



March 7, 2024

AMS to Require Certificates for All Organic Imports

As a follow up to our previous newsflash, we now have obtained a copy of the NOP Certificate and the completion instructions. You can access these documents at the following links:

<https://www.ams.usda.gov/sites/default/files/media/NOP%20Import%20Certificate.pdf>

<https://www.ams.usda.gov/sites/default/files/media/NOP%20Instructions%20for%20completing%20import%20certificate.pdf>

Following are some highlights from the previous newsflash as well.

All entry documentation must state product is organic. Under the final rule, as the organic product moves from the exporting country into the U.S., “all entry documentation including, but not limited to bills of lading, bills of sale, commercial invoices, and packing lists must clearly state that the product is organic,” the AMS said. *Note this info is critical to be included on all import documentation, as bold and as clear as possible in order for us, your Customs Broker, to ensure we are properly notified and aware to enter the product as Organic. We cannot be held responsible for any liability if the the proper information is not made readily available to us to declare the product as Organic at the time of entry.*

Data includes origin, certifying agent, HTS code. The U.S. importer or customs broker will then be responsible for entering the import certificate data into ACE as part of the import filing process, following the timelines set by CBP, the AMS said. Data to be entered in ACE includes the “origin; destination; the certifying agent issuing the NOP Import Certificate; harmonized tariff code, when applicable; total weight; and the organic standard the product was certified to (7 U.S.C. 6502(13)),” the AMS said.

Importer must verify organic compliance. Upon receiving a shipment, the organic importer must verify that the organic product complies with the USDA organic regulations. “This includes ensuring that an NOP Import Certificate is associated with the product received,” the AMS said. “It also includes verifying that the import has not been treated with a prohibited substance as a result of fumigation or treated with ionizing radiation at any point in the products’ movements across borders.” While verification may take various forms, the importer must have an “organic control system” that documents how the verification is conducted. That control system must be reviewed by the importer’s

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certifying agent, the AMS said. For Record-keeping, both the organic exporter and the organic importer must maintain records of NOP import certificates which must be available for inspection by the NOP and certifying agents.

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