



United States  
Trade Representative



United States  
Department of Agriculture

September 26, 2013

Hiroyuki Kobayashi  
Director General,  
Food Safety and Consumer Affairs Bureau  
Ministry of Agriculture, Forestry and Fisheries  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo, 100-8950 Japan

Dear Mr. Kobayashi:

The United States Department of Agriculture (USDA), in coordination with the United States Trade Representative (USTR), has reviewed Japan's program for certification of organic agricultural products produced and handled in accordance with the Japanese Agricultural Standard (JAS) for Organic Plants (Notification No. 1605 of 2005) and the Japanese Agricultural Standard for Organic Processed Foods (Notification No. 1606 of 2005). Based on that review, USDA has determined pursuant to the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. Sec. 6501 et seq.), under authority delegated to the Secretary of Agriculture by the President, that certain agricultural products produced and handled in accordance with Japan's organic certification program, as in effect on January 1, 2014, 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.

Accordingly, subject to the conditions set forth in Section I of Appendix 1 of this letter, certain agricultural products produced and handled in conformity with Japan's organic certification program, as in effect on January 1, 2014, are deemed by 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). These products may be sold, labeled, or represented in the United States as organically produced, including by display of the USDA organic seal as well as the JAS organic logo, under the conditions set forth in Section I of Appendix 1.

The United States is also pleased to acknowledge Japan's recognition of the organic certification program of the United States. USDA's Agricultural Marketing Service and Foreign Agricultural Service and USTR are committed to working with the Japanese Ministry of Agriculture, Forestry and Fisheries to carry out the terms of the arrangement as described in this cover letter and in Section I of Appendix 1 and the arrangement regarding an Organics Working Group in Appendix 2.

Sincerely,

Anne L. Alonzo  
Administrator, Agricultural Marketing Service  
U.S. Department of Agriculture

Islam Siddiqui  
Chief Agricultural Negotiator  
Office of the U.S. Trade Representative

## Appendix 1

The United States Department of Agriculture (USDA) and Japan's Ministry of Agriculture, Forestry, and Fisheries (MAFF) have reached the following arrangement:

### I. Japan's Organic Products to the United States

- A. This arrangement covers Japanese Agricultural Standard (JAS) certified organic plants, including fungi, and organic processed foods of plant origin that are either grown, produced, or where the final processing or packaging occurs in Japan (hereinafter "Japanese organic product").
- B. A Japanese organic product for export to the United States is expected to be labeled according to USDA-NOP organic labeling requirements.
- C. Any export to the United States of a Japanese organic product pursuant to this arrangement is expected to be accompanied by an NOP Import Certificate, Form NOP 2110, from a MAFF-accredited or USDA-accredited certification body in Japan that attests to compliance with the terms of this arrangement.
- D. The MAFF is expected to notify USDA and USTR in a timely manner of any instances of the following:
  1. Changes with respect to the accreditation status of MAFF-accredited certification bodies; and
  2. Proposed regulations in Japan that may modify any JAS regulations.
- E. Following advance notice from the United States, the MAFF intends to permit USDA officials to conduct on site evaluations in Japan to verify that the relevant regulatory authorities and certification bodies of Japan's organic program are carrying out the requirements of that program. The MAFF should cooperate and assist USDA, to the extent permitted, in carrying out these on-site evaluations, which include visits to offices of relevant regulatory authorities, certification body offices, production facilities, and farms that certification bodies have certified in Japan.
- F. MAFF is expected to provide to USDA's Agricultural Marketing Service (AMS) the following documents on an annual basis:
  1. A report that contains information regarding the types and quantities of Japanese organic products exported under this arrangement;
  2. A report that contains the types of non-compliances identified by the MAFF during any oversight reviews or audits, and steps taken by the MAFF to ensure that non-compliances were corrected; and

3. A list of certification bodies of Japan's organic system accredited to JAS.

## **II. U.S. Organic Products to Japan**

- A. This arrangement covers USDA-National Organic Program (NOP) certified organic plants, including fungi, and organic processed foods of plant origin that are either grown, produced, or where the final processing or packaging occurs in the United States (hereinafter "U.S. product") and non-regulated organic products, such as organic meat, dairy, honey, and alcoholic beverages as specified under Section II.E and the accompanying footnote.
- B. For a U.S. product for export to Japan that is produced or handled by a certified organic operation that is certified by a USDA-NOP accredited certifier, the following applies:
  1. A completed USDA Form TM-11 is expected to accompany export of the U.S. product to Japan;
  2. The U.S. product may display the USDA organic seal if it is compliant with USDA organic labeling requirements; and
  3. The U.S. product is expected to be imported by a JAS-certified importer into Japan, where the JAS seal is applied.
- C. For a U.S. product for export to Japan that is produced or handled by a USDA-NOP certified organic operation that has a JAS-labeling contract with a JAS-certified importer; and certified by USDA-NOP accredited certifier, the following applies:
  1. A completed USDA Form TM-11 is expected to accompany export of the U.S. product to Japan;
  2. The JAS seal may be displayed on the U.S. product by a USDA-NOP certified organic operation that has a JAS-labeling contract if the U.S. product is compliant with JAS organic labeling requirements;
  3. The U.S. product may display the USDA organic seal in Japan; and
  4. The U.S. product is expected to be imported into Japan by a JAS-certified importer.
- D. For a U.S. product for export to Japan that is certified to the JAS standard by a MAFF-accredited certifier, the following applies:
  1. USDA Form TM-11 is not required for export of the U.S. product to Japan;
  2. The U.S. product may display the USDA organic seal if it is compliant with USDA organic labeling requirements; and

3. The U.S. product may display the JAS organic seal if compliant with JAS organic labeling requirements.
- E. In addition, a non-regulated organic product, such as organic meat, dairy, and honey, with the exception of alcoholic beverages,<sup>1</sup> for export to Japan, certified by a USDA-NOP accredited certifier would continue to have access to Japan's market under the following conditions:
1. USDA Form TM-11 is not required for export of the non-regulated organic product to Japan;
  2. A non-regulated organic product may display the USDA seal if it is compliant with USDA organic labeling requirements; and
  3. A non-regulated organic product may be labeled with the word "organic" in the English or Japanese language.
- F. USDA or USTR intend to notify the MAFF in a timely manner of any instances of the following:
1. Changes with respect to the accreditation status of USDA-accredited certification bodies; and
  2. Proposed U.S. regulations that may modify any of the NOP regulations referred to in this arrangement.
- G. Following advance notice from Japan, USDA intends to permit MAFF officials to conduct on site evaluations in the United States to verify that the relevant regulatory authorities and certification bodies of the U.S. organic program are carrying out the requirements of that program. USDA should cooperate and assist MAFF, to the extent permitted, in carrying out these on-site evaluations, which includes visits to offices of relevant regulatory authorities, certification body offices, production facilities, and farms that certification bodies have certified in the United States.

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<sup>1</sup> In addition, alcoholic beverages, including but not limited to wine, beer, and distilled spirits, for export to Japan certified by a USDA-NOP accredited certifier would continue to have access to the Japanese market under the following conditions:

1. If the alcoholic beverage is labeled with the word "organic" in the Japanese language, then a certificate that includes the name of the certified alcoholic beverage, the name and the address of the certified farm or brewery, the number and date of certification, the address and name of the operator, the country of origin, and the address and name of the certifying body should accompany export. The certificate should be issued by a USDA-NOP accredited certifier; and
2. The alcoholic beverage may display the USDA organic seal if it is compliant with USDA organic labeling requirements.

H. USDA and USTR intend to provide to MAFF the following documents on an annual basis:

1. A report that contains information regarding the types and quantities of U.S. product exported under this arrangement;
2. A report that contains the types of non-compliances identified by the USDA during any oversight reviews or audits, and steps taken by USDA to ensure that non-compliances were corrected; and
3. A list of certification bodies of the U.S. organic system accredited to the NOP.

## **Appendix 2**

1. The United States and Japan intend to work together in an Organics Working Group consisting of representatives of USDA and USTR on behalf of the United States and representatives of MAFF on behalf of Japan.
2. The Organics Working Group expects to meet as needed in any manner that the representatives of the United States and Japan decide.
3. The objective of the Organics Working Group is to enhance regulatory and standards cooperation between Japan and the United States on issues related to organics, including reviewing the operation of the Organics Working Group and the operation of this arrangement, no later than January 1, 2018.