Comparison of the EU and US Organic Regulations

A comparison of the regulatory texts of EU Regulation 2092/91 (EU) with the National Organic Program Rule 7 CFR Part 205 (US) was commissioned by IFOAM and carried out under the auspices of the International Organic Accreditation Service (IOAS). The following is a summary of that comparison1.

Scope

Sectors and terms. Both EU and US regulate cultivated crop, wild crop, livestock, livestock feed, and handling (preparation and processing) operations. EU covers mushrooms and beekeeping; US presently does not. EU regulates the terms 'organic', 'biologic', and 'ecologic', including their translations, derivatives, and diminutives. US only regulates the term 'organic'.

Exemptions. US exempt producers and handlers with less than $5000/ year total organic sales from certification requirements, although they must comply with the regulation. EU does not allow such an exemption. Retail operations are not required to be certified by EU or US. US exempts from certification handlers that process products containing less than 70% organic ingredients. EU does not specifically exempt such handlers, but EU prohibits such operations from identifying 'organic' ingredients on the information panels of products. US does not require certification of operations that handle only pre-packaged products. EU does not address certification exclusions for handlers of prepackaged products.

Import facilities. EU contains extensive inspection requirements for facilities that import organic products. US does not contain specific requirements for import facilities. Foreign certifiers. Both EU and US provide frameworks for the approval of foreign certification/inspection bodies and foreign government regulations. US allows accreditation of foreign certifiers and contains general provisions for equivalency agreements between governments. EU sets extensive, detailed requirements for 'third countries', including requirements for inspection bodies and operators in third countries who seek to export organic products to the EU.

Crops

Conversion period. US requires three years with no prohibited materials prior to harvest, but does not require full implementation of organic practices during the entire conversion period. EU requires two years of organic management prior to sowing and allows inspection bodies, with approval of competent authorities, to reduce the period further. EU allows reduced

Conversion periods for pastures; US does not. Both EU and US allow reduction of the conversion period following government-mandated treatment with a prohibited material. US prohibits the use of municipal sewage sludge and specifically requires that the natural resources of the operation be maintained or improved. EU does not prohibit sewage sludge or specifically require improvement or maintenance of the operation's natural resources. Split operations. EU requires separate organic and non-organic production and storage

locations. US require management practices and physical barriers to prevent commingling and contamination, but does not require separate production and storage locations.

EU prohibits storage of prohibited materials on organic farms; US does not. EU prohibits growing organic and non-organic crops of the same variety on the same production unit; US does not. EU requires an approved mandatory conversion plan for production of perennial crops, and notification of impending and completed harvest for operations with parallel production; US does not.

Research. Both EU and US allow certain practices for research purposes that are otherwise not allowed for organic production.

Buffer zones. US require maintenance of buffer zones to prevent unintended application of prohibited materials. EU does not require buffer zones.

Records. Both EU and US contain general requirements for the type of records to be maintained by certified operations. US require that records be retained for five years; EU does not address the length of time records must be maintained. EU and US both require applicants and certified operators to provide access to their records.

Farm plans. EU and US both require applicants and operators to submit organic farm plans. In addition, US require applicants to provide information on frequency of particular management practices and use of inputs; documentation of commercial unavailability; monitoring procedures; and, methods used to prevent commingling and contamination. EU requires applicants to submit a full description of the production unit and to sign 'undertakings' denoting agreement to follow the regulation and abide by enforcement measures.

Soil management. US require tillage and cultivation practices that maintain or improve the condition of the soil and minimise soil erosion. This is not specifically required by EU. Both EU and US require soil-building crop rotations for annual crops. US require fertility management practices that do not contribute to contamination of crops, soil, or water; EU does not.

Manure. EU sets limits on the quantity of manure applied annually; US does not. US sets restrictions on the time between application of raw manure and the harvest of crops for human consumption; this is not addressed by EU. EU sets requirements for the capacity of manure storage facilities; US does not. EU requires consideration of the source of manure, allowing manure from organic production units and regulating the amount of manure from conventional sources. EU prohibits manure from 'intensive husbandry' or 'factory farms'. US does not address manure source, except to require that the nutrient management system not contaminate crops, soil, or water with excess nutrients, pathogens, heavy metals, or prohibited materials. Composting. US require composting of manure (with three exceptions where application of raw manure is acceptable). US define 'compost' and sets requirements for composition, time, temperature, and number of times that it must be turned. EU does not include regulations for composting, other than allowing the use of plant-based and other biological preparations.

US allow microorganisms and other biological amendments unless specifically prohibited.

Burning of residues. EU does not prohibit the burning of crop residues as a means of disposal; however the practice is already prohibited in agriculture generally by most Member States. US does not allow this practice except for suppression of the spread of diseases or to stimulate seed germination.

Seeds and propagation materials. Both EU and US prohibit genetically modified organisms. Both also require use of organic propagation materials, with certain allowances for non-organic propagation materials. EU will require use of organic propagation materials after 31 December 2003, but US will continue to allow use of non-organic seeds when organic seeds are not commercially available. US require organic seeds for edible sprouts; EU does not. Treated seeds are not allowed by US, since there are no synthetic seed treatments on the US National List. EU allows use of treated propagating materials if untreated materials are not available on the Community market. EU will require use of organically produced seedlings after 31 December 2003. US already require use of organic seedlings, but allow temporary variances for loss of seedlings caused by natural disasters. EU does not address temporary variances for natural disasters. Both EU and US allow non organically produced planting stock to be used to produce a perennial crop, provided that the crop is managed organically for at least one generation (EU) or one year (US) prior to first organic harvest. US allows treatment of propagation materials with prohibited substances when mandated by phytosanitary regulations. EU does not contain such a provision. Mulch. EU and US allow mulching with products of plant origin (from both organic and non-organic sources) including sawdust, wood chips, and composted bark that have not been chemically treated after felling. US prohibit use of treated wood. EU does not. US does not address chemical treatment after felling in any other way. US allows use of plastic mulch, with certain restrictions. EU does not address the use of plastic mulch. Lumber. US prohibit use of lumber treated with arsenate or other prohibited materials; EU does not.

Wild crops. EU and US have similar conversion periods and sustainable harvest requirements for wild crops. Residues. EU requires that samples be taken for residue analysis where use of unauthorised products is suspected. EU and US require operators to provide access for sample collection. US has specific requirements for chain of custody and use of accredited laboratories; EU does not. US require that residue test results be reported to government authorities and that the public have access to test results; EU does not address this. EU does not establish maximum residue levels specific for organic products, whereas US does. GMO contamination. Neither US nor EU have established a threshold for contamination by GMOs or GMO derivatives, but EU does refer to the need of establishing GMO thresholds in the future.

Livestock

General. Both EU and US require inspection and certification of the livestock production system. Both

require that livestock have access to outdoors and that natural resources of the operation are protected.

Period of organic management. EU only requires 12 months of organic Livestock plans. EU and US both require organic livestock plans. However, US specifies that the organic livestock plan must include a description of monitoring practices and procedures and describe the management practices established to prevent commingling and contamination; EU does not. Otherwise, EU livestock plan requirements are more detailed and prescriptive than US. For instance, US does not require that the plan contain an 'undertaking' (affidavit) or be countersigned by the inspector.

Identification and records.EU specifies 'permanent' identification of livestock. US require identification, but is not so prescriptive. US require livestock records to be maintained for not less than 5 years; EU does not. US livestock record-keeping requirements are not as detailed or prescriptive as those of EU. Although US prohibit certain veterinary treatments that EU allows, both require that all treated livestock be identified and that treatments be recorded. Both EU and US require access to non-organic portions of applicant and certified operations, including access to records.

Feeds and pasture. US require 100% organic feed. EU allows up to 60% 'in-conversion feed' and up to 25% conventional feed in a daily ration. Both EU and US set restrictions on allowed feed supplements. EU sets very detailed requirements for feed rations. US does not set species-specific feed requirements, other than 100% organic feed. Both allow use of non-organic feed during emergencies, as approved by the certification body and/or competent authority. EU requires access to pasture for herbivores, while US frames the requirement using the less inclusive term 'ruminant'.

Health and welfare For livestock health, both EU and US require use of preventative practices and both establish lists of approved materials. US prohibit parasiticides for slaughter stock and sets specific restrictions for their use on dairy and breeding stock. EU does not prohibit parasiticides for slaughter stock or set other restrictions on their use. US prohibits the use of antibiotics for livestock and livestock products sold as organic. EU allows the use of antibiotics, provided that certain restrictions are followed. Both EU and US allow physical alterations provided they are conducted to promote the animal's welfare and that pain and stress are minimised.

Stocking rates. EU contains detailed and prescriptive stocking rates in Annex VII and livestock housing specifications in Annex VIII. US does not specify outdoors stocking densities or indoors housing densities.

Bedding. US require livestock bedding to be organic if it is typically consumed by the livestock; EU does not.

Tethering. EU and US allow temporary confinement under certain conditions, but tethering is not addressed by US. Tethering is allowed by EU.

Manure. US has less restrictive requirements than EU regarding manure storage, application rates, and management.

Reproduction. US does not address reproduction and does not directly prohibit embryo transfer, although

this practice is not possible because the use of the synthetic hormones that are necessary for embryo transfer is prohibited. EU prohibits embryo transfer and other forms of artificial or assisted reproduction other than artificial insemination. US does not specifically prohibit underfeeding livestock to encourage anaemia; EU does.

Slaughter age. EU sets minimum slaughter ages for various poultry species. US does not set minimum slaughter ages for any species.

Transport. EU contains livestock transport requirements and prohibits certain practices during transport, including the use of tranquillisers and electric prods; US does not. EU requires that livestock housing units be cleaned and disinfected between use. US does not require cleaning, but does specify the materials that may be used for that purpose.

Housing. EU prohibits slatted floors and housing of calves in individual boxes; US does not. US prohibit use of arsenate-treated lumber in contact with livestock; EU does not. EU contains prescriptive requirements for poultry housing. US does not contain requirements for poultry houses.

Handling General. Both EU and US require inspection and certification of the food handling (preparation or processing) system. US has a specific list of allowed processing methods; EU does not. Both EU and US prohibit the use of organic and non-organic forms of
the same ingredient.

Non-organic ingredients. EU and US require approval for the use of nonorganic agricultural ingredients, non-agricultural ingredients, and processing aids. (See the analysis of approved materials for a comparison of specific items.) US prohibit use of agricultural ingredients grown using municipal sewage sludge; EU does not. Both EU and US allow use of nonorganic agricultural ingredients in processed foods when organic ingredients are not commercially available. However, EU maintains a list of ingredients (Annex VI.C.) that have been determined to not be commercially available in organic form. US does not maintain such a list. Instead, the burden of proving that an organic ingredient is not commercially available is placed on certified operators, to be verified by certifying agents.

Irradiation. EU and US both prohibit the use of ionising radiation and the use of ingredients that have been irradiated.

Handling plans. EU and US both require organic handling plans. In addition, US requires applicants to provide information on frequency of management practices and use of inputs; documentation of commercial unavailability; monitoring procedures; and methods used to prevent commingling and contamination. EU requires applicants to submit a full description of the production unit and to sign 'undertakings' denoting agreement to follow the regulation and abide by enforcement measures.

Records. US require that records be maintained for 5 years; EU does not. However, EU contains specific information on the types of records to be maintained by processing operations. US only contain general information. Both require access to records.

Pest management. US contain extensive requirements for facility pest management; EU does not contain any comparable requirements. US sets requirements for measures to be taken following

the application of non-approved pest control substances; EU does not.

Packaging. US prohibit the use of packaging that has come in contact with synthetic fungicides, fumigants, or other prohibited materials; EU does not. EU requires that organic and nonorganic products be stored separately, and that organic products be properly labelled; US does not.

Product sampling. Both EU and US contain requirements for product sampling during inspection. However, EU requires that samples be taken where use of unauthorised products is suspected; US does not. US require maintenance of chain of custody and use of accredited laboratories; EU does not. Both require granting access to the operation to collect samples.

Prohibited substances. US require certified operators to notify certifiers immediately when prohibited substances are applied; EU does not. US sets maximum tolerance levels for prohibited substances. EU does not establish maximum residue levels specific for organic products.

Labelling Use of organic. Both EU and US require compliance with the regulation in order to label products 'organic'. However, US specifies that the term 'organic' may not be used in a product name to modify a non-organic ingredient in the product. This is not addressed by EU. US allow the word 'organic' to be used in the ingredient list of products containing less than 70% organic ingredients; EU does not. US contains regulations for the labelling of '100% organic' products; EU does not.

Calculating percent organic ingredients. US provide specific instructions to calculate the percentage of organic ingredients. EU refers to the Directive 79/112/EEC, but does not provide further information. Both EU and US requireat least 95% organic ingredients in 'organic' products. However, under US, at least 95% of the total ingredients must be organic; Under EU, at least 95% of the ingredients of agricultural origin must be organic. That is, non-agricultural ingredients are not included in the calculation under EU, whereas they are included in under US. The EU method of calculation can result in products being labelled 'organic' when less than 95% of the total ingredients are organic. Similarly, both EU and US require at least 70% organic ingredients in 'made with organic ingredients' products. However, under US, at least 70% of the total ingredients must be organic; under EU, at least 70% of the ingredients of agricultural origin must be organic. Non-agricultural ingredients are not included in the calculation under EU, whereas they are included under US. The EU method of calculation can result in products being labelled 'made with organic ingredients' when less than 70% of the total ingredients are organic. US sets a limit of listing no more than three organic ingredients or food groups on the principle display panel. EU sets no such limit. EU requires that the organic percentage of the total agricultural ingredients be indicated on the label; US does not.

Additional claims. EU prohibits certain superior quality label claims. US does not prohibit label claims of superior qualities. Both EU and US allow voluntary use of a seal or logo that denotes compliance with the regulation.

Sewage sludge. US prohibit inclusion of non organic ingredients grown using sewage sludge in

products labelled 'made with organic ingredients'. EU does not prohibit this.

Feed. US set requirements for the labelling of organic livestock feed. EU does not address this.

Non-retail containers. Both EU and US contain requirements for the labelling of non-retail containers, although US sets extensive requirements for more types of labels than does EU.

Transitional label. EU contains requirements for the labelling of 'in conversion' or 'transitional' products; US does not provide for such a label.

Listing allowed and prohibited inputs Criteria. EU has less specific and therefore less restrictive evaluation criteria for crop and livestock inputs than does US. EU has no additional evaluation criteria for processing inputs, whereas US includes additional criteria for evaluating processing materials for use in organic products.

Acceptable inputs. EU creates a closed, positive list of acceptable inputs; prohibited materials are not listed. For farm inputs, US lists 'allowed synthetics' and 'prohibited non synthetics', thus allowing use of nonsynthetic (i.e., natural) inputs that tare not specifically prohibited. A determination of whether an input is 'nonsynthetic' or 'synthetic' is necessary
in order to establish whether it may be used as a non listed input. EU allows a broad range of livestock medications; US allows synthetic medications only if they are specifically listed.

Crop inputs. Both EU and US have extensive listings of production inputs whose details are difficult to summarise. Although some highlights of the regulations are presented in the following sections of this summary, a complete understanding of the subject can be obtained only by reference to the full IOAS comparison.

Antibiotics. US allow the use of specific antibiotics to control plant disease; EU does not.

Sodium chloride. EU lists sodium chloride as an acceptable fertiliser. US generally prohibit minerals of high solubility. There are a few exceptions to this prohibition, which are listed with restrictions. Sodium chloride is not among the exceptions.

Sodium nitrate. US allow the use of sodium nitrate for up to 20% of the crop's total nitrogen requirement. EU prohibits use of sodium nitrate.

Trace minerals. US restrict both the chemical form of trace minerals and application methods, and require documentation of soil deficiency by testing. EU allows the use of specific trace minerals if the need for the inputs is recognised by the inspection body or competent authority.

Inert ingredients. US restrict the types of inert ingredients in pesticides used in crop production; EU does not address inert ingredients.

Tobacco sprays. EU allows the use of tobacco sprays for insect control. US prohibit use of tobacco dust.

Pyrethroids. EU allows use of synthetic pyrethroids in insect traps. US prohibit all uses of synthetic pyrethroids in crop production.

Metaldehyde. EU allows use of metaldehyde in slug traps. US prohibit all synthetic mollusc controls.

Soap-based sprays. US allow soap based herbicides for farmstead

maintenance and ornamental crops; EU does not. Soap-based pesticides are allowed by both

Livestock inputs Chlorhexidine. US allow chlorhexidine for surgical procedures and as a teat dip. This input is prohibited by the EU listings.

Cleaning and disinfection products. EU's generalized listing of cleaning and disinfection products, as well as some of its specifically listed products, allows many synthetic inputs that are prohibited by US.

Fish-based feeds. EU allows the use of fish, other marine animals, and their products and by-products as feeds. Fish and fish products are not considered by US to be from organic sources and on that basis are prohibited as animal feeds. ***Inert ingredients.*** US restrict the types of inert ingredients in pesticides used in livestock production. EU does not address inert ingredients.

Parasiticides. US allows only one allopathic parasiticide, ivermectin, with certain restrictions. EU does not limit the types of parasiticides that may be used.

Vaccines. Both authorities allow use of vaccines; however US allows consideration of the use of vaccines made with or from GMOs if they meet all other evaluation criteria (no GMO vaccines are currently approved). EU does not include such an exemption, thus prohibiting GMO vaccines.

Pest control in livestock facilities. EU lists products that may be used for pest and disease control in livestock buildings and installations. US does not address pest control in livestock facilities.

Processing inputs Summary of differences. The following processing inputs are allowed by EU but prohibited by US: activated carbon, agar, argon, carrageenan, casein, egg white albumen, ethanol solvent, gelatine, karaga gum, tragacanth gum, hazelnut shells, isinglass, malic acid, potassium alginate, rice meal, sodium tartrate, talc, and tartaric acid (l(+)-).

The following processing inputs are allowed by US but prohibited by EU: hydrogen peroxide, ozone, potassium acid tartrate, potassium citrate, potassium iodide (nonsynthetic), and sodium citrate.

Volatile solvents. US specifically prohibit synthetic volatile solvents. EU does not, but none are approved on the list of allowed processing inputs. standards & regulations.