



INTERNATIONAL ORGANIC ACCREDITATION SERVICE

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Certification of products subject to the Organic Products Regulations of Canada

The Organic Product Regulations of Canada (OPR 2009) came into effect on June 30, 2009 and require that all products making an organic label claim and sold interprovincially within Canada or imported into Canada must be certified according to the Canada standards CAN/CGSB 32.310 and 32.311 by a certification body that is accredited according to OPR 2009 **OR** are imported into Canada under an equivalence arrangement.

On June 17, 2009 Canada and the US entered into such an agreement that recognised their national organic systems as equivalent. This is the only equivalence agreement entered into to date.

In the interest of a uniform application of OPR 2009 and its equivalence arrangement, the IOAS would like to clarify a number of issues relevant to both certification in Canada and around the world which have caused confusion and disagreement amongst certification bodies and the trade in recent months as follows:

1. Organic certification must be conducted to verify compliance with Canada standards CAN/CGSB 32.310 and 32.311 and according to the requirements set out in Part C of the Canada Organic Office Operating Manual. Within Canada a CFIA accredited certifier may not certify an operator (or certain products in an operators range) to the NOP rule (regardless of where the product is sold) as this undermines the whole concept of equivalency agreed between the two countries.¹
2. In cases when organic certification is conducted (in any country outside of Canada) by a NOP accredited certifier according to the Canada/US equivalency agreement certification is conducted according to the NOP procedures but takes into account the variances included in the Canada/US equivalency agreement.²
3. Under the Canada/US equivalence agreement, product certified by a CFIA accredited certifier (in any country outside of the US) can, vice versa, be sold in the US as long as certification takes account of the variance noted in the agreement. Certifiers working outside of Canada and the US therefore have a choice

¹ <http://www.inspection.gc.ca/english/fssa/orgbio/orgbioimporte.shtml>: The intent of an import-export agreement is to allow organic producers to certify only once to their domestic regulations and simultaneously meet domestic requirements and the import requirements of the importing country. Therefore, producers can access both markets while only being certified to the domestic system.

² OPR 2009, clause 27.2 and <http://www.inspection.gc.ca/english/fssa/orgbio/orgbioimporte.shtml>

of routes (viz. to be accredited by the NOP or be accredited to the COR by the IOAS or other approved Conformity Verification Body) to provide access to these two markets.

4. Products (with >95% organic content) certified under both 2 and 3 above may carry the USDA Organic and/or the Canada Organic seals³ and must be labelled in accordance with the relevant national rules. As clarified by CFIA⁴ and the NOP⁵ **either** of the following statements should accompany products that are produced under the terms of the arrangement:

‘Certified in compliance with the terms of the US-Canada Organic Equivalency Arrangement’
‘Certified to the terms of the US-Canada Organic Equivalency Arrangement’

The statement ... must appear on documentation travelling with the shipment. The attestation may be included on the organic certificate, a transaction certificate, statement on bill of lading or purchase order or any other affirmative attestation. This is an attestation between traders and is not anticipated to appear in product labelling at the consumer level. No certificate or similar document may claim compliance with either regulation when the certification was actually performed according to the other.

5. The CFIA have further clarified³ that all ingredients used in products destined for Canada must be certified to the OPR 2009 or the Canada/US equivalency agreement. In the other words, the complete chain of custody of all ingredients in a product must be verified as compliant or equivalent.

6. The IOAS has no responsibility nor jurisdiction over product certified according to the Canada/US equivalence agreement where the basis of the certification is that described under 2 above. The relevant authority is the USDA NOP. We nevertheless provide this information as a service to our clients.

7. We previously informed you that product certified according to CAN/CGSB 32-310 is accepted as equivalent for import into Taiwan. We can confirm that this applies to product certified anywhere in the world by an approved CB under the COR. Contrary to suggestions that this recognition might end October 31, 2010, we can confirm that the equivalence remains in place. For questions on access to Taiwan please refer to the Agriculture and Food Agency at mcoa@mail.afa.gov.tw

8. We would like to remind all CFIA accredited certification bodies that the Canada Organic Office has requested that all enquiries related to the COR be channelled through your CVB ie the IOAS. We will endeavour to answer any such questions promptly and make public such clarifications but please bear with us when we feel the need to consult with the Canada Organic Office who may in turn feel it necessary to take the issue to their Interpretations Committee.

9. The contents of this notice has been reviewed by the Canada Organic Office.

End

³ <http://www.inspection.gc.ca/english/fssa/orgbio/orgbioimporte.shtml>: Use of the Organic Logos is voluntary. Either or both logos are permitted in either country provided the organic content of the product is 95% or greater.

⁴ CFIA Directive 10-03 issued October 25, 2010.

⁵ National Organic Program Policy Memo 10-03 issued November 4, 2010