



Organic Certification Process

Cheryl Kaiser¹ and Matt Ernst²

Introduction

Growers who plan to market their agricultural products as “organic” or “certified organic” must first be certified by a USDA-accredited certifier. Certification, required by federal regulation, provides third-party verification that the grower is complying with production standards regulated by the National Organic Program (NOP). Annual inspections and detailed recordkeeping are required for continuing certification. These regulations are meant to ensure integrity of the USDA organic seal and to protect consumers by ensuring that all organic producers are adhering to the same set of uniform standards.

The Kentucky Department of Agriculture (KDA) can serve as the certifying agent for Kentucky farmers and processors. While there are many benefits (e.g. cost) to using the KDA, growers may instead contract with any accredited certifier who is willing to inspect an operation located in the Commonwealth, if they prefer. This profile will address the steps involved in the USDA organic certification process. It is one in a series of introductory information sheets concerning organic crop production in Kentucky.

Certification vs. Registration

Certification is required for organic growers with an annual gross income of more than \$5,000 from organic sales. Growers who complete the certification process may label and market their products as “100% Organic,” “organic,” “certified organic,” and/or use the USDA organic logo depending on product composition.

Small growers (less than \$5,000 per year gross income) may be exempt from certification; however, they must still register with the KDA by completing the [exempt registration form](#). Exempt organic grow-



ers, who must comply with all NOP regulations, may market their products as “organic,” but they may not claim they are “certified organic” nor may they use the USDA organic logo. These products are also not eligible for use as ingredients in certified organic products.

Obtain an Application and the NOP Standards

The producer needs to contact the KDA for an application packet and a copy of the [National Organic Program Standards](#) or regulations as soon as they begin to seriously consider organic production. The [application](#) is a short form that outlines the producer’s operation and includes all of their contact information and a very basic overview of their operation (have they been certified before, will they be importing/exporting any products, etc.) The NOP federal regulations provide essential details on the areas of compliance required for certification. Both resources are available on the Kentucky Department of Agriculture [Organic Certification Program website](#).

Develop an Organic System Plan

Organic growers are required to develop an [Organic System Plan](#) (OSP), in which

¹Cheryl Kaiser is a former Extension Associate with the Center for Crop Diversification.

²Matt Ernst is an independent contractor with the Center for Crop Diversification.

they outline the procedures that will be used to achieve, document and comply with NOP standards. The OSP includes all of the records and details for the applicant's production system to be reviewed for certification. This document can and will likely change throughout the season and updates are expected to be made and submitted to the KDA before the time of inspection. A detailed account of the field history, farm maps, inputs and a comprehensive plan of operation for following organic protocols need to be incorporated into the plan. All fields, greenhouses, storage areas, warehouses and processing facilities used in organic production must be discussed in the OSP. Growers with split operations (organic and conventional production on the same farm) need to include information on how they plan to prevent commingling of the two systems. Annual updates of the plan will be required once a farm has received certification; significant changes by a client should be reported as they occur throughout the year. Organic growers are required to maintain all records for a period of five years.

Submit the Application

The signed application form, OSP and attachments as well as any supporting documentation need to be submitted to the KDA Organic Certification Program at least four months prior to the expected harvest or production of product eligible for certification. This allows KDA to complete the necessary pre-inspection review process and gives sufficient time for assignment to an inspector. An OSP that lacks sufficient detail to demonstrate compliance is required to be amended by the client prior to assignment to an inspector; this can delay assignment to an inspector. It is in the best interest of the client to allow as much lead time as possible. KDA will always attempt to give priority to new applicants.

On-site Inspection

Before a decision on certification is made, the certifying agency must conduct an on-site inspection. The farm should be in some stage of production with crops in the ground at the time of the inspection so that compliance can be demonstrated. The grower, or other person knowledgeable about the farm operation, needs to be on hand to answer any questions the inspector may have. All aspects of the organic enterprise will be examined. If the inspector deems it necessary, samples for testing (for example, water analysis or residue tests) may be taken at this time. Inspections take an average of three to four hours per scope.

The inspector's job is to observe and gather informa-

tion, not to make any decision regarding the status of the farm's certification. In addition, while inspectors can provide information on NOP regulations, they are not permitted to act as consultants or assist the grower in any decision-making.

Once a farm is approved for certification, it can be inspected at any time, without advance warning. Annual, scheduled inspections, along with a completed application form, will be required to maintain certification.

The Final Review and Decision

The certifying agency will examine the report from the on-site inspection and review, as necessary, the application and accompanying documents. Once the agency has made a final decision, the producer will be notified in writing. KDA estimates that it takes three to four months from receipt of an application to final certification, presuming the OSP is complete at the time of application and there are no issues of concern. The certifying agency may deliver any of the following decisions:

Approved

The grower is now 'certified organic' and can market farm products using the USDA organic logo. An on-farm inspection and payment of the certification fee will be required each year of operation to maintain certification. In addition, an updated OSP must be submitted annually and approved by the certifying agency.

Notice of Noncompliance

The applicant has one or more minor areas of noncompliance. The certification may be granted contingent on correction of the problems by a specific date or the certification may be withheld until the noncompliance issues have been addressed. The grower must document the required changes.

Denial of Certification

The applicant has not complied with the NOP regulations and is denied certification. This would involve major areas of noncompliance that cannot be readily resolved. The grower may appeal this decision within 30 days or reapply at a later date.

Fees

A non-refundable fee made payable to the KDA is due at the time of application. Payment of this fee is required each year to maintain certification.

Although small growers (income of less than \$5,000 per year) may be exempt from certification, they still must register with the KDA. The registration form is

available on the KDA website; there is no fee for exempt registration.

The fee schedule is as follows for in-state producers (Note: “Scopes” consist of Organic Crop; Organic Livestock, which requires Organic Crop; Organic Wild Crop; and Organic Processing/Handling):

- Certification fee - \$250 for the first scope, \$125 for each additional scope, handling operations face an additional fee based on gross sales (\$100 per each \$100,000 in gross sales exceeding \$100,000)

Exempt registration - no fee

Selected Resources

- KDA Division of Value-added Plant Production: Organic Program (Kentucky Department of Agriculture) <http://www.kyagr.com/marketing/organic-marketing.html>
- Forms, Documents, and Sample Letters for Organic Producers (ATTRA, 2005) <https://attra.ncat.org/product/forms-documents-and-sample-letters-for-organic-producers/>
- National Organic Program (Agricultural Marketing Service-USDA) <http://www.ams.usda.gov/nop>
- Organic Certification Guidebook (Midwest Organic and Sustainable Education Service, 2010) <http://mosesorganic.org/publications/guidebook-for-certification/>
- Organic Certification of Farms and Businesses Producing Agricultural Products (ATTRA, 2012) <https://attra.ncat.org/attra-pub-summaries/?pub=152>
- Organic System Plans: Field and Row Crops and Pasture and Range Systems (ATTRA, 2006) <https://attra.ncat.org/attra-pub/summaries/summary.php?pub=167>
- Organic System Plans: Market Farms and Greenhouses (ATTRA, 2009) <https://attra.ncat.org/attra-pub/summaries/summary.php?pub=168>
- Preparing for an Organic Inspection: Steps and Checklists (ATTRA, 2005) <https://attra.ncat.org/product/preparing-for-an-organic-inspection-steps-and-checklists/>
- Guide for Organic Crop Producers (ATTRA, 2012) <https://attra.ncat.org/attra-pub/summaries/summary.php?pub=67>
- Guide for Organic Livestock Producers (ATTRA,

2012) <https://attra.ncat.org/attra-pub/summaries/summary.php?pub=154>

- Guide for Organic Processors (ATTRA, 2012) <https://attra.ncat.org/product/guide-for-organic-processors/>
- The Organic Association of Kentucky (OAK) - Offers free technical assistance to farmers navigating the regulations, preparing Organic System Plan and developing required recordkeeping. <https://www.oak-ky.org/oak-transition-trainers>

KDA Resources

- Fee Schedule https://www.kyagr.com/marketing/documents/ORG_Fee%20Schedule.pdf
- Crop/Farm Organic System Plan https://www.kyagr.com/marketing/documents/ORG_Crop-Farm_OSP.pdf
- KDA Organic Certification Application https://www.kyagr.com/marketing/documents/ORG_Organic_Application.pdf
- Exempt Organic Operation Registration https://www.kyagr.com/marketing/documents/ORG_Exempt_Operation_Registration.pdf
- Livestock Organic System Plan https://www.kyagr.com/marketing/documents/ORG_Livestock_OSP.pdf
- Processing/Handling Organic System Plan https://www.kyagr.com/marketing/documents/ORG_Processing_and_Handling_OSP_fillable.pdf
- Product or Input Review Request https://www.kyagr.com/marketing/documents/ORG_Input_review_request.pdf
- Previous Land Use Affidavit https://www.kyagr.com/marketing/documents/ORG_Previous_Land_Use_Declaration.pdf
- Voluntary Surrender of Organic Certification https://www.kyagr.com/marketing/documents/ORG_Voluntary_Surrender_of_Organic_Certification.pdf
- Withdrawal of Organic Certification Application Form https://www.kyagr.com/marketing/documents/ORG_Withdrawal_of_organic_application.pdf

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Reviewed by Brooke Gentile, Organic Association of Kentucky Executive Director, and Neil Wilson, Research Analyst - Principal, UK Horticulture Research Farm

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