

# The new organic regulation - How to produce organic food in a polluted world?

## Management of pesticides residues in organic products/farming.

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# IFOAM OE Sector Project

- IFOAM Organics Europe's [Pesticide Use & Contamination project](#) closed December 2022.
- Activities on the management of residues continued in 2023.
- Main objective of the project: to agree on a common approach of the organic sector and movement on how to deal with pesticide residue findings before 2025, when the Commission will issue the report on implementation and a possible legislative proposal for harmonisation.

# Project objectives

- **Understanding the level of pesticide presence and contamination affecting food and farming sector**, with a focus on organic, and the environment;
- understanding how competent authorities, control bodies & authorities, and organic operators are dealing with pesticide presence and contamination;
- **reaching a fair and harmonised legislative framework for the organic agri-food sector with harmonised procedures** for operators, control bodies & authorities in case of residue findings;
- **better integration of the IFOAM principles of organic farming into EU legislative frameworks** (Regulation (EC) No 1107/2009 on Plant Protection Products) and stronger coherency of indicators in the framework of the application of the Sustainable Use of Pesticides Directive (SUD) 2009/128/EC.

# IFOAM OE Position Paper

- As final outcome of the project, IFOAM Organics Europe's **Position Paper is published now** based on the outcomes of the project and on a broad internal consultation processes with our membership.
- The Position Paper represents **a milestone and a guide** that was expected from many organic stakeholders both in and outside the EU.
- With this position paper we aim to make it widely recognized that organic production is performed in a contaminated world with the omnipresence of pesticides having all its adverse consequences as well as we propose a **harmonized approach to the management of residue cases under the relevant rules set by the EU Organic Regulation by operators and by control bodies/authorities.**

# Context of the Position Paper

## Omnipresence of pesticides in Europe and worldwide

- Organic production does not allow the use of synthetic pesticides, artificial fertilizers or any herbicides. However, their widespread use by conventional farmers creates an omnipresent risk of contamination in the whole food supply chain
- Pesticides are used for a wide range of purposes: in conventional agricultural production, to protect harvested crops, in hobby gardens, public parks, forestry, road and railway maintenance, to preserve industrial products, or even for human and veterinary medicine. More than 333 000 tonnes of pesticides are sold in the EU every year. However, a significant proportion of this huge amount turns up somewhere in the environment far from the point of application. Consequently, pesticide residues in organic products may have many sources other than the obvious ones.

# Context of the Position Paper

## Organic operators face constant threat of contamination and limitation to their freedom of business

- According to a survey carried out by the EOCC (European Organic Certifiers' Council), in a significant proportion (**43%**) of the recent residue cases identified by CB/**CAs the contamination was found to originate from the environment:**
  - 18% from spray drift and
  - 8% from contact with contaminated soil or water in the field (unavoidable and outside the farmer's responsibility)
  - 17% from post-harvest contamination transferred by contaminated machinery or equipment (which would be avoidable by taking appropriate precautionary measures).

# Context of the Position Paper

## New Organic Regulation

- EU Organic Regulation 2018/848 applicable since 1 January 2022 - new rules entered into force, also regarding the handling of pesticide residues.
- *Art. 28 & 29 of Regulation (EU) 2018/848* specify the measures and steps for operators as well as for CB/CAs in the case of the presence of non-allowed substances on organic products.
- The final legal text was reached as a compromise between Commission, European Parliament and Council ,which led to the inclusion of Art 29(4).
  - *By 31 December 2025, the Commission shall present a report to the European Parliament and the Council on the implementation of this Article, on the presence of products and substances not authorised pursuant to the first subparagraph of Article 9(3) for use in organic production and on the assessment of the national rules referred to in paragraph 5 of this Article. That report may be accompanied, where appropriate, by a legislative proposal for further harmonisation.*

# Position on the implementation of the current Regulation

## Current situation/practice for operators & CBs/CAs

- EU Regulation 2018/848 demands for
- actions concerning suspicion of non-compliance in Article 27
- precautionary measures to avoid the presence of non-authorized products and substances under their control, proportionate and appropriate to their activities
- handling of (possible) suspicions based on presence of non-authorized products and substances.

Since many years the handling of organic products contaminated with pesticides or other non-authorized substances has been highly diverse within Europe.

As it is stated in the new regulation, not every presence of non-authorized substances detected by operators automatically leads to an investigation by CBs and CAs because not all of them is automatically a substantiated suspicion.

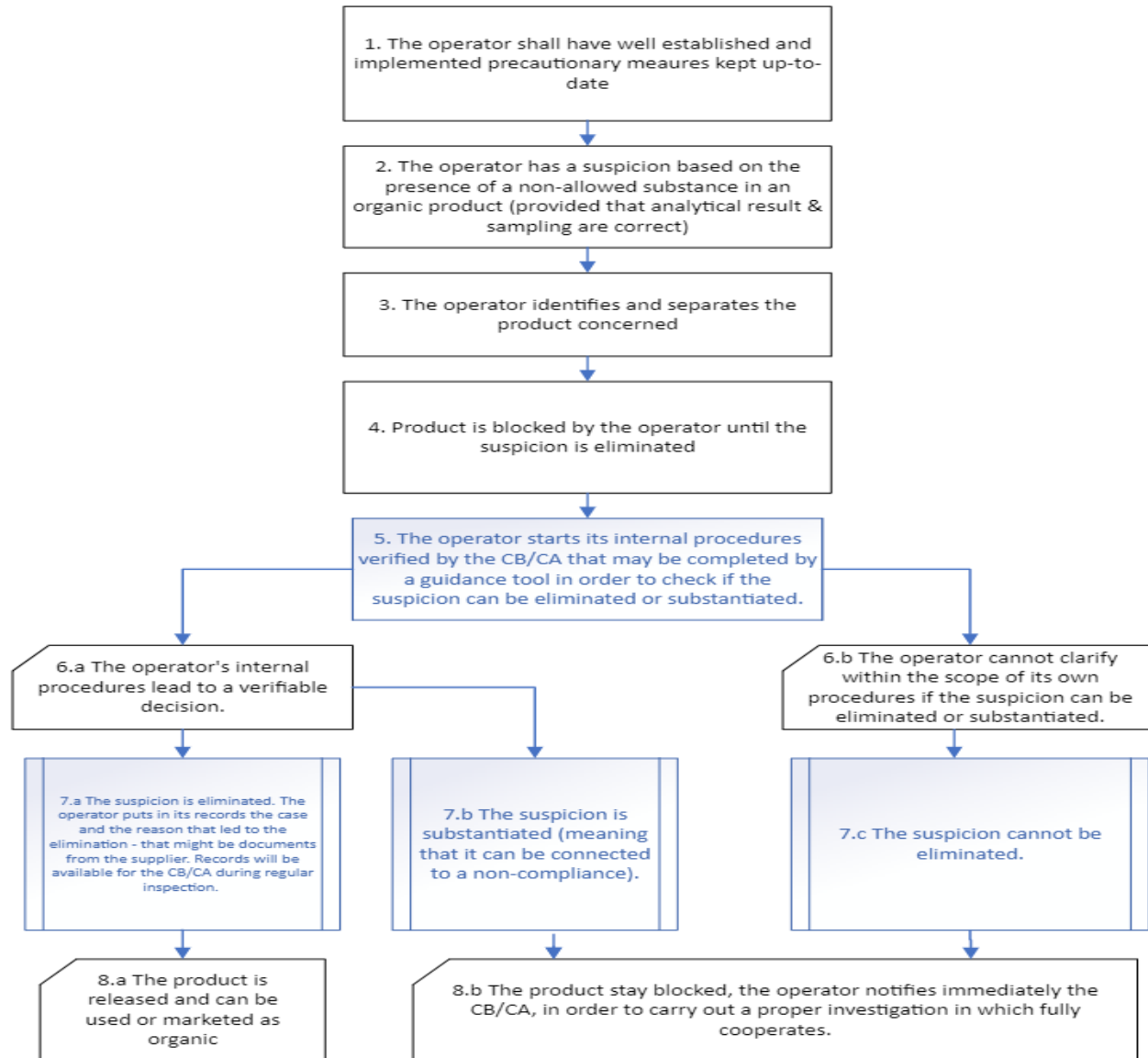




# Position on the implementation of the current Regulation


## Principles of the management of residue findings

Procedures to be followed by the operator (Articles 27 & 28)



# Principles proposed

- Operators have the task to conduct their own checks before a substantiated suspicion is established.
- This internal assessment should be guided by the operator's own internal procedures verified by the CB/CAs and might be complemented by a guidance tool based on experiences with other investigations and scientific results.
- In the course of the assessment the operator is entitled to collect all necessary information from suppliers.
- The operator shall notify the presence to the CB/CA if there is a substantiated suspicion or if the suspicion cannot be eliminated.
- If the suspicion can be eliminated, the operator documents the results and the reason for the conclusion and the product can be used or marketed as organic. It is the task of the CB/CA to verify during the regular controls if the case is adequately documented and the suspicion has been eliminated on valid grounds.



Examples of items to consider where the operators might withdraw the suspicion when the case and the circumstances are well documented:

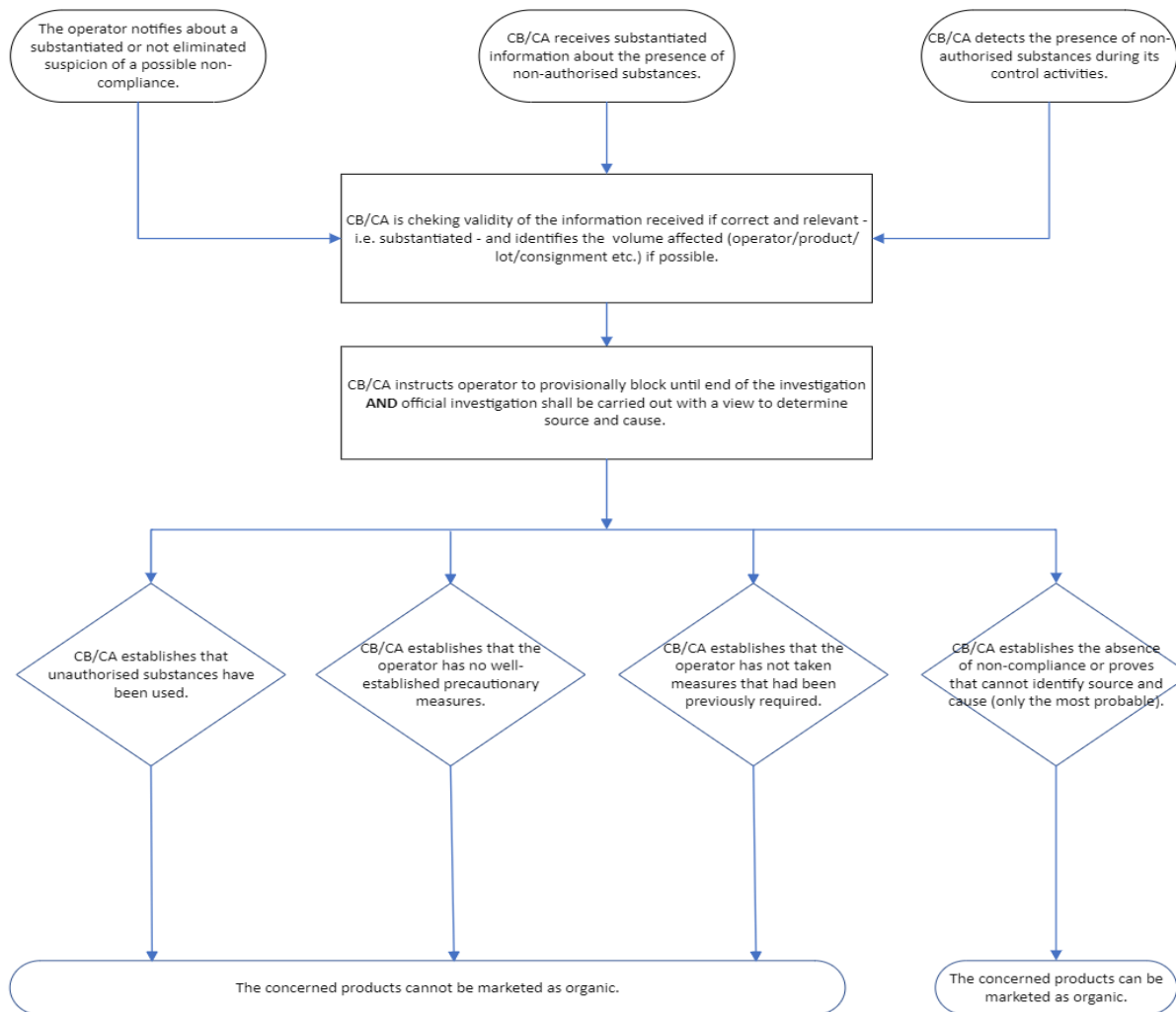
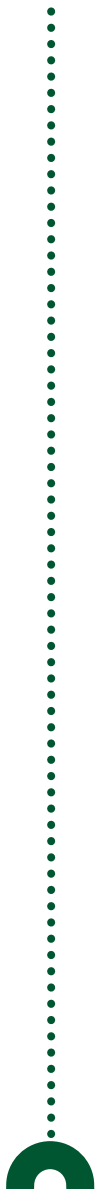
- the substance detected occurs naturally in the product or derives from a processing technique;
- the substance detected is used against a disease which is not existent in the crop species in question;
- the substance detected is not allowed in the crop species in question – considering that the authorization of a pesticide for a specific crop can vary between countries – or not allowed at all in the EU (any longer);
- proven cases of false positive laboratory results;
- environmental pollution deriving from POPs;
- detection of substances that derive from human sanitary measures/products used or the treatment of water.
- proven and well-documented cases of systematic, unavoidable contamination from neighbours' overspray, short- and long-distance spray drift.

# Position on the implementation of the current Regulation

Principles of the management of residue findings

Procedures to be followed by the CB/CA (Article 29)





# Principles proposed

- The investigation **should determine the source and the cause of the presence of non-allowed products or substances**, to ensure that operators comply with the requirements for organic production and have not used products or substances that are not authorised for use in organic production and to ensure that those operators have taken proportionate and appropriate precautionary measures to avoid the contamination of organic production with such products and substances.
- **Investigations should be proportionate** to the suspected non-compliance, and therefore should be completed as soon as possible within a reasonable period, considering the durability of the product and the complexity of the case.
- In case the source and cause cannot be determined conclusively and the **CA/CB has used all appropriate means**, the CA/CB should be able to establish the “most probable cause and source” and thereby close the investigation.

# Guidance tool

- Compile the most common detected residues and their origin, per crop species.
- general criteria (applicable to all the operators) e.g.:
  - latest available agronomic knowledge
    - Does analysed active substance make sense for application in the culture or food concerned, i.e., does its use make sense from an agronomic or technical point of view?
    - Are there different possible uses/purposes for the active substance?
    - What other sources of the active substance are possible?
  - scientific studies
  - frequency of contamination
  - national/regional contamination characteristics in the environment
- specific criteria (applicable to specific operators), e.g.
  - regional pedoclimatic conditions.
  - production-related (transport, storage, supply-chain)
  - known cases of fraud
- Consider processing factors, when applicable.
- Available for operators & CBs/CAs free of charge.