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Upcoming ACA Meetings

ACA will host meetings at the following upcoming events:

All Things Organic / Expo East

Friday, October 15, 2010 from 9 am to 10 am in Room 209 of the Boston Convention & Exhibition Center, Boston, MA

National Organic Standards Board

Monday, October 25, 2010 from 5:30 pm to 7:30 pm, at the Best Western InnTowner Hotel, 2424 University Avenue, Madison, WI

Join us for discussions of the hot topics of the day!

NOP Updates

Miles McEvoy, Deputy Administrator of the National Organic Program, joined the ACA Board on our monthly Board of Directors Conference Call on September 8, 2010. Miles covered the following topics:

- 1. Change in complaint handling/enforcement:** Miles noted that ACA's were informed about the change in the handling of complaints in the memo dated 8.16.2010 from the NOP. Miles noted that with the participation of the NOP in the process, civil penalties can be assessed, and that these may have a greater impact on compliance, especially with major violations. Certifiers will still conduct enforcement for minor violations.
- 2. NOP Program Handbook:** The current version of the handbook is just the beginning. Additional policy memo and instructions will be forthcoming. Miles stated that in regard to policy memos issued previously "what is in effect is on the website". NOP is in the process of reviewing all policy memos, and as they are reviewed they will be incorporated into the Handbook.
- 3. New Draft Guidance Documents:** Miles indicated that NOP is working on 6 additional draft Guidance Documents. These will be published in the Federal Register later this month. There will be a 60 day comment period on the documents. Once finalized they will be incorporated into the Handbook. There was no hint of what the topics are.

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NOP Updates (cont.)

4. **Residue Testing:** Miles indicated that residue testing will not be a requirement for 2010. NOP is working on rulemaking to address the residue testing requirement. They hope to have a proposed rule by early 2011. NOP won't be covering cost, as they do not have authority to spend funds on residue testing. Miles noted that certifiers need to address this requirement in their budgets. NOP is open to comments on residue testing from ACA prior to the publication of the Proposed Rule.
5. **Access to Pasture Requirement:** Miles noted that assessment should be addressed this year to see if dairy producers are meeting the 30% DMI. Operators not meeting the requirement should be notified, but this should not be considered a noncompliance for renewing operations. NOP will be publishing some additional information shortly.
6. **Policy formulation:** Miles stated that NOP has created policy in various ways over the years – memos, instructions, through training programs (but this needs additional backup in written form). Policy is also determined by appeals decisions, closures, denials, etc. Policy statements by NOP staff via email or individual letters to certifiers is problematic. He noted that NOP needs to be able to communicate with certifiers; but certifiers also can't take individual NOP

actions based on a particular case and turn these into broader policy statements. Along with the establishment of a consistent mechanism to develop policy, NOP is making a concerted effort to get all staff on the same page regarding formulation of policy statements.

How do certifiers eliminate conflict of interest or the appearance of conflict of interest? Miles cautioned that certifiers be aware of becoming aligned with certified operations in terms of their opinion of standards. Certifiers must be a neutral body to assess compliance. Certifiers can convey a message regarding client interests, but should not be advocating for particular clients interests. Miles noted that clarifying the roles of organizations is important. Certification is the regulatory arm; the educational component of an organization may act as advocate. The different parts of organizations need firewalls and clear distinction of roles.

7. **Public events:** NOP staff will be present at the following events: the NODPA Annual Field Days, All Things Organic and the NOSB Meeting in Madison, WI.

We thank Miles for participating in our call and look forward to him joining us again in the future.

ACA is seeking candidates to serve on the Board of Directors for the term beginning in April, 2011. Three Directors seats will be available.

Additional information will be sent to ACA Members shortly.

NOP Program Handbook

NOP released the initial edition of its Program Handbook on September 2. While much of the information contained was not new information, the Handbook did provide information on the distinction between “guidance documents” and “instruction documents”.

Guidance Documents provide “interpretations of NOP statutory or regulatory requirements, changes in interpretation or policy, or address unusually complex or highly controversial issues.” The Level 1 Guidance Documents will generally be finalized through the Federal Register process, soliciting public input, prior to being included in the NOP Program Handbook.

Instruction Documents are “meant to inform certifying agents and certified operations about best practices for conducting business related to certification, accreditation, international activities, and compliance and enforcement.” Instruction documents are not formulated through the Federal Register process. Instruction Documents are considered effective immediately upon publication in the Program Handbook.

The Handbook also states “Guidance and Instruction Documents do not themselves establish legally enforceable rights or responsibilities and are not legally binding on the public or the program.” It was noted that these documents reflect the current thinking of NOP on the particular topic and that the NOP is taking steps to not deviate from the document without justification.

The Program Handbook contained several Guidance Documents that had been previously established by NOP:

- Processed Animal Manure in Organic Crop Production (NOP 5006)
- Reassessed Inert Ingredients (NOP 5008)
- Approval of Liquid Fertilizers for use in Organic Production (NOP 5012)
- Certification of Organic Yeast (NOP 5014)
- Allowance of Green Waste in Organic Production Systems (NOP 5016)

The Program Handbook also contained new Instruction Documents including:

- Five Steps to Organic Certification
- Recordkeeping
- Organic Certificates
- Reinstating suspended organic operations
- Processing requests for temporary variances

The above Instruction Documents all contained an effective date of September 1, 2010. The document with perhaps the most far reaching effects is the Instruction Document regarding Organic Certificates. The requirements as stated will provide clearly documented Organic Certificates to operators, and purchasers of organic products. The Organic Certificate Instruction Document incorporates both the 2006 and 2007 National Organic Standards Board Recommendations for Certificates.

The new Policy states that NOP organic certificates should be issued in English and specify the:

- Name and address of the certified operation;
- Name, address, internet address, and phone number of the certifying agent;
- Effective date of the organic certification (the date the operation was initially certified to the NOP Regulation);
- Issue date of the certificate;
- Anniversary date (date when certified operation is required to submit their next annual update);
- Scope of certification (e.g. crops, livestock, wild crops, handling);
- Certified organic products covered under the organic certification;
- Label classification for processed organic products – 100% Organic, Organic and Made with Organic (specified ingredients or food groups);
- The statement - “Certified Organic under the US National Organic Program 7 CFR Part 205”;
- The statement - “Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked”.



~ Thank You ~ to the following New & Renewing Members

Baystate Organic Certifiers
Center for System Integration
Certified Organic, Inc.
Clemson University, Dept. of Plant
Industry
Colorado Department of Agriculture
Global Culture
MOFGA Certification Services
National Organic Coalition
New Jersey Department of Agriculture

NOFA-NY Certified Organic
OEFFA Organic Certification
Organic Agsystems Consulting
Organic Certifiers, Inc.
Organic National & International
Certifiers
QMI Organic
Quality Certification Services
Stellar Certification Services
Vermont Organic Farmers

Remember - Save the Dates!



ACA

&



Professional Development Training

February 7, 2011

National Organic Program Certifier Training

February 8 - 9, 2011

Accredited Certifiers Professional Development Training

Other Scheduled Activities

Accredited Certifiers Association Annual Meeting

National Association of State Organic Programs Annual Meeting

and

Organicology

February 10 - 12, 2011

Presented by

Oregon Tilth

Organic Seed Alliance

Food Trade Sustainability Leadership Association

Organically Grown Company

Located at The Doubletree Hotel, Portland OR