



The ACA Guidewire

Newsletter of the Accredited Certifiers Association, Inc.

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ACA Activities

Our first few months have been busy ones. Outreach to non-ACA members has been the primary focus of the office work. As a result our membership has increased by 50%! See the list of renewing and new members below. This work is ongoing. We have established the ACA discussion group and it is providing great information to members.

Many ACA members attended the recent NOSB meeting in Washington DC (see *NOSB Meeting Notes*). A meeting of ACA members and other accredited certifiers was also held. There was good discussion pertaining to future ACA activities, including developing a process to reach consensus on standards interpretations, or at least a majority position, with the minority position also provided. In conjunction with this, Oregon Tilth has created a database of positions and will be sharing this with the ACA through the ACA website (in development now). It was the feeling of those present that if there is consistency among certifiers in standards interpretation, this will deter "certifier hopping" due to different requirements. The quality of services provided / or fees charged are legitimate reasons however, for a client to move from one certifier to another. An additional topic of discussion was for the ACA to work with other organizations to provide educational information.

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Future ACA Meetings

The ACA Executive Committee has decided that the Annual Meeting of the ACA will be held in conjunction with the All Things Organic trade show each year.

In addition, ACA members are encouraged to meet informally at various industry meetings such as other trade shows, NOSB meetings, and conferences. In discussions at the recent ACA meeting, it was felt that the ACA should have a longer, educational type of annual meeting. Extending the meeting time would provide opportunities for members to interact more with each other.

Welcome New / Rejoining Members

We have had a good response to our initial membership drive – and we hope to continue the increase in our membership. **Thank you** to the following new members and to the renewing members who are supporting the work of ACA:

California Organic Farmers
Clemson University, Dept. of Plant Industry
Global Culture
Hawaii Organic Farmers
New Hampshire Department of Agriculture
Midwest Organic Services Association, Inc.
Minnesota Crop Improvement Association
MOFGA Certification Services
New Jersey Dept. of Agriculture/NOFA-NJ
NOFA-NY Certified Organic LLC
Ohio Ecological Food & Farm Association
Oregon Tilth
Organic Certifiers, Inc.
Organic Forum
Pennsylvania Certified Organic
Quality Certification Services
Rhode Island Department of Agriculture
Vermont Organic Farmers

An Amendment to OFPA?

The Organic Trade Association (OTA) developed and floated an amendment to the Organic Foods Production Act (OFPA) as a possible rider on the Senate Agriculture Appropriations Bill. The draft amendment was submitted on September 19, in response to the Harvey Case ruling. A different bill was passed later that week, calling for a study of the effects of the Harvey lawsuit decision. The development of the OTA amendment was not known to most of the organic community and most certification agencies were in favor of a more open process. Several other organizations came together with their own set of proposals for how to deal with the ramifications of the Harvey decision. In addition, the NOSB has a draft of Suggested Regulatory Changes to Comply with Harvey v. Johanns, although not all members have voted on the document. For additional information see <http://www.sustainableagriculture.net/Organic.php> – the website of the National Campaign for Sustainable Agriculture. Stay tuned to the discussion group for the latest update on these amendments.

Next National Organic Standards Board Meeting, Scheduled for November 16-17, 2005

The National Organic Standards Board (NOSB) will be holding its next meeting November 16-17, 2005, at the Channel Inn Hotel in Washington, D.C. The main topics of discussion will be the sunset provisions for materials and election of a new NOSB Chair. Hotel contact information is 1-800-368-5668 or <http://www.channelinn.com/>



Update on Nominations for New NOSB Members

Several certification agencies submitted names for nomination for NOSB Board Members. Maralee Maldavs, OCIA International, Miles McEvoy, Washington State Department of Agriculture Organic Program, and Joseph Smillie of Quality Assurance International are seeking nomination to fill the Certifier Representative position on the NOSB. In addition, David Engel of Nature's International Certification Services is seeking nomination as a farmer representative. If you know of others who have submitted resumes for nomination to the NOSB, please let us know so that we can publish their name.

Mark Bradley Appointed National Organic Program Manager

Mark Bradley has been appointed the new Program Manager for the National Organic Program. Most recently Mark has been the Accreditation Manager for the NOP. The organic community is familiar with Mark and his abilities and looks forward to positive working relationship with the NOP.

NOSB Meeting Notes

The National Organic Standards Board met August 15-17, in Washington DC. Highlights of the discussions that took place include:

- ♦ pasture recommendations
- ♦ clarifying the definition of synthetic as it is applied to substances petitioned to the National List
- ♦ commercial availability of organic seed
- ♦ recommendation for implementing the biodiversity requirements of OFPA through the organic system plan

- ◆ much discussion regarding definition of non-agricultural substances
- ◆ materials sunset process

Note: The final recommendations passed at the August meeting are now posted on the NOSB website.

Two major discussions took place in regard to *pasture recommendations*. First, in what was a surprise to NOSB members, the NOP indicated that the language of the proposed Rule change passed at the February meeting was ambiguous and lacked regulatory objective. This means that the NOSB will need to revisit the pasture recommendation once again, in effect delaying an official recommendation and the actual submission for rule change. Farmers and consumer organization representatives present at the meeting were not pleased with this turn of events. The second discussion regarding pasture was about the guidance document for interpretation of §205.239(a)(2) drafted by the NOSB on 7.12.2005. Several wording changes were made and the guidance passed unanimously. It was noted that this is a *guidance* document, and does not carry the force of a rule change.

With significant discussion and background information presented, the NOSB voted approval for the guidance document *Clarification of the Definition of Synthetic as it is applied to Substances Petitioned to the National List*. In addition, the guidance document contains basic chemistry information that provides background for why the Board made this guidance recommendation.

The adoption of guidance document on *Commercial Availability of Organic Seed* would require additional recordkeeping on the part of both producers and certifiers. The guidance also requests the

establishment of an independent public database pertaining to the availability of organic seeds. The guidance also requires certifiers to provide information to clients regarding the lists of organic seeds that are available. In addition, certifiers would be required to maintain and provide annually a list of non-organic crop varieties that clients would be permitted to use. Producers would be asked to update their organic system plan annually regarding the variety of organic seeds used. The NOSB unanimously approved this guidance document.

The NOSB passed its *Recommendation to Amend the NOSB Organic System Plan Template*. This new recommendation includes a section to be included in the Organic System Plan that will identify the efforts used by the producer to meet the biodiversity requirements in §205.200 and §205.203(a).

The NOSB proposed a modification to the *definition of Nonagricultural Substances* and much discussion took place about this proposal. In addition, they proposed a guidance document in the form of a decision tree for use in deciding upon the classification of substances as “agricultural” or “nonagricultural.” They have also proposed a document defining agriculture as it applies to agricultural products, as the Rule does not contain a definition of agriculture. Much of the discussion focused on whether yeast is considered a nonagricultural substance. Many consider it to be agricultural and available in an organic form. The NOSB deferred a vote on this document to a later date.

The NOSB voted to recommend adding the following materials to the National List:

- Chitosan to be used as an adjuvant only

- sucrose octanoate esters (considered an oil soap) to be used in both crops and livestock

The Board deferred a vote on soy protein isolate and ammonium bicarbonate in order to receive input from the NOP on the guidance document regarding clarification of the definition of *synthetic*.

The Board has also voted to recommend the *Proposal to Revise the Organizational Structure of the National List*. The NOP will now review this recommendation.

In preparation for the next NOSB meeting which will address the Sunset Provision of the National List, committee members were going to identify which materials needed a full review. They will then focus on the non-controversial items and set these aside for renewal. The more controversial materials will then be addressed.

Personal Care Products

Within a week following the NOSB meeting, the NOP issued a memo stating that as long as products are produced in compliance with the NOP requirements, they may be labeled as 'certified organic' or 'made with organic' ingredients. This action will no doubt please the companies that have obtained certification for personal care products. The NOSB received much public comment at the August meeting on this topic primarily from companies already producing personal care products. These companies were previously told by the NOP that they would have to discontinue labeling these products as certified under the USDA program.

Methionine may be used until 2008

The National Organic Program has published a final rule allowing the use of methionine in poultry feed until October 1,

2008. View the Federal Register notice at: http://www.acceViss.gpo.gov/su_docs/fedreg/a051021c.html, and look under the Agricultural Marketing Service entries.

Japan Accepting Certifier Applications

Japan began accepting applications for organizations desiring to become certifiers for organic products sold under the Japan Agricultural Standard (JAS) revised system. A guidance document on the application process to become a Registered Overseas Certifying Body (ROCB, formerly RFCO) is now available. Contact OTA's Dave Gagnon (dgagnon@ota.com) if you would like a copy. See pages 6-8 (English) of <http://www.ota.com/pics/documents/JapaneseROCB.pdf>.

MICI & FLAG Lawsuit v USDA

Massachusetts Independent Certification, Inc., (Baystate Organic Certifiers), with the assistance of the Farmer's Legal Action Group, has filed a lawsuit in federal district court that challenges the USDA's failure to provide appeal rights to certifiers when it overrules their certification decisions. There are many problems with the failure to provide appeal rights to certifiers, since USDA effectively acts as accreditor and certifier in those cases. A press release and the complaint are posted on the FLAG Website at <http://www.flaginc.org/news/MICI/MICI.htm#20050923>.

Send us your organization's news, story ideas, etc.

Your suggestions & comments are welcome.

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