

Update

NPMA LIBRARY UPDATE

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The National Organic Program

Background

Various herbs, spices, and other "natural" substances have been used as foods, flavorings and medicines; and have been raised, concocted, eaten and traded for millennia by people of many cultures. Rachel Carson published, *Silent Spring*, in 1956; in which she attacked persistent synthetic or man-made pesticides (DDT in particular). Environmentalists soon took that scientifically unfounded claim a step or two further. They began preaching that not only man-made pesticides, but everything else "synthetic" must be bad for people. Some began to grow a large portion of their own food using "natural" materials and methods as much as possible. By the 1970s, the term "organic" had come into favor for such "natural" produce and similar products. This movement grew quickly in California, and in Europe, and a whole organic industry soon developed.

Organics Are Easily Contaminated

Despite the fact that no one has ever proven that anything "natural" or even totally "organic" (by any definition) is any safer, wholesome, or in any other way obviously better than its non-organic counterpart, many people avidly support that still unproven, and poorly supported, opinion. Most of these same persons insist that produce or products are no longer "organic" if they have even been touched by any "synthetic" materials (especially any pesticides, or a wide variety of other man-made chemicals). Animal products, like

meats, eggs, and even milk, can be declared "no longer organic," if (while alive) the animals from which they were derived were able to stand upon, rub against, or even touch pressure-treated wood. This prohibition has still been retained in the proposed USDA final rule version of their **National Organic Program (NOP)**.

How a PMP May Become Involved

Organic produce or products must not be mixed with or contact any "prohibited" material, during its life, production, **handling**, or display. Nearly every aspect of the whole process from sprouting, birth, or gathering to its final retail sale has careful, detailed definitions that must be pre-planned, met and carefully recorded. If not, that item cannot be legally labeled or sold as "organic." Handling is defined to include physical processing, including packaging, storing or display for sale. If your customer stores "organic" products, you may have to limit, stop, or substitute other products or techniques to control any pests at "organic product" storage or holding spot, and within a wide area around such spots. You may have to coordinate your intended actions with the "NOP Certifying Agent" as well. Otherwise your customer might lose that account or lose a lot of money because any even possibly affected "organic materials" could not be sold under that label.



Photos taken from a retail organic product.

A Need to Standardize

Until the Organic Food Production Act of 1990 takes effect as a Final Rule, organic certification is voluntary and self-imposed. Inconsistent and conflicting organic production and handling standards has often been an obstacle to effective marketing of organics. There are now 36 private and 13 state organic certification agencies in the U.S. There is still no national-level, standardized list of substances prohibited from (or accepted for) use in organic production and handling,

only proposed regulatory guidelines. Multiple seals, labels, and logos; as well as no reciprocal agreements between certifying agencies; have caused a lot of consumer confusion and have slowed the growth of this industry, both in the U.S. and overseas.

In the late 1980s, there was an attempt to establish a national voluntary organic certification program; but the parties involved could not reach a consensus on the standards. The Organic Trade Association (OTA) then petitioned the U.S. Congress to establish such standards for U.S. food and fiber products. The OTA has recently published *American Organic Standards, Guidelines for the Organic Industry* (AOS), but some members of the Organic Industry did not support that, chose to wait for national standards, or simply did not agree with certain portions.

Congress passed the Organic Food Production Act (OFPA)⁸ in 1990, requiring all agricultural products labeled “organically produced” to originate from farms or handling operations which have been certified by a state or private agency that has been accredited by the USDA. The NOP resulted from, and sets the framework for, implementing regulatory specifics of the OFPA.⁹ The purposes of the OFPA are to:

- 1) Establish national standards governing the marketing of “organic” products,
- 2) Assure consumers that such products meet those consistent standards, and
- 3) Facilitate commerce in such fresh and processed organic foods.

Commercial Incentives

A growing number of people in the U.S., Europe, and other countries want to buy “organic” foods, and are willing to pay premium prices for them.^{3, 4, 5, 6} However, they also demand consistent quality and some assurance of a reliable system of certification of such quality. The NOP, when fully implemented, should be such a system.^{1, 7, 9} The USDA’s Organic Seal (Figure 1), along with brand and certifier seals, should prove to be symbols of those expectations being met. In 1996, the U.S. Organic products market was estimated at \$3.5 billion per year, and that figure has grown more than 20 percent per year ever since. Foreign markets may be almost as large.

The Main Elements of the NOP, A National Organic Standards Board (NOSB)

This 15-member board has an advisory role, as mandated by the OFPA. It has wide representation from the organic community, including: farmers, handlers, retailers, environmentalists, consumers, scientists, and certifiers. The NOSB has assisted in developing the standards in this final rule and will play an advisory role for the NOP after the final rule is in place. The NOP staff in the Agricultural Marketing Service will implement USDA’s final rule.

Accreditation and Certification

USDA, through the NOP, must accredit persons providing certification services for organic production and handling. Applicants for accreditation must document their abilities to certify according to the national standards and to oversee their client’s compliance with the requirements of the OFPA and NOP regulations. **An accredited certifying agent must certify producers and handlers of organic products.** Producers and handlers are required to document their organic plans and procedures to ensure compliance.

All certifying agents must be accredited, and certification by producers **and handlers** is mandatory. The exceptions are: (1) growers and handlers with gross organic sales of \$5,000 or less, and (2) a handling operation may be exempt or excluded from certification according to provisions described in the



Figure 1: Official USDA organic seal plus related general and contact information.

rule's Subpart B, Applicability (not addressed here).

USDA will charge applicants \$500 for accreditation and renewal, which is required every 5 years. USDA will also charge applicants for costs over \$500 for site evaluation of the applicant's business. The applicant would be charged for travel costs, per diem expenses, and any miscellaneous costs incurred with a site evaluation. USDA will also charge accredited certifiers at an hourly rate to review their annual reports. Producers and handlers will not pay certification fees to USDA. The accredited certifying agents will establish certification fees, not the USDA. The rule requires certifying agents to submit a copy of their fee schedules to USDA, post their fees, and provide applicants estimates of the costs for initial certification and for renewal of certification.

Production and Handling

The rule establishes standards for organic production of crops and livestock and handling of organic products. These standards were developed from specific requirements in the OFPA, recommendations from the NOSB, review of existing organic industry practices and standards, public comments received on the 1997 and the 2000 proposals, and public meetings.

The final rule establishes a number of requirements for producers and handlers of organic food. These requirements affect farming operations, packaging operations, processing operations and retailers. Some of the major provisions are: (1) land requirements, (2) crop nutrient requirements, (3) crop rotation requirements, (4) pest management requirements, (5) livestock management requirements, (6) processing and handling requirements, and (7) commingling requirements^{1, 7, 8, 9}.

A National List of Allowed and Prohibited Substances

The National List has allowed synthetic substances and prohibited non-synthetic substances that may or may not be used in organic production and handling operations. The list identifies synthetic substances, which would otherwise be prohibited, that may be used in organic

production based on NOSB recommendations. Only synthetic substances on the National List may be used. The National List also identifies those natural substances that may not be used in organic production, as determined by the Secretary of Agriculture based on the NOSB recommendations.

Testing

When certifying agents have reason to believe organic products contain a prohibited substance, they may conduct residue tests.

Labeling

The rule also states how organic products may be labeled and permitted uses of the USDA organic seal. In addition to the USDA seal and the certifying agent's seal, information on organic food content may be displayed (Figure 2). Small businesses that are certified may use the USDA seal. Label categories include:

- "100% Organic" (must consist of ONLY products which have been organically grown, processed, and handled);
- "Organic" (must consist of at least 95 percent by weight products which have been organically grown, processed, and handled);
- "Made with Organic Ingredients" (must consist of at least 70 percent, by weight, ingredients which have been organically grown, processed, and handled). Any product containing less than 70 percent by weight, of "organic products" or ingredients cannot legally include the term "Organic" in its labeling or commercial displays.

Retail Food Establishments

Retailers of organic food such as grocery stores, bakeries and others that process or prepare raw and ready-to-eat food, are not currently subject to either voluntary practices or mandatory standards of the organic industry. Although they are excluded from the certification requirements under the final rule, they **are** subject to other



Figure 2: Sample label showing a typical Certifier's logo and related contact information.

processing, handling, and other production related requirements of the final rule. Some grocery stores in the U.S., particularly 'natural foods' stores, which sell processed or prepared organic foods, will be affected by these requirements.

Facility Pest Management Practice Standards

[Extracted from NOP Subpart C, paragraph. 205.271].

- (a) Producers or handlers of organic facilities must use management practices to prevent pests, including but not limited to:
 - (1) Removal of pest habitat, food sources, and breeding areas;
 - (2) Prevention of access to handling facilities (exclusion); and
 - (3) Management of environmental factors, such as temperature, light, humidity, atmosphere, and air circulation, to prevent pest reproduction.
- (b) Pests may be controlled through:
 - (1) Mechanical or physical controls including but not limited to traps, light, or sound; or
 - (2) Lures and repellents using non-synthetic or synthetic substances consistent with the National List.
- (c) If the practices provided for in paragraphs (a) and (b) of this section are not effective to prevent or control pests, a non-synthetic or synthetic substances consistent with the National List may be applied.
- (d) If the practices provided for in paragraphs (a) and (b) of this section are not effective to prevent or control pests, non-synthetic or synthetic substances consistent with the National List may be applied; Provided, That, the handler [possibly a contracted PMP] and certifying agent agree on the substance, method(s) of application, and measures to be taken to prevent contact of the organically produced products or ingredients with the substance used. [This demands avoidance or extreme caution with any volatiles.]
- (e) The handler of an organic handling operation who applies a non-synthetic or synthetic substance to prevent or control pests must update the

operation's organic handling plan to reflect the use of such substances and methods of application. The updated organic plan must include a list of all measures taken to prevent contact of the organically produced products or ingredients with the substance used.

- (f) Notwithstanding the practices provided for in paragraphs (a), (b), (c), and (d) of this section, a handler may otherwise use substances to prevent or control pests as required by Federal, State, or local laws and regulations, provided that measures are taken to prevent contact of the organically produced products or ingredients with the substance used.

References

1. 7CFR Part 205. The National Organic Program (NOP). Agric. Marketing Service (AMS), USDA,
2. Greene, C., 2000a. "U.S. Organic Farming," USDA, Economic Research Svc. (ERS), Issues Center. Available at: www.ers.usda.gov.
3. Greene, C., 2000b. "U.S. Organic Agriculture Gaining Ground," ERS, USDA, *Agricultural Outlook*, AGO-270, April.
4. Kaufman, P. 1998. "Natural Foods Supermarkets Gaining in Popularity," ERS, USDA, *Food Review* Vol. 21(3): September – December.
5. Kinsky, K., and L. Tourte. 1998a. Statistical Review of California's Organic Agriculture, 1992-95. Rept. Prepared for the Calif. Dept. of Food & Agric., Organic Program. Co-Operative Extension, Dept. of Agric. Economics, Univ. of Calif., Davis, CA.
6. Kinsky, K., and L. Tourte. 1998b. Organic Agricultural Production in the United States: Debates and Directions. *Amer. J. Agr. Econ.*, Vol. 80(5): 1119-1124.
7. Organic Farming Research Foundation. 2000. "Organic Certifiers Directory," *on-line* publication at: www.ofrf.org.
8. Organic Food Production Act (OFPA), Title XXI of the Food, Agriculture, Conservation and Trade Act of 1990, U.S.C. Title 7 (= 7 CFR)
9. USDA. 2003. NOP Program Standards, with Appendices (*In* PDF format; in English, French, Japanese, and Spanish), available at: <http://www.ams.usda.gov/nop/NOP/standards.html>