



Nature's Focus

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The View From Here

Volume I Summer 2018

David Hettenbach, Staff Inspector & Certification Specialist

As the days grow warmer, the pace here at NICS has quickened along with the work of the farm. The summer can be a particularly exciting time because we now have the chance to sit down with all of you and hear personally of your successes and challenges. The growing season can also be a challenging time here with all the moving parts involved with getting inspections scheduled, meeting FSA deadlines, many new materials requests, new crops needing inspection before harvest, and the many other important aspects of daily certification work.

Though the work at NICS is different than baling hay, feeding livestock, or fixing a broken piece of equipment, our seasonal workload is very similar to that of a farm. We spend the winter and spring improving procedures at NICS, with an eye towards providing the best certification experience, while maintaining organic integrity, the same way growers spend winters busily planning for a better year next year. Now that the growing season is in full swing our inspectors get the opportunity to sit down with all of you and hear about how these changes have affected you, and figure out where further improvements are needed. As we say time and time again, the work we do is a process, and we are continually working for improvement. Likewise, we hope you too may find your involvement in organic certification to be one of continual improvement, learning, and sharing with others in the challenges and the triumphs of a livelihood linked to the whims of ever changing weather and fluctuating mar-

kets.

As many do, we at NICS make grand plans in the winter, and yet, fall back at times on what we know works (aka old habits) during the season when things get hectic. Much like a flat tire on the baler can deflate a good evening of baling, or after years of picking rock you can still manage to find an even bigger rock with the disk, we run into our own bumps in the road along with unintended consequences. As the old saying goes, "Sometimes it's hard to see the forest through the trees." While those many trees may provide us all with plenty of work and a sharp focus on the problem at hand, we do our best to remember that in all we do, we are here to provide great service and sensible certification to people who believe in producing crops and products in line with organic principles and in compliance with the organic regulations. As the growing season continues, our hope is that we can provide you with expertise about organic compliance that allows you to keep working towards the big ideas you came up with in the "off-season." While our role in organic certification does not allow us to consult with you on how you should be farming or managing your enterprise, we are here to be of service in understanding the large and small of organic certification so that you may find peace of mind in a certification resource ready to tackle the big ideas or bump in the road problems you may encounter on any given day.



In the Pipeline

Implications of the Food Safety Modernization Act

Gail Doesken, Staff Inspector & Certification Specialist

FSMA Compliance Next Steps?

- 1) Determine your annual gross sales amounts and keep records that verify your last 3 years of sales
- 2) Using the average annual sales amount taken from your last 3 years of sales, determine if your operation is 'covered' (ie. subject to), 'exempt,' or 'qualified exempt' from the Rule
- 3) If your operation is 'exempt' or 'qualified exempt', establish and maintain records proving your exemption (see FSMA Resources at far right)
- 4) If your farm is 'covered', a supervisor (such as farm owner/operator) will need to complete a standardized food safety training program. The Produce Safety Alliance Grower Training Course is one way to satisfy this requirement. A list of upcoming PSA trainings by state can be found here: producersafetyalliance.cornell.edu/training/grower-training-courses/upcoming-grower-trainings
- 5) Begin keeping the required records for your 'covered', 'exempt', or 'qualified exempt' operation. (See FSMA and PSR resources on page 3. The Produce Safety Alliance has a fact sheet detailing what records are required).

Sweeping food safety reform, the Food Safety Modernization Act (FSMA), has begun impacting food producers across the United States. The FSMA Rule will impact the entire food chain, from food production to food distribution, manufacturing, and importation of both human and animal food products. Most applicable to food producers is the Produce Safety Rule (PSR), which works to reduce risks associated with microbial contamination in fresh fruits and vegetables grown for human consumption.

While compliance with the new FSMA and PSR is not directly linked to organic certification compliance, there are a number of areas in which the food safety rule may impact agricultural practices and inputs. Any new materials or changes to agricultural practices arising from FSMA will need to be addressed with your certification agency, NICS. At this time, the PSR currently maintains similar restrictions to organic regulations in regards to the use of raw manure inputs. However, the water portion of the FSMA rule will require additional water testing and agricultural water practices, not currently required through organic or GAP standards. Due to significant agricultural water use and testing requirement changes resulting from the PSR, compliance dates regarding this portion of the FSMA Rule are delayed to allow producers the chance to adopt new testing protocols and make any necessary modifications to current practices over the next four to six years, depending upon the size of the operation (determined by annual gross sales).

Your buyer, local extension agent, or land grant university will be helpful resources as you work to determine the extent to which your operation will be covered by the new FSMA regulations. In the mean time, be sure to check with NICS, your organic certification agency, when new products or practices are employed for the purpose of FSMA compliance. FSMA compliance is currently being monitored by individual state governmental agencies and is not likely to be associated with your organic certification agency at this time.

The following resources may be of help as you begin exploring how the FSMA and PSR will impact your operation. The table below indicates the dates operations will be required to demonstrate compliance with the FSMA Rule. Note that business size is measured by the annual gross sales of an operation (as determined from the average gross sales over the last 3 years).

Compliance Dates per Type/Size of Business					
Business Size	Sprouts	Most Produce	Water portion of FSMA Rule (1)	Qualified Exemption Labeling Requirement (2)	Must have records verifying a qualified exemption
Businesses >500K	1/27/2017	1/26/2018	1/26/2022		
Small Businesses (>250K - 500K) (3)	1/26/2018	1/26/2019	1/26/2023	1/1/2020	1/26/2016
Very Small Businesses (>25K-250K) (4)	1/26/2019	1/26/2020	1/26/2024		

Key to Compliance Dates per Type/Size of Business

- 1 - Compliance dates for Agricultural Water (Subpart E) allow an additional four years
- 2 - Any farm eligible for qualified exemption **MUST** notify consumers as to the complete business address of the farm where the food is grown, harvested, packed, and held.
- 3 - Small Business = average annual monetary value of produce sold during the previous 3-year period is no more than \$500,000.
- 4 - Very Small Business = average annual monetary value of produce sold during the previous 3-year period is not more than \$250,000

(article continued on page 3)

Don't Forget the Middle Man

Jenna Miller, Staff Inspector & Certification Specialist



FSMA and PSR Resources

(Continued from page 2)

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Produce Safety Alliance

Cornell University

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North Central Region FSMA Center

www.ncrfsma.org/ -

includes a contact list by state of FSMA experts

Minnesota Department of Agriculture

www.mda.state.mn.us/food/safety/fsma.aspx

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

- datcp.wi.gov/Pages/Programs_Services/SafeWisconsinProduce.aspx

Your local State University Extension

It is generally understood that purchases for an organic farm (such as livestock feed, cattle, birds, and agricultural-based supplements) must be certified organic. While there are some cases in which handlers of organic products do not need to be certified organic, there are also operations handling organic products that should be certified organic but may at times be overlooked.

The Rule, coupled with NOP Guidance Document 4009, says that once an unsealed organic item – seed, cattle, bulk feed – is stored at “an uncertified operation’s land or premises (i.e., at units, facilities or sites not explicitly subject to inspection or compliance action by the NOP or a certifying agent)”, for an unspecified amount of time, the site performing the storage must be certified organic. The Rule also specifies some instances in which a handler of organic products does not need to be certified. An “excluded handler” may transport a sealed item, such as a bag of seed or a tote of molasses, so long as they do not tamper with the product or packaging. Excluded handlers are “excluded” from the requirement of obtaining organic certification since they do not handle the raw product in a way that could contribute to contamination or commingling with nonorganic product. An excluded handler applies in the case of cattle haulers, feed trucks, and seed dealers (those who are *not* repackaging seed or

seedlings). Businesses needing to be certified include hay jockeys, auction barns, or handlers selling an organic product that is broken down from a bulk form to a smaller form (i.e. splitting a tote of molasses into 5 gallon pails, or seed/seedlings into smaller quantities).

The narrow line between who needs to be certified and who is ‘excluded’ from certification is an area of the industry that NICS is continually trying to distinguish. Please be aware that sales to or from hay jockeys, auction barns, and handlers who sell organic items in smaller quantities (who would have purchased in bulk and repackaged the product) all must be certified organic. Since this is a commonly misunderstood area of the Rule, it is possible, and often common to find that an “organic auction” is not certified organic to handle the housing of organic livestock or the organic sale. Likewise, “organic suppliers” may not be certified organic to distribute a bulk certified organic product broken down into smaller units. Organic certification of the middle man protects the organic integrity of the system, since it provides a series of audits and paper trails to ensure all parties who engage in buying or selling organic products are complying with the regulations and protecting the industry from the introduction of nonorganic products into the organic marketplace. Through organic certification, auction barns handling organic livestock must prove the feed they supply at an organic animal is certified organic, and a bulk molasses operation handling organic molasses must be able to verify the incoming and outgoing product to ensure no nonorganic product is mixed along the way.

If you are working with a hay jockey, livestock auction, or distributor who repackages, be sure to ask for a copy of their organic certificate as a part of your records. If they are not certified, find one that is. It may be a simple issue of clarification, since often these entities are not aware of their responsibility to be certified. Bottom line, when purchasing organic items from someone other than the primary source, don't forget to ask, is this a middle man who needs to be certified?

We are the Stakeholders

Elizabeth Tigan, Certification Manager

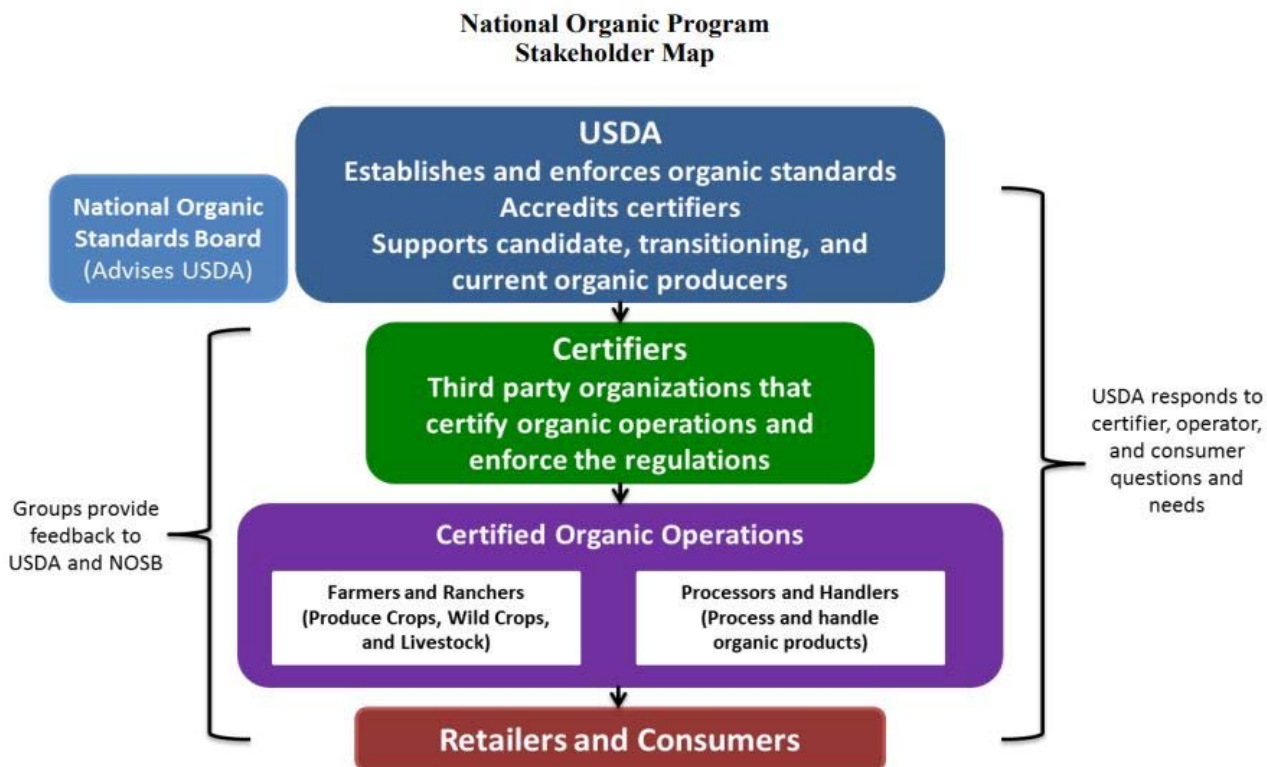
We at NICS spend most of our time answering phone calls, moving files through the certification process, inspecting farms, and working to make our systems better. Every now and then, our attention is diverted to the larger forces that shape our work, which sometimes shape it in disappointing ways. The new Organic Livestock and Poultry Practices rule (OLPP) that so many had worked on to enable smooth implementation was withdrawn this spring, the Organic Checkoff Program was scrapped a few weeks ago, and the 2018 Farm Bill, at the top of the list of important items before the Legislature at this very moment, may bring big changes that could impact organic agriculture as we know it. Politics in the organic sector are a lot like real life – some good, some bad, and just wait five minutes and things will change and then hopefully something will actually happen. In these tumultuous times, it is worth remembering we all have a voice in our organic future.

The word organic “Stakeholder” is an important term used to refer to all peoples and businesses (from farmers, consumers, students, manufacturers, scientists, and the public in general) impacted by and involved in the organic industry. We go ahead and capitalize this Stakeholder because it is a proper noun and because it is important. As Stakeholders, it is important to know our role in the world of certified organic, espe-

cially when things feel rather uncertain for many of us.

The Organizational Chart for the National Organic Program (below) describes what role Stakeholders have in the organic system, in addition to the different groups that comprise the Stakeholders in the Organic Program. Stakeholders include retailers and consumers, certified organic operations – including farmers, manufacturers and handlers -- certifiers, the USDA itself, and the National Organic Standards Board (NOSB). In the chart below you can see how the NOSB acts as an advisor to the USDA. In a sense, the NOSB is a gateway to the USDA, and the members of the NOSB are all representative of the Stakeholders (all of us).

Fortunately, the Organic Foods Production Act of 1990 worked to set up the organic regulations so that Stakeholders have a voice in the process. The Organic Foods Production Act of 1990 (OFPA) establishes the National Organic Standards Board “...to assist in the development of standards for substances to be used in the organic production and to advise the Secretary [of Agriculture] on any other aspects of the implementation of this title.” The composition of the Board and the regulation and responsibilities of the members of the board are also laid out in OFPA.



The NOSB consists of 15 members. Four are farmers, three are environmental conservationists, three more are members of the public, two are handlers, one is a retailer, one is a scientist, and one is a USDA accredited certifying agent. The members of the NOSB are nominated by the public and appointed by the Secretary of Agriculture and, for all intents and purposes, are a representative sample of the stakeholders in the organic economy. The 15 members break into sub-committees and study issues facing Stakeholders, develop proposals, and perform technical advisory panels on items considered for addition to the National List of Allowed and Prohibited Substances.

Stakeholders can submit a petition to the NOSB for review at any time. In general these petitions are about additions to the National List, but often a member of the public requests a petition be made for other standard practice issues. The NOSB determines if the petition has complete information and forwards the petition to the NOP, who, prior to one of the semiannual meetings of the NOSB, publishes a list of substances currently being petitioned and allows for public comment for a set amount of time.

Recently, the NOSB met in Phoenix, Arizona for the April 2018 Spring Meeting to review the petitions for additions to the National List and to cover other advisory business. At the meeting, four petitions from Stakeholders were reviewed and voted on for recommendation. The NOSB also reviewed materials already on the National List as part of the Sunset Review process. All substances on the National List are reviewed every 5 years to ensure they comply with all required criteria. This is called the Sunset Review process. The meeting also covered other practice standard issues, like inspector qualifications, import oversight, and emergency use of synthetic parasiticides.

NOSB meetings also provide Stakeholders with an oppor-

tunity to make public comments. The NOP takes all comments and publishes them as part of the record for the meeting and as a part of the Rule-making process in general. Comments from past meetings are all available to the public, which can be great reading on a rainy Saturday in November. We recommend the real old ones; it really gives you a sense of where we have come from, and hopefully the direction we are going.

If you have a concern about a specific aspect of the National Organic Program, or have a substance or tool you would like to see added to the National List, please submit a petition to the NOSB and let your voice be heard. Petitioning the NOSB is covered under NOP 3011 Procedural Guidance

document titled "National List Petition Guidelines." You can find this document in the Program Handbook on the web or contact the NICS office so that we can send one to you or answer questions.

As a valued Stakeholder in the National Organic Program, please consider letting your voice be heard by contacting your state representatives. Let us ensure that the NOSB is supported in full as the program stands and as written in our current regulations. We want to make sure that the NOSB continues to be the

gatekeeper for the addition of materials to the National List. We want to be sure that the NOSB continues to include Stakeholders like you—our organic producers -- and we want to ensure, as the writers of OFPA intended, that our voices make a difference to the future of organic agriculture.

The Organic Foods Production Act of 1990 (OFPA) establishes the National Organic Standards Board "...to assist in the development of standards for substances to be used in the organic production and to advise the Secretary [of Agriculture] on any other aspects of the implementation of this title."

Update: Baling Twine In Livestock

Elizabeth Tigan, Certification Manager

Recently, many organic dairy producers were made aware of the fact that a toxic fungicide was discovered in some feed samples taken on organic dairy farms.

This fungicide, o-phenylphenol, is used to treat baler twine to help preserve the twine for storage. It is also possible that other fungicides and rodenticides may be leached into organic feed due to use of treated baler twine. While the organic community has not seen or addressed this as a concern in

the past with regard to storage, the appearance of this toxic compound in residue testing has prompted certifiers to address the treated twine.

NICS is aware that some farms may incorporate chopped baler twine into feed or straw as part of the harvesting process. If you are using treated twine in this manner as part of your organic harvest process, please discontinue using the treated twine immediately and begin sourcing untreated twine. Untreated twine *is* available on the market.

If you have questions or concerns about this, please do not hesitate to contact the office and speak to a Certification Specialist for some resources. Inspectors will be discussing the use of twine at inspections in the coming year and will update your Organic System Plan with any changes you are planning so this twine issue can be addressed.

Marketing “Organic”

Jenna Miller, Staff Inspector & Certification Specialist



Farmers markets offer a unique venue for customers and farmers to interact directly. Farmers can describe their products, practices, and values while being provided a good, local outlet to sell their products at a premium price. Likewise, customers have the opportunity to ask direct questions about where the food comes from and what practices were used in the process. Differences in marketing strategies will be evident at a farmers market just as they will anywhere else. For farmers who do not certify as organic, but may adhere to some of the common principles in the organic movement, terms such as "naturally grown" or "no spray" might be used. So what types of marketing claims can be made regarding the term "organic," and what makes a farmer who is certified organic stand out among the masses?

The Organic Foods Production Act (OFPA) is legislation that regulates use of the word organic. According to this legislation, products represented as organic must be certified organic by an accredited certification agency. The National Organic Standards regulate the production and handling of products ranging from seed, to produce, processed and packaged food, and cosmetics, as well as livestock and livestock products such as meat, eggs, or milk. Certification ensures the organic integrity of products produced to these standards and provides a means for consumers to know what they are purchasing.

If your operation is not certified, you may not market your product as "organic" even if you may be using organic growing practices. Marketing your product as organic without certifica-

tion may result in your operation being fined. Fines for infringing on the organic standards (including misleading marketing and labeling) can be levied up to \$11,000 per each individual sale.

The organic regulations do provide an exception to this rule— operations whose annual sales are under \$5,000 are exempt from becoming certified organic, though they must follow the regulations and maintain appropriate records to verify they are compliant with the standards. Since small operations may commonly sell at farmers markets, it is possible given this exemption, that some operations using the term organic in their marketing will not be certified organic. While operations who fall within the less than \$5,000 in annual sales exemption, may use the word organic in their marketing, they may not sell any processed products as organic, nor may they use the USDA Organic Seal (shown at center).



The USDA Organic Seal is reserved for use by certified organic operations. Certified operations may use the USDA Seal in their marketing and may likewise indicate that their products are "certified organic by (Certification Agency Name)", call their products Certified Organic, and be proud of what they have accomplished through certification. Some certified organic farmers have a copy of their certificate hanging in their stall or have copies of all of their documentation in a photo book with pictures of their farm for

all to see.

Market farmers are encouraged to engage in conversation with fellow farmers to educate them regarding the organic standards. Those conversations may even ignite the spark to encourage other market farms that are eager to use the word organic to pursue organic certification or discontinue using misleading marketing statements. Through continual engagement with consumers, we can educate the public about the organic standards, what certified organic truly means, and how this may differ from those who use organic growing practices without organic certification.



Inspection Reflections

Dairy Goat DMI from Pasture

Kris Olson, Staff Inspector & Certification Specialist

Last year I inspected a number of dairy goat operations for NICS and noticed a common theme; everyone struggled at one point in time with assessing dry matter demand (DMD) and attaining dry matter intake (DMI) from pasture for their organic dairy goats. This spring, I had a conversation with Harley Mast, a NICS client in Edgewood, Iowa, about the successes he has had in meeting the NOP requirement of 30% DMI from pasture during the grazing season for his goats.

According to Henry, the NOP Guidance Document 5017-7 “Dry Matter Demand Tables for Dairy Goats” has been a very important tool. The NOP guidance document breaks down the DMD for goats based on body weight, gestation, number of kids, and stage of lactation. The guidance document shows that DMD for dairy goats varies depending on these three variables. Closely tracking the goats’ stage of life, weight, and stage in lactation is crucial to being able to comply with the regulations. This means that goat producers have to monitor their herds a bit more closely than a dairy cow operation, due to the quickly changing DMD of the herd. Producers that we have seen be successful with the DMI requirements have taken care to monitor and craft rations suited not only to the weight and stage of life of the dairy goat, but also to the number of kids born on a monthly basis. Harley stated that his goats kid in January, so by the time grazing season hits, the DMD for the goats is actually higher since the lactating goats are in mid-lactation. By assessing the true DMD of the lactating goats, Harley can better determine the effect of supplemental feed on DMI from pasture.

Understanding how goats graze has been another area that Harley mentioned has helped him with meeting the DMI requirements. Getting the young goats out on pasture as early as possible to get goats used to grazing at an early age has helped with making sure the goats want to graze as they mature, along with implementing pasture management practices that accommodate the utilization of pasture at an earlier age. Harley said his goats do not like moisture, so the goats are let out later in the day after

morning dew has dissipated. According to Harley, though the goats are on pasture most of the day, they really do not start eating until after the evening milking when they are let out on a new pasture. Harley also likes to keep a pasture of sorghum sudan for grazing on the hotter days, as his goats seem to respond better to sorghum as a forage.

As a whole, successfully managing dairy goats and their DMI goes well beyond the scope of a single article. Thankfully, organic producers are resourceful and generally willing to help each other succeed. Neighbors or others in your communities with similar operations are some of the best resources in this case, and real-world experience goes beyond what may or may not be written down. Learning from the successes of others is of great value and is one of the things we at NICS enjoy most about our jobs as we learn from all of you. As always, if you have questions or are looking for additional resources for calculating your DMD and DMI from pasture for your goats, feel free to contact the office. The NOP guidance document 5017-7 is available upon request.

Grassfed Certification with NICS

Are you looking to get into the Grassfed Milk market? NICS is happy to announce that we are offering our clients verification inspections to the American Grassfed Association (AGA) standard.

Contact us today to find out how you can have your AGA inspection and your NOP inspection at the same time!



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