



# Strengthening Organic Enforcement (SOE) Final Rule

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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## 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.