

Organic Regulation in Canadian Provinces

2016

In order to assist the government's efforts in moving toward an Ontario Organic Regulation, OCO has compiled information on organic regulations in other provinces.

Quebec - 2006

Quebec was the first province to enact and regulate its own provincial standard. In 1996, Quebec passed the *Act Respecting Reserved Designations (Loi sur les appellations réservées)* which regulates the Quebec provincial organic standard. In 1998, an arms-length public authority called the *Conseils des Appellations et Termes Valorisants (CARTV)* was created to enforce the law and the law came into force in 2000 for the first time. In 2006, the law was amended to *Act Respecting Reserved Designations and Value-Added Claims* to include other designations such as Charlevoix Lamb, Quebec Ice Cider and Ice Wine and Quebec cheese from Canadienne dairy cows. It also created its own provincial organic brand, Bio Quebec, in 2011. After the Canadian Organic Standards were regulated in 2012, Quebec dropped its provincial standard and adopted the national standard instead. It is also moving towards dropping the CARTV organic brand in favour of the *Aliments du Quebec Bio* brand, similar to Ontario's Foodland Organic brand. CARTV develops and maintains designations and value-added terms including but not exclusively "Organic," accredits certification bodies operating in Quebec and proactively enforces the regulation by conducting inspections at retail outlets to ensure proper labelling and certification procedures where re-packing takes place. CARTV is funded by the Ministry of Agriculture (55%) as well as through fees applied to the sector via certification bodies (45%). In order to be accredited, certification bodies pay a fee of 15.3% of all certification costs, which is usually passed on to inspected operators. Roughly 65% of CARTV's total revenue is dedicated to the organic designation.

Name of Act/Regulation	Act Respecting Reserved Designations and Value-Added Claims, 2006, c. 4, s. 5.
Enacted/Amended When	2006
Stakeholders Involved	Provincial standard demanded by and developed with the sector
Process	The first law was demanded by the sector who was involved in its creation. The organic claim was launched in 1999. Accreditation of certifying bodies began in 2000. This phase-in process allowed time for operators to adjust.

Administered/Enforced By	Arms-length agency called CARTV (Conseils des Appellations and Termes Valorisants) manages and regulates multiple value-added claims and designations, oversees the accreditation of 3rd party certification bodies through the CAEQ (Comité d'accréditation en évaluation de la qualité).
Enforcement Style	Proactive, surprise and undercover inspections of retail outlets.
Enforcement Funding	CARTV is funded by Ministry of Agriculture and Fisheries (MAPAQ; roughly 55%) and through other accreditation fees (roughly 45%). Certification bodies are charged and pass on a percentage of all certification activities. Currently, for organic certification, the fee is 15.3% of certification fees. Fees for offences are collected by CARTV
Retail and Food Service	Inspections include enforcement of labels in retail outlets and require certification of in-store re-packing.
Consequences of Fraud	Min \$2000, max \$20,000 fine; subsequent offence will cost min. \$4000, max. \$40,000. Subject to penal action.
Promotion, Education and Resources	CARTV's original organic logo, Quebec Bio, is being phased out by 2017 and, instead, the "Alimentation Quebec Bio" brand will be promoted and used, Quebec's equivalent of Foodland Ontario Organic.
Information Website	http://www.cartv.gouv.qc.ca/?q=mode-production-biologique
Regulation/Act Website	http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/A-20.03 http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/A-20.03
Support Programs	CARTV also provides public data on the sector through Portail Bio Quebec , an online directory and statistics aggregator. The Quebec government recently announced a \$9 million growth strategy for the organic sector including direct payments for transition, promotion and research. The UPA (equivalent of the OFA), has passed a resolution demanding for federal-provincial funds for federal-provincial funds for transition to organic.
Support Funding	Programme D'appui Pour La Conversion a L'Agriculture Biologique offers direct payments to

	operators to offset the costs of transition up to a max.of \$20,000 for horticulture and maple, and a max.of \$20,000 for livestock to a max. Of \$40,000 per operator.
Program Website	http://www.mapaq.gouv.qc.ca/fr/Productions/Production/agriculturebiologique
Number of Operators Certified Since Enacted	1 522 businesses are certified organic in Quebec, 1107 farm businesses
Number of Complaints Since Enacted	Over 250 files have been opened, from minor labelling infractions to offences possibly going to tribunal.
Government Contact	Nicolas Turgeon, <i>Conseiller expert - secteur biologique</i> (MAPAQ); Vincent Vilela, Director of Accreditation (CAEQ/CARTV)
Contact Email	Nicolas.Turgeon@mapaq.gouv.qc.ca ; vilela.vincent@caeq.ca , vincent.vilela@cartv.gouv.qc.ca
Contact Phone	NT: (418) 380-2100, ext. 3801;

Manitoba - 2013

Manitoba's organic sector and government worked from 2006 to 2013 to get an organic regulation in place. Unlike Quebec, the law is solely dedicated to the organic claim and is slightly proactive. However, similar to Quebec, the powers of inspection and the penalties for fraud are quite high, providing the government with substantial authority when suspicions of fraud exist. There are no government officers, but instead the province will contract out independent enforcement officers on an as-needed basis.

Name of Act/Regulation	The Organic Agricultural Products Act
Enacted/Amended When	November 8th, 2007 proposed, enacted in 2013
Stakeholders Involved	Manitoba Organic Alliance
Administered/Enforced By	Ministry of Agriculture may contract or appoint any person; currently RCMP officers and organic inspector; have option to contract CFIA inspector.
Enforcement Style	Complaints-based: right to inspect labels, enter premises, stop vehicles for the purposes of inspection.

Data	Includes a requirement that information on certified products and operators be shared by certified bodies with the province.
Enforcement Funding	Absorbed by government; may pass on fees to operators.
Retail and Food Service	Retail don't require certification but can be inspected for proper labeling; retail fraud one of the main concerns in proposing this Act.
Consequences of Fraud	Up to \$20,000 fine, or max. \$50,000 for corporation; max. 6 months jail time.
Promotion, Education and Resources	Manitoba created a phased in approach that included a time lag to educate businesses on the change in the program.
Information Website	
Regulation/Act Website	http://web2.gov.mb.ca/laws/statutes/2007/c01507e.php
Support Programs	Dedicated Organic Sector Development Specialist
Support Funding	
Program Website	
Number of Operators Certified Since Enacted	
Number of Complaints Since Enacted	
Government Contact	Laura Telford, Organic Sector Development Specialist
Contact Email	Laura.Telford@gov.mb.ca
Contact Phone	(204) 871-6600

New Brunswick - 2014

In New Brunswick, Organic Regulation was a top priority for the organic sector in their most recent five year strategic plan. As such, they worked closely with the New Brunswick Organic Specialist at the time, Claude Bertheleme, to determine the most efficient and effective way to implement a regulation with capacity for enforcement. As a result, it was determined with input from Laura Poffenroth and Anna Belliveau that the Farm Products Commission was in the best

position to regulate and enforce to the Canadian Organic Regime and therefore New Brunswick created an Organic Grade.

The “Organic grade is established as the grade for a farm product or a multi-ingredient product that is produced or processed by a person who has a valid organic certification for the product from a certification body.” and it applies to products produced and sold within the province. While the grade is an easy and clear way to regulate to the organic standard, the penalties for non-compliance in New Brunswick are quite low in comparison to the other provinces. ACORN, the regional organic sector representation, and provincial government, have provided excellent resources to the sector in order to help consumers and operators clearly understand and comply to the new regulation. New Brunswick, which used to have an organic strategy and designated specialist in previous years, also provided up to 75% of certification costs to a maximum of \$750 annually for an undetermined amount of time before the regulation came into place, since the organic premium was essentially lost with the “regulatory gap.” However, following the regulation’s launch, the government continued to provide up to 70% of certification costs to a max. of \$500 for a period of three years to support transition.

Name of Act/Regulation	New Brunswick Organic Grade Regulation under the <i>Natural Products Act</i>
Enacted/Amended When	Established in April 2014
Stakeholders Involved	Organic Sector Strategic Plan and ACORN (Atlantic Canadian Organic Regional Network)
Process	Organic Sector strategic plan via ACORN named regulation as top priority. Organic Specialist worked with policy advisors and stakeholders to determine best way of regulating. Commission had resources to enforce.
Administered/Enforced By	NB Farm Products Commission
Enforcement Style	Complaints-based
Enforcement Funding	Enforced by Commission and subject to class E offences in the Provincial Offences Procedure Act.
Retail and Food Service	Educational materials encourage retail and food service to verify organic claims but no certification required and no enforcement.
Consequences of Fraud	Penalties are determined by Provincial Offences Procedure Act. Max. sentence could include 30 days in jail. Fines of min. \$240 and max. \$5,200. Max. \$10,200 for a second offence.

Education and Resources	<p>Producer Factsheet - English / French Farmers' Market Factsheet - English / French Retailer Factsheet - English / French Restaurant Factsheet - English / French NBDAAF FAQs on NB Organic Grade</p>
Information Website	http://www2.gnb.ca/content/dam/gnb/Departments/10/pdf/Agriculture/FAQ_OrganicGradeRegulation_March2014.pdf
Regulation/Act Website	http://laws.gnb.ca/en/showdoc/cr/2014-50
Support Programs	Agriculture By Choice Program (2013-2018) subsidies for organic certification up to 70% to a max. of \$500 per operator over three years; This used to be available for all farmers, but as of 2015 is only available to beginning farmers wishing to certify as organic. Also includes subsidies for training up to max. of \$4500 and 60% matching for consultants.
Support Funding	Growing Forward Provincial-Federal framework
Program Website	http://www2.gnb.ca/content/dam/gnb/Departments/10/pdf/Services/Agriculture/ChoiceGuidelines.pdf
Number of Operators Certified Since Enacted	
Number of Complaints Since Enacted	
Government Contact	Claude Bertheleme , Crop Development Specialist Organic/Vegetables; Laura Poffenroth , General Manager, Farm Products Commission; Anna Belliveau , Analyst, Farm Products Commission
Contact Email	claudio.bertheleme@gnb.ca , Laura.Poffenroth@gnb.ca , anna.belliveau@gnb.ca
Contact Phone	CB (506) 453-3046; LP (506) 453-2172; AB (506) 453-2172

Nova Scotia - 2015

Following the success of New Brunswick's organic regulation, ACORN met with Nova Scotia's Minister of Agriculture in 2014 and proposed a similar regulatory amendment. While Nova Scotia was quick to consult with the sector and pass the regulatory changes, the

implementation of the new regulations have been slower due to a change in government and transfer of enforcement responsibilities to the Ministry of Environment. Nova Scotia also supports organic farmers through transition by subsidizing up to 2 years of pre-certification by 70% up to a max. of \$500.

Name of Act/Regulation	Organic Grade Regulations made under <i>Agriculture and Marketing Act</i>
Enacted/Amended When	October 20th, 2015
Stakeholders Involved	ACORN (Atlantic Canadian Organic Regional Network)
Process	In 2014 ACORN met with the Minister of Agriculture to identify Organic Grade regulation as a strategic priority for organic industry in the region. Legal authority exists under the NS Agriculture and Marketing Act to enact such organic regulations. NSDA policy division conducted a jurisdictional review of other provinces with intraprovincial organic regulations to inform how to structure our regulations. After a year of consultation within the department and with ACORN executive staff the organic grade regulation was passed in late 2015.
Administered/Enforced By	Natural Products Marketing Commission
Enforcement Style	Complaints-based. Since the regulation was created, there was a change in government and all NS enforcement is now under Department of Environment. A memorandum of understanding is being developed between the two departments to define an enforcement process for organic grade regulations in 2016.
Retail and Food Service	Food processors must also comply with provincial organic grade regulations as described in the Canadian Organic Standards. Non-compliances are subjected to the same penalty.
Enforcement Funding	Enforced by Commission (commission absorbs costs?)
Consequences of Fraud	There is up to a \$100 fine for non-compliance. Those found to be in default of payment can may face imprisonment for up to thirty days.

Education and Resources	Plan for ACORN to help with promotional plan, but funding has been delayed. Have a promotional plan but execution complicated by change in government enforcement.
Information Website	
Regulation/Act Website	https://www.novascotia.ca/just/regulations/regs/amorganic.htm
Support Programs	NS pays for first 2 years of transition, reimbursing up to 500 for certification fee; up to 70% per year pre-certification
Support Funding	5 year NS Department of Agriculture and AAFC Growing Forward 2 bilateral agreement called “ Homegrown Success ” 2013-2018 with 3.7 million in investments, broadly encouraging more ecological practices, including supports for BMPs used in organic agriculture and manure management.
Program Website	
Number of Operators Certified Since Enacted	There were 61 certified organic farmers in Nova Scotia in 2008, 43 in 2011, and 61 in 2016.
Number of Complaints Since Enacted	Data not available.
Government Contact	Terri MacPherson
Contact Email	Terri.MacPherson@novascotia.ca
Contact Phone	1-902-863-2087

British Columbia - 2016-2018

British Columbia was one of the first provinces in Canada to establish an organic standard. As such, it was one of the front runners in developing certification systems and a provincial organic brand, the BC Organic Check. While the provincial standard has been voluntary since its inception, the system of accreditation and certification for products produced and sold within the province was well established under the Certified Organic Associations of British Columbia (COABC) since 1993. With the introduction of the Canadian Organic Standards and regime, however, there are now requirements that any products crossing the provincial boundaries be certified to federal standards. As a result of the many layers of certification and the increasing number of uncertified operators making organic claims, COABC and the organic sector of British Columbia saw the need for clarity on the organic claim and met with the Ministry of Agriculture

over several years before they were convinced of the economic value of creating an organic regulation. The BC government saw the opportunity to modernize legislation and combine three acts into the **BC Food and Agricultural Products Classification Act** and it was tabled in February 2016 with a plan to come into force in 2018. The new regulation will require all products labeled as organic to be certified to either federal or provincial standards and will be administered by COABC, which already collects fees through its membership of certified bodies.

Name of Act/Regulation	BC Food and Agricultural Products Classification Act
Enacted/Amended When	Bill in First Reading Feb. 2016; Coming into force 2018
Stakeholders Involved	COABC (Certified Organic Associations of BC)
Process	COABC advocated to Minister for regulation over several years. Minister recognized economic benefit. Took opportunity to merge three bills related to food and agriculture claims. Consultation with sector in spring of 2015. Consultation summary available online.
Administered/Enforced By	Ministry Enforcement Officers
Enforcement Style	Regulation in process; likely complaints-based
Enforcement Funding	COABC already collects membership fees from its provincially accredited certification bodies who pass on the charge to the operators they inspect. However, new enforcement costs will be absorbed by the provincial government.
Retail and Food Service	Likely to include retail, farmers' markets.
Consequences of Fraud	Not yet clear, but fines will be paid if failure to produce organic certificate.
Education and Resources	The BC government produced an intentions paper in 2015 and has provided a three year time period for non-certified operators to certify.
Information Website	Press Release 2016 BC Government Intentions Paper BC Government Information Page

Regulation/Act Website	https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/40th-parliament/5th-session/bills/first-reading/gov11-1
Support Programs	Provincial certification through COABC accredited certification bodies already includes a low-risk category. Operations that apply for and receive low risk status must be certified for at least 3 years previously and maintain paperwork annually, but may be inspected every three years or at random to reduce overall costs.
Support Funding	
Program Website	COABC provides an Overview of Small-scale certification possibilities .
Number of Operators Certified Since Enacted	N/A
Number of Complaints Since Enacted	N/A
Government Contact	Susan L. Smith, Industry Specialist--Vegetables and Organics
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Alberta

Alberta's Minister of Agriculture has requested that a provincial regulation is explored. Organic Sector Development Specialist, Keri Sharpe, is currently reviewing the possibilities.

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