



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0201 – Room 3071-S
1400 Independence Avenue, SW.
Washington, D.C. 20250-0201

TO: All USDA Certifying Agents

FROM: Barbara C. Robinson, Acting Director
National Organic Program

SUBJECT: Input Approval under NOP Regulations: **Liquid Nitrogen Fertilizers**

DATE: February 20, 2009

This notice is to inform you that the National Organic Program (NOP) is no longer confident that the following liquid fertilizer products can be shown to be compliant with the NOP regulations: Marizyme™ and Agrolizer™. Both of these products were manufactured by Port Organic, Ltd., which is not operating at the present time.

The USDA Office of Inspector General (OIG) is currently investigating Port Organic, Ltd. Your clients should be aware that continued use of Marizyme™ and Agrolizer™ and products made from these materials puts their operations at considerable risk. You are advised to notify your clients of this immediately.

Further, the NOP cautions vigilance in the approval of all liquid fertilizer products and other inputs. We are taking the following steps to support certifying agents, with whom final responsibility for approval of all organic inputs remains. These steps are effective for all ACAs—not just domestically-operating agents—as well as all NOP-certified operations globally.

- Effective with this notice, continued use of the products Marizyme™ and Agrolizer™ without the ability to prove they are in full compliance (see approval criteria below) with the NOP standards could jeopardize the organic status of operations, including land and products, once the outcome of the OIG investigation is concluded.
- By October 1, 2009, approval of all high nitrogen liquid fertilizers (nitrogen analysis greater than 3 percent) must be accompanied by documentation that demonstrates their compliance with the NOP regulations, based upon a 3rd party inspection that meets the criteria below. If such documentation is not provided, ACAs must immediately rescind approval for the use of these materials by certified organic operations.
- By October 1, 2009, NOP will require all 3rd party reviewers to implement a system of audit and inspection for branded products they deem compliant with the NOP regulations as a condition of recognition as a 3rd party reviewer by the NOP. Inspections must include but not be limited to high risk inputs such as liquid fertilizers and other inputs where synthetic substitutes are readily available and have the potential to be concealed.
- NOP will also require all 3rd party reviewers to undergo audits by NOP as a condition of ongoing recognition as a 3rd party reviewer for materials by the NOP.

- NOP will focus increased scrutiny on how inputs are approved for use by certified organic operations during accreditation audits of ACAs conducted beginning in 2009, beginning with an emphasis on liquid nitrogen fertilizers.

Approval Criteria for Fertilizer Manufacturers:

No later than October 1, fertilizer manufacturers must show the following documentation from a 3rd party evaluation:

- No evidence of fraud in formulation, including verifying the presence of all necessary infrastructure to produce the approved finished product. This includes: dry and liquid storage, all necessary conveyance (forklifts, trucks, piping, etc), finished product storage, and both the ingredient and finished product transportation infrastructure.
- Verification of no synthetic nitrogen equipment, tanks, or supplies within 100 yards of the facility that produces the organic approved inputs at any time of the year; and
- Verification that a successful audit was conducted comparing incoming materials with outgoing finished products and complete, detailed explanations for any deviations.

The NOP also takes this opportunity to remind producers and certifying agents of their responsibilities under the NOP soil fertility and crop nutrient management practice standard §205.203:

- Producers must select and implement practices to maintain and improve the condition of soil and minimize soil erosion.
- Further, producers must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal materials.
- Finally, producers must manage plant and animal materials to maintain or improve soil organic matter content. The management of plant and animal materials must be done in a manner that does not contribute to contamination of crops, soil or water.

**Clarification of February 20, 2009, letter (above) to All USDA Certifying Agents
Subject: Input Approval under NOP Regulations: Liquid Nitrogen Fertilizers**

1. The deadline of “not later than October 1st, 2009” for compliance with these requirements, refers to the need for fertilizer producers to obtain third-party verification of their ingredients. We expect compliance of inputs with the NOP regulations to be effective IMMEDIATELY by all certified operations and verified by ACAs. The continued use of high nitrogen liquid fertilizers that cannot be demonstrated to be in compliance (using the criteria set forth in the February 20, 2009, letter) with the NOP regulations may risk the certification of operations, land, and products harvested from such operations.
2. In the letter above, dated February 20, 2009, the requirements for third-party inspections of fertilizer manufacturers are intended for fertilizers with nitrogen analysis content greater than 3 percent. Manufacturers who do NOT produce liquid fertilizers with nitrogen analysis content greater than 3 percent are not required to undergo third-party inspections, at this time.

March 4, 2009