

MINISTRY OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY  
MINISTER'S OFFICE  
NORMATIVE INSTRUCTION No. 38, OF AUGUST 2, 2011  
D.O.U., August 03, 2011 - Section 1

THE STATE MINISTER OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY, using the powers conferred upon him by art. 87, sole paragraph, clause II, of the Constitution, in view of the provisions of Law No. 10,831, of December 23, 2003, Decree No. 6,323 of December 27, 2007, Law No. 10,711, of August 5, 2003, Decree No. 5,153, of July 23, 2004, and the provisions of Process No. 21000.009485/2010-57, resolves:

Art. 1 To establish the Technical Regulation for Seed and Seedling Production in Organic Production Systems, in the form of this Normative Instruction.

CHAPTER I

OF THE CONCEPTS

Art. 2 For the purpose of this Normative Instruction it shall be considered:

I - Processing: operation performed by physical, chemical or mechanical means, in order to improve the quality of a seed lot;

II - Organic Seed Production Field: continuous area of a species or cultivar in monoculture or in intercropping, if the species or cultivars are compatible with the techniques of seed production; the area should be divided into modules or tracts for the purpose of monitoring or inspection;

III - Local, traditional or creole cultivar: variety developed, adapted or produced by family farmers, agrarian reform settlers or indigenous, phenotypically well-defined and recognized by the respective communities and, by the criteria of the Ministry of Agriculture, Livestock and Food Supply - MAPA, also considered to be the socio-cultural and environmental descriptors, do not characterize themselves as substantially similar to commercial cultivars;

IV - Genetically Modified Cultivar: cultivar whose genetic material has been modified by any activity for manipulating molecules of recombinant DNA / RNA;

V - Commercial Transaction Declaration: document issued by the Organic Conformity Assessment Bodies - CAB or by the production units, based on procedures established by the CAB, with qualitative and quantitative information about the commercialized products, in order to allow control and traceability of the same;

VI - Seedling: plant propagation material of any kind, species or cultivar, originated from sexual or asexual reproduction and which has the specific purpose of planting;

VII - Organic Seedling: seedlings produced in organic production systems;

VIII - Seeds and seedlings Producer: individual person or legal entity who, assisted by a technical responsible, produces seeds and seedlings for commercialization;

IX - Seed: every plant reproduction material of any kind, species or cultivar, originated from sexual or asexual reproduction, which has the specific purpose of sowing;

X - Organic Seed: seed produced in organic production systems;

XI - Seed Processing Unit - SPU: unit with facilities and equipment that meet the technical requirements necessary to perform the various processing stages, in order to give the seed lot, at least, the established quality standards, respecting the particularities of the species.

CHAPTER II

OF THE GENERAL PROVISIONS

Art. 3 The production, processing, packaging, storage, transport, trade, import and export of organic seeds and seedlings must comply with this regulation and what is established by the Brazilian regulation for production of seeds and seedlings.

Art. 4 The production of organic seeds and seedlings must comply with the norms and standards of identity and quality established by the Brazilian regulation for the production of seeds and seedlings.

Art. 5 It is forbidden to certify as organic all seeds and seedlings of genetically modified cultivars or obtained through mutation induction using irradiation.

### CHAPTER III

#### OF THE PRODUCTION

Art. 6 To be considered as organic the propagation materials in the field phase, must have been produced in accordance with what is established in the organic animal and plant production regulation.

Art. 7 It is permitted the polyculture and conviviality with weeds in the organic seed production fields since measures are taken to ensure the quality standards of the seeds. Sole paragraph. The conformity assessment bodies must adopt the measures foreseen in the main section of this article, which should be foreseen in the organic management plan of the producer.

Art. 8 In the case of the producer of organic seeds and seedlings need to acquire propagation material derived from conventional production systems, he will have to respect a conversion period comprising a whole generation with organic management for annual crops, and two growing seasons or 12 months (considering the longer period) for perennial crops, so that the seed or seedling produced can be considered organic.

Art. 9 In case the presence of genetically modified cultivars is found nearby, the organic conformity assessment bodies should assess the isolation between crops and collect samples of organic seeds to assess the occurrence of contaminations.

Art. 10. The producer of organic seeds and seedlings, when acquiring propagation material which will multiply, must request from the supplier a declaration that the cultivar was not obtained through mutation induction using irradiation.

Art. 11. The production of seedlings from tissue culture and micropropagation may not use unauthorized substances and practices, in regulations, for use in organic production.

### CHAPTER IV

#### OF THE PROCESSING, STORAGE AND TRANSPORTATION

Art. 12. When a Seed Processing Unit - SPU receives seeds from producers certified by conformity assessment body different from the one which certifies it, the seeds must be accompanied by Commercial Transaction Declaration.

Art. 13. When the processing of organic seeds is performed at Seed Processing Unit - SPU which also operates with seeds originated from conventional systems, measures should be implemented to ensure their effective separation.

§ 1 All seeds which are brought into or stored at the SPU should be properly identified and the organic seeds should be placed in specific spaces.

§ 2 Whenever the machinery and equipment are going to work with organic seeds, after being used with conventional seeds, must go through rigorous cleaning so that mixtures do not occur.

§ 3 According to risk assessment, the Conformity Assessment Body may determine an amount of organic seeds which should be discarded in the beginning of the processing operation.

Art. 14. In the treatment and storage of organic seeds and seedlings, it will only be allowed the products present in the Annex dealing with the permitted substances and practices for management and control of pests and diseases in plants under organic production systems, of the Normative Instruction which regulates the organic animal and plant production.

Art. 15. In the physical areas of processing, storage and transport of organic seeds and seedlings, it is prohibited the application of synthetic chemicals, being necessary to adopt the following measures for pest control, preferably in this order:

I - elimination of pest shed and of access of the same to the facilities, through the use of appropriate equipment and facilities;

II - mechanical, physical and biological methods, as described below:

a) sound;

b) ultrasound;

c) light;

d) plant based repellents;

e) traps (pheromone, mechanical, chromatic);

f) rat traps;

g) humidity control;

h) temperature: and

i) controlled atmosphere;

III - use of allowed substances and practices for management and control of pests and diseases in plants under organic production systems, according to Annex of the Normative Instruction dealing with organic plant and animal production.

Art. 16. In the processing of organic seeds and seedlings, for cleaning of equipment and facilities, the following products may be used:

I - water;

II - steam;

III - sodium hypochlorite in aqueous solution;

IV - Calcium hydroxide (hydrated lime);

V - calcium oxide (virgin lime);

VI - Ethanol;

VII - plant extracts or natural essences of plants;

VIII - soap (potash, soda), and

IX - biodegradable detergents.

Art. 17. During the storage and transport, the organic propagation materials should be properly packaged and identified, ensuring their separation from non-organic materials.

Art. 18. The organic seed in bulk should be stored and transported in such a way that it ensures the isolation and non-contamination by seeds originating from conventional production system.

Art. 19. The packages of organic seeds should bring, besides the required information set out in specific regulations for seeds and seedlings, the identification of the conformity assessment body and the Brazilian Organic Conformity Assessment System seal.

Art. 20. 6 This Normative Instruction enters into force on the date of its publication.

WAGNER ROSSI