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## SEED AND PLANTING STOCK POLICY

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### **According to 7 CFR 205.204 (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;*

## **USING CONVENTIONAL UNTREATED NON-GMO SEED & PLANTING STOCK**

For a producer, certified organic by the Kentucky Department of Agriculture's Organic Program, to use non-GMO/ untreated conventional seeds and/ or planting stock must fulfill the following requirements:

### **1. Determine Commercial Availability**

Commercial Availability is defined by §205.2 as, “*The ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan.*”

To determine **commercial availability** of organically produced seeds and/ or planting stock, the Kentucky Department of Agriculture requires that producers document a seed search for each crop and/ or variety needed for production. That seed and/ or planting stock search is required to be done by checking **no less than three (3)** seed suppliers that **regularly offer a variety of organic seed and/ or planting stock.**

This search must be documented with the seed suppliers checked and the date of the search for each crop and/ or variety required for production. Seed suppliers that do not provide certified organic seed are not permissible as one of the suppliers checked during the seed search. Non-GMO verification is also required for any conventional untreated seeds used that have GMO varieties commercially available, such as soybeans, corn, etc.



If the seed and/ or planting stock provider does not have an online catalog available, contact information for the source of seed must be provided along with the documentation.

## **2. Justify Variety/ Conventional Cultivar**

Producer must explain the choice of variety/cultivar type that is available in conventional seed and/ or planting stock compared to commercially available organic equivalent varieties. For example, the producer would explain **the unique traits or characteristics** such as, number of days until harvest; color, flavor, moisture, chemical, or nutrient profiles of the variety of the harvested crop; vigor or yield of harvested crop; regional adaptation, disease and pest resistance, or the plant's utility in a crop rotation (NOP 5029).

## **NOTES**

- **Planting stock** refers to rhizomes, shoots, leaf or stem cuttings, roots or tubers. Some examples would include onion sets, seed potatoes, sweet potato slips, garlic bulbs, strawberry crowns, asparagus crowns, raspberry canes and orchard trees.
- Please note that onion plants are considered annual seedlings and must be certified organic without exception.
- Price cannot be a consideration for determination of commercial availability.
- Any non-organic perennial planting stock must be managed according to organic regulations for no less than 12 months before planting stock may be marketed as organic.

## **REFERENCES**

### **Organic Seed Search**

Association of Official Seed Certifying Agencies Seed Finder

<https://www.organicseedfinder.org/>

Appropriate Technology Transfer for Rural Areas (ATTRA) Online Directory

[https://attra.ncat.org/attra-pub/organic\\_seed/](https://attra.ncat.org/attra-pub/organic_seed/)

Find Organic Database

<https://find.organic/>

### **Organic Regulations**

7 CFR 205.204

[https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205\\_1204&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205_1204&rgn=div8)

[https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205\\_1204&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205_1204&rgn=div8)

7 CFR 205.2

[https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205\\_12&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205_12&rgn=div8)

[https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205\\_12&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=7ad4ed206caec1081749ef690974910d&mc=true&node=se7.3.205_12&rgn=div8)

NOP 5029: Guidance

Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production

[5029.pdf \(usda.gov\)](https://www.ams.usda.gov/nop/5029.pdf)