

Policy regarding post-harvest handling of product labeled as organic

1. Purpose

The purpose of this document is to promote consistent application of the USDA National Organic Program (NOP) Regulations by the Texas Department of Agriculture (TDA) Organic Certification Program. This instruction is based upon guidance received from the USDA NOP.

2. Applicability

This instruction applies to all crop producers certified organic, certified transitional, or in application status with TDA.

3. Scope

This policy is focused on post-harvest handling of product labeled as organic.

4. Authority

TDA is accredited by the USDA NOP under the authority of the Organic Foods Production Act of 1990, as amended (7 U.S.C. §§6501 et seq.) as described in 7 CFR Part 205, NOP. As such, TDA must carry out the provisions of the Organic Foods Production Act of 1990 and the NOP Regulations (§205.501(a)(3)). Per §205.100, unless exempt or excluded in §205.101, each operation or portion of an operation that handles crops, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be certified according to the provisions of subpart E of 7 CFR Part 205.

5. Policy

Post-harvest handling is the act of handling raw agricultural commodities without further processing. Post-harvest handling activities preserve the essential form of the product.

Effective 6/14/2016, the following post-harvest handling activities are considered to be covered under the crop producer certification and do not require organic processor certification:

- a. Fresh water rinsing of organic product produced and harvested from the operation.
- b. Bulk product storage of organic product produced and harvested from the operation.
- c. Label product in accordance with §205.307 for the sole purpose of protecting the integrity of the organic claim while the product is being transported or stored and is not intended to entice or promote the product to a potential consumer.

Effective 6/14/2016, certified organic producers, who conduct post-harvest handling, other than the above identified exempt practices, must obtain an organic processor certificate in order to sell the product as certified organic. Post-harvest handling activities that may require an operation to obtain an organic processor certificate include, but are not limited to:

- a. Drastic temperature change, such as freezing or flash freezing for the purpose of retarding product spoilage;
- b. Flotation, washing, sanitizing, separation from foreign objects or plant parts (e.g., cleaning grain), removal of stems leaves or husks, and storage and pest control practices;
- c. Application of a substance to the harvested product, excluding a fresh water rinse that does not use any sanitation or cleaning inputs (e.g., bleach, vinegar) in the water.
- d. Conduct any processing activities which cause a chemical or physical change to the product; and
- e. Label, package, or otherwise enclose the product in a container for any purpose other than transportation.
- f. Handle any organic product that was not produced on-farm that does not meet the criteria of §205.101(b)(1).

TDA will review all producer operations on a case-by-case basis to determine whether or not these criteria are met.