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NOTE TO THE FILE

Subject: Report on the peer review on US National Organic Program, 6-9 May 2014

In the framework of the EU-US organic equivalence arrangement, unit AGRI.B4 carried out a peer review on the US National Organic Program covering the tree layers of the US organic system: organisation and procedures of NOP, control activities of a control body and field visits to three operators.

6 May 2014: visit to Washington State Department of Agriculture (WSDA) headquarters, Olympia (Washington State)

Participants: Joao ONOFRE and Manuel ROSSI PRIETO (AGRI.B4), Brenda BOOK and Scott RICE (WSDA), Renee MANN (USNOP)

The WSDA is a control authority listed in Annex III to Regulation (EC) No 1235/2008. It is a public body recognised by the US for the purposes of the EU-US equivalence arrangement. They can certify organic products intended to be exported to the EU in the framework of the arrangement.

The WSDA is based in Olympia and carries out organic certification activities primarily in Washington State, Alaska, California and Oregon. They certify around 11.000 operations per year from 7.000 producers. Washington State is the largest US state in organic certification. WSDA is certified ISO 65 and has 25 staff.

We met the Organic Program and Organic Accreditation and Quality Managers who explained in detail the WSDA organisation and procedures. We were introduced as well to the responsible staff for crops, processors and materials.

We had the opportunity to check several files that we had requested previously: some related to the operators we were going to visit, a file of an operator who surrendered the certification after being notified of an irregularity and a file of an operator exporting to the EU.

We checked as well the organic certification application forms for producers, handlers and processors.

After checking documents, we had a discussion with WSDA staff where we asked for additional information and clarification on some aspects.

Conclusion:

- WSDA staff was very cooperative and ready to give clear and thorough explanations on their procedures and control activities and on the files. They were aware of the content of the EU-US equivalence arrangement and in particular on the limitation concerning the use of antibiotics on organic apples and pears.
- Files were complete and easy to follow.
- Applications forms for operators were comprehensive and users friendly. International requirements as the prohibition of antibiotics in apples and pears for the EU were clearly indicated, including a reference to WSDA webpage where operators can find full details of requirements to export organic products to the EU.
- Some minor issues were spotted on the certificate of inspection form for imports into the EU. In certificates of inspection used in 2013, box 2 was incorrect because it did not make the difference between imports according to Art. 33(2) (recognised third countries) and Art. 33(3) (recognised control bodies) of Regulation (EC) No 1235/2008. WSDA detected this mistake and solved it. In the current form, there is a typo in box 9 (country of 'designation' instead of country of 'destination'). This will be solved immediately. The origin of these mistakes in the certificate of inspection may be the lack of an official EU form available on our website and ready to be filled in. Control bodies have to reproduce the certificate of inspection from Annex V to Regulation (EC) No 1235/2008. We could help operators and control bodies uploading a fillable PDF form on the EU organic website. Nevertheless, the e-certification project currently in development between AGRI, TAXUD and SANCO will certainly solve this issue.

7 May 2014: field visit to Wilcox Farm, Roy (Washington State)

Participants: Joao ONOFRE and Manuel ROSSI PRIETO (AGRI.B4), Renee MANN and Lisa BRINES (USNOP), Connie KARR (OTCO), Andy WILCOX and Jim MAHON (Wilcox Farms)

Wilcox Family Farms was founded in 1909. It is a family business run today by Wilcox fourth generation. This approximately 607 hectares (1.500 acre) facility is located along the north and east bank of the Nisqually River. They produce whole and liquid eggs and crops. In 2005, Wilcox started the conversion to cage-free systems and organic production.

During the field visit, we were guided by Wilcox staff and accompanied by staff from Oregon Tilth Certified Organic (OTCO), the certifier body for Wilcox organic certification. This control body is listed in Annex III and IV to Regulation (EC) No 1235/2008.

The field visit was focused on the organic eggs production, around 40% of the total egg production. Part of the production is in conversion. Production of organic eggs is around 10 million dozen eggs per year.

Some hectares of crops are certified for the production of organic feed that is used to cover part of their needs. The rest is purchased to some suppliers.

Laying hens are kept in houses according to their age. Pullets in the first weeks of life are kept in special houses with artificial lights and no outdoor access. These pullets are trained to jump with the help of a Dutch equipment. It is a multi-tier system that teaches pullets to move between the various levels and trains hens to jump and fly. These pullets spend more than 12 hours in darkness to avoid faster growing than needed.

As they grow, hens are moved to other houses with room according to their sizes where they can move and jump. Hens are grouped by species. Natural light and outdoor access are provided. Hens can lay in special areas.

The handling facility was arranged to separate organic from conventional production. Organic eggs were packaged with clear indications in green colour.

Wilcox staff showed us as well the liquid egg plant and the hard-boiled egg plant.

Conclusion:

- USNOP regulations do not establish detailed requirements concerning maximum numbers of animals per hectare or minimum surface areas indoors and outdoors for laying hens as EU regulations do. However, the conditions observed in Wilcox Farms can be judged as generally acceptable for EU standards. It is important to bear in mind that there are no exports of organic eggs from the US to the EU.
- Wilcox staff seemed very committed with the organic production as well as the Wilcox family. The fourth generation currently running this family business is the responsible of starting the conversion to organics.

8 May 2014: field visit to Zirkle Fruit Company, Selah (Washington State)

Participants: Joao ONOFRE and Manuel ROSSI PRIETO (AGRI.B4), Brenda BOOK and Scott RICE (WSDA), Renee MANN and Lisa BRINES (USNOP), Del LONG (WSDA inspector), Harold AUSTIN (Director of Orchard Administration, Zirkle Fruit Company)

Zirkle Fruit Company is the largest fruit producer in the US. It is a family-owned business founded in 1974 with several producing and handling facilities in Washington State. Zirkle grows apples, cherries, blueberries and wine grapes. Zirkle started the conversion to organic in 1995. They grow conventional and organic fruit and export organic apple to UK.

This field visit was requested by DG AGRI to check how US operators and control bodies deal with the prohibition of using antibiotics on apples/pears intended to be exported to the EU.

We visited the orchards and the handling facility.

In the orchards, apple trees are organised by blocks depending on the production method (conventional or organic) and the market of destination (US or EU). Blocks are identified by a Z (US) or by an X (EU). To avoid contamination, organic blocks are surrounded by buffer zones consisting of non-cultivated land and a row of trees. The apples from these trees are sold as conventional.

In the organic blocks, weeding is done with propane flammers.

Apple trees producing apples for EU market must not be treated with antibiotics in case of fire blight. In case of treatment with antibiotics, those apple trees can qualify again for EU market only 36 months after last treatment.

We checked as well the place where substances for treatments are stored. Those for organic production were clearly identified and acceptable for organic production.

In the afternoon, we visited the handling facility in Prosser. Staff in charge of the reception of the apples from the orchards explained their procedures to ensure that apples for EU market are clearly identified and separated from the others. Apples for EU market are classified, washed (with organic cleanser) and packed avoiding any contact with other apples. They are handled in first place in the day. They are identified by an X in the boxes.

We had the opportunity to witness an audit from a WSDA inspector. Due to time limitations, the audit was partial.

Audit started with a document review where the inspector checked the sites, varieties and acres and the applied treatments. Inspector keeps records of all treatments applied in the last three years to check the compliance with EU, Canada and Japan requirements. He checked that the 36 months limit without antibiotics treatment was fulfilled. Then the inspector visited some blocks with us and checked buffer zones, weeding, water treatment for irrigation, etc.

The audit in the handling facility turned into a simple visit of the premises. The inspector come with us and was ready to answer our questions on the handling methods but he did not carry out an audit. This was mentioned to WSDA staff and to USNOP in the closing meeting.

During lunch, we exchanged views with Harold Austin (Zirkle) who is also a member of the National Organic Standards Board, a Federal Advisory Committee comprised of members of the organic community that advises USDA on which substances should be allowed or prohibited in organic farming and processing. We discussed on alternatives to antibiotics to fight against fire blight once they will be prohibited as from October 2014. An Austrian product called Blossom Protect is being tested with good results. It is a biotechnological plant protection product containing microorganisms which block the fire blight pathogen, *Erwinia amylovora*, from colonizing the apple blossom. There are other methods as copper applications at a very low degree to avoid toxicity, control of humidity, use of resistant varieties...

The issue of fire blight was also discussed during a dinner with David Granatstein, a researcher from the Washington State University. We learnt that a research project is in development to find reliable solutions to fight fire blight. However, Mr Granatstein

acknowledged serious delays in the completion of the project. He estimated that a couple of years more would be necessary.

Conclusion:

- The orchards and the handling facility seemed to be properly organised. Organic fruit was clearly separated from conventional and identified. The systems and procedures in place to prevent commingling with conventional apples or with organic apples treated with antibiotics seemed effective.
- Very committed staff. In particular, Harold Austin was a useful source of information about organics in US due to his knowledge and to his role as a member of the NOSB.
- The EU agreed to a partial witness audit, however this was not satisfactory. At the handling facility, the inspection was limited due to the noise of the manufacturing facility and the lack of time. In the future, a full audit should be observed. Additionally, Zirkle staff showed a familiarity with the inspector that may put into question the inspector rotation policy of WSDA.

9 May 2014, morning: field visit to Snoqualmie Vineyards, Prosser (Washington State)

Participants: Joao ONOFRE and Manuel ROSSI PRIETO (AGRI.B4), Brenda BOOK and Scott RICE (WSDA), Renee MANN and Lisa BRINES (USNOP), Joy ANDERSEN (Senior Winemaker, Snoqualmie)

Washington State's wine industry is growing very fast. The number of wineries has grown from 24 to more than 700 in 25 years. Snoqualmie started in 1983 under the leadership of Joy Andersen. Since the beginning, this winery is committed to sustainable and organic practices.

This producer makes conventional and organic wine. Organic wine, both labels considered ("organic" without added sulphites and "made with organic grapes" with up to 100 ppm), is around 1% of the total production and nearly all is labelled "made with". The annual production of "organic" wine is around 50 cases. This "organic" wine is sold in farmer markets. We did not find a single bottle of "organic" wine in restaurants or shops and not even in this winery's shop.

We visited the vineyards and the production facility. At the vineyards, organic grapes are clearly identified by signs indicating "Organic vineyard, do not spray". Buffer zones consisting of non-cultivated land are in place and are subject to regular testing.

At the production facility, we visited the lab where the level of sulphites is controlled. If the maximum level of 100 ppm authorised for wines "made with organic grapes" is exceeded, wine is mixed with others with less content of sulphites. Excess sulphites are not removed.

On the production practices, very restricted under EU rules but all allowed under US regulations, we realized that it is not a real problem. This producer explained that they do

not use any of the practices that are not allowed in the EU. The only practice they apply is centrifugation, which is allowed in EU.

The absence of added sulphites in organic wine is not counterbalanced by heat treatments or ultrafiltration. They produce just a few cases per year and do not intend to make more.

Conclusions:

- The issue of the restriction of production practices in EU regulations seems not to be a problem in practice, at least in Washington State.
- During the visit to the vineyards, a member of the staff referred to the WSDA inspector as “our inspector”. Furthermore, it was the same inspector as the one of the apple company. Again, too familiarity between the company staff and the inspector.

9 May 2014, afternoon: closing meeting at WSDA offices in Yakima (WA)

Participants: Joao ONOFRE and Manuel ROSSI PRIETO (AGRI.B4), Brenda BOOK and Scott RICE (WSDA), Miles MCEVOY, Betsy RAKOLA, Renee MANN and Lisa BRINES (USNOP)

A conference call was held to allow the participation of USNOP staff based in Washington DC.

JO summarized the peer review and thanked Miles McEvoy and his staff and the WSDA staff for the outstanding organisation. JO stressed the great interest of all the farms we visited and also the opportunity we had of meeting remarkable people from the organic sector.

JO regretted that the witness audit was not carried out as planned. The doubts about the inspector rotation policy of WSDA were also mentioned. Brenda Book (WSDA) explained and justified this on the basis of the geographical extension, the increasing number of operators and the small number of full time inspectors (8), 2 part-time inspectors and 3 contract inspectors.

The peer review that the USNOP will carry out in the EU by the end of July was discussed as well. Cheri Courtney and Betsy Rakola will come to Europe in the week starting the 21st July. The peer review will take place in France and UK. In France, they will visit an organic wine producer and ECOCERT headquarters. In UK, a visit will be organised to an organic cheese producer in southern England that is exporting to the US in the framework of the equivalence arrangement. Visits to control bodies and competent authorities will be scheduled as well.