

NOFA-NY Certified Organic, LLC

Guidance

To

National Organic Program Regulations

NOFA-NY Certified Organic LLC Guidance Manual

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Guidance Manual

1. Introduction

NOFA-NY Certified Organic, LLC is an accredited organic certification agency which verifies and monitors compliance with the USDA National Organic Program Regulations. Organic certification is an annual process. Each operation receives at least one scheduled on-site inspection annually. Inspections must occur when the land, facilities and activities that demonstrate compliance or capacity to comply can be observed (i.e. growing season for crops, production time for handling, etc.).

2. The Organic System Plan (OSP) (205.201)

The term "organic system plan" refers to the management plan of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent. It includes written plans concerning all aspects of organic agricultural production or handling described in the regulations. All operations seeking certification must develop an Organic System Plan (OSP). The NOFA-NY Certified Organic, LLC application for certification, in conjunction with all other audit trail records, will be considered the OSP. The OSP must be updated annually and as changes occur. This includes additions of new products, new fields, etc. Failure to notify the certification office of changes to the OSP that could affect compliance to the regulations may result in a noncompliance. Examples include, but are not limited to, selling product as organic prior to being added to the organic certificate and application of a new material to fields/livestock that could contain prohibited materials.

3. Components of the OSP for Farms (205.201)

- Intent:* A statement of understanding and intent to follow the practices described in the regulations.
- Method:* A description of the organic management plan for farms, including crop information, seed and transplant sources, production history, soil development plans and crop rotations. Farm maps, identifying all fields, greenhouses and other production areas, plus storage, processing and handling facilities are an integral part of an organic system plan. Livestock operations also include an animal inventory, health management plan, pasture plan and feed ration information.
- Audit Trail:* A required system of record keeping that shows that the applicant is indeed carrying out the practices for organic production and processing. The records must be sufficient to track crops from seed to sale and livestock from dam to market.
- History:* Documentation of the management practices used on the farm for the previous 3 years.
- Affirmation:* A signed document stating that the information supplied is accurate, true and complete.

4. Ownership / Management (OSP) (205.201)

For each operation seeking initial or continuing certification, one individual who is familiar with the operation must be responsible for the following:

- Contact and communications with the certification program,
- Maintaining compliance with the USDA NOP Regulations,
- Informing the certification office of management changes within the operation,
- Providing records and guaranteeing accuracy of information provided in the application and at inspection.

Other individuals authorized to discuss the certification must also be designated in the application. One of these persons must be present at the inspection and must have access to all information regarding record keeping and technical aspects of the operation.

In the case of absentee ownership, the site manager must be designated as an authorized contact person. The manager must be responsible for contact with the Certification Office and have access to all information regarding record keeping, audit trail documentation and technical aspects of the operation. The Certification Office must be notified immediately of changes in site manager personnel.

Failure to notify the Certification Office of changes to the authorized persons may jeopardize continued certification. If the Certification Office determines such changes result in lack of accountability for the certification process, additional on-site inspections may be necessary. *The costs of these on-site inspections will be billed to the applicant.*

5. Split Operations (OSP) (205.201)

The term “*split operation*” refers to an operation that produces or handles both organic and non-organic agricultural products. It is the responsibility of the producer of a split operation to submit a management plan that prevents commingling.

A split operation includes:

- Any non-certified livestock other than animals for traction or pets. Any feed or products for non-certified livestock, traction animals or pets must be segregated. Records and documentation for the feed and products for the non-certified livestock, traction animals/pets must be maintained as part of your audit trail and are available for review by the inspector. (Breeder stock included in the Organic System Plan that is being managed organically does not designate a split operation.)
- Any non-certified crops grown (including home use) and any non-certified value-added products produced
- Non-certified products purchased for re-sale.

Split operations utilizing the same planting, cultivation, harvesting, or processing equipment must clean out and/or purge equipment prior to use on organic crops, fields or products. Transitional fields are considered non-organic and equipment used on them should be cleaned prior to organic use. Equipment cleaning and purging must be documented and maintained in your records for all production types as applicable. For specifics on equipment cleaning and purging, see section 16.

If producing the same crops or products as organic and non-organic, separate harvest, processing, storage and sales records are required. Information on how certified and non-certified items are segregated/labeled in storage and at point of sale is required. There must be no possible confusion or commingling, especially if the same items exist as both organic and non-organic. Diagram/photo/signage showing segregation and labels used on non-organic products should be submitted as applicable.

6. Notification (OSP) (205.201)

Organic farmers must make every effort to be aware of, and prevent all possible sources of contamination of fields, irrigation water and facilities.

To protect the organic integrity of your operation from the unintentional application of prohibited substances, we recommend that you notify neighbors, utilities, state & local highways, railway companies & health departments of the organic status of the your farm. Copies of such letters should be sent to the certification office, and retained as part of your audit trail.

7. Audit Trails for Certified Operations (205.103)

All operations applying for initial or continuing certification are required to develop and maintain an audit trail record keeping system. All audit trail records must be maintained for a minimum of 5 years beyond their creation.

An audit trail must be able to trace any given product from the point of sale back to its origin. For operations selling at farmers' markets, records of inventory brought to the market and a record of daily/weekly sales totals should be maintained. Farms marketing through CSA projects must also maintain harvest and

distribution records. Split operations must maintain complete audit trail records for both certified & non-certified crops. The audit trail system will be reviewed at inspection. *Failure to maintain an audit trail system will jeopardize certification.*

Examples of common audit trail records are listed below. Many of the examples are provided as blank forms in the annual certification application; others should be maintained by the operator. Not all records in this list are relevant to all operations.

Farm / facility diagrams

Input Records:

- Expense receipts
- Applied Amendments/Spray Record
- Shipping records
- Expense ledger, checkbook, checks
- Transaction certificate
- Custom work transactions

Seeds and transplant records:

- Purchase records for seeds
- Seed search documentation
- Transplant production records
- Certificates for purchased transplants
- Information indicating whether seeds are organic/non-organic/treated /untreated
- Non-GMO statements
- Verification of seed coating/inoculants

Field Records:

- Field history forms
- Field affirmations
- Field maps
- Application/custom work records and receipts
- Soil, water, and/or crop tests

Harvest & Sales Records:

- Field identification for each given crop
- Date of harvest
- Amount of crop harvested per acre, per field
- Type of harvest (corn silage, dry shelled corn, baleage, haylage or dry hay, etc.)
- Non-certified crop harvest and yields
- Storage records
- Sales records if sold from field
- Weigh slips
- Equipment clean out/purge logs
- Transportation records
- Records of any post harvest handling or processing (drying, grinding, etc.)
- Inventory of product brought to public or farmer's markets
- CSA distribution records
- Sap collection, syrup production records

Livestock / Poultry Records:

- Breeding and birthing records
- Hatching records
- Animal purchase records
- Identification records
- Loss / cull records
- Feed records (including source and feed rations for each animal type)
- Health and medication records
- Pasture plan, outdoor access records, milk pick up & quality reports
- Egg collection records

Sales Records:

- Sales receipts
- Shipping records
- Lot numbers
- Transaction certificates
- Farmer's markets inventory taken & daily sales totals
- Records of what is sold as organic and as non-organic

8. Land Requirements (205.202)

All fields and farm parcels to be certified (including active crop land, pasture, fallow land, wild crop & sugar bush) must have clear boundaries and be identified with a name, number or letter. For each field to be certified, New Field documentation that includes crop, seed, applied amendment, spray & pest control information for the previous three years must be submitted. If the field has not been owned or managed by the applicant for the last three years, a New Field Affirmation form signed by the previous owner or manager

must be submitted. We encourage you to add new fields with your update application whenever possible. If fields are added after the annual inspection has taken place, an additional inspection will be necessary. The additional inspection will be billed to the applicant.

Once complete paperwork is submitted for new fields, you will be notified if crops can be removed from the field and stored separately prior to inspection. If crops are removed from the field prior to inspection without the certification office being contacted or approval given to do so, the crops will not be eligible for certification. Operations continuing certification may not market crops from new fields as organic until the inspection and final approval have been granted. Crops from new fields must be segregated from certified crops until the certification process is completed.

Split operations must provide information regarding both certified and non-certified production, including the use of land and management practices, crops grown including those that are genetically engineered, harvest, storage, labeling and sales records.

9. Field Maps (205.202)

Maps are required and should be 8 ½" by 11" in size, printed or in permanent ink & include the following:

- Field ID (Same ID on your application form) and perimeters,
- Acreages,
- Orientation (N, S, E & W),
- Surrounding land use (conventional adjoining fields, organically managed land, neglected, residential areas, woods, roadways, power lines, railroad tracks, etc.)
- Natural features (hedgerows, prevailing wind, fallow areas, woodlands, wetlands, riparian zones, waterways, etc.)
- Buffer zones
- Designation of fencing locations, shade areas and water for livestock operations (205.240).

For farms with multiple fields that are spread out, an "overview map", indicating location of fields in relation to the home farm must also be provided. This does not have to be to scale and can be a simple road map.

10. Land and Buffer Zones (205.202)

Buffer zones that are sufficient to prevent potential contamination must be established between certified organic and conventional land. The size of the buffer zones must be determined by the applicant based on various environmental factors of their specific operation. Factors such as runoff, predominant wind direction, water features, surrounding land use, among others should be considered.

Buffers can include windbreaks and living barriers such as a dense hedgerow. A dense hedge row less than 50' may offer better protection from contamination than a 50' open buffer zone.

The following examples are based on research results and guidance provided as starting points for minimum buffer zones, to ensure that the organic crop is not contaminated. Additional information and testing may be required.

- A minimum 50 ft. buffer zone where a certified field adjoins conventionally managed lands, including both farmland and residential areas. Buffer zones should be under the management control of the certified farmer.
- A minimum 250 ft. buffer zone if an air blast sprayer is used on the adjoining non-certified land.
- A minimum of an 800 ft. buffer zone is recommended if adjoining non-certified land is aerially sprayed.
- For adjoining GMO crops: distance between an organic crop and the same species genetically engineered crop must be sufficient to ensure no cross-pollination/genetic contamination. If cross pollination can occur, testing may be required. If organic corn adjoins GMO corn, there must be a plan to prevent contamination or a minimum of two weeks between when organic and GMO corn tassels and documentation of planting dates, corn seed day-lengths, and tassel dates will be required.

If the buffer is planted to the same crop as is grown in the field, documentation of what is done with the non-certified buffer crop is required. If harvested, non-certified harvest records and equipment cleanout logs need to be maintained. Crops grown in the buffer zone area cannot be marketed as certified organic, or used for feed or bedding for certified livestock or dairy cattle.

11. Genetically Altered Materials, Plants & Crops (205.105)

The use of genetically engineered materials (GMO) (*see definitions: excluded methods*) is prohibited under the National Organic Regulations. This includes all genetically engineered food crops and other agricultural products including, but not limited to:

- transgenic seeds
- plants and seeds bred to produce BT toxins
- herbicide tolerant plants
- bacteria that prevent frost damage
- Bovine growth hormone (rBGH) or bovine somatotropin (rBST)
- vitamins derived from genetically engineered sources
- enzymes derived from genetically engineered sources
- seed & forage inoculants derived from genetically engineered sources
- food processing materials derived from genetically engineered sources
- cloned animals

12. Soil Fertility & Crop Nutrient Management (205.203)

Producers should strive to leave the soil exposed as little as possible. When not growing crops, green manures, cover crops, and mulches are common practices used to increase soil biological activity, prevent erosion, fix nitrogen, recycle nutrients, increase soil organic matter, increase water penetration, and improve soil structure.

Fields to be certified must be under the management of the applicant. Certification of rented land is permitted, providing the applicant has management control of the field. Certified farmers are expected to build and maintain fertility and organic matter. It is not an acceptable organic practice to exploit existing soil nutrients in a manner that, over time, depletes the fertility of the soil.

Certified farmers must develop a management plan which includes weed and pest control, maintenance or improvement of soil fertility and crop nutrients, crop rotations, timely harvest of crops and cover cropping if applicable. Purchased inputs should be used as a last resort, only after management practices have failed. The certification office looks closely at all inputs used and documentation verifying their compliance will be required.

Micronutrients

Micronutrients (boron, cobalt, copper, iron, manganese, molybdenum, selenium, zinc) require a documented deficiency.

If micronutrients are in use/to be used, producers should be showing documented deficiency either via soil/tissue testing or plan that clearly explains why it's needed and how it is beneficial to crop/soil in the OSP. Soil tests should be submitted every 2-3 years to show continued need and no build-up in the soil. If product being applied is a blend with a small amount of micronutrients, as long as tests don't show excessive amounts in soil, this would be acceptable.

Manure

Spreading manure on frozen ground or snow is discouraged as it can contribute to run-off contamination. Short term piling or composting of manure is encouraged as an alternative to spreading on frozen ground providing pile location is suitable. All storage and field applications should be within NYS DEC regulations to avoid environmental pollution.

It is recommended that no more than fifteen tons per acre of raw cow manure and no more than five tons per acre of chicken manure be spread on fields per year. Incorporating manure directly after spreading reduces

volatilization of nitrogen.

If any form of manure or product containing manure (raw, aged, rotted) is to be used on crops for human consumption you must follow Raw Manure guidelines in NOP Regulations Section 205.203(c)(1).

Compost

In order for a compost containing manure to be approved for unrestricted use on organic crops grown for human consumption, documentation must be submitted to verify that the compost has been produced as outlined in the NOP Regulations, 205.203(c)(2). If the compost contains manure it must be applied using the raw manure guidelines unless composted in compliance with the regulations.

Organic matter consisting of only vegetative materials is allowed for unrestricted use as long as not containing any prohibited materials.

Producers must contact the certification office prior to using any new substance or product, including those that are OMRI listed as OMRI frequently adds and drops items.

13. Seeds and Planting Stock Sourcing and Management (205.204)

Certified organic seeds must be used unless not commercially available. Conventional untreated, non-GMO seeds may be used for crop production if the desired organic seeds are not available due to quality, quantity or form after attempting to obtain from at least three viable sources. Documentation showing seeds are untreated and non-GMO are required. Efforts to locate organic seeds must be documented and available for the inspector to review, such as letters, phone logs of discussions with suppliers, or catalogs. Seed potatoes, onion/garlic sets (small bulbs, NOT bare root plants) and sweet potato slips fall under these organic seed requirements.

Commercial availability cannot be a factor in organic sprout production; use of organic seeds is required.

Transplants (annual seedlings) must be certified organic. Use of non-certified transplants, without variance approval from the USDA, is prohibited. You cannot determine your own emergency for use of non-certified transplants including from a non-certified, exempt operation.

Perennial non-organic planting stock may be used if not commercially available as organic. Planting stock must be managed organically for one complete year before it may be represented as organic. Be sure that conventional perennial planting stock is purchased bare root if available.

Microbial inoculants are permitted for use on seeds if non-GMO (not derived from genetically engineered materials) and if all carriers are allowed. Be sure to get inoculants approved prior to use.

GMO seeds are prohibited.

Seeds with clay based pelletizing, which do not contain synthetic materials, or excluded methods, may be used. The compliance status of any seed treatments or coatings must be approved prior to use. Use of conventional, untreated non-approved pelleted seed does not disqualify land, but any crops grown with these cannot be sold as organic and future use of this seed must be discontinued.

14. Crop Rotation (205.205)

Crop rotation is defined as the practice of alternating the annual crops grown on a specific field in a planned pattern or sequence in successive crop years so that crops of the same species or family are not grown repeatedly without interruption on the same field. Perennial cropping systems employ means such as alley cropping, intercropping, and hedgerows to introduce biological diversity in lieu of crop rotation. Ideally an organic crop rotation system would contain crops from different plant groups, that are seeded at different times and that have different nutrient demands. An organic field crop rotation plan should include row crops, legumes / sod crops and small grains. Production of annual vegetable crops should also include crop rotations. Using different crops with varying nutrient requirements assist in breaking weed cycles and in building soil fertility. The same row crop should not be planted two years in a row unless the rotation is clearly broken by a planting that encourages nutrient replenishment such as: cover cropping, under seeding, green manure plow downs, etc. The producer should have pictures available for inspection of cover crop to

be plowed down. The same crop may be grown for two, possibly three consecutive years with a cover crop between plantings, but this should not be part of the permanent crop rotation plan.

15. Materials for Use in Organic Production-Crop Pest, Weed & Disease Management (205.206)

When management practices described in section 205.206 of the NOP Regulations are insufficient to prevent or control pests and diseases, approved biological/botanical substances or a substance listed on section 205.601 may be used. The use of all pest control materials, synthetic or non-synthetic, must be approved prior to use. Certified organic producers are required to report use of all materials.

Producers should contact the certification office prior to using any new substance or product including those that are OMRI listed, as OMRI frequently adds & drops products.

Agricultural plastic should be recycled if available. Burning or on-farm burying of agricultural plastic is prohibited.

Use of treated wood is prohibited on the organic production site where it comes into contact with organic crops or livestock. If treated lumber is used, there must be a buffer between the treated wood and livestock or crops. There are untreated alternatives available such as untreated white cedar, locust or fiberglass.

Plastic and synthetic mulches may be used for weed control provided they are pulled up at the end of the growing/harvest season. Synthetic mulch may be used on perennial crops that are harvested over more than one season, as long as it is removed prior to breaking down/degrading.

16. Guidance for Water/Chlorine Usage

Chlorine materials allowed on the National List (205.601-606) include calcium hypochlorite, chlorine dioxide, and sodium hypochlorite. Operators must verify compliance of the chlorine product they intend to use.

Crop operations

Residual chlorine levels in the water in direct crop contact (when used pre-harvest) or as water from cleaning irrigation systems applied to soil should not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (SDWA) – 4 ppm or less.

Chlorine products may be used up to maximum labeled rates for disinfecting and sanitizing equipment or tools. No intervening event is necessary before equipment is used in contact with organic crops.

Livestock operations

Residual chlorine levels in the water in direct food or animal contact (for example, drinking water) should not exceed the maximum residual disinfectant limit under the SDWA.

Chlorine products may be used up to maximum labeled rates for sanitizing equipment or tools (including dairy pipelines and tanks). Label instructions should be followed regarding requirements for rinsing or not rinsing prior to the equipment's next use.

Wash Water for Post-Harvest Crops/Food/Seeds

Water used in direct post-harvest crop or food contact (including flume water to transport fruits or vegetables, wash water in produce lines, egg or carcass washing, and seed sanitizing) is permitted to contain chlorine materials at levels approved by the Food and Drug Administration or the Environmental Protection Agency for such purpose. Rinsing with potable water that does not exceed the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act (4 ppm or less) must immediately follow this permitted use. Certified operators should monitor the chlorine level of the final rinse water, the point at which the water last contacts the organic product. The level of chlorine in the final rinse water must be 4 ppm or less.

Water from other than municipal sources must be documented to be potable if used to wash human consumption crops, eggs, or used in processing. Municipal water sources are exempt from test requirement; all other water sources should be tested for e-coli and coliform bacteria. An annual potable water test is required to be submitted with the application.

Irrigation Water and Contamination Concerns

Whether used for irrigation, stock, or washing fruits and vegetables, water might contain prohibited substances, depending on a particular farm and its upstream neighbors, previous use, or ground and surface water flow. In recent years, the ground and surface waters of New York State have been recognized as containing pollutants, notably nitrates and some of the widely and long used herbicides such as Atrazine. Many of these materials are not tested for in the usual NYS Department of Health surveys, so often property owners aren't aware of the problems.

We recommend that producers and handlers investigate sources of water for potential problems. These include upstream land use (agricultural and industrial), neighbors with well problems, NYS Health Department information, and Soil and Water Conservation District information. If there is any possibility of contamination we recommend that the water be tested for suspected pollutants. We realize that this is an additional expense to the farmer / handler, but also a responsible action to ensure the quality of products. The certification office can ask that water sources be tested.

Flooding

Flooding raises concerns regarding the status of an organic operation due to the possibility that prohibited substances will be present in flood waters on their farms. Contaminants in flood water are commonly diluted to extremely low levels in flood waters and generally will not affect organic certification. Operators should contact the certification office if there are nearby facilities that produce contaminants which may have been carried by flood water, such as sewage, industrial chemicals and pesticides, or if there is visible evidence of residue from an unknown source. Testing for contaminants and further evaluation may be necessary.

Crops or processed products that have been in contact with flood waters are considered "adulterated" by the US Food and Drug Administration, and must not be sold for human consumption. Crops grown for livestock feed could be contaminated, but should be evaluated on a case by case basis. Some crops may be salvaged depending on the season, stage of growth and level of flood waters. Silt deposited from the flood water may carry harmful organisms that would likely remain in crops harvested from flooded fields. Operators should be mindful of the potential for illness to livestock if crops from flooded fields are used for feed.

There are several state and federal agencies providing disaster assistance. Since the specific agency may vary depending on individual circumstances, the following contact information is a starting point for obtaining information.

FEMA 1(800)621-3362, www.fema.gov

NY Farm Bureau 1(800)342-4143, www.nyfb.org

USDA Farm Service Agency (NY State) 1(315)477-6300, www.fsa.usda.gov

17. Equipment Cleaning and Purging

Equipment used for harvesting both certified and non-certified (including transitional) crops must be thoroughly cleaned prior to the harvest of the certified crop. In the case of combines, choppers and square balers, it is recommended that the equipment be thoroughly cleaned; then 50' - 75' of the certified crop be harvested and purged (disposed of or used as non-organic). The clean out of equipment must be documented along with amount and disposal of purged crop.

Planting equipment should be free of residue of seed treatments.

Dual use of spray equipment is strongly discouraged. It is virtually impossible to completely remove all chemical residues from a sprayer. The producer must be able to clearly prove that residue of a prohibited product does not remain in the sprayer before it is used on certified crops.

18. Harvesting, Packaging and Storage of Organic Crops

Harvest, storage and shipping of all certified products should be done with the least possibility of contamination. If contamination should occur with the producer's knowledge, he/she must notify the certification office immediately in writing and must not market that contaminated product as certified organic. See Section 205.270 thru 205.311 of the NOP Regulations and Sections 26-32 of this manual for producing and/or packaging value added products.

Cooling

Acceptable storage conditions include regular, cooled, or controlled atmosphere. Manual and mechanical control of temperature and humidity is permitted, as is ice, or cold water cooling depending on water source.

Storage

Storage areas for certified organic crops must be a dedicated area that is clearly labeled, especially if conventional crops are also stored at same location. Commingling of organic and non-organic product is prohibited. Individual storage containers must be clearly identified as organic. Off site storage will need to be inspected or a Storage Facility Affidavit completed.

Pest Control in Storage

See Section 205.271, Facility Pest Management

Packaging Materials

See Section 205.272, Commingling and Contact with Prohibited Substances

19. Wild Crop (205.207)

Wild crop harvesting is a separate certification category, or scope, within the NOP Regulations. Unlike the regulations for crop production, “management” of wild crop areas is very limited. Crop management practices that aid production, such as cultivation, irrigation, use of shade cloth, introduction of new plants or seeds that are not from the existing plants would disqualify the area for Wild Crop certification.

Only minimal agricultural practices, such as reseeding from, and pruning of existing plants (only to the extent of removing dead portions) are allowed. Crops harvested from managed fields or areas impacted by active management cannot be considered wild even if naturally occurring. (Examples: black walnuts from a tree in a residential lawn area or milkweed from a pasture could not be considered wild). Harvesting must be sustainable, and production practices must maintain or improve the natural resources of the area. Care must be taken to ensure any rare, threatened or endangered plant or animal species in the wild crop areas are not negatively impacted. Training must be provided to all who will be harvesting wild crops to protect the ecosystem and viability of the habitat.

20. Transition to Organic Production and Certification

(a) General Information

Farms wishing to pursue organic certification are advised to obtain a copy of the National Organic Program Regulations early in their transition process. To qualify for organic certification, fields must be free of prohibited substances (including synthetic herbicides, pesticides, fertilizers and treated seed) during the three years prior to harvest of the agricultural product. During the 3-year transition period, all requirements of the NOP Regulations must be followed. This includes use of appropriate seeds, crop rotation systems, and appropriate soil amendments, pest and weed control practices and materials. Biological or botanical substances or a substance included on the National List of synthetic substances allowed for use in organic crop production, Section 205.601 through 205.606, may be used by operations in transition to certification.

A producer who is transitioning land to organic production may apply for official transition status at any time during the three year transition period. Applying for transition monitoring is optional and will in no way affect the certification decision once land is eligible. The process of transition monitoring is similar to actual certification with complete annual paperwork and on-site inspections.

If a farm decides to apply and is approved for Transition Monitoring, the certification office can issue a letter to insurance companies, FSA office, or other agencies as requested by the applicant, stating that the farm is officially transitioning their land to organic production through our organization. For each subsequent year, the Organic System Plan must be updated and inspection conducted for verification purposes in order to maintain continual transition status.

(b) Dairy Transition

The certification of organic milk production involves both land and livestock management.

The transition period for a dairy herd is *one year*. This one-year transition period allows farmers to become familiar with alternative health care practices, organize record keeping systems, and generally become familiar with organic production and certification requirements. *All certification requirements must be followed during the 1-year transition period. All animals to transition must remain on farm during the one year transition period, under your management.*

Transition is a one-time, whole herd conversion. All animals that you intend to convert to organic dairy production must be on the farm at the beginning of transition. This is a one-time opportunity for a conventional dairy operation to transition their entire herd to organic production. Once transition begins, no more conventional animals may be brought to the farm.

100% organic feed is required for the entire one-year transition period. However, feed harvested from fields in their third year of transition (T3) that are included in the Organic System Plan may be used as part of the 100% organic feed requirement during the transition year. All T3 crops must be fed up or removed from the farm before the end of transition.

Organic dairy farms are required to provide animals with managed pasture with edible forage throughout the grazing season. Use of antibiotics and hormones is prohibited. Animals with docked tails may enter the transition program, but from the start of transition on, tail docking is prohibited.

Please refer to the livestock and crop sections of the guidance manual for more specific information.

The dairy herd transition process is a *multi-step* process. In order to begin the Transition process, a sufficient amount of land that is certifiable or in its third year of transition (T3) must be available to provide adequate supplies of pasture and forage to meet the 100% organic feed requirement. Even with an organic premium, it is not always economically feasible for farms to purchase large amounts of organic forages and organic grains. To begin the Transition process, we use as a guide, a minimum of .75 acres of total certifiable land for each 1000# animal unit, or 90% of your fields.

All non-certifiable fields should be in transition at the start of the one-year dairy herd transition. If a farm has non-certifiable (transitional) fields, there must be a plan developed to segregate crops harvested from non-certified fields, and a plan showing where these crops will be stored and what they will be used for.

***Please note: The date your application is received in the office is the date your transition officially starts, provided you are in compliance with the Organic Regulations at that time.*

To Prepare for Transition Dairy Farms Should:

- Familiarize themselves with NOP organic regulations and requirements. Implement organic management practices for fields, including crop rotation requirements and seed requirements.
- Develop appropriate housing and pasture for dairy animals, including young stock.
- Implement managed pasture during the grazing season and outdoor access in the winter for all animals over six months old.
- Discontinue the use of antibiotics, hormones, and dry cow treatments.
- Search out and implement the use of alternative health care practices.

Organic certification does not necessarily guarantee a market for your milk. Since transition to organic production is costly and time consuming, it is in the best interest of each farm to secure a market before starting the transition process.

21. Livestock Production Recordkeeping Requirements

See section 6

22. Origin of Livestock (205.236)

Poultry intended to produce organic meat or eggs must be managed organically from the second day of life. Purchase records and flock ID records must be kept for all birds. Poultry that is on the farm prior to applying for certification will not qualify to produce organic eggs or meat.

All other livestock intended for organic slaughter (meat), must be managed organically from the last third of gestation. The date an application is received is generally considered the start of organic management as long as feed/pasture is all from certifiable land or purchased organic.

Conventional animals that have been transitioned to organic dairy production will not qualify for organic slaughter (meat). Animals must be managed 100% organically for a full year, including organic feed and healthcare practices, before qualifying to produce organic milk. Once a farm is certified for organic dairy production, all animals must be managed organically from the last third of gestation.

Female livestock used for breeder stock must be brought to the organic farm/placed under organic management prior to the last third of gestation for young stock to qualify for organic meat. Milk from non-certified breeder stock can only be used to feed their calf. If calves are not receiving milk from their own mother, they must receive 100% certified organic milk. Breeder stock, bulls, boars or other male animals intended for breeding purposes do not have to be certified organic, but should be managed organically while on the farm.

If organic meat animals are intended for organic retail cuts, the slaughterhouse must be certified to process organic meat (including any specialty meats – sausages, smoked items, etc.), organic certificate stating this obtained, and must be USDA inspected.

Livestock Purchases/Sales through Auction Facilities - Auction facilities must be certified organic to sell certified organic livestock. Any animals taken to auction must be sold as non-organic unless the facility is certified organic. Likewise, any animals purchased at auction will be considered non-organic unless the facility is certified and their organic certificate is obtained.

When selling an organic animal through a certified organic auction facility, the following documentation should accompany the animal/be provided to the auction facility:

- Organic certificate listing type of livestock (dairy cows, dairy replacements, beef cows, slaughter, etc.)
- NOFA-NY Animal List, NOFA-NY Livestock Organic Status Affirmation form or equivalent affirmation from seller verifying dairy/slaughter status of individual animals being sold.

If slaughter status is not verifiable, then dairy animals should be clearly marked by auction facility/producer as not eligible for organic slaughter.

A certified producer may hold an auction on their farm for the sale of their own organic livestock. An on-farm auction may not be used to sell livestock from any other certified operation. If a producer wishes to hold an on-farm auction to sell livestock from multiple farms, the producer must certify their operation to handle livestock auctions. This producer will be responsible for all paperwork, fees and documentation associated with the auction facility.

23. Livestock Feed (205.237)

Agricultural products fed to organic livestock, including pasture, must be certified organic.

The following are prohibited:

- Use of Non-Organic milk replacer
- Drugs, including hormones, to promote growth
- Feed formulas containing urea, manure or plastic pellets
- Mammalian or poultry slaughter by-products
- Feed, feed additives and feed supplements in violation of the Federal Food, Drug and Cosmetic Act

All ruminants over six months of age must receive a minimum of 30% dry matter intake from pasture during the grazing season, which must be at least 120 days per year. (Most areas of New York State can graze more than 120 days per year.)

24. Livestock Health Care Practice Standard (205.238)

Castration, dehorning and removal of extra teats are permitted but must be performed at a young age, using the most humane methods available. Producers should avoid painful, disruptive procedures. Tail docking is

prohibited for calves, cows and pigs. Tail docking to less than 3” and mulesing is prohibited for sheep. Minimal beak tipping and wing clipping in poultry is allowed, but the need must be documented. Debeaking is prohibited.

Producers should implement preventative practices, often accomplished through nutrition and approved supplements. Organic farmers must be “proactive” rather than “reactive”.

Historically, somatic cell count reports and bacteria counts have been used as a measure of animal health. Over the long term, organic dairy farmers with good herd health plans, good sanitation and ventilation and pasture nutrition should meet somatic cell count level and bacteria count levels as established for payment of the milk quality premium. Most organic milk companies require that annual averages are kept below 400,000 SCC and 50,000 SPC. Organic dairy producers are encouraged to discuss somatic cell count and bacteria thresholds with their prospective milk company. The above counts are recommended for dairy cattle; dairy sheep and dairy goats may have a higher count. Good sanitation practices in the barn, in the milking parlor and in the milk house, will help limit problems.

Antibiotics, hormones and animal by-products are strictly prohibited. An exception is Oxytocin, which is only allowed for post calving emergencies. It is not allowed for milk let down. Some milk companies prohibit its use.

Mineral formulations and salt must not contain prohibited substances. Common prohibited substances include mineral oil which is often used as a dust suppressant, artificial colors, artificial flavors, and yellow prussiate of soda, used as a flowing agent in salt.

Agricultural carriers in mineral formulations must be certified organic.

Synthetic amino acids are prohibited except DL-Methionine which is allowed only for poultry at the following rates: No more than 2# per ton for laying and broiler chickens, or 3# per ton for all other poultry types.

Vaccines are allowed. Producers must use non-GMO vaccines if they are available.

Homeopathy and herbs are allowed as long as there are no prohibited substances in the product.

Parasiticides are prohibited for slaughter stock and extremely limited for dairy and breeder stock. Ivermectin, fenbendazole and moxidectin are allowed on the National List for emergency treatment for dairy and breeder stock, but only after natural treatments have been documented to be ineffective. No other parasiticides are on the National List. There is a required 90-day milk withhold if used on dairy animals. Since these are restricted use products, producers must contact the certification office before using. (A statement from your vet should be provided and is required for fenbendazole). If being used during non-business hours, notify the office as soon as possible after administering.

Hydrated lime is allowed as an external pest control on livestock and for white wash of facilities. It is not allowed for use in barns to sanitize stalls or for deodorizing animal waste, to cauterize physical alterations or for soil application.

Iodine based pre-milking dips, udder wash or wipes, and post-dips may be used if ingredients are in compliance with section 205.603 of the National List. Teat dips must not contain prohibited substances.

Chlorhexidine-based teat dips are allowed only after other allowed dips have been documented to be ineffective. The documentation must be provided to the certification office before approval to use chlorhexidine based dips will be granted.

Equipment cleaning and sanitizing materials may be used provided the active ingredients are allowed on section 205.603 of the National List.

You must not withhold treatment of a sick animal to preserve organic status. If an animal will die without treatment with a prohibited substance, it must be appropriately treated, but that animal must be removed from the farm. You must document the date they were treated, what they were treated for, what they were treated with, and the date they left the herd.

Always check with the certification office before using any new products to be sure they have been reviewed and are allowed. All products must be included on your product list, which is part of your Organic System Plan.

25. Livestock Living Conditions (205.239)

All producers must practice good husbandry techniques and provide their livestock with adequate housing and feeding facilities. Animals must not be over crowded, and must have the opportunity to exhibit their natural behaviors. Ruminants must have access to managed pasture during the entire grazing season. Pigs must be able to root. Poultry must be able to scratch and peck the ground. All animals must have outdoor access all year as applicable.

Good sanitation practices and adequate ventilation can prevent many problems. Many producers have used fly parasites for control of flies around barn areas with good results. Synthetic pesticide use in livestock facilities is prohibited.

The use of treated lumber in the construction of animal feeders, bunk silos, or any area where feed comes into contact with the wood, is prohibited. The use of treated fence posts is prohibited. Alternatives such as white cedar, locust, fiberglass and plastic are allowed. Animals may not have direct contact with treated wood. If a farm has installed treated fence posts in the past three years, a buffer will need to be established to prevent contact with organic crops or livestock.

All farms using agricultural plastic bale wrap, silage bags, etc., must develop a disposal plan. Agricultural plastics should be recycled if available. Burning or on-farm burying of agricultural plastic is prohibited.

Agricultural products used as bedding (hay, straw, corn stalks, etc.), must be organic. Non-agricultural products used as bedding (sawdust, wood chips, etc.) must be verified as untreated.

Poultry

Poultry must be provided with meaningful outdoor access as applicable. Birds may not be totally confined in buildings. Outdoor access must allow birds the opportunity to exhibit their natural behavior, including pecking on the ground, have access to fresh air and direct sunlight, weather permitting, at the earliest age suitable for the type of bird.

The poultry house should provide at least 1.5 square feet of floor space for chickens, and/or 3 square feet of floor space per turkey, for use during time of inclement weather. The use of cages is prohibited inside poultry houses. Outdoor access should provide at least the same square footage per bird as inside space.

Ruminants

Young stock less than 6 months old must be provided with adequate space such as box stalls, tie stalls, loose housing or hutches. Due to potential feed contamination young stock must not be tied in the manger area. Farmers are encouraged to begin pasturing of young animals as soon as possible.

All animals over six months of age must be provided with pasture throughout the grazing season. Animals should not be confined days or nights except for milking or exceptions listed in Section 205.239 (b) and (c). Rotated pastures and paddocks should be used, whenever possible, for animal health and welfare reasons. Pastures should not be continuously grazed without rest. .75 acres of pasture per 1000 lb. animal unit is recommended.

All animals over six months of age must have outdoor access during the non-grazing season. Total confinement is prohibited. A drop in production or slower growth is not valid reasons to deny outdoor access. The only exceptions are listed in 205.239(b) and (c).

Plans for temporary confinement must be described in the Organic System Plan and be approved by the certification office.

Operations raising organic ruminant slaughter stock do not have to meet the minimum 30% dry matter intake from pasture during the finishing period (which must not exceed 120 days), but animals must have access to pasture during this period. Total confinement during the finishing period is prohibited.

26. Pasture Practice Standard (205.240)

Producers with ruminant livestock must have a pasture plan as part of their OSP that shows the following:

- Pasture Management. Pasture must be managed as a crop to maximize pasture quality and intake. The plan must include practices used to manage pastures for continued production during the grazing season. (Examples: harvesting excess forage in the spring, mowing/clipping, frost seeding, dragging paddocks, etc.)
- Ration that provides a minimum of 30% dry matter intake from pasture during the grazing season, which must be at least 120 days per year. We will provide the formula to calculate dry matter intake.
- Average date the grazing season starts and ends. (Average date animals are turned out in the spring and taken off pasture in the fall.)
- Fields designated to pasture, including ID# or name and acreage.
- Grazing system used (intensive rotational, rotational, occasional rotation).
- Fencing system used.
- Water system used. (Is fresh water available in each pasture/paddock? If no, how will animals have access to water?)
- Shade available to animals as needed. (Describe plan to provide shade as necessary.)
- Soil fertility and seeding system.
- Erosion control and protection of natural wetlands and riparian area.
- Pasture records must be auditable.

Changes to the Pasture Plan must be approved by the certifier prior to implementation.

27. Production Types without Specific NOP Regulations

At this time, NOP regulations do not specifically define greenhouse, mushroom, maple syrup or sprout production requirements. Until the USDA publishes regulations for such production methods, producers may produce and label their products as organic based on current regulations. To qualify for certification, the producer or handler must comply with all applicable NOP regulations for production, handling and labeling, including the requirements concerning the use of natural and synthetic substances (the National List). To label a product as “100 percent organic”, “organic” or “made with organic (specified ingredients)”, the producer or handler must be certified by an accredited certifying agent.

Greenhouse Production - A greenhouse is defined as any permanent, enclosed plant environment, with or without heat sources, including cold frames, porches, basement, etc.

A bench system grows plants in pots, flats or bags and growth medium is renewed.

An in-ground system grows plants in grade or raised beds. This system requires land be free of prohibited substances for last three years. New field documentation must be submitted for any in-ground production outside of already certified fields.

Potting mixes must not contain prohibited materials. Manure or mixes containing manure that has not been composted according the NOP regulations, must be used following raw manure guidelines. Depending on the crop, 90 or 120 days are required between the date the transplant is placed in the certified field and the date of harvest, not the date the seed is planted in the mix or while growing in containers in the greenhouse. Transplants grown in a mix containing uncomposted manure must be grown out on-farm and cannot be sold as organic transplants.

Plants and soil must not be in direct contact with treated wood. In the construction of new greenhouses, producers need to avoid use of treated lumber or other prohibited materials. If treated wood is pre-existing or cannot be avoided, wood must be covered or a buffer established to prevent organic crops from touching the wood including root system as applicable.

To prevent commingling and contamination, organic and non-organic crops can be grown in the same structure only if the following conditions are met:

- An impermeable wall should separate organic and non-organic production if prohibited sprays are applied to the non-organic crop.
- The ventilation system must ensure that prohibited materials do not drift, or are otherwise conveyed to the organic production area.
- Separate watering systems must be established if prohibited fertilizers and/or pesticides are injected within the watering system.
- No contamination must occur through cross-pollination with genetically modified crops.
- Adequate facilities must separate organic and non-organic crops and production materials in storage, production or holding areas. Organic and non-organic crops and production areas must be clearly and conspicuously labeled.

NOFA-NY, LLC does not certify hydroponic operations at this time.

Mushroom Production

Mushroom production will be consistent with the crop and soil management standards.

In split operations (producing both certified and non-certified mushrooms), production areas must be environmentally isolated to prevent cross contamination. Ventilation/production systems shall ensure that prohibited materials do not drift from non-certified area to certified areas. Individual rooms or areas used for mushroom production cannot have been treated with any material listed as prohibited in the National Organic Standards “National List” (sections 205.601 and 205.602) prior to inoculation of the growing medium and through the entire growing period.

Treated lumber must not come into contact with organic production including logs, substrate or mushrooms. Spawn and/or pre-inoculated substrate must be sourced organic unless not commercially available.

Conventional untreated, non-GMO spawn/pre-inoculated substrate may be used for mushroom production, only if the desired spawn/pre-inoculated substrate is not available due to quality, quantity or form after attempting to obtain from at least three viable sources. Search for organic spawn/pre-inoculated substrate should be documented and available for review at inspections. If non-organic spawn is used, documentation verifying the production practices and non-GMO statement are needed.

Agricultural products used as substrate such as straw, grain, hulls, etc. must be untreated, however, it is strongly encouraged to be sourced organically and non-GMO. Non-agricultural products such as dowels, sawdust, etc. must be from an untreated source and must not contain prohibited materials. If non-organic substrate is sourced, documentation verifying production practices and untreated status is required. Wax used to seal holes must be compliant with the National List.

Mushroom supplements/fertilizers must be documented as part of the Organic System Plan and reviewed for compliance to the National List prior to use. If not previously reviewed, source and ingredient information may be needed.

The use of manure must follow the manure guidelines (120 days from application of manure to mushroom harvest) and compost containing manure must follow the compost guidelines (205.203(c)). Additional information on feedstocks and compost practices will be needed to approve composts for unrestricted use.

Trees logged for use as mushroom logs must be harvested in a manner consistent with sustainable woodlot management. The harvest area must be free from treatment with prohibited substances for the three years prior to harvest. Producers who purchase logs must obtain an affirmation statement from the seller stating that no prohibited substances have been applied to the log harvesting area for at least three years.

The laying yard for inoculated mushroom logs must be certified as a field. Outside growing areas should be protected from drift and are subject to the same buffer requirements as all certified fields.

Sprout Production

Organic seeds must be used in organic sprout production, regardless of commercial availability. Any substances used throughout the process must be on the National List as allowed for use in organic production. Producers need to take care to use compliant seed conditioning and sanitizing materials. Use of chlorine materials is allowed using the Chlorine guidelines in Section 16 of this manual.

Maple Syrup Production

NOFA-NY Certified Organic LLC's guidelines for organic maple production are in accordance with the National Organic Program (NOP) standards. Weed and pest control, fertilization, cleaners, sanitizers and facility and forest management must all be in compliance. Producers should also ensure that they are in compliance with existing Federal, state and local food handling, sanitation and licensing requirements.

Only sap collected from a certified sugarbush area (stand) may be used in production of certified organic maple syrup or other maple products. Producers must complete a field history for each stand to be certified and tapped which includes management activities and materials/products applied to trees or land for the past three years. If the stand is located on rented land, a written rental or tapping agreement from the land owner, indicating year round compliance to NOP standards, must be included with the application. Maps are required and must include location of all stands, sugarhouse and collection tanks, main tap lines, adjoining land use, acreage, major roads, physical features and compass.

Forest Management

Producers are expected to observe good forest management practices to protect the sugarbush ecosystem. Be sure to include a description of all practices in your Organic System Plan (OSP) which may include encouraging species diversity, stand regeneration, thinning of excess or diseased trees, erosion control of forest soil and roads, use of non-synthetic fertility and pest controls, etc. When management practices are insufficient, synthetic materials allowed on the National Organic Standards "National List" (sections 205.601 and 205.602) may be used with prior approval. Be sure to get any materials approved by the certification office prior to use.

Tapping

Tapping should be based on the health and vigor of the tree determined by examination of the canopy in both the winter and summer. Producers must refrain from over-tapping of trees or the tapping of diseased trees or trees in decline.

Tapping guidelines based on tree diameter at breast height (54 inches from the ground), are as follows:

Health Spout (5/16")	Standard Spout (7/16")	Number of Spouts
9" – 14" diameter	10" – 20" diameter	1
15" – 21" diameter	21" – 25" diameter	2
22" diameter and over	26" diameter and over	3

Tapping trees in any manner other than described above must have approval from the certification office. Taps must be removed from the trees within 60 days of the end of sap flow. Single use taps, including biodegradable taps, must be removed from the forest and disposed of properly.

Wire to hang the mainline must be kept from damaging the trees it is attached to. Use of nails or bolts must be kept to a minimum.

Vacuum pumps are permitted, with monitoring of the pressure levels at the tap.

The use of paraformaldehyde and other tap hole pellets in any tapped trees is prohibited.

Trees that are tapped must not be marked with prohibited substances including synthetic paint (latex, oil, etc.).

Inspection

Inspection of sugarbush stands and processing facilities will be conducted annually during the tapping and production season for maple syrup (typically February-April). If also certifying crops or livestock which will require annual inspection during the growing season, the cost of the additional inspection will be billed to the producer.

Equipment, Storage and Lead Testing

Stainless steel, food grade plastic containers, or lead free metal buckets should be used for storage and collection of sap and syrup. Equipment should be in good condition with no flaking of epoxy coatings on tanks, or extreme degradation of metal buckets. The use of containers that previously contained prohibited materials (such as oil or other petroleum products) is prohibited. If metal buckets are to be used, they should be in good

condition without excessive rust and corrosion. Producers should consider phasing out the use of galvanized buckets, as buckets manufactured previous to 1994 can contain lead in their soldering. If intending to use galvanized buckets where the manufacture date is unknown, or before 1994, producers are required to submit a yearly test of their syrup indicating lead levels are below the threshold of 250 ppb. In addition, periodic lead testing is recommended for all producers.

If gas or diesel powered motors are operating in a closed environment with a sap collection tank or where boiling takes place, they must be vented to the outside.

Equipment may be cleaned with water flush or other cleaning materials provided that a thorough hot water rinse or other intervening event is performed to remove all residues of prohibited substances. Approved chlorine materials may be used up to the maximum labeled rate for disinfecting and sanitizing lines, pans, tanks and other sap or syrup contact surfaces. Rinsing is not required unless mandated by the label. A Reverse Osmosis (RO) machine may be used. If synthetic materials used for storage of RO machine/membrane are not on the National List, the machine must be cleaned and rinsed thoroughly before organic maple syrup production begins. A standard operating procedure for the use of this machine and rinsing protocol must be described in the OSP.

Processing

Non-synthetic defoaming agents, including certified organic dairy products and certified organic oils must be used. Synthetic defoaming agents are prohibited unless included on the National List. Caution: Dairy products and some oils such as soybean and peanut oil are known allergens. If a producer chooses to use these as defoamers, it is recommended you provide this information on your label.

Settling tanks, traditional cone or flat filters (paper, wool, Orlon or nylon), or pumping through food grade diatomaceous earth filters are acceptable filtering methods. Syrup filtered with diatomaceous earth can be labeled "organic"; however it can not be labeled 100% organic. Other synthetic filtering media is prohibited unless included on the National List.

Re-packaging certified organic syrup with the intent to label as certified organic by NOFA-NY Certified Organic, LLC must be done by a certified organic operation.

A schematic diagram of the sugarhouse indicating processing, storage areas and dimensions must be submitted.

Labeling and Recordkeeping

All labels must follow the NOP requirements and be submitted for approval prior to use.

Retail products must have labels that contain a certification statement (Certified organic by NOFA-NY, LLC or similar phrase) directly below the distributor info and are traceable (via lot numbers, etc.).

Bulk products must have a lot number; identification of organic status and certifier is recommended.

Records must be kept in sufficient detail to show compliance to the NOP requirements. Audit trail records must be able to track finished product from sale back to sap collection/boiling. Records to be kept include sap collection, production logs, sales invoices, receipts for inputs (defoamers, diatomaceous earth, etc.), lot numbering system, etc.

28. Handling OSP (205.201)

It is important that the information contained in the OSP provides sufficient detail to enable certification reviewers who are not familiar with your operation to have a clear understanding of your procedures.

Method: A detailed description of organic management throughout all stages of production, from initial ordering of ingredients to shipment of finished product is necessary. For split operations, procedures to prevent commingling and contamination are required. Each operation is unique and must develop an individual system. Some operations use color coded equipment and / or paperwork, designated storage areas, specific production schedules for this purpose.

Audit Trail Documentation: Up-to-date, comprehensive recordkeeping is necessary to verify that procedures are consistently followed, and finished products can be traced back to ingredient origin.

Facility Diagram: A schematic of the facility identifying storage areas, processing areas with equipment layout, shipping areas, location of cleaning products. Flow of product may be included on the facility diagram or in a separate Flow Chart. Organic Control Points (OCP) should be identified. If a split operation, identification of dual use and/or designated equipment and storage areas is helpful.

Affirmation: A signed document stating that the information supplied is accurate, true and complete.

29. Handler Recordkeeping (205.103)

Audit trail documentation includes: schematic facility drawing, equipment list, product flow chart with organic control points, detailed description of the production process, lot numbering system, product formulations, water test, organic certificates, documentation of no prohibited methods for nonorganic ingredients and processing aids, finished product labels, ingredient orders, receipts, receiving logs, bill of lading (incoming/outgoing), batch/production logs, inventory (raw, finished product) records, cleaning/sanitizing materials, equipment cleanout, residue testing, pest control materials, pest control applications, sales invoices, shipping records, clean truck affidavits (incoming/outgoing).

Certified operations may not accept organic products without verifying source and certification of products. This is especially critical when receiving products from uncertified handlers and/or imports.

Uncertified Handlers

An Uncertified Handler Declaration must be completed by each uncertified handler in the supply chain that sells and/or handles produce or loose agricultural products labeled as "100 percent organic", "organic," or "made with organic (specified ingredients or food group(s))". The purpose of this form is to verify eligibility for the exclusion from certification under §205.101(b)(1).

If a supplier is uncertified the records must be kept by the certified operation responsible for the product (buyer or seller). Detailed Records:

- Must maintain traceability and allow for a thorough audit trail verifying organic authenticity
- Document prevention of contamination and commingling
- Records must be available for inspection

30. Handling Allowed and Prohibited Substances (205.105)

Sections 205.601 through 205.606 of the NOP Regulations are also referred to as the National List. The National List should be the first reference when determining compliance of nonorganic ingredients and other materials to be used on organic production.

Documentation is required for nonorganic ingredients, processing aids, boiler chemicals, cleaning and sanitizing materials and pest control materials, in order to verify if they are allowed for use in organic production. Examples of documentation that can be used, either individually or in combination, include non-GMO statements, product labels, MSDS, and technical data sheets that list all components contained in a particular product. A form is also available from the certification office to be used for nonorganic ingredients, to ensure that sufficient information is provided.

31. Facility Pest Management (205.270)

The National Organic Program (NOP) outlines a specific order of pest control methods in areas where organic products are processed, handled, or stored.

- First use preventative measures such as good sanitation, then mechanical measures, such as mechanical, sticky, or pheromone traps.
- If preventative and mechanical measures do not adequately control pests, you may use NOP allowed materials from the National List, including carbon dioxide, nitrogen, Vitamin D3 bait, boric acid, diatomaceous earth, or soap products.
- If preventative, mechanical and National List materials are not effective; you may use synthetic pesticides provided there is no contact with organic product and food contact surfaces.

control records should be onsite and available for inspection. There are no NOP restrictions on the use of synthetic materials outside your facility or in non-organic production areas.

32. Commingling and Contact with Prohibited Substance Prevention (205.272)

Procedures must demonstrate that nonorganic and/or other prohibited products will not come into contact with organic product during production, in storage, and via packaging. For split operations, clear segregation with detailed recordkeeping is necessary to avoid accidental use of incorrect product.

For cleaning and sanitizing materials containing prohibited ingredients, procedures must clearly show that no residue from such materials remains on any food contact surfaces which could come in contact with organic product.

For pest control materials containing prohibited ingredients, the pest control plan must describe specific procedures to be followed to protect the integrity of organic product before and after pest control applications. For fogging or application of other materials requiring a withhold time, we recommend that the time specified by the manufacturer be doubled. All applications of pest control materials must be documented.

33. Product Composition (205.301)

The labeling category of organic products is based on the percentage of organic ingredients. Products must meet specific ingredient requirements to be sold, labeled, or represented as either “100% organic”, “organic” or “made with organic [specified ingredients or food group(s)]”.

“100% organic” requires every ingredient to be in the “100% organic” labeling category and every processing aid to be in the “100% organic” or “organic” category.

“Organic” products must contain no less than 95% organic ingredients. All remaining ingredients and processing aids must be compliant with the National List. Please note that organic ingredients must be used if commercially available. Nonorganic agricultural ingredients must be listed in Section 205.606 of the National List, and documentation is required to verify the ingredient is not commercially available in organic form.

“Made with organic” must contain at least 70% organic ingredients. The remaining ingredients and processing aids must not be produced using prohibited methods (Section 205.301(f) (1) (2)). Requirements for the remaining nonorganic ingredients are less restrictive:

- Processing aids which are not on the National List may be used.
- Sulfites, nitrates and nitrites may be used.
- Nonorganic ingredients may be used when organic forms of the ingredient are available.
- Organic and nonorganic forms of the same ingredient may be used.

Products with less than 70% organic ingredients may identify the organic ingredients as such, provided those ingredients were produced in accordance with Organic Production and Handling Requirements in Subpart C of the NOP Regulations. The nonorganic ingredients may be produced with no restrictions. Products in this category cannot be represented as certified organic.

Livestock Feed may be labeled as “100% organic or “organic”. “100% organic” must contain all 100% organic ingredients. “Organic” must contain only organic agricultural ingredients. Nonagricultural ingredients that are consistent with livestock feed requirements described in Section 205.237 may be added.

34. Calculating the Percentage of Organically Produced Ingredients (205.302)

The percentage of organic ingredients is determined by weight. Water and salt are not certifiable and are excluded when calculating the percentage of organic ingredients.

The weight of all ingredients in a formulation including water and salt must total 100%. Water and salt are then deducted from this total, leaving the net weight of the finished product. The weight of the organic ingredients divided by the net weight of the finished product determines the labeling category.

For ingredients in the “made with organic” category, either the exact percentage of organic ingredients must be obtained, or the ingredient must be assumed to be 70% organic. This must be included in the calculations, and could affect the category of the finished product.

The percentage of all organic ingredients must be rounded down, rather than up. For example a formulation indicating 94.9% organic ingredients would round down to 94%, and be eligible for the “made with organic” labeling category rather than “organic”.

35. Labeling (205.303 through 205.310)

Requirements for retail packages are not the same as those for non-retail containers and products in other than packaged form. It is important to pay close attention to the specific requirements described in the applicable sections of the regulations for the each labeling category and type of packaging to be used. Requirements vary, including how organic ingredients must be identified, type size, use of seals and logos, etc.

All packaging / labels must be submitted to the certification office for review and approval prior to printing. Corrections to labels found to be non-compliant can be extremely costly.

Use of the USDA seal is allowed only for products in the “100% organic” and “Organic” labeling categories. The USDA seal is not allowed on products in the “made with organic” category, or products containing less than 70% organic ingredients. The USDA seal must be displayed in the colors specified in the NOP Regulations. Samples can also found on the National Organic Program website.

The NOFA-NY Certified Organic, LLC logo may be displayed for “100% organic”, “organic” and “made with organic” products. This logo must also be in specific colors. Samples are available from the certification office.

If both the USDA seal and the NOFA-NY Certified Organic, LLC logos are to be used, the NOFA-NY Certified Organic, LLC logo must not be more prominently displayed than the USDA seal.

A “certifier statement” is required on all retail packaging labeled as “100% organic”, “organic”, and “made with organic” categories, as well as “100% organic” and “organic” livestock feed. The statement must be located directly below the distributor information, with no other information in-between. This statement must read: “Certified Organic by NOFA-NY LLC” or similar phrase. If the producer wishes to use an agency sold sticker that includes this statement, it must be located directly below their distributor or farm information.

For nonretail containers and products sold bulk, lot numbers are required.

36. Imports/Exports

When Importing or exporting organic products, the Organic System Plan should:

- Disclose whether the operation exports/imports products.
- Describe records the operation maintains for products imported/exported.
- Identify ingredients imported, including the source of those ingredients.
- Include the operation’s procedures for verifying source, certification, and compliance of imported ingredients.
- Describe procedures for verifying that imports were not fumigated or irradiated when crossing borders.

Example of records:

- Records verifying organic status of incoming products with amounts
- Organic Certificates for all incoming organic products/ingredients
- Invoices, purchase order, bill of lading, contracts
- Handler Organic Certificate
- Certificates of Analyses, product specification sheets
- Raw products inventor reports and records
- Weigh Tickets, scale tickets, receipts, tags
- Clean truck storage affidavits
- Phytosanitary Certificate; verification of non-fumigation