



## Newsletter

January, 2009

### **Organic Regulation Implementation Period**

Canada's Organic Products Regulation (OPR) comes into full effect on June 30, 2009. This date is also the beginning of a 24 month transition period. The Canadian Organic Office (COO) of the Canadian Food Inspection Agency (CFIA) and Canada's organic program administrator has a substantial list of unfinished issues to address. The most critical of these is the finalization and publication of a **Transition Policy** which deals with the status of organic produce which will be in the "stream of commerce" in 2009/2010 but may not be wholly compliant with the Canadian Organic Standard (COS) and the OPR. Because of the numerous "loose-ends" in the Canadian Organic Regime (COR) at the time of writing, this newsletter is an "interim update". Pro-Cert will publish additional updating newsletters after: (i) the next edition of the COS is published, and (ii) the final version of the OPR becomes law. Also check our website ([www.pro-cert.org](http://www.pro-cert.org)) for updates and announcements. Pro-Cert will continue to publish COR updates as the COR evolves.

### **Pro-Cert Name/Organizational Changes**

**Pro-Cert Organic Systems Ltd. (Pro-Cert)** is now your official organic certifier! This name change became effective January 2, 2009 with the amalgamation of OC/PRO and Pro-Cert and the simultaneous continuation of Pro-Cert into federal jurisdiction in accordance with the provisions of the *Canada Business Corporations Act*.

This is the final phase of the seamless transition from OCPP/Pro-Cert Canada Inc. to Pro-Cert Organic Systems Ltd. Pro-Cert management has given careful consideration to minimizing the impact of this final organizational change on its' certificate holders and logo users. The essential features of the transition plan and supporting legal/accreditation arrangements are as follows:

1. Your existing OC/PRO Certificate(s) for the Canadian (COS), USDA NOP, European (EEC) and Quebec (CARTV) programs remain in effect until their expiry date. Pro-Cert certificates will be issued (subject to compliance verification) on or before your next extension/anniversary date.
2. The term "Certified Organic by OCPP/Pro-Cert Canada" (or its licensed derivatives) can remain on package labels until the next **required** label change at which time it must be replaced by one of three terms: "**Certified Organic by Pro-Cert Organic Systems**" OR "**Certified Organic by Pro-Cert Organic**" OR "**Certified Organic by Pro-Cert**".
3. The old OC/PRO certification marks and logos have been retained by Pro-Cert and can remain in use at **all** future times.
4. The logical (and acceptable) timing of the certifier name change on package labels is simultaneous with one or both of the following:

- a. the release by the COO of the final version of the new “Canada Organic” designation and logo,
- b. the release by Pro-Cert of its new and alternative logo (colour or black & white),

Both of these new logos should be available after July 1, 2009.

**Note:** International market and regulatory acceptance/recognition of Pro-Cert will not be an issue as Pro-Cert has been known in international organic trading and regulatory circles for more than 18 years.

## **Pro-Cert Certification Costs & Fees**

### **Certification Complexity & Costs**

The complexity and cost of simultaneously certifying organic operators to four organic certification programs – Canada, USA, EEC and Quebec – all of which are regularly and independently changing in an unharmonized and unequivalent global regulatory environment, deserves comment.

### Accreditation Complexity & Cost

Pro-Cert currently maintains three accreditations – The Standards Council of Canada (SCC), the USDA (NOP) and the Conseil des Appellations Reserves et des Termes Valorisants (CARTV). It will, in 2009 increase that number to five by adding the CFIA and Japan (JAS) accreditation. At present and until the highly elusive goal of global equivalency is reached, Pro-Cert needs these accreditations to provide domestic and international market access for its clients across North America. The cost of these accreditations in 2009 is roughly estimated at **\$175,000** noting that:

1. 2009 costs include the initial costs of obtaining JAS Registered Foreign Certification Office (RFCO) status and will be substantially lower in the future.
2. CFIA fees at present are nil but could become substantially higher in the future.
3. There are 2 components to the accreditation costs:
  - a. accreditor fees,
  - b. office personnel time and overhead.

Given that Pro-Cert’s accreditation costs in 1994 were **\$15,000**, the 2009 cost represents a 1066% increase in licensing/accreditation costs in 15 years or an average rate of increase of 71% per year! Pro-Cert currently recovers these multiple accreditation costs via “Accreditation Surcharges”. In a future “equivalency paradise” **Pro-Cert will have one accreditor and no “accreditation surcharge”!**

### Compliance Verification Costs

The organic regulators in North America are “tightening up” on certifier diligence. Accreditors are now looking for more of everything from certifiers and their clients during witness audits:

- More detailed and accurate operator paperwork – activity logs, produce audit trails, herd/flock records, etc,
- More thorough inspections, evaluations and reporting,

- More in-house “follow-up”,
- More un-announced inspections, more Notices of Non-compliance by certifiers to operators,
- More label surveillance,
- More inspector/evaluator training,
- More qualified inspectors and evaluators.

Fortunately, Pro-Cert has always taken the “high road” on all of these issues and is not facing major certification operating cost increases other than accreditation costs as discussed above. Our competitors, many of whom have been taking the “low road” on organic certification diligence, are now facing substantial competence and operating cost increases.

## **Pro-Cert’s 2009 Certification Fee Schedule**

### **Processors**

**No changes for 2009!** There were some fee increases for Eastern Canadian processors in 2008. However, these were necessary to reflect actual overheads and risk. Pro-Cert’s formula for fee Quotations in 2009 remains unchanged and based on size, scope and complexity of the operation rather than the value of the finished product. No Royalty Fees are charged! Changes in Scope in 2009 are subject to fee adjustments.

### **Producers**

**Some changes for 2009.** Pro-Cert has “tinkered” with the 2009 Producer Fee Schedule to deal with some cost/fee anomalies and inequities. A “10% of total fees” accreditation surcharge replaces the former flat fee which favored large producers. The “Basic Fee” for both Extension and Initial applications has been increased from 2008. This increase will have the biggest impact on small producers – an unfortunate but unavoidable necessity caused by the high fixed or base cost of client file management. No Royalty Fees are charged!

### **Fee Comparison**

As part of our 2009 “cost/fee analysis” exercise we compared our **2009** certificate fees with an EU/Quebec based certifier’s 2008 fees. This exercise indicated that in 6 out of 8 sample farms, Pro-Cert 2009 extension fees were less than the competition’s 2008 fees! In 2 out of 8 cases our 2009 fees were essentially equal to the competition 2008 fees. Most certifiers will be charging more in 2009 because of the additional Canadian certification costs. Our 2009 fees automatically include certification to the Canadian, USA, EU and Quebec programs.

In other comparisons conducted over the years, Pro-Cert’s fees have always been among the lowest in North America. The “grape vine” indicates that most American and Canadian Certifiers will be introducing substantial fee increases in 2009! Better Fees and better service are the main reason why many North American organic operators are switching to Pro-Cert.

## **Canada’s Organic Program Updates**

### **The Amended Organic Products Regulation (OPR)**

The pre-publication (Gazette I) of amendments to the OPR are scheduled for **early February, 2009** followed by a 75 day comment period. Check the COO ([www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml](http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml)) or Pro-Cert ([www.pro-cert.org](http://www.pro-cert.org)) websites. The proposed amendments address numerous errors and omissions in

the original OPR. The “coming into effect” date of the amended OPR is still forecast to be **June 30, 2009**. The essence of the proposed amendments is summarized below. This summary is based on notes published by Byron Hamm of Pro-Cert and Paddy Doherty of BC who attended OPR consultation meetings last fall:

- Clarification of ambiguities and/or omissions in the first version e.g. accreditation and certification cancellation, appeals, etc.
- The COS’s (CAN/CGSB-32.310 and -32.311) are now referenced in the OPR
- Certifying Body (CB) compliance with ISO Guide 65 and Accreditation Body (AB) compliance with ISO 17011 are now included in the OPR; this is a major improvement as far as international trade, particularly exports to the EU, is concerned.
- The **current scope** of the OPR has been clarified to **include**, food and drink for humans, food for livestock, cultivation of plants (flowers, shrubs, nursery plants and seedlings).
- The current scope of the OPR still **does not include**:
  - Aquaculture,
  - “organic soil amendments/fertilizers”,
  - Natural Health Products (?),
  - Body care products (cosmetics),
  - Textiles,
  - Pet food.

These exclusions may permit the use of the term “organic” on the above products. However, the term “Certified Organic by CB” will continue to help the consumer differentiate between true and false organic claims.

- The OPR amendments do not restrict the creation and use of private standards for out of scope products.
- CB’s accredited by accreditation bodies (AB’s) accepted/licensed by the CFIA will automatically be accepted on June 30, 2009. Pro-Cert and the SCC are on the CFIA lists of accepted CB’s and AB’s respectively.
- Transition to organic status periods are introduced:
  - Producers- operator must apply to a CB at least 15 months before certification date;
  - Processors, handlers and traders – operator must apply at least 12 months before certification.
- Certificates of Conformity will be effective for 12 plus 3 (15) months from the initial certification date. This provision requires clarification.
- Organic Product labeling rules now included in the OPR (deleted from COS’s); some clarification and minor changes.
- A new logo which still contains the word “Canada” and a maple leaf is in the works.
- Organic Import regulation options are specified:
  - Country to Country equivalency agreement (via COO/CFIA),
  - Imported product CB accredited by a AB on COO/CFIA list,
  - Recognition by COO/CFIA of other countries recognition e.g. USDA/JAS agreement.
- Organic export regulations are specified but subject to finalization at the time of writing

#### **Reminder:**

The amended version of the OPR is scheduled for publication in early February, 2009. Check COO/CFIA’s website [www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml](http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml). You will have 75 days to comment!

## **Equivalency Agreements**

The COO/CFIA is engaged in negotiating “equivalency agreements” whereby products from other jurisdictions e.g. USA, EU, Japan, etc., can be imported to Canada without specifically being certified to the COS and conversely exported without being specifically certified to the importing country’s standard.

Equivalency with the EU is feasible and likely as both countries have CODEX based standards.

Equivalency with the USA is more problematic as there are numerous organic standard differences between the COS and USDA NOP. Most of these differences give US organic producers and processors a market place/financial advantage over Canadian producers and processors. Canadian organic operators need to engage in this debate to ensure that the compliance differences are: (i) identified and (ii) specified as exceptions in any future organic equivalency agreement with the USA.

## **Canadian Organic Standards (COS’s) Update**

The amendment of the 2006 edition of the COS’s is almost complete and is two phased.

### **Phase I. “COS 2006 Amended October, 2008” Edition**

This edition is now available ([www.ongc-cgsb.gc.ca](http://www.ongc-cgsb.gc.ca)) **but** only contains the results of the **first three Ballots** of the CGSB Committee on Organic Agriculture (COA). At present it costs approximately \$200 to download.

### **Phase II. “COS 2006 Amended June (?) 2009” Edition**

**All four** COA amendment ballots will be reflected in this edition which is expected to be available in June of 2009 before the June 30, 2009 OPR implementation date. We expect it to be available free of charge. Therefore, we recommend the following strategy:

1. view the “2006 October 2008 Amended Edition” but don’t download unless it is available free of charge; then,
2. download the “2006 June, 2009 Amended Edition” when available free of charge.

### **Amendment 1-3 Guidance Document OTA**

For a detailed description of the COS amendment from COA ballots 1 to 3 go to the OTA’s website at <http://www.ota.com/standards/canadian.html>.

### **Crop Production Standard/OPR Changes**

Sec. 5.1.1 Land Transition - Operation must be under supervision of a certifier during the last 12 months of transition. The OPR adds another three months.

Sec. 5.1.2 Conversion Plan - There is **no** definite time frame for 100% conversion.

Sec. 5.1.4 Buffer Zones - Can be crops or roads > 8 m or trees and shrubs; buffer crops are non-organic.

Sec. 5.2.2 Fence Posts - Recycling of old posts permitted. Exceptions are made for prohibited substance in posts in semi-arid regions.

Sec. 5.4.2a Plough downs and Legumes - Are now a mandatory requirement in the COS!

Sec. 5.5.1 Manure Sources - Non-organic farm manure may be used subject to:

- a. livestock husbandry restrictions – non-caged, 360<sup>0</sup> turns; light,
- b. documentation and certifier verification.

Sec. 5.5.2.5 Uncomposted Manure – The 90 and 120 day pre-harvest application requirement similar to the NOP are introduced.

### **Livestock Production Changes**

Sec. 6.1.3 Pasture Requirements - There are numerous new provisions here which reinforce “real” pasture for herbivores.

Sec. 6.7.6 Antibiotics for Dairy Cows - Now permitted with restrictions; lower standard than NOP!

Sec. 6.7.9 Emergency Parasiticide Use - Another controversial new standard!

Sec. 6.8 Living Conditions - Numerous new and more specific standards: e.g.

- a. community pasture permitted with restrictions,
- b. indoor and outdoor space requirements,
- c. open-air runs shall be vegetated and supplied with water and food.

### **Special Crops**

Sec. 7 Apiculture, Maple Products, Mushroom, Sprouts, Greenhouse and Wild Crops - Numerous amendments to most of these production standards.

### **Processing and Handling Charges**

There are numerous changes here to enhance clarity and “tighten” the standard. e.g. Sec.8.2.1 to 8.2.7 Ingredient % Calculation clearly defined for all types of products.

“Old” Sec. 10 Labeling Standard deleted and moved to OPR.

New Sec. 10 (Old Sec. 11) Requirements for Adding or Amending substances in CAN/CGSB-32.311, Organic Production Systems – Permitted Substance List

The criteria for inclusion generic substances in the Permitted Substance lists (PSL’s) have been substantially revamped and expanded. The system is still based on CODEX but now reflects:

- a. the categories of use (x5)
- b. the criteria of (i) necessity, (ii) origin and mode of production and (iii) impact of use for each category.

## **The Permitted Substance Lists (PSL's) – CAN/CGSB-32.311**

The PSL Working Group (WG) chaired by Dag Falck of Nature's Path was very active and demonstrated a high level of expertise and objectivity. Unfortunately, the PSL's expanded rather than shrank via the amendments already approved and likely will expand again after the 4<sup>th</sup> amendment ballot.

### **Dealing with Grandfather!**

The COA and the industry knows and understands that many of the substances “grandfathered” into the list in the 2006 edition and introduced in 2008 and to be introduced in 2009: (i) do not meet the criteria for inclusion in Sec. 10 of the standard text (CAN/CGSB-32.310) and (ii) do not comply with the primary principles of organic agriculture – substance use shall be minimal and substances shall be of natural origin with minimal chemical (synthetic) alternatives and of minimal impact! This anomaly and standing contradiction is disturbing from a moral as well as from a legal standpoint. In the latter regard, Sec. 10.1.1 of -32.310 states that: “Substances to be added to or deleted from CAN/CGSB-32.311, Organic Production Systems – Permitted Substances Lists, shall be evaluated for compliance with the criteria outlined in par. 10.2 to 10.5 inclusive”.

Most of the substances in the COS have never been “evaluated for compliance” as specified in Section 10.1.1! The COS's (-32.210 and -32.311) are referenced and hence are part of the new OPR and will become law on June 30, 2009. Given that there are substantial contradictions between the substances included on the PSL's (-32.311) and the criteria for inclusion in the standard text (-32.310), the COS and the OPR are vulnerable to an immediate legal challenge. An extreme interpretation of **this dilemma** is that the courts could set the entire PSL aside until the CFIA enforces the Sec. 10.1.1 requirement of the COS.

On the **positive** side, the COR is implementing the evaluation procedure for the addition of new generic substances to the PSL's. The CGSB/COA/PSL WG is involved. A permanent, indelible procedure likely will be included in a future edition of the COO Quality Management System (QMS) manual.

### **Grower Group Provisions**

The OPR and the CFIA Quality Management System (QMS) at present do not address Grower Groups or Associations. Pro-Cert will work with the COO in 2009 to introduce this provision into the COR and will promote a system parallel to that being adopted by the USDA NOP. In the interim, Pro-Cert will continue to follow USDA NOP guidelines as they are evolved by the USDA National Organic Standards Board (NOSB).

## **Interpretative Guide for the Canadian Organic Standard**

The Canadian Organic Growers (COG) organization working under the supervision of the COO of CFIA is generating a “clause by clause” interpretative guideline (Guidance Document) for the COS. Draft versions are being circulated for comment. This document, when finalized, tested and approved by the COO/CFIA, will be immensely useful for operators and certifiers in resolving ambiguities in the COS. It will be a dynamic document, subject to change and refinement over time. It will also create a “level playing field” for certifiers: a condition which did not exist in Canada under the Voluntary System. It will be available via COG ([www.cog.ca](http://www.cog.ca)) and other agencies to be determined.

## **COR Training Sessions**

A series of training sessions on the new OPR and COS overseen by the COO/CFIA and involving the Canadian Organic Growers (COG), the International Organic Inspection Association (IOIA) and the Organic Trade Association (OTA) are being scheduled for the late winter and early spring of 2009. There will be registration fees.

### **Producer Training Sessions**

Some 35 organic producer training sessions are planned across Canada. The most recent information we have on locations, dates and fees are set out below:

**Fees: \$25 + GST.** Includes free lunch and snacks. To register, visit [www.cog.ca](http://www.cog.ca) or call 1-888-375-7383. Participants are required to have their own legal copy of the Organic Standards.

#### Confirmed Locations:

##### British Columbia

Cawston (date and location TBA)  
(three other locations to be announced (TBA))

##### Alberta

Camrose March 12  
(three other locations TBA)

##### Saskatchewan

Five sessions have been confirmed. The locations and dates are given below. The times are 8:30 am to 4:30 pm. The instructor will be Janine Gibson, organic inspector and member of the CGSB COA.

1. Kerrobert March 9
2. North Battleford March 10
3. Yorkton March 12
4. Weyburn March 13
5. Gravelbourg – March 17 preceding COG's two-day Transition workshops (see below).

##### Eastern Canada

Visit [www.cog.ca](http://www.cog.ca) or call COG at 1-888-375-7383

### **Processor Training Sessions**

Three courses overseen by COO/CFIA and delivered by the Organic Trade Association (OTA) are scheduled. Contact the OTA for locations, dates and fees ([www.ota.com](http://www.ota.com)).

## **Transition Workshops**

A series of two day workshops for transitional organic producers are planned for the near future. The confirmed locations, fees and some dates are as follows:

**Fees: \$50 + GST.** Includes lunches, snacks and a free one year membership in Canadian Organic Growers and a free copy of *Gaining Ground: Making a Successful Transition to Organic Farming*. To register, visit [www.cog.ca](http://www.cog.ca) or call 1-888-375-7383. Participants are required to have their own legal copy of the Organic Standards.

### **Camrose, Alberta**

**March 9 – 10**, Norseman Inn, 6505 – 48<sup>th</sup> Avenue

Instructor: Steven Snider, organic grain farmer

### **Gravelbourg, Saskatchewan**

**March 18 – 19**, Centre Cultural Maillard, 133 – 5<sup>th</sup> Avenue East

Instructor: Ian Cushon, organic Farmer

### **Hamiota, Manitoba**

**February 19 – 20**, Hamiota & District Sports Complex, 200 Maple Avenue

Instructor: Gary Martens, University of Manitoba

[www.cog.ca](http://www.cog.ca) or 1-888-375-7383 to register (pre-registration required)

## **US Organic Program Update**

There is a tangible increase in the enforcement diligence of the USDA NOP administration:

1. Certification Body (CB) auditing frequency has been increased from once every 5 years to once every 2 ½ years;
2. A more detailed operator data base is being required from CB's;
3. Non-compliant CB's are losing accreditation (several in 2008);
4. Post-audit "follow-up" audits have been initiated.

### **NOP Access to Pasture (Livestock): Proposed Rule**

This new (proposed) rule published in October, 2008 will bring ruminant livestock living conditions more closely in line with the COS and other standards and regulations. The dairy animal replacement provision in the NOP is also more clearly defined. Unfortunately, the rule will apply only to ruminant animals. Specific

standards on outside access and pasture for other livestock under the NOP remain mute. If you are a Pro-Cert certified US dairy producer, excerpts from the proposed rule are included with your 2009 extension package.

## **Rules for Non-Organic Agricultural Ingredients and NOP 205.606**

Although the NOP 205.606 rule has been in effect since June of 2007, it is still misunderstood amongst the processing community. In order for a product to be claimed as “Organic” under the NOP, it must contain a minimum of 95% organic ingredients. All non-organic ingredients must be listed as approved for such use under 205.605 and NOP 205.606. NOP 205.606 refers to all permitted nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic”. Furthermore, you may only use ingredients listed under 205.606 if they are not commercially available in organic form. Currently, the 205.606 list includes ingredients such as colors derived from agricultural products, celery powder, casings and starches. If an organic product contains any non-organic agricultural product not listed under 205.606, it is only eligible to make a “Made With Organic ” claim even though it exceeds 95% organic content. For example, if you use non-organic honey in a product which contains 97% organic content, your product may only be labeled as “Made with Organic Ingredients”. Please note however, that similar requirements do not exist in current Canadian, & EU standards. It is therefore possible to have a product formulated >95% organic bear “Made with Organic” claim in the US and the same product bear a “Certified Organic” claim in Canada and/or the EU. To have ingredients reviewed for inclusion on 205.606, you must petition the USDA-NOP. For more details please consult NOP205.303, 205.606 and NOP 205.607.

## **NE USA Pro-Cert Update Meeting**

Pro-Cert is inviting all its northeastern USA producer and processor clients (and interested persons) to attend a one-day update meeting:

**Thursday, April 23, 2009**  
at the **Knights Inn**  
20 Albany Street  
**Little Falls, New York**

The Agenda will focus on the “nuts and bolts” of USDA NOP compliance as it relates to all aspects of organic dairy production. Senior Pro-Cert personnel will give most of the presentations and an “organic veterinarian” will speak on organic, NOP compliant animal health care. Permitted substances will be discussed in detail. The registration fee will be nominal (cheap) and a large room has been booked. Lunch is included. **The meeting is open to all** organic or “would like to be” organic farm and processing plant operators in the area. There are rooms available at the Knights Inn (\$62/night) for early bookings. An Agenda and pre-registration forms will be mailed in the near future.

## **European Organic Program Update**

The European Economic Community (EEC) has published two new regulations:

1. **(EC) No 834/2007** and,
2. **(EC) No 889/2008**.

These regulations replace **EEC Reg 2092/91** and subsequent amendments.

In comparing the old and new EEC regulations, a Standards Council of Canada (SCC) assessment relative to our EEC accreditation was useful. These are comments, based in part, on the SCC study.

1. The new regulations are a consolidation of the old plus some changes in scope and some clarification of rules for processing food and feed.
2. The scope of the regulations now included:
  - i. aquaculture,
  - ii. wine,
  - iii. seaweed,
  - iv. yeast for food and feed.
3. To our knowledge, there are no changes to the EEC permitted substance lists.
4. All stages of production including distribution are included in the program!
5. The EU Logo is mandatory for product produced in the EU. Logo usage for imports is optional but must be combined with product origin information.

### **Accreditation Scope & Lists**

Pro-Cert's scope of accreditation has been updated by the SCC to apply to the new regulations. Also, the SCC and Pro-Cert are collaborating to comply with the additional requirements in Articles 32 and 33 which relate to the "Third Country List" of the European organic program.

### **EEC Certificates of Conformity**

Your existing EEC Certificate of Conformity will be updated to reference the new regulation instead of the old at the time of your next extension.

## **Japanese Organic Program Update**

Pro-Cert is in the midst of applying for Registered Foreign Certification Office (RFCO) status with the Japanese Ministry of Agriculture, Forestry and Fisheries (MAFF). Assuming that all goes well, RFCO status should be in hand by **mid April, 2009**.

Pro-Cert clients who think they need (or need) Japanese Agriculture Standard (JAS) certification need to know that:

1. their operation must be inspected by a JAS trained inspector (which Pro-Cert will have);
2. Their staff will need JAS training prior to application;
3. Ingredients and raw materials will need to be JAS certified which means that the producers will also have to be JAS trained and JAS inspected;
4. The initial and annual extension cost for JAS certification will be over and above the fees for the four basic programs and will be substantial.

## **Quebec Organic Program Update**

### **Changes to the Quebec Reference Organic Standards**

Please note that the Quebec Organic Reference Standards were revised on **January 2, 2009**. Most of the modifications relate to organic livestock and organic maple production. The changes to the organic livestock production sections reflect recent changes to the Canadian Organic Standards. The organic maple production amendments provided more details on the tapping of trees and the vacuum collection of maple sap. Another change was the cancellation of the prohibition to use isoproponol out of season. You may consult the CARTV website for additional details on the changes (you may use the link on the Pro-Cert website).

### **New CARTV Fee Schedule and Logo**

For organic producers and processors located in the province of Quebec, a new fee schedule has been published by the CARTV. This new fee schedule will be forwarded to you with your organic certification renewal package. These fees are collected by your certifier on behalf of the CARTV. Organic producers and processors located in the province of Quebec may now apply for the “Bio Quebec” logo. Applications for the use of the “Bio Quebec” logo must be sent directly to the CARTV. Please visit the CARTV website for additional details. ([www.cartvquebec.com](http://www.cartvquebec.com))

### **Pro-Cert Activities Increase**

Dave Lockman, M.B.A., P.Ag. our bilingual Certification Co-ordinator, working at our Eastern Branch Office is now responsible for all aspects of Pro-Cert’s certification program in Quebec. He will be attending (and organizing) organic update meetings for both francophone and Anglophone organic operators in La Belle Province. Call Dave or Agatha Sebastian for a certification fee quotation and certification procedures.

## **Sanitation Agents**

Many organic certifiers in North America, including some accredited by the USDA NOP, the CARTV and the IOAS are regularly permitting the use of sanitation agents not included on the Permitted Substance Lists (PSL’s) of applicable standards and regulations **for use on organic food contact surfaces!** This irregular, variable and incorrect interpretation of organic rules is under attack by organic accreditation bodies and will soon disappear.

The USDA NOP has conceded that substances not on their National List of Allowed Substances can be used on food surfaces **provided that there are no detectable residues of those substances on these surfaces after use.** This means that rinse waters and/or food surfaces must be tested to verify lack of contamination and that rinsing with water is not an adequate procedure. To avoid costly and time consuming testing programs, use of only those substances on the NOP National List is recommended.

There is no similar sanitation agent usage guidance for products to be certified to the COS, EEC and other organic standards and regulations.

Pro-Cert’s interpretation of this issue at this time based on interactions with the USDA NOP and other accreditors is **that only those products listed on the applicable permitted substances lists can be used on organic food contact surfaces without rinse testing for residuals other than chlorine.** Substances used on **non-food contact surfaces** (e.g. floors, walls, etc) are not required to be on the permitted substances list.

However, these should be clearly marked as not for organic use. Pro-Cert's finding based on 18 years of inspection and evaluation is: that firstly there are numerous highly effective sanitation agents common to all the lists. These include Na(OH)<sub>2</sub> (lye), NaHClO<sub>4</sub> (bleach), dilute H<sub>2</sub>PO<sub>4</sub> (phosphoric acid). Secondly, that these more traditional permitted agents are as effective as and often more effective than the newer exotic substances. Thirdly, they are usually less expensive than the more complex and exotic sanitation agents. To avoid non-compliance with the standards of your market countries we recommend that you **seek Pro-Cert approval before use** of any new and unapproved agent. We require a current MSDS or list of product ingredients to complete this review. Finally they are permitted by the CFIA and the USDA for food surface use.

## **Intra-provincial Organic Trade Regulation**

### **Background**

Intra-provincial trade of products labeled organic will not, with some exceptions, be regulated under the OPR unless the individual provinces pass parallel enabling legislation/regulations. At the time of writing two provincial governments have existing intra-provincial organic trade regulations:

1. **Quebec** – has previously opted to regulate all organic intra-provincial label usage and trade as well as organic “imports” and “exports” via a separate regime administered by the Committee on Accreditation for Evaluation of Quality (CAEQ) ([www.caeq.ca](http://www.caeq.ca)) of the Conseil des Appellations Reserves et des Termes Valorisants (CARTV). The exact future relationship between the CAEQ program and the COR remains to be determined.
2. **British Columbia** – has previously opted for partial regulation of intra-provincial organic trade via a voluntary trademark system administered by the Certified Organic Association of British Columbia (COABC) ([www.certifiedorganic.bc.ca](http://www.certifiedorganic.bc.ca)). The exact future relationship between the COABC system and the COR also remains to be determined.

The Province of **Manitoba** has passed a regulation adopting the federal system in its entirety. Most other provinces and the territories currently are in various stages of consensus seeking on this emerging issue.

### **Regulation Options**

The options which have evolved during the ongoing debate on intra-provincial organic regulating range from 100% provincial adoption of the COR to no provincial regulation. The major options under discussion are outlined in the attached questionnaire (Options A to D). Undoubtedly there are alternative options. If you know of or have suggestions for alternative options, outline your suggestions on the reverse side of the questionnaire (Option E).

### **Opinion Questionnaire & Results**

There is now a need for organic operators (certified and uncertified) to advise their provincial governments on intra-provincial organic label and trade regulations. Pro-Cert working with its Advisory Council has volunteered to conduct a survey of organic operator opinions on intra-provincial trade regulations.

Please take the time to review the options outlined in the attached **Opinion Questionnaire** and indicate your preference in the box provided. Return the document via fax or mail to the address given.

The results of this survey will be forwarded to the agency in each province or territory responsible for intra-provincial agricultural product labeling.

## **Pro-Cert Contacts**

For additional information or clarification on any issue contact one of our team leaders:

**Head Office** – Phone: (306) 382-1299

- **Byron J. S. Hamm, P.Ag.**  
Vice President and Certification  
Manager, Processor Certification  
Co-ordinator
- **Gail Gretsinger**  
Producer Certification Co-ordinator.

**Eastern Branch Office** – Phone: (705) 374-5602

- **Dave Lockman, M.B.A., P.Ag.**  
Processor Certification Co-ordinator
- **Agatha Sebastian**  
Producer Certification Co-ordinator

## **Visit Pro-Cert Online!**

Our website is now up-to-date. You may visit our website to obtain the latest version of organic standards, links to other organic organizations and the dates of organic events, conferences and trade shows. Our website will be updated on a regular basis. Please visit it periodically for updates on organic standards and regulations and updated or new documents and new information you may find useful. You may visit us online at [www.pro-cert.org](http://www.pro-cert.org).

Sincerely yours,

**PRO-CERT ORGANIC SYSTEMS LTD.**

J. Wallace Hamm, M.Sc., P. Ag.  
President and General Manager

Byron J. S. Hamm, B. Sc. Agr., P.  
Vice President and Certification Manager

Attachment: Opinion Questionnaire – Intra-provincial Organic Trade Regulation



