

August 23, 2005

MEMORANDUM

TO: All USDA Accredited Certifying Agents

FROM: Barbara C. Robinson
Deputy Administrator
Transportation and Marketing Programs
Agricultural Marketing Service

SUBJECT: Certification of agricultural products that meet NOP standards

The National Organic Program (NOP) has received numerous inquiries regarding its current thinking on the issue of products that meet the NOP program standards for organic products based on content, irrespective of the end use of the product. This statement is intended to clarify the NOP's position with respect to this issue, and will be provided to all of our accredited certifying agents.

Agricultural commodities or products that meet the NOP standard for certification under the Organic Foods Production Act of 1990, 7 U.S.C. §§ 6501-6522, can be certified under the NOP and be labeled as "organic" or "made with organic" pursuant to the NOP regulations, 7 C.F.R. part 205.300 et seq. To qualify for certification, the producer or handler must comply with all applicable NOP production, handling, and labeling regulations.

Operations currently certified under the NOP that produce agricultural products that meet the NOP standard to be labeled as "organic" and to carry the USDA organic seal, or which meet NOP standards to be labeled as "made with organic," may continue to be so labeled as long as they continue to meet the NOP standards. Such certification may only be suspended or revoked after notice and opportunity for hearing.

There are agricultural products, including personal care products, that, by virtue of their organic agricultural product content, may meet the NOP standards and be labeled as "100 percent organic," "organic" or "made with organic" pursuant to the NOP regulations. Businesses that manufacture and distribute such products may be certified under the NOP, and such products may be labeled as "100 percent organic," "organic" or "made with organic" so long as they meet NOP requirements. Additionally, products that may be labeled "100 percent organic" or "organic" may also carry the USDA organic seal. If additional rulemaking is required for such products to address additional labeling issues or the use of synthetics in such products, the NOP will pursue such rulemaking as expeditiously as possible.