



# ASTA Organic Toolkit for the U.S. Organic Market

## Organic Overview

### ***Q: What is organic?***

A: In the U.S., [certified organic foods](#) must be grown and processed according to federal U.S. Department of Agriculture (USDA) regulations addressing, among many factors, soil quality, animal raising practices, pest and weed control, and use of additives. Organic producers rely on natural substances and physical, mechanical, or biologically based farming methods to the fullest extent possible. The Organic Foods Production Act, [7 U.S.C. § 6504](#), creates a national standard for organic food production, which states that for a product: [t]o be sold or labeled as an organically produced agricultural product under this chapter, an agricultural product shall—

- (1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this chapter;
- (2) except as otherwise provided in this chapter and excluding livestock, not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of the agricultural products; and
- (3) be produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the certifying agent.



## Organic Certification

*Q: What is the National Organic Program?*

A: The USDA [National Organic Program \(NOP\)](#) is a government program that develops the rules & regulations for the production, handling, labeling, and enforcement of all USDA organic products. The NOP accredits third-party certifying agents to certify organic operations. The NOP also maintains a [Handbook](#) that includes guidance, instructions, policy memos, and other documents that communicate the organic standards. The [USDA FAQ](#) contains many fact sheets on different aspects of organic certification.

*Q: What is organic certification?*

A: Organic certification is a certification process for producers of organic food and other organic agricultural products. In general, any business directly involved in food production can be certified, including seed suppliers, farmers, food processors, retailers and restaurants. To do business in the organic sector, you need to become an [organic certified handler](#).



*Q: Do I need to be an organic certified handler?*

A: That likely depends on your business size and products. If you make a product and want to claim that it, or its ingredients, are organic, your product probably needs to be certified. Depending on your business size and products, while you may not need to [become a certified handler](#), there are [benefits to becoming an organic](#) certified handler that may be best for your business. There are certain exemptions and exclusions from the certification requirements, found in 7 CFR § 205.101.

*Q: How do I become an organic certified handler?*

A: In the U.S., the path to [organic certification](#) requires working with an organic certifier in order to label and represent a products as organic. A company can also [certify to U.S. organic standards](#) even if the company is located internationally.

## Labeling Regulations

*Q: How are organic products labeled?*

A: The organic program establishes the requirements for [organic labeling](#). If you make a product and want to claim that it, or its ingredients are organic, you need to follow the organic labeling standards in 7 CFR Part 205 Subpart D. There are several different [organic labeling standards](#), including “100 percent organic,” “organic,” and “made with organic,” which each have their own specific standards. There are also standards for products with less than 70% organic ingredients, for which the term organic may only be used in the ingredient statement or in a statement on the information panel identifying the percentage of organic ingredients.

## Labeling Regulations cont...

*Q: What are the organic production and handling standards?*

A: The [production and handling standards](#) are the standards by which organic products must be certified. All organic operations must comply with all requirements in the USDA organic regulations. Organic itself is a labeling term that indicates that the food or other agricultural product has been produced and processed using approved methods.

*Q: Can GMOs be used in organic products?*

A: No, genetically modified organisms, or GMOs, known also as bioengineered, or BE food, [are prohibited](#) in organic products. Additionally, certified organic foods are exempt from the U.S. bioengineered labeling disclosure regulations. Organic is considered Non-GMO.

*Q: What non-certified substances are allowed in the production of organic products?*

A: USDA organic regulations specify which substances, production and processing requirements are allowed and prohibited in organic products. 100% organic products may not contain any non-organic ingredients or processing aids. For products represented as “organic” or “95% organic,” the only non-organic substances allowed are on the [National List of Allowed and Prohibited Substances](#), or National List, and any such substances must be limited to no more than 5% by weight or fluid volume, excluding water and salt. The National List identifies synthetic substances that may be used in organic products (7 CFR § 205.601), as well as the nonsynthetic (natural) substances that may not be used in organic crop production. The National List also provides strict restrictions on various fumigants for pest control, and identifies a limited number of non-organic substances that may be used in or on processed organic products (7 CFR §§ 205.605 and 205.606).



*Q: What is the National Organic Standards Board?*

A: The National Organic Standards Board (NOSB) is a Federal Advisory Board made up of 15 public volunteers from across the organic community. The NOSB considers and makes recommendations on a wide range of issues involving the production, handling, and processing of organic products. The NOSB makes recommendations to the NOP about which substances should be included on the National List.

*Q: What happens if I violate organic labeling laws?*

A: If you violate the organic labeling laws, you may be subject to [enforcement action](#). Additionally, if you are a certified handler and you violate the organic labeling laws, your certification may also be suspended or revoked. The NOP has compiled a list of information about fraudulent certificates that have been publicly announced [here](#).

## Labeling and regulations cont...

*Q: What about fraud and organic production?*

A: Organic fraud is when a product is falsely represented as certified organic, which is a violation of federal organic regulations. Using fraudulent documents to market, label, or sell non-organic agricultural products as organic is punishable by fines of up to \$17,952 for each violation. Common fraudulent behavior to watch out for in the spice industry includes the mixing of organic and non-organic products together and then selling the final product as organic, falsifying field yields, and selling products under a false organic certification. *In August 2020, USDA issued a [proposed rule](#) intended to strengthen organic enforcement. The proposed rule would impose additional recordkeeping and traceability requirements, unannounced on-site inspections of certified operations, and other provisions intended to improve organic integrity.*



## International Importing and Exporting

*Q: What are organic equivalency agreements and how do they work?*

A: Organic equivalency is when two countries recognize each other's organic program as being equivalent. If two countries are equivalent, organic products can be sold in either country with just one organic certification. If you produce organic products in a country other than the U.S., and that country has an [equivalency agreement](#) with the U.S., your products will fall under an equivalency agreement unless an exception specifically states otherwise. This may reduce the number of organic certifications you need to maintain. As of June 2020, the U.S. currently maintains organic equivalence arrangements with Canada, the European Union, Japan, Taiwan, Korea and Switzerland.

*Q: How do I export organic products from the U.S.?*

A: The AMS FAQ on Exporting Organic Product from the U.S. explains the rules for how to [export organic products](#) from the U.S., to countries with valid equivalency agreements as well as other countries.



## International Importing and Exporting cont...

*Q: How do I import organic products into the U.S.?*

A: The AMS FAQ on Importing Organic Products into the U.S. addresses how to [import organic products](#) from countries with a valid equivalency agreement as well as those without. Products imported under these agreements must have an NOP import certificate with each shipment.

## Treatment for Organic Spices

*Q: What treatment methods are approved for use to treat microbial, such as Salmonella, on organic spices?*

A: Treatment methods for use in organics primarily involve heat, and steam treatment. These differ from the main treatment methods for conventional spices, which can include ethylene oxide, irradiation, and steam. Of the three main treatment methods for conventional spices—ethylene oxide, irradiation, steam—only steam treatment can be used for certified organic foods. NOP regulations make clear that “100% organic” and “organic” products must not be produced using ionizing radiation. 7 CFR § 205.301(f)(2). Further, NOP regulations prohibit the use of synthetic chemicals for use on organic products unless specifically permitted, and ethylene oxide is only authorized for use as a plant growth regulator for regulation of pineapple flowering. 7 CFR § 205.601(k). Ethylene oxide (EtO) is therefore not allowed for treatment of organic spices. Alternative methods are constantly being developed and may be available for use on organic spices depending on the methodology and efficacy.



*Q: What other microbial standards are available for organic spices products?*

A: It is not uncommon to find higher total plate, yeast and mold, and coliform counts on organic spices compared to conventional spices, based on treatment methods used, though these counts can vary significantly between spices and companies. It is important to note that the presence of these microorganisms does not necessarily pose a food-safety concern. As with all spices, organic spices must comply with FDA’s regulations, including the Preventive Controls for Human Food regulation (21 CFR Part 117), including being subject to a validated treatment method to address *Salmonella* and other microbiological hazards.

In terms of other non-pathogenic microbiological specifications, such as total plate count, yeast, and mold, there are no established U.S. regulatory or ASTA limits, however customers may establish their own specific acceptance criteria. Additionally, the American Herbal Products Association (APHA) has issued [recommended](#) microbial limits for botanical ingredients. While this guidance is useful for industry-wide uniformity, it is ultimately at the manufacturer’s discretion to establish or adhere to such microbial specifications.