

# 2022 ORGANIC PRODUCER ANNUAL UPDATE GUIDANCE

## **GUIDELINES FOR ELECTRONIC DOCUMENT SUBMISSION:**

TDA Information Security Policy, TDA cannot guarantee receipt of documents to staff members' personal email addresses. Please follow these two guidelines when submitting documentation electronically:

1. Send all electronic copies of documents to [Organic@TexasAgriculture.gov](mailto:Organic@TexasAgriculture.gov).
  - a. Program Staff are NOT responsible for submissions sent to our direct email addresses rather than the Organic email address and will not be able to prevent your operation from incurring late fees or noncompliance fees when emails sent to direct email addresses.

## **ANNUAL UPDATE SUBMISSION REQUIREMENTS**

- Operations are required to review their organic system plan form and supporting documentation (i.e. maps, soil analysis results, etc.) to determine what information must be updated and/or revised.
- **Other information required:** NOP §205.406(a)(3) states that to continue certification, a certified operation must annually submit an update on the correction of minor noncompliances previously identified by TDA as requiring correction for continued certification. If your operation received a Notice of Noncompliance in 2021, please submit an update on all corrective actions accepted by TDA. These updates will be verified during your annual onsite inspection.

## **Supporting Documents listed in Section C of the ROR-607 that must be updated:**

- Copies of all material product labels that are not approved by OMRI, WSDA, or the EPA, and if necessary, a complete listing of ingredients (including inert/other ingredients). Please refer to the paragraph titled Input Material Review for further direction.
- If a restricted input material has been used or is intended for use to address a nutrient deficiency, please provide a copy of your soil analysis report.
- Copies of organic certificates for all certified organic seed. Please note, due to our new Policy on use of Certified Organic Seed and Planting Stock, additional input fees are not accrued if organic seed certificates with complete product profiles are submitted for each seed variety.
- The [National Organic Program \(NOP\) Regulations](#) require that a producer **MUST** use organically grown seed for all certified organic crops. However, **non-organic seed may be used if organic seed is not available in the appropriate form, quality, or quantity** that you need for your operation. If you do use conventional seed, you must be able to prove that you attempted to find appropriate organic seed. A written record of what seed varieties you were looking for; what companies you searched or called; and the date of your inquiry is often sufficient evidence for certifying agents. The attempts should be listed for ALL nonorganic kinds and varieties used in your operation in Section Y Planting Stock Search of the ROR-607 TDA form.
- Remember: the cost of organic seed or shipping of organic seed cannot be used as justification to use conventional seed.
- Remember to secure proof from the seller about the seed itself, either in the form of a letter provided by the company you purchased the seed from, or a receipt or tag that shows it is untreated and non-GMO. The best time to get this documentation is when you purchase the seed. The inspector and/or program staff will ask for it, and it can often be difficult to obtain after the fact.
- The Association of Official Seed Certifying Agencies (AOSCA) and the Organic Seed Alliance have developed an organic seed finder website: <https://www.organicseedfinder.org/Page/Home.aspx?nt=358>

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- §205.201(a)(3) A description of the monitoring practices and procedures, including the frequency with which they will be performed. Per NOP 2615: An operation must monitor its activities to ensure that its organic practices are effective. The results of monitoring should help the operation identify areas that need improvement. This helps operations maintain organic integrity and maintain or improve natural resources.

Monitoring methods may include:

- a. Soil testing (e.g., testing for organic matter content);
- b. Monitoring soil moisture or water quality;
- c. Product quality testing;
- d. Residue testing;
- e. Monitoring crop or pasture quality;
- f. Use of body conditioning scores for monitoring herd health;
- g. Somatic cell counts; and/or
- h. Pest monitoring.

All forms are available on our website:

<http://www.texasagriculture.gov/RegulatoryPrograms/Organics/OrganicsForms.aspx>.

### **INPUT MATERIAL REVIEW**

In a policy memorandum dated January 21, 2011, the USDA National Organic Program clarified the process of how TDA and all other certifying agents must conduct input material reviews. Based on this memorandum, TDA will only be able to review and approve formulated materials when a complete listing of ingredients (including inert/other ingredients) is submitted to TDA or when approved for use in organic agriculture by the Environmental Protection Agency (EPA), the Organic Material Review Institute (OMRI), or the Washington State Department of Agriculture (WSDA).

### **SPECIAL NOTE ON ADDING HEMP TO YOUR CROP CERTIFICATION:**

NOP Instruction 2040, effective as of November 26, 2019, states that “only hemp produced in accordance with the U.S. Domestic Hemp Production Program and/or the 2014 Farm Bill may be certified as organic, if produced in accordance with USDA organic regulations.” In order to comply with that instruction, TDA asks growers to submit a copy of your state, tribal, or federal license or registration with your application for certification.

### **SPECIAL NOTE ON INTERNATIONAL TRADE AGREEMENT COMPLIANCE REVIEWS:**

TDA recommends that you contact those entities who will be contracting with, purchasing your crops, marketing your crops, etc. to determine if your crop may be exported out of the United States. If so, identify the applicable trade agreements that your crops must comply with in Section E International Markets of the ROR-607, and include the international trade agreement review fee of \$75.00 for each trade agreement review that must be conducted by TDA in Section H of the ROR-601 Fee Payment Forms.

### **HOW DO I RENEW MY ORGANIC CERTIFICATION?**

#### **Step 1: Submission of annual update and certification fee payment**

In accordance with §205.406 of the National Organic Program (NOP) Regulations, certified operations are required to submit an updated organic system plan and fee payment annually. Per §18.702 of the Texas Organic Standards, late fees will be incurred by operations that fail to submit all required annual update documents and fee payment by the identified due date.

#### **Step 2: Initial Review Process**

Once your fee payment and annual update documentation is received, TDA will conduct a review to verify that full fee payment was received, and your Organic System Plan (OSP) is complete and in compliance with the NOP Regulations. If your OSP is found to be incomplete, TDA will contact you in writing to request the additional information. If additional information is requested, you must respond within the time period provided by supplying the additional information or documentation. If your response is not received within the provided

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time period and you do not contact TDA, corrective action and additional fees may be applied to your organic certification. Per NOP 2603 3.4 Updated certificates may be issued after reviewing the annual update or after the annual inspection is completed.

### **Step 3: Annual On-site Inspection**

Once the initial review process is complete, your OSP will be forwarded to an inspector who will schedule and conduct your annual on-site inspection.

- Operations will not be inspected until full payment has been received. This includes any applicable late fees.
- An operation may be approved for inspection with pending items when the update OSP is only lacking minimal information. If your OSP is approved for inspection with pending items, you must have the requested information readily available for the inspector at the time of inspection.
- Operations must cooperate with the inspector to schedule the on-site inspection.
- An authorized representative who is knowledgeable about the operation must be available at all times during the inspection.
- Operations must have all records and documentation available at time of inspection and must provide access to all production or handling sites, including nonorganic production, and handling sites.

### **Step 4: Final Review**

Once the on-site inspection has been completed, TDA will conduct a final review of all documentation and notify your operation of the findings.

- Operations must correct any identified areas of non-compliance, including additional requirements within a reasonable time period.

### **HOW DO I SURRENDER MY ORGANIC CERTIFICATION?**

If you no longer wish to continue your organic certification, please complete and return the ROR-625 Organic Certification Surrender Form. Do not return the ROR-625 form if you are updating your organic certification.

### **CONTINUED EFFORTS TO ENSURE COMPLIANCE WITH §205.205 ON CROP ROTATIONS:**

If your operation produces annual crops and you do not utilize a crop rotation as required in §§205.203(b) and 205.205 of the NOP Regulations, your operation will be subject to receiving a notice of noncompliance and incurring additional fees.

TDA is aware that some unique crops may be planted consecutively and still improve soil fertility without additional fertility inputs. Additionally, some production practices such as livestock grazing, multi-year crop rotation that includes long-term fallow periods with crop stubble, etc. may be used to improve soil fertility without additional fertility inputs. If you plant such a crop and are not going to utilize crop rotations or cover crops, you must submit a written summary and supporting evidence of how your operation maintains compliance with §205.200 of the NOP Regulations. Some examples of acceptable forms of supporting evidence are soil analysis reports of samples taken from the field where the crop is produced from 2018 through 2020 that show maintenance of or an increase in organic matter and fertility levels; crop yield records for the field in question that span 3 or more of the preceding years (Crop records showing a crop failure for any reason other than natural disaster will not be accepted.); and Extension research documents concerning the crop produced and soil types for your specific area that are coupled with soil tests that identify the soil type for the field in question. Letters from crop consultants or other industry professionals providing general statements without the above stated forms of supporting evidence will not be considered. Additionally, while crop stubble may be used as part of your operation's actions to reduce erosion, it is not part of a crop rotation, nor does crop stubble qualify as a cover crop.

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## Resources on crop rotation:

Sustainable Agriculture Research and Education (SARE)

<https://www.sare.org/resources/cover-crops/>

USDA-NRCS conservation webinar portal: [www.conservationwebinars.net](http://www.conservationwebinars.net). Go to the on-demand webinar portal, in the search menu, select cropping systems from the subject/sub-category drop-down box then scroll down to review and play the on-demand webinars.

Principles of Cover Cropping for arid and semi-arid farm systems by the NMSU Cooperative Extension Service

[https://aces.nmsu.edu/pubs/\\_a/A150.pdf](https://aces.nmsu.edu/pubs/_a/A150.pdf)

Replacing fallow with cover crops in a semiarid soil: effects on soil properties (Research work for the article was funded by the Ogallala Aquifer Program –USDA Agricultural Research Service (ARS))

<https://www.ars.usda.gov/ARSUserFiles/30200525/474%20Replacing%20fallow%20with%20cover%20crops%20Ossaj-77-3-1026.pdf>

## Documentation that must be submitted by Certified Organic Livestock Producers:

- *All sections of the ROR-603 Livestock Producer Organic System Plan form must be updated.*
- Copies of organic certificates for organic livestock feed, including hay and supplements.
- Split operations must submit any additional supporting documentation that describes the management practices and physical barriers established to prevent commingling of organic and nonorganic products.
- An updated ROR-624 Livestock Outdoor Access Calendar.
- An updated ROR-623 Organic Livestock Dry Matter Worksheet (ruminant livestock producers only).

## **CONTINUED EFFORTS TO ENSURE COMPLIANCE WITH §§205.237(c) AND 205.240 ON GRAZING SEASON AND PASTURE PLAN:**

This information is specific to ruminant livestock producers.

1. Rotation of ruminant animals through pastures based upon their current grazing/production group is not considered rotational grazing and must not be indicated as such.
2. Rotational grazing is a system based upon the division of animals into groups and moving the groups in a manner to mimic wild herd migration by limiting available pasture for grazing to a specific portion of pasture (paddocks). This allows the remaining portions of the field to be in resting phase where previously foraged plants renew energy reserves, rebuild vigor, and deepen their root system.
  - a. If your operation will be using a pasture rotation system, you must provide a map for each pasture that shows the approximate locations of each paddock, a chart that shows how long each paddock will be grazed before moving to the next paddock and a listing of the stocking rate for each paddock. If your operation modifies the time-period that paddocks are grazed based upon vegetative growth and seasonal dormancies, please include that information.
  - b. The USDA NRCS published a guide to rotational grazing that can be viewed at the following hyperlink: [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1097378.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1097378.pdf)
    - i. Please be aware that the guidance provided on the use of parasiticides and routine use of poloxalene as advised within the document is not compliant with the NOP Regulations. Please contact TDA prior to incorporating any changes to your parasite treatment plan and/or bloat treatment plan.

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3. If your operation does not utilize a continuous grazing season, you must identify all anticipated breaks in Sections C and D of the ROR-624 and give a clear reason for the break as TDA must confirm the reason is compliant with §205.239(b) of the NOP Regulations.
4. If your livestock experiences routine temporary confinement such as whole-herd or group vaccination days, daily milking times, confinement during temperature extremes, etc. please clarify this information in Section D of the ROR-624 Livestock Outdoor Access Calendar form or submit a written description as an addendum to the ROR-624 Form.
5. Re-seeding of pastures and/or paddocks are to be accounted for as part of your routine pasture plan, per §205.240(c)(7) and is not a compliant reason for temporary confinement. If your operation must re-seed, it must be done in a manner that allows for continued grazing/foraging in other pastures or paddocks.