

## ORGANIC CERTIFICATION FACT SHEET

The USDA organic regulations (7CFR §205.100) require every business that produces or handles agricultural products intended to be sold, labeled or represented with organic claims to be certified, unless their activities are covered by an exemption outlined in §205.101.

In March 2023, the regulation was updated to expand the definition of handling and reduce the number of uncertified entities in the organic supply chain. Operations producing and handling organic products must be in compliance with the changes to the regulation by March 19, 2024.

### Activities That Require Organic Certification

Businesses that engage in the following activities must be certified to make organic claims.

1. **Producing, Processing, or Physically Handling Organic Products** - growing crops, raising livestock, manufacturing processed products, repacking, labeling or treating organic products.
2. **Trading Organic Products** - buying, selling, or otherwise facilitating trade of organic products. Includes:
  - ✓ Exporters and domestic importers to the US
  - ✓ Traders or brokers
  - ✓ Operations involved in sourcing organic ingredients or products
3. **Transportation-Adjacent Activities\***
  - ✓ Loading or unloading unpackaged, bulk product to and from storage
  - ✓ Splitting or combining loads
  - ✓ Storing organic products that are not in tamper-evident, sealed packaging or containers



*\* Transportation is generally considered exempt. However, any activities adjacent to transportation require certification. Some minor exemptions are in place for customs and logistics brokers, and traders of tamper-evident packages labeled for retail sale.*

**Handle** - To sell, process, or package agricultural products, including but not limited to trading, facilitating sale or trade on behalf of a seller or oneself, importing to the United States, exporting for sale in the United States, combining, aggregating, culling, conditioning, treating, packing, containerizing, repackaging, labeling, storing, receiving, or loading. **§205.2**

## Exempt Activities That Do Not Require Organic Certification

Businesses that *only* engage in the following activities are not required to be certified:

1. Selling **less than \$5,000** per year from all organic transactions.
2. Handling, without processing, as a **retail establishment** (e.g. grocery stores). Online retail is permitted if the retailer also has a physical retail location.
3. **On-site processing at a retail establishment** (e.g. restaurants, delis, in-store repack from wholesale to retail labels).
4. Handling products that are **less than 70% organic content** (ineligible for certification) or voluntarily limit organic claims to the **ingredient statement** on the information panel only.
5. Only **receiving, storing** and/or preparing for shipment organic products that are sealed in **tamper-evident packaging** (e.g. warehouses that take physical possession, but do not alter packaged product in any way and are not involved in financial transactions).
6. Only buying, selling, receiving, storing and/or preparing for shipment organic products that are sealed in **tamper-evident packages labelled for retail sale**.
7. Only conducting customs business (i.e. **customs brokers**).
8. Only arranging transportation (i.e. **logistics brokers**).

**Tamper-evident** means the contents are sealed in a manner where an attempt to break the seal, access the contents, or reclose the package or container would be obvious. Examples include:

- Heat sealed or sewn bags
- Clamshells or pouches with tear-off seals
- Security tape across box flaps that damages the label or package if removed

## Additional Resources

Applicability and Exemptions from Certification Section of the USDA SOE Final Rule

<https://www.federalregister.gov/documents/2023/01/19/2023-00702/national-organic-program-nop-strengthening-organic-enforcement#h-22>

WSDA Organic Program New Applicant Information and Forms

<https://agr.wa.gov/departments/organic/new-applicant-info>



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