

# USDA National Organic Program

National Organic Standards Board Meeting  
April 25, 2016

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USDA Agricultural Marketing Service  
National Organic Program



# The National Organic Program (NOP)



- **Mission:**  
Ensure the integrity of USDA organic products in the United States and throughout the world
- **Vision:**  
Organic Integrity from Farm to Table,  
Consumers Trust the Organic Label
- **Core Role:**  
Implement the Organic Foods Production Act and the USDA organic regulations

# What Does the Program Do?



- Develop and maintain organic standards
- Accredite and oversee third party organic certifying agents, who review, inspect, and approve organic producers and handlers
- Implement international organic trade agreements
- Investigate complaints of violations (example: uncertified farmer selling food as organic, selling conventional food as organic)
- Support the work of the National Organic Standards Board
- **Oversight Responsibility:**
  - 80 certifying agents worldwide
  - 31,000 certified organic operations
  - \$39 billion in U.S. organic sales (2014)

# AMS-NOP Strategic Plan 2015-18



Protect  
Organic  
Integrity

Market Access:  
Local, Regional,  
International

Clear  
Standards

Build Technology that  
Advances Organic  
Integrity

People and  
Process



# Protecting Organic Integrity



# 10 Points of Organic Integrity



1. Clear/enforceable standards
2. Communication
3. Transparency
4. Certification
5. Complaints
6. Penalties
7. Market surveillance
8. Unannounced inspections
9. Periodic residue testing
10. Continual improvement

# Compliance & Enforcement

## FY 2015 and 2016



	FY 2015	FY 2016
<b>Compliance &amp; Enforcement: Overall Summary</b>		Oct 1-Mar 31
Incoming Complaints	549	191
Completed Complaints	390	175
<b>Summary of Initial Actions Taken</b>		
Cease & Desist Orders	36	14
Notices of Warning	121	54
<b>Civil Penalties Levied</b>		
Total Number	8	5
Total Amount	\$1,872,875	\$946,250

# Compliance & Enforcement

## FY 2016



- Posting Enforcement Documents
  - Highlights enforcement of OFPA and USDA organic regulations
  - Intended to increase transparency
  - Enforcement records involve certified and uncertified operations
- Initial document postings include:
  - 6 settlement agreements finalized in FY 2016
  - 3 AMS Administrator Decisions finalized in FY 2016
  - Over 25 ALJ decisions and orders from 2004 through 2016
  - A link to all Judicial Officer Decisions and Orders since 2004
- NOP plans to post new and historical documents going forward



# Notable Enforcement Actions



## Yorgo Foods Inc.

- On April 1, 2016, Yorgo agreed to a \$340,000 civil penalty and a three-year suspension for the sale of products as organic without certification.

## Saul Farms

- On March 30, 2016, Bernard Saul pleaded guilty to wire fraud and money laundering in connection with the sale of conventional alfalfa seed as organic. NOP and the Idaho State Department of Agriculture assisted the USDA-OIG with the investigation.

# Freedom of Information Act (FOIA)



- Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency.
- Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.
- The FOIA also requires agencies to proactively post online certain categories of information, including frequently requested records. As Congress, the President, and the Supreme Court have all recognized, the FOIA is a vital part of our democracy.
- President Obama and the Department of Justice have directed agencies to apply a presumption of openness in responding to FOIA requests. AMS works in a spirit of cooperation with FOIA requesters.

# Freedom of Information Act (FOIA)



- FOIA requests are processed within 20 business days.
- NOP staff responsible for identifying responsive records.
- Records must be reviewed to:
  - Ensure they are responsive records
  - Redact information that falls under the 9 FOIA exemptions
- Some FOIA requests are straight forward, many involve hundreds or thousands of pages, and years of records.
- Currently 2 NOP staff members are dedicated to FOIA with additional staff support as needed.

# National Organic Standards Board



# National Organic Standards Board (NOSB)



The NOSB is a Federal Advisory Committee which assists and advises USDA. It has

- a **charter** with established mission and duties
- a Designated Federal Official (DFO)
- Subcommittees and Chair
- Opportunity for public participation
- Renewed charter necessary for NOSB to continue to operate. We plan to have renewed charter posted soon.



# NOSB Call for Nominations



- Five open positions
  - One organic producer
  - One individual with expertise in environmental protection and resource conservation
  - One scientist
  - One handler or processor
  - One who represents public interest or consumer interest
- Written nominations must include cover letter, resume, and a required form (available on USDA website)
- Applications must be postmarked on or before:
  - **June 3, 2016**

# NOSB Recommendations 1994-2015



- Practice Standards
  - 178 recommendations
  - 149 addressed
  - 24 In Process (e.g. aquaculture, animal welfare)
  - 5 outstanding
    - Expiration dates on certificates
    - Inspector Qualifications
    - Retail Compliance and Certification
    - Mushrooms
    - GMO prevention strategy guidance

# NOSB Recommendations 1994-2015



- National List
  - 280 recommendations
  - 254 addressed
  - Outstanding are recent and in process
- Sunset
  - 129 reviews completed
  - Outstanding sodium nitrate

# NOSB Recommendations on Hydroponics



- 1995: NOSB recommended that “Hydroponic production in soilless media to be labeled organically produced shall be allowed if all provisions of the OFPA have been met.”
- 2005: NOP confirmed that hydroponic operations may be certified organic if produced in compliance with the regulations.
- 2010: The NOSB greenhouse recommendation stated that USDA shouldn’t allow organic crops to be produced using hydroponic methods.
- 2015: AMS established Hydroponic/Aquaponic Task Force



AMS established 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).

The task force will provide a 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.



# Organic Hydroponic and Aquaponic Operations



The NOP has conducted two surveys of accredited certifying agents on certification of hydroponic, aquaponic and related production systems to the USDA organic regulations.

- **2010 Survey to Certifiers**

- Hydroponics not defined.
- Results may include hydroponic, aquaponic and container-based production systems.
- No certification of aeroponics reported.

- **2016 Survey to Certifiers**

- Hydroponics defined as:
  - Production systems of containment that derive the majority of nutrients for plants from water and/or small amounts of growing media.
  - Includes systems that rely on mineral nutrient solutions and those that rely on biological activity in the water or growing media for nutrient availability.
  - Includes aquaponics, which uses fish effluent in the water as a nutrient supply.
  - Examples of systems: nutrient film technique (NFT), deep water culture, raft, ebb and flow, sand/gravel bed.
- Container-based production:
  - Examples of systems: pots, upright bags, Dutch bucket.
- No certification of aeroponics reported.

# Organic Hydroponic and Aquaponic Operations



## 2010 Survey to Certifiers

- 8 certifiers certify hydroponics
- 39 certified hydroponic operations

## 2016 Survey to Certifiers

- 17 certifiers certify hydroponic and aquaponic operations
- 30 certified hydroponic operations
- 22 certified aquaponic operations
- 69 certified container-based operations
- Crops:
  - herbs, greens, tomatoes, peppers, and other mixed vegetables (incl. pea shoots, microgreens, watercress), berries, edible flowers.
- Geographic location of operations:
  - CA, Mexico, AZ, NM, TX, CO, MI, the Netherlands, OR, HI, WA, MO, LA, KS, ME, PA, GA, NY, NJ, OH, NC, FL, AK, VA

# Organic Integrity Database



# Vision: The Organic *INTEGRITY* Database



The Organic *INTEGRITY* Database is a modernized certified organic operations database that:

- Contains up-to-date and accurate information
- Increases supply chain transparency
- Promotes market visibility for organic operations

**Funding provided by 2014 farm bill**

\$5 million over 5 years

# In Our First Releases:



Certifier Account  
Management

Expanded Set of  
Information About  
Operations

New Product List  
and Classification

Data Upload &  
Download  
(Excel)

Screens Supporting  
Certifier  
Interaction

Public Search  
and Monthly  
Data Reports



# Public Interfaces (Basic Search)



**Welcome to the Organic INTEGRITY Database!**

Find a specific certified organic farm or business, or search for an operation with specific characteristics. Listings come from USDA-accredited certifying agents. The current list is a snapshot from January 2015, with all businesses and partial product lists. New listings will be posted throughout Fall 2015. You can download Microsoft Excel workbooks with full data sets from: [2014](#), [2013](#), [2012](#), [2011](#), [2010](#). Only certified operations can sell, label or represent products as organic, unless exempt or excluded from certification.

Certifying Agent:  [Reset](#)

Advanced Search

[Export To Excel](#)

Certifying Agent	Operation	Status	City	State/Province	Country	Certified Products <span style="color: green;">i</span>
[ABO] A Bee Organic	2424062 Ontario Limited	<span style="color: green;">i</span> Certified	Sault Ste. Marie	Michigan	United States of America	<b>Handling:</b> Chia Seed, Goji Berry, Hemp Seed, Raw Cacao Nibs,... <a href="#">More</a>
[ABO] A Bee Organic	Alaska Coffee Roasting-Fairbanks	<span style="color: green;">i</span> Certified	Fairbanks	Alaska	United States of America	<b>Handling:</b> Coffee
[ABO] A Bee Organic	Aqualand Farms	<span style="color: green;">i</span>			United States of America	<b>Crops:</b> Basil, Cucumber, Kat Soi, Komatsuna, Lettuce, Pac... <a href="#">More</a>
[ABO] A Bee Organic	Bee Organic LLC	<span style="color: green;">i</span>			United States of America	<b>Handling:</b> Body care, candles
[ABO] A Bee Organic	Beeyard Farm	<span style="color: green;">i</span>			Serbia	
[ABO] A Bee Organic	Beeyard Farm	<span style="color: green;">i</span>			United States of America	<b>Handling:</b> Honey
[ABO] A Bee Organic	Big Willy's Farm LLC	<span style="color: green;">i</span> Certified	Loveland	Colorado	United States of America	<b>Crops:</b> Cucumber, Tomato
[ABO] A Bee Organic	Bonsall Farms	<span style="color: green;">i</span> Certified	Oceanside	California	United States of America	<b>Crops:</b> Beans, Cucumbers, Peppers, Squash, Tomatoes
[ABO] A Bee Organic	Brothers Farm	<span style="color: green;">i</span> Certified	Diamond Bar	California	United States of America	<b>Crops:</b> Amaranth, Bitter Melon, Cantaloupe, Chives, Pac C... <a href="#">More</a>
[ABO] A Bee Organic	California Garlic Company Inc.	<span style="color: green;">i</span> Certified	San Diego	California	United States of America	<b>Handling:</b> Asparagus, Blackberries, Broccoll, Cabbage, Caull... <a href="#">More</a>

**Operation Details**

**Contact Name:** Amanda Piszczek  
**Address:** 440 W. Drahrner Rd., Oxford, MI 48371  
**Phone:** 248 783-6450  
**Email:** sales@beeorganic.net  
**Web URL:**  
**Operation ID:** 9090026576

# Release 3 and Beyond (2016-2017)



## Planned Development Over the Next Year

- Advanced Search Enhancements
  - Search by Operation Status Effective Date (e.g., show me operations certified since March 2016)
  - Improved Product Level Search
  - Exact Word and AND/OR Search for Products
- Certifier Profile and “Find a Certifier” Search
- Reinstatement Management
- Complete Flat File Data Export from Search Results
- Operation Certificate Module
- **Working closely with certifiers to improve data quality and to encourage frequent data uploads.**

**USDA Agricultural Marketing Service  
National Organic Program**

**Sound and Sensible  
Organic Certification  
Education and Outreach Tools**



# Sound and Sensible Organic Certification



**Organic certification that is affordable, accessible and attainable for all operations:**

- **Affordable:** Reasonable fees, reasonable compliance costs
- **Accessible:** Certifiers and technical assistance available locally
- **Attainable:** Clear and understandable standards, plain language, reasonable record keeping requirements

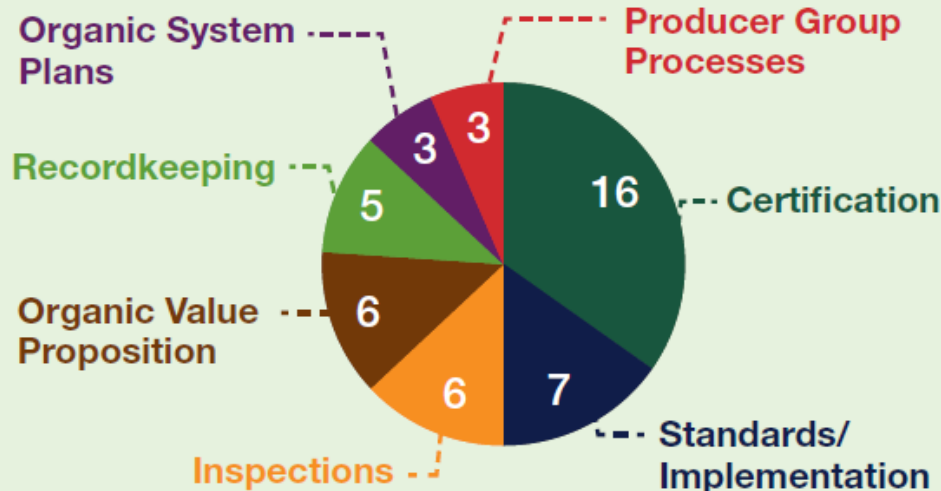
# About the Projects



## Sound & Sensible

- **Awards:** 14 projects were awarded to 13 organizations
- **Geographic coverage of projects:** Southeast/Gulf States; New England; Northwest; California; Mid-Atlantic

Product Topic Areas



Types of Products



**75**  
tip sheets /  
fact sheets



**16**  
training  
workshops &  
curricula



**15**  
informative  
videos

# Examples of Products



- Interactive video that helps candidate organic farmers “chose their own adventure” on the path to certification (WILL Interactive: “The Road”)
- Short topic-by-topic video clips that explain organic certification requirements, such as transitional certification and choosing a certifier. (Florida Organic Growers: “Bite by Bite”)
- Recordkeeping Case Studies: 4 successful recordkeeping models from different types of farms, covering topics like materials records, seed searches (Oregon Tilth)
- Peer Walk Peer Education Guide: Train-the-trainer guide that walks through how to conduct a farm walk training session with candidate farmers (WSDA)



# Project Launches



- Launch 1: **Organic Value Proposition:**  
Why Go Organic, and Where to Start
- Launch 2: **Organic Standards and Certification:**  
How-To Resources
- Launch 3: **Teaching Others:**  
Outreach and Education for Candidate Farmers
- Launch 4: **Spanish Resources:**  
Sound and Sensible Resources in Spanish



# Organic Standards





## Final Guidance:

**NOP 5023** – Final Guidance: Substances Used in Post Harvest Harvesting

**NOP 5020** – Final Guidance: Natural Resources and Biodiversity Conservation

# Substances in Post-Harvest Handling



- Clarification on whether a substance is acceptable for use in post-harvest handling
- Post-harvest handling can be carried out
  - on-farm following harvest or
  - in a handling (processing) facility
- Facility pest control in on-farm post-harvest facilities and in handling facilities is the same.

# Substances in Post-Harvest Handling



- Substances that can be used:
  - Non-synthetic substances allowed for crop production that are not restricted or prohibited in § 205.602 of the National List
  - Synthetic substances that are listed in §205.601 specifically for post-harvest use
  - Substances listed in § 205.605 of the National List, according to restrictions
  - Inert ingredients in pest control substances must be allowed in § 205.601(m) or meet one of the conditions above

# Substances in Post-Harvest Handling



- Facility Pest Management:
  - Non-synthetic and synthetic substances list in §§ 205.601, 205.603 or 205.605 are allowed in accordance with any restrictions
  - EPA registered pesticide used in facilities must be registered for that use
  - Inerts must be nonsynthetic or be allowed in § 205.601(m), § 205.603(e), or § 205.605 of the National List
  - Preventative practices apply to all handling facilities, whether on or off farm

# Natural Resources and Biodiversity



- §205.200 requires operations to maintain or improve the natural resources of the operation, including soil and water quality.
- Guidance was developed in collaboration with the USDA Natural Resources Conservation Service (NRCS)
- Provides examples of production practices that support conservation principles.

# Natural Resources and Biodiversity



- Responsibility of organic operations:
  - Organic System Plan (OSP) must describe how biodiversity will be maintained or improved
  - Operations that participate in NRCS activities can refer to a current NRCS plan as a part of their OSP
  - Split operations can use their non-certified land for conservation efforts that benefit certified land
  - Examples:



# Natural Resources and Biodiversity



Responsibility of certifiers and inspectors:

- Verification of OSP biodiversity practices
- Inspectors must be qualified assess compliance with maintaining/improving soil and water quality.
- Appendix A offers best-practice examples:
  - planting diverse species,
  - controlling livestock access to biologically sensitive areas

# Under Development



- Final Guidance
  - Classification of Materials
  - Crop Materials
- Draft Guidance
  - Treated Lumber
  - Calculation of Organic Ingredients
  - Livestock Materials
  - Pesticide spray drift
- Instruction
  - Material Review
  - Private Label

# Under Development



- Final Rule
  - Origin of Livestock
  
- Proposed Rule
  - Aquaculture
  - Pet Food
  - Apiculture
  - Import Certificates

# Organic Livestock and Poultry Practices



- Organic Foods Production Act of 1990 (OFPA)
  - Livestock practices to be developed with NOSB and notice and comment rulemaking.
- Preamble to USDA National Organic Program (NOP) final rule
  - Further collaboration between NOSB and NOP for species-specific standards.
- USDA Office of the Inspector General
  - Develop and issue guidance regarding outdoor access for livestock.
- National Organic Standards Board
  - Nine recommendations on livestock and/or poultry practices from 1994 to 2011.
- Prior AMS action on organic livestock practices
  - Access to Pasture Rule, implemented in 2010.

Very different  
“access to the  
outdoors”



Both are certified  
organic.

# Next Steps



- Proposed rule available at <https://www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-practices>
- Published in Federal Register April 13
- 60 day public comment period – closes June 13
- Public webinar on April 15, slides and recording on AMS website







# Thank You

Organic Integrity from  
Farm to Table,  
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[www.ams.usda.gov/nop](http://www.ams.usda.gov/nop)

