

USDA Organic Certification: Who Should Be Certified?¹

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According to The National Organic Program (NOP) any “farm, wild crop harvesting, or handling operation (processors and manufacturers) that wants to sell an agricultural product as organically produced must adhere to the national organic standards.” This means that USDA certified organic farmers and handlers³ must have an organic system plan approved by an accredited certifying agent and use materials in accordance with the National List of Allowed Synthetic and Prohibited Nonsynthetic substances. NOP regulations about exemptions and exclusions from certification can be found on the NOP Web site, section 205.101 at <http://www.ams.usda.gov/nop/NOP/standards.html>.

Certification Required

Organic certification is required for some “organic” operations but not others, depending on gross annual income, type of organic product, how it is handled or repackaged, and how it is labeled. For example, organic certification is required for either entire operations (farms, packing houses, processing plants, etc.) or parts of these operations that produce or handle organic agricultural products. These products can be labeled as “100 percent organic” (contains only organically produced ingredients, excluding water and salt), “organic,” (made with at

least 95 percent organically produced ingredients, excluding water and salt), or “made with organic ingredients” (containing at least 70 percent organic ingredients along with up to three of the organic ingredients or food groups listed on the principal panel). Processed products containing less than 70 percent organic ingredients cannot use the term “organic” other than to identify the specific ingredients that are organically produced in the ingredients statements. Certified organic operations can produce or handle products with any of the above three designations but an exempt operation as discussed below can produce or handle products that are labeled only as “organic” or “made with organic” ingredients. Furthermore, certified organic operations can use the USDA Organic seal on “100% Organic” and “Organic” but exempt operations cannot use the USDA seal on their products.

Certification Not Required (Exempt or Excluded Operations)

Certification is not required for farms and handling operations (packing houses, processing plants) “whose gross annual income from organic sales totals \$5,000 or less annually.” This exemption is designed primarily for those producers

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who market their product directly to consumers and to retail establishments. Such operations do not have to submit an organic system plan but must comply with national organic standards, maintain production and handling records for three years beyond their creation, and allow access and inspection by applicable State organic officials. Furthermore, these exempt organizations can label their processed, multi-ingredient products as “organic” but cannot do so if the products of these exempt organizations are processed by others. For example, a small citrus grower who follows the NOP rules and who has less than \$5,000 annual income from organic produce cannot sell his fruit to a certified organic citrus packing house or processing plant as “organic fruit. However, if he had his own packing line or processing facility, he could pack or process his own fruit as “organic.”

Other groups that do not have to be certified include:

1. handlers³ and final retailers that do not process or repackage organic products,
2. handlers that handle only products with less than 70 percent organic ingredients
3. a retail food establishment, independent or part of another operation, that processes or prepares on the premises raw and ready-to-eat food labeled organic
4. a handling operation that uses the word “organic” only on the information panel.

Additional Notes:

3. Handler: Any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that receives or otherwise acquires agricultural products and processes, packages, or stores such products. However this does not include the sale, transportation, or delivery of crops or livestock by the producer to the handler. *USDA National Organic Program Definition*