



DEPARTMENT CIRCULAR

No. 07
Series of 2020

SUBJECT: GUIDELINES FOR THE ESTABLISHMENT, MAINTENANCE, AND AMENDMENT OF THE NATIONAL LIST OF PERMITTED SUBSTANCES FOR ORGANIC AGRICULTURE

WHEREAS, the Republic Act No. 10068 otherwise known as the Organic Agriculture Act of 2010 mandates that the basis for certification of officially accredited organic certifying bodies are the relevant Philippine National Standards (PNS) for Organic Agriculture;

WHEREAS, the Department Circular No. 01, Series of 2018 (Revised Guidelines for the Official Accreditation of Organic Certifying Bodies) requires the use of PNS relevant to organic agriculture as minimum requirements for organic certification;

WHEREAS, PNS for Organic Agriculture (PNS/BAFS 07:2016) provides the minimum requirements for inclusion of substances in the list of permitted substances for organic agriculture;

WHEREAS, the existing mechanism for any amendment in the permitted substances, although does not affect the entirety of the adopted PNS for organic agriculture, requires the adherence to the standards development protocol for revising a PNS;

WHEREAS, there is a need to establish a mechanism to facilitate faster amendment of the permitted substances to reflect the changes in current practices or respond to results of scientific studies;

IN VIEW THEREOF, this Circular provides the guidelines for the establishment, maintenance, and amendment of the National List of Permitted Substances for Organic Agriculture.

Section 1. Objectives

The provisions of this Circular aim to establish the National List of Permitted Substances for Organic Agriculture (hereinafter referred to as the "National List"), and provide the procedure for the review and approval of permitted substances to the National List, thus, facilitating its faster amendment.

Section 2. Definition of Terms

Definition of terms used in relevant PNS and technical regulations for organic agriculture including aquaculture shall be adopted in this Circular. As used on this Circular, the following terms shall be understood to have the meaning correspondingly provided below:

- 2.1. **Organic Agriculture** refers the holistic production management system which promotes and enhances agro-ecosystem health, including biodiversity, biological

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cycles, and soil biological activity; emphasizes the use of management practices over the use of off-farm inputs; and utilizes cultural, biological, and mechanical methods as opposed to synthetic materials. Organic agriculture includes the management of operation of organic aquaculture in different aquatic environments (fresh, brackish and marine) and the production of quality fishery products.

- 2.2. **Permitted Substances** refers to substances that are allowed for use in organic agriculture or at a certain stage of the organic production management system; certain permitted substances have restrictions or conditions for use.
- 2.3. **Internal Review Committee** refers to the committee organized by the Bureau of Agriculture and Fisheries Standards of the Department of Agriculture (DA-BAFS) primarily composed of DA-BAFS technical personnel to assist the Bureau Director in evaluating and reviewing the requests for amendment to the National List and providing recommendations relative thereto.
- 2.4. **Amendment** refers to any modification of specific parts of the National List such as inclusion of new substance, exclusion of existing permitted substance, and/or changes in the conditions or restrictions.

Section 3. Establishment of the National List of Permitted Substances for Organic Agriculture

- 3.1 The Bureau of Agriculture and Fisheries Standards of the Department of Agriculture (DA-BAFS) shall establish and maintain the National List of Permitted Substances for Organic Agriculture.
- 3.2 The DA-BAFS shall establish the National List by reviewing the annexes of the adopted standards and other existing list of permitted substances, using relevant standards and regulations as references during the review.
- 3.3 The National List shall be the guide and reference of operators producing organic products, and shall form part the basis for the issuance of organic certification by the officially accredited organic certifying bodies.

Section 4. Creation of the Internal Review Committee for the Evaluation of the Amendment in the National List

- 4.1 The DA-BAFS shall create an internal review committee (IRC).
- 4.2 The IRC shall be composed of technical staff of the DA-BAFS, headed by its Organic Agriculture Division. The internal review committee may consult the identified experts in organic agriculture from the DA Pool of Experts (DAPE), as deemed necessary.
- 4.3 The IRC shall evaluate and review requests for amendments (i.e. inclusion of new substance, exclusion of existing substance, changes in the conditions of a substance) in the National List on a regular basis or as deemed necessary.
- 4.4 The IRC shall recommend for approval or denial of requests for amendments to the DA-BAFS Director.

Section 5. Evaluation and Approval of Requests for Amendment

- 5.1 Requests for amendment in the National List shall be evaluated by the IRC based on peer-reviewed scientific findings or publications, and other relevant standards and regulations, according to the procedure established by DA-BAFS (See Annex A for the General Procedure Flow).

5.2 Any proposal for inclusion of substance in the National List must meet the following general criteria in order to protect the integrity of the organic production:

- 5.2.1. the substance must be consistent with the principles of organic production as outlined in the PNS relevant to organic agriculture;
- 5.2.2. use of the substance is necessary or essential for its intended use;
- 5.2.3. manufacture, use, and disposal of the substance have the lowest negative impact on the environment, human or animal health; and
- 5.2.4. approved alternatives are not available or its use has been restricted and/or banned.

NOTE: The IRC may consider availability of alternative/s but not sufficient in quantity or volume.

5.3 The IRC may consult the experts from DA Pool of Experts (DAPE) and/or relevant agencies, and may seek the opinion of the public, prior to coming up with a recommendation.

5.4 Any proposed amendment shall be notified to the World Trade Organization – Technical Barriers to Trade (WTO-TBT) notification system for 60 days, except for amendments adopted from international standards and regulations.

NOTE: International standards and regulations include Codex Alimentarius, ISO Standards, USDA Standards, EU Standards, among others.

5.5 The evaluation results, including WTO Comments, if any, will be endorsed to the DA-BAFS Director for recommendation and endorsement to the DA Secretary for approval.

5.6 Only the amendments are subject for approval by the DA Secretary.

Section 6. Publication and Updating of the National List

6.1 The DA-BAFS shall publish the National List and its amendment thereafter in the Official Gazette or in a newspaper of general circulation, and file with the National Administrative Register of the University of the Philippines Law Center.

6.2 The National List shall be updated and posted in the DA-BAFS official website after the approval and publication of the amendment.

6.3 The DA-BAFS shall ensure that the National List is accessible to the public.

6.4 The DA-BAFS may publish the National List through print and other media.

6.5 Notification mechanism for stakeholders especially OCBs shall be established.

NOTE: Notification mechanism includes email blast, and/or announcement through the official website of DA-BAFS and its other official social media accounts.

Section 7. Effectivity of the National List

7.1 The National List and its amendment thereafter shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in a newspaper of general circulation, and its filing with the National Administrative Register of the University of the Philippines Law Center.

- 7.2 Upon effectivity of the amendment to the National List, the DA-BAFS officially-accredited organic certifying bodies shall adopt and use the
- 7.3 National List as one of the criteria of its inspection and certification services, in addition to the requirements of applicable PNS.
- 7.4 All organic production system and products certified prior the effectivity of the National List shall remain valid until renewed (renewal of organic certification).
- 7.5 Producers of products adversely affected by the amendment shall notify DA-BAFS, and their respective OCB, of their remaining stocks/inventory including batch/lot (for sale and sold, in-transit or products not yet received by the distributor), and such amount/volume shall remain valid until supplies last or expiry date, including those with approved import permit.
- NOTE 1: Adverse conditions may include exclusion of substance/s resulting to possible discontinuance of sale of products, changes in the conditions or restrictions of a certain substance resulting to limitations of use and/or sale of product/s*
- NOTE 2: Only liquid fertilizers have expiry date.*
- 7.6 Upon effectivity of the amendment, producers (farmers) should cease and desist from using the products adversely affected by the amendment.

Section 8. Separability Clause

Should any provision of this Circular or any part thereof be declared invalid, the other provisions, so far as they are separable, shall remain in force and effect.

Section 9. Repealing Clause

All rules and procedures or parts of said rules and procedures of pertinent guidelines inconsistent with this Circular are hereby repealed by this Circular. All annexes that pertain to the permitted substances of the existing PNS relevant to organic agriculture are hereby repealed and replaced by the established National List.

Section 10. Amendments

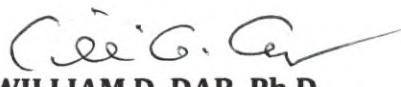
This Circular shall be reviewed as deemed necessary by the DA-BAFS. Revisions shall take into consideration significant changes due to legal, market, or standards development.

Section 11. Effectivity

This Circular shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in a newspaper of general circulation, and its filing with the National Administrative Register of the University of the Philippines Law Center.

Done this 18th day of March 2020.

Approved by:


WILLIAM D. DAR, Ph.D.
 Secretary

DEPARTMENT OF AGRICULTURE

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Annex A

General Procedure Flow for the Evaluation of Request for Amendment to the National List of Permitted Substances for Organic Agriculture

Step	Procedure	Description/Remarks
1	<div>Request for Amendment (from Applicant & other stakeholders)</div> <div>Complete dossier?</div> <div>No</div> <div>Yes</div>	<p>Requesting party shall submit formal request for amendment to the National List with complete substantiation.</p> <p>The request form shall include a technical dossier justifying the amendment to the National List.</p>
2	<div>Assess Request against the General Criteria</div> <div>Met the general criteria?</div> <div>No</div> <div>Yes</div>	<p>The BAFS shall assess the requested amendment against the general criteria under 5.2 of this Circular.</p>
3	<div>Evaluate Request based on peer-reviewed scientific findings/ publications, relevant standards and regulations</div> <div>Recommended for granting the request?</div> <div>No</div> <div>Yes</div>	<p>The BAFS Internal Review Committee (IRC) shall review the requested amendment based on peer-reviewed scientific findings and publications, relevant international standards and regulations.</p>



