Self-Assessment - Do I Need to be Certified? (When in doubt - YES!)

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; contracts may also require more certification than the regulations.

I grow organic crops, collect wild crops, or raise organic livestock.  
See Slide 2

I process, package, combine, relabel, aggregate, cull, condition, pack, containerize, repack, or label organic products.  
See Slide 2

I import or export organic products into the United States.  
See Slide 2

I am a retail establishment.  
See Slide 3

I am a licensed customs broker.  
See Slide 2

I receive, store, and/or prepare for shipment organic products. I do not buy, sell, or import.  
See Slide 4

I am a logistics broker or freight forwarder.  
See Slide 2

I buy or sell packaged organic products or ingredients (including ingredients sent to co-packers). I may also receive, store, and/or prepare for shipment.  
See Slide 5

I am a private label brand owner.  
See Slide 6

I transport or transload organic products.  
See Slide 7

My gross income from organic sales is $5000 or less annually.  
See Slide 2

I handle products containing <70% organic ingredients or products that only identify organic ingredients on the ingredient panel.  
See Slide 2
I grow organic crops, collect wild crops, or raise organic livestock.

I process, package, combine, relabel, aggregate, cull, condition, pack, containerize, repack, or label organic products. Example: processor, co-packer, fulfillment center.

I import organic products into the United States.

I export organic products for sale in the United States.

I grow organic crops, collect wild crops, or raise organic livestock.

I handle products containing <70% organic ingredients or products that only identify organic ingredients on the ingredient panel. 205.101(d)

I also do other handling such as sell, import, or trade organic products.

I handle products containing <70% organic ingredients or products that only identify organic ingredients on the ingredient panel. 205.101(d)

I export organic products for sale in the United States.

I am a logistics broker or freight forwarder - I facilitate the movement and storage of organic products, I do not take ownership or physical possession of organic products 205.101(h)

I do NOT handle (as defined in 205.2)**

Certification required

Exempt from certification requirement. Not subject to recordkeeping requirements in 205.101(i).

Exempt from certification requirement. Subject to recordkeeping requirements in 205.101(i).

*Products subject to these exemptions may not be used as ingredients in organic products, or claimed as organic by another operation.

**205.2 Handle. To sell, process, or package agricultural products, including but not limited to trading, facilitating sale or trade on behalf of a seller or oneself, importing to the United States, exporting for sale in the United States, combining, aggregating, culling, conditioning, treating, packing, containerizing, repackaging, labeling, storing, receiving, or loading.
I am a retail establishment.*

I do NOT have a physical location for consumers to purchase products.

I have a physical location for consumers to purchase products.

I handle but do NOT process** organically produced agricultural products. 205.101(b)

I also process organically produced agricultural products

The processing does not occur at the point of final sale (that is, processing is done at a location other than the retail establishment).

This processing is at the point of final sale, i.e., at the retail establishment. 205.101(c)

Exempt from certification requirement.

Certification of off-site processing location required

Exempt from certification requirement. Subject to recordkeeping requirements in 205.101(i).

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*205.2 Retail establishment. Restaurants, delicatessens, bakeries, grocery stores, or any retail business with a restaurant, delicatessen, bakery, salad bar, bulk food self-service station, or other eat-in, carry-out, mail-order, or delivery service of raw or processed agricultural products.

**The Preamble offers examples of processing, including "cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, pre-serving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container." The Preamble goes on to state that "[a] retail establishment that is not processing may do other handling activities without certification… including, for example, removing produce from shipping boxes and washing and transferring product to display cases or opening bags of oats and transferring contents to bulk food dispensers."

Note: Retailers who are also private label owners should also see slide 6.

Note: Retail establishments who also import, distribute, or otherwise handle should return to slide 1.
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

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

Product is 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

Certification required

Certification required

Exempt from certification requirement. Subject to recordkeeping requirements in 205.101(i).

*IPreparing for shipment = 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.

**205.2 Handle. To sell, process, or package agricultural products, including but not limited to trading, facilitating sale or trade on behalf of a seller or oneself, importing to the United States, exporting for sale in the United States, combining, aggregating, culling, conditioning, treating, packing, containerizing, repackaging, labeling, storing, receiving, or loading.

It is also important to distinguish between exemptions (e) and (f). For (e) to apply, either the retail or nonretail packaging must be sealed and tamper-evident. For (f) to apply, the retail packaging must be sealed and tamper-evident (emphasis added). This means that private label owners and brokers are only exempt if the retail package is sealed and tamper-evident. In practice, this looks as follows:

Example - a case of apples in which the apples are unwrapped, but are in a case that is glued shut on the bottom, and taped shut on the top. A storage facility handling the apples could be exempt because the nonretail case is sealed and tamper-evident. But the private label owner and the broker selling the apples would not be exempt (and would need to be certified), because the retail packaging is not sealed and tamper-evident. The retail packaging is critical to eligibility for exemption (f).
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 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 is NOT in sealed, tamper-evident retail*** packaging while in my control.

Certification required.

Product that I buy or sell is labeled for retail sale

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

Certification required.

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

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

I do NOT do any other handling such as process, repack, relabel, cull, treat, condition.

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Certification required.
I buy or sell packaged organic products or ingredients. I may also receive, store, and/or prepare for shipment*.

Finished product with my brand name on it is NOT labeled for retail sale; it is labeled for nonretail sale, bulk, or unpackaged.

Certification of finished product required.

Finished product is NOT in sealed, tamper-evident retail** packaging while in my control.

Certification of finished product required.

Finished product is in sealed, tamper-evident retail*** packaging while in my control.

Certification of finished product required.

Certification required.

Certification required to purchase ingredients.

It is also important to distinguish between exemptions (e) and (f). For (e) to apply, either the retail or nonretail packaging must be sealed and tamper-evident. For (f) to apply, the retail packaging must be sealed and tamper-evident (emphasis added). This means that private label owners and brokers of produce are only exempt if the retail package is sealed and tamper-evident. In practice, this looks as follows:

Example - a case of apples in which the apples are unwrapped, but are in a case that is glued shut on the bottom, and taped shut on the top. A storage facility could be exempt because the nonretail case is sealed and tamper-evident. But the private label owner and the broker selling the apples would not be exempt (and would need to be certified), because the retail packaging is not sealed and tamper-evident. The retail packaging is critical to eligibility for exemption (f).

*Preparing for shipment = 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.

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***The retail packaging must be sealed and tamper-evident for exemption to apply. Example = cucumber individually wrapped in plastic with a PLU sticker is sealed, tamper-evident retail packaging. Unpackaged cucumber with PLU label is not in sealed and tamper-evident retail packaging.
I transport or transload* organic products.

I also do other handling such as combine, containerize, pack/repack, treat, sort, open, enclose, or label.

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

Products are unpackaged, when container is the vehicles (e.g., tanker of oil, rail car of grain).

Products are packaged or containerized***.

I load/unload at certified operations. The operation I load from is certified and the operation where I unload is certified.

I load or unload at uncertified locations. Either the location where I load organic products is an uncertified facility or the location where I unload organic products is an uncertified facility. (Different forms of transport are not considered a “location”).

Certification of location of loading or unloading required.

Certification of handler required.

Outside the scope of USDA’s authority. Certification not required.

Outside the scope of USDA’s authority. Certification not required.

*Transloading is commonly defined as the movement of agricultural products between modes of transport. AMS does not have the authority to regulate transport. Therefore, transloading strictly between modes of transportation does not need to be certified. However, transloading is sometimes used to describe the movement of agricultural products from storage to transport or transport to storage. AMS considers these activities to be loading and receiving (see § 205.2 and the definition of handle).

Moving unpackaged organic agricultural products from storage to transport, or from transport to storage, requires certification. If the organic agricultural products are enclosed in sealed, tamper-proof containers or packages, then loading and receiving is exempt from certification.

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***Any type of packaging is included; need not be sealed, tamper-evident.