

Summary of the National Organic Program

Introduction

This summary was prepared to help agricultural professionals understand the basic requirements of organic certification. It is not comprehensive and is not a substitute for the regulatory text. Producers and handlers who seek certification are encouraged to read the National Organic Program (NOP) rule in its entirety and contact their certification agent if they have specific questions about certification of their operations. Certification agencies seeking guidance on accreditation are encouraged to contact the USDA staff responsible for the accreditation program.

Applicability

The NOP is a labeling law that applies to all products identified as 'organic,' in whole or in part. Operations that produce and handle organic products must be certified under the NOP, with a few significant exemptions and exclusions.

§205.100 What has to be certified.

1. All organic production and handling operations are required to be certified unless they are exempt or excluded from certification.
2. Production or handling operation certified by an accredited certifier prior to October 21, 2002 remain certified.
3. Anyone who knowingly sells or labels a product as 'organic' that does not comply with the NOP may be subject to a \$10,000 civil penalty, per violation.
4. It is a Federal offense subject to fines and up to five years imprisonment to make a false statement under the NOP to USDA officials, state program officials, or accredited certifying agents.

§205.101 Exemptions and exclusions from certification.

Exemptions

1. Producers and handlers that sell less than \$5,000 worth of organic products per year are exempt from organic certification requirements. Such products must be produced and handled according to the NOP in order to be labeled "organic."
2. Organic products from exempt producers and handlers may not be used as organic ingredients in processed organic food products or as organic feed by certified organic livestock producers, but may be sold at farmers' markets, roadside stands, and retail stores as organic.
3. Retail food stores are exempt from organic certification requirements.
4. Processors that produce products with less than 70 percent organic ingredients or limit their organic claims to the information panel are exempt from organic certification requirements.
5. Exempt handlers must maintain records to track organic ingredients and verify quantities of organic products produced.

Exclusions

1. Handlers that only sell packaged organic food products, such as produce and grocery distributors, are excluded from organic certification requirements.
2. Retailers, including establishments that prepare and serve food to consumers, are also excluded from the organic certification requirements.
3. Excluded operations must prevent commingling of organic and nonorganic products; prevent contamination of organic products with prohibited substances; must maintain records of organic handling activities for at least 3 years; and are subject to specific label requirements.

§205.102 Use of the term, "organic."

The NOP requirements apply to agricultural products sold, labeled, or represented as “100 percent Organic,” “Organic,” and “Made with Organic Ingredients.”

§205.103 Recordkeeping by certified operations.

Operations must maintain records that fully disclose all activities and transactions of the operation; demonstrate compliance with the Act; are maintained for 5 years; and are available for inspection.

§205.105 Allowed and prohibited substances, methods, and ingredients in organic production and handling.

1. Synthetic substances are prohibited for use in crop or livestock production unless specifically allowed on the National List.
2. Nonsynthetic (natural) substances are allowed in crop or livestock production unless specifically prohibited on the National List.
3. Nonagricultural substances used in or on processed organic products must be on the National List.
4. Nonorganic agricultural substances used in or on processed organic products must be on the National List.
5. Genetically modified organisms (defined as “excluded methods”) are prohibited for use in organic production or handling, except for animal vaccines that appear on the National List.
6. Ionizing radiation at levels that are effective to preserve or disinfect food is prohibited.
7. Sewage sludge is prohibited.

Organic Production and Handling Requirements

§205.200 General.

Organic production practices (for crop and livestock operations) must maintain or improve the natural resources of the operation, including soil and water quality.

§205.201 Organic production and handling system plan.

All producers and handlers are required to have an organic system plan, approved by an accredited certification agency, which must:

1. Identify the practices and procedures performed.
2. List all materials that will be applied to the land or within the handling facility, including information on the composition, source, and location where the substance is used. If the use of a material is restricted, the plan must address those restrictions.
3. Describe the monitoring practices used to evaluate the effectiveness of the organic plan.
4. Describe the recordkeeping system used by the operation.
5. Describe how the operation prevents commingling or contamination of organic food products.
6. Certifying agents may require additional items to be included in the plan to determine if an operation meets the organic requirements.

Crop Production

§205.202 Land requirements.

1. Fields or parcels from which organic crops are harvested must meet specific soil fertility and crop nutrient management standards.
2. Prohibited substances cannot be applied within three years of the harvest of an organic crop.
3. Distinct, defined boundaries and buffer zones must prevent drift, runoff, or any other source of unintended contamination of an organic crop by a prohibited material applied to adjoining land that is not under organic management.

§205.203 Soil fertility and crop nutrient management practice standard.

1. Organic producers must select tools and practices that maintain or improve soil quality and minimize soil erosion.
2. Producers are required to rotate crops, plant cover crops, and use plant and animal materials to maintain or improve soil organic matter content in a manner that does not contaminate crops, soil, or water by plant nutrients, pathogens, heavy metals, or residues of prohibited substances.
3. Producers are also required to maintain or improve soil quality by adding animal and plant materials.
4. Manure must be composted or must be incorporated into the soil at least 120 days before crops with edible portions that are in contact with the soil are harvested for human consumption; or 90 days prior to harvest for crops whose edible portion does not contact soil or soil particles.
5. Compost must be made according to parameters of method, time and temperature designed to reduce pathogens.
6. Mined minerals are allowed, with mined minerals of high solubility subject to restrictions.
7. Synthetic fertility inputs on the National List are allowed, subject to restrictions.
8. Synthetic fertilizers not on the National List and sewage sludge are prohibited.
9. Prohibits the burning of crop residues, except to prevent disease or to stimulate seed germination.
10. Ash from the burning of plant or animal material is allowed, but manure ash is prohibited.

§205.204 Seeds and planting stock practice standard.

1. Annual seedlings must be organically grown, unless the USDA grants a temporary variance due to a natural disaster.
2. Perennial transplants must be organically grown for one year prior to harvest.
3. Organic seeds are required. An exception may be made only if a variety or its equivalent is commercially unavailable. Organic seeds must be used for organic edible sprouts, with no exceptions.
4. Seeds cannot be treated with prohibited substances, even when they are not organically produced, unless treatment is required by phytosanitary restrictions.
5. Genetically engineered seeds, planting stock, and seed inoculants are prohibited.

§205.205 Crop rotation practice standard.

Producers of annual crops must maintain or improve soil organic matter; provide pest management; manage nutrients; provide erosion control. Perennial crop producers must meet the same objectives and could do so by using alley cropping, inter cropping, and hedgerows to introduce biodiversity, in lieu of a crop rotation.

§205.206 Crop pest, weed, and disease management practice standard.

1. Producers must use cultural and biological practices to prevent crop pests, weeds, and diseases, such as crop rotation, nutrient management, and sanitation measures.
2. Insect pests may be prevented by beneficial insects, natural habitat enhancement, and the use of lures, traps and repellents.
3. Weeds may be controlled by mulching with biodegradable materials, mowing, grazing, mechanical cultivation, hand weeding, or flame, electrical or heat treatments.
4. If plastic mulch is used, it must be removed at the end of the growing or harvest season.
5. Biological or botanical substances or materials on the National List may be used only if preventative practices are not adequate to prevent or control pests, weeds or diseases.
6. Producers must not use lumber treated with arsenic or other prohibited substances for new installations or replacement purposes in direct contact with soil or livestock.

§205.207 Wild-crop harvesting practice standard.

Wild crops can be sold and labeled as organic as long as no prohibited materials have been applied to the land for 3 years prior to harvest and harvest of the crop is not destructive to the environment and will sustain the growth and production of the wild crop.

Livestock Production

§205.236 Origin of livestock.

1. Poultry and edible poultry products (meat and eggs) must be from poultry that has been under organic management since the second day of life.
2. Slaughter stock (animals raised for their meat, e.g. cattle, pigs, sheep) must be under organic management since the last third of gestation.
3. Dairy animals must be under organic management for at least one year prior to the production of organic milk.
4. A producer may feed farm-raised, third-year transitional feed and forage for one year prior to organic milk production.
5. Once an entire, distinct dairy herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation.
6. Breeder stock may be brought onto an organic farm from a nonorganic operation prior to the last third of gestation. Breeder stock must be under organic management during the last third of gestation in order to produce organic offspring.
7. Animals must not be rotated between organic and nonorganic production.
8. Livestock producers must maintain records that preserve the identity of all organic animals and edible and nonedible organic products.

§205.237 Livestock feed.

1. Organic livestock must be fed organic feed.
2. Organic feed may contain feed additives and feed supplements that are either non-synthetic (natural) or are synthetic and appear on the National List. Agricultural ingredients in feed supplements must be organic.
3. Animal drugs cannot be used to promote growth.
4. Feed supplements or additives cannot be used in amounts in excess of basic nutritional needs of the animal species at a given stage of life and must comply with FDA regulations.
5. Feeds containing urea, manure, mammalian or poultry slaughter by-products, or plastic pellets are prohibited.

§205.238 Livestock health care practice standard.

1. Organic livestock producers must use preventative health care practices such as: selection of disease- and parasite-resistant species and breeds; vaccination; balanced nutrition; sanitation; pasture rotation; exercise, freedom of movement, and stress reduction. Organic livestock producers may perform physical alterations to promote an animal's welfare, in a manner that minimizes pain and stress.
2. When preventative practices are not adequate to prevent sickness, producers may use medications that are either non-synthetic or synthetic and allowed on the National List.
3. Synthetic internal parasiticides may be used on breeder stock prior to the last third of gestation and dairy stock at least 90 days prior to organic milk production, when preventative measures fail.
4. Antibiotics are prohibited for all slaughter stock, poultry, and dairy stock.
5. It is prohibited to administer any medication or drug in the absence of illness.
6. Hormones are prohibited.
7. It is prohibited to withhold medical treatment from a sick animal to preserve its organic status. Livestock and products from livestock treated with prohibited substances must be clearly identified and not sold as organic.

§205.239 Livestock living conditions.

1. Producers must give livestock access to the outdoors, shelter, fresh air, and establish clean, dry living conditions that accommodate the animal's health and natural behavior.
2. Ruminants are required to have access to pasture during the grazing season, which must not be less than 120 days/year. Ruminants must receive at least 30% of their dry matter intake from grazing pasture during the grazing season.
3. Organic animals must be provided with appropriate clean, dry bedding. If the bedding is comprised of forage, it must be organic.
4. Animals may be temporarily confined because of inclement weather, the animal's stage of production risk to the animal's health or safety, or risk to soil or water quality.

5. The producer must manage manure to optimize the recycling of nutrients and avoid contamination of crops, soil or water.

§205.240 Pasture practice standard.

1. Producers of ruminant livestock must maintain records to demonstrate a functioning pasture management plan as part of the organic system plan.
2. Land used for pasture and for annual crops for grazing must be managed as organic cropland (see §205.202 through 205.206).
3. Irrigation of pasture should be used as needed, when available.
4. Organic pasture must be managed to provide a minimum annual average of 30 percent of a ruminant's dry matter intake during the grazing season.
5. A pasture plan must be included in the producer's organic system plan and updated annually. The previous year's pasture plan may be resubmitted when no changes have occurred.
6. When a change to the plan is being considered, the producer should contact the certifying agent and reach an agreement on the change before it is implemented.
7. The pasture plan should include descriptions of the following: types, locations and size of pasture provided, practices to ensure sufficient quality and quantity of pasture for the grazing season, the time period of the grazing season, types of grazing methods, location and types of fence, location and sources of shade and water, soil fertility and seeding systems, erosion control practices, and environmental protection practices.

Handling

§205.270 Organic handling requirements.

Processors are permitted to use various physical and mechanical methods and organic food may be cut, separated, extracted, fermented, mixed, dehydrated, heated, chilled, or frozen, among other things. Organic food may also be packaged or enclosed in a container such as a can or jar.

§205.271 Facility pest management practice standard.

1. Pests must be managed by preventive measures such as habitat management, exclusion, sanitation, and disruption of pest reproduction.
2. Pests may also be managed by mechanical, physical, and non-lethal controls such as traps, or natural and allowed synthetic lures and repellents.
3. If preventative, mechanical, physical, and non-lethal practices are not adequate, the handler may use pesticides that are on the National List consistent with that purpose.
4. If preventative, mechanical, physical, non-lethal, and allowed pesticides are not adequate, the handler may use other pesticides in a plan approved by the certifier, provided that the application is made in a way that prevents the organic products or packaging from coming in contact with the pesticide.

§205.272 Commingling and contact with prohibited substance prevention practice standard.

1. The handler is required to prevent mixing of organic and nonorganic ingredients or products.
2. The handler must prevent organic products from contacting prohibited substances.
3. Containers and packaging materials must not contain preservatives, fungicides, or fumigants.
4. Containers may be reused as long as they are thoroughly cleaned and pose no risk of contact with prohibited substances.

§205.290 Temporary variances.

1. The USDA may grant temporary variances because of natural disasters or to do research.
2. Temporary variances will not be granted for the use of prohibited substances; genetically modified organisms; irradiation; or sewage sludge.

Labels, Labeling, and Market Information

The NOP has five label categories for organic food:

1. 100 percent organic – All ingredients and processing aids must be 100% organic.
2. Organic – At least 95% of ingredients must be organic, with strict limitations on the non-organic ingredients.
3. Made with organic ingredients – At least 70% of ingredients must be organic, with some restrictions on the non-organic ingredients.
4. Products with less than 70% organic ingredients — Organic ingredients cannot exceed 70% of the product, and there are no restrictions on the non-organic ingredients.
5. Organic Livestock feed — Livestock feed sold as organic must conform to the organic livestock feed requirements.

§205.300 Use of the term, “organic.”

The word “organic” may be used only to identify food or ingredients that comply with the NOP. The word “organic” must not be used on a product label to modify a non-organic ingredient. Products for export may be labeled to meet the receiving countries’ specifications as long as they are labeled “for export only.” Products imported to the United States from foreign countries must be certified and labeled according to the NOP regulations.

§205.301 Product Composition.

1. 100 percent organic – All ingredients and processing aids used in 100% organic food must be 100% organic.
2. Organic – At least 95% of ingredients must be organic. All agricultural ingredients in the product must be either organic or on the National List and not commercially available in organic form. All non-organic agricultural ingredients must not be genetically engineered; irradiated; produced from sewage sludge; or be produced with a volatile synthetic solvent. All non-agricultural ingredients and processing aids used must be approved on the National List.
3. Made with organic ingredients – At least 70% of ingredients must be organic. All non-organic agricultural ingredients must not be genetically engineered; irradiated; or produced from sewage sludge. All non-agricultural ingredients and processing aids must be approved on the National List.
4. Products with less than 70% organic ingredients. All organic ingredients must be produced in compliance with the NOP regulations. There are no restrictions on the non-organic ingredients used in this labeling category.
5. Livestock feed – Organic livestock feed must include only organic agricultural ingredients and approved feed additives and supplements.

§205.302 Calculating the percentage of organically produced ingredients.

The percentage of organic ingredients is calculated by dividing the sum of the organic ingredients by the sum of all ingredients, by weight or fluid volume at formulation, minus any added water and salt. Water and salt are excluded from ingredient calculations and are ineligible to be labeled as organic.

§205.303 Packaged products labeled “100 percent organic” or “organic.”

- Optional: Products in these categories may display on the principal display panel the term “100 percent organic” or “organic” as appropriate; the percentage of organic ingredients; the USDA seal; and the seal of the state or private certification agency.
- Required: Products in these categories must identify each organic ingredient as organic and the name of the certifying agent.

§205.304 Packaged products labeled “made with organic (specified ingredients or food groups(s)).”

- Optional: Products in this category may display on the principal display panel the term “made with organic (specified ingredients)” as appropriate in letters that do not exceed one-half the size of the product identity and not listing more than three ingredients or food groups; the percentage of organic ingredients, and the seal of the state or private certification agency.
- Required: Products in this category must identify each organic ingredient and the certifying agent.

- Prohibited: Products in this category must not display the USDA seal.

§205.305 Multi-ingredient packaged products with less than 70 percent organically produced ingredients.

- Optional: Products in this category may identify each organic ingredient in the ingredient statement; if the organic ingredients are identified on the ingredients statement then the percentage of organic ingredients may be displayed on the information panel.
- Prohibited: Products in this category must not display the word “organic” on the principal display panel; the USDA seal; the seal of the state or private certification agency; or the statement “Certified organic by ... (name of certifying agent).”

§205.306 Labeling of livestock feed.

- Optional: Organic livestock feed may display the following on any package panel: the USDA seal; the seal of the state or private certification agency; the term “100 percent organic” or “organic” as appropriate; and identify each organic ingredient.
- Required: Organic livestock feed must display the name of the certifying agent on the information panel.

§205.307 Labeling of nonretail containers used for only shipping or storage of raw or processed agricultural products labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”

- Optional: These products may display identification of the product as organic; the name of the certifying agent; the seal of the state or private certification agency; and the USDA seal.
- Required: These products must display the production lot number to maintain identity of organic products. Products for export may be labeled in accordance with foreign labeling requirements provided that they are labeled “For Export Only.”

§205.308 Agricultural products in other than packaged form (e.g. produce, bulk food) at the point of retail sale that are sold, labeled, or represented as “100 percent organic” or “organic.”

- Optional: Retailers may display on non-packaged “100 percent organic” and “organic” products (e.g. produce, bulk food) as follows: the term “100 percent organic” or “organic” as appropriate; the seal of the state or private certification agency; and the USDA seal.

§205.309 Agricultural products in other than packaged form (e.g. bulk food) at the point of retail sale that are sold, labeled, or represented as “made with organic (specified ingredients or food groups).”

- Optional: Retailers may display on non-packaged “made with organic (specified ingredients)” products (e.g. bulk food) as follows: the seal of the state or private certification agency; the term “made with organic (specified ingredients)” as appropriate in letters that do not exceed one-half the size of the product identity and not listing more than three ingredients or food groups; and each organic ingredient identified.

§205.310 Agricultural products produced on an exempt or excluded operation.

- Optional: Organic products from exempt or excluded operations may identify organic products as organic. These organic products may not be used as an organic ingredient in processed organic products.
- Prohibited: Organic products from exempt or excluded operations must not display: the USDA seal; the seal of a state or private certification agency; or otherwise represent the product as certified organic.

§205.311 USDA Seal.

- May be used only for raw or processed agricultural products described in section §205.301. The seal appearing on certified products must replicate the form and design of the USDA seal and must be printed legibly and conspicuously.

References and Citations

- Agricultural Marketing Service regulations [Online]. United States Department of Agriculture. Available at:
<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateF&navID=RegulationsNOPNationalOrganicProgramHome&rightNav1=RegulationsNOPNationalOrganicProgramHome&topNav=&leftNav=&page=NOPResourceCenterRegulations&resultType=&acct=noprulemaking>
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