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CANADA AGRICULTURAL PRODUCTS ACT

Regulations Amending the Organic Products Regulations

P.C. 2008-1670 September 5, 2008

Her Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and Agri-Food, pursuant to section 32 ([see footnote a](#)) of the *Canada Agricultural Products Act* ([see footnote b](#)), hereby makes the annexed *Regulations Amending the Organic Products Regulations*.

REGULATIONS AMENDING THE ORGANIC PRODUCTS REGULATIONS

AMENDMENT

1. Subsection 16(1) of the *Organic Products Regulations* ([see footnote 1](#)) is replaced by the following:

16. (1) These Regulations, except section 3, come into force on June 30, 2009.

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

**REGULATORY IMPACT
ANALYSIS STATEMENT**

(This statement is not part of the Regulations.)

Issue and objectives

The *Organic Products Regulations* (the Regulations) are being amended to extend their coming-into-force date, currently set at December 14, 2008.

This amendment will respond to industry stakeholders²⁰¹⁹; request to extend the transition period of the Regulations, originally

scheduled to end on December 14, 2008, to June 30, 2009.

Description and rationale

The Regulations, made pursuant to the *Canada Agricultural Products Act (CAPA)*, were promulgated on December 14, 2006, with a coming into force date of December 14, 2008, in order to provide for a transition period.

The Regulations form the basis for federal oversight of the organic production industry via the Canada Organic Regime (COR). The COR is based on a third-party service delivery model, wherein the Canadian Food Inspection Agency (CFIA) acts as the competent authority, providing oversight, administration and enforcement of the Regulations. The CFIA assesses and recognizes accreditation bodies to accredit certification bodies, and certification bodies, in turn, certify certain agricultural products as organic when the products comply with the pertinent organic standard.

Since the publication of the Regulations in December 2006, several parts of the Regulations, including the CAN/CGSB-32.310 Standard entitled *Organic Product Systems General Principles and Management Standards*, require amendment. In addition, the announced change to the Product of Canada/Made in Canada policy requires a reassessment of the current 201C;Canada Organic201D; agricultural product legend. As well, the Standing Joint Committee for the Scrutiny of Regulations (SJC) reviewed the Regulations and has made several recommendations for change, both substantive and editorial in nature. An extensive rewrite of the Regulations to address the aforementioned issues is nearing completion.

In order to provide sufficient time for broad consultations on these revisions, and to comply with notification requirements under international agreements regarding regulatory amendments, the revisions to the Regulations must be republished in the *Canada Gazette*, Part I, for a 75-day comment period. This length of pre-publication period would make it difficult to finalize the revised Regulations before the current Regulations enter into force on December 14, 2008. In order to ensure proper consultation and a smooth implementation of the revised Regulations, it is proposed to delay the coming into force date of the Regulations until June 30, 2009. This extension will allow for the 75-day comment period for the amendments to the Regulations, and will also ensure that industry and trading partners are not faced with implementing two sets of regulatory requirements within just a few months of each other.

An extended prepublication period will also help to accommodate industry2019;s need to provide input on a revised 201C;Canada Organic201D; agricultural legend.

Given that the extension of the coming-into-force date will be limited to an approximately seven-month period, the impacts on costs are minimal.

Consultation

In May 2008, the Canada Organic Office (COO) communicated the potential for extending the coming-into-force date of the Regulations to industry stakeholders, who participate on the COO's Organic Office Liaison Committee and Technical Working Group. At the time, the expectation of the industry representatives was that an extension to the current transition period could occur. Certain sectors of the industry (e.g. the Organic Trade Association) have recently requested an extension of the coming-into-force date in support of a full consultation period on the expected amendments, and to complete preparations toward the implementation of revised Regulations.

Implementation, enforcement and service standards

These Regulations are subject to current implementation and enforcement activities.

Contact

Mr. Michel R. Saumur
National Manager
Canada Organic Office
Canadian Food Inspection Agency
159 Cleopatra Drive
Floor 1, Room 114
Ottawa, Ontario
K1A 0Y9
Telephone: 613-221-7165
Fax: 613-221-7296
Email: msaumur@inspection.gc.ca

[Footnote a](#)

S.C. 2001, c. 4, s. 64

[Footnote b](#)

R.S., c. 20 (4th Supp.)

[Footnote 1](#)

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