



# USDA NATIONAL ORGANIC PROGRAM EXEMPTIONS

## STRENGTHENING ORGANIC ENFORCEMENT (SOE)

HOW TO DETERMINE IF YOUR OPERATION HAS TO BE CERTIFIED OR NOT:

In the following guide, we try to simplify the certification requirements of your activities. You may use this guide to determine:

- if your operation or certain activities within your operation or
  - trade partnershave to get certified.

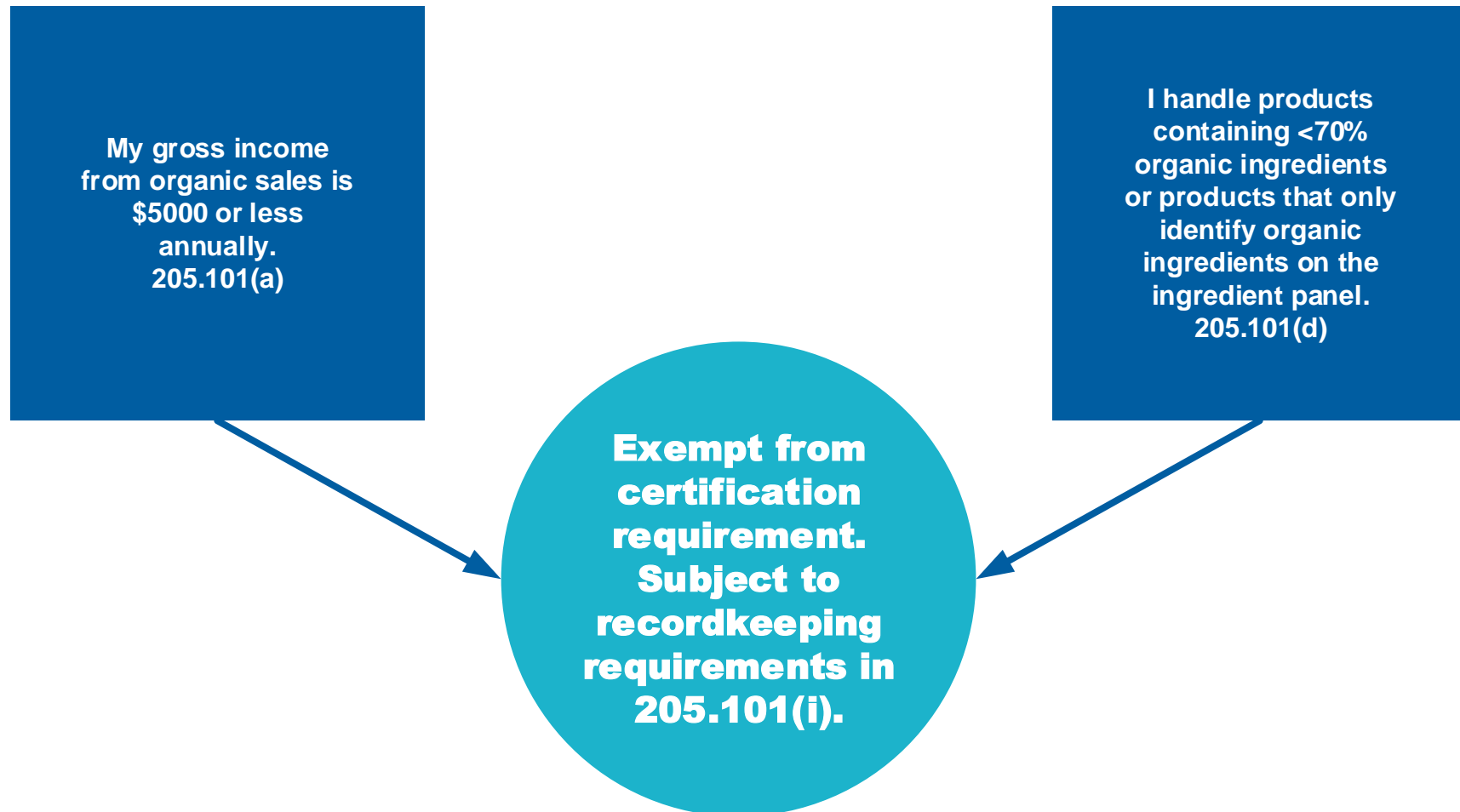
Note that the following information does not replace the final rule. For further information don't hesitate to reach out to your Kiwa BCS contact.

DATE OF COMPLIANCE: 19th of March, 2024.



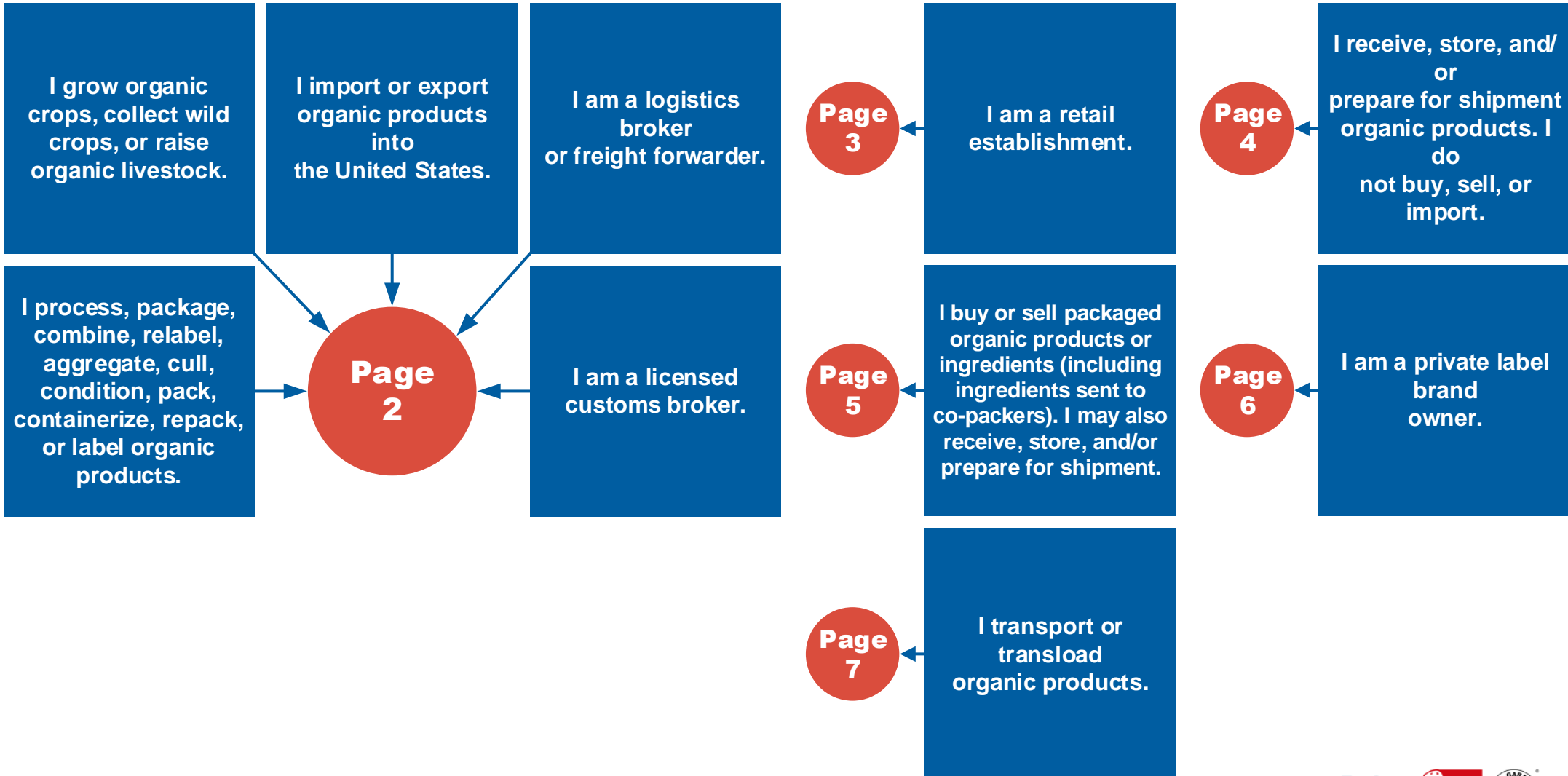
# DO I NEED TO BE CERTIFIED?

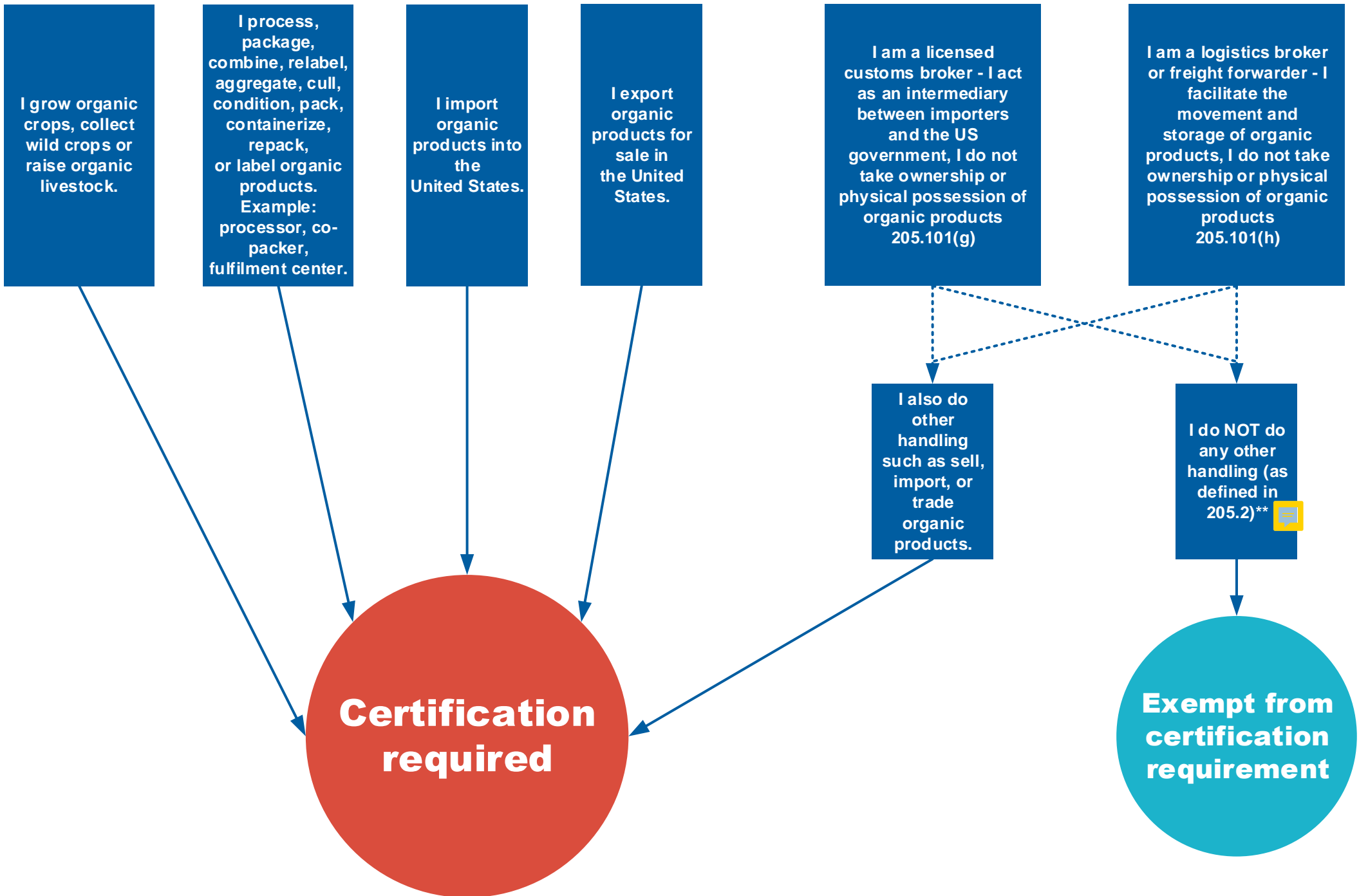
First considerations\* 

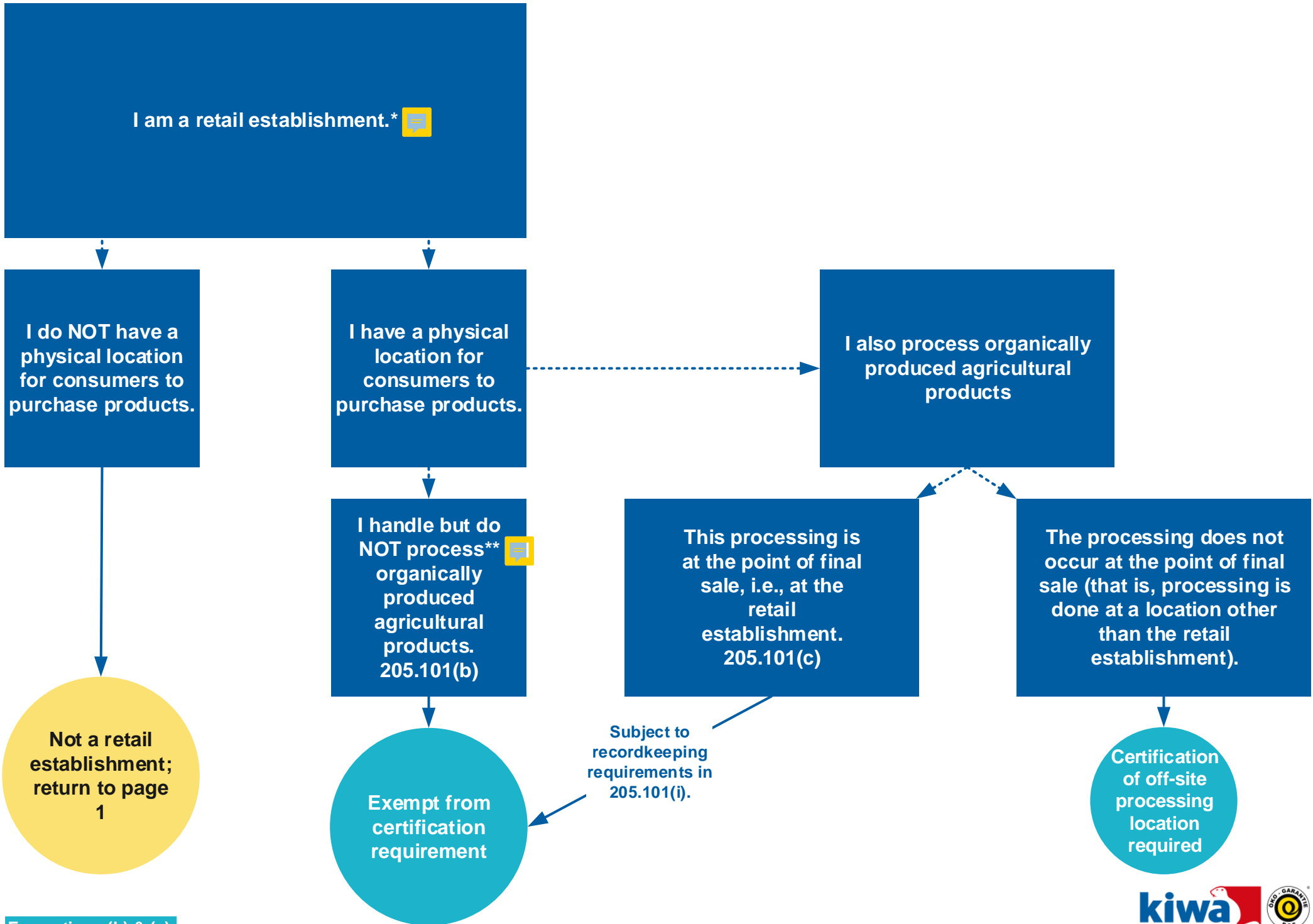



# DO I NEED TO BE CERTIFIED?


**More than one activity may apply;** portions of your business may need to be certified while other portions may be exempt from or otherwise not covered by the certification requirement. Such exempt or uncovered operations may still choose to become certified.








I receive, store, and/or prepare for shipment\*   
organic products. I do not buy, sell, or import.  
Examples: storage facility, warehouse facility,  
cold storage facility, ports of entry

I also do other handling\*\*   
such as repack, relabel,  
cull, treat, condition,  
combine, split, sort,  
containerize  
Examples: controlled  
atmosphere, ethylene  
treatment

I do NOT do any  
other handling (as  
defined in  
205.2),\*\* including  
buying, selling, or  
importing. 

Product is in sealed,  
tamper-evident  
packaging when I  
receive it

Product is not in  
sealed,  
tamper-evident  
packaging when I  
receive it


Product does NOT  
stay in the same sealed,  
tamper-evident  
packaging while in  
my control  
(including package  
being opened or altered)

Product stays in the  
same sealed,  
tamper-evident  
packaging while in  
my control  
205.101(e)

**Certification  
required**

**Exempt from  
certification  
requirement.**

Subject to  
recordkeeping  
requirements in  
205.101(i).

I buy or sell packaged organic products or ingredients. I may also receive, store, and/or prepare for shipment\*.   
Examples: Brokers, Traders, Wholesalers, Distributors, Sales Brokers.

I do NOT do any other handling (as defined in 205.2)\*\* 

Exempt from certification requirement

I also do other handling such as process, repack, relabel, cull, treat, condition.


Product that I buy or sell is NOT labeled for retail sale; it is labeled for nonretail sale, bulk, or unpackaged.

Product that I buy or sell is labeled for retail sale.

Product is in sealed, tamper-evident retail\*\*\* packaging while in my control. 

Subject to recordkeeping requirements in 205.101(i).

Certification required

Product is NOT in sealed, tamper-evident retail\*\*\* packaging while in my control. 

Retail labelled product does NOT stay in the same sealed, tamper-evident packaging while in my control.

Retail labelled product stays in the same sealed, tamper-evident packaging while in my control 205.101(f)

