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NOP Publishes Final Rules

Dear PCO Certified Operators, Members, and Inspectors:

National List Amendments – Effective April 22, 2022

The USDA National Organic Program (NOP) published a final rule (<https://tinyurl.com/mrx5e4hk>) to **add** two new substances to the list of substances allowed for organic production – effective April 22, 2022:

- Fatty alcohols (C6, C8, C10 and/or C12) to §205.601(k) – for sucker control in organic tobacco production
- Potassium hypochlorite to §205.601(a)(2)(iv) – for use in water for irrigation purposes
 - Potassium hypochlorite is a chlorine-based sanitizer allowed for use in organic crop production for the purposes of cleaning irrigation equipment and treating irrigation water.

This final rule also **removes** the listing for dairy cultures from §205.605(a). However, this removal **will not affect the allowance** of dairy cultures in organic production and organic products as they will continue to be allowed under the microorganisms listing at §205.605(a).

Origin of Livestock – Effective June 6, 2022

The NOP published the long awaited Origin of Livestock final rule (<https://tinyurl.com/2p8n62jh>) which seeks to increase uniformity in origin of livestock production practices for organic dairy animals, and reduce variances between the approaches taken by certifying agents.

This rule specifies that:

- Organic milk and milk products must be from animals that have been under continuous organic management from the last third of gestation onward, with an exception for newly certified organic livestock operations.
- Operations may transition to organic production on a one-time basis, and once the transition is complete, the operation must not transition additional nonorganic animals to organic production or source transitioned animals.
- The transition must occur over a single 12-month period and all transitioning animals must end the transition at the same time.



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- After the transition to organic production is complete, an operation is not allowed to transition additional nonorganic animals to organic milk production, and the certified operation may not source animals transitioned by other operations.
- After the transition, an operation replacing culled dairy animals and/or expanding its number of dairy animals must add dairy animals that have been under continuous organic management from the last third of gestation.
- Temporary variances will be available to allow the movement of transitioned animals between operations for specific reasons such as bankruptcy, insolvency, and intergenerational transfer. These variances are only for businesses that are “small,” as determined by the Small Business Administration (SBA) in the small business size regulations ([13 CFR part 121](#)) and will follow the already established temporary variance request process.

This rule becomes effective on June 6, 2022. Additionally, this final rule established a compliance date of April 5, 2023. All certified operations must comply with all provisions of this final rule by April 5, 2023. This means that a certified operation may only add transitioned animals to their operation up to the compliance date of April 5, 2023. Any certified operation may source or sell transitioned animals in the period prior to the compliance date, but certified operations may not start new transitions that would not be completed by April 5, 2023.

The NOP will be holding an informational webinar of April 20, 2022 from 1:00 – 1:30 EST. Information for how to join the webinar is available on the NOP’s Origin of Livestock webpage (<https://www.ams.usda.gov/rules-regulations/national-organic-program-origin-livestock>).

Please contact me if you have any questions.

Best,

A handwritten signature in black ink, appearing to read 'Kyla Smith', written over a light blue horizontal line.

Kyla Smith

Certification Director