# Q&A on the CFIA import requirements for organic products

## Implementation and Compliance

Question: When are these new import requirements coming into force?

**Answer:** The new requirements come into force on May 26, 2025.

Question: Does "1st shipment" mean the first shipment of the organic product after May 26, 2025?

**Answer:** 1st shipment refers to the first time that a specific organic product certificate is uploaded after May 26, 2025.

**Question:** Which Safe Food for Canadians Regulations (SFCR) clauses cover the new import requirements for organic products?

Answer: SFCR Part 13 section 357(3):

Demonstration

(3) The person who imports the organic product must be able to demonstrate that the product meets one of the requirements of paragraph (1)(a) by providing, at the request of the Minister or an inspector, a certificate that confirms the organic certification of the product.

**Question:** Is the Automated Import Reference Systems (AIRS) fully updated to identify which HS classifications require the Organic Certificate?

**Answer:** Yes, the requirements to upload a digital copy of the organic product certificate into IID have been incorporated into AIRS for all agricultural products.

**Question:** Will an Integrated Import Declaration (IID) upload of the certificate be enough for commercial shipments?

**Answer:** Yes, a digital copy of the valid organic product certificate uploaded into IID will meet the organic import requirements. However, please note that all other CFIA regulatory and import requirements must be met.

Question: Will uploading certificates be part of the overall "CFIA clearance" at the border?

**Answer:** No, the certificate must be submitted with the declaration, or it will be rejected. The importer/ broker will then be given the opportunity to fix any errors with their declaration. Once the declaration is accepted, no additional checks will happen at the border as a result of these new requirements. The CFIA will review certificates after import and follow-up as needed.

### Changes and Requirements for Brokers

Question: Who would be the "broker" for this initiative?

**Answer:** A customs broker is a licensed professional authorized to submit shipment information on behalf of importers and exporters. It is a business decision for an importer to use a broker's services.

**Question:** Does the broker have to upload the same organic certificate multiple times if the organic certificate covers multiple raw materials for each first declaration?

**Answer:** The first time an organic product certificate is uploaded, it will be assigned a Unique Reference Number (URN). This URN can then be subsequently used to declare the certificate for any of the products that it covers. The importer/ broker has the choice to continue uploading the certificate with each shipment or declare the URN with subsequent shipments.

## Changes and Requirements for Importers

Question: Who would be the "importer" for this initiative?

**Answer:** The importer is the party responsible for making sure that the shipment of products meets the Canadian regulatory requirements.

Question: Does the importer have to hold an organic certificate for the importing activity?

**Answer:** Importers of bulk products must hold certification from a CFIA accredited Certification Body. If the importer is importing fully packaged and labelled products, certification from a CFIA accredited Certification Body is optional.

**Question:** Member(s) report receiving organic certificates with (i) no renewal or expiration date; and (ii) with a renewal or expiration date of 3 years. How would CFIA treat these certificates?

**Answer:** Organic product certificates must meet the following requirements:

- be issued by the Certification Body that certified the product as organic,
- specify the standard to which the products are certified
- list the date on which the certification was granted,
- be issued within at most 18 months\* prior to the date on which the certification was granted, and
- include a list of the certified products covered by the certificate, identifying them by their specific product name and any trademarks under which they are marketed.
  - Product names on the certificates should coincide with the label and shipping bill, as well as the import and export documentation.

These requirements are required for all organic product certificates, regardless of the product's origin or the standard it is certified to.

\*Please note that certain countries have different date policies, for example Taiwan's organic product certificates are valid for 3 years. Additional country specific requirements can be found on our organic import requirements webpage.

Additionally, it is not customary for an organic product certificate to include an expiration date as certification is generally renewed on an annual basis. Instead, you will see a date on which the certification was granted and a date by which they must submit the necessary documents to maintain certification.

Question: May an importer begin uploading organic certificates to the IID before May 26, 2025?

**Answer:** The importer will be able to upload certificates prior to May 26, 2025, but the field to declare the associated URN will not be available until then.

**Question:** From what I understand, as an importer, I only need to ensure that my customs broker has the annual updated organic certificate so that they can upload it into the IID. I will not have to send them a copy of the certificate for every shipment. Is this correct?

**Answer:** This is correct. The only exception is if the organic product originates from Taiwan since the organic product certificates from Taiwan are updated every three years.

**Question:** Which organic certificate would CFIA require an importer provide at time of import? There continues to be considerable uncertainty due to the complexity of the food supply chain and the differing supply chain certification requirements among regions. For instance, in the example below, the NOP requires that a Food Broker be certified to the NOP. In this example, the Food Broker does not take physical possession of the food.

Which organic certificate would CFIA require an importer provide at time of import? Supply chain parties identified with a check mark have an organic certification.

**Answer:** Please provide the organic product certificate as issued at the last step directly before importing the organic product. In the example given, the Canadian importer would be required to include a copy of the organic product certificate for the bagged salad as issued to the food broker.

**Question:** If the bag salad, in the above supply chain, is imported from a jurisdiction that did not require the Food Broker to have an organic certification, which organic certificate would CFIA require the importer provide at time of import?

**Answer:** In the example given, the Canadian importer would be required to include a copy of the organic product certificate for the bagged salad as issued to the company that produced the bagged salad.

**Question:** May an importer or their broker use a combination of uploading an organic certificate and/or the URN number for a certificate throughout the course of a year?

**Answer:** Yes, the importer/ broker may choose to use a URN throughout its validity period, or to upload the certificate for each shipment/declaration, which ever option best suits the needs of their business.

**Question:** Should an importer/ broker enter Y/Yes in the field on the IID, but they do not transmit an organic certificate or the URN, will the shipment be refused entry into Canada?

**Answer:** After May 26, 2025, the field to declare Y or N will be switched to a numeric field where the URN can be entered. The shipment will be refused entry if no certificate is uploaded, or no URN is declared.

**Question:** Should an importer import conventional food rather than organic, but the customs broker mistakenly enters Y/Yes in the field on the IID, (no organic certificate would be uploaded, no URN number would be entered) what options exist to address this situation, if the shipment is refused entry?

**Answer:** If the proper information is not included with a declaration, then it will be rejected in the system. The importer/ broker will then have a chance to amend the declaration as needed. The shipment will not be automatically refused entry.

## **Border Mechanisms and Monitoring**

**Question:** Is there a mechanism at the border to ensure the organic certificate uploaded is clearly linked to the imported product (e.g. if the certificate is issued to a different operation than the supplier to Canada)?

**Answer:** No additional verification activities will be done at the time of import. Rather, the CFIA will review certificates after the product has already arrived. This includes verifying that the organic product certificate includes a list of the certified products covered by the certificate, identifying them by their specific product name and any trademarks under which they are marketed. Product names on the certificates should coincide with the label and shipping bill, as well as the import and export documentation. Certificates will be reviewed for compliance after the product is physically imported.

Question: Who is responsible for monitoring the uploaded certificate validity date?

**Answer:** It is the responsibility of the importer to ensure that all import requirements are met, including those for importing organic products. See SFCR section 357. The CFIA will also be reviewing certificates post shipment arrival.

**Question:** What action will CFIA take if, upon review, an organic certificate was found to be not verifiable, fraudulent or incorrect? Would CFIA require the recall of the product from the marketplace as certificate verification is done post release?

**Answer:** The CFIA will work with the importer to understand what went wrong. Further compliance and enforcement actions may be taken depending on the results of the CFIA follow up activities.

## Rationale and Efficiency

Question: What is the rationale behind the requirement to upload certificate copies?

**Answer:** The requirement to have a copy of the organic product certificate has been in place and enforced since 2009. The requirement to upload a digital copy of the organic product certificate in IID will allow the CFIA to strengthen import controls for organic products and address increasing cases of food fraud.

Question: How has this been enforced to date and why can it not be continued?

**Answer:** Since 2009, anyone who imports organic products must be able to present a valid organic certificate when requested, at any time, including at the time of import. Digital uploading of organic product certificates facilitates administration, increases efficiency, helps deter and address food fraud, and helps the CFIA gather more robust data.

**Question:** Was industry given the opportunity to provide feedback and suggest alternatives that would result in less administrative burden/added costs?

**Answer:** Yes, consultations were held with Industry groups from 2017 until 2025 on various occasions, including the organic value chain round table, information sessions, and presentations at general meetings of various industry associations. The options of uploading organic product certificates to the MyCFIA accounts was explored but determined to not be a viable option. To reduce the costs of uploading a digital copy of the organic product certificate with each transaction in IID, the use of URN was introduced as an alternative to digital copy upload.

# Certification Requirements under Equivalency Arrangements

**Question:** If a supplier is certified to the USDA NOP program, but the certificate does not contain the statement: 'Certified in accordance with the terms of the US-Canada Organic Equivalency Arrangement', Is the supplier ineligible to export to Canada? Even though they are currently USDA NOP certified. Because there is a notice published on the CFIA website that states that a USDA NOP certified supplier can export to Canada, it makes no mention of the certificate needing to have that statement.

Answer: Requirements for USDA NOP certified organic products exported to Canada under the US Canada Organic Equivalency Arrangement are listed on the CFIA webpage here: United States-Canada Organic Equivalence Arrangement (USCOEA) – Overview - inspection.canada.ca. The organic certificate issued by the NOP accredited Certification body must include the following statement: "Certified in accordance with the terms of the US-Canada Organic Equivalency Arrangement". This statement is required to confirm that the imported organic products have been verified as meeting the terms of the USCOEA by the Certification body issuing the organic certificate. The product cannot be imported into Canada if this statement is missing.

**Question:** I am seeking some clarification on whether operations we certify in third countries (i.e., not the United States or Canada) to NOP organic standards can ship product directly from the third country to Canada.

Answer: Yes, food, feed and seed products certified as organic in accordance with the USDA National Organic Program (NOP) and meeting the terms of the US-Canada Organic Equivalency arrangement are considered equivalent to the requirements of part 13 of the SFCR. The arrangement covers the accreditation system of both regulations in its geographical entirety meaning that agricultural products certified in accordance with the terms of the US-Canada Organic Equivalency Arrangement (USCOEA) are eligible to be sold as organic in both countries. The product being traded under this arrangement does not have to originate within either country. More information can be found on our webpage here: United States-Canada Organic Equivalence Arrangement (USCOEA) – Overview - inspection.canada.ca.

**Question:** USDA NOP issued certificate addendum vs. main certificate issued on dates: which dates are accurate?

**Answer:** The date on the main certificate issued directly by the CB is the reference date, meaning that the date on a certificate issued by the NOP OID system will be valid as long as it is issued within 18 months of the date listed on the main certificate.

**Question:** Under the USDA NOP, the Certificate of Organic Operation and their product addendum are issued directly by the Certification Body but then can be reissued through the NOP OID system. Are the versions of the certificate and addendums issued by the system acceptable?

**Answer:** The declared certificate can be issued either directly by the CB or through the NOP OID system, however, due to variance in the descriptiveness of the two product addendums, only that which is issued directly by the CB will be accepted.

**Question:** For this import declaration, does the organic certificate for products imported from Japan, UK, South Korea, and Mexico have to be accompanied by an export certificate?

**Answer:** The export certificate is not included in the importer's IID declaration; however, the importer is required to keep the export certificate on file for 5 years, as per section 357 (4) of the SFCR.

Question: If the requirement is an actual certificate to be physically included in each shipment?

**Answer:** No, a digital copy is to be uploaded with the shipment declaration.

## Upload Process and Unique Reference Number (URN)

Question: How and where do we upload the certificate please.

**Answer:** Entries for import transactions into the Integrated Import Declaration system (IID) are usually completed by brokers. Please reach out to your broker for further discussion. For more information you can also visit the CFIA webpage for the <u>Automated Import</u>

Reference System (AIRS) - inspection.canada.ca. You can also find out more about IID here: Using the Integrated Import Declaration - inspection.canada.ca

**Question:** Would CFIA confirm who would assign/create the URN number?

**Answer:** The Single Window Web Process is a system administered by CBSA. After uploading the organic product certificate, the system will assign a URN.

**Question:** Is the AIRS code for organic product certificate 68?

**Answer:** Yes, the organic product certificate is registration type code 68. You can find out more about AIRS registration types here: <u>AIRS registration types - inspection.canada.ca</u>.

**Question:** Will the organic certificate /URN uploaded with the first declaration be valid for the entire calendar year?

**Answer:** Not necessarily. It depends on when the organic product certificate was issued by the Certification Body. The organic product certificate is generally valid for one year from the date of issue. An exception to this would be organic certificates under the Taiwanese system, which are valid for 3 years.

**Question:** Is the URN for each organic certificate and not per organic raw material?

**Answer:** A URN is generated for a specific organic product certificate; therefore, the URN will cover all organic products that are included on the certificate's product list.

**Question:** What happens when an organic product certificate expires during the course of a calendar year? Importer ends up uploading 2 certs over the course of a year and getting two URNs for the year?

**Answer:** If an organic product certificate is no longer valid, a new organic product certificate must be obtained and uploaded with the next shipment, at which point, it will be assigned a new URN.

**Question:** Can an organic certificate file be provided with each import declaration, even if a URN was assigned? Or is a URN expected for any subsequent shipments?

**Answer:** Yes, the importer can use the URN for any subsequent shipments or choose to upload a digital copy of the organic product certificate.

**Question:** If a supplier provides additional documentation to an organic certificate already submitted at the time of the import declaration, is there an option to update the original submission for that shipment & SKU?

**Answer:** If the shipment is not yet marked "FINAL" by CBSA, then the importer/broker can make changes to their declaration and re-submit the transaction. If the shipment is marked "FINAL", then neither the importer or CFIA can make any changes to the declaration and the broker would need to work with CBSA.

Question: Can the organic status of a product be updated after the original declaration?

**Answer:** If the shipment is not yet marked "FINAL" by CBSA, then the importer/broker can make changes to their declaration and re-submit the transaction. If the shipment is marked "FINAL", then neither the importer or CFIA can make any changes to the declaration and the broker would need to work with CBSA.

### Certificate Validity and Requirements

**Question:** When we talk about the organic product certificate do you mean our organic certificate as the importer to Canada or the organic certificate of our suppliers abroad?

**Answer:** The organic product certificate is the one which was issued to the last operation that handled the organic product prior to export.

Question: Will the shipment be rejected based on the organic certificate "Anniversary Date"?

**Answer:** No, the shipment will not be automatically rejected if the certificate is no longer valid, however, the CFIA will be following up on any non-compliant certificates discovered during the post-arrival document review.

**Question:** By 'organic certificate' are we talking about a foreign supplier's organic product certificate versus a shipment-specific certificate like an Organic Transaction Certificate?

**Answer:** The certificate required to be uploaded into the IID is the organic product certificate which was issued to the last operation that handled the organic product prior to export. Organic transaction documents/ export certificates are not uploaded into IID but must be kept on file for 5 years after the day of import as per SFCR section 357(4).

**Question:** Through the course of a year an importer may import strawberries from different suppliers; supplier X and supplier Y. Would CFIA require the importer/broker to upload the certificate corresponding to the supplier whose strawberries are included in a specific shipment? If the shipment contains strawberries from both supplier X and supplier Y, which certificate(s) would the importer/broker upload?

**Answer:** Yes, the CFIA will require that the importer/ broker uploads the certificate corresponding to the product that is included within a shipment. If a shipment contains strawberries from two suppliers, then both suppliers' organic product certificates must be declared. The importer/ broker may decide to declare each batch as a separate line item, and upload or declare the URN for the corresponding organic product certificate.

**Question:** Members import shelf stable organic foods. These products may have a long shelf life as they are shelf stable. Members could import these products in 2025 that may have been manufactured and certified organic many years previously, 2023 for example. What organic certificate would CFIA require when such products are imported?

**Answer:** The CFIA requires that the most up to date certificate be declared with the shipment. The product certificate covering the shelf stable products must be updated periodically for the products to remain certified as organic. The Certification body renews the certificate after verifying and confirming the status of the organic products. All organic

products that have an organic status are listed on the certificate regardless of the production year as long as they still maintain their organic status.

**Question:** Sometimes the organic certificate provided by the supplier is in a language different than English or French. For the purpose of this import declaration, is it acceptable to submit the original certificate without asking the supplier to request an additional, translated version (which may come at additional cost to the supplier)?

**Answer:** Please provide the certificate in either French or English.

**Question:** Is the expectation to have a certificate that is batch specific, vendor specific, manufacturing location specific? Can it be a certificate that is valid the calendar year?

**Answer:** Organic product certificates cover all items listed on the product addendum for the entire year. The certificate generally covers one location, unless it covers products grown by a grower group. The certificate is generally renewed yearly and valid for up to 18 months.

## Labeling

**Question:** The organic foods already have the USDA organic seal on the label, do they need to display the Canada organic logo on the label?

**Answer:** No, the Canada Organic logo is voluntary. Please note however, it can only be used if it complies with certain conditions. Please see <u>Use of the organic logo on organic products</u>.

## Specific Scenarios and Examples

**Question:** It is our understanding that this manner of declaration is only required for organic products, not for products made with organic ingredients. Can this be confirmed?

Answer: The requirement to upload an organic product certificate digital copy with each shipment of organic products in IID includes multi-ingredient products that do not make the label claim "organic" but do include the label claim "contains x% organic ingredients". Multi-ingredient products containing less than 70% organic content may identify organic ingredients in the list of ingredients as organic, however these products may not use the Canada organic logo, nor the claims "organic" or "contains x% organic ingredients". Such products are not certified organic by a Certification Body, nor do they receive an organic product certificate, so they are not considered organic products. You can find out more on our webpage here: Organic claims on food labels - inspection.canada.ca

**Question:** For organic products in Taiwan the CFIA website indicates a Certificate for Transactions is required in addition to an organic product certificate. Is this document to be uploaded in IID as well?

**Answer:** Organic transaction documents such as Taiwan's "Certificate for Transactions" are different documents than organic product certificates. The required certificate for upload into the IID is the organic product certificate which was issued prior to export to the last operation that handled the organic product. Importers are required however to keep record of all export certificates/ certificate for transactions for 5 years after the date of import.

**Question:** We would like to inquire if Organic Certificates can be presented as a list of products or is it required to have a certificate for EACH product, as vendor has multiple items that are Organic.

**Answer:** There must be a valid certificate for each organic product imported. Please note, one organic product certificate can cover more than one product, in which case, only the one certificate would be required.

**Question:** Brazil nuts imported into the United States from countries in South America with Organic Certificates. The nuts are then pasteurized in the United States and shipped to Canada to be packaged. Would CFIA accept the certificate from the Country in South America for the certification, or would a new one need to be issued from the United States?

**Answer:** The processing activities must be conducted under the oversight of a Certification body in the U.S. who will issue a new organic product certificate for the processed Brazil nuts. This is the certificate that must be uploaded into IID.

**Question:** Once the product is packaged in Canada would additional certification be required? If the process done in Canada is solely for packaging, would they still require a certificate to be issued in Canada as well?

**Answer:** Packaging and labelling of organic products is an activity that requires oversight and certification by a CFIA accredited CB. (Please refer to SRCF Part 13)

**Question:** We will be importing certified organic fresh fruits and veggies from the United States into Canada. Most of the suppliers I will be working with have been providing Organic Certifications of their Handling activities, with the specific products to be imported listed as "Organic - 95% or greater" and certified as US/Canada Equivalent. Is this sufficient documentation for importing Organic produce, or do I also need the certificate from the farm, for the product itself? My understanding is these are the industry-standard documents used by other importers, but as I am new to this, I just wanted to confirm this is correct.

**Answer:** The Handler's organic product certificate is sufficient if it lists the organic product being imported.

**Question:** Would you advise if AIRS code declared at the time of importation can be changed to non-organic (conventional, 209901) from organic product (209911)? The shipment was customs released as Organic product with AIRS code, with certificate of US National Organic Program (NOP) as it was assured it is certified in accordance with the terms of the US-Canada Organic Equivalency Arrangement. However, after importation, seller advised that they will not have the certification for COR. As this shipment cannot meet COR requirements, importer will sell to their client as conventional product or export to USA.

Answer: If the organic product certificate states that the products are certified in accordance with the terms of the USCOEA, then the seller is not required to be certified to COR. The NOP certificate attesting to the products compliance with the terms of the USCOEA would be sufficient. If any additional prescribed activities were done in Canada, then they would have to be done under the oversight of a CFIA accredited Certification Body who would issue a new organic product certificate.

**Question:** Some of our fertilizers are certified as organic input by Ecocert Canada and I wanted to know if the import requirements i.e. presenting the digital copy of the organic certificate while importing the product is a requirement for us importing the organic raw materials to manufacture fertilizers from other countries?

**Answer:** Fertilizers are not subject to these requirements as they are out of scope.

#### Non-Resident Importer (NRI)

**Question:** Could our US company be considered as a non-resident importer (NRI) to import the organic foods into Canada?

Answer: Yes, if they are registered as such with the CFIA.

**Question:** Does the importer (Canadian Company or NRI) need to have the USDA NOP certification?

**Answer:** Currently, importers must be certified if they import bulk organic products into Canada. Certification is optional if the importer is importing prepackaged organic products.

#### End Uses, Exemptions, and Special Cases

**Question:** What is included in the end uses of organic seed products as an example would oil from organic canola seed be included? There is a reference to chapters 07, 09, 10 and 12; where would I find these chapters and the content of such?

**Answer:** Please look in AIRS directly for specific import requirements for specific products. <u>Automated Import Reference System (AIRS) - inspection.canada.ca</u>

**Question:** Based on the rules set out in Enforcement of Organic Claims - Inspection.canada.ca, we understand that organic certificates should include the name of each product that will pass through customs. Currently, for European products, the certificates provided are sometimes less specific. You will find attached an example of a generic certificate (TI-BIO) and a more specific copy (RLM 2018) for the same product. We would like to know if generic certificates will be accepted for customs clearance.

**Answer:** It should be the certificate issued by the CB. The other document is not the certificate issued by the CB and the product descriptions are less detailed.

**Question:** Are there exceptions to the requirement? For example, samples for investigation, research, development? Or what about a certified organic granola bar bought in Walmart and shipped to Canada for R&D purposes?

**Answer:** Some end uses are exempt from the provisions of the Safe Food for Canadians Act and Regulations. Please consult AIRS directly for the specific import requirements for various end uses. <u>Automated Import Reference System (AIRS) - inspection.canada.ca</u>