



2019 Standard Proposals & Updates for Organic Producers

Vermont Organic Farmers, LLC (VOF)

Northeast Organic Farming Association of Vermont (NOFA-VT)

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The VOF Review Committee, comprised of five certified producers, had five meetings in 2018 with VOF staff to create new VOF policies and to discuss major non-compliance issues. Each year, these policies are presented at the VOF Annual Meeting to get producer feedback and review. This year the meeting will be held at the VFW Hall in Middlebury, VT. We invite all producers to attend the meeting and provide us feedback regarding these standard interpretations and the VOF program in general. If you are unable to attend the meeting, please do not hesitate to contact the office to express your opinion. The Review Committee discussed the following clarifications in 2018, based on new and continuing applicant questions and scenarios.

Note: Proposed standards changes are in **bold type**; old language has a ~~line through~~ it, if appropriate.

Standard Proposals

1) Compost Feedstock Policy

Background:

Biodegradable biobased plastics (BBP) are not allowed as a compost feedstock. VOF's current policy is to prohibit compost producers from accepting food waste that contains biodegradable biobased plastics. This interpretation leads composters to make difficult choices, and some are deciding to move away from having their compost reviewed and approved for use on organic farms so that they can accept food waste as part of Vermont's universal composting requirements. Alternatively, some compost producers have dual compost streams, which is challenging, both in terms of the space required to maintain two separate composting sites and in terms of the time required to clean out composting machinery between work on the separate streams.

The Organic Materials Review Institute (OMRI) currently reviews compost, including compost made by producers who accept food waste that contains compostable or bio-based plastics. OMRI requires that producers provide a description of how they remove and/or prevent any kind of plastic from entering the feedstock prior to composting, including compostable, bio-based plastics. Additionally, the removal of plastics must be documented.

VOF's current policy forces producers to make compost for organic farms without any municipal food waste. The choice between universal composting and organic composting is likely to drive many composters away from the "organic" compost stream, and will leave organic producers feeling like they are not able to help solve a growing problem. OMRI's policy encourages a reasonable solution.

Relevant Standards:

NOP Section 205.2 defines compost as, "The product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil. Compost must be produced through a process *that combines plant and animal materials* with an initial C:N ratio of between 25:1 and 40:1. Producers using an in-vessel or static aerated pile system must maintain the composting materials at a temperature between 131°F and 170 °F for 3 days. Producers using a windrow system must maintain the composting materials at a temperature between 131°F and 170 °F for 15 days, during which time, the materials must be turned a minimum of five times."

Proposal: (new language in red, bold)

Policy for Compost and Compost Production, Section: Approved Feedstocks, Pages 2 & 3

Approved Feedstocks

Plant & animal materials from any source

Crop residues

Yard & garden waste

Food waste

Manure

Newspapers and other recycled paper

Prohibited Feedstocks

Plant & animal materials that go through a chemical change. (Some bioplastic materials may fall into this category, for example, corn based plastic mulches & tableware. **Compost producers may accept municipal food waste or food waste from other streams that contain biodegradable bio-based or compostable plastics, provided they are screened from the waste stream prior to composting.** Please check VOF's Brand Name Product List for Organic Production for approved brand name materials.)

Non-synthetic materials listed in 205.602 as prohibited

Synthetic materials not listed in 205.601 as approved

Recycled wallboard

Sewage Sludge

Urea

2) Treated Wood Policy

Background:

The NOP created draft guidance that addresses the use of treated lumber on organic farms and facilities. VOF would like to clarify our guidelines based on this guidance. Specifically, we will clarify that lumber treated with prohibited materials cannot come into contact with crops; we will establish a recommended buffer distance between treated lumber and crops, soil, or livestock; and we will determine when the use of treated lumber may be considered "isolated from production."

Relevant Standards:

§205.206 Crop pest, weed, and disease management practice standard.

(f) The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with soil or livestock.

Proposal: (new language in red, bold)

II Organic Crop Production, C. Greenhouse Practices, Page 39

C. Greenhouse Practices

Greenhouse management must comply with all aspects of previously stated soil management with the exception of crop rotations. However, greenhouses must be managed to maintain or improve the physical, biological, and chemical conditions of the soil. VOF encourages the use of innovative techniques in managing greenhouses.

~~1) New Greenhouses (§205.105 and 205.206 (f))~~

In the construction of ~~new~~ greenhouses **and other infrastructure**, growers shall not use **lumber treated with arsenate or other prohibited substances in their construction, including lumber treated with arsenate or other prohibited materials** except in places that will not come in direct contact with **crops**, soil or livestock. **Use of treated lumber in these instances will result in noncompliance and VOF may require removal of the lumber. Alternatively, VOF may allow for a buffer or barrier to be installed to protect the crop and soil from contact with the prohibited material. In this case, VOF recommends a**

minimum buffer area of 5 ft. in radius surrounding all treated wood installations. Examples of potentially acceptable barriers include untreated wood boards, metal flashing, plastic, etc.

III Organic Livestock Production, B. Livestock Living Conditions, Page 56

B. Livestock Living Conditions (205.239)

Producers can construct any covered barnyard structure, as long as there is an additional exercise area where animals are outside in direct sunlight. Farmers that are working with NRCS and feel that additional exercise areas would significantly impact a nearby waterway can submit a description of the situation to the Review Committee. The Review Committee will evaluate scenarios on a case-by-case basis to decide if a producer's outdoor access area would significantly impact water quality. If the Review Committee agrees with the producer's assessment of the situation, they will allow a solar barnyard to be constructed without an additional outdoor access area. The solar barnyard must meet VOF's guidelines to assure that proper light and ventilation is being maintained. Please contact the office to discuss your construction plans in advance of construction.

- Farmers shall not use lumber treated with arsenate or other prohibited substances in places that will come into direct contact with **crops**, soil or livestock. For example, farmers must not use treated lumber in the construction of barnyards, farrowing pens, brooders, etc. **Use of treated lumber in these instances will result in noncompliance and VOF may require removal of the lumber. Alternatively, VOF may allow for a buffer or barrier to be installed to protect the crop, soil or livestock from contact with the prohibited material. In this case, VOF recommends a minimum buffer area of 5 ft. in radius surrounding all treated wood installations that contact crops or soil. VOF requires barriers to protect animals from contact with prohibited materials. Examples of potentially acceptable barriers include untreated wood boards, metal flashing, electric or barbed wire, etc.** However, Treated lumber may be used for fence posts that are isolated from production **assuming that animals will not have significant contact with the posts.**

3) Split Farm Marketing

Background:

Many farmers have both organic and non-organic products for sale. Many consumers see the word "organic" in a farm name (such as "ABC Organic Farm") or see an "organic" sign and believe that all of the products being sold by that farmer are organic. The goal of this policy is to reduce consumer confusion when producers offer, market and sell both organic and non-organic products.

Relevant Standards:

§205.100 What has to be certified.

(a) Except for operations exempt or excluded in §205.101, each production or handling operation or specified portion 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.

§205.2 Terms Defined

Labeling. All written, printed, or graphic material accompanying an agricultural product at any time or written, printed, or graphic material about the agricultural product displayed at retail stores about the product.

Market information. Any written, printed, audiovisual, or graphic information, including advertising, pamphlets, flyers, catalogues, posters, and signs, distributed, broadcast, or made available outside of retail outlets that are used to assist in the sale or promotion of a product.

N. Split Operation Guidelines

...In addition, all split farms must advertise in a way as to delineate between organic and non-organic products. Many consumers see the word “organic” in a farm name (such as “ABC Organic Farm”) or see an “organic” sign and believe that all of the products being sold by that farmer are organic.

All operations that sell both organic and non-organic product must have clear signage stating which products are organic and which are non-organic to prevent unintentional misrepresentation of products sold. This means all nonorganic products must be clearly labeled as such. Signage must be easily visible and in plain sight.

Acceptable labeling options include:

- Signs on each product stating whether it is organic or not.
- A single sign stating which products are organic and which are not.
- A single sign that indicates both organic and non-organic products are sold with signage indicating which products are organic.

Websites

If you offer organic and non-organic products and individual products appear or can be purchased from a website page that displays the USDA seal, VOF logo or other organic claim, the organic status of each product must be clear. Non-organic product must be represented so that a reasonable consumer will not assume that a non-organic product is organic.

Examples of compliant web pages:

- The USDA seal is displayed in the page header next to the statement “Products below are all organic,” and all products on the page are certified organic. A separate page for non-organic products does not include the USDA seal in the page header.
- Organic and non-organic products are displayed on the same page, the USDA seal is displayed next to individual organic products but not next to non-organic products, and no USDA seal is displayed in the header.
- The USDA seal is displayed in the page header next to the statement “We offer both organic and non-organic products,” and the word “Organic” identifies the organic products.

When the USDA seal or VOF logo appears in an image or photo, all products or ingredients in that image must be eligible to display the seal/logo, (i.e. be certified organic). If all products or ingredients in the image are not certified organic then neither the USDA seal nor VOF logo may be used unless there is a clear and conspicuous explanation of what is certified organic, as described above.

Other items to be voted on by the membership

1) Certification Fee Structure Correction & 2019 Proposed Budget

A number of producers have pointed out two issues in the current fee structure. The first issue is that lower-grossing producers are charged more for the same amount of income than higher-grossing producers are. Our 2019 proposed fee structure corrects this by making a graduated fee structure, where all producers will pay the same percentage for each dollar of gross income. The second issue is that our current fee structure encourages producers to misstate their gross income to qualify for a lower percentage rate. The proposed changes to the certification fee structure corrects both of these issues.

The general structure will remain the same as it currently is, but the proposed change will make the fee structure more equitable for smaller scale producers. All producers will continue to pay a base fee plus a graduated assessment on gross organic sales/services based on their projected sales for the calendar year. The maximum fee will remain at \$15,000. The revised fee chart is below. As an example, if your 2019 gross organic sales are \$250,000, you will pay $\$840 + (0.33\% * \$150,000) = \$1,335$.

Range of anticipated gross sales/services:	Marginal multiplier rate:	Base fee:
\$0 - \$14,999	0	\$500
\$15,000 - \$99,999	0.004	\$500
\$100,000 - \$499,999	0.0033	\$840
\$500,000 - \$999,999	0.0025	\$2160
\$1,000,000 - \$2,999,999	0.0017	\$3410
\$3,000,000 - \$15,000,000	0.000685	\$6910
Above \$15,000,000		\$15,000

Proposed 2019 VOF fee structure

2) VOF Review Committee & EC Committee Members

We will be voting on the members of the Review Committee and Executive Committee.

Discussion Item

1) GMO Testing Policy

The VOF Review Committee has been discussing whether to start testing product for genetically modified content as part of VOF's residue testing program. The goals of the program would be to determine the level of GMO contamination in organic products certified by VOF, to identify and test areas of high-risk GMO contamination or use, and to ensure that organic products are not produced using GMOs.

The program would identify high-risk scenarios as well as GMO thresholds (based on the Non-GMO project levels).

If tests detect GMO content below the level of concern, VOF would notify the certified operation of the test results and indicate that the product may be sold as organic. If tests detect GM content at or above the level of concern, VOF would immediately notify the certified operation of the test results and assess why the GM residue is present. In this scenario, VOF may issue a notice of noncompliance for violation of 7 CFR 205.105(e), §205.202(c), 205.272, and/or 205.301(f)(1). The notice would require corrective actions to prevent future contamination. If it is determined that genetically modified content is present due to a willful violation (intentional use of gm seed), the product may be excluded from organic sale and proposed suspensions, revocations, or civil penalties may be appropriate.

Standard Updates

These items are updates for your information but will not be voted on at the annual meeting.

1) VOF Updated Distance Recommendations between Streams and Tilled Land

The following changes will be added to Section I. Soil Management C. Tillage, Page 31

C. Tillage (§205.203 (a))

A producer must select tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of the soil and minimize erosion. In order to protect river and stream banks from erosion, VOF recommends keeping a 10-foot buffer between tilled land ~~and the top of the bank~~ **and ditches, twenty-five feet between tilled land and surface water, and twenty-five feet between tilled land and surface inlets.** This is consistent with the State of Vermont's ~~Accepted~~ **Required** Agricultural Practices.

2) Logo for Approved Compost

The VOF Review Committee has decided that VOF should pursue a logo for composters that have their compost approved for use on organic farms by VOF. This logo will help composters distinguish their products and help producers recognize that the compost has been reviewed and approved by VOF. The current VOF certification logo is allowed only for products that are certified organic, therefore having a separate approved compost logo will be a benefit to composters who go through the approval process.

3) Hemp

The 2018 Farm Bill legalized the commercial production of hemp by distinguishing hemp from marijuana and by removing hemp from the Controlled Substances Act. This change lifts many restrictions on the cultivation, transport, processing, and marketing of hemp and hemp products. As a result of this legislation, it is expected that the National Organic Program will allow all federally legal hemp products to be eligible for organic certification, assuming products meet organic production regulations as well as all other state and federal legal requirements. VOF is currently accepting applications for organic hemp and hemp products (CBD, hemp meal, hemp flour, etc.). Producers interested in applying should note that any additional regulations around organic hemp and hemp products are still being developed.

Materials Updates

These items are updates for your information but will not be voted on at the annual meeting.

1) Milk House Sanitizers

In 2018, VOF notified producers that our policy on milkhouse cleaning products was changing. Historically, VOF allowed the use of all milkhouse cleaning products, regardless of whether a clean water rinse followed the product use. However, the NOP has clarified that all sanitizers must undergo a material review if not followed by a clean water rinse. This means that all active and inert ingredients must be reviewed for compliance with organic regulations. The 2018 Organic Livestock Healthcare List has the names of brand name sanitizers that are approved for use without a rinse or purge. The 2019 update of this list will include the brand names of sanitizers that are prohibited. Cleaners and sanitizers not on the approved list may be used up but will need to be replaced with an approved product after use-up. Please note: sanitizers with artificial coloring are likely to be prohibited and producers should begin to transition away from these products.

2) Paper Pots

At the most recent National Organic Standards Board (NOSB) meeting in Minnesota, our Certification Director Nicole Dehne and Materials Review Specialist Phoebe Judge, along with many others, provided feedback advocating for the continued allowance of the Paper Pots Transplanter system. As a result, the National Organic Program has announced that they are extending the allowance of the Paper Pots Transplanter until further notice. VOF will be allowing the use of this material until further notice. It is expected that the NOSB will review this material and recommend its approval.

3) National List Changes

The National Organic Program (NOP) on December 27 published a final rule that amends the National List of Allowed and Prohibited Substances. The final rule adds 16 substances allowed in organic production and handling, changes 17 substances already on the National List to reflect current farming or processing needs, prohibits the parasiticide Ivermectin but amends NOP regulations to allow the use of parasiticides in fiber-bearing animals, and lists the botanical pesticide rotenone as a prohibited substance in organic crop production.

Summary of changes:

These changes will go into effect on January 28 unless noted differently below.

Parasiticides for livestock production to be allowed for fiber bearing animals when used a minimum of 36 days prior to harvesting of fleece or wool that is to be sold, labeled, or represented as organic

The milk withhold periods for Fenbendazole and Moxidectin to be reduced to 2 days for cattle 36 days for other species. These are allowed only for emergency treatment for dairy and breeder stock when organic system plan-approved preventive management does not prevent infestation.

Ivermectin to be prohibited in livestock production. (Goes into effect on December 27, 2019)

Methionine for poultry production to be restricted at the following maximum rates as averaged per ton of feed over the life of the flock: Laying chickens—2 pounds; broiler chickens – 2.5 pounds; turkeys and all other poultry—3 pounds

Flavors in processing and handling to be restricted so that organic flavors are required when commercially available (Goes into effect on December 27, 2019)

Carnauba wax and Glycerin in processing and handling to be re-classified as agricultural, thereby requiring the use of organic forms when commercially available. (Goes into effect on December 27, 2019)

Lidocaine and Procaine in livestock production to be restricted at shorter withdrawal periods: 8 days for slaughter stock and 6 dairy for dairy stock

Rotenone to be prohibited in crop production

New allowed materials:

Magnesium oxide and Squid by-products to be allowed in crop production

Activated charcoal, Calcium borogluconate, Calcium propionate, Kaolin pectin, Mineral Oil, Injectable nutrients, Propylene glycol, Acidified sodium chlorite, and Zinc sulfate to be allowed in livestock production

Hypochlorous Acid to be allowed as chlorine material for crops, livestock, handling

Potassium lactate and Sodium lactate to be allowed in processing and handling

Other amendments:

Micronutrients (Crops): allows alternative methods for documenting a deficiency other than soil testing (tissue testing for example)

Chlorhexidine (Livestock): allows for medical uses

Xylazine (Livestock): allows for non-emergency uses

Excipients (Livestock): allows APHIS-approved substances

Chlorine (Handling): clarifies restriction in accordance with NOP guidance

Alginic Acid (Handling): reclassifies as synthetic

Cellulose (Handling): clarifies that microcrystalline forms are prohibited

Colors (Handling): replaces CAS#s with binomial nomenclature