

Guidebook

for



Organic Certification

Answers to Common Certification Questions

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mōses

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Table of Contents

Page

2	Understanding Organic Certification
4	The Certification Process
8	General Production Questions
8	Approved Materials
9	Livestock Production
12	Crop Production
14	Processing and Handling
16	Marketing
18	Steps to Organic Certification
20	Resources



The organic marketplace is dynamic and growing. Opportunities are strong for those considering transitioning to or starting up in organic production. In order to sell or process an organic product very specific production and handling processes must be followed.

This Guidebook has been developed to answer basic questions frequently asked about organic certification. This booklet outlines how to go about the process of becoming certified for organic production, and offers suggestions on where to go for more help.

To learn more about where to go for specific questions on organic production refer to the "resources" section.

Understanding Organic Certification

1. What are the **benefits of organic certification?**

There are numerous benefits of organic certification. They include:

- The potential of receiving a premium price for your product.
- Strong growth in market demand for organic products.
- Research studies show added health benefits of organic food.
- Improved soil and water quality through enhanced management and reduction of synthetic chemicals.
- Reduced handling of potentially hazardous and expensive agricultural chemicals.
- Increased profits due to reduced off-farm inputs.

2. Why do I need to get certified to sell organic products?

Congress passed the Organic Foods Production Act (OFPA) of 1990. The OFPA required the U.S. Department of Agriculture (USDA) to develop national standards for organically produced agricultural products to assure consumers that agricultural products marketed as organic meet consistent, uniform standards. The OFPA and the National Organic Program (NOP) regulations, (named the National Organic Standards or NOS), require that agricultural products labeled as organic originate from farms or handling operations certified by a State or private entity that has been accredited by USDA. You are not allowed to use the word "organic" in reference to your agricultural product unless you comply with the National Organic Program or fall under an exemption.

3. I've heard organic farms don't get good yields. Is this true?

- Yields are often reduced as a farmer transitions from conventional production and learns the practices of organic production. It takes time to build soil health, which is the keystone to successful organic production. However, once stabilized as an organic system, many organic producers see crop yields that are equivalent or surpass those of conventional operations.
- Many organic dairy producers will have reduced rolling herd averages, but find their prized cows live longer and thus have many more lactations per animal. There also may be fewer inputs and visits from the vet. This results in more value and income per cow than most conventional operations see.

4. Can I make any money as an organic farmer?

Studies have shown that, with the lowered costs of inputs, organic farms are as profitable or more profitable than conventional farms. If you add the organic price premium that has been in place, well-managed organic farms show strong profitability.

5. What kinds of products does the National Organic Program cover?

- "All production or handling operations (or parts of such) that produces or handles crops, livestock, livestock products or other agricultural products that are intended to be sold, labeled or represented as "organic" must meet all requirements of the NOP (unless exempt)." (§205.100(a)). The NOP was set up to govern agricultural products. Things that are not agriculturally produced (such as mined products- for example salt or lime) are not allowed to be labeled as "organic." They may be labeled as "approved for organic production."
- General crops, specialty crops (mushroom, greenhouse, sprouts, maple syrup, and wild crops, and hydroponics), livestock, processing/handling, personal care products, retail establishments and restaurants may be certified organic

6. How do I know if a product in the store is organic?

Any product that is certified organic is required to name the certification agency on the label. Look for that name or logo. A product that is at least 95% organic may also use the USDA Organic Seal.



7. What are the penalties for misusing the term "organic"?

Any operation that knowingly sells or labels a product as "organic" that is not in accordance with the Organic Foods Production Act and the National Standards may be subject to a civil penalty of up to \$10,000 per violation.

8. Who enforces the National Organic Program?

The USDA, accredited certifying agencies, and, where applicable, approved State Organic Programs are responsible for enforcement of the national regulations.

9. Will the organic laws change? How will I know if they change?

- The Organic Foods Production Act has been amended several times since it was first adopted in 1990. Whenever Congress amends OFPA, rules must be written to implement changes to the law. Following "notice and comment" rulemaking procedures, the USDA posts proposed rules for public comment. Notices of proposed rule changes are posted in the Federal Register and on the NOP website. Anyone can submit comments on proposed rule changes. Once the comment period closes, the USDA reviews comments and then issues a "final rule" that contains the new or revised regulations.

- The National Organic Standards Board (NOSB) is a 15-member board authorized by the Organic Foods Production Act of 1990. Members are appointed by the Secretary of Agriculture for 5-year terms, and consist of farmers, processors, retailers, environmentalists, scientists, consumers and representatives of certification agencies. They assist the Secretary in developing proposed standards and approve all for substances to be used in organic production and handling (processing). The NOSB also advises the Secretary on other aspects of implementing the National Organic Program. The NOSB has made recommendations on interpretations and changes to the NOP. These recommendations are not official policy until they are approved and adopted by the USDA.

- The NOP will notify accredited certification agencies of changes and pending changes to regulations, policies, and procedures and post such changes and pending changes to its website. Certifying agents should, in turn, notify their clients of such changes and pending changes. As described above, amendments to the NOP regulations require rulemaking with an opportunity for public comment. The NOP issues news releases on Federal Register publications and posts such news releases and Federal Register documents on its website. Published by the Office of the Federal Register, a part of the National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. It can be found at <http://www.gpoaccess.gov/fr/>.

10. Can non-certified farmers use the word "organic"?

The only non-certified farmers that are allowed to use the term "organic" are those whose gross agricultural income from organic products is \$5,000 or less annually. These farmers must still comply with all of the requirements of the NOP, including record keeping, but are exempt from going through the certification process. Products from exempt operations may not be used as organic ingredients in organically certified processed products produced by another operation or used as certified organic feed for livestock.

The Certification Process

11. How long does it take to get certified as organic?

- To begin the process of becoming certified organic you must have land free of prohibited practices for 36 months. The entire process generally takes 3 years from last application of non-allowed materials, including treated or genetically engineered seeds or other *GMO* products. From the time of application to official notice of certification is generally about 3 months. However, this may be delayed if your application isn't complete. It may also be delayed by the need for a particular timing of the inspection. The inspection must take place when crops are in the field.
- Those wishing to certify livestock have a different timeline to follow. All ruminants must have access to pasture, and that land must be certified before organic animals can graze on it. The above mentioned 36-month timeline applies to both pastures and feed crops. Animals raised for meat must be born from mothers that have been managed organically and fed 100% certified organic feed during the last third of gestation. Poultry must be fed 100% certified organic feed from the second day of life. Dairy animals must follow specific conversion plans--see Question 41.

12. How much does it cost to be certified organic?

Each certification agency has its own cost structure, but generally there is an annual certification fee, a charge for the inspection and possibly user fees (a percent of annual organic gross sales.) For most operations, it will cost between \$350-\$500 per year to maintain organic certification.

13. Are there grants to help with organic certification costs?

- Money has been made available from the USDA to help producers cover the cost of organic certification. This cost share is being administered by the states, and is available on a year-by-year basis. In 2004 and 2005, cost share was available to cover up to 70% of annual certification costs. In Wisconsin, contact Perry Brown at the WI Department of Agriculture for more information. (608-224-5100 or perry.brown@datcp.state.wi.us). In MN contact Meg Moynihan at the MN Department of Agriculture (651-297-8916 or meg.moynihan@state.mn.us)
- The Natural Resources Conservation Service- Environmental Quality Incentive Program (NRCS-EQIP) has also been used to help cover the costs of a transition to organic production. For more information, contact your county NRCS office.

14. What are the ongoing costs?

Organic certification is an annual process. Each operation will have to be inspected each year. Any user fees will also be paid annually, quarterly or on an ongoing basis.

15. What do I do first to become certified?

- Organic production is different from conventional production. With an emphasis on preventative problem solving, there may be a lot to learn before one can successfully produce organic crops, livestock or processed products. To succeed in organic production you will first need to learn how to produce your particular product using only approved practices. We recommend that you read, attend workshops and field days and visit organic operations producing the types of things you would like to produce to learn techniques and practices for organic production.
- The Midwest Organic and Sustainable Education Service (MOSES) offers a website (www.mosesorganic.org) with an events calendar, has written resources (free fact sheets and books for sale) and hosts events (field days, Organic University and Upper Midwest Organic Farming Conference) that will help your organic education. MOSES also offers a newspaper, the Organic Broadcaster, with articles to help you understand the intricacies of successful organic production.
- You should read the "National Organic Program: Final Rule" (also known as "National Organic Standards") available online at <http://www.ams.usda.gov/nop/NOP/standards.html>. This is the regulation that outlines the requirements for organic production, processing, labeling and certification.
- When you have managed your cropland organically for three years, you should be eligible for

certification. During transition, the production practices you learn and the decisions you make will help you to develop your organic farm plan, which is a part of the organic certification application.

- Contact a certification agency during the transition time. Don't wait until your land qualifies for organic certification. The certifying agent can answer your questions about what materials are approved before you use them. They can also send you information to get you started.
- Before you make any major changes on your farm or processing facility do some research to identify potential markets for your organically produced products. Organic markets will very likely be different from the ones you are currently utilizing, and may have geographic, varietal or timing issues that can direct your production decisions.

16. When do I submit my certification application?

Call the certification agency you wish to work with to get its recommendation of a timeline for your particular product or industry. The certification process may take at least 3 months. You will want to submit your application at least 3 to 5 months before you wish to sell organic products. You want to get an application packet long before this so that you have some time to fill it out and think about your organic farm plan. An inspection needs to be scheduled as part of the process. Inspection costs will vary depending on how many inspections the inspector has in your geographic area. If you are a producer it is best to get your application in as early as possible in the growing season.

17. Where do I go for help with filling out forms?

- Your certification agency has staff that can help you understand how to fill out your certification application.
- ATTRA (The National Sustainable Agriculture Information Service) has some very handy workbooks (NCAT's Organic Crops Workbook and NCAT's Organic Livestock Workbook) that will take you step by step through understanding organic production and developing your organic farm and/or livestock plan. You can find them online from the ATTRA website at www.attra.ncat.org or request them by calling 800-346-9140.

18. Where do I go for help with understanding organic certification?

- Your certification agency is your best resource for specific certification questions.
- The National Organic Program- a part of the USDA- has a comprehensive website at <http://www.ams.usda.gov/nop/indexIE.htm>. Here you will find the full text of the National Organic Program Final Rule, as well as any updates/interpretations and changes. The Q&A section is a good resource.
- ATTRA (<http://attra.ncat.org/organic.html#overview>) and MOSES (<http://www.mosesorganic.org/factsheets/intro.htm>) both also offer other resources on understanding the organic certification process.

19. How do I find a certification agency?

- The National Organic Program website lists all certification agencies that have been accredited by the USDA to certify farms and processors in the U.S. Visit <http://www.ams.usda.gov/nop/CertifyingAgents/Accredited.html>.
- The MOSES Upper Midwest Organic Resource Directory lists certification agencies active in the Midwest.
- The New Farm website has an online review of certification agencies. New Farm offers information about fees, types of services and regions serviced by each agency. You may visit the certifier guide at <http://www.newfarm.org/ocdbt/>.

20. Why are there so many certification agencies to choose from, and how are they different?

Before the National Organic Program came into being organic certification in the U.S. was handled by about 40 non-profit business and state run institutions. The USDA recognized the diversity of this expertise and set up the certification system so that various groups are accredited by the USDA to certify organic farms, wild crops, livestock and processing. Each of these agencies are certifying to the same National Organic Standard; but are individual in the fee structure and services they offer. Some have particular geographic areas they concentrate in (including international); others

specialize in particular types of operations. You want to explore those who are active in your area so that you can choose the agency that best meets your needs. Be sure the certifying agent you choose is accredited in the area that you need certification, such as crops, wild crops, livestock and/or processing.

21. Do I have to get certified each year?

You must submit an organic plan update to your certification agency and get an inspection each year. You will also pay annual fees.

22. How long does my certification last?

Your certification lasts until you choose to not re-apply or it is revoked for noncompliance with the National Organic Standards.

23. Can I change certification agents?

Yes. You may apply for certification through any USDA approved certification agent you choose, and may change from year to year if you desire. Certification determination information from the prior agency will need to be provided to the agency with whom you are newly applying.

24. How long does a certification inspection take?

This varies a lot by the type of operation you have, but will on average take 3-5 hours. A first time inspection usually takes more time than subsequent inspections.

25. Who decides if I am certified or not?

- Your organic plan is first reviewed with the agency to see if there are any obvious major noncompliances that would rule out certification. If this should be the case, you are informed and given the option of withdrawing your request so as not to incur further costs.
- Staff at a certification agency will help you prepare for the inspection and certification process. An inspector checks to see that you are indeed doing what you have reported on your farm or processing plan. The inspector will submit a report to the certification agency and certification staff members will closely go over your entire file and determine if you are in compliance with the National Organic Program, identifying any areas of minor noncompliance (which would not stop the certification process) and corrections needed, and will issue an organic certificate (or not).

26. What can I do if I am denied certification and disagree with the decision?

A certification agency will issue a noncompliance if you are found to be in conflict with the NOS. In most instances, if you correct the noncompliance you should still obtain certification. If you are denied certification and would contest this, there is a very specific procedure that must be followed, including a strict timeline. This procedure is outlined in the NOS. After several steps, including mediation, your case could go as a final appeal to the USDA-NOP Administrator, who would review your file and make a decision on your case.

27. How can I figure out what kinds of records I need to keep for organic certification?

- Records for organic certification need to track all activities in your organic operation, including planting and other field activities, materials used, and harvest/sales information. They also need to be detailed enough to show compliance with the NOS. For instance, your harvest records should show the amounts harvested; storage and sales records should track the crop from the field. The detail needed depends on the type of operation. If you raise both conventional and organic crops in the same operation, your records must be detailed to the amount of harvest per field. If you raise all your crops for feed, your records need not be so specific. Records also need to be kept of equipment, storage and transport cleaning if both organic and conventional crops are handled. Buffer management records may also be needed (see Question 52). Harvest amounts should balance with amounts fed or sold. Livestock producers must keep records sufficient to track the identity of all organic animals.
- There are numerous ways to accomplish this recordkeeping, and no specific rules as to what your

records need to look like. Many farmers take initial records in the field or barn on a small pocket notebook, and then transfer the notebook records to a more formal record sheet in a ring binder or on the computer. Samples of recordkeeping forms that you can adapt to your operation can be sourced from ATTRA. Some certification agencies will also have sample forms to share with you.

28. If I buy certified organic land, does that mean I can grow certified organic crops?

Certification covers a particular individual as manager of a particular piece of property. Certification does not transfer with a property sale. However, you can apply for certification for the newly purchased organic land in your own name and will not have to go through the 3-year transition as long as no prohibited practices or materials were used since certification was last renewed.

29. Can land I rent from my neighbor be included with my certification?

Yes. If you sign a rental agreement to use your neighbor's land, and follow all of the requirements (including 3 year transition with no prohibited materials applied), rented land can be certified under your certification. You must include the rental property in your organic farm plan, on field maps and in recordkeeping.

30. Must I get my water tested in order to be certified organic?

A water test is not specifically required by the NOP. However, §205.203(c) of the rule specifically states that "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." To monitor this, the farmer may conduct regular water testing, in which case, the certifier may request copies of the water test results.

31. If I file an Organic Farm Plan or Organic Processor Handling Plan and then decide to make changes, what do I need to do?

Your organic farm or handling plan outlines all the things you are doing or intend to do to comply with the NOS. If you deviate from it significantly, you must notify your certification agency and get their approval that what you are now doing also complies with the law. If you are changing any products used or inputs into an organic product, you should contact your certifier immediately to check for acceptability.

32. I have heard the term "IFOAM accreditation". What does this mean?

IFOAM is the International Federation of Organic Agriculture Movements, a non-governmental organization promoting organic agriculture around the world. IFOAM's Organic Guarantee System is designed to facilitate the development of quality organic standards and third-party certification worldwide, and to provide an international guarantee of these standards and certification. Due to the growing international marketplace, certification agencies worldwide are choosing to unite by conforming to IFOAM's international standards. IFOAM accreditation may be offered by your certification agent. It will assist in your ability to market organic products into the European Union.

33. Are there other kinds of certification associated with organic production?

There are several international certifications for those looking to market overseas. These include Japanese Agriculture Standard (JAS: Japan), EU (for the European Union), Biosuisse (Swiss). Farmers that are selling commodity organic products such as corn, soybeans or seeds may want to consider certification to one or more of these standards to increase market potential. JAS is especially attractive as it is needed to sell into the strong Japanese market for soybeans. Each of these certifications requires a separate examination of standards by your certifier, but may be offered by the same certifying agency you go to for NOP certification. If you desire overseas certification, be sure to ask about its availability as you are deciding which certifying agency to work with.

General Production Questions

34. Where do I go for help with understanding organic production?

- MOSES offers the annual Upper Midwest Organic Farming Conference, held the last weekend in February in La Crosse, WI. The Conference includes numerous workshops on organic production and marketing, a large organic trade show and networking opportunities. The Organic University is the day before the Conference, and offers full day intensive trainings on organic production and marketing issues. MOSES also produces the Upper Midwest Organic Resource Directory, which lists support organizations, certification agencies, buyers, marketing agencies and more. It is available online at <http://www.mosesorganic.org/directory.htm> or in hard copy by calling the MOSES office at 715-772-3153. MOSES also offers a booklist of books relevant to organic production, available at <http://www.mosesorganic.org/mosesgeneral/booklist.htm> or by calling the MOSES office.
- ATTRA- The National Sustainable Agriculture Information Service has numerous publications helpful to organic producers. You may browse their catalogue at <http://attra.ncat.org/organic.html#list> or receive their list of organic production publications by calling 800-346-9140.
- The Rodale Institute hosts a website dedicated to organic production and marketing, called The New Farm. Here you can find weekly updates on organic prices around the country, a Certifier Directory that can help you compare services offered by certification agencies and lots of farm profiles and production information. Available at www.newfarm.org
- Other organizations offering support for production information may be found by using the MOSES Upper Midwest Organic Resource Directory (UMORD), available at <http://www.mosesorganic.org/umord/directory.htm> or by calling the MOSES office.
- Talk to and visit other organic farmers or processors. Watch for field days to attend. If you have a prospective buyer for your organic product, ask if they offer educational resources.

Approved Materials

35. How do I find out what fertilizers, pest control inputs or other products I can use on my organic farm?

The NOP Final Rule, Subpart G includes the "National List of Allowed and Prohibited Substances." This list has several sections, describing synthetic substances allowed for use in organic crop and livestock production and processing as well as lists of non-synthetic substances prohibited for use in organic crop or livestock production or processing. Basically, for crop and livestock materials natural substances (non-synthetic) are ALLOWED unless they are specifically prohibited on the list, and synthetic substances are NOT ALLOWED unless they are specifically approved on the list. It is important to note that there are some things that are allowed for livestock production, for instance, but not allowed in crop production. Be sure when using the National Lists that you look at the correct listing for your planned use.

36. As a processor of organic products, do I use the same lists?

Processors have different lists of allowed and non-allowed products. Section §205.605 is a list of nonagricultural substances allowed as ingredients in "organic" or "made with" organic products. §205.606 is a list of non-organically produced agricultural products allowed as ingredients. The difference is not necessary synthetic or non-synthetic, but agricultural vs. nonagricultural and organic vs. nonorganic.

37. Can the lists change?

The National Organic Standards Board (NOSB), mentioned in Question 9, makes recommendations to the Secretary of Agriculture on substances that should be added to or removed from the National List. The USDA publishes amendments to the National List in the Federal Register, after which the

substances may be used in organic production or handling. Any amendments can be found on the NOP website at <http://www.ams.usda.gov/nop/NationalList/ListHome.html>

38. Is there other help in understanding what products are allowed?

A non-profit organization, the Organic Materials Review Institute (OMRI) offers assistance in interpreting the compliance of hundreds of products for use in organic production. OMRI produces two lists of products, the "Brand Names" list and the "Generic" list. The Brand Names list is available on the OMRI website at www.omri.org. The Generic list, which lists numerous approved natural and prohibited synthetic substances, all based on the NOP, is available for purchase from OMRI. Some certification agencies include OMRI materials and updates as part of their service.

39. What are the rules for using things like salt or lime on my organic farm?

Natural minerals such as salt or mined lime may be used, but you must be careful that nothing has been added. Sometimes ingredients such as an anti-caking agent have been added that are non allowed synthetics. In the case of lime, it must be mined lime, and not recycled wallboard, slaked or burned lime or paper mill sludge. Check your labels and sources carefully. Your certification agency will require you to provide ingredients information for all feed, minerals, supplements, fertilizers and inoculants that you have used on your farm or processing plant to ensure that you have used approved products. If you have questions, contact your certification agency.

40. What are the rules about using treated lumber on an organic farm?

The use of lumber treated with arsenate is prohibited for new installations or replacement purposes in contact with organic production. The prohibition applies to lumber used in direct contact with organically produced and handled crops and livestock. However, uses such as lumber for fence posts or building materials that are isolated from production are allowed. Applications in crop production (such as the frames of a planting bed), and in direct contact with livestock (such as the boards used to build a farrowing house) must be buffered from the organic crop or covered so it is not in contact with organic feed or livestock in order to be allowed.

Livestock Production

41. I am a dairy farmer interested in organic production. What are the rules for starting an organic dairy herd?

Dairy cows must be managed organically for one year prior to production of organic milk, including feed, health care, living conditions and record keeping. Until June 2006, dairy farmers converting "whole herds" to organic production have the option of feeding at least 80% certified organic feed or feed raised on land included in the organic farm plan and managed organically for nine months, followed by 100% certified organic feed for 3 months.

- In October 2005, Congress amended the Organic Foods Production Act to allow dairy farmers to feed farm-raised "3rd year transitional feed" for one year prior to the production of certified organic milk. The change to OFPA needs to be fully implemented through changes to the regulation, but it is anticipated that the allowance for one year of third-year transitional feed will replace the "80/20" provision that was struck down by the First Circuit Court of Appeals.¹

- All dairy animals must also be managed organically regarding health care, record keeping and living conditions for the entire transitional year. Though certification agencies may vary in their requirements for when non-milking dairy females (calves, heifers, dry cows) must be on 100% certified organic feed and under totally organic management, all must be fed and managed organically by the certification dates. Organic milk can only be produced by a cow who has completed the entire one-year transition.

¹ The use of 20% conventional feed during the first 9 months of transition was allowed under the NOP regulations. However, the District Circuit Court has been ruled that the Organic Foods Production Act does not allow the use of nonorganic feed during transition. Rule revisions are being developed by the USDA to bring the regulations fully into line with Congress' amendments to OFPA and the court's ruling.

- Each of these transition options has a unique requirement for bringing in replacement stock after the herd is certified organic.
 - If you transitioned by feeding 100% organic feed for one year you may bring conventionally fed animals into your organic herd as long as you feed 100% organic feed and managed organically for one year prior to those animals producing organic milk.
 - If you transitioned using the 80/20 rule you may only bring new animals into the herd if they have been managed organically from the last 1/3 of gestation or if they are already certified as organic milk producers.
- Livestock that are removed from organic management may not be returned to organic production.
- Bulls need not be managed organically.
- If you want to sell certified organic dairy cows they must be managed organically for at least one year.
- If you want to slaughter dairy cows and sell organic meat, cows must be managed organically continuously from the last third of gestation. This is also true for steers sold for meat.
- The same rules apply to other milking animals such as sheep or goats.

42. Is it true that I cannot use antibiotics on my animals?

Yes. Antibiotic use is not allowed as part of organic management. No animal that has been treated with any antibiotic at any time in its life can be an organic slaughter animal. No antibiotics can be used on milk animals during transition or in the entire dairy herd (including replacements) after certification except as noted in Question 43 below. Any organic animal which has been treated with antibiotics for any reason must be put into conventional production or shipped.

43. What happens if my cow gets really sick?

Organic livestock systems focus on preventative care to avoid situations where antibiotics are needed. However, it is mandatory that an animal not be neglected or untreated to preserve organic status. If antibiotics or other prohibited medicines are needed to save an animal's life, they must be given and the animal taken out of organic production.

44. Can I vaccinate my animals?

Yes. As long as the vaccination is veterinarian recommended in your geographical area and does not contain ingredients prohibited by the NOS or the National List.

45. What kinds of minerals, supplements, feed inoculants and health care products can I use on organic animals?

- All minerals are allowed, as long as they do not contain non-approved additives and are not listed on the National List. A few minerals (such as arsenic and strychnine) are listed on the National List and are not allowed in organic production.
- Health supplements and medical treatments must be reviewed for ingredient compliance with the National Lists. Alcohol, iodine, aspirin, electrolytes, glucose and hydrogen peroxide are examples of allowed inputs. Those who produce supplements for organic livestock may state they are "approved for organic production" but you should always check with your certification agency before using an unfamiliar product.
- All agricultural substances in regularly fed supplements or feed inoculants must be certified organic. There must be no prohibited ingredients or genetically modified organisms in inoculants or supplements.

46. I have heard that I must put my dairy animals out on pasture. What is the definition of pasture?

- The NOS says that: (§205.239(a)(2)) "The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals including:.....Access to pasture for ruminants."

- In the definitions section (§205.2) of the NOS pasture is defined as "Land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water and vegetative resources." This portion of the law is currently under debate, as it does not specifically give a stocking rate or exact details of feed expectations of pasture. Different certification agencies have interpreted this part of the law in different ways. You should talk to your certification agency to get their recommendations on what kind of pasture you must set up for your animals.

47. Do animals need to be fed vegetarian feed?

Not necessarily. The National Organic Standards subpart C, section 205.237(b)(5), states "The producer of an organic operation must not feed mammalian or poultry slaughter by-products to mammals or poultry." There is no restriction against organic livestock feed supplements containing appropriate fish, milk, or egg products.

48. Can I sell my organic dairy steers as organic slaughter stock?

Animals may only be sold as organic slaughter if they have been raised as organic from the last third of gestation. Your steers or bulls are certifiable as slaughter animals if they were born after your year of 80/20 herd transition or 3 months into the 100% organic transition.

49. Must all the supplements I feed my animals also be certified organic?

No. A natural feed additive (supplement) can be from any source, provided it is not classified as a prohibited substance by the NOS or the National List, and must be in compliance with the Federal Food, Drug and Cosmetic Act. Any agricultural product in the supplement must be certified organic and any organisms verified to be non-GMO.

50. My neighbor says he hasn't used pesticides on his hay. Can I feed it to my certified organic cows?

Any feed fed to organic livestock must be certified organic. If your neighbor gets his hay certified or you rent his ground and get that land on your organic plan, then you can feed it.

51. What are the rules for organic poultry raised for slaughter?

Poultry must be raised as organic (using no prohibited practices and fed 100% certified organic feed) from the second day after chicks are hatched. Purchased day-old chicks do not need to be sourced as organic, but must be managed organically from day two of their life. Poultry must be provided with outdoor access. If poultry eat the materials used for litter, the litter material must be certified organic, i.e., organic hay. Sawdust does not need to be certified organic but you should insure that no prohibited materials have been added to or were part of the source of the sawdust.

Crop Production

52. What is a buffer, and how do I know how big it needs to be?

- NOS §205.202(c) requires distinct, defined boundaries and buffer zones to prevent the unintended application of a prohibited substance to land under organic management.
- §205.2 defines "Buffer zone" as "An area located between a certified production operation or portion of a production operation and an adjacent land area that is not maintained under organic management. A buffer zone must be sufficient in size or other features (e.g., windbreaks or a diversion ditch) to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with an area that is part of a certified operation."
- Because there are so many variables that can affect the kind of protection needed between organic and nonorganic land, the national standards do not specify specific dimensions for buffer zones. Determination of buffer adequacy is left to the organic producer, the organic inspector and the certifying agent on a case-by-case basis.
- The organic system plan must describe how an organic operation will avoid drift from neighboring operations, particularly drift of prohibited pesticides and herbicides.

53. Genetically Modified Organisms (GMOs) are not allowed in organic production. However, if my product tests positive for GMOs even if I have not used them, will I lose my certification?

- The Preamble to the NOS regulation states: "This regulation prohibits the use of excluded methods (which include GMOs) in organic operations. The presence of a detectable residue of a product of excluded methods alone does not necessarily constitute a violation of this regulation. As long as an organic operation has not used excluded methods and takes reasonable steps to avoid contact with the products of excluded methods as detailed in their approved organic system plan, the unintentional presence of the products of excluded methods should not affect the status of an organic product or operation."
- If a certifying agency has reason to suspect that an organic product has come into contact with prohibited substances or been produced using excluded methods the certifying agent can call for testing, which under certain conditions could result in that product no longer being considered "organic."
- The markets where your organic crops are sold may require zero tolerance of GMOs, regardless of whether or not the crops loses its organic certification. GMO testing is frequently done by the buyers of organic soybeans sold to Japan and European markets and will be rejected if they test positive for GMOs.
- If equipment used in planting or harvesting organic crops is also used for conventional crops it is important that you thoroughly clean the equipment before organic use to ensure that no contamination from non-organic or GMO crops occurs. You must document this cleaning in your records. Transport and storage of organic crops must also be in cleaned units, with documentation maintained.

54. Does any manure I use on a certified organic farm need to also be certified organic?

No. You may use manure from any source, as long as it does not contaminate crops, soil or water with heavy metals or residues of prohibited substances, such as arsenic for feed, anti-odor compounds, genetically-modified digesters or prohibited synthetics from the bedding source. Note that European Union requirements are stricter than the NOP requirements in this regard.

55. Are there regulations on how I apply animal manure?

- Yes. Manure is very closely regulated in organic systems, particularly for crops that are grown for human consumption. Raw animal manure may be applied to crops not for human consumption as long as it is applied in a manner that does not contaminate crops, soil or water. This may limit winter spreading. Your certifier may require a manure management plan as part of your certification application.
- Manure that is composted following the NOS may be applied at any time to any crops.

- Raw manure may be applied to crops for human consumption only if:
 - it is incorporated into the soil at least 120 days prior to the harvest of a product that comes into contact with the soil surface or soil particles, or
 - it is incorporated into the soil at least 90 days prior to harvest of plants whose edible portion does not come into direct contact with the soil or soil particles.

56. What are the rules for producing compost for use in my certified organic operation?

- Rules for compost production are quite detailed. They are laid out in the National Organic Standards §205.203(c)(2). If compost is not produced in accordance with these rules, it must be treated as raw manure and applied as outlined in question 55.
- To produce compost according to the NOS: an initial C:N ratio of between 25:1 and 40:1 must be established; a temperature of between 131° F and 170° F must be maintained for 3 days in a static, aerated pile, or between 131° F and 170° F for 15 days using a windrow composting system; during which materials must be turned at least five times.

57. Can I buy compost to use in my organic operation?

You may purchase compost, but you must be sure that it has been produced according to the NOS rule for compost unless you plan to apply it according to the rules for raw manure.

58. Do the seeds I plant need to be organic? How about for a cover crop?

- Organic seeds are required in all organic production, EXCEPT if the quantity, quality, form and/or variety of seeds desired are not available.
- Non-organic seeds must NOT be treated with non-allowed substances or genetically-modified inoculants.
 - Seeds must not be genetically modified.
 - Seeds for cover crop follow these same rules.
 - ATTRA and some certifying agencies can provide you with lists of seed companies that offer organic seed varieties.
 - If you do not use organic seed, you must keep records of your unsuccessful attempts to obtain organic seed.

59. Are treated seeds allowed?

Seeds may not be treated with non-allowed substances, including anything produced using GMO's. Examples of prohibited seed treatments are Apron and Captan. Legume inoculants are allowed if they are not genetically modified.

60. Must annual plant seedlings be organic?

Yes. Annual bedding plants for organic production must be certified organic. This means the seeds used to start the plants follow the rule outlined in question 58. The nutrients used to grow them must be approved for organic production. Bedding plants must also be grown in soil that has no non-approved additives, such as synthetic fertilizers. Most commercial potting soil mixes contain elements that are not allowed in producing organic plant seedlings.

61. What are the rules for planting perennials, such as fruit trees?

Producers must attempt to source organic planting stock, similar to attempts to source organic seeds. If not commercially available from organic sources, conventional planting stock may be used. Planting stock to be used to produce a perennial crop may be considered organically produced after it has been under a system of organic management for at least one year.

Processing and Handling

62. If I want to produce organic bread, what are the main things I need to do?

To sell a product as organic, you must use organic ingredients, process in a certified organic processing/handling facility and comply with organic labeling requirements.

63. How do I know if I am “processing” or “handling” a product and must comply with the Organic Rule?

- “Processing” is defined as: cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, distilling, extracting, slaughtering, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, chilling or otherwise manufacturing, packaging, canning, jarring or otherwise enclosing food in a container. If you conduct any of the above processing activities, you are considered a handler under the NOP.

- Many farmers will do some of these things in the production of their crops or livestock, such as through harvesting or cleaning feed. These processes must be certified along with fields and animals in order to produce a certified organic product. Individuals that operate plants or facilities that take a product and further process or handle it after delivery from a farmer must also be certified in order for the final product to be considered certified organic.

64. Does my processing facility need to be certified for organic production?

Yes. Each facility where organic product is processed or handled, from tortilla chips to butchered chickens or hogs, must be certified for organic production, with the exceptions as stated below. Each facility will need to apply for certification, develop an organic handling plan, fill out a processor or handler application, have the inspection, pay fees and keep comprehensive records.

- All the buildings where ingredients are stored, all equipment used, product packaging and any storage for the final product must be inspected

- All the cleaning products used must be on the National List, or have any residues somehow removed before organic production or separated from organic production so that there is no threat of contaminating the organic product.

- The processor must have a pest management plan that focuses on prevention of pest problems by removal of habitat, food sources and breeding areas, prevent access to facility by pests, and managing environmental factors (light, temperature, humidity, atmosphere and/or air circulation) to prevent pest reproduction. The plan may also use mechanical or physical controls including traps, light or sound, and lures and repellents using approved substances. Only if these practices are not effective, pest control products on the National List may be used. If National List approved substances are not effective, then conventional pest control substances may be used with the approval of the certifying agency. Measures must be taken to protect against pest control substance contact with organic products and packaging materials.

- Your facility does not have to be 100% organic. You may also process conventional products as long as organic products are protected from commingling with non-organic products and contamination from prohibited substances. Equipment must be cleaned and/or purged with organic product to prevent commingling and contamination. Records must show that organic integrity is maintained throughout the process at the facility.

- All certified processing or handling facilities must follow NOS record keeping requirements. Records that need to be kept include: proof of certification for organic ingredients, verification that any nonorganic ingredients also meet organic requirements, inventory, storage and sales records and pest control records. Records must track all ingredients and finished products in their flow through the facility, and must be able to show that contamination and commingling were avoided in all processing/handling steps.

- As with on-farm production, there is a small producer exemption of \$5,000 annual sales of organic product. A small producer may label their product as organic as long as they follow the NOS, including all record keeping.

- A handler that receives containers of certified organic product and only transfers or stores that

product without removing, altering or further processing the contents do not have to be inspected in order to sell that product as certified organic.

65. What are the rules for identifying my organically processed product?

The percent of the total that is organic ingredients in a product will determine exactly what your label can say. All organic ingredients must be identified as "organic" in the ingredient list for all labeling categories.

- **100% organic:** The final product contains only 100% organically produced products (excluding water and salt). If processing aids are used, they also must be 100% certified organic. You may use the "USDA Organic" or certifier's seal.

- **Organic:** The final product contains at least 95% (by weight or fluid volume) organic ingredients (excluding water and salt). Agriculturally produced ingredients must be organic if commercially available, and the product may not contain organic and non-organic forms of the same ingredient. No ingredients may be irradiated, genetically engineered or grown using sewage sludge. All remaining ingredients and processing aids must follow the National List. You may use the "USDA Organic" or certifier's seal.

- **Made with Organic Ingredients:** The final product contains at least 70% organic ingredients by weight or fluid volume (excluding water and salt). Conventional agricultural products may be used in the remaining 30%, but they cannot be irradiated, genetically engineered or grown using sewage sludge. All non-agricultural ingredients and processing aids must follow the National List. You can list up to 3 organic ingredients or 3 food groups on the front panel. You may use the certifier's seal, but not the "USDA Organic" seal.

- **List of ingredients with organic products identified:** If your product contains less than 70% organic product (by weight or fluid volume) then you may not make an organic claim on the principal display panel, but may identify items on the ingredients list as organic. You may list the percent of organic ingredients used on the information panel. For example, a cereal ingredient list can state: Ingredients: corn, organic oats, wheat.. etc.

In this case there are no restrictions on any non-organic ingredients. If your final products are in this category, they do not have to be processed in a certified organic processing plant. You may not use the "USDA Organic" or certifier's seal.

- **Livestock Feed:** Feed labeled as "organic" must contain agricultural products that are 100% certified organic. However, it may also include any percentage of feed additives and supplements consistent with the National List. Non-organic agricultural products are not allowed.

Marketing

66. Are there regulations in how my label looks and what information I need to put on the label?

Yes. Labels are closely regulated, particularly the types of organic claims that can be made based on finished product content and certifier and handler identification information. You may get details from your certification agency or check NOS §205.303-311.

- Labels must also state the phrase "Certified organic by (your certifying agency)" and must identify the processor or distributor of the finished product. Use of a certifying agent seal or logo is optional.
- The USDA Organic Seal can be used on the labels of products in the "100% organic," "organic," and livestock feed categories, but there are restrictions on its size and color.

67. Where can I sell my organic products?

- The organic marketplace is quickly developing. For example, the demand for organic dairy products currently is greater than supply. The same is true for some field crops and seed stock. It is very important that you explore market opportunities as you undergo organic transition.
- The NewFarm website (www.newfarm.org) has a large amount of organic market information. The Upper Midwest Organic Resource Directory (UMORD) lists marketing agencies, co-ops and companies and the products they are buying. The Organic Broadcaster Newspaper offers classified ads for those wishing to sell to other farmers in the Midwest. Your local Extension Agent may be aware of local market opportunities.
- The Organic Trade Association (OTA) has an on-line directory of over 1600 companies that buy and use organic products.
- Talk to other organic farmers about their markets and market opportunities.

68. Should I assume that if I am certified organic in the U.S. that I can sell my organic product in the international marketplace?

No. The U.S. NOP is not in complete accord with other countries' organic standards. For instance, in the EU, the organic farmer cannot use manure or compost produced from large confinement animal operations. If you wish to sell in an international marketplace, check with a certification agency to find out the specific requirements for your target market.

69. How do I know what price to charge?

Guidelines for pricing organic product are similar to those of any other product.

- If you are selling your product as a raw, unprocessed commodity (e.g., corn to a feed mill) you may be offered a posted price.
- Those who direct market or create processed products will want to do a cost analysis of their production so that they understand the price they need to make a profit on their product. Required record keeping for organic production can help you understand the costs that go into your production.

70. Can I expect to get a better price for my organic product than a conventional product?

Organic prices have historically been higher than those for similar products that are conventionally produced. This is especially true for dairy products, where demand far exceeds supply and prices have historically been 15-20% higher than those for conventional dairy products. However, there is no guarantee that you will get more for an organic product. It is important to secure a market for your product and get a sense of the price you will receive before you produce the product.

71. Can I sell my product as organic if I am still in transition?

No. A transitional product may not be sold as organic. It must be sold as a conventional product.

72. Who can I sell my organic product to if I fall under the small farm exemption and am not certified?

Those under the small farm exemption may sell their products as organic as long as they follow the NOS and do not sell their product in any situation where it will be further processed into an organic product or fed to certified organic livestock. This means that your "exempt" tomatoes can't be part of a certified organic salsa. Those falling under the small farm exemption may label their products as organic when selling direct to consumers, at a farmers market or when selling to anyone such as a retail store, who will not further process the product.

73. Does my retail food co-op or store need to be certified organic to handle my product?

No, retail stores, as long as they do not process an organic product and distribute these organic products to another location, are allowed to handle and sell organic products without being certified. Retail stores are required to prevent organic product contamination with prohibited substances and label organic products correctly. Some retail stores are voluntarily getting organic certification for their storefronts.

74. How can I convey the "organic difference" in my direct marketing?

- Many consumers have heard the term "organic" but may not understand all that it entails. Many organic producers have found it valuable to provide educational materials on the details of their organic production practices to their customers. For help in creating materials for customers, visit the MOSES website at <http://www.mosesorganic.org/misc/infoindex.htm> and look at the articles listed under "Marketing and Consumer Issues."

- Your local Extension Agent can offer suggestions on creating a brochure that will highlight the specifics of your operation, including the details of your organic production practices.

Steps to Organic Certification

- The producer contacts certification agencies working in their area and decides on an agency. There is value to remaining with the same agency from year to year, and this is encouraged. The chosen agency sends a packet containing the National Organic Standards and an application. There may be a cost for this packet. (\$50- \$60 is common)

Application

- The producer completes the application. For producers this includes management plans, field maps, field histories, strategies for controlling weeds and insects, soil fertility, crop rotation, inputs (fertilizers, insecticides, seeds) harvest and storage plans. A separate application addresses livestock management. Processors applications include facilities and product flow descriptions, ingredients information, cleaning and sanitation procedures and products, quality control information and pest management strategies. The application will take between 2 and 8 hours to complete the first year. The subsequent annual renewal questionnaires request information about changes and will take less time to complete.

- The certification agency reviews the application and attached documentation, making sure all necessary information is provided, and reviews the application to determine whether or not there are any noncompliances apparent that would rule out proceeding with the process. This step does not guarantee certification, but it allows the applicant to withdraw if it appears the certification request cannot be met.

Inspection

- The file is assigned to an organic inspector, who has received specific and complete training on organic standards. Inspectors are assigned a group of inspections to perform in a particular geographic region. Files include the application, all submitted information, results of the initial review and any other pertinent communications between you and the certifier. The inspector contacts the applicant either by phone or mail to set up the inspection time, get directions to the operation and discuss any questions about the application or to note any additional information needed at the inspection.

- The producer is responsible for the full cost of the inspection, which includes the on-site inspectors time, time needed to complete the inspection report, mileage, lodging, meals and miscellaneous expenses. A deposit on the inspection costs is likely to have been required with the application.

- The inspector performs the inspection. Depending on the size and complexity of the operation, this can take 2-6 hours. Farms with livestock or on-farm processing (e.g. seed cleaning) or organic processing operations will require lengthier inspection times.

- An on-site affidavit may need to be completed and signed during the inspection. A copy remains with the applicant, a copy goes to the certifier and a copy stays with the inspector.

- The inspector completes the inspection report and sends it along with the complete file, any documents collected during the inspection and the inspection bill to the certification agency. Upon receipt of the report, agencies may send a copy to you to verify accuracy. You also will receive a notice of the full inspection costs.

Review

- The certifier receives the inspection report. THE AGENCY AND THE INSPECTOR KEEP ALL INFORMATION CONFIDENTIAL. However, agencies do answer inquiries as to whether or not an operation is certified by them and what products are certified. All information is accessible to the NOP, and certifiers provide noncompliance information to each other as requested.
- The file is reviewed by a representative of the certification agency. In some cases, more than one individual performs the review. If no additional information is needed, a certification decision is made. Certification is either granted, granted with conditions, or denied. Conditions may need to be met immediately, within a certain time period or before the next inspection.
- The applicant is notified of the results of the certification review. If certified, you will receive a certificate, which lists organic products for which you are certified. Most agencies have clear appeal policies if the certification decision is contested.
- If certified, the producer may now sell certified organic products. Organic standards need to be followed throughout the year. Documentation of storage and sales need to be maintained for review at the next year's inspection. Organic production records need to be retained at least 5 years.
- Some buyers of organic products require, in addition to or instead of a copy of the operation's certificate, an actual certificate for the product you are selling them. These are usually called transaction certificates. If this is something you will need for organic sales, make sure your certifier offers this service and find out whether or not they charge any additional fees for this service.
- As part of the certification process you will be required to sign a contract or licensing agreement with your certifier. This legal document describes mutual and respective responsibilities. As part of certification you also agree to any unannounced inspections the certifier may deem necessary, either in investigation of noncompliance or as part of the certifier's required surveillance activities.

Continuation

- A questionnaire noting any organic plan changes must be completed and turned in and an inspection will be scheduled each year if continued organic certification is requested. The individual inspector will most likely change. Continuance or withdrawal of organic certification is determined annually using the same procedure as described above.

Resources

ATTRA The National Sustainable Agriculture Information Service --a project of NCAT

P.O. Box 3657, Fayetteville, AR 72702 800/346-9140 georgek@ncat.org www.attra.ncat.org

Providing free publications on specific organic and sustainable production methods, crops, marketing, and organizations. Technical specialists will prepare custom resource packets for subjects not currently in print. Created and managed by the National Center for Appropriate Technology (NCAT).

Midwest Organic and Sustainable Education Service (MOSES)

PO Box 339, Spring Valley, WI 54767

715/772-3153 Fax: 715/772-3162 info@mosesorganic.org www.mosesorganic.org

'Helping agriculture make the transition.' A farmer-run nonprofit educational outreach organization dedicated to organic farming. Organizes Upper Midwest Organic Farming Conference (UMOFC) in late February, offers books, resources and signs. Provides organic production and certification workshops to farmers and agricultural education professionals. MOSES is the publisher of the Upper Midwest Organic Resource Directory and this Guidebook.

NewFarm, The Rodale Institute

611 Siegfriedale Rd, Kutztown, PA 19530 610/683-1416 amanda.kimble-evans@rodaleinst.org www.newfarm.org

NewFarm.org presents compelling success stories with expert resources for crop and livestock production, direct marketing, local food systems, policy campaigns and community building collaborations.

Organic Farming Research Foundation (OFRF)

P.O. Box 440, Santa Cruz, CA 95061 831/426-6606 Fax: 408/426-6670 research@ofrf.org www.ofrf.org

OFRF is a nonprofit foundation that sponsors research related to organic farming practices, publishes research results for organic farmers and growers interested in adopting organic production systems, and educates the public and decision-makers about organic farming issues.

Organic Materials Review Institute (OMRI)

PO Box 11558, Eugene, OR 97440 541/343-7600 Fax: 541/343-8971 info@omri.org www.omri.org

OMRI lists and offers trademarked seal to approved products for use in the production of organic food and fiber. Uses USDA National Organic Program criteria to evaluate (allow, regulate, or prohibit) products. The comprehensive OMRI Generic Materials list is used by many USDA accredited certifiers as a guide and supplement to the National List of approved and non-approved substances for organic production.

Sustainable Agriculture Research and Education (SARE) Program, North Central Region SARE

University of Nebraska-Lincoln, 13A Activities Bldg., 1734 N. 34th Street, Lincoln, NE 68583-0840

402/472-7081 ncrsare@unl.edu www.sare.org/ncrsare

Administered by USDA-CSREES, SARE sponsors grants for farmers, researchers and ag professionals that advance farming and ranching systems that are profitable, environmentally sound, and good for families & communities.

USDA National Organic Program

1400 Independence Ave SW, Room 4008 South, Washington, DC 20250 202/720-3252 Francine.Torres@usda.gov www.ams.usda.gov/nop

This government agency oversees national organic standards, accredits organic certification agencies, and provides general information on its policies and activities through its website.

University of WI-Extension Emerging Agriculture Markets Team

www.uwex.edu/ces/ag/teams/emerging/ Team co-leaders: Rose Skora rose.skora@ces.uwex.edu 262-886-8460 (Racine) 262-857-1948 (Kenosha) Keith VanderVelde keith.vandervelder@ces.uwex.edu 608-297-9153 Carol Roth cjroth@wisc.edu 608-265-3463 *A statewide organization made up of University of Wisconsin -- Extension professionals and other individuals interested in helping farmers and communities identify and take advantage of opportunities in new and emerging agricultural markets.*

Wisconsin Dept. of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive PO Box 8911, Madison, WI 53708-8911 608/224-5100 perry.brown@datcp.state.wi.us www.datcp.state.wi.us *Funds on-farm demonstration and educational efforts to increase public awareness of the benefits of sustainable farming through the Agricultural Development and Diversification Grant Program. Organic certification cost-share program available.*

Index

A

antibiotics 10
 application
 field maps 7, 18
 help with 4
 organic farm plan 5, 7, 9
 processing 14
 steps to certification 18
 when to submit, timing 5
 approved products 9, 20
 ATTRA 5, 7, 8, 13, 20

B

bedding plants 13
 benefits of organic 2
 Brand Names List 9
 buffer 6, 12
 buildings 14
 bulls 10

C

certificate, organic 6, 19
 certification agency
 choosing 4-5
 dairy and, 9-11
 international certification 7
 labeling and, 15
 marketing and, 16-17
 role of 5-6
 steps to certification 18-19
 certification process 3, 5, 6, 19
 certification review 19
 chemicals 2
 cleaning products 14
 commingling 14
 commodity 7, 16
 compost 13, 16
 cost share 4
 cover crop 13
 crops, organic
 choosing certifier 5-6
 dairy and, 9-11
 general certification of 2
 GMOs 12
 international market 7
 marketing 16-17
 organic production 8
 processing 14
 resources 20
 seeds 13
 timing of certification 4-5
 water test 7

D

dairy 2, 9-11
 marketing and labeling 16-17
 direct market 16

E

educational resources 8, 17, 20
 EQIP 4
 equipment 6, 12, 14
 exempt 2, 3, 17
 Extension Agent 16, 17

F

Federal Register 3, 8
 feed
 livestock production 9-11
 marketing of 16-17
 production of 12-13
 fees
 annual certification fee 4
 cost share 4
 marketing and, 16-17
 steps to certification 18-19
 fertilizers
 approved, use of 8-9
 bedding plants 13
 steps to certification 18-19
 field days 4, 8
 field maps 7, 18
 fish meal 11
 food co-op 17
 fruit trees 13

G

Generic List 9, 20
 genetically modified organisms 10
 certification and 4
 labeling 15
 seeds and 13
 supplements and 11
 tolerance of 12
 vaccines 10
 grants
 cost share 4
 EQIP 4

H

health benefits of organic 2
 health care 9-10

I

I FOAM 7
 inoculants 9, 10, 13
 inputs 2, 7, 8, 10, 18
 inspection 4, 5, 6, 14, 18, 19
 inspection report 18, 19
 international certification
 Biosuisse 7
 EU 7, 16
 JAS 7
 irradiation 15

J

JAS certification 7

L

land, purchasing, renting 7
 labels 2, 14-17
 licensing agreement 19
 lime 2, 9
 livestock
 feed labeling 15
 manure 12
 marketing 16-17
 production 9-11
 processing 14
 steps to certification 18-19

M

manure 12, 13, 16
 market demand 2
 materials allowed 4-9, 11, 13, 14, 17
 meat, organic 4, 10
 milk, organic 9-11
 minerals 9, 10
 lime 2, 9
 salt 2, 9, 15
 MOSES 3-5, 8, 17, 20

N

National List 8, 10, 11, 14, 15, 20
 National Organic Program (NOP)
 2-9, 12, 14, 16, 19, 20
 National Organic Standards (NOS)
 2-4, 6, 8, 10-14, 16-18
 National Organic Standards Board 3,
 8
 New Farm 5, 8
 non-approved 10, 13, 20
 non-synthetic 8
 non allowed materials 4
 non compliances 6, 18
 NRCS 4

O

OMRI 9, 20
Organic Broadcaster 4, 16
organic farm plan 5, 7, 9
 crops 12
 dairy 9-10
 processing 14
Organic Foods Production Act
 (OFPA) 2, 3, 9
outdoor access 11

P

pasture 4, 10, 11
penalties 3
perennials 13
pest control 8, 14
potential markets 5
poultry, organic certification 4, 11
preventative health care 10
price
 marketing, and 16
 organic advantage 2
processing, certification of 8, 14, 16
profitability 2
prohibited practices 4, 7, 11
property, rental of 7

Q

R

record keeping 3, 6, 9, 14, 16
regulations
 changes in
 National Organic Program
 2-9, 12, 14, 16, 19, 20
 Organic Foods Production Act
 2, 3, 9
rental agreement 7
replacements for dairy 10
research studies 2
Rodale Institute 8, 20
ruminants 4, 10

S

salt 2, 9, 15
seeds 4, 7, 13, 18
sewage sludge 15
slaughter, organic animals for 10, 11
small farm exemption 17
soil and water quality 2
soil, for bedding plants 13
soybeans 7, 12
storage 6, 12, 14, 18, 19
supplements 9-11, 15

T

timeline, organic certification 4-6
transaction certificates 19
transition 4, 5, 7, 9, 10, 11, 16, 20
transitional product 16
transport 12
treated lumber 9
treated seeds 13

U

Upper Midwest Organic Farming Con-
ference 4, 8, 20
Upper Midwest Organic Resource
Directory 5, 8, 16, 20
USDA 2-6, 8, 9, 15, 16, 20
USDA Organic Seal 2, 16
user fees 4

V

vaccination 10

W

water test 7

Y

yields, organic crops and 2