

# OREGON TILTH MEXICO ORGANIC PROGRAM FREQUENTLY ASKED QUESTIONS



## BACKGROUND:

The Mexican Organic Products Law (LPO) was enacted in 2006, and the Regulation of the Organic Products Law was published in 2010. These two documents establish a basic framework for the development of a domestic organic market in Mexico. The regulation sets forth the basic requirements for organic crop and cover crop production, wild harvest, handling/processing, livestock production and apiculture production. A more detailed set of regulations called the Guidelines for Organic Operation (LOOAA) was finalized and published on October 29, 2013 in the Official Federal Diary. The LOOAA functions as a detailed set of operating instructions for transitioning or certified operators in the country.

All operations that engage in national domestic organic sales within Mexico are required to become certified to these guidelines by an accredited certification body that is approved by SENASICA. Since many operations in Mexico also ship products to the USA or other countries, the result is that they carry multiple certifications in order to produce products in their country of origin and export products to their destination country. For this reason, OTCO has built its [Mexico Organic Program](#) based on a USDA National Organic Program (NOP) gap analysis, which identifies the areas where the LPO and the NOP regulatory programs diverge in order to reinforce an efficient, non-duplicative certification process. OTCO currently offers certification to the Mexico SAGARPA Organic Standard (LPO) as a supplementary program to the USA USDA National Organic Program (NOP). This document highlights where there are differences between the standard requirements. In the future, OTCO will also develop a stand-alone program for Mexico to allow certification to the Mexico guidelines independent of other standards.

### Who is responsible for oversight of the organic law in Mexico?

The Mexican Secretariat of Agriculture, Livestock, Rural Development, Fisheries, and Food (SAGARPA) is the governmental body within Mexico, which

has ultimate responsibility and oversight of the Mexico Organic Standard. The National Service of Health, Food Safety and Quality (SENASICA) is the department within SAGARPA that is responsible for implementing, monitoring and enforcing the organic regulations and guidelines further described below.

- **The Organic Products Law:** The public order or law that set the legal framework for establishing the national organic seal, organic operating guidelines and oversight (Published February 7, 2006)
- **The Regulation of the Organic Products Law:** Additional regulations to support the law. Describes general certification requirements, intent of the law, international provisions and accreditation considerations. (Published April 1, 2010)
- **The General Rules for Use of the National Seal:** Describes the national emblem and its use restrictions (Published October 25, 2013)
- **The Guidelines for Organic Operation:** The bulk of the detailed requirements for organic production across all scopes are described in this document. (Published March 29, 2013)

All of the above documents can be downloaded from the [SENASICA website](#).

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## **Is certification to the Mexico Organic Law (LPO) required?**

Certification to the Mexican Organic Law (LPO) was made a requirement for all those operations in Mexico that engage in national domestic organic sales as of April 29, 2014. Operations outside of Mexico that seek to export organic products into Mexico are advised to contact Oregon Tilth regarding exportation requirements. Operations in Mexico who produce and/or sell an organic crop, wild crop, livestock product or processed product should be sure to request certification to the Mexican Organic Law. Currently, OTCO offers certification to the Mexico LPO using the USDA NOP standards as a baseline; review and certification to both standards is provided as a single service packet.

*Personal care products such as soap, shampoo, skin moisturizers are outside of the scope of SAGARPA's oversight and do not require certification to the Mexico Organic Law. OTCO can offer USDA NOP certification to operators in Mexico for personal care products.*

## **Are the SAGARPA LPO Organic Standards different than the USDA NOP Organic Standards?**

The two standards are similar and share many of the essential core principles of organic agriculture and processing. However, the SAGARPA Mexican organic standards do differ from the USDA NOP organic standards in specific areas. For operations requesting certification to the Mexico Organic Law, all areas must be in compliance. It is best for operations to [review the Organic Guidelines \(LOOAA\)](#) in their entirety to become familiar with the standards for organic production in Mexico. Oregon Tilth has several staff members able to help you understand the requirements as well as many informational resources it can make available to aid you in the process of certification. Please call or email us if you need assistance in understanding the requirements.

## **What are some of the differences between the requirements of the Mexico Organic Standard and the US Organic Standard?**

While there are many differences in the requirements of the Mexico Organic Operating Guidelines as compared to the USDA NOP Standards, the following are a few of the requirements that all operations should be aware of:

- *Complaint log:* All Mexico operations must keep a record of all complaints received that relate to a product's compliance with the standards. These records must be available for review when requested and should show the actions taken with respect to each received complaint.
- *Hydroponic production* is prohibited under the Mexico Standards
- *Sodium (Chilean) Nitrate* is prohibited under the Mexico Standards
- *Livestock animal conversion, feeding and stocking rates* differ significantly from the requirements of the USDA NOP. Livestock operators should be sure to carefully review the requirements in these areas.

## **How much will the addition of certification to the Mexico Organic Standard cost?**

No additional costs will be applied to the OTCO Mexico Organic Program. OTCO operates with the USDA NOP standards as a baseline and therefore, the certification fees outlined in its published Fee Schedule apply for all operations regardless of the program they are enrolled in (except in the special cases specified in the Fee Schedule). These certification fees are calculated on an annual basis as a percentage of an operation's total reported annual product sales. OTCO does not assess any additional fee for certification to the Mexico Organic Standard. However, as published in our Fee Schedule, all operations in Mexico must pay a 16% VAT tax, which is included in all invoices. This tax corresponds with the Mexico IVA that OTCO is obligated to charge as a legally registered business entity in the country.

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## **Am I eligible for certification to the Mexico Organic Standard with OTCO?**

Any farm operation, wild crop, livestock operation or handling operation producing organic product in Mexico can apply for certification with OTCO under the LPO standard. If you are currently certified with OTCO under the USDA NOP standard, you should be aware that some materials and practices currently allowed by the USDA NOP may be prohibited within the Mexico Organic Standard.

*OTCO does not currently offer certification for apiculture or insects. If you are seeking organic certification for these types of practices in Mexico, please contact OTCO directly to discuss your needs.*

## **How do I obtain and/or apply for certification to the Mexico Organic Law (LPO)?**

If you are already certified with OTCO under our USDA NOP program, simply fill out the [Mexico Supplement \(MX\)](#) to your Organic Plan and return it to OTCO for processing. OTCO will then schedule the inspection and instruct the inspector to carry out the verification to the Mexican Organic standard as well. Upon review of the inspection report, the assigned Certification Officer will communicate any issues that will need to be brought into compliance before your certification to the Mexico standard can be granted.

In 2016, OTCO will conduct initial compliance verification for all operations already certified under the USDA NOP standards within Mexico, upon their voluntary request of said service. OTCO may be able to complete this verification without an onsite inspection for this standard.

If you are new to OTCO, you should complete an Organic Plan (a.k.a. Initial Application) for the scope of certification appropriate to your operation along with the Mexico Supplement form. All of these documents are available on the OTCO website at

<https://tilth.org/certification-documents>. You can also contact us directly to request that applicable materials be sent to you.

## **Will OTCO notify me if there are ever changes to the Mexico Organic Standard?**

OTCO will notify all operations of changes to the LPO as soon as we are notified and will provide clients with six months notice prior to any enforcement action of any standard change, whenever possible.

## **How do I get my label approved for organic sales in Mexico?**

Clients must submit all labels to be used on organic products to OTCO for approval prior to use. All labels should be included in your Organic Plan (Initial Application). Labels for products sold in Mexico must meet the [Mexican Organic Labeling Guidelines](#), which are described in [OTCO's Mexico Organic Labeling Guide](#). OTCO will review all labels submitted within 15 days of their submittal and provide guidance regarding any corrections that must be made to ensure compliance. In all cases, OTCO will strive to provide quick and immediate review in order to meet your needs.

## **What are the supply chain certification requirements for ingredients I source?**

To be certified to this standard, all suppliers of organic products or ingredients used to produce finished products must also be certified to the Mexico LPO or to a standard recognized as equivalent by SAGARPA.

Products imported to Mexico that have current certification under the USDA NOP or one of the governmental organic programs of Japan, Europe or Canada and were produced in these countries, can be marketed or used as ingredients in products certified under organic regulations of Mexico until April 29, 2017.