



USDA Organic Regulations Standards Update

February 10, 2015

USDA Agricultural Marketing Service
National Organic Program





- Rules
 - Origin of livestock
 - Aquaculture
 - Pet food
 - Apiculture
 - Animal Welfare
- Guidance
 - Classification
 - MOCP
 - Post harvest
 - Biodiversity
 - Hydroponics
- National List
 - Sodium nitrate
 - Biobased mulch
 - Nutrient vitamins and minerals
- Material clarifications
 - Aquatic plant extracts
 - Electrolyzed water
 - Treated posts

Rules



Proposed Rule - Origin of livestock

- At Office of Management and Budget
- One time transition

Aquaculture

- Departmental clearance

Pet food

- Legal review

Apiculture

- Legal review

Animal Welfare

- Drafting

National List

- Drafting

Steps:

1. NOSB recommendation
2. Drafting
3. Legal Review
4. Departmental clearance
5. OMB review
6. Publication
7. Public Comments



Apiculture Certification



NOSB 2010 Apiculture Recommendation



- **Forage zone.** Land or bodies of water, within a 1.8 mile (3 km) radius of the edge of the apiary which provides bees with water, nectar, honeydew, pollen and propolis.
- **Transition/Hive construction.** Apiary under continuous organic management for 1 year prior to the removal of the bee products from the hive. Hive foundation is new.
- **Feed.** Provide organic forage and organic feed supplement if needed.
- **Healthcare.** Leave hives with adequate supplies of honey for dormancy period.

Apiculture and National List Materials



- Only nonsynthetic substances, unless specifically prohibited at section 205.604, or synthetic materials allowed at section 205.603 are allowed for use in organic apiculture production.
- Formic acid (205.603) is currently the only material annotated specifically for use for apiculture operations.
- Sucrose octanoate esters are allowed and commonly used.

NOP expectations for certifiers and operations



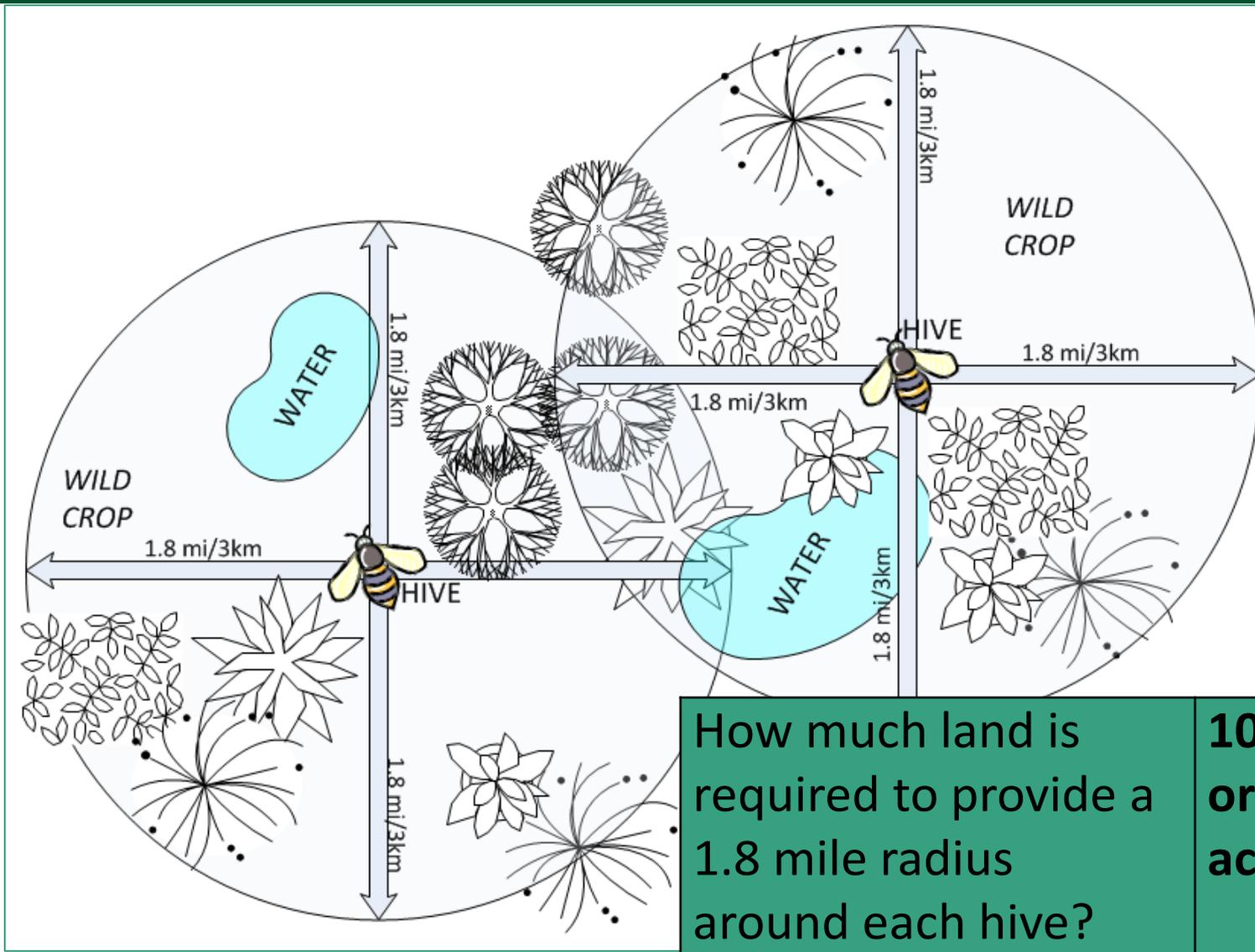
- **General** – Managing in a manner that prevents contact with prohibited materials.
- **Forage zone** – 1.8 mi. radius around each hive of organically managed land with adequate forage. Organic feed required.
- **Supplemental feed** – Certified organic
- **Healthcare** – Same expectations as other livestock

NOP expectations for apiculture inspections



- Complete review and understanding of management of forage zones.
- Verify that forage zones are organically managed (e.g. wild areas or certified organic crops).
- All forage areas inspected to ensure that all bee forage is organically managed

Forage zone



How much land is required to provide a 1.8 mile radius around each hive?

**10.18 mi²
or 6515.2
acres**



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Classification of Materials:

NOP 5033 – Guidance: Classification of Materials

NOP 5033-1 – Synthetic / Nonsynthetic Decision Tree

NOP 5033-2 – Agricultural / Nonagricultural Decision Tree

Materials for Organic Crop Production

NOP 5034 – Guidance: Materials for Organic Crop Production

NOP 5034-1 – Materials for Organic Crop Production

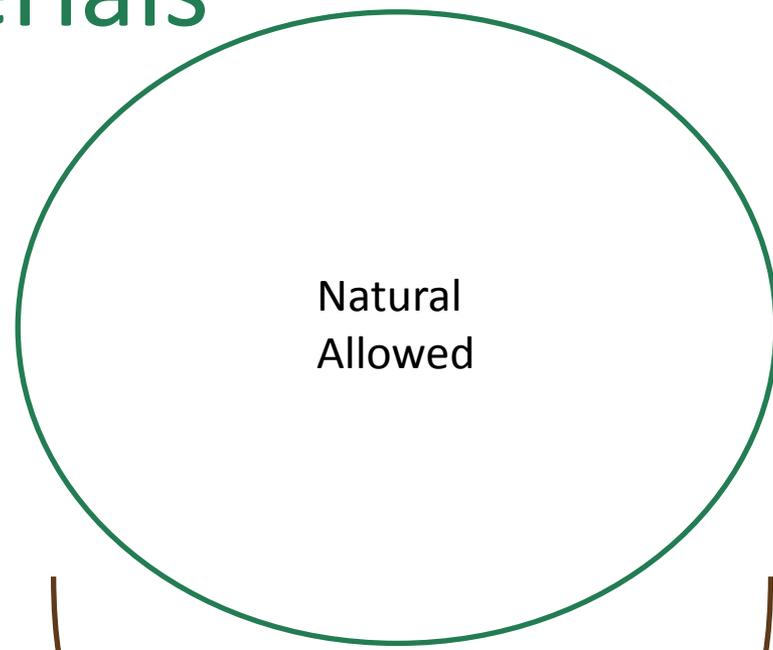
NOP 5034-2 – Prohibited Materials for Organic Crop Production



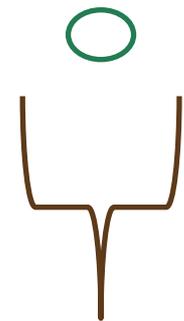
Crop Materials



National List
205.601



Natural
Prohibited



National List
205.602



Draft Guidance

Materials for Organic Crop Production

Acetic Acid

Nonsynthetic

Made by oxidative or anaerobic fermentation. Solutions that contain less than 8% acetic acid are vinegar. See also, [Vinegar](#).

Reference: 7 CFR 205.105

Agar

Nonsynthetic

Also called “agar-agar.” See also, [Aquatic Plant Products](#).

Reference: 7 CFR 205.105

Agave

Nonsynthetic

Includes plant parts and agave syrup or nectar from *Agave americana*, *A. attenuata*, and *A. tequilana*. See also, [Plants](#).

Reference: 7 CFR 205.105

Agricultural Substances

Nonsynthetic

Substances classified as “agricultural” at § 205.606 of the National List are permitted unless specifically prohibited at § 205.602.

Reference: 7 CFR 205.105

Alcohol

Nonsynthetic

Ethanol made by fermentation is permitted

Algae

Nonsynthetic

See [Aquatic Plant Products](#).

Almond Hull Trash

Nonsynthetic

See [Plants](#).

Aloe Extract

Nonsynthetic

See [Plant Extracts](#).

Amino Acids

Nonsynthetic

Natural amino acids derived from plants, animals, and microorganisms that have not been genetically modified are permitted. Amino acids that have been chemically modified from their source are prohibited.

Reference: 7 CFR 205.105

Ammonium Carbonate

Synthetic

Permitted only for use as bait in insect traps. No direct contact with crop or soil.

Reference: 7 CFR 205.601(e)

Animal By-Products and Materials

Nonsynthetic

Includes parts of animals and animal by-

Draft Guidance: Natural Resources & Biodiversity Conservation



- Purpose:
 - To inform organic operators of specific production practices that demonstrate compliance with the general conservation requirement at Section 205.200
 - To clarify the role of the certifier and the inspector in verifying operator compliance
 - To reduce paperwork burdens for operators participating in NRCS and NOP programs

Draft Guidance: Natural Resources & Biodiversity Conservation



- In the OSP, the operation must address how it will conserve biodiversity by “maintain[ing] or improve[ing] natural resources, including soil and water quality,” as required by § 205.200 of the regulations.

Draft Guidance: Natural Resources & Biodiversity Conservation



- For certified operations that also participate in USDA NRCS activities (e.g., conservation planning, or the Environmental Quality Incentives Program (EQIP)):
 - The operation can reference Appendix A to identify which practices may be supported through NRCS as part of its conservation programs.
 - The operation may reference or provide evidence of a conservation plan developed in conjunction with NRCS instead of developing a separate OSP section for natural resources, provided that the conservation plan addresses all the requirements of 7 C.F.R. § 205.200 and other applicable portions of the USDA organic regulations.

Draft Guidance: Natural Resources & Biodiversity Conservation



- Certifiers must verify compliance with 7 C.F.R. § 205.200 by ensuring that certified organic operations are implementing their planned production practices to conserve natural resources and biodiversity. As part of the onsite inspection, certifiers should ensure that inspectors observe the conservation practices put in place, or review records that support implementation of conservation practices.

Draft Guidance: Natural Resources & Biodiversity Conservation



- Inspectors must be qualified to assess compliance with 7 C.F.R. § 205.200. More specifically, inspectors must be able to recognize and evaluate areas where: 1) natural resources and biodiversity are already conserved; 2) conservation projects are planned; and 3) improvement is needed.

Draft Guidance: Natural Resources & Biodiversity Conservation



- During the onsite inspection, inspectors must verify the accuracy and implementation of the operation's production practices and monitoring approach that support the general natural resources conservation and biodiversity requirement, as described by the operation in its OSP.

Conservation practices where NRCS assistance may be available



- Adding organic matter to the soil to increase soil organism diversity
- Conserving woodland, wetlands
- Vegetative covers
- Water conservation techniques
- Plant diversity
- Conserving wildlife corridors
- Controlling invasive species



- Roles
 - Operator: must select, record and carry out production practices that **“maintain or improve the natural resources...”**
 - Certifier: must review the Organic System Plan for the production practices and ensure the inspector is qualified to assess this regulatory element
 - Inspector: must observe and evaluate the practices already underway, those that are planned, and note any exceptions



The Federal Register Notice was published on December 29, 2014. We welcome public comments until February 27, 2015.

We look forward to your feedback.

Organic Hydroponics



- Some farms are currently producing organic crops through hydroponic methods. In hydroponic production, the roots are placed in nutrient-rich water or “compost tea” instead of soil.
- There are some USDA-accredited certifiers that certify organic hydroponic operations, using the USDA organic regulation crop standards.
- This certification is allowed, as long as the certifier can demonstrate its process for certifying in a way that is compliant.
- Certifiers known to certify hydroponic operations in the U.S. include: CCOF, QAI, QCS, MOSA, A Bee Organic, and BOC.

Organic Hydroponics



- There are many potential reasons for organic grower interest in hydroponics, including:
 - Hydroponic methods are generally used in greenhouses where growers may be able to lengthen their growing season.
 - Hydroponics can increase water-efficiency, reducing producers' costs and supporting water conservation.

Organic Hydroponics



- In 2010, the NOSB recommended that USDA shouldn't allow organic crops to be produced using hydroponic methods.
- Rationale:
 - Organic crops produced in soil-less systems don't align with the organic principle of "Feed the soil, not the plant."
 - The USDA organic regulations require that the organic operation maintain or improve the physical, chemical, and biological condition of the soil.
 - Canada and the European Union do not allow organic hydroponic production.



The National Organic Program (NOP) is planning to establish a hydroponic-aquaponic task force to report on the compatibility of these systems with the USDA organic regulations and the Organic Foods Production Act (OFPA).

Organic Hydroponics



The task force will report to the NOSB on:

- (i) current hydroponic and aquaponic production methods used in organic production, and
- (ii) whether these practices align with OFPA and the USDA organic regulations.



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Other National List Issues



205.605(b) – Nutrient vitamins and minerals

- September 2012 Interim Rule
- Status Quo

205.602 – Sodium Nitrate

- September 2012 Notice
- AMS has not renewed sodium nitrate on 205.602
- Therefore, the sodium nitrate listing on 205.602 is invalid, no longer enforceable
- Use of sodium nitrate must meet soil fertility and crop nutrient standard; natural resource standard
- September 11, 2012 notice provides information.



Biodegradable biobased mulch film allowed

- Compostable
- 90% biodegradable
- Biobased – polymer feedstocks consist of biological products or renewable agricultural or forestry products.



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Aquatic Plant Extracts



- March 12, 2014 memo
- Clarified that the use of phosphoric acid and other synthetic acids for pH adjustment of aquatic plant extracts is prohibited.

Electrolyzed Water



- Electrolyzed water is a chlorine-based sanitizer and antimicrobial agent for food processing
- Hypochlorous acid is not specifically listed on the National List. The following chlorine materials are indicated by name on the National List:
 - Calcium hypochlorite, sections 205.601(a)(2)(i), 205.603(a)(7)(i), 205.605(b)
 - Chlorine dioxide, sections 205.601(a)(2)(ii), 205.603(a)(7)(ii), 205.605(b)
 - Sodium hypochlorite, sections 205.601(a)(2)(iii), 205.603(a)(7)(iii), 205.605(b)
 - Acidified sodium chlorite, section 205.605(b)

Electrolyzed Water



- On June 9, 2014, NOP issued a policy memo on electrolyzed water ([PM 14-3](#)). This policy memo addressed a difference in interpretation among certifiers on the allowance of this substance.
- Electrolyzed water contains the active ingredient hypochlorous acid (HOCl) and is generated from the electrolysis of salt (sodium chloride) in water. Hypochlorous acid and electrolyzed water are not on NOP's National List of Allowed and Prohibited Substances.
- Some stakeholders have asked NOP to rescind the policy memo. They assert that that hypochlorous acid is equivalent to other chlorine materials on the National List and should be allowed for use.
- NOP encourages parties interested in further consideration of electrolyzed water to submit a petition according to the current National List petition guidelines published in the Federal Register.

Questions?

