



Uncertified Handler Affidavit

NOFA-NY Certified Organic, LLC

834 Upper Front St. • Binghamton NY 13905 • 607-724-9851 • www.nofany.org

Uncertified Exempt Handler Affidavit Instructions:

- This form should be filled out by an **authorized representative** of any company that handles* organic products/ingredients but qualifies for an exemption from organic certification and does not maintain their own organic certification for those products or ingredients. This affidavit is both a description of the activities performed as well as a recognition of the agreement between the NOFA-NY Certified Organic, LLC Certified Operation identified on this Affidavit and the Uncertified Handler identified on this Affidavit. Any changes to this agreement must be agreed upon by both parties and approved by NOFA-NY Certified Organic, LLC prior to implementation.
- NOFA-NY Certified Organic, LLC certified organic operations are responsible for verifying the organic certification status and compliance of all handlers contracted for organic products and/or services. An Uncertified Handler Affidavit (UHA), as well as all relevant supply chain records, must be part of certified operations Organic System Plan (OSP) and affidavits and records must be made available for inspection and upon request.
- See Page 4 for definitions and additional instructions. Operations that are not exempt from certification must be certified organic.

1. Contact Information for Exempt Handler

Company Name: _____

Contact Person Name & Title: _____

Email and Phone: _____

Facility Address: _____

Mailing Address (if different): _____ N/A, same as facility

2. NOFA-NY Certified Organic, LLC Operation: _____

One form must be completed for each organic operation.

3. What activities and/or services do you provide to the certified organic entity listed above?

- | | | |
|--|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Drop Shipping | <input type="checkbox"/> Trader | <input type="checkbox"/> Distributor |
| <input type="checkbox"/> Storage | <input type="checkbox"/> Wholesaler | <input type="checkbox"/> Broker |
| <input type="checkbox"/> Other (describe): _____ | | |

4. Describe your role in the organic supply chain for the certified operation named in section A. Please describe all business activities you perform on behalf of the certified operation listed above:

5. What exemption(s) describe your operation? Be sure to reference regulation ([NOP §205.2](#) ("Handle") or section of [NOP §205.101](#) as applicable): _____

6. Do you take legal possession/ownership of the organic products/ingredients?

- Yes No

7. Do you take physical possession of the organic products/ingredients?

- Yes No

8. If you take physical possession of products/ingredients, are products/ingredients in sealed or impermeable packing and remain in the same packaging?

- N/A, not taking physical possession
- Yes, product is in sealed tamper-evident** packaging. If yes, please describe how packaging or container is sealed and tamper-evident** or attach a photo:

- No, product is not in sealed tamper-evident** packaging. If no, please describe all types of packaging or attach a photo:



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9. Do you ever perform any of the following services (note all that apply):

Yes No

- a. Combine or split loads of bulk/unpackaged organic product/ingredients? _____
- b. Combine, split, containerized, enclose, or open packages or containers of organic product? _____
- c. Relabel, repack, package, or apply any label that alters or obscures the original label or lot number/code?
Repacking includes placing product into other packaging that displays organic claims. _____
- d. Sort, recondition, cull, ice/hydro cool, hydro vacuum, or otherwise process product in any way? _____
- e. Prepare organic products/ingredients for shipment?
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. _____
- f. Treat organic products or apply any substance to the organic product such as water, ethylene, sanitizers, pesticides, or controlled atmosphere treatment? _____
- g. Handle unpackaged products/ingredients?
Examples: Tankers, grain elevators or silos, bulk railcars/truckloads, livestock. Operations that store or sell unpackaged products must be certified. Transport of unpackaged products or livestock may be exempt. _____
- h. Import or export organic products/ingredients? _____

If yes to any of the above (a-h) or you are unsure, please attach explanations or describe:

10. Does organic product ever contact cleaners, sanitizers, pest control materials, nonorganic products, water, or other materials while under your control? *Including facility fumigation.* If yes, please describe: Yes No

11. Do you use third party warehouses not under your control to store organic product/ingredients while products are in your physical possession or you legally own them? Yes No

If yes, list facilities (Name, Address, and Organic Certifier if applicable): _____

12. Do you procure or source organic ingredients/products for the certified entity listed above? If so, how frequently do you change/add/remove organic suppliers (e.g. every day, once per year, etc)?

- N/A, I do not procure organic ingredients/products
- Yes. List Frequency: _____

Uncertified handlers must report all new organic suppliers to the listed certified operation prior to shipping any product.

13. If organic product is damaged when received or in your possession, describe what occurs or attach explanation:



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14. What audit trail records do you maintain for the certified entity listed above? Please describe records maintained, frequency that records are provided to the certified entity listed above, and attach a sample:

15. Do you verify and maintain the following for each shipment for the certified operation noted above?

Examples of records include but are not limited to: Purchase invoices, receipts, Bills of Lading (BOL), etc.

Yes No

- a. Nonretail containers used to ship or store organic products identify product as organic and display the production lot number, shipping identification, or other unique information that links to the audit trail records?
- b. Maintain compliant records as required by [7 CFR 205.101\(j\)](#)
- c. All audit trail records clearly link traceable elements between documents and points in the supply chain?
- d. All records identify certified organic inputs as "organic" through the entire supply chain?
- e. All records include a description of the product, date of transaction, and amount transferred?
- f. All records are verified to have matching lot numbers and volume/weight?
- g. All records are maintained to link the last certified organic entity to the certified operation noted above?
- h. Adequate records are maintained to show entities performing any handling (processing, labeling, relabeling, packaging or repackaging organic products) and certification status?
- i. Adequate records documenting organic integrity (no contamination from prohibited substances, no cross contamination, no commingling, etc.). Examples: clean truck affidavit, IS form, Phytosanitary document, etc
- j. Maintain adequate records to perform a valid traceback? *See page 4 for records required.*
- k. Maintain records related to organic product traceability for at least three years and make such records available to organic certifier for inspection and copying during normal business hours to determine compliance with the regulations?

If no to any of the above (a-j) or you are unsure, please attach explanations or describe:

Uncertified Handler Attestation

I, the owner or legally authorized representative of the above-named uncertified handler, attest that I am authorized and qualified to assess the validity of the statements in this affidavit, and the statements are true and accurate to the best of my knowledge.

- I acknowledge the above requirements for audit trail records and disclosure to the certified operation and understand that failure to meet the audit trail record requirements or disclose records to the certified operation may be cause for NOFA-NY Certified Organic, LLC to rescind approval of my operation as an approved exempt handler and may be cause for compliance action against the certified entity. I agree to supply records to the certified operation adequate to perform traceability.
- I acknowledge NOFA-NY Certified Organic, LLC reserves the right to inspect any facility storing or handling organic product owned by a certified operation per NOP 205.400(c).

Signature <i>(Digital, Ink, or E-Verified)</i>	Printed Name	Date
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See Page 4 for additional information and definitions.

Becoming certified organic can help make business transactions more transparent while also protecting the identity of your suppliers. If you want to learn more about the certification or request an application please visit www.nofany.org or email handling@nofany.org.

Don't hesitate to reach out with any questions! We look forward to hearing from you!



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Additional Information:

- **Certification is required (and this affidavit is not applicable) for all non-exempt activities. Some examples include:**
 - o Storage facilities or warehouses receiving organic product that is not in sealed, tamper-evident** packaging.
 - o Broker, traders, wholesalers, distributors who sell organic products that are not in sealed and tamper-evident** final retail packaging.
 - o Importers or exporters of organic products into the United States.
 - o Private label or brand owners who purchase organic ingredients for their co-packers, sell organic products in nonretail packaging, or sell finished organic products in packaging that is not sealed or tamper-evident**.
 - o Operations that provide transport or transloading services that unload *unpacked* organic products into *uncertified* facilities or storage areas before loading into the next transport vehicle. Certification of location where unpackaged organic products are loaded/unloaded is required.
 - o Transporters and transloaders who combine, split, containerize, pack, repack, treat, sort, open, enclose, or label organic products.
- 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 certified operation working with the exempt handler will be notified. The certified operation will be held responsible for correcting any noncompliance issues. Certifier will report uncertified handlers who are handling organic products but are not exempt to the USDA NOP for investigation and potential civil penalties.
- **Records required for a traceback audit:** The uncertified handler's records must show a direct link to the last certified organic operation. Documentation should cover transactions between the supplier and UH as well as UH to final organic certified operation. Documents typically include, but are not limited to:
 - o Supplier organic certificates, Organic transaction certificates
 - o Purchase orders, Invoices
 - o Bills of Lading
 - o Receiving records, Shipping records
 - o Phytosanitary documentation (for unsealed internationally shipped products)
 - o Transport records showing all movement of product from the last certified entity forward

Definitions:

- Per [7 CFR 205.100\(a\)](#), "Except for the exempt operations described in [§ 205.101](#), each operation or portion of an operation that produces or handles agricultural products intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be certified according to the provisions of [subpart E of this part](#) and must meet all other applicable requirements of this part." See [§ 205.101](#) for exemptions.
- * Handle is defined in [7 CFR 205.2](#) as "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." For the purpose of this Affidavit, the term "handler" refers to any entity involved in any of these activities.
- **"Sealed, tamper-evident" means the contents are sealed in a manner where an attempt to break the seal, access the contents (including to take out or put in product), or reclose the package would be obvious. Sealed, tamper-evident does not mean impermeable to gas and water. For 205.101(e) exemption to apply, either the retail or nonretail package must be sealed and tamper-evident. For 205.101(f) exemption to apply, the retail package must be sealed and tamper-evident, the nonretail package is not relevant.
 - o Examples of nonretail tamper-evident packaging: Produce boxes with "DO NOT TAMPER WITH" tape placed across box flaps, sealed drums or totes of olive oil, nonretail burlap bags that are sewn shut with label through stitching.
 - o Examples of retail tamper-evident packaging: 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.
 - o Examples of 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.