

Certification Recommendations -- 1994

B. SMALL FARMER EXEMPTION

STATUTORY PROVISIONS

U.S. Organic Foods Production Act of 1990, Section 2106 (d): "Small Farmer Exemption.-- Subsection (a)(1)* shall not apply to persons who sell no more than \$5,000 annually in value of agricultural products."

*Subsection (a)(1): "In general.--On or after October 1, 1993--

(A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this title; and

(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this title."

RECOMMENDATION

Persons who sell no more than \$5,000 annually in value of agricultural products and sell or label a portion or all of such agricultural products as organically produced or handled are exempted from certification by an USDA-accredited agency but are required to produce and handle organic products in accordance with the production and handling standards provided for in the OFPA.

The exempted person shall demonstrate compliance with the OFPA by the implementation of the following measures:

- (1) Signature on a completed Declaration form, which attests to a thorough knowledge of the provisions of the OFPA and to the production and handling of organic products according to the OFPA.
- (2) The development of an Organic Farm and/or Handling Plan, in accordance with the requirements of the OFPA.
- (3) The establishment of record-keeping adequate to trace an organic product from production site through to sale for consumption. Records must be kept for five years.
- (4) The provisions of public access to the above documents.

Exempted Small Farmers who demonstrate compliance with the OFPA shall be able to market non-certified organic products from their farms directly to consumers at direct sales outlets. Examples of direct sales outlets include roadside stands, farm markets, and consumer subscription programs (Community Supported Agriculture). Exempted Small Farmers who wish to market directly to retail outlets may do so by providing copies of the Declaration form to the individual retail outlet. In no instance shall non-certified organic products be marketed through exporters, wholesalers, brokers, processors, or retail chain warehouses.

Furthermore, an exempt farmer may not sell or label an agricultural product as "certified organic" unless certified by an USDA-accredited certifying agency.

The exempted Small Farmer and/or retail outlet may display the Small Farmer Declaration form at the place of sale. There shall be no mandatory filing requirements for the above small farmer exemption provisions. All required information must be on file and available on the premises of the exempted farmer.

The above provisions shall not be construed as precluding a State from issuing additional regulations regarding the Small Farmer

Exemption.

SMALL FARMER EXEMPTION FROM USDA CERTIFICATION PROGRAM

ANNUAL DECLARATION OF _____

1. I declare that I sell no more than \$5,000 annually in all agricultural products and that all agricultural products that I sell as organically produced or handled are produced and handled in accordance with the Organic Foods Production Act of 1990 (OFPA).

2. I declare that:

a. I have read and understand the regulations regarding production and handling of organic products to the OFPA;

b. I have developed an organic farm and/or handling plan in accordance with the requirements of the OFPA;

c. I have records tracing the organic production from production site to sale; and

d. I will provide reasonable public access to the above documents.

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this _____ day of _____, 19____, at

_____.(city & State)

_____(Signature)