

National Organic Program Compliance Checklist for Handlers November 2006



This document was developed by the National Center for Appropriate Technology (NCAT) with funds provided by the USDA/National Organic Program (NOP). Distribution is through NCAT's ATTRA Project, the National Sustainable Agriculture Information Service.



Acknowledgements:

This document was written and prepared by Holly Born, Assistant Project Leader and NCAT Program Specialist (Lewis, IA), with the assistance of a stakeholder team representing the wider organic community, and formatted by Cynthia Arnold, NCAT Administrative Assistant (Fayetteville, AR).

Stakeholder Team Members:

Katherine Adam, NCAT, Fayetteville, AR
Ann Baier, NCAT, Soquel, CA
Jo Ann Baumgartner, Wild Farm Alliance, Watsonville, CA
Brenda Book, Washington State Dept. of Agriculture, Olympia, WA
Cissy Bowman, Indiana Certified Organic, Clayton, IN
Mark Bradley, USDA National Organic Program, Washington, DC
Diane Collins, Organic Farm Marketing, Viroqua, WI
Lisa Cone, Waterfall Hollow Farm, Berryville, AR
Joyce E. Ford, Organic Independents, Winona, MN
John Foster, Oregon Tilth, McMinnville, OR
Lance Gegner, NCAT, Fayetteville, AR
Liana Hoodes, National Campaign for Sustainable Agriculture, Pine Bush, NY
Lisa Hummon, Defenders of Wildlife, Albuquerque, NM
George Kuepper, NCAT, Lewis, IA (Project Leader)
Nancy Matheson, NCAT, Helena, MT
Lisa McCrory, NOFA-VT, Randolph, VT
Nancy Ostiguy, The Pennsylvania State University, University Park, PA
Jim Riddle, University of Minnesota, Winona, MN
Pam Riesgraf, Organic Valley, Jordan, MN
Barbara C. Robinson, USDA/AMS, Washington, DC
Kelly Shea, Horizon Dairy, Colorado Springs, CO
Kathy Turner-Cliff, Doubletree Ranch LLC, Huntsville, AR
Sara Vickerman, Defenders of Wildlife, West Linn, OR
Ann Wells, Springpond Holistic Animal Health, Prairie Grove, AR
Katherine Withey, Washington State Dept. of Agriculture, Olympia, WA

About This Document...

This Checklist has been created to help you evaluate your handling or processing operation to assess how it complies with the National Organic Program Standards. In §205.2 of the Standards, a “handling operation” is defined as

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.

The checklist structure and the language used is intended to make your work, and that of the certifier and inspector, a bit easier. However, this Checklist is a guidance document only. It does not replace the regulations of the National Organic Program and may not reflect recent policy developments. National Organic Program regulations and policy statements can be found on the National Organic Program website at: www.ams.usda.gov/nop/NOP/NOPhome.html

The Checklist is divided into eight sections. Sections 2 through 7 correspond to the six categories of information required in the Organic Production and Handling System Plan, as specified in the Organic Standard §205.201.

Each item in the Checklist is presented in the form of a question that can be answered by checking the “YES,” “NO,” or “Not Applicable” box located adjacent to the question. A check made in a “NO” box indicates that you may be out of compliance with the Federal Standard. In most instances, questions are accompanied by the corresponding section and paragraph number of the regulations.

Copies of the Checklist may be downloaded from the ATTRA website at: www.attra.ncat.org Additional print copies can be obtained by writing ATTRA at P.O. Box 3838, Butte, MT 59701, or by calling 1-800-346-9140.

Section 1: General: Must I Certify My Operation?

Subsection 1.a: Exempt Handling Operations

Check All That Apply:

- _____ My operation sells less than \$5,000 of organic product each year [§205.101(a)(1)].
- _____ My operation is a retail food establishment that handles organic products, but does NOT process or repackage them [§205.101(a)(2)].
- _____ I only handle products that contain less than 70% organic ingredients by weight (excluding water and salt) [§205.101(a)(3)].
- _____ I only use the term “organic” on a label when identifying organic ingredients on the information panel of my product label [§205.101(a)(4)].

If you checked any of the above 4 items, you are **exempt** from certification. However, your operation must still comply with all NOP regulations except for certification requirements and the submission of an organic systems plan. To assess your compliance with these, please skip ahead to the questions in subsection 2.c.e on page 12. Then answer questions 1.a.1 through 1.a.5, if applicable.

- 1.a.1. In completing subsection 2.c.e, did you answer all of the questions either with a “Yes” or “Not Applicable” [§205.310]? Yes No
 Not applicable
- 1.a.2. Do your records provide proof that organic ingredients are certified organic [§205.101(c)(1)(i)]? Yes No
 Not applicable
- 1.a.3. Do your records verify the quantities of organic ingredients you use [§205.101(c)(1)(ii)]? Yes No
 Not applicable
- 1.a.4. Have you or are you prepared to maintain your records for at least 3 years [§205.101(c)(2)]? Yes No
 Not applicable
- 1.a.5. Are your records accessible to inspection by representatives of the Secretary of Agriculture or your State Organic Program during regular business hours [§205.101(c)(2)]? Yes No
 Not applicable

Subsection 1.b: Excluded Handling Operations

Check All That Apply:

- _____ I sell only “100% organic,” “organic,” and “made with organic (specified ingredients or food groups)”¹ products that were packaged before I received them, and which remain in their original packaging. I do NOT repackage or process them further [§205.101(b)(1)].
- _____ My operation is a retail food establishment that prepares, on the premises, only raw and ready-to-eat food previously labeled “100% organic,” “organic,” and “made with organic (specified ingredients or food groups)”² [§205.101(b)(2)].

If you checked either of the above 2 items, you are **excluded** from certification. However, there are still regulations that apply to your operation. To assess your compliance with these, please proceed to Subsection 2.c.e and Section 6 of this document. Then return and answer the following questions.

- 1.b.1. In completing Subsection 2.c.e, did you answer all of the questions either with a “Yes” or “Not Applicable” [§205.310]? Yes No
 Not applicable
- 1.b.2. In completing Section 6, did you answer all of the questions either with a “Yes” or “Not Applicable” [§205.272]? Yes No
 Not applicable

¹“Made with organic (specified ingredients or food groups)” refers to those products containing at least 70% organic ingredients by total weight (excluding salt and water). These may be labeled “Made with organic (specified ingredients or food groups).”

²Ibid.

- 1.b.3. As an excluded handler, are you careful NOT to affix the USDA seal to any products [§205.310(a)(1)]? Yes No
 Not applicable
- 1.b.4. As an excluded handler, are you careful NOT to claim to be certified and to NOT represent any on-site processed raw or ready-to-eat products as certified organic [§205.310(a)(2)]? Yes No
 Not applicable
- 1.b.5. As an excluded handler, are you careful that none of your products are identified as organic ingredients in another handler's products [§205.310(b)]? Yes No
 Not applicable

You should know...

"Exempt" operations are those that are specifically mentioned in the NOP regulations as being exempt from certification—small farmers, retailers, and handlers that do not process, and handlers with products below 70% organic content. "Excluded" operations do not have to be certified according to the NOP regulations, even though they are not "exempt" from certification under the Organic Foods Production Act (OFPA).

Both exempt and excluded operations do not need to be certified, but still have to comply with all NOP regulations except for the certification requirements and the submission of an organic system plan.

Subsection 1.c: Certified Organic Operations

If you handle crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as "100% organic," "organic," or "made with (specified ingredients or food groups),"³ you must be certified unless exempt or excluded from certification. (See Subsections 1A and 1B). If you must be certified, please proceed with answering the remaining questions posed in this checklist.

- 1.c.1. Have you submitted an application(s) for organic certification to a certifying agent(s)? Yes No
 Not applicable
- 1.c.2. Is/Are the certifier(s) accredited with the USDA's National Organic Program (NOP)? Yes No
A current list of accredited certifying agents is published on the NOP website at: www.ams.usda.gov/nop/ Not applicable
- 1.c.3. Did you complete an organic production and handling system plan (also known as the Organic System Plan (OSP)) [§205.201]? Yes No
 Not applicable
- A complete Organic System Plan includes the following:*
- 1) *A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;*
 - 2) *A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable;*
 - 3) *A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;*
 - 4) *A description of the recordkeeping system implemented;*
 - 5) *A description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances;*
 - 6) *Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.*

³Ibid.

- 1.c.4. Did you advise the certifier(s) of any previous applications for certification including the names of the certifiers, dates of application, and the outcomes of those applications [§205.401(c)]? Yes No
 Not applicable
- 1.c.5. Did you provide the certifier(s) with details of any prior noncompliances, noncompliance notices, denials of certification, suspensions, revocations, and actions taken to correct noncompliances [§205.401(c)]? Yes No
 Not applicable
- 1.c.6. Have you notified the certifier(s) of any deviations from the Organic System Plan or other actions that may affect compliance with federal organic regulations [§205.400(f)(2)]? Yes No
 Not applicable
- 1.c.7. Are all your organic products and handling operations available for inspection by the Administrator,⁴ the applicable State Organic Program's governing State official, or the certifying agent [§205.670(a)]? Yes No
 Not applicable

Section 2: Practices & Procedures

A description of practices and procedures to be performed and maintained, and the frequency with which they will be performed is required as part of your Organic System Plan [§205.201(a)(1)].

Subsection 2.a: General

- 2.a.1. If you process products for sale as organic, are you using only allowed methods? Yes No
 Not applicable
Processes allowed include mechanical or biological methods such as cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, distilling, extracting, slaughtering, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, chilling, and the packaging, canning, jarring, or otherwise enclosing of a product in a container [§205.2 & §205.270(a)].
- 2.a.2. If you process products for sale as organic and use nonorganic agricultural ingredients, are those items on the National List of nonorganically produced agricultural products allowed as ingredients...⁵ [§205.270(b)]? Yes No
 Not applicable
- 2.a.3. If you process products for sale as organic and use nonagricultural ingredients, are those items on the National List of nonagricultural substances allowed as ingredients...⁶ [§205.270(b)]? Yes No
 Not applicable
After June 9, 2007, ingredients listed in Section §205.606 of the National List may only be used as ingredients if their organic equivalent is not commercially available.
- 2.a.4. Do you exclude the use of ionizing radiation in the production or on-farm processing of any ingredient or product you market as “100% organic,” “organic,” or “made with (specified ingredients or food groups)” [§205.105(f)]? Yes No
 Not applicable

Subsection 2.b: Product Composition

- 2.b.1. Are you using the term “organic” correctly? Yes No
 Not applicable
The term “organic” may only be used on labels and in labeling of raw or processed agricultural products, including ingredients, which have been produced and handled in accordance with the National Organic Standards 7 CFR Part 205.
- 2.b.2. Are you sure that you are not using the term “organic” in a product name to modify a nonorganic ingredient in the product [§205.300(a)]? Yes No
 Not applicable
For example, you cannot call a product “Organic Cherry Ice Cream” if the cherries are nonorganic.

⁴The administrator for the USDA's Agricultural Marketing Service (AMS) or an authority that has been designated to act in his/her stead [§205.2].

⁵§205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic” or “made with organic [specified ingredients or food groups(s)].”

⁶§205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic [specified ingredients or food groups(s)].”

- 2.b.3. If you are selling, labeling, or representing a product as “100 percent organic,” does the product contain (by weight or fluid volume) 100 percent certified organic ingredients (excluding water and salt) [§205.301(a)]? Yes No
 Not applicable
Note that each ingredient must be 100% certified organic itself.
- 2.b.4. If you are selling, labeling, or representing a product as “100 percent organic,” and any processing aids⁷ were required, were the processing aids certified organic [§205.301(f)(4)]? Yes No
 Not applicable
- 2.b.5. If you are selling, labeling, or representing a product as “organic,” does the product contain (by weight or fluid volume) at least 95 percent organically produced ingredients (excluding water and salt) [§205.301(b)]? Yes No
 Not applicable
- 2.b.6. If you are selling, labeling, or representing a product as “organic,” are the non-organic agricultural ingredients on the National List under §205.606⁸, and have you documented that they are not commercially available as organic [§205.301(b)]? Yes No
 Not applicable
“Commercially available” is defined as the ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan.
- 2.b.7. If you are selling, labeling, or representing a product as “made with organic (specified ingredients or food groups),” does the product contain (by weight or fluid volume) at least 70 percent organically produced ingredients (excluding water and salt) [§205.301(c)]? Yes No
 Not applicable
- 2.b.8. If you are selling, labeling, or representing a product as “made with organic (specified ingredients or food groups),” can you verify or document that all nonorganically produced ingredients produced without use of sewage sludge, ionizing radiation, or genetically modified organisms [§205.301(c)]? Yes No
 Not applicable
- 2.b.9. If you are selling, labeling, or representing a product as “organic,” and processing aids were used, were they either organically produced or on the National List under §205.605 or §205.606⁹? Yes No
 Not applicable
- 2.b.10. If you are selling, labeling, or representing a product as “organic,” can you verify or document that sulfites, nitrates, or nitrites are NOT added during the production or handling process [§205.301(f)(5)]¹⁰? Yes No
 Not applicable
- 2.b.11. If you are selling, labeling, or representing a product as “organic,” can you verify or document that the product is NOT produced using nonorganic ingredients when organic ingredients are available [§205.301(f)(6)]? Yes No
 Not applicable
- 2.b.12. If you are selling, labeling, or representing a product as “organic,” or “made with organic (specified ingredients or food groups),” can you verify or document that the product does NOT contain organic and nonorganic forms of the same ingredient [§205.301(f)(7)]? Yes No
 Not applicable
- 2.b.13. If you are selling, labeling, or representing a livestock feed product as “100 percent organic,” does that product contain (by weight or fluid volume, excluding water and salt) no less than 100 percent organically produced raw or processed agricultural product [§205.301(e)(1)]? Yes No
 Not applicable

⁷§205.2 “Processing aids” are defined as

- 1) Substances that are added to a food during the processing of such food but are removed in some manner from the food before it is packaged in its finished form;
- 2) Substances that are added to a food during processing which are converted into constituents normally present in the food, and do not significantly increase the amount of the constituents naturally found in the food;
- 3) Substances that are added to a food for their technical or functional effect in the processing but are present in the finished food at insignificant levels and do not have any technical or functional effect on the food.

⁸See footnote 5 on page 6.

⁹See footnotes 5 and 6 on page 6.

¹⁰Note: Wine containing added sulfites may only be labeled as “made with organic grapes.”

- 2.b.14. If you are selling, labeling, or representing a livestock feed product as “organic,” can you verify or document that:
- Yes No
 Not applicable
- _____ all agricultural ingredients are certified organic [§205.237(a)]?
 _____ any synthetic ingredients are on the National List under §205.603 [§205.237(a)]?
 _____ no animal drugs or synthetic hormones are included [§205.237(b)(1)]?
 _____ no plastic pellets are added [§205.237(b)(3)]?
 _____ no manure or urea is added [§205.237(b)(4)]?
 _____ no mammalian or poultry by-products are included [§205.237(b)(5)]?
 _____ use of any feed, feed additives, or feed supplements does NOT violate the Federal Food, Drug, and Cosmetic Act [§205.237(b)(6)]?
- 2.b.15. For all of your products labeled “100% organic,” “organic,” “made with organic (specified ingredients or food groups),” or that include organic ingredients, do you calculate the percentage of organic ingredients using the method required by the National Organic Standard¹¹, which is:
- Yes No
 Not applicable
- 1) *Divide the total net weight (excluding water and salt) of combined organic ingredients at formulation by the total weight (excluding water and salt) of all ingredients [§205.302(a)(1)].*
 - 2) *Divide the fluid volume of all organic ingredients (excluding water and salt) by the fluid volume of all ingredients (excluding water and salt) if the product and ingredients are liquid. If the liquid product is identified on the principal display panel or information panel as being reconstituted from concentrates, the calculation should be made on the basis of single-strength concentrations of the ingredients [§205.302(a)(2)].*
 - 3) *For products containing organically produced ingredients in both solid and liquid form, divide the combined weight of the solid ingredients and the weight of the liquid ingredients (excluding water and salt) by the total weight (excluding water and salt) of all ingredients [§205.302(a)(3)].*
- 2.b.16. When calculating the percentage of organic ingredients, do you always round down to the nearest whole number [§205.302(b)]? Yes No
 Not applicable
- 2.b.17. Do you and/or another principal in your operation calculate the percentage of organic ingredients in your products, and are the same individuals responsible for that information on the product labels [§205.302(c)]? Yes No
 Not applicable
- 2.b.18. Does your certifier verify your label and calculation procedure?¹² Yes No
 Not applicable

Subsection 2.c: Labels and Labeling

Subsection 2.c.a: Products Labeled as “100% Organic” and “Organic”

- 2.c.a.1. If you label packaged products “organic,” do you identify each organic ingredient in the ingredient statement with the word “organic” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced [§205.303(b)(1)]? Yes No
 Not applicable

Note: Water or salt included as ingredients cannot be identified as organic.

¹¹The method to calculate percentage of organic ingredients in the National Organic Standard Final Rule was incorrect. This has been corrected in the National Organic Program Audit Checklist, which can be found at: www.ams.usda.gov/nop/NOP/NOPEnglishAuditChecklistCOMEX.pdf The correct method is shown in this document.

¹²Review of labels and verifying calculations of organic ingredients are included in the organic system plan, which must be approved by the certifying agent prior to scheduling inspections.

- 2.c.a.2. If you label packaged products “100 percent organic” or “organic,” do you include on the information panel, below the information identifying the handler or distributor of the product and preceded by the statement “Certified organic by...” (or similar phrase), the name of the certifying agent that certified the handler of the finished product [§205.303(b)(2)]¹³? Yes No
 Not applicable
- 2.c.a.3. If you label packaged products “organic” and display the percentage of organic ingredients in the product, is the size of the percentage statement less than or equal to one-half the size of the largest type size on the panel on which the statement is displayed and does the percentage statement appear in its entirety in the same type size, style, and color without highlighting [§205.303(b)(2)]? Yes No
 Not applicable
- 2.c.a.4. If you label packaged products “100 percent organic” or “organic,” and display the seal, logo, or other identifying mark of the certifying agent(s)* can you document that the handler producing the finished product maintains records verifying that the operations producing the ingredients are certified [§205.303(a)(5)]? Yes No
 Not applicable
**Refers to the certifying agent that certified either the production of the finished product, or the raw products or ingredients that were used in the finished product.*
- 2.c.a.5. If you label packaged products “100 percent organic” or “organic,” and display the seal, logo, or other identifying mark of the certifying agent(s)*, do you ensure that such seals or marks are NOT individually displayed more prominently than the USDA seal [§205.303(a)(5)]? Yes No
 Not applicable
**Refers to the certifying agent that certified either the production of the finished product, or the raw products or ingredients that were used in the finished product.*
- 2.c.a.6. If you label livestock feed products as “100 percent organic” or “organic,” does the information panel below the identification of the handler or distributor of the product and preceded by the statement “Certified organic by...” or similar phrase, display the name of the certifying agent that certified the handler of the finished product [§205.306(b)(1)]¹⁴? Yes No
 Not applicable
- 2.c.a.7. If you label livestock feed products as “100 percent organic” or “organic,” does the label comply with other Federal agency or State feed labeling requirements, as applicable [§205.306(b)(2)]? Yes No
 Not applicable
- 2.c.a.8. If you label livestock feed products as “100 percent organic” or “organic,” and display on any package panel the seal, logo, or other identifying market of the certifying agent that certified the production or handling operation producing the raw or processed organic ingredients used in the finished product, do you ensure that such seals or marks are NOT displayed more prominently than the USDA seal [§205.306(a)(3)]? Yes No
 Not applicable

Subsection 2.c.b: Products Labeled as “Made With Organic (Specified Ingredients Or Food Group(s))”

- 2.c.b.1. If you label packaged products “made with organic (specified ingredients or food group(s))”, do you identify each organic ingredient in the ingredient statement with the word “organic” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced [§205.304(b)(1)]? Yes No
 Not applicable
Note: Water or salt included as ingredients cannot be identified as organic.

¹³You may also display the business address, Internet address, or telephone number of the certifying agent on the information panel below the information identifying the handler or distributor of the product.

¹⁴The business address, Internet address, or telephone number of the certifying agent may be included on the label.

- 2.c.b.2. If you label packaged products “made with organic (specified ingredients or food group(s)),” do you, on the information panel below the information identifying the handler or distributor of the product and preceded by the statement “Certified organic by...” (or similar phrase), identify the name of the certifying agent that certified the handler of the finished product [§205.304(b)(2)]?¹⁵ Yes No Not applicable
- 2.c.b.3. If you label packaged products “made with organic (specified ingredients or food group(s)),” do you ensure that the USDA seal does NOT appear on the package [§205.304(c)]? Yes No Not applicable
- 2.c.b.4. If you label packaged products “made with organic (specified ingredients),” and use the statement “made with organic (specified ingredients)” on the label*, do you ensure that the statement does NOT list more than three organically produced ingredients or more than three of the following food groups: fruits, grains, herbs, meats, nuts, oils, poultry, seeds, spices, sweeteners, and vegetables or processed milk products [§205.304(a)(1)(i)] and [§205.304(a)(1)(ii)]? Yes No Not applicable
**“Label,” in this instance, includes the principal display panel, information panel, and any other panel of the package and on any other labeling or market information concerning the product.*
- 2.c.b.5. If you use the statement “made with organic (specified ingredients)” or “made with organic (specified food groups),” do you ensure that it appears in letters that do NOT exceed one-half of the size of the largest type size on the panel and appears in its entirety in the same type size, style, and color without highlighting [§205.304(a)(1)(iii)]? Yes No Not applicable
- 2.c.b.6. If you label packaged products “made with organic (specified ingredients or food group(s)),” and display the percentage of organic ingredients in the product, is the size of the percentage statement less than or equal to one-half the size of the largest type size on the panel on which the statement is displayed and does the percentage statement appear in its entirety in the same type size, style, and color without highlighting [§205.304(a)(2)]?¹⁶ Yes No Not applicable

Subsection 2.c.c: Products Containing Less Than 70% Organically Produced Ingredients

- 2.c.c.1. If you label packaged products with LESS than 70 percent organically produced ingredients, does your label ONLY identify the organic content of the product by identifying each organically produced ingredient in the ingredient statement with the word “organic,” or with an asterisk or other reference mark (defined below the ingredient statement) to indicate the ingredient is organically produced [§205.305(a)(1)]? Yes No Not applicable
- 2.c.c.2. If you label packaged products with LESS than 70 percent organically produced ingredients, and you display the percentage of organic contents on the information panel, are the organically produced ingredients identified in the ingredient statement [§205.305(a)(2)]? Yes No Not applicable
- 2.c.c.3. If you label packaged products with LESS than 70 percent organically produced ingredients, do you refrain from displaying the USDA seal [§205.305(b)(1)]? Yes No Not applicable
- 2.c.c.4. If you label packaged products with LESS than 70 percent organically produced ingredients, do you refrain from displaying any certifying agent seal, logo, or other identifying mark which represents organic certification of a product or product ingredients [§205.305(b)(2)]? Yes No Not applicable

¹⁵You may also display the business address, Internet address, or telephone number of the certifying agent on the information panel below the information identifying the handler or distributor of the product.

¹⁶You may also display on the principal display panel, information panel, and any other panel of the package and on any labeling or market information concerning the product, the seal, logo, or other identifying mark of the certifying agent that certified the handler of the finished product [§205.304(a)(3)].

Subsection 2.c.d: Organic Products Sold in Bulk

You should know...

If you label non-retail containers used only for shipping or storage of raw or processed agricultural products labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)), you may display the following terms or marks on the container:

- 1) The name and contact information of the certifying agent which certified the handler which assembled the final product [§205.307(a)(1)]
- 2) Identification of the product as organic[§205.307(a)(2)]
- 3) Special handling instructions needed to maintain the organic integrity of the product[§205.307(a)(3)]
- 4) The USDA seal[§205.307(a)(4)] (Note: For “100% organic” and “organic” products only)
- 5) The seal, logo, or other identifying mark of the certifying agent that certified the organic production or handling operation that produced or handled the finished product [§205.307(a)(5)]

- 2.c.d.1. If you label non-retail containers used only for shipping or storage of raw or processed agricultural products as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)),” do the containers display the production lot number of the product [§205.307(b)]? Yes No Not applicable
- 2.c.d.2. If you label shipping containers of domestically produced product labeled as organic intended for export to international markets, and label these containers in accordance with shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer, are the shipping containers and shipping documents accompanying such organic products clearly marked “For Export Only” [§205.307(c)]? Yes No Not applicable
- 2.c.d.3. If you are an exempt or excluded operation, and label shipping containers as organic for export, do you maintain proof of such container marking and export as part of your records [§205.307(c)]? Yes No Not applicable
- 2.c.d.4. If you sell, label, or represent agricultural products as “100 percent organic” or “organic” in other than packaged form at the point of retail sale (bulk sales), do you follow labeling requirements [§205.308]? Yes No Not applicable

You should know...

You may use the term “100 percent organic” or “Organic” to modify the name of the product in retail display, labeling, and display containers provided that the term “organic” is used to identify the organic ingredients listed in the ingredient statement [§205.308(a)]. If the product is prepared in a certified facility, the retail display, labeling, and display containers may use the USDA seal [§205.308(b)(1)] and the seal, logo, or other identifying mark of the certifying agent(s)*, provided that such seals or marks are NOT individually displayed more prominently than the USDA seal [§205.308(b)(2)].

**Refers to the certifying agent that certified either the production of the finished product, or the raw products or ingredients that were used in the finished product.*

- 2.c.d.5. If you handle agricultural products in bulk containing between 70 and 95 percent organically produced ingredients and label them “made with organic [specified ingredients or food groups(s)], does your label statement list no more than three organic ingredients or food groups [§205.309(a)(1)]? Yes No Not applicable
- 2.c.d.6. If you handle agricultural products in bulk containing between 70 and 95 percent organically produced ingredients and label them “made with organic [specified ingredients or food groups(s)],” does the label indicate all organically produced ingredients as “organic” [§205.309(a)(2)]? Yes No Not applicable

You should know...

If a bulk product containing between 70 and 95 percent organic ingredients is prepared in a certified facility, and is labeled "made with organic [specified ingredients or food groups(s)]" in retail displays, display containers, and market information, it may feature the certifying agent's seal, logo, or other identifying mark [§205.309(b)].

Subsection 2.c.e: Sale of Products Produced On An Exempt Or Excluded Operation

- 2.c.e.1. If you sell agricultural products produced on an exempt or excluded operation, do you refrain from displaying the USDA seal or any certifying agent's seal or other identifying mark which represents the exempt or excluded operation as a certified organic operation [§205.310(a)(1)]? Yes No Not applicable
- 2.c.e.2. If you sell agricultural products produced on an exempt or excluded operation, do you ensure that the product is NOT represented as a certified organic product or certified organic ingredient [§205.310(a)(2)]? Yes No Not applicable

You should know...

An agricultural product organically produced or handled on an exempt or excluded operation may be identified as an organic product or organic ingredient in a multiingredient product produced by the exempt or excluded operation. Such product or ingredient must NOT be identified or represented as "organic" in a product processed by others [§205.310(b)].

- 2.c.e.3. If you are selling agricultural products produced on an exempt or excluded operation, can you verify and/or document that the product: Yes No Not applicable
 - _____ is labeled correctly. The term "organic" may NOT be used in a product name to modify a non-organic ingredient [§205.300(a)].
 - _____ has NOT been produced using excluded methods¹⁷ [§205.301(f)(1)]
 - _____ has NOT been produced using sewage sludge [§205.301(f)(2)]
 - _____ has NOT been produced using ionizing radiation [§205.301(f)(3)]
 - _____ has NOT been processed using processing aids that were NOT organically produced or are NOT on the National List [§205.301(f)(4)]
 - _____ does NOT contain added sulfites, nitrates, or nitrites [§205.301(f)(5)]
 - _____ has NOT been produced using nonorganic ingredients when organic ingredients were available [§205.301(f)(6)]
 - _____ does NOT include organic and non-organic forms of the same ingredient [§205.301(f)(7)]
 - _____ is NOT used as an organic ingredient by anyone who is not either an exempt or excluded handler [§205.310(b)]

You should know...



The USDA seal may only be used on products that are labeled "100% organic" or "organic" as per §205.301(a); §205.301(b); §205.301(e)(1); §205.301(e)(2). The USDA seal must replicate the form and design of the example in figure 1 and must be printed legibly and conspicuously

- 1) On a white background with a brown outer circle and with the term "USDA" in green overlaying a white upper semicircle with the term "organic" in white overlaying the green lower half circle [§205.311(b)(1)]; or
- 2) On a white or transparent background with black outer circle and black "USDA" on a white or transparent upper half of the circle with a contrasting white or transparent "organic" on the black lower half circle [§205.311(b)(2)].
- 3) The green or black lower half circle may have four light lines running from left to right and disappearing at the point on the right horizon to resemble a cultivated field [§205.311(b)(3)].

¹⁷Excluded methods are defined as a variety of methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods include cell fusion, microencapsulation and macroencapsulation, and recombinant DNA technology [§205.2].

Subsection 2.d: Facility Pest Management

You should know...

Preventative practices, such as removal of pest habitat, food sources, and breeding areas, prevention of access to handling facilities, and management of environmental factors such as temperature, light, humidity, atmosphere, and air circulation to prevent pest reproduction are required [§205.271(a)(1)(2)(3)]. If these preventative practices fail to control pests, handlers may manage them using

- 1) Mechanical or physical controls such as traps, light or sound [§205.271(b)(1)]
- 2) Lures and repellents using nonsynthetic or synthetic substances consistent with the National List [§205.271(b)(2)]

If these alternatives are also insufficient, a nonsynthetic or synthetic substance consistent with the National List may be used [§205.271(c)].

2.d.1. If you need to apply a synthetic substance not on the National List in order to achieve adequate pest control, do you confer with your certifying agent to agree on the substance to be used, method of application, and measures to be taken to prevent contact of the organically produced products or ingredients with the substance used [§205.271(d)]? Yes No
 Not applicable

2.d.2. If you need to apply any nonsynthetic or synthetic substance(s) to control pests, do you update your organic handling plan to reflect the use of such substances and methods of application and does the updated organic plan include a list of all measures taken to prevent contact of the organically produced products or ingredients and packaging with the substance used [§205.271(e)]? Yes No
 Not applicable

A handler may use substances to prevent or control pests as required by Federal, State, or local laws and regulations, provided that measures are taken to prevent contact of the organically produced products or ingredients with the substance used [§205.271(f)].

Section 3: Inputs

A list of each substance to be used as a production or handling input—including its composition, source, location(s) where it will be used—and documentation of commercial availability must be provided as part of your Organic System Plan [§205.201(a)(2)]. Allowed substances also include certain nonsynthetic nonagricultural materials as specifically listed in §205.605(a) and certain synthetic materials as specifically listed in §205.605(b). If the substance is synthetic, it must be on the National List to be used.

A comprehensive listing of allowed and prohibited materials is not provided here. As a handler/processor, you should read the appropriate sections of the National List (§205.605 and §205.606) and confer with your certifier when in doubt. Note that many products and materials represented as “natural” or “organically acceptable” might not be allowed under the National Standard. Always check with your certifier before using any new or questionable material.

Subsection 3.a: Food Ingredients

3.a.1. If you process products for sale as organic and must use nonorganic agricultural ingredients, are those items listed on the National List of nonorganically produced agricultural products allowed as ingredients in §205.606¹⁸ [§205.270(b)]? Yes No
 Not applicable

3.a.2. If you process products for sale as organic and must use nonagricultural ingredients, are those items listed on the National List of nonagricultural substances allowed as ingredients in §205.605¹⁹ [§205.270(b)]? Yes No
 Not applicable

¹⁸See footnotes on page 6 for more information on the National List.

¹⁹See footnotes on page 6 for more information on the National List.

Subsection 3.b: Processing Aids

- 3.b.1. If you process products for sale as organic and must use processing aids, are the constituents of the processing aids either certified organic, listed on the National List of nonorganically produced agricultural products in §205.606, or listed as nonagricultural ingredients allowed as processing aids in §205.605 [§205.270(b)]? Yes No
 Not applicable

Subsection 3.c: Sanitizers

- 3.c.1. If you process products for sale as organic and use cleaning/sanitizing products, are the constituents of the cleaning/sanitizing products certified organic, or listed on the National List of nonorganically produced agricultural substances in §205.606 or nonagricultural ingredients in §205.605 [§205.270(b)]? Yes No
 Not applicable

Subsection 3.d: Facility Pest Management

- 3.d.1. If you were obliged to use a synthetic pest control material for managing pests in or around buildings or facilities, was it because management strategies and allowed materials were inadequate [§205.271(d)]?²⁰ Yes No
 Not applicable

The handler and the certifying agent must agree on the substance to be used, method of application, and measures to be taken to prevent contact of the organically produced products or ingredients with the substance used. The organic handling plan must be updated to reflect the use of the substance and the methods of application [§205.271(d)].

- 3.d.2. If you were obliged to use a synthetic pest control material for managing pests in or around buildings or facilities, were stringent measures taken to prevent contact of organically produced products or ingredients and packaging with the substance used [§205.271(d) and §205.272(b)(1)]? Yes No
 Not applicable

- 3.d.3. If you were obliged to use a synthetic pest control material for managing pests in or around buildings or facilities, did you update the your operation's Organic System Plan to reflect the use of such substances and methods of application, plus all measures taken to prevent contact with the organically produced products or ingredients and packaging [§205.271(e) and §205.272(b)(1)]? Yes No
 Not applicable

Section 4: Monitoring Practices & Procedures

A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented is required in your Organic System Plan [§205.201(a)(3)].

- 4.1. Do you monitor pests in storage and other facilities to guide your management decisions [§205.271(c)]? Yes No
 Not applicable

Biological and botanical pest control substances, and pest control agents included on the National List may be used only when environmental management, sanitation, barriers, and mechanical controls are insufficient to keep a pest problem in check [§205.271(c)]. Some form of monitoring must be used to trigger and justify the use of these materials. The conditions for using such materials must be described in the Organic System Plan [§205.271(e)].

- 4.2. Do you describe your monitoring procedures and conditions for using pest control methods in your Organic System Plan [§205.271(e)]? Yes No
 Not applicable

²⁰You are allowed to use otherwise prohibited pest control materials for facility pest management if so-required by Federal, State, or local laws and regulations. However, measures must be taken to prevent the contamination of organic products and ingredients [§205.271(f)].

- 4.3. Do you describe your monitoring procedures for cleaning and purging machinery and equipment to prevent commingling and contamination in your Organic System Plan [§205.272(a)]? Yes No
 Not applicable

Section 5: Recordkeeping

A description of your recordkeeping system must be provided in your Organic System Plan [§205.201(a)(4)].

- 5.1. Do you maintain a complete set of operation records covering handling of all agricultural products that you intend to be sold, labeled, or represented as organic [§205.103(a)]? Yes No
 Not applicable
- 5.2. Is your recordkeeping system appropriate and well-adapted to the needs of your organic operation [§205.103(b)(1)]? Yes No
 Not applicable
- 5.3. Does your recordkeeping system fully disclose all activities and transactions, such as ingredient purchases and product sales, in sufficient detail so as to be readily understood and audited [§205.103(b)(2)]? Yes No
 Not applicable
- 5.4. Do you retain or are you preparing to retain all records applicable to your organic operation for at least 5 years [§205.400(d) & §205.103(b)(3)]? Yes No
 Not applicable
- 5.5. Is your recordkeeping system sufficient to demonstrate compliance with organic regulations and the Organic Foods Production Act [§205.103(b)(4)]? Yes No
 Not applicable
- 5.6. Are your records available for inspection and copying during normal business hours by authorized representatives of the Secretary,²¹ the State Organic Program, and/or the certifying agent [§205.103(c)]? Yes No
 Not applicable

Section 6: Commingling and Contamination

A description of your management practices and the physical barriers you've established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production operations and products with prohibited substances must be provided in your Organic System Plan [§205.201(a)(5)].

- 6.1. During handling and storage, do you take adequate measures to prevent contact of organic crops, livestock, and products with prohibited substances [§205.272(a)]? Yes No
 Not applicable
- 6.2. Are all your packaging materials, bins, and storage containers free of synthetic fungicides, preservatives, and/or fumigants [§205.272(b)(1)]? Yes No
 Not applicable
- 6.3. If you re-use any bags or containers, do you take measures to ensure that there is no risk of commingling with nonorganic products or of contamination with a prohibited substance [§205.272(b)(2)]? Yes No
 Not applicable

Section 7: Additional Information Required

Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations must be provided in your Organic System Plan [§205.201(a)(6)].

- 7.1. If you have been or were required to cooperate with additional testing or provide further information about any inputs to your organic operation by the Administrator,²² your State Organic Program, or your certifier, have you done so [§205.670(b)]?²³ Yes No
 Not applicable

²¹The Secretary of Agriculture or his/her delegate [§205.2].

²²The administrator for the USDA's Agricultural Marketing Service (AMS) or an authority that has been designated to act in his/her stead [§205.2].

²³Additional testing may be required when there is reason to believe that the agricultural input contains an unacceptable level of prohibited substances or has been produced using excluded methods. Such tests must be conducted by the applicable State Organic Program's governing State official or the certifying agent at the official's or certifying agent's own expense [§205.670(b)].

- 7.2. If you were required to cooperate with additional testing or provide further information about any of your organic products by the Administrator,²⁴ your State Organic Program, or your certifier, have you done so [§205.670(b)]?²⁵ Yes No
 Not applicable
- 7.3 Are you prepared to immediately notify your certifier concerning application of a prohibited substance or change in the operation that may affect compliance with the National Organic Standards [§205.400(f)]? Yes No
 Not applicable
- 7.4 Have you submitted applicable fees to your certifier [§205.400(e)]? Yes No
 Not applicable

²⁴The administrator for the USDA's Agricultural Marketing Service (AMS) or an authority that has been designated to act in his/her stead [§205.2].

²⁵Additional testing may be required when there is reason to believe that the product has come into contact with a prohibited substance or has been produced using excluded methods. Such tests must be conducted by the applicable State Organic Program's governing State official or the certifying agent at the official's or certifying agent's own expense [§205.670(b)].

Notes

Notes



Feedback

Please detach, complete, and return to the address shown below.

- 1) Did you find the Checklist helpful? Yes No
- 2) How might the Checklist be changed to be more useful to you?
- 3) Did you read any information in the Checklist that you believe is incorrect? Yes No
If "Yes," please indicate where you found the error.
- 4) I am a: producer _____
 certifier _____
 inspector _____
 educator/information provider _____
 other _____ Please describe _____

Thank you for your valuable feedback.

Fold and mail this form to:

Holly Born
NCAT/ATTRA
53020 Hitchcock Avenue
Lewis, IA 51544

**National Organic Program Compliance Checklist for
Handlers**

By Holly Born
NCAT Agriculture Specialist
©2006 NCAT

Paul Driscoll, Editor
Cynthia Arnold, Production

This publication is available on the Web at:
www.attra.ncat.org/attra-pub/organic_handlers.html
and
www.attra.ncat.org/attra-pub/PDF/organic_handlers.pdf

IP301
Slot 296
Version 122906