

## Canadian Food Inspection Agency

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### Canada - US Organic Equivalence Arrangement - Overview

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On June 17, 2009, the Government of Canada entered into an arrangement on the trade of organic products with the United States.

#### Description of Equivalency Determination

Equivalency determination allows two differing standards, regulations or procedures to remain as is (in each country) but treats them as if they are the same as long as they achieve the same results and policy objectives even if through different means.

An import-export arrangement that deems both the foreign country's conformity assessment system, as well as its standards, as being equivalent to requirements of the domestic regulations would be considered a full equivalency arrangement. Under this scenario, an imported product would be certified through the foreign country's conformity assessment system to the foreign standards (with exceptions where applicable) and would be considered to meet the importing country's requirements.

#### Process used to determine equivalency

Equivalency is determined by assessing and comparing two regulatory systems, including the standards, to determine whether the principles and outcomes achieved are equivalent. Elements that are assessed include:

- Regulations;
- Accreditation Criteria;
- Certification Criteria;
- Standards; and
- Monitoring and Enforcement activities.

Variations are identified and advice and input are sought from industry on the significance of variations found in the respective standards. Each Government takes this input into consideration while determining if the foreign organic regime can be deemed equivalent.

Should either Government identify a critical variance that cannot be resolved, it will become an exception. An import-export arrangement that contains exceptions would partially deem the foreign country's conformity assessment and standards as equivalent to the domestic requirements. If the foreign country's conformity assessment system and its standards are deemed only partially equivalent, then the exceptions would be outlined in the arrangement and the certification would have to meet the requirements of the arrangement.

#### Benefits of an Equivalency Determination

The benefit of Equivalency Determination is that imported organic products certified in compliance with an equivalent foreign regulatory regime would not require re-certification to the domestic standards by a domestically accredited Certification Body. Exports, if certified to the domestic standards (with exceptions where applicable), would be deemed to meet the importing countries requirements and thus not require recertification to the importing country's domestic standards. This will reduce the exporter's costs of certification. The intent of an import-export arrangement is to allow organic producers to certify only once to their domestic regulations and simultaneously meet domestic requirements and the import requirements of the importing country. Therefore, producers can access both markets while only being certified to the domestic system.

#### Principles of an equivalency arrangement

After the equivalency determination process is complete, the following terms will be outlined in an equivalency arrangement:

1. The ongoing maintenance and updating of the trading partners list of certification bodies responsible for granting organic certification.
2. The trading partners must inform each other of any modification to their organic certification programs.
3. The trading partners will establish a verification process to access the effectiveness of each others control systems put in place to fulfill the requirements of organic certification.
4. The import - export arrangement must include a process by which complaints, regarding organic imports, are handled.

#### Status of the Canada—US Equivalency Determination Process

On June 17, 2009, Canada and the US entered into an arrangement recognizing our national organic systems as equivalent.

The arrangement is subject to the following conditions:

##### Imports from the United States into Canada

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-32.310-2006-32.310-2006 (amended October 2008).

##### Exports to the United States from Canada

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

#### Access to Logos

The United States Department of Agriculture's Organic Seal may be downloaded from the [National Organic Program web page](#).

The Canadian Organic Logo is available to producers through United States Accredited Certifying Agents or through Canadian Food Inspection Agency accredited Certification Bodies.

A list of Certification Bodies that have either: been accredited by the Canadian Food Inspection Agency (CFIA) to certify organic products; or recognised under an organic trade arrangement with a foreign competent authority under the Organic Products Regulations, 2009 may be found here: [List of Certification Bodies](#).

#### Labelling in Canada

In Canada, as of June 30, 2009, products represented as organic in interprovincial and international trade, or bearing the Canadian Organic Logo, must comply with the requirements of the *Organic Products Regulations, 2009*.

- Only products with organic content that is greater than or equal to 95% may be labelled as: "Organic" or bear the organic logo. These products must be certified and the name of the Certification Body must appear on the label.
- Multi-ingredient products with 70-95% organic content may have the declaration: "contains x% organic ingredients." These products may not use

the organic logo and/or the claim "Organic". These products must be certified and the name of the Certification Body must appear on the label.

- Multi-ingredient products with less than 70% organic content may only contain organic claims in the product's ingredient list. These products do not require certification and may not use the organic logo. However, the organic ingredients contained within these products must be certified.

## Labelling in the United States

- Only products with all organic ingredients may be labelled as "100% Organic." Should the product be a processed product, it may only contain organic processing aids. Use of the logo is voluntary. These products must be certified and the name of the Certifying Agent must appear on the label.
- Only products with organic content that is greater than or equal to 95% may be labelled as: "Organic" or bear the organic logo. These products must be certified and the name of the Certifying Agent must appear on the label.
- Only products with organic content that is greater than or equal to 70% may be labelled as "Made with (organic ingredients specified)." These products may not bear the organic logo. These products must be certified and the name of the Certifying Agent must appear on the label.
- Multi-ingredient products with less than 70% organic content may only contain organic claims in the product's ingredient list. These products may not use the organic logo. These products do not require certification and may not use the organic logo. However, the organic ingredients contained within these products must be certified.

## Organic Logos

Use of the Organic Logos is voluntary. Either or both logos are permitted in either country provided the organic content of the product is 95% or greater.

## Foreign Certification Bodies Accredited by Canadian Food Inspection Agency

The Canadian Food Inspection Agency will monitor Certification Bodies providing certification services to the terms of the Canada/United States trade arrangement on organic products outside of Canada for products exported to the United States. Canada has sent to the United States National Organic Program a list of Canadian Food Inspection Agency accredited certification bodies providing certification to the terms of the arrangement outside of Canada.

## Import/Export Documentation

The importer must obtain documentation to demonstrate that a product is certified to the terms of the arrangement. In Canada it may be in the form of a separate certificate issued by a Certification Body or a statement on the product's existing organic certificate. This documentation is not a condition for entry into Canada, rather it will be required for verification should a Canadian Food Inspection Agency inspector verify the product's compliance with the *Organic Products Regulations, 2009*.

## Processed Products

Processed products must meet the requirements of the arrangement. It is recognized that the tracking of inputs for processed products may be challenging, thus the requirements for documentation of this will be flexible for a period of time.

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