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| |  |  |  |  | | --- | --- | --- | --- | | **OTCO Certified Operation Name:** |  | **Date:** |  | |
| **The rest of this form should be completed by the Exempt Handler.** |
| This form should be completed by an **authorized representative** of any entity that handles organic products and/or ingredients but is considered exempt from organic certification and does not maintain its own organic certification for those activities, products, or ingredients. This affidavit is both a description of the activities performed by the Exempt Handler as well as a recognition of the agreement between the Exempt Handler and OTCO Certified Operation. This form should be completed for each certified operation the exempt handler works with. OTCO Certified Operations are responsible for determining for themselves whether the handlers with which they contract for services and/or products are exempt.  NOP §205.2 defines brokers, traders, wholesalers, distributors, importers, private label brand owners, and storage facilities as handlers. Exemptions from certification requirements are outlined in NOP §205.101 and Strengthening Organic Enforcement Final Rule Section A [www.federalregister.gov/d/2023-00702/p-154](http://www.federalregister.gov/d/2023-00702/p-154)  **Does your operation perform any of these activities (specifically related to organic ingredients/products)?**  Storage facilities or warehouses receiving organic product that is not in sealed, tamper-evident\* packaging.  Storage facilities where unpackaged product is loaded or unloaded before being loaded into the next transport vehicle (transloading). Note that transporters are not required to be certified unless otherwise handling.  Brokers, traders, wholesalers, or distributors who sell organic products that are not in sealed, tamper-evident\* packaging or who sells organic products labeled for non-retail sale.  Importers or exporters of organic products into the United States.  Private label or brand owners who purchase organic ingredients for their co-packers, sell organic products in non-retail packaging, or sell finished organic products in packaging that is not in sealed, tamper-evident\* packaging.  Transporters and transloaders who combine, split, containerize, pack, repack, treat, sort, open, enclose, or label organic products.  Transporters and transloaders who combine, split, or containerize organic products where the activity of combining, splitting, or containerizing is not contracted by a certified organic operation or is not described in a certified operation’s Organic System Plan (OSP).  **STOP! If you have checked any of the above boxes, you are not exempt. Your operation requires organic certification and this form is not applicable.** For more information, please refer to OTCO’s Certification Matrix. This can be found on our website: [www.tilth.org/wp-content/uploads/2023/08/Oregon-Tilth-Certification-Matrix-Resource.pdf](http://www.tilth.org/wp-content/uploads/2023/08/Oregon-Tilth-Certification-Matrix-Resource.pdf)  **\*Tamper evident packaging** or container means that the contents are sealed in a manner where an attempt to break the seal, access the contents, or reclose the package would be obvious.   * Tamper evident non-retail examples: Produce boxes with “DO NOT TAMPER WITH” tape placed across the box flaps, sealed bulk bags of flour, or sealed drums and totes of olive oil. * Tamper evident retail examples: Aseptically sealed jars, boxes of individually wrapped granola bars, clamshells with sticker closing the clamshell, zip-top produce bags sealed with sticker or strip that consumer must rip off to open, salad container with film top that must be ripped off to open, produce individually wrapped in plastic, mesh bags with a label that seals the bag and must be ripped off to open. * Packaging that is NOT tamper evident: Clamshells without a sticker closing the clamshell, unsealed zip‐top bags, mesh bags with a closure that could be removed without damaging the packaging or label, produce with PLU label not enclosed in any packaging, and baled hay. |

1. **Exempt Handler**:

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| CONTACT INFORMATION for the Exempt Handler | | | |
| Business Name: |  | E-mail and Phone: |  |
| Manager/Owner Name/Title: |  | Mailing Address: |  |
| Describe all business activities you perform on behalf of the certified operation and your role in the organic supply chain. | | | |
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| Name of the OTCO Certified Operation you are working with: | | | |
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1. **Exemptions**:

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| The table below lists the allowed exemptions from certification. Indicate which of the following activities applies to your operation. Any activities outside of the exemptions described in *§*205.101 may result in the loss of organic status of products. OTCO encourages all exempt handlers to get certified. Check out our website at [www.tilth.org/apply/application](http://www.tilth.org/apply/application) or email us at [getcertified@tilth.org](mailto:getcertified@tilth.org). | |
|  | 1) I operate a storage facility used by the certified operation listed in section A to store product in sealed, tamper-evident\* packaging. *NOP §205.101(e).* |
|  | 2) I am a broker, trader, wholesaler, or distributor who takes title or physical possession of organic products. Products are in sealed, tamper-evident\* final retail packaging and remain in that packaging while in my control. That product (retail labeled, sealed, tamper-evident\*) is supplied to the certified operation. *NOP §205.101(f).* |
|  | 3) I am a private label or brand owner who contracts an OTCO-certified co-packer to produce my products. The co-packer purchases or produces the ingredients used in my products. I do not purchase ingredients. I only sell finished; retail labeled products in sealed, tamper-evident\* retail packaging. *NOP §205.101(f).* |
|  | 4) I am a licensed customs broker who does not take ownership or physical possession of organic products. I do not sell, import, or trade organic products. *NOP §205.101(g).* |
|  | 5) I am a logistics broker e.g., freight forwarder. I arrange the movement and storage but do not take ownership or physical possession. I do not sell, import, or trade organic products. *NOP §205.101(h).* |
|  | 6) I am a transporter or a transloader and am only responsible for the transport of packaged, organic products. I do not store, combine, split, containerize, pack, repack, treat, sort, open, enclose, or otherwise label organic products. *NOP §205.2 “handle”.* |
|  | 7) I am a transporter or transloader and am only responsible for the transport of unpackaged organic products. I do not store, combine, split, containerize, pack, repack, treat, sort, open, or otherwise label organic products. Locations where I load or unload organic products are certified. *NOP §205.2 “handle”.* |
|  | 8) I facilitate the sale or trade of unpackaged products/ingredients and/or live animals. *Note: Certification may be required. NOP §205.2 “handle”.* |
|  | Other, describe the activities. |

1. **Exempt Verification:**

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| Answer the questions about the handling you perform for the OTCO-certified operation named in section A. If you work with other OTCO-certified operations, you will need to complete additional Exempt Handler Affidavits to describe the handling you perform for each operation. OTCO will review answers to determine if exemption applies. |  | |
| **Yes** | **No** |
| 1) Do you handle unpackaged organic products? This includes grain elevators or silos, products not in sealed, tamper-evident\* packaging, livestock, etc.  If yes **STOP**, this activity requires certification. If yes or unsure, describe: |  |  |
| 2) Do you combine, split, or containerize organic products (including products that arrive damaged)?  If yes **STOP**, this activity requires certification. If yes or unsure, describe: |  |  |
| 3) Do you ever relabel, repack, package, or apply any label that alters or obscures the original label or lot number/code (including products that arrive damaged)? Repacking includes placing products into other packaging that displays other organic claims.  If yes **STOP**, this activity requires certification. If yes or unsure, describe: |  |  |
| 4) Do you ever sort, recondition, cull, ice, hydro cool, hydro vacuum, or otherwise process organic products in any way?  If yes **STOP**, this activity requires certification. If yes or unsure, describe: |  |  |
| 5) Do you ever treat organic products or apply any substances to the organic product such as water, ethylene, sanitizers, pesticides, or controlled atmosphere treatment?  If yes or unsure, describe: |  |  |
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|  | **Yes** | **No** |
| 6) Does organic product ever contact cleaners, sanitizers, pest control materials, nonorganic products, water, or other materials while under your control?  If yes or unsure, describe: |  |  |
| 7) Do you import organic products into the United States?  If yes **STOP**, this activity requires certification. If yes or unsure, describe: |  |  |
| 8) Do you export organic products from a foreign country to the United States?  If yes **STOP**, this activity requires certification. If yes or unsure, describe: |  |  |
| 9) Is the organic product packaged or enclosed in a sealed, tamper-evident\* package or container prior to being received, and does it remain in that same sealed, tamper-evident\* container while under your control?  a) If yes, describe how the package or container is sealed and tamper-evident\* or attach a photo:  b) If no, describe: |  |  |
| 10) How is the organic product labeled when you receive, acquire, or purchase it? Attach an example of product labeling.  Product is in final retail labeling. Attach an example label. Retail label means labels attached to containers intended to be purchased by a consumer.  Product is labeled for nonretail. Attach an example label. Nonretail label means the marking affixed to any container used to ship or store organic products that is not used in the retail sale of the product. Nonretail labels must identify product as organic and display the lot number or other unique information that links to the audit trail records.  Product is unlabeled bulk. Attach example signage. Signage must include organic status and lot number.  Not applicable. I do not receive, acquire, or purchase organic product. Describe: | | |
| 11) Do your audit trail records for each shipment include the information described in section E below? You may attach sample documents to demonstrate your system; all records must be provided to the certified operation and will be verified during inspections. Your audit trail records must link back to the last certified organic operation. |  |  |
| 12) Do you take physical possession of organic products? Are organic products received at a location that you operate (own or lease)?  If yes, an Independent Storage Information Sheet (IS Form) has been completed and attached (blank form may be downloaded from tilth.org)  Yes, attached |  |  |
| 13) Do you buy (take ownership/title), sell, trade, facilitate the sale/trade organic products? This includes on behalf of a seller or yourself.  If you facilitate the sale or trade of organic products, describe: |  |  |
| 14) Do you prepare organic products for shipment?  Preparing for shipment means putting packaged products into shipping containers, applying internal tracking numbers, shrink-wrapping shipping cartons to a pallet, breaking down pallets of fully packaged products, adding protective packaging to nonretail containers, packing individual packaged products onto a shipping pallet, loading/unloading packaged products onto or from transport vehicles.  If yes, describe how you prepare products for shipment: |  |  |
| 15) Do you use third party warehouses to store the organic products/ingredients?  If yes, an Independent Storage Information Sheet (IS Form) has been completed and attached (blank form may be downloaded from tilth.org)  Yes, attached  List of warehouses/storage facilities: |  |  |
| 16) **Transporters or transloaders**:Do you load or unload unpackaged products at uncertified locations? Certification of location(s) where unpackaged products are loaded or unloaded is required. Certification of transporter only required if other handling occurs, e.g. combining, buying, or selling.  N/A, not a transporter or transloader. |  |  |
| 17) **Private Label/Brand owners**: Do you ever purchase organic ingredients sent to co-packers?  N/A, I am not a private label/brand owner  If yes, are purchased ingredients in sealed, tamper-evident, retail packaging?  No, purchased ingredients are in nonretail packaged or not in tamper-evident packaging. STOP, certification is required. Certificate must list purchased organic ingredients.  Yes. Attach an example label. |  |  |
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|  | **Yes** | **No** |
| 18) **Private Label/Brand owners**: Do you ever take physical possession of ingredients sent to co-packers?  N/A, I am not a private label/brand owner  a) If yes, are ingredients in sealed, tamper-evident\* packaging?  No, ingredients are not in tamper-evident packaging. **STOP**, certification may be required  Yes. Attach photos showing how packaging is tamper-evident |  |  |
| 19) **Private Label/Brand owners**: Attach any additional information including references to USDA NOP regulations or any other regulations that you believe justify your activities as exempt from organic certification. Certification may not be required if you qualify for exemption under 205.101(b), 205.101(e), 205.101(f), or do not perform any activities outlined in 205.2 “Handle.”  N/A, I am not a private label/brand owner.  Attached |  |  |
| 20) **Storage Facilities**: Indicate what type of storage   |  |  |  |  | | --- | --- | --- | --- | | Dry storage | Cold storage | Freezer storage | Other, describe: | | N/A not a storage facility | | | | | |
| 21) Brokers, traders, wholesalers, and distributors: Describe how frequently you change organic suppliers  Acknowledgement of responsibility: As an uncertified handler, we acknowledge that we must report all new organic suppliers with which we contract to the OTCO-certified operation prior to shipping any product from the new supplier  N/A not a broker, trader, wholesaler, distributor. | | |

1. **Audit Trail/Records**

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| **IMPORTANT**: Supply chain (traceback) records must be sufficient to trace organic ingredients/products back to the last certified organic supplier operation, and records must be provided to the OTCO-certified organic ingredient recipient for each shipment. Certified operations may only work with exempt handlers who provide full traceability back to the last certified operation for each shipment. The following are required for traceability:   1. Nonretail labels used to ship or store organic products must identify the organic status and display the production lot number, shipping identification, or other unique information that links to the audit trail records. 2. Purchase invoices, receipts, bills of lading (BOL), and other audit trail records must:    * Designate products as organic AND    * Include a description of the product, date of transaction, and amount transferred. You may strike out pricing information, provided organic status, and quantity is legible. 3. Exempt handler records and the last certified operation’s records must link:    * The last certified operation that handled the product must be listed on exempt handler invoices/records AND/OR    * Lot numbers applied by the last certified operation to nonretail containers must match lot numbers on exempt handler audit trail records AND    * If a product passes through multiple uncertified exempt operations in sequence, documents must trace product lot number through all uncertified operations back to the last certified handler. 4. For each shipment, exempt handlers must provide a complete, current organic certificate for the last certified operation. 5. Documents generated by the last certified operation proving purchase, delivery, and/or transfer to the exempt handler must be provided to the certified operation.    * Exempt handler audit trail records must link directly back to the last certified operation, including transport, storage, processing/handling, shipping, and/or distribution. Documents must show that organic integrity was maintained: organic products did not come into contact with nonorganic products or prohibited materials such as fumigants. 6. All certified suppliers to the exempt handler must be approved by OTCO as part of the certified operation’s Organic System Plan (OSP). Notify your certified buyer prior to changing suppliers.   Exempt operations must maintain records per NOP § 205.101(i). These records must be maintained for at least three (3) years and be made available to OTCO for inspection and copying during normal business hours to determine compliance with the regulations. Certified operations must maintain records per NOP § 205.103. If OTCO inspectors cannot track organic product back to the last certified operation, sourcing organic products from the exempt handler may be considered a noncompliance.  **Acknowledgement of Responsibility** |

1. **Exempt Handler Attestation**

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| I, the owner or authorized representative of the above-named exempt handler, declare that I am both authorized by the uncertified handler and qualified to provide valid and accurate responses to the statements in the affidavit. I accept the traceback and disclosure requirements set forth by this affidavit and understand that failure to comply with any of the requirements may result in OTCO withdrawing its approval of my operation as an exempt handler. I recognize that any violation on the part of the exempt handler may result in OTCO taking compliance action(s) against the OTCO-certified entity with which we, the exempt handler, conduct business. With my signature below, I affirm all statements made in this affidavit are true and correct to the best of my knowledge. |

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| --- | --- |
| Signature (Digital, ink, or E-verified) | Title |
|  |  |
| Name (Manager/Owner of Exempt Handler) | Date |
|  |  |
| Important information regarding Electronic Signatures: Oregon Tilth recognizes and permits the use of electronic signatures in the conduct of its business. By checking the box below, you willingly consent to the use of electronic signatures in the conduct of your business with Oregon Tilth. | |
| **AGREE** | |

Want to learn more about the certification process or request an application? Visit us at tilth.org/certification/apply/application or email us at getcertified@tilth.org.

*OTCO reserves the right to inspect any facility storing or handling organic product owned by an OTCO-certified operation per NOP §205.400(c). If the exempt handler misrepresents policies or procedures as stated on this affidavit or acts in a manner that might jeopardize organic integrity or tracking of the organic product, the OTCO-certified operation working with the exempt handler will be notified. The OTCO-certified operation will be held responsible for correcting any noncompliance issues. OTCO will report uncertified handlers who are handling organic products but are not exempt to the USDA NOP for investigation and potential civil penalties.*