



AMERICERT INTERNATIONAL

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Guidance on Completing Handler Organic System Plan Modules:

Module H10 Imports and Non-Domestic Suppliers

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To verify compliance with § 205.273, Module H10 is to be completed by operations that meet one or more of the following criteria:

- They import, purchase, broker, or receive organic items from a source or location outside the United States.
- They have products copacked in a foreign country.
- They have products supplied by a supplier or copacker that is certified organic under a foreign equivalency arrangement, rather than certified to the USDA National Organic Program standards.

Operations that fall into any of the above groups must implement (and describe in their OSP) their Organic Control System, which includes verification of import suppliers, obtaining and maintaining NOP Import Certificates, verifying items received/purchased, and protecting from prohibited substances. In addition, operations that fall into any of the above groups have additional record keeping requirements.

§ 205.273 Imports to the United States

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.

- (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 or agreement may issue an NOP Import Certificate.
- (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 Import Certificate through the Organic Integrity Database only if the export complies with the USDA organic regulations.
- (c) 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.
- (d) Upon receiving a shipment with organic agricultural products, 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 pursuant to [§ 205.272](#) or exposure to ionizing radiation pursuant to [§ 205.105](#), since export. The organic importer must have a documented organic control system to conduct this verification.

Section 1: Organic Control System

Each shipment of organic agricultural products imported into the United States must be certified organic, labeled appropriately, and associated with a valid NOP Import Certificate. (§ 205.273). Organic importers must have a documented organic control system to conduct verification of imports and to protect organic integrity. (§ 205.273(d)). Organic Control Systems must include measures for verification of import suppliers, obtaining and maintaining NOP Import Certificates, verifying items received/purchased, and protecting organic items from prohibited substances.

A. Verification of Import Suppliers. Operations must, at a minimum, do the following:

1. Operations must confirm the organic exporter is certified organic. Organic Exporters must be certified organic (by certifying agents accredited by the USDA NOP or certifying agents authorized by trade arrangement or agreement) and must request an NOP Import Certificate from their certifier prior to export (§ 205.273(a)). The organic exporter 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. Confirmation of status of organic exporter can be accomplished by obtaining the organic certificate for the exporter or by confirming the exporter is listed as such on the Organic Integrity Database.



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2. Operations must maintain the organic certificate for the last certified organic source showing that the source of the product is certified to NOP standards (or a recognized equivalency such as EU, Canada, Taiwan, Israel, Japan, New Zealand, South Korea, United Kingdom), as evidenced by an organic certificate that lists the last certified organic source and the organic item purchased, received, brokered, or imported. Neither the EU nor Canada has a label claim such as "100% Organic;" therefore, products obtained under either the EU or Canada equivalency arrangement may not be represented as "100% Organic" or used as an ingredient in a product seeking a "100% Organic" label claim.

3. If the source is certified to EU, Taiwan, Israel, Japan, New Zealand, South Korea, or United Kingdom standards, this operation must verify that the last certified organic source of the organic item is located in EU, Taiwan, Israel, Japan, New Zealand, South Korea, or United Kingdom, respectively.

B. NOP Import Certificates. NOP Import Certificates are required for any product imported into the United States that is being represented, sold, marketed, or labeled organic, regardless of the product's county of origin or if that country has an equivalency determination with the USDA. NOP Import Certificates must be obtained and maintained for all imports. NOP Import Certificates shall only be issued through the Organic Integrity Database. (§ 205.273(b) and (c)). Operations must, at a minimum, do the following:

1. Operations must verify that each inbound load is associated with a valid NOP Import Certificate for the product received. Organic shipments are to be associated with, and not necessarily accompanied by, a valid NOP Import Certificate at the time of entry into the United States. NOP Import Certificates may be issued for a specific transaction or for multiple transactions over a specified timeframe not exceeding one year in duration.

2. Operations must maintain copies of the NOP Certificates, physically or electronically, and agree to make the NOP Import Certificates available for inspection.

3. Operations must verify that the NOP Import Certificate data accurately reflects the shipment by verifying that:

- The **types of products** specified on the NOP Import Certificate are those received.
- The **quantities received** are equal to or less than the amount authorized on the NOP Import Certificate.

4. Operations must confirm that the NOP Import Certificate lists the certified organic exporter as the entity issuing it.

5. If the operation is an organic importer, it must ensure (or contract with Customs Brokers to ensure) that the NOP Import Certificate data are entered into the U.S. Customs and Border Protection import system of record. An organic importer is the operation responsible for accepting imported organic agricultural products within the United States. An importer of record usually owns the goods at the time of import and until they reach their destination, which may be this operation or another wholesaler. Each organic import must be declared as organic to U.S. Customs and Border Protection by entering NOP Import Certificate data into U.S. Customs and Border Protection's Automated Commercial Environment system. (§205.273(c)).

C. Verification of Items Received/Purchased. Upon receipt, the certified organic importer must ensure the load is accompanied by an accurate NOP Import Certificate and must verify that the load has not had contact with prohibited substances or exposure to ionizing radiation. (§205.273(d)). Operations must, at a minimum, do the following:

1. Operations that do not physically receive the organic items must have a practice of having the buyer/receiver notify this operation immediately if organic integrity of the load appears impaired.

2. Operations that physically receive the organic items must verify the organic integrity of imported product via an inbound inspection.

3. If offsite storage locations are used, operations must have a practice that the offsite storage notifies this operation of the receipt of an inbound load and inspects it to confirm organic integrity appears intact.

D. Protection from Prohibited Substances. Operations must, at a minimum, do the following:

1. As verification that the import has not been treated with a prohibited substance as a result of fumigation or treated with ionizing radiation, operations must implement a practice where this operation has communicated with their Customs Brokers to be informed of any EANs (Emergency Action Notices) issued, indicating that the import was treated with a prohibited substance



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as a result of fumigation or treated with ionizing radiation at any point in the products' movement across borders. U.S. Customs and Border Protection Agriculture Specialists (CBPAS) performs agricultural inspections to ensure shipments do not pose a risk to U.S. agriculture or natural resources. CBPAS submits pest interceptions to USDA's Animal Plant Health Inspection Service (APHIS) for identification. If the pest submission is determined to be a threat to the United States, the shipment may be treated as a required measure. Some commodities may require treatment upon entry into the United States, either because plant pests or diseases are detected, or as a mandatory condition of entry. Treatment of imported agricultural products may involve fumigation with substances prohibited for use in organic production, such as methyl bromide, sulfuryl fluoride, and phosphine (aluminum phosphide or magnesium phosphide). Imported agricultural products may be subject to ionizing radiation, which is also prohibited for use in organic production and handling. Imported organic products treated with ionizing radiation or a substance prohibited by the USDA organic regulations may not be sold, labeled, or represented as organic or organically produced or handled. Prior to taking any action, Customs and Border Protection notifies responsible parties of a shipment's mitigation plans; options are to either re-export, treat, or destroy the shipment. As part of a pre-clearance process or pre-arranged operational work plan with the exporting country, some products are treated prior to arrival in the United States.

2. Operations must implement a policy that loads treated with a prohibited substance will either be rejected or re-allocated for nonorganic handling and that this rejection or re-allocation will be documented.
3. Operations must have a practice and policy that transporters and exporters must notify this operation of any application of substances to organic items in transit and upon entry to the United States.
4. If offsite storage locations are used, operations must have a practice and policy that offsite storage locations provide to this operation reports of any incidents of organic items contaminated, damaged in shipping or storage, commingled, or subject to phytosanitary treatment which includes how the product was compromised, the amount of product compromised and the final disposition of the compromised product (e.g., destroyed, removed from organic inventory and sold as conventional, etc.).

Section 2: Recordkeeping

The below items are **in addition to** recordkeeping requirements in Module 6, not in replacement of it.

1. Operations must confirm and verify that **ALL** entry documentation clearly states the organic status of the organic items. Entry documentation includes but is not limited to bills of lading, receiving documents, inventory records, shipping manifests, purchase orders, bills of sale, invoices, packing lists, and U.S. Customs and Border Protection entry data. Organic imports must be clearly identified and marked as organic on all import documents. (§205.273(c)).
2. If the last certified organic source is certified to COR standards or to the US-Canada Organic Equivalency Arrangement, operations must confirm that each shipment of these products is accompanied by documentation which clearly states "Certified in accordance with the terms of the US-Canada Organic Equivalency Arrangement."
3. In addition to records required to be maintained in Module 6, operations may choose to maintain additional import records for organic items imported/received as follows:
 - Weight tickets, receipts, and tags
 - Clean truck/container affidavits for bulk product verifying that truck/container was thoroughly cleaned and poses no risk of contact with prohibited substances
 - Phytosanitary certificates from the last country of export
 - Certificates of Analyses or Product Specification Sheets
 - Attestation Statements
 - Transaction Certificates (issued by organic certifiers to verify organic origin and status of product)
 - US Customs and Border Protection Entry Documents (such as CBP Form 3461 Entry/Immediate Delivery or CBP Form 7501 Entry Summary)
 - APHIS Import Certificates (required for imports of some fruits and vegetables and for regulated plants and plant products)
 - AMS Specialty Crops Certificate or electronic Inspection Certificate
4. Operations may also choose to have bulk organic items that are purchased or received labeled with special handling instructions such as "Organic product, do not fumigate or treat with irradiation" on the bulk label and on other import documents.