

US-Canada Determination of Equivalence Questions and Answers

Question 1: What does equivalence mean?

Answer: Under a determination of equivalence, producers who are certified to the National Organic Program (NOP) standards and to the additional requirements of the US Canada Organic Equivalence Arrangement by a USDA accredited certifying agent (ACA) do not also have to become certified under the Canada Organic Product Regulation (COPR) in order to have their products enter Canada and be represented as “organic.” However, products to be exported to Canada must comply with Canadian labeling requirements (including Canadian organic labeling requirements).

Question 2: Does Canada recognize the USDA organic seal?

Answer: Yes. As a result of the determination of equivalence Canada has issued with respect to the U.S. organic certification program, both the Canada Organic Biologique logo and the USDA organic seal may be used on a products entering Canada, provided the product meets the NOP labeling requirements for the USDA organic seal. (Canada does not have a 100 percent organic claim for products, however.)

Question 3: How will the equivalence determinations be put into effect?

Answer: A determination of equivalence is effective when the letter of determination is signed.

Question 4: Why is the United States’ organic certification program not equivalent with respect to hydroponics and aeroponics?

Answer: The United States has no specific prohibition on hydroponic and aeroponic-produced products at this time. However, until such time as rulemaking or guidance is issued for soilless production systems, no products may be certified and labeled destined for Canada as NOP-hydroponic or aeroponic under this agreement.

Question 5: If a producer used sodium nitrate on a field, will the field have to undergo a three-year transition before it can be put back into organic production?

Answer: No. Producers intending to export crops to Canada must designate fields free from sodium nitrate. Fields must be able to be verified in an organic system plan (OSP) and auditable through recordkeeping. Under the terms of each equivalence determination, each country may conduct audits to verify that the other country’s certifying agents are carrying out the requirements of the other country’s organic certification program.

Question 6: What happens if a producer or a certifying agent violates the agreement?

Answer: Significant non-compliances will be reported to both countries and appropriate enforcement

actions may be pursued under the respective countries' regulations.

Question 7: When will each equivalence determination take effect?

Answer: On June 30, 2009.

Question 8: Can crops planted using sodium nitrate prior to June 30, 2009, be shipped to Canada and labeled as organic?

Answer: Effective July 1, 2009, no field may be treated with sodium nitrate in order for crops to be harvested from that field for shipment to Canada. Products already properly certified and labeled under the NOP regulations and in the stream of commerce may remain in the market place, even if they are exported to Canada.

Question 9: Does the prohibition against sodium nitrate under the terms of the arrangement apply to processed products too?

Answer: Yes. There is a two-year transition period for implementation of this requirement. During 2011, certifying agents will start working with operations that they certify to identify organic ingredients that have been produced with sodium nitrate. When processed organic products are identified that contain ingredients produced with sodium nitrate, certifying agents will notify the operations that the ingredients need to be eliminated from future production. Starting in 2013, the prohibition against the use of sodium nitrate in all organic products and ingredients certified to the terms of the arrangement will be enforced.