



ORGANIC TRADE ASSOCIATION

**NATIONAL CERTIFIED TRANSITIONAL PROGRAM (NCTP)
– PRODUCER SCOPE**

INTRODUCTION

Overview of the National Certified Transitional Program – Producer Scope

The Organic Trade Association (OTA)¹ is submitting standards and certification criteria to establish an National Certified Transitional Program (NCTP) for producers transitioning their operations to organic production.

OTA designed the NCTP to facilitate more effective increase in certified organic land. The NCTP provides a consistent mechanism for organic certification agencies to document operations' adherence to organic regulations on land in transition to organic status.

The NCTP provides certification and oversight to producers who are in transition to organic. It does not provide standards or criteria for labeling products certified under the program.

The NCTP is recognized by the USDA Quality Systems Verification Program (QSVP) Program, housed within the Agricultural Marketing Service branch. USDA accredits organic certification agencies that comply with the NCTP criteria for conducting certification of producers operating in accordance with the NCTP standards.

Overview of NCTP Criteria

The NCTP Criteria are the requirements for organic certification agencies offering NCTP certification to those operations seeking NCTP certification of crop and/or livestock, or portion or combination of operations.

The NCTP Criteria is available at www.usda.gov.

Overview of NCTP Standards

The NCTP Standards are the requirements for operations seeking NCTP certification for crop and/or livestock operation(s), or portion of such operation(s) or combination of operations.

The NCTP Standards include the specific requirements necessary for NCTP certification. The standards were developed to be congruent with the standards of USDA National Organic Program 7 CFR Part 205.

The NCTP Standards are available at www.usda.gov

¹ The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing organic businesses across 50 states. Its members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's Board of Directors is democratically elected by its members. OTA's mission is to promote and protect the growth of organic trade to benefit the environment, farmers, the public and the economy.

NCTP CRITERIA

The NCTP Criteria are designed specifically for Accredited Certifying Agencies (ACAs) seeking accreditation with the USDA QSA Program for operating NCTP certification in accordance to the NCTP Standards.

The criteria are specific requirements necessary for an organic certification agency to operate a NCTP program congruent with the USDA NOP 7 CFR, including rules for:

- Eligibility,
- Changes to NCTP Criteria and Standards,
- NCTP Certification Services

1.0 ELIGIBILITY FOR USDA QSA ACCREDITATION

An ACA is eligible for QSA Accreditation to grant NCTP certification, if the agency is already an ACA, in good standing, under the USDA NOP regulations.

The Organic Certification Agency(s) must:

1.1 Have accreditation as demonstrated with a certificate from the USDA NOP per 7 CFR Part 205 for the accreditation scopes of Crops and/or Livestock.

1.2 Provide NCTP training to certification personnel and inspectors, as necessary.

2.0 REVISIONS TO NCTP CRITERIA & STANDARDS

The NCTP criteria and standards are congruent with the USDA 7 CFR Part 205, therefore, any revisions to the USDA 7 CFR Part 205 may require an update to the NCTP Standards. Other revisions may also come from stakeholder feedback. The OTA NCTP Task Force meets as needed and no less than every 2 years to evaluate requests for changes. OTA notifies the USDA QSA of any revisions to the NCTP criteria and standards.

2.1 Revisions of the Criteria. When revisions to the NCTP Criteria are released, the ACAs must:

2.1.1 If applicable to accredited scope(s), the ACA notifies its NCTP operations of revisions to the NCTP criteria within 30 days of notification from USDA.

2.1.2 An ACA has 12 months or as otherwise defined by USDA to be in full compliance to the revisions.

2.1.3 Make necessary revisions to its certification services to demonstrate full compliance during the applicable period.

2.1.4 Provide training on the revised NCTP criteria to its certification personnel and inspectors within 3 months of notification from USDA.

2.2 Revisions of the Standards. When revisions to the NCTP Standards are released, the ACAs must:

2.2.1 Notify its NCTP operations of revisions to the NCTP standards within 30 days of notification from USDA.

2.2.2 Operations have 12 months to be in full compliance to the revisions unless a shorter period is defined by USDA.

2.2.3 Make necessary revisions to its certification services to demonstrate full compliance during the applicable period.

2.2.4 Provide training on the revisions of the NCTP Standards to its certification personnel and inspectors within 3 months of notification from USDA.

3.0 NCTP CERTIFICATION SERVICES

3.1 Application for NCTP Certification

The application for NCTP certification is provided by the operation to the ACA to request services; including but not limited to: NCTP Standards, application form, Organic System Plan forms, certification agreements, cost estimates and fee schedules.

For the NCTP program, the ACA must operate in accordance to USDA 7 CFR §205.400 & §205.401, specifically:

3.1.1 Ensure that all operators have access to the NCTP Standards.

3.1.2 Provide any NCTP fee(s) in the Fee Schedule and Cost Estimate(s).

3.1.3 Provide access to applications for annual renewal of NCTP certification. Existing forms and Organic Systems Plans approved by USDA NOP are deemed sufficient but at minimum, must additionally include:

3.1.3.1 A description of the proposed Transition Period for the land and/or parcel requested for NCTP certification.

3.2 Application for Initial or Continuation of Certification

A review of each application for initial or continuation of (annual) NCTP Certification consists of evaluating the application in accordance to NCTP standards.

For the NCTP program, the ACA must operate in accordance to USDA 7 CFR §205.402; and specifically:

3.2.1 Ensure the operation is eligible for NCTP certification for applicable scopes; Crops and/or Livestock.

3.2.2 Verify if the applicant has ever been notified of a denial of NCTP certification.

3.2.3 If an applicant appears to have the ability to comply with the NCTP standards, an inspector is assigned per Section 3.3 below.

3.2.4 If an applicant does not comply with NCTP Standards, an ACA issues a Notice of Denial of NCTP Certification per 3.5 below.

3.3 Inspection

The Inspection is an onsite visit by an Inspector assigned by the ACA to evaluate the operation's compliance to the NCTP standards.

For the NCTP program, the ACA must operate in accordance to USDA 7 CFR §205.403, specifically:

3.3.1 Require an initial and/or annual inspection for the second and third year of the Transition Period.

3.3.2 Evaluate the operation for compliance to the NCTP Standards.

3.3.3 ACAs may perform unannounced inspections and perform residue testing of operations in the NCTP program.

3.4 Granting Initial NCTP Certification

The organic certification agency grants NCTP certification to applicants who are in Months 13-24 or Months 25-36 of the transition period and comply with NCTP Standards.

For the NCTP program, the organic certification agency must operate in accordance to USDA 7 CFR §205.404, specifically:

3.4.1 Determine if the applicant has the ability to comply with the NCTP Standards.

3.4.2 If compliant, grant a NCTP Certificate to the operation that includes:

3.4.2.1 Reference to the NCTP Standards.

3.4.2.2 Date of Certification (the date which the operator is Certified Transitional).

3.4.2.3 Date of the start of the Transition Period

3.4.2.4 Date of Organic Eligibility (the date which the operator is eligible for organic certification).

3.4.2.5 Identification of all applicable crops, field(s) and their location(s), and products covered by the certification.

3.4.3 A Granting of NCTP certificate may also be accompanied by a condition of certification per Section 3.7 Compliance.

3.5 Denial of NCTP Certification

An application is denied when the ACA determines that the operator does not comply with the NCTP Standards.

For the NCTP program, the ACA must operate in accordance to USDA 7 CFR §205.405, except that it must:

3.5.1 Issue Notification of Denial of NCTP Certification.

3.5.2 The Notification of Denial of NCTP certification includes, at minimum, the operator's rights to: Reapply for NCTP; except that, Applications for the same field and/or parcel cannot be submitted more

than twice by the same operation or management; including applications submitted to other organic certification agencies.

3.6 Continuation of NCTP Certification

A Continuation of NCTP Certification is available to operators moving from Months 13-24 of the certified Transition Period into Months 25-36 of the certified Transition Period.

For the NCTP program, the ACA must operate in accordance to USDA 7 CFR §205.406, specifically:

3.6.1 Determine if the operator complies with the NCTP Standards based on updates to the Organic System Plan.

3.6.2 If compliant, issue a Notification of Granting Continuation of NCTP certification. This Notification may include conditions of certification per 3.7.

3.6.3 If compliant, issue a NCTP Certificate to the operation that includes:

3.6.3.1 Reference to the NCTP Standards.

3.6.3.2 Date of Certification (the date which the operator is Certified Transitional).

3.6.3.3 Date of the start of the Transition Period

3.6.3.4 Date of Organic Eligibility (the date which the operator is eligible for organic certification).

3.6.3.5 Identification of all applicable crops, field(s) and their location(s), and products covered by the certification.

3.7 Compliance

An operation may be issued a Condition of Certification or other notification as defined by the ACAs program manual.

A Condition of Certification is a reminder to operators about items that do not require immediate action, but could escalate to a denial per 3.5 or other compliance actions if not resolved prior to the next annual continuation of certification. The Condition of Certification may be issued with the Notification of Granting of NCTP certification or with the Notification of Granting Continuation of NCTP certification issued during the annual review of updates to the Organic System Plan.

The ACA may also issue Notice of Noncompliance(s); per 7 CFR Part §205.662.a-b Notice of Noncompliance(s). *If the agency uses these compliance actions, the following must apply:*

3.7.1 Compliance Notices (Denials and Noncompliance(s)); including combination and resolution notices thereof are not copied to the USDA NOP Administrator.

3.7.2 Appeal proceedings are performed in accordance to 3.8 below.

3.8 Appeal NCTP Certification

An appeal is an operation's dispute of a certification decision made by the ACA. An appeal is made directly to the ACA. The appeal is the responsibility of the ACA.

ACAs may opt for mediation processes as described in the USDA NOP Regulations to resolve issues prior to an appeal proceeding.

For the NCTP program, the ACA must operate in accordance to the NCTP Certification Requirements as follows:

3.8.1 Provide a process to receive, evaluate and make decisions on appeals. The ACA must record and track appeals, as well as actions undertaken to resolve them.

3.8.2 Upon receipt of an appeal, the ACA must confirm whether the appeal relates to certification activities for which it is responsible and, if so, must address it and acknowledge receipt of a formal appeal.

3.8.3 Investigate all necessary information (as far as possible) to progress the appeal to a decision.

3.8.4 The decision resolving the appeal must be made by, or reviewed and approved by, person(s) not involved in the certification decisions related to the appeal. This may include a separate mechanism, such as an individual, governance body, ad hoc committee or other reasonable mechanisms to make decisions of the appeal.

3.8.5 To ensure that there is no conflict of interest, personnel (including those acting in a managerial capacity) who have provided consultancy (see 3.2) for a client, or been employed by a client, must not be used by the ACA to review or approve the resolution of an appeal for that operation within two years following the end of the consultancy or employment.

3.8.6 Give formal notice of the outcome and the end of the appeal process to the appellant.

3.8.7 Take any subsequent action needed to resolve the appeal.

NCTP STANDARDS

S.1 General Policy

All producer operations transitioning from nonorganic to organic management systems and seeking oversight of this process by obtaining certification from an ACA must be certified per the National Certified Transitional Program (NCTP) standards. In general, all operations certified under NCTP must:

S1.1 Produce products that were grown on land that is in transition from nonorganic to organic.

S1.2 Apply to an ACA and maintain annually thereafter an Organic System Plan to be evaluated for compliance with the NCTP Standards.

S1.3 Comply with 7 CFR 205 Subpart C – Organic Production and NCTP standards.

S.2 NCTP CROP PRODUCTION STANDARDS

Crop producers eligible for the NCTP certification are producers of pastures, cover crops, green manure crops, catch crops, or any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility that are transitioning from nonorganic to organic system management.

S2.1 **Land eligibility requirements.** Any product intended to be harvested under the NCTP must be produced from land that has not has any prohibited substances, as listed in USDA 7 CFR §205.105, applied to it for a period of 1 year following the documented start of the Transition Period.

S2.2 **Transition period.** The producer must establish a Transition Period, as outlined in S2.2.1 through S2.2.2 and as evidenced the operation’s production history.

S2.2.1 The first year of the Transition Period refers to the first 12-month time period following the documented start of the Transition Period. During this time period, crops harvested are not eligible for certification under the NCTP.

S2.2.2 The second and third years of the Transition Period refers to the second and third 12-month time periods (Months 13 through 36) following the documented start of the Transition Period. During this time period, crops harvested may be certified under the NCTP.

S.3 NCTP LIVESTOCK STANDARDS

Livestock eligible for NCTP certification are any cattle, sheep, goats, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other nonplant life, except such term shall not include aquatic animals for the production of food, fiber, feed, or other agricultural-based consumer products.

S3.1 **Livestock feed.** Livestock products intended to be certified under the NCTP must be derived from animals that have been fed a diet of 100% feed certified under the NCTP or certified organic feed.

S3.2 **Livestock living conditions.** Livestock products intended to be certified under the NCTP must be provided access to outdoor areas or pasture, and in the case of ruminant animals, access to pasture, that is certified under the NCTP

TERMINOLGY

Condition of Certification: A reminder to operators about items that do not require immediate action, but could escalate to a denial of certification.

NCTP: National Certified Transitional Program.

NCTP Operation: A producer whose operation and or portion of an operation has been granted certification to the NCTP standards.

Crop Producers: Producers of pastures, cover crops, green manure crops, catch crops, or any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility that are transitioning from nonorganic to organic.

Eligibility for Organic Certification: The documented eligibility to achieve organic certification.

Livestock Producers: Producers of any cattle, sheep, goats, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other nonplant life except such term shall not include aquatic animals for the production of food, fiber, feed, or other agricultural-based consumer products.

National Organic Standards: Standards required for organic certification. Also referred to as the USDA 7 CFR Part 205, the Act or the National Organic Standards (NOS), NOP Regulations.

Accredited Certification Agency (ACA): An organization accredited by the USDA National Organic Program under 7 CFR Part 205 and accredited by USDA QSA for operating in accordance to the National Certified Transitional Program (NCTP).

OTA: Organic Trade Association, the developer of the National Certified Transitional Standards for operators and National Certified Transitional Certification Requirements for Accredited Certification Agencies.

Transitioning: the act of establishing organic management practices in accordance with the NCTP standards.

Transition Period: The 3-year period between the documented start of organic management of an operation or portion of an operation and the time that an operation or portion of an operation is eligible for organic certification.