



# CCOF

Organic Certification

Education & Outreach

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## Certification Requirements for Emergency Pest or Disease Treatments

January 8, 2014

The USDA National Organic Program (NOP) regulations [7CFR Part 205] are binding on all organic operations and accredited certifiers, including CCOF, and apply to all products represented as “organic” in the United States.

**7 CFR Part 205.672:** “When a prohibited substance is applied to a certified operation due to a Federal or State emergency pest or disease treatment program and the certified operation otherwise meets the requirements of this part, the certification status of the operation shall not be affected as a result of the application of the prohibited substance: Provided, That: (a) Any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program cannot be sold, labeled, or represented as organically produced;...”

### **If you are required to apply a prohibited material:**

A treatment with prohibited materials is a change to your operation that affects your compliance. You must notify CCOF of your mandated spraying event, location, material, and other information prior to application. This may allow CCOF to approve the mandated prohibited materials application without subsequent loss of certification status of the organic ground for 36 months.

**Failure to confirm applicability with CCOF of NOP 205.672 prior to such applications may result in loss of organic status.**

**Use CCOF’s Rush Review Program ([www.ccof.org/documents/rush-review-request](http://www.ccof.org/documents/rush-review-request)) and discount code “emergency treatment” to receive free 2 day rush review service.**

**Please provide as much of the following as possible prior to spraying to help ensure only the current crop is affected.**

- 1) The specific mandated spraying order or requirement applicable to your operation from State or Federal authorities.
- 2) The material you are required to apply and if there are approved organic alternatives, why those are not being used.
- 3) The planned locations, CCOF Parcel IDs, and frequency of applications prior to each application event.
- 4) Information about your crop identifying growth stage at the time of the application event.
- 5) Any additional information about the situation to help CCOF approve your material application event.

CCOF will review your information as quickly as possible and, if found to be in compliance with the standard above and any applicable NOP handbook directives, will approve your application event and identify the duration of any crops or fields to be excluded from organic sale.

After application: you must be prepared to demonstrate all applications, harvest records and non-organic sales of affected crops during your next inspection. CCOF may require additional inspections where additional information or compliance verification is necessary.

Z:\CCOF Certification Services\Certification Policy & Decisions\Grower Certification Resources\Materials (general, specific, drift, contamination, etc.)\Emergency Pest or Disease Treatment UPDATE Jan 2014.docx

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## Additional Questions and Answers about Emergency Treatments

**Q: Who can mandate an emergency pest or disease treatment program?**

*A: A federal or state government agency.*

**Q: Who can perform the treatment?**

*A: The federal or state government agency or a duly authorized representative, such as the farm operator.*

**Q: Will the grower of a crop that has been treated with a prohibited material because the CDFA/USDA has mandated the treatment be allowed to sell or otherwise represent the affected crop as organic in the same season?**

*A: No. Any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program cannot be sold, labeled, or represented as organically produced.*

**Q: Will the grower of a crop that has been treated with a prohibited material because the CDFA/USDA has mandated the treatment lose their organic certification for their entire operation?**

*A: No. The certification status of the operation will not be affected.*

**Q: Will an operation who has a parcel/s that have been treated with a prohibited material because the CDFA/USDA has mandated the treatment be permitted to sell or otherwise represent a different crop as organic from that same parcel later in the year?**

*A: Yes, so long as the crop or plant part to be harvested has not had contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program.*

**Q: Will an individual who uses materials not approved for use in organic because the grower has chosen to do so on their own accord be allowed to sell or otherwise represent the affected crop as organic in the same season?**

*A: No.*

**Q: Will an individual who uses materials not approved for use in organic because the grower has chosen to do so on their own accord lose their organic certification for the affected parcels?**

*A: Yes. The "3 year clock" will start over again for the affected parcel/s. The affected parcel/s will be eligible for certification again three years from the date of the last prohibited material application.*

**Q: If non-organic acreage is sprayed with a prohibited material due to a mandated treatment program, and a grower would like to add that acreage to their certification in the future, will it be eligible in one year, or in three years?**

*A: Three years, as described in 7CFR Part 205.202. The emergency pest or disease treatment exception only applies to land already included within a certified organic operation.*

