



Texas Department of Agriculture *Organic Certification Exemption Notice*

Todd Staples, Commissioner

The USDA, National Organic Program (NOP) provides exemptions from organic certification for several types of businesses under Section 205.101 of the NOP Regulations. Even if you qualify for an exemption or exclusion, you are eligible to apply for organic certification with the Texas Department of Agriculture (TDA). Please note that enrollment in the TDA GOTEXAN Program does not qualify or exempt your operation from organic certification.

EXEMPTIONS AND EXCLUSIONS

Your business is exempt or excluded from certification if at least one of the following criteria is fulfilled:

- Producers, processors or distributors whose gross agriculture income from organic sales totals \$5,000 or less per year. If no actual organic sales, projected sales should be used;
- Processors or distributors who only handle agricultural products that contain less than 70% organic ingredients (ingredient label claim only, no front label claim);
- Processors or distributors who only handle agricultural products that restrict the organic claim to the ingredient statement (regardless of % organic ingredients);
- Distributors who receive organic products already in packages/containers, and such products are not processed or removed from packages/containers while under their control;
- Retailers who have no in-store processing of organic products;
- Retailers who have in-store processing of organic products that are sold directly to the end user and do not label or represent their products as certified organic or with the USDA organic seal.

If your operation does not meet the above criteria for an exemption or exclusion under Section 205.101 of the NOP Regulations, your agricultural product must not be sold, labeled, or represented as "100% organic," "organic," or "made with organic" (specified ingredients or food group(s)), unless your operation is certified organic by an accredited certifying agent to the NOP.

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