

Dear USDA-accredited Certifying Agent:

The National Organic Program (NOP) was notified of a discrepancy between certifying agents in the review of a substance commonly known as **shilajit**.

### **Decision**

This notice clarifies that shilajit is a **nonagricultural** product and therefore cannot be certified organic. Certifiers that have previously certified shilajit as organic need to take steps to notify all affected handlers/producers that shilajit cannot be labeled organic or included in certified organic products, including “100% organic,” “organic,” or “made with organic...” products. Previously certified organic products that are not in compliance must be removed from organic system plans by **January 1, 2020**. Additional information on this decision is provided below:

### **Background**

Shilajit is a resinous or tar-like substance that seeps from bare rocks where it is collected and is subjected to further processing. It is comprised of inorganic and carbon-based material. Shilajit has been used for medicinal or health-related purposes and may also be found in body care products and food products.

### **Justification**

USDA organic regulations permit **nonagricultural** ingredients in “100% organic,” “organic,” or “made with organic...” processed products only when included on the National List (see § 205.605). Shilajit is not currently included on the National List.

Shilajit is a nonagricultural substance (see *nonagricultural substance* definition in § 205.2). Some have argued that shilajit is agricultural because it contains substances of ancient plant origin. We disagree, because: (1) the substance is of mineral origin and is not a crop or livestock product or derived from crop or livestock products alone; (2) the substance is not a product of agriculture and requires no agricultural management or cultivation (*e.g.*, sowing of seeds, watering, weeding, harvesting, etc.); and (3) shilajit production cannot be encouraged by any agricultural management (*i.e.*, cultivation of a specific crop). Furthermore, shilajit cannot be considered a wild crop, as it is not a plant or a portion of a plant (see *wild crop* definition at § 205.2), and an operation could not demonstrate that shilajit can be gathered in a manner that ensures future production, as required for wild-crop certification under § 205.207.

Nonorganic nonagricultural ingredients may be petitioned for addition to the National List § 205.605. Respectfully,



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