

Crop Committee Draft Comment : Commercial Availability 3/7/01

The Crop Committee recommends the following comment be supported by the full NOSB in response to notice for comments on commercial availability contained in NOP Final Rule (p. 80563).

Seeds and planting materials should be handled separately from processing and livestock. **(The final rule calls for comments regarding commercial availability for handlers and not crops.)**

The Committee supports the definition of commercial availability as stated in the **final rule and** feels it is adequate to related to the seed and planting stock practice standard.

(205.204)

technical correction — **Commercially available.** The ability to obtain a production input in an appropriate form, quality, ^{and} or quantity to fulfill an essential function in a system of organic production or handling as determined by the certifying agent in the course of reviewing the organic plan.

The Committee feels that certifiers could handle documentation through the farm plan requirements stated in 205.201(a)(2) and normal verification process

The essential criteria for determination of commercial availability are stated in the definition:
appropriate form
quality or
quantity

The committee feels that excessive price considerations should ^{be} not included at this time because no consensus could be reached to cover all regions and because of pricing differences. This may need to be reconsidered in the future if problems develop in implementation.

Certifiers have experience monitoring availability claims for untreated seed, including pricing and appropriate forms, and these systems should be adaptable to verifying the availability of organic seed.

Because of the volume involved (many growers plant a large number of varieties and crops) and the timing of the planting cycle relative to the filing of the Farm Plan, prior approval by certifiers would not be required. Compliance would be reviewed in the context of the Farm Plan and annual farm visit. A pattern of inadequate documentation and effort to obtain organically grown seed and planting stock would be considered noncompliance and might result in the certifier requiring prior approval regarding commercial availability issues in future planting cycles.