

A Priority based approach to identify source and cause of pesticide residues

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2 fundamental questions

1. To check*/investigate** or not to check/investigate?
2. What shall the CpA/CA/CB investigate?

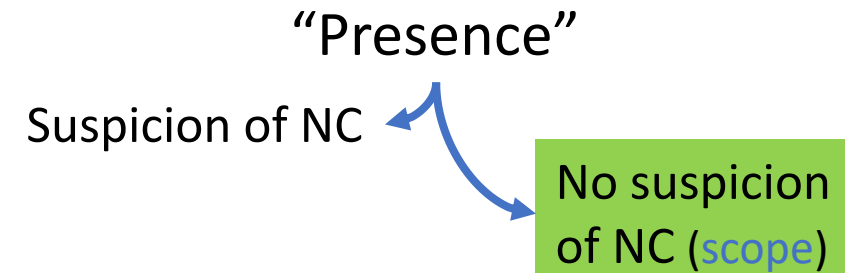
* = vocabulary used for operators (2018/848 Art 28(2) and 2021/279 Art 1(1))

** = vocabulary used for CpA/CA/CB (2018/848 Art 29(1))

1.1 To check or not to check?

Operator's obligations (2018/848 Art 28(2))

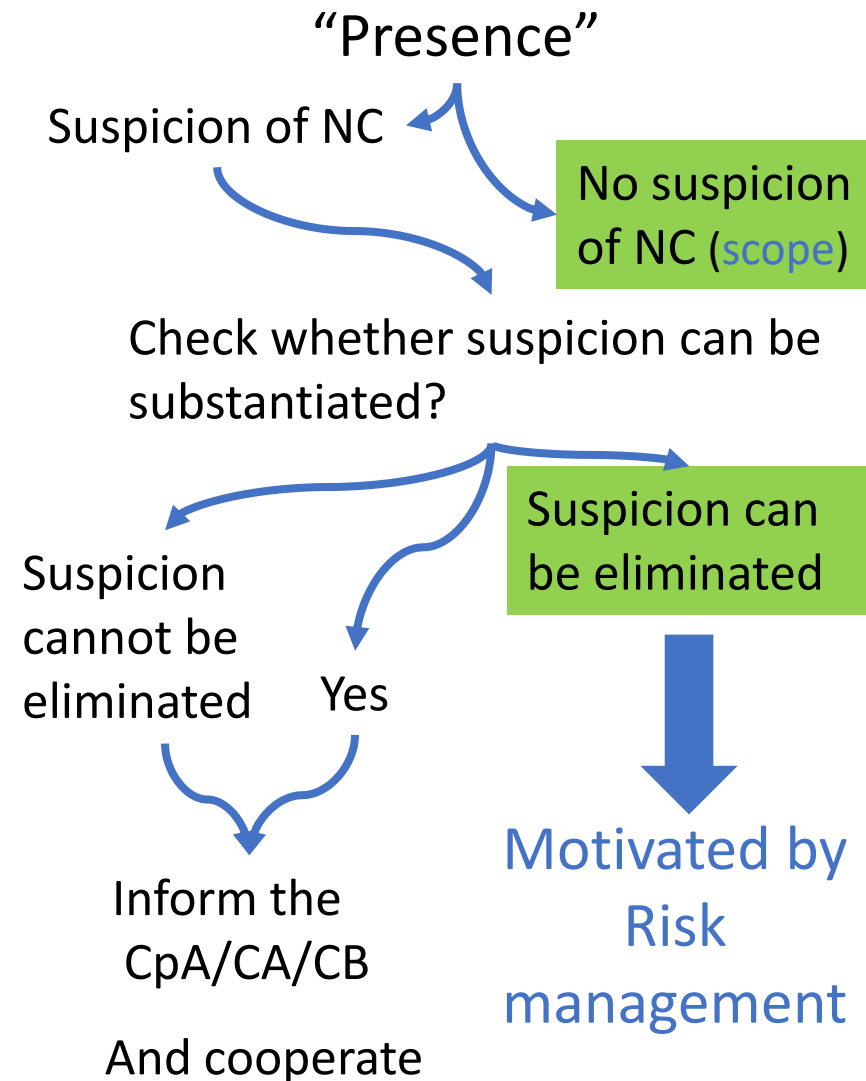
2. **Where an operator suspects**, due to the **presence of a product or substance that is not authorised** pursuant to the *first subparagraph of Article 9(3)* **for use in organic production** in a product that is intended to be used or marketed as an organic or in-conversion product, that the latter product does not comply with this Regulation, the operator shall:



Operator's obligations (2018/848 Art 28(2))

2. Where an operator **suspects**, due to the **presence of a product or substance that is not authorised** pursuant to the *first subparagraph of Article 9(3)* for use in organic production in a product that is intended to be used or marketed as an organic or in-conversion product, that the latter product does not comply with this Regulation, the operator shall:

- (a) identify and separate the product concerned;
- (b) **check** whether the suspicion can be substantiated;
- (c) not place the product concerned on the market as an organic or in-conversion product and not use it in organic production unless the suspicion can be eliminated;
- (d) where the suspicion has been substantiated or where it cannot be eliminated, immediately **inform** the relevant competent authority, or, where appropriate, the relevant control authority or control body, and provide it with available elements, where appropriate;
- (e) fully cooperate with the relevant competent authority, or, where appropriate, with the relevant control authority or control body, in identifying and verifying the reasons for the presence of non-authorized products or substances.



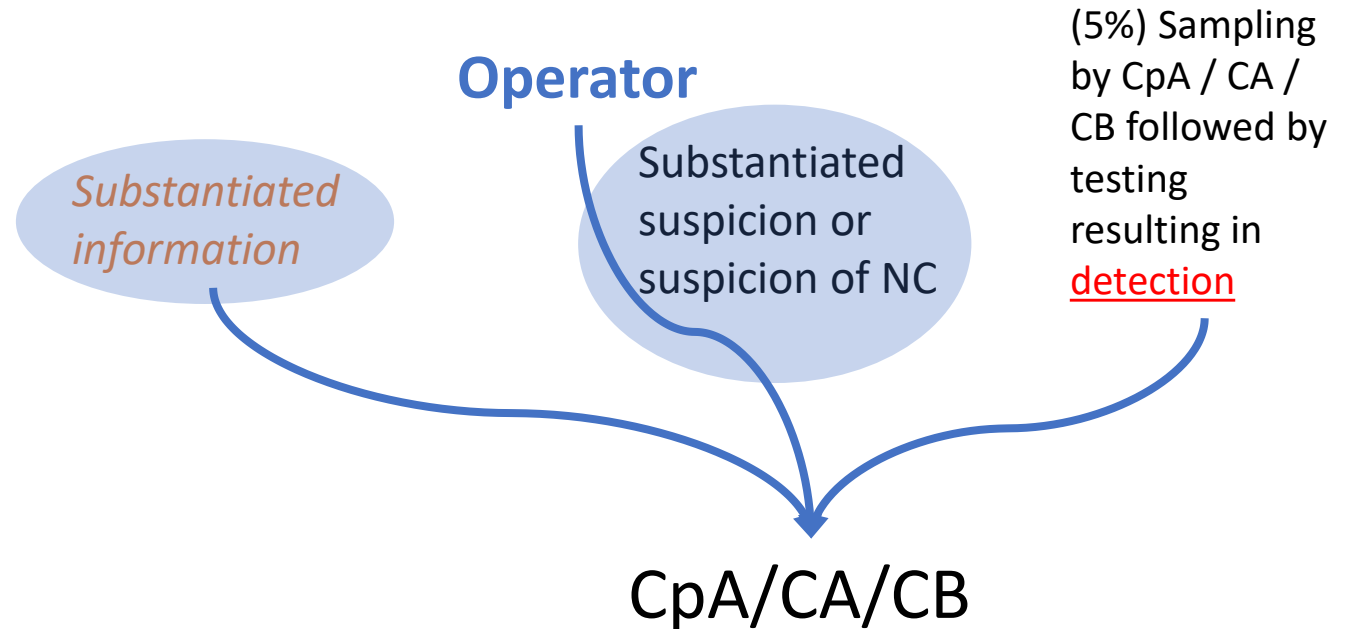
Conclusions:

Operators **always need to check** whether a suspicion can be substantiated

1.2 To investigate or not to investigate?

CB's obligations (2018/848 Art 29(1)§1)

1. Where the competent authority, or, where appropriate, the control authority or control body, receives *substantiated information* about the presence of products or substances that are not authorised pursuant to the first subparagraph of Article 9(3) for use in organic production, or *has been informed by an operator* in accordance with point (d) of Article 28(2), or detects such products or substances in an organic or an in-conversion product:

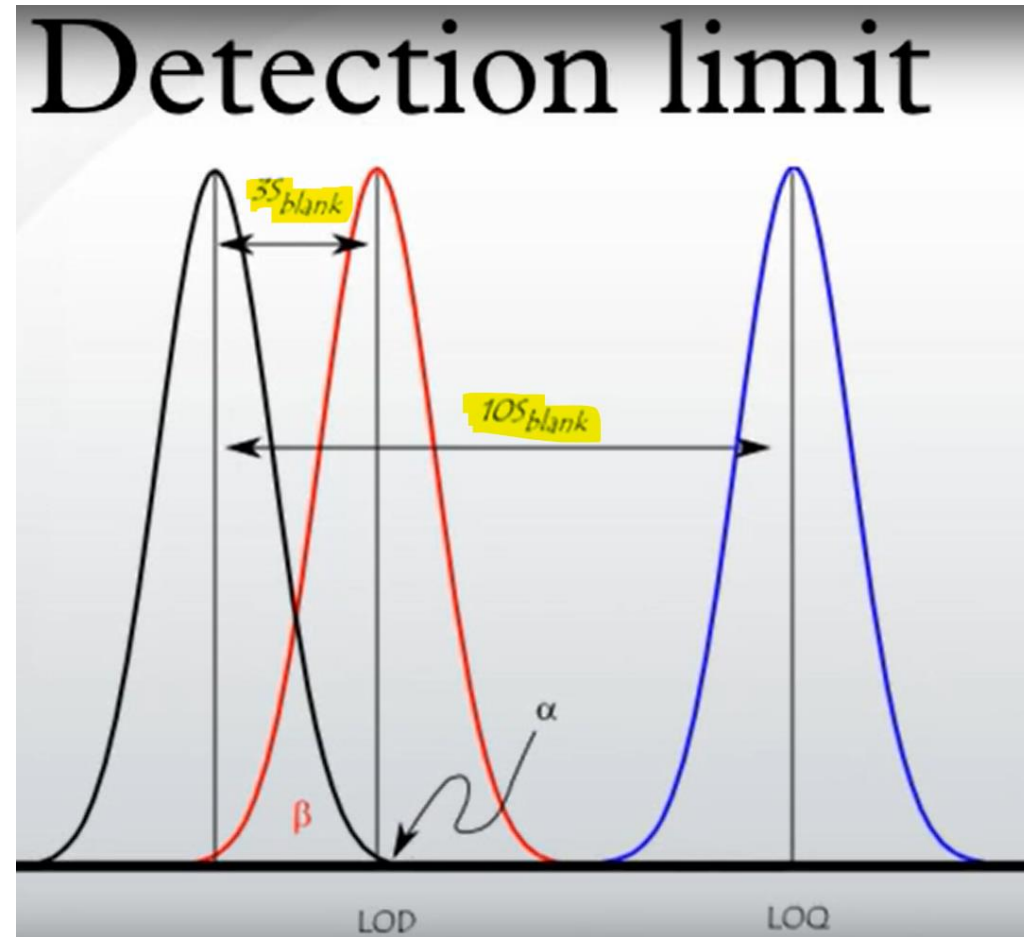


Priority based approach to identify source and cause of pesticide residues

“Substantiated information” means

- ✓ **Traceability** of the sampled product
- ✓ **Presence**: when $[X] \geq \text{LOQ}$
- ✓ **Reliable sampling**
- ✓ **Analysis**: if available, aim for accreditation of the analytical method

(see also good practices BTSF workshop on Pesticide residue controls in organic production in October, 2018)



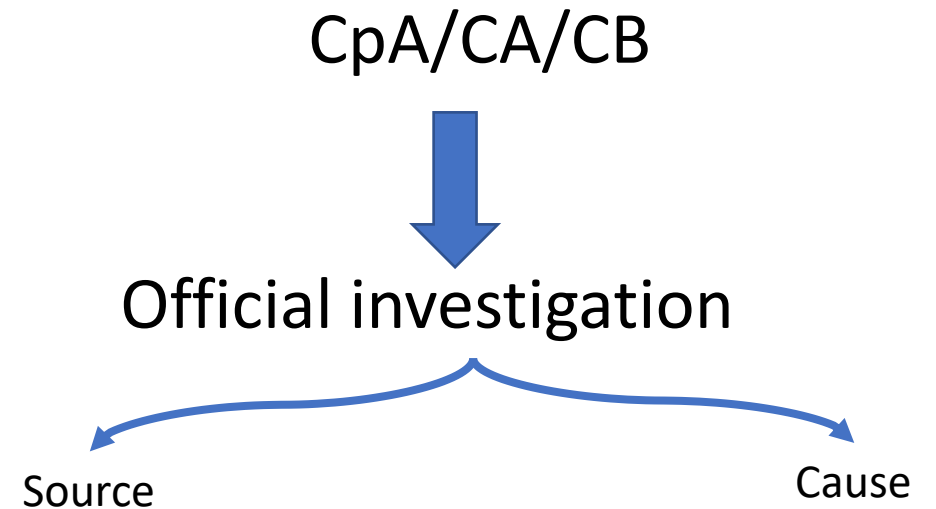
Conclusion:

CA/CB **always need to investigate** if a substantiated information that is received indicates a possible nonconformity

2 What shall the CA/CB investigate?

CB's obligations (2018/848 Art 29(1))

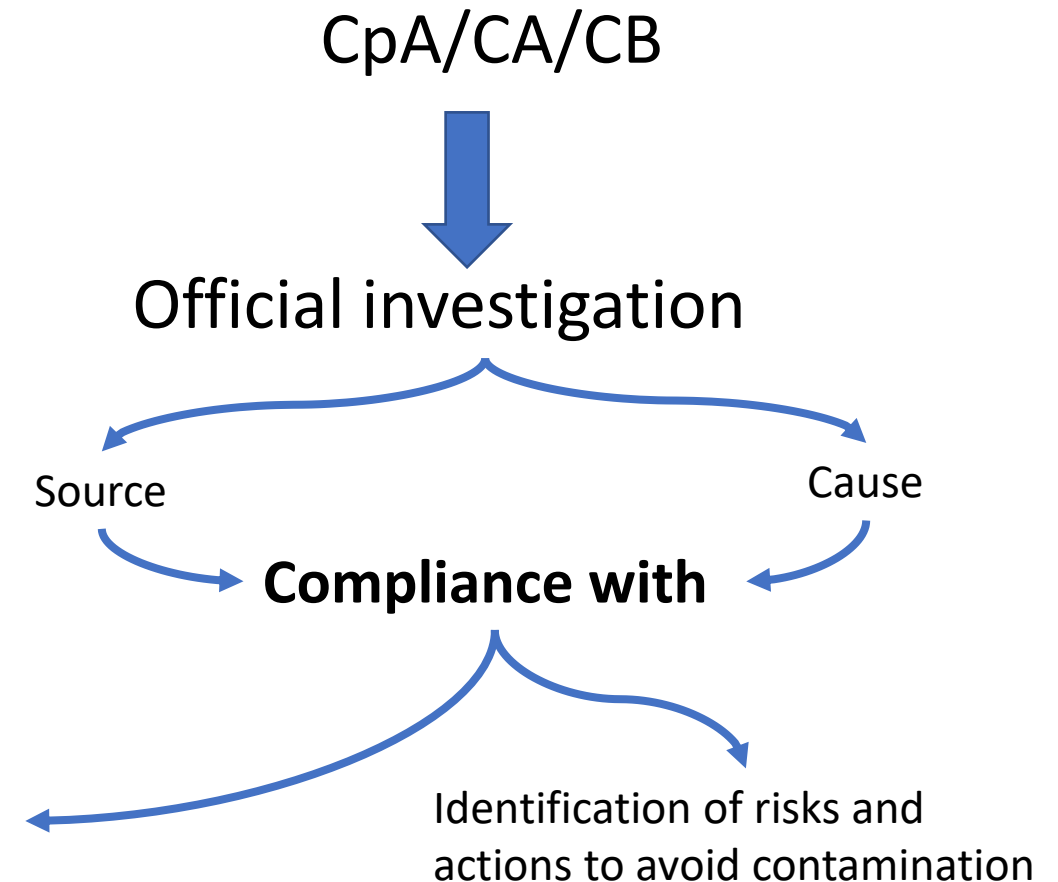
(a) it shall immediately carry out an **official investigation** in accordance with Regulation (EU) 2017/625 with a view to **determining the source and the cause** in order to verify compliance with the first subparagraph of Article 9(3) and with Article 28(1); such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case;



CB's obligations (2018/848 Art 29(1))

(a) it shall immediately carry out an **official investigation** in accordance with Regulation (EU) 2017/625 with a view to **determining the source and the cause** in order **to verify compliance with the first subparagraph of Article 9(3) and with Article 28(1)**; such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case;

Authorised use of products/substances covered under Art 9(3)§1



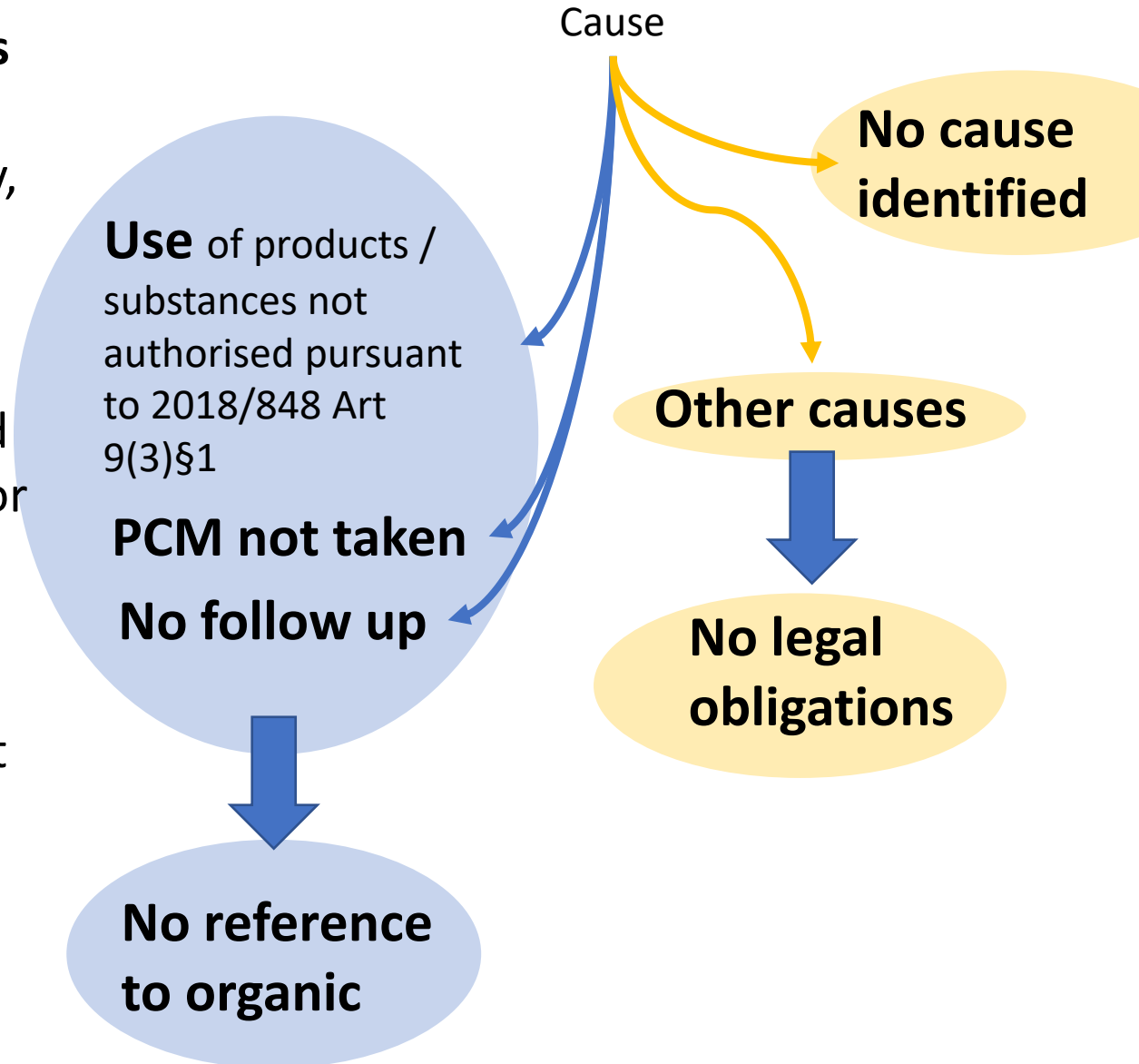
Whereas 2018/848

(24) [Operators] should also take, where appropriate, **proportionate precautionary measures** which are **under their control** to avoid contamination with products or substances that are not authorised for use in organic production in accordance with this Regulation and to avoid commingling organic, in-conversion and non-organic products.

CB's obligations (2018/848 Art 29(2))

2. The product concerned shall **not be marketed as an organic** or in-conversion product or used in organic production where the competent authority, or, where appropriate, the control authority or control body, has established that the operator concerned:

- (a) has **used** products or substances not authorised pursuant to the first subparagraph of Article 9(3) for use in organic production;
- (b) has **not taken the precautionary measures** referred to in Article 28(1); or
- (c) has **not taken measures in response** to relevant previous requests from the competent authorities, control authorities or control bodies.



Priority based approach to identify source and cause of residues

Types of products and substances **authorized for use** as indicated in Art 9(3)§1:

- ✓ Active substances for use in plant protection products
- ✓ Fertilisers
- ✓ Non-organic feed materials, feed additives and processing aids
- ✓ Products used for cleaning and disinfection
- ✓ Food additives and processing aids
- ✓ Non-organic ingredients used in processed food
- ✓ Non-organic plant reproductive material

Products and substances **not covered by Art 9(3)§1:**

- ✗ *In the EU*: Active substances not (or no longer) authorized for use in the EU (2018/848 Art 2(4)) unless specified differently in 2018/848 Art 40(1a)
- ✗ *In third countries*: All active substances
- ✗ Biocides (cfr Reg (EU) 528/2012))
- ✗ ...

Priority based approach to identify source and cause of pesticide residues

Possible causes related to “use”

- pre-harvest

- in the organic Production Unit
 - before the notification date (**historical pollution**)
 - after the notification date
 - authorized** non-organic inputs
 - not authorized inputs (**NC / fraud**)
- border to conventional production
 - direct contact (**overspraying**)
 - indirect contact
 - cross contamination**
 - drift** (spray or inversion)
 - run off**

Possible causes related to “use”

- post-harvest

- during storage (incl. transport)
 - treatment (**NC / fraud**)
 - cross contamination**
- during preparation
 - cross contamination**
 - authorized non-organic ingredients/additives**

Other causes:

- Appearing naturally in certain plants
- Generated during processing (heat)
- Non-agricultural use

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Possible sources:

Pre harvest

- plant protection products via
 - own equipment
 - subcontractor's equipment
- fertilizers, soil amendments and nutrients
- seeds and vegetative plant reproductive material
- water (rain, well, surface)
- air (wind, temperature inversions)
- soil (historical use, erosion, run offs)
- workers (mixed farms, seasonal workers)

Possible sources:

Post harvest

- plant protection products
- non-organic ingredients
- surfaces that have been directly or indirectly in contact with prohibited substances
 - walls and floors
 - conveyor belt
 - packaging materials
- products used for cleaning and disinfection
- waste water (after cleaning)
- dust
- workers

Overview: Priority based identification of source and cause

1. Operators have to check whether a suspicion can be substantiated
 1. Presence of a substance that is not authorized for use in organic production does not automatically lead to suspicion
 2. Suspicious presence of a substance that is not authorized for use can be eliminated
2. CpA/CA/CB have to check if substantiated information that is received indicates a possible non-compliance
 1. Not all incoming information about the presence of prohibited substances is “substantiated”
 2. Substantiated information about the presence of prohibited substances shall always result in an official investigation aiming to identify
 1. unauthorised use by the organic operator
 2. Implementation of appropriate and proportionate risk management to avoid contamination

**THANK YOU
FOR YOUR
ATTENTION**

