



NOP SOE

Effective date 19th

March 2024

Agenda

- Who needs to be certified?
- Improve traceability and prevent organic fraud
- Import certificates
- Organic certificates in the OID
- Labeling of non-retail products and calculation of the organic percentage

Strengthening Organic Enforcement (SOE) Final Rule



Increase the number of certified entities



Strengthen recordkeeping and supply chain traceability



Require use of electronic import certificates



Strengthen oversight of accredited certifiers



GOAL: Protect organic integrity and bolster consumer confidence in the USDA organic seal

New rules: “Strengthening Organic Enforcement” or “SOE”

- The Strengthening Organic Enforcement (SOE) update to the NOP regulations was released on January 19, 2023. Compliance is required by March 19, 2024.
- SOE requires certification of multiple entities, such as exporters, importers, some retail establishments and other intermediate operators to avoid gaps in monitoring within the supply chain.

Who needs to be certified?

Anyone who produces or handles organic products. Producing means cultivating, breeding... but what does manipulating (handle) mean?

The SOE adds more specific activities to the term manipulation including trader, broker, import and export. Even **companies that don't physically handle products may still need to be certified** if they do one of these activities:

Warehouses or warehousing businesses that store loose or unpackaged products.

Certification exemptions

They are exempt:

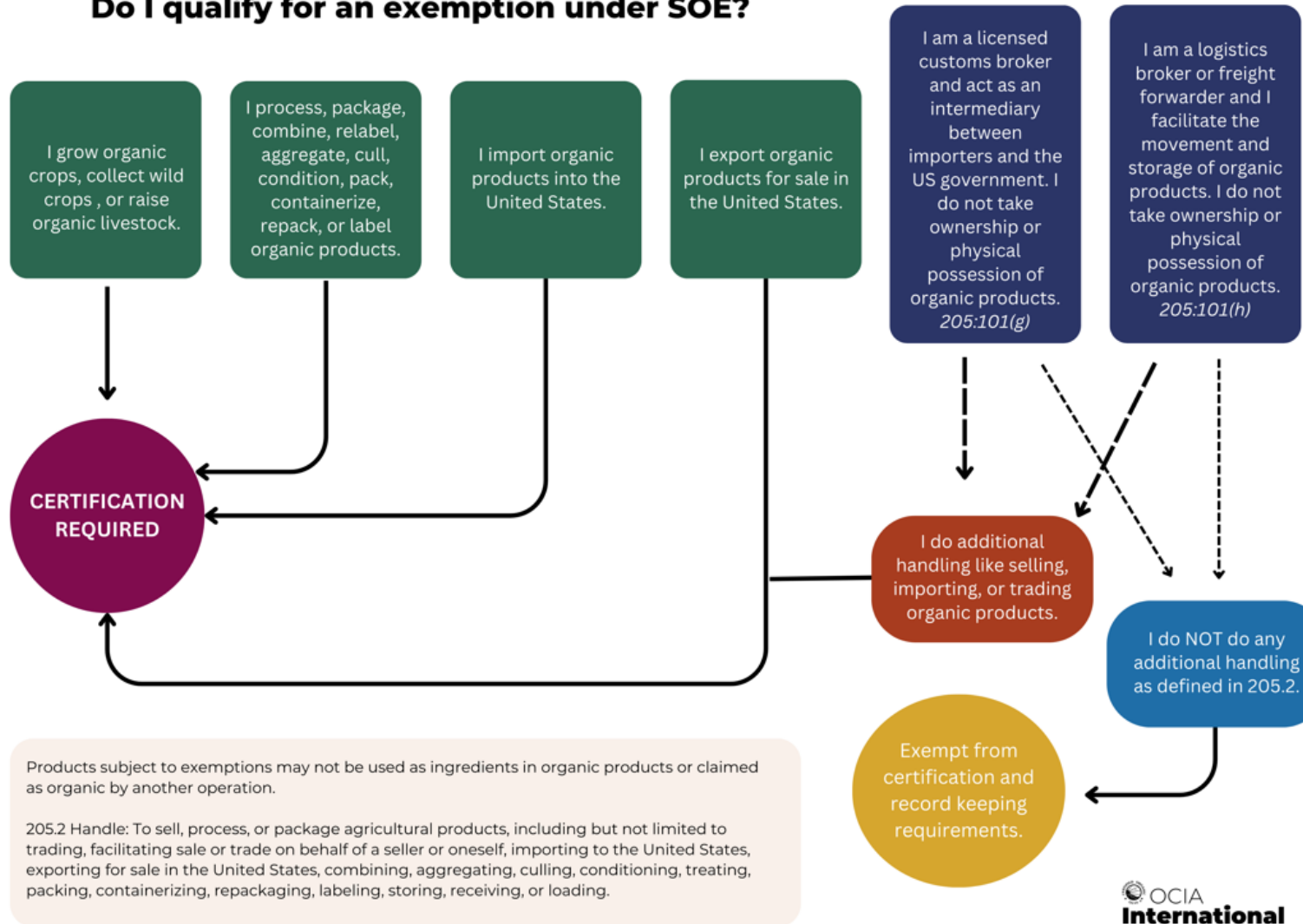
- Distributors who purchase, sell, or store organic products labeled for retail sale that are enclosed in sealed, tamper-evident packages or containers and remain in the same sealed packages or containers.
 - If the distributor is the legal owner (buys and sells the product), he is not exempt.
- Warehouses and storage activities where exclusively packaged organic products are stored
 - If they are the importing facility in some way, you need to request certification.

Certification exemptions

- Companies that transport organic products do not need certification
 - If it is a bulk product, which may be subject to contamination (e.g. disinfestation treatments, mixing) the SOE requires that certified operations use audit trails and traceability checks to prevent non-certified transporters from compromising the integrity of the products organic .
- Customs agents and companies that deal with logistics.
- In case of doubt about the exemption, it should be remembered that in the supply chain whoever comes into possession of the bulk product is never absent.

Strengthening Organic Enforcement

Do I qualify for an exemption under SOE?



ADAPTED FROM ACA (ACCREDITED CERTIFIERS ASSOCIATION, INC.)



Supply chain traceability

SOE introduces the concept of traceability within the NOP

“records must span the time of purchase or acquisition, through production, to sale or transport and be traceable back to the last certified operation”

The records must allow traceability to be maintained **within an operation** e until **the last certified operation**.

The operator must maintain clear records that make all activities and transactions evident, in sufficient detail to be easily understood and controlled during the audit.

Fraud prevention plan

7 CFR 205.201(a) (3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented. This must include a description of the monitoring practices and procedures to verify suppliers in the supply chain and organic status of agricultural products received, and to prevent organic fraud, as appropriate to the certified operation's activities, scope, and complexity;

SOE introduces the definition of Fraud: Misleading representation, sale or labeling of non-organic agricultural products or ingredients as... organic.

The operator must identify/evaluate all potential dangers even if concrete cases have never occurred.
Identify gaps/ unknowns and the plan to monitor them , short and long term.

When using a non-certified intermediary (for example, a wholesaler or exempt shipping company), **certified operations will need both records** showing the last certified operation and statements that organic integrity has been maintained by the uncertified intermediary.

Fraud prevention plan (Fraud prevention plan-FPP)

In the OSP the operator describes the FPP which must include:

- a description of the practices and procedures for verifying suppliers in the supply chain and verifying the status of the products received
- A description of the audit monitoring methods in the previous point
- Measures to prevent organic fraud depending on the complexity, activities and purpose of certification (crops, handling ...)

Supply Chain Mapping & Risk Assessment

- Farm
- Post-harvest storage
- Transport
- under processing
- Warehousing
- Export-import

Examples of risk factors to consider for FPP

Production companies (agricultural) (risks intrinsic)

- Companies mixed and production parallel
- Certification producer groups _
- Contributions
- Internal movements between various production sites _

Processing Companies _

- Packaging and labeling phase . _

Elements for fraud prevention

For all products and raw materials:

- *Purchase contracts*
- *Matrix risk assessment*
- *Internal sampling plan*
- **Product Flow/Supply Chain Maps** : Where is the missing information?
 - Is every entity that transacts and touches the product identified? Who's missing?
 - Who is certified and who is not? Who is exempt?
- **Traceability and documentation (audit trail)**
 - Sufficient documentation to determine the origin, transfer of ownership and transportation of any product labeled as Organic.

Import certificates in the US

- A new section specifically dedicated to imports into the US has been added to the Organic Integrity database (OID).
- All organic imports must be declared organic by US Customs and Border Protection » by entering the data relating to the **NOP Import Certificate**.

NOP certificates

Starting March 19, 2024, **all NOP certificates** must be generated and sourced from the **Organic Integrity Database (INTEGRITY)**

- The organic operation certificate must be generated from the Organic Integrity database (OID) and can be provided electronically to certified operations.
- The CB (Certification Bodies) cannot use their own formats.
- The attachments to the main certificates will reflect what is not present in INTEGRITY and will be generated by the Certification Body.
- NOP certified operators must demonstrate that they have organic certificates on file for all relevant raw materials and contracted services, and a way to verify their validity.
- Operators' access to INTEGRITY as a source of information is obviously useful, but may not be entirely sufficient in itself.

NOP certificates

- New operation level data required:
 - Anniversary date (annual update due date)
 - Acreage (Total Operation Crops/Wild Crops) If acreage is not included for an operation, certifiers will not be able to post the operation to OID.
 - Scopes (crops , Handle, livestock , wildcrop)
 - Operator Status (Certified, Surrendered, Suspended, Revoked)
 - Date of entry into force of the certification (Effective date)
- New data required at product level:
 - Taxonomic category or category ID
 - Item Name or Item ID
 - Certification status and certification validity date for each product category/item
 - Label categories for treated products (100% organic, organic and Made with Organic)

Labeling non-retail containers (7 CFR 205.307)

- Must have a batch tracking number
- Must have an organic claim (new requirement under the SOE), or an abbreviation or acronym such as ORG-
- Everything else is voluntary (but if used must comply with the rules for basic retail package labeling categories)

Bulk containers, transport vehicles:

- Signage indicating organic: how?
- Security/tamper seals or similar

All labels must have some type of lot tracking code and an “organic” designation.

Calculation of organic ingredients

205.302 (a)(1) Dividing the total net weight of the combined organic ingredients at formulation by the total weight of all ingredients of the product at formulation. Water and salt added as ingredients at formulation are excluded from the calculation.

- The regulation previously used “weight of the finished product.” This did not account for water loss from ingredients such as fruit during baking or other processing. Operations must now calculate **the percentage of organic content based on the weight of all ingredients before processing**. Consistent with current policy, salt and water are not included in calculations.

205.302 (a)(2) Dividing the total fluid volume of the combined organic ingredients at formulation by the total fluid volume of all ingredients of the product at formulation if the product and ingredients are liquid. Water and salt added as ingredients at formulation are excluded from the calculation. If the liquid product is identified on the principal display panel or information panel as being reconstituted from concentrates, the calculation should be made based on single-strength concentrations of all ingredients.

- For consistency, calculating based on the weight of all ingredients at formulation carries through to liquid products.

205.302 (a)(3) For products containing organically produced ingredients in both solid and liquid form, dividing the combined net weight of the solid organic ingredients and the net weight of the liquid organic ingredients at formulation by the total weight of all ingredients of the product at formulation. Water and salt added as ingredients at formulation are excluded from the calculation

- For consistency, calculating based on the weight of all ingredients at formulation carries through to products that contain both liquid and solid ingredients.

Example organic Juice concentrates

How to Calculate Products with Organic Juice Concentrates
(For Juices **with** a FDA Standard of Identity)

Example spreadsheet

Product Name: Organic Apple Juice

Column 1: Ingredient	Column 2: Weight of ingredient in formulation (exlcude added water/salt from each ingredient)	Column 3: % organic content ingredient (exclude added water/salt from each ingredient)	Column 4 / Column 5: % in formulation	Column 6: actual organic % of that ingredient/ product
organic apple juice concentrate (70°Brix)	800	100.00%	12.60%	12.6000%
water for reconstitution (to 11.5°Brix)*	5,488	100.00%	86.58%	86.5800%
ascorbic acid	50		0.82	0.0000%
total weight in lbs.	6,338			0.0000%
				0.0000%
				0.0000%
				0.0000%
				0.0000%
				0.0000%

Sub-total for non salt and water contents non-org 0.82% organic 99.18% 99.18%

Salt	0.00%
Water	0.00%

List Processing Aids Used

cellulose

*According to the product specification for organic apple juice concentrate from the supplier, 1 part concentrate to 6 parts water will yield the single strenth juice brix value of 11.5°brix.

Key Links & Resources

- [US Code, Title 7 Chapter 94](#)
- [Electronic Code of Federal Regulations – 7CFR205](#)
- [AMS/USDA NOP web page](#)
- [AMS Program Handbook](#)
- [Organic Integrity Database](#)
- [Organic Integrity Learning Center \(OILC\)](#)
- [AMS/USDA SOE page](#)
- [Organic Trade Association SOE page](#)



Thanks for the attention

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