



New Organic Standards

What do the new USDA Organic labels mean?

In October 2002, the USDA implemented their new Organic Rule. The term “organic” has been used for years as a marketing tool, but there was no clear definition of the term. The new labeling standards and “USDA Organic” seal should help consumers make informed decisions as well as provide a meaningful marketing tool for organic producers.

Who needs to be certified?

Anyone who wishes to produce or handle products that will be labeled and sold as “100% organic”, “organic”, or “made with organic ingredients” must be certified by a USDA accredited certifying agency.

How do growers and handlers become certified?

Methods for organic certification remain the same. A producer must submit an application with production information to the certifying agency. The agency will then carry out an inspection of the property and operation to determine compliance with regulatory standards.

For a list of certifying agents visit the USDA’s web site at: <http://www.ams.usda.gov/nop/>

Are there any exemptions from certification?

Yes. Farms and handling operations that sell less than \$5,000 a year in organic agricultural products are exempt from organic certification. But, they must still abide by the national standards for organic products, including the labeling standards.

Who must register with the County agriculture commissioner’s office?

Every person engaged in the production or handling of raw agricultural products as organic, and retailers engaged in the production or processing of products sold as organic, must register with the agricultural commissioner in the county of principal operation. Each registrant shall provide a complete copy of its registration to other counties in which they operate.

Can growers register as organic without becoming certified?

Yes, you can still register your farm with the agriculture commissioner’s office. But, if you produce more than \$5,000 a year in organic agricultural products, you will not be able to market your products as organic without becoming certified.

What do the new Organic labels mean?

“100% Organic”

- Product contains only organically produced raw or processed material, excluding salt and water.
- Certifying agency must be listed on information panel as “Certified by.....”
- Use of USDA seal or certifier's seal is optional.

“Organic”

- Product must be at least 95% organically produced ingredients.
- Certifying agency must be listed on information panel.
- Use of USDA seal or certifier's seal is optional.

“Made with Organic Ingredients”

- Product must contain at least 70% organic ingredients.
- Principle display panels can list up to three of the product's organic ingredients or food groups.
- Certifying agency must be listed on information panel.
- Use of USDA seal is prohibited.

For information about other labeling provisions, contact your certifying agency or go to the USDA’s website: www.ams.usda.gov/nop/FactSheets/LabelingE.html



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Weed Free Forage

What is the weed-free forage program?

In 2002, our staff certified 14,437 bales of oats, alfalfa/orchard grass, straw, and alfalfa as free from noxious weeds. Last year was the second season the agriculture commissioner's office administered the weed-free forage program in Santa Clara County. As the State program develops, we hope more growers will participate.

What is the weed-free forage program?

The aim of the weed-free forage program is to provide growers a means to assure customers their hay and straw products are free from noxious weeds. Federal land management agencies (e.g. US Forest Service, National Park Service, BLM) recently began to implement a three-year plan to require the use of California certified noxious weed-free products. Caltrans and PG&E already require the use of weed-free hay and straw for erosion control. Santa Clara County currently requires its use in public stables and parks. The Santa Clara County Open Space Authority used certified straw for erosion control work in 2002.

Why use weed-free forage (WFF)?

Hay and straw can contain germinable weed seeds if it is grown in fields where the weeds are allowed to produce seeds or rhizomes. Noxious weeds can spread into new areas by domesticated animals or when mulches are used for erosion control. Using WFF helps prevent the establishment of weeds. Prevention is much simpler and cheaper than implementing detection, control, or eradication programs for established weeds.

How do I get involved?

For a list of growers producing WFF or to become involved in producing certified hay or straw, call the Santa Clara County Division of Agriculture at (408) 465-2900. You can find out more about the statewide program at: <http://pi.cdfa.ca.gov/weed/wff/>

How does the certification work?

The certification process is funded by participating growers. A biologist from our office will perform a field inspection not more than 5 days before cutting. If no noxious weeds are identified, or they can be controlled prior to cutting, the field will be certified as free-from noxious weeds. In addition to a certificate of inspection, a special colored twine is used to bale the hay so it can be identified as a certified product. Growers are then free to establish sale prices and to advertise hay and straw as being "certified weed-free" products.

New Organics Standards continued...

What is the penalty for improper labeling?

A civil penalty of up to \$10,000 can be levied on any person who knowingly sells or labels as organic a product that is not produced and handled in accordance with the National Organic Program's regulations. Organic farmers and handlers have 18 months to adjust their growing and processing operations and revise their product labels to conform to the new standards.

Are there restrictions on the use of other statements?

No. Labels can still make truthful labeling claims such as 'pesticide free', 'naturally grown' etc.

Can transitional products be labeled as organic?

No. They must be labeled simply as transitional.

Can you still use the word "organic" in your company name if you are not certified and are not an exempt producer?

The basic answer is "No". But, there may be some special cases, so before you change your business name, we suggest you contact Ray Green at CDFA directly. Email: rgreen@cdfa.ca.gov or phone (916) 654-0919.

Agricultural Pesticide Use Records

These must be available to employees



One of the items we check when we perform records inspections is the availability of your pesticide use records. The California Code of Regulations requires that use records be available and accessible to your employees as well as to our inspectors. Employees have the right to know what pesticides have been used on the property. This requirement is especially important should they believe they have a pesticide-related illness.

Unfortunately, employers often keep use records in a locked office that is not readily accessible to the employees. If this is the case on your property, you need to put an extra copy of the use records at your central work area or workshop. The site where you post your PSIS-A8 and display emergency medical information may be ideal. Employees must also have access to the Pesticide Safety Information Series (PSIS) and the Material Safety Data Sheets (MSDS's) for the pesticides used on the property.

Open Burning Policy

New changes effective October 1, 2002.

The Bay Area Air Quality Management District (BAAQMD) regulates and enforces open burning activities in order to limit air pollution. If you wish to use fire as a management tool on your agricultural land, you should be aware of recent changes to the regulations. These changes became effective Oct. 1, 2002:

- 1) **Morning Burn Hour Limit-** No burning is allowed before 10 a.m.
- 2) **Burning Piled Material-** prior to ignition, all burn piles must be managed to ensure no smoke is produced after sunset, including from smoldering stumps. Exceptions exist in some instances.
- 3) **Prior District Notification-** Prior written notification must now be provided to BAAQMD for all burns including the following fire types:
 - a. Crop Replacement
 - b. Orchard Pruning & Attrition
 - c. Double Crop Stubble
 - d. Flood Debris
 - e. Forest Management fires

Written notification must be sent by FAX, mail or electronically, to the District at least 5 days prior to burning. The notification must be on a District approved form. Verbal notification is no longer accepted.

You can obtain the District-approved notification form by calling (415) 749-4782. It can also be downloaded at: www.baagmd.gov/enf/forms/formlist.html

- 4) **Fruit and Nut Crop Burning-** You must prove through documentation that you are in the gainful occupation of the agricultural business. In addition to having a burn permit as may be required by local fire officials, you must comply with the following:
 - a. Burning can only take place on a permissive burn day (call 1-800-HELP AIR)
 - b. All material shall be reasonably dry
 - c. Pile size base area shall be no greater than 25 square yards (approx. 17 feet in diameter) and pile height shall be at least 2/3 of the average width of the pile.
 - d. No burning is allowed before 10 a.m., and no smoke shall be rising after sunset.

Open Burning Policy Continued....

- 5) To qualify as a Range Management burn, the fire must be necessary to maintain the grazing of animals as a gainful occupation.
- 6) To qualify as a crop replacement burn, proof would need to be available which documents the agricultural operation will remain for at least 1 calendar year.

If you other questions about the regulations, you can call Douglas Tolar of the Bay Area Air Quality Management District at (415) 749-5118.

Control of Deer

What are your options?



Deer can cause major damage to fruit trees, ornamentals plants, grapes, as well as vegetables. The Fish and Game Act defines deer as a game mammal. This means it is unlawful to take deer without first getting a license tag or permit from the Department of Fish and Game. Any owner or tenant of land or property that is being damaged or destroyed, or is in immediate danger of being damaged or destroyed, may apply for a permit to kill deer. For more information or to obtain a permit, call the Department of Fish and Game at (831) 649-2870.

What other options do I have?

Fencing:

The most obvious and long-term solution is to fence the area. Fencing keeps out other pests like wild pigs and it remains effective even when feeding pressure and deer populations are high. In most cases it is not feasible to build an 8-foot high deer fence, so the other option is to find a way to repel deer. Many products have been designed to do just this.

Chemical Repellants and Crop Protection:

The definition of a pesticide includes the use of a substance to repel a pest. Therefore, chemical repellants are considered a pesticide whether they are registered products or not. Depending on the label, you may not be able to legally use them in a crop situation. You should also be aware that some plant's foliage might be damaged or 'burnt' by an application. Please call our office at (408) 465-2900 if you have questions about the use of repellants on crops.