



Draft Guidance

The Use of Kelp in Organic Livestock Feed

1. Purpose

This guidance establishes that kelp may be certified organic as a wild crop under 7 CFR § 205.207 and must be certified organic if used as an ingredient in livestock feed per § 205.237.

2. Scope

This guidance applies to all National Organic Program (NOP) certifying agents and certified operations that are certifying kelp or feeding kelp to organic livestock.

3. Background

Seaweeds are simple, saltwater-dwelling algae that can be referred to as aquatic plants. Most seaweeds or algae are green (about 1200 species), brown (about 1750 species), or red (about 6000 species). Kelps are brown algae and are among the most common seaweeds consumed as food. Kelps are wild harvested from the intertidal waters of the North Atlantic or North Pacific Oceans.

The NOP recognizes that there is inconsistency in the use of kelp as organic in livestock feed due to:

- 1) lack of guidance regarding the certification of kelp as a wild crop, and
- 2) confusion regarding the agricultural status of kelp.

The American Association of Feed Control Officials (AAFCO) has approved dried kelp from the families Laminariaceae and Fucaceae for use as ingredients in livestock feed. The NOP also clarified in the final guidance *NOP 5022 - Wild Crop Harvesting* that kelp can be certified organic. The NOP guidance is consistent with other international certification bodies that recognize that kelp may be certified organic.

The NOP has received comments asserting that kelp is not agricultural and should be permitted only as a nonsynthetic, nonagricultural ingredient in organic livestock feed.¹ This position implies that kelp does not have to be certified organic to be used in organic livestock feed. However, kelp is currently listed as an agricultural product under § 205.606 of the National List of Allowed and Prohibited Substances (National List). Because kelp is listed at § 205.606, the NOP considers kelp an agricultural product that must be certified organic to be included in livestock feed. Commenters who believe kelp should be considered nonagricultural would need to petition for the removal of kelp as an agricultural product from the National List.

¹ Comments received in response to publication of draft guidance, *NOP 5022 – Wild Crop Harvesting*. 70 FR 62693 [October 13, 2010]. This guidance was published as final on May 9, 2011.



4. Policy

- 4.1** Kelp is listed as an agricultural product under § 205.606.
- 4.2** Kelp is a wild crop that may be certified organic under the § 205.207 Wild-crop harvesting practice standard.
- 4.3** Under § 205.237, all agricultural ingredients in livestock feed must be certified organic.
- 4.4** Kelp used in livestock feed must be certified organic 24 months after final issuance of this guidance, *NOP 5027 – The Use of Kelp in Organic Livestock Feed*. This phase in period is intended to provide ample time for sources of kelp to become certified and commercially available as organic. After this 24 month period, all kelp used in organic livestock feed must be certified organic.

5. References

5.1 NOP Regulations

§ 205.2 Terms defined.

Crop. Pastures, cover crops, green manure crops, catch crops, or any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility.

Feed. Edible materials, which are consumed by livestock for their nutritional value. Feed may be concentrates (grains) or roughages (hay, silage, fodder). The term, “feed,” encompasses all agricultural commodities, including pasture ingested by livestock for nutritional purposes.

Wild crop. Any plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.

§ 205.207 Wild-crop harvesting practice standard.

(a) A wild crop that is intended to be sold, labeled, or represented as organic must be harvested from a designated area that has had no prohibited substance, as set forth in § 205.105, applied to it for a period of 3 years immediately preceding the harvest of the wild crop.

(b) A wild crop must be harvested in a manner that ensures that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop.



§ 205.237 Livestock feed.

(a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced and handled by operations certified to the NOP, except as provided in § 205.236(a)(2)(i), except, that, synthetic substances allowed under § 205.603 and nonsynthetic substances not prohibited under § 205.604 may be used as feed additives and feed supplements, *Provided*, That, all agricultural ingredients included in the ingredients list, for such additives and supplements, shall have been produced and handled organically.

§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

Only the following nonorganically produced agricultural products may be used as ingredients in or on processed products labeled as “organic,” only in accordance with any restrictions specified in this section, and only when the product is not commercially available in organic form.

(m) Kelp—for use only as a thickener and dietary supplement.

5.2 NOP Program Handbook: Guidance and Instructions for Accredited Certifying Agents & Certified Operations

NOP 5022 – Wild Crop Harvesting