



NOFA-NY Certified Organic, LLC

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NOFA-NY Guidance: Organic Hemp Certification

NOFA-NY certifies hemp (*Cannabis sativa*), and any part of such plant if it can be verified that the hemp products were produced according to the USDA organic regulations. Production and processing of hemp must be done per applicable state regulatory or USDA authorization. NOFA-NY may certify operations that are producing or processing hemp outside of New York State provided they can submit verification they are meeting their applicable state requirements.

Per the 2018 Farm Bill, “The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”

Certified Producer Documents of Proof:

- Application for Authorization – listing your operation as an authorized location including GPS coordinates of all fields and facilities to be certified for hemp production/processing.
- Hemp Authorization/License as a grower/processor, as applicable, issued by the State approved for the agricultural pilot program, i.e. New York State.
- Hemp Production Affirmation – verifying you are aware of and following the requirements for hemp production in your state and/or per USDA & FDA requirements.

Common Hemp Production Practices in Regards to Organic Certification

Cuttings/clones of hemp planting stock used in organic crop production systems must be certified organic unless not commercially available. When not commercially available in the needed quantity, quality or form based on at least three attempts to search for certified organic version, non-organic stock may be allowed if accompanied with untreated and non-GMO documentation. Documented attempts of your search for at least 3 sources for certified organic will be requested.

- If you are producing your own certified organic cuttings/clones (i.e. planting stock) they must be produced without synthetic rooting hormones and other substances not listed on the National List of Allowed and Prohibited substances NOP 7 CFR 205.601 and 205.602 (National List).
- Hemp transplants must be certified organic.

Feminized seed - Naturally induced pollination (without the use of chemicals) is allowed to produce organic crop. Chemically induced pollination using materials not approved per the National List i.e. Silver Nitrate and Sodium Thiosulfate cannot produce organic crops and would be considered parallel production.

Seeds from the treated mother plants would not be considered organic, however may be considered untreated/non-GMO seed when organic seed is not commercially available in the needed quantity, quality or form based on at least three attempts to search for certified organic version. Offspring plants may produce



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organic crops/seeds. A plan to ensure no commingling of organic and nonorganic products will be requested as well as verification that prohibited inputs do not come into contact with offspring plants/organic crops.

When raw manure is incorporated into fields where CBD/Hemp crops for human consumption are grown, those crops would need to be harvested no less than 90 days from date of incorporation.

Common Hemp Processing Practices in Regards to Organic Certification

CBD oil production sometimes includes the use of solvents. For certified organic processed products, solvents must be certified organic or on the National List. Agricultural ingredients must be certified organic.

- Ethanol must be certified organic when used in products to be marketed in the “Organic” labeling category.
- Nonsynthetic/non-GMO Ethanol may be used in “Made with Organic” hemp labeling category products.
- Carbon Dioxide is an allowed synthetic.

Labeling & Marketing

All labels to be used on organic products must be approved by the certification office and developed in accordance with NOP 205.303 - 205.310. CBD/hemp products making health claims that market the product as “intending to prevent, treat, diagnose or cure a disease” are not allowed.

Hemp being marketed under a business name not directly linked to your organic certification may require additional documentation verifying the certified operation and final handler. Operations using a co-packer will need to submit an organic certificate of the co-packing operation. The co-packer’s organic certificate must list the type of processing you are seeking and the co-packing operation should have a license to process hemp. Entities that wish to private label your organic hemp products would need to complete a Private Label Use Agreement Form.

Feel free to contact the certification office at the above contact information with any questions.