

**National Organic Standards Board
Crops Subcommittee Proposal
Strengthening the Organic Seed Guidance
August 15, 2017**

Introduction

Seed is much more than just an input. It is the fundamental starting point for transforming agriculture through nutritious ecologically grown food, feed and fiber, especially when coupled with the principles behind organic production of building healthy soils, using non-toxic inputs, and stewarding natural resources and the environment. As the foundation for organic farming systems, seed deserves continuous attention, from protecting its genetic resources, to preventing contamination, to building a strong organic seed sector which can supply the needs of a diverse and resilient agriculture.

The organic community has repeatedly noted that progress towards full adoption of organically grown seed in organic systems is too slow. While organic seed availability continues to improve, there has been inconsistent progress in the proportion of organic seed in use by many growers. The state of the organic seed industry has changed since the first circulation of the 2011 NOP draft guidance, with further evolution since 2013 when the final guidance became official. The final guidance does not reflect the progress that has been made in the organic seed sector since the regulations and the 2005¹ and 2008² NOSB recommendations were written.

Therefore, the NOSB started soliciting public comment in 2016 on ways the organic seed guidance could and should be strengthened in order to achieve full compliance with the statements in the federal rule in §205.204 (a). This proposal addresses the main points brought up during both the public comment periods and the NOSB discussions of this and related topics.

Background

The NOSB has worked on organic seed policies since its formation in 1992. This has enabled an organic seed industry to rise to fill the need for high quality organic seed since the USDA organic rule was implemented in 2002. After the NOSB made additional recommendations on the need for guidance on how the organic seed requirements should be explained and enforced, the NOP published the **Guidance on Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production** in 2013 (NOP 5029). The guidance adopted many of the NOSB recommendations but not all of them, and many stakeholders felt the guidance was not strong or specific enough to make sure that multiple benefits provided by organic seed were fully embraced on organic farms. Organic seed producers incorporate characteristics that are needed in organic farming systems and are not always present in nonorganic seed varieties. Organic seed breeders do not breed seeds with a “one size fits all” outlook, instead they include regional adaptations that provide more resilience for organic producers.

Since the mid-2000s, genetically engineered seeds have led to contamination of the seed supply, and organic seed companies are struggling to stay viable when the adoption of organic seed is not growing at the same rate as the organic products market. Therefore it seems like a good time for the NOSB to re-visit the important topic of organic seed.

¹<https://www.ams.usda.gov/sites/default/files/media/NOP%20Rec%20Commercial%20Availability%20of%20Organic%20Seed.pdf>

²

<https://www.ams.usda.gov/sites/default/files/media/NOP%20Final%20Rec%20Seed%20Commercial%20Availability.pdf>

Relevant Areas of the Rule and Guidance

From the USDA organic regulations:

§205.2 Terms defined

Practice standard. The guidelines and requirements through which a production or handling operation implements a required component of its production or handling organic system plan (OSP). A practice standard includes a series of allowed and prohibited actions, materials, and conditions to establish a minimum level performance for planning, conducting, and maintaining a function, such as livestock health care or facility pest management, essential to an organic operation.

§205.201 Organic production and handling system plan.

(a) The producer or handler of a production or handling operation, except as exempt or excluded under §205.101, intending to sell, label, or represent agricultural products as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling system plan must include:

.....

(5) A description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and

(6) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.

§205.204 Seeds and planting stock practice standard.

(a) The producer must use organically grown seeds, annual seedlings, and planting stock: *Except, That,*

(1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available: *Except, That,* organically produced seed must be used for the production of edible sprouts;

Excerpts from the **Guidance on Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production** published March 4, 2013 (NOP 5029).

4. Policy

Producers should develop and follow procedures for procuring organic seeds, annual seedlings, and planting stock and maintain adequate records as evidence of these practices in their organic system plan (OSP).

4.1 Sourcing of Seeds, Annual Seedlings, and Planting Stock

4.1.3 The following considerations could be acceptable to justify use of non-organic seeds and planting stock as not commercially available. These considerations must be described by the operation in their organic system plan (OSP), pursuant to § 205.201(a)(2), and approved by the certifying agent.

- a. Form Considerations: Examples of forms may include, but are not limited to, treated or non-treated seeds or planting stock, use of pelleted seed...

- b. Quality Considerations: Examples may include, but are not limited to, germination rate of the seed; presence of weed seeds in the seed mix; shelf life and stability of the seeds; and disease and pest resistance.
- c. Quantity Considerations: Producers may provide evidence that quantities are not available in sufficiently large or small amounts given the scale of the operation.

4.2 Recordkeeping for Organic Producers

4.2.1 The following records should be maintained by organic producers:

- a. A list of all seed and planting stock, indicating any non-organic seeds or stock used, and the justification for their use including lack of equivalent variety, form, quality or quantity considerations. Records describing on-farm trials of organic seed and planting stock can be used to demonstrate lack of equivalent varieties for site specific conditions.
- b. The search and procurement methods used to source organic seed and planting stock varieties, including:
 - 1. Evidence of efforts made to source organic seed, including documentation of contact with three or more seed or planting stock sources to ascertain the availability of equivalent organic seed or planting stock. Sources should include companies that offer organic seeds and planting stock.

4.4 Role of Certifying Agents

4.4.1 Certifying agents must verify the procedures that certified operations utilize to obtain and plant organic varieties suitable for their operations as part of their annual review of the OSP.

.....

4.4.3 Certifying agents shall verify the commercial availability requirements on an annual basis, in their review of the OSP, pursuant to § 205.402(a)(1).

4.4.4 Certifying agents should review an operation's progress in obtaining organic seeds, planting stock and transplants by comparing current source information to previous years.

Discussion

This discussion will be framed around each major point brought up in public comment and NOSB deliberations, with a resulting proposal based on how and where "*The Guidance on Seeds.....*" (NOP 5029 for reference purposes) should be improved. Also discussed briefly will be if a rule change might be appropriate to consider for some of these issues.

A. Crops at risk from GMO contamination might need to be acknowledged, emphasized and have additional requirements for sourcing seeds.

The NOSB has worked for almost four years on trying to assure seed purity for at-risk crops but has not yet come to a recommendation that can be implemented within the NOP. Each time this subject is raised, growers, handlers, accredited certifying agents (ACAs), and the public all indicate that there needs to be more incentive for seed companies to develop organic seed, keep it protected from contamination, and require growers to use it consistently. The fact that the NOP 5029 guidance does not even mention this subject is of concern to many stakeholders.

Commenters provided good suggestions about strengthening the guidance itself, and we heard from certifiers that better guidance and training for ACAs on non-GMO status verification as well as what level of contamination would lead to a non-compliance for seed, is needed. This issue is important and the NOSB

will continue the conversation in a future discussion document, planned for fall 2017, which will address seed purity from excluded methods.

For this discussion document, we are looking in a more general way of several possible places where seed purity from excluded methods could be brought up in the structure of NOP 5029.

- i. In the introduction to section 4.
 - a. Policy- In addition to the procedures mentioned for procuring organic seeds and documenting them, procedures for preventing and avoiding contamination of at-risk crop seed could be mentioned. This could then lead into specific sub-sections in 4.1, 4.2, and 4.4 about how to do this. This is supported by the language in §205.201 (a)(5) that states that an OSP must describe prevention from contamination. As of the writing of this discussion document (winter 2017) the at-risk crops would be: corn, soybeans, canola, alfalfa, beets, chard, cotton, rice, and summer squash. More at-risk crops can be added to the NOP guidance document if they become commercially available in the marketplace.
- ii. 4.1.2 could have the additional clause about excluded methods, "Certified operations may use non-organic seed and planting stock only if equivalent organically-produced varieties of organic seeds and planting stock are not commercially available, and the conventional replacement variety can be documented as being produced without the use of Excluded Methods. (Language in italics is proposed new language).
- iii. An alternative idea to this specific addition in number ii would be to add a section 4.1.7 which specifies that non-organic seed must be produced without excluded methods. While both these ideas are good, the first one of amending 4.1.2 is cleaner and where the authors are leaning at this time.
- iv. Contamination level can be a valid reason not to use organic seed if an operation is testing seed. We would hope that organic seed tests lower in GMOs but without a threshold or testing program in place there is no assurance of that. Therefore 4.1.3 could have part d. which states that contamination level is a valid reason to choose non-organic seed: d. Contamination from GMO Consideration: non-organic seed can be used if organic seed cannot be sourced because of GMO contamination.
- v. Section 4.2 on recordkeeping could be strengthened in several ways. 4.2.1 (b1) indicates that a minimum of three seed sources should be contacted and documented. Several commenters believed the search for at-risk crops should be raised to five sources, with a stronger emphasis on the last sentence that the sources used should be companies that offer organic seeds. The NOSB CS agrees with this suggestion. See below for language.

Certifying agents (ACAs) have the ability under the NOP rule §205.201(a)(6) Organic production and handling system plan, to require:

"Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations."

- vi. With this in mind, section 4.4.1 could be amended to not only obtain organic varieties but to avoid contamination for seeds at-risk of GMO contamination. An appropriate addition to 4.4 of NOP 5029 could be to add 4.4.5 : Certifying agents review prevention measures taken to avoid contamination from seed of at-risk of GMO contamination crops:
4.4.5 Certifying agents should review the prevention measures taken to avoid contamination for seed of at-risk crops.

The NOSB has already passed a comprehensive set of GMO prevention strategies that includes a section on seed, so it would be appropriate and logical to have ACAs verify those actions in the context of the seed guidance.

B. Organic seed usage as an Organic System Plan "goal"

The way that §205.201 (Organic system plan) is written in the regulations mandates the OSP meets the requirements of the section on organic production and must include descriptions of practices currently in use and records kept. It does not say anything about goals or future practices planned. That being said, part of compliance with the regulations includes §205.204 seed and planting stock. If the practices currently used are not sufficient to result in using organically grown seed or determining that such seed is not available, the certifying agent may require additional information deemed necessary (§205.201(a)(6)).

It seems reasonable for ACAs and their inspectors to request seed lists on non-organic varieties used by producers along with reasons for using those varieties over organically available versions of that crop type. Since producers often use dozens if not hundreds of seed varieties, having complete documentation in the OSP on each of them is neither sound nor sensible. Having inspectors look at this information on-site is more appropriate. The OSP is an appropriate vehicle for producers to indicate the practices they use to source seed, the measures they take to avoid contamination, and the reasons why they need to use non-organic seed that is in compliance with the "equivalent variety" clause. The ACA must then evaluate if those efforts are sufficient and if they are not then the ACA can issue a path towards a correction. However this is different than an "OSP goal". Therefore the NOSB is not choosing to act on this particular point in this way.

C. Continuous improvement

Almost every commenter wanted to have the concept of continuous improvement incorporated into the NOP 5029 guidance. However much of the discussion section above about OSP goals applies here. Nowhere in the NOP regulations are there statements that mandate improvement: not in ingredient selection for processed foods, choices of materials on the National List, or livestock management. Yet this has philosophically been one of the core values of the organic movement.

The seed portion of the rule is a "practice standard" and the definition of this term in §205.2 above is that it is a minimum level performance. Yet the minimum level of performance should be to use organic seed. Therefore if a producer has not reached that level of performance the ACA may require additional conditions to establish that performance.

That leaves the NOSB with two possible avenues to make a recommendation: seeking a rule change to the seed practice standard §205.204 to require a demonstrable improvement over time until 100% organic seed use is achieved, or to work at strengthening the guidance NOP 5029 in ways that are consistent with the existing rule. These are not mutually exclusive; while waiting for a proposed rule change, the guidance could be strengthened as well. The issue becomes whether the NOSB should propose a rule change or not.

The simplest approach to a rule change might be to add a subsection to §205.204(a)(1) so it reads (new language in underlined italics)

§205.204 Seeds and planting stock practice standard.

(a) The producer must use organically grown seeds, annual seedlings, and planting stock: *Except, That,*

(1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available: *Except, That,* organically produced seed must be used for the production of edible sprouts;

(i) Improvement in sourcing and use of organic seed and planting stock must be demonstrated every year until full compliance with (a) is achieved.

If this were adopted then the guidance could specify what sufficient improvement would be, either as percent increase in acreage per year planted to organic seed, increased sourcing efforts, etc.

D. Documentation of quality, quantity and equivalent variety

Working within the existing meaning of a practice standard still leaves room for increased efforts on the part of producers to source organic seed and increased consistency by ACAs as they evaluate compliance. ACAs in particular noted that they did not have enough enforcement tools to use in situations where there is not much improvement from year to year in the amount of organic seed used on a specific operation. We believe it is reasonable for ACAs to ask for improvement in compliance over time and to impose increased efforts to achieve compliance if progress is too slow.

Some possible changes include:

- i. 4.1.3 is considered too vague. It was frequently pointed out that one reference to the OSP for describing the considerations leading to use of non-organic seed is not being diligently enforced by ACAs. Commenters requested not just explanations of what form, quality and quantity meant, but more explicit guidance on what would not be allowed. It is not totally clear to the CS what could be added here except to the section on quantity. In this case it would be appropriate for the OSP to state what quantity of a variety is needed and the seed search to document what quantity was or was not available. For large operations with many seed varieties used, a few major ones could be represented in the OSP in this way, while others evaluated during inspections. It is not clear that this needs new language however, or is already covered in other sections, so no proposal is made for this section.

- ii. §4.2.1 is the main section that could be strengthened according to most commenters. This is also the area where enforcement is very inconsistent. Some specifics include:

Justification for use of varieties needs to be specific to each variety on the list and which issue (form, quality, quantity, or equivalence) is the problem. This must be done in a consistent enough manner that an ACA can look for increasing the level of compliance over time. We suggest adding a sentence in this area:

- a. 4.2.1(a). A list of all seed and planting stock, indicating any non-organic seeds or stock used, and the justification for their use including lack of equivalent variety, form, quality or quantity considerations. Justification for use of varieties needs to be specific to each variety on the list and which issue (form, quality, quantity, or equivalence) is the reason. Records describing on-farm trials of organic seed and planting stock can be used to demonstrate lack of equivalent varieties for site specific conditions.
- iii. A better description is needed for the role of variety trials. ACAs felt that they could not mandate or even suggest them, yet they are one of the best ways to truly determine equivalence and quality of other organic varieties. Many growers perform variety trails, but documenting them has been a problem for both producers and ACAs. We suggest that this does not truly belong in the recordkeeping section because it is a production practice and therefore we are suggesting adding it as §4.1.2(c):
§4.1.2(c) On-farm variety trials of organic seed may be used by producers to evaluate equivalency and quality of varieties that are available as organic seed. Trials are encouraged and records should be kept of results to show inspectors but they are not mandatory.

- iv. 4.2.1(b) generates much discussion because of the three sources requirement. While this is the cornerstone of what ACAs require of producers, it is very prescriptive about the number, but not prescriptive enough about the quality of information that is received. Some companies just issue the same form letter every year without indicating which specific varieties they were referring to, while some growers use seed brokers and they simply say they checked their sources but don't name them. The most common suggestion to change this was to require five sources, with other ideas being to limit the number of years that three sources could be used as an excuse for not using organic seed, or to require more or different sources when improvement is not seen over time.
- v. The CS agrees that checking more than three sources makes sense especially for at-risk crops. Most of these crops have had more development in the supply of organic seed than the vegetable industry. Trying to set a limit of three years on compliance is not feasible for inspectors or ACAs to monitor. We feel that a better approach is to aim for better compliance from both the producers and the seed companies and brokers who are the sources. Things like not checking the *same* three sources every year, specifying that brokers have to name the places they looked in their letters, and making seed sources prove that they carry organic seed are some examples. We have chosen not to be prescriptive about acreage or number of varieties planted because flexibility is needed for a great variety of cropping systems and markets, and because we do not want to inadvertently lead to a reduction of the genetic diversity in or crop choices. However we feel that ACAs can use benchmarks in improvement as a tool to verify compliance.
- vi. A proposed revision of §4.2.1(b)(1) (changes in underlined italics):
 - 1. Evidence of efforts made to source organic seed, including
 - a. documentation of contact with three or more seed or planting stock sources to ascertain the availability of equivalent organic seed or planting stock. *Five sources must be contacted for seed of at-risk crops.*
 - b. Sources should include companies that offer organic seeds and planting stock. *Such sources should provide evidence of their organic certification (if relevant), ability to source organic seed, and specific varieties sourced every year.*
 - c. *Failure to demonstrate improvement in sourcing organic seed over time may result in additional seed sources being required or additional steps taken to procure organic seed.*
- vii. It is clear from public comment and from the report given during the Fall 2016 meeting on the State of Organic Seed report, that the organic seed requirements are not being enforced equally among all certifiers and upon all scales of operations. The conclusion from this is that the Role of Certifying Agents, as described in section 4.4 of NOP 5029, is not doing a complete job or is not being followed carefully enough. Much of this issue is training for ACAs rather than changing section 4.4, but if it were possible to put some specific language about what constitutes non-compliance, the ACAs would really appreciate it.
- viii. §4.4.4 is the statement that justifies asking for progress in obtaining organic seeds compared to previous years and this is interpreted as meaning that improvement is required. Inserting language parallel to what we are suggesting in §4.2.1(b)(1)(iii) is one way to strengthen it:
 - 4.4.4 Certifying agents should review an operation's progress in obtaining organic seeds, planting stock and transplants by comparing current source information to previous years
 - a. *If sufficient progress is not demonstrated a certifying agent may ask for a corrective action plan and require additional seed sources be researched, encourage variety trials, or require additional steps to procure organic seed.*

b. Non-compliances should be issued for repeated lack of progress in sourcing and using commercially available organic seed over time.

E. Handlers supplying seed to contract growers

This issue was included in the 2008 NOSB recommendation on organic seed but not adopted by the NOP with the following comment (NOP 5029-1):

Handlers Purchasing Seed for Contracted Growers. Several commenters stated that 7 CFR § 205.204 applies to handlers purchasing seed for contractual growing purposes, and that language should be included in the guidance emphasize this. However, this guidance is applicable to crop producers subject to requirements of § 205.204, and handlers are not typically certified as crop producers subject to this requirement. All growers must meet the same standard and use organic seeds unless they can demonstrate that organic seeds are not commercially available. All producers must provide the necessary documentation regarding lack of commercial availability of organic seeds to justify use of non-organic seed or planting stock. Contracted growers should inform their buyers of the need to use organic seeds unless they are not commercially available.

It has been very clear that this has turned into a loophole where contract producers are not pressuring their buyers enough and buyers are not held accountable for promoting and requiring the use of organic seed when contracting with crop producers. The NOSB believes that the guidance could explicitly contain a statement similar to the last sentence above, and this would support both growers and certifiers to put more pressure on buyers who may require a specific variety be grown to fulfill a contract for organic crops. Also when appropriate, it should state in the grower's OSP the handler is sourcing or requiring a specific seed. This would then trigger inspectors and ACAs to require documentation illustrating organic seed sourcing and trialing would have been done. Many buyers work with specific seed sources and those sources could be encouraged to develop organic seed offerings, or equivalent organic varieties.

Therefore we are proposing addition of §4.2.1 (b) (3) (in underlined italics):

4.2.1 The following records should be maintained by organic producers:

3. If seed sourcing is carried out or mandated by the buyer of a contracted crop, the producer must keep records of the buyer's documentation on attempting to source organic seed as part of the producer's own Organic System Plan. Such documentation must be comparable to that required of a producer who sources their own seed.

F. Organic Seed Finder

In order for producers to find organic seed, there needs to be a more comprehensive and accessible clearing house for listing the availability of seed varieties serving crop, vegetable and livestock producers. While we have a website www.organicseedfinder.org, managed by the Association of Official Seed Certifying Agencies (AOSCA), there is a cost for companies to list their available organic varieties, which leads to less than optimal use of this resource. There are other options that could be considered, such as having certifiers provide organic seed availability of their certified clients, in such a way so to include this information in a separate field in the National Organic Program Organic Integrity Database. Operators could then search that field for a specific variety of organic seed, and all certified operations who carry that seed would then be found.

Another option is for the National Organic Program to provide some funds to an entity to manage an organic seed variety availability database, which could provide more in-depth information than the Organic Integrity Database. A more in-depth listing would cover varietal characteristics, to aid seed purchasers in determining if there are organic equivalent varieties to the nonorganic seeds they are currently purchasing and planting.

One public commenter discussed the direction specific countries in the European Union have taken in promoting more organic seed use on organic operations. These countries no longer allow the use of nonorganic seed in certain crops that have been determined to have sufficient quantity of organic seed for that crop. This is not the direction the NOSB crops subcommittee is suggesting, but it is interesting to see how other certifying bodies are addressing this issue. Our preference would be to provide more consistent and accessible information on the availability of equivalent organic seed varieties.

G. Accredited Organic Certifier and Organic Inspector Training

NOP guidance 5029 states:

4.4.6 Certifiers are responsible for training their reviewers and inspectors on what protocols and documentation would constitute acceptable compliance in meeting commercial availability requirements when reviewing the organic seed mandate.

While it is beyond the scope of this discussion document to start development of possible trainings that would aid consistency in verifying commercial availability of organic seed at on-site inspections and certification review, this is still an important topic that must be addressed in some future activity or discussion document. Numerous public comments were received from both the certification community as well as other stakeholders, stating more training is needed for certification personnel who are reviewing use of organic seed. Each certifier and inspector has their own approach on how to verify compliance to the various requirements surrounding the use of organic seed. The entire organic community could benefit from a more consistent and comprehensive approach, so all understand what is expected and how best to meet the requirements.

The Accredited Certifiers Association, as well as the International Organic Inspectors Association both hold trainings tailored for their audiences, at a minimum once per year, providing venues for the dissemination of information once a curriculum has been developed.

The NOSB would be willing to work with these groups, within the Certification, Accreditation and Compliance Subcommittee structure to develop the requirements that should be met as part of a comprehensive training on organic seed use and determination of commercial availability. ACA and IOIA, as well as other stakeholders should provide us with feedback if they feel this approach is acceptable, or if there are other methods for achieving this goal of consistent implementation of the organic seed search and use requirement.

Proposals *(all proposed text is in underlined italics)*

1. To amend the National Organic Regulations §205.204 Organic seed and planting stock practice standard as follows:

(a) The producer must use organically grown seeds, annual seedlings, and planting stock: *Except, That,*

(1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available: *Except, That,* organically produced seed must be used for the production of edible sprouts;

(i) Improvement in sourcing and use of organic seed must be demonstrated every year until full compliance with (a) is achieved.

2. Changes to NOP 5029 Guidance (Section 4)

The Guidance for Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production should be amended as follows:

4. Policy

Producers should develop and follow procedures for procuring organic seeds, annual seedlings, and planting stock and maintain adequate records as evidence of these practices in their organic system plan (OSP). Producers must also provide clear documentation regarding the inputs and materials used during crop production (as required at § 205.201(a)(2)). Producers must prevent and avoid contamination from excluded methods in seed of at-risk crops. (corn, soybeans, canola, alfalfa, beets, chard, cotton, rice and summer squash). Certifying agents must assess procedures and documentation of certified production and handling operations as they source seeds, annual seedlings, and planting stock on an annual basis. Each of these concepts is described in more detail below.

4.1 Sourcing of Seeds, Annual Seedlings, and Planting Stock

4.1.2 Certified operations may use non-organic seed and planting stock only if equivalent organically-produced varieties of organic seeds and planting stock are not commercially available, and the conventional replacement variety can be documented as being produced without the use of Excluded Methods.

§4.1.2(c) On-farm variety trials of organic seed may be used by producers to evaluate equivalency and quality of varieties that are available as organic seed. Trials are encouraged and records should be kept of results to show inspectors, but they are not mandatory.

4.1.3 The following considerations could be acceptable to justify use of non-organic seeds.....

d. Contamination from GMO Consideration: non-organic seed can be used if organic seed cannot be sourced because of GMO contamination

4.2 Recordkeeping for Organic Producers

4.2.1 The following records should be maintained by organic producers:

a. A list of all seed and planting stock, indicating any non-organic seeds or stock used, and the justification for their use including lack of equivalent variety, form, quality or quantity considerations. Justification for use of varieties needs to be specific to each variety on the list and which issue (form, quality, quantity, or equivalence) is the reason. Records describing on-farm trials of organic seed and planting stock can be used to demonstrate lack of equivalent varieties for site specific conditions.

b. The search and procurement methods used to source organic seed and planting stock varieties, including:

1. Evidence of efforts made to source organic seed, including

i. documentation of contact with three or more seed or planting stock sources to ascertain the availability of equivalent organic seed or planting stock. Five sources must be contacted for seed of at-risk crops.

ii. Sources should include companies that offer organic seeds and planting stock. Such sources should provide evidence of their organic certification (if relevant), ability to source organic seed, and specific varieties sourced every year.

iii. Failure to demonstrate improvement in sourcing organic seed over time may result in additional seed sources being required or additional steps taken to procure organic seed.

3. If seed sourcing is carried out or mandated by the buyer of a contracted crop, the producer must keep records of the buyer's documentation on attempting to source organic seed as part of the producer's own Organic System Plan. Such documentation must be comparable to that required of a producer who sources their own seed.

4.4 Role of Certifying Agents

4.4.4 Certifying agents should review an operation's progress in obtaining organic seeds, planting stock and transplants by comparing current source information to previous years

a. If sufficient progress is not demonstrated a certifying agent may ask for a corrective action plan and require additional seed sources be researched, encourage variety trials, or require additional steps to procure organic seed.

b. Non-compliances should be issued for repeated lack of progress in sourcing organic seed over time.

4.4.5 Certifying agents should review the prevention measures taken to avoid contamination for seed of at-risk crops.

Subcommittee Vote:

Motion to accept all additions as described in the proposal section above, to both the National Organic Program Regulation and the National Organic Program 5029 Guidance.

Motion by: Harriet Behar

Seconded by: Emily Oakley

Yes: 8 No: 0 Abstain: 0 Absent: 1 Recuse: 0

Approved by Francis Thicke, Subcommittee Chair, to transmit to NOSB, August 29, 2017