




Policy Memorandum

To: Accredited Certifying Agents

From: Miles V. McEvoy, Deputy Administrator 

Subject: Attestation Statement for agricultural products certified under the U.S.-Canadian Equivalence Arrangement

Date: November 4, 2010

In June 2009, the US-Canada Organic Equivalence Arrangement (USCOEA) was signed. Karen McIntyre, Executive Director of the Canadian Agrifood, Meat, Seafood Safety Directorate wrote:

“...Agricultural products produced and processed in accordance with the United States Organic Foods Production Act of 1990 and National Organic Program Regulations as in effect on June 30, 2009, are produced and processed under an organic certification program that provides safeguards and guidelines governing the production and processing of such products that are at least equivalent to the requirements of the Canadian Organic Products Regulations, 2009 (OPR 2009). Accordingly, except as provided in Appendix 1, and subject to the conditions set forth in Appendix 2, agricultural products produced and processed in conformity with the United States Organic Foods Production Act of 1990 and National Organic Program Regulations as in effect on June 30, 2009 shall be deemed to have been produced and processed in accordance with the OPR 2009 and Canada's Organic Program and may be sold, labeled or represented in Canada as organic, including by display of the Canadian organic logo as well as the USDA organic seal.”

Over the past year, the National Organic Program (NOP) and the Canadian Organic Office (COO) have continued to work together to ensure a smooth implementation of the equivalency arrangement. The two offices have agreed that products produced under this arrangement should be identified as meeting the terms of the arrangement for the purposes of customs entry, COO/NOP monitoring and enforcement, certification and accreditation audits. The COO and NOP have agreed that the following statement 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”.

This statement is a requirement so that products crossing the borders are verified to meet the terms of the USCOEA and 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.

Thank you for your help and cooperation in implementing this practice. If you have any questions regarding this policy, you may contact Jonathan Melvin at (202) 690-4540 or Jonathan.Melvin@ams.usda.gov.

Enclosures: Appendix 1 and Appendix 2 of the *June 17, 2009 Canadian Letter to U.S.*

Appendix 1

1. Agricultural products produced with the use of sodium nitrate shall not be sold or marketed as organic in Canada.
2. Agricultural products produced by hydroponic or aeroponic production methods shall not be sold or marketed as organic in Canada
3. Agricultural products derived from animals must be produced according to livestock stocking rates as set out in CAN /CGSB32.310-2006 (amended October 2008).

Appendix 2

The CFIA grants this equivalency determination under the following conditions:

1. The USDA will notify the CFIA in a timely manner of any:
 - (a) changes with respect to the USDA's competent authority and certifying agents;
 - (b) proposed legislation or rulemaking that would modify the United States Organic Foods Production Act of 1990 and *National Organic Program* Regulations;
 - (c) instances of significant non-compliance with its organic certification program. For purposes of this equivalency determination, "significant" means any non-conformity that materially affects the integrity of the agricultural product.
2. Following advance notice from the CFIA, the USDA shall permit the CFIA to conduct on-site evaluations to verify that the USDA's certifying agents are carrying out the requirements of the United State's organic certification program, including through visits to agent facilities and to production facilities and farms that agents have certified. The USDA shall cooperate and assist the CFIA, to the extent permitted under domestic law, in carrying out such evaluations.