

January 9, 2017

Hello NHDAMF Certified Organic Producers and Processors:

On behalf of the Division of Regulatory Services, we hope the holiday season was enjoyable. With each year, we continue to learn and find ways to improve how we manage the organic certification program. The purpose of this letter is to bring to your attention important reminders and highlight changes made. The tremendous amount of effort and collaboration among the staff has resulted in a high quality program. Our office is always open should you have any questions, concerns or comments.

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### Division of Regulatory Services Update

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#### **Resources**

§205.501(iv) requires that certifying agents prevent conflicts of interests by not giving advice or providing consultancy services to certification applicants or certified operations. While we strive to provide assistance and support our certified operations, I want to remind everyone of available resources where the answers to your questions may be found.

- ✓ **DAMF's Organic Certification Program Rule book**, 2013 edition (salmon cover); contains the State and Federal regulations
  - ✓ **NOP Handbook**, electronic copy available at <https://www.ams.usda.gov/rules-regulations/organic/handbook>; provides guidance and instructions to comply with the regulations
  - ✓ The **OMRI Generic Materials List** book (blue cover); provides information about allowed and prohibited materials in organic production
  - ✓ The **ATTRA Sustainable Agriculture** website, <https://attra.ncat.org>; provides guidance in preparing for certification and in production methods
- For the most up to date information, it is a good practice to always verify with online versions.

#### **Revised Organic System Plans**

We are excited to announce significant revisions have been made to each type of organic system plan: crop, indoor mushroom, maple products, livestock, poultry, on-farm processor and handler. In addition, we created a new form specifically for those who seek organic certification of their hay and/or pasture. The intent behind the changes was to create a document that asks more concise, yet open ended questions to allow the applicant to provide detailed information relevant to their own operation.

As your certifying agent, our role is to determine that your production or handling operation is in compliance with the Act and regulations. The more comprehensive your organic system plan, the more confidence we have in our ability to verify that your operation is meeting the requirements of the organic certification program. We are eager to see these new forms put into use, and welcome your feedback.

#### **Organic System Plan Due Dates**

In New Hampshire, application submission deadlines are written in rule; specifically Agr 911.05 (b)(8). It is critical that this office receives annual applications prior to the deadline. If you are unable to meet the deadline, please send an email directly to me explaining the reason and proposed date.

For those completing a crop OSP, the deadline is March 1 of each year;

For those completing a maple OSP, the deadline is February 1 of each year;

For all other types of organic production, one month prior to your renewal date.

\*Note: There is a March 1<sup>st</sup> exemption for producers who certify both livestock and pasture/hay, and an agreed upon due date is honored.

### **Clarification on Fees**

We are obligated to follow the fee structure that was established in rule. It is important that all certified entities follow Agr 911.05, and submit a certification fee for each application, not just for each farm.

### **Agr 911.05 Application for Certification**

(a) Applications for certification of agricultural commodities shall serve as the organic system plan as described in Subpart C-Organic Production and Handling Requirements of the NOP Final Rule, 7 CFR part 205.

(b) The Following shall apply to organizations or individuals who wish to make application for organic certification through the NHDAMF:

(1) Each application shall describe his or her organic system plan to the NHDAMF, as specified in Subpart C-Organic Production and Handling Requirements of the NOP Final Rule, 7 CFR part 205;

(2) Each application shall be submitted to:

Department of Agriculture, Markets & Food  
PO Box 2042  
Concord, NH 03302-2042

(3) Each application shall be accompanied by a nonrefundable certification fee of \$100;

(4) Each application for organic maple, horticultural and agronomic crops, and greenhouse production shall be accompanied by an inspection fee as listed in Table 911-1; for livestock refer to Table 911-2.

- *When the greenhouse or hoop house is included in the total number of acres being certified, an additional inspection fee for the greenhouse or hoop house structure will not be charged.*
- *When the greenhouse or hoop house is separate from the certified land, the only location of production, or an additional inspection is required to certify seedlings that are for sale, then an inspection fee for the greenhouse or hoop house structure will be charged.*

### **Organic Seeds**

We will be adding a section in the crop organic system plan where we will ask producers to indicate the percentage of organic seeds used vs. non-organic seeds. During the on-site inspection, be prepared to demonstrate effort in searching for sources of organic seeds.

### **§205.204 Seeds and planting stock practice standard.**

(a) The producer must use organically grown seeds, annual seedlings, and planting stock: *Except*, That,  
(1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available.

### **Audit Trail and Recordkeeping**

#### **§205.103 Recordkeeping by certified operations.**

Harvest and production amounts must be recorded as well as amounts used and/or sold. Each certified operation needs to create a system that works best for their farm or handling operation. The record system needs to afford the inspector the ability to trace a shipment of an organic crop back to the field it was grown in, and verify that the quantity grown supports the quantity sold. Likewise, for multi-ingredient products, the record system should allow an inspector to trace a finished product back to ingredient lots.

### **Pesticide License**

#### **§205.206 Crop pest, weed and disease management practice standard.**

New Hampshire law requires that anyone applying pesticides to produce an agricultural commodity for sale or distribution must be licensed as a Private Applicator or have a General Use Permit. For those applying pesticide products, albeit approved for organic production, please be sure to include your license type and number on your organic system plan. Applications are available online through the Pesticide Control Division.

### **Organic System Plan (OSP) Updates**

#### **§205.406 Continuation of certification.**

When significant changes are made to products, this office needs to be notified as those changes are made. Do not wait until your annual renewal to provide us with those updates. Some examples include discontinued products, new products, or change in product formulation.

### **Administrative Comments**

#### ***Paper Copies Please***

Those seeking organic certification must print and submit all required documents, including OSP attachments to this office. Under certain circumstances, the director or agricultural inspector may request information to be sent via email, in which case, electronic submission is fine. We apologize for the inconvenience, and thank you for minimizing our need to print significant documents in the office.

#### ***Renewal Applications***

A few years ago, we implemented the Renewal Forms to minimize the amount of paperwork required as part of the certification process. Unfortunately, after a few years of receiving Renewal Forms, we are finding that we are not obtaining the information we need to determine compliance with the regulations.

Starting in 2017, all certified entities wishing to continue their certification must complete the Full OSP on odd years and the Renewal OSP on even years. We apologize for any inconvenience. The integrity of DAMF's organic certification program is important to us, and we believe this change is necessary in order for us to conduct a comprehensive evaluation of our certified operations.

#### ***Attachments***

Please number all attachments, and include the farm/company name and date.

### **For certified Handlers and Processors**

#### **Subpart D-Labels, Labeling, and Market Information**

##### ***New Products***

All new products require a: Product Profile Sheet, verification of organic status of each ingredient, proposed labels, and a completed Label Review Worksheet. Labels need to be reviewed and approved prior to use.

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## **USDA National Organic Program Updates**

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### **New Certificate Design**

Efforts are being made to encourage all certifying agents to adopt the same organic certificate template when issuing organic certificates. Part of the rationale is to promote consistency and minimize the occurrence of fraudulent certificates. Starting in 2017, DAMF will be issuing a revised organic certificate to reflect these efforts.

### **USDA AMS Organic Certification Cost Share Program**

Few reminders when you apply:

- Organic operators who have received organic certification or a renewal between October 1, 2016 and September 30, 2017 are eligible to participate in 2017.
- This office must receive application packets no later than October 15<sup>th</sup>.
- Application packet includes: application, W-9 Tax form, a copy of your certificate and proof of payment of certification expenses.
- DAMF is your certifying agent; not the agricultural inspector.

### **NEW-Farm Service Agency County Offices**

Starting in 2017, certified organic producers and handlers will have two options when applying for cost share dollars. In addition to state departments of agriculture, all FSA county offices will be accepting applications for cost share dollars. DAMF will continue to administer the cost share program, and will work closely with the NH FSA office to facilitate the change. In March, the USDA will be distributing postcards to all organic operations to provide further details.

### **DAMF Undergoes Reaccreditation this Year!**

The New Hampshire Department of Agriculture, Markets & Food is accredited as a certifying agent under the National Organic Program. Accreditation is for a period of 5 years from the date of approval. This April DAMF's Accreditation expires. We began the reaccreditation process in August to demonstrate our ability to fully comply with the requirements to carry out the provisions of the Act and regulations. This summer USDA auditors will be spending a few days with this division to conduct the on-site inspection portion of the reaccreditation process. If your operation is chosen we will notify you as soon as possible.

### **Organic Integrity Database**

As of November the Organic *INTEGRITY* Database moved to a dedicated server. Please update your bookmarks to <https://organic.ams.usda.gov/integrity>

Whoa, I hope I covered everything! There is a lot of information in this year's annual letter. Feel free to contact this office if we may be of further assistance. Thank you for choosing the department to be your certifying agent of your organic operation. We are enthusiastic about the upcoming year and look forward to working with you in 2017.

Sincerely,

Jennifer Z. Gornert  
Director