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Historic US - Canadian Organic Standards Equivalency Agreement Reached

On July 1, 2009 the Canadian Organic Regime (COR) became effective for organic products sold in Canada. The WSDA Organic Program was one of the first US agencies to receive voluntary accreditation in accordance with the new organic standards. In December 2008 WSDA revised our International Certification Program to include the requirements of the Canadian Organic Standards. These steps were put in place to ensure continued market access for Washington organic products after the June 30, 2009 implementation date of the new Canada regulation.

However, as the implementation day approached, changes occurred that positively affect most US organic operations. On June 18, 2009 USDA and the Canadian Food Inspection Agency (CFIA) signed an agreement that recognizes each country's organic standards as equivalent. This historic agreement, the first of its kind for the US, promises to benefit US and Canadian producers, processors and consumers.



Under this equivalency agreement any raw agricultural products grown without sodium ("Chilean") nitrate after July 1, 2009 and processed products that are certified to the USDA National Organic Standards, are not required to obtain additional Canadian certification. Likewise, Canadian organic products certified to the Canadian Organic Standards may be sold or labeled in the United States as organically produced, provided antibiotics were not used to treat animals producing organic meat and dairy products. Both the USDA Organic seal and the Canada Organic Biologique logo (seen above) may be used on certified products from both countries, in addition to the certifier's logo.

US-Canada Equivalency Requirements

Farm/Grower Requirements for Export to Canada:

- Certification in accordance with the USDA National Organic Standards must be in place in addition to no use of Sodium Nitrate after July 1, 2009.

New Organic Research Committee Formed in NW Washington

The Northwest Agricultural Research Foundation (NARF) recently established a committee to focus on organic research and education within the five northwest counties of Washington: Island, San Juan, Skagit, Snohomish and Whatcom. The committee is tasked with raising funds for organic research in support of organic producers in the area, making recommendations to the NARF Board on research grant requests and providing a link between producers, researchers and educators. The committee is composed of growers, ranchers, WSDA, WSU and industry representatives from within the five counties.

For over 60 years NARF has worked to facilitate a strong working relationship between the local agricultural community and researchers at WSU. The foundation has financially supported a wide range of research and capital projects at WSU. Each year grants are made toward specific research projects targeting areas of concern to the agricultural community.

The committee welcomes comments from growers on the direction and priority for research and education projects in crop and animal production, marketing, economics, and social science.

Most of the outcomes from funded projects have the potential to impact producers outside of the five county region given that many of the problems confronting producers are similar throughout western Washington. Results of projects are published in the NARF annual report and are shared at various meetings around the region. Funds from NARF are typically matched with federal or state monies to extend the capacity of a research project.

The organic committee is looking for producer and industry donations to help establish an organic grant funding program within NARF. Funds will be utilized to support research and education projects aimed at helping local producers resolve production problems. Donations in support of organic agriculture can be made to NARF, Attn. Ken Christianson (Sect/Treas), PO Box 194, Mount Vernon, WA 98273. All donations are tax deductible and should be identified for use in organic research.

For additional information or questions contact Alec McErlich at Small Planet Foods, (360) 855-2726.



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Mission Statement

The WSDA Organic Food Program protects consumers and supports the organic food industry by ensuring the integrity of organic food products. The program certifies organic producers and handlers to US National Organic Standards and enforces organic standards in Washington State. The program supports the development of export markets by providing certification to international organic standards.

US-Canada Equivalency cont'd from p. 1

- WSDA certified operations must be prepared to demonstrate through their production records that organic raw agriculture products sold in Canada meet this requirement. The equivalency agreement includes provisions to allow CFIA to conduct audits and other verifications to ensure compliance. At this time, this restriction does not apply to products or ingredients used in processed goods.

Handler/Processor Requirements for Export to Canada:

- Handlers, brokers, or traders selling organic raw agricultural products to Canada are required to ensure that these crops were grown without sodium nitrate after July 1, 2009.
- WSDA handlers may demonstrate compliance of raw produce through affirmations or certificates signed by their raw produce supplier's organic certifier. At this time, this requirement does not apply to products or ingredients in processed goods.

Labeling Requirements for Export to Canada:

- Products certified by WSDA, or by another US certification agency, as "organic" (containing 95% or more organic ingredients) and meeting the US-Canada Equivalency requirements may use either the USDA or Canadian Organic Regime (COR) seal beginning July 1, 2009.
- The COR Seal may not be used on any products in the marketplace prior to July 1, 2009.
- Products from the US or other countries using the COR seal must include a country of origin statement or the word "imported" in close proximity to the seal.
- Use of the COR, USDA, or WSDA seal is optional.
- All organic products must include the phrase "Certified organic by Washington State Department of Agriculture" on the package.

How does this change affect your certification?***For operations currently enrolled in the WSDA International Organic Program:***

Operations who have already received certification by WSDA to the Canadian Organic Regime meet both the requirements of the US – Canada Equivalency Agreement and the full Canadian Organic Standards and do not need to take further action at this time.

Operations that have applied for International certification by WSDA will continue to be evaluated during the inspection and certification processes for compliance with international standards. WSDA will grant an affirmation that verifies compliance to all organic products that are eligible under the US - Canada Equivalency agreement. If applicable, full certification under the Canadian Organic Regime may also be obtained on a site-by-site basis for the sites and crops meeting the full requirements of the Canadian Organic Standards.

For operations not currently enrolled in the WSDA International Organic Program:

If your raw agricultural products are shipped to Canada (and not to the European Union), and you have already obtained US Organic Certification, you may request an affirmation from our office that verifies compliance with the US – Canada Equivalency Agreement provided the requirements noted above have been met.

Further Information:

- The WSDA Organic Food Program website contains information on exporting organic products <http://agr.wa.gov/FoodAnimal/Organic/>. Or feel free to contact Brenda Book at (360) 902-2090, email: bbook@agr.wa.gov.

US-Canada Equivalency cont'd from p. 3

- The USDA National Organic Program website contains further information on the historic equivalency agreement.
<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=NationalOrganicProgram&page=USCanadaDeterminationofEquivalency&leftNav=NationalOrganicProgram&description=US-Canada%20Determination%20of%20Equivalency&acct=nopgeninfo>
- The Canadian Food Inspection Agency website has information on new Canadian Organic Standards and enforcement of the new regulation.
<http://www.inspection.gc.ca/English/fssa/orgbio/orgbioe.shtml>
- The Organic Trade Association has been working to keep the US market informed regarding the new Canada Organic Standards. The Association facilitated a Canada-US equivalency task force which WSDA has been a part of throughout the development of an equivalency agreement.
<http://www.ota.com/index.html>

NRCS Cross Training

In a brand new type of collaboration, four trainings were scheduled to bring together professionals from the organic certification and conservation planning worlds. The Tri-State Organic Certification and Conservation Cross-Trainings have brought together folks from Oregon Tilth, the WSDA Organic Program and Natural Resources Conservation Service (NRCS) to discuss similar goals and share important resources. The first of the four trainings was held in April with a focus on dairies. The second, in June, focused on dry land wheat production. Two more are scheduled with an emphasis on orchards and mixed vegetable production. Training consisted of both classroom and field work.

Organic professionals were introduced to some of the tools used by NRCS planners, including wildlife habitat evaluations, soil surveys, and the Revised Soil Loss Equation (RUSLE) program. NRCS employees learned about the process and requirements for organic certification. Similar concerns between the programs include erosion control, tillage practices, cover cropping, biodiversity preservation and soil quality.

Certified organic producers spoke to the group about their experiences working through the certification and conservation process, providing first hand accounts of their challenges and successes.

It is hoped that these cross trainings will broaden the perceptions and cooperation of both organic and resource conservation employees, who will in turn provide a wider array of knowledge to the producers they serve.



At left: WSDA Organic Field Inspector Michael Hackett and National Center for Appropriate Technology (NCAT) staff member Rex Dufour take a look at a soil sample.

Washington State Producers Access Organic Initiative Funds

The 2008 Farm Bill provided funding specifically targeted to help organic and transitional farmers. In Washington State, more than \$1 million was made available through the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP).

The Washington State NRCS office alerted producers in mid-May about this funding opportunity through a direct mailing to organic and transitional producers certified by WSDA. Even though there was a tiny window to apply (application deadline was May 29th), Dave Brown, NRCS Assistant State Conservationist, reported that they had 78 certified organic operations and 32 transitional operations apply for funding during the May application period.

NRCS EQIP Financial Assistance

Applicants may receive financial assistance to implement six core conservation practices designed to improve natural resource conditions:

- Crop rotation
- Cover crop
- Nutrient management
- Pest management
- Prescribed grazing
- Forage harvest management

In addition to the six core practices, there are more than 20 additional practices that can qualify through this initiative in Washington. Farmers may receive up to \$20,000/year with a maximum of \$80,000 over a six-year period.

NRCS EQIP Conservation Planning Assistance

Applicants may receive technical assistance from NRCS conservationists to develop a conservation plan based on the goals of each producer. Conservation goals are highly individual and may include transitioning to organic agriculture, boosting pollinator populations, increasing biodiversity through soil-borne organisms, enhancing water quality, controlling invasive species and many other resource-enhancing possibilities.

It's not too late to get assistance through the NRCS EQIP!

If you missed this round for the NRCS EQIP organic initiative, you may still qualify for the standard NRCS EQIP assistance, for which all producers—conventional, transitional and organic—may compete. The ranking cut-off date for fiscal year 2010 funding has been extended to mid-August. Producers will need to have a signed application on file with NRCS by August 14, 2009. Contact the USDA Service Center in your area. To learn more about Washington State NRCS programs, visit www.wa.nrcs.usda.gov.

**Brand Name Material
List Update
July 1, 2009**

This list is to be used as an addendum to the Brand Name Material List. All materials listed below are approved as of July 1, 2009. You may access a complete updated Brand Name Materials List at the WSDA Organic Food Program website: <http://agr.wa.gov/foodanimal/organic/default.htm>.

Product Name	Company	Sub-Type	Type	Annotations	Int'l Stds
Actinovate AG	Natural Industries, Inc.	Microbial Product	D & PC	Label Use Only	C, E, J
Amazing Organic Dry Fertilizer	James R. Brackins dba Pacific Gro, LLC	Blended	F & SA	None	
Amazing Organic Fertilizer Spikes	James R. Brackins dba Pacific Gro, LLC	Blended	F & SA	None	
C.A.L.F.A.	P.B.T., Inc. dba Plant BioTech, Inc.	Chelating Agent	CPA	Label Use Only	
Creation Organics Garden Mix	Wright Brothers Inv., Inc. dba Creations Organics	Worm Castings	F & SA	Contains raw manure. Must be used in compliance with NOP	
Creation Organics Potting Soil	Wright Brothers Inv., Inc. dba Creations Organics	Potting Soil	F & SA	Contains raw manure. Must be used in compliance with NOP	
Cyto-Kelp	KWS Distributing	Kelp Extract	F & SA	None	
Flyin' Hi N 11-0-0 Poultry Meal	Cascade Distributing Company	Poultry Meal	F & SA	None	E, J
GALLTROL-A	AgBioChem, Inc.	Microbial Product	D & PC	Label Use Only	
Grow Getter	Westbridge Agricultural Products	Liquid Fertilizer	F & SA	Soil deficiency must be documented by testing	
Guardian Force™ Alive Organic Plant Food	Crop Input Systems, Inc.	Liquid Fertilizer	F & SA	None	
H.S.E. Compost	Hansen Soil Enhancements	Compost	F & SA	None	C, E, J
High Tide for Organic Growing	Baicor, L.C.	Liquid Fertilizer	F & SA	None	
Humega	BioFlora Systems	Humic Acid	F & SA	None	
Mega Green Organic Concentrated Lawn & Garden Fertilizer	Hydrolsate Company of America LLC	Fish Product	F & SA	None	C, J
MultiBloom Organic All Purpose Fish Fertilizer 2-2-2	Hydrolsate Company of America LLC	Fish Product	F & SA	None	C, J

BNML cont'd from p. 6

Product Name	Company	Sub-Type	Type	Annotations	Int'l Stds
Nature's Balance Organic Liquid Fish Fertilizer Formula 2-1-1 Plus	Oxywave Environmental Services, Inc.	Fish Product	F & SA	None	
Neemazad 1% EC	Certis USA, L.L.C.	Neem	D & PC	Label Use Only	
Ocean Harvest+	Soil Spray Aid, Inc.	Liquid Fertilizer	F & SA	None	
Organic Alkaline Wash	CH2O, Inc.	Fruit & Vegetable	P & H	Label Use Only	
Organic BioLink Humic Acid	Westbridge Agricultural Products	Humic Acid	F & SA	None	
Organic BioLink Iron Fertilizer 6% Fe	Westbridge Agricultural Products	Chelated Fertilizer	F & SA	Soil deficiency must be documented by testing	E, J
Organic BioLink Seaweed-29	Westbridge Agricultural Products	Kelp Extract	F & SA	None	
Organic Fish	James R. Brackins dba Pacific Gro, LLC	Blended	F & SA	None	
Organic Natural Aragonite Sand	U.S. Mineral Transport and Trading Co. L.L.C.	Sand	F & SA	None	
Organique Exquis 3-1-1	B.W.F. Banducci Inc.	Fish Product	F & SA	None	
Plant-X Bio-SB	Source To Source	Plant Extract	F & SA	Soil deficiency must be documented by testing	
PrimaFresh 60-ORG	Pace International, LLC	Fruit & Vegetable	P & H	Label Use Only	
ProNatural Dry 10-1-0	Wilbur-Ellis Co.	Blended Fertilizer	F & SA	None	
ProNatural Dry 7-5-7	Wilbur-Ellis Co.	Blended Fertilizer	F & SA	None	
ProNatural Dry Soil Stimulant 5-3-0	Wilbur-Ellis Co.	Blended Fertilizer	F & SA	None	
Secure Organics 4-1-1	B.W.F. Banducci Inc.	Fish Product	F & SA	None	
T-BIND	Biotech Development Company, Inc.	Mineral	LPA	None	

Please see Withdrawn Products on p. 8

Withdrawn Products

All materials listed below have been withdrawn from the Brand Name Material List as of July 1, 2009. If you are unable to demonstrate that the materials listed below meet the National Organic Standards through other methods (i.e. OMRI or EPA approval), you must discontinue use immediately. The use of unapproved materials may result in compliance actions against organic and/or transitional certification. You may access a complete updated Brand Name Materials List at the WSDA Organic Food Program website: <http://agr.wa.gov/foodanimal/organic/default.htm>.

Product Name	Company	Sub-Type	Type
Barefoot Soil Organic Potting Blend with Earthworm Castings	Yelm Earthworm & Castings Farm	Potting Soil	F & SA
Boron PolyAmine	Northwest Agricultural Products	Chelated Fertilizer	F & SA
CALPHOS 0-3-0	North Pacific Ag Products	Rock Phosphate	F & SA
Champion Wettable Powder	Nufarm America Inc. AGT Division	Copper Hydroxide	D & PC
Creation Organics American Peat Moss	Wright Brothers Inv., Inc. dba Creations Organics	Peat Moss	F & SA
Creation Organics Garden Mix	Wright Brothers Inv., Inc. dba Creations Organics	Worm Castings	F & SA
Creation Organics Potting Soil	Wright Brothers Inv., Inc. dba Creations Organics	Potting Soil	F & SA
Diatect V	Diatect International	Insecticide	D & PC
Down to Earth Liquid Fish & Kelp 3-2-2	Down To Earth Distributors, Inc.	Liquid Fertilizer	F & SA
Eco-Hydro Fish (4-2-2)	Eco-Nutrients, Inc.	Fish Product	F & SA
Faith Dairy Compost	Faith Dairy, Inc.	Compost	F & SA
Fishilizer	Port Organic Products Ltd.	Fish Product	F & SA
Fishilizer Plus K	Port Organic Products Ltd.	Fish Product	F & SA
FOAM BLAST® ORGANIC 16	Emerald Foam Control LLC	Defoamer	P & H
GreenMatch O Burndown Herbicide	Cutting Edge Formulations	Herbicide	D & PC
Hi-Crop Organic Fertilizer 3-2-2	Classic Hi-Crop Organic Fertilizer, Inc.	Fish Product	F & SA
HumaPhos	Midwestern Bio-Ag Products & Service	Humic Acid	F & SA
IAP 440 All Purpose Spray Oil	Independent Agribusiness Professionals	Horticultural Oil	D & PC
IAP Organic Spray Oil	Independent Agribusiness Professionals	Horticultural Oil	D & PC
Isomate - M 100	Pacific Biocontrol Corporation	Pheromone	D & PC
K C "Orgalizer" 1-1-2	K C Technology Inc.	Liquid Fertilizer	F & SA
Lighthouse Steamed Bone Meal 2-20-0	Wilbur Ellis Co.	Bone Meal	F & SA
Marizyme	Port Organic Products Ltd.	Fish Product	F & SA
Marizyme Birdilizer	Port Organic Products, Ltd.	Guano	F & SA
Marizyme Plus K	Port Organic Products Ltd.	Fish Product	F & SA
MicroTech Boron 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
MicroTech Calcium 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
MicroTech Copper 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
MicroTech Crop Mix 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA

Withdrawn Products cont'd on p. 9

Withdrawn Products cont'd from p. 8

Product Name	Company	Sub-Type	Type
MicroTech Iron 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
MicroTech Magnesium 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
MicroTech Manganese 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
MicroTech Zinc 2-0-0	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
Nalco® 315 FG	Nalco Company	Defoamer	P & H
Natural Foam 10	HDH Agri Products, LLC	Fruit & Vegetable Wash	P & H
Nu Cop 50 WP	Albaugh, Inc.	Copper Hydroxide	D & PC
NUE Premium Boron 4%	Bio-Gro, Inc.	Boron	F & SA
NUE Premium Copper 5%	Bio-Gro, Inc.	Copper Sulfate	F & SA
NUE Premium Iron 5%	Bio-Gro, Inc.	Iron Sulfate	F & SA
NUE Premium Magnesium 4%	Bio-Gro, Inc.	Magnesium Sulfate	F & SA
NUE Premium Manganese 5%	Bio-Gro, Inc.	Manganese Sulfate	F & SA
NUE Premium Zinc 7%	Bio-Gro, Inc.	Zinc Sulfate	F & SA
NuFilm 17	Miller Chemical & Fertilizer Corp.	Spray Adjuvant	D & PC
Ocean Gold	Algro Farms	Spray Adjuvant - Sticker/Spreader	F & SA
Organic BioLink 5-5-5 Fertilizer	Westbridge Agricultural Products	Blended Fertilizer	F & SA
PAR 4 3-3-2 Crumbled Poultry Compost	North Pacific Ag Products	Processed Manure	F & SA
PAR 4 3-3-2 Pelletized Poultry Compost	North Pacific Ag Products	Processed Manure	F & SA
Phyto-Plus Micro-Plenty	Baicor, L.C.	Chelated Fertilizer	F & SA
Planters II	Algro Farms	Trace Mineral Fertilizer	F & SA
ProGibb Plus 2X	Valent BioSciences Corporation	Growth Regulator	CPA
ProNatural Boron 5%	Wilbur Ellis Co.	Boron	F & SA
Quintox Rat & Mouse Bait	Bell Laboratories	Rodenticide - Vitamin D3	D & PC
Ruffin-Tuff Copper 5-G Organic	RSA MicroTech, LLC	Copper Sulfate	F & SA
Ruffin-Tuff Crop Mix I Organic	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
Ruffin-Tuff Crop Mix II Organic	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
Ruffin-Tuff Iron 10-G Organic	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
Ruffin-Tuff Manganese 8-G Organic	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
Ruffin-Tuff Zinc 10-G Organic	RSA MicroTech, LLC	Chelated Fertilizer	F & SA
Wonder Grow	Bio Implementation Group Inc.	Foliar Fertilizer	F & SA
Yeoman brand OR-Stick	Northwest Agricultural Products	Spray Adjuvant	D & PC



Materials Reminder – Verify Before You Use!

Producers, processors and handlers certified by the Organic Food Program can use materials that are listed on the WSDA Brand Name Registration List or the OMRI Products List.

The WSDA Brand Name Material List is updated throughout the year as new products are approved and other products are withdrawn. There are many reasons products may be removed from the WSDA Brand Name Materials List or OMRI list mid-season. Producers are reminded to verify that a product's registration is current before use, even if the label uses the WSDA or OMRI logo. The most up-to-date WSDA Brand Name Material List of registered and withdrawn products is available online at <http://www.agr.wa.gov/FoodAnimal/Organic/MaterialsLists.aspx>. The most current OMRI Products List can be found at http://www.omri.org/OMRI_products_list.php.

Once a product has withdrawn from the WSDA or OMRI list, its use is no longer allowed unless the grower can demonstrate that the product still complies with the USDA National Organic Standards. Purchase of the product before it was withdrawn does not satisfy this requirement.

Only products with a current WSDA registration are authorized to use the WSDA logo. If you suspect a product is using the logo without a current registration, please report this information to the WSDA Organic Food Program. If you suspect a product is using the OMRI logo without a listing, please double check the OMRI website prior to using the product.



USDA Looks to Integrate Organic Across Departments

In a recent message to attendees of the third annual Organic Summit, Deputy USDA Secretary Kathleen Merrigan pledged that organic will be integrated across all agencies at USDA. Delivering pre-recorded comments, Merrigan stated that, "here is where I'd like to fulfill a promise I made to many of you...and that is, organic should be integrated across all the agencies, not just the NOP, but each and every part of USDA should have some engagement with the organic sector." In addition to the integration, Merrigan said, "Organic can no longer be stove-piped at USDA"

The Deputy Secretary provided an overview of the organic policy trajectory at USDA, which included the organic provisions in the 2008 Farm Bill. Merrigan also praised the Organic Farming Research Foundation (OFRF) for its work in garnering strong support for organic from "both sides of the aisle." She also noted the importance of the Organic Production Survey, the first ever wide-scale survey of organic farming in the United States. "This kind of data will help us do more at USDA and help us in conversations with members of Congress to talk about the organic need," said Merrigan. Information from the survey will be used to shape policy and priorities. A particular focus will be helping small organic producers grow their operations into mid-sized farms and ranches. The survey has closed and results are to be published in 2010.

Next on the horizon for the National Organic Program (NOP) is an era of strong enforcement, said Merrigan. Referring to the roots of the NOP in 1989, Merrigan expressed the need to match the rules of the NOP to ensure compliance. "We spent a lot of time developing standards, and now let's make sure they have the teeth and that they are followed and adhered to," said Merrigan.

Protecting Organic Integrity and Enforcing Organic Standards

Presented by Miles McEvoy, Organic Program Manager, at the Organic Summit, Skamania, Washington, June 2009

Consumers buy organic food products because they believe that organic products are better for their personal health, protect the environment and support family farms. Consumers have confidence in organic products because they trust the organic certification process. They trust that the organic products they purchase have been produced and handled according to the National Organic Standards. The continued success of the organic food industry depends upon protecting organic integrity and enforcing organic standards. Recent problems with liquid fish fertilizers have highlighted some of the challenges involved in verifying organic claims. This presentation reviews how organic certification protects organic integrity and recommends changes that would strengthen the integrity of organic food products.

I have worked for the Washington State Department of Agriculture (WSDA) Organic Food Program for more than 20 years. During this time, I have done many inspections, conducted investigations and been involved in many compliance issues. From my perspective the organic certification process is a robust system that verifies that organic producers and handlers comply with organic standards. The certification process ensures that organic products are properly labeled. The implementation of the USDA National Organic Program (NOP) in 2002 has led to greater consistency in organic standards. The NOP accreditation program has improved the quality of the certification process.

Organic Certification

The core element of the certification process is the Organic System Plan. The Organic System Plan covers all aspects of organic production and handling including seeds, transplants, soil management, pest management, crop rotation, natural resource conservation, record keeping, materials, harvest, transportation, processing, labeling, and prevention of contamination or commingling. The Organic System Plan is evaluated by Certification Specialists for completeness. Organic Inspectors review the Organic System Plan to evaluate the organic producer's or handler's operation. Inspectors also evaluate boundaries and borders. Is there any risk from adjoining land use or risk of contamination from pesticide drift? Are buffers adequate to prevent contamination? The inspector reviews application records and storage areas to evaluate materials used. Are materials compliant with the National List and are they used in compliance with the soil fertility and crop nutrient practice standard? Inspections of handlers and processors involve evaluating the ability of a handler to segregate organic from non-organic products, organic labels, records, product identification and pest management.

Audits

Conducting a thorough audit is a critical component of the inspection process. Records must fully disclose all activities as to be readily understood and audited. Audits include:

- Back track audits – tracking back to the ingredients from a finished product
- Product in/product out audits – evaluating whether adequate organic products were used to justify the amount of final organic product produced
- Reconciliation audits – determining whether the organic sales can be reconciled with harvest records, receiving records and production capacity.

It is fairly common to find violations during the audit. Most violations are minor recordkeeping problems that are correctable. Common violations include inadequate records, unavailability of records, missing records, or incomplete records. Audits also occasionally identify more significant issues such as the inability to reconcile production capacity with sales or selling non-certified products as organic.

Protecting Organic Integrity cont'd from p. 11

Surveillance Inspections

Surveillance inspections are unannounced inspections to evaluate compliance with organic standards. WSDA conducts surveillance inspections of certified operations to verify that no prohibited materials are being used and that organic products are properly identified during harvest and handling. Surveillance inspections of organic farms are important to conduct at all times of the year in order to evaluate soil management, pest control practices and harvest procedures.

WSDA also conducts marketplace surveillance inspections. These inspections are an opportunity to evaluate organic labels and organic claims at retail stores and farmers markets. Are certified operations only selling organic products that they are certified for or are they selling other growers' products? Organic labels may be found that are from operations that are exempt or excluded from certification. These labels must be evaluated to determine whether the claims are valid and whether the operation is indeed exempt or excluded from certification requirements.

Sampling and Testing

The USDA National Organic Program provides authority for certifiers to collect and analyze samples for prohibited substances or excluded methods (Genetically Modified Organisms). If residues are found, certifiers must determine why the residues are present. There can be many factors of why the residues were detected. Residues can be present due to the past use of organochlorines (DDT, chlordane, dieldrin). Organochlorine residues are persistent especially in soils with high organic matter. Certain crops such as potatoes and cucurbits have a propensity for picking up organochlorine residues from the soil. Pesticide residues may also be present due to pesticide drift, misapplication, inadequate cleaning of spray tanks or the intentional application of prohibited substances. Determining why residues are present is important because it impacts what type of enforcement action certifiers need to pursue.

Complaint Investigation

Another important component of protecting organic integrity is investigating complaints. The first step in handling complaints is to determine whether the complaint is relevant or whether it should be referred to another agency. The next step is to collect as much information as possible in order to start an investigation and determine whether organic standards have been violated. WSDA has worked closely with the USDA Agricultural Marketing Service Compliance Branch in investigating complaints about violations to organic standards.

Types of violations

- A **Minor Noncompliance** is a violation that is correctable and does not affect the integrity of the organic system or the organic product. Minor violations include the failure to pay fees, failure to submit records, insufficient records, inadequate buffer zones, limiting access to pasture and label violations.
 - A **Major Noncompliance** is a violation of organic standards that affects the integrity of the organic system or the organic product. Examples of a major noncompliance include the application of a prohibited substance, the commingling of organic with nonorganic products, the contamination of organic products with prohibited substances, denying access to pasture for ruminants, and the failure to correct a minor noncompliance.
 - An **Egregious violation** is a willful violation of organic standards. Examples of an egregious violation include selling conventional produce as organic, spiking liquid fertilizer with synthetic nitrogen or substituting conventional ingredients for organic ingredients.
-

Enforcement

Data from WSDA indicates that the vast majority of violations are minor violations for non-renewals (not updating the Organic System Plan). The next biggest category is for recordkeeping violations which are often correctable. Other violations include the use of prohibited materials, label violations, inadequate buffers, not showing up for an inspection, use of nonorganic seeds, soil erosion and use of treated wood.

In April 2009 WSDA conducted an informal survey of US Accredited Certification Agencies (ACA). The survey asked ACAs how many compliance actions they had taken and what were the most common violations that certifiers were finding. Fourteen ACAs, certifying 9,424 organic operations, responded to the survey. ACAs reported that 23% of certified operations were issued a NONC (Notice of Noncompliance) in 2008. The top 3 reasons for a noncompliance were:

- Failure to submit an Organic System Plan update
- Records unavailable or inadequate to complete audit
- Failure to pay fees

The ACA compliance actions included 73 denials of certification (1% of applications), 480 Notices of Proposed Suspensions (NOPSs) (5% of operations), 27 proposed revocations, 118 suspensions, 5 revocations and 7 settlements.

Why no civil penalties?

Over the last 6 years WSDA has had a few egregious violations that seemed to be good cases for civil penalties.

In 2003 we received a complaint that an organic grower had sprayed the prohibited material thiodan (endosulfan) on their organic apples. We investigated the complaint and determined that the grower had willfully violated the NOS by spraying a synthetic insecticide on the organic orchard.

In 2005/6 we received a complaint that an organic mint grower/handler was selling conventional mint as organic mint. We conducted a joint investigation with the USDA Agricultural Marketing Service and determined that the grower/handler had sold conventional mint as organic. The certification was revoked but no civil penalties were levied against the grower. In 2006/7 a surveillance inspection found a certified organic grower selling conventional peaches as organic. The grower's certification was revoked and we utilized the Washington State Organic Food Products Act to fine the grower \$1,000. There were no federal civil penalties in this case.

There are two points to make in these cases. First, these violations were not found during the routine organic certification process. Complaints and surveillance inspections uncovered all three of these egregious violations. Second, the violations were good cases with good evidence. The National Organic Program missed an opportunity to utilize civil penalties and send a strong message that USDA is serious about enforcing the organic standards and protecting organic integrity.

Weaknesses in protecting organic integrity

Let's take a look at the weaknesses in the system:

- There is limited sampling and testing being conducted by certifiers, states or USDA. WSDA is one of the few certifiers that conducts sampling and testing as a significant component of our system to protect organic integrity.
- Most certifiers do a limited number of surveillance inspections.
- The NOP is not utilizing civil penalties for egregious violations.

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- States and certifiers have limited resources to sample and conduct surveillance inspections. Certifiers focus their resources on certification work and meeting NOP accreditation requirements, both of which are important but it leaves limited resources for sampling and additional inspections.

Recommended improvements

In regard to organic certification:

- Certifiers should increase the number of unannounced inspections. For example the NOP could mandate that 20% of inspections be unannounced.
- Sampling and testing of organic products should be expanded. The NOP could look at adopting some of the IFOAM Accreditation criteria that require a minimum percentage of sampling. The NOP could require that certifiers sample and test 5% of the operations that they certify. Sampling should also include testing of imported organic products.
- Audits are a critical component of the organic inspection process. Most inspectors do an excellent job of conducting thorough audits. Certifiers need to ensure that inspectors receive continual training to improve the quality and thoroughness of the audit process.

In regard to surveillance inspections:

- Increase the number of marketplace surveillance inspections. States and private certifiers could conduct inspections if they have the financial resources to do this work.
- Utilize state departments of agriculture and certifiers to expand marketplace surveillance at retail grocery stores and farmers markets. Funding would be needed to pay for the cost of these inspections.

In regard to enforcement:

- USDA should utilize civil penalties for egregious violations. These violations are uncommon but when they occur the penalties should be severe enough to act as a deterrent.
- USDA should work with state departments of agriculture to identify state laws that may provide additional enforcement tools. Many states have consumer protection laws, fraud statutes and laws to protect consumers from unfair business practices. Violations of organic standards may also be violations of other state laws.

I want to reiterate that the organic certification system is a thorough and robust system that does an excellent job of protecting organic integrity. There are areas that need improvement and serious violations that need to be addressed, but overall it is a good system that protects consumers and farmers from false organic claims.

Japan and US Export Arrangement Modified

The National Organic Program has announced a change in the export arrangement between the United States Department of Agriculture (USDA) and the Ministry of Agriculture, Forestry and Fisheries (MAFF) in Japan. Since 2002, Japan has allowed US certified organic products to be imported into Japan, provided the products have not used potassium bicarbonate, lignon sulfonate and alkali extracted humic acid in the production of the crops. These three materials are allowed for use under US organic standards.

In the fall of 2008 MAFF notified USDA that they are removing the prohibition on one of the materials and modifying the restriction on another material. As a result, USDA recently announced that the use of potassium bicarbonate and lignon sulfonate, as a binder or anticaking agent in crop production materials, is now allowed for products that are exported to Japan.

Under the revised agreement, US organic products may be exported to Japan if they have not been produced with alkali-extracted humic acid or lignon sulfonate as a flotation agent. A USDA export document (TM-11) verifying the conditions of the agreement must accompany all shipments of bulk agricultural products that are to be sold in Japan as "organic." WSDA Organic Program is authorized by USDA to issue this export document to WSDA certified operations for a fee of \$40 each.

The WSDA Organic Program also offers a Japan Compliance Program for producers and handlers of organic crops. Through this evaluation program, WSDA inspectors and office staff review the input materials used by a certified operation and issue a Japan Compliance Affirmation to those operations that have not used alkali extracted humic acid or lignon sulfonate as a floatation agent with their organic crops. This additional evaluation provides the documentation necessary for a TM-11 to be completed by the certifier of the exporting company.

For more information on how to request an evaluation under the WSDA Japan Compliance Program, or to obtain a TM-11 for a shipment of organic products to Japan, contact Brenda Book at (360) 902-2090, email: bbook@agr.wa.gov.

New Requirements for Exporting Organic Products to Taiwan

At the beginning of 2009 Taiwan implemented a new national organic standard and shipments of US organic products were blocked due to differences in the two country's organic requirements. However, the Agriculture and Food Agency of the Council of Agriculture (COA) announced on March 18, 2009, that the US Department of Agriculture's (USDA) National Organic Program (NOP) has officially been recognized by the COA as equivalent to Taiwan's new organic standards. This announcement will allow U.S. organic food products to resume shipments into the Taiwan market under an export arrangement between USDA and COA.

The new export arrangement allows a USDA certification agency to sign off on shipments of products that meet the 95% and above organic composition requirements. Livestock and meat products must obtain additional verification that the organic animals were managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine. These two materials are allowed for use under US organic standards.

In order to meet the requirements of the new export arrangement, shipments of US organic products must be accompanied by a USDA export document (TM-11). WSDA Organic Program is authorized by USDA to issue this export document to WSDA certified operations for a fee of \$40 each.

For further information on this new export arrangement, or to obtain a TM-11 for a shipment of organic products to Taiwan, contact Brenda Book at (360) 902-2090, email: bbook@agr.wa.gov.

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“The soil is the great connector of our lives, the source and destination of all.”
- *Wendell Berry*

Washington Receives Additional Federal Flood Repair Funding

(SPOKANE, WA) - July 16, 2009 - The Farm Service Agency in Washington received an additional \$572,000 to help agricultural producers recover from 2009 floods. Melissa Cummins, FSA Acting State Executive Director, announced July 16, 2009. This is in addition to more than \$1 million that the federal agency has allocated to date for flood damage repairs through the Emergency Conservation Program. The funds will be used to remove farmland debris, restore fences, or repair conservation structures that were damaged in last winter's floods in Western Washington and Kittitas County.

“We are appreciative that the Administration directed additional funding to Washington state,” said Cummins, “We realize that floods here did not receive the attention that floods in the Midwest did, but for landowners here, the damage was just as devastating.” Nationwide, nearly \$71 million in ECP funding was distributed.

Eligible producers will receive cost-share assistance of up to 75 percent of the cost of the approved practice, as determined by FSA county committees. Producers may apply for the Emergency Conservation Reserve Program in their local U.S. Department of Agriculture Service Center. The end date for accepting applications varies by county.

For land to be eligible, the floods must have created conservation problems that, if untreated, would: impair or endanger the land; materially affect the land's productive capacity; and represent unusual damage which is not likely to recur frequently in the same area. The damage must be so costly to repair that federal assistance is or will be required to return the land to productive agricultural use.

Conservation issues that existed before the disaster are not eligible for cost-share assistance. USDA's Farm Service Agency (FSA) county committees determine land eligibility based on site inspections of damage, taking into account the type and extent of damage.

USDA offers additional programs to help farmers and ranchers recover from damages caused by natural disasters. These programs include the Emergency Loan Program, Federal Crop Insurance and the Noninsured Crop Disaster Assistance Program. More information on ECP and other disaster assistance programs is available at local FSA offices and online at: <http://www.fsa.usda.gov/wa>.