| Exempt Handler Affidavit (EHA) | | | | USDA Organic Regulations §205.101 | |
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| **Instructions:** This form should be completed by each handler in your supply chain that believes it qualifies for an exemption from certification as defined in the USDA Organic Regulations §205.101. The purpose of this form is to verify exemption from certification and ensure supply chain traceability.  **For QCS client:** Complete section A. This affidavit and any sample audit trail records will become part of the certified operation’s Organic System Plan (OSP).  **For the exempt handler**: Complete sections B-E and return the completed form to the QCS client.  If QCS already has an EHA for a handler on file, a new EHA is only required if there is a change in activities or management of the exempt handler. An updated EHA may be requested by QCS at any time. | | | | | |
| **Background:**  **Certification is required (and this affidavit is not applicable) for:**   * Storage facilities or warehouses receiving organic product that is not in sealed, tamper-evident packaging.[[1]](#footnote-1) * Brokers, traders, wholesalers, and distributors who sell organic products that are not in sealed, tamper-evident1 final retail packaging. * Importers or exporters of organic products into the United States. * Private label or brand owners who purchase organic ingredients for contracted processors or handlers, sell organic products in nonretail packaging, or sell finished organic products in packaging that is not sealed or tamper evident.1 * Transport or transloading operations that unload *unpackaged* organic products into *uncertified* facilities or storage areas before loading into the next transport vehicle. Facilities where unpackaged organic products are loaded/unloaded must be certified. * Transport or transloading operations that combine, split, containerize, pack, repack, treat, sort, open, enclose, or label organic products. | | | | | |
| **SECTION A: QCS CLIENT INFORMATION** | | | | | |
| **Name of QCS client:** | | | | | |
| Describe the business relationship between your operation and the exempt handler, including all activities performed on your behalf by the exempt handler: | | | | | |
| **SECTION B: EXEMPT HANDLER INFORMATION** | | | | | |
| **Name of handling operation claiming exemption from organic certification:** | | | | | |
| **Name of person completing this form:** | | | **Title:** | | |
| **Address:** | | | | | |
| **Phone:** | **Email:** | | **Website:** | | |
| Describe your role in the organic supply chain for the operation in Section A, including all business activities you perform on behalf of the operation*.* | | | | | |
| **SECTION C: EXEMPTION VERIFICATION** | | | | | |
| Handlers claiming exemption must complete this section. Answer these questions about the handling activities you perform for the certified operation named in Section A. | | | | | |
| 1. Do you ever handle any organic products that are not enclosed in a sealed, tamper-evident1 package or container when you receive them?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you ever combine or split loads of bulk/unpackaged products?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you ever combine, split, containerize, enclose, or open packages or containers of organic products?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. 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.*   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you ever sort, recondition, cull, ice, hydrocool, hydro vacuum, or otherwise process organic product in any way?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you ever treat organic products or apply any substance to the organic product such as water, ethylene, sanitizers, pesticides, or controlled atmosphere treatment?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. 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?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you import organic products into the United States which are then supplied to the certified operation?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you export[[2]](#footnote-2) organic products from a foreign country to the United States which are then received by the certified operation?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Is the organic product packaged or enclosed in a sealed, tamper-evident1 package or container prior to being received and does it remain in the same container while under your control?  * If yes, describe how the package or container is sealed and tamper-evident1 or attach a photo: * If no, please describe: | | | | | Yes  No |
| 1. Is the organic product your 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:   Retail label attached  N/A, product is labeled nonretail. Attach label.  N/A, product is unlabeled bulk. | | | | | Yes  No |
| 1. Do your audit trail records for each shipment include the information described in section D 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.* | | | | | Yes  No |
| 1. Do you handle unpackaged products? Examples: tankers, grain elevators or silos, bulk railcars/truckloads of unpackaged product, livestock. *Operations that store of sell unpackaged products must be certified. Transport of unpackaged products or livestock may be exempt.*   If yes or unsure, please describe: | | | | | Yes  No |
| 1. Do you take physical possession of organic products, e.g., organic products are received at a location that you own or lease? | | | | | Yes  No |
| 1. Do you take ownership/title of organic products? | | | | | Yes  No |
| 1. Do you sell or trade organic products? | | | | | Yes  No |
| 1. Do you prepare organic products for shipment[[3]](#footnote-3)?   If yes or unsure, please describe: | | | | | Yes  No |
| 1. **For transporters and transloaders:** Do you load or unload unpackaged products at uncertified locations? *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.* | | | | | Yes  No  N/A, not a transporter or transloader |
| 1. Is your operation a storage facility?   If so, please indicate type of storage:  N/A, not a storage facility  Dry storage  Cold storage  Freezer storage  Other, describe: | | | | | Yes  No |
| 1. **For brokers, traders, wholesalers, and distributors,** describe how frequently you change organic suppliers: | | | | | N/A, not a broker, trader, wholesaler, or distributor |
| **To be exempt from certification, the answer to questions 1-9 must be “NO”, and question 12 must be “YES”. Answers to other questions will be reviewed to determine if an exemption applies.** | | | | | |
| **SECTION D: AUDIT TRAIL RECORDS** | | | | | |
| **Certified operations may only work with exempt handlers who provide full traceability back to the last certified operation for each shipment. Please provide the following records for traceability:**   * Nonretail containers used to ship or store organic products must identify product as organic and display the production lot number, shipping identification, or other unique information that links to the audit trail records * Purchase invoices, receipts, bill of lading (BOL), and other audit trail records *that*:   + 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 are legible. * Exempt handler records and the last certified operation’s records that link:   + The last certified operation that handled the product (must be listed on exempt handler invoices/records) AND/OR   + Lot numbers applied by the last certified operation to nonretail containers (must match lot numbers on exempt handler audit trail records)   *If product passes through multiple uncertified operations in sequence, documents must trace through all uncertified operations back to the last certified handler*   * Complete and current organic certificate for the last certified operation **for each shipment** * Documents generated by the last certified operation proving purchase, delivery, and/or transfer to the exempt handler   + Exempt handler audit trail records must link directly back to the last certified operation, including transport, storage, shipping, and/or distribution.   + Documents must demonstrate that organic integrity was maintained, and organic products did not come into contact with nonorganic products or prohibited substances such as fumigants   All certified suppliers to the uncertified handler must be approved by certifier as part of the certified operation’s Organic System Plan. 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 E: EXEMPT HANDLER STATEMENT** | | | | | |
| 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. | | | | | |
| **Printed Name:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | |
| **Signature:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | **Date:** | | | |

1. Sealed, tamper-evident packaging: The contents of a package 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. Examples of packaging that is NOT tamper-evident includes clamshells without a sticker closing the clamshell, unsealed zip-top bags, mesh bags with a closure that could be removed without damaging the packaging or label, or produce with PLU label that is not enclosed in any packaging. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. Prepare for shipment: Examples include putting packaged products into shipping containers, applying internal tracking numbers, shrink-wrapping shipping cartons to a pallet, breaking down pallets of fully packaged products, adding protective packaging to nonretail containers, packing individual packaged products onto a shipping pallet, loading/unloading packaged products onto or from transport vehicles. [↑](#footnote-ref-3)