



Strengthening Organic Enforcement (SOE) Fact Sheet for Certified Organic Handling Operations

The Strengthening Organic Enforcement (SOE) final rule is the most substantial change to the Organic Standards since the establishment of the NOP. The rule is intended to minimize the potential for fraud throughout the organic supply chain.

All operations must meet all requirements of the rule by March 19, 2024. Baystate will request proof of compliance with your renewal application.

How It Impacts You:

This fact sheet highlights the key impacts that may affect you and your operation, including private label brand owners, brokers, traders, wholesalers, distributors, storage facilities, and transporters. This fact sheet is not meant to be comprehensive. Please review USDA NOP resources for full details.

1. Non-Organic Storage Locations, Brokers, Private Label Brand Owners, & Others

SOE requires many operations to get certified that had been previously exempt from certification. This includes:

- Storage facilities that store organic products which are not in sealed, tamper-evident packages or containers.
- Operations that buy, sell, trade, or facilitate the sale or trade of organic goods in non-retail packaging or containers. This includes brokers, traders, distributors, wholesalers, and private label brand owners who sell organic products not labeled for retail sale—all are required to be certified.
- Importers of organic products into the United States.
- Businesses that process organic products and have only online sales do not qualify as a retail establishment and will require organic handler certification going forward.

Please review the SOE final rule carefully to determine whether any suppliers, storage facilities, or other operations in your supply chain will require certification by March 19, 2024. The SOE final rule can be located at <https://www.ams.usda.gov/rules-regulations/strengthening-organic-enforcement>. You can reach out to Baystate to check whether it applies to any operation in your supply chain, to assist them in determining whether they must get certified. You will be required to maintain certification certificates for these suppliers going forward. Certificates will be reviewed at your annual inspection.

Some exemptions to the new certification requirements remain. Some of your suppliers, storage facilities, etc. will claim that they are exempt from certification. We will require proof of exemption. Baystate has created an **Exempt Handler Affidavit**. If one of your suppliers or operations you work with claims exemption, then you will need to have an Exempt Handler Affidavit on file for that supplier and submit copies of the Affidavit with your renewal application.

For more information, see SOE – Who Has to Be Certified on our website.

2. Sourcing of Organic Ingredients

When you are sourcing organic ingredients or raw materials, you will need to have measures in place to prevent fraud or accidental representation of non-organic products as organic. Examples of such measures are maintaining your records of your suppliers' organic certification documentation and purchase records showing the organic status of these products. This is not a large change for our Baystate-certified operations, since you are already required to maintain this documentation.

The main change is with sourcing organic ingredients from outside the United States. NOP Import Certificates will be required for each shipment of organic products entering the United States, even for products certified to USDA NOP standards, and importers will be required to be certified. If you are the importer, then you are required to retain these certificates which will be reviewed by Baystate at your annual inspection.

3. Supply Chain Traceability and Organic Fraud Prevention

Operations will be required to develop monitoring practices to verify suppliers in the supply chain and organic status of products received to prevent fraud. You will need to file additional information regarding your supply chain to Baystate and have a plan in place to report suspected fraud within that supply chain. This plan must include reporting suspected fraud to Baystate or the NOP.

If your supply chain is complex, we encourage you to enroll in OTA's Fraud Prevention Solutions Program: <https://ota.com/OrganicFraudPrevention>.

4. Non-retail Container Labels

Non-retail containers used to ship or store organic products (such as coffee bags, dry bulk products, produce in boxes/crates, maple syrup in drums, bulk tanks, etc.) must now label with the following information:

- Identify the product as organic
- Display the lot number or shipping identification linking the container to the audit trail documentation

Audit trail documentation for non-retail containers must identify the last certified operation that handled the organic product. Send all new or updated labels to Baystate for approval prior to mass printing.

5. Standardized Organic Certificates

Baystate is required to create standardized organic certificates going forward. These will be in the Organic Integrity Database. These organic certificates will replace the main certificate that we send you now. You will still be issued a product detail. The formatting will change, but your products will still be listed in a separate document. No action is required from you on this item. This is simply a notification that the certificates will change.

What Do You Need to Do Now?

Baystate Organic Certifiers is here to support you in taking the steps needed to be compliant with all the requirements of SOE by March 19, 2024.

As a measure to meet these requirements, we created the **Organic Handling Plan Supplemental Form** that will be sent with your application. Carefully review this form and complete it with the rest of your application forms.

Completion of this form includes the following:

1. Submission of a description of your organic supply chain. It will need to list out all steps taken for sourcing, ordering, and receiving ingredients and raw materials, as well as the sale/distribution of your finished products.
2. Creation of a plan to report suspected fraud in your supply chain, which may include reporting any issues to Baystate or to the NOP.

As always, contact us with any questions you might have.