

**Questions and Answers about exportation and importation under organic  
equivalency arrangement between the U.S. and Japan (September 10, 2015)  
(Provisional Translation)**

September 26, 2013, the U.S. and Japan had an organic equivalency arrangement which was enforced January 1, 2014. The outline of this arrangement is shown as following.

Q1. The U.S. has an “equivalence arrangement” with Japan. What does this mean?

A1. This means that as long as the terms of the arrangement are met, U.S. and Japanese organic products certified to the USDA organic standards or Japanese Agricultural Standards (JAS) may be sold, labeled, and represented as organic in both countries. As long as the operation is certified by a USDA-accredited or Japan-accredited certifying agent, this arrangement facilitates access to each country’s organic market.

Q2. Does Japan accept the USDA organic seal? Does the U.S. accept Japan’s organic seal?

A2. Yes. As a result of the trade arrangement, either organic seal may be used on products traded under the arrangement. Products traded under the arrangement must meet the labeling requirements in the destination country. Labeling requirements of the U.S. is shown in following:  
<http://www.ams.usda.gov/rules-regulations/organic/labeling>

Q3. Can products sold in both the U.S. and Japan be attached both “USDA organic logo” and “organic JAS logo”?

A3. The equivalency arrangement was determined subject to trading between the U.S. and Japan for promoting trading between two countries. Therefore, attaching the organic logos of organic equivalent country to products which aren’t exported to the organic equivalent country is contrary to the aim of the equivalency arrangement. Furthermore, there is a risk of misleading the consumers, etc. as if the products were certified to both Japanese organic standard and USDA organic standard. So please don’t attach the logos of organic equivalent country to products which aren’t exported to the organic equivalent country.

Q4. Which products can be traded under the arrangement?

A4. The arrangement includes organic plant, including fungi, and plant-based processed products (Food and beverage only. The same shall apply hereafter.) of U.S. or Japanese origin. This includes products that were either (1) produced within the U.S. or Japan or (2) products whose final processing or packaging occurs within the U.S. or Japan.

Reference:

[http://www.maff.go.jp/e/jas/specific/pdf/diagram\\_of\\_organic\\_trade.pdf](http://www.maff.go.jp/e/jas/specific/pdf/diagram_of_organic_trade.pdf)

Q5. What happens if an organic operation or certifying agent violates the terms of the arrangement?

A5. Significant non-compliances will be reported to both countries and appropriate enforcement actions may be pursued under the respective country's regulations.

#### **Shipping USDA organic products from the U.S. to Japan**

Q6. What is required to ship USDA organic products to Japan?

A6. Products must be certified to the USDA organic standards, and must be imported by JAS certified importer. Furthermore, products must meet all Japanese organic labeling requirements (including compliant use of the JAS organic seal).

Q7. Which products may carry the JAS organic seal?

A7. All organic plants, including fungi, and plant-based processed products must be labeled with the JAS organic seal under this arrangement if they are sold as organic in Japan. Products which don't have JAS organic standard (e.g. alcoholic beverage, honey) or products other than organic plants or plant-based processed products which have JAS organic standard (e.g. meat, dairy product) can't be labeled with the JAS organic seal under this arrangement.

Q8. How can a U.S. operation apply the JAS organic seal to their products?

A8. In organic system of the U.S., organic products sold in the U.S. may or may not label the USDA organic seal. On the other hand, any plants, including fungi, and plant-based processed products sold or labeled as organic in Japan must be labeled with the JAS organic seal. These products must be imported by a JAS-certified importer. Under equivalency arrangement, the JAS organic seal may be applied using one of two methods:

Method 1. If a U.S.-based farm or business wishes to apply the JAS organic seal to their products in the U.S., they must contract with a JAS-certified importer. Then, the U.S.-based farm or business can apply the JAS organic seal in the U.S. and export it to JAS-certified importer.

Method 2. If the U.S.-based farm or business doesn't wish to apply the JAS organic seal, a JAS-certified importer must apply the seal to the product once it arrives in Japan.

For a list of JAS-certified importers (only published importers are listed), see

<http://www.maff.go.jp/e/jas/specific/organic.html>

(List of certified importers)

Q9. Are products in the USDA's "made with organic..." labeling category included in the arrangement?

A9. No. Japan doesn't have a labeling category "made with organic..." like the U.S. does. Only products with 95% or more organic content may be labeled as organic in Japan.

If an operator would like to label products as "organic ingredient is used", its ingredient must be certified as organic in Organic JAS system, not in NOP.

Q10. What about products in USDA's "100 percent organic" labeling category?

A10. Japan doesn't have a "100% organic" labeling category like the U.S. does. However, these products—and any product above 95% organic ingredients—could be labeled "organic."

Q11. What documentation is required for products traded under the arrangement?

A11. All organic plants, including fungi, and plant-based processed products exported from the U.S. to Japan must be accompanied by an export certificate. It is used to document the production location, identify the certifying agent, certify that the terms of the partnership were met, and allow traded products to be tracked. View the USDA's TM-11 export certificate:

<http://www.ams.usda.gov/sites/default/files/media/Exporting%20USDA%20organic%20products%20to%20Taiwan%20and%20Japan.pdf>

Export certificates aren't required for products not regulated by the JAS law, such as meat, dairy products, honey, or alcoholic beverages. However, alcoholic beverages labeled with the word "organic" in the Japanese language must be accompanied by an export 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.

Q12. How do U.S. operations obtain an export certificate?

A12. To start, U.S. operations should inform their certifying agent that they wish to ship products to Japan. Certifying agents will ask the operator a few questions, complete the form, and return it to the operator for inclusion with their shipment of organic products. The list of USDA-accredited certifying agents is available at

<http://www.ams.usda.gov/services/organic-certification/certifying-agents>

## Shipping JAS organic products to the U.S.

Q13. What kind of products can be exported to the U.S.? In that case, what is required to ship JAS-eligible organic products to the U.S.?

A13. All JAS certified organic plants, including fungi, and plant-based processed products that were produced within Japan or products whose final processing or packaging occurs within Japan can be exported under this arrangement. (All JAS certified ingredients can be used no matter where its country of origin is.)

Also, organic products which are imported by the certified importer from the third country whose organic system is regarded as equivalent as the Organic JAS System and are re-packed by certified re-packer can be exported under this arrangement. Furthermore, the product must meet all USDA organic labeling requirements (including compliant use of the USDA organic seal) and be accompanied with NOP Import Certificate.

According to the USDA organic labeling requirements, the name of certifier must be labeled as “Certified organic by XXXX” etc. under the name of final handler or distributor. English name and abbreviation of Registered Certifying Bodies in Japan is listed following link.

[http://www.maff.go.jp/e/jas/specific/pdf/list\\_organic.pdf](http://www.maff.go.jp/e/jas/specific/pdf/list_organic.pdf)

Reference:

NATIONAL ORGANIC PROGRAM subpart D (Provisional Translation)

[http://www.maff.go.jp/j/jas/jas\\_kikaku/pdf/nop\\_subpart\\_d.pdf](http://www.maff.go.jp/j/jas/jas_kikaku/pdf/nop_subpart_d.pdf)

The National Organic Program’s Online Training (Labeling of name of certifier is explained on page 43.)

<http://www.ams.usda.gov/sites/default/files/media/OrganicLabelingTrainingModule.pdf>

Q14. Can products not regulated by the JAS law be sold as organic in the U.S.?

A14. Products that aren’t plants, including fungi, or plant-based processed products must be certified to the USDA organic regulations by a USDA accredited certifier. Such products include dairy products, meat, and alcoholic beverages.

Q15. Can plants and plant-based processed products in conversion to organic be traded under this arrangement?

A15. The U.S. doesn’t have a “transition to organic” labeling category like Japan does. Therefore plants and plant-based processed products in conversion to organic can’t be traded under the terms of this arrangement.

Q16. Can organic products produced outside of Japan be exported to the U.S. under this arrangement?

A16. In order to be exported to the U.S. under this arrangement, Japanese organic products must be produced within Japan or have their final processing or packaging occur within Japan.

Q17. Can JAS organic processed product all of whose ingredients are organic be labeled as “100% organic” and be sold in the U.S.?

A17. Organic products all of whose ingredients (including processing aid) excluding water and salt are organic can be labeled as “100% organic” in the U.S.

Q18. How do JAS operators obtain a U.S. import certificate?

A18. To start, JAS operations should inform their certifying agent that they wish to ship products to the U.S. Certifying agents will ask the operator: “whether organic plants or organic processed food of plant origin is certified in Organic JAS System”, “whether these products are produced or packaged in Japan”, “whether the products’ labeling meets the all USDA organic labeling requirements” etc. Then, certifying agents will issue the NOP Import Certificate. All of organic JAS Registered Certifying Bodies can issue NOP Import Certificate.

[http://www.maff.go.jp/e/jas/specific/pdf/list\\_organic.pdf](http://www.maff.go.jp/e/jas/specific/pdf/list_organic.pdf)

Q19. Can Japanese operators who are certified by NOP certifying agent use JAS certified ingredients for NOP organic products, such as organic alcoholic drinks, organic processed foods or the products which are labeled as “made with organic”?

A19. USDA-certified organic operator in Japan may use all JAS-certified organic plants, including fungi, and plant-based processed products that are produced in Japan or have their final processing or packaging occur in Japan as ingredients to produce a USDA-certified organic product. The product may not be labeled with the Organic JAS seal. The USDA-certified organic product may be exported to a third country other than the U.S. and used as an ingredient to produce a USDA-certified organic product.