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Jamaica & Dep

Food and Agricultural Import Regulations and Standards

Annual

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Report Highlights:

This report presents an outline of Jamaica's food and agricultural import regulations and standards, especially pertaining to labeling, pesticides and contaminants, import procedures and taxes, and protection of proprietary and geographic identities. The report intends to provide U.S. exporters with guidelines to comply with Jamaica's import requirements.

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Disclaimer

This report was prepared by the Office of Agricultural Affairs of the USDA / Foreign Agricultural Service in Kingston, Jamaica for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS

Jamaica's food, and associated plant and animal health regulations emanate from a tapestry of legislations (acts) that are developed and enforced in a multi-agency regulatory environment. The main legislation and regulatory Ministries include, inter alia: 1) Food and Drugs, and Public Health Acts; Ministry of Health; 2) Weights and Measurements, Processed Foods, Food Storage and Prevention of Infestation, Copy Right, Trade Marks, Merchandise Marks, Geographic Indication and Standards Acts; Ministry of Commerce, Science and Technology; 3) Animal (disease and importation), Meat and Meat Products and Meat By-products (inspection and export) and Plants (Quarantine) Acts; Ministry of Agriculture; 3) and Customs Act; Ministry of Finance. Agencies (competent authorities) within the respective ministries have the authority to enforce specific legislations, and make recommendations to parliament to amend such legislations.

Jamaica's legislative framework seeks in general to protect human and domestic animal health, the environment, intellectual property, and geographic identities. Additionally, the promotion of fair competition and broader consumer rights and protection (beyond public health) are incorporated in this legal framework. While Jamaica's food laws are largely WTO-consistent and enabling to free and fair trade, there are minor issues associated with the levels of inter-agency coordination and judicial delineation among implementing agencies. However, as the country continues its strides towards institutional amalgamation and legislative reform to improve the investment and business climate, these concerns are expected to be adequately addressed.

SECTION II. LABELING REQUIREMENTS

The following texts are compiled from the Jamaica Bureau of Standards Publications (JS1 Part 20 and JS1 Part 1). Information is inserted, extracted and or rephrased based on Post's knowledge of the regulatory environment.

Under the Standards, Processed Foods and Weights and Measurements Acts, the Jamaica Bureau of Standards develops, implements and enforces regulations governing the labeling of commodities for commercial trade in Jamaica. The labeling standards provide general principles governing all commodities that are customarily labeled in the course of trade (general requirements) and commodity-specific regulations.

Labeling of prepackaged foods**General requirements**

No label declaration, method of presentation or publicity concerning the product should be made in such a manner as is likely to mislead the purchaser and or consumer as to the true nature of the composition of the product as a whole.

Each package of prepackaged food should be labeled with:

- i. Common name of the goods together with any brand or registered trade name;
- ii. An accurate declaration of the net content of the package subject to such tolerances as may be allowed in appropriate units of measurements;
- iii. Name and identifiable business address of the processor, manufacturer, packer, importer or distributor and the country of origin;
- iv. An accurate description of the major ingredients or components of the goods, as recommended by the Jamaica Bureau of Standards;
- v. A date mark or date of minimum durability, where an indication of the age of the goods is likely to be useful to the consumer or purchaser.

Presentation of information

All information required to be carried on the label should be clear, prominently displayed and readily legible by the consumer under normal conditions of purchase and use. No statement should be in letters less than 1.58 mm (1/16 inch) in height.

The required information should not be obscured by designs or other written, printed or graphic material. It should be written, and in color/s that afford a distinct contrast with the background.

The information in i and ii above should be placed on the principal display panel of the package; that is, the part of the package that is most likely to be displayed or visible to the purchaser or consumer at the point of sale. The information in iii, iv and v above should be on any part of the label except that part of the label, if any, applied to the bottom of a container. Such information should appear together on the same part of the label and should not be separated by design or non-mandatory information.

All statements required in iii to v should be in the English language except where the common name, manufacturer's name and / or address are in other languages. All such statements should be printed or written using the English alphabet with or without accent signs.

All numbers relating to net contents stated on the label should be given in Arabic numerals or in words.

Prevention of Deception

A label on a package of prepackaged goods may contain other information, designs, symbols, or pictorial matter, provided that no words, illustrations, symbols, or other matter are used for the following:

- a. to give an erroneous impression as to the net content of the package;
- b. to give an erroneous impression as to any ingredient or component of the goods, or that the goods contain an ingredient or component that is not in fact contained in it;
- c. to refer to the nature, origin, type, quality, performance, function or method of manufacture or production of the goods that is likely to give an erroneous impression as to the matter described or depicted;
- d. to give an erroneous impression as to the country of origin of the goods;
- e. to give an erroneous impression as to the price or unit price of the goods;
- f. to give an erroneous impression as to the ease of maintenance or repair of the goods, or as to the availability of the goods;
- g. to give an undertaking of warranty, expressed or implied, which cannot be satisfied by the product or the manufacturer.

Common Name

This is the common or usual name of the commodity, a generic name or other appropriately descriptive term such as a statement of function, or the name required by or specified in any applicable regulation.

It should appear on the principal display panel in such a position as to be easily read at point of sale.

It should be clear, contrasting type and of such type size as to be easily legible at point of sale.

It should not be crowded or obscured by graphic material, vignettes, design or any information additional to that required by regulation.

Net Content

This should be stated in terms of "net" "net content" net weight" followed by an accurate declaration of the quantity of the product contained in the package.

It should be expressed in terms of:

- a. fluid measure if the product is a liquid or weight if the commodity is solid, semi-solid, viscous, or a mixture of solid and liquid;
- b. numerical count, measure or a combination of numerical count, weight, size, or measure;
- c. any firmly established general consumer usage or trade customs.

The statement should appear on the principal display panel in the lower third of the label and in lines generally parallel to the base on which the package rests.

It should be in a type size not less than that specified below:

Area of principal display panel (square inches)	Minimum height of letters (taken as the lower case "o") inches
Less than or equal to 5	1/16
>5 but < 25	1/8
Equal to or > 25 but < 100	3/16
Equal to or > 100 but < 400	1/4
Equal to or > 400	1/2

The statement should be in clear contrast to the background on which it appears, and should be clearly separated from other printed label information and graphic design above and below by a space not less than the height of the letter "N" of the declaration, and to the side by a space not less than twice the width of the letter "N" of the declaration.

Name and Address of Manufacturer & Country of Origin

The name and street address of the registered place of business of the manufacturer, packer or distributor of the product should be preceded by the words "Manufactured by...", "Packed by...", "Distributed by..." as applicable.

The country of origin should be prominently and clearly stated as "Product of..." with the blank to be filled in accordingly¹. The country of origin is the country where the nature or quality of the commodity was last changed to a significant extent other than by packaging.

Labels of imported goods may bear the words "Imported by..." Followed by the name of the importer or sole distributor or person responsible for the importation, together with the street address of the principal place of business in Jamaica of such person.²

Date mark / Date of Minimum Durability

Where the goods are liable to deteriorate within a period of 6 months³ after the date of manufacture or packaging so that the quality, safety, hygiene or other desirable

¹ States (e.g. GA, MI, etc) or provinces are not accepted as substitute for country name.

² In the course of enforcement "may" in line one is interpreted by the regulators as "must" especially for canned and bottled products.

characteristic is not likely to be maintained, a date mark should be placed on the goods, on the label or on the package, and on any bulk container or shipping container. Such a date mark should not be defaced or removed from the goods or from the label.

Where it is appropriate that the date of minimum durability should be given, it may be indicated by the words "best used before" followed by the date, or "not guaranteed after" followed by the date.

For the purpose of trade / commerce, Jamaica recognizes the European (dd/mm/yy), ISO's (yy/mm/dd) date formats, or full / partial texts (e.g. March 5, 2006 or Mar 05, 06). The U.S. (mm/dd/yy), Julian or other coded date formats are not recognized.

Multunit packages

Where individual units of a multunit package are intended for individual retail sale, separate from the multunit package, each shall be labeled in accordance with these labeling requirements (i.e. of this section).

Where the multunit package is intended for retail sale as a unit, the label of the unit package should show: a) the number of products or units, b) the common name of each product or unit, c) the quantity of each individual unit, and d) the total quantity of the contents of the multunit package. Where such grades are sold in trade by weight, a), c), and d) should be represented by the net weight of the total quantity of the contents of each individual unit.

Where the prepackaged goods are sold as one unit, but consist of two or more unpackaged products, the unit label should bear the information as required general labeling of prepackaged goods.

Combination packages and variety packages should conform to the above requirements.

The principal display panel

The principal display panel should be :

- a. in the case of a box, the side or surface commonly displayed
- b. in the case of a bag with sides of equal dimensions, one of these
- c. in the case of a cylindrical container, 40% of the total surface area which is most likely to be displayed
- d. in the case of a bag with sides of more than one size, the size with the larger area
- e. in the case of a container that has a wrapper or confining band that is much narrower than the goods contained therein, the total area on one side of a ticket or tag attached to the container or to the goods
- f. in the case of other shaped containers the obvious principal display (e.g. the top of a can of shoe polish)
- g. in the case of an ornamental package, the bottom of the package
- h. in the case of an article attached to a display card with it is sold, the area of the display card and of the package

Language: The information to be included on the label of every container should be in the English language.

³ From our experience, the regulators do not usually acknowledge the 6 months rule. All products are typically monitored for expiry dates.

Unit of Measure: The unit of measure should be in metric system (SI). The product can bear an imperial unit but it must be preceded by the metric equivalent and be placed in parenthesis indicating subordination to the metric measurement.

Other labeling guidelines

Nutritional labeling

Jamaica has not developed any specific regulations for nutritional labeling, but follows the standards developed by the Codex Committee on Food Labeling as sufficient to afford adequate consumer protection. Products that meet standard U.S. nutritional labeling requirements (including nutritional facts and recommended daily intakes) have not been reported in contravention of any Jamaican laws or regulations.

Enforcement

The Jamaica Bureau of Standards has judicial responsibility to develop and implement Jamaica's labeling regulations. The labeling standards are enforced at the port of entry and at the retail level. In this respect, it is mandatory that all products exported to Jamaica be appropriately labeled in accordance with the general labeling principles and any applicable commodity-specific requirements prior to arrival at the port of entry. Under the Standards Act, the Bureau of Standards has the legal authority to grant exemptions from any portion of the labeling requirements. Where such exemptions are granted, it is mandatory that the products be relabeled to full compliance prior to retail distribution. Based on our experience, it is unusual for the Bureau to grant multiple exemptions to an individual importer or to the same classification of product from the same country of origin. Where products are denied entry into the country, re-export or disposal is the responsibility of the importer and or the exporter depending on the commercial arrangement. Certain exemptions attract a charge for breach of the applicable law (e.g. Standards Act).

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Jamaica has no specific regulations governing the selection and use of packaging materials. However, the general requirements of the Public Health (Food Handling) Regulation is that food products should not be packaged in any material that is not approved for such use by the Medical Officer (Health). In general, packaging materials should be clean, sanitary, free of toxic materials and other contaminants, and preserve the integrity and safety of its content under conditions that are typical for such product classification. In line with the intention of the Public Health (Food Handling) Regulation, the Bureau of Standards has developed a code of best practices (Jamaica Code of Practice –JCP-, part 1, 2 and 5) in the selection, use and storage of packaging materials.

While there is no specific regulation mandating the minimization or recycling of containers and packaging materials, the thrust of the National Solid Waste Management Authority (NSWMA) is to encourage a culture of voluntary recycling of, particularly, non-biodegradable packaging materials. Under the Solid Waste Management Act, packaging materials are not differentiated from other classifications of solid wastes for the purpose of treatment and disposal. The NSWMA requires the containerization of all solid wastes to support efficient municipal disposal in accordance with the guidelines of the Solid Waste Management Act.

SECTION IV. FOOD ADDITIVE REGULATIONS

In the absence of country-specific regulations on food additives, Jamaica has adopted the standards of the Codex Committee on Food Additives as sufficient to afford consumer health and protection in Jamaica, with respect to the use and tolerances of food additives. Where national standards are lacking, Jamaica typically follows the standards adopted by the Codex Commission. The Ministry of Health, Jamaica Bureau of Standards and other interested government agencies have recently assembled a working group to develop national

regulations for food additives and nutritional labeling. The regulations are expected to be heavily influenced by the existing standards of the CCFA and CCFL.

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Under the Pesticides Act (1975), the Pesticide Control Authority (PCA) was established to regulate and control the importation, production, registration, approval, prohibition, packaging, distribution, disposal, use, and other critical processes associated with pesticide handling in Jamaica. The jurisdiction of the Authority extends to the establishment and enforcement of Maximum Residue Limits, as well as the licensing of operators and facilities in the pesticides industry. Jamaica has a positive list of over three hundred (300) pesticides that are approved and registered for domestic use. Approximately fifty-seven (57) pesticides are on the list of banned pesticides, and over seventy-eight (78) are registered for restricted use only. Pesticides that fall in the latter category are subject to more stringent registration and monitoring requirements. It is mandatory that all pesticides be registered with the PCA prior to importation into Jamaica, and that the importer be duly licensed by the PCA. Jamaica's list of allowed and banned pesticides are described at: <http://www.caribpesticides.net/country>

Under the Pesticides (Maximum Residue Levels in Crop, Food and Feed Stuff) Regulation of 2005, Jamaica has established Maximum Residue Levels for approximately two hundred (200) agricultural pesticides that are approved for use on specific crops (over sixty-one genera), animals and or animal feed ingredients. Given the relative importance of the European market to the local farm economy, the MRLs, and testing and monitoring methodologies that are established by the United Kingdom's Pesticide Safety Directorate are largely replicated in the Jamaican regulation. The CODEX-established MRLs are incorporated into the Jamaican regulations only as far as they are compatible with the European tolerances. The regulation prohibits the circulation of any product (fresh, processed, dried or composite) that exceeds the established MRLs. Where products contain levels of pesticides that exceed the MRLs, the PCA may seize and dispose of the consignments (or part of it) or direct the owner to take any such actions that appear to be necessary in the interest of public safety. A list of Jamaica's MRLs is available at: <http://www.caribpesticides.net>. Jamaica's pesticide regulations, especially its lists of approve pesticides and MRLs, are expected to evolve over the short-term in sync with those of the United Kingdom. The methodologies for sampling and testing products in relation to establishing pesticide concentration are partially described in the list of MRLs.

SECTION IV. OTHER REGULATIONS AND REQUIREMENTS

Information on product registration, conformity testing, and related regulations for food products are not available in Jamaica. The Pharmaceutical Division of the Ministry of Health registers and regulates pharmaceuticals products. As demand for functional foods increase over the medium term regulations are expected to be developed.

SECTION VII. OTHER SPECIFIC STANDARDS

Meat and Dairy Products

All meat /dairy products imported into Jamaica must be accompanied by an import permit issued by the Director of Veterinary Services of the Ministry of Agriculture, and an export certificate from the competent authority (usually a federal agency) of the exporting country. We have observed that where products are highly processed and contain a small proportion of animal ingredients, the Veterinary Services Division (VSD) accepts appropriately worded export certificates (those giving explicit guarantees) from state or country authorities as sufficient to satisfy its permit requirements. A Notary Public is not recognized as a competent authority in Jamaica for the purpose of certifying the wholesomeness and safety of a food product. Reference to an affidavit or other substantiating documents that

originate outside of the formal government inspection system is not usually acknowledged by the VSD as constituting adequate regulatory oversight to justify generating an export certificate.

Endangered Species

An import license is required for all products that are protected by the CITES Agreement and should be certified for export in accordance with the requirements of the Convention.

Plant and Plant Parts

All plants and plant parts exported to Jamaica must be by way of an import permit issued by the Plant Quarantine Division of the Ministry of Agriculture, and a phytosanitary certificate issued by the competent authority (a federal agency) of the exporting country.

There is no regulation governing the importation of Genetically Modified Organism for human consumption. However, Living Modified Organisms for release into the natural environment or for experimental purposes are regulated under the Plant (Importation) Control Regulation. See JM6005 for detail.

SECTION VIII. COPYRIGHT AND TRADEMARK LAWS

The Trade Mark Act makes legal provisions for the registration of trademarks in Jamaica, and for the protection of associated property rights and entitlement to remedies for infringements. Subject to specific limitations, the proprietor of a registered trademark has exclusive rights to the trademark, and any use of the mark in Jamaica without the proprietor's consent constitutes an infringement of such rights as are provided in the Trade Mark Act. Exclusions from infringement of a trademark are explicit in the regulation. As a party to the Paris Convention for the Protection of Industrial Property, a trademark that is filed in a Convention country has a six-month *right of priority* for the purpose of registering the same trademark in Jamaica. A trademark can initially be registered for a period of ten years, and may be renewed indefinitely in periods of ten years from the expiration of the previous registration. To register a trademark in Jamaica, an application, with the required fees, must be filed with the Trademarks & Design Directorate of Jamaica Intellectual Property Office in accordance with the requirements of its Form TM1. The trademark must comply with all the requirements of the Trade Marks Act (1999) and the Trade Marks Rules (2001) for it to be registered and protected in Jamaica. The directorate also facilitates search of registered marks and provide guidance on arrangements (word, graphics, etc) that are excluded from registration and protection in Jamaica. After acceptance of a trademark for registration it is advertised in the Jamaica Gazette.

The Copyright Act affords protection to intellectual property rights in relation to literary, dramatic, musical, artistic, films and typographical arrangements. The Act also recognizes and protects the intellectual rights of works that are published in countries that are party to the Berne Copyright Convention or that provide adequate protection under national laws.

Where products are identified with unique characteristic/s or reputation attributable to its geographic origin, such products are protected under the Geographic Indications Act to prevent such attributes from being explicitly assigned to or implied to be associated with products of other geographic origin/s. Protection under the act precludes the use of statements such as "comparable to", "imitation" "type", "style" or similar expressions in relation to unique geographic identities that are associated with products of another geographic origin.

SECTION IX. IMPORT PROCEDURES

Consignments that exceed USD5,000 in value must be cleared by a licensed customs broker. The customs clearance process is initialized with the electronic submission of the Import Entry (Form C78) to the Customs Department. The broker then takes the physical documents (including invoice, declaration of value, permits, licenses, bills of lading/airwaybill, etc) to the Lodgment Desk of the Customs House for allocation to an Officer. Import permits are required for a wide range of plant and animal products and by-products (respective lists are available at the Plant Quarantine and Veterinary Service Divisions). Whole milk powder, and products that are regulated under the CITES Agreement (Convention for Trade in Endangered Species, e.g. Mahogany) require an import license from the Trade Board.

It is the importers responsibility to ensure the correct declaration of value (Form C84 / 85) for the computation of import duties. Jamaica applies six WTO-compatible methods of computing import duties in the following order: 1) the transaction value (primary method), 2) reference to the transaction value of identical goods, 3) reference to the transaction value of similar goods, 4) the deductive method, 5) the computed method and 6) the fallback method. The Customs Department follows the computation details and procedures in applying the respective methods as are contained in the WTO Agreement on Customs Valuation. Where values are declared based on the primary valuation method (transaction value), Declaration Form C84 is applicable, while C85 is required if any other method is employed.

Assuming the Entry and Declaration of Value forms and all supporting documents are complete and accurate, the Invoice Branch makes a determination of import duty usually within twenty-four hours after initial submission. Under the CARICOM Agreement, Jamaica applies a Common External Tariff (CET) on products that do not meet CARICOM country of origin requirements. Except where products attract Special Consumption Taxes, import duties are generally computed by compounding (in the following order) the CET, Additional Stamp Duty and General Consumption Tax. Other charges (such as Customs User Fee and Standard Compliance Fees) are charged on the CIF value. The on-going customs modernization program facilitates electronic and conventional payment of import duties.

Upon final payment of import duties the consignment is inspected by the Customs Department and other interested government agencies, namely: The Ministries of Agriculture (Veterinary Services and Plant Quarantine Divisions), Health (Environmental Health), and Commerce, Science and Technology (Bureau of Standards and Food Storage Division).

Where products are denied entry into Jamaica due to breach of legislation, all appeals are conducted with the respective implementing ministry, except as it pertains to declaration of import duties. Within the Jamaican food legislative framework, the legal authority is typically conferred on the Government Minister (of the specific implementing ministry) to make rulings in keeping with the general spirit and intentions of the legislations where explicit procedures are not provided. Where a declaration of duty is rejected by the Customs Department, the importer has the right to an appeal in the court of law.

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACT**Jamaica Bureau of Standards**

6 Winchester Road
Kingston 5
Tel: (876) 926-3140
Fax: (876) 929-4736

Ministry of Health

Oceana Complex
2-4 King Street
Kingston
Tel: (876) 967-1094/96

Web: <http://www.jbs.org.jm>

Fax: (876) 967-1303

Web: <http://www.moh.gov.jm>

Veterinary Services Division

Ministry of Agriculture
193 Old Hope Road
Kingston 6
Tel: (876) 977-2489/970-3644
Fax: (876) 977-0885/977-7950

Plan Quarantine Division

Ministry of Agriculture
193 Old Hope Road
Kingston 6
Tel: (876) 9770637/6992
Web: www.moa.gov.jm

Pesticide Control Authority

Ministry of Health
Oceana Complex
2-4 King Street
Tel: (876) 922-2829
Fax: (876) 967-1285
Web: www.caribpesticides.net

Jamaica Intellectual Property Office

4th Floor, PCJ Building
36 Trafalgar Road
Kingston 10
Tel: (876) 754-6350/60
Fax: (876) 929-1190

Jamaica Customs Department

P.O. Box 466
Newport East
Kingston
Tel: (876) 9222467
Fax: (876) 967-0140
Web: www.jacustoms.gov.jm

Trade Board

107 Constant Spring Road
Kingston 10
Tel: (876) 969-0883
Fax: (876) 925-6526
Web: www.tradeboard.gov.jm

National Solid Waste Authority

61 HWT Road
Kingston 5
Tel: (876) 926-3988/8559
Fax: (876) 920-1415
Web: www.nswma.gov.jm

Food Storage & Prevention of Infestation

Ministry of commerce, Science & Technology
15 Gordon Town Road
Kingston 5
Tel: (876) 927-1929-30
Fax: (876) 977-7515

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

Customs Brokers Association

14-16 First Street
Newport West
Kingston 13
Tel: (876) 923-4665
Fax: (876) 937-4779
Web: www.customsbrokersjamaica.com

Private Sector Organization of Jamaica

The Carlton Alexander Building
39 Hope Road
Kingston 10
Tel: (876) 927-6957-8
Fax: (876) 927-5137
Web: www.psoj.org

Foreign Agricultural Service

U.S. Embassy Kingston, Jamaica
P.O. Box 541
Kingston 5. JAMAICA
Tel: (876) 702-6142 / 702-6000
Fax: (876) 702-6397
Email: agkingston@usda.gov