



# American Shipping Company

## "News Flash"

February 29, 2024

### Reminder- AMS to Require Certificates for All Organic Imports

The final Agricultural Marketing Services rule requires that any organic agricultural product imported to the U.S. *on or after March 19, 2024*, be “associated with” a valid NOP (National Organic Program) import certificate, “generated by the certifying agent of the final certified exporter sending the product to the United States.” That’s a change from current requirements, under which the certificate is only used for organic products imported from countries with which the AMS has an equivalence determination, i.e., the EU, Switzerland, Japan, South Korea, Taiwan and the U.K. (Canada also has an equivalence determination but uses a different certificate).

“The rulemaking changes this to make the use of NOP Import Certificates mandatory, regardless of an imported product’s country of origin, or if that country has an equivalency determination with USDA,” the AMS said. “Specifically, this rulemaking requires that all imported products intended to be sold, represented, labeled, or marketed as organic in the United States must be declared as organic to [CBP], using an NOP Import Certificate.” The import certificates will be generated by the exporter’s USDA-accredited certifying agent or organic certifying agent accredited by countries with which the USDA has an equivalence determination or recognition arrangement. The certificates will be generated in the USDA’s Organic Integrity Database system. Only accredited organic certifying agents will be able to use the database. Each certificate will include a unique identifier. The certified organic exporter will provide the import certificate to the U.S. importer, which may then provide it to the customs broker.

“Organic exporters may be the final physical handler of organic products within a foreign country, or they may be the entities that facilitate, sell, or arrange the sale of organic products shipped to the United States,” the AMS said.

**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.

**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 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.



### **OFFICE LOCATIONS**

**Moonachie, NJ (201-478-4600) \* Long Beach, CA (562-435-2327) \* Schaumburg, IL (630-860-0782) Hong Kong • Shenzhen • Guangzhou • Shanghai • Ningbo • Nanjing • Dalian • Tianjin • Qingdao • Xiamen • Taiwan • Vietnam Cambodia • Indonesia • India**

**[www.shipamerican.com](http://www.shipamerican.com)**

American Shipping Company, 250 Moonachie Road, Moonachie, NJ 07074, USA

[Unsubscribe](#) [Manage preferences](#)