Navigating Organic Regulations

Based on a law passed by Congress in 1990
October 2002
Code of Federal Regulations
CFR 7 Part 205

www.ams.usda.gov/nop

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• **Organic is a production claim.**
  • Organic is about how food is produced and handled.

• **Organic is not a content claim.**
  • It does not represent that a product is “free” of something.

• **Organic is not a food safety claim.**
  • Organic is not a judgment about the quality and safety of any product.
Any farmer or processor who sells more than $5000 annually of organic production, must be **Certified** to use the organic label, with a yearly inspection to continue their certification.

“**Exempt**” (non-certified) operations cannot sell crops that are further “processed”, *this includes livestock feed.*

There is no “Transition to Organic” label recognized in the marketplace; there is no organic premium for “transitional”.

Organic certification can be on a field by field basis, or only fields and not the livestock—the whole farm’s production need not be organic.
Farmer chooses certification agency and receives application

Application received by agency

Agency reviews application and may ask for more information

Agency assigns inspector, crops must be seen during growing season

Inspector writes report and sends to agency

Agency reviews all documentation, and either approves or denies certification, with comments.

A three to five hour on-site inspection verifies all information provided on the application, including crops, crop production methods, buffer zones, projected harvest yields, storage and sales.

Animal health, housing and feed.

It can be beneficial to have an outsider review and discuss the organic management system.
Organic Certification Cost Share

_Funds distributed through each state’s Department of Agriculture_

$750 per year or 3/4 the cost of certification (includes certification fee, all inspection fees and user fees) whichever is LOWER. Payment is per scope, crops, livestock, wild harvest and/or handling.

Record keeping is an important aspect of certified organic production. Management decisions are based on historical reference and knowledge.
Many of the paperwork requirements of organic certification and crop insurance are the same.

Both the organic inspector and crop insurance adjuster want documentation that details your production activities.

Organic Production and Handling Requirements

Components of the Organic System Plan—written in the organic certification application.

- Practices
- Materials used
- Monitoring
- Recordkeeping
- Planting of organic seed
- Management and buffer zones
Field Activity Log - 5 years (by field or area)

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<tr>
<th>Crop Type</th>
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<td>Crop monitoring - problem weeds, pests, crop vigor, dates</td>
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<td>Pest management input date and rate of application</td>
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<td>Disease management input date and rate of application</td>
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<td>Weed management post planting, method, and date</td>
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<td>Harvest dates</td>
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<td>Equipment used and cleaning activities</td>
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<td>Inorganic and organic, dates</td>
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<td>Cover crop planted after crop removed/seeded</td>
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Supplemental Organic Integrity Documents

Most of these documents are available from organic certification agencies. Look at the website of your agency for these forms. Check the box for each year if you have completed the form. Write N/A if not applicable.

<table>
<thead>
<tr>
<th>Type of Documentation</th>
<th>Year</th>
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<td>Maps for all lands with field records</td>
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<td>Maps of boundaries including crop rows, equipment storage, livestock housing etc.</td>
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<td>2 year field history (in the notebook)</td>
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<td>Soil test (and lab fee) if you have not had soil test of the land for 5 years</td>
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<td>Seed invoices, tags, logs</td>
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<td>If not using organic seed, seed source table illustrating where you searched for organic seed (only in this notebook)</td>
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<td>Any other amendments and addends with ingredients</td>
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<td>Soil tests illustrating need for soil amendments</td>
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<td>If using off farm manure - no prohibited substances used on manure or in bedding</td>
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<td>Plant remedial documentation that involves the NOP definition of remediation</td>
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<td>If washing crops for human consumption - annual water test illustrating water is potable</td>
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<td>Pest and disease management invoices and stubs with ingredients</td>
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<td>Mapping - land use/affected neighbor signs or they do not spray prohibited substances if buffer agreement with road zones, utilities etc.</td>
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<tr>
<td>Buffer zone harvest share/sales record - a buffer zone may be needed due to activities on adjoining land. If you harvested a crop in that buffer zone, farm/mach date, where did you store and sell this harvested crop</td>
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<td>Storage, records - crop, volume of production (in this notebook)</td>
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<td>Documentation of approved pest management and around crop storage</td>
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<td>Crop rotation sheets - these are shipped using or outside entry, you must verify this before taking the crop off</td>
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<td>Storage, records - amount shipped and dates received outside (in this notebook)</td>
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<td>Descriptions of all numbering system</td>
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<td>Labels - if selling organic retail products</td>
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<tr>
<td>Estimated tonnage of organic and organic sales, production, harvest, manure and sales records for the nonorganic crops</td>
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</tbody>
</table>
### Completed the first year

**3 YEAR FIELD HISTORY**

<table>
<thead>
<tr>
<th>Name</th>
<th>Year: 2015</th>
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<tbody>
<tr>
<td>Office Use Only</td>
<td>Field #</td>
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</tbody>
</table>

### Completed subsequent years

**CROP SUMMARY / CURRENT YEAR FIELD PLAN**

- Complete the Current Year Field Plan for all land managed organically.

#### CROP SUMMARY

<table>
<thead>
<tr>
<th>CROP</th>
<th>FORM OF HARVEST</th>
<th>CONTROLLABLE</th>
<th>TRANSITIONAL</th>
<th>CONVENTIONAL</th>
<th>AMOUNT (WEIGHT)</th>
<th>FOR SALE</th>
<th>FOR WASTE</th>
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#### Sales Record

<table>
<thead>
<tr>
<th>Sales Record</th>
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<tbody>
<tr>
<td>John Goodbread</td>
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<tr>
<td>Lot number: 0022</td>
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<tr>
<td>Year of crop production: 16</td>
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<tr>
<td>Winter wheat: crop sold:</td>
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<td>Summer wheat: crop sold:</td>
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<tr>
<td>A: HC</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Crop Sold</th>
<th>Total crop number</th>
<th>Buyer</th>
<th>Lot number for this season</th>
<th>Amount Sold / Weight</th>
<th>Total Dollars Received</th>
<th>Storage location / Field if sold</th>
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<tr>
<th>Contracted or spot market sales</th>
<th>Bill of Lading</th>
<th>BOP BID</th>
<th>Transaction Certificate or Export Certificate</th>
<th>TIN</th>
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</table>
The lot number should illustrate the last place the crop was present before leaving the farm.

This would be the storage identification if the crop had been in a bin, or the field numbers if the crop was sold directly from the field.

Each farm should have a consistent lot numbering system, that is clear, concise and easy to understand.

Lot numbers should contain pertinent information to give each shipment or sale its own unique identity.

- **A**
  - Asparagus
- **05**
  - Field 5
- **139**
  - Julian Date of harvest
- **17**
  - Year of Production

- **JG**
  - Jane Goodearth
- **02**
  - Bin#2
- **WW**
  - Winter Wheat
- **17**
  - Year of Production
- **-A**
  - First Shipment from that bin
Do not be intimidated by recordkeeping!

- All worksheets are downloadable as excel spreadsheets, or refer to the items listed to make sure your current system is complete.
- Make it a habit to jot down your activities throughout the season.
- Good records can pay for themselves over time.

https://mosesorganic.org/publications/farm-production-recordkeeping-workbook/

Definitions

- Organic production- A production system that is managed in accordance with the Act and regulations to respond to site-specific conditions by integrating cultural, biological and mechanical practices that foster cycling of resources, promote ecological balance and conserve biodiversity.
Land Requirements

- Fields must have distinct boundaries and buffer zones.
- No prohibited substances applied to it for a period of 36 months immediately preceding harvest of the crop.

Previously fallow land can grow an organic crop immediately: no waiting time.

All crops and livestock managed by farmer are not mandated to be organic.

Transition period to organic

This includes no use of nonapproved seed treatments for the transitional years.

Organic production mandates a soil building rotation, promoting improved soil fertility, soil structure and increased organic matter.
Crop rotation.
The practice of alternating the annual crops grown on a specific field in a planned pattern or sequence in successive crop years so that crops of the same species or family are not grown repeatedly without interruption on the same field.

Perennial cropping systems employ means such as alley cropping, intercropping, and hedgerows to introduce biological diversity in lieu of crop rotation.

Can continuous row crops that require extensive cultivation each year (such as corn/beans/corn etc.) be considered a rotation that improves soil organic matter?
20 years of similar tillage intensity
Different quantity of Carbon inputs

Materials and the National List

- All naturals approved
- All synthetics prohibited
- If a natural is on list, then prohibited
- If synthetic on list, then approved
- List is broken into crops, livestock and ingredients in processed products.
NOT ALLOWED

- Genetically engineered products
- Grown with sewage sludge
- Irradiated

*Synthetic substances unless specifically approved……*

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**Organic Crop Fertilizers**

- Fish Emulsion
- Kelp Meal
- Soybean Meal
- Feather Meal
- Blood Meal
- Bone Meal
- Humic Acid
- Compost
- Raw Manure
- Soil Bacteria – AgRestore type products
- Dehydrated pelletized manures/composts

**Soil Amendments – mined**

- Quarry lime okay, hydrated lime not okay for soil amend
- Gypsum – calcium sulfate okay
- Recycled wall board – not okay
Organic issues to be tracked with manure

Under the “prevent contamination or application of prohibited substances to organic land”....

- No arsenic fed to poultry or hogs
- No synthetic substances added to manure pits to control odor
- No fly sprays on piles of solid manure
- No use of “factory farm” manure if crop is to be sold into the European Union.
- Documentation from supplier of manure should be present verifying compliance.
- Nonorganic carbon sources such as lawn clippings, hay, straw, and even GMO corn or soybean stalks are allowed under the USDA rule.

Pest, weed and disease control hierarchy

1st: Cultural (crop rotation, sanitation, seed variety)

   Mechanical or physical (exclusion, beneficial insect habitat, lures, traps, repellants, mulches, flame)

2nd: Natural biological, botanical or mineral inputs

3rd: Approved synthetics on the national list- provided the CONDITIONS for use are DOCUMENTED and the previous 2 were ineffective
Certifier review of input materials

All certifiers have a review process.

- Some certifiers publish a list.
- Some rely heavily on the OMRI List or might subcontract to OMRI.

Agricultural Landscapes

Simple landscape  Complex landscape
Relationship between landscape diversity and aphid outbreaks

Certified organic seeds must be used, unless producer proves the seed they wish to use is not “commercially available”.

Proof that the producer tried to obtain organic seed of an equivalent variety to desired type.

Phone logs, seed catalogs and letters from seed suppliers illustrating non-availability of organic seed are used.

Farmers can also trial small amounts of organic seed to show they are researching equivalent varieties.
High price is not an acceptable reason to **not** buy organic seed.

No captan, apron or other nonapproved seed treatments for three years.

No GMO nitrogen fixing bacteria allowed, nonGMO inoculants are allowed.

Cover crop seeds MUST be organic as well.

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**Seed Trialing Worksheet**

<table>
<thead>
<tr>
<th>Organized Seed/ Treatments</th>
<th>On-Or-Offered Variety/ Treatment</th>
<th>Response to Varieties/Treatments</th>
<th>Seed Quality and Varieties</th>
<th>Yield</th>
<th>Survival</th>
<th>IRR</th>
<th>Stems</th>
<th>Survival %</th>
<th>Stability</th>
<th>Tolerance</th>
<th>Growth</th>
<th>Seedling Net</th>
<th>Cover</th>
<th>Covering Uptake</th>
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Buffer Zones Required

25 to 30 foot buffer area is typical ---roads, grass, hay or trees where prohibited sprays from the neighbor may present a risk to the organic integrity of their crop.

Size of buffer relates to risk- aerial spray, ground driven equipment, or windbreaks all affect size of buffer required by certifier

Nonorganic field

Organic field, road is buffer

GMO Drift

At this time, the NOP does not address GMO drift.

Most organic food grade soybeans and corn are tested extensively for the presence of GMO DNA. If found, the buyer may choose not to pay the organic premium for this “tainted” product, but it is still considered “organic” if produced according to the rule. Most organic livestock feed is not tested for GMOs.
Organic weed management

MINDSET: Think management not annihilation. Weeds are not the enemy! They also provide benefits.

STRATEGIES:
Do not let weeds go to seed.
Reduce weed bank.
Delay planting - take a few weed crops first.
Plan ahead - before you plant know how you will manage weeds.
Space for quick canopy or longer access

The goal of early mechanical weed control is to eliminate the bulk of the weed population before it competes with the crop and to create as large a crop-to-weed size differential as early as possible.
Lilliston Cultivator

Flame weeder

Rotary hoe

Tine Weeder

No till soybeans
Planted into standing rye, June 18

Drilled organic bean field in late August
Prohibition on...

- **Commingling** – mixing of organic and non-organic products—must clean all equipment and storage areas before organic use

- **Contamination** – contact with prohibited substances—no use of pesticides in or near storage areas or equipment used for organic

Sources of fiber and edible bedding—all must be organic

Silage or bale inoculants must be approved—Natural bacteria okay, synthetics, not allowed.
Slaughter animals must be managed organically from last third of gestation.

**Origin of Livestock**

**MEAT-** Breeder or dairy stock that *has not been* under continuous organic management since the last third of gestation *MAY NOT* be sold, labeled, or represented as organic slaughter stock.

Crop and pasture land may need to be **certified** the previous crop year, so brood cows are eating certified organic feeds in late winter before spring calving (or buy organic hay) and on organic spring pasture.

*No retroactive certification to previous year’s crop at your first year of certification.*
All agricultural products in feed must be organic.

Livestock feed label:
100% organic- Contains only agriculturally based feeds that are all certified organic.
Organic-Contains certified organic feeds and approved feed additives or supplements, such as salt, minerals or vitamins.

Pasture mandated for ruminants

**Pasture.** Ruminants must receive 30% of their dry matter intake during the grazing season from pasture, minimum 120 days.

Good pasture management mandated under organic regulations.

Organic animals cannot graze in nonorganic buffer areas. Secondary fencing may be necessary.
Organic dairy production

Dairy animals have been certified organic by an approved USDA agency to label their milk or dairy animals as organic.

- Feed must be organic.
- Health care within organic requirements.
- Pasture is mandated.
- Housing must allow for freedom of movement.
- Records maintained on health and feed

Processing defined as …..

Cooking   Baking   Heating  
Drying    Mixing   Grinding 
Churning  Separating Extracting 
Cutting   Fermenting Slaughtering 
Eviscerating Preserving Dehydrating 
Freezing  Or otherwise manufacturing 

Packaging Canning Jarring 
Or enclosing in any type of container

All handling operations must be certified organic to retain the organic label in the marketplace.