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# Small farm News

SMALL FARM CENTER DAVIS

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*A Guide For California Growers*

## ORGANIC REGISTRATION AND CERTIFICATION

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Both state and federal laws are now in place to regulate the production and marketing of organically grown commodities: the California Organic Foods Act of 1990 and the federal Organic Foods Production Act of 1990. Advisory boards were appointed on both the state and federal levels to make recommendations for implementation of each law and compile a list of approved and prohibited natural and synthetic materials for use in organic agriculture. These laws give legal label definition to the terms "organic farming" and "organic foods" and set forth production standards for any product marketed or sold as or-

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ganic. These laws are also meant to assure consumers that organic products meet specific criteria and will enable organically grown foods to be transported and sold throughout the United States. Growers who choose to produce and market their crops as organic must register with the state and also be certified by an accredited certification agency to be in compliance with the laws. Penalties may result for those in violation of the law. This article's intent is to inform

readers about state and federal regulations and production standards, and discuss in general the guidelines for organic certification. A list of state and federal agencies and certifying organizations active in California are included.

### California Regulations and Standards

Growers who choose to produce and market organic commodities are required to register each year with the State of California under the California Organic Foods Act of 1990. This law, which became effective on October 14, 1991, stipulates that growers must adhere to specific production procedures and standards for organic agriculture as provisioned by Article 4.5 (commencing with Section 26569.20) of Chapter 5 of Division 21 of the California Health and Safety Code and of the California Food and Agricultural Code commencing with Section 46000. This act states that prior to January 1, 1995, no prohibited materials or substances may be applied for a minimum of twelve months prior to planting for annual and two-year crops or twelve months prior to the appearance of flower buds for perennial crops to qualify as organic. From January 1, 1995 through December 31, 1995 this rule increases to a twenty-four month transition period. On or after January 1, 1996 the transition period increases to thirty-six months.

The state program is grower-funded by yearly

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registration fees and is administered through the California Department of Food and Agriculture (CDFA). No mandatory inspections are required by the state; enforcement is based on confirmed violations of the law. Contact your County Agricultural Commissioner for application and registration information.

State registration fees are based on a sliding scale of a grower's gross sales. Fees are as follows:

	Gross Sales	Registration Fee
\$	0- 10,000	\$25
	10,001- 25,000	75
	25,001- 50,000	100
	50,001- 100,000	175
	100,001- 250,000	300
	250,001- 500,000	450
	500,001- 1,000,000	750
	1,000,001- 2,500,000	1,000
	2,500,001- 5,000,000	1,500
	5,000,001 and above	2,000

Fees are paid annually and are based on the registrant's total gross sales from the previous year. If no sales occurred in the previous year, fee remittance is based on the projected gross receipts. First year registrants must pay a one-time only assessment equal to one and one-half times the amount indicated by the sliding scale.

## Federal Regulations

In January of 1992 the Secretary of Agriculture appointed the National Organic Standards Board (NOSB) to make recommendations for implementing the federal Organic Foods Production Act of 1990 (OFPA). Specific criteria for organic production were to be defined, including the compilation of a national materials list detailing approved and prohibited synthetic and natural substances for use in organic agriculture.

The federal OFPA became effective on October 1, 1993. However, due to budget and time constraints, final recommendations for the law's implementation have not been completed. Therefore, even though the law is now in place, the date for actual implementation and enforcement is still uncertain and will depend on the completion of recommendations by the National Organic Standards Board. It is expected that implementation and enforcement will be delayed for at least one year. Individuals are advised to contact state, federal and certification agencies for the most up-to-date information. Nonetheless, growers would be wise to follow federal regulations and production standards (in addition to state regulations) at this time. The OFPA is administered through the United States Department of Agriculture (USDA).

The OFPA preempts California's state law except in those cases where the state applies to the USDA for

approval of stricter standards. Two differences between the state and federal laws are noteworthy. First, the federal law stipulates that organic foods must not be produced on land to which a prohibited substance has been applied for a minimum of three years immediately preceding harvest of the crop to qualify as organic. Second, federal law states that growers must be certified by a federally accredited certifying agent on an annual basis if yearly gross sales total more than \$5,000. This federal requirement should not be confused with, and is separate from, state registration.

In 1992 only one-third of the registered organic farmers in California were certified. Approximately ninety percent of those certified were certified through California Certified Organic Farmers (CCOF). In addition to CCOF, five other organizations actively certify growers in the state. They are: Farm Verified Organic (FVO), the Organic Crop Improvement Association (OCIA), the Organic Growers and Buyers Association (OGBA), Quality Assurance International (QAI) and Scientific Certification Systems (SCS). Each agency should adhere to all state and federal laws

## STATE AND FEDERAL AGENCY CONTACTS

California Department of Food and Agriculture  
California Organic Program  
1220 N Street, PO Box 942871, Sacramento, CA  
94271-0001

Telephone: (916) 654-0919 FAX: (916) 654-0666  
Contact person: Paul Branum,

United States Department of Agriculture  
National Organic Production Program (NOPP)  
USDA AMS TMD, PO Box 96456, Washington  
DC 20090-6456

Telephone: (202) 720-2704 FAX: (202) 205-7808  
Contact person: Dr. Harold Ricker

regulating organic commodities, and in addition may enforce standards and procedures specific to their own agencies. The above organizations are registered with the State of California. However, none are currently accredited by the USDA since the USDA's certification program has not yet been implemented.

### National Standards for Organic Production

At this time, the federal law does not require registration for organic growers nor are any assessment fees charged. However, to be in compliance with the OFPA in its current form, growers must adhere to two broad standards:

1) A crop must be produced and handled without the use of synthetic chemicals or prohibited sub-

stances for three full years immediately preceding harvest to be sold or labeled organic. Some exceptions to this rule apply, however, growers should consult federal, state and/or a certification agency before questionable materials are applied to a crop.

2) A crop must be produced and handled in accordance with the guidelines and provisions of the federal law and of an accredited certifying agent. Depending on the certification agency, stipulations often include, but are not necessarily limited to, participation in yearly farm inspections, periodic pesticide residue testing and assessment of reasonable fees.

#### **Guidelines for Organic Certification**

Growers committed to organic production should begin the certification process as early as possible since the minimum time period for transitioning from conventional farming practices to organically acceptable methods is currently three years under the OFPA. The process begins upon submission of an application package to a certification agency. The application package is reviewed and/or accepted by a certification committee, board, panel or individual. Actual organic certification is awarded only after all the requisite state, federal and certifying organization standards have been met. It is the sole responsibility of the grower to comply with the applicable production standards and provide the appropriate data to satisfy organic certification requirements.

#### **References and for more information, contact:**

California Action Network. The 1993 *National Directory of Organic Wholesalers.*, California Action Network, PO Box 464, Davis, CA 95617.

California Certified Organic Farmers, Inc. (CCOF). 1993. *California Certified Organic Farmers 1993 Handbook.* California Certified Organic Farmers, Inc. See address below.

Hall-Beyer, Bart. 1992. *Organic Certification Information Package.* Appropriate Technology Transfer for Rural Areas (ATTRA). Fayetteville, Arkansas. 1-800-346-9140.

Organic Growers and Buyers Association. 1992. *Organic Standards (Excluding Livestock, Specialty Crops).* Organic Growers and Buyers Association. See address below.

## **CERTIFYING ORGANIZATIONS ACTIVE IN CALIFORNIA**

*The University of California cannot verify all claims made by the certification organizations.*

### **California Certified**

#### **Organic Farmers (CCOF)**

303 Potrero Street, Suite 51, Santa Cruz, CA 95060  
Telephone: (408) 423-2263 FAX: (408) 423-4528  
Contact person: Diane Bowen, Executive Director

CCOF was formed in 1973 to define, develop and promote ecological farming practices, organic production and certification standards on which distributors, wholesalers, retailers and consumers could rely. CCOF is a non-profit association of member growers from California-based operations. CCOF also represents its membership in developing public policy and public education concerning organic agriculture and industry standards. CCOF certifies some processors of organic foods.

CCOF requires that growers keep written records of production practices and inputs and submit to field inspections on a yearly basis. In addition, farm specific membership, inspection and assessments fees are levied on a yearly basis. Membership and inspection fees are based on the number of parcels and whether or not the operation is totally organic. Assessments are 0.5% of the total gross sales of products sold as organic. CCOF will perform pesticide residue tests when indicated or necessary.

#### **Farm Verified Organic, Inc. (FVO)**

RR #1, Box 40A, Medina, North Dakota 58467  
Telephone: (701) 486-3578 FAX: (701) 486-3580  
Contact person: Annie Kirschenmann, Program Manager

FVO currently provides inspection, certification and educational services for those in organic agriculture and industry worldwide. Two types of certification services are offered: 1) certification of handlers and processors, and 2) certification of licensees that contract with organic growers for the purchase and subsequent marketing of the organic product. The relationship between growers and licensees is unique among certification agencies. Under a new Cottage Industry Program, small farm and processing operations can become FVO licensed and hold their own certification. The organization can assist growers with technical information through their advisory services and also has a certification management program. FVO is a for profit corporation working towards becoming a cooperative.

*-See Certifying Organizations, page 8*

*-Certifying Organizations, from page 5*

Growers must keep written records on production practices and inputs, and participate in farm inspections on a yearly basis. Inspection fees apply and under the regular licensing program are the responsibility of the licensee. The grower may or may not be expected to share a portion of this cost with the licensee. Under the Cottage Industry Program, growers are responsible for all fees. In addition, all licensed parties must pay a percentage of their actual net sales to FVO. FVO will perform pesticide residue tests when indicated or necessary.

## **Organic Crop Improvement Association, Inc. (OCIA)**

3185 Township Road 179, Bellefontaine, OH 43311  
Telephone: (513) 592-4983 FAX: (513) 593-3831  
Contact person: Betty Kananen, Administrative Director

OR

### **OCIA-California**

Box 200, Ballico, CA 95303 Telephone: (209) 632-6424  
Contact person: Bill Reichle

OCIA is farmer-owned and operated with domestic and international chapters. Its strict "audit trail" can track product from the retail shelf back to the field in which it was grown. While OCIA International certifies processors and handlers as well as farmers, membership in OCIA-California, the California Chapter, is limited to farmers. OCIA is a non-profit organization.

Growers must keep written documentation of all production practices and inputs each year. Yearly farm inspections are mandatory. Flat fees are levied on a yearly basis for membership and certification. Inspection fees also apply and vary depending on farm size and the complexity of the operation. In addition, growers using the OCIA trademark are assessed 0.5% of the total gross sales of OCIA certified product. OCIA will perform pesticide residue tests when indicated or necessary.

## **Organic Growers and Buyers Association (OGBA)**

1405 Silver Lake Road, New Brighton, MN 55112  
Telephone: (612) 636-7933 FAX: (612) 636-4135  
Contact person: Sue Cristan

OGBA is a corporate non-profit membership organization whose original goal was to provide a market link between organic growers and buyers for their mutual benefit. While this is still a priority, OGBA has expanded to include organic certification and education for producers, food handlers and processors of organic commodities throughout the US.

Growers must keep detailed records for production practices and inputs each year. Also, yearly farm inspections are required. Soil tests must be performed at least once every three years. Basic certification and inspection fees apply. Inspection fees are dependent on the operation's complexity.

## **Quality Assurance International (QAI)**

12526 High Bluff Drive, Site 300, San Diego, CA 92130  
Telephone: (619) 792-3531 FAX: (619) 755-8348  
Contact person: Griffith McLellan, Director

QAI is an independent for profit organization dedicated to documenting the authenticity of organically grown and processed foods through certification to meet state and national standards. To be certified organic, QAI requires that growers demonstrate an ability to farm sustainably using ecologically sound practices while maintaining economic viability. Processors must also demonstrate an ability to maintain product integrity for all foods grown organically before becoming certified organic with QAI. QAI certifies those in organic agriculture and industry in the Western Hemisphere.

Growers must document all activities relating to the production of organic commodities including production practices and material inputs. Yearly farm inspections are mandatory. Annual fees are based on the size and characteristics of the operation. QAI will perform pesticide residue tests when indicated or necessary.

## **Scientific Certification Systems (SCS) NutriClean Organic Certification Program**

The Ordway Building, One Kaiser Plaza, Suite 901, Oakland, CA 94612  
Telephone: (510) 832-1415 Fax: (510) 832-0359  
Contact person: Eric Engbeck, Director

The NutriClean Organic Certification Program is administered by SCS, a for profit organization that certifies organic producers and processors worldwide.

Growers must participate in yearly farm inspections and keep detailed records of all production practices and inputs. Soil tests must be performed annually. NutriClean certification also prohibits the use of some botanical pesticides. In addition, the company requires routine pesticide residue analyses in excess of state and federal law. Certification fees are dependent on farm size and characteristics.