



NONRETAIL CONTAINER LABELING & AUDIT TRAIL DOCUMENTATION

Guidance

A. What is a nonretail container?

The NOP organic regulations define a nonretail container as “any container used for shipping or storage of an agricultural product that is not used in the retail display or sale of the product.”

Examples include:

- Produce boxes, totes, bulk containers, bulk bags, flexible bulk containers, harvest crates, and bins;
- Boxes, crates, cartons, and master cases of wholesale packaged products; and
- Trailers, tanks, railcars, shipping containers, vessels, cargo holds, freighters, barges, grain elevators, silos, grain bins, or other methods of bulk transport or storage.

B. What information must be displayed on a nonretail container?

With limited exceptions (see section E), nonretail containers used to ship, or store certified organic agricultural products must display (meaning affixed to the nonretail container):

- Identification of the product as organic; and
- The production lot number, shipping identification, or other unique information (e.g. harvest date, packing date) that links the container to audit trail documentation

Examples of compliant information displays include but are not limited to:

- Stamp on a produce box or master case
- Pallet tag
- Seal, tag or magnet on a railcar
- Truck/trailer number with “organic” direct on truck or some other signage
- Plastic doc holder on outside of shipping container with audit trail docs

C. What recordkeeping must be maintained by certified operations regarding nonretail labeled containers?

Certified operations must maintain records (i.e. audit trail documentation) that are sufficient to determine the source, transfer of ownership, and transportation of any agricultural product labeled as “100 percent organic,” “organic” or “made with organic (specified ingredients)”. This applies to products labeled with nonretail labels.

These records will be reviewed for completeness and compliance by inspectors during Annual inspections.

D. What is required for audit trail documentation?

Audit trail documentation for nonretail containers must contain:

- A link to the corresponding nonretail container through the lot number or other unique identifier (§205.307(a)(2))
- identification of the last certified operation that handled the agricultural product. (§205.307(b))
- Identification of the agricultural products on these records as “100% organic,” “organic,” or “made with organic (specified ingredients or food group(s)),” or similar terms, as applicable (§205.103(b)(3))

E. Do the requirements for labeling of nonretail containers apply to transportation units (e.g. trucks, trailers, vessels, shipping containers)?

When determining whether transport containers of unpackaged products need to be labeled, the risk related to the change in custody (i.e. ownership or physical possession) is the determining factor. A truck/trailer or other type of transportation that hauls unpackaged agricultural products, starting after the change in custody (i.e. ownership or physical possession), is required to display the information outlined in §205.307 (identification of the product as organic and the unique ID) in one of the below ways. The operation must determine which of the following works best for their specific situation:

- On the truck itself
- On an individual container inside the truck (e.g. segregation pen, crate, tote)
- On the agricultural commodity (e.g. wrapped bale of hay)

F. Are there exceptions to nonretail container labeling?

Yes, PCO has determined that the below types of storage and transport activities involving nonretail containers may be low-risk and therefore may not be required to contain the information as outlined at §205.307. However, these nonretail containers must comply with requirements to prevent commingling and contamination as required at §205.272 (which may involve identifying containers to distinguish them as organic).

These include but are not limited to:

General examples:

- Nonretail container containing a retail labeled product where the organic identification is visible while in the nonretail container (e.g. pallet of wrapped clamshells) does not need to include the organic identification on the nonretail container. However, the nonretail container must display the lot code or unique identifier.
- Work in process containers that do not leave the operation (e.g. harvest bins, container of mixed ingredients) - exclusive organic operation only
- Storage containers (e.g. grain bin) that do not enter the stream of commerce - exclusive organic operation only

Transport related examples:

- Grain being transported to an elevator by the farmer > change in custody (ownership and physical possession) is at the elevator
- Trucks/trailers hauling animals with individual identification on the animal (e.g. ID tag or leg band)
- Transportation that is operated by the certified operation and returns to the certified operation (e.g. truck driven by PCO certified farmer goes to pick up hay at neighboring farm and returns to own farm)
- Truck/trailer transporting smaller nonretail containers (e.g. master case) that display the required information (meaning the truck itself does not need to display the info if the smaller nonretail container displays the required information)
- Nonretail containers that leave the operation but remain in the operation's control the entire time and don't enter the stream of commerce (e.g. produce box that is packed into and taken to market, but the box remains in the vehicle while produce is set out for sale)

G. Additional Information Requirements

- The USDA seal is not a required component of the nonretail container label. However, if the nonretail label includes the USDA seal it must comply with §205.311.
- The "Certified Organic by ..." (COB) statement is not a required component on nonretail containers but may be used. If the COB statement is used, it does not have to comply with the location requirements in §205.303(b)(2).
- The inclusion of either the "Certified Organic by..." statement or the USDA seal would satisfy the requirement at §205.307(a)(1) of identifying the product as organic. Other allowed identification would be the term "organic" or any other easily understood acronym such as "OG", "ORG", etc.
- If shipping containers of domestically produced product are to be exported, the shipping containers may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer: Provided, That, the shipping containers and shipping documents accompanying such organic products are clearly marked "For Export Only" and: Provided further, That, proof of such container marking and export must be maintained by the handler in accordance with recordkeeping requirements for exempt and excluded operations under §205.101.