



Organic Policy Statement Seed and Planting Stock

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USE OF NONORGANIC SEED OR PLANTING STOCK IN A CERTIFIED ORGANIC OPERATION: EXPLANATION OF THE EXCEPTION IN THE RULE

**Pertinent NOP rule sections: § 205.204
Seeds and planting stock practice
standard. § 205.2 Terms defined**

One question that is repeatedly asked by organic crop producers is - What are the criteria for determining if they can use nonorganic seed? This question is pertinent because of the relatively small amount of organic seed currently in the marketplace.

§ 205.204 of the National Organic Program (NOP) rules states:

Seeds and planting stock practice standard.

(a) The producer must use organically grown seeds, annual seedlings, and planting stock: Except, That, (1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available: Except, that, organically produced seed must be used for the production of edible sprouts;

The NOP rules also provide a definition for commercial availability as:

§ 205.2 Commercial availability [defined] – the ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling as determined by the certifying agent in the course of reviewing the organic plan.

The critically important component to remember when choosing your crop seed for your organic operation is that the use of nonorganic seed is an *exception* and not just an alternative that can be chosen at will. To qualify for the exception, the producer must show due diligence that organic seed was not commercially available. The definition provides three criteria by which organic seed may not be commercially available. These include that the seed was not available in the appropriate form, quality or quantity.

For the producer to prove that organic seed was not available in the appropriate form, the following should be provided to CDA as part of your organic systems plan:

- 1) A description of the site-specific agronomic or marketing characteristics required by the operation;
- 2) The characteristics of the organic seed the producer located and why it was not acceptable; and
- 3) Documentation of efforts to locate and source organic seed by contacting at least three suppliers of organic seed – written evidence of such inquiries with suppliers and corresponding responses may include letters, faxes, e-mail correspondence, and phone logs.

For the producer to prove that organic seed was not available in the appropriate quality, the following should be provided to CDA as part of your organic systems plan:

- 1) A description of the quality of seed that was needed by the operation;
- 2) A description of the lack of quality of each organic seed that was deemed not adequate for use. (An example of a lack of

quality would be that the seed germination was very low); and

- 3) Documentation of efforts to locate and source organic seed by contacting at least three suppliers of organic seed – written evidence of such inquiries with suppliers and corresponding responses may include letters, faxes, e-mail correspondence, and phone logs.

For the producer to prove that organic seed was not available in the appropriate quantity, the following should be provided to CDA as part of your organic systems plan:

- 1) The quantity of each kind of seed that was needed by the operation;
- 2) What quantity was available; and
- 3) Documentation of efforts to locate and source organic seed by contacting at least three suppliers of organic seed – written evidence of such inquiries with suppliers and corresponding responses may include letters, faxes, e-mail correspondence, and phone logs.

One simple way that some growers are already accomplishing this task is by making a list of all seed varieties they will require for their annual needs and submitting it to at least three seed suppliers (seed dealers, seed brokers, catalog seed suppliers, etc.) with access to organically grown seed. The supplier then has a ready-made checklist for a proper written response to the grower on which varieties they are able or not able to supply in the organically grown form.

The information on the list would include:

- Name of supplier- (as shown on organic certificate)
- Location- (town, state, country)
- Seed type- (lettuce, alfalfa, wheat, etc.)
- Variety name
- Amount of seed- by weight or number of seeds

For growers ordering from seed catalogs, photocopies of catalog pages showing non-availability of organically grown seed of the

varieties requested are acceptable to demonstrate *supplier response only*. The operation would still have to document the sources that were contacted and when.

Records with the above mentioned documentation will be required during your on-site inspection if you have used nonorganic seed or planting stock. Use of nonorganic seed or planting stock without seeking and documenting that the seed was not commercially available could result in the loss of your organic certification.

If commercial unavailability of seed or planting has been appropriately addressed, § 205.204 allows the use of nonorganically produced seeds and planting stock that have been treated with a substance included on the NOP National List of synthetic substances allowed for use in organic crop production.

Nonorganically produced planting stock to be used to produce a perennial crop may be sold, labeled, or represented as organically produced only after the planting stock has been maintained under a system of organic management for a period of no less than 1 year.

Other resources for organic seed information:

<http://www.organicseedsourcing.com/>;
<http://seeds.omri.org/>;
<http://attra.ncat.org/sorg/seeds.html>; and
http://www.attra.org/attra-pub/altseed_search.php?

Disclaimer: This policy statement is provided as guidance to organic producers/handlers and is not to be used a substitute for or in place of the National Organic Program rules.