The Strengthening Organic Enforcement (SOE) final rule reduces fraud in the organic marketplace; strengthens oversight of organic producers, handlers, and certifiers; and improves USDA’s enforcement mechanisms. USDA used public comments to refine this final rule and maximize benefit to the organic industry.

Why is SOE Needed?
Organic supply chains have become increasingly complex, reducing transparency in the market and leading to documented cases of organic fraud.

Who is Impacted by SOE?
- USDA accredited certifying agents
- Organic inspectors
- Producers
- Processors
- Brokers, traders, exporters, and importers who are not certified organic

What Does SOE Do?
The SOE rule protects organic integrity and bolsters consumer confidence in the USDA organic seal. The final SOE rule:

- Reduces the number of uncertified entities in the organic supply chain.
- Requires use of electronic import certificates.
- Strengthens recordkeeping and supply chain traceability.
- Clarifies AMS’s authority to oversee and enforce organic trade.
- Strengthens oversight of accredited certifying agents.

SOE History
- Proposed Rule
  - SOE implements three provisions from the 2018 Farm Bill.
  - SOE implements many National Organic Standards Board recommendations.
  - Published as proposed rule in October 2020.
- Public Comment
  - 60-day public comment period.
  - 1,525 comments received.
- Final Rule
  - Policy updated based on public comment.
  - Final rule published in January 2023.
- Enforcement
  - 14-month implementation period.

How Does the Industry Benefit?
- Stronger tools and processes that help ensure compliance.
- Robust and consistent enforcement of the organic regulations.
- Improved farm to market traceability.
- Strong consumer and farmer trust in the organic label.
- Level playing field for organic farms and businesses.

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Strengthening Organic Enforcement (SOE) Final Rule

SOE implements provisions from the 2018 Farm Bill

- Reduces the types of uncertified entities in the organic supply chain that operate without USDA oversight—including importers, traders, and certain brokers of organic products.
- Requires the use of NOP Import Certificates for all organic products entering the United States, expanding the use of certificates already in use and improving oversight and traceability of imported organic products.
- Clarifies the NOP's authority to oversee certification activities, including requiring certifying agents to notify the NOP upon opening a new office.

SOE implements best practices and NOSB recommendations that further strengthen organic enforcement and fraud prevention

- Requires certified operations to develop and implement improved recordkeeping and organic fraud prevention procedures, conduct supply chain traceability audits, and develop information-sharing processes.
- Requires that nonretail containers used to ship or store organic products are labeled with organic identity and are traceable to auditable records.
- Clarifies how certified operations may submit changes to their organic system plan, reducing paperwork burden for operations and certifying agents.
- Clarifies how to calculate the percentage of organic ingredients in a multi-ingredient product, promoting consistent interpretation and application of the regulations.
- Requires certifying agents to issue standardized operation certificates generated from the USDA's Organic Integrity Database (OID), simplifying the verification of valid certificates of organic operation.
- Establishes specific qualifications and training requirements for certifying agent personnel, including inspectors and certification reviewers.
- Requires certifying agents to conduct unannounced inspections of at least 5% of the operations they certify, complete mass-balance audits during annual on-site inspections, and verify traceability back to the previous certified operation in the supply chain during inspections.
- Establishes certification requirements for producer group operations (grower groups) that provide consistent, enforceable standards and ensure compliance with the organic regulations.
- Clarifies conditions and requirements for equivalence determinations with foreign government organic programs.
- Clarifies that the NOP may initiate enforcement action against uncertified operations.
- Clarifies the NOP appeals process and using mediation as alternate dispute resolution.