

PGA Panel

Moderator:

Myrna Aguilar-Sanchez, VP of Brokerage Operations,
Casas International

Panelists:

Dan Solis -Assistant Commissioner for Import Operations, U.S. Food and Drug
Administration

Lisa Schultz - CPSC Investigator, U.S. Consumer Product Safety Commission

Kristin Tensuan- Director of Trade Activities at the National Organic Program,
U.S. Department of Agriculture

Karen L. Williams- Compliance Specialist, The Lacey Program. U.S. Department
of Agriculture



USDA Agricultural Marketing Service (AMS)
National Organic Program (NOP)

**Strengthening Organic Enforcement (SOE)
Final Rule – Overview of Electronic Organic Import Certificates**

WESCCON

Kristin Tensuan
AMS National Organic Program
October 28, 2023





- Organic production emphasizes natural processes and ingredients
- No genetic engineering allowed
- Supports soil and water quality and biodiversity
- Emphasizes physical, mechanical, and biological farming methods
- Limited number of approved pesticides vetted through Federal Advisory Board
- Rigorous certification process with residue testing and annual inspections

Four Categories of Organic Certification



Crops

A plant that is grown to be harvested as food, livestock feed, or fiber, or used to add nutrients to the field.

Livestock

Animals that can be used for food or in the production of food, fiber, or feed.

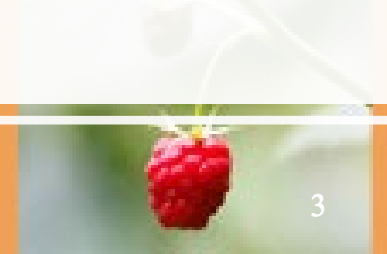
Processed Products

Items that have been handled and packaged (e.g., apples, carrots, milk) or combined, processed, and packaged (e.g., soup).

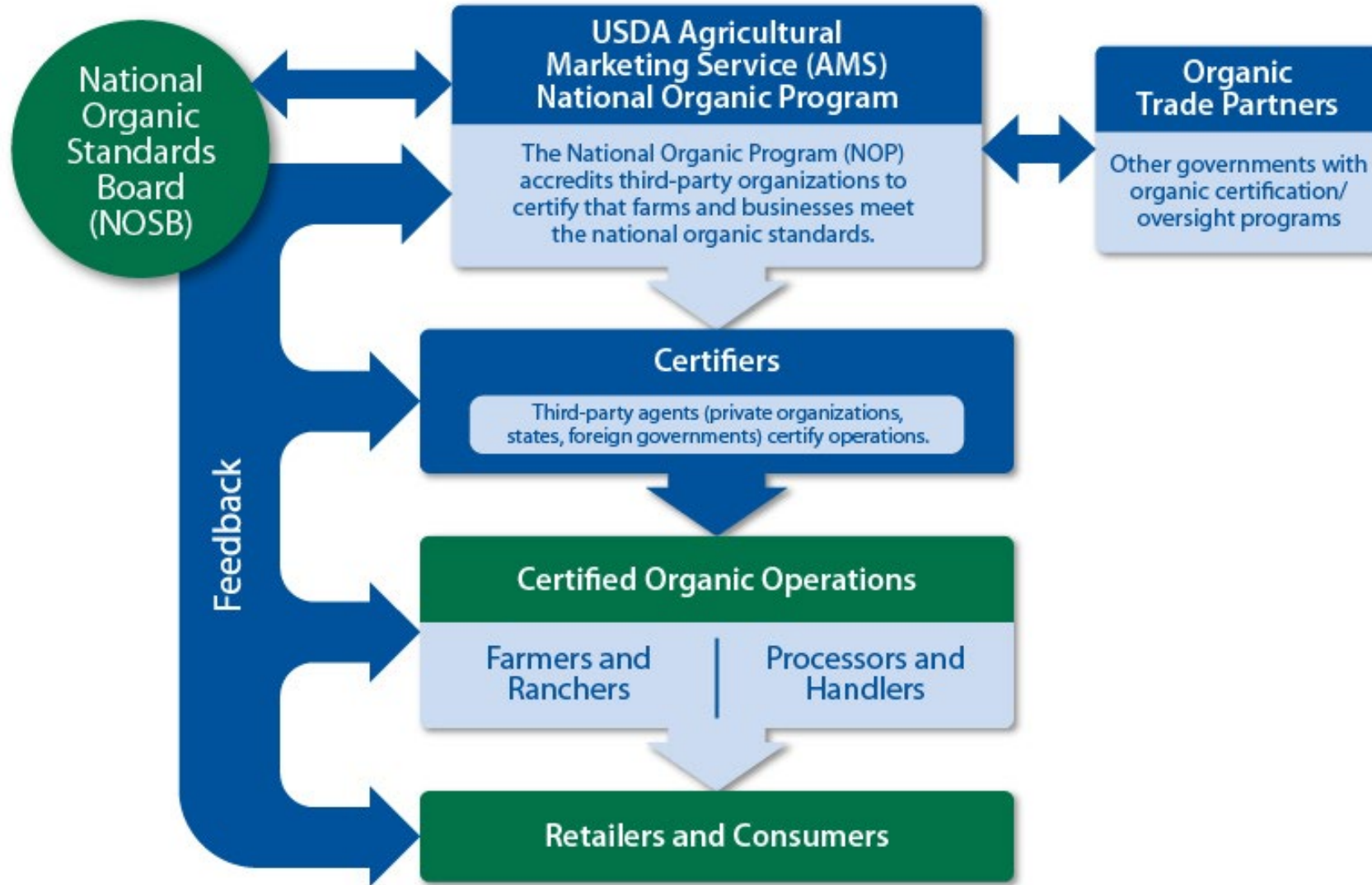
Wild Crops

Plants from a growing site that is not cultivated.

USDA Organic Standards



The Organic Public-Private Partnership

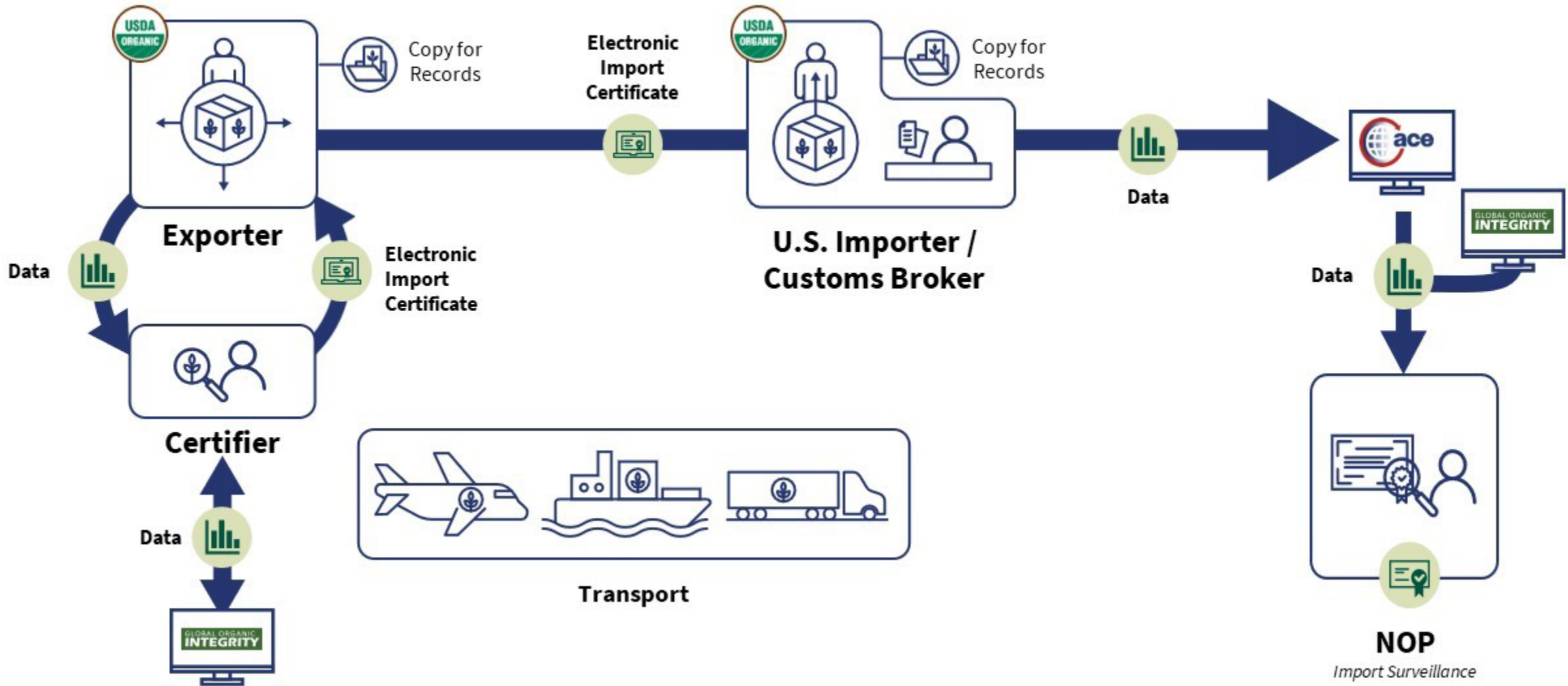


Strengthening Organic Enforcement (SOE) Regulation



- Strengthening Organic Enforcement (SOE) rulemaking published on January 19, 2023.
<https://www.ams.usda.gov/rules-regulations/strengthening-organic-enforcement>
 - **What can be imported?** Products certified to the USDA organic standard or equivalent under a trade arrangement.
 - **What needs an import certificate?** Every shipment of organic agricultural product that is exported to the U.S. must be associated with an NOP Import Certificate, regardless of country of origin.
 - The Import Certificate provides traceability to the port of entry and ensures an auditable record trail.
- Certifiers will generate import certificates in the NOP Organic GLOBAL INTEGRITY Database, by request of exporters of organic agricultural product to the U.S.
- On March 19, 2024, all imports to the United States must be associated with an electronic NOP Import Certificate.

NOP Import Certificate Data Flow



Key Features of the NOP Import Certificate



- NOP Import Certificate can be valid for a period of time (initially 12 months, with extension up to 18 months as determined by the Certifier)
- One NOP Import Certificate per product as labeled/commodity or HTS code
- NOP Import Certificate Number – 21 characters



Sample Certificate



REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0581-0191



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
NATIONAL ORGANIC PROGRAM

A knowingly false entry or false alteration of any entry on this certificate may result in a fine of not more than \$11,000 or imprisonment for not more than five years or both (18 USC 1001).

NOP IMPORT CERTIFICATE

1. CERTIFIED TO USDA-NOP

2. CITY AND STATE OF PRODUCT DESTINATION

Tampa, FL

3. DATE

9/6/2023 - 9/1/2024

5. EXPORTER BY (NAME AND ADDRESS)

(8716636734) OrgGrow S.R.L., 74 ABCDE St, Little City, Antarctica

6. PRODUCT EXPORTED FROM

Antarctica

7. RECIPIENT IN U.S. (NAME AND ADDRESS)

Organic Ice Importers, 1 Main St, Tampa, FL, 11111 United States of America

8. CERTIFYING BODY ADDRESS)

(871) FIC FARAWAY
First Street Cityville

9. TOTAL NET WEIGHT
1000.00

10. TOTAL CONTAINERS

11. PRODUCT AS LABELED

Ice

12. HARMONIZED TARIFF
CODE AS APPLICABLE

1234567891

13. SHIPPING IDENTIFICATION

N/A

14. FINAL HANDLER

(8716636734) OrgGrow
S.R.L., 74 ABCDE St,
Little City, Antarctica

16. REMARKS AND ATTESTATIONS

N/A

I CERTIFY that the agricultural products specified hereon have been certified under an organic standard equivalent to the requirements of the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 3801-3812) as deemed by USDA to have been produced and handled in accordance with the OFPA and US National Organic Program 7 CFR part 205.

17. SIGNATURE OF CERTIFYING BODY Test User-1

18. DATE

No financial liability shall attach to the United States Department of Agriculture or to any officer or representative of the Department.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0191. The time required for this collection of information is estimated to average 30 minutes per person, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, reviewing and collecting the data, and reviewing and completing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, or income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who are unable to communicate with the U.S. Department of Agriculture (USDA) should contact USDA's TARGET Center at (202) 720-2600 (voice) or (202) 720-2600 (TDD). USDA is an equal opportunity provider and employer.

NOP 2110-1

REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0581-0191



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
NATIONAL ORGANIC PROGRAM

A knowingly false entry or false alteration of any entry on this certificate may result in a fine of not more than \$11,000 or imprisonment for not more than five years or both (18 USC 1001).

NOP IMPORT CERTIFICATE

1. CERTIFIED TO USDA-NOP (U.S.A.) ORGANIC STANDARDS

2. CITY AND STATE OF PRODUCT DESTINATION

Tampa, FL

3. DATE

9/6/2023 - 9/1/2024

4. IMPORT CERTIFICATE NUMBER

840-8716636734-230001

5. EXPORTED BY (NAME AND ADDRESS)

(8716636734) OrgGrow S.R.L., 74 ABCDE St, Little City, Antarctica

6. PRODUCT EXPORTED FROM

Antarctica

7. RECIPIENT IN U.S. (NAME AND ADDRESS)

Organic Ice Importers, 1 Main St, Tampa, FL, 11111 United States of America

8. CERTIFYING BODY ISSUING CERTIFICATE (NAME AND ADDRESS)

(871) FIC FARAWAY International Certifiers S.R.L. 123
First Street Cityville ATA

9. TOTAL NET WEIGHT

1000.00

10. TOTAL CONTAINERS

11. PRODUCT AS LABELED

Ice

12. HARMONIZED TARIFF
CODE AS APPLICABLE

1234567891

13. SHIPPING IDENTIFICATION

N/A

14. FINAL HANDLER

(8716636734) OrgGrow
S.R.L., 74 ABCDE St, Little
City, Antarctica

15. CERTIFYING BODY OF
FINAL HANDLER

(871) FIC FARAWAY
International Certifiers S.R.L.
123 First Street Cityville ATA

16. REMARKS AND ATTESTATIONS

N/A

Organic Integrity From Farm to Table



Consumers Trust the Organic Label



PGA Panel

FDA Modernizing Imports

WIESCCON

2023



Dan Solis, FDA

Assistant Commissioner for Import Operations

Agenda

FDA

FDA Modernizing Imports

- What's New
 - AI/ML
 - Increasing/leveraging Partnerships
 - MOCRA
- Contact the FDA
 - Who do you contact for questions?

FDA Modernizing Imports- AI/ML

FDA's AI Imported Seafood Pilot Program



Knowledge gained from the pilot will enable FDA to expand the use of machine learning in the screening of other FDA-regulated products and will inform future risk-based surveillance in products that present the greatest risk to consumers.

[Import Screening Pilot Unleashes the Power of Data and Leverages Artificial Intelligence](#)

[New Era of Smarter Food Safety Blueprint](#)

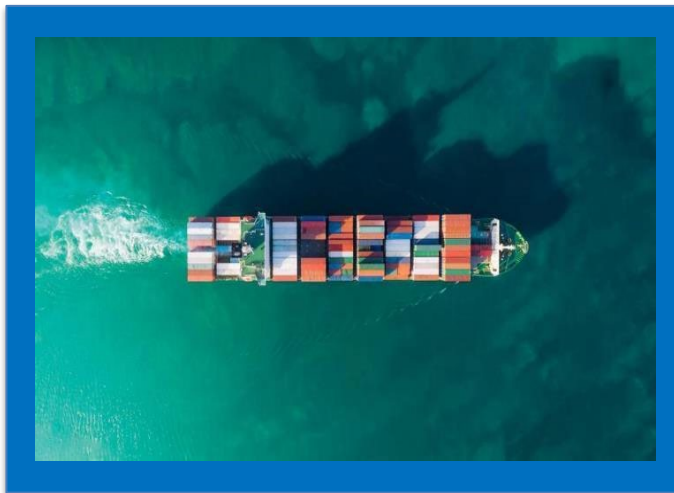
FDA OIO's Vision

Increasing/Leveraging Partnerships



FDA OIO's Vision

- Public health protection for the U.S. and U.S. territories



Importance of Partnership

- A secure supply chain for the U.S. and its territories is a large effort, with a massive public health impact, and it cannot be stood up for the future or executed without the work of many agencies and partnerships.

FDA Modernizing Imports

[Modernization of Cosmetics Regulation Act of 2022 \(MoCRA\)](#)

Recent Information on FDA's Website:

- [Draft Guidance for Industry: Cosmetic Good Manufacturing Practices](#)
- [Public Meeting: Good Manufacturing Practices for Cosmetic Products - 06/01/2023](#)



Import Update:

- OIO will keep our trade partners informed of changes that may impact import processing or admissibility



Contact the FDA Import Program

The FDA's Office of Regulatory Affairs (ORA) Office of Import Operations (OIO) is the lead office for the FDA's Import Program.

• FDA Import Offices and Ports of Entry

- Entry-related and/or entry status inquiries
- Courier Coverage Information
 - Entry-related and/or entry status inquiries for courier ports of entry

• Division of Food Defense Targeting (Prior Notice)

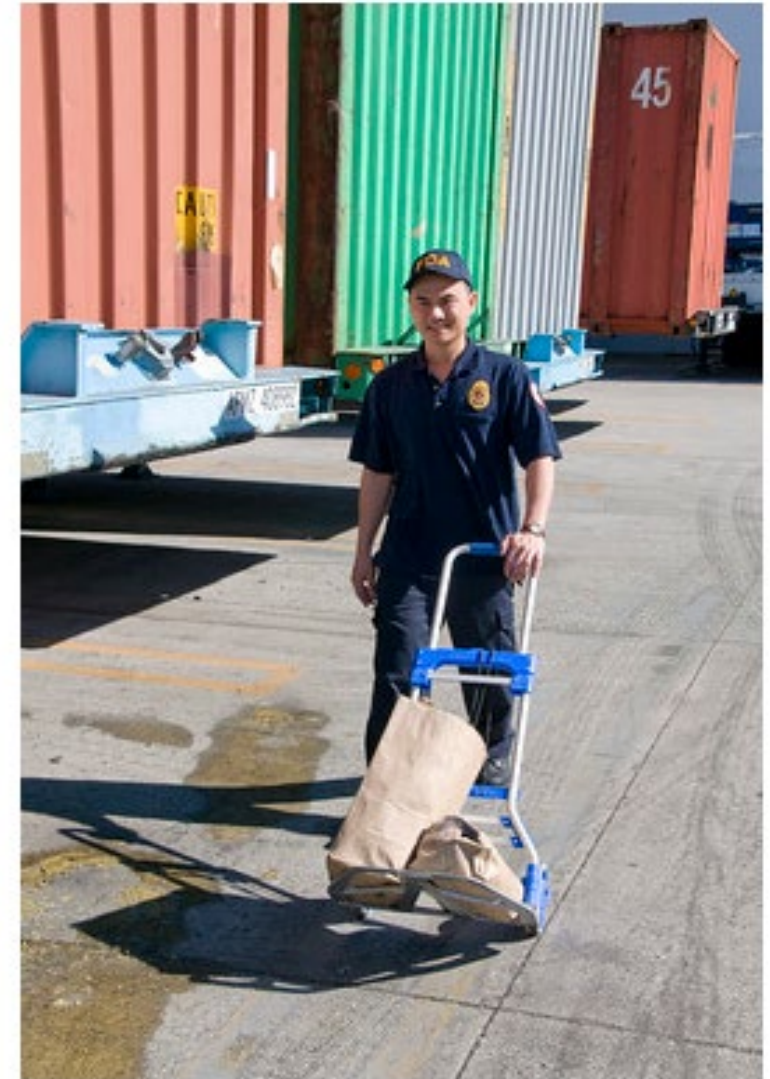
- Prior Notice related inquiries, including filing, policy, status, etc.

• **Division of Import Operations**

- General import operational and policy questions:
 - Phone: (301) 796-0356
 - Email: FDAImportsInquiry@fda.hhs.gov
- Petitions for removal from Detention without Physical Examination (i.e., Import Alert):
 - Email: ImportAlerts2@fda.hhs.gov

• ACE Technical Support

- FDA-related ACE questions:
 - Email: ACE_Support@fda.hhs.gov





Thank
You





U.S. FOOD & DRUG
ADMINISTRATION



United States
Consumer Product Safety Commission

U.S. Consumer Product Safety Commission (CPSC)

Office of Import Surveillance

Lisa Schultz, Compliance Investigator

WIESCCON

2023



Disclaimer: This presentation was prepared by CPSC Staff and may not necessarily reflect the views of the Commission.

CPSC Overview

- An independent federal agency
- Created in 1972
- Public health and safety mission
 - To protect the public from unreasonable risks of injury and death from consumer products
- Commission consists of 5 Commissioners
 - Appointed by the President and confirmed by the Senate
 - The Chairman is the principal executive officer of the Commission



Shift in Focus

"In Fiscal Year 2021, approximately \$996 billion in products under CPSC's jurisdiction were imported into the United States. The CPSC's Import Surveillance program successfully interdicts many noncompliant consumer products at the ports."



Source: CPSC Strategic Plan 2023-2026

Screening Products

- Investigators open cargo and screen consumer products for potential substantive and administrative violations
- Over 62,000 products screened in Fiscal Year 2022
- Common import violations (both children's and non-children's products):
 - Certification and labeling
 - Lead content and paint (X-Ray Fluorescence, XRF)
 - Phthalates (Fourier-Transform Infrared Spectrometer, FTIR)
 - Small parts, small balls
 - Drawstrings
 - Toys, rattles, pacifiers, balloons...
 - Art materials labeling
 - Fireworks
 - Hairdryers
 - Electrical products (holiday lights, extension cords)
 - Lighters
 - Bicycle helmets
 - Mattresses



Best Practices

- Build safety into your supply chain
- Purchase from reputable sources (foreign manufacturers and/or suppliers)
- Know your products and suppliers
- Be aware of CPSC's age grade factors
- Make sure 3rd party testing body is accepted by CPSC
- Make sure testing was performed according to U.S. standards



Best Practices (cont.)

- Ensure the correct citation to each CPSC product safety regulation is on the certificate
- Make sure test reports and certificates are readily available
- Don't forget tracking labels on children's products
- Include product detail on invoice
- Ensure goods are classified appropriately



Certification and eFiling



What is eFiling?

eFiling is a CPSC initiative to enable importers of regulated consumer products to file electronically (eFile) with U.S. Customs and Border Protection (CBP) certain data elements from a certificate of compliance, via a Partner Government Agency (PGA) Message Set.

What Must be Certified?

- Any product that is subject to a consumer product safety rule, ban, similar rule, standard, or regulation, and which is imported for consumption or warehousing, or distributed in commerce must be certified.
- Certification is the responsibility of the importer; however, importers and manufacturers should have a clear understanding of exactly which standards need to be met.
- Foreign manufacturers/suppliers should insist on a list of which mandatory and consensus standards apply.

Products Requiring a Children's Product Certificate		Products Requiring a General Certificate of Conformity	
Children's Products:	Hand-held Infant Carriers	Architectural Glazing	Lawnmowers
ASTM F-963	Highchairs	Artificial Emberizing Materials*	Lawn Darts*
Lead Paint	Frame Child Carriers	ATVs	Matchbooks
Lead Content	Gates and Enclosures	Bicycles	Mattresses (open Flame)
Small parts	Imitation Firearms	Bicycle Helmets	Mattresses (smoldering)
Phthalates (child care)	Infant Bath Seats	Bunk Beds	Metal Candle Wicks*
ATVs (Youth)	Infant Swings	Button Cell/Coin Battery	Multi-purpose Lighters
Activity Centers	Infant Walkers	Packaging	Paint and Similar Surface Coatings*
Baby Changing Products	Mattresses – Crib and Youth Size (open Flame)	Candles with Metal Wicks	Packaging Subject to the Poison Prevention Packaging Act
Bassinets and Cradles	Mattresses – Crib and Youth Size (smoldering)	Carpets and Rugs	Portable Gas Containers
Bedside Sleepers	Pacifiers	CB Antennas	Pool and Spa Drain Covers
Bicycles (Youth)	Paint and surface coatings	Cellulose Insulation	Refuse Bins*
Bicycle Helmets (Youth)	Play Yards	Cigarette Lighters	Refrigerator Doors
Bouncer Seats	Portable Bed Rails	Contact Adhesives	Swimming Pool Slides
Booster Seats	Portable Hook-On Chairs	Consumer Patching Compounds*	Vinyl Plastic Film
Bunk Beds	Rattles	Drywall	Wearing Apparel (Flammability)
Carpets and Rugs	Sleepwear sizes 0-6X	Fireworks	
Children's Furniture	Sleepwear sizes 7-14	Garage Door Openers	*Products subject to ban
Children's Folding Chairs and Stools	Sling Carriers	Inclined Infant Sleep Products*	Updated 10/11/2023
Clacker Balls	Small Parts		
Clothing & General Wearing Apparel	Soft Infant and Toddler Carriers		
Cribs	Toddler Beds		
Dive Sticks	Toys		
Electrically Operated Toys/Articles	Toys with Magnets		
	Wearing Apparel – Children's	https://cpsc.gov/Business--Manufacturing/Testing-Certification	
	Vinyl Plastic Film in Children's Apparel		



eFiling Trade Industry Benefits



Reduction in Risk Score

- Importers may see a **reduction of their risk score** over time based on the amount of data provided
- Reductions in Risk Scores may result in **reduced hold times** and **fewer exams** which may reduce costs to the importer



Greater Focus on Higher Risk Products

- CPSC's increased focus on higher risk shipments will **result in fewer holds to check for certificates**
- Holds will be more likely **performed for substantial violations** rather than for certificates as certificate data will be provided ahead of time
- Fewer holds may result in **reduced costs to the importer**





PHASE 1
Alpha Pilot

PGA Message Set and Product
Registry Testing
8 Participants

Successfully Completed
(2016)



PHASE 2
Beta Pilot

IT Development and
Testing
38 Participants

October 2023 –
April 2024



PHASE 3
Final Rulemaking

Integrate eFiling rule
changes

May 2024 –
Year-end 2024



PHASE 4
Full Implementation

Rollout of final eFiling
requirements for regulated
consumer products

Expected
early 2025



eFiling Information

- Visit www.cpsc.gov/eFiling to find
 - Product Registry Standard Operating Procedure and training videos
 - CATAIR Implementation Guide
 - Other guidance materials
 - Material is subject to updates, based on results of Beta Pilot



Resources

- CPSC's import webpage
 - [cpsc.gov/imports](https://www.cpsc.gov/imports)
- Regulatory violations posted online
 - [cpsc.gov/recalls/violations](https://www.cpsc.gov/recalls/violations)
- Small Business Ombudsman
- Regulatory Robot
- Outreach and Informed Compliance Inspections



Questions?
Thank You

CPSC Office of Import Surveillance

Lisa Schultz, Compliance Investigator (CI), lschultz@cpsc.gov



CPSC.gov     USCPSC



United States Department of Agriculture



Animal and Plant Health Inspection Service Plant Protection and Quarantine

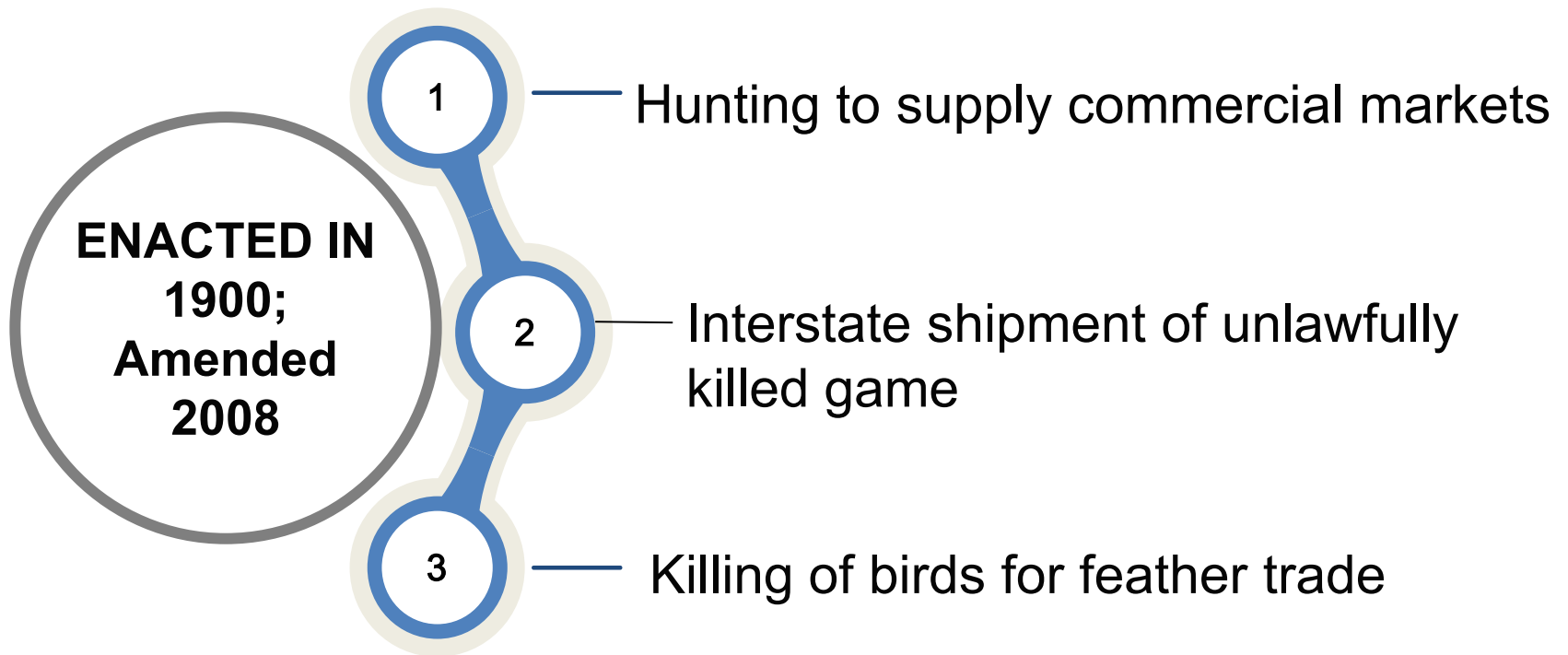
Karen Williams

Lacey Act Program
Compliance Specialist

October 2023



The Lacey Act



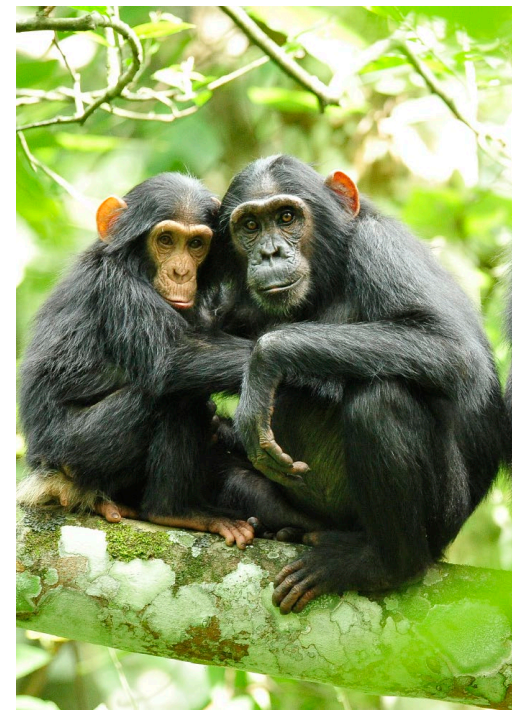
Lacey Act 2008 Amendments

- Covers more plants and plant products, including wood products
- Imposes legal requirements
- Requires an import declaration



Combating Illegal Trade

- Illegal logging leads to:
 - Increased Greenhouse Emissions
 - Loss of Biodiversity
 - Deforestation
 - Corruption and Violence
 - Revenue losses for U.S. businesses

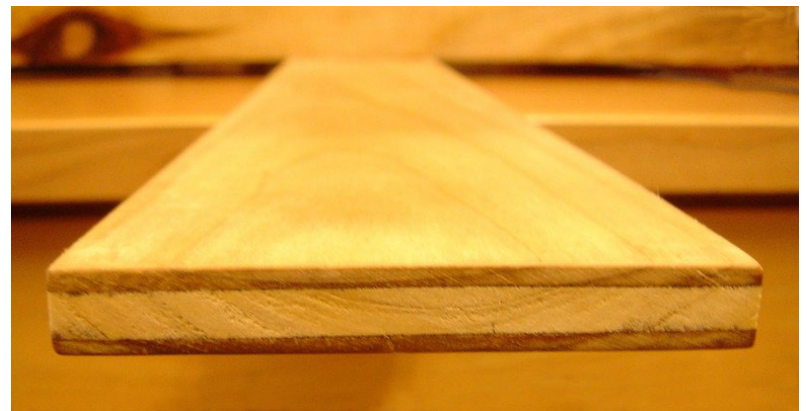


Lacey Act Requirements

All imported plants and plant products must have been legally harvested, possessed, sold or transported.

Articles imported under the act require a declaration stating:

- Value and quantity
- Country plant was taken
- Scientific name of each plant in product (Genus and species)



Does not require a declaration

**Common
Food Crops**



**Common
Cultivars
(except
trees)**



**Scientific
Specimens**



**Plants for
planting**



**Wood
products
used as
packaging
material**



**Products that
meet the
de minimis
criteria**





**Exclusions do not
apply to
Protected Plants!**

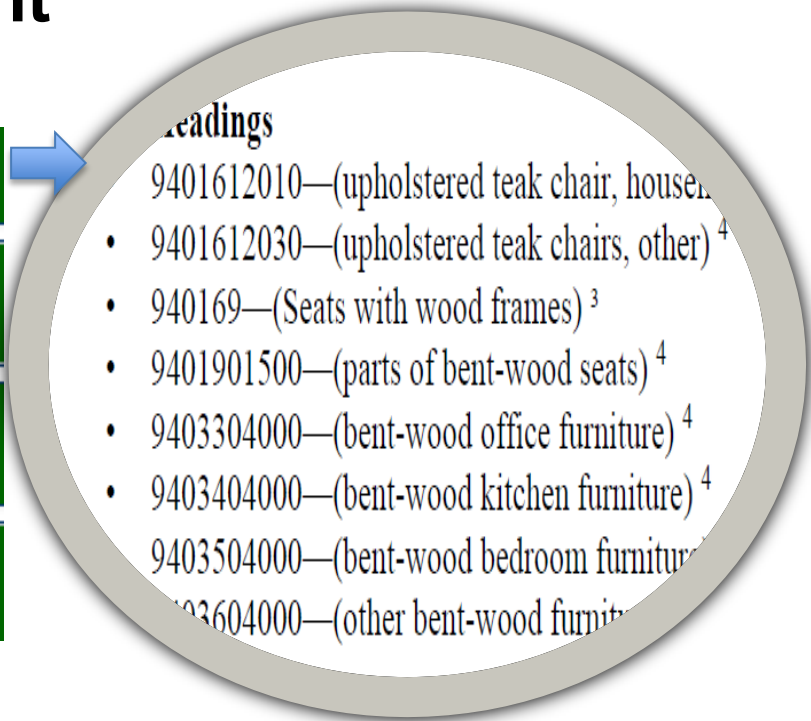


Lacey Program Declaration Implementation Phases

- Phase 6 implemented – October 2021
 - Chapter 33 – Essential Oils
 - Chapter 42 – Trunks, Cases, Suitcases
 - Chapter 44 – Wood and Articles of Wood
 - Oriented Strandboard (OSB)
 - Cases, boxes, pallets, etc.
 - Chapter 92 – Musical Instruments
 - Chapter 96 – Miscellaneous Manufactured Articles
 - Monopods, bipods, and tripods

Schedule of Enforcement

Chapter 44	Chapter 94
Chapter 66	Chapter 95
Chapter 82	Chapter 96
Chapter 92	Chapter 97
Chapter 93	

Headings

- 9401612010—(upholstered teak chair, househ...
- 9401612030—(upholstered teak chairs, other) ⁴
- 940169—(Seats with wood frames) ³
- 9401901500—(parts of bent-wood seats) ⁴
- 9403304000—(bent-wood office furniture) ⁴
- 9403404000—(bent-wood kitchen furniture) ⁴
- 9403504000—(bent-wood bedroom furniture)
- 9403604000—(other bent-wood furnit...

See tariff codes in each chapter

Lacey Act Program – What's Next?

- Phase 7 - all remaining non-composite plant products, such as wooden furniture
- Extensive outreach campaign targeted at industries that will require declarations for products
- Federal Register Notice of HTS codes in 2023 with full implementation 2024



Lacey Act Program – What's Next?

- Phase 8
 - All remaining composite materials



Contact Us

USDA, APHIS

Lacey.Act.Declaration@usda.gov

*Promoting responsible
harvest to save the
world's forests*

