

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Canada

Food and Agricultural Import Regulations and Standards - Certification

FAIRS Export Certificate Report

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Report Highlights:

The report identifies export certificates issued by U.S. government issuing authorities to comply with Canadian import standards and regulations or to attest that the product is subject to U.S. government regulation. This report is intended as a supplement to the Food and Agricultural Importation Regulation Report (FAIRS) submitted in September 2009, CA9052 and as an update to the FAIRS Export Certificate Report submitted in January 2010, CA0001. Updates, including some new hyperlinks and up to date contact information, were made to the sections covering Food and Drug Administration (FDA) contacts, organic standards, and the Codex Committee on Food Import and Export Certification.

Executive Summary:

This report identifies export certificates issued by recognized U.S. government authorities to comply with Canadian import standards and regulations or to attest that the product is subject to U.S. government regulation. It is an update to the Food and Agricultural Importation Regulation Report (FAIRS) Export Certificate Report submitted in January 2010 as CA0001. This is not intended as a compendium of Canadian import requirements but rather as a supplement to the Food and Agricultural Importation Regulation Report (FAIRS) submitted in September 2009 as CA9052. It was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Ottawa, Canada for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is strongly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. List of All Export Certificates Required By Government (Matrix) :

Product(s): All
Name of Certificate: NAFTA Certificate of Origin, CBP, Form 434
Purpose/Attestation: To claim preferential tariff treatment
Issuing Authority: Bureau of Customs and Border Protection
Authority Requiring Certificate: CBSA
Legal Reference: NAFTA
Electronic Copy Included: Yes

Product(s): Bison/Buffalo
Name of Certificate: Export Verification Certificate
Purpose/Attestation: To attest to eligibility to export beef to Canada
Issuing Authority: AMS
Authority Requiring Certificate: CFIA
Legal Reference: Meat Inspection Regulations
Electronic Copy Included: No

Product(s): Meat and Poultry Products
Name of Certificate: FSIS Form 9135-3, Certificate for Export of Meat

Purpose/Attestation: and Poultry Products to Canada
Product Safety and Wholesomeness
Issuing Authority: FSIS
Authority Requiring Certificate: CFIA
Legal Reference: Meat Inspection Regulations
Electronic Copy Included: No

Product(s): Live Animals, Honey Bees
Name of Certificate: Zoosanitary Export Certificate; VS Form 17-140
Purpose/Attestation: Animal Health
Issuing Authority: APHIS
Authority Requiring Certificate: CFIA
Legal Reference: Animal Health Regulations
Electronic Copy Included: No

Product(s): Plant and Plant Products
Name of Certificate: Phytosanitary Certificate PPQ Form 577
Purpose/Attestation: Plant Health, Freedom from Pests
Issuing Authority: APHIS
Authority Requiring Certificate: CFIA
Legal Reference: Plant Health Regulations
Electronic Copy Included: Yes

Product(s): Fresh Apples, Onions, Potatoes
Name of Certificate: Fresh Fruit and Vegetable Inspection Certificate FV-300
Purpose/Attestation: Grading and Quality
Issuing Authority: AMS
Authority Requiring Certificate: CFIA
Legal Reference: Fresh Fruit and Vegetable Regulations
Electronic Copy Included: No

Product(s): Fish and Seafood
Name of Certificate: NOAA Inspection Certificate

Purpose/Attestation: Vessel and Plant Sanitation, Product Inspection,
Grading, Safety and Wholesomeness
Issuing Authority: NOAA
Authority Requiring Certificate: none
Legal Reference: Voluntary
Electronic Copy Included: No

Product(s): Other Foods
Name of Certificate: FDA Certificate of Export
Purpose/Attestation: The Food is Regulated by FDA
Issuing Authority: FDA
Authority Requiring Certificate: Not an entry requirement
Legal Reference: N/A
Electronic Copy Included: No

Section II. Purpose of Specific Export Certificate(s)

NAFTA Certificate of Origin

This is a trilaterally agreed upon form used by Canada, Mexico, and the United States to certify that goods qualify for the preferential tariff treatment accorded by NAFTA. The Certificate of Origin must be completed by the exporter. A sample is provided in Appendix I, and is available on the U.S. government export portal: <http://www.export.gov/>

USDA Export Verification (EV) Program for Bison, Lamb, and Goat

The EV certification provides the specified product requirements for marketing U.S. bison/buffalo and lamb and goat meat to Canada. The requirements apply to U.S. suppliers (slaughterers, fabricators, or processors) of bison, bison products and sheep and goats less than 12 months of age that are eligible for export to Canada as listed with the Food Safety and Inspection Service (FSIS). There is no longer an EV requirement for beef and beef products to Canada. Meat and meat products derived from these species must be produced under an approved Agriculture Marketing Service (AMS) EV program. The Audit, Review, and Compliance Branch of AMS has been assigned responsibility for reviewing and approving companies as eligible suppliers of meat and meat products under the USDA Export Verification (EV) Programs. Additional information about the EV program and a list of EV approved establishments can be obtained from the following websites:

<http://www.ams.usda.gov>

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3103514>

Meat and Poultry Export Certificate

FSIS Form 9135-3, Certificate for Export of Meat and Poultry Products to Canada certifies that U.S.

meat and poultry exports to Canada meet the eligibility, safety and wholesomeness requirements laid out in the Canadian Meat Inspection regulations for imports of meat and poultry from the United States.

Zoosanitary Export Certificate

This an animal health form certifies that certain live animals and bees meet the animal health import requirements of Canada. For further information, see the electronic Animal Products Manual of the Animal and Plant Health Inspection Service of USDA:

http://www.aphis.usda.gov/import_export/plants/manuals/ports/apm.shtml

Phytosanitary Certificate

A phytosanitary certificate certifies that the plants or plant products are free from quarantine pests, practically free from other injurious pests, and conform with the current phytosanitary regulations of Canada. For further information see the electronic manuals of the Animal and Plant Health Inspection Service (APHIS) of USDA:

http://www.aphis.usda.gov/import_export/plants/manuals/online_manuals.shtml

APHIS export certificates are available on the APHIS Export Services Program webpage in two categories; downloadable and viewable:

http://www.aphis.usda.gov/import_export/plants/plant_exports/export_certificates_forms.shtml

Fresh Fruit and Vegetable Inspection Certificate

AMS form FV-300 certifies that U.S. fresh apples, onions, or potatoes meet Canadian import standards for grade and quality established in the Canadian Fresh Fruit and Vegetable Regulations.

An explanation of this form can be found at the AMS webpage:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3049435>

Section III. Specific Attestations Required on Export Certificate(s)

The United States does not require phytosanitary export certification but provides the service, if

requested. Plant Protection and Quarantine (PPQ) is the unit within the Animal and Plant Health Inspection Service (APHIS) that serves to assist exporters in meeting the plant quarantine import requirements of foreign countries.

Also: see details of certificates in Section I.

Section IV. Government Certificate's Legal Entry Requirements

APHIS Export Certification Manual

This manual serves as an operational reference to be used by inspectors when inspecting and certifying plants and plant products offered for export and when issuing federal plant export certificates. It provides Authorized Certification Officials specific instructions on how to help exporters meet the plant quarantine import requirements of foreign countries.

For additional information on APHIS Export Certification services, go to the following APHIS webpage:

http://www.aphis.usda.gov/import_export/plants/plant_exports/

Also: see details of certificates in Section I.

Section V. Other Certification/Accreditation Requirements

NOAA Inspection Certificate

The National Oceanic and Atmospheric Administration (NOAA) Seafood Inspection Program offers a variety of professional inspection services which ensure compliance with all applicable food regulations. In addition, product quality evaluation, grading and certification services on a product lot basis are provided. Benefits of obtaining a certificate include the ability to apply official marks, such as the U.S. Grade A, Processed Under Federal Inspection (PUFI) and Lot Inspection.

Food and Drug Administration

The U.S. Food and Drug Administration can issue a Certificate of Export, which will generally indicate that the product is regulated by the Food and Drug Administration (FDA) and that the product is not at

that time the subject of any enforcement action by the FDA. Such certificates are neither guarantees nor a certification of the product's safety nor quality. The Certificates of Export are issued at the request of a domestic (U.S.) company.

FDA will issue Certificates assuming the product meets the requirements of 801(e) of the Federal Food, Drug, and Cosmetics Act as follows:

1. accords to the specifications of the foreign purchaser,
2. is not in conflict with the laws of the country to which it is intended for export,
3. is labeled on the outside of the shipping package that it is intended for export, and
4. the particular shipment is not sold or offered for sale in domestic commerce.

The U.S. Food and Drug Administration's Center for Food Safety and Applied Nutrition now has seven offices that process requests for Certificates of Export. For more information contact the FDA Outreach and Information Center at the information listed below:

Center for Food Safety and Applied Nutrition
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20740
Phone: 1-888-723-3366
Email: industry@fda.gov

For more information about FDA Certificate of Export, go to the following FDA webpage:
<http://www.fda.gov/Food/InternationalActivities/Exports/default.htm>

Organic

New organic products regulations (OPR) align certification with the National Standard for Organic Agriculture mandatory for all organic products as of June 30, 2009. These regulations fall under the authority of the Canada Agricultural Product Act (CAPA), which regulates the use of the Canada Organic Label. Requirements and regulations for methods of production must comply with the most recent edition of the CAN/CGSB-32.310 Organic Production Systems General Principles and Management Standard; which can be found here:

http://www.tpsgc-pwgsc.gc.ca/cgsb/on_the_net/organic/index-e.html

Under this regime, in order to market a product as organic in Canada, the product needs to be certified by a certification body accredited by a Conformity Verification Body (CVB) recognized by the Canadian Food Inspection Agency (CFIA). Canada has updated their Organic Products page to include links to OPR 2009, the Draft Stream of Commerce Enforcement Policy, the list of CVBs that have applied, CFIA, as well as other information and documents relative to the Canadian Organic Regime. The links to CFIA organic products page can be found below:

<http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml>

Although Canada has had organic standards since 1999, it was formerly voluntary and not supported by regulation. Now, new mandatory standards are in place.

Organic claims are required to be printed in English and French. A government logo bearing the official

program name “Canada Organic Regime” is available to indicate organic compliance to the Canadian regulation. Use of the seal is voluntary. The new version of the regulations also allows CFIA to enter into equivalency agreements with other countries.

The import and sale of organic food products in Canada are governed by the same rules and regulations that apply to non-organic food products. No distinction is made between organic and non-organic food with regard to import requirements. Currently, all Canadian packaging and labeling, grade, and inspection regulations apply equally to organic and non-organic foods.

Organic Equivalency Agreement

On June 17, 2009, the United States and Canada jointly announced an organics equivalency agreement, the first one of its kind. The equivalency agreement follows a review by both nations of the other’s organic certification program and a determination that products meeting the standard in the United States can be sold as organic in Canada, and vice versa.

Under a determination of equivalence, producers and processors that are certified to the National Organic Program (NOP) standards by a U.S. Department of Agriculture accredited certifying agent do not have to become separately certified to the Canada Organic Product Regulation (COPR) standards in order for their products to be represented as organic in Canada. Likewise, Canadian organic products certified to COPR standards may be sold or labeled in the United States as organically produced. Both the USDA Organic seal and the Canada Organic Biologique logo (pictured in Appendix II) may be used on certified products from both countries. The COPR has been in effect since June 30, 2009. The equivalency agreement is expected to lead to greater market opportunities for organic producers in both countries.

The Organic Trade Association (OTA) in Canada has published an unofficial list of certifiers operating in Canada. Additions to this list, as well as details on certifiers active outside of Canada are expected in *the coming year*. To view this information, visit: <http://www.ota.com/otacanada/abcb.html>

For more information about the Canadian government’s Organic Product Regulations and about the organic agriculture industry in Canada, go to the following websites:

Organic Products Regulations, 2009:

<http://gazette.gc.ca/rp-pr/p1/2009/2009-02-14/html/reg1-eng.html>

Canadian Food Inspection Agency:

<http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml>

For more information contact:

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Agriculture & Agri-Food Canada:

<http://www4.agr.gc.ca/AAFC-AAC/display-afficher.do?id=1183748510661&LANG=3>

Organic Production Standards

The definitions of Canada's production methods for organic agriculture and the substances used (i.e., permitted substances list) are laid out in the Canadian General Standards Board's (CGSB) publications entitled the *Organic Production Systems General Principles and Management Standards* and the *Organic Production Systems Permitted Substances List*. These documents are available on the following CGSB webpage:

http://www.pwgsc.gc.ca/cgsb/on_the_net/organic/index-e.html

Codex Committee on Food Import and Export Certification and Inspection Systems

The Codex Committee on Food Import and Export Certification and Inspection Systems is charged with developing principles and guidelines for food import and export certification and inspection systems.

Included in the charge is the application of measures by competent authorities to provide assurance that foods comply with essential requirements. Recognition of quality assurance systems through the development of guidelines will help ensure that foods conform to the essential requirements. Food Import and Export Food Inspection and Certification Systems materials adopted by the Codex Alimentarius Commission are located in Volume 1A of the *Codex Alimentarius, General Requirements*.

The 18th Session of CCFICS was held in Australia from March 1 – 5, 2010. The Committee was scheduled to continue work on:

- Proposed draft Guidelines for the Conduct of Foreign Audit Team Inspections;
- Proposed Draft Principles and Guidelines for the Conduct of Foreign On-site Audits and Inspections;
- Proposed Draft Principles and Guidelines for National Food Control Systems.

For more information on the 18th Session's outcome see:

http://www.fsis.usda.gov/codex_alimentarius/Delegate_Report_18CCFICS/index.asp

The 19th Session of CCFICS is tentatively scheduled to be held in Australia, from October 17-21, 2011 at a venue to be announced.

Appendix I. Electronic Copy or Outline of Each Export Certificate

Samples of several export certificate forms are shown on the following pages.

Example: NAFTA Certificate of Origin

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

OMB No. 1851-0089
See back of form for Paperwork Reduction Act Notice.

**NORTH AMERICAN FREE TRADE AGREEMENT
CERTIFICATE OF ORIGIN**

Please print or type

19 CFR 181.11, 181.22 Bill of Lading / Air Waybill No.:

1. EXPORTER NAME AND ADDRESS	2. BLANKET PERIOD FROM..... TO.....
TAX IDENTIFICATION NUMBER: 3. PRODUCER NAME AND ADDRESS	4. IMPORTER NAME AND ADDRESS TAX IDENTIFICATION NUMBER:
TAX IDENTIFICATION NUMBER:	TAX IDENTIFICATION NUMBER:

5. DESCRIPTION OF GOOD(S)	6. HS TARIFF CLASSIFICATION NUMBER	7. PREFERENCE CRITERION	8. PRODUCER	9. NET COST	10. COUNTRY OF ORIGIN

I CERTIFY THAT:

- THE INFORMATION ON THIS DOCUMENT IS TRUE AND ACCURATE AND I ASSUME THE RESPONSIBILITY FOR PROVING SUCH REPRESENTATIONS. I UNDERSTAND THAT I AM LIABLE FOR ANY FALSE STATEMENTS OR MATERIAL OMISSIONS MADE ON OR IN CONNECTION WITH THIS DOCUMENT;
- I AGREE TO MAINTAIN AND PRESENT UPON REQUEST, DOCUMENTATION NECESSARY TO SUPPORT THIS CERTIFICATE, AND TO INFORM, IN WRITING, ALL PERSONS TO WHOM THE CERTIFICATE WAS GIVEN OF ANY CHANGES THAT COULD AFFECT THE ACCURACY OR VALIDITY OF THIS CERTIFICATE;
- THE GOODS ORIGINATED IN THE TERRITORY OF ONE OR MORE OF THE PARTIES, AND COMPLY WITH THE ORIGIN REQUIREMENTS SPECIFIED FOR THOSE GOODS IN THE NORTH AMERICAN FREE TRADE AGREEMENT AND UNLESS SPECIFICALLY EXEMPTED IN ARTICLE 411 OR ANNEX 401, THERE HAS BEEN NO FURTHER PRODUCTION OR ANY OTHER OPERATION OUTSIDE THE TERRITORIES OF THE PARTIES; AND
- THIS CERTIFICATE CONSISTS OF PAGES, INCLUDING ALL ATTACHMENTS.

11a. AUTHORIZED SIGNATURE	11b. COMPANY		
11c. NAME (<i>Print or Type</i>)	11d. TITLE		
11.			
11e. DATE (MM/DD/YYYY)	11f. TELEPHONE NUMBER	▶ (Voice)	: (Facsimile)

CBP Form 434 (04/97)

Example: State Application for Inspection and Certification of Plants and Plant Products for Export

Montana Department of Agriculture Agricultural Sciences Division Commodity Services Bureau APPLICATION FOR INSPECTION AND CERTIFICATION OF PLANTS AND PLANT PRODUCTS FOR EXPORT	No Federal Phytosanitary Export Certificate can be issued until an application is completed (7 CFR 353).
1. NAME AND ADDRESS OF EXPORTER	2. NAME AND ADDRESS OF APPLICANT (<i>or exporter's agent</i>)

Appendix II. USDA Organic seal and the Canada Organic Biologique logo

