



Standards Update

February 19, 2014

USDA Agricultural Marketing Service

National Organic Program



Today's Learning Objectives



1. Review changes to the National List of Allowed and Prohibited Substances.
2. Highlight four policies published in 2013 on Standards related issues.

Key points for certifiers: National List changes



Quick Review: National List Handout

- Allowance for peracetic acid in hydrogen peroxide formulations.
- Commercial availability for silicon dioxide.
- Implementation periods for silicon dioxide change and annatto extract removal.

Other National List Issues



- **205.605(b) – Nutrient vitamins and minerals**
 - September 2012 Interim Rule
 - Status Quo
- **205.602 – Sodium Nitrate**
 - September 2012 Notice
 - “Expired” from 205.602
 - Must meet soil fertility and crop nutrient standard; natural resource standard

NOP 5027 The Use of Kelp in Organic Livestock Feed



- States that kelp is agricultural.
- States that kelp can be certified as a wild crop.
- Certifiers should verify that kelp is organic when used in livestock feed as of March 4, 2014.

NOP 5029 Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production



- Clarifies what an “equivalent organic variety” is for purpose of verifying commercial availability.
- Reiterates planting stock must be managed for one year before planting stock can be sold as organic.
- Clarifies substances that certifiers should review (e.g. pesticides on seeds) and which substances certifiers do not need to review (e.g. those used on non-organic planting stock prior to purchase and use of stock by organic grower).

NOP 5030 Evaluating Allowed Ingredients and Sources of Vitamins and Minerals in Livestock



- Clarifies that agricultural ingredients in feed products (e.g., molasses), including ingredients on label for premixes/bulk, must be organic.
- Specifies certain sourcing requirements for minerals and vitamins approved by FDA/AAFCO (e.g., no minerals from bone meal).
- Clarifies that certifiers do not need to review ingredients (e.g., preservatives) within individual vitamins and minerals approved by FDA/AAFCO definition (e.g., vitamin A supplement).
- Explains issues around certification of feed additives.

Policy Memo 13-1:

Cell Fusion Techniques Used in Seed Production



- This policy gives guidance to seed companies and plant breeders about what techniques are prohibited.
- Describes a range of cell fusion techniques and whether a given technique is considered an excluded method and, thus, prohibited.
- Certifiers should verify that producers are documenting that seeds are not genetically modified (e.g., through affidavits).



Policy Memo 11-4: Evaluation of Materials

- Policy Memo 11-4 issued in 2011 to provide options to certifiers to recognize reviews completed by third parties
- Updated August 6, 2013 to clarify how NOP will resolve instances when certifiers and material evaluation programs disagree on the allowance of a specific input

Policy Memo 11-4: Evaluation of Materials



- Why was the update needed?
 - Inputs are often reviewed by multiple parties, including multiple certifiers and material evaluation programs
 - Occasionally, certifiers and material evaluation programs reach different conclusions whether a product is allowed, leading to inconsistency and confusion

Policy Memo 11-4: Evaluation of Materials



- New certifier responsibilities:
 - Notify NOP if you review a product and determine that it does not comply *and* the label or supporting documentation indicates it has been approved by another certifier or material evaluation program
 - Example: a certifier reviews a fertilizer product and determines that it does not comply. The product label includes a logo that indicates it is approved for organic use by another organization.
 - Information must be submitted to NOP.Guidance@ams.usda.gov or your NOP Accreditation Manager

Policy Memo 11-4: Evaluation of Materials



- What types of reviews are impacted?
 - Reviews of brand name input products, including fertilizers, soil amendments, pesticides, livestock inputs, handling substances
 - Does not include organic products from certified operations

Policy Memo 11-4: Evaluation of Materials



- What is NOP's process?
 - Upon notification, NOP will contact the certifiers or material evaluation programs involved and request information
 - NOP will review responses from both parties and determine whether the regulations have been properly applied
 - NOP's decision is limited to the application of the USDA organic regulations

Policy Memo 11-4: Evaluation of Materials



- If the product does not comply:
 - NOP will notify the certifier or material evaluation program that it must rescind its approval of the product
 - NOP will communicate the determination to all certifiers and material evaluation programs with a timeline, if appropriate, for discontinuation of use by certified operations

Policy Memo 11-4: Evaluation of Materials



- What about previous use by operations?
 - A decision made by certifying agents and reputable third party sources about the status of a branded (formulated) product remains in effect until the NOP notifies all certifying agents and material evaluation programs about the status of a material under the regulations

Policy Memo 11-4: Evaluation of Materials



- What does not need to be reported to NOP?
 - Differences in interpretation between a certifier and its certified operations
 - Differences in interpretation between a certifier and an input manufacturer

Policy Memo 11-4: Evaluation of Materials



- Minimizing conflicting interpretations:
 - NOP is developing final guidance on classification and materials for organic crop production
 - If you are unsure whether a generic ingredient or input complies, contact your NOP Accreditation Manager before issuing approval
 - NOP has established a cross-divisional Materials Team to address gray areas, as needed

Policy Memo 11-4: Evaluation of Materials



- Example: Humic acid extraction
 - Question from material evaluation program on whether humic acid products can be extracted with ammonium hydroxide
 - The material evaluation program indicated these products were already allowed by others, but was unclear whether this use was allowed by the regulations
 - NOP issued Policy Memo 13-2 to clarify
 - No previously approved products were determined to be non-compliant

The Use of Natural Flavors



Can natural flavors be used for the purpose of “fragrance” in personal care products (e.g., body lotion)?

Answer – no; already covered in NOP policy memo.

- 7 CFR 205.605(a): “Flavors, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative”
- Policy memo on use of natural flavors in organic food: a flavor is permitted in organic food if from nonsynthetic sources, meets U.S. Food and Drug Administration definition at 21 CFR 101.22, and is not produced using synthetic solvents, carriers or preservatives.
- The FDA definition at 21 CFR 101.22(a)(3) applies only to flavors used in food.

The Use of Chlorine to Break Shell Eggs



Is a rinse required after use of chlorine to break shell eggs?

Answer – no; policy memo forthcoming.

- Egg products (i.e., eggs removed from their shells for processing at facilities called "breaker plants") are distinct from table eggs (eggs that are sold to consumer in the shell).
- 7 CFR 205.605(b): "Chlorine materials—disinfecting and sanitizing food contact surfaces, *Except*, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite). "
- NOP 5026 final guidance on use of chlorine materials clarifies that its use in organic handling, including eggs, must be followed by a rinse step.
- However, USDA Food Safety Inspection Service (FSIS) Egg Product regulations require the use of an approved sanitizer of not less than 100 ppm nor more than 200 ppm of available chlorine or its equivalent prior to the breaking of shell eggs (9 CFR 590.516(a)).