



OEFFA Certification

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Exempt Declaration

The purpose of this form is to verify eligibility for the exclusion from organic certification under §205.101

Name and address of exempt operation (include alternative names your operation does business under):		
Name and title of responsible party (must match signature below):		
Phone:	Email:	Website:

Please indicate which exemption under NOP 205.101 your operation or portion of an operation falls under:

(a) A production or handling operation that sells agricultural products as “organic” but whose gross agricultural income from organic sales totals \$5,000 or less annually.

If so, are your products intended for use in other certified organic products? Yes No

- (b) A retail establishment¹ that does not process organically produced agricultural products.
- (c) A retail establishment that processes, at the point of final sale, agricultural products certified under this part as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”
- (d) A handling operation that only handles agricultural products that contain less than 70 percent organic ingredients (as described in [§ 205.301\(d\)](#)) or that only identifies organic ingredients on the information panel.

If so, are your products intended for use in other certified organic products? Yes No

- (e) An operation that only receives, stores, and/or prepares for shipment, but does not otherwise handle, including buying and selling, organic agricultural products that:
 1. Are enclosed in sealed, tamper-evident packages or containers prior to being received or acquired by the operation; and
 2. Remain in the same sealed, tamper-evident packages or containers and are not otherwise handled while in the control of the operation.

If so, please describe tamper-evident packaging:

¹ “Retail establishment. Restaurants, delicatessens, bakeries, grocery stores, or any retail business with a restaurant, delicatessen, bakery, salad bar, bulk food self-service station, or other eat-in, carry-out, mail-order, or delivery service of raw or processed agricultural products.” [NOP § 205.2] Under the NOP, retail establishments have a brick-and-mortar location for customers to purchase products.

- (f) An operation that only buys, sells, receives, stores, and/or prepares for shipment, but does not otherwise handle, organic agricultural products already labeled for retail sale that:
1. Are enclosed in sealed, tamper-evident packages or containers that are labeled for retail sale prior to being received or acquired by the operation; and
 2. Remain in the same sealed, tamper-evident packages or containers that are labeled for retail sale and are not otherwise handled while in the control of the operation.

If so, please describe tamper-evident packaging:

- (g) A Customs broker (per [19 CFR 111.1](#)) that only conducts customs business but does not otherwise handle organic agricultural products.
- (h) An operation that only arranges for the shipping, storing, transport, or movement of organic agricultural products but does not otherwise handle organic products.

Additional Information

1. If you are an exempt operation in paragraphs (a) and (c) through (f) above, do you keep records that:
 - a. demonstrate that agricultural products identified as organic were organically produced and handled?
 - b. verify the quantities of organic agricultural products received and shipped or sold?
 - c. are maintained for at least three years?

Yes No N/A
2. What do you do when incoming packages or containers of organic product(s) have been damaged?
3. Describe the measures implemented to prevent commingling of organic and nonorganic products:
4. Does organic product ever contact cleaners, sanitizers, pest control materials, non-organic products, water that has contacted non-organic products, or other prohibited materials while under your control?
 Yes No
If yes, explain:
5. Do you import or export organic products? Yes No
If yes, explain:
6. If you are a warehouse or storage facility, is there a list of products stored by the certified entity attached to this document? Yes N/A

Refer to OEFFA's policy at the bottom of this form to answer the following questions:

- N/A (we are a warehouse/storage facility and applicable records are kept by certified entities)
6. Explain how you maintain records sufficient to track organic products back to the last certified entity in the supply chain:
 7. How will OEFFA and the operation(s) we certify verify the source, volume, certification status, and/or import compliance of each shipment? You may attach sample documents to demonstrate your system.
 8. Do you agree to provide copies of documents that demonstrate the above to OEFFA and the operation(s) we certify that you sell to upon request? Yes No If no, explain:



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I have reviewed OEFFA's policy below and the NOP standards pertaining to my operation. I affirm that the information provided in this document is true and accurate.

Signature

Date

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OEFFA Policy: Uncertified Entities in the Supply Chain *Certified organic operations must maintain records sufficient to demonstrate compliance of all purchased organic inputs. There are additional requirements when purchasing from operations that are not required to be certified due to exemptions at §205.101. Such uncertified operations are required to maintain records that:*

“(i) Demonstrate that agricultural products identified as organic were organically produced and handled; and (ii) Verify quantities of organic agricultural products received and shipped or sold.”

Exempt operations must pass these records along to their buyers when requested.

Documentation must demonstrate full traceability back to the last certified operation for each shipment of products from exempt handlers, brokers, and distributors. This typically means:

- *Audit trail records must link directly back to the last certified operation, including transport, storage, processing/handling, shipping, and/or distribution. Documents generated by the last certified operation proving purchase/delivery/transfer of the specific lot number to the uncertified entity must be available.*
- *The last certified operation must be listed on invoices and/or lot numbers applied by the last certified operation must match lot numbers on uncertified entity audit trail records.*
- *For each delivery, uncertified entities must provide a complete, current organic certificate for the last certified operation, as well as import documentation if relevant.*
- *Purchase invoices, BOL, and other audit trail records must designate products as organic and include a description of the product and amount transferred.*

For packaged and labeled organic inputs, documentation must sufficiently link the product with an organic certificate.

All certified and uncertified suppliers must be approved by the certifier. Traceability will be verified as a part of the certified operation's audit and review. If organic product cannot be traced back to the last certified operation, the certified organic operation making purchases will not be allowed to source organic inputs from the uncertified entity. Products handled or processed by an exempt operation outside of its exemption lose their organic status and cannot be represented or used as organic.

Review your supply chain to ensure that your suppliers are either exempt or certified for the products and/or services they supply. If your operation conducts uncertified activities that involve organic agricultural products, ensure they fall under the exemptions at §205.101.