



DIVIDING COMPLIANCE RESPONSIBILITIES IN A CO-PACKING ARRANGEMENT

Certification responsibilities must be properly divided between the brand owner and co-packer. Working through them at the outset keeps problems from surfacing later at an inspection. The table below describes the division of responsibilities for each certification compliance area between the parties: certified brand owner, uncertified (exempt) brand owner, and the co-packer.

Compliance Area	Certified Brand Owner	Uncertified Brand Owner (exempt)	Co-packer
Certification of the production facility	N/A	N/A – Relies on the co-packer's certification	Required – Must always be certified
Co-packer certificate on file	Must maintain the co-packer's certificate listing the specific branded products	Must obtain and keep the co-packer's certificate for its products	Maintains its own certificate
Product formulation approval	Not required unless the certifier requests it	N/A	Required – Approved by the co-packer's certifier
Ingredient sourcing and supplier certificates	If they source the ingredients, the brand owner must keep supplier records	Cannot source nonretail-packaged organic ingredients, since that would require certification	Ingredients and supplier certificates must be listed on the co-packer's supplier list
Verifying ingredient compliance at receiving	N/A	N/A	Required – Must check that incoming ingredients are compliant before using them
Production and batch records	N/A	N/A	Co-packer maintains
Purchase, receipt, and sales records	Must show how much was purchased, produced, received, and sold	Must keep records showing organic products were organically handled and verifying quantities received and shipped or sold, for 3 years	Maintains production and shipping records in all cases; Also maintains purchase records if sourcing ingredients
Label pre-approval	Submits labels to its certifier with a spec sheet or formula to confirm ingredients listed on labels	N/A – The co-packer's certifier approves.	Must submit labels to its certifier for approval; always required because the co-packer applies the label to the product
Description of the arrangement in an Organic System Plan (OSP)	Required in the brand owner's OSP, listing co-packers and attaching their certificate	N/A – Does not maintain an OSP.	Required in the co-packer's OSP, listing private-label arrangements

SOURCES CITED

USDA National Organic Program, [7 CFR §205.101\(i\)](#).

USDA National Organic Program, [7 CFR §205.403\(a\)\(1\)](#).

USDA National Organic Program, [7 CFR 205.103](#).

USDA National Organic Program, [7 CFR 205.201\(a\)](#).