



## Maryland Department of Agriculture

### Organic Certification Program

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## New Organic Certification Application Cover Sheet

### REQUIREMENTS:

Except for operations whose gross agricultural income from organic sales totals \$5,000 or less, production and processing/handling operations that grow and/or process/handle organic foods must be certified by a USDA-accredited certifying agent to the National Organic Program (NOP) Standard. The Maryland Department of Agriculture (MDA) is a USDA-accredited certifying agent for producers located in Maryland.

The National Organic Program requires:

### §205.100 What has to be certified.

- (a) Except for the exempt operations described in § 205.101, each operation or portion of an operation that produces or handles agricultural products 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 this part and must meet all other applicable requirements of this part.
- (c) Any person or responsibly connected person that:
  - (1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than the amount specified in § 3.91(b)(1) of this title per violation.
  - (2) Makes a false statement under the Act to the Secretary, a governing State official, or an accredited certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

### §205.101 Exemptions and exclusions from certification.

The following operations in paragraphs (a) through (h) of this section are 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, the applicable labeling requirements of subpart D of this part, and any requirements described in paragraphs (a) through (i) of this section.

- (a) 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.

### Information for New Applicants

As a potential certified organic producer, you must understand and comply with National Organic Program (NOP) standards. The standards can be found at [www.https://www.ams.usda.gov/rules-regulations/organic](https://www.ams.usda.gov/rules-regulations/organic).

In addition to the NOP standards, other federal, state, and local laws and regulations apply to protect food safety and public health. The authority of these laws supersedes any organic standards; organic producers must comply with other laws/regulations pertaining to their organic operation. Other applicable laws do not provide exemptions for use of substances prohibited by the NOP standards.

Maryland producers should refer to MDA's website for more information on the various state laws and regulations that may pertain to your organic operation: <http://www.mda.maryland.gov>. Applicable sections may include *License and Permits*, *State Chemist*, *Pesticide Regulation*, *Nutrient Management*, *Feed/Food Quality*, or *Regulatory Information Center*.

### Other Resources:

- **Information on materials meeting NOP standards**
  - **National Organic Program.** Information on the National List of Allowed and Prohibited Materials can be found at <https://www.ams.usda.gov/rules-regulations/organic/national-list>.
  - **Organic Materials Review Institute (OMRI) Generic and Brand Names Product List.** Information is available on the OMRI website at <https://www.omri.org/>. OMRI reviews products for compliance with National List and is intended to be a resource to help with the identification of products in the marketplace. Other materials not reviewed by OMRI may also meet the requirements of the National Organic Program's standards.

**Navigating the NOP - Crops** is a guide created to address frequently asked questions about organic crop production in Maryland. This guide is available on our website.

### Certification Scopes

Operations in Maryland can be certified organic in the following production scopes:

- Crops
- Livestock
- Processor/Handler
- Wild Crops

MDA is accredited to certify operations in Maryland in any of the 4 scopes. However, our certification activities under the Processor/Handler scope are limited to small-scale, on-farm processing/handling activities only for operations that are certified (or applying to be certified) under the Crops and/or Livestock scopes. **MDA does not certify businesses/operations that *only* conduct organic processing/handling activities.**

### New Producer Organic Certification Procedures

The applicant shall complete and submit the application documents outlined below. The application documents will include your Organic System Plan (OSP), which outlines how you will operate your farm in accordance with NOP standards.

Upon submission, the OSP and associated attachments are reviewed for completeness and compliance with NOP standards. If the OSP and other application documents are incomplete or do not meet the NOP standards, the applicant may receive a request to provide additional information or a Notice of Noncompliance in the case that the OSP does not meet NOP standard. Failure to provide the requested information by the applicable deadline will result in the issuance of a Notice of Noncompliance. Failure to respond to and resolve any Noncompliance will result in a Denial of Certification. An applicant may withdraw their application prior to a Denial of Certification.

Completed applications that, upon initial review, appear to be compliant with the NOP standards will receive an onsite inspection by an MDA inspector. The inspection will verify whether the operation is

operating in accordance with its submitted OSP. The OSP and inspection report will be reviewed to verify compliance with NOP Standards and a certification decision will be made by MDA. The applicant is either issued an organic certificate, a Notice of Noncompliance (issued if OSP and/or operation activities are in violation of NOP standards, but the violation is correctable) or a Denial of Certification (issued if OSP and/or operation are in violation of NOP standards and the violation is not correctable). The effective date of the organic certificate will be the date issued.

Certified operations are required to provide an annual OSP update by the anniversary date listed on their organic certificate. After initial certification, failure to submit your OSP update is considered a Noncompliance and, if unresolved, can be cause for suspension or revocation of your organic certification.

If you no longer want to have your operation certified, you are required to submit a written notice to surrender your organic certification. Failure to surrender your certification will result in the issuance of a noncompliance and/or suspension/revocation.

Documents that must be submitted:

1. **Cost-Share Reimbursement Application (Remittance Form).** USDA provides funding to assist with the costs of organic certification. Currently, organic producers in Maryland certified by USDA-accredited certifiers are eligible to receive reimbursement for 75% of certification fees, up to a maximum of \$750 per scope, annually. You will indicate whether or not you would like to receive reimbursement on this form.
2. **Crop and Pasture Organic System Plan and associated appendices.**
3. **Livestock Organic System Plan and associated appendices** (applicable if applying for certification under the livestock scope. All livestock operations must also be certified under the crops scope, as organic livestock must have access to certified organic pasture).
4. **On-Farm Processor/Handler Organic System Plan and associated appendices** (applicable if applying for certification under the processor/handler scope. All processor/handler operations certified by MDA must also be certified under the crops and/or livestock scope, and all handling/processing activities must take place on-farm).
5. **Wild Crops Organic System Plan** (applicable if applying for certification under the wild crops scope).
6. **Field Histories/Land Use Affidavits.** Documentation of when prohibited materials were last applied on land to be certified must be submitted to establish your transition date. All land must undergo a three-year transition period during which no materials prohibited by NOP standards are applied to be eligible for organic certification.
7. **Partnerships and/or Corporations/LLCs.** Names of the officers and the name and address of the registered agent, if applicable, must be submitted. A copy of the articles of incorporation is sufficient.
8. **Maps of all parcels/fields.** A detailed map of the farm which indicates boundaries; denotes pastures, fields and greenhouses with their own site numbers and acreage; indicates farm roads,

public roads, woodlands, wetlands and other distinct land features; indicates buildings, irrigation sources drinking water wells, composting areas, manure storage, fuel tanks and septic systems; animal facilities; non-organically managed fields and their buffer zones; adjacent land use of all neighboring properties showing buffer areas with their width, direction of slopes and any barriers to contamination (ex hedge rows).

9. **Product labels.** If you plan to use retail or wholesale labels that indicate products as organic, they must be submitted to MDA for approval prior to use.
  
7. **Certification Fee: \$500.00 annually. This annual fee is nonrefundable once the inspection has been conducted. At this time, there is no additional fee for multiple scopes.**

Send completed application documents (not including Remittance Form and Certification Fee) to:

**Maryland Department of Agriculture**

**Organic Certification Program**

**50 Harry S. Truman Parkway, Suite 449**

**Annapolis, MD 21401**

or by email to [organic.certification@maryland.gov](mailto:organic.certification@maryland.gov).

*The Remittance Form and Certification Fees must be mailed to a separate location. Please refer to the Remittance Form for details and applicable mailing address.*

Sign and Label Order Form - All MDA-certified producers are provided with one sign upon initial certification. Additional signs and stick-on labels can be ordered. Fees are specified on the order form. Transitional operations cannot use these signs or labels. Certified producers who do not continue their certification are required to return all signs and unused labels.

### **Producers who qualify for the Exemption**

Producers are exempt from certification who gross \$5,000 or less in organic agricultural sales. The Maryland Department of Agriculture has created a registered exempt program. Producers who qualify and submit the required forms and fees will be listed in the Maryland Organic Directory and on MDA's website.

Producers who wish to register exempt with the Maryland Department of Agriculture should submit:

Registration Application for Exempt Producers

Registration Fee of \$30.00