### <http://farmersmarketcoalition.org/can-any-farmer-use-the-word-organic/>

### Protecting the Validity of ‘Organic’ at Your Market

Posted by Harriet Behar on March 05, 2014

by Harriet Behar, Organic Specialist, Midwest Organic and Sustainable Education Service, (MOSES) harriet@mosesorganic.org

The use of the word “organic” on a label in the U.S. is regulated by law, which is managed by the National Organic Program (NOP) within the USDA. Farmers who are certified organic or those who sell less than $5,000 a year of organic products can use the word “organic” or phrases such as “grown using organic methods” to describe products. Even though farmers who sell less than $5,000 are exempt from NOP certification, they still must meet all other requirements of the law, such as use of organic seed when available, certified organic transplants, and documenting all farming activities.

At farmers’ markets, where these exempt-from-certification growers often sell products, labeling can become an issue. It is unfair to producers who go through the strict requirements to achieve organic certification to see the label misused. In many cases, misuse is a result of ignorance, not malice. But, it can cause bad feelings between growers at a market, and impact a market’s reputation if patrons see “organic” being used loosely.

To ensure that vendors at a farmers’ market are using “organic” correctly, managers can ***ask them to sign a statement*** that they have followed organic rules. This not only makes vendors aware of the standards they must meet, but also satisfies certified organic farmers that their market neighbors are meeting the same strict rules.

The statement below covers many of the requirements that a smaller scale grower or livestock producer must meet in order to sell organically labeled products as a noncertified (“exempt”) organic farmer. It provides information on what practices and inputs are allowed in order to use the organic label, and can be a valuable educational tool.

Farmers’ market managers should feel free to modify this statement and have it reviewed by their own legal counsel. This type of statement should be updated each year to keep current with changes to organic regulations.

**2014 Declaration for Exempt from Organic Certification Producers who are Using the Word “Organic”**

I am a producer that is not certified organic, but I use the word “organic” to describe my products or practices in the marketplace.  The list below describes many of the requirements in the organic law that I follow in order to use the word “organic.”   I have also read and follow the full U. S. organic regulation which is located at[www.ams.usda.gov/nop](http://www.ams.usda.gov/nop)

I verify that…

1. I sell less than $5,000 annually in organically labeled products.
2. I have not planted any seeds that had synthetic treatments, such as fungicides or insecticides.
3. I have planted all organic seeds if they were available in the variety and quantity I required.
4. I have either grown transplants myself using only OMRI\* or organic certifier organically approved potting mixes and other inputs or I have purchased certified organic transplants.
5. I have only applied fertility, pest, disease and weed management inputs that have either been approved by OMRI or by an organic certification agency.  I understand that there are numerous agricultural input products that make organic claims that are untrue and I have gone the extra step to verify what I am using meets the organic law.
6. I have implemented a soil building rotation on my farm, where annual crops of the same type are not grown in succession in the same field. I also use plant and livestock based materials such as cover crops and compost to continually improve my soils.
7. I have not applied manure to my fields growing crops for human consumption any sooner than 90 days before harvest for crops that are not in contact with soil (i.e. sweet corn),  or 120 days before harvest for crops that are in contact with soil (root crops, tomatoes, peppers etc.).
8. I have documentation that compost containing livestock originated components used on my farm meets the requirement of having a Carbon to Nitrogen ratio of between 25 to 1 and 40 to 1, has had a temperature maintained of 131 to 170 degrees F for 15 days and has been turned 5 times, or if in a static vessel, had this temperature maintained for 3 days.
9. All mammalian livestock has been managed organically from the last third of gestation of their mother to the day of slaughter.  All poultry has been managed organically from the second day of life.  Organic management includes 100% certified organic feed.
10. All livestock has had access to the outdoors, with ruminants receiving 30% of their nutrition from pasture during a minimum 120 day grazing season.  All animal health products and feed supplements have either been OMRI approved or approved by an organic certification agency.
11. I have maintained documentation that verifies what I have stated above.

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\*OMRI=Organic Materials Review Institute [www.omri.org](http://farmersmarketcoalition.org/wp-admin/www.omri.org)