

# Canadian Standards Interpretation Committee (SIC) 2018

Version 2018

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## TERMS OF REFERENCE

### 1) Mandate of the Standards Interpretation Committee (SIC)

To prepare responses to questions regarding the standards that then become binding interpretations adopted by the Canadian Food Inspection Agency (CFIA) and the sector.

### 2) Profile of the SIC

The SIC consists of a CFIA representative and seven appointed members who are industry experts in different sectors of organic agriculture including:

- Crop production;
- Livestock production ;
- Processing (food manufacturers);
- Importation , Distribution and Retail;
- Certification and inspection;
- Verification Officers (inspectors).

CFIA appoints their representative. The Organic Federation of Canada (OFC) appoints the industry representatives. The criteria and process for the selection of the industry representatives is outlined in Appendix 4.

### 3) Length of Term

Industry appointments to the SIC are for three years, and staggered to ensure continuity within the committee. Members may be re-appointed two times consecutively, after which they must stand down for one year before being eligible for another appointment.

### 4) Member Withdrawal

Any member may withdraw from the SIC by delivering a written resignation and lodging a copy of the same with the CFIA. Any member may be required to resign if they do not accomplish their mandate in a competent manner or if they do not respect the Terms of Reference of the SIC. The chair and OFC shall determine grounds for expulsion of a member and shall communicate decisions to the member.

### 5) SIC Administration

- a) CFIA acts as a liaison between the SIC and inquiring stakeholders; ensuring the inquirer's identity is kept confidential with the goal of unbiased interpretation by the SIC.
- b) Questions are submitted to CFIA's generic organic inbox [opr.rpb@inspection.gc.ca](mailto:opr.rpb@inspection.gc.ca). CFIA acknowledges receipt and refers the questioner to OFC's Infobio newsletter and OFC's website to see draft responses and final answers. CFIA also sends the question to OFC which then adds them to the SIC working table.
- c) The OFC maintains a tracking system that shall include the date a new question is received, the date it is answered by the SIC, the date it is submitted to public comment, the number of comments received, the date it is sent back to public comment (if that is the case) and the date it is archived and/or sent to the attention of the Committee on organic agriculture of the Canadian General Standards Board (CGSB).
- d) The OFC administers the invoices quarterly for the SIC member's participation. The honorarium is provided by CFIA.
- e) The members of the SIC shall select a chair from among the SIC members.

### 6) Committee Process

- a) The SIC shall **meet as needed** to perform their duties—preferably via teleconference, or/and by email if needed, or whatever manner they determine in order to efficiently process interpretation requests. Minutes of meetings shall be recorded and decisions logged.
- b) Questions will be addressed **according to arrival date** except if they are judged as high priorities by CFIA or OFC. *See Appendix 1 - Prioritization of interpretation requests.*
- c) The **confidential** nature of the work shall be respected by SIC members.
- d) Quorum for meetings is 5 members. **Decisions** of the SIC shall be made by consensus. If consensus cannot be reached, a vote with a majority of 4 out of 7 voting members being in favor is required at a meeting. *. See Appendix 2 for detailed guidance on consensus.*

- e) Approved interpretations by the SIC shall be **published** for a 30 day public consultation in [OFC's Comment period section](#). Subsequent to any received comments, the Q&A may be modified and become final. All final answers and questions shall be added to the [Q&A database](#).
- f) When the resulting Q&A points to a need for **revision in the standard** the SIC shall forward the information to the CGSB Committee for their consideration.
- g) External resources
- i) The SIC may bring in technical experts to assist in their deliberations. Such persons shall not have decision-making privileges.
  - ii) SIC members may decide to get additional information on specific issues but when discussing those issues within the SIC, they shall have to report with whom they have consulted.
  - iii) In some specific cases, the SIC may also decide to consult the CFIA accredited Certification Bodies (CBs) to get some necessary information before answering a specific question. The CFIA shall transfer to the accredited CBs the information request issued by the SIC. The CFIA shall transfer to the SIC the information submitted by the CBs in response to their request.
  - iv) In some specific cases the SIC may decide to consult with Working Groups from the Canadian General Standards Board Technical Committee (TC) for Organic Agriculture.
- h) Questions generated by SIC members
- i) SIC members may assist others in generating questions, but must declare this activity, and abstain from decision making with regards to the specific question. *See Appendix 3 – Conflict of Interest for guidance.*
  - ii) SIC members may also generate questions. The other SIC members must agree that these questions needs addressing for the general benefit of the organic sector; they will also determine if the member who generates a question may participate in the related discussions. The SIC member must abstain from decision making with regards to these specific questions. *See Appendix 3 – Conflict of Interest for guidance.*
- i) Revising an Interpretation
- i) Following a public comment period, and based on comments received, the SIC may need to revise an interpretation. The decision to reopen the question and the nature of the revision shall be made using the same consensus model. If the intent of the interpretation is changed, it shall be sent back for another public comment period. If the revision is only editorial or a change in wording to achieve greater clarity of meaning, and the original intent persists, the revised answer shall be published as a final interpretation.
  - ii) The SIC may choose to revisit any interpretation which has been finalized and published. The SIC may need to consider the impact of such revisions on the organic industry. Reasons for reopening a question could include the following;
    - New technical or scientific information is brought to the attention of the SIC
    - Evidence shows that the implementation of the interpretation conflicts with the Canadian General Principles of Organic Production
    - Publication of newly revised standards contradicts the interpretation
    - Change in legislation or regulations affects interpretation or implementation

iii) Revision process

- The SIC reaches consensus that the interpretation needs to be revisited
- The Question is placed on the Working Table for Committee members to post their comments
- The Question is discussed at a meeting of the Committee where quorum is achieved
- Consensus is reached on a proposed new answer
- The new interpretation, along with rationale for the change if necessary undergoes a public comment period
- Comments from the public are considered, the interpretation is finalized

## **APPENDIX 1 - PRIORITIZATION OF INTERPRETATION REQUESTS**

OFC and CFIA may prioritize questions and may consult with the chair as needed to help set those priorities. Examples of varying priorities

High priority:

- questions that affect a large number of operators;
- questions that speak to a fundamental aspect of the organic principles;
- questions that need to be addressed in order to determine whether or not the certification of an operation is in jeopardy;
- issues that have potential for public scrutiny;
- questions coming from a Conformity Verification Body (CVB) or a Certification Body (CB).

Lower priority:

- questions peculiar to one operator or circumstance;
- questions of procedure – ones that do not affect the organic integrity of an organic project;
- minutiae, the outcome of which has limited scope;
- theoretical issues with limited practical application;
- questions that cannot be resolved objectively (there is no answer that applies universally).

## **APPENDIX 2 - CONSENSUS DESCRIPTION**

1. The ISO definition of consensus is:

*General agreement, characterized by the absence of sustained opposition, to substantial issues by any important part of the concerned interests, and by a process seeking to take into account the views of all parties concerned to reconcile any conflicting arguments.*

The principles governing the Interpretation Committee consensus process are:

- equal access and effective participation by all concerned interests (this may require the use of expert committees, or some other creative endeavour to broaden the understanding of the SIC);
- respect for diverse interests and identification of those who should be provided access to provide the needed balance of interests;
- Consistent objections of the minority are not allowed to indefinitely block resolution of proposals.

Reaching consensus is not always easy. Some individuals may become impatient and maybe discouraged with the time taken for group decision-making. In addition, this method relies on the discretion of the chair who eventually decides when a general agreement or common "feeling" has been reached. In some situations, if only extremely vocal and confident individuals dare to challenge the majority view, then the minority opinion is in danger of being suppressed.

Using consensus, however, can result in higher quality decisions. The complicated rules of parliamentary procedure are reduced while maximum member participation is encouraged.

## **Consensus Process**

Describe the issue or problem confronting the Interpretation Committee. State the problem clearly and concisely—if it is complex, write it down.

Gather all information relevant to the problem. All pertinent facts and ideas about the problem need to be heard in order to make a wise decision. Distinguish between facts and opinions. A decision can often be made right away. However, action may need to be deferred so that additional information can be gathered.

List all possible solutions or actions. Explore alternatives. Be creative. Use brainstorming techniques to generate new ideas, from every member.

Choose the best possible solution. Use a process of elimination; refine and combine parts of your list. Make a decision. Formulate a statement of general agreement or consensus; or, develop a motion and vote on it. Then, record the results in the minutes.

## **Chair mandate**

The Chair has to:

1. Be neutral and impartial;
2. Chair meetings in agreement with the SIC procedures;
3. Determine the conflicts of interest when discussing about specific issues;
4. Make sure that discussions stay focused on the issue;
5. Participate in the agenda preparation;
6. Verify that minutes reflect the decisions made at meetings; and
7. Act as the spokesperson of the SIC.

## **APPENDIX 3 CONFLICT OF INTEREST**

A conflict of interest is defined as:

An actual or perceived interest by a member of the SIC that results in or has the appearance of resulting in personal, organizational, or professional gain.

A conflict of interest occurs when a SIC member has a direct fiduciary interest, which includes:

- ownership with,
- employment of or by,
- contractual relationship with,
- creditor or debtor to,
- consultative or consumer relationship to a stakeholder requesting a standards interpretation or a standard affecting the organic operation of the SIC member.

In plain language, a conflict of interest occurs when a SIC member has the potential to gain (gain usually refers to money, but it can include more intangible benefits) from an interpretation she/he is involved in.

The duty of loyalty and duty to avoid conflicts of interest have a number of practical implications. SIC members shall:

- demonstrate full allegiance to their SIC mandate;
- not disclose any information acquired in connection with their position as SIC members that might be harmful to the interests of the industry or to the CFIA;
- not disclose or use any information relating the affairs of the SIC for personal profit or advantage;
- place the interests of the SIC above personal self-interest in all dealings with their mandate;
- carry out all of their duties in the best interests of the SIC;
- immediately disclose any actual or potential conflict real or perceived, to the Committee;
- ensure that minutes of any meeting at which an interpretation involving a potential conflict of interest is discussed accurately reflect the views of all conflicted and non-conflicted directors.

SIC members shall declare all conflicts of interest and potential conflicts of interest to the Committee. If a SIC member is in doubt about whether he is in a conflict of interest, she/he shall inform the Committee and let the Committee and the CFIA decide.

SIC members who are confirmed in a conflict of interest, where there is a potential for financial gain, shall excuse themselves from all discussion regarding the issue that resulted in the conflict of interest.

In the situation where the member generated the question the balance of the SIC will determine if the member may participate in the related discussions, but will abstain from voting on the outcome.

#### **APPENDIX 4 - SELECTION OF STANDARDS INTERPRETATION COMMITTEE**

1. OFC Board shall select members for the SIC on the following criteria:
  - a) Stature within the organic community; respected and trusted by their colleagues to uphold organic principles;
  - b) Broad knowledge of and experience, with particular expertise in one or more of the areas such as
    - i) members from the Canadian General Standards Board (CGSB) Committee on Organic Agriculture; **or**
    - ii) stakeholders having experience in the organic standards development process as well as technical expertise in at least one aspect of organic production; **or**
    - iii) stakeholders having experience with any other kind of standards' development and/or interpretation.
  - c) proven ability in consensus building and group decision making.
2. OFC shall request nominations from all stakeholders in the sector. Anyone can submit nominations, including self-nominations. Each nomination must be accompanied by an outline of the candidate's credentials with reference to the above criteria.
3. A list of all nominees shall be compiled and nominees contacted to confirm their willingness to serve on the committee. OFC Directors who have been nominated must either decline nomination or agree to remove themselves from all further involvement in the selection process.
4. OFC shall ask each of its members to compile a list of their top
5. candidates, taking into account all the criteria listed above and the need for the committee to collectively possess expertise in all of the specific areas (see item #2 in this document);

6. The top candidates shall be chosen to fill vacancies based on the number of votes each has received. The OFC Board shall conduct a runoff vote to resolve a tie.