

Canada Organic Regime: Stream of Commerce Policy - Compliance and Enforcement Strategy

1. Purpose

To establish the CFIA's strategy for managing the transition from a voluntary organic certification system to the proposed mandatory organic certification system. The new regulatory regime comes into effect on the coming into force date (June 30, 2009) of the *Organic Products Regulations* (the Regulations).

2. Scope

The Stream of Commerce/Compliance and Enforcement Policy (hereinafter referred to as the Policy) applies to products outlined in section 2 of the Regulations that are represented as organic in inter-provincial and/or import trade. Those Commodities excluded from the scope of the Regulations, such as; fertilizers, cosmetics, and textiles and those commodities excluded from the scope of the Canadian Agricultural Products Act (CAPA), such as products for intra-provincial trade and aquaculture are not subject to this policy.

3. Background

The Regulations require that products represented as an organic product, as defined in the Regulations, in inter-provincial trade or bearing the organic agricultural product legend be certified by a CFIA accredited Certification Body (CB) to the Canadian General Standards Board's *Organic Production Systems General Principles and Management Standards and Organic Production Systems Permitted Substances Lists* (the Canadian Organic Standard).

When the Regulations come into force, all organic products, (produced after the coming into force date) must be certified by a CFIA accredited CB or be imported from a country with which the CFIA has entered into an agreement regarding the importation and exportation of organic products and be certified to be in conformity with the agreement by a certification body recognized by that country. The CFIA, as the competent authority, will be evaluating the practices of Conformity Verification Bodies (CVB), including their accreditation evaluation criteria (ISO/IEC 17011), for uniformity and consistency to verify that CBs are all evaluated according to the same principles and on the same basis.

Many products (domestic and imported) are currently certified voluntarily to organic standards; however, it has been determined that additional adjustment time is required to adapt their systems to the CGSB Organic Standards and the mandatory scheme. The CFIA recognizes that some organic operators will need time to make the necessary adjustments to achieve full compliance with the new requirements. As such, the CFIA has developed this Policy so as not to impede organic trade following the coming into force of the Regulations, while at the same time having controls to correct non-compliance, and providing protection to consumers.

4. Statement

The CFIA proposes to implement this Policy for two years, following the coming into force of the Regulations. During this period, enforcement guidelines will be based on an educational approach, where the operator is advised of the issues, may be requested to make corrections and encouraged to have a plan in place to indicate how and when deviations will be corrected.

Enforcement guidelines will be developed for CFIA inspectors in consultation with the commodity programs, operations and EIS. These will be part of the training module.

5. Authority

Section 17 of these Regulations also provide for the integration of organic products, certified before the coming into force date, into the Canada Organic Regime.

Section 17 Organic Certifications in Place

Any organic certification issued before the coming into force of these Regulations by a Certification Body recognized under section 5 shall remain valid and in effect until a new certification is required.

6. Scenarios

(i) Products in the Stream of Commerce prior to June 30, 2009 and represented as organic.

Organic Certification	Compliant with Regulations	Enforcement Action	Use of Legend Permitted
1. Marketed as organic and certified to CGSB Standard, prior to June 30, 2009, and meets the requirements set out in 15 of the Regulations.	YES	Organic certification in place before the coming into force date will be recognized within the COR until the next scheduled verification is required by the operator’s CB.	YES After the coming into force date.
2. Marketed as Organic but not certified.	NO	Education and/or request to correct. Operator/Owner to provide evidence that product is organic and planned corrective actions to bring product into compliance, as per the compliance and enforcement guidelines.	NO
3. Certified to other standard	NO	Education and/or request to correct. Operator/Owner to provide evidence that product is organic and planned corrective actions to bring product into compliance, as per the compliance and enforcement guidelines.	NO

Organic Certification	Compliant with Regulations	Enforcement Action	Use of Legend Permitted
4. Certified by a CB not accredited by CFIA	NO	Education and/or request to correct. Operator/Owner to provide evidence that product is organic and planned corrective actions to bring product into compliance as per the compliance and enforcement guidelines.	NO

(ii) Products entering the Stream of Commerce post June 30, 2009 and represented as organic.

Type of Product	Compliant with Regulations	Enforcement Action	Use of Legend Permitted
1. In compliance with Regulations	YES	Not required as meets regs.	YES
2. Non-certified	NO	Compliance/Enforcement action taken on the product.	NO
3. Certified to other standard by a CFIA recognized CB.	NO	Education and/or request to correct. Operator/Owner to provide evidence that product is organic and planned corrective actions to bring product into compliance.	NO
4. Certified by a CB not accredited by CFIA.	No	Education and/or request to correct...i.e Is the CB in the process of being accredited. Operator/Owner to provide evidence that product is organic and planned corrective actions to bring product into compliance.	NO

The Agency will verify compliance and enforce these Regulations in accordance with its statutory authorities, including those found in the *Canadian Agricultural Products Act*. Compliance and enforcement activities will include, product label reviews; imported product verification, and responding to consumer complaints via onsite inspections where required.

Following the expiration of this Policy the CFIA will implement more stringent enforcement activities. The COO will work with the commodity inspection programs and EIS to integrate the enforcement activities into their existing compliance and enforcement activities.