Complying with SOE:
Importing/Exporting Organic Products to the U.S.

What has changed: With the implementation of USDA's Strengthening Organic Enforcement (SOE) rule, electronic import certificates will be required for all imported organic products entering the U.S., regardless of their origin or how they are packaged. SOE also requires certification of all exporters and importers of organic products.

When does it change: March 19, 2024

Who is impacted: Exporters, Exporter's Certifiers, Importers, Importer's Customs Broker, Importer's Certifier.

What is my responsibility:

**Organic Exporter**
A certified exporter of organic agricultural product(s) who facilitates the trade of, consigns, or arranges for the transport/shipping of organic agricultural products from a foreign country to the United States.

**Exporter's Certifier**
Any entity accredited by the U.S. Secretary of Agriculture as a certifying agent for organic production or handling operations. Can be a USDA-accredited certifying agent or a foreign certifying agent authorized under an organic trade arrangement.

**Organic exporters** shipping to the U.S. must be certified by a certifying agent accredited by the USDA or a foreign certifying agent authorized under an organic trade arrangement.

**Exporters** must provide export data to the Exporter's Certifier to get issued the NOP Import Certificates for the organic products.

Organic products exported to the U.S. 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.

**Exporters** must provide the issued NOP Import Certificate to the Organic Importer.

**Exporter's Certifier**
uploads Exporter's certification information into NOP's Organic Integrity Database.

**Exporter's Certifier** uses NOP's Organic Integrity Database to issue NOP Import Certificates to Exporter.

**Exporter's Certifier** must review NOP Import Certificate requests and determine whether the given export complies with the USDA organic regulations and must have a control system for approving or rejecting the validity of an NOP Import Certificate request.

**Exporter's Certifier** must use on-site inspections to audit quantities of the Exporter's produced or purchased accounts for the Exporter's organic product(s) used, stored, sold, or transported.

**Exporter's Certifier** must verify that the Exporter can trace the organic product(s), including NOP Import Certificate documentation, from the time of purchase or acquisition through production to sale or transport.
**Organic Importers** to the U.S. must be certified by a certifying agent accredited by the USDA and listed in NOP’s Organic Integrity Database. Importers must obtain NOP Import Certificates from Organic Exporters and provide them to the Importer’s Customs Broker for customs clearance. Organic imports to the U.S. 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.

- Transporters that strictly transport organic products do not require organic certification. Transport is not included in the regulatory or statutory definitions of handling. SOE requires that Importers use audit trails and traceability to verify that uncertified transporters don’t compromise integrity.

The Importer’s Customs Broker receives the NOP Import Certificate from the Organic Importer. The Broker then uploads the Import Certificate data into U.S. Customs and Border Protection’s Automated Commercial Environment (ACE) system. If the importer is a licensed Customs Broker, they may upload the data themselves.

A customs business is further defined in 19 CFR 111.1 and includes “activities involving transactions with CBP [U.S. Customs and Border Protection] concerning the entry and admissibility of merchandise . . . payment of duties, taxes, or other charges . . . the preparation . . . of documents in any format and the electronic transmission of documents . . . intended to be filed with CBP in furtherance of any other customs business activity . . . “
### DEFINITION

**Importer's Certifier**

*Any entity accredited by the U.S. Secretary of Agriculture as a certifying agent for organic production or handling.*

### REQUIREMENTS

- **Importer's Certifier** must use on-site inspections to audit and verify quantities of the Importer’s produced or purchased products account for the Importer’s organic product(s) used, stored, sold, or transported.

- **Importer's Certifier** must verify that the Importer can trace the organic product(s), including NOP Import Certificate documentation, from the time of purchase or acquisition through production to sale or transport, including NOP Import Certificate documentation.

### U.S. Customs and Border Protection

- Manages import data flow through the Automated Commercial Environment system and provides import data to NOP.

### National Organic Program (NOP)

- Monitors mass balance information and runs analytics to verify crop acreage data matches imports. Initiates and conducts investigations as necessary directly or with Importer's Certifier or Exporter's Certifier.
To prepare a shipment for export, a Certified Exporter in the origin country sends export shipment data to their Certifier and requests an NOP Import Certificate. The Exporter must identify products as organic on all export documents, including but not limited to invoices, packing lists, bills of lading, and U.S. Customs and Border Protection entry data.

The U.S. Importer verifies compliance of the import, including a valid import certificate associated with the specific shipment, and they (or a Customs Broker) upload the import certificate data into CBP’s Automated Commercial Environment (ACE), the system used by the government to determine admissibility to the U.S. The Importer must identify products as organic on all export documents, including but not limited to invoices, packing lists, bills of lading, and CBP entry data. The Importer must have a control system in place to verify each shipment has had no contact with prohibited substances or exposure to ionizing radiation during transportation.

Import data entered into the ACE system is used by NOP to verify the validity of import certificates, track shipment quantities, and conduct traceability investigations. The NOP Import Certificate should be retained by the Exporter and Importer for review.

NOP Import Certificates are audited by Exporter’s Certifier during Exporter’s annual inspection. NOP Import Certificates are audited by Importer’s Certifier during Importer’s annual inspection.