

Basin & Range Organics



Policies and Procedures

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PROGRAM AUTHORITY

[National Organic Standards \(NOS\) Title 7 CFR Part §205 “National Organic Program”](#) which are incorporated into this handbook by reference. Citations shown throughout this manual for “§205.xxx” reference the NOS. The NOS in their entirety can be accessed on the National Organic Program website at www.ams.usda.gov/nop.

PROGRAM GUIDANCE

The Basin and Range Organics Organic Program will be guided by USDA National Organic Program’s *The Program Handbook: Guidance and Instructions for Accredited Certifying Agents and Certified Operations* (2011) and all subsequent updates which is included in this handbook by reference and herein referred to as “[The NOP Handbook](#)”.

ORGANIC CERTIFICATION CATEGORIES

Basin and Range Organics is accredited by the USDA to certify Producers and Handlers of organic agricultural products. BAR_O is accredited as of (01/26/2016)

Producer (Crops)

A person who engages in the business of growing or producing food, fiber, feed, and other agricultural-based consumer products.

A Guide for Organic Crop Producers is provided by the USDA and can be found in Section H of the [NOP Handbook](#).

Producer (Livestock)

A person who engages in the production of beef ,sheep, goats, swine poultry, honey, dairy.

A Guide for Organic Livestock Producers is provided by the USDA and can be found in Section H of the [NOP Handbook](#).

Handler

Any person engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term shall not include final retailers of agricultural products that do not process agricultural products. “Handle” means to sell, process, or package agricultural products, except such term shall not include the sale, transportation, or delivery of crops or livestock by the producer thereof to a handler.

Handler certification helps to assure that the integrity of organic food is preserved throughout the distribution network.

A Guide for Organic Processors is provided by the USDA and can be found in Section H of the [NOP Handbook](#).



Certification Fees

BAR_O will provide an estimate of certification costs once the business location, gross income amount, certification scope, and size of operation is submitted to BAR_O.

The organic certification fee consists of three (3) parts:

- 1) The Application or Renewal Fee
- 2) The Annual Gross Income Fee
- 3) The Inspection Fee

If you are a New Applicant, or Renewal and fall under the Annual Gross Income fee of \$50,000.00, You qualify for our Small business package. A flat rate of 750.00 providing you are within 200 miles round trip from our office. Any miles beyond 200 rt from the office will be billed at the rate of 53.5 cents per mile.

I will be applying through the 2018 Start-up Package rates. Yes No

1.) Application Fee: For first time applications for certification through BAR_O.

- New Producer/Handler\$250.00

The application fee is due when you submit your OSP and is a non-refundable fee.

Renewal Fee: For BAR_O clients renewing their certifications.

- Certified Producer/Handler applying for renewal.....\$100.00

Applicants submitting annual applications for renewal, must submit renewal fee applications by March 31st of the calendar year to which the certification applies. Renewal fees received after March 31st will be considered late and subject to a \$250.00 late fee.

Application or Renewal Fee for your operation: \$ _____

2.) Estimated annual gross income (products or services) of organic products:

- Businesses with \$5,000.00 or less annual gross sales are exempt from the requirement to certify according to NOP Part 205 7CFR. However, you may still certify with BAR_O if you wish to.
- The gross income fee is due upon submission and subject to verification during inspection.
- The gross income fee is refundable if you decide to withdraw your application prior to inspection.
- Applicants submitting annual applications for renewal, must submit Gross Income Fee by March 31st of the calendar year to which the certification applies. Fees received after March 31st will be subject to a \$250.00 late fee.

Gross Income Fee for your Operation: \$ _____

Gross Income	Fee Amount
\$0.00 - \$5,000.00	\$0.00
\$5,000.00- \$10,000.00	\$300.00
\$10,001.00-\$20,000.00	\$350.00
\$20,001.00- \$50,000.00	\$500.00
\$50,001.00- \$100,000.00	\$700.00
\$100,001.00-\$200,000.00	\$850.00
\$200,001.00-\$300,000.00	\$1,250.00
\$301,000.00-\$400,000.00	\$1,500.00
\$400,001.00-\$500,000.00	\$1,750.00
\$500,001.00-\$600,000.00	\$2,100.00
\$600,001.00-\$700,000.00	\$2,450.00
\$700,001.00-\$1,000,000.00	\$3,500.00
\$1,000,001.00-\$1,500,000.00	\$4,050.00
\$1,500,001.00-\$2,000,000.00	\$4,975.00
\$2,000,001.00-\$2,500,000.00	\$5,250.00
\$2,500,001.00-\$3,000,000.00	\$5,975.00
\$3,000,001.00-\$3,500,000.00	\$6,965.00
\$3,500,001.00-\$4,000,000.00	\$7,960.00
\$4,000,001.00- \$5,500,000.00	\$10,450.00
\$5,500,001.00-\$10,000,000.00	\$17,650.00
\$10,000,001.00-\$25,000,000.00	\$22,500.00
\$25,000,001.00-\$50,000,000.00	\$25,000.00
\$50,000,001.00-\$75,000,000.00	\$30,000.00
\$75,000,001.00-\$100,000,000.00	\$33,000.00
\$100,000,001.00-\$125,000,000.00	\$36,250.00
\$125,000,001.00-\$150,000,000.00	\$37,500.00
\$150,000,000.00 >	\$39,950.00

3.) Inspections

- All inspection preparation and travel costs are non-refundable once the inspector departs for the on-site inspection. If the inspector is notified of withdrawal of application en route to on-site inspection, the applicant will be billed for the inspection preparation, and the time and mileage from inspector location back to the BAR_O office.
- The inspection fee includes inspection preparation, inspection report writing, mileage charges, and time calculated from the inspector's origin/BAR_O office until the inspection is completed and the inspector returns to the inspector's origin/BAR_O office. For group inspections or inspection travel that warrants expenses such as meals, lodging, or rental car use, the client will be billed.
- The inspection fee will be billed to you after the inspection occurs.
- Please refer to the USDA National Organic Program Handbook for information related to preparing for the inspection.

Inspection Hourly rates:

- **\$55/hr:** Inspection preparation, on-site inspection time, and inspection report writing.
- **\$35/hr:** Travel time: BAR_O office/inspector origin - inspection site – back to BAR_O office/ inspector origin.
- **53.5 cents/ mile:** Standard 2017 Mileage rate from BAR_O office/inspector origin - inspection site – back to BAR_O office/ inspector origin.
- For clients applying for certification under the **"2018 Start-Up Package"** or renewing their certification under the **"Annual Renewal Package"** inspection fees are included in the \$750. flat rate. Providing they are within 100 miles of the Basin and Range Office. Any mileage accrued exceeding 200 miles round trip will be charged 53.5 cents per mile.

Program Information

Information about Basin and Range organic certification program is available free of charge. Information will be sent to anyone requesting more information about Basin and Range's certification program.

Program Forms

A log of program forms, maintained by the Organic Program Officer, is included in Appendix 1.

THE CERTIFICATION PROCESS OVERVIEW [§205.681](#)

Applications for certification are available both at the Basin and Range Organics website and from the BAR_O office in Reno, NV. The completed "organic system plan" which includes the application form and supporting documentation, and the required fee are then returned to the office for review. The application fee and any inspection charges are non-refundable.

Applicants are encouraged to discuss program requirements with Basin and Range prior to application. The guidance documents *A Guide to Organic Certification* and *The Organic Certification Process NOP 2601* are provided by the USDA, and can be found in Section B and Section H of the NOP Handbook:

New applications for certification can be submitted at any time. It is Basin and Range policy that applications must be received by us no less than 90 days prior to harvest of the crop to be considered for certification. *Applications will not be accepted for new certification of crops harvested prior to application.*

Updating applicants must submit applications by March 31st of the calendar year to which the certification applies. Annual applications to update organic system plans received after March 31st will be considered late and subject to a \$250.00 late fee.

The Organic Program Administrator or Inspector will make arrangements for the initial inspection of the farm or facility. Once the inspection has occurred program staff will review the application and inspector's report. If the applicant is approved for certification: a certification agreement listing contingencies for certification (if any) [BAR – 229] and "Certified Operations Rights and Duties" [BAR- 530] will be mailed to the applicant for signature and return to the Department. Once received and approved, a certification number is assigned to the Producer or Handler. A certificate is then mailed to the applicant.

If an applicant fails to meet program requirements and is unable or unwilling to bring their operation into compliance, the application will be denied.. An applicant for certification may appeal a certifying agent's notice of denial of certification to the Administrator of the National Organic Program or seek certification from another accredited certifier.

Certification is updated annually and requires on-site inspection. Continued certification is contingent on the participant's demonstrated adherence to program requirements. Basin and Range Organics has the authority to suspend or revoke certification for violations of the Act.

Separation of Duties in Certification Decisions

USDA organic regulations outline the roles and responsibilities of certifying agents for reviewing, inspection, and granting certification of initial applications for certification and operations continuing certification. Further clarification is provided through [NOP 2006 Instruction: Separation of Duties in Certification Decisions](#) found in the NOP Handbook. To prevent conflict of interest, the regulations require a separation of the duties of the onsite inspector and the final certification decision maker. In all cases, the person who conducts an onsite inspection cannot make a certification decision for that operation (grant certification, deny certification, issue compliance letters, etc.). BAR_O designates the following roles to complete the certification process:

1. Reviewer of documents – reviews the application, the OSP or annual updates, inspection reports, and other related documents.
2. Inspector – conducts the onsite inspections and audits.
3. Certification decision maker – makes the final decision to grant or deny certification of an operation based on a review of the documents referenced above.

PROCEDURES FOR EVALUATING APPLICATIONS §205.401 and 402

Applications, organic systems plans and accompanying material received by BAR_O will be reviewed by program staff within a reasonable time Checklist.

Including:

1. A complete organic system plan;
2. Business information including the name of the person who completed the application, business type, and the name of the person authorized to act on behalf of the applicant;
3. Certifiers to which application has been made in the past and related information pertaining to previous non-compliances ([§205.401\(c\)](#));
5. Inclusion of the appropriate fees;
6. Maps (site location, farm layout or facility flow chart, if applicable);
7. Signature; and
8. Required fee

After the review the applicant will be notified in writing of the acceptance or rejection of the application. This form is also used to notify the applicant of additional information or clarification of submitted information that is needed prior to scheduling an on-site inspection. Upon receipt of the additional information, the applicant will be notified in writing of the acceptance of the application and provided with an estimate of the inspection fee for their business. [BAR – 115]

CERTIFICATION INSPECTIONS §205.403

If the application contains all of the required information and appears to comply with [subpart C of 7 CFR part §205](#), an on-site inspection will be scheduled and performed by the BAR_O inspector.

Prior to the on-site inspection §205.403(a),(b)

- a. The inspector will be provided with a copy of any previous inspection reports and a copy of the applicant's current organic production/handling system plan pursuant [§205.501\(a\)\(18\)](#).

Program forms used to document inspections are as follows:

1. Producers –
 - i. Inspection Confirmation and Estimate [BAR – 116]
 - ii. Inspection Report [BAR – 210]
 - iii. First inspection narrative [BAR - 225]
 - iv. Exit Interview [BAR – 224]

2. Handlers –
 - i. Inspection Confirmation and Estimate [BAR – 116]
 - ii. Inspection Report [BAR – 220]
 - iii. First inspection narrative [BAR – 223]
 - iv. Exit Interview [BAR – 224]
- b. The Initial on-site inspection must be conducted within a reasonable time following the determination that the applicant appears to comply or may be able to comply with the organic production and handling requirements set out in [7 CFR Part §205.200](#) et seq. except that the on-site inspection may be delayed for up to six months to comply with the requirement that the on-site be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed. [§205.403\(b\)\(1\)](#)

All on-site inspections (except for unannounced site inspections performed subsequent to the initial on-site inspection) will be scheduled for a time when an authorized representative of the operation, who is knowledgeable about the operation, will be present, and at a time when the land, facilities, and activities that demonstrate the operation’s compliance (or the capability to comply) with the NOP regulations can be observed. [§205.403\(b\)\(2\)](#)

Unannounced Inspections: The purpose and scope of unannounced inspections is described in the NOP Handbook [Instruction: Unannounced Inspections NOP 2609](#). NOP *recommends* that certifying agents conduct unannounced inspections of 5% of their total certified operations per year. For further guidance regarding unannounced inspections see [NOP 2609](#).

Inspection [§205.403\(c\)](#)

- c. The on-site inspection of an operation must:
 1. Verify the operation’s compliance or capability to comply with the Act and NOP regulations as well as compliance with requirements of BAR.
 2. Verify that the information, including the organic production or handling system plan, accurately reflects the practices used or to be used by the applicant for certification.
 3. Verify that prohibited substances have not been and are not being applied to the operation. Verification may be through means which, at the discretion of the BAR_O inspector, may include the collection and testing of soil, water, waste, seeds, plant tissue, and plant, animal, and process product samples.

Conduct an Exit Interview [§205.403\(d\)](#)

- d. At the completion of an inspection, the inspector will conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector will address the need for any additional information as well as any issues of concern (if applicable). A copy will be included in the final inspection report and provided to the operation. [BAR – 224]

Documents to the Inspected Operation [§205.403\(e\)](#)

- e. The inspection report/Exit Interview will be sent by BAR_O, along with any test results (if applicable) to the inspected operation within a reasonable time after the initial inspection and any follow-up inspections have occurred. [§205.404](#) and [405](#)
- f. Program staff will review the inspection report and all accompanying documents and notes, checking for completeness and compliance with NOP standards. [§205.404 \(a\)](#)

If not in compliance, the applicant will be issued a “Notice of Non-compliance” as provided for in section [§205.405](#) and as outlined in [Instruction: National Organic Program Enforcement NOP Handbook NOP 4002](#) (2011 and subsequent updates). Corrective actions taken will be evaluated by the Program Administrator and an on-site re-inspection will be conducted if necessary. If the corrective action is sufficient for the applicant to qualify for certification, the applicant will be approved for certification.

If the Administrator has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant’s operation or its compliance with the NOP certification requirements, certification may be denied without first issuing a notification of non-compliance with the provisions of [§205.405 \(g\)](#).

The inspector will be informed by the Program Administrator of certification decisions made for operations they inspect, and of any requirements for correction of minor non-compliances pursuant [§205.501\(a\)\(18\)](#).

Billing for the Inspection/Processing of Cost Share Applications

The inspector will submit the inspection report cover sheet to the Administrative Assistant outlining inspection duration, travel time, and mileage. The Administrative Assistant will then prepare a data entry request to fiscal who will then issue an invoice to the Client. The Administrative Assistant will also send the National Organic Certification Cost Share Assistance Program (NOCCSP) Application to Clients. Clients that are successful at receiving/continuing certification will have NOCCSP applications processed on a first come first serve basis and upon proof of payment (dependent on funding availability).

CERTIFICATION PROCEDURES

Granting Initial Certification

If BAR_O determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, BAR_O will grant certification.

The certification may include requirements for the correction of minor non-compliances within a specified time period as a condition of continued certification.

Such requirements will be stated on a “Certification Agreement” and agreed to in writing by the applicant before certification will be granted. [BAR – 229]

Certificate of Organic Operation [§205.404](#)

Upon granting certification, BAR_O will issue a Certificate of Organic Operation. [BAR – 300]

a. The certificate will specify: [§205.404 \(b\)](#)

1. The name and address of the certified operation;
2. Effective date of certification;
3. Categories of certification, including crops, wild crops, livestock, or processed products produced by the certified operation;
4. Name, address and telephone number of Basin and Range.

Certificates will be printed on BAR_O letterhead, signed by the Program Administrator

Denial of Certification [§205.405](#)

- a. When BAR_O has reason to believe, based on a review of the information specified in [§205.402](#) or [§205.404](#), that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the Program Administrator or Program Officer will provide a written notification of non-compliance to the applicant. The Non-Compliance will be issued according to [Instruction: National Organic Program Enforcement NOP Handbook NOP 4002](#) (and subsequent updates).
- b. When correction of a non-compliance is not possible, a notification of non-compliance and a notification of denial of certification may be combined in one notification. [BAR – 400] and [BAR – 410]
- c. The notification of non-compliance will provide: [§205.405\(a\)](#)
 1. A description of each non-compliance;
 2. The facts upon which the notification of non-compliance is based; and
 3. The date by which the applicant must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible.The notice of non-compliance will be sent via email, certified mail and/or a copy will be sent via standard mail. Delivery receipts will be attached to the file copy. A copy will be emailed to the National Organic Program at NOPACAAdverseActions@ams.usda.gov.
- d. Upon receipt of such notification of non-compliance, the applicant may: [§205.405\(b\)](#)
 1. Correct non-compliances and submit a description of the corrective actions taken with supporting documentation to the certifying agent;
 2. Correct non-compliances and submit a new application to another certifying agent: Provided, That, the applicant must include a complete application, the notification of non-compliance received from Basin and Range, and a description of the corrective actions taken with supporting documentation; or
 3. Submit written information to the Basin and Range to rebut the non-compliance described in the notification of non-compliance.
- e. After issuance of a notification of non-compliance, the Program Administrator or Program Officer will: [§205.405\(c\)](#)
 1. Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and
 - i. When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to [§205.404](#); [BAR – 300] or,
 - ii. When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification [BAR – 410]
 2. Issue a written notice of denial of certification to an applicant who fails to respond to the notification of non-compliance.
 3. Send the notice of denial of certification via email, certified mail or a copy will be sent via standard mail. Delivery receipts will be attached to the file copy. [BAR – 410]
 4. Provide notice of approval or denial to the Administrator pursuant to [§205.501\(a\)\(14\)](#) by sending a copy via email to: NOPACAAdverseActions@ams.usda.gov
- f. A notice of denial of certification will state the reason(s) for denial and the applicant's right to: [§205.405\(d\)](#) [BAR 410]
 - Reapply for certification pursuant [§205.401](#) and [§205.405\(e\)](#)
 1. Request mediation pursuant to [§205.663](#) [BAR – 510]
 2. File an appeal of the denial of certification pursuant to [§205.681](#)

- g. An applicant for certification who has received a written notification of non-compliance or a written notice of denial of certification from BAR_O [BAR – 400] or [BAR – 410]
 - 1. may apply for certification again at any time with any certifying agent in accordance with [§§205.401](#) and [405\(e\)](#)
 - 2. When such applicant submits a new application to a certifying agent other than Basin and Range, the applicant for certification must include a copy of the notification of non-compliance or notice of denial of certification and a description of the actions taken, with supporting documentation, to correct the non-compliances noted in the notification of non-compliance.
- h. When BAR_O receives a new application for certification, which includes a notification of non-compliance or a notice of denial of certification, [BAR – 400] or [BAR -410]
 - 1. it will be treated as a new application and a new application process will be initiated pursuant to [§205.402](#); [§205.405\(f\)](#)
- i. Notwithstanding the paragraph (1) of this section, if BAR_O has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements pursuant to this part, BAR_O may deny certification pursuant to paragraph (e)(1)(ii) of this section without first issuing a notification of non-compliance. [§205.405\(g\)](#)

Continuation of Certification [§205.406](#)

- a. To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent by the March 31st
 - 1. An updated organic production or handling system plan using the following forms:

Producer	[BAR – 120]
Livestock	[BAR - 125]
Handler	[BAR – 130]

 The system plan must include:
 - i. A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's organic system plan during the previous year; and
 - ii. Current labels
 - iii. Any additions or deletions to the previous year's organic system plan, intended to be undertaken in the coming year, detailed pursuant to [§205.200](#)
 - 2. Any additions to or deletions from the information required pursuant to [§205.401\(b\)](#)
 - 3. An update on the correction of minor non-compliances previously identified by the certifying agent as requiring correction for continued certification; and
 - 4. Other information as deemed necessary by BAR_O to determine compliance with the Act and the regulations in this part.
- b. Following the receipt of the information specified in paragraph (a) of this section, BAR_O shall, within a reasonable time, arrange and conduct an on-site inspection of the certified operation pursuant to [§205.403](#): Except, That, when it is impossible for BAR_O to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, BAR_O may allow continuation of certification and issue an updated certificate of organic operation on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months: Provided, That, the annual on-site inspection, required pursuant to [§205.403](#), is conducted within the first 6 months following the certified operation's scheduled date of annual update.
- c. If Bar-O has reason to believe, based on the on-site inspection and a review of the information specified BAR_O in [§205.404](#), that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of non-compliance to the operation in accordance with [§205.662](#). (See more below)

- d. If the certifying agent determines that the certified operation is complying with the Act and the regulations in this part and that any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to [§205.404\(b\)](#)

AMENDING THE ORGANIC SYSTEM PLAN (OSP)

A certified organic operation must notify BAR_O prior to making any changes to its organic system plan that may affect its compliance with the regulations. BAR_O will reference NOP Handbook [Instruction: Organic System Plans, Organic System Plan Updates, and Notification of Changes NOP 2615](#) when determining if changes to a certified entity's OSP requires notification of BAR_O. Changes to Organic System Plans are to be submitted using "Notification of Change to Organic System Plan". [BAR – 302]

Handlers must also submit "Instructions to Add New Products or Services to Organic System Plan" to add new products or services to their certification. For Handlers, products and/or services must be approved before the new product or service commences. If labels are used, they must also be submitted for new products requesting approval. Labels will be reviewed to verify compliance pursuant to [§205.303-205.311](#). Approved amendments to the OSP will be added to the operation's Department file BAR – 635.

COMPLIANCE

BAR_O will be guided in undertaking enforcement actions by the policy and procedural guidelines set forth in [Instruction: National Organic Program Enforcement NOP 4002](#) from the NOP Handbook. Certified operation compliance will be determined through review of information provided on the:

- a. annual certification update form [BAR – 120], [BAR-125], or [BAR – 130]
- b. annual on-site inspection report, including facilities and records audit, follow up inspections to clarify minor non-compliances (if necessary), [BAR – 210] , [BAR-215],or [BAR – 220]
- c. and the investigation of complaints by program staff. The investigation may include the sampling of crops, products, water, soil, etc.

In addition to scheduled inspections, spot checks of certified operations may be made at any time. When an on-site inspection reveals minor non-compliances that do not pose a threat to the organic integrity of certified organic crops and do not represent a systemic failure of the organic system plan's design or implementation, a "Letter of Clarification" for minor issues (a "minor issues letter") may be sent to the certified operation to clarify aspects of the National Organic Standards, Basin and Range Organics organic program procedures, or to request additional information. Such letters will include a description of the non-conformity, a citation to the specific regulation(s), provide the date a response is required (if applicable), and the recourse if a response is not received by the deadline. If a response is required, failure to respond to the letter of clarification by the stated deadline may result in a notice of non-compliance being issued pursuant to [§205.662](#).

Non-compliance procedure for certified operations [§205.662](#)

- a. *Notification.* When an inspection, review, or investigation by the Basin and Range Organics reveals any non-compliance with the requirements of the NOS, a written notification of non-compliance shall be sent to the certified operation. [BAR – 400]

Such notification shall provide:

1. A description of each non-compliance;
2. The facts upon which the notification of non-compliance is based; and
3. The date by which the certified operation must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible.

- b. *Resolution.* When a certified operation demonstrates that each non-compliance has been resolved, Basin and Range shall send the certified operation a written notification of non-compliance resolution. [BAR – 430]
- c. *Proposed suspension or revocation.* When rebuttal is unsuccessful or correction of the non-compliance is not completed within the prescribed time period Basin and Range shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the non-compliance. [BAR – 440]
- When correction of a non-compliance is not possible, the notification of non-compliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:
1. The reasons for the proposed suspension or revocation;
 2. The proposed effective date of such suspension or revocation;
 3. The impact of a suspension or revocation on future eligibility for certification; and
 4. The right to request mediation pursuant to [§205.663](#) or to file an appeal pursuant to [§205.681](#)
- d. *Willful violations.* Notwithstanding paragraph (a) of this section, if Basin and Range has reason to believe that a certified operation has willfully violated the Act or regulations in this part, Basin and Range shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the non-compliance.
- e. *Suspension or revocation.* (1) If the certified operation fails to correct the non-compliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, Basin and Range Organics shall send the certified operation a written notification of suspension or revocation.[BAR – 450]
1. Basin and Range Organics must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to [§205.663](#) or filed an appeal pursuant to [§205.681](#), while final resolution of either is pending.
- f. *Eligibility.*
1. A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each non-compliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.
 2. A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation, Except, That, the Secretary may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.
- g. *Violations of Act.* In addition to suspension or revocation, any certified operation that:
1. Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than \$10,000 per violation.
 2. Makes a false statement under the Act to the Secretary, a State organic program's governing State official, or a certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

The NOP considers the issuance of adverse actions to be an important certification decision. BAR_O- uses at least two people when issuing a Notice of Proposed Suspension or Revocation, or a Notice of Suspension or Revocation. Such notices will be signed by the Organic Program Officer.

All written notifications discussed above (denial of certification, notification of non-compliance, notification of non-compliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation) will be mailed certified mail or other mail service with the requirement for a signature and with the ability to track the document. An additional copy will be sent standard mail. The return receipt will be attached to the file copy of the written notice.

A copy of each notice will be emailed to NOPACAAdverseActions@ams.usda.gov as required by [§205.501\(a\)\(15\)](#)

MEDIATION [§205.663](#)

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under the National Organic Program may be mediated at the request of the applicant for certification or certified operation and with acceptance of Basin and Range. Applications for mediation are available by contacting Basin and Range Organics or from the website at info@basinandrangeorganics.org. A fee is charged for the application for mediation and for the mediation procedures. For a third party professional mediator who is not an employee of the Basin and Range Organics. Mediation must be requested in writing using “Request for Mediation” and submitted to Basin and Range Organics. [BAR-510]

Basin and Range Organics has the option to reject a request for mediation. In such case, Basin and Range Organics will provide written notification to the applicant for certification or certified operation of the rejection. The written notice shall advise the applicant for certification of the right to request an appeal within 30 days of the date of the written notice of rejection.

If Basin and Range Organics accepts the request for mediation, Basin and Range Organics shall offer mediation to the applicant for certification or certified operation. Basin and Range shall notify the Agriculture Mediation Program and arrange for an application from such program to be sent to the applicant for certification or certified operation. This application discloses all fees. Mediation shall operate according to the requirements as set forth in the Memorandum of Understanding between the USDA and the Nevada Agriculture Mediation Service and in compliance with the Act and the regulations of [CFR 7 Part §205](#). The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session.

If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal Basin and Range Organics decision pursuant to [§205.681](#). Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and the rules and regulations set forth in [CFR 7 Part §205](#). The Secretary of Agriculture may review any mediated agreement for conformity to the Act and the regulations of [CFR 7 Part §205](#) and may reject any agreement or provision not in conformance with the Act and the regulations of [CFR 7 Part §205](#).

In the event of a request for mediation over an issue on non-compliance, Basin and Range Organics will not send a notification of suspension or revocation to the certified operation unless the terms of the mediation are agreed upon. In the event of an appeal filed, the notification will be provided to the certified operation after the Administrator has notified Basin and Range Organics of the appeal decision.

MATERIAL REVIEW

Upon request by applicant, producer, or handler to add a new material to their current OSP or submit a material to be reviewed, Basin and Range Organics will provide the Material Review Request Form to be filled out and submitted. The Program Administrator will review the Material Review Request Form once submitted. Basin and Range Organics requires the applicant, producer, or handler to research OMRI, WSDA, or other approved material lists of accepted materials and provide proof of acceptance, if found. The Program Administrator will cross check the applicant's research of OMRI and WSDA list of accepted materials. If adequate information for the material in question cannot be found the Program Administrator will submit an inquiry of material review to OMRI. Based on OMRI material review, the material will be accepted or denied and the applicant, producer, or handler will receive a letter indicating the review outcome and the material's status of allowed use.

EMERGENCY PEST OR DISEASE TREATMENT [§205.672](#)

When a prohibited substance is applied to a Basin and Range Organics certified operation due to a Federal or State emergency pest or disease treatment and the certified operation otherwise meets the requirements for certification, the certification status of the operation will not be affected as a result of the application of the prohibited substance. However, any harvested plant or plant part to be harvested that has been in contact with the prohibited substance cannot be sold, labeled, or represented as organically produced.

The following procedures will apply in the event of an emergency treatment:

1. Organic program staff will, whenever possible, be on-site during the application of the prohibited substance to a certified operation. The certified operation will be informed in writing that the certification status will not be affected by the application but that the crop (harvested or to be harvested) cannot be sold, labeled, or represented as organically produced.
2. The planted area or harvested crop that has been in contact with the prohibited substance will be identified and delimited using maps, GPS measurement, photos, flagging, marking or any other method of identification or documentation necessary to accurately record the area and scope of the contamination.
3. The certified operation must provide to BAR_O documentation that the crop to which prohibited substances was applied was not sold, labeled, or represented as organically produced or otherwise provide documentation deemed necessary by Basin and Range to determine compliance with §205.687(b). This documentation may be reviewed by BAR_O upon request.

SAMPLING [§205.403\(c\)\(3\)](#)

Basin and Range Organics may, at its discretion or at the direction of the National Organic Program, may collect and test water, soil, waste, seeds, plant tissue, and plant, animal and processed products samples. For the purposes of the organic program, sampling will be performed according to the guidelines of [Instruction Sampling Procedures for Residue Testing NOP 2610](#) in the NOP Handbook. Basin and Range Organics will not charge a fee for the collection or processing of such samples. Where applicable, there shall be no charge made to Basin and Range Organics by the inspected operation for the samples taken. [§205.403\(e\)](#)

Basin and Range Organics is authorized by [§205.403\(c\)\(3\)](#), [FIFRA](#) to conduct activities related to the collection and analysis of pesticide samples.

Samples will be collected by BAR_O staff and submitted to a lab that holds a current accreditation under ISO/IEC 17025:2005. There the sample will be analyzed in accordance with the methods described in the most current edition of the *Official Methods of Analysis of the AOAC International* or other current applicable validated methodology determining the presence of contaminants in agricultural products. BAR_O staff will provide a receipt to the operation's authorized representative for the sample(s) taken using "Receipt for Samples" [§205.403\(e\)\(1\)](#) [BAR – 630]

Sample integrity will be maintained according to sample procedures outlined in the sampling guidelines. Results of the analyses and tests will be submitted to the Administrator of the National Organic Program. Additionally, results of the analyses will be provided to the relevant Federal health agency when a regulatory tolerance or action level has been exceeded. Test results will be available for public access upon written request unless the testing is part of an ongoing compliance investigation.

RESPONDING TO RESULTS FROM SAMPLING [§205.671](#)

Basin and Range Organics will respond to the results of pesticide residue testing per the guidelines set forth in [NOP 2613](#) "[Responding to Results From Pesticide Residue Testing](#)". The certified operation will be notified in writing with the results of the residue test. If the results indicate pesticide residue has been detected and action is required Basin and Range Organics will proceed per [NOP 2613](#) and according to additional guidance from National Organic Program staff, the Program Administrator will lead the investigative team

VARIANCES [§205.290\(b\)\(d\)](#)

Procedures for requesting a temporary variance:

- a. Persons requesting the temporary variance must submit, in writing, including detailed information to support the request and the proposed procedures to be used that are in variance with the Rule.
- b. Basin and Range Organics will verify that the variance is based on one or more of the reasons in [§205.290\(a\)\(1-3\)](#) and is not prohibited under [§205.105](#).
- c. Basin and Range Organics will recommend, in writing, to the Administrator that a temporary variance from a standard set forth in [§205.290\(b\)](#) for organic production or handling operations be established, provided that the variance is based on one or more of the reasons listed in [§205.290\(a\)](#).
1. Basin and Range Organics upon notification from the Administrator of the establishment of a temporary variance will notify each production or handling operation it certifies to which the temporary variance applies and specify the period of time it shall remain in effect, subject to extension as the Administrator deems necessary.

PROGRAM ADMINISTRATION

The successful operation of the Organic Program depends on the constructive interaction of the following Basin and Range Organics positions: Program Administrator, Review Board.

Duties Assigned to Program Staff

Step #	Step Description	Who is Responsible?
1	Application Received	Organic Program Administrator
2	Application Reviewed	Organic Program Administrator
3	Send Application Confirmation and Estimate	Organic Program Administrator
4	Inspection	Inspector, Organic Program Administrator * Inspector completing inspection is to schedule inspection and send inspection confirmation.
5	Inspection Follow-up (if needed)	Inspector
6	Send inspection fees to AR	Basin and Range Organics
7	Complete Cost Share Payments	Organic Program Administrator
8	Inspection Review	Organic Review Board (person other than inspector can review)
9	Send Inspection Report and Follow up letter to Applicant	Organic Program Administrator to send with certificate
10	Issue Letters of Noncompliance, Proposed Suspension, Suspension, Proposed Revocation, Revocation	Written by Organic Program Administrator.
11	If no Noncompliances, send Certification Agreement and Rights and Responsibilities to be signed by Applicant	Organic Program Administrator
12	Issue Certification	Organic Program Administrator completes certificate Organic Program Supervisor signs certificate
13	Updates	Organic Program Administrator
14	Fee Payment Verification	Organic Program Administrator

Timeline for Submission of Reports/Applications to NOP and Internal Functions

Date of initial accreditation: January 26,2016

1. List of operations certified during the preceding year	§205.501(a)(15)(ii)	January 2 , annually
2. Annual program review*	§205.501(a)(7)	Before January 26 , annually
3. Conflict of interest report*	§205.501(a)(11)(v)	Before January 26 , annually
4. Annual report*	§205.510(a)(1-5)	Before January 26 , annually
5. Renewal of accreditation - submission of material	§205.510(c)	Every 5 years from January 26,2016 apply by December 13 of the previous year

* These are submitted together in a single report.

The Program Supervisor supervises Program Administrator. Inspectors performing site inspections are supervised according to their programmatic responsibilities. Their activities in the organic program are

overseen by the Organic Program Supervisor and the Organic Program Administrator.

Program Staff Training

In addition to administrative and professional development training offered through NOP Personnel programs, organic program staff will, whenever funds allow, participate in at least one organic training event each year that offers topics specific to organic production and processing, NOP compliance, etc. Examples include IOIA, National Organic Program Training, Eco-Farm, Midwest Organic Farming Conference, New Mexico Organic Farming Conference, etc.

RECORD KEEPING

[§205.501](#) requires accredited certifiers to maintain all records pursuant to [§205.510\(b\)](#) and make the records available for inspection and copying during normal business hours by authorized representatives of the Secretary.

Procedures for complying with the record keeping requirements [§205.501\(a\)\(9\)](#)

Records obtained or created for each applicant will be dated, filed (by applicant) and will be available for inspection and copying at Basin and Range Organics office at 1365 Corporate Blvd. Ste 200 for the period of time specified for the applicable type of record. [§205.510\(b\)\(1-3\)](#)

All records pertaining to **accreditation** of Basin and Range Organics will also be kept in a file at the Reno office for not less than 5 years. [§205.510\(c\)](#)

It is the policy of Basin and Range Organics Organic Certification Program to keep all records listed above for not less than 5 years beyond their creations.

National Organic Standards requirements for record keeping are as follows:

Records **obtained from** applicants for certification and certified operations must be maintained for not less than 5 years beyond their receipt.

Records **created by the certifying agent** regarding applications for certification and certified operations must be maintained for not less than 5 years beyond their creation

Applicants for certification will be made aware, in writing, that any records kept on file by Basin and Range Organics are subject to public inspection and copying.

Information available to the public concerning the Basin and Range Organic Certification Program will be provided in the format requested, if readily available, upon request, and will be supplied within a reasonable amount of time.

INTERNAL REVIEW

The Basin and Range Organic Program's internal review system will insure that each aspect of the service performed is in a manner consistent with the [Act, CFR 7 Part §205](#). The activities and documents of the Organic Certification Program staff will be reviewed annually. The review will include the Organic Program supervisor, and the program Administrator, and the Review Board.

Basin and Range Organics' selection criteria for obtaining an independent program review specialist will be based on the individual's experience in program review, auditing services, and the NOP organic standards.

Upon completion of the review, the Review Board will report to the Organic Program Supervisor and the Organic Program Administrator any identified non-compliances, establish a date by which corrections must be completed and verify that the actions required to correct any non-compliances have been implemented.

Such non-compliances and the actions taken to resolve them will be documented in writing and made available to the Secretary upon request.

PERSONNEL

Any Basin and Range Organics personnel and contracted staff involved in reviewing applications and certification documents, inspecting operations, evaluating certification qualification, or making recommendations concerning certification decisions will receive the Basin and Range Organics Employee Review Form annually.

Accompanying the Employee Review Form a written and verbal evaluation concerning knowledge, skills, and abilities in organic certification, responsibility of task completion, and field evaluation (inspectors) will be conducted by the Program Administrator.

CONFLICT OF INTEREST §205.501(a)(11)

Each person involved in the operation of the Basin and Range Organics Certification Program will be provided, in writing at the time their duties begin, the information contained in [§205.501\(a\)\(11\)](#) describing what constitutes a conflict of interest. They will be required to complete and sign Conflict of Interest Disclosure Report each year acknowledging that they have read and understand the conflict of interest policy of Basin and Range Organics Organic Certification Program and list any potential conflicts of interest. This provision will apply to outside contractors or any other person described in [§205.504\(c\)\(2\)](#). These reports will be kept on file and reviewed with program personnel during the annual review of the program.

If within twelve months of certifying a new applicant, it is determined that any Basin and Range Organics employee participating in the certification process and covered under [§205.501\(a\)\(11\)](#) has or had a conflict of interest involving the applicant, Basin and Range Organics will reconsider the certified operation's application for certification and perform a new on-site inspection. Basin and Range Organics shall pay all costs of the reconsideration of application, including on-site inspection costs.

If Basin and Range Organics determines that any person covered under [§205.501\(a\)\(11\)\(i\)](#) at the time of certification of the applicant that a conflict of interest involving the applicant, Basin and Range Organics will refer the certified operation to a different accredited certifying agent for recertification. Basin and Range Organics will reimburse the operation for the cost of recertification.

EXPORT

Links to the USDA website and information regarding international organic trade:

[National Organic Program: International Trade Partners](#)

[Issuance of Export Certificates under an Export Arrangement between the USDA and a Foreign Government](#)

[Instructions for Completion of an Export Certificate \(TM TM-11\) Under an Export Arrangement between the USDA and a Foreign Government](#)

Requirements for export of U.S. organic raw and processed agricultural products to *Canada*:

1. All Basin and Range Organics clients and organic certification program participants will be notified of the compliance requirements for the Canadian export arrangement by letter or electronic mail within 14 days of notification by NOP.
2. Prepare and implement procedures designed to ensure compliance with the applicable export arrangement. See Appendix 2.
3. Each export certificate will be assigned a unique identification number.

The unique identification number must begin with an acronym designating the accredited certifying agent and the country code for Canada (CA) resulting in an ID number.

4. A paper-based or electronic control log will be maintained to record and tracks the disposition of each export certificate including those issued, voided or destroyed.
5. A staff person will be designated to authorize the issuance of the export certificate and attest to its authenticity by affixing his/her signature to the certificate. The designated person is responsible for all aspects of the issuance of the export certificate, including ensuring security of blank export certificates and oversight of the control log. A back-up individual will be designated to ensure uninterrupted issuance of export certificates.
6. Compliance Statement

Export arrangements with other countries may require the prohibition of certain practices or substances allowed under the NOP. In order to facilitate acceptance of the product by the importing country, a compliance statement declaring the applicable prohibitions must be entered into the remarks section of the export certificate. The Compliance statements for Canada are:

Country: Canada; Country Code: CA

Compliance Statements:

For Processed Products and Crops:

“Certified in compliance with the terms of the US-Canada Organic Equivalency Arrangement”.

Requirements for export of U.S. organic raw and processed agricultural products to the *European Union*:

1. All Basin and Range Organics clients and organic certification program participants will be notified of the compliance requirements for the European Union export arrangement by letter or electronic mail within 14 days of notification by NOP.
2. Prepare and implement procedures designed to ensure compliance with the applicable export arrangement. See Appendix 3.
3. Each export certificate will be assigned a unique identification number.

The unique identification number must begin with an acronym designating the accredited certifying agent and the country code for each country in the EU is listed below.

Country (Country Code) resulting in an ID number that starts with:

Austria (AT) = NDAAT

Belgium (BE) = NDABE

Bulgaria (BG) = NDABG

Croatia (HR) = NDAHR

Cyprus (CY) = NDACY

Country (Country Code) cont.

Czech Republic (CZ) = NDACZ

Denmark (DK) = NDADK

Estonia (EE) = NDAEE

Finland (FI) = NDAFI

France (FX) = NDAFX

Germany (DE) = NDADE

Greece (GR) = NDAGR

Hungary (HU) = NDAHU

Ireland (IE) = NDAIE

Italy (IT) = NDAIT

Latvia (LV) = NDALV

Lithuania (LT) = NDALT

Luxembourg (LU) = NDALU

Malta (MT) = NDAMT

Netherlands (NL) = NDANL

Poland (PL) = NDAPL

Portugal (PT) = NDAPT

Romania (RO) = NDARO

Slovakia (SK) = NDASK

Slovenia (SI) = NDASI

Spain (ES) = NDAES

Sweden (SE) = NDASE

United Kingdom (GB) = NDAGB

4. A paper-based or electronic control log will be maintained to record and tracks the disposition of each export certificate including those issued, voided or destroyed.
5. A staff person will be designated to authorize the issuance of the export certificate and attest to its authenticity by affixing his/her signature to the certificate. The designated person is responsible for all aspects of the issuance of the export certificate, including ensuring security of blank export certificates and oversight of the control log. A back-up individual will be designated to ensure uninterrupted issuance of export certificates.
6. Compliance Statement

Export arrangements with other countries may require the prohibition of certain practices or substances allowed under the NOP. In order to facilitate acceptance of the product by the importing country, a compliance statement declaring the applicable prohibitions must be entered into the remarks section of the export certificate. The Compliance statements for the European Union are:

Country (Country Code)

Austria (AT)

Belgium (BE)

Bulgaria (BG)

Croatia (HR)

Cyprus (CY)

Czech Republic (CZ)

Denmark (DK)

Estonia (EE)

Finland (FI)

France (FX)

Germany (DE)

Greece (GR)

Hungary (HU)

Ireland (IE)

Italy (IT)

Country(Country Code) cont.

Latvia (LV)

Lithuania (LT)

Luxembourg (LU)

Malta (MT)

Netherlands (NL)

Poland (PL)

Portugal (PT)

Romania (RO)

Slovakia (SK)

Slovenia (SI)

Spain (ES)

Sweden (SE)

United Kingdom (GB)

NOTE: A USDA-accredited certifying agent must complete an EU import certificate for all USDA organic products traded under the arrangement.

Memo to NOP-Accredited Certifying Agents Operating in the U.S.

EU Certificate of Inspection (PDF)

Compliance Statements:

This arrangement is limited to organic products of U.S. origin. This includes products that have been either (1) produced within the U.S. or (2) products whose final processing or packaging occurs within the U.S. This includes products processed or packaged in the U.S. that contain organic ingredients from foreign sources that have been certified to the USDA organic standard. Aquatic animals (e.g., fish and shellfish) are not included within the scope of the arrangement.

Organic products must travel with an U.S. import certificate, which must be signed by an U.S. certifying agent.

For Processed Products and Crops:

"Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed in the United States and without the use of antibiotics (streptomycin for fire blight control in apples and pears)."

Organic wine and wine "made with organic grapes"

"Organic wine and wine "made with organic grapes", accompanied by this certificate, were produced or processed in the United States; contain 100 percent organic grapes and organic ingredients; did not use non-organic substances, not allowed under 7 [CFR §205.605](#) are prohibited; and were produced only using the winemaking practices and substances detailed in the EU organic regulations: <http://bit.ly/eu-organic-wine>."

Requirements for export of U.S. organic raw and processed agricultural products to *Taiwan*:

1. All Basin and Range Organics' certification program participants will be notified of the compliance requirements for the Taiwan export arrangement by letter or electronic mail within 14 days of notification by NOP.
2. Prepare and implement procedures designed to ensure compliance with the applicable export arrangement. See Appendix 4.
3. Each export certificate will be assigned a unique identification number.

The unique identification number must begin with an acronym designating the accredited certifying agent and the country code for Taiwan (TW) resulting in an ID number.

4. A paper-based or electronic control log will be maintained to record and tracks the disposition of each export certificate including those issued, voided or destroyed.

5. A staff person will be designated to authorize the issuance of the export certificate and attest to its authenticity by affixing his/her signature to the certificate. The designated person is responsible for all aspects of the issuance of the export certificate, including ensuring security of blank export certificates and oversight of the control log. A back-up individual will be designated to ensure uninterrupted issuance of export certificates.

6. Compliance Statement

Export arrangements with other countries may require the prohibition of certain practices or substances allowed under the NOP. In order to facilitate acceptance of the product by the importing country, a compliance statement declaring the applicable prohibitions must be entered into the remarks section of the export certificate. The Compliance statements for Taiwan are:

Country: Taiwan; Country Code: TW

NOTE: When exported to Taiwan, USDA Organic products must be accompanied by an organic transaction certificate (TM-11). The TM-11 verifies that the product complies with the terms of the trade arrangement. Until further notice, TM-11 Certificates issued for Taiwan must only be issued for products that can carry the USDA Organic Seal.

Compliance Statements:

The trade arrangement includes all USDA organic products produced in the United States or its territories. USDA organic products produced outside the United States are not included in this arrangement.

For Processed Products and Crops:

"Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances."

For Livestock and meat products:

"Organic livestock products, accompanied by this certificate, were managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine."

Requirements for export of U.S. organic raw and processed agricultural products to *Japan*:

1. All Basin and Range Organics clients and organic certification program participants will be notified of the compliance requirements for the Japanese export arrangement by letter or electronic mail within 14 days of notification by NOP.
2. Prepare and implement procedures designed to ensure compliance with the applicable export arrangement. See Appendix 5.
3. Each export certificate will be assigned a unique identification number.

The unique identification number must begin with an acronym designating the accredited certifying agent and the country code for Japan (JP) resulting in an ID number.

4. A paper-based or electronic control log will be maintained to record and tracks the disposition of each export certificate including those issued, voided or destroyed.
5. A staff person will be designated to authorize the issuance of the export certificate and attest to its authenticity by affixing his/her signature to the certificate. The designated person is responsible for all aspects of the issuance of the export certificate, including ensuring security of blank export certificates and oversight of the control log. A back-up individual will be designated to ensure uninterrupted issuance of export certificates.

6. Compliance Statement

Export arrangements with other countries may require the prohibition of certain practices or substances allowed under the NOP. In order to facilitate acceptance of the product by the importing country, a compliance statement declaring the applicable prohibitions must be entered into the remarks section of the export certificate. The Compliance statements for Japan are:

Country: Japan; Country Code: JP

NOTE: Products exported to Japan under the arrangement must be accompanied by a TM-11 unless otherwise noted in Appendix 4.

Compliance Statements:

Beginning January 1, 2014, all certified organic plant and plant based processed products that are produced in the U.S. and Japan, or which have final processing, packaging, or labeling in the U.S. or Japan, may access either market.

For Processed Products and Crops:

“Certified in compliance with the terms of the US-Japan Organic Equivalency Arrangement.”

Requirements for export of U.S. organic raw and processed agricultural products to Korea:

1. All Basin and Range Organics clients and organic certification program participants will be notified of the compliance requirements for the Korean export arrangement by letter or electronic mail within 14 days of notification by NOP.
2. Prepare and implement procedures designed to ensure compliance with the applicable export arrangement. See Appendix 6.
3. Each export certificate will be assigned a unique identification number.

The unique identification number must begin with an acronym designating the accredited certifying agent and the country code for Korea (KR) resulting in an ID number.

4. A paper-based or electronic control log will be maintained to record and tracks the disposition of each export certificate including those issued, voided or destroyed.
5. A staff person will be designated to authorize the issuance of the export certificate and attest to its authenticity by affixing his/her signature to the certificate. The designated person is responsible for all aspects of the issuance of the export certificate, including ensuring security of blank export certificates and oversight of the control log. A back-up individual will be designated to ensure uninterrupted issuance of export certificates.
6. Compliance Statement

Export arrangements with other countries may require the prohibition of certain practices or substances allowed under the NOP. In order to facilitate acceptance of the product by the importing country, a compliance statement declaring the applicable prohibitions must be entered into the remarks section of the export certificate. The Compliance statements for Korea are:

Country: Korea; Country Code: KR

NOTE: Products exported to Korea under the arrangement must be accompanied by: [NAQS Import Certificate of Organic Processed Foods \(PDF\)](#)

Compliance Statements:

For Processed Products:

"Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed without the use of apples or pears produced with antibiotics."

APPENDICES

Appendix 1: Program Forms

BAR-100 Initial Application

BAR-101 Producer OSP
BAR-105 Livestock OSP
BAR-110 Handler OSP
BAR-111 Wildcraft OSP
BAR – 115 Fee Estimate*
BAR – 116 Inspection Appointment Confirmations
BAR - 120 Producer Renew
BAR – 125 Livestock Renew
BAR – 130 Handler Renew*
BAR – 210 Inspection Report – Producer
BAR-215 Livestock Inspection Report
BAR – 220 Inspection Report – Handler
BAR – 223 Handler 1st Inspection Narrative
BAR – 224 Exit Interview
BAR – 225 Producer 1st Inspection Narrative
BAR – 229 Certification Agreements
BAR – 230 OSP Add Agreements
BAR – 300 Organic Certificate*
BAR-301 Notice of Intent to Surrender
BAR – 302 OSP Change Request
BAR – 304 Natural Flavor Affidavits
BAR – 400 Notice of Noncompliance
BAR – 410 Denial of Certification
BAR – 430 Notice of Non-Compliance Resolution
BAR – 440 Notice of Proposed Suspension
BAR-445 Notice of proposed Revocation
BAR – 450 Notice of Suspension
BAR-455 Notice of Revocation
BAR – 510 Requests for Mediation
BAR – 530 Notices to Certified Operation
BAR – 610 Exemptions from Certification
BAR – 630 Receipts for Samples
BAR – 635 Instructions for New Product
BAR-720 Witness Audit Checklists
BAR-800 Material Review Request Form

Appendix 2: National Organic Program Guidance and Instructions for Accredited Certifying Agents and Certified Operations

Title	Document	Date
Introduction		3/9/2011
Section A. Standards	Document	Date
Processed Animal Manure in Organic Crop Production	NOP 5006	7/22/2011
Reassessed Inert Ingredients	NOP 5008	7/22/2011
Approval of Liquid Fertilizers for Use in Organic Production	NOP 5012	7/22/2011
Certification of Organic Yeast	NOP 5014	7/22/2011
Allowance of Green Waste in Organic Production Systems	NOP	7/22/2011
5016 Dry Matter Intake Information for Access to Pasture		
Calculating Dry Matter Intake from Pasture 7/22/2011	NOP 5017-1	
Dry Matter Demand Tables for Classes of Dairy Cattle 7/22/2011	NOP 5017-2	
Dry Matter Demand Tables for Classes of Beef Cattle 7/22/2011	NOP 5017-3	
Dry Matter Intake Calculation Worksheet & Example Using National Research Council (NRC) Values	NOP 5017-4	7/22/2011
Dry Matter Intake Calculation Worksheet using Body Weight Values	NOP 5017-5	7/22/2011
Pasture Worksheet: Rotational/Stocking Grazing Systems	NOP 5017-6	
Classes of Dairy Goats 7/22/2011	3/9/2011 Dry Matter Demand Tables for NOP 5017-7	
Compost and Vermicompost in Organic Crop Production	NOP 5021	
	7/22/2011 Wild Crop Harvesting	
	NOP 5022	
	7/22/2011 Commingling and	
Contamination Prevention in Organic Production and Handling	NOP 5025	7/22/2011
The Use of Chlorine Materials in Organic Production & Handling	NOP 5026	7/22/2011
The Use of Kelp in Organic Livestock Feed	NOP 5027	
	2/28/2013 Response to Comments: The	
Use of Kelp in Organic Livestock Feed	NOP 5027-1	2/28/2013
Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production	NOP 5029	2/28/2013
Response to Comments: Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production	NOP 5029-1	2/28/2013
Evaluating Allowed Ingredients and Sources of Vitamins and Minerals For Organic Livestock Feed	NOP 5030	2/28/2013
Response to Comments: Evaluating Allowed Ingredients and Sources of Vitamins and Minerals For Organic Livestock Feed	NOP 5030-1	
	2/28/2013 Certification Requirements	
for Handling Unpackaged Organic Products	NOP 5031	1/22/2014
Response to Comments: Certification Requirements for Handling Unpackaged Organic Products	NOP 5031-1	1/22/2014
Products in the “Made With Organic ***” Labeling Category		

“Made With” Organic Labeling Examples	NOP 5032	5/2/2014
	NOP 5032	
	5/2/2014	Response to Comments:
Products in the “Made With Organic ***” Labeling Category		
	NOP 5032-1	5/2/2014

Section B. Certification	Document	Date
The Organic Certification Process	NOP 2601	12/16/2013
Recordkeeping of Certified Operations	NOP 2602	7/22/2011
Organic Certificates	NOP 2603	9/3/2013
Responsibilities of Certified Operations Changing Accredited Certifying Agents	NOP 2604	9/25/2012
Reinstating Suspended Organic Operations	NOP 2605	1/22/2014
Processing Requests for Temporary Variances	NOP 2606	7/22/2011
Disclosure of Information: USDA-Accredited Certifying Agents and Certified Operations to the National Organic Program	NOP 2607	11/23/2011
Unannounced Inspections	NOP 2609	9/12/2012
Sampling Procedures for Residue Testing	NOP 2610	11/8/2012
Laboratory Selection Criteria for Pesticide Residue Testing	NOP 2611	11/8/2012
Prohibited Pesticides for NOP Residue Testing	NOP 2611-1	7/22/2011
Responding to Results from Pesticide Residue Testing	NOP 2613	2/28/2013
Response to Comments: Responding to Results from Pesticide Residue Testing	NOP 2613-1	2/28/2013
Technical Assistance	NOP 2614	4/8/2013
Organic System Plans, Organic System Plan Updates, and Notification of Changes	NOP 2615	12/16/2013
Section C. Accreditation	Document	Date
General Accreditation Policies and Procedures	NOP 2000	2/28/2014
Separation of Duties in Certification Decisions	NOP 2006	4/7/2014
Information Submission Requirements for Certifying Agents	NOP 2024	5/29/2014
Annual Report Checklist	NOP 2024-1	1/13/2012
Internal Program Review Requirements	NOP 2025	8/2/2013
Submitting Annual Lists of Certified Operations	NOP 2026	10/21/2013
Personnel Performance Evaluations	NOP 2027	8/2/2013
Instruction – Responding to Noncompliances	NOP 2608	1/13/2012
Section D. International	Document	Date
Equivalence Determination Procedures	NOP 2100	7/22/2011
General Recognition Procedures	NOP 2200	7/22/2011
Certifying Agents Approved to Issue TM-11 Export Certificates	NOP 2403	6/24/2014
Section E. Compliance and Enforcement	Document	Date
Complaint Handling Procedures	NOP 4001	7/22/2011
Enforcement Policy	NOP 4002	7/22/2011
Monitoring Compliance with NOP Enforcement Actions	NOP 4003	7/22/2011
Who Needs to be Certified? Questions and Answers	NOP 4009	2/13/2014
Use of Brand or Company Names Containing the Word “Organic” Memo to Certifiers	NOP 4012	8/14/2014
Section F. Appeals	Document	Date
- Certified Operation or Applicant for Certification Process - Accreditation Appeals	6/3/2010 Adverse Action Appeal Process	6/3/2010
Section G. Policy Memos	Document	Date
Accredited Certifying Agent Inspection Authority	PM 10-1	6/25/2010

Sulfur Dioxide in Wine "Made With" Organic Fruit	PM 10-2	
Agricultural Products Certified Under the U.S.-Canadian Equivalence Arrangement	10/31/2011	Attestation Statement for
	1/27/2012	PM 10-3
Use of Natural Flavors	PM	11-1
Products that Meet NOP Standards	10/31/2011	Certification of Agricultural
Beverages	10/31/2011	Labeling of Alcoholic
	PM	11-3
in Organic Crop, Livestock, and Handling Operations	12/10/2012	Evaluation of Materials Used
	PM 11-4	8/6/2013
Access to the Outdoors for Livestock	PM 11-5	10/31/2011
Reporting Health and Safety Violations	PM 11-6	10/31/2011
Private Label Certification	PM	11-7
	10/31/2011	California State Organic
Program, Additional Requirements Granted		
	PM 11-8	10/31/2011
Calculating the Percentage of Organically Produced Ingredients	PM	11-9
	10/31/2011	Grower Group Certification
	PM	11-10
	10/31/2011	NOP Statements: Cloning
and Organic Livestock Production	10/31/2011	Confinement of Poultry
Flocks	PM	11-12
	10/31/2011	Clarification of Existing
Regulations Regarding the Use of Genetically Modified Organisms in Organic Agriculture	PM 11-13	10/31/2011
Labeling of Textiles that Contain Organic Ingredients	PM 11-14	10/31/2011
Production and Certification of Aquatic Plants	PM 12-1	9/12/2012
Placement of Certified Organic By *** Statement	PM 12-2	1/9/2013
Cell Fusion Techniques Used in Seed Production	PM 13-1	2/1/2013
Humic Acid Extraction	PM 13-2	12/16/2013
Synthetic Algicides, Disinfectants, and Sanitizers Allowed in Organic Crop Production		
	PM 13-3	6/6/2014
Aquatic Plant Extracts	PM 14-1	3/12/2014
Chlorine Use in Egg Breaking Facilities	PM 14-2	8/5/2014
Electrolyzed Water	PM 14-3	6/9/2014
Section H. Other	Document	Date
Archived NOP Documents	Notice 11-4	1/22/2014
OSP Templates – Crop and/or Livestock	N/A	5/23/2011
OSP Templates – Crop Production	N/A	5/23/2011
OSP Templates – Livestock Production	N/A	5/23/2011
Documentation Forms Intro	N/A	5/23/2011
Crop Documentation Forms	N/A	5/23/2011
Livestock Documentation Forms	N/A	5/23/2011
Pasture for Organic Ruminant Livestock: Understanding and Implementing the Organic Pasture Rule		
	N/A	5/23/2011
National List Sunset Dates	NOP 5611	11/3/2013
Accreditation Assessment Checklist	NOP 2005	6/17/2014
Certification File Review Checklist, Supplement for Grower Groups		
	NOP 2005-3	5/15/2013
Witness Audit Checklist	NOP 2005-4	8/25/2014

<u>Witness Audit Checklist for Grower Groups</u>	NOP 2005-5	8/25/2014
<u>Review Audit Checklist</u>	NOP 2005-6	5/29/2014
<u>Guide for Organic Crop Producers</u>	N/A	12/10/2012
<u>Guide for Organic Livestock Producers</u>	N/A	12/10/2012
<u>Guide for Organic Processors</u>	N/A	12/10/2012
<u>Guide to Organic Certification</u>	N/A	12/10/2012

Appendix 3: Exporting Organic Products to *Canada*

On June 30 2009, the US-Canada Organic Equivalence Arrangement (USCOEA) was signed. As long as the terms of the arrangement are met, organic operations certified to the USDA organic or Canada Organic Regime standards may be labeled and sold as organic in both countries. [Equivalency FAQs \(PDF\)](#)

Requirements

In order to be sold, labeled, or represented as organic in Canada, USDA organic products must meet the following additional requirements ([view memo](#)) (PDF):

Agricultural products produced with the use of sodium nitrate shall not be sold or marketed as organic in Canada.

Agricultural products produced by hydroponic or aeroponic production methods shall not be sold or marketed as organic in Canada.

Agricultural products derived from animals (with the exception of ruminants) must be produced according to livestock stocking rates as set out in CAN /CGSB32.310-2006.

Documentation

Written documentation is required to verify that additional production requirements listed above have been met. These attestations can be made by either the operation or the certifying agent. All products that are produced under the terms of the arrangement must be accompanied by documentation stating the following:

“Certified in compliance with the terms of the US-Canada Organic Equivalency Arrangement”

This statement is a requirement so that products crossing the borders are verified to meet the terms of the US-COEA and must appear on documentation travelling with the shipment. The attestation may be included on the organic certificate, a transaction certificate, statement on bill of lading, purchase order, or any other affirmative attestation. The operator may provide this attestation, or may request that a certifier do so.

U.S. operations should inform their certifying agent that they wish to ship products to Canada and provide their certifying agent with all necessary information and documentation to verify compliance with this trade agreement. Certifying agents will complete the applicable forms, and return them to the operator for inclusion with their shipment of organic products.

Labeling Requirements

For retail products, labels or stickers must state the name of the U.S. or Canadian certifying agent and may use the USDA Organic seal or the Canada Organic Biologique logo.

- All product labels must be in English *and* French.
Wholesale products only require lot numbers.
- *Organic*. Products that contains at least 95% organic content may be labelled organic and bear the Logo % *organic ingredients*. Multi-ingredient products with 70%-95% organic product content may have the declaration: “% organic ingredients”

Declaration in the ingredient list. Multi-ingredient products with less than 70% organic content may identify the organic products it contains in its ingredient list.

In addition:

The name of the Certification Body must appear on the label

Imported products must be identified as such



[USDA](#)



[Canada \(PDF\)](#)

References <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPTradeCanada&description=International%20Trade%20Policies:%20Canada> <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5087406&acct=nopgeninfo>

Beginning June 1, 2012, the U.S. and the E.U. have entered into an equivalence arrangement; as long as the terms of the arrangement are met, organic operations certified to the USDA organic or EU organic standards may be labeled and sold as organic in both countries.

Requirements

The following limitations apply to organic agricultural products traded under the arrangement: Products must be either produced or have had final processing or packaging occur within the U.S.

The following U.S. organic products may **not** be exported to the EU

Organic apples, pears, and ingredients from organic apples and pears must be produced without antibiotics. Antibiotics may not be used for at least 3 years prior to the harvest of the organic apple or pear (streptomycin for fire blight control in apples and pears).

Organic wine and wine “made with organic grapes”

Organic wine and wine “made with organic grapes”, accompanied by this certificate, were produced or processed in the United States; contain 100 percent organic grapes and organic ingredients; did not use non-organic substances, not allowed under 7 CFR §205.605 are prohibited; and were produced only using the winemaking practices and substances detailed in the [EU organic regulations](#)

Please note that organic wine may be labeled with the USDA organic seal and—beginning August 1, 2012—the EU organic logo.

Documentation

U.S. operations should inform their certifying agent that they wish to ship products to the EU and provide their certifying agent with all necessary information and documentation to verify compliance with this trade agreement. Certifying agents will complete the applicable forms, and return them to the operator for inclusion with their shipment of organic products.

A USDA-accredited certifying agent must complete an EU import certificate for all USDA organic products traded under the arrangement.

Memo to NOP-Accredited Certifying Agents Operating in the U.S.

EU Certificate of Inspection (PDF)

Labeling Requirements

For retail products, labels or stickers must state the name of the U.S. or EU certifying agent and may use the USDA Organic seal or the EU organic logo.

Exported products must meet the labeling requirements in the destination country.

Retail Products

For retail products, labels must include the code that the [EU has assigned to each NOP](#)-accredited certifying agent. Labels or stickers may also include the name of the U.S. or EU certifying agent.

Organic products. Products certified as “organic” in the U.S. and meet the terms of the arrangement listed above may be sold as “organic” in the EU. Products may include the EU organic logo and/or the USDA organic seal.

100% organic products. The EU does not have a labeling category for 100% organic products.

Products meeting the terms of the arrangement listed above may be labeled “organic” and include the EU organic logo and/or the USDA organic seal.

“Made with” organic products. The EU does not have a labeling category for “made with” organic products. For products containing less than 95% organic ingredients, a percentage statement of organic content may be displayed on the label. Products may not be labeled with the EU organic logo or the USDA organic seal.

Bulk Products. Lot number must be present that allows for a complete audit trail to verify the product’s integrity.

For more information on labeling, please see the EU organic regulations, available here:

http://ec.europa.eu/agriculture/organic/eu-policy/legislation_en#regulation.

Organic Seals



[USDA Organic Seal](#)



[EU Labeling Requirements](#)

References <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPTradeEuropeanUnion&description=International%20Trade%20Policies:%20European%20Union> <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5097062>

As of March 18, 2009, organic products certified in the U.S. may be sold as organic in Taiwan. The trade arrangement includes all USDA organic products produced in the United States or its territories. USDA organic products produced outside the United States are not included in this arrangement.

Documentation

When exported to Taiwan, USDA Organic products must be accompanied by an organic transaction certificate (TM-11). The TM-11 verifies that the product complies with the terms of the trade arrangement. Certifying agents must be approved by the USDA to issue TM-11 certificates. Regional accreditation managers can provide additional information.

Overview (PDF)

TM-11 & Instructions (PDF)

Additionally, all products that are produced under the terms of the arrangement must be accompanied by documentation stating the following:

Processed products and crops: "Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances."

Livestock and meat products: "Organic livestock products, accompanied by this certificate, were managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine."

U.S. operations should inform their certifying agent that they wish to ship products to Taiwan and provide their certifying agent with all necessary information and documentation to verify compliance with this trade agreement. Certifying agents will complete the applicable forms, and return them to the operator for inclusion with their shipment of organic products.

Reference <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPTradeTaiwan&description=International%20Trade%20Policies:%20Taiwan>

Appendix 6: Exporting Organic Products to Japan

As of January 1, 2014, organic products certified in Japan or in the U.S. may be sold as organic in either country. In order to access the Japan market, products certified to the U.S. Department of Agriculture (USDA) organic regulations must either be grown or produced in the U.S., or have had their final processing or packaging (including final labeling) in the U.S.

While this partnership is focused on plant-based organic products, it also clarifies how meat, dairy products, alcoholic beverages, and other products not covered by the Japanese organic standards can enter the Japanese organic market. This partnership streamlines the export certificate process, which also reduces the paperwork burden for farmers and businesses.

Requirements

Organic Plant and Plant-Based Processed Products Exported to Japan

The following products must carry the Japanese Agricultural Standards (JAS) seal:

Plants, including fungi.

Processed foods of plant origin, such as grape juice or corn meal.

These products may also use the USDA seal, in compliance with the USDA organic regulations, as explained in the labeling section below.

United States porters may apply the JAS logo to their plants or plant-based processed products in one of two ways:

U.S. exporters who have a contract with a JAS-certified importer may apply the JAS logo to their products directly for sale in either Japan or the U.S. To view a list of JAS-certified importers, see <http://bit.ly/importers-jas>.

U.S. exporters who do not have a contract with a JAS-certified importer may not apply the JAS logo to their products prior to export. A JAS-certified importer must import the product, and that importer must apply the JAS logo to the product prior to sale within Japan.

Documentation

All organic plant, including fungi, and plant-based processed products exported from the U.S. to Japan must be accompanied by an export certificate. To view the USDA's TM-11 export certificate, see <http://bit.ly/usda-organic-export>.

U.S. operations should inform their certifying agent that they wish to ship products to Japan and provide their certifying agent with all necessary information and documentation to verify compliance with this trade agreement. Certifying agents will complete the applicable forms, and return them to the operator for inclusion with their shipment of organic products.

Requirements: Other USDA Organic Products Exported to Japan

Non-JAS eligible products (e.g., meat, dairy, honey, textiles) certified by a USDA-accredited certifier will continue to enjoy access to the Japanese market. All USDA certified products must comply with the USDA organic regulations, including labeling requirements for the use of the USDA organic seal. These products may be labeled with the word "organic" in English or Japanese. An export certificate is not required.

Non-JAS eligible products may be sold as organic in Japan; however, they may not use the JAS seal. The U.S. product may display the USDA organic seal if compliant with USDA organic labeling requirements.

Alcohol

Alcohol products certified to the USDA organic standards may be exported to Japan. The alcoholic beverage may display the USDA organic seal if it is compliant with USDA organic labeling requirements. If the alcoholic product is labeled with the word "organic" in the English language, an export certificate is not required. If the alcoholic product is labeled with the word "organic" in the

Japanese language, then the product must be accompanied by an export certificate which contains the following information:

Name of the certified alcoholic beverage

Name and address of the certified organic farm or brewery

Certificate number and date

Name and address of operator

Country of origin

Name and address of the organic certifying agent

The USDA TM-11 export certificate issued by a USDA organic certifying agent would meet these requirements.

Labeling Requirements

Labels must comply with the following requirements:

Organic products. Products certified as “organic” in the U.S. and meet the terms of the arrangement listed above may be sold as “organic” in Japan. Plants, including fungi, and plant-based processed product labels must include the JAS organic seal and may also include the USDA organic seal.

100% organic products. Japan does not have a labeling category for 100% organic products. Products meeting the terms of the arrangement listed above may be labeled “organic” in Japan. Plants, including fungi, and plant-based processed product labels must include the JAS organic seal and may also include the USDA organic seal.

“Made with” organic products. Japan does not have a labeling category for “made with” organic products. Only products with 95% or more organic content may be labeled as organic in Japan.

Uncertified organic products. Products that haven’t been certified organic may not be traded under this partnership.

Organic Seals



Name of RCB

[USDA Organic Seal \(U.S.\)](#)

[JAS Organic Seal \(Japan\)](#)

When exporting USDA organic products to Japan under this arrangement, operations should replace “Name of RCB” with the name of their organic certifier or JAS-certified importer. Click on link under the logo for more information.

References

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPTTradeJapan&description=International%20Trade%20Policies:%20Japan> <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5105147> <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5105146>

Appendix 7: Exporting Organic Products to Korea

As of July 1, 2014, processed organic products certified in Korea or in the U.S. may be sold as organic in either country. This partnership eliminates significant trade barriers and reduces the paperwork burden for farmers and businesses wishing to export organic products to Korea.

Korea's law only allows organic equivalency arrangements to cover processed products. Other products, such as fresh cherries or broccoli, need to be certified directly by Korean accredited certifiers. Three certifying agents that operate within the U.S. (QAI (via ACO), Control Union and Ecocert) can provide certification to the Korean organic standards for organic products not covered by the equivalency arrangement.

Products Covered Under the Arrangement

Products certified to the USDA organic standards that: Are "processed products" as they are defined by the Korean Food Code¹. Additional guidance is available at www.ams.usda.gov/NOPTTradeKorea.

Contain at least 95 percent organic ingredients.

Have their final processing (as defined in the Korean Food Code) occur in the United States.

Don't contain apples and pears produced with the use of antibiotics.

Korea's laws only allow organic equivalency arrangements to cover processed products. Other products, such as fresh cherries or broccoli, need to be certified to the Korean organic standards.

The arrangement allows both countries to check imported organic products to verify that residues of prohibited substances and methods are not present in the final product. If such residues are detected in Korea, the organic label may need to be removed.

Examples:

Products covered under this arrangement:

Blends of multiple products, such as nuts, dried fruits, and frozen vegetables

Processed livestock products, such as ground turkey, pork chops, sausage, and bacon

Baby food and infant formula

Pasteurized products, including fluid milk and fruit juices

Fruits and vegetables with spices or flavorings, such as lemon, cinnamon, or citric acid

Coffee, tea, cereal, honey, and condiments

Products listed in Korea's guidance: [Not yet Posted]

Products NOT covered by the arrangement:

Dried mangoes that aren't blended with other products

Frozen peas that aren't blended with other products

Fresh fruits and vegetables

Korea's guidance clarifying covered products is available at: [Not Yet Posted as of 10.21.14]

Additional information about the arrangement is available at www.ams.usda.gov/NOPTTradeKorea.

¹ "Processed food" refers to a food manufactured, processed and packaged by adding food or food additives to food raw materials (agricultural, forestry, livestock, or marine products), transforming food raw materials (such as grinding or cutting) till their original form cannot be recognized, or mixing such transformed ones or adding food or food additives to such mixture. However, where, without the use of food additives or other materials, the agricultural, forestry, livestock, or marine products are simply cut, peeled, salted, ripened, or heated (except the cases where heating is performed for sterilization or heating causes significant changes to those products) till their original forms can be recognized or where sanitary risks from treatment processes are not expected and food raw materials are simply treated so as to allow organoleptic identification of food quality, such food products are excluded from the definition of the processed food.

U.S. operations should inform their certifying agent that they wish to ship products to Korea and provide their certifying agent with all necessary information and documentation to verify compliance with this trade agreement. Certifying agents will complete the applicable forms, and return them to the operator for inclusion with their shipment of organic products.

Documentation

All U.S. organic shipments exported to Korea under this arrangement must be accompanied by the [NAQS Import Certificate of Organic Processed Foods](#).

Labeling Requirements

Processed products certified as “organic” in the U.S. that meet the terms of the arrangement listed above may be sold as “organic” in Korea. These products must be labeled according to Korea’s Ministry of Agriculture, Food and Rural Affairs (MAFRA) organic labeling requirements, and may display the Korean and/or USDA organic seal. Additional guidance for organic labeling categories is provided below:

Organic products. Products certified as “organic” in the U.S. and meet the terms of the arrangement listed above may be sold as “organic” in Korea. Products may include the Korean and/or USDA organic seal.

100 percent organic products. Korea doesn’t have a labeling category for 100 percent organic products. Products meeting the terms of the arrangement listed above may be labeled “organic” and include the Korean and/or USDA organic seal.

“Made with” organic products. Korea doesn’t have a labeling category for “Made with” organic products. Products must contain 95 percent organic content. Additionally, products not covered under the arrangement cannot have individual organic ingredients identified as organic in the ingredient statement.

Organic Seals



[USDA Organic Seal](#)



[Korean Organic Food Label](#)

U.S.: www.ams.usda.gov/NOPOrganicLabeling

Korea: Coming Soon

If an organic operation or certifying agent violates the terms of the arrangement, significant non-compliances will be reported to both countries and appropriate enforcement actions may be pursued under the respective country’s regulations.

References

www.ams.usda.gov/NOPTTradeKorea

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5108190>

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC510820>

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