Operations that produce or handle organic products usually need to be certified under the National Organic Program. To “handle” broadly means to sell, process, or package agricultural products. Many operations that were previously exempt or excluded from certification must become certified by March 19, 2024 in order to handle organic products. Organic products handled by a non-exempt operation that is not certified after this date lose their organic status.

**HANDLE.** To sell, process, or package agricultural products, including but not limited to trading, facilitating sale or trade on behalf of a seller or oneself, importing to the United States, exporting for sale in the United States, combining, aggregating, culling, conditioning, treating, packing, containerizing, repackaging, labeling, storing, receiving, or loading. [NOP §205.2]

The definition of handle includes examples of handling activities that have the potential to affect organic integrity. Operations that conduct these, or similar, activities must be certified (unless exempt per §205.101(b-h)). The absence of a specific term in the definition of handle does not mean the activity is not handling or that an operation conducting this activity does not need certification.

What follows is a flow chart to help you determine whether your operation needs to be certified organic. Use this flow chart for all aspects of your business. Even if some portions of your business are exempt from certification, others may require it. “Split” operations that handle both organic and non-organic products must be certified for the organic activities. Your buyer may also request that you certify to help them meet their own supply chain traceability requirements. Contract handlers, who provide services to certified operations, may be required to certify. If the contract handler is exempt under the regulation, the handler must be described in the Organic System Plan (OSP) of a certified operation. Products produced or processed by operations exempt under §205.101(a)(c)(d) cannot be used or represented as organic in products processed by other operations.

Exempt operations must still follow all organic rules, including keeping records to show compliance with organic regulations. Records must “demonstrate that agricultural products identified as organic were organically produced and handled; and verify quantities of organic agricultural products received and shipped or sold” [§205.101(i)]. Records must be kept for at least three years. If the exempt operation handles products that will be used by another organic operation, the exempt operation is responsible for providing records to their buyer to show compliance.

**NEXT STEPS:**

- Follow the flow charts to see if your operation needs to be certified. If you aren’t sure or have questions, please contact OEFFA.
- Review all parts of the National Organic Standards that apply to your operation.
- Apply for certification with a certification agency. OEFFA offers a streamlined Organic System Plan (OSP) for Non-Processing Handlers as well as an OSP for Handlers. OEFFA’s application materials can be requested by emailing organic@oeffa.org or found on our website: https://certification.oeffa.org/.
- The certifier will review your OSP application, conduct an initial inspection, and issue an organic certificate if your operation complies with certification requirements. This process usually takes a few months, so apply by fall 2023 to ensure you are certified before March 2024.
HANDLER FACT SHEET

Use this flow chart for all aspects of your business. Uncertified portions of your operation may now need to be certified under new NOP regulations.

1. **Do you physically handle organic products?**
   - NO: GO TO PAGE 3
   - YES: Continue with the next question.

2. **Do you process, label, package, repackage, treat, containerize, combine, condition, cull, or aggregate organic products?**
   - NO: Continue with the next question.
   - YES: Do you make less than $5,000 and your products are not intended to be used in other certified products? **§205.101(a)**

3. **Do you make less than $5,000 and your products are not intended to be used in other certified products?**
   - NO: Continue with the next question.
   - YES: Are those products less than 70% organic or only listed as organic in the ingredient list AND not intended as ingredients in another organic product? **§205.101(d)**

4. **Are those products less than 70% organic or only listed as organic in the ingredient list AND not intended as ingredients in another organic product?**
   - NO: You must be certified for any portion of your business that does the handling activity.
   - YES: You are exempt from certification, but may still have recordkeeping requirements (see NOP 205.101(i) for details).

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**Do you transport organic goods?** **§205.101(e,f)**

- YES (PACKAGED):
  - NO: GO TO PAGE 4
  - YES: You must be certified for any portion of your business that does the handling activity.
- YES (UNPACKAGED):
  - NO: GO TO PAGE 4
  - YES: You are exempt from certification, but may still have recordkeeping requirements (see NOP 205.101(i) for details).

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**Do you load, unload, combine, or split loads?**

- YES:
  - NO: GO TO PAGE 4
  - YES: You must be certified for any portion of your business that does the handling activity.
- NO:
  - YES: GO TO PAGE 4
  - NO: You are exempt from certification, but may still have recordkeeping requirements (see NOP 205.101(i) for details).
Do you physically handle organic products?

Are you a logistics or custom broker who does not take ownership or physical possession of the product and does not conduct any other activity in the definition of handle (see page 1)? §205.101(g,h)

Is the product that you buy/sell/broker/trade already labeled for retail sale?

Are these retail labeled packages enclosed in sealed, tamper-evident packages or containers that are labeled for retail sale and remain in those same packages?

You must be certified for any portion of your business that does the handling activity

You are exempt from certification, but may still have recordkeeping requirements (see NOP 205.101(i) for details)
Do you transport organic goods? §205.101(e,f)

NO

Do you store organic goods?

NO

Are these in tamper-evident packages and remain in those same packages?

NO

Are you a retail establishment?

NO

Do you process products on-site? §205.101(b,c)

NO

Are the processed products direct to consumer sales (e.g. a smoothie)?

NO

You are exempt from certification, but may still have recordkeeping requirements (see NOP 205.101(j) for details)

YES

You must be certified for any portion of your business that does the handling activity

NO

Are they labeled for retail sale?

NO

Do you buy or sell these products?

YES

NO

GO TO PAGE 2