



Clarification on Use of Green Waste Compost in Organic Production

On April 19, the National Organic Program (NOP) issued clarification on the use of green waste and green waste compost produced from approved feedstocks in organic production systems. It reiterates NOP support of the use of composted plant and animal materials to maintain or improve soil organic matter, as supported by the regulations. The guidance clarifies what can comprise compost allowable in organic production systems, including approved feedstocks, and addresses the issue of residual pesticide levels that can be present in green waste and green waste compost. The guidance document (NOP 5016) is available at

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateR&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPDocumentControlMasterList&description=Document%20Control%20Master%20List&acct=nopgeninfo>.

NOP Responds to NOSB Recommendations at Meeting

At the latest meeting of the National Organic Standards Board, the NOP presented memoranda to the chairman in response to the following NOSB recommendations issued in November 2009:

- Renewal and rejection of materials on the National List used in crop production and handling;
- Annotation changes for materials used in livestock production;
- Vaccination allowances; standards for aquaculture;
- Regulations for heightened animal welfare practices;
- Classification of materials according to a defined, predictable standard;
- Changes to the NOSB Policy Manual;
- Retail certification; and
- Expiration and standardization of organic certificates.

Also in a memorandum to the chairman, the NOP addressed actions it will carry out in response to an NOSB recommendation that NOP develop a single national standard for personal care products. To view these memoranda, check out the NOSB meeting agenda for April 26, 2010 at

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=April2010Agenda&description=NOSB%20Meeting%20Agenda:%20April%202010>.

Re-Interpretation of Allowable Accessory Nutrients to Strengthen Program Integrity, Transparency

On April 26, the NOP announced the correction of a 2006 decision regarding “accessory nutrients” in organic processed food. The new interpretation of the National Organic Standards is based on new information from the Food and Drug Administration (FDA).

In 2006, the NOP issued a decision in response to a complaint regarding fortification of infant formula with DHA, ARA and other substances that are not on the National List of Allowed and Prohibited Substances. Established under the Organic Foods Production Act of 1990, the National List of Allowed and Prohibited Substances identifies synthetic substances that may be used and the nonsynthetic substances that cannot be used in organic production and handling operations. The NOP's understanding at the time of the decision was that the substances were allowed as "accessory nutrients" under the National List § 205.605(b) Nutrient Vitamins and Minerals, in accordance with 21 CFR 104.20, Nutritional Guidelines for Foods and the National Organic Standards Board Recommendations.

After recent consultation with the FDA, it was determined that this is an incorrect interpretation of 21 CFR 104.20, Nutritional Guidelines for Foods. The NOP plans to publish draft guidance later this year that will align with the FDA interpretation of the Nutritional Guidelines for Foods. The draft guidance will provide a transition time for businesses to reformulate products to comply with the regulations as per the FDA guidelines. There will be a 60-day comment period for the draft guidance. Final guidance will be published after all comments have been reviewed. The NOP is also requesting that the National Organic Standards Board reevaluate its recommendation for nutrient vitamins and minerals during the 2012 sunset process and provide specific recommendations regarding the scope of permitted vitamins, mineral and nutrients in organic food products. Any company or interest group may petition to add substances to the National List during this transition period.

Certification Status Updates Posted Online

To continue to inform the industry of all relevant information, the NOP has created a list of operations whose certification status has been suspended, revoked, or reinstated as of January 2010. The information is collected from notifications submitted to the NOP Appeals office by accredited certifying agents and, in the case of suspensions and revocations, only reflects those that include a reason for the adverse action. Interested parties should check back at the beginning of each month for updates under the Accreditation and Certification page at www.ams.usda.gov/nop.

Final Access to Pasture Trainings

The NOP conducted the final Access to Pasture trainings in Denver, CO, on April 7, and in Woodland, CA, on April 26. Participants included representatives from accredited certifying agents as well as dairy and livestock producers. The training reviewed provisions of the rule as well as instructions on how to assess livestock nutritional requirements. NOP collaborated with USDA's NRCS to provide information about developing a pasture management plan, now required of organic operations that wish to market their meat and dairy products as USDA certified organic. The training presentation will continue to be available on the Website at www.ams.usda.gov/nop as well as other helpful information about the Access to Pasture rule, including dry matter intake.

NOP Appeals

In April, the NOP Appeals office received the following adverse action/non-compliance notifications:

- 454 Notices of Noncompliance
- 123 Notices of Proposed Suspension
- 41 Notices of Suspension
- 2 Notices of Proposed Revocation
- 2 Notices of Revocation
- 8 Denials of Certification
- 184 Notices of Resolution
- 9 Surrenders of Certification

These letters are submitted to the Administrator as part of the accreditation requirements for accredited certifying agents under 7 CFR § 205.501(a)(15)(i). Procedural requirements for adverse action letters issued to operations are outlined in § 205.405 and § 205.662. These numbers are based on the number of letters received by the AMS Administrator from accredited certifying agents during the month of April 2010. These numbers may include letters issued prior to April 2010, may not include all letters issued in April 2010, and may not include letters submitted to a State Organic Program. For more appeals information, visit the NOP electronic reading room at <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateJ&page=NOPReadingRoomHome>.

Compliance and Enforcement Monthly Update

NOP Compliance & Enforcement Branch Monthly Activity Report Reporting Period: April 2010	
Reporting Categories	Number
Beginning Complaint Inventory	94
New Complaints Received	14
Complaints Closed	11
Ending Complaint Inventory	97
Complaints over 270 days	19
Complaints over 180 days	19
Average Days for Case Closure	174

NOP Staff Update

In April, the NOP welcomed three new employees to the Standards Division: Dr. Lisa Brines, Emily Brown Rosen and Mark Keating. Lisa is a chemist who formerly worked at the Washington State Department of Agriculture where she was responsible for reviewing production input materials for compliance with organic production. Emily Brown Rosen most recently worked at Pennsylvania Certified Organic as the Policy Director. She has also worked at the Organic Materials Review Institute and participated in several working groups to assist the National Organic Standards Board. Mark Keating returns to the

NOP after having once worked with the program to help draft the final NOP rule. In the interim, he helped to establish a sustainable agriculture curriculum at the University of Kentucky, worked with extension services and has published articles in farming related publications.

Also in April, Renee Mann joined the Compliance and Enforcement Division. She has worked for OMRI for the past six and a half years, the past two and a half of which she was the Review Program Manager. Through her work at OMRI she is familiar with crop, livestock, and processing input materials.