



ISDA Organic Program Newsletter



Organic Program Update

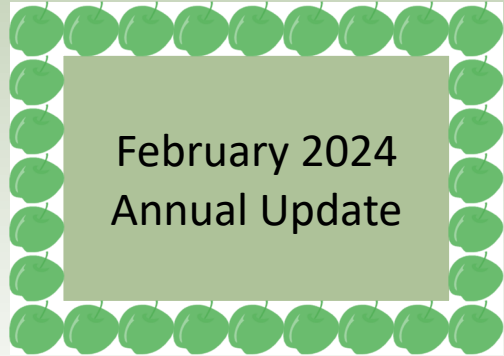
Welcome to 2024! We've made another revolution around the sun! BIG changes are coming to the National Organic Program for 2024.

Beginning March 19, 2024, the Strengthening Organic Enforcement (SOE) rulemaking will be in place. The amendments protect integrity in the organic supply chain and build consumer and industry trust in the USDA organic label by strengthening organic control systems, improving farm to market traceability, and providing robust enforcement of the USDA organic regulations. Further in this newsletter, we will review some of the changes and how they may apply to your operation. We hope that we can work together in implementing these changes. We welcome any and all questions regarding these new changes and request your patience as we learn how to navigate them as well .

Speaking of changes, there were many changes with the ISDA Organic Program staff lineup in 2023-24. Here are the current team members, their positions, and respective office locations:

- Rebecca Frey, Organic Program Manager (Boise)
- Jonny Church, Organic Program Specialist (Boise)
- Rich Kempton, Organic Investigator, Sr. (Boise)
- Mandy Collins, Organic Investigator, Sr. (Boise)
- Michelle Chan, Technical Records Specialist (Boise)
- Jose De Niz, Organic Investigator, Sr. (Twin Falls)
- Vacant, Organic Investigator, Sr. (Burley)
- Ashley Buhler, Organic Investigator, Sr. (Blackfoot)

Our team at ISDA would like to give a huge **THANK YOU** to all of our organic producers. We are still working on our final review of many of your files from 2023, and we know that several of you are awaiting your updated organic certificate. Your patience and continued support of our program has been incredibly helpful to each of us through our staffing changes and challenges this year. If any of you need a Letter of Good Standing in the meantime, please reach out to the Organic Program at organics@isda.idaho.gov or call us at (208) 332-8680.



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Do I Need to be Certified?

A percentage of the calls and emails that we receive are from people asking the question, “Do I need to be certified in order to sell, label or represent a product as organic?” The answer is, ‘not always.’ There are exemptions from certification found under §205.101.

Being certified organic has its’ benefits, and by being certified, the operation can demonstrate to consumers that they have met the legal standards for organic production. However, certification also comes with a price in the form of both annual and inspection fees. There are several ways to determine if an operation qualifies for an exemption.

To ascertain if an operation can be exempt from certification based on gross income, first determine if there is \$5,000.00 or less gross annual income from organic sales. If sales are less than this amount, then the small business qualifies for an exemption from certification. For some small operations, certification is just not cost effective, but they can still market their product(s) as organic. However, the exempt operations still need to meet the USDA National Organic Program (NOP) requirements for organic production.

Retail food establishments may qualify for an exemption. First the business must determine if it is a retail establishment that is *not* processing agricultural organic products. For example, a small retail store purchases bulk organic products already packaged for sale. This store would not need to be certified to re-sell organic products packaged for retail sale.

Third, a retail establishment that processes, at the time of final sale, agricultural products certified as 100% organic, organic, or made with organic, less than 70% organic (specified ingredients) may also qualify for an exemption. An example might be, an exempt organic store that buys organic sprouts and organic greens and then sells them as a mixed salad at their operation. This product can be sold as organic. If the store was to mix in a conventional lettuce, it can no longer be represented as organic.

A handling operation that only receives, stores, and/or prepares for shipment, but does not otherwise handle organic agricultural products might qualify as well. These products must be enclosed in a tamper-evident package or container prior to being received or acquired by the operation. The product is to remain in the same sealed packages and or containers while at the operation.

The exempt organic operations do not have to register with the USDA or other certifying agents. However, certifying agents still have the authority to verify whether agricultural products are organic. Certifying agents or the National Organic Program (NOP) may contact an operation to verify that they are meeting the exemption requirements and complying with the organic standards.

The exempt operations will also need to keep records just like a certified organic operation would, and they must make them available upon request to an authorized representative. The records must show that the organic products were organically produced and handled and be able to verify the quantities of the agricultural products shipped or sold. They must be kept for 3 years and must be accessible to the representative for inspection and copying during normal business hours.

In addition to the operation’s recordkeeping responsibility, they must not use the USDA organic seal or the seal of a certifying agency to sell the products. The exempt operation must not represent products as certified organic, or as a certified organic ingredient. The operation can identify an organic product or the ingredients in a multi-ingredient organic product as organic. This is only allowed if the multi-ingredient product is produced by the same operation that produced the ingredients. Certified operations are not allowed to identify ingredients as organic if they have been produced by another exempt operation.



Strengthening Organic Enforcement (SOE) Rule Changes: Importance to You

The United States Department of Agriculture's (USDA's) Agricultural Marketing Service (AMS) has updated its regulations to support continued growth of the organic market and improve oversight within the organic supply chain. This is the largest change to the National Organic Program (NOP) regulations since the creation of the rule.

Once implemented on **March 19, 2024**, this rule will improve organic integrity across the organic supply chain and transform the oversight and enforcement of organic production worldwide. The amendment's intent is to close gaps in the current regulations in order to build consistent certification practices to deter and detect organic fraud, improve transparency, and product traceability. In addition, the rule amendments will assure to consumers that organic products meet a robust, consistent standard as well as reinforce the value of the organic label.

So who will this rule impact? Anyone engaged in the organic industry will likely be impacted including but not limited to:

- ◆ Brokers, traders, and importers of organic products that are not currently certified under the USDA organic regulations;
- ◆ Individuals or business entities that are considering organic certification;
- ◆ Existing production and handling operations that are currently certified organic under the USDA organic regulations;
- ◆ Operations that use non-retail containers for shipping or storing organic products;
- ◆ Retailers that sell organic products;
- ◆ Storage facilities, grain elevators, or ports that process or handle organic products in any way;
- ◆ USDA-accredited certifying agents, inspectors, and reviewers;
- ◆ Operations that import organic products into the United States; and/or
- ◆ Operations that export organic products to the United States.

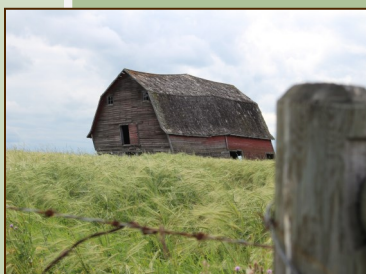


If you believe that you are utilizing an uncertified broker, importer, or exporter, please notify them that they need to become organic certified. If you utilize an uncertified broker, importer, or exporter past **March 19, 2024**, and that entity is unwilling to become certified organic, then you are placing your own organic certification at risk by continuing to do business with that entity. If you are unsure if someone may need to become certified, feel free to reach out to the ISDA regarding the scenario. We are happy to help with any questions or concerns you may have!

Let's Talk about OSPs

Let's talk about the Organic System Plan or the OSP, as most of you know it by. The OSP is a required document for organic certification. It is required by the National Organic Program or NOP. The OSP allows the NOP and the certifying agent to get a detailed description of the practices and procedures that each operation uses to produce organic goods. The OSP will define how each operation will remain in compliance with the organic standards, and it will explain three main topics including: what you do in your operation, how you do it, and what you use while doing it. One of the overall purposes of your annual inspection is to verify that your OSP matches your practices.

There is one new and exciting piece of information that Strengthening Organic Enforcement (SOE) Regulations have established: each operation will no longer have to submit a new OSP each year. However once the certifier has received a completed OSP (every box checked, no blanks) only updates will need to be submitted each year. A summary statement of changes will need to be provided each year from then on. This would be supported by documentation and would detail any deviations from the organic system plan submitted during the previous year. The additions and/or deletions to the prior year's OSP will need to be documented as per §205.201 for each new season.



Organic Integrity

Organic Integrity and Fraud Prevention Plans will be required in OSPs beginning March 19, 2024. These plans must include a description of the monitoring practices and procedures used to verify suppliers in the supply chain and the organic status of agricultural products received. They also need to include how the operation will prevent organic fraud as appropriate to the certified operation's activities, scope, and complexity.

The OSP Section 8 (crops), Section 3 B (handling), Section 15 (dairy and non-dairy ruminants), and Section 16 (Poultry and non-ruminants) questions ask for specific control points you have identified in your process and how you have addressed them to protect organic integrity. These plans can be described in the blank space provided on the OSP Questions or provided as a separate document.

These plans will look different for everyone, as risks of fraud are highly variable from business to business. A good question to ask yourself in developing a plan is: where is there risk for fraud with my business model? For example, an organic crop operation buys organic corn seed from a local dealer. They plant and harvest the corn using a custom planter and another neighbor chops the corn for their organic dairy cows. This operation's plan should address how they verify the acceptability of the seed, how they ensure the planter and harvest equipment are clean before use, and how they document all these procedures so they can be audited at their annual inspection.





NORTHWEST
TRANSITION TO ORGANIC
PARTNERSHIP PROGRAM

ORGANIC CERTIFICATION SUPPORT AND RESOURCES



The Northwest Transition to Organic Partnership Program (NW TOPP) provides support and resources to producers transitioning to organic and those who are currently certified organic. All programs offered free of charge.



Connect with a certified organic mentor through a farmer-to-farmer mentorship program. Learn directly from an experienced certified organic producer in your area of production, available in person and virtually.



Talk with an organic certification specialist for one-on-one assistance. We can help you prepare for certification, develop your organic system plan, and answer any certification questions you have.



Attend educational events, including workshops, webinars, field days and more all centered on organic production and certification.



Get help with navigating organic certification and production resources, including assistance programs for certification fees, national conservation programs for implementing organic practices, and locating publications, research, and online resources.

Let us know how we can help you!

Contact Hanna, Organic Transition Specialist, at TOPP@tilth.org or 541-286-7228.



The Transition to Organic Partnership Program (TOPP) is a network assembled by the USDA's National Organic Program to support transitioning and organic producers with mentorship and resources. A collaborative effort, TOPP involves many partners working together towards a common goal: to grow the network of organic producers.



Scan to
Learn more
about TOPP

Learn more at
organictransition.org.

United States Department of Agriculture
Agricultural Marketing Service
National Organic Program
Transition to Organic Partnership Program



Seed Treatments

Finding organic seed is one of the biggest challenges faced by organic farmers. With such a niche market, the options for organic seed can be quite limited depending on the year and current needs of the farm. Thankfully, operations have the option to source conventional seed and raise it for an organic crop so long as certain requirements are met. These standards are found in section 7 CFR 205.204 Seed and Planting Stock Practice Standards.

The most common exception our operations fall under is 7 CFR 205.204(a)(2) which states: “The producer must use organically grown seeds, annual seedlings, and planting stock: Except, That, ... Nonorganically produced seeds and planting stock that have been treated with a substance **included on the National List** of synthetic substances allowed for use in organic crop production may be used to produce an organic crop when an equivalent organically produced or untreated variety is not commercially available.” In other words, operations may use conventional seed so long as an organic variety is not commercially available, and all treatments are on the National List.

7 CFR 205.2 defines ‘commercially available’ as: “The ability to obtain a production input in an appropriate **form, quality, or quantity** to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan.” It should be noted that price is not one of the factors listed in determining commercial availability. If a version of the seed is available organically in the appropriate form, quality, or quantity, the operation cannot use conventional seed. ISDA requires all operations that source conventional seed to first attempt to source the seed from three other suppliers known for carrying organic seed. These attempts must be recorded including **who** was contacted **and on what date**. These attempts can be recorded in the crop OSP Section 3 Table 2 found on page 6 or in another form. It is important that these attempts are made and recorded each year even if the operation is using conventional seed purchased in past years.

As outlined by 7 CFR 205.204(a)(2), conventional seed may be treated so long as it has “...been treated with a substance **included on the National List** of synthetic substances allowed for use in organic crop production...” Therefore, it is imperative that operations review all seed treatments applied to their seed before planting. **Treatments include seed coatings and inoculants**. Some commonly overlooked prohibited treatments we at ISDA have come across are Apron XL, Maxim[®] 4FS fungicide, and Cruiser Maxx[®].

(article continued next page)



Seed Treatments, continued

In addition to our own list of reviewed and approved materials, ISDA accepts all seed treatments reviewed and approved by the Organic Materials Review Institute (OMRI), Washington State Department of Agriculture (WSDA), and the California Department of Food and Agriculture (CDFA). These organizations are accredited by the National Organic Program to review and approve materials, including seed treatments, for organic compliance. They then publish a list or database for these materials on their website. ISDA sends their approved material list with renewals each year and it can be requested at any time. Before planting, operations should verify all treatments applied to their seed are approved by one of these organizations or ISDA **and then follow any restrictions associated with each material.**

During each operation's annual audit, the inspector will request documentation showing the requirements for seed treatment have been met. If the seed is treated, the inspector will want to see the seed tag listing the treatments as well as the appropriate Material Review Certification. This certification is issued by the organization that reviewed it (OMRI, WSDA, or CDFA). These certifications must be current. If the conventional seed is untreated, the inspector will either request the seed tag or a letter from the supplier stating the seed was not treated.

In addition to verifying seed treatments, the inspector will also verify that the seed is not genetically modified (GMO). Not every species of seed has a genetically modified version on the market but if it does, the inspector will request verification that the seed used is not a GMO. This is usually accomplished by observing a letter from the supplier that states the seed is not genetically modified.

Farmers are responsible for ensuring their seed is compliant with organic standards. Even if a seed supplier states the treatments are compliant, farmers should thoroughly read all seed tags and gather Material Approval Certificates **before planting**. If seed with a prohibited treatment, coating, inoculant, or other material is used, the land will lose its organic status and need to go through a three-year transition before an organic crop can be harvested from it again.

If there is a question regarding seed, all operations should reach out to ISDA. We are happy to help verify a seed's treatment and answer any questions regarding what can and cannot be used. So don't be afraid to pick up the phone and give us a call.



Organics

Organic Certification Cost Share Program



Introduction

The U.S. Department of Agriculture (USDA) Organic Certification Cost Share Program (OCCSP), administered by the Farm Service Agency (FSA), provides organic producers and handlers with financial assistance to reduce the cost of organic certification. The program reimburses producers and handlers for a portion of their paid certification costs. Once certified, organic producers and handlers are eligible to receive reimbursement for 75 percent of certification costs for program year 2023, up to a maximum of \$750 per certification scope—crops, livestock, wild crops, handling, and State Organic Program fees.

Who is Eligible?

Certified organic producers and handlers who have paid certification fees during the 2023 program years may apply for reimbursement of the incurred costs.

Program Year	Covers expenses paid from ...	The application deadline is ...*
2021	Oct. 1, 2020 through Sept. 30, 2021	Oct. 31, 2021
2022	Oct. 1, 2021 through Sept. 30, 2022	Oct. 31, 2022
2023	Oct. 1, 2022 through Sept. 30, 2023	Nov. 1, 2023

*OCCSP funds are limited and applications are paid on a first-come, first-served basis. Applications received after all funds are obligated will not be paid.

Is Certification Required to Participate?

Yes. Organic certification cost share funds are only available to certified organic producers and handlers. Certification must be provided by a **USDA-accredited certifying agent**. If your operation is not currently certified organic and you would like to learn more about the certification process, please visit www.fsa.usda.gov/organic.

What Costs are Reimbursable?

Eligible costs include application fees, inspection costs, fees related to equivalency agreement/arrangement requirements, travel/per diem for inspectors, user fees, sales assessments, and postage.

What Costs are Not Reimbursable?

Ineligible costs include equipment, materials, supplies, transitional certification fees, late fees, and inspections necessary to address National Organic Program regulatory violations.

What is the Maximum Reimbursement Amount?

The maximum per certification scope (crops, livestock, wild crops, handling, or State Organic Program fees) is \$750.

How Do I Apply for a Reimbursement

You may apply to a participating state agency according to their deadlines, or you may apply directly to one of over 2,100 FSA offices. Applicants must typically submit a one-page application form, W-9 tax form (to participating state agencies), proof of certification and an itemized invoice of certification expenses.

For More Information

This fact sheet is for informational purposes only; other eligibility requirements may apply.

For more information, visit www.fsa.usda.gov/organic or contact your local FSA office.

To find your local FSA office, visit farmers.gov/service-center-locator.

ISDA Organic Staff Bios

Kyle Wilmot has been with ISDA since July 2018. He is a Bureau Chief who oversees the Warehouse Control and Organic Program, as well as the Bureau of Weights and Measures. Prior to ISDA, he was an auditor for the Legislative Services Office. He was born and raised in eastern Washington. He attended Northwest Nazarene University where he obtained a bachelor's degree in accounting with a minor in management. He is a Certified Public Accountant and a Certified Fraud Examiner. In his free time, Kyle enjoys fly fishing, mountain biking, and enjoying the outdoors with his family.



Rebecca Frey has worked with the ISDA Organic Program since January 2018 and moved into the Organic Program Manager role in March 2022. She has a bachelor's degree from BSU in Environmental Studies with an emphasis in biology. In her free time, she can be found planning her next vacation, playing trivia with friends, and spending time with family and friends while hiking or camping. Rebecca is still based in the Boise office and looks forward to continuing to serve the growing organic industry in Idaho.



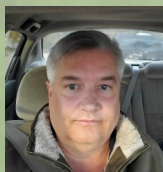
Ashley Buhler joined the Organic Program in April 2018 and works from the Blackfoot office in the Ag. Investigator, Sr. role. Ashley has a bachelor's degree from Utah State University in Agricultural Education. Prior to ISDA, she worked for an organic chicken company in the Midwest. Ashley loves to garden when at home in Idaho Falls. She also spends much of her spare time traveling, trying new restaurants, and attending sporting events with her husband.



Jonny Church joined the ISDA Organic Program in September of 2022 beginning as Organic Investigator, Senior, and is moved into the Organic Program Specialist role in 2023. Before ISDA he worked as an Operations Manager for a small buckwheat processing facility in Emmett, Idaho. He received a bachelor's degree in horticulture production from Brigham Young University-Idaho in 2016 where he also worked as the school's greenhouse manager. He is a born and raised Idahoan with a strong love for the outdoors, gardening, and playing board games. He currently resides in Emmett with his wife and two children.



Rich Kempton has worked for the ISDA since August of 2019, beginning as an Agriculture Inspector in the Fresh Fruits and Vegetables program. He transferred into the Ag Investigator Sr. position in the Organics Program in 2022. Rich graduated in 2019 with a Bachelor of Science degree in biology from Boise State University. Prior to working for ISDA, he grew up on the prairie of Post Falls, Idaho. He spent many years working in silviculture and wildland fire for the Forest Service in Idaho and Montana. In his free time, he likes watching college basketball, traveling back to North Idaho to visit friends and family, and hiking into mountain lakes and the high alpine country.



Jose De Niz grew up on a ranch where his family raised many kinds of livestock. There, working the ranch, he learned a strong work ethic from his parents. Jose attended the University of Idaho where he earned two Bachelor's degrees— one in Criminal Justice, and one in Sociology/Psychology, and also went on to earn a Teaching Credential. Jose has his pilot's license and also likes to hunt, fish and enjoy as much of the beautiful nature we have here in Idaho. He is an Ag. Investigator, Sr. and is based out of the Twin Falls office.



Mandy Collins joined the ISDA Organic Program as Organic Investigator, Senior in January 2024. She has a bachelor's degree in biology from Sonoma State University and an MBA from Boise State. She was a winemaker in California's wine industry for many years, and worked a harvest in Chile as well. She comes to ISDA from a non-profit that administered the USDA Food Program to childcares. Mandy has three teenage children and she loves to hike, snowshoe, and kayak in Idaho's great outdoors. She is based out of the Boise office.



Michelle Chan is the Organics Program's Technical Records Specialist II. She joined the ISDA Organic Program in August of 2022. Prior to working for ISDA she attended College of Western Idaho and graduated in May 2022 with her Administrative Specialist Associates of Arts and Science. In her free time, she enjoys travelling, camping, and spending time with her family.

