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IOAS Official Notice 2017_02

March 2017

Permitted pest control products in organic agriculture

Applicability: Equivalence to (EC) 834 /2007

References: 834.12

Applicable immediately

The EU Regulation on organic farming (EC) 834/2007 and its implementing regulation (EC) 889/2008 make clear that controlling pests, disease and weeds at farm level should primarily be achieved by cultural methods but that certain plant protection products may be used when these approaches prove insufficient. Relevant references are as follows:

834.12.1

g) the prevention of damage caused by pests, diseases and weeds shall rely primarily on the protection by natural enemies, the choice of species and varieties, crop rotation, cultivation techniques and thermal processes;

h) in the case of an established threat to a crop, plant protection products may only be used if they have been authorised for use in organic production under Article 16;

889.5

1. Where plants cannot be adequately protected from pests and diseases by measures provided for in Article 12 (1)(a), (b), (c) and (g) of Regulation (EC) No 834/2007, only products referred to in Annex II to this Regulation may be used in organic production. Operators shall keep documentary evidence of the need to use the product.

Annex II of Regulation (EC) No 889/2008 provides a limited list of permitted products that may be used in pest control which in some cases are further limited in their use. The header to the table of products makes reference to general legislation (applicable to conventional agriculture) as follows:

All the substances listed in this Annex have to comply at least with the conditions for use as specified in the Annex to Commission Implementing Regulation (EU) No 540/2011. More restrictive conditions for use for organic production are specified in the second column of each table.

During 2016 the Commission have made clear that 'equivalent' production standards used in third countries may, with justification, diverge from the list in Annex II, but only as long as the products are approved for use within Europe for 'conventional' agriculture and with appropriate restrictions. No product may be approved for use in an organic production standard used by an equivalent control body if the product does not at least appear in the list presented in Regulation (EU) No 540/2011 or as it is more easily referenced in the on-line EU Pesticides database found at <http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN>

What has not been commonly understood is that this may well impact upon current 'equivalent' production standards used by control bodies and require urgent review of those standards to ensure equivalence or compliance. A few examples best illustrate the issue:

1. Plant oils – all uses authorised except herbicide – it may have been assumed that any plant based oil is permitted for use but by searching in the EU Pesticides database referred to above, it is clear that only 4 plant oils (citronella, clove, spearmint and rapeseed) are currently approved for use in conventional agriculture. Consequently, no other plant oils may be permitted by equivalent organic standards.
2. Micro-organisms – not from GMO origin – once more it may have been assumed by control bodies that as long as a micro-organism is not produced using GM technology, it may be used. However, the EU Pesticides database provides a limited list for use in conventional agriculture which means that only these micro-organisms may be permitted by equivalent organic standards.
3. Paraffin oil – searching the EU Pesticides database it becomes clear that only certain types of paraffin oil (defined by their CAS number - a unique numerical identifier assigned by Chemical Abstracts Service to every chemical substance described in the open scientific literature) are permitted for use in European conventional agriculture. Consequently, only those same paraffin oils may be permitted in equivalent organic standards.

On the other hand, if a pest control product is listed in the EU Pesticides database, the Commission may be open to arguments from control bodies that an equivalent standard may permit such a product. Reference to the *Codex Guidelines for the production, processing, labelling and marketing of organically produced foods* (GL32) may assist in such discussions.

Equivalent and applicant control bodies are encouraged to review and clarify their permitted list of pest control products for operators in their EU equivalent schemes to ensure alignment. IOAS surveillance during 2017 will pay attention to this topic.

If you have any questions related to this official notice that are within the scope of IOAS supervision, please contact your Client Manager.

March 13, 2017