



## United States of America Overseas Market Access Requirements

Amendment 4

12 March 2024

## TITLE

Organic Export Requirement: United States of America Overseas Market Access Requirements

## COMMENCEMENT

This Organic Export Requirement is effective from 12 March 2024.

## REPLACEMENT

This Organic Export Requirement replaces Organic Export Requirement: USA Overseas Market Access Requirements, dated 19 August 2021.

## ISSUING BODY

This Organic Export Requirement is issued by the Ministry for Primary Industries under the Official Organic Assurance Programme.

Dated at Wellington, 12 March 2024

[Signed and dated]

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## Introduction

This introduction is not part of the Organic Export Requirement, but is intended to indicate its general effect.

## Purpose

This Organic Export Requirement (OER) outlines the specific overseas market access requirements that must be met to export, or supply for export, organic products produced in compliance with the Official Organic Assurance Programme (OOAP) to the United States of America (USA).

## Background

In 2002, the United States Department of Agriculture - Agricultural Marketing Service (USDA-AMS) established a Recognition Agreement with New Zealand.

The USDA-AMS determined that the conformity assessment system used by the New Zealand Ministry of Agriculture and Forestry (currently the Ministry for Primary Industries) to accredit organic certification organisations (recognised agencies) was sufficient to ensure conformity with the technical standards of USDA's National Organic Program (NOP).

The agreement allows MPI recognised agencies to apply the NOP technical standards to New Zealand organic agricultural products, including the application of the USDA organic seal on New Zealand agricultural product, when all applicable NOP regulations are met. These products can then be imported for sale in the United States.

The Organic Export Requirement: Overseas Market Access Requirements (OER: OMARs) are an essential part of the Ministry for Primary Industries (MPI) system for official assurances for organic products.

Official Organic Assurances only attest to compliance with the importing markets organic regulatory requirements. Exporters are responsible for ensuring their consignments comply with all other relevant regulatory requirements of the importing market. Exporters are recommended to refer to [Exporting food and beverages](#) for further information.

OERs issued by MPI override any advice your importer may have, but where MPI has no advice on a specific topic, your importer can also be an important source of information on the regulatory requirements of their markets.

## Who should read this Organic Export Requirement?

- (1) OER: US OMAR should be read by:
  - a) operators producing, processing, or handling products under the OOAP for export to the USA; and
  - b) exporters exporting organic products under the OOAP to the USA; and
  - c) agencies and persons recognised by MPI to provide services on behalf of MPI for the OOAP.

## Why is this important?

OER: US OMAR sets out the requirements that must be met for MPI to certify that the organic product meets the requirements New Zealand has negotiated with the government of the USA. It should be noted that although product may comply with these requirements and be given an official assurance (as relevant, by way of a USDA NOP Import Certificate); the importing country or market ultimately retains control over what product it clears for entry.

## Document history

No.	Version Date	Section Changed	Change(s) Description
0	3 June 2010	First publication	
1	1 March 2011		change from NZFSA to MAF
2	13 March 2017	Various	<ul style="list-style-type: none"> <li>• update to new template;</li> <li>• change from MAF to MPI;</li> <li>• adding exporter registration requirement.</li> </ul>
3	19 August 2021	All sections	<ul style="list-style-type: none"> <li>• revised template structure;</li> <li>• updated to capture new Organic Export Requirements (OERs).</li> </ul>
4	12 March 2024	All relevant sections	<ul style="list-style-type: none"> <li>• general formatting updates for requirements documents.</li> </ul>
		Introduction	<ul style="list-style-type: none"> <li>• clarify guidance on compliance with regulatory requirements.</li> </ul>
		Clause 1.1	<ul style="list-style-type: none"> <li>• clarify scope of products covered using NOP terminology.</li> </ul>
		Clause 1.2	<ul style="list-style-type: none"> <li>• add definitions for: <ul style="list-style-type: none"> <li>– final handler;</li> <li>– Global Organic Integrity (database);</li> <li>– National Organic Program (NOP) regulations;</li> <li>– NOP Handbook;</li> <li>– NOP Import Certificate;</li> <li>– NOP technical standards;</li> <li>– Organic Integrity (database);</li> <li>– organic system plan (OSP);</li> <li>– United States Department of Agriculture;</li> </ul> </li> <li>• delete definition for operator.</li> </ul>
		Clause 1.3.1	<ul style="list-style-type: none"> <li>• previously clause 1.4.1;</li> <li>• clarify requirements for all operators (including organic exporters).</li> </ul>
		Clause 1.3.2	<ul style="list-style-type: none"> <li>• new;</li> <li>• clarify requirements for organic exporters (operators who export).</li> </ul>
		Clause 1.3.3	<ul style="list-style-type: none"> <li>• previously clause 1.4.2;</li> <li>• add a requirement to include a fraud management plan in the organic management plan.</li> </ul>
		Clause 1.3.4	<ul style="list-style-type: none"> <li>• previously clause 1.4.3;</li> <li>• add a requirement to keep records when any un-certified contractor is used;</li> </ul>

No.	Version Date	Section Changed	Change(s) Description
			<ul style="list-style-type: none"> <li>add a requirement to have (access to) the Organic Integrity certificate for any imported, NOP certified, organic ingredients.</li> </ul>
		-	<ul style="list-style-type: none"> <li>previously clause 1.4.4 deleted.</li> </ul>
		Clause 1.3.5	<ul style="list-style-type: none"> <li>previously clause 1.4.5;</li> <li>clarify requirements on product identification and labelling.</li> </ul>
		Clause 1.3.6	<ul style="list-style-type: none"> <li>previously clause 1.4.6;</li> <li>major revision to the requirements (and guidance) for official organic assurances to add instructions on applying for a NOP Import Certificate.</li> </ul>
		Clause 1.4.1	<ul style="list-style-type: none"> <li>previously clause 1.5.1</li> <li>clarifying requirements on unprocessed products</li> <li>emphasise requirement to use only inputs on the USDA NOP National List.</li> </ul>
		Clause 1.4.2	<ul style="list-style-type: none"> <li>previously clause 1.5.2;</li> <li>emphasise requirement to use only inputs on the USDA NOP National List;</li> <li>clarify requirements for using imported organic ingredients.</li> </ul>
		Clause 1.5	<ul style="list-style-type: none"> <li>previously Section 1.3;</li> <li>major revision;</li> <li>new requirements for agencies to have procedures for certain tasks.</li> </ul>
		Clause 1.5.1	<ul style="list-style-type: none"> <li>Previously clause 1.3(2);</li> <li>Clarify requirement to evaluate inputs for compliance with the USDA NOP National List.</li> </ul>
		Clause 1.5.2	<ul style="list-style-type: none"> <li>Previously clause 1.3(3);</li> <li>New requirement on OMP verifiers to ensure on-site inspections comply with NOP regulations.</li> </ul>
		Clause 1.5.3	<ul style="list-style-type: none"> <li>previously clause 1.3(4);</li> <li>new requirements on: <ul style="list-style-type: none"> <li>use of uncertified contractors;</li> <li>recipes for multi-ingredient processed products;</li> </ul> </li> </ul>

No.	Version Date	Section Changed	Change(s) Description
			– use of standard NOP terminology.
		Clause 1.5.4	<ul style="list-style-type: none"> <li>• new;</li> <li>• requirements for managing operator registrations in Global Organic Integrity.</li> </ul>

## Other information

### Compliance with other regulations

All products within the scope of the OOAP must first meet relevant New Zealand legislation, including but not limited to the following Acts and Codes, including secondary legislation such as regulations, notices and standards:

- Agricultural Compounds and Veterinary Medicines Act 1997;
- Animal Products Act 1999;
  - including Overseas Market Access Requirements (OMARs) issued under the Animal Products Act;
- Animal Welfare Act 1999;
  - including Codes of Welfare issued under the Animal Welfare Act 1999;
- Australia New Zealand Food Standard Code;
- Biosecurity Act 1993;
- Fisheries Act 1996;
- Food Act 2014;
- National Animal Identification and Tracing Act 2012;
- Wine Act 2003;
  - including any Overseas Market Access Requirements (OMARs) issued under the Wine Act 2003; and
- Other legislative requirements not administered by MPI, as relevant, including but not limited to the Hazardous Substances and New Organisms Act 1996 and Resource Management Act 1991.

In addition, plant products within the framework of the OOAP will need to meet the relevant phytosanitary certification requirements as stipulated in the applicable Importing Countries Phytosanitary Requirement (ICPR).

It is beyond the scope of OER: US OMAR to provide organic operators (including organic exporters) with advice on all the relevant legislative and regulatory requirements for their product type.

MPI resources and contacts for further information include:

- the [OMAR search function](#) to find all relevant Notices for animal products, including dairy products;
- the [ICPR search function](#) to find all relevant Standards for plant products;
- Exporter Regulatory Advice Service ([exporterhelp@mpi.govt.nz](mailto:exporterhelp@mpi.govt.nz)); and
- Market Access ([market.access@mpi.govt.nz](mailto:market.access@mpi.govt.nz))

Exporters should consult with their importer or agent in the USA on the USA import related requirements.

## Guidance versus Requirements

The information contained within a border under the heading 'Guidance' throughout OER: US OMAR (example below) is for guidance only and is not part of the requirements.

### Guidance

- This is an example of a guidance box.

Guidance may include:

- interpretative material or further explanation;
- help for where the reader can find more information (e.g. hyperlinks); or
- examples or indications of preferred ways of doing things.

Operators do not have to show that they have followed guidance and agencies do not need to check that guidance has been followed by operator.

Requirements of OER: US OMAR are presented as numbered clauses. Requirements are mandatory. They present:

- requirements that must be met;
- prohibitions that must be met; or
- allowances/approvals that may be approved, provided set conditions are met.

## Useful reference information

The current versions of the following documents should be read along with OER: US OMAR (as published on the [MPI website](#)):

- Organic Export Requirement: Recognised Agencies and Persons ([OER: RAP](#)); and
- Organic Export Requirement: Organic Production Rules ([OER: OPR](#)).



## Part 1: Requirements

### 1.1 Application

- (1) This Organic Export Requirement (OER: US OMAR) applies to:
- operators participating in the Official Organic Assurance Programme (OOAP) that produce, process, handle, supply for export, or export eligible products to the USA;
  - agencies and persons recognised by MPI to provide services on behalf of MPI for the OOAP.

#### Guidance

- Refer to [US Code of Federal Regulations Chapter 7 Part 205 \(7cfr205\)](#) in the first instance to check which handling operations:
  - need to be certified in their own name; and
  - may be eligible for an exemption under the NOP regulations from certification requirements.

- (2) Products from the following categories that can be produced and handled in New Zealand in full compliance with the United States Department of Agriculture (USDA) National Organic Program (NOP) technical standards may be exported to the USA under OER: US OMAR:

- crops;
- wild crops;
- livestock; or
- handling.

#### Guidance

- Refer to the publicly available list available via the [USDA Organic Integrity database](#) for products that fall in these categories.

- (3) Products that cannot be produced and handled in New Zealand in full compliance with the NOP technical standards cannot be exported to the USA under OER: US OMAR.

#### Guidance

- Exporting products to the USA in compliance with the Canada – USA equivalence agreement is outside the scope of the OOAP.
- Contact your Canadian accredited certification body directly for more information.

### 1.2 Definitions

- (1) In this OER: US OMAR:

**Agricultural Marketing Service (AMS)** means an agency of the United States Department of Agriculture.

**final handler** means the last operator compliant with clause 1.3.1(1), that is responsible for carrying out the final processing / handling step before responsibility for the products transfers to an organic exporter. Final handlers are registered in Global Organic Integrity by their recognised agency.

**Global Organic Integrity (database)** means the NOP's electronic, web-based reporting tool for the submission of data, completion of certificates of organic operation, used by US trading partners.

**Guidance**

- Global Organic Integrity (database) can be found here: [Global Organic Integrity \(usda.gov\)](https://globalorganicintegrity.usda.gov/)
- Note: The banner at the top of the Global Organic Integrity database is blue. If the webpage you are viewing has a green banner, you are in the Organic Integrity (database).

**National Organic Program (NOP) regulations** means United States Code of Federal Regulations Title 7 Part 205, including the NOP technical standards and relevant instructions in the NOP Handbook.

**Guidance**

- Title 7 Part 205 (National Organic Program) can be found here:  
<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205>

**NOP Handbook** means instructions and guidance for certifying agents (recognised agencies) and certified operators published by the USDA to assist in complying with the NOP regulations, including the NOP technical standards.

**Guidance**

- The NOP Handbook can be found here:  
[NOP Handbook | Agricultural Marketing Service \(usda.gov\)](https://www.usda.gov/nop-handbook)

**NOP Import Certificate** means a certificate issued by MPI in Global Organic Integrity for a consignment of eligible products exported from New Zealand to the USA. The NOP Import Certificate becomes an official organic assurance when it has been issued by MPI.

**NOP technical standards** means the technical standards for crops, livestock, wild crops, and handling, including the NOP National List of Allowed and Prohibited Substances, as laid down in the United States Code of Federal Regulations Title 7 Part 205.

**Organic Integrity (database)** means the NOP electronic, web-based reporting tool for the submission of data, completion of certificates of organic operation, and other information, or the tool's successors, used by USDA accredited certification agents.

**Guidance**

- Organic Integrity (database) can be found here: [Organic Integrity Database \(usda.gov\)](https://organicintegrity.usda.gov/)
- Note: The banner at the top of the Organic Integrity database is green. If the webpage you are viewing has a blue banner, you are in the Global Organic Integrity (database).

**organic system plan (OSP)** is defined in the NOP regulations. It has the same effective meaning as organic management plan (OMP) as defined in OER: OPR.

**United States Department of Agriculture (USDA)** means the United States of America federal agency that oversees agriculture, food, nutrition, conservation, and rural development.

**USDA accredited certification agent** means an agency that complies with the United States Code of Federal Regulations Title 7 Part 205 Subpart F and is listed in the [Organic Integrity Database](https://organicintegrity.usda.gov/).

(2) All terms used, but not defined, in OER: US OMAR have the same meaning as definitions in:

- a) [Organic Export Requirement: Organic Production Rules \(OER: OPR\)](#); and
- b) [Organic Export Requirement: Recognised Agencies and Persons \(OER: RAP\)](#).

**Guidance**

- Organic Export Requirements are provided on the MPI website at [Requirement documents for exporting organics | NZ Government \(mpi.govt.nz\)](https://www.mpi.govt.nz/requirement-documents-for-exporting-organics/)
- Definitions of terms used in the NOP technical standards are defined in the NOP regulations.

## 1.3 Operator Administrative Requirements

### 1.3.1 All operators

- (1) Operators (including organic exporters) who produce, handle, supply for export or export products to the USA under OER: US OMAR must:
- be verified as meeting the requirements of OER: US OMAR by a recognised agency that meets the requirements in clause 1.5;
  - meet requirements of Organic Export Requirement: Organic Production Rules (OER: OPR) Part 2 Administrative Requirements;
  - comply with subclauses 1.3.2 – 1.3.5; and
  - ensure that products comply with clause 1.4.

#### Guidance

- All operators and their staff are encouraged to consider relevant training on the NOP technical standards, and other relevant NOP regulations, via the USDA Organic Integrity Learning Center (OILC). There is no cost associated with this training.
- Note that not all OILC training courses are directly relevant for operators, most courses are more relevant for your recognised agency.
- You can find more information about OILC and register to access OILC via this NOP webpage: [Organic Integrity Learning Center | Agricultural Marketing Service \(usda.gov\)](#)

### 1.3.2 Operators who export products

- (1) In addition to the requirements in clause 1.3.1(1), operators who export products under OER: US OMAR must comply with subclause 1.3.6.

#### Guidance

- Organic exporters are recommended to review the requirements in OER: OPR clause 2.1(4)b) on registering with MPI as an organic exporter.
- The application form “OP1 Organic exporter registration” for registering as an organic exporter can be obtained from the MPI website at [forms and templates for exporting organics](#).
- The list of MPI registered organic exporters can be obtained from the MPI website at [Organic Exporters \(foodsafety.govt.nz\)](#).
- For organic exporters that are registered with MPI and certified to OER: US OMAR, MPI will register the exporter in Global Organic Integrity. MPI will provide you with a 10-digit Global Organic Integrity ID number when this step is complete. You will need this number when you request a NOP Import Certificate. (See clause 1.3.6 for more information.)
- It is the organic exporters responsibility to:
  - ensure organic exporter registration with MPI remains current; and
  - keep registration contact information up to date to ensure you receive correspondence from MPI.
- Exporters that allow their MPI organic exporter registration to lapse may be suspended in Global Organic Integrity, until they have renewed their registration.
- To update registration information, contact MPI Approvals on [approvals@mpi.govt.nz](#).
- Organic exporters are encouraged to:
  - keep the list referred to in OER: OPR clause 2.1(4)c) of designated persons that are authorised to apply for official organic assurances current;
  - use the form “CERT7 Organic exporter form for designating persons that can apply for official organic assurances” for adding (and removing) designated persons, which can be obtained from the MPI website at [forms and templates for exporting organics](#); and

- save a copy of the updated form in your records. Organic exporters should be prepared to show a copy of the most recent CERT7 form to the recognised agency.

### 1.3.3 Organic Management Plan (OMP)

- (1) In addition to the requirements in OER: OPR clause 2.3, the OMP must describe all measures that will be taken to demonstrate compliance with:
- a) relevant requirements in OER: US OMAR,
  - b) relevant NOP technical standards, and
  - c) the NOP regulations to include a fraud prevention plan.

#### Guidance

- Refer to the NOP regulations for the US requirements for an organic production and handling system plan (OSP).
- The NOP Handbook may contain additional guidance on what should be in an OMP (OSP).
- Operators (excluding importers or exporters) that are certified only to OER: US OMAR (and are not certified to another OER: OMAR) are not obliged to comply with OER: OPR clauses 2.3.2 – 2.3.10.

- (2) Organic exporters must include in their OMP a list of all final handlers, that will be supplying products for export under OER: US OMAR.

#### Guidance

- MPI recommends recording the Global Organic Integrity ID number of the final handler alongside their name, to facilitate quickly checking the current status in Global Organic Integrity.

### 1.3.4 Record Keeping

- (1) In addition to the requirements in OER: OPR clause 2.4, operators (including organic exporters) must keep records necessary to demonstrate that the requirements in clause 1.3.3(1) are met.

#### Guidance

- Refer to the NOP regulations for the USDA requirements for record keeping by certified operations.
- The NOP Handbook contains guidance on record keeping for certified operations.
- Operators (excluding importers and exporters) that are certified only to OER: US OMAR (and are not certified to another OER: OMAR) are not obliged to comply with OER: OPR clauses 2.4.2 – 2.4.10.

- (2) Operators using imported organic ingredients must have access to a copy of the current valid Organic Integrity certificate of the last certified operator to handle the products, prior to shipping the ingredients to New Zealand.

#### Guidance

- Certificates for overseas suppliers of imported ingredients can be found here:  
[Organic Integrity Database \(usda.gov\)](https://www.usda.gov/organic-integrity-database)

- (3) With reference to OER: OPR clause 2.4.1(1)e), where the recognised agency has approved the use of any contractor in the OMP, the operator must keep sufficient records to demonstrate that compliance with OER: US OMAR was maintained.

**Guidance**

- Refer to the NOP regulations for the NOP regulations on exemptions from certification.
- The NOP Handbook may also contain instructions and guidance on this topic.

### 1.3.5 Product identification and labelling

- (1) All products exported under OER: US OMAR must be labelled with the information required by OER: OPR clause 2.8(3).

**Guidance**

- OER: OPR clause 2.8(3) requires, in all cases, organic label claims to clearly identify:
  - the recognised agency of the operator who has carried out the most recent preparation step of the product; and
  - the name or identification number of that operator.
- Products may be labelled with the logo or mark of the recognised agency subject to any conditions or restrictions laid down by the recognised agency.

- (2) In addition to the requirements in subclause (1), operators (including organic exporters) must ensure the NOP regulations in [Subpart D – Labels, Labeling, and Market Information](#) are met.

**Guidance**

- General information on NOP regulations for labelling can be found here: [Labeling Organic Products | Agricultural Marketing Service \(usda.gov\)](#).
- The NOP Handbook contains additional guidance on labelling, including worked examples.
- Operators are encouraged to pay particular attention to the requirements concerning:
  - use of the terms “100% organic”, “organic”, and “made with organic XXX”;
  - use of the USDA organic seal;
  - placement of the “certified by [recognised agency name]” statement; and
  - labelling requirements for non-retail containers.

### 1.3.6 Official organic assurances

- (1) Organic exporters must ensure that only products that comply with OER: US OMAR are exported to the USA with an official organic assurance (a NOP Import Certificate).
- (2) Persons designated by registered organic exporters in accordance with OER: OPR clause 2.1(4)c) to apply for official organic assurance (NOP Import Certificate) must:
- a) complete an official organic assurance (organic export certificate) application form; and
  - b) email the official organic assurance (organic export certificate) application form to the MPI Certification Unit on [Organic.Certification@mpi.govt.nz](mailto:Organic.Certification@mpi.govt.nz).
- (3) Organic exporters must request a NOP Import Certificate prior to the consignment leaving New Zealand.

**Guidance**

- NOP regulation [cfr205.273\(a\)](#) requires that the NOP Import Certificate is requested prior to export.
- MPI will issue the NOP Import Certificate electronically within the Global Organic Integrity environment. When issued:
  - MPI will email the exporter a pdf copy of the certificate for your records. No paper certificate will be issued.

- The exporter will need to provide the US importer the NOP Import Certificate number so the certificate can be located in the U.S. Customs and Border Protection's Automated Commercial Environment system.
- MPI recommends allowing sufficient time for the NOP Import Certificate to be issued before the consignment leaves New Zealand.
  - This is to allow for any non-compliant product discovered via the (organic) export eligibility verification checks to be removed from the consignment before it leaves New Zealand.
  - As the time needed to complete export eligibility checks differ according to product type and the complexity of the supply chain, exporters are recommended to contact the MPI Certification Unit or your recognised agency to discuss how much time is normal (sufficient).
- To request a NOP Import Certificate, use the official organic assurance application form, found on the MPI website at [Forms and templates for exporting organics](#).
- The application form includes instructions for completing the application. You will need:
  - the 10-digit Global Organic Integrity ID number for your exporting business;
  - the 10-digit Global Organic Integrity ID number for the final handler(s);
  - the 10-digit Organic Integrity Database ID number for your US importer; and
  - the 10-digit Harmonised Tariff (HT) code for each product in the consignment.
- Use only HT codes that can be found from this US website: [Harmonized Tariff Schedule \(usitc.gov\)](#).
  - Where a product has a specific 'organic' HT code, this should be used.
  - Where no specific 'organic' HT code exists, use the conventional HT code.

## 1.4 Product Requirements

### 1.4.1 Unprocessed products

- (1) Crops, wild crop and livestock products must be produced:
- a) in New Zealand by an operator that complies with the requirements in clause 1.3; and
  - b) in compliance with:
    - i) relevant requirements for their product type in the current version of the NOP technical standards; and
    - ii) as relevant, the NOP National List of Allowed and Prohibited Substances.

#### Guidance

- The current version of the NOP is the one listed on the USDA AMS webpage: [organic regulations](#).
- The USDA NOP National List of Allowed and Prohibited Substances can be found in the NOP regulations here: [Subpart G - The National List of Allowed and Prohibited Substances](#)
- The NOP Handbook contains additional instructions and guidance on the NOP technical standards, including allowed and prohibited substances.

### 1.4.2 Processed products

- (1) Processed products must be processed and handled:
- a) in New Zealand by an operator that complies with the requirements in clause 1.3; and
  - b) in compliance with
    - i) the relevant requirements for their product type in the current version of the NOP technical standards; and
    - ii) as relevant, the NOP National List of Allowed and Prohibited Substances.

**Guidance**

- The current version of the NOP is the one listed on the USDA AMS webpage: [organic regulations](#).
- The USDA NOP National List of Allowed and Prohibited Substances can be found in the NOP regulations here: [Subpart G - The National List of Allowed and Prohibited Substances](#)
- The NOP Handbook contains additional instructions and guidance on the NOP technical standards, including allowed and prohibited substances.

- (2) Ingredients produced and handled in New Zealand for use in processed products in subclause (1) must have been produced and handled in compliance with:
- a) the requirements in 1.4.1; or
  - b) the requirements in subclause (1).
- (3) Imported ingredients used in processed products in subclause (1) must:
- a) have been grown, handled and certified in compliance with the current version of the NOP regulations, by a USDA accredited certification agent, and imported into New Zealand by an importer that complies with the administrative requirements in clause 1.4; or
  - b) be listed in the current version of the NOP regulations at [205.606 -- Nonorganically produced agricultural products allowed as ingredients in or on processed products labelled as "organic."](#)

**Guidance**

- To check that the imported (organic) ingredients comply with subclause a):
  - check that the overseas operator that last handled the organic ingredients, prior to export to New Zealand, is registered in the Organic Integrity Database;
  - check with your recognised agency what additional documentary evidence they will expect to see, to demonstrate that the ingredients (not just the operator) are certified to the current version of the NOP regulations.

- (4) All other inputs must comply with NOP National List of Allowed and Prohibited Substances.

**Guidance**

- The USDA NOP National List of Allowed and Prohibited Substances can be found in the NOP regulations here: [Subpart G - The National List of Allowed and Prohibited Substances](#)
- The NOP Handbook contains additional instructions and guidance on allowed and prohibited substances.

## 1.5 Recognised Agency and Person Requirements

- (1) Only agencies and persons recognised by MPI to provide services under OER: RAP and OER: US OMAR can verify operator compliance with OER: US OMAR.

**Guidance**

- A list of the agencies recognised by MPI, and their recognised persons, can be found on the MPI webpage: [Organic exports: recognised agencies and persons](#)

- (2) The recognised agency must have written procedures demonstrating how the following requirements will be met:



- a) with reference to OER: RAP clause 2.3.2(1)a), all persons that have responsibilities under OER: US OMAR must have relevant knowledge, skills, experience and competency on relevant NOP regulations to perform relevant tasks;
- b) with reference to OER: RAP clause 2.3.3(1)b), risk-based supply chain traceability audits are carried out in line with NOP regulations, and adverse findings are reported to:
  - i) MPI; and
  - ii) other impacted recognised agencies.
- c) with reference to OER: RAP clause 2.3.3(1)c), each annual OMP verification against the requirements of OER: US OMAR is conducted on-site; and
- d) with reference to OER: RAP clause 2.3.5(1), at least 5% of operators certified to OER: US OMAR are subjected to an unannounced OMP verification, in line with NOP regulations.

#### Guidance

- All recognised agency staff that have responsibilities under OER: US OMAR are encouraged to consider relevant training on the NOP regulations via the USDA Organic Integrity Learning Center (OILC).
- You can find more information about OILC and register to access OILC via this NOP webpage: [Organic Integrity Learning Center | Agricultural Marketing Service \(usda.gov\)](https://www.usda.gov/organic/integrity-learning-center)
- Where conflict arises between New Zealand's [Health and Safety at Work Act 2015](#) and NOP 2609 (Instruction: Unannounced Inspections) concerning 'advance notice', compliance with New Zealand's [Health and Safety at Work Act 2015](#) takes precedence.
- Where no conflict arises between New Zealand's [Health and Safety at Work Act 2015](#) and NOP 2609 (Instruction: Unannounced Inspections), the instructions in NOP 2609 should be observed.

### 1.5.1 OMP evaluators

- (1) In addition to the requirements in OER: RAP clause 3.1.1, when evaluating OMPs for compliance with OER: US OMAR, OMP evaluators must evaluate:
  - a) product recipes for compliance with the requirements in clause 1.4.2, where relevant;
  - b) labels for products intended to be exported under OER: US OMAR for compliance with the requirements in clause 1.3.5;
  - c) inputs for compliance with the NOP National List of Allowed and Prohibited Substances List; and
  - d) ingredients for compliance with the requirements in clause 1.4.2, where relevant.
- (2) OMP evaluators must validate the authenticity and accuracy of organic certificates for any imported ingredients used in processed products processed under clause 1.4.2(3), as part of the product recipe evaluation process using the Organic Integrity database.

#### Guidance

- The Organic Integrity database contains information on NOP certified operators, their USDA accredited certification agents and the types of products covered by the certificate.
- Imported ingredients and inputs that were "certified organic" under the terms of an equivalence agreement with the USA but were not certified directly to the NOP regulations by a USDA accredited certification agent, cannot be used in New Zealand products exported under OER: US OMAR.
- For validating the integrity of imported organic products, agencies may include additional authenticity checks that the agency deems necessary or appropriate.
  - For example, physical checks that the products imported match the products described in the organic certificate or requesting any additional documentation about the product or the manufacturer, or the like.



### 1.5.2 OMP verifiers

- (1) In addition to the requirements in OER: RAP clause 3.1.2, the OMP verifier must:
- verify operator compliance with relevant NOP technical standards for the product type; and
  - comply with NOP regulations concerning on-site inspections.

### 1.5.3 OMP certifiers

- (1) With reference to the requirement in OER: RAP clause 3.1.3(1), when making an OMP certification decision, the OMP certifier:
- may certify an OMP that includes use of a contractor only when allowed under the NOP regulations;
  - may only certify a multi-ingredient, processed product when there is a current, evaluated and verified recipe on file; and
  - must use standard NOP terminology to describe the scope of a certified operation certified to OER: US OMAR, in the documentary evidence referred to in OER: RAP clause 2.3.3(1)a).

#### Guidance

- Details about the NOP terminology for describing the scope of certified operations can be found in the [INTEGRITY Categories and Items](#)

- (2) In addition to the requirement in OER: RAP clause 3.1.3(1), the OMP certifier must:
- determine when an operator who is a final handler is eligible for registration in Global Organic Integrity; and
  - determine when the status of any final handler referred to in subclause (a) has been:
    - suspended in accordance with OER: RAP clause 2.3.3(3); or
    - reinstated in accordance with OER: RAP clause 2.3.3(4); or
    - withdrawn or surrendered in accordance with OER: RAP clause 2.3.3(5); and
  - make arrangements for Global Organic Integrity to be updated, as follows:
    - when a determination referred to in subclause (b) applies, Global Organic Integrity must be updated within 3 working days; and
    - after the OMP certifier has made a determination referred to in subclause (2), the OMP certifier may then delegate responsibility for amending the final handler's details in Global Organic Integrity to appropriately trained staff within the agency.

#### Guidance

- Recognised agencies should ensure that operators are provided with a link to their Global Organic Integrity registration details

### 1.5.4 Export certificate verifiers

- (1) Export certificate verifiers must not issue a NOP Import Certificate for any consignment exported under OER: US OMAR.

#### Guidance

- Where the exporter has indicated in the application form referred to in subclause 1.3.4(2)a) that a product in the consignment was made with imported ingredients, MPI encourages export certificate verifiers to check with the OMP certifier that the imported ingredients remain compliant with OER: US OMAR.
- There are no additional requirements to those already specified in OER: RAP clause 3.1.4.

### 1.5.5 Global Organic Integrity

#### Guidance

- The Global Organic Integrity website here:  
<https://organic.ams.usda.gov/Integrity/Home/>
- Double check that the banner at the top of the page is blue. If it is green, you have reached the (non-Global) Organic Integrity website.
- Use the 'Trade Partners' drop-down feature and select "USDA-NOP (New Zealand Recognition)" to transfer.
- Once registered in Global Organic Integrity, the agency will be able to:
  - register certified final handlers in Global Organic Integrity; and
  - amend certified final handler registration details in Global Organic Integrity, including changing the status from certified to suspended to surrendered, as appropriate.
- Publicly available information on Global Organic Integrity can be found on the NOP website at <https://organic.ams.usda.gov/integrity/About>
- Additional guidance material becomes available within the Global Organic Integrity environment, after an agency is registered in Global Organic Integrity.

- (1) Recognised agencies must be registered as a certifier in Global Organic Integrity.
- (2) To get registered in Global Organic Integrity, the recognised agency must provide all the following information to MPI in the manner requested:
  - a) full legal name of the recognised agency;
  - b) preferred short form (abbreviation) to identify the recognised agency;
  - c) physical address of the recognised agency head office;
  - d) first and last name of the contact person responsible for the recognised agency;
  - e) contact phone number for the recognised agency head office;
  - f) contact email address for the recognised agency head office; and
  - g) website address.

#### Guidance

- MPI will use this information to create a certifier profile in Global Organic Integrity.
- MPI will let the contact person named in subclause (d) know via email when this is completed and provide copies of current available guidance material on getting a USDA eAuthentication Account (username and password) to access Global Organic Integrity.

- (3) All recognised agency staff that require access to Global Organic Integrity database must obtain a USDA eAuthentication Account.
- (4) Agency staff requesting a USDA eAuthentication Account must not request registration using a generic (shared) email address.
- (5) One recognised agency person must request registration in Global Organic Integrity to be a "Certifier – INTEGRITY Lead". Email MPI at [organics@mpi.govt.nz](mailto:organics@mpi.govt.nz) when this registration request has been submitted.

#### Guidance

- MPI recommends that the Certifier – INTEGRITY Lead is the same person that manages the key day-to-day relationship with MPI for the OOAP.
- MPI will validate a request to be approved as a Certifier – INTEGRITY Lead in Global Organic Integrity when appropriate to do so and email the requestor when this is completed.
- The Certifier – INTEGRITY Lead user manages registration requests and user accounts for their organisation.
- All data and functionality available to the public and Certification Body Staff users is also available to Certification Body INTEGRITY Lead users.

- Other roles available for recognised agency staff are;
  - **Certification body – Staff**  
*“Certification Body - Staff users can upload template files with operation and associated item information; add new operation records or edit existing records through the Operation Profile; and view operation history. All data and functionality available to the public is also available to registered Certification body Staff users.”*
  - **Certification body - Staff Read Only**  
*“Certification body - Staff Read Only users can view operation information and history and generate reports. All data and functionality available to the public is also available to registered Certification body - Staff Read Only users.”*
- Recognised agency staff performing administrative functions necessary to implement decisions of OMP certifiers referred to in clause 1.5.3(1) may be authorised as Certification body – Staff users.

- (6) The recognised agency staff with approved roles in Global Organic Integrity must follow NOP instructions on managing final handler registrations in Global Organic Integrity.
- (7) An OMP certifier must document each instruction to any (non-recognised person) agency staff person prior to that person amending the following information about a certified operator in Global Organic Integrity for a change in:
  - a) scope of the organic certification; and
  - b) the status of the certified operator.