

**Dear client of ECOGLOBE,**

Thank you for considering ECOGLOBE as your future NOP certifying agency. .

The following text is meant to inform you about the rules and regulations of the USDA National Organic Program (NOP).

This introduction covers the following topics:

1. General Requirements of the National Organic Program (NOP) Final Rule - Summary
2. Requirements – in brief
3. The application process
4. NOP-Inspection
5. Evaluation and NOP-certification
6. Requirements for ongoing certification
7. Accepting Certification Decisions by other NOP-accredited Certifying Agents
8. Whom to address at ECOGLOBE

If you have any further questions, please do not hesitate to contact us.

Sincerely

Dr. Nune Darbinyan  
ECOGLOBE LLC  
General Director

ECOGLOBE LLC	NOP General Client Information	CODE:	NOP-GEN-INF 002-07072008
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## GENERAL REQUIREMENTS OF THE NOP FINAL RULE - SUMMARY

The National Organic Program (NOP) Final Rules is being enforced since October 21<sup>st</sup>, 2002. Its regulations ensure that all products labeled and sold as “organic” in the United States of America are produced in accordance with the requirements of the NOP Final Rule. European organic regulations like the EC N° 834/2007, 889/2008 and 1235/2008 regulations are equivalent to NOP, but for organic products of third country origin both EU and NOP certifications are necessary in case if product is aimed at sell in both markets as organic. Private standards such as the IFOAM basic standards, Green Caucasus standard are not applicable or equivalent to the NOP certification.

Below you will find a summary of the regulations according to the NOP Final Rule. You can either order the original text of the NOP Final Rule from ECOGLOBE (complete address at the end of this brochure) or download it at <http://www.ams.usda.gov/nop/> , then click on Regulations

### 1. Operations that Have to be Certified (§205.100):

Any operation that intends to sell and label agricultural products as “organic” in the United States has to be NOP certified. This includes agricultural production, the collection of wild crops, and the processing and handling. If a product is sold and labeled as organic”, the whole chain from production to processing has to be NOP certified. For example, in the case of potato starch, all potato producers as well as the processing facility have to be NOP-certified.

#### Exemption from certification (§205.101):

- **Operations selling less than \$5,000 a year in organic products**
- These operations are exempt from certification, but nevertheless the products can be sold and labeled as “organic”. However, the operator bears the responsibility for compliance of production and handling with the requirements of the NOP Final Rule. For example, an exempt producer may identify potatoes to his customers as “organically grown”, but is not permitted to label these same potatoes as “certified organic” and display the USDA Organic Seal in conjunction with these potatoes. In case these same potatoes are further processed to potato starch or in a multiingredient product, the processor is prohibited from representing the resulting products as “certified organic” (§205.310).
- **Handling operations such as food retailers and wholesalers** that only handle, but do not process or repack organically grown products are exempt from certification, but have to comply with the recordkeeping requirements of the NOP Final Rule. The crucial question here is: does the operation repack or relabel products? If so, certification is necessary.

### 2. Organic Production - General Requirements:

The NOP Final rule covers the methods and procedures of crop production, livestock and wild plant harvesting, as well as any input of substances used in an organic production system. Any input into the system has to be in compliance the National List of Allowed Synthetic and Prohibited Non-Synthetic Substances, which is a part of the NOP Final Rule (§205.600-§205.607).

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**Organic System Plan:** The operator has to create an Organic System Plan (OSP I) in order to assure compliance with the NOP Final Rule. This OSP has to be approved by an NOP-accredited certifying agent.

**Recordkeeping:** The operator has to record the production, harvesting and handling of products for NOP certification. These records must fully disclose all activities and transactions of the NOP-certified operation. Records have to be maintained at least 5 years.

**Prevention from commingling:** The operator has to implement measures to prevent commingling of NOP-certified crops and products with any other crops and products.

**Prevention from contamination:** The operator has to prevent any contact of prohibited substances with NOP-certified crops and products at any stage of the production process and during storing and packaging.

**2.1 Crop production:**

- The operator must be able to demonstrate that all fields intended for NOP production have had no prohibited substances applied at least 3 years preceding the first harvest of NOP crops. Also, establishing adequate buffer zones to prevent input of prohibited substances is mandatory.
- If raw animal manure is being applied, the organic material must be 120 days before harvest for crops whose edible portion has direct contact with the soil surface or soil particles and 90 days prior to harvest for crops whose edible portion does not have direct contact with the soil surface or soil particles
- If application of composted plant and animal materials is intended, the compost production must establish an initial C:N ratio between 25:1 and 40:1; maintain a temperature between 55 - 77°C for 3 days in an in-vessel or static aerated system or 15 days in a windrow composting system. Material in windrow composting systems has to be turned at least 5 times.
- Prohibited are the application of sewage sludge and burning of crop residues.
- The use of trace elements is restricted (only certain chemical forms and certain applications).
- Synthetic substances as crop nutrient or soil amendment are only permitted if included on the National List
- Only organically grown seeds, annual seedlings and planting stock may be used, except in cases where an equivalent variety is not commercially available for seeds and planting stock and if a temporary variance has been granted by the NOP Administrator for annual seedlings.
- Plant protection and weed management: synthetic substances have to be included on the National List and natural (non-synthetic substances) do not have to be listed as prohibited on the National List..
- Lumber treated with arsenate and other prohibited substances cannot be used for new installations or replacements if there is the possibility that such lumber may come in contact with soil or livestock
- Only substances included in the National List may be used for post harvest measures.

**2.2 Livestock:**

- Bee products and fish and aquatic animals are not included in the NOP Final Rule. These products may be sold as “organic” if certified by an accredited certification agency according to EU 834/2007 and 889/2008 or a private organic standard in equivalence with the IFOAM standard.

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- Livestock or products from livestock being sold as NOP-certified animal or its products must originate from livestock that has been under organic management for at least 1/3 of gestation or hatching. Poultry must be under organic management since the 2<sup>nd</sup> day of life; dairy 1 year before milk production.
- Conversion of an entire distinct herd of dairy animals is allowed. After conversion of an entire, distinct herd, all animals must be under organic management from the last 1/3 of gestation.
- Livestock that has been removed from NOP certification can not be reconverted and sold as NOP-certified product.
- NOP certified livestock has to be fed with 100 % NOP organically produced and handled feed. Synthetic substances included in §205.603 on National List and non-synthetic substances not listed as prohibited in §205.604 on National List may be used as feed additives and supplements.
- The use of parasiticides is only allowed for breeder stock treatment prior to the last 1/3 of gestation and not during lactation; for progeny or dairy stock when used at least 90 days before milk production and sale of milk products.
- Antibiotics for any livestock are included in the Prohibited Substances List. If an animal has been treated with antibiotics, it may never be sold or labeled as “organic”.
- Tethering is generally prohibited. Animals may only be temporarily tethered for health or safety reasons, the animal's stage of production, or to protect soil or water quality. All animals must have access to outdoors and ruminants must have access to pasture.

### 2.3 Wild crop harvesting:

- The operator must be able to demonstrate that all wild crops are intended to be presented to market as NOP collected have to be from designated areas that had no prohibited substances applied at least 3 years preceding harvesting.
- They must also ensure that wild crops have been harvested in a manner that is not destructive to the environment and sustains the growth and (re-)production of wild crops.
- To ensure rules mentioned in previous paragraphs are implemented properly ECOGLOBE also offers its additional requirements that are integrated in its private standard and internal documents that are provided to the operators upon their application for wild crops collection.
- For guiding purposes operations may consult with NOP 5022 document. It is also made available at ECOGLOBE.

## 3. Organic Handling and Processing - General Requirements:

- The NOP Final Rule covers all methods and procedures of processing and packaging, as well as any input of substances applied in the processing system. Any input into the system has to be in accordance with the National List of Allowed Synthetic and Prohibited Non-Synthetic Substances.
- Organic System Plan: The operator has to create an Organic System Plan (OSP II) in order to assure compliance with the NOP Final Rule. This OSP has to be approved by an NOP-accredited certifying agent.
- Recordkeeping: The operator has to record the processing, handling and storage of all products for NOP certification. These records must fully disclose all activities and transactions of the NOP-certified operation. Records have to be maintained at least 5 years.

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- Prevention from commingling: The operator has to implement measures to prevent commingling of NOP-certified products with any other products.
- Prevention from contamination: The operator has to prevent any contact of prohibited substances with NOP-certified products at any stage of the processing, handling, storing and packaging activities.

### 3.1 Processing:

- All ingredients for processing and processing aides have to be listed in the relating records. Please note: Please consult the National List or ECOGLOBE for a current list of processing aids and ingredients that are allowed according to EU 834/2007, 889/2008 but not according to the NOP Final Rule.
- All products and ingredients used for products to be certified and labeled under NOP labeling regulations have to be produced and handled without the use of excluded methods and materials such as ionizing radiation, GMOs, and sewage sludge (§205.105).

### 3.2 Labeling:

- **Products to be sold and labeled as “100 % organic”** must contain exclusively NOP-certified ingredients (with the exemption of water and salt, which are not counted). That means that all processing and handling aids and additives have to be NOP certified.
- **Products to be sold and labeled as “organic”** must contain not less than **95 % NOP-certified ingredients** and not contain sulfites, nitrates or nitrites, except for wine, which may be sold as “made with organic grapes” if sulfite is added. For the remaining 5 %, the following substances are permitted:  
Non-NOP certified agricultural substances if not commercially available in organic form, non-agricultural substances included under §205.605 and non-organically produced agricultural substances included in §205.606. Organic and conventional forms of the same ingredient must not be used in one product, for example it is not allowable use to organic and conventional milk in the production of yogurt. General rule: Look up the National List when in doubt or ask ECOGLOBE as your certifying agent!
- **Products to be sold and labeled as “made with organic....”** must contain at **least 70 % NOP-certified ingredients** (by weight or fluid volume). Organic and conventional forms of the same ingredient must not be used in one product (see above). For the remaining 30 % of ingredients or substances see §205.605 and §205.606. General rule: Look up the National List when in doubt or ask ECOGLOBE as your certifying agent!
- **Products with less than 70 % of NOP-certified ingredients** may contain less 70 % NOP-certified ingredients and non-organic ingredients with no restrictions as to the origin. Organic and conventional forms of the same ingredient must not be used in one product.
- **Labeling of non-retail containers** disclose name and contact information of the certifying agent who has certified the final product, the certifiers’ seal, the identification of NOP-certification of the product, handling instructions to maintain the integrity of the product, the USDA seal and the production lot number of the product

### 3.3 Facilities

- The records for all production and handling facilities have to include **detailed facility maps** (including equipment).
- **Disinfecting of facilities** has to be performed only using biological and synthetic substances included in the National List. If permitted measures fail, the operator may use a synthetic substance not included in the National List. However, **the certifying agent has to agree with the substance, the application method and the measure for separating the applied substance from the products before application.** Please note: There are

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substances acceptable under the NOP Final Rule, which are not accepted according to EU 2092/92. Please contact ECOGLOBE as your certifying agent for a list of those substances, if need be!

- **For packaging of NOP-certified products**, the packaging materials must not be treated with any prohibited substance and only be reused after thorough cleaning.

#### 4. The Application Process

Once a client has decided to apply for NOP certification, he/she should send the application documents enclosed with this letter to the ECOGLOBE office in Yerevan, accompanied by the application fee. To ensure a proper review of the application, please make sure that all application documents listed below are complete and signed at the indicated places.

##### Application Documents for **Producers**:

- Application for NOP certification
- Organic System Plan “Production and Handling” (OSP I)
- Field History List and Organic System Input List
- Farm and field maps

##### Application Documents for **Processors, Handlers and Traders**:

- Application for NOP certification
- Organic System Plan “Processing, Handling, and Trading” (OSP II)
- Product Ingredient List
- Facility Maps.

The application package will be reviewed by ECOGLOBE’s responsible person for NOP certification. In general, this review of the application will not last longer than 15 working days after receipt of the documents.

##### **Acceptance of application:**

If the application is accepted, ECOGLOBE will mail a “Letter of Acceptance” including the cost decision determination and the “NOP Certification Contract”.

##### **Tentative acceptance of application:**

ECOGLOBE may choose to tentatively accept the application in case of any deficiencies, e. g. missing application documents or non-compliant procedures described in the Organic System Plan (OSP). In this case, the client will receive the letter “Tentative Acceptance of Application”, in which all deficiencies are listed including a request for additional application documents or for further measures and procedures to be implemented in order to fulfill the requirements of the Final Rule. After receipt of the approval that the deficiencies are corrected, the application will be accepted.

##### **Rejection and withdrawal of application:**

ECOGLOBE may reject the application for NOP certification in case that the applicant is obviously not able to fulfill the requirements for NOP certification. The applicant himself may withdraw the application. In the latter case, all costs for services provided up to the date of the withdrawal would be the responsibility of the applicant.

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In case a prospective client applies with ECOGLOBE for an operation that has been previously rejected by another certifying agent, the application to ECOGLOBE will be handled like a completely new application according to §205.402. Therefore it is necessary to include in the application documents a notification of non-compliance from the former certification agent and a description of corrective measures implemented in order to achieve compliance (NOP §205.401 and 205.405 (e)).

In the case of projects with multiple participants only one designated responsible person for the project (generally the processor or trader) may apply for certification. The certification of this operator includes the certification of all project participants. The designated responsible person will bear the responsibility for the annual basic fees and is the only project participant to whom a NOP certificate will be issued.

## 5. NOP On-site Inspection

After receiving the completed and signed certification contract, ECOGLOBE will organize the on-site inspection. An ECOGLOBE inspector will contact the operator directly to establish the date for the inspection. It is necessary that the responsible operator or a duly designated representative of the operator is present during the on-site inspection!

Below is a list of items to be examined during the on-site inspection:

- Each production, processing or handling unit of the operation including external facilities
- The general compliance with the NOP Final Rule
- The Organic System Plan will be compared with the actual on-site state of affairs
- All system inputs
- All documents relative to the operation and the products to be certified under NOP.

On-site inspection according to the NOP Final Rule will be performed annually for each operation. Additional on-site inspections (announced or unannounced) may be performed by ECOGLOBE in order to verify compliance of the operation with NOP regulations if ordered by the Administrator or deemed necessary by ECOGLOBE to determine compliance with the Final Rule.

## 6. Evaluation and NOP certification

ECOGLOBE's responsible person for NOP certification shall review the results of on-site-inspections.

### 6.1 Granting certification:

If the operation complies with the requirements of the NOP Final Rule, certification will be granted. In case of minor noncompliances, requirements for modification will be listed in the certification letter.

### 6.2 Denial of certification:

If major deficiencies have been detected, the operator will receive a written notification of non-compliance. After receipt of the letter of non-compliance the operator will be given the opportunity to implement corrective measures. If the corrective measures are appropriate and sufficient ensure compliance with the Final Rule, NOP certification shall be granted.

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### 6.3 Mediation or appeal:

If the operator does not agree with ECOGLOBE's decision, he/she may request mediation pursuant to §205.663 directly to ECOGLOBE. If ECOGLOBE accepts mediation, the mediation process will be performed by a qualified mediator. If the request for mediation is rejected by ECOGLOBE, the operator may send a letter of appeal according to NOP Final Rule §205.680 to the Administrator (USDA-AMS, c/o NOP Appeals Staff, Stop 0203, Room 2095-S, 1400 Independence Avenue, SW., Washington, D.C. 20250-0203).

**The appeal has to be requested within 30 days after rejection of the request for mediation.**

### 6.4 Re-application of the rejected operation:

If an operation that had been rejected wishes to resubmit an application to another certifying agent or to ECOGLOBE, this re-application has to be handled as a completely new application according to §205.402. Additionally, the documents for the new application have to include a notification of non-compliance from the former certification agent and a description of corrective measures that will be established to achieve compliance (NOP N205.401 and 205.405 (e)).

#### Please note:

If ECOGLOBE has valid reasons to believe that an operator has made false statements or purposefully misrepresents the operation of compliance, ECOGLOBE may deny certification without prior issue of a letter of non-compliance. When NOP certification is denied or in case of withdrawal or surrender by Operator, all costs for services incurred up to the date of the rejection shall be the responsibility of the operator. In case of withdrawal or surrender by Operator before certification during document review the "Preparation and information fee" and 20 % of total annual fee calculated by ECOGLOBE for annual services will be charged from Operator or not returned to Operator.

## 7. Ongoing Certification

Once the operation is NOP certified, it has to comply with the following requirements:

- Confirm the actual Organic System Plan (OSP) on an annual basis
- Provide summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's OSP during the previous year;
- With confirmation, indicate any implemented or intended modifications of the actual OSP (any additions or deletions to the previous year's OSP, indented to be undertaken in the coming year)
- Inform ECOGLOBE of any changes, problems or modifications of the OSP if they occur during the period for which certification has been granted.
- An update on the correction of noncompliances previously identified by the ECOGLOBE as requiring correction for continued certification

The annually updated OSP has to be received by ECOGLOBE before February 15<sup>th</sup> of each year.

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After receipt of the OSP and the related information, the annual on-site inspection will be performed by ECOGLOBE. If the operation is still complying with the NOP Final Rule, ECOGLOBE will issue an updated NOP-certificate.

## 8. Accepting Certification Decisions of Other NOP certifying Agents

Per NOP regulations ECOGLOBE has to accept certification decisions by other NOP accredited or accepted certifying agents.

## 9. Whom to Contact at ECOGLOBE?

Ecoglobe Office  
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