intending to sell, label, or represent agri-
cultural products as “100 percent or-
ganic,” “organic,” or “made with or-
ganic (specified ingredients or food
group(s))” must develop an organic
production or handling system plan
that is agreed to by the producer or
handler and an accredited certifying
agent. An organic system plan must
meet the requirements set forth in this
section for organic production or han-
dling. An organic production or han-
dling system plan must include:

1. A description of practices and pro-
cedures to be performed and main-
tained, including the frequency with
which they will be performed;

2. A list of each substance to be used
as a production or handling input, indi-
cating its composition, source, location(s)
where it will be used, and document-
tion of commercial availability, as applicable;

3. A description of the monitoring
practices and procedures to be per-
curred and maintained, including the
frequency with which they will be per-
curred, to verify that the plan is effec-
tively implemented;

4. A description of the recordkeeping
system implemented to comply with
the requirements established in
§205.103;

5. A description of the management
practices and physical barriers estab-
lushed to prevent commingling of or-
ganic and nonorganic products on a
split operation and to prevent contact
of organic production and handling op-
erations and products with prohibited
substances; and

6. Additional information deemed
necessary by the certifying agent to
evaluate compliance with the regula-
tions.

(b) A producer may substitute a plan
prepared to meet the requirements of
another Federal, State, or local gov-
ernment regulatory program for the or-
ganic system plan: Provided. That, the
submitted plan meets all the require-
ments of this subpart.

§205.202 Land requirements.

Any field or farm parcel from which
harvested crops are intended to be sold,
labeled, or represented as “organic,”
must:

(a) Have been managed in accordance
with the provisions of §§205.203 through
205.206;

(b) Have had no prohibited sub-
stances, as listed in §205.105, applied to
it for a period of 3 years immediately
preceding harvest of the crop; and

(c) Have distinct, defined boundaries
and buffer zones such as runoff diver-
sions to prevent the unintended appli-
cation of a prohibited substance to the
crop or contact with a prohibited sub-
stance applied to adjoining land that is
not under organic management.

§205.203 Soil fertility and crop nutri-
ent management practice standard.

(a) The producer must select and im-
plement tillage and cultivation prac-
tices that maintain or improve the
physical, chemical, and biological con-
dition of soil and minimize soil ero-
sion.

(b) The producer must manage crop
nutrients and soil fertility through ro-
tations, cover crops, and the applica-
tion of plant and animal materials.

(c) The producer must manage plant
and animal materials to maintain or
improve soil organic matter content in
a manner that does not contribute to
contamination of crops, soil, or water
by plant nutrients, pathogenic organ-
isms, heavy metals, or residues of pro-
hibited substances. Animal and plant
materials include:

1. Raw animal manure, which must
be composted unless it is:

(i) Applied to land used for a crop not
intended for human consumption;

(ii) Incorporated into the soil not less
than 120 days prior to the harvest of a
product whose edible portion has direct
contact with the soil surface or soil
particles; or

(iii) Incorporated into the soil not
less than 90 days prior to the harvest of
a product whose edible portion does not
have direct contact with the soil sur-
face or soil particles;

2. Composted plant and animal ma-
terials produced through a process that:

(i) Established an initial C:N ratio of
between 25:1 and 40:1; and

(ii) Maintained a temperature of be-
tween 131 °F and 170 °F for 3 days using
an in-vessel or static aerated pile sys-
tem; or
(iii) Maintained a temperature of between 131 °F and 170 °F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times.

(3) Uncomposted plant materials.

(d) A producer may manage crop nutrients and soil fertility to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances by applying:

(1) A crop nutrient or soil amendment included on the National List of synthetic substances allowed for use in organic crop production;

(2) A mined substance of low solubility;

(3) A mined substance of high solubility: Provided, That, the substance is used in compliance with the conditions established on the National List of nonsynthetic materials prohibited for crop production;

(4) Ash obtained from the burning of a plant or animal material, except as prohibited in paragraph (e) of this section: Provided, That, the material burned has not been treated or combined with a prohibited substance or the ash is not included on the National List of nonsynthetic substances prohibited for use in organic crop production; and

(5) A plant or animal material that has been chemically altered by a manufacturing process: Provided, That, the material is included on the National List of synthetic substances allowed for use in organic crop production established in §205.601.

(e) The producer must not use:

(1) Any fertilizer or composted plant and animal material that contains a synthetic substance not included on the National List of synthetic substances allowed for use in organic crop production;

(2) Sewage sludge (biosolids) as defined in 40 CFR part 503; and (3) Burning as a means of disposal for crop residues produced on the operation: Except, That, burning may be used to suppress the spread of disease or to stimulate seed germination.

§205.204 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;

(2) Nonorganically produced seeds and planting stock that have been treated with a substance included on the National List of synthetic substances allowed for use in organic crop production may be used to produce an organic crop when an equivalent organically produced or untreated variety is not commercially available;

(3) Nonorganically produced annual seedlings may be used to produce an organic crop when a temporary variance has been granted in accordance with §205.290(a)(2);

(4) 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; and

(5) Seeds, annual seedlings, and planting stock treated with prohibited substances may be used to produce an organic crop when the application of the materials is a requirement of Federal or State phytosanitary regulations.

(b) [Reserved]

§205.205 Crop rotation practice standard.

The producer must implement a crop rotation including but not limited to sod, cover crops, green manure crops, and catch crops that provide the following functions that are applicable to the operation:

(a) Maintain or improve soil organic matter content;

(b) Provide for pest management in annual and perennial crops;

(c) Manage deficient or excess plant nutrients; and

(d) Provide erosion control.