DO YOU NEED TO BE CERTIFIED? ASSESS YOUR SUPPLY CHAIN.
More than one activity may apply; portions of your business may need to be certified while other portions may be exempt.

Exemptions from Certification
($205.101a-h)
*Must maintain records that demonstrate products identified as organic were organically produced, verify quantities of organic products received and shipped or sold, and must keep records for at least 3 years.

a. <$5,000 Gross Organic Sales Annually.

Products labeled as “Certified Organic” or use of the USDA Organic Seal. Not intended to be used in further manufacturing of products certified as Organic.

Requires Organic Certification

b. Retail Establishment, does NOT process organic products.

No mention of “Certified Organic” or USDA Organic Seal. Not intended to be used in further manufacturing of products certified as Organic.

Exempt* Must comply with Subpart C & Subpart D

Example: Moving produce from boxes to displays, filling bulk food dispensers.

c. Retail Establishment, DOES process organic products.

Selling directly to consumers, end-users or the public.

Exempt* Must comply with §205.272

Example: Repacking bulk product into smaller containers, preparing ready-to-eat meals.

d. Only handles/produces products that are <70% organic or only identifies “organic” on ingredient statement.

Processed at point of final sale.

Processed in one location and sold at another, including digital.

Requires Organic Certification

Products are not intended as ingredients for further processed products.

Products are or may be used as ingredients for further processed products.

Requires Organic Certification

REQUIRES CERTIFICATION:
- Livestock Production
- Growing Crops
- Combining/Spitting Loads
- Labeling, Packaging, Blending, Processing
- Importing or Exporting into the US
- Buying, Selling, Storing, Receiving, Loading or Unloading Unpackaged Product

NOTES:
- Process and other terms are defined in §205.2 Terms Defined.
- §205.272 – Commingling and contact with prohibited substance prevention practice standard.
DO YOU NEED TO BE CERTIFIED?
ASSESS YOUR SUPPLY CHAIN.

More than one activity may apply; portions of your business may need to be certified while other portions may be exempt.

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**Exemptions from Certification**

- **(§205.101a-b)**
  - Must maintain records that demonstrate products identified as organic were organically produced, verify quantities of organic products received and shipped or sold, and must keep records for at least 3 years.

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**Sealed and 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.**

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**Examples of Sealed & Tamper - Evident**

- Produce boxes with "Do not tamper with" tape
- Sealed bulk bags of flour that are sewn or glued shut
- Sealed drums or totes of oil

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**Examples of NOT Sealed & Tamper - Evident**

- Produce boxes that are not taped shut with tamper-evident tape
- Bulk bags of flour that are folded but not sealed
- Open totes or drums

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**EXEMPTIONS**

- Requires Certification
- Examples

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**Exemptions from Certification**

- **e. Receives, stores, and/or prepares for shipment only products in sealed and tamper-evident packaging or containers.**
  - Not in sealed and tamper-evident packaging or containers. Or provides treatment.
  - Requires Organic Certification

- **f. Buys, sells, receives, stores, and/or prepares for shipment only products in sealed and tamper-evident retail packaging or containers.**
  - Buying and/or selling organic products that are NOT in final retail packaging.
  - Requires Organic Certification

- **g. Customs broker (per 19 CFR 111.1) that only conducts customs business but does not otherwise handle organic products.**
  - Organic products remain in the same sealed and tamper-evident packaging or containers.
  - Organic products are repackaged or relabeled.
  - Exempt*

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**Example:**

- A warehouse who provides ethylene treatment for ripening.
- Warehouses who store & distribute on behalf of an organic certified company, but does not own, buy, or sell the organic products.
- A broker who buys/sells organic products, but does not handle them in any other way.
- Warehouses who store and distribute retail packed products, brand owners who only take possession of finished retail products (not bulk ingredients).
- A logistics broker or freight forwarder.