

Frequently Asked Questions About Organic Certification

What is Organic Production?

The NOP Regulations define organic production as a system that is managed in accordance with the United States Department of Agriculture (USDA) regulations to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources; promote ecological balance; and conserve biodiversity.

Organic products are produced **without the use of**:

1. Synthetic substances and ingredients, except for those listed in section 205.601 and section 205.603 of the NOP Regulations.
2. Natural substances that are prohibited in section 205.602 and section 205.604 of the NOP Regulations,
3. Nonorganic agricultural substances, except for those listed in section 205.606 of the NOP Regulations,
4. Excluded methods (genetically modified organisms), 5. Ionizing radiation, and
5. Sewage sludge.

What are the USDA National Organic Program (NOP) Regulations and the National Organic Program?

The NOP Regulations are the USDA's regulation to which all products sold, labeled, or represented in the United States as "organic" must comply. The NOP develops, implements, and administers national production, handling and labeling standards for organic agricultural products. The NOP also accredits third party certifying agents (foreign and domestic) to inspect and evaluate organic production and handling operations, and certify businesses that meet USDA standards.

How can I get a copy of the National Organic Program Regulations?

You may visit the USDA, NOP website www.ams.usda.gov/nop for complete copies or updates to the regulations.

What is the National Organic Standards Board?

The Organic Foods Production Act of 1990 authorized the U.S. Secretary of Agriculture to appoint a 15member National Organic Standards Board (NOSB). The board's main mission is to assist the Secretary in developing standards for substances to be used in organic production. The NOSB also advises the Secretary on other aspects of implementing the National Organic Program. The NOSB receives and reviews petitions from the public and industry, and makes recommendations to remove or add substances to the National List of allowed and prohibited substances. Those wishing to petition the NOSB or view past and current recommendations can visit www.ams.usda.gov/nosb

Does natural mean organic?

No. Natural and organic are not interchangeable. Other truthful claims, such as free-range, hormone-free and natural, can still appear on food labels.

Do I need to be certified?

Operations, or portions of operations (except those exempt or excluded), that produce or handle agricultural products intended to be sold, labeled, or represented in the U.S. as “100 percent organic,” “organic,” or “made with organic ingredients” must be certified by a USDA accredited certifying agency.

Is organic certification a requirement for my operation?

All producers and handlers of organic products must be certified, unless they meet the criteria to be exempt or excluded from certification under the NOP Regulations. Exempt or excluded producers and handlers may choose to obtain certification due to market demands, or to increase consumer confidence in their products. See §205.101(a) for current Exemptions, and §205.101(b) for current Exclusions.

How long does it take to get certified as an organic producer or handler?

The certification process takes an average of 90 - 120 days. Submitting an incomplete application packet will delay the certification process. Application packets should be submitted in time to allow for the inspection and review process. Organic crops may not be certified after they have been harvested, and organic processed products may not be certified after they have been processed and released.

What is the cost of certification?

The fees associated with organic certification are based on the type of certification requested and, for producers, the size and scope of the operation. The TDA Organic Certification fee schedules are outlined in the TDA Organic Rules and Regulations Packet, as well as within the application packets. Certification fees must be submitted annually.

How often do I have to update my application for certification?

Organic Certification is an annual process. To remain compliant, an operation must update its certification annually. An organic system plan and certification fee must be submitted every year. Renewal reminders are emailed to operation 45 days in advance of yearly anniversary date of certification. To avoid late fees, update documentation and certification fees must be post marked by the anniversary date of the operation.

What happens if I do not update my certification?

If an operation does not intend to update its organic certification, the responsible party must contact TDA and complete a ROR-625, Organic Certification Surrender Form and submit it to the Organic Certification Program. Failure to update or surrender an organic certification will result in TDA taking compliance action against your operation and may lead to suspension of your organic certification.

When are organic certificates updated?

Certified operations should be issued a new organic certificate each year. A new certificate must be issued when any information specified on the certificate has changed. These updated

certificates may be issued after reviewing the annual update or after the annual inspection is completed.

How often will my operation be inspected?

Per §205.406(b) The certifying agent must arrange and conduct an on-site inspection, pursuant to §205.403, of the certified operation at least once per calendar year. An inspector will contact the responsible party to schedule the initial or annual inspection. TDA is authorized to conduct additional inspections (both announced and unannounced) during the certification year to verify compliance with the NOP Regulations. Surveillance inspections of markets where organic products are sold may also be conducted to monitor compliance with the NOP Regulations.

Will samples of products be taken and tested? Is there an extra cost for testing?

The TDA Organic Certification Program may notify the inspector to collect a pesticide residue sample while conducting your on-site inspection. Samples may be collected during the initial and annual on-site inspection of production operations. These samples will be collected by the TDA inspector and analyzed for pesticide residues and other prohibited substances by a TDA authorized laboratory. A copy of each sample analysis will be sent to the applicant or certified operation. There is no fee to the applicant or certified operation for sample collection and analysis that was authorized by the TDA Organic Certification Program.

My buyer wants a pesticide residue sample taken and analyzed. What is this and how much does it cost?

A producer may contact TDA to request a pesticide residue sample be collected or request that a sample be collected at the time of inspection. However, if the TDA Organic Certification Program has not given the inspector prior authorization for sample collection, there will be a fee of \$250 per sample collected.

What happens if I don't show up at the agreed upon time for the annual inspection?

If the responsible party does not show up or cannot be reached at the agreed upon time, the inspection will end, and the inspector will leave the premises. A noncompliance will be issued to the applicant or licensee for failure to be present for the inspection (section 205.403(b)(2)). In order to resolve the noncompliance, the responsible party must attend the re-inspection and pay a \$400 re-inspection fee.

What happens if my farm or business practices are not in compliance with the NOP Regulations?

If TDA finds violations of the NOP regulations, a Notice of Noncompliance will be sent to your operation. The notice will state what the noncompliance is, what actions must be taken to correct the noncompliance, and the timeline you are given to submit any required information to TDA. If a reinspection is required to verify that the correct actions have been implemented, the applicant or licensee must pay a \$400.00 re-inspection fee. Failure to resolve all areas of noncompliance may result in the issuance of a Notice of Denial or Notice of Proposed Suspension.

Frequently Asked Questions About Organic Crop Production

Can I grow both organic and conventional crops on the same farm?

Yes. Operations with both organic and conventional crops are referred to as split operations. Adequate buffer zones and/or barriers must be in place to prevent the unintended application (i.e. spray drift) of a prohibited substance on an organic crop and procedures must be in place to prevent organic crops from being contaminated (i.e. cleaning procedure for equipment used for both conventional and organic production). Recordkeeping must clearly delineate between organic and conventional crops.

What are the requirements for using manure on organic crops?

Raw animal manure must be composted unless it is:

- Applied to land used for a crop not intended for human consumption;
- Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or
- Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles.

What are the requirements for composting manure?

- Establish an initial C: N ratio of between 25:1 and 40:1; and
- Maintain a temperature of between 131°F and 170°F for three days using an in-vessel or static aerated pile system; or
- Maintain a temperature of between 131°F and 170°F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times.

Can I spread green waste compost over my organic crop if I cannot verify that no prohibited materials have been applied to the green waste?

The compost may be acceptable for use in organic production provided that the green waste and green waste compost is (1) is not subject to any direct application or use of prohibited substances during the composting process, (2) that any residual pesticide levels do not contribute to the contamination of crops, soil or water and (3) made from approved feedstocks.

Approved feedstocks include:

- Plant and animal material such as manure, crop residues, lawn waste and food waste;
 - Nonsynthetic substances not prohibited in section 205.602 of the National List
 - Synthetic substances specifically allowed in section 205.601 of the National List
- Compost that is produced with prohibited feedstocks such as uria, sewage sludge, or recycled wallboard is prohibited. The NOP does not allow the use of compost that contains synthetic substances that are not allowed in the National List.

If I grow perennials, do I need to grow a cover crop?

Yes. For perennial cropping systems, grow cover crops in alleys, between rows or as hedgerows to introduce biological diversity in lieu of a crop rotation. Organic cover crop seed is required when commercially available.

Do I need to notify TDA if my organic system plan changes during the year?

The organic system plan should describe your plans for producing organic crops or livestock and include a list of all inputs you are planning to use. It is understood that environmental, economic, and other reasons can cause you to modify this plan as the year progresses. The NOP Regulations require that certified operations notify their certifying agent **before making any changes** to your organic system plan that could affect compliance.

Do I need to be a certified processor if I am currently certified as an organic producer?

Organic on-farm processor certification is required if you engage in changing an organic food into a different form or product. Processing includes, but is not limited to: canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, and slaughtering.

If you are processing organic products that are produced on your farm, you must apply for a handler certification. If you are processing organic products that are not produced on your farm, or you custom process for another farm or business, you must apply for a handler certification.

Frequently Asked Questions about Organic Livestock

Where are the organic livestock producer regulations located in the NOP Regulations?

- Origin of Livestock, section 205.236
- Livestock feed, section 205.237
- Livestock health care practice standard, section 205.238
- Livestock living conditions, section 205.239
- Pasture practice standard, section 205.240
- Labeling of livestock feed, section 205.306
- Approved and prohibited materials for health care, feed supplements, feed additives, or other purposes are listed in the National List (sections 205.603 and 205.604).

What are the requirements for different kinds of animals?

Slaughter Stock (beef, pork, lamb, etc.)

Feed: Requires 100 percent organic feed from the last third of gestation.

Antibiotics: Prohibited

Hormones: Prohibited

Vaccinations: Vaccinations and biologics for endemic disease are approved.

Living conditions: Requires year-round access to the outdoors. Organic pasture practice standards apply for ruminant livestock.

Poultry (meat and egg)

Feed: Requires 100 percent organic feed from day old chicks to slaughter or egg production. **Antibiotics:** Prohibited.

Hormones: Prohibited.

Vaccinations: Vaccinations and biologics for endemic disease are approved.

Living conditions: Requires year-round access to the outdoors and direct sunlight.

Breeder Stock

Feed: Requires 100 percent organic feed from the last third of gestation.

Antibiotics: After conversion antibiotics are prohibited from the last third of gestation.

Hormones: Oxytocin allowed for postpartum therapeutic use. After conversion hormones are prohibited from the last third of gestation.

Vaccinations: Vaccinations and biologics for endemic disease are approved.

Living conditions: Requires year-round access to the outdoors. Organic pasture practice standards apply for ruminant livestock.

Dairy Whole Herd Conversion

Feed: Herds converting to organic require 100 percent organic feed for 12 months prior to selling milk as organic. Pasture and feed crops that are on the same dairy farm and are in their third year of transition to organic may also be used during the dairy herd's conversion year.

Antibiotics: Prohibited for one year prior to milking during conversion. After conversion antibiotics are prohibited.

Hormones: Prohibited for one year prior to milking during conversion, except for oxytocin for postpartum therapeutic use. After conversion hormones are prohibited.

Vaccinations: Vaccinations and biologics for endemic disease are approved.

Living conditions: Requires year-round access to the outdoors. Organic pasture practice standards apply.

Frequently Asked Questions About Organic Handling

What is an organic Handler?

A handling operation is an operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that receives or otherwise acquires agricultural products and processes, packages or stores such products.

What is an organic Distributor?

An organic distributor is someone who sells, stores, brokers, distributes, packs, or labels organic products without changing the physical or chemical composition of the product. Distributors of organic products must maintain the identity of organic food and prevent contamination with prohibited substances. Organic products are identical in appearance to nonorganic products; therefore, all labels and documents must clearly identify the product as organic. Distributors of organic products must demonstrate that they have procedures in place to maintain the identity and segregation of organic products at all times.

What is an organic Processor?

An organic processor is someone who engages in canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering, or otherwise processing of organic food products. Processed organic products contain organically

grown ingredients and do not contain artificially derived preservatives, colorings, flavorings, or other artificial additives. Processed organic products that have both organic and nonorganic ingredients have specific labeling restrictions on the use of the term “organic.”

What is an organic Retailer?

A retail food establishment is a restaurant; delicatessen; bakery; grocery store; or any retail outlet with an in-store restaurant, delicatessen, bakery, salad bar, or other eat-in or carry-out service of processed or prepared raw and ready-to-eat-food.

How do I determine what input substances are approved for use with organic products?

Post-Harvest Materials – A post-harvest material is a substance that is used on a raw organic crop prior to packaging or processing of the crop. Examples of post-harvest materials include food contact sanitizers, waxes and sprouting inhibitors. In order to use a post-harvest material directly on an organic crop product, the material must be an approved natural product or must be listed in section 205.601 of the NOP Regulations and used in accordance with any noted annotations.

Ingredients – Organically labeled products must contain organically certified ingredients. However, depending on the labeling claims that you wish to make, there may be an allowance for some approved minor nonorganic ingredients in your product. Refer to the Organic Labeling and Product Composition Requirements in section 2 for more details on the different labeling categories and the requirements of each.

Processing Aid – According to the NOP Regulations, a processing aid is defined as (a) substance that is added to a food during processing, but is removed in some manner from the food before it is packaged in its finished form; (b) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and (c) a substance that is added to a food for its technical or functional effect in the processing, but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food. Examples of processing aids include defoamers, enzymes or filters.

- To use a processing aid with a product labeled as “100% organic” the aid must be certified organic.
- To use a processing aid with an organic product labeled as “organic,” or “made with organic (specific ingredients or good groups),” the aid must be an approved agricultural product or must be listed in section 205.605 of the National List.

Pest Control – The NOP Regulations require a certified operation to implement management practices to prevent pests. These preventative practices include the removal of pest habitat, food sources and breeding areas, good sanitation, sealed doors and windows, air curtains and prevention of access to the facility. Environmental factors such as temperature, light, humidity, atmosphere and air circulation may be used to prevent pests. Control of pests may also be accomplished by mechanical or physical controls including, but not limited to, traps, light, sound or lures and repellants that use organically approved substances.

If these measures are not effective, a synthetic substance that does not appear on the National List may be used, provided TDA approves the use of the substance, method of application and measures taken to prevent contact with ingredients or organic products. Use of pest control products must be documented and included as part of your Organic System Plan.

What kind of documentation is needed to demonstrate that a noncertified substance used during the processing of an organic product complies with the NOP Regulations?

Documentation must be on file and must be submitted to the TDA, Organic Certification Program for all inputs used during the handling or processing of organic products. This documentation must include enough information to determine if the input substance complies with the NOP Regulations and any noted annotations.

If using a substance that has been registered and approved by the Organic Materials Review Institute (OMRI), or by the Washington State Dept. of Agriculture, Material Registration Program (or other recognized entity), a copy of the registration certificate should be maintained. For other input materials, full disclosure of the product's composition is required. This disclosure may be provided in the form of a complete listing of ingredients, technical data sheets from the manufacturer, material safety data sheets or a copy of the product's label. Additional statements or information from your supplier may also be needed on the manufacturing process of the substance to ensure it meets noted annotations outlined in the sections 205.601, 205.605, or 205.606.

In order to use a nonorganic minor ingredient in an organic product, verification must be obtained that the ingredient has been produced without the use of excluded methods (GMOs), ionizing radiation and sewage sludge. Verification that no GMOs were used in the production of certain nonagricultural ingredients or processing aids may also be required.

What kind of cleaning products can I use on my equipment and food contact surfaces? The NOP regulations do not contain an approved list of cleansers and sanitizers that may be used on food contact surfaces. Organic handlers and processors should follow all appropriate and mandated food safety protocols and FDA regulations regarding cleaning and sanitizing equipment and food contact surfaces.

The NOP Regulations do require that handling practices and procedures prevent contamination of organic products, including from the use of cleansers and sanitizers. Depending on the products you use, intervening steps are often required to ensure residues of materials are not present. These steps may include a potable water rinse, complete evaporation of the substance prior to processing, purging of equipment with organic products that will be sold as conventional, or even routine residue testing by your operation. Your procedures for cleaning and sanitizing food contact surfaces must be included in your Organic System Plan, and the implementation of your procedures before and during organic handling or processing must be documented. During your application review and inspection, TDA staff will evaluate the procedures you have in place around the use of equipment cleansers and sanitizers.

Can I use the same equipment and containers for both organic and conventional products?

Yes. The NOP Regulations do not require certified operations to have designated equipment for organic products. The same equipment and containers may be used, provided adequate steps are taken to: (1) prevent any commingling of organic and nonorganic products, and (2) prevent any contamination of organic products with prohibited substances. The cleaning of all equipment between conventional and organic product handling and processing can ensure the protection of organic products. Reusable bags or containers that have been in contact with prohibited substance cannot be used unless the bag or container has been thoroughly cleaned and presents no risk of contamination.

How do I add a new product to my existing certification?

TDA certified organic distributors and processors are welcome to submit new products for review at any time. To add a new product to your certification, or request the approval of a revised product, please submit the following:

- Distributors/Brokers: The ROR-605 Handler Organic System Plan must be submitted with the applicable sections updated, which should include Section R Supplier Summary, Parts 1 and 2. This information must be submitted and approved for the product to be added to your organic certificate.
- Processors: A product formulation, label, organic certificates for all organic ingredients, and information regarding any nonorganic ingredient and/or processing aid, must be submitted and approved in order for the new product to be added to your organic certificate. Also, the applicable ROR-605 Handler Organic System Plan must be submitted with the applicable sections updated. Payment for new products can be submitted using the ROR-601.

Do I need to notify TDA if my Organic System Plan changes before the annual update period?

Yes. The Organic System Plan should describe your plans for distributing or processing organic products and include a list of all input materials you plan to use. It is understood that environmental, economic, and other reasons can cause you to modify this plan as the year progresses. The NOP Regulations require that certified operations notify their certifying agent prior to making any changes that could affect the integrity of organic products. The following must be submitted to make changes to your Organic System Plan:

- All Handlers: ROR-605 Handler Organic System Plan, with all applicable sections completed to indicate all changes to the Organic System Plan.

I have a contract to pack an organic product with a label that is owned by another business. Is it correct that this product and label are my customer's responsibility to ensure they have been approved for compliance?

The NOP Regulations require all operations that sell, label or represent products as "organic" to be certified, and requires all information on the compliance of an organic product and label to be approved by the certifier of the operation. Even if you do not own the organic product being handled by your operation, you are taking responsibility for the compliance of the claims being made on the product. If you are handling, processing, or repacking a product for another company (a private label) you must submit the information to the TDA, Organic Certification

Program for review prior to the handling of the product. This is true even if you are contracting with a company that is also certified by TDA. Your file and certification is not connected to any other operation; if your contractor provides you with new organic labels, those labels need to be submitted and approved specifically for your operation and as a part of your certification. Also, if your company is using a label that lists a certification agency other than TDA, a copy of the Organic Certificate corresponding to the agency on the label must be submitted.

Are Brokerages required to be certified?

Yes.

What are the requirements for Brokerage Certification?

Brokerages must comply with the handling requirements outlined in the NOP Regulations. These requirements include, but are not limited to, the following:

- Brokerages must submit an application packet
- Records must be maintained that verify the organic status of the products handled by the operation as well as records that disclose all activities and transactions of the operation in regard to organic products
- Procedures must be in place to ensure that no commingling or misidentification occurs between organic products and nonorganic product records handled by the operation
- Custom marketing labels for all organic food products must be submitted and approved prior to obtaining organic certification.

Are retail stores that sell organic products required to be certified?

According to section 205.101(a) of the NOP Regulations, retail food establishments are not exempt.

What are the requirements for retail store certification?

Retailers must comply with the handling requirements outlined in the NOP Regulations including, but not limited to, the following:

- Retailers must submit an application packet;
- Procedures must be in place to ensure that no commingling or misidentification occurs between organic products and nonorganic products;
- Prohibited substances used within the facility must not come in contact with or contaminate the organic food products;
- If applicable, labels or menus making organic claims must be submitted and approved prior to obtaining organic certification.

How are the requirements for Retail certification different than those of county health departments?

Retailers should follow all appropriate and mandated food safety protocols and FDA regulations regarding cleaning and sanitizing equipment and food contact substances. Substances used as cleaners or sanitizers must be outlined in your Organic System Plan and adequate steps must be taken to eliminate the risk of contamination of the organic product (i.e., potable water rinse).