

FAQ: Conservation Planning with Transitioning to Organic Producers

Terms

USDA AMS- National Organic Program (NOP) Definitions (7 CFR Part 205)

Organic: Organic production is a system that is managed in accordance with the Organic Foods Production Act (OFPA) of 1990 and regulations in Title 7, Part 205 of the Code of Federal Regulations¹ to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity. The USDA National Organic Program develops, implements, and administers national production, handling, and labeling standards.

Certified Organic Operation: A crop or livestock production, wild-crop harvesting or handling operation, or portion of such operation that is certified by an accredited certifying agent as utilizing a system of organic production or handling (as described by the OFPA and USDA organic regulations).

Organic System Plan (OSP): A plan of management of an organic production or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in the Organic Foods Production Act and the USDA Organic Regulations. The NOP dictates, in detail, all the information required in an OSP.

Exempt (from certification) producer: A production or handling operation that sells agricultural products as “organic” but whose gross agricultural income from organic sales totals \$5,000 or less annually is exempt from certification and from submitting an organic system plan but must comply with the applicable organic production, handling, and labeling requirements.

NRCS Definitions (EQIP Rule) Definitions (7 CFR Part 1466)

National Organic Program means the national program, administered by the USDA Agricultural Marketing Service, which regulates the standards for any farm, wild crop harvesting, or handling operation that wants to sell, label, or represent any food, feed, feed input, or fiber as organic in the United States.

Organic System Plan means a management plan for organic production or for an organic handling operation that has been agreed to by the producer or handler and the certifying agent. The Organic System Plan includes all written plans that govern all aspects of agricultural production or handling.

¹Title 7, Part 205 of the Code of Federal Regulations, National Organic Program, 06/14/2011:
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title07/7cfr205_main_02.tpl

Frequently Asked Questions

EQIP Organic Initiative

1) How do requirements of NOP work within the NRCS EQIP Organic Initiative?

The USDA EQIP organic regulation does not define the term “transition,” however; it does specifically require that payments for OI funded practices must meet either of following criteria:

- OI funded practices must be related to organic production, or
- OI funded practice must be related to transition to organic production.

The EQIP regulation also says program participants must:

- Develop and carry out an organic system plan, or
- Develop and implement conservation practices that are consistent with an OSP.
(This requirement also applies to producers “exempt” under NOP requirements).

In order to meet requirements for EQIP OI, NRCS planners really only need to understand the following:

Follow basic policy and procedures for development of a conservation plan to support an EQIP contract.

Except for certain eligibility requirements unique to OI and for technical design of practices to meet the special needs of organic producers, the process for providing technical assistance to OI applicants is the same as any other program opportunity.

2) How does requirements of NOP impact technical services and conservation plans developed by NRCS or TSPs?

The legal requirements of the NOP do not directly impact NRCS contracting requirements. Just like any other permit or regulation, the participant is legally responsible for meeting the requirements of other agencies rules. However, during conservation planning and design of practices, NRCS staff or TSPs need to listen to the needs of the producer in meeting any regulatory requirement, which may include specific requirements related to organic certification. For example, in order to be certified by the NOP, land must be free of prohibited substances for at least 3 years immediately preceding the harvest of the crop. It is the responsibility of the producer to provide sufficient documentation to a certifying agent to prove that no prohibited substances have been applied in 3 years, and can demonstrate compliance with all applicable USDA organic regulations. Suggestions for selection of practices to address resource concerns or practice design should take into consideration the needs of the producer to meet the NOP requirements related to prohibited substances during the 3 year period of transition to organic. But this NOP requirement DOES NOT establish any authority to limit EQIP contracts to three or more years. Follow agency policy and planning policy to support organic growers.

3) How does a producer qualify for EQIP or EQIP OI?

Basic eligibility requirements for EQIP are found on the NRCS national website at:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/>

Specific requirements for EQIP eligibility are found in the contracting and EQIP program manuals.

Additional information about additional eligibility requirements for EQIP OI can be found at the EQIP OI website:

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/financial/eqip/?cid=nrcs143_008224

4) How does an eligible producer get considered for EQIP Organic Initiative?

It is the responsibility of the producer to request consideration for and submit an application specifically for EQIP OI. NRCS staff is responsible for informing producers of any program opportunity they may qualify for. For example, an organic producer could potentially submit separate applications for consideration through EQIP OI, regular EQIP program opportunities, or even a special category such as Beginning Farmer/Rancher.

However, if a producer wishes to apply for EQIP OI, in addition to all other eligibility requirements, these producers must also submit a self-certification form [See the FY13 Initiatives bulletin, attachment D (link to self-cert worksheet)] to address the additional requirements of EQIP OI.

- 5) Is the Conservation Activity Plan (CAP) 138 required before transitioning producers can access NRCS programs?

No, the CAP 138 is just one option a producer can use to obtain conservation planning assistance from a certified Technical Service Provider. They can also opt for a regular NRCS conservation plan written by an NRCS conservationist. It is not appropriate to provide or allow development of a 138 CAP for a certified organic producer. Certified organic producers should be able to provide a copy or access to their approved OSP that can be used as a basis for development of a conservation plan.

- 6) Does NRCS require proof that a Transitioning producer eventually gets Certified Organic?

No, all NRCS needs is the name of the certifying agent with whom they plan on working as documented on the self-certification form mentioned in question #4. Transitioning producers participating in EQIP OI must self-certify that they will develop and implement an OSP but NRCS does not play any role in monitoring producer progress in meeting NOP requirements. With any program contract, agency policy requires NRCS staff to annually review all OI contracts and certify that the producer is on schedule and fulfilling the requirements of the EQIP agreement. See the FY13 Initiatives bulletin, attachment D (link to self-cert worksheet).

- 7) What NRCS conservation practices are available under the EQIP Organic Initiative?

Refer to Attachment B National Bulletin 300-13-3 issued October 26, 2012 which provides a list of approved conservation practices. Any additional FOTG approved practice may be offered as selected by State Conservationists.

CAP 138: Transition to Organic Plan

- 1) What is the CAP 138 Transition to Organic Plan?

The CAP 138 is a Conservation Activity Plan that helps farmers who are interested in transitioning from conventional farming practices to organic production by addressing the natural resource concerns on their operation. The CAP planning criteria requires that the plan information related to identifying conservation practices that are needed to address specific resource concerns, but not all same information that would be included in a regular NRCS certified plan. NRCS cannot require TSPs to include work or activities that are not specifically cited in the CAP planning criteria, such as completion of the NRCS-CPA-52 Environmental Evaluation. A CAP plan does not have to meet the same requirements for a conservation plan developed by NRCS staff nor can States add work for the TSP beyond what the CAP criteria requires. Conservation Activity Plans may only be prepared by certified Technical Service Providers and the payment rates for this service reflect only those activities that TSPs are required to complete as outlined in the planning criteria. Plans such as CAPs provided by TSPs must meet the technical planning requirements established by the agency and are used by NRCS employees to draft a final certified conservation plan, if requested by the producer. Producers who then apply for financial assistance through a program such as EQIP must still agree to develop a NRCS certified conservation plan to be used as the basis for the program contract. It is also important to note that it is the responsibility of the program participant to select and hire a certified TSP. NRCS staff must not assume any role in hiring of a TSP or the development of the agreement between the participant and TSP.

FY13 CAP 138 planning criteria, including client deliverables, can be found in the following document:
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1049334.pdf

2) Who can write a CAP 138?

All Conservation Activity Plans (CAP) that NRCS offers, must be prepared by a certified Technical Service Provider (TSP). Organic producers have the option to select a certified TSP to develop a plan using the EQIP opportunity for CAPs, or obtain assistance from a NRCS employee. Note that NRCS employees are prohibited from developing a CAPs. The opportunity to develop a CAP through EQIP provides specialized conservation planning assistance in technical areas in which NRCS employees may not be well trained for and to provide assistance in a timely manner to the producer. NRCS employees are still responsible for providing assistance to transitioning to organic producers who do not choose to apply for a CAP plan.

3) How does a CAP 138 relate to an Organic System Plan (OSP) that is required of Certified Organic producers?

The CAP 138 may support an OSP, but it is not a replacement for one. The information included in either a CAP 138 or a regular NRCS conservation plan can be relevant and/or useful in helping the producer apply for an OSP, however the producer is responsible to complete all of the OSP requirements that a conservation plan does not address. Some TSPs have voluntarily provided additional information needed to meet requirements of an OSP, as part of their deliverables for the CAP 138; however, NRCS payment rates do not include or address this extra work. It is important that when approving EQIP CAP agreements that the participant is informed that NRCS will not reimburse producers for any extra work provided by TSP beyond the CAP requirements and the grower will be responsible for any additional charges from the TSP.

4) How do I verify a TSP has expertise in organic agriculture and is qualified to write CAP 138?

[TechReg](#) is the registry where certified TSPs indicate their credentials, experience, and whether or not they have organic expertise. Each TSP submits an application to NRCS for review and evaluation. If the TSP meets the proficiency criteria involving education, experience, knowledge and a sample of work as required by the conservation category or practices they select, then the TSP is "certified". Clients can view these resumes posted on TechReg and make a determination as to which TSP will be best suited for the work at hand. It is the responsibility of the producer to research and select a certified TSP from TechReg for services to develop CAPs. NRCS staff is responsible for referring producers to the TechReg website and may not assist in the selection or hiring of TSPs.

5) What if our State does not have any TSPs to write CAP 138s?

Currently, there are very few certified TSPs on TechReg that are available to prepare the CAP 138. However, agency leadership hopes to attract qualified TSPs by requiring that the CAP 138 be offered in all States. Just because your State does not currently have certified TSPs, does not mean that these applications cannot be accepted or approved. The agency anticipates that as the agency approves CAP 138 EQIP contracts, that this need will encourage existing TSPs to add the State to their resume or attract new TSPs. In addition to program efforts to develop TSP capacity, the national TSP team providing training and assistance to increase the number of TSPs available. States are also encouraged to recruit and offer training to get local TSPs qualified to develop CAP 138 plans.

For assistance in developing capacity or to offer training to potential providers, please contact Dana Larsen or Sarah Brown (information below).

Remember that NRCS conservation planners can always offer to write conservation plans for farms transitioning to organic.

Technical Assistance for Transitioning to Organic Producers

1) How will an NRCS prepared conservation plan help an organic producer in the development of their OSP?

The NRCS conservation plan identifies and offers conservation practices that can help the organic producer meet several of the NOP standards and address the resource concerns. While an NRCS conservation plan can be used to support the OSP it does not address nor provide enough detail to fulfill all of the OSP requirements.

Note the following program contracting policy regarding prohibition for use of NRCS prepared conservation plans to meet another agency regulatory requirements.

512.10 General

C. Communication of Participant Responsibilities

The State Conservationist will identify and clearly communicate participant responsibilities for complying with all applicable program or regulatory requirements. **The NRCS development or acceptance of a conservation plan will not constitute compliance with program or regulatory requirements administered or enforced by another agency.**

In other words, by policy, NRCS prepared conservation plans for EQIP organic contracts may not be used as a justification for meeting NOP regulatory requirements or OSP plan certification.

2) How can the NRCS planning process be used to assist an organic producer in the transition process?

Certified NRCS conservation planners can use the planning process to meet the objectives of the producer and address the resource concerns on the land unit.

3) What are some examples of NRCS conservation practices that can be implemented on organic certified or transitioning farms and ranches?

The agency issues guidance each fiscal year to assist States implement provisions of the EQIP OI, including recommendations for conservation practices which are likely to be used by certified or transitioning to organic operations. The practices approved in the guidance are specifically selected to address resource concerns likely to be associated on organic operations or are specific to requirements of the NOP. The guidance emphasizes that these approved practices should be offered by all States, but are not required core practices as noted in other program initiatives. In addition to approved practices, STCs may authorize use of any other practice typically needed to address resource concerns on these operations (e.g. supporting practice). Refer to the annually issued program guidance for additional information about recommended practices for organic operations.

Resources & References

NRCS EQIP Organic Initiative (OI) National Website

For updated information, guidance, state and national contacts- please visit:

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/financial/eqip/?&cid=nrcs143_008224

NRCS Technical Service Provider Website

For information about Technical Service Providers, please visit:

<http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/technical/tsp/>

NRCS Conservation Stewardship Program (CSP)

For more information on how transitioning (and organic) producers can access and utilize CSP- please visit:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/csp>

<http://ofrf.org/policy/resources/conservation-stewardship-program-csp>

USDA National Organic Program (NOP)

<http://www.ams.usda.gov/AMSV1.0/nop>

USDA NOP Organic Literacy Initiative

Connecting you with USDA resources: 'Is Organic an Option for me?' brochure, videos, workbooks for producers, AgLearn courses for USDA staff.

<http://www.ams.usda.gov/organicinfo>

eOrganic

A collection of land grant university publications on organic agriculture.

<http://www.extension.org/organic%20production>

National Sustainable Agriculture Information Service, ATTRA

The ATTRA project has served as the premier source of information about sustainable agriculture for U.S. farmers and other agriculturists for twenty years. ATTRA is funded by the USDA's Rural Business-Cooperative Service.

<http://www.attra.ncat.org>

Organic Materials Review Institute (OMRI)

The Organic Materials Review Institute (OMRI) provides organic certifiers, growers, manufacturers, and suppliers an independent review of products intended for use in certified organic production, handling, and processing.

<http://www.omri.org/>

Rodale Institute

Rodale Institute is a nonprofit dedicated to pioneering organic farming through research and outreach. They host the longest-running side-by-side U.S. study comparing conventional chemical agriculture with organic methods.

http://www.rodaleinstitute.org/new_farm

The Rodale Institute's 15-hr FREE Organic Transition Course: <http://www.rodaleinstitute.org/course>

Midwest Organic Sustainable Education Service, MOSES

MOSES is an education-outreach organization working to promote sustainable and organic agriculture. They host the largest organic agriculture conference in the country, as well as field days, and a variety of fact sheets related to organic.

<http://www.mosesorganic.org/>

NRCS Organic Contacts

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FAQ: Conservation Planning with Transitioning to Organic Producers
Guidelines for NRCS Field Conservationists

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