

“Transitional product” recommendation
Adopted by the National Organic Standards Board
May 7, 2002

Introduction:

The National Organic Standards Board provides the following guidance to producers, certifying agents, and State and Federal governments on the labeling of “transitional” products. The NOSB recognizes that the Organic Foods Production Act regulates “organic” products, but that products labeled as “transitional” are beyond the scope of OFPA and the Final Rule. The recommendation is offered for guidance and clarification purposes.

Rationale:

Numerous products are currently labeled and sold as “transitional”. Several States set regulations defining “transitional” labeling, and several accredited certifying agents conduct “transitional” certification. There are differences between existing transitional certification requirements. The recommendation is offered to bring consistency to these requirements.

In addition, in at least 3 States, the USDA’s Natural Resource Conservation Service is offering incentive payments to transitional operations. This recommendation will provide guidance to the NRCS for the requirements governing these transitional incentive programs.

It is anticipated that producers who enter transitional certification and/or incentive programs will have a more complete understanding of the requirements of the Final Rule when they qualify for full organic certification. This will lead to a higher degree of compliance for such producers. It will also allow such producers to receive market driven consumer recognition for their production practices, rather than having to sell their crops for conventional prices.

Recommendation:

Terms defined.

Transition. The act of establishing organic management practices in accordance with the Act and the regulations in this part.

Transition period. The time between the start of organic management and when an operation or portion of an operation is eligible for organic certification.

Transitional product. A product from an operation or portion of an operation which has completed one or more years of the transition period towards becoming a certified organic operation and is certified by an accredited certifying agent as operating in accordance with the Act and the regulations in the part.

Use of the term “transitional.”

(a) Products of farms in transition to organic certification may be labeled or represented as “certified transitional ” or “transitional” after the operation has been certified by an accredited certifying agent as operating in compliance with the requirements in this part.

(b) In order to market products as “certified transitional” or “transitional” an operation must maintain records as set forth in § 205.103 of the USDA National Organic Program’s Final Rule, and develop an organic production plan as set forth in § 205.201.

- (c) At least one inspection must occur prior to harvest of a transitional crop in order for the crop to be labeled or represented as “certified transitional” or “transitional”.
- (d) Transitional status may only be granted to an operation or portion of an operation where the applicant can provide evidence of:
- (1) At least 12 months active organic management prior to harvest; or
 - (2) Twelve (12) months with no application of prohibited materials prior to planting and organic management of any area of the farm that is or will be used for transitional crop production.
- (e) “Transitional” and “certified transitional” products must not:
- (1) Be labeled or represented as “organic” or “transition to organic”;
 - (2) Be used as organic ingredients in the formulation of products labeled as “100% organic,” “organic,” or “made with organic (specified ingredients or food group(s))”;
 - (3) Use the USDA organic seal; or
 - (4) Use the seal of a certifying agent, unless that seal is specifically designed for transitional products and is clearly distinguishable from the certifying agent’s seal used on organic products.