

Methods and Materials in OCal Production

1. Purpose

This instruction clarifies whether certain methods and materials are prohibited or permitted under the OCal regulations.

2. Background

The methods and materials addressed in this document were questioned by National Organic Program (NOP) stakeholders and researched, examined and addressed by the NOP.

3. OCal Regulations, Title 3 California Code of Regulations (3 CCR)

3 CCR § 10000. Definitions.

3 CCR § 10105. Allowed and prohibited substances and methods in OCal production.

3 CCR § 10711. Inspection, testing, and reporting.

4. Methods and Materials

Accredited Certifying Agent – Inspection Authority

In order to avoid potential conflicts of interest, OCal will refrain from directing certifiers to conduct compliance inspections of OCal cultivators or distributors who are either not certified or certified by another certifying agent. Similarly, certifying agents will not initiate inspections of operations that are certified by another certifying agent or uncertified operations that have not applied to them for certification.

Aquatic Plant Extracts For Use in Cannabis Production

The use of phosphoric acid and other synthetic acids for pH adjustment of aquatic plant extracts is prohibited under the annotation for aquatic plant extracts at section 205.601(j)(1) of the National List. Use of aquatic plant extract products for organic crop production that contain phosphoric acid or other synthetic acids may constitute the use of a prohibited substance.

Container Systems

The OCal Program permits the certification of container systems as long as the certifying agent determines that the system complies with OCal regulations. Certifiers must evaluate the

compliance of the overall system, including maintaining or improving natural resources, supporting nutrient cycling, promoting ecological balance, and conserving biodiversity. Container system includes container, hydroponic, and other plant pot-based systems, with or without soil as the growing media.

Genetically Modified Organisms

Genetic modification is an excluded method.

Under § 10711 (b) of the OCal regulations, certifying agents may test OCal products when there is reason to believe excluded methods were used in the cultivation or distribution of an OCal product. The OCal regulations do not establish GMO tolerance levels.

If all aspects of the organic production or handling process were followed correctly, then the presence of a detectable residue from a genetically modified organism alone does not constitute a violation of this regulation provided that all requirements in the OCal regulations have been followed.

Humic Acid Extraction – Alkali Materials Allowed

The National List § 205.601(j) (3) does not specify which alkali materials are allowed for extraction of humic acids. Therefore, there is no restriction regarding which alkali materials may be used for extraction.

Humic Acid Extraction – Amount of Synthetic Alkali Material Allowed

Extraction of humic acid with more than the necessary amount of synthetic alkali material (i.e., for the purpose of inflating the nutrient analysis of the product) does not comply with the annotation for humic acid on the National List at § 205.601(j)(3) and is prohibited in OCal cannabis production.

Nanotechnology

No engineered nanomaterial will be allowed for use in OCal production unless the substance has been: 1) petitioned for use; 2) reviewed and recommended by the NOSB; and 3) added to the National List through notice and comment rulemaking.

Synthetic Algicides, Disinfectants, and Sanitizers For Use in Cannabis Production

Substances listed on the National List at § 205.601 (a) may be used only in accordance with the allowances on the National List. The use of an algicide, disinfectant, or sanitizer for a technical or functional effect within a product formulation, when the final product is not labeled

as an algicide, disinfectant or sanitizer, is not consistent with the allowance of materials listed on the National List at § 205.601(a).

5. References

National Organic Program (NOP) Handbook

NOP Policy Memo 10-1 Accredited Certifying Agent Inspection Authority

NOP Policy Memo 11-13 Genetically Modified Organisms

NOP Policy Memo 12-1 Production and Certification of Aquatic Plants

NOP Policy Memo 13-2 Humic Acid Extraction

NOP Policy Memo 13-3 Synthetic Algicides, Disinfectants, and Sanitizers Allowed in Organic Crop Production

NOP Policy Memo 14-1 Aquatic Plant Extracts

NOP Policy Memo 15-2 Nanotechnology