



STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

C.L. "BUTCH" OTTER
Governor
CELIA R. GOULD
Director

March 4, 2015

**SUBJECT: Idaho State Registered Organic Operations
Notice: Repeal/Discontinuation of Idaho Organic Registration for Operations with Annual Sales of Less Than \$5,000 in Gross Organic Sales pursuant to 7CFR Part §205.101**

Dear Registered Organic Producer:

This letter is to notify you that upon adjournment of the 2015 Idaho Legislature (*sine die*), the State of Idaho will no longer register organic operations, nor collect an annual \$50 fee for the registration of operations that fit the exemption found in Title 7 Part §205.101 of the National Organic Program (NOP) regulations. The NOP provides an exemption for operations with less than \$5,000 in gross organic sales, so a rule change was proposed to remove the requirement from Idaho rule during the 2015 Idaho Legislature. The rule change was approved by both Agriculture Committees in the Senate and the House and will be final upon passage of concurrent resolution on adjournment of the 2015 Idaho Legislative session.

The language of 7 CFR Part §205.101 states, in part:

§205.101 Exemptions and exclusions from certification.

(a) *Exemptions.* (1) A production or handling operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals \$5,000 or less annually is exempt from certification under subpart E of this part and from submitting an organic system plan for acceptance or approval under §205.201 but must comply with the applicable organic production and handling requirements of subpart C of this part and the labeling requirements of §205.310. The products from such operations shall not be used as ingredients identified as organic in processed products produced by another handling operation. [...]

The federal NOP regulations allow a producer under \$5,000 in gross organic sales that fits the \$5,000 exemption two options:

- 1) You may sell agricultural products as "organic" without registering with the state of Idaho or certification with a USDA NOP accredited certifying agent,** provided that you comply with applicable regulations under subpart C of the NOP regulations and the labeling requirements of §205.301. You may label your products as organic, but you may not use the Idaho or USDA certified organic seals, or otherwise represent the products as "certified organic". Additionally, products may not be sold as an ingredient to a certified organic product(s), including the sale of feed to a certified organic livestock producer; **or**
- 2) You may choose to become a certified organic operation.** This requires that you submit an application, organic plan, and an application fee to an NOP Accredited Certifying Agent, such as the Idaho State Department of Agriculture. Your plan will be reviewed for compliance with the NOP requirements. It is important to note that certification requires an annual on-site inspection to verify compliance with the NOP, as well as submission of paperwork to the certifying agent in the form of an application and organic system plan. There is also a cost associated with organic certification, including an annual application fee and an inspection fee. Certified organic operations may be eligible for cost-share when available, which can reimburse up to 75% up to \$750 annually for each scope of production. ISDA administers all cost share funds for the State of Idaho.

Notice: Repeal/Discontinuation of Idaho Organic Registration (\$5,000 Exemption under 7 CFR §205.101)
Page 2 of 2

We understand that this change may create confusion for vendors, or that you may have questions. You are welcome to show this letter to vendors as proof of your ability to continue to sell products as organic under the federal exemption, or you may direct questions to our office. Please feel free to contact the Idaho Organic Program at (208) 332-8539 or organics@agri.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Johanna Phillips". The signature is written in a cursive style with a large, prominent initial "P".

Johanna Phillips
Organic Program Manager

Cc:
Cindy Stark, Administrator