

## Changes to BC's Organic Certification Regulation in Force September 1, 2018: 'Organic' Adopted as a Protected Label in British Columbia

### BC's Regulatory Regime for Organic Food and Beverage Products

On January 1, 2017, the *Food and Agricultural Products Classification Act* (FAPCA) replaced the *Agri-Food Choice and Quality Act*. With this change, FAPCA became the legal authority for the Organic Certification Regulation. The FAPCA provides broader authority to make changes through regulation to the BC Certified Organic Program (BCCOP). The BCCOP is managed by the Certified Organic Associations of BC (COABC) in partnership with the provincial government (BC Ministry of Agriculture). The COABC has numerous resources that explain the BCCOP, the role of certifying bodies, and the organic certification process.

Please see Resources at the end of the Frequently Asked Questions (FAQs) for links to legislation, regulations and aspects of the BC Certified Organic Program.

### Frequently Asked Questions

The **updated FAQs** are meant to further assist producers, processors and other operators along the organic food supply chain to understand the new regulatory requirements.

#### **Q. What was the process behind this new policy?**

**A.** The Ministry consulted with industry in the spring of 2015 and received feedback indicating the following positive outcomes from the proposed regulatory system:

- Increasing consumer confidence,
- Removing operators who make false organic claims from the competitive marketplace,
- Leveling the playing field for farmers who adhere to recognized organic practices.

Since 2015 the Ministry has worked with COABC on multiple announcements, an awareness campaign targeting growers, and outreach at agriculture shows, conferences, agriculture association events and annual general meetings.

#### **Q. How have BC's organic 'protected labels' been expanded?**

**A.** As of September 1, 2018, the term "organic" is now a protected label in BC that may only be used on food or beverage products produced or processed in BC where specific conditions are met. Under BC's Organic Certification Regulation, BC's 'protected labels' are expanded to include the term "organic," including:

- Other grammatical forms of the term;
- Phonetic representations of that term; and,
- Abbreviations and symbols for that term.

Federal regulations separately govern interprovincial or international organic products.

**Changes to BC's Organic Certification Regulation in Force September 1, 2018:  
'Organic' Adopted as a Protected Label in British Columbia**

**Q: What can be labelled 'organic' in BC as of September 1, 2018?**

**A:** Changes to section 12 of BC's Organic Certification Regulation mean that as of September 1, 2018, a food or beverage product produced or processed in BC may be labelled, marketed or referred to in records as "organic" only if it has been produced or processed by someone who holds organic certification and has produced or processed the food or beverage product in compliance with organic standards under the BC Certified Organic Program (BCCOP) or the Canadian Organic Regime (COR), 2009 (Canada).

**Q: Who can use the label 'organic' under the amended Regulation, and when?**

**A:** Under section 12 of the Regulation, a person may use a protected label with respect to food or beverage products if that person is operating in compliance with organic certification requirements and production standards. In cases where standards and/or a certification program do not exist, best practices must be followed such that the organic nature of the product is not at risk, through handling, of being changed such that it may no longer be considered 'organic'.

**Q. What does it mean to change the 'organic nature' of a product?**

**A.** Changing the organic nature of a product may occur unintentionally and so a strong understanding and sound practice are required when handling organic products. The BC Certified Organic Program relies on organic standards for production, processing/handling, and permitted substances. Certification and adherence to the standards and best practices can ensure that simple processing, such as cutting organic apples with a knife, does not change the organic nature (e.g., cutting takes place in a certified processing facility or follows best practices to ensure, for example, the knife is free from contamination by non-permitted substances, non-organic product residue, etc.).

**Q: Why is certification a necessary part of the process in labelling, marketing and recording organic products in BC?**

**A:** Organic certification provides assurance to BC consumers that organic purchases have been produced or processed to a recognized standard for organic production, management and allowed inputs for organics in Canada.

**Q. I'm currently not certified. As of September 1, 2018, do I need to be certified?**

**A.** As of September 1, 2018, the term "organic" is now a protected label in BC that may only be used on food or beverage products produced or processed in BC where specific conditions are met. You are not required to be certified to produce organic products if you do not use the term 'organic' in your labels or you do not change the organic nature of a product labelled organic. It

**Changes to BC's Organic Certification Regulation in Force September 1, 2018:  
'Organic' Adopted as a Protected Label in British Columbia**

may be difficult to know if your handling practices could change the organic nature of a product, and this is why organic certification is strongly recommended.

If you do not meet the regulatory requirements for using a protected label along the organic product supply chain – including any required certification and compliance with organic standards – then you may not use the term “organic” or any other protected label to market your product.

**Q. As of September 1, 2018, will certification be required for an agri-food enterprise or a BC individual who sells organic food and beverage products (not necessarily all certified organic) through their local farmer's market?**

**A.** Yes. Non-certified producers and processors who currently label (record, market, etc.) food and beverage products as 'organic' will need to either become certified or cease using the term 'organic' in their product labelling. Non-certified producers and processors may market their products using other terms as applicable.

**Q. What about enforcement of the expanded protected labels? What happens if I use 'organic' in my labelling before I'm certified?**

**A.** As of September 1, 2018, organic producers, processors, distributors and others in the supply chain who use the 'organic' protected label are expected to be able to produce proof of certification upon request by a Ministry of Agriculture enforcement officer. Producers, processors and distributors must maintain up-to-date certification and be registered through the COABC or through a Canadian Food Inspection Agency (CFIA) accredited certifying body. Uncertified operators in the province marketing their food or beverage products as 'organic' could face penalties.

**Q. “How do I make a complaint about someone using the protected label “organic” when they're not certified?”**

**A.** To report a business that is not registered with either COABC or CFIA, contact 1 (888) 221-7141 or [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**Q. As of September 1, 2018, will operators of bakeries and delicatessens in BC who wish to label their products 'organic' (not necessarily all certified organic) require certification? Example: mixing several ingredients together (not necessarily all certified organic) to create bread to be sold as “Bakery XYZ's organic bread”?**

**A.** Yes.

**Changes to BC's Organic Certification Regulation in Force September 1, 2018:  
'Organic' Adopted as a Protected Label in British Columbia**

**Q. My company name has the word "organic" in it. Do I require certification?**

**A.** No.

**Q. Do wholesalers who repack organic food and beverage products need to be certified to label them 'organic'?**

**A.** Yes. Some examples:

Growing and labelling organic food or beverage products:

An orchardist may attach the label 'organic' to an apple grown in their orchard if the orchardist has organic certification through either the BCCOP or the COR and follows organic standards. That same apple may still be labelled as 'organic' by others along the supply chain (e.g., retailers) so long as the organic nature of that apple has not been changed. If the organic apple is altered in the supply chain such that it can no longer be considered 'organic', then it cannot be labelled 'organic'.

Labelling and selling organic food or beverage products at farmer's markets and farm stands:

If an agri-foods enterprise is producing or processing food or beverage products, they must have organic certification through BCCOP or COR in order to label it 'organic' for sale at the farmer's market or at a farm stand. Farmer's markets are only open to enterprises or people who are the original producer or processor of the product.

Labelling food and beverage products using a combination of organic and non-organic ingredients:

The organic production standards clarify that a product can be labelled "organic" if it meets a threshold of 95% organic composition. Where organic composition is between 70-95%, the product cannot be labelled "organic", although individual ingredients can be identified as "organic" on the ingredients label. If a processor or retailer (e.g., baker) were to mix certified organic ingredients with non-certified organic ingredients in order to create a new product that met the 70-95% composition requirement, the person would need to know how to measure and assess. That person would need to be certified and act in compliance with the organic production standards.

**BC's Organic Certification Regulation - Resources:**

***Food and Agricultural Products Classification Act:***

<http://www.bclaws.ca/civix/document/id/complete/statreg/16001>

**Changes to BC's Organic Certification Regulation in Force September 1, 2018:  
'Organic' Adopted as a Protected Label in British Columbia**

**Organic Certification Regulation:**

[http://www.bclaws.ca/civix/document/id/lc/statreg/304\\_2016](http://www.bclaws.ca/civix/document/id/lc/statreg/304_2016)

**Organic Certification Regulation Amendment (in force September 1, 2018):**

[http://www.bclaws.ca/civix/document/id/complete/statreg/304\\_2016anif304\\_2016](http://www.bclaws.ca/civix/document/id/complete/statreg/304_2016anif304_2016)

**BC's Certified Organics Program:**

<http://www.certifiedorganic.bc.ca/cb/certification.php#Canadian-Organic-Standards>

**Information on BC Organic Certification:**

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/animals-and-crops/organic-food-and-beverages/certification>

Certified Organic Associations of BC (COABC): <http://www.certifiedorganic.bc.ca/>

The COABC is an umbrella association representing organic certifying bodies in BC. COABC is authorized by legislation and regulation to provide accreditation to organic certification bodies across BC. Organic certifying bodies certify organic producers, processors and others along the supply chain.

The COABC also works with the BC provincial government to update and maintain the **BC Certified Organic Management Standards:**

[http://certifiedorganic.bc.ca/standards/docs/Book\\_2\\_V11.pdf](http://certifiedorganic.bc.ca/standards/docs/Book_2_V11.pdf)

Permitted Substances Standards

<https://www.certifiedorganic.bc.ca/standards/docs/CAN-CGSB-32.310-2015E.pdf>

Please see current Best Practices for Retail in BC:

[https://www.certifiedorganic.bc.ca/toolkits/docs/organic\\_retailing\\_guide.pdf](https://www.certifiedorganic.bc.ca/toolkits/docs/organic_retailing_guide.pdf)