



## 2023 Standard Updates

Vermont Organic Farmers, LLC (VOF)

The USDA accredited certification agency owned by NOFA Vermont

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VOF values the voices of our certified producers and we work hard to make sure that our organization is producer-driven. This past year, our Review Committee, comprised of five certified organic farmers and processors, created policies based on thoughtful interpretations of the USDA National Organic Program Rule. These interim policies were then discussed and voted on at our Annual Meeting held in South Royalton on January 30th. We want to thank those producers who were able to take time from their busy schedules to attend the meeting. It is vitally important that producers send a representative to the meeting to vote on standards interpretations.

**If you were not able to attend, please consider sending a spokesperson in the future to represent your business's interests. Annual Meeting minutes are available upon request by calling the VOF office.**

Note: Proposed standards changes are in **red**; old language has a ~~line through~~ it, if appropriate.

## Standard Updates

### ***Proposal Passed***

**(15 yes, 0 no, 3 abstentions)**

#### **1) Water Used in Maple Syrup Production**

##### Background:

There are a few instances in maple syrup production where water, not verified as potable, is used to clean equipment. For example, given the scale of some operations, it is not always possible to source water that has been verified as potable to clean remote sap collection equipment. In addition, producers condense steam (condensate) or use extracted water from concentrated sap (permeate) as wash water in their sugarhouses. Although these sources of water are considered potable, they are not available at the beginning of the season. Because of this, producers use water from sources not verified as potable to wash collection and storage tanks, filter presses and other equipment as necessary. Because the organic standards are not food safety standards, the Review Committee is proposing the following language to address these specific scenarios in a sound and sensible way.

##### Relevant Standards:

205.272 Commingling and contact with prohibited substance prevention practice standard.

(a) The handler of an organic handling operation must implement measures necessary to prevent the

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commingling of organic and nonorganic products and protect organic products from contact with prohibited substances.

Section 2111 of the Organic Food Production Act states, "For an operation to be certified, the operation shall not, with respect to any agricultural product covered by this title (organic) use in such product water that does not meet all Safe Drinking Water Act requirements."

Proposal: (new language in red, bold)

II. PRODUCTION STANDARDS, E. Production Equipment, Methods, and Syrup Storage, Page 9

**Sap Filtration and Reverse Osmosis Equipment:**

Accepted:

- ~~New synthetic filters must be rinsed with potable water prior to use.~~

**Syrup Production, Filtration, Storage and Processing Equipment:**

Accepted:

- Storage containers and boiling equipment shall be made of food grade materials. ~~All syrup storage and boiling equipment must be washed and rinsed with potable water.~~

G. Washing and Disinfection of Equipment

It is required that all equipment be kept clean and free of traces of cleansing agents. Every time cleansing agents or disinfectants are used, filters, pans, seals, and tanks shall be rinsed thoroughly with ~~potable~~ water.

**Water coming into contact with finished product or used as an ingredient in finished product must be tested every 2 years for both total coliform and E.coli to ensure potability. No documentation verifying potability is required if producers are using water from municipal sources or using condensed steam (condensate) or filtered water from reverse osmosis machines (permeate). Water from other sources (ex. well or spring) that comes in contact with the finished product must have documentation verifying potability every 2 years.**

**Equipment used for sap collection and transport does not need to be washed with water verified as potable. This is because sap is boiled to a minimum of 217 degrees F, therefore significantly reducing the risk of contamination from pathogenic bacteria.**

**In addition, it is understood that permeate and condensate may not be available at the beginning of the season, and tested water sources may not be available for initial cleaning (before the first boil of the**

season). VOF allows this practice given that the product is then boiled to 217 degrees F or packed at 185 degrees F, therefore significantly reducing the risk of contamination from pathogenic bacteria.

2) **Backdating certification of poultry flocks**  
***Proposal Passed with Amendments***  
**(17 yes, 0 no, 1 abstentions)**

Background:

When new poultry operations apply for organic certification, the inspector is tasked with verifying that the birds have been managed organically from the second day of life. If a producer applies for certification of an existing flock, it is unclear how far back an inspector can verify this management. The Review Committee proposes that 6 months is the maximum amount of time an inspector can verify, through records, whether a poultry flock qualifies as organic.

Relevant Standards:

205.403 On-site inspections.

(b) Scheduling. (1) The initial on-site inspection must be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with the requirements of [subpart C of this part](#): Except, That, the initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.

(c) Verification of information. The on-site inspection of an operation must verify:

- (1) The operation's compliance or capability to comply with the Act and the regulations in this part;
- (2) That the information, including the organic production or handling system plan, provided in accordance with [§§ 205.401, 205.406, and 205.200](#), accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;

Proposal: (new language in red, bold)

VI. ORGANIC LIVESTOCK PRODUCTION, A. Origin of Livestock (205.236), Page 63

Origin of Livestock (§205.236)

3) Poultry

Poultry intended for slaughter or egg production must be under continuous organic management beginning no later than the 2<sup>nd</sup> day of life. For producers who want to certify adult layer flocks, the Review Committee will evaluate individual cases only if the producer can provide the following records: grain slips, health or mortality records, estimates of amount

of grain fed, and number of birds. All records must document organic management from the 2<sup>nd</sup> day of life to present. **VOF will only review records up to 6 months prior to the initial inspection.**~~and therefore, will not certify any poultry older than six months of age at the time of inspection.~~

## Other items voted on by the membership

### 1) 8.9% Fee Increase

#### ***Proposal Passed***

**(18 yes, 0 no, 0 abstentions)**

Certified producers passed an 8.9% fee increase. This fee increase will help support staffing and program cost increases as well as an upcoming NOP Audit. The new fees still maintain VOF's rates as less expensive than either MOFGA and NOFA NY. We continue to work towards addressing capacity issues to allow certification specialists more one-on-one time with producers to help ensure success with certification paperwork and practices. Because of the particular crisis on organic dairy farms due to pay prices that do not support the cost of producing organic milk, a solution was presented to ensure our struggling organic dairies are minimally impacted.

### 2) VOF Review Committee & Executive Committee Members

#### ***Proposal Passed***

**(18 yes, 0 no, 0 abstentions)**

Certified producers voted to approve the members of the Review Committee and Executive Committee. The following are the 2023 members.

#### Executive Committee

- Deb Heleba-Member
- Annette Higby-Member
- Sam Smith-President
- Rose Wilson-Member

#### Review Committee

- Annie Claghorn, Taconic End Farm
- Amy Huyffer, Strafford Organic Creamery
- Scott Greene, Singing Cedars Farm
- Andy Jones, Intervale Community Farm
- Dave Folino, Hillsboro Sugarworks

## Important Regulation Updates

### 1. National List Changes

On 2/28/22, the National List was amended to prohibit fourteen nonorganic ingredients, which are currently allowed in the manufacture of organic processed products. The rule also prohibits two substances (vitamin B<sub>1</sub> and procaine), which are currently allowed in organic crop and livestock production. The compliance date for the amendments that remove vitamin B<sub>1</sub> and procaine from the National List is March 15, 2023. **This means that after 3/15/23, farmers must no longer use vitamin B1 in crop production or procaine in livestock production.** The compliance date for all other amendments that remove substances from the National List is March 15, 2024. **This means that after 3/15/24, processors must stop using the following nonorganic ingredients:**

- Alginic acid
- Colors (black currant juice color, blueberry juice color, carrot juice color, cherry juice color, grape juice color, paprika color, pumpkin juice color, turmeric extract color);
- Kelp
- Konjac flour
- Sweet potato starch
- Turkish bay leaves
- Whey protein concentrate

### 2. “Transitioned” Animals May Not be Sold as Organic

On 4/5/22, the USDA published a final rule amending the requirements for the origin of livestock, closing a long-standing loophole that allowed producers to continually transition conventional animals to organic production. This rule specifies that organic milk and milk products must be from animals that have been under continuous organic management from the last third of gestation onward, with an exception for newly certified organic livestock operations. **In order to firmly close the loophole, the new rule contains the provision that organic operations cannot sell transitioned animals as organic.** Some small businesses may be granted limited exceptions by the AMS Administrator. For example, if a certified operation wishes to conduct an intergenerational transfer of transitioned animals to an immediate family member, a certifying agent must request a variance on behalf of a certified operation, in writing, to the Administrator within ten days of receiving the request of variance from the operation.

### 3. Organic Seed Usage

All organic producers must use organic seeds, annual seedlings and planting stock unless organic varieties are not commercially available. During the annual review and inspection, certification staff and inspectors must verify that certified operations use organic seed varieties and that conventional, untreated seed is used only in instances where organic seed cannot be sourced. Producers using conventional seed, must document the search for organic seed by recording at least three sources that were contacted/used in this search.

#### **4. Paper Pot Review- Paper Planting Material**

On 12/14/22, the National List was amended as follows.

- Paper-based crop planting aids added to §205.601 as an allowed synthetic production aid.
  - Materials must be virgin or recycled paper without glossy paper or colored inks and must meet the definition of “paper-based crop planting aid.
  - *Paper-based crop planting aid.* A material that is comprised of at least 60% cellulose-based fiber by weight, including, but not limited to, pots, seed tape, and collars that are placed in or on the soil and later incorporated into the soil, excluding biodegradable mulch film. Up to 40% of the ingredients can be nonsynthetic, other permitted synthetic ingredients in § 205.601 (j), or synthetic strengthening fibers, adhesives, or resins. Contains no less than 80% biobased content as verified by a qualified third-party assessment ( e.g., laboratory test using ASTM D6866 or composition review by qualified personnel).

This new addition to the National List of paper-based planting aids formalizes a temporary allowance wherein operators could use paper-chain pots or other similar products. VOF will begin the process of reviewing these materials in early 2023 and will contact producers to request additional information to complete reviews or to notify producers when reviews are complete.

#### **5. Application Due Date Changes**

In an effort to complete more inspections during the growing season and to encourage producers to complete applications before the growing season begins, VOF is updating the organic application due dates for 2023.

- **January 15th is the deadline for Maple producers.**
- **March 15th is the deadline for Crop and Livestock producers.**
- **June 15th is the deadline for Processor/Handlers.**