



Barbara C. Robinson  
Deputy Administrator  
1400 Independence Avenue S.W.  
Room 1098 South Building  
Washington, D.C. 20250

Your file    *Votre référence*

Our file    *Notre référence*

June 17<sup>th</sup>, 2009

Dear Ms. Robinson

The Canadian Food Inspection Agency (CFIA) has reviewed the United States Department of Agriculture (USDA)'s organic certification program as set out in the United States *Organic Foods Production Act of 1990* and *National Organic Program Regulations*.

Based on that review, I have determined, pursuant to the *Canadian Food Inspection Agency Act* and the *Canada Agricultural Products Act* that 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.

The CFIA's Canada Organic Office (COO), which administers the OPR 2009, is committed to working with the USDA to carry out the terms of this letter.

Sincerely,

Karen McIntyre  
Executive Director  
Agrifood, Meat, Seafood Safety Directorate  
1400 Merivale Road T1-4-239  
Ottawa, Ontario K1A 0Y9

## 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/CGSB-32.310-2006 (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.