



## 2020 Standard Proposals & Updates for Organic Producers

Vermont Organic Farmers, LLC (VOF)

The USDA accredited certification agency owned by NOFA Vermont

VOF Office: 802-434-3821 vof@nofavt.org www.nofavt.org/vof

The VOF Review Committee, comprised of five certified producers, had two meetings in 2019 with VOF staff to create new VOF policies and to discuss producer adverse actions. Each year, these policies are presented at the VOF Annual Producers Meeting to get producer feedback and review. This year the meeting will be held at the Free Public Library in Richmond, 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 2019, 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) 150 Day Grazing Season

##### Background:

In 2018, based on guidance from the NOP, producers at the Annual Meeting voted to approve 150 days as a "typical" grazing season in Vermont. Since then, there has been some concern that managing strictly for number of days could result in overgrazed pastures. The Review Committee added emphasis to the existing language to clarify that the priority of pasture management practices should be ensuring soil health.

##### Relevant Standards:

§205.2 Terms defined.

*Grazing season.* The period of time when pasture is available for grazing, due to natural precipitation or irrigation. Grazing season dates may vary because of mid-summer heat/humidity, significant precipitation events, floods, hurricanes, droughts or winter weather events. Grazing season may be extended by the grazing of residual forage as agreed in the operation's organic system plan. Due to weather, season, or climate, the grazing season may or may not be continuous. **Grazing season may range from 120 days to 365 days, but not less than 120 days per year.**

§205.240 Pasture practice standard.

(c) A pasture plan must be included in the producer's organic system plan, and be updated annually in accordance with §205.406(a). The producer may resubmit the previous year's pasture plan when no change has occurred in the plan. The pasture plan may consist of a pasture/rangeland plan developed in cooperation with a Federal, State, or local conservation office: Provided, that, the submitted plan addresses all of the requirements of §205.240(c)(1) through (8). When a change to an approved pasture plan is contemplated, which may affect the operation's compliance with the Act or the regulations in this part, the producer shall seek the certifying agent's agreement on the change prior to implementation. The pasture plan shall include a description of the: **(3) Grazing season for the livestock operation's regional location.**

Vermont Organic Farmers LLC  
PO Box 697 · 14 Pleasant Street · Richmond VT 05477 · 802-434-3821  
Certified **Organic, Locally** Grown

Date Created:

Date Revised:

§205.237 Livestock feed.

(c) During the grazing season, producers shall: (1) Provide not more than an average of 70 percent of a ruminant's dry matter demand from dry matter fed (dry matter fed does not include dry matter grazed from residual forage or vegetation rooted in pasture). This shall be calculated as an average over the entire grazing season for each type and class of animal. **Ruminant animals must be grazed throughout the entire grazing season for the geographical region, which shall be not less than 120 days per calendar year.** Due to weather, season, and/or climate, the grazing season may or may not be continuous.

Proposal: (new language in red, bold)

B. Livestock Living Conditions D. Pasture Requirements, Pages 61-62

The climate in Vermont does not permit grazing for 12 months. Debate exists over the period which can be considered the grazing season months in Vermont and the determination depends on specific situations, including available forage types and management strategies. In order to calculate the average length of the grazing season it is logical to eliminate the months during which grazing does not occur. The probability of occurrences of inclement weather conditions is high in December, January, February, and March; these months are also characterized by average monthly temperatures too low to support plant growth. Grazing during this 4-month period would not be dependable. The active growing season for perennial plants is from about mid-April to mid-October. The more typical/dependable grazing season in Vermont is from about mid-May to mid-October. Therefore, a typical/dependable grazing season in Vermont is at least 150 days. **Good pasture management prioritizes the health of soil and plants, which in turn promotes animal health and profit. All pasture management should bear soil health in mind. Although a 150-day grazing season is typical in Vermont, producers should use a 150-day grazing season as a guide, rather than an arbitrary number of grazing days. Care should be taken not to prematurely graze, damage plants due to saturated soils, drought, or fall overgrazing. A minimum of 30% of dry matter intake from pasture will be calculated by averaging the number of days grazing which should be at minimum 120 days.**

## 2) Swimming Pool Filters Update

Background:

Maple producers often use swimming pool filters for filtration of sap. In order to ensure that the swimming pool filters cannot contaminate the organic product, the current maple guidelines include a requirement for "food-grade" sand. However, food grade sand does not technically exist. Therefore, the Review Committee proposes the following criteria to ensure that the sand used in these filter does not contaminate the organic product.

Relevant Standards:

§205.272 Commingling and contact with prohibited substance prevention practice standard.

(a) The handler of an organic handling operation must implement measures necessary to prevent the commingling of organic and nonorganic products and protect organic products from contact with prohibited substances.

Proposal: (new language in red, bold)

Maple Guidelines, E. Production Equipment, Methods, and Syrup Storage

Sap Filtration and Reverse Osmosis Equipment:

Accepted:

- Use of reverse osmosis, ultra-filtration of sap, and ultraviolet light are allowed.
- Pool filters, if used for sap filtration, must use food-grade ~~sand~~ or diatomaceous earth or **sand that is NSF or ANSI certified (or other comparable standard for materials intended for contact with potable water)**. In addition, plastic that comes in contact with the sap must be food grade. The Agency of Ag maintains a list of allowed pool filters.

### 3) Certifying New Beef Operations

Background:

When existing beef operations apply for organic certification, the inspector is tasked with verifying which animals qualify for organic beef. They do this by verifying whether an animal has been raised organically from the last third of their gestation. Recently the question has come up as to how far back an inspector can verify this management. The Review Committee proposes that 6 months is the maximum amount of time an inspector can verify, through records, whether an animal qualifies as organic beef.

Relevant Standards:

§205.236 Origin of livestock.

(a) Livestock products that are to be sold, labeled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching: Except, That:

(3) Breeder stock. Livestock used as breeder stock may be brought from a nonorganic operation onto an organic operation at any time: Provided, That, if such livestock are gestating and the offspring are to be raised as organic livestock, the breeder stock must be brought onto the facility no later than the last third of gestation.

(b) The following are prohibited:

(2) Breeder or dairy stock that has not been under continuous organic management since the last third of gestation may not be sold, labeled, or represented as organic slaughter stock.

Proposal: (new language in red, bold)

III Livestock Production, A. Origin of Livestock, 5) Accepted and Prohibited Origins of Livestock, Page 55

5) Accepted and Prohibited Origins of Livestock

Accepted

- Farm-raised stock or purchased stock from certified organic producers for replacement animals.
- Day-old poultry purchased from any source.
- Conventional breeder stock must be brought onto the farm before the last third of their gestation to verify their organic management during this time. The breeder animal will not qualify for organic production but her offspring will. Once they freshen, they can only nurse their own offspring. A non-organic breeder animal cannot be a nurse animal for organic youngstock other than her own.

- For new beef operations, VOF will only certify beef animals born 3 months after the organic inspection. However, if records are available, VOF allows the producer to provide documentation of production practices from up to 6 months prior to the inspection date. Therefore, any animal 3 months of age or younger at the time of inspection could qualify for organic beef if records going back 6 months are available to verify that the breeder stock were managed organically during the last third of their gestation. Examples of relevant records include records that confirm crops fed were certified organic, records verifying animals were grazed on qualifying pasture, grain receipts, calving/breeding dates, animal identification, and health records. VOF will not verify production practices that occurred more than 6 months prior to the date of the inspection
- Male livestock for the purpose of breeding may be purchased, leased or borrowed from conventional sources. However, when male livestock are being housed on an organic farm, they should be managed organically. All health care treatments must be recorded in the producer's health records. If the animal must be treated with a prohibited product, producers should first attempt to treat the animal with organic methods. If these methods fail and the animal must be treated with a prohibited product, the animal may remain on the farm to provide services. When male livestock are treated with antibiotics the VOF Office must be informed. In addition, VOF recommends that whenever possible male livestock are provided outdoor access year round and provided access to pasture during the growing season as long as the animal can be managed safely.
- Frozen embryos from conventional breeding stock may be transferred into an organic recipient animal as long as no synthetic hormones or prohibited substances are used on the organic animal.
- Livestock purchased from certified organic auction houses.

#### 4) Container Growing

##### Background:

In 2014, to protest the allowance of soil-less production systems (like hydroponic and aeroponic production), VOF producers passed a resolution to support the NOSB recommendation to prohibit soil-less hydroponic vegetable production as certified organic. Prior to 2014, Vermont Organic Farmers had never certified hydroponic operations based on the idea that it is not compatible with organic farming principles. Today the conversation has become more convoluted, as certifiers no longer use the word hydroponic and instead certify "container" production. There are currently no guidelines that require a minimum amount of soil or a restriction on liquid fertilization in container production. The Review Committee proposes the following language to clarify our intent and to prevent producers misunderstanding what VOF will accept for organic applications.

##### Relevant Standards:

§205.203 Soil fertility and crop nutrient management practice standard.

(a) The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.

(b) The producer must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal materials.

(c) The producer must manage plant and animal materials to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances.

Proposal: (new language in red, bold)

II Certification Eligibility, A. Admissibility, 1) Application Restrictions, Page 15

Application Restrictions-VOF does not accept applications for hydroponic, soilless, **or container** production of edible crops to a harvestable stage. **Transplants, ornamentals and herbs can be grown in containers if sold in containers. Sprouts, fodder, mushrooms, and microgreens are exempted from this application restriction. The VOF Review Committee must approve any variances to this restriction.**

## Other items to be voted on by the membership

### 1) 2020 Proposed Budget & 3% Base Fee Increase (\$15)

VOF staff will be presenting the 2020 budget with a 3% base fee increase. This will be an increase of \$15 per operation.

### 2) VOF Review Committee & EC Committee Members

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

### 3) VOF By-law Changes

VOF staff will be presenting changes to the by-laws that address issues from our internal audit. These changes address the relationship between NOFA-VT and VOF. Specifically, in regards to VOF Executive Committee members and the Executive Committee's authority over the "Executive Director" of VOF.

## Standard & Application Updates

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

### 1) Genetic Integrity of Seeds

Did you know you can request information about genetic contamination when purchasing seeds? The NOSB passed a proposal at the fall 2019 meeting recommending steps towards better transparency around genetic contamination of seeds. As part of the proposal, the NOSB received information from seed suppliers that serve the organic market. According to the NOSB, the vast majority of seed suppliers reported that they already test much of their seed for detectable levels of genetic engineering, and, when asked, are willing to provide this testing information to those who buy their seed. Most farmers are not aware that this testing is being done, and consequently, most do not currently request this information. The NOSB proposal is simple. It recommends that certifiers inform producers they can request the results of any testing for presence of genetic engineering in the seeds they purchase. To meet organic market demand and to provide farmers with what they need to make informed decisions when choosing seeds, transparency of GE contamination levels and the knowledge of the adventitious presence of genetic engineering in their seed has become a necessity.

## 2) Logo for Approved Compost

In 2019, the Review Committee 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 is approved for use in organic production. 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 compost 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 lifted many restrictions on the cultivation, transport, processing, and marketing of hemp and hemp products. As a result of this legislation, the USDA established the U.S. Domestic Hemp Production Program on October 31, 2019. The rule outlines provisions for the USDA to approve plans submitted by States and Indian Tribes for the domestic production of hemp. It also establishes a Federal plan for producers in States or territories of Indian tribes that do not have their own USDA-approved plan. On November 26<sup>th</sup>, the NOP officially replaced NOP Memo 2040 with new language that allows hemp produced in accordance with the U.S. Domestic Hemp Production Program and/or the 2014 Farm Bill to be certified as organic, if produced in accordance with USDA organic regulations. VOF is currently accepting applications for organic hemp and hemp products (CBD, hemp meal, hemp flour, etc.).

## 4) Electronic Payments

VOF would like to announce that we now accept online credit card payments for certification fees! This option allows you to pay all certification fees online (a 3% convenience fee will be charged). We are still accepting payments by check or cash. To pay online, just log in to your account and click on your pending certification. Once the general producer application and the certification fee form have been completed, you will find a button that says "Pay Fees".

## 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 2019/2020 Organic Livestock Healthcare List has the names of brand name sanitizers that are approved for use without a rinse. Please note, cleaners and sanitizers not on the approved list will need to be immediately replaced.

## 2) National List Changes

The National Organic Program (NOP) published final rules in 2019 for the following substances. The final rule:

- Prohibits **Ivermectin** in livestock production. (Effective December 27, 2019)
- Restricts **Flavors** in processing and handling so that organic flavors are required when commercially available (Effective December 27, 2019)
- Reclassifies **Carnauba wax and Glycerin** in processing and handling as agricultural, thereby requiring the use of organic forms when commercially available. (Effective December 27, 2019)
- Allows **elemental sulfur** to be used as a slug or snail bait to reduce crop losses. (Effective November 22, 2019)
- Allows **polyoxin D zinc salt** for plant disease control. (Effective November 22, 2019)
- Reclassifies **magnesium chloride** from a synthetic to a non-synthetic substance. (Effective November 22, 2019)
- Allows **elemental sulfur** to be used in organic livestock production as a topical treatment to repel mites, fleas and ticks from livestock and their living spaces. (Effective May 30, 2019)
- Reclassifies **potassium acid tartrate** from a nonagricultural substance to an agricultural substance, requiring handlers to use the organic form when it is commercially available. Potassium acid tartrate is currently listed as a nonorganic ingredient allowed in organic products. (Effective May 30, 2019)

On October 18, 2019, the U.S. Department of Agriculture published a proposed rule in the Federal Register to amend the National List of Allowed and Prohibited Substances (National List) based on public input and the October 2018 recommendations from the National Organic Standards Board.

This proposed rule would:

- Allow **blood meal made with sodium citrate** to be used as a soil amendment.
- Prohibit the use of **natamycin** in organic crop production.
- Allow **tamarind seed gum** to be used as a nonorganic ingredient in organic handling when an organic form is not commercially available.