



March 14, 2023

NOP Certification Updates

Below is a list of updates and reminders pertaining to your NOP Organic Certification:

Origin of Livestock (OOL) Final Rule – Compliance date of April 5, 2023

What does this mean? This means that all certified organic livestock operations must comply with the requirements in the OOL Final Rule (that was published on 6/6/22) when sourcing replacements starting on April 5, 2023. Find the OOL Final Rule text [here](#).

What does this OOL Final Rule actually say? In summary, the OOL Final Rule changes the requirements and allowances for...

Dairy operations that transition animals into organic production: transition is only allowed to be completed by operations that are not certified for livestock production and have never transitioned dairy animals before. Different requirements on how to compliantly transition are included in this new rule.

Sourcing animals for already certified operations: certified operations may only purchase last third gestation born animals unless they secure a temporary variance from the NOP to purchase transitioned animals from another operation. The allowances for granting a temporary variance to an operation for purchase of transition animals are limited: the buyer must be considered a small business per the Small Business Association and the seller must be insolvent or in bankruptcy or an immediate family member of the buyer.

The new rule also further affirms the already established expectations of 205.236(c), which covers recordkeeping of certified operations: its required to maintain sufficient records to demonstrate compliance and the status of all animals on your operation.

How does this impact me and my operation? If you have questions on how this is going to fit into your specific production model, reach out to your certifier. They are required to provide sufficient information to their operations on how to comply with the act. Now is the time for operations that have animals of multiple statuses (last third gestation born and/or transitioned) on their operation to make sure that their records are in order and are fully auditable and that if/when you sell animals, you have sufficient records to back up the status that you declare on your sales records.

If you are looking to purchase transitioned dairy cattle: your transactions must be completed prior to April 5, 2023 in order for them to be compliant under the current rule. If you (the buyer) plan to purchase transitioned cattle after that date, you must request a temporary variance from your certifier to do so. You (the buyer) must be granted the temporary variance in order to move forward with your transaction compliantly.

Strengthening Organic Enforcement (SOE) Final Rule

What is this? It's a new rule that the USDA NOP Published on March 18, 2023 with the effective date of March 20, 2023 and a compliance date of March 19, 2024.

What does this new SOE Final Rule actually say? It covers a lot of areas that has to do with certifiers, their accreditation requirements and who has to be certified. Read the final rule here.

How does this impact me and my operation? The major takeaways for organic dairy farms with this new rule are:

- Mass Balance and Traceability Audits (that are completed during your annual inspections) to be more robust.
- Your certifier will be required to inspect you once per calendar year.
- Recordkeeping requirements are enhancing: write EVERYTHING down!
- Your certifier is required to assess and assign risk to operations based on the complexity and a variety of other factors, which means that you may receive more unannounced inspections or records requests.
- OID Reporting is going to increase, meaning that the data in the system is going to be more accurate and reliable.
- Certification Staff & Inspectors are required to demonstrate sufficient expertise prior to being assigned to your inspections, which means you should all (hopefully) get more qualified inspectors assigned to your operations for you annual and unannounced inspections.

Summary

As you can tell from the brief overview above, a lot of changes are happening to the organic industry right now. As a matter of fact, it's the most change that the industry and the regulatory framework have seen since the start of the program in 2002. I'm sure most of you have noticed that certifiers are asking for more information than they normally have...based on these rule changes, it seems like that might increase. WODPA is here to support you in many ways: as your advocate, as a resource and as a partner. We share all of this information with you to not only inform you but urge you to be as diligent with your record keeping as you are with everything else on your operation!