

Background Information

Congress passed the Organic Foods Production Act (OFPA) of 1990. The OFPA required the U.S. Department of Agriculture (USDA) to develop national standards for organically produced agricultural products to assure consumers that agricultural products marketed as organic meet consistent, uniform standards. The OFPA and the National Organic Program (NOP) regulations require that agricultural products labeled as organic originate from farms or handling operations certified by a State or private entity that has been accredited by USDA.

The NOP is a marketing program housed within the USDA Agricultural Marketing Service. Neither the OFPA nor the NOP regulations address food safety or nutrition.

How was the NOP developed?

The NOP developed national organic standards and established an organic certification program based on recommendations of the 15-member National Organic Standards Board (NOSB). The NOSB is appointed by the Secretary of Agriculture and is comprised of representatives from the following categories: farmer/grower; handler/processor; retailer; consumer/public interest; environmentalist; scientist; and certifying agent.

In addition to considering NOSB recommendations, USDA reviewed State, private and foreign organic certification programs to help formulate these regulations. The NOP regulations are flexible enough to accommodate the wide range of operations and products grown and raised in every region of the United States.

What's in the NOP regulations?

Production and handling standards address organic crop production, wild crop harvesting, organic livestock management, and processing and handling of organic agricultural products. Organic crops are raised without using most conventional pesticides, petroleum-based fertilizers, or sewage sludge-based fertilizers. Animals raised on an organic operation must be fed organic feed and given access to the outdoors. They are given no antibiotics or growth hormones.

The NOP regulations prohibit the use of genetic engineering, ionizing radiation, and sewage sludge in organic production and handling. As a general rule, all natural (non-synthetic) substances are allowed in organic production and all synthetic substances are prohibited. The National List of Allowed Synthetic and Prohibited Non-Synthetic Substances, a section in the regulations, contains the specific exceptions to the rule.

Labeling standards are based on the percentage of organic ingredients in a product. Products labeled "100 percent organic" must contain only organically produced ingredients. Products labeled "organic" must consist of at least 95 percent organically produced ingredients. Products meeting the requirements for "100 percent organic" and "organic" may display the USDA Organic seal.

Processed products that contain at least 70 percent organic ingredients can use the phrase "made with organic ingredients" and list up to three of the organic ingredients or food groups on the principal display panel. For example, soup made with at least 70 percent organic ingredients and only organic

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vegetables may be labeled either "made with organic peas, potatoes, and carrots," or "made with organic vegetables." The USDA Organic seal cannot be used anywhere on the package.

Processed products that contain less than 70 percent organic ingredients cannot use the term "organic" other than to identify the specific ingredients that are organically produced in the ingredients statement.

A civil penalty of up to \$11,000 for each offense can be levied on any person who knowingly sells or labels as organic a product that is not produced and handled in accordance with the National Organic Program's regulations.

Certification standards establish the requirements that organic production and handling operations must meet to become accredited by USDA-accredited certifying agents. The information that an applicant must submit to the certifying agent includes the applicant's organic system plan. This plan describes (among other things) practices and substances used in production, record keeping procedures, and practices to prevent commingling of organic and non-organic products. The certification standards also address on-site inspections.

Producers and handling (processing) operations that sell less than \$5,000 a year in organic agricultural products are exempt from certification. They may label their products organic if they abide by the standards, but they cannot display the USDA Organic seal. Retail operations, such as grocery stores and restaurants, do not have to be certified.

Accreditation standards establish the requirements an applicant must meet in order to become a USDA-accredited certifying agent. The standards are designed to ensure that all organic certifying agents

act consistently and impartially. Successful applicants will employ experienced personnel, demonstrate their expertise in certifying organic producers and handlers, and prevent conflicts of interest and maintain strict confidentiality.

Imported agricultural products may be sold in the United States if they are certified by USDA-accredited certifying agents. Imported products must meet the NOP standards. USDA has accredited certifying agents in several foreign countries.

In lieu of USDA accreditation, a foreign entity also may be accredited when USDA "recognizes" that its government is able to assess and accredit certifying agents as meeting the requirements of the NOP – called a recognition agreement.

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