



## Uncertified Exempt Handler Affidavit

### Instructions:

- ❖ This form should be used whenever there is an exempt uncertified handler in the supply chain of a certified operation.
  - Unsure if the handler is exempt? Use [this](#) flowchart to help make the determination.
- ❖ Are you the certified operation using an uncertified handler?
  - If so, you must complete section A, B and C of this form. This affidavit and any sample audit trail records will become part of your Organic System Plan (OSP).
- ❖ Are you the handler claiming an exemption from certification (i.e the uncertified handler)?
  - If so, you must complete sections D through G of this form.
- ❖ Note that a new affidavit is only required if there is a change, including a change in activities or management of the handler claiming the exemption. However, an updated affidavit may be requested by VOF at any time.
- ❖ This form is not applicable for private label owners.
- ❖ This form does not need to be used for common carriers such as USPS, FedEx, UPS, etc.

NOTE: Certification is required and therefore this form is not applicable for:

- Storage facilities or warehouses receiving organic product that is not in sealed, tamper-evident\* packaging.
- Brokers, traders, wholesalers, distributors who sell organic products that are not in sealed, tamper-evident\* final retail packaging.
- Operations that Import organic products into the United States.
- Private label or brand owners who purchase organic ingredients for their co-packers, sell organic products in non retail packaging, or sell finished organic products in packaging that is not sealed or tamper-evident\*.
- Operations that provide transport or transloading services that unload unpackaged organic products (including livestock) into uncertified facilities or storage areas before loading into the next transport vehicle. Certification of location where unpackaged organic products are loaded/unloaded is required.
- Transporters and transloaders who combine, split, containerize, pack, repack, treat, sort, open, enclose, or label organic products.

\*"[Sealed, tamper-evident](#)" means the contents are sealed in a manner where an attempt to break the seal, access the contents (including to take out or put in product), or reclose the package would be obvious. Sealed, tamper-evident does not mean impermeable to gas and water. For 205.101(e) exemption to apply, either the retail or non retail package must be sealed and tamper-evident. For 205.101(f) exemption to apply, the retail package must be sealed and tamper-evident, the non retail package is not relevant.

## Uncertified Handler Affidavit

### **Section A.** Information about the Certified Operation (to be completed by the certified operation)

Name of certified operation working with the uncertified handler:	
Describe the business relationship between your operation and the uncertified handler. Include all of the activities performed on your behalf, by the uncertified handler:	

### **Section B.** Information about the Uncertified Handler (to be completed by the certified operation)

Name of uncertified handler:	
Phone:	
Website:	
Address:	

### **Section C.** Operational Activities of the Uncertified Handler (to be completed by the certified operation)

*Below, indicate the types of activities that the uncertified handler engages in on your behalf. You may select more than one. If unsure, contact the uncertified handler to discuss.*

<input type="checkbox"/>	Operates a storage facility to store my products in sealed, tamper-evident packaging. <i>NOP 205.101(e)</i>	The rest of this form is <b>required</b>
<input type="checkbox"/>	Operates as a broker, trader, wholesaler or distributor who takes title or physical possession of organic products. Products are sealed in tamper-evident final retail packaging and remain in that packaging while in their control and that product is supplied to me. <i>NOP 205.101(f)</i>	The rest of this form is <b>required</b>
<input type="checkbox"/>	Operates as a licensed customs broker who does not take ownership or physical possession of organic products and does not sell, import, or trade organic products. <i>NOP 205.101(g)</i>	The rest of this form is <b>optional</b>
<input type="checkbox"/>	Operates as a logistics broker, e.g., freight forwarder. Arranges for movement and storage but does not take ownership or physical possession of organic products and does not sell, import, or trade organic products. <i>NOP 205.101(h)</i>	The rest of this form is <b>optional</b>
<input type="checkbox"/>	Operates as a transporter or transloader and is only responsible for the transport of packaged organic products. Does not store, combine, split, containerize, pack, repack, treat, sort, open, enclose, or otherwise label organic products. <i>NOP 205.2 ("handle")</i>	The rest of this form is <b>optional</b>

<input type="checkbox"/>	Operates as a transporter or transloader and is only responsible for the transport of unpackaged organic products. Does not store, combine, split, containerize, pack, repack, treat, sort, open, enclose, or otherwise label organic products. Locations where loading and unloading occurs are all certified. <i>NOP 205.2 ("handle")</i>	The rest of this form is <b>optional</b>
<input type="checkbox"/>	Other. Describe the specific activities:	The rest of this form is <b>required</b>

VOF certified operation: please sign below if you have confirmed that the operational activities of the uncertified handler, as indicated in the table above, are such that the remainder of this form is **not required**.

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

If the operational activities of the uncertified handler, as noted in the table above, indicate that the remainder of this form **is required**, please have the uncertified handler complete sections D through G below.

**Section D.** Information about the Uncertified Handler (to be completed by the uncertified handler)

Name of uncertified handler:	
Manager/Owner:	
Email:	
Phone:	
Website:	
Address:	
Describe your role in the organic supply chain for the certified operation named in section A. Please describe all business activities you perform on behalf of the certified operation named in section A.	

**Section E.** Exemption Verification (to be completed by the uncertified handler)

*Handlers claiming exemption must complete this section. Answer these questions about the handling you perform for the certified operation named in section A.*

Do you ever handle any organic products that are not enclosed in a sealed, tamper-evident package or container when you receive them?	YES <input type="checkbox"/>	No <input type="checkbox"/>
If yes, or if you are unsure please describe:		

<p>Do you ever combine or split loads of bulk/unpackaged products?</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you ever combine, split, containerize, enclose, or open packages or containers of organic products?</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you ever relabel, repack, package, or apply any label that alters or obscures the original label or lot number/code? Repacking includes placing product into other packaging that displays organic claims.</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you ever sort, recondition, cull, ice, hydro cool, hydro vacuum, or otherwise process organic product in any way?</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you ever treat organic products or apply any substance to the organic product such as water, ethylene, sanitizers, pesticides, or controlled atmosphere treatment?</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Does organic product ever contact cleaners, sanitizers, pest control materials, nonorganic products, water that has contacted nonorganic products, or other materials while under your control?</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you import organic products into the United States which are then supplied to the certified operation?</p> <p>If yes, or if you are unsure please describe:</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you export organic products from a foreign country to the United States which are then received by the certified operation?</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>

<p><i>Exporters are responsible for facilitating the trading, selling, consigning, shipping, or exporting of organic product from a foreign country to the United States. An organic exporter must be certified organic by certifying agents accredited by the USDA or certifying agents authorized by a trade arrangement or agreement. Organic exporters may be the final physical handler of organic products within a foreign country, or they may be the entities that facilitate, sell, or arrange the sale of organic products shipped to the United States.</i></p>		
<p>Is the organic product packaged or enclosed in a sealed, tamper-evident package or container prior to being received and does it remain in that same sealed, tamper-evident container while under your control?</p> <p>If yes, describe how the package or container is sealed and tamper-evident or attach a photo:</p> <p>If no, describe.</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Is the organic product you handle, buy, or sell in final retail labeling when you receive, acquire, or purchase it? Attach an example of the labeling on products you handle.</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do your audit trail records for each shipment include the information described in section E below? You may attach sample documents to demonstrate your system; all records must be provided to the certified operation and will be verified during inspections.</p> <p><i>If your audit trail records do not trace back to the last certified organic operation, the certified operation will not be able to work with you until you improve your records.</i></p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you handle unpackaged products? Examples: tankers, grain elevators or silos, bulk railcars/truckloads of unpackaged product, livestock.</p> <p><i>Operations that store or sell unpackaged products must be certified. Transport of unpackaged products or livestock may be exempt.</i></p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you take physical possession of organic products, e.g. organic products are received at a location that you own or lease?</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you take ownership/title of organic products?</p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you sell or trade organic products?</p> <p><i>Exemption 205.101(e) does not apply if you sell or trade organic products.</i></p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Do you prepare organic products for shipment?</p> <p><i>Preparing for shipment = putting packaged products into shipping containers, applying</i></p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>

<p><i>internal tracking numbers, shrink-wrapping shipping cartons to a pallet, breaking down pallets of fully packaged products, adding protective packaging to non retail containers, packing individual packaged products onto a shipping pallet, loading/unloading packaged products onto or from transport vehicles.</i></p> <p>If yes, describe how you prepare products for shipment:</p>		
<p>Transporter or transloader – Do you load or unload unpackaged products at uncertified locations?</p> <p><i>Certification of location(s) where unpackaged products are loaded or unloaded is required. Certification of transporter only required if other handling occurs, e.g., combining, buying, or selling</i></p>	<p>YES <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Storage facility – indicate the type of storage:</p> <p><input type="checkbox"/> NA, not a storage facility  <input type="checkbox"/> Dry storage  <input type="checkbox"/> Cold storage  <input type="checkbox"/> Freezer storage  <input type="checkbox"/> Other, describe:</p>		
<p>Broker, trader, wholesaler, distributor:</p> <p><input type="checkbox"/> NA, not a broker  <input type="checkbox"/> Describe how frequently you change organic suppliers:</p>		

NOTE: To be exempt from certification, the answer to questions 1-9 must be “NO”, question 12 must be “YES.” Answers to other questions will be reviewed to determine if exemption applies.

## Section F. Audit Trail Records

*Uncertified Handler – certified operations may only work with exempt handlers who provide full traceability back to the last certified operation for each shipment. The following are required for traceability:*

- Non retail containers used to ship or store organic products must identify products as organic and display the production lot number, shipping identification, or other unique information that links to the audit trail records.
- Purchase invoices, receipts, bills of lading (BOL), and other audit trail records must:
  - Designate products as organic AND
  - Include a description of the product, date of transaction, and amount transferred. You may strike out pricing information, provided organic status and quantity remain legible.
- Uncertified handler records and the last certified operation's records must link.
  - The last certified operation that handled the product must be listed on uncertified handler invoices/records AND/OR

- Lot numbers applied by the last certified operation to non retail containers must match lot numbers on uncertified handler audit trail records.
- If a product passes through multiple uncertified exempt operations in sequence, documents must trace through all uncertified operations back to the last certified handler.
- For each shipment, uncertified handlers must provide a complete, current organic certificate for the last certified operation.
- Documents generated by the last certified operation proving purchase, delivery, and/or transfer to the uncertified handler must be provided to the certified operation.
  - Uncertified handler audit trail records must link directly back to the last certified operation, including transport, storage, shipping, and/or distribution. Documents must show that organic integrity was maintained and that organic products did not come into contact with nonorganic products or prohibited materials such as fumigants.
- All certified suppliers to the uncertified handler must be approved by the certifier as part of the certified operation's Organic System Plan (OSP). Notify your certified buyer prior to changing suppliers.

*Operations exempt at 205.101(a) and (c)-(f) must maintain records per NOP § 205.101(i). All exempt operations must comply with applicable organic production and handling requirements and with any applicable labeling requirements. Certified operations must maintain records per NOP § 205.103. If inspectors cannot track organic product back to the last certified operation, sourcing organic products from the exempt handler may be considered a noncompliance.*

**Section G.** Uncertified Handler Statement (to be completed by the uncertified handler)

I, the owner or legally authorized representative, attest that I am qualified to assess the validity of the statements in this affidavit and the statements are true and accurate to the best of my knowledge. I acknowledge the above requirements for audit trail records and disclosure to the certified operation and understand that failure to meet the audit trail record requirements or disclose records to the certified operation may be cause for certifier to rescind approval of my operation as an approved exempt organic handler and may be cause for compliance action against the certified entity. I agree to supply records to the certified operation adequate to perform traceability.

Name of Manager/Owner/Authorized Representative of uncertified handler:	Signature:	Date:
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*NOTE: VOF reserves the right to inspect any facility storing or handling organic product owned by a certified operation per NOP 205.400(c). If the exempt handler misrepresents policies or procedures as stated on this affidavit or acts in a manner that might jeopardize organic integrity or tracking of the organic product, the certified operation working with the exempt handler will be notified. The certified operation will be held responsible for correcting any noncompliance issues. VOF will report uncertified handlers who are handling organic products but are not exempt to the USDA NOP for investigation and potential civil penalties.*