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Importer's Handbook: Meeting USDA AMS Organic Program Standards

INTRODUCTION

Effective March 19, 2024, the USDA Agricultural Marketing Service (AMS) has implemented the Strengthening Organic Enforcement (SOE) regulations to bolster the integrity of the organic supply chain.

This regulatory update from the USDA strengthens oversight and enforcement of organic agricultural products, aiming to safeguard the integrity of the organic supply chain and bolster consumer and industry trust in the USDA organic label. Key changes include enhancements to organic control systems, improvements in traceability from farm to market, and robust enforcement measures. The amendments cover a range of topics such as regulations applicability and exemptions, import certificates, recordkeeping, inspector qualifications, certification processes, labeling standards, compliance procedures, and organic content calculations for multi-ingredient products.

Steps for Compliance

Understanding the Updates

The final rule of the Strengthening Organic Enforcement ([SOE](#)) amends USDA organic regulations to fortify organic control systems, improve traceability, and reinforce enforcement (Final Rule Docket Number: [AMS-NOP-17-0065](#)). Notable requirements include the adoption of electronic NOP Import Certificates for organic products entering the U.S.

NOP Import Certificate Process and Management

Every shipment of organic products bound for the U.S. must be accompanied by an electronic [NOP Import Certificate](#), issued by an accredited certifying agent. These



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certificates are essential for clearance in the U.S. Customs and Border Protection's Automated Commercial Environment (ACE).

Certifiers may issue import certificates for single or multiple shipments, or for a specific time, based on their oversight systems. One NOP Import Certificate is issued per commodity/product or Harmonized Tariff Schedule (HTS) code. Upon approval of the import certificate request, accredited certifiers generate the NOP Import Certificate in the USDA's Organic Integrity Database ([INTEGRITY](#)) and furnish it to the requesting exporter/final handler. The exporter/final handler then provides the electronic NOP import certificate to the U.S. importer for ACE entry.

Certification for Certifiers and Importers

Both Importers, Recipients (UC), Final Handlers (ORP), and Exporters (EX) of organic goods must obtain certification. Importers hold the responsibility of verifying that their suppliers are certified and capable of providing the necessary NOP Import Certificate before shipment. Use the [CERTIFIER LOCATOR](#) to find your nearest certifier.

Requesting an NOP Import Certificate

Contact your Supplier/Exporter and request the NOP Import Certificate. If they are unable to verify these details, provide them with instructions to connect with a certifier in their location.

Entry into the U.S. Customs System

Accredited certifiers are tasked with issuing the NOP Import Certificate in the USDA's Organic Integrity Database upon request from their clients exporting products to the United States from other countries. Importers of organic products must then utilize the NOP Import Certificate data to complete their filing in the U.S. Customs and Border Protection's (CBP) import system ACE (Automated Commercial Environment).



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Preparing for Compliance

- ✓ Ensure your suppliers are certified and capable of providing NOP Import Certificates.
- ✓ Emphasize the importance of adhering to the new requirements to maintain access to the U.S. market.
- ✓ Clarify the certification necessity and the process for obtaining NOP Import Certificates.
- ✓ Foster collaboration with your suppliers to ensure compliance, which may involve adjusting their production or documentation processes.
- ✓ Update your internal systems to accommodate the changes, particularly for handling and submitting electronic NOP Import Certificates.

GLOSSARY OF KEY TERMS:

- USDA AMS: United States Department of Agriculture, Agriculture Marketing Service.
- SOE: Strengthening Organic Enforcement.
- NOP: National Organic Program.
- ACE: US Customs and Border Protection Automated Commercial Environment.



Strengthening Organic Enforcement (SOE) Final Rule

The Strengthening Organic Enforcement (SOE) final rule reduces fraud in the organic marketplace; strengthens oversight of organic producers, handlers, and certifiers; and improves USDA’s enforcement mechanisms. USDA used public comments to refine this final rule and maximize benefit to the organic industry.

Why is SOE Needed?

Organic supply chains have **become increasingly complex, reducing transparency** in the market and leading to **documented cases of organic fraud**.

Who is Impacted by SOE?

- USDA accredited certifying agents
- Organic inspectors
- Producers
- Processors
- Brokers, traders, exporters, and importers who are not certified organic

What Does SOE Do?

The SOE rule **protects organic integrity and bolsters consumer confidence in the USDA organic seal**.

The final SOE rule:

-  **Reduces** the number of uncertified entities in the organic supply chain.
-  **Requires** use of electronic import certificates.
-  **Strengthens** recordkeeping and supply chain traceability.
-  **Clarifies** AMS’s authority to oversee and enforce organic trade.
-  **Strengthens** oversight of accredited certifying agents.

SOE History

Proposed Rule

- SOE implements three provisions from the 2018 Farm Bill.
- SOE implements many National Organic Standards Board recommendations.
- Published as proposed rule in October 2020.

Public Comment

- 60-day public comment period.
- 1,525 comments received.

Final Rule

- Policy updated based on public comment.
- Final rule published in **January 2023**.

Enforcement

- 14-month implementation period.

How Does the Industry Benefit?

- ✓ Stronger tools and processes that help ensure **compliance**.
- ✓ Robust and consistent **enforcement** of the organic regulations.
- ✓ Improved farm to market **traceability**.
- ✓ Strong consumer and farmer **trust** in the organic label.
- ✓ **Level playing field** for organic farms and businesses.



Strengthening Organic Enforcement (SOE) Final Rule



SOE implements provisions from the 2018 Farm Bill

Reduces the types of **uncertified entities** in the organic supply chain that operate without USDA oversight—including importers, traders, and certain brokers of organic products.



Requires the use of **NOP Import Certificates** for all organic products entering the United States, expanding the use of certificates already in use and improving oversight and traceability of imported organic products.



Clarifies the **NOP's authority to oversee certification activities**, including requiring certifying agents to notify the NOP upon opening a new office.



SOE implements best practices and NOSB recommendations that further strengthen organic enforcement and fraud prevention



- Requires certified operations to develop and implement improved recordkeeping and organic fraud prevention procedures, conduct supply chain traceability audits, and develop information-sharing processes.
- Requires that nonretail containers used to ship or store organic products are labeled with organic identity and are traceable to auditable records.
- Clarifies how certified operations may submit changes to their organic system plan, reducing paperwork burden for operations and certifying agents.
- Clarifies how to calculate the percentage of organic ingredients in a multi-ingredient product, promoting consistent interpretation and application of the regulations.



- Requires certifying agents to issue standardized operation certificates generated from the USDA's Organic Integrity Database (OID), simplifying the verification of valid certificates of organic operation.
- Establishes specific qualifications and training requirements for certifying agent personnel, including inspectors and certification reviewers.
- Requires certifying agents to conduct unannounced inspections of at least 5% of the operations they certify, complete mass-balance audits during annual on-site inspections, and verify traceability back to the previous certified operation in the supply chain during inspections.



- Establishes certification requirements for producer group operations (grower groups) that provide consistent, enforceable standards and ensure compliance with the organic regulations.
- Clarifies conditions and requirements for equivalence determinations with foreign government organic programs.
- Clarifies that the NOP may initiate enforcement action against uncertified operations.
- Clarifies the NOP appeals process and using mediation as alternate dispute resolution.



Completing an NOP Import Certificate (NOP 2110-1)

To facilitate the exchange of organic products, the U.S. has established trade partnerships with several countries. These arrangements provide U.S. organic producers with additional market opportunities and allow consumers to enjoy a wider range of organic products year-round. The terms of each arrangement are available at: <http://www.ams.usda.gov/NOPInternationalAgreements>.

These instructions are designed to help authorized foreign organic certification bodies complete a National Organic Program (NOP) Import Certificate (NOP 2110-1):

- Box 1. Certified to _____ Organic Standards:** Enter the name of the organic standard to which the product is certified.
- Box 2. City and State of Product Destination:** Enter the U.S. city and state importing the product. The state name must not be abbreviated but spelled out in full.
- Box 3. Date:** Enter the date you completed the form (mm/dd/yyyy). This date may or may not be the same as the date you sign the form (Box 18).
- Box 4. Import Certificate Number:** Enter the unique identification number that you have assigned to the specific NOP Import Certificate you are completing. Each unique identification number may only be used once and must be maintained in a control log (paper-based or electronic) that records each export certificate that you create, including those issued, voided, or destroyed.
- Box 5. Exported By:** Enter the name and address, including postal code, of the individual or business that is exporting the product. If the final producer or preparer of the product is not the exporter, this will be reflected in Box 14.
- Box 6. Product Exported From:** Enter the name and address, including postal code, of the port of embarkation (address from which products leave the country).
- Box 7. Recipient in the U.S.:** Enter the name and address, including postal code, of the individual or business that will receive the product in the U.S.
- Box 8. Certifying Body Issuing Certificate:** Enter the name and address, including postal code, of the certification organization you represent.
- Box 9. Total Net Weight:** Enter the total net weight of the shipment covered by this NOP Import Certificate.
- Box 10. Total Containers:** If applicable, enter the total number of air or vessel containers carrying products covered by this NOP Import Certificate.
- Box 11. Product as Labeled:** For raw products, enter the common name of the product(s) (e.g. lemons or limes). For packaged products, enter the name shown on the principal display panel (front of the package). Multiple products may be covered by the same NOP Import Certificate, but must be listed separately.



- Box 12. Harmonized Tariff Code:** If HT Codes exist for the product(s) being covered by the NOP Import Certificate you are completing, enter the HT Code of the product(s). HT Codes are listed at <https://hts.usitc.gov/current>.
- Box 13. Shipping Identification:** Enter the identification information for how the product(s) covered by the NOP Import Certificate will travel from the exporting country to the U.S. This may include the flight number, vessel name or number, or container number.
- Box 14. Final Handler:** If different from the exporter (entered in Box 5), enter the name of the producer or preparer of the product.
- Box 15. Certifying Body of Final Handler:** If you certified the product(s) covered by this NOP Import Certificate, enter the name and address, including postal code, of the certification organization you represent. If another certification organization certified the product(s), enter their name and address, including postal code.
- Box 16. Remarks and Attestations:** Enter any remarks or attestations for the product(s) covered by this NOP Import Certificate.
- Box 17. Signature of the Certifying Body:** Submit the completed form to the individual designated to sign NOP Import Certificates on behalf of your certification organization and attest to its authenticity. This individual is responsible for all aspects of the issuance of the NOP Import Certificate, including ensuring security of blank NOP Import Certificates and oversight of the NOP Import Certificate control log.
- Box 18. Date:** Enter the date (dd/mm/yyyy) this NOP Import Certificate is signed. This date may or may not be the same as the date of data entry in Box 3.



U.S. DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 NATIONAL ORGANIC PROGRAM

NOP IMPORT CERTIFICATE

A knowingly false entry or false alteration of any entry on this certificate may result in a fine of not more than \$11,000 or imprisonment for not more than five years or both (18 USC 1001).

1. CERTIFIED TO ORGANIC STANDARDS

2. CITY AND STATE OF PRODUCT DESTINATION 3. DATE 4. IMPORT CERTIFICATE NUMBER

5. EXPORTED BY (NAME AND ADDRESS) 6. PRODUCT EXPORTED FROM

7. RECIPIENT IN THE U.S. (NAME AND ADDRESS) 8. CERTIFYING BODY ISSUING CERTIFICATE (NAME AND ADDRESS)

9. TOTAL NET WEIGHT 10. TOTAL CONTAINERS

11. PRODUCT AS LABELED	12. HARMONIZED TARIFF CODE AS APPLICABLE	13. SHIPPING IDENTIFICATION	14. FINAL HANDLER	15. CERTIFYING BODY OF FINAL HANDLER

16. REMARKS AND ATTESTATIONS

I CERTIFY that the agricultural products specified hereon have been certified under an organic certification program that is at least equivalent to the requirements of the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. Sec. 6501 et seq.) and are therefore deemed by USDA to have been produced and handled in accordance with the OFPA and USDA organic regulations under the National Organic Program 7 CFR part 205.

17. SIGNATURE OF CERTIFYING BODY 18. DATE

No financial liability shall attach to the United States Department of Agriculture or to any officer or representative of the Department with respect to this certificate.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0191. The time required to complete this information collection is estimated to average 30 minutes per person, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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Strengthening Organic Enforcement: Import Certificates

NOP Import Certificates are a key part of Strengthening Organic Enforcement’s (SOE) integrated strategy. By providing an auditable record trail of the import process, Import Certificates support traceability and verification of organic integrity. The data collected in Import Certificates will also allow NOP to monitor market trends, surveil imports, and detect and prevent fraud. This document pairs condensed regulatory text from [section B—Imports to the United States](#)—with a plain-language description of what the change means. **Bolded text** in the table below indicates a **key concept**.

General Comments from the National Organic Program: Organic import certificates provide critical data allowing USDA to see what organic products are coming into the country and from where. This will help guide future surveillance work. Further, invalid certificate numbers will be flagged, allowing us to follow-up quickly with importers. It is critical that certifiers overseeing exporters sending product to the U.S. have effective organic control system for verifying the integrity of organic products and claims.

B. Imports to the United States

Section	Condensed Regulatory Text	Key Takeaways
205.2	DEFINITION <i>Organic exporter.</i> The final certified exporter of the organic agricultural product, who facilitates the trade of, consigns , or arranges for the transport/shipping of the organic agricultural product from a foreign country to the United States.	Organic exporters to the U.S. must be certified. They export the product and therefore must have their certifier approve and generate an Import Certificate.
205.2	DEFINITION <i>Organic importer.</i> The operation responsible for accepting imported organic agricultural products within the United States and ensuring NOP Import Certificate data are entered into the U.S. Customs and Border Protection import system of record.	Organic importers must be certified. They import the product and must verify its integrity. They also check that the import matches the Import Certificate.



Section	Condensed Regulatory Text	Key Takeaways
205.273	Imports to the United States.	This section is entirely <i>new</i> .
205.273	Each shipment of organic agricultural products imported into the United States must be certified pursuant to subpart E of this part, labeled pursuant to subpart D of this part, be declared as organic to U.S. Customs and Border Protection, and be associated with valid NOP Import Certificate data .	SCOPE of the NOP Import Certificate: <ul style="list-style-type: none"> • What can be imported? Products certified to the USDA organic standard or equivalent under a trade arrangement. • When is an Import Certificate needed? For any organic agricultural product <u>imported into the U.S., regardless of country of origin</u>. • What needs an Import Certificate? Each <u>shipment</u> of organic agricultural product needs to be associated with an NOP Import Certificate.
205.273 (a)	Persons exporting organic agricultural products to the United States must request an NOP Import Certificate from a certifying agent prior to their export . Only certifying agents accredited by the USDA or foreign certifying agents authorized under an organic trade arrangement may issue an NOP Import Certificate.	NOP Import Certificate PROCESS: <ul style="list-style-type: none"> • The certified exporter to the U.S. sends export shipment data to their certifier and requests an Import Certificate. The certifier verifies the information and issues the Import Certificate from the USDA Organic Integrity Database (INTEGRITY). • The certifier who issues the NOP Import Certificate must be accredited either by USDA or by another government under a trade arrangement.
205.273 (b)	The certifying agent must review an NOP Import Certificate request and determine whether the export complies with the USDA organic regulations. The certifying agent must have and implement a documented organic control system for intaking and approving or rejecting the validity of an NOP Import Certificate request. The certifying agent shall issue the NOP	PROCESS continued... <ul style="list-style-type: none"> • The exporter’s certifier reviews the Import Certificate request and determines if the shipment is compliant. • Once the approved, the certifier generates an Import Certificate in INTEGRITY.

Section	Condensed Regulatory Text	Key Takeaways
	<p>Import Certificate through the Organic Integrity Database only if the export complies with the USDA organic regulations.</p>	<ul style="list-style-type: none"> • The certifier then gives the Import Certificate (or data) to the exporter, who gives it to the importer. A physical copy does not need to accompany a shipment. Electronic transfer of records is already common in the industry. • If the certifier’s control system provides sufficient oversight to allow it, a certifier may issue one Import Certificate for multiple shipments in a given timeframe or volume of product.
205.273 (c)	<p>Each compliant organic import must be declared as organic to U.S. Customs and Border Protection by entering NOP Import Certificate data into the U.S. Customs and Border Protection’s Automated Commercial Environment system. Organic imports must be clearly identified and marked as organic on all import documents including but not limited to invoices, packing lists, bills of lading, and U.S. Customs and Border Protection entry data. Only NOP Import Certificate data generated by the Organic Integrity Database are valid.</p>	<p>PROCESS continued...</p> <ul style="list-style-type: none"> • A Customs broker uploads the Import Certificate data into ACE. If the importer is a licensed Customs broker, they may upload the data themselves. • “Clearly identified and marked as organic” is a reference to SOE’s updated labeling and recordkeeping requirements. This reinforces that clear organic identification in records is necessary for traceability and product verification.
205.273 (d)	<p>Upon receiving a shipment...the organic importer must ensure the import is accompanied by accurate NOP Import Certificate data and must verify that the shipment has had no contact with prohibited substances...or exposure to ionizing radiation... since export. The organic importer must have a documented organic control system to conduct this verification.</p>	<p>PROCESS continued...</p> <ul style="list-style-type: none"> • The importer verifies compliance of the import. This includes verifying that the shipment has a valid Import Certificate and has not been fumigated or irradiated. • Other types of verification may be necessary depending on the product and country of origin.



Section	Condensed Regulatory Text	Key Takeaways
205.300 (c)	Products produced in a foreign country and exported for sale in the United States must be certified pursuant to subpart E of this part, labeled pursuant to this subpart D, and must comply with the requirements in § 205.273.	This general labeling requirement in subpart D (Labels, Labeling, and Market Information) now includes a cross-reference to NOP Import Certificates.