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*Organic Integrity from Farm to Table. Consumers Trust the Organic Label.*

**Message from Deputy Administrator, National Organic Program  
Organic Integrity in the Age of Enforcement**



*Miles McEvoy*

It has been incredibly rewarding to be a part of the organic industry’s continued growth and prosperity over the last two decades, at Washington state and now in Washington, DC. Since arriving at USDA in October 2009, I have directed the National Organic Program to focus on three main functions: developing clear standards, supporting a rigorous certification program, and enforcing the regulations. Although we have made significant progress during this ‘Age of Enforcement,’ additional work is necessary to protect organic integrity on all products carrying the organic seal. Our vision includes focusing on these ten areas:

**Clear and enforceable standards.** The organic regulations include specific requirements, ranging from a herd’s dry matter intake from pasture to organic growers’ preventative pest management practices. Since there are consequences for non-compliance, it is essential that we provide producers, handlers, and certifiers with clear, understandable standards. The NOP is making progress on the following rulemaking efforts:

- Periodic residue testing (comments on proposed rule due June 28, 2011)
- Origin of livestock
- Practice standards on apiculture, mushrooms, and pet food
- National List updates, based on National Organic Standards Board (NOSB) recommendations

The NOP is also working on guidance documents on the following topics: commercial availability of organic seeds, livestock feed additives and supplements, and kelp.

**Communication.** A key function of the NOP is to provide the organic community with updated requirements and other information. To

*NOP mission plan, continued on page 2.*

facilitate this, we have established the NOP Organic Insider, a listserv that provides updates concerning activities of the NOP and the National Organic Standards Board. Additionally, our bimonthly report summarizes NOP activities and other organic-related items of interest from USDA. As resources allow, we also intend to implement additional improvements to our website.

**Transparency.** It is important that the NOP's activities are transparent to the public. An area of focus for the NOP is to provide an updated list of certified operations and identify operations whose certifications have been suspended or revoked as these changes occur.

**Certification.** Robust certification processes by highly-trained staff ensure that organic products in the marketplace meet the NOP requirements. This critical function of the organic industry is challenging, especially given industry growth in a relatively short span and emerging regulatory changes. A key aspect of a certifier's role is to ensure that organic producers and handlers have thoughtful Organic System Plans (OSPs) that accurately represent the organic practices farmers and/or processors are utilizing. Additionally, inspections must be performed by knowledgeable and qualified personnel. Certifiers need to implement processes that guarantee timely review, follow-through, and verification of corrective action when they find violations. To this end, the NOP is committed to supporting certifiers through training and technical support, and we are refocusing our audits of domestic and foreign certifiers to emphasize OSPs, material review processes, and enforcement procedures.

**Complaints.** An efficient and effective system for managing compliance is a pillar of organic integrity. Once a complaint about violating the standards is received, it must be thoroughly investigated by a qualified inspector before the appropriate action is taken. Well-documented complaints allow the NOP to impose penalty provisions if the violations are substantiated or to clear an operation of wrong-doing if they are not. Complaints can be filed at [NOPcompliance@ams.usda.gov](mailto:NOPcompliance@ams.usda.gov). The department also has a fraud hotline at 1-800-424-9121 or [usda\\_hotline@oig.usda.gov](mailto:usda_hotline@oig.usda.gov).

**Penalties.** Penalties for willful and egregious violations help reinforce organic integrity. The Organic Foods Production Act (OFPA) does not provide authority to subpoena records or to stop the sale of fraudulent organic products; instead, penalties may include suspending or revoking organic certification, issuing civil penalties, or, in the case of fraud, administering criminal penalties (e.g., jail time). Since January 2010, the NOP has issued 16 civil penalties—fines imposed against individuals as restitution for wrongdoing—and will continue to utilize this penalty mechanism for willful violations.

**Market surveillance.** Products labeled or represented as organic enter the marketplace from many sources. Since mislabeled or misrepresented items are often outside the purview of the certification process, it is important to be able to identify these products and take appropriate action. The NOP has done some limited market surveillance, but this area is still ripe for development within the program as resources allow.

**Unannounced inspections.** Due to the length of the inspection process and the busy state of organic operations, the certification process currently relies on scheduled, announced inspections. However, announced inspections allow organic operations to prepare paperwork and potentially obscure noncompliant activities. Therefore, some certifiers have utilized unannounced inspections, and we believe this practice should be expanded in a risk-based manner to increase compliance. By utilizing unannounced



*NOP observes an organic audit taking place in Mexico, conducted by a USDA-accredited organic certifier. The NOP is focusing its audits of domestic and foreign certifiers to emphasize OSPs, material review processes, and enforcement procedures.*

inspections, especially in higher-risk operations, we may be able to reduce the number of announced inspections and reduce the regulatory burden on organic operations. This area is under-utilized and needs further development.

**Periodic residue testing.** The NOP recently released a [proposed rule](#) that, if adopted as final, would require periodic residue testing by certifying agents in accordance with OFPA and in response to a March 2010 USDA Office of Inspector General report of the NOP. This testing program is intended to verify that organic products have not been produced using prohibited pesticides or other substances and acts as a deterrent to fraud. If residues are found, certifiers will investigate whether the residues are due to the use of prohibited substances or to unintentional sources of contamination, such as residual soil contamination, pesticide drift, or inadequate separation during handling. If prohibited substances have been used, enforcement actions are taken. If unintentional sources of contamination are identified, then organic operations can work with certifiers to reduce or eliminate those sources of contamination.

**Continual improvement.** A principle of organic agriculture is continual improvement to the agricultural system: decreasing environmental impacts, supporting biodiversity, revitalizing soil and water quality, and making improvements to the social fabric of the local community. The certification process embraces this concept of continual improvement, and the NOP is committed to supporting the spirit of improvement by providing guidance and technical support to certifiers through training efforts and enhanced accreditation processes.

The National Organic Program is committed to supporting organic farmers, organic consumers and the organic trade by protecting organic integrity. We are creating a comprehensive regulatory system that addresses these goals. We applaud the organic community's commitment to protecting organic integrity and thank you for your support as we work together toward this common goal.

*Miles McEvoy*

### **NOP Proposes Periodic Residue Testing; Invites Comments to Proposed Rule**



The NOP recently announced that it is seeking comments to a proposed rule requiring that certifying agents conduct periodic residue testing of organically produced agricultural products.

The rule, published in the [Federal Register](#) (docket number AMS-NOP-10-0102; NOP-10-10), proposes amending the USDA's organic regulations to make clear that accredited certifying agents must conduct periodic residue testing of agricultural products represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))." Provisions in the proposed rule require certifying agents to conduct periodic residue testing for a minimum of five percent of the operations they certify annually. This would be in addition to pre-harvest or post-harvest testing they conduct when there is reason to suspect contamination with a prohibited substance. Further, applicable certifying agents would bear the additional costs for residue testing.

The USDA invites interested parties to submit written comments on the proposed rule by visiting [www.regulations.gov](http://www.regulations.gov) (search for docket number AMS-NOP-10-0102; NOP-10-10, and follow instructions for submitting comments). To be considered by the NOP, all comments must be submitted by June 28, 2011.

## Secretary Vilsack: When Rural America Benefits, Society Benefits

Organic farming plays a crucial role in revitalizing rural America, Secretary of Agriculture Vilsack told members of the Organic Trade Association on Capitol Hill during their annual Policy Conference and Hill Visit Days on April 6-7.

Rural America is in transition as generations move to cities and increasingly forego the business of family farming, Vilsack said. The organic movement presents a way to bring interest and business back to these affected regions. That is why the USDA has incorporated the element of organic into every possible facet of its strategic plan, including its objective of revitalizing rural America.

Organic provisions were included in the 2008 Farm Bill's Conservation Title for the first time, aimed at helping producers with the transition to organic farming systems. USDA's Environmental Quality Incentives Program has obligated nearly \$60 million to date to enroll hundreds of thousands of acres of organically cultivated land in these contracts. And the Conservation Security Program has worked to enroll even more acreage for organic producers or those looking to transition to organic cropping or grazing.

The USDA is also providing producers with better risk management tools. This year marks the first that USDA is offering crop insurance for organic producers that reflects organic pricing while eliminating a 5 percent surcharge for many producers on their crop insurance premiums. Additionally, the agency is promoting cost-sharing opportunities for organic producers looking to get certified, reaching out directly to farmers and ranchers through stakeholder meetings and state departments of agriculture to advertise this benefit.

To improve markets for organic producers domestically, the USDA is devoting research and development dollars, committing conservation programs and grants, building credit-based markets for sustainable practices, and focusing on local and regional food systems. To expand international trade, discussions continue with the European Union that will hopefully establish an equivalency arrangement and provide a larger market for USDA organic products.

Organic farmers are entrepreneurial by nature, the Secretary acknowledged. Finding more ways to introduce this system of farming to rural America is both economically and environmentally sound. The Secretary emphasized his commitment to establish a framework for the long-term economic growth of the nation's rural communities. As populations leave and incomes and education decrease in these affected cities, USDA believes that organic agriculture embodies successful economic strategies and bold opportunities for rural America.



A screenshot of the 'NOP Organic Insider' newsletter. The header includes the USDA Organic logo and the title 'The NOP Organic Insider' with the subtitle 'USDA National Organic Program' and the date 'November 2010'. The content is organized into sections: 'Quick Links' with links to 'USDA-NOP Organic Certification Cost Share Program', 'USDA-EQIP Organic Support', and 'USDA-NIFA Organic Research &amp; Extension Initiative'; 'Our Vision' with a link to 'Join our Mailing List'; and 'Our Vision' with the text 'Organic integrity from Farm to Table Consumers Trust the Organic Label'. The main article is titled 'Dear Lisa,' and discusses the 'USDA-NOP Organic Certification Cost Share Program', explaining that the USDA works with State agencies to share the cost of organic certification with farmers, ranchers, and handlers, with operations for a first-time applicant potentially receiving up to 75% reimbursement (up to \$750 per year). It also includes a section titled 'How Does it Work?' which details the application process, including submitting a short form, proof of organic certification, and an itemized invoice to the State agency, along with a W-9 tax form.

Subscribe to the *NOP Organic Insider*, an email notification service of the National Organic Program. The NOP frequently announces new information available on its website. Subscribers can now pick what information they'd like to receive directly via email for their convenience. Visit <http://bit.ly/NOPOrganicInsiderRegistration>.

## Account from Certifier

### Innovative Approach to Inspecting Proves Increased Compliance Rates Among Livestock Operations

Jake Lewin, Chief Certification Officer, CCOF Certification Services

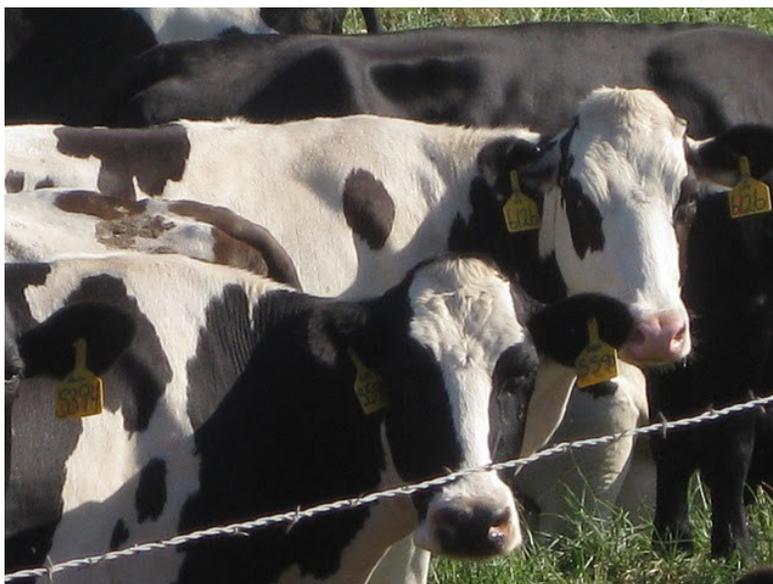


Photo by CCOF

In June 2008, CCOF Certification Services (CCOF) launched an industry-leading approach for verifying organic compliance in the livestock sector. Since then, the program has become a model for ensuring the integrity of organic certification through proactive compliance checks or identification of non-compliance.

The [Livestock Unannounced Compliance Initiative \(LUCI\)](#) was borne from complaints and concerns regarding pasture and other practices in the dairy sector and, thus, the need for reliable compliance monitoring. The rigorous LUCI inspection program provides a new level of livestock compliance assurance.

LUCI inspections are a series of one to two-hour, long-form observations that take place over a period of at least 24 hours. An improvement over single drive-by photos or observations, the LUCI program observes pasturing and other practices over a significant period as they are actually occurring in the normal course of operations. Inspectors provide detailed reports that include exact vantage and location of livestock, evidence of pasture use, weather, and ambient temperature in addition to other factors relevant to grazing practices. The reports also account for neighboring and regional activities to inform whether or not CCOF should expect pasturing to be occurring during the LUCI inspection. Observations are conducted during the operation's appropriate grazing times and seasons.

The LUCI inspection program allows CCOF to verify complaints it receives about compliance issues. These complaints often have to do with the nuanced rules regarding livestock pasture and outdoor access and are registered using a [comprehensive form](#) that facilitates more effective inspection follow-up.

CCOF has performed 35 LUCI inspections since 2008. In some instances, complaints were substantiated and corrective action taken. Livestock operations submitting to LUCI inspections have, in cases, reduced their herd size and greatly improved their compliance and record keeping. Other inspections have found operations, in spite of registered complaints, to be in compliance with certification requirements.

For CCOF, the program affirms the value of organic integrity initiatives. Such programs focus organizational resources and build internal operational commitment. Program success also demonstrates the pay-off that comes from applying dedicated management, well-trained personnel, and scarce organizational resources to a specific certification challenge.

CCOF has gained important insight into pasture compliance that informs our rule-making comments and implementation of the new Pasture Rule, which became effective June 17, 2010. Therefore, in 2010, following the LUCI model, CCOF launched the "CCOF Troika" program, which combines elements of pesticide residue testing, expanded unannounced inspections, and a pilot farmers market inspection program. CCOF values USDA support for these initiatives and believes that sharing best practices and increasing certifier accountability will improve practices and compliance industry-wide.

## Pilot Pesticide Residue Study Data Forthcoming



Organic certification relies on producers and handlers to demonstrate that certain *processes and procedures* are in place to qualify them as meeting the USDA organic standards. The organic law and regulations instituted this process-based framework of organic certification to serve as the basis for the organic label.

Organic producers employ a variety of methods that avoid contact with or use of prohibited substances. These methods have to be verifiable and documented in their organic system plans, which are required by all operations seeking organic certification and must include a description of management practices and physical barriers established to prevent contact of organic crops with prohibited substances or commingling with conventional crops. Certifying agents evaluate preventative practices and buffer zones to determine if the producer has taken reasonable steps to avoid contact with prohibited substances.

However, despite these measures, the possibility exists for residue to be present in or on organic products unintentionally, whether from unavoidable residues from soil or irrigation water or from spray drift. In the case of pesticide residues, the organic regulations establish an acceptable level for the presence of pesticides if they are registered by the Environmental Protection Agency (EPA). This acceptable level is set in the NOP regulations at five percent of the EPA tolerance level for the specific residue detected.

### *Objective of the Study*

Since the passage of the Organic Foods Production Act (OFPA), which directs the Secretary of Agriculture to require certifying agents to conduct periodic pesticide residue testing on organic foods as well as testing when a certifier suspects a prohibited substance may have been applied, the NOP has relied on certifying agents to test the wide range of commodities in the organic food supply. The limited extent of this testing has not been sufficient to understand the frequency of occurrence of pesticide residues in the organic food supply nor to begin to understand the levels of unavoidable environmental contaminants.

Therefore, in 2010, the NOP initiated a surveillance program of organic commodities, representing one of the first significant monitoring studies to measure pesticide residues in agricultural products labeled as organic.

Using some of the most sensitive analytical laboratory methods available, the NOP collaborated with USDA's Agricultural Marketing Service (AMS), National Science Laboratory to test certified organic fresh fruit and vegetables. The pilot study tested for the presence of pesticide residues to help understand the frequency of occurrence and distribution of residues in or on organic foods. The resulting data will provide essential baseline information that can be compared with residue data supplied by organic certifiers as the requirements of the National Organic Program's periodic residue testing becomes a regular part of the certification and inspection process. The data will also be used for compliance and enforcement activities.

### *Study Overview*

Inspectors from the USDA AMS Fruit and Vegetable Program provided the National Science Laboratory with 571 certified organic fruit and vegetable samples, taken from retail establishments in 15 States and the

*Pilot study, continued on page 7.*

*Pilot study, continued from page 1.*

District of Columbia during late 2010 and early 2011. The organic samples were chosen because they represent commodities which are abundant in the retail market and are among the most widely sold organic commodities: apples, bell peppers, broccoli, potatoes, strawberries, and tomatoes. Approximately 22 percent of the samples were from imported sources.

A comprehensive report examining the methodologies and results of the study will be available soon. Check back on the [NOP website](#) periodically or [subscribe](#) to NOP’s email notification service for updates.

### Latest Program Handbook Updates

The NOP finalized and issued the following standards guidance documents, representing the most recent additions to the NOP Program Handbook:

- **Compost and vermicompost.** *Clarifying practices for composition, production, and use of compost and vermicompost in organic crop production.*
- **Wild crop harvesting.** *Ways in which certifiers and operations can demonstrate compliance with regulation 7 CFR §205.207 wild-crop harvesting practice standard.*
- **Commingling and contamination prevention.** *Importance of management practices and physical barriers that should be clearly described in an organic system plan and implemented to prevent loss of organic integrity.*
- **Chlorine materials.** *Clarification about use of chlorine materials in organic agriculture.*

Find them and other guidance in the Program Handbook at [www.ams.usda.gov/NOPProgramHandbook](http://www.ams.usda.gov/NOPProgramHandbook). The Program Handbook is the official USDA reference clarifying NOP standards and best program practices.

### Case Management Accomplishments

Reporting Period: February 1– March 31	
Beginning Complaint Inventory	140
New Complaints Received	23
Complaints Closed	33
Ending Complaint Inventory	130
Civil Penalties Issued by Settlement Agreement*	2, totaling \$5,500 (Savannah Bee Company, * \$4,000; Real World Coffee Roasters,** \$1,500)
Complaints Over 180 Days	72
Subset of Complaints Over 270 Days	53
Average Time for Case Closure, in Days	208

\* Civil penalty was issued for failure to adhere to labeling requirements. \*\* Civil penalty was issued for falsely representing products as organic.

### Notice: Ruminant Slaughter Stock Provisions of Organic Regulations Remains Unchanged

On May 10, the NOP issued a notice announcing that it will not take further action to amend a provision of the organic standards on ruminant slaughter stock.

As part of the access to pasture final rule for organic livestock, a new provision concerning ruminant slaughter stock (7 CFR § 205.239(d)) was published on February 17, 2010, with request for comments. The Federal Register notice published earlier this month provides a summary of the comments NOP received and explains the rationale behind a decision to retain the provision as codified. To read the full provisions and Federal Register notice, visit <http://1.usa.gov/FinalRuleRuminant>.

## Produce Safety Alliance Recruits Members for Working Committees; Launches Website

The Produce Safety Alliance announced the official launch of its [website](#) and issued a call for farmers, researchers, state officials, produce industry experts and others interested in produce safety to join an Alliance working committee. The committee members will assist in the development of a national Good Agricultural Practices (GAP) education curriculum focused on understanding and implementing fresh fruit and vegetable food safety practices.

The Alliance is a broad-based partnership charged with developing a national education and training program for farmers, packers, and regulatory personnel of fresh produce in anticipation of a new produce safety rule from the U.S. Food and Drug Administration (FDA). It is housed at Cornell University's National GAPs Program and is funded by the USDA and the FDA.



The Alliance has created ten working committees, each focused on a specific aspect of produce safety, ranging from production and post-harvest handling issues to certification-related activities.

“By collaborating with other experts in the field, the Alliance will review existing GAPs educational and instructional materials, seek to identify and fill any areas where information is lacking, and then develop and continuously update multi-formatted education programs on food safety, as well as how to co-manage for food safety and environmental concerns,” said Betsy Bihn, project director of the Alliance.

The Alliance is governed by an Executive Committee which includes members from Cornell University, the Association of Food and Drug Officials, the National Association of State Departments of Agriculture, the FDA, USDA's Agricultural Marketing Service, and USDA's Natural Resources Conservation Service. The Executive Committee is charged with ensuring that educational outreach materials will be used in an effective and efficient manner.

“There is no more fundamental function of government than protecting consumers from harm, which is why food safety is one of USDA's top priorities,” said Deputy Secretary of Agriculture Kathleen A. Merrigan. “The Alliance will bring a wide range of voices to the table and use that information to develop a valuable curriculum for fresh fruit and vegetable food safety practices. I encourage all interested parties to assist in these efforts as we move forward.”

To ensure the widest possible level of participation, each working committee will meet by teleconference on a regular basis as set by that working committee. Individuals interested in joining a PSA working committee can download a membership form from the Alliance [website](#).

“We encourage all those with expertise and knowledge in the produce food safety area to come forward and assist in these efforts as it will lay the foundation for the Alliance's GAPS Educational Materials Conference to be held in June in Orlando, FL,” said Bihn. “During the conference, the Alliance will review existing materials, determine where new or additional materials are needed, and begin developing those materials. We encourage participation in this process.”

To view a complete list of working committees and details on the scope of work of each committee, visit <http://producesafetyalliance.cornell.edu/working.html>.

## Accredited Certifier Update\*

Continuation of Accreditation (conducted mid-term to determine continuation of five-year accreditation period) issued to:

- Natural Food Certifiers, *New York*
- OIA North America, *Florida*
- ICEA, *Italy*
- Vermont Organic Farmers, *Vermont*
- Rhode Island Department of Environmental Management, *Rhode Island*
- Consorzio Per Il Controllo Prodotti Biologici (CCPB), *Italy*
- OCIA, *Nebraska*
- Suolo e Salute, *Italy*
- Colorado Department of Agriculture, *Colorado*
- BioHellas, *Greece*
- CAAE, *Spain*
- Oregon Department of Agriculture, *Oregon*

Notices of Noncompliance issued to:

- Organic Food Chain Pty Ltd, *Australia*
- BioAgriCert, *Italy*

Notice of Resolved Noncompliance issued to:

- AUS-QUAL Pty Ltd, *Australia*. Satisfactorily addressed a violation regarding submission of annual list of operations.

Renewal of Accreditation (to renew for an additional five-year accreditation term) issued to:

- Certification of Environmental Standards, GmbH, *Germany*, effective May 23, 2010. Accredited to certify crops, livestock, wild crops and handling operations.
- Boliviana de Certificacion (Bolicert), *Bolivia*, effective March 13, 2008. Accredited to certify crops, wild crops and handling operations.

Notice of Export Authorization issued to:

- Control Union Certifications, *the Netherlands*. Authorized to issue TM-11 Export Certificates under an export arrangement between the USDA and a foreign government.

\* Reporting Period: March 1– April 30. Audits of accredited certifying agent generally occur once every two-and-a-half years.

## Final Rule Extends Allowable Use of Synthetic Methionine in Organic Livestock Production

On March 14, the NOP adopted a final rule extending the use of synthetic methionine in organic poultry production until Oct. 1, 2012.

The [rule](#) establishes the following maximum levels of synthetic methionine per ton of feed: laying chickens – 4 pounds; broiler chickens – 5 pounds; turkeys and all other poultry – 6 pounds.

Consistent with a recommendation by the National Organic Standards Board, the Secretary of Agriculture first amended the National List of Allowed and Prohibited Substances to allow methionine as a synthetic substance for use in organic poultry production beginning on Oct. 31, 2003. Based upon additional NOSB recommendations submitted in March 2005 and May 2008, the Secretary subsequently extended its allowance in organic poultry production through Oct. 21, 2008, and again through Oct. 1, 2010.

An interim rule published on Aug. 24, 2010, extended the use of methionine in organic poultry production until Oct. 1, 2012, and invited comments from the public on this extension. Based upon the NOSB recommendation and comments received, the NOP adopted the interim rule without change. A discussion of the comments received is available in the final rule.

Methionine is classified as an essential amino acid because it cannot be biologically produced by poultry and is necessary to maintain viability.

## Nominations for National Organic Standards Board

The NOP is seeking nominations to fill five upcoming vacancies on the National Organic Standards Board, the advisory board responsible for advising the Secretary of Agriculture on allowed and prohibited substances in organic production and handling and other issues related to the implementation of the Organic Foods Production Act.

The 15-member board is made up of organic farmers and growers, handlers and processors, retailers, environmentalists and conservationists, consumer and public interest advocates, a scientist, and a USDA-accredited certifying agent who participate on a voluntary basis. The positions are specifically designated to represent various sectors of the organic industry, including those who own or operate an organic production or handling operation, represent public interest or consumer interest groups, have expertise in areas of environmental protection and resource conservation, or have expertise in fields of toxicology, ecology, or biochemistry.

Appointed persons will serve a 5-year voluntary term of office beginning Jan. 24, 2012.

Written nominations, with cover letters and resumes, must be postmarked on or before July 17, 2011. Nominations can also include endorsements or letters of recommendations. USDA will adhere to all equal opportunity practices when appointing members to the board to account the needs of the diverse groups served by the NOP.



Send all applicable information to Katherine E. Benham, National Organic Program, USDA-AMS-NOP, 1400 Independence Avenue, SW., Room 2646-S, Ag Stop 0268, Washington, D.C. 20250.

Phone: (202) 205-7806 | E-mail: [Katherine.benham@ams.usda.gov](mailto:Katherine.benham@ams.usda.gov) | Fax: (202) 205-7808

## Petitioned Materials Update

The NOP has received the following new petitions for materials on the National List of Allowed and Prohibited Substances and has forwarded them to the National Organic Standards Board for review:

### Livestock

Methionine—annotation change only  
Choline (§205.605)

### Handling

Bergamot bitter orange powder (§205.606)  
Potassium hydroxide (§205.605(b))—annotation change only  
Sodium gluconate (§205.605)

Additionally, updated technical reports for the following National List substances are now available on the NOP website:

### §205.601

Chlorine materials	Streptomycin
Ethylene	Tetracycline
Lignin sulfonate	Vitamin D <sub>3</sub>
Sodium silicate	

### §205.602

Sodium nitrate

### §205.605

Potassium iodide

## National Organic Standards Board Meeting and Vote Recap

*The 14-member National Organic Standards Board (NOSB) convened on April 26 – 29, 2011, in Seattle, Wash., for its biannual meeting welcoming five new members: Colehour Bondera, Nick Maravell, Mac Stone, Jennifer Taylor, and Calvin Walker.*

*The attendees received updates from the USDA National Organic Program, the Inerts Working Group, and NOSB materials review committee. Over the next four days, the NOSB heard comments from over 150 members of the public on a wide range of issues, discussed over 3,500 written public comments, and deliberated and voted on agenda items in a public forum. A summary of the NOSB's votes are provided below.*

*Note: NOSB is an advisory body to the Secretary of Agriculture. NOSB recommendations are not NOP policy unless the NOP issues final rules, final guidance, final instructions, or a policy memorandum that adopts the NOSB recommendations. They are not part of the national organic standards unless such action is taken.*

### **Petitioned materials**

**Tetracycline.** The NOSB received a petition to remove the expiration date for tetracycline, an antibiotic used to control fire blight in apples and pears. In response, the NOSB recommended extending the expiration date for this material, with the expectation that industry members will collaborate and coordinate efforts to prepare for the eventual removal of this material from the National List, including using resistant varieties and alternate fire blight control methods. **Recommended listing on § 205.601(i)(12):** Tetracycline, for fire blight control in apples and pears only until Oct. 21, 2014.

**Nickel.** The NOSB recommended against adding nickel as a micronutrient to the National List.

**Attapulgit.** The NOSB recommended adding attapulgit—used to clarify plant and animal oils—to the National List as a non-synthetic material. **Recommended listing on § 205.605(a):** Attapulgit, allowed as a processing aid in the handling of plant and animal oils.

**Calcium acid pyrophosphate.** The NOSB recommended against adding calcium acid pyrophosphate, a leavening agent, to the National List.

**Sodium acid pyrophosphate.** The NOSB recommended against allowing sodium acid pyrophosphate to be used as a sequestrant on cooked and uncooked produce. Sodium acid pyrophosphate is currently allowed as a leavening agent.

**Silicon dioxide.** The NOSB delayed consideration of a petition to remove this substance from the National List until the fall 2011 meeting.

### **Other recommendations**

**Corn steep liquor.** The Crops Committee of the NOSB has been working on classification of corn steep liquor, a by-product of the corn wet milling process currently used as an organic fertilizer. The NOSB did not reach a decisive vote (two-thirds majority) on the classification of corn steep liquor. This material will continue to be allowed as a nonsynthetic substance pending NOP review and clarification of status of this substance.

**Animal welfare.** The Livestock Committee will continue their work on animal welfare, including the development of species-specific, outcome-based standards. They expect to present these recommendations at the fall 2011 meeting.

**Chemical change definition.** The NOSB recommended removing the second sentence of the definition of “chemical change,” as stated in their 2009 recommendation. **Recommended definition of chemical change:** An occurrence whereby the identity of a substance is modified, such that the resulting substance possesses a different distinct identity (see related definition of “substance”).

**Materials classification.** A motion to provide guidance defining “significant” levels of synthetic substances in the final material failed to achieve a decisive two-thirds vote. The Materials Committee will continue to work on this along with other materials classification topics.

**Policy and Procedures Manual.** The NOSB adopted changes to harmonize the Vice Chair and Policy Development Committee job descriptions as listed in Sections II and IV of the NOSB Policy and Procedures Manual (PPM). The NOSB also voted to amend the procedures for completing committee recommendations in Section V of the Policy and Procedures Manual so that at any point in the process prior to the Board’s vote on the status of the recommendation the presenting committee may convene and vote to withdraw its recommendation. Consideration of changes to Section V regarding membership and leadership transition was delayed until the fall meeting.

**Sunset 2012.** Per the Organic Foods Production Act of 1990, the NOSB must review all material listings every five years and vote to renew, remove, or change the listing. Of the 232 material listings scheduled to sunset during 2012, the NOSB voted on the final listings during the spring 2011 meeting:

§ 205.601 Synthetic substances allowed for use in organic crop production		
Section	Substance	NOSB Recommendation
§ 205.601(a)(2)(i)	Calcium hypochlorite	<b>Relist with amended annotation</b> (for crop use). “For pre-harvest use, residual chlorine levels in the water in direct crop contact or as water from cleaning irrigation systems applied to soil must not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. For disinfecting or sanitizing equipment or tools or in edible sprout production, chlorine products may be used up to maximum labeled rates.”
§ 205.601(a)(2)(ii)	Chlorine dioxide	
§ 205.601(a)(2)(iii)	Sodium hypochlorite	
§ 205.601(i)(3)	Copper sulfate	<b>Relist</b>
§ 205.601(i)(2)	Coppers, fixed	<b>Relist</b>
§ 205.601(a)(1)(i)	Ethanol	<b>Relist</b>
§ 205.601(a)(1)(ii)	Isopropanol	<b>Relist</b>
§ 205.601(b)(2)(i)	Newspapers or other recycled paper, without glossy or colored inks	<b>Relist</b>
§ 205.601(b)(2)(ii)	Plastic mulch and covers	<b>Relist</b>
§ 205.601(c)	Newspapers or other recycled paper, without glossy or colored inks	<b>Relist</b>
§ 205.601(f)	Pheromones	<b>Relist</b>
§ 205.601(g)(1)	Sulfur dioxide	<b>Remove from National List</b> (smoke bombs for rodent control)
§ 205.601(g)(2)	Vitamin D <sub>3</sub>	<b>Relist</b>
§ 205.601(i)(11)	Streptomycin	<b>Relist with amended annotation</b> for fire blight control in apples and pears, only until October 21, 2014

§ 205.601 Synthetic substances allowed for use in organic crop production		
Section	Substance	NOSB Recommendation
§ 205.601(j)(4)	Lignin sulfonate	<b>Relist with amended annotation</b> as chelating agent or dust suppressant
§ 205.601(j)(5)	Magnesium sulfate	<b>Relist</b>
§ 205.601(k)	Ethylene gas	<b>Relist</b>
§ 205.601(l)(2)	Sodium silicate	<b>Relist</b>
§ 205.601(l)(1)	Lignin sulfonate	<b>Relist (as floating agent)</b>

§ 205.602 Nonsynthetic substances prohibited for use in organic crop production		
Section	Substance	NOSB Recommendation
§ 205.602(g)	Sodium nitrate	<b>Relist and remove annotation (complete prohibition)</b>

§ 205.605(a) Nonsynthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic”		
Section	Substance	NOSB Recommendation
§ 205.605(a)	Enzymes	<b>Relist</b>
	Potassium iodide	<b>Relist</b>

§ 205.605(b) Synthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic”		
Section	Substance	NOSB Decision
§ 205.605(b)	Nutrient vitamins and minerals	<b>Relist</b>
	Potassium iodide	<b>Remove from National List</b> (removes restriction to use in “made with organic” products; permitted as Nutrient Mineral in organic products)
	Tocopherols	<b>Relist</b>