

# Brief Introduction to the NOP Strengthening Organic Enforcement (SOE)

## 1. Introduction

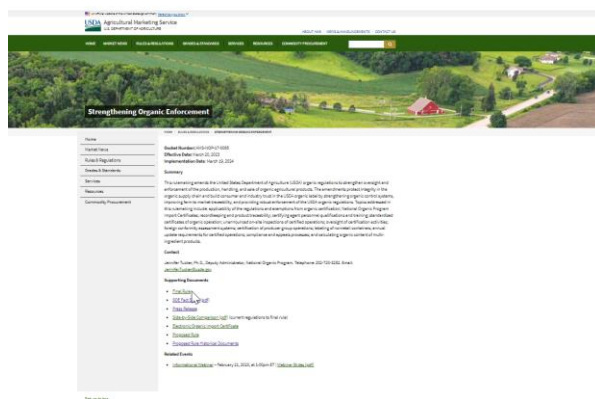
- ❖ On January 19, 2023, the USDA National Organic Program published the final rule on Strengthening Organic Enforcement (SOE). This update to the USDA organic regulations strengthens oversight and enforcement of the production, handling, and sale of organic products.
- ❖ All operations and certifying agents must meet all the requirements in the rule by March 19, 2024.

## 2. Who is impacted?

- ✓ USDA accredited certifying agents
- ✓ Organic inspectors
- ✓ Producers, processors, and handlers
- ✓ Brokers, traders, exporters, and importers who are currently not certified organic

## 3. Where to find the official texts:

- ✓ [Strengthening Organic Enforcement | Agricultural Marketing Service \(usda.gov\)](https://www.usda.gov/organic/strengthening-organic-enforcement)



## 4. The most important changes of SOE final rule

### I. Applicability

SOE requires operations that are involved in trading, facilitating sale or trade on behalf of a seller or oneself, importing, exporting organic products to be certified.

### II. Exemptions

The regulations provide limited exemptions to certain types of operations that conduct low-risk activities, and are therefore less likely to compromise organic integrity of the agricultural products they handle. These exemptions, and the conditions that must be met to qualify for each, are described in § 205.101.

### III. Imports to the United States

- NOP import certificates are required for all imports to the US.
- NOP Import Certificates must be generated using the USDA's Organic Integrity Database. By the time the rule is fully implemented, both USDA-accredited certifying agents and organic certifying agents accredited by countries with which USDA holds an organic trade arrangement or agreement (equivalence determination or recognition arrangement) will have access to the Organic Integrity Database to generate NOP Import Certificates.

### IV. Supply Chain Traceability and Organic Fraud Prevention

- Maintain records of their activities that span the time of purchase or acquisition, through production, to sale or transport.

- Certified organic operations must describe in their organic system plan the monitoring practices and procedures used to prevent organic fraud and verify suppliers and organic product status.
- Certified organic operations must maintain records that: span the time of purchase or acquisition, through production, to sale or transport; are traceable back to the last certified operation in their supply chain; and identify agricultural products as organic.
- Certifying agents must conduct risk-based supply chain traceability audits of products they certify to verify compliance.

#### V. Labeling of Nonretail Containers

- All nonretail container labels used to ship or store organic products must be clearly labeled with a statement that identifies the product as organic (abbreviations or acronyms to identify products as organic may be used)
- All nonretail container labels must include unique information (lot numbers, shipping information, or a unique identifier for that shipment) that will link the nonretail containers to audit trail documentation.
- Audit trail documentation associated with a nonretail container must identify the last certified operation that handled the product.

#### VI. Organic Certificates and Data Reporting

- Certifiers must provide uniform organic certificates that are electronically generated in the Organic Integrity Database (OID), using a standardized certificate format and data fields.
- SOE allows certifying agents to continue providing their own certification addenda to communicate additional information about an operation's certification in a different format than certificates generated by the Organic Integrity Database. For example, an addendum may include information about an operation's certification to various international organic standards or the brand names of products that are not included on the certificate of organic operation. Certificate addenda may be issued only for a certified operation at an approved location(s).

#### VII. Producer Group Operations

- The SOE adds specific criteria on grower group certification such as
  - Members are organized into production units.
  - Use common production practices and inputs.
  - A producer group operation must use centralized processing, distribution, and marketing facilities and systems.
  - All producer group operations must have an ICS that implements the practices and procedures described in the organic system plan.
  - During on-site inspections, certifying agents must inspect at least 1.4 times the square root or 2% of the total number of producer group members, whichever is higher.

#### VIII. Continuation of Certification

As part of annual certification renewal certified operations do not need to submit a full Organic System Plan (Organic Management Plan) every year and only need to submit sections of the OSP that have changed.

#### IX. Calculating Percent Organic Ingredients

The percentage of organic ingredients in multi-ingredient products should be calculated by dividing the weight or volume of the organic ingredients at formulation by the total weight or volume of the product at formulation, water and salt added as ingredients at formulation are excluded from the calculation.

#### X. Other requirements

- SOE requires certifying agents to:
  - Conduct annual on-site inspections of operations they certify at least once per calendar year.
  - Perform unannounced inspections of at least 5% of the operations they certify.
  - Incorporate supply chain traceability and organic fraud prevention into their practices.
  - Update the Organic Integrity Database within 72 hours of an operation's suspension, revocation or surrender of certification.
- SOE enhances existing requirements with detail about the qualifications that organic inspectors and certification reviewers must have to work for certifying agents.