

US NOP and EU 2092/91 / Similarities and Differences

As of July 2002

I. Both systems are similar and share the following:

- A. Third Party Certification
- B. Audit Trails
- C. Annual Inspections
- D. Accreditation
- E. Materials Lists
- F. Defined Conversion Periods
- G. Sustainable Farm Plan

II. Cultural and political differences are substantial

- H. Cultural – while States in the US use one language and have similar cultures, EU member States have differing languages and cultures.
- I. Political – Federal laws supercede State laws in the US while the EU consists of 15 sovereign State governments, each of which can grant exceptions to established EU 2092/91 rules and regulations

III. Some cropping standards differ

- J. Agriculture Conversion Period – Conversion (transition) periods as written in the EU Regulations may be interpreted as shorter than the three-year, no exceptions, rule found in the US.
 - US – requires a three year conversion period with no exceptions
 - EU – generally requires two years for annuals and three years for perennials, with some exceptions
- K. Manure Restrictions - The EU has load limits on manure applications for livestock and other organic cropping operations, while the US requires minimum periods prior to harvest.
 - US – manure must be composted if applied within 120 days of harvest
 - EU – manure from organic farms is preferred and load limits on a per acre basis are required
- L. Buffer Zones – The US requires buffer zones, the EU does not require buffer Zones

IV. Livestock regulations contain potential barriers to US / EU trade

- M. Slaughter - US regulations call for transition from the last third of gestation for slaughter stock and one year for dairy, while the EU regulations contain reduced conversion periods and are species specific.
- N. Livestock husbandry - The US has general requirements for livestock husbandry practices while the EU requirements are highly prescriptive including minimum slaughter ages per species.
- O. Milk production. May be certified as organic in the U.S. after 12 months on 100% organic program whereas EU rules allow for organic production at 6 months.
- P. Organic feedstuffs - In-Conversion allowances (30-60%) of transitional and conventional feedstuffs for organic livestock production in the EU are not found in the US (requiring 100%).

Q. Healthcare - No antibiotics or hormones are allowed in the US, however, the EU does include exemptions for synthetic veterinary medicines and allows for treatments up to 3x per year

V. Processing

The US observes detailed handling regulations where EU processing regulations are referenced in EU inspection regulations, and the certifier verifies organic compliance.

VI. Labeling requirements are similar

R. "Organic" - both agree that at least 95% of the ingredients must be organic.

S. "Made With" – both agree that 70% of the ingredients must be organic. In the EU the remaining 30% must be on published lists of "not commercially available ingredients." This list is subject to interpretation by the certifier or Member State.

T. "Below 70 %" - EU does not allow organic to appear anywhere on the label. US allows identification of organic ingredients on the information panel in products containing 50% or more organic ingredients.

U. Percent organic declarations in the US are not mandatory, but in some EU situations declaration may be required.

V. Under EU regulations, "transition to organic" labeling is allowed. In the US, such labeling is not allowed.

VII. Materials and the materials process

A. Materials generally must be listed in the EU, while in the US natural materials are allowed unless prohibited and synthetics are prohibited unless allowed

B. Materials process - the US requires published criteria and is based on a public process including scientific reviews and NOSB hearings. The EU publishes rulings based on Member State requests.

VIII. Accreditation

Federal authority dictates accreditation and the USDA accredits certifiers.

Accreditation in the EU is by designated accreditation bodies and peer review.

Each EU Member State is responsible for ensuring that certifiers operate according to the inspection requirements laid down in Annex III.

IX. Import Authorizations

US umbrella certification allows shipping to all of the US.

Under EU rules, Transaction Certificates will be required with each shipment after November 2002

X. Access to Markets

US -Federal authority – Access to all states

EU – does not guarantee access to the 15 sovereign States