

Organic Labeling Taboo in Cannabis, But Alternatives Exist

Organic Certification: A Coveted but Unattainable Goal for Cannabis Growers

Most consumer products that carry the U.S. Department of Agriculture's (USDA) organic certification – such as baby food, meat, and produce – command a significant premium in the marketplace. Consumers are willing to pay extra for the assurance that the products they purchase are produced according to strict organic standards.

“The most valuable certification on the planet Earth is organic, particularly as it pertains to consumer-packaged goods,” says Ben Gelt, an adviser to the cannabis practice at Greenspoon Marder and board chair for the Denver-based Cannabis Certification Council. However, for marijuana cultivators, achieving USDA organic certification is currently out of reach.

No Organic Certification for Cannabis

There is ongoing debate regarding whether marijuana can qualify for USDA organic certification. The consensus among most stakeholders is that, because marijuana remains illegal under federal law, the USDA, as a federal agency, cannot certify it as organic. “The USDA won't have anything to do with cannabis,” states Chris Van Hook, a compliance attorney and director of Clean Green Certified, a company that offers a private certification process for cannabis, independent of USDA approval.

Some, like Ben Gelt, argue that the USDA does not directly certify products as organic. Instead, this responsibility falls on third-party certifiers accredited by the USDA, many of which are state agriculture departments, nonprofits, or small businesses. Yet, these certifiers are reluctant to grant organic status to marijuana companies due to fears of losing their USDA accreditation.

Private Sustainable Cannabis Certification

In the absence of USDA certification, some states and private companies have stepped in to offer alternative certifications for cannabis that emphasize sustainability and organic practices. States such as California, Colorado, Maine, and Vermont have launched their own organic marijuana certification programs. Meanwhile, private certifiers like Sun and Earth, Clean Green, and Dragonfly Earth Medicine Pure (DEM Pure) have become well-known within the industry.

These private certifications allow businesses to demonstrate their commitment to sustainable practices, but they cannot use the word “organic.” This limitation poses a challenge for cannabis producers seeking to capitalize on the consumer recognition and trust that comes with USDA organic labeling.

“There's really meaningful value-add at the produce shelf. Consumers pay more for organic-certified products,” Gelt explains. “That effect has not taken hold with any of the commonly found cannabis

certifications that are effectively replacement regimes for organic.”

Value of Sustainable Certification

Despite the challenges, some, like Van Hook of Clean Green, argue that these private certifications do bring value to cannabis products. Clean Green certified more than 400,000 pounds of cannabis trim and flower across multiple states and Canadian provinces last year. Van Hook emphasizes that cultivators need to leverage these certifications effectively by using logos on products and marketing materials and maintaining an active social media presence.

“The only thing I’m concerned about is helping our own members get their products sold at a good price,” Van Hook asserts, highlighting the importance of certification for small growers who may not have the scale to compete with larger producers.

Value Opportunity

While Gelt remains skeptical about the current impact of organic certifications on marijuana pricing, he acknowledges the potential for future growth. He points out that in the broader consumer packaged goods market, organic products often command significant premiums, and there’s no reason why this shouldn’t eventually apply to cannabis.

“The value opportunity connected to organic certification is significant,” Gelt says. “People want to know that what they’re smoking doesn’t have noxious chemicals. I think there is a huge opportunity.”

This opportunity is especially crucial for small growers who lack the economies of scale of larger competitors. However, for the full potential of organic certification to be realized in the marijuana industry, significant legal changes would be necessary.

“The end of federal prohibition is likely what’s necessary to really unlock the organic opportunity as it pertains to marijuana,” Gelt concludes. “Until there’s a pathway for that product to have an easily understandable organic label, it’s very difficult for producers to realize the type of premium that typical consumer packaged goods companies can with an organic label.”

Looking Ahead

As the cannabis industry continues to evolve, the pursuit of organic certification remains a complex and unresolved issue. For now, private certifications provide a temporary solution, but the future may hold new opportunities for marijuana producers to gain the same recognition and market advantage that USDA organic certification affords other agricultural products.

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