

Section 5

Inspection Requirements & Precautionary Measures

5.0 Contents Page

This section explains the minimum inspection requirements and precautionary measures and the penalties for infringements to which all operators are subject. The legislation is specified in the Commission Regulation (EC) 2092/91 Annex III (as amended) and in the Defra Compendium of UK Organic Standards.

Reference is made to 'the inspection body' throughout this section. For OF&G operators, the inspection body is Organic Farmers & Growers Ltd.

Where legislation has been included in the text, it has, in some cases, been paraphrased for clarity. However, references are given where the reader may prefer to check the original. (Links to relevant legislation are given on both the OF&G and Defra websites. Hard copies are available from Her Majesty's Stationery Office HMSO)

Important note: The organic regulations are in addition to statutory legislation, they do not replace it.

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5.1 Details of Enterprises that must be Inspected & Certified

5.1.01	In the UK, anyone who produces, prepares, stores or imports from a third country, organically-produced products for the purpose of marketing them, must first be inspected and certified by a Defra approved organic certification body.
5.1.02	Where any of these activities is contracted out to a third party, both the operator and the sub-contractor must be inspected and certified as above.
5.1.03	<p>Agricultural production must be inspected. This includes arable and horticultural crops, livestock, wild crafted products.</p> <p>Note 1 - Where there is parallel production (i.e. where one operator manages both organic and conventional crop production, or both organic and conventional livestock production), the conventional production units, including farm input storage facilities and livestock records, must also be inspected.</p> <p>Note 2 - Where detailed production rules for certain animal species, are not laid down in Annex 1 of the Compendium, the rules given in sections 4 and 5 (labelling and inspection requirements) of this Manual shall apply, with the exception of aquaculture and aquaculture products, (for which Defra-approved private standards exist).</p>
5.1.04	<p>Food, feed or seed processing, preparation, storage, transportation and importing enterprises must be inspected. These include:</p> <ul style="list-style-type: none"> i) Slaughter of livestock; ii) Food preparation and packing (out of sight of the final consumer), including on-farm processing enterprises such as cheese making and butchery; iii) Bulk transport of products where the product changes its contact container; iv) Cleaning and storage of crops in bulk; v) Re-packing or re-labelling of products at any stage of the distribution chain; vi) Preparing (for sale) animal feeds containing organic products; vii) Preparing (for sale) non-organic animal feeds intended for organic livestock. (This is not a statutory requirement but the UK certification bodies require that all such mills and products be certified); viii) Cleaning, mixing and packing organically produced seeds; ix) Storage and wholesaling (from 1st July 2005); x) Storage, transport and distribution of products in sealed and labelled containers or in their final consumer packaging (from 1st July 2005); xi) Importing organic plant and animal products from countries outside the European Union, known as third countries (both the Importer and First Consignee must be certified). (Inspection is however required when importing from EU countries, if one or more of the operations detailed in i) to x) above, takes place before the goods are sold.) <p>Note: See section 5.5 for on-farm processing enterprises</p>
5.1.05	<p><u>The following enterprises are not currently subject to the statutory inspection and certification programme, but may be included on a voluntary basis.</u> (The operator may wish to do this for marketing purposes.)</p> <ul style="list-style-type: none"> i) Retail sale of products which have been purchased in their final sealed and labelled consumer packaging, or which are repacked from the original sealed containers in sight of the customer;

5.1 Details of enterprises that must be inspected & certified - continued

5.1.05 cont	<ul style="list-style-type: none"> ii) Storage & wholesaling (before 1st July 2005); iii) Storage, transport and distribution of products in sealed and labelled containers or in their final consumer packaging (before 1st July 2005); iv) Non-food farm inputs eg fertilisers and soil conditioners; v) Pet food or feed for zoological and fur-bearing animals (i.e. animals not in the human food chain); vi) Non-agricultural products eg salt, water; vii) Non-food products eg cosmetics, textiles.
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5.2 Minimum Inspection Requirements and Precautionary Measures

The following is a summary of the inspection requirements detailed in Annex III of the Defra Compendium of Organic Standards. (Specific requirements for each type of operation are given in the relevant sections of this manual.)

5.2.01	<p>Information: Prior to the first inspection, the operator must draw up:-</p> <ul style="list-style-type: none"> i) A full description of the unit and/or premises and/or activity; ii) Details of the practical measures to be taken to ensure compliance with the organic regulation.
5.2.02	<p>Declaration: The operator must then sign a Declaration, confirming that i) and ii) above are correct and undertaking to comply with the OF&G Standards and accept, in the event of any non-compliance, penalties as detailed in section 5.3.</p>
5.2.03	<p>Changes: The operator must notify the inspection body, in due time, of any changes in the description, ownership or management of the unit or changes in any practical measures taken.</p>
5.2.04	<p>Annual Inspection: The inspection body must make a full physical inspection following application and then at least once a year of the production/preparation units or other premises. An inspection report must be drawn up after each visit, identifying any deficiencies or non-compliances with the provisions of the Compendium. The Declaration and information given in the application form must be verified during this inspection. The operator must countersign the report and take any necessary corrective measures.</p>
5.2.05	<p>Spot Inspections: The inspection body shall also carry out random inspection visits, announced or not, ('spot' inspections), particularly to those units where specific risk to organic integrity exists.</p>
5.2.06	<p>Samples: Samples <u>may</u> be taken, on a random basis, to check for contamination by unauthorised products or to check for unauthorised production techniques. However, they <u>must</u> be taken and analysed where the use of unauthorised products is suspected.</p>
5.2.07	<p>Traceability: Traceability of meat is required from unit of production through to sale to final customer, so inspections must be carried out at all stages including slaughter, cutting and any other preparation.</p> <p>For non-meat livestock products (eg eggs, milk) traceability needs to be ensured as far as is technically possible.</p> <p>In any event, the inspection measures should ensure that traceability is adequate to be able to prove that organic products have been produced in accordance with the provisions of the Compendium.</p>

5.2 Minimum inspection requirements and precautionary measures-continued

5.2.08	<u>Records:</u> Stock and financial records must be kept and made available at the inspection – see section 6 (for producers) and section 11.8 (for processors) of this Manual
5.2.09	<u>Packing & Labelling:</u> Products must be appropriately packaged and labelled to ensure traceability and prevent substitution of contents – see sections 4 (labelling) and 11.5, 11.8 and 11.11 (packing and documentation) of this Manual.
5.2.10	<u>Transport and Storage:</u> Storage and transportation of organic products must be carried out in such a way that the organic integrity of the products is not compromised at any time. See sections 7.17. (crops), 8.6 (livestock) and 11.5.08 to 11.5.20 (processing) of this manual for more specific information.
5.2.11	<u>Segregation and prevention of contamination:</u> Organic livestock, produce and products must be kept separate from non-approved products at all times and controls must be in place to prevent contamination by any kind of non-approved substance, including pest control and cleaning chemicals.
5.2.12	<u>Access to Facilities:</u> The operator must give the inspection body, for inspection purposes, access to all parts of the unit and all premises as well as to the accounts and relevant supporting documents. He/she must provide the inspection body with any information deemed necessary for the purposes of the inspection. At the request of the inspection body, the operator shall submit results of his/her own sampling and testing programmes.
5.2.13	<u>Importing:</u> Importers and first consignees must submit details of any import authorisations and certificates of inspection for import of organic products from third countries.
5.2.14	<i><u>Wild Crafting:</u> The operator and the facilities shall be inspected at least once per year and be subjected to the same inspection procedures as any other party. The inspection shall include:-</i> <i>i) Interviews with the collectors;</i> <i>ii) Visit to an appropriate proportion of the certified area;</i> <i>iii) Visits to and interviews of any middlemen;</i> <i>iv) The gathering of relevant information about the area of collection from interviews of landowners and other parties such as environmental agencies, NGOs, etc.</i>
5.2.15	<u>Confidentiality/Exchange of information:</u> Where an operator and his/her sub-contractor/s are inspected by different inspection bodies, the Declaration referred to above, must include an agreement by the operator, on behalf of him/herself and the subcontractor/s, that the inspection bodies may exchange information about these operations and on the way this exchange of information can be implemented.
5.2.16	<u>The following is a summary of the inspection requirements detailed in Provision 9 of section 1 of the Defra Compendium of Organic Standards which are in addition to those detailed above.</u> Defra shall ensure that an updated list containing the names and addresses of operators subject to the inspection systems is made available to interested parties. Any operator who complies with the provisions of these Standards and pays his contribution to inspection expenses shall have access to the inspection system. Defra-approved inspection bodies shall: i) Ensure that at least the inspection measures and precautions specified in Annex III are applied to undertakings subject to their inspection;

5.2 Minimum inspection requirements and precautionary measures-continued

5.2.16	<ul style="list-style-type: none"> ii) Not disclose information and data they obtain in their inspection activity to persons other than the person responsible for the undertaking concerned and DEFRA. However, upon request, duly justified by the necessity to guarantee that the products have been produced in accordance with this Regulation, they shall exchange with other inspection authorities or approved inspection bodies, relevant information on the results of their inspection. They may also exchange the above-mentioned information on their own initiative; iii) Give Defra for inspection purposes, access to their offices and facilities, together with any information and assistance deemed necessary by Defra for the fulfilment of its obligations pursuant to these standards; iv) Send to Defra by 31 January each year, a list of operators subject to their inspection on 31 December of the previous year and present to Defra a concise annual report in a form specified by Defra v) Ensure that where an irregularity is found, the affected batch or lot is not marketed with any indication that it has been organically-produced; vi) Where a manifest infringement, or an infringement with prolonged effects is found, prohibit the operator to market products with any indication that they have been organically-produced, for a period to be agreed with Defra.
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5.3 Penalties for Infringements of these Standards

5.3.01	(Annex III 3.3) Applicants, Approved Producers and those in the process of conversion to organic production must give to the approved Body a signed undertaking to carry out operations in accordance with these Standards, with particular reference to the labelling requirements (given in section 4 of this Manual), and to accept in the event of infringements enforcement of measures referred to below.
5.3.02	<p>(Provision 9.9) The inspection bodies shall:</p> <ul style="list-style-type: none"> i) Ensure that, where an irregularity is found regarding the implementation of the measures referred to in this Control Manual, the indications provided for in section 4 referring to the organic production method are removed from the entire lot or production run affected by the irregularity concerned; ii) Where a manifest infringement, or an infringement with prolonged effects is found, prohibit the operator concerned from marketing products with indications referring to the organic production method for a period to be agreed with DEFRA; iii) <i>Where a non-compliance is found, which does not directly affect the integrity of the organic products, the operator shall correct the non-compliance at the direction of the OF&G Certification Officer.</i>
5.3.03	<i>For a definition of Non-compliance, Irregularity and Manifest Infringement, refer to the Definitions in section 2 of this Manual.</i>
5.3.04	(Annex III 9.1) Where an operator considers or suspects that a product which he has produced, prepared, imported or had delivered from another operator, is not in compliance with these Standards, he shall initiate procedures either to withdraw from this product any reference to the organic production method or to separate and identify the product. He may only put it into processing or packaging or on the market after elimination of that

5.3 Penalties for Infringements of these Standards - continued

	doubt, unless it is placed on the market without indication referring to the organic production method. In case of such doubt, the operator shall immediately inform the inspection body. The inspection body may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.
5.3.05	(Annex III 9.2) Where an inspection body or authority has a substantiated suspicion that an operator intends to place on the market a product not in compliance with this Control Manual but bearing a reference to the organic production method, this inspection body or authority can require that the operator may provisionally not market the product with this reference. This decision shall be supplemented by the obligation to withdraw from this product any reference to the organic production method if the certification body is sure that the product does not fulfil the requirements of this Regulation. However if the suspicion is not confirmed, the above decision shall be cancelled not later than the time period specified by the inspection body. The operator shall cooperate fully with the certification body in resolving the suspicion.

5.4 Use of Sub-Contractors

5.4.01	<p>(Annex III D 1.1) With regard to the operations, which are contracted out to third parties, the full description (referred to in section 5.2.01 of these standards) of the general provisions shall include:</p> <ul style="list-style-type: none"> i) A list of the sub-contractors with a description of their activities and the inspection bodies or authorities to which they are subject. These sub-contractors must have agreed to their holding being subject to an inspection regime in accordance with the relevant parts of this section; ii) All the practical measures, including inter alia an appropriate system of documentary accounts, to be taken at the level of the unit to ensure that the products the operator places on the market can be traced to their suppliers, and, where different, their sellers, as well as to their consignees and, where different, their buyers.
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5.5 Inclusion of On-farm Processing on a Producer Licence

5.5.01	<p>(Annex IIIA) Processing, packaging and/or marketing may take place at the production unit, where these activities are limited to its own agricultural produce.</p> <p><i>This allows Simple Processing (see section 2.1.44) of own produce to be inspected by a producer inspector and to be included on the producer licence.</i></p>
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5.5 Inclusion of On-Farm Processing on a Producer Licence - continued

5.5.02	<p><i>Processing, packing or marketing enterprises can be inspected by a producer inspector & included on the producer licence as long as:-</i></p> <ul style="list-style-type: none"> <i>i) the activities take place on the farm</i> <i>ii) the processing or packing is limited to the farm's own agricultural produce with a maximum of 10% of bought-in ingredients (organic or non-organic) required to process the farm's products;</i> <i>iii) any processing done is simple (see section 2.1.44).</i> <p><i>If any of the above is <u>not</u> valid, a separate licence is required.</i></p> <p><i>If the process is complex, even though it takes place on the farm, an Inspector with specific processing training must be used.</i></p>
5.5.03	<p>OF&G is responsible for:</p> <ul style="list-style-type: none"> i) Evaluating the operation to be inspected and deploying an appropriately qualified inspector; ii) In the event that it is uncertain which level of inspection is required, the precautionary principle should be applied and the higher level of inspector deployed; iii) Ensuring that all processor inspection reports, including Simple, are reviewed by a Certification Officer with processing qualifications or a Certification Committee that includes personnel with processing qualifications.

5.6 Avoidance of Genetically Modified Organisms

5.6.01	<p><i>This sub-section details the requirements for the exclusion of genetically modified organisms and their derivatives from the production and processing of organic products. Refer to the Definitions in section 2 of this Manual for the definition of a genetically modified organism.</i></p>
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General Principles

5.6.02	<p>(Article 6 1.d) Genetically modified organisms and/or any product derived from such organisms, must not be used with the exception of veterinary medicinal products (<i>where no alternative non-gm product is available</i>).</p>
5.6.03	<p>Operators must take all reasonable measures and exert all due diligence to prevent any such use in organic systems during production, processing, storage and transport. See relevant sections of this manual, especially the following sections for additional information on GMOs: 7.4 and 7.13 re GMOs in crop production; 8.1, 8.4 and 8.5 re GMOs in Livestock Production; 10.2 and 11.3 re GMOs in Processed Foods.</p> <p>OF&G expects there to be no GM contamination, adventitious or intentional, of any organic or part organic product. We require suppliers to exert all due diligence and take all reasonable precautions to ensure this.</p> <p>Where appropriate the due diligence must include testing for GMOs or their derivatives to the 0.1% level. The frequency of testing must be appropriate to the risk. Any material containing GMOs or their derivatives above the 0.1% level, (effectively the limit of detection) would be unacceptable for use in organic production systems.</p>

5.6 Avoidance of Genetically Modified Organisms - continued

5.6.03 cont	<p>Any material found to contain GMOs or their derivatives above the 0.1% level but below the 0.9% level, should be removed from the organic production unit at the supplier's expense. Livestock that have been fed this material, or products from livestock that have been fed this material (e.g. milk, meat or eggs), will not automatically lose their organic status. This will be reviewed on a case by case basis.</p> <p>Any material found to contain GMOs or their derivatives at or above the 0.9% level must be removed from the organic production unit, at the supplier's expense.</p> <p>Livestock that have been fed this material, or products from livestock that have been fed this material (e.g. milk, meat or eggs), will lose their organic status. In addition all affected products must be re-labelled to show their GM status, as per statutory legislation.</p>
5.6.04	<p>OF&G reserves the right, in cases of concern, to analyse samples of organic products for genetically modified material. Where this shows that deliberate use of GMOs or derivatives has occurred or that due diligence has not been observed, the cost of analysis shall be borne by the operator.</p>
5.6.05	<p>Organic certification may be withdrawn from specific crops or products where, following an evaluation, and where appropriate, analysis, the certification body considers that GMOs or their derivatives have been used.</p>

Evaluation of risk of GM contamination at farm level

5.6.06	<p><i>OF&G inspectors check, at each inspection, if there are proposed or actual production sites of GM crops within a 3 kilometre radius of registered holdings. OF&G may also become aware of this situation by reports from its operators or others. The following procedure is then used to evaluate the risk to the organic status of the holding:</i></p> <ul style="list-style-type: none"> <i>i) The risk to the organic crops, based on the likelihood of pollen travel from the GM crops and the circumstances of each location;</i> <i>ii) Where necessary a further inspection will be arranged to evaluate the risk on site;</i> <i>iii) The inspector will produce a report recording the geographic and climatic conditions, the organic and GM crops, the weed populations, flowering times and any other relevant factors and make recommendations concerning the risk to the organic crops;</i> <i>iv) The report will be considered by the OF&G Certification Committee, which may require an analysis of the organic crops before or after harvest;</i> <i>v) The operator will be informed of the decision and any actions required.</i>
5.6.07	<p><i>Partnership Programme - An assessment of all registered farms within a six-mile radius of these sites will be done, using the procedure in section 5.6.06.</i></p>