



Policy Memorandum

To: Stakeholders and Interested Parties

From: Jennifer Tucker, Deputy Administrator

Subject: Impact of Prohibited Grain Seed Regulations on Organic Imports

Date: July 31, 2018
Links and References Updated March 20, 2024

This memo is directed at USDA accredited certifiers, certified organic handlers, and also operations that are exempt from certification, as a reminder of the impact of phytosanitary requirements on imported organic products. In cooperation with the USDA Animal and Plant Health Inspection Service (APHIS) and other federal agencies, the Agricultural Marketing Service (AMS) enforces the USDA organic regulations for domestic and imported organic agricultural products through the National Organic Program (NOP). APHIS prohibits certain commodities from other countries from entering the United States because they could carry harmful plant pests or diseases that could devastate U.S. agriculture and natural resources. This memo outlines the impact of APHIS regulations on the eligibility of products for import into the United States and further sale as organic.

Certifiers and importers are reminded that certain grains and seeds from specific countries are prohibited entry into the United States due to phytosanitary risks, as described below.

APHIS' Role

Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ) safeguards U.S. agriculture and natural resources against the entry, establishment, and spread of economically and environmentally significant pests into and within the United States, and facilitates the safe trade of agricultural products within the U.S. Pursuant to the statutory authority of the Plant Protection Act, 7 U.S.C. 7001 *et seq.*, APHIS prohibits commodities with phytosanitary risk from entering the U.S., regardless of conventional or organic production. AMS continues to work collaboratively with APHIS PPQ to ensure that organic certifiers are aware of APHIS entry requirements and to ensure that certificates are issued only for those plant and plant products that are allowed entry into the United States in accordance with APHIS regulations.

APHIS Import Requirements



APHIS establishes import requirements for live plants and plant products, such as fruits, vegetables, soil, and seeds, because they could introduce exotic pests and diseases not known to occur in the United States. U.S. Customs and Border Protection Agriculture Specialists (CBPAS) at U.S. ports of entry inspect regulated agriculture shipments for compliance with APHIS regulations.

Prohibited Entry of Certain Grains and Seeds

APHIS prohibits entry into the United States of certain grains and seeds, such as corn and wheat seed from Kazakhstan, Russia, and Ukraine in Eastern Europe. Certifiers are responsible for verifying the admissibility of commodities exported by the foreign operations they certify. Certifiers should not issue transaction certificates for commodities that are prohibited entry into the United States. Prohibited commodities may be re-exported or destroyed upon arrival in the United States by U.S. Customs authorities.

If a country would like to export a currently prohibited commodity to the United States, the National Plant Protection Organization of that country must contact APHIS to initiate the commodity import approval process. That organization should send a written request to: Phytosanitary Issues Management, Plant Protection and Quarantine, USDA APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737-1236.

The NOP will continue to work with APHIS and other federal partners to ensure the integrity of organic products around the world. Our efforts seek to enhance notifications to trade, improve identification of organic imports, and support increased transparency through data analysis.

References

Organic Foods Productions Act of 1990, as amended

7 U.S.C. 6505 Compliance Requirements

(A) A person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this chapter; and

(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.

USDA Organic Regulations (7 CFR Part 205)

§ 205.100 What has to be certified.



§ 205.101 Exemptions from certification.

7 U.S.C. 7701 Plant Protection Act

Congress finds that-

- (1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;
- (2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;
- (3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds.

APHIS Guidance Documents

Certifiers can determine which plants and plant products are allowed entry into the United States by reviewing various APHIS guidance documents, such as the Agricultural Commodity Import Requirements (ACIR) database and the Plants for Planting Manual:

1. The [Agricultural Commodity Import Requirements \(ACIR\)](#) database provides a simple search interface for finding and displaying import requirements for agricultural commodities.
2. The [Plants for Planting Manual](#) is used for regulating imported material of plants and vegetative parts that are capable of propagation.

Alternatively, certifiers can contact APHIS' Permit Services Call Center for guidance and information about entry requirements by calling toll-free (877) 770-5990. Certifiers can also contact the Call Center by email at plantproducts.permits@aphis.usda.gov.

USDA Phytosanitary Regulations ([7 CFR Part 319](#))

7 CFR Part 319 Subpart G—Corn Diseases

7 CFR Part 319 Subpart J—Indian Corn or Maize, Broomcorn, and Related Plants

7 CFR Part 319 Subpart M—Wheat Diseases