



April 11, 2019

The Honorable Sir Nigel Kim Darroch
British Ambassador to the United States of America
British Embassy Washington
3100 Massachusetts Avenue, N.W.
Washington, D.C. 20008

Dear Ambassador Darroch:

The U.S. Department of Agriculture (USDA), in coordination with the Office of the U.S. Trade Representative (USTR), has reviewed the organic system applied in the United Kingdom of Great Britain and Northern Ireland ("UK") for agricultural products produced and handled in accordance with Council Regulation (EC) No 834/2007 and Commission Regulations (EC) No 889/2008 and 1235/2008 ("the EU Regulations"). Based on that review, USDA has determined pursuant to the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. §§ 6501 et seq.), under authority delegated to the Secretary of Agriculture by the President, that agricultural products produced and handled in accordance with the organic system applied in the UK, as in effect in September of 2018, are produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of OFPA. Further, USDA expects the organic system applied in the UK, as in effect in September of 2018, to remain in place upon the UK's exit from the European Union.

Accordingly, subject to the conditions set forth in Appendix I of this letter, agricultural products produced and handled in conformity with the organic system applied in the UK, as in effect in September of 2018, are deemed by the USDA to have been produced and handled in accordance with the OFPA and USDA's organic regulations under the National Organic Program (NOP) (7 CFR part 205, hereinafter "USDA NOP regulations"). These products may be sold, labeled, or represented in the United States as organically produced, including by display of the USDA organic seal, under the conditions set forth in Appendix 1.

The United States is also pleased to acknowledge the UK letter of April 11, 2019 that outlines the arrangements that will apply in the UK to continue to recognize the USDA NOP after the UK ceases to be a Member State of the European Union (EU) and of the European Atomic Energy Community (Euratom). USDA's Agricultural Marketing Service and Foreign Agricultural Service as well as USTR are committed to working with the UK Department for Environment, Food & Rural Affairs (DEFRA) as described in our respective letters and associated appendices.



Bruce Summers
Administrator, Agricultural Marketing
Service
U.S. Department of Agriculture



Gregory F. Doud
Chief Agricultural Negotiator,
Office of the U.S. Trade Representative

Appendix 1: UK Products

- A. A UK product may be sold, labeled, and represented as organic in the United States if it is:
1. Certified organic to the UK organic program;
 2. Either grown in the UK, produced in the UK, or a product for which final processing or packaging has occurred in the UK ;
 3. For any wine product, produced and labeled according to the USDA NOP regulations; and,
 4. For livestock products or livestock products used as ingredients in any product covered under this Paragraph, derived from animals not treated with antibiotics.
- B. A UK product covered under Paragraph A above and imported into the United States:
1. Must be labeled according to USDA NOP labeling requirements as described in the USDA NOP regulations;
 2. May display the USDA organic seal; and
 3. Must be accompanied by an NOP Import Certificate, Form NOP 2110-1, from a DEFRA-accredited and -supervised certification body that attests to compliance with the terms of this Appendix.
- C. DEFRA will notify the USDA in a timely manner of any instances of the following:
1. Changes with respect to the accreditation status of any DEFRA-accredited certification bodies;
 2. Proposed and final regulations and guidelines in the UK that may affect this Appendix; and,
 3. Notifications of non-compliances that may affect the organic status of UK products covered under Paragraph A above.
- D. Following advance notice from the USDA, DEFRA will permit USDA officials to conduct on-site evaluations in the UK to verify that the relevant regulatory authorities and certification bodies of the UK organic program are carrying out the requirements of the program. DEFRA will cooperate and assist the USDA, to the extent permitted, in carrying out these on-site evaluations, which may include visits to offices of relevant regulatory authorities, certification body offices, production facilities, and farms that DEFRA-accredited certification bodies have certified in the UK. The USDA will submit to DEFRA

a written report of any such on-site evaluation including any findings that may affect this Appendix. DEFRA will provide a written response to findings identified by the USDA, including completed or planned corrective actions, in a timely fashion.

E. DEFRA will provide to the USDA the following documents in each subsequent calendar year by 31 March:

1. A report that contains information regarding the types and quantities of UK products exported to the United States under this Appendix over the prior calendar year;
2. A list of certification bodies accredited and supervised by DEFRA within the scope of the UK organic program; and,
3. A list of organic operations certified according to the UK organic program.

Appendix 2

1. The United States and UK are committed to working together in an Organic Working Group consisting of representatives of the USDA and the USTR on behalf of the United States and representatives of DEFRA on behalf of the UK.
2. The purpose of the Organic Working Group is to promote bilateral trade and to enhance regulatory and standards cooperation between DEFRA and the USDA on issues related to organic agricultural products.
3. The Organic Working Group expects to meet annually to:
 - Review any proposed legislation and rulemaking with a view to maintain equivalency;
 - Foster technical cooperation between the competent authorities and share best practices related to implementing robust oversight controls;
 - Discuss best practices and other issues related to organic agricultural products; and,
 - Consider the scope and further development of Appendix 1.
4. The Organic Working Group should become operational when the UK ceases to be a Member State of the EU and any transition period has come to an end. The Organic Work Group should, within 12 months of becoming operational, review the operation of the arrangements between the United States and the UK in relation to trade in organic agricultural products with a view to proposing any changes.