

## **SMALL FARMER EXEMPTION**

Adapted from the National Organic Standards Board (NOSB) document on certification and states the national policy to date on Small Farmer Exemption as it appears in the National Organic Program (NOP); Final Rule §205.101(a)(1) published in the Federal Register on December 21, 2000 and made effective on April 21, 2001.

If a HOFA member wishes to participate in the HOFA Farm Apprentice Program, he or she must either have a current license agreement with HOFA as a certified organic producer or have a notarized Small Farmer Exemption affidavit on file with the HOFA office.

### **Statutory Provisions**

**National Organic Program; Final Rule**, as published 12/21/00 and effective **April 21, 2001**: § 205.101

(a) **Exemptions** (1) A production or handling operation that sells agricultural products as “organic” but whose gross agricultural income from organic sales totals \$5,000 or less annually is exempt from certification under subpart E of this part and from submitting an organic system plan for acceptance or approval under § 205.201 but must comply with the applicable organic production and handling requirements of subpart C of this part and the labeling requirements of § 205.310. The products from such operations shall not be used as ingredients identified as organic in processed products produced by another handling operation.

### **Required Action**

Persons who sell no more than \$5,000 annually in value of agricultural products and sell or label a portion or all of such agricultural products as organically produced are exempted from certification by a USDA-accredited agency but are required to produce and handle organic products in accordance with the specified provisions of the National Organic Program Final Rule.

The exempted person shall demonstrate compliance with the National Organic Program Final Rule by the implementation of the following measures:

(1) Signature on a completed Affidavit form, which attests to a thorough knowledge of the provisions of the Rule and to the production and handling of organic products according to the National Organic Program Final Rule;

(1) The establishment of record-keeping adequate to trace an organic product from production site through to sale for consumption. Record must be kept for three years; and

(1) The provision of public access to the above documents.

Exempted Small Farmers who demonstrate compliance with the National Organic Program Final Rule shall be able to market non-certified organic products from their farms directly to consumers at direct sales outlets.

**A f f i d a v i t**  
**for**  
**Small Farm Exemption**  
**under**  
**USDA/NOP Program**

I, \_\_\_\_\_, located at, \_\_\_\_\_, with the telephone number of \_\_\_\_\_ declare that I sell no more than \$5000 of agricultural products, labeled or represented as organic, annually.

I attest that all of my production and handling practices and inputs associated with these organic products are in compliance with the National Organic Standard, 7 C.F. R. Part 205. Therefore, my practices include, but are not limited to the following:

- A complete prohibition on all synthetic fertilizers, pesticides, herbicides, and growth regulators, except for those approved by the National Organic Program and placed on the National List, § 205.601
- A complete prohibition on the use of arsenic and lead-based pesticides, nicotine- and strychnine-based pesticides and baits, and sewage sludge fertilizer.
- Use of seeds and planting stock that have not been genetically engineered or treated with prohibited pesticides.
- Preventing crop contamination from prohibited spray drift
- Preventing commingling of organic with conventional production
- Strategies that build soil, prevent erosion, and promote biodiversity
- Keeping adequate records to demonstrate compliance with the National Organic Standard

I further attest that my organic products are not used as ingredients in certified organic processed products, nor are they used as feed for certified organic livestock.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at

(city)\_\_\_\_\_ in the state of\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Notary Signature, printed name, and seal