

## **National Organic Program Background**

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The US market value of organic agricultural products, which include processed manufactured foods, was estimated to be \$3.5 billion for 1996 and will grow to an estimated \$ 12 billion in 2005, a doubling time of 3-4 years. However, during the time of this explosive growth in consumption, there was considerable variation in practices, attitudes, and philosophies of those involved in the organic movement and no common labeling standards.

Because of these differences, organic producers recognized the need for uniform standards. In the late 1980's, the organic industry turned to Congress for assistance in developing national standards. A bill to create organic standards was first introduced in 1989. The Organic Foods Production Act (OFPA) was passed in 1990 as part of the Food, Agriculture, Conservation, and Trade Act.

The OFPA mandated the Secretary of Agriculture (USDA) to establish an organic certification program for producers and handlers of agricultural products who use organic methods. The responsibility for developing the National Organic Program was assigned to USDA's Agricultural Marketing Service (AMS). Support for the legislation came from all segments of the organic industry because of a variety of problems concerning integrity of organic products, which had been identified by producers, sellers, and consumers of organic products.

The Secretary of Agriculture was directed to develop rules and regulations by which the National Organic Program will be administered. The intent of OFPA was threefold:

- 1) To establish national practice standards governing the production and marketing of certain agricultural products as organically produced;
- 2) To assure consumers that organically labeled foods represented these consistent standards;
- 3) To facilitate interstate commerce in fresh and processed food that is organically produced and labeled.

With help from consumers and representatives of the organic industry, the U.S. Department of Agriculture developed standards and regulations that ensure that organically labeled products purchased in the marketplace meet consistent nationwide standards. In 1998, USDA staff prepared a proposed rule that was reviewed by other government agencies. USDA then published the proposed rule in the Federal Register as soon as the agency clearance process was completed. The proposed rule originally provided for a public comment period of at least 90 days.

The ensuing process of developing these standards was very complicated, encompassing numerous drafts and vigorous public comment periods. The initial draft comment period generated over 275,000 mostly negative comments concerning draft language. However, incorporating these comments, the final draft rule was finally promulgated in December 2000, and enforcement began in October 2002. The National Organic Program (NOP) was charged with administration and enforcement of the rule. This draft review and implementation process was important because the final rule applies to a wide range of agricultural production industries: fiber, produce, livestock, poultry, processed food, etc. The NOP rule was enacted and enforced, in the final analysis, to assure the consumer that the term organic in regulated and has consistent meaning in the national and international marketplace.

With the beginning of enforcement in 2002, AMS began to accredit state, private and international organizations or persons to become "certifying agents." There are currently over 90 accredited private, international, and state certification agencies. These organizations have been accredited as agents of the NOP to legally verify that agricultural products have been produced to the national standard on a certified

operation. Essentially, certifying agents certify that production and handling practices meet the national standards. AMS, in the form of the National Organic Program, provides oversight to ensure that the purposes of the OFPA are accomplished. The NOP also performs other administrative functions such as determining the equivalency of foreign programs for imports into the United States; participation in development of international standards; coordination of enforcement activities with other agencies that have responsibility for specific aspects of the program; operation and conduct of the petition process for materials review; and, support for the National Organic Standards Board (NOSB).

The OFPA also called for the establishment of a “National Organic Standards Board” (NOSB) to be made up of consumers and representatives from the organic industry to advise the Secretary of Agriculture on the development of a National List of allowed synthetic and prohibited natural substances and any other aspects of implementing the program. The original 14 NOSB board members were appointed in January 1992.

The NOSB started the process of developing its recommendations by forming subcommittees to look at major issues. Six committees were formed: Crops Standards; Livestock and Livestock Products Standards; Processing, Packaging, and Labeling Standards; Accreditation; International Issues; and Materials. The NOSB has held 28 meetings to study these issues.

Once a final rule for the National Organic Program was published, and enforcement began, the word “organic” was defined with the force of law, the public was assured that certifiers are certifying products to the national standards and that growers and processors are producing to the national standards. These were the major intentions of the OFPA of 1990. Clearly, the impact of the rule making was to expand consumer confidence by assuring consumers that a product labeled as organic was produced under the national practice standards. The word organic is now recognized as a common and usual term with a specific meaning. History has been made.

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*Organic Farming Compliance Handbook: A Resource Guide for Western Region Agricultural Professionals* was developed with funding from the Western Region USDA SARE program. Online version of the resource guide available at <http://www.sarep.ucdavis.edu/organic/complianceguide/>