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 Eric Kindberg, Editor

#### A STATEMENT ON THE CONTINUING DISCUSSION OF THE USDA/NOP REGULATORY AUTHORITY UNDER OFPA FOR CERTIFYING A "SITE" AS UTILIZING A SYSTEM TO PRODUCE "WILD CROPS."

A number of points have surfaced during discussion within the organic community regarding language of the Organic Foods Production Act and "wild crops" site certification procedure. Wild crops now being certified, labeled and sold as "organically produced" include sea vegetables including kelp, wild rice, wild blueberries and other cane fruit, shellfish, fish, fungi, nuts, specialty fruits, herbs, medicinals and vegetables. A primary concern has been the OFPA requirements regarding certification of wild crop livestock production sites. The attempt here is to document authority within OFPA for certification of wild livestock sites and elucidate the consistency of the OFPA requirements for wild crop production with those set forth for domesticated production of livestock, plants and fungi.

Presently within the US organic community, and under the USDA/NOP "wild crops" of kelp and other fish/shellfish products are felt appropriate to be fed to all species of livestock as well as to be foliar fed or applied to plants whose products are labeled and sold as "organically produced."

There have been no indications that the use or feeding of wild crops is "inconsistent with organic farming and handling," Such use or feeding are not specifically prohibited under OFPA, and therefore are authorized under OFPA Section 2113.

(Section 2113 OTHER PRODUCTION AND HANDLING PRACTICES.

If a production or handling practice is not prohibited or otherwise restricted under this title, such practice shall be permitted unless it is determined, that such practice would be inconsistent with the applicable organic certification program.)

It would be more consistent with organic farming and handling principals, OFPA standards and consumer perceptions if all such "wild crops" used in organic farming were phased in to being produced on certified organic wild crop "sites."

What OFPA does authorize is the mandatory certification of "sites," "wild crop" from which products are harvested, labeled and sold as "organically produced." The USDA/NOP authority is mandated in "Section 2103 (4) CERTIFIED ORGANIC FARM. The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title."

Under OFPA, a "wild crops" production site must perfect and meet specific requirements within a "wild crop organic plan" not required of non-wild crops. If these requirements are met, certification can be granted to the wild crop "sites."

#### Section 2114 Organic Plan

(f) MANAGEMENT OF WILD CROPS An organic plan for the harvesting of wild crops shall

- (1) designate the area from which the wild crop will be gathered or harvested;
- (2) include a 3 year history of the management of the area showing that no prohibited substances have been applied;
- (3) include a plan for the harvesting or gathering of the wild crops assuring that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop; and
- (4) include provisions that no prohibited substances will be applied by the producer.

Section 2114 of OFPA designates three different organic farming plans, one for crops, one for livestock and one for wild crops.

OFPA states in Section 2110:

"(c) PRACTICES. For a farm to be certified under this title as an organic farm with respect to the livestock produced by such farm, producers on such farm (1) shall feed such livestock organically produced feed that meets the requirements of this title."

Wild livestock crops, like wild plant, fungi, etc., by the definition of wild, "living or growing in its original, natural state, not cultivated, not domesticated," they are not being fed. If wild livestock are fed, there is consistency with OFPA in stating such livestock must be fed "organically produced" feed. The Section 2110(c) below is not applicable to wild livestock and their products.

Section 2110(c) Practices, states, "For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm (1) shall feed such livestock organically produced feed that meets the requirements of this chapter."

All "wild crops" produced following the Section 2114 Organic Plan

(f) MANAGEMENT OF WILD CROPS requirements will meet the:

-Section 2105 NATIONAL STANDARDS FOR ORGANIC PRODUCTION. "To be sold or labeled as an organically produced agricultural product under this title agricultural

product shall

- (1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this title;
- (2) except as otherwise provided in this title and excluding livestock, not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of the agricultural products.
- (3) be produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the certifying agent.", and

-Section 2102 PURPOSES.

It is the purpose of this title

- (1) to establish national standards governing the marketing of certain agricultural products as organically produced products;
- (2) to assure consumers that organically produced products meet a consistent standard; and
- (3) to facilitate interstate commerce in fresh and processed food that is organically produced.

Other concerns related to certifying wild livestock production "sites."

OFPA mandates in Section 2110:

"(f) LIVESTOCK IDENTIFICATION.

- (1) IN GENERAL. For a farm to be certified under this title as an organic farm with respect to the livestock produced by such farm, producers on such farm shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to such farm.
- (2) RECORDS. In order to carry out paragraph (1), each producer shall keep accurate records on each animal (or in the case of poultry, each flock) including
  - (A) amounts and sources of all medications administered; and
  - (B) all feeds and feed supplements bought and fed."

Each of these requirements must be and can be met by organic wild crop production sites. For instance, "a verifiable audit trail" can be maintained tracing all wild crops, livestock, plant or fungi, back to the wild crop production "site." Records as noted in (2)(A) certainly can and must be kept. "Wild crops" are by definition never bought and fed feeds and feed supplements. Wild livestock that are impounded and fed would have to be managed as domesticated livestock with recordkeeping and requirements consistent with domesticated livestock.

A certified wild crop "site," producing plant, fungi or livestock appropriately meets the OFPA Section 2103 definition of "Producer."

"(18) PRODUCER. The term "producer" means a person who engages in the business of growing or producing food or feed," and should be eligible to apply for organic certification under the Act.

Conformance to OFPA Management of Wild Crops organic plan establishes proactive management based on organic principals applied to wild crops, whether they are used as

fertility, pest control on organic farms or actually producing a food or feed for human or livestock consumption. The NOSB and USDA/NOP can provide incentive for ecologically sound wild crop management through better use of our natural resources through including all "wild crop" sites as potentially certifiable as an organic production site.