)” as appropriate in letters that do not exceed one-half the size of the product identity; the percentage of organic ingredients, and the seal of the state or private certification agency.

Required – Products in this category must identify each organic ingredient and the certifying agent.

Prohibited – 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 - Products in this category may identify each organic ingredient in the ingredient statement; if the organic ingredients are identified on the ingredients statement then the percentage of organic ingredients may be displayed on the information panel.

Prohibited – 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 – 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.

Required – Organic livestock feed must display the name of the certifying agent on the information panel.

§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 – These products may display: Identification of the product

as organic; the name of the certifying agent; the seal of the state or private certification agency; and the USDA seal.

Required – These products must display: The production lot number to maintain identity of organic products. Products for export 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 – Retailers may display on non-packaged “100 percent organic” and “organic” products (e.g. produce, bulk food): The term “100 percent organic” or “organic” as appropriate; the seal of the state or private certification agency; and 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 – 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 in letters that do not exceed one-half the size of the product identity and each organic ingredient is identified.

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

Optional – 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 – Organic products from exempt or excluded operations must not display: the USDA seal; the seal of the state or private certification agency; or otherwise represent the product as certified organic.

§205.311 USDA Seal.



Subpart E - Certification

§205.400 General Requirements for certification

1. Persons seeking to receive or maintain organic certification must: comply with the standards; establish, implement, and annually update an organic system plan; be inspected annually; maintain records for five years; and pay annual application fees.

2. Certified operations are required to immediately notify the certifying agent if a prohibited substance has been applied or contaminates any part of the organic operation; and any change to the operation or portion of the operation that may affect its organic status.

§205.401 Application for certification

An application must describe the operation that is applying for certification; include organic system plan; and pay the appropriate fees. The certifying agent needs to be informed if the operation has previously applied for certification, and tell the certifying agent of any previous findings of non-compliance and the corrective action taken on those non-compliances.

§205.402 Review of application

1. The certifying agent must review the application and inform the applicant whether the operation appears to comply with the NOP.
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 six month, at a time when compliance with the standards and the plan can be observed.
2. Certifying agents have the discretion to conduct additional inspections, which may be either announced or unannounced.
3. Inspectors must be knowledgeable about the operation.
4. The inspection must verify whether the operation (a) complies with the NOP; (b) is carrying out the organic system plan; and (c) is not using prohibited substances.
5. Inspectors must conduct an exit interview to discuss known issues of concern and identify missing information.
6. The certifying agent must provide a copy of the inspection report to the inspected operation.

§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. Certified operations must annually submit an updated organic system plan and pay renewal fees to continue certification.
2. An on-site inspection must be conducted within six months of the renewal date.
3. When a certified operation does not comply with the NOP, the certifying agent must notify the appliance of a) each noncompliance; and b) the deadline to rebut or correct the noncompliance.
4. The operator has the choice to correct or rebut the noncompliance.
5. A notice of proposed revocation of certification is issued when a certified operation fails to correct the non-compliance by the deadline and must state a) the reasons for the proposed revocation; b) the proposed effective date; and c) the right to appeal or request mediation.

205.500 Areas and Duration of Accreditation.

1. The NOP accredits domestic and foreign agents to certify organic production or handling operations.
2. Certifying agents may be accredited for crop certification, livestock

certification, wild crop certification, handling certification or any combination of certification areas.

3. Accreditation is granted for five years.

4. Foreign certifying agents may be accepted by USDA if a) the foreign certifier is accredited by the foreign government authority to meet NOP requirements, or b) the foreign government that accredited the certifier has an equivalency agreement with the United States.

205.501 General Requirements for Accreditation.

1. A certifier must have the competence and capacity to fulfill minimum requirements and carry out specific duties without conflict of interest.
2. All certifiers must accept the certification decisions made by any other certifying agent accredited or accepted by USDA.
3. Certifiers may not require any additional requirements as a condition for allowing the use of its seal or logo.

205.502 Applying for accreditation.

Those who seek to be accredited as certifying agents must first apply to the USDA.

205.503 Applicant information.

An applicant for accreditation must provide the USDA information about the entity; the area of operation, such as crops, livestock or processing; whether the entity is a government, for-profit, or non-profit; and locations where it will operate.

205.504 Evidence of expertise and ability.

An applicant for accreditation must document its expertise in organic production and handling; qualified personnel; administrative policies; procedures to prevent conflicts of interest; and current certification activities.

205.505 Statement of agreement.

State and private certification agencies 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.

205.506 Granting accreditation.

1. A certifier is accredited when: a) the required information is submitted; b) the fees are paid; and c) 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.

If an applicant is unable to comply with the NOP, the NOP must inform the applicant that the application for accreditation has been denied and inform the applicant a) of each non-compliance; b) the facts behind each non-compliance; and c) the deadline to rebut or correct each non-compliance.

205.508 Site evaluations.

The NOP conducts site evaluations at least once during the five year accreditation period to examine a certifier's compliance with the NOP.

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 international standards 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 for ten years.
3. Certifiers must apply every five years 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

Nonsynthetic (natural) substances are allowed to be used in production unless they are specifically prohibited and all synthetic substances are prohibited in production unless specifically allowed. For more information on specific substances, refer to the NOP rule and the OMRI Generic Materials List.

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

Items are added to the National List based on the criteria established in the Organic Foods Production Act. Synthetic processing aids and adjuvants are subject to additional criteria.

205.601 Synthetic substances allowed for use in organic crop production.

The use of allowed synthetic substances must not contaminate crops, soil, or water. Approved substances, except for disinfectants and sanitizers, may only be used when proactive management practices are insufficient to prevent or control target pests or diseases. Synthetic substances that may be used in organic crop production are specified for the following uses and applications: algicides, disinfectants, and sanitizers; herbicides; compost feedstocks; insecticides, acaricides, and pheromones; plant disease controls; plant and soil amendments; plant growth regulators; inert ingredients; and seed preparations. Most of these substances are subject to limits in the rule and restrictive annotations.

205.602 Nonsynthetic substances prohibited for use in organic crop production.

Natural substances that may not be used in organic crop production are listed in this section, including elemental contaminants, mined minerals of high solubility and salt indexes; and botanical insecticides.

205.603 Synthetic substances allowed for use in organic livestock production.

Synthetic substances that may be used in organic livestock production are specified for the following uses and applications: disinfectants, sanitizers, and medical treatments; topical treatments, external parasiticides, or local anesthetics; feed additives and supplements; and inert ingredients. Most of these substances are subject to limits in the rule and restrictive annotations.

205.604 Nonsynthetic substances prohibited for use in organic livestock production.

Lists nonsynthetic substances that may not be used in organic livestock production, including botanical preparations.

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)).”

This part of the National List includes nonagricultural substances that may be used as ingredients or processing aids in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))” subject to restrictions in their annotation. The list is divided into non-synthetic and synthetic.

§ 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)).”

The agricultural ingredients on this part of the National List are permitted only when they are commercially unavailable in an organic form. Many also have restrictive annotations.

205.607 Amending the National List.

Any person may file a petition to add or remove materials on 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. Any State may establish a State Organic Program subject to USDA approval.
2. State Organic Programs must meet the NOP requirements and assume enforcement obligations of the NOP.
3. A state may have more restrictive requirements because of environmental conditions or specific production or handling practices.

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

A state must apply to the USDA in order for a State Organic Program to be approved under the NOP.

205.622 Review of approved State Organic Programs.

The NOP must review State Organic Programs at least once every five years.

Fees

Sections 205.640 and 205.641 205.642

The USDA establishes costs for accreditation and the basis of fees certification.

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

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.

Certifying agents and State Organic Programs may investigate complaints of noncompliance with the NOP regulations.

205.662 Noncompliance procedure for certified operations.

Certifiers and State Organic Programs must follow specific procedures for any compliance action to provide due process for certified operations including notification; resolution options; proposed suspension or revocation notices; responses to willful violations; and

suspension or revocation of certification.

205.663 Mediation.

Mediation is not mandated but offered as an option to settle a noncompliance proceeding.

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

The USDA must follow noncompliance proceedings against certifying agents and State Organic Programs respectively found in violation of the NOP.

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

1. Organic food products must be available for sampling by state organic programs and certifying agents for pesticide residues, products of genetic engineering or other prohibited substances when there is reason to believe that the product is contaminated or come into contact with a prohibited substance.
3. Sample collection, handling, and analysis must meet specific requirements.
4. The certifying agent must provide the NOP the results of all analyses, which are available to the public.
5. Tests are conducted at the certifying agent's or state organic program's expense.

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. Products with residues detected above these levels and products with unavoidable residual environmental contamination for which tolerances have been established cannot be sold as organic.

205.672 Emergency pest or disease treatment.

1. Allows Federal or State emergency pest or disease control program to apply prohibited substances to a certified organic operation.
2. Prohibits any crop or product that has come into contact with a prohibited substance to be sold as organic.

Adverse Action Appeal Process

§205.680 General and §205.681 Appeals.

A person who believes that they are adversely affected by a noncompliance decision of the National Organic Program, a State organic program, or a certifying agent are allowed to appeal to a U.S. District Court rather than a State court.

[NOTE – The above NOP summary does not include a complete listing of allowed and prohibited substances, as found in sections 205.601-606. Those lists are under constant revision, so readers should refer to the most current lists, available at: <http://www.ams.usda.gov/AMSV1.0/nop>]

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.

