

USDA National Organic Program Rule Change

19 March 2023

MAJOR CHANGES IN NOP PROGRAM RULE: Strengthening Organic Enforcement (SOE)

- > SOE became final rule on **March 20, 2023**.
- > Implementation date is **March 19, 2024**.
- > Primary changes from the previous rule are noted in this technical sheet. *More information coming over the next months!*



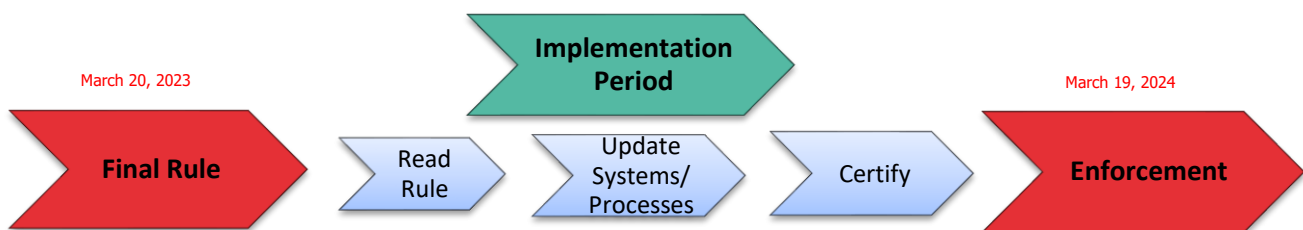
On the way to Implementation.

WHEN WILL THE NEW REGULATION BE IMPLEMENTED?

March 20, 2024 is the date of enforcement of requirements under SOE.

- >> **New and Existing operations must comply with the final rule by March 20, 2024.** All operations have 12 months to understand, adjust systems, ensure uncertified links in the supply chain are certified and comply with the final rule.
- >> **Certifying agents** must adapt systems and forms to reflect requirements with the final rule during the implementation period and begin enforcement of the requirements March 20, 2024.

PATHWAY to COMPLIANCE



Resources:

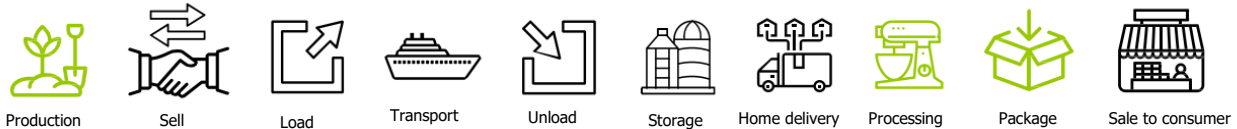
- > [Side-by-Side of SOE and Previous NOP Rule](#)
- > [Final Rule](#)
- > [NOP Rule Notices](#)

Who Is Impacted?

▶ **UNCERTIFIED OPERATIONS.**

» March 20, 2024: brokers, traders, distributors, warehouses, brand owners are likely required to be certified. Operations currently uncertified should assume certification is now required and proceed accordingly! *Failure to act WILL impact supply chains.*

Previous exempt or excluded operations in black:



After SOE (March 19, 2024)- very narrow exemptions or exclusions (in black):



*Images courtesy of OTA.com/SOE

▶ **CERTIFIED OPERATIONS:**

- » Must develop and implement improved recordkeeping and organic fraud prevention procedures, conduct supply chain traceability audits and information sharing procedures.
- » Clarification of recordkeeping, OSP, notification processes to certifying agents, calculation of organic percentage.
- » Import certificates required for ALL organic products entering the United States.
- » Nonretail labeling requirements to ensure auditability and traceability of nonretail organic products.

▶ **PRODUCER (aka GROWER) GROUPS:**

- » Certification requirements for Producer Groups now in regulation, outline how activities must be overseen and certified.

▶ **CERTIFYING AGENTS:**

- » Training and Minimum Qualifications established for personnel.
- » Unannounced and Sampling minimums codified in rule (5% of operations).
- » Notification of USDA when opening a new office.

▶ **NATIONAL ORGANIC PROGRAM:**

- » Enforcement authority over uncertified operations.
- » Clarified criteria for international trade and equivalence arrangement establishment.
- » Appeal and Mediation Process clarified.
- » Added Enforcement authority over certifying agents.

NEW INFORMATION WILL BE SHARED SOON

