



OIA NORTH AMERICA

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MEMORANDUM

From: OIA North America

To: All OIA North America NOP Organic Growers

Date: October 8, 2010

SUBJECT: Guidance for Operations with only a Portion of the Operation Certified Organic

I. BACKGROUND

The USDA NOP Final Rule allows for the certification of specific fields as organic, with the remaining land on a parcel managed as conventional agricultural production or managed simply as non-organic land. While this is allowed by the USDA NOP Final Rule, it raises special issues and concerns about risks of contamination of the organic fields and crops and commingling of organic products produced by the operation and non-organic crops produced by the operation. Under the rule, split operations which produce both organic and non-organic crops must address in their organic system plan the "practices and physical barriers established to prevent comingling of organic and nonorganic products" and to prevent contact with prohibited substances. Currently, OIA North America requests information about split operations and their practices and physical barriers established to prevent comingling and prevent contact with prohibited substances. However, OIA North America has recently determined that further guidance is needed for operations with split production, and that guidance should be issued to operations which while not split operations, have portions of their land certified as organic and portions of the operation not certified as organic.

II. APPROPRIATE REGULATORY PROVISIONS FROM THE USDA NOP FINAL RULE.

§ 205.100 (a) What has to be certified, allows for the certification of all or a specified portion of a production operation: "(a) Except for operations exempt or excluded in §205.101, each production or handling operation or specified portion (emphasis added) of a production or handling operation that produces or handles crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be certified according to the provisions of subpart E of this part and must meet all other applicable requirements of this part."

§ 205.201(a)(5) Organic production and handling system plan, requires that the Organic System Plan submitted by the certified operation include "(a) description of the management practices and physical barriers established to prevent comingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances."

§ 205.2 *Terms defined*, defines a split operation as: “An operation that produces or handles both organic and nonorganic agricultural products.”

III. GUIDANCE FOR OPERATIONS WITH ONLY A PORTION OF THE OPERATION CERTIFIED ORGANIC

OIA North America has created a new form which must be completed by an operation which is certifying less than the entire parcel. This includes operations which meet the definitions of a split operation but also those operations who do not strictly meet the definition of a split operation because the non-organic portions of the parcel are not managed to produce any crops. Examples of the latter would be a 10 acre parcel of land for which certification of 5 acres of production has been requested, with the remaining 5 acres to lay fallow or to be used for purposes related to a residence on the parcel. Both types of operations would be required to complete the Non-Organic Land Management Form. The form will ask additional detailed questions about the physical barriers and practices in place to prevent contamination of certified organic areas. Additionally, it requires the following minimum practices:

1. Disclosure of all prohibited fertilizers, and pest, weed, and disease control products to be used on the non-organic lands.
2. Designated storage areas, separate from both the certified organic land, and the storage area for organic products, where such prohibited products will be stored.
3. Practices in place to ensure that any prohibited fertilizers, and pest, weed, and disease control products to be used on non-organic lands are never present on certified organic land in any manner.
4. Recognition that a failure to abide by the above requirements will result in a Noncompliance being issued to the operation and possible suspension and revocation of the certification for the certified lands.

A copy of this form (NOP Non-Organic Land Management Form) should be completed and submitted with the next annual renewal for each operation which is seeking renewal of certification for anything less than the entire parcel or operation.

Please contact OIA North America if you have any questions about this policy or the form.

Sincerely,



Jonathan Austin

OIA North America

Enclosures(1): NOP Non-Organic Land Management Form