## NATIONAL ORGANIC STANDARDS BOARD FINAL RECOMMENDATION PROPOSED RULE REGARDING IMPORTATION OF ORGANIC AGRICULTURAL PRODUCTS

Adopted: June 3, 1994

Location: Santa Fe, New Mexico

I. Authority: U.S. Organic Foods Production Act of 1990

§2102 et seq.; §2106(b)

II. Scope:

The recommendation set forth herein governs the importation of any foreign product, whether raw or processed, that is offered for entry to the United States as organically produced and/or handled. The rule also governs the export of foreign products brought into the United States pursuant to this rule. The definitions appearing herein are intended to apply to this regulation solely.

## III. Definitions:

- a. "Certification Program", means a system for determining whether a product conforms with product standards applicable to that product; and if a product so conforms, for attesting, by means of a document, mark, or other appropriate evidence of conformity, to that conformity.
- b. **"Foreign Product"**, refers to any product that has a country of origin other than the United States or its possessions or territories.
- c. "Imported" means a foreign product that has been released by the U.S. Customs Service for importation into the United States.
- d. "International Organic Standards Organization" (IOSO), means any organization,
- 1. The membership of which is open to representatives of all countries, whether public or private, including representatives of the United States and,
- 2. has been recognized by the Secretary for the oversight purposes set forth herein.
- e. "Standard" means, any of the following:
- 1. The specification of the characteristics of a product, including, but not limited to, levels of quality, performance, safety, or dimensions.
- 2. Specifications relating to the terminology, symbols, testing and test methods, packaging, or marking or labeling requirements applicable to a product.

3. Administrative procedures related to the application of any specification referred to in paragraph (1) or (2) above.

IV. Rules

## **Importation**

A foreign product, whether raw or processed, that is imported into the United States as organically produced and/or organically handled, shall be imported pursuant to one of the following three methods:

- A. Foreign products may enter the United States if they bear the official shield, seal or mark of a certification program or certification agent provided that the certification program or agent is regulated by a foreign sovereign, an IOSO, or regional entity that is recognized by the Secretary as regulating the certification program or agent in a manner that ensures observance of standards that are at least equivalent to those set forth in the United States Organic Certification Program.
- B. Foreign products may enter the United States if they bear the official shield, seal or mark of an organic certification program or agent that has received accreditation as a certifying agent or, where applicable, approval as a State program by the Secretary, provided all additional requirements for United States accredited agents or, where applicable, approved State programs certifying in non-United States' territory are met.
- C. Foreign products may enter the United States if they bear the official shield, seal or mark of a certification program or agent, provided that the Secretary has determined that the certification program or agent ensures observance of standards that are at least equivalent to those set forth in the United States organic certification program.
- V. Exportation of Imported Products
- A. No foreign product imported under this regulation that is handled within the United States, may be exported from the United States for purpose of sale as organically produced and handled, unless it is handled by a certified handler having received certification from a certifying agent accredited by the Secretary or a State program approved by the Secretary. See §2106(a)(1).
- VI. Maintaining Organic Integrity During Importation

Recommendations related to maintaining organic integrity during importation of organic products will be developed later.

1. These definitions are slightly modified versions of the ones appearing at 19 U.S.C.A. §2571.