



United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

STOP 0264 – Room 1098-S  
1400 Independence Avenue, SW.  
Washington, D.C. 20250-0264

Ms. Karen McIntyre  
Executive Director  
Agrifood, Meat and Seafood Safety  
Floor 4, Room 239  
1400 Merivale Road, Tower 1  
Ottawa ON KIA 0Y9

Dear Ms. McIntyre,

The United States Department of Agriculture (USDA) has reviewed Canada's organic certification program as set out in the Canada Organic Regime.

Based on that review, I have determined pursuant to the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. Sec. 6501 *et seq.*) under authority delegated to me that agricultural products produced and handled in accordance with the Canada Organic Production Regulations (COPR), as in effect on June 30, 2009 are produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of OFPA.

Accordingly, except as provided in Appendix 1, and subject to the conditions set forth in Appendix 2, agricultural products produced and handled in conformity with the COPR, as in effect on June 30, 2009 shall be deemed to have been produced and handled in accordance with the OFPA and USDA's National Organic Program (NOP) and may be sold, labeled or represented in the United States as organically produced, including by display of the USDA organic seal as well as the Canadian organic seal.

USDA's Agricultural Marketing Service (AMS), which administers the NOP, is committed to working with the CFIA to carry out the terms of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Barbara C. Robinson". The signature is written in a cursive style with a large, sweeping initial "B".

Barbara C. Robinson, Ph.D.  
Deputy Administrator  
Transportation & Marketing Programs

## Appendix 1

1. Agricultural products derived from animals treated with antibiotics shall not be marketed as organic in the United States.

## Appendix 2

USDA grants this equivalency determination under the following conditions:

1. The CFIA will notify USDA in a timely manner of any:
  - (a) changes with respect to the CFIA's competent authority and certifying agents;
  - (b) proposed legislation or rulemaking that would modify any of Canada's laws or regulations referred to in paragraph 1;
  - (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 USDA, the CFIA shall permit USDA to conduct on-site evaluations in Canada to verify that the CFIA's certifying agents are carrying out the requirements of Canada's organic certification program, including through visits to agent facilities and to production facilities and farms that agents have certified. The CFIA shall cooperate and assist USDA, to the extent permitted under domestic law, in carrying out such evaluations.



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.