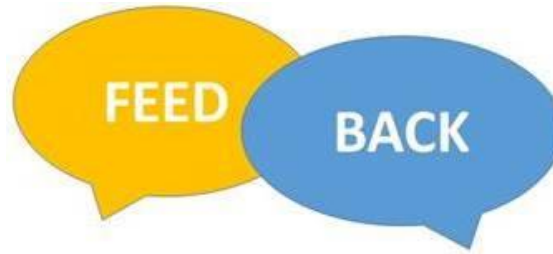


**OFC SURVEY**  
Organic certification  
**The non-compliances:  
what are they?**



## The survey's results

The Organic Federation of Canada launched a survey from December 2016 to March 2017 to better understand the nature of the non-compliances in organic operations. Such non-compliances with the organic standard and regulations must be resolved if organic operators want to obtain the certificate that will allow them to label and sell their products as organic.

The survey was conducted from December 2016 to March 2017; 101 operators responded. The survey results do not necessarily represent the whole sector, but they describe some of the difficulties that operators encounter when applying for organic certification.

We contacted two certifying bodies accredited by the Canadian Food Inspection Agency to review the findings. They confirmed that the most common non-compliances revealed by the survey correspond to what they observe in the normal course of their certification activities.

We present the results of the survey, including the non-confidential comments issues by the respondents. Some comments are quite negative and the objective of the OFC is certainly not to pave the way for mistrust in the certification process. Rather, the objective is to establish what will improve and facilitate the certification process as non-compliances are clear indicators of the difficulties that operators face. The compiled results and comments reveal the following:

- 71% of the operators declare that they have been issued non-compliances;
- The most common non-compliances – lack of data in the recordkeeping system (45%) and the lack of documentation about the commercial unavailability of a product (14%) – are related to recordkeeping and paperwork;
- 81% of the operators who have been issued non-compliances declare that they received a clear explanation for the reason for their non-compliances; 16% declare that the explanation was not clear.
- 82% of the operators were able to apply the corrective actions required to resolve the non-compliance, while 11% had many difficulties in addressing the issue. 5% lost their certification.
- Only 18% of operators contested a non-compliance that their CB had issued.

### How could the certification process be improved?

- 25% of operators would like the certification process to be less bureaucratic;
- 18% would like to improve communication with their certifying body;

- 17% would like to have more training about the Canadian Organic Standards while hoping there is more flexibility in the application of the standard (12%);
- And, at last, a positive note: some operators are happy with the certification process: 20% declare that the process is good and 9% feel comfortable with the process.

The OFC concludes that the annual certification renewal is a stressful exercise for many operators. The process remains a challenge because the inspection is a formal review during which operators have to demonstrate that they are fully compliant with the regulations and the standards. There is no room for errors.

There is also confusion on the role of the inspector and the certifying body: the inspector visiting an operation cannot give any advice nor explain to the operator what he/she should do to improve his/her management or resolve a non-compliance. This lack of communication is necessary to have an impartial and rigorous inspection. The operator has to find other extension resources for his/her recordkeeping system or the organic management of his operation.

If the role of the inspector is clarified, operators will better understand that they need to find the appropriate extension resources on their own. This may improve relationships with the certifying body.

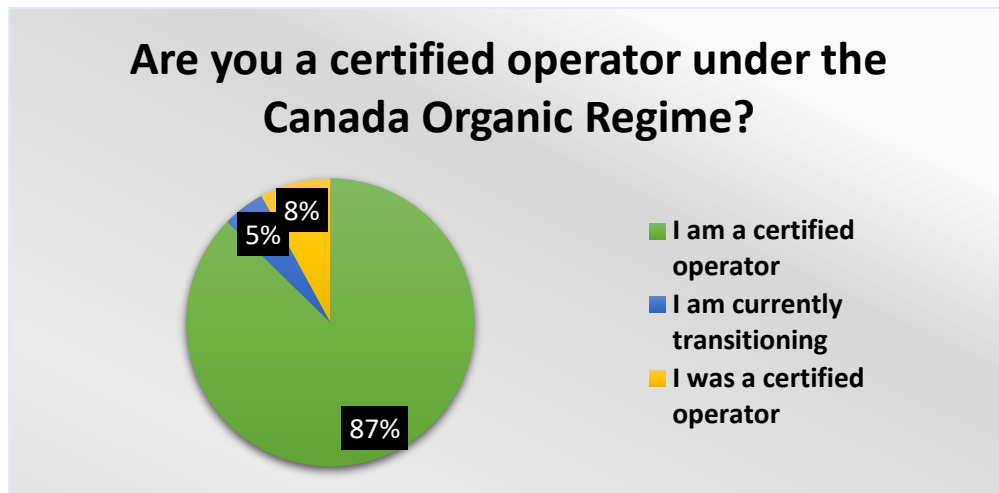
Lastly, the Canadian Organic Standards should be better understood. The number of non-compliances can likely be reduced by improving knowledge of the standard and the creation of existence of a support network ready to answer questions issued by operators. As one the respondents commented: *There is a need in the organic industry to assist producers, a place where they can call to get guidance, for new producers like myself to avoid pitfalls. If this industry is to expand, it needs to be supportive to the producers or they will just turn away.*

## List of graphs

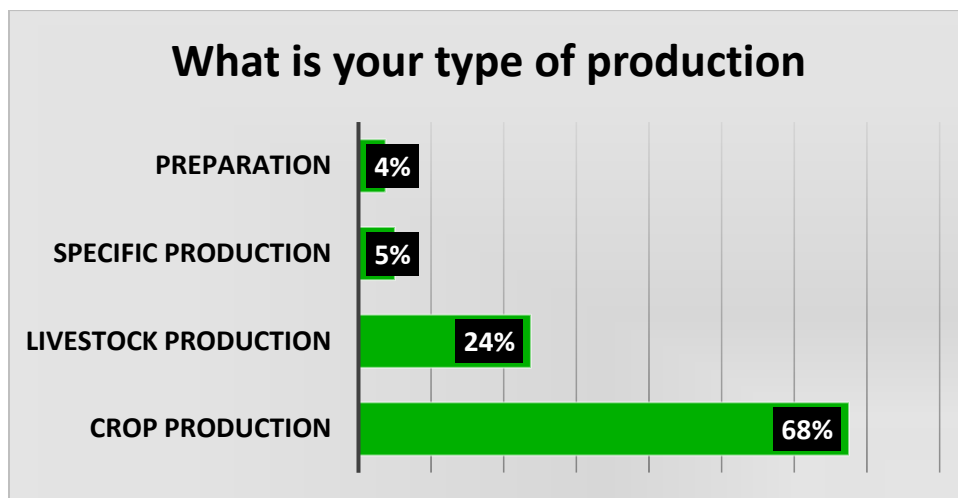
|   |   |
|---|---|
| Question 1 - Are you a certified operator under the Canada Organic Regime? .....  | 3 |
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| Question 3 - Have you ever been issued a non-compliance in the process of your certification to the Canadian Organic Standards? ..... | 3 |
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## Management of Non-Compliance under the Canada Organic Regime ..... 12

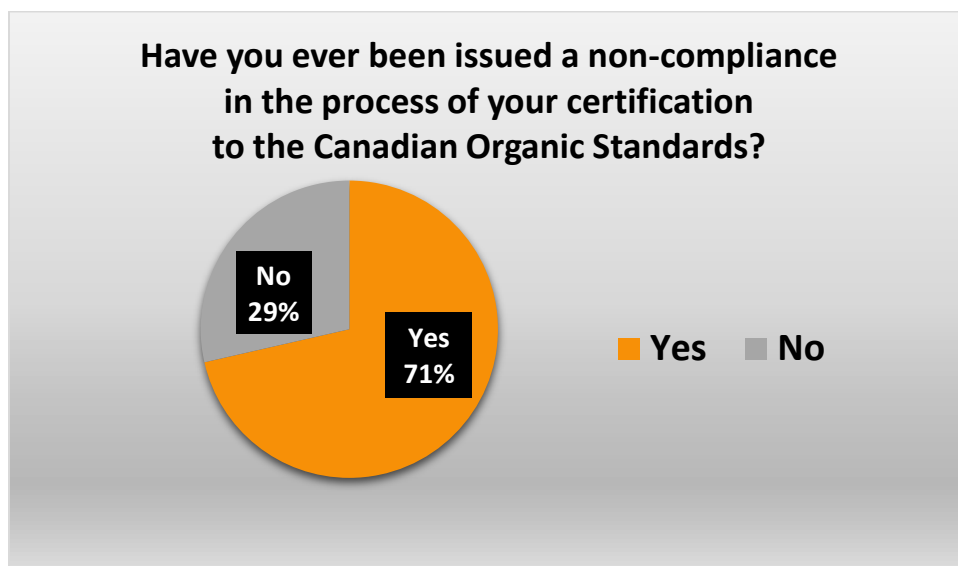
**Question 1 - Are you a certified operator under the Canada Organic Regime?**



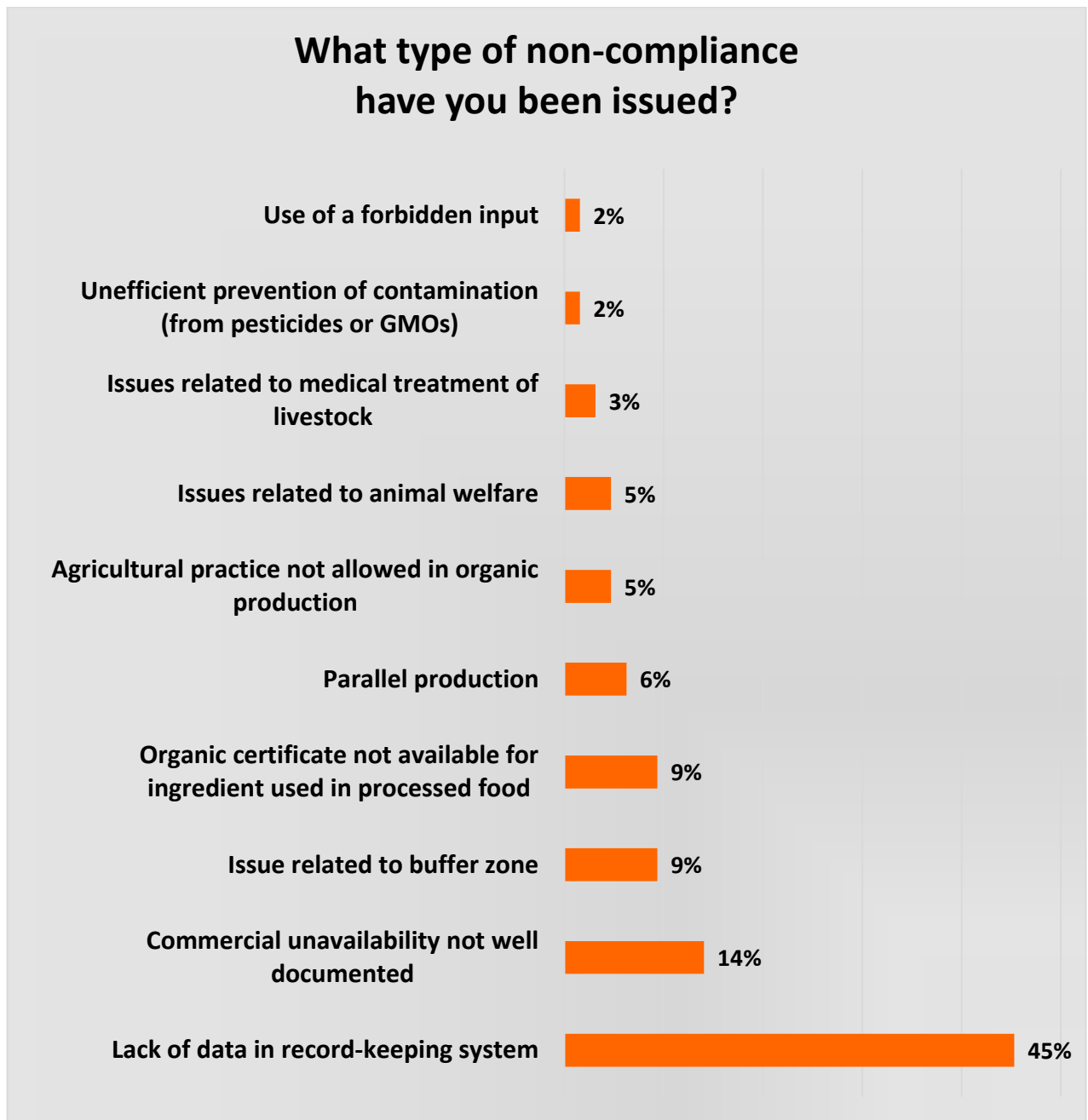
**Question 2 - What is your type of production**



**Question 3 - Have you ever been issued a non-compliance in the process of your certification to the Canadian Organic Standards?**



#### Question 4 - What type of non-compliance have you been issued?

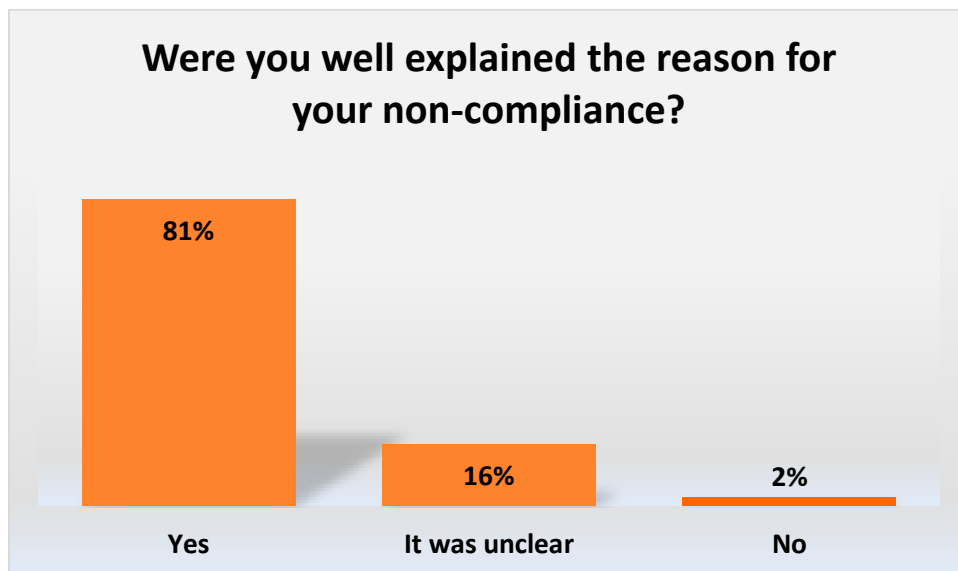


#### Comments

- Did nothing wrong. The inspector (2 separate inspectors in two consecutive years) made mistakes. One did not understand the exceptions of planting stocks (fruit trees), the other inspector did not accept the listing of organic production on seed packages that were clearly in compliance with organic regulations at that time.
- use of non-organic seeds, incomplete field histories, input labels not on file.
- Did not have water testing paperwork.

- Issues related to the abattoir where products are slaughtered/cut/wrapped.
- Labelling problems.
- Using plastic pool liner.
- Legal entity, we registered in my wife's name and ran our books through a joint account with my brother.
- Labeling infractions.
- Documentation for locally sourced manure.
- Seeds, purchase of new or different variety,
- An expired water test (by 1 month).
- We were unable to acquire documentation about the pelleting on Salanova lettuce seeds.
- We had 15 annual inspections. The non-conformities are different from one time to the next.
- Non-compliant advertising.

**Question 5 - Were you well explained the reason for your non-compliance?**

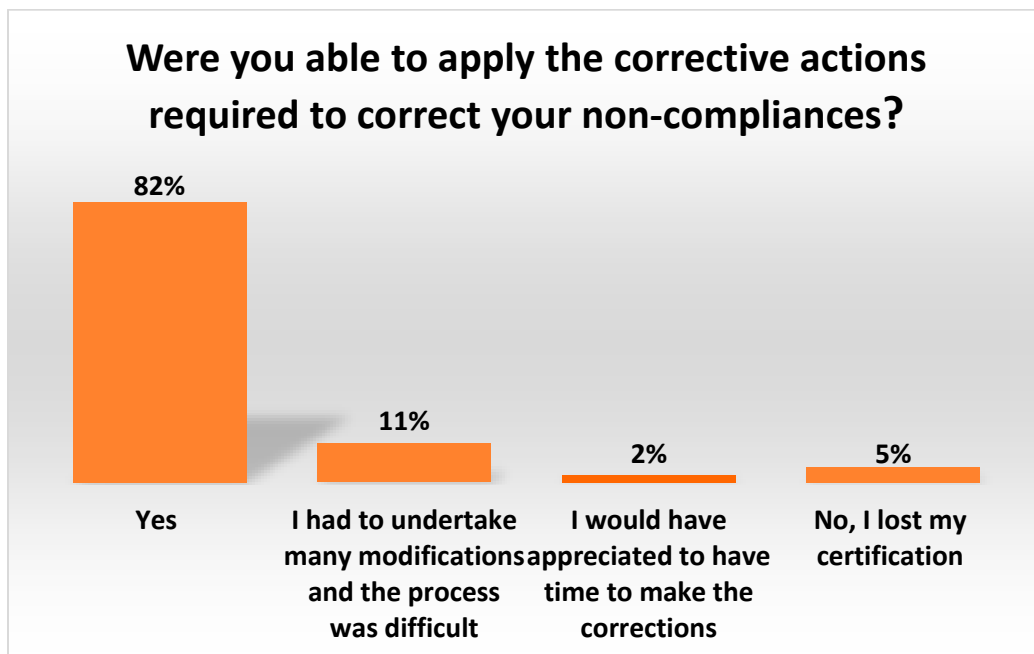


**Comments**

- The clarity of the ruling with respect to the specific language used in the Organic Standard seems somewhat ambiguous to the actuality of the problem/condition at hand. It could be that the Organic Standard lacks a completely accurate definition which may be applied under varying circumstances.
- Not always and sometimes the certifier was just plain wrong. I was told I was no longer allowed to produce hydroponic lettuce during the winter months. I told them I would sell the hydroponic lettuce under a different farm name. They told me that was unacceptable that my entire farm had to be converted to 100% organic and that I could not operate two different farms at the same time.

- Records were available but not in format desired. Inspector did not view records during inspection.
- The reason was clear but there was nothing I could do about it - it had to do with the abattoir.
- First they asked for the legal entity under which non-organic crops were marketed and in answering them honestly we probably got flagged. A simple call or discussion on this would have solved everything, I feel tricked in how they dealt with it.
- Still have my questions about seeds.
- At the get-go we were offered help in finding that information, we were not clear. In the fall they stated very clearly why we were wrong to have used the seed and so now we understand and regret ruining our ability to be certified for the next 3 years.
- the non-compliances were clear, but in the approach, we are treated as offenders. But maybe it's personal.
- Explained, yes, but the certifier was wrong. He wanted to take away the certification because our cows do not have exercise in winter, whereas according to the standard we are correct until 2021 considering that the heifers and dry cows are in free stall. The certifier had then confessed to us that he was not aware of the standard because he did not often go to the office ...
- Not against the degree of non-compliance; for example: Major or Minor is not clear.

**Question 6 - Were you able to apply the corrective actions required to correct your non-compliances?**



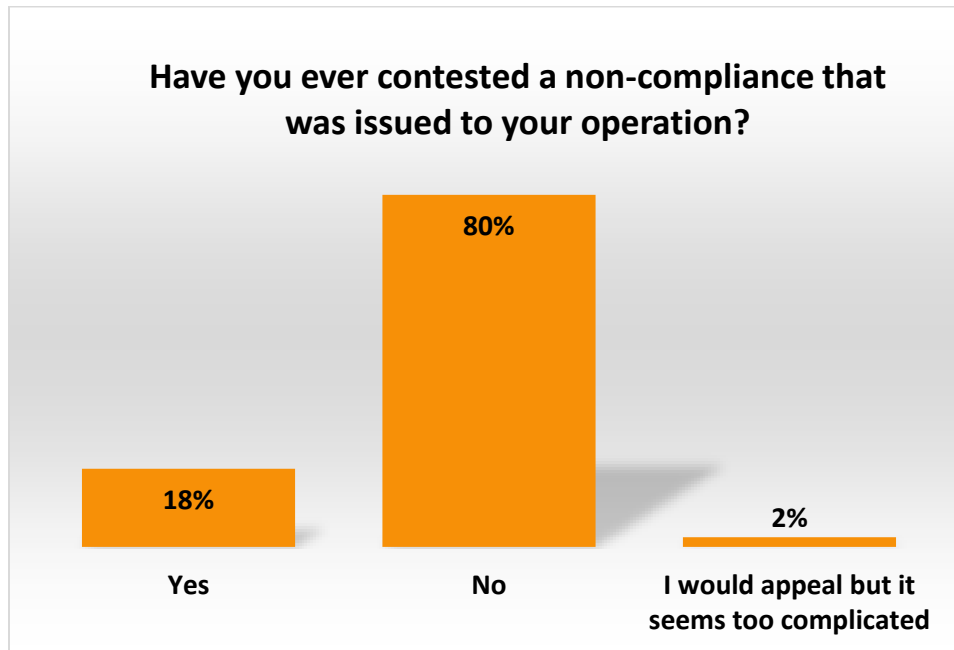
**Comments**

- The corrective actions in these cases was for me to contact the head office and point out the glaring inspector errors.
- I successfully made changes for 20 years, then I could not seem to satisfy my certifier and they cancelled my certification. Parallel production was the issue and they accused me of mixing

organic and non-organic product to sell to the buyer. I did come along because the buyer did not care if the product was organic or not, he did not sell to his customers as organic. I sold the products wholesale and did not claim that they were organic. I provided the invoice to the certifying company, there was no organic claim on any of my invoices to that client, but they cancelled my certification anyway. I get that you should not be able to sell a conventional product as organic, but you should be able to sell an organic product as conventional.

- Just sent in records not viewed and changed format
- I was able to explain the issue to the certifier and get an extension on when to have it resolved by, and work with the abattoir to resolve the problem. It was a ridiculous rigid application of the rules but thankfully we got through it.
- Though they were professional, I find it challenging that the CB is unable to provide the operator with suggestions or insight into what the best course of action to correct non-compliances are.
- I lost the certification for the greenhouse.
- in appeal right now, \$500.00 fee, countless hours, lost sleep, and now they want to do a full inspection at our expense, not happy, hard to find anyone with experience to navigate this process.
- We are in the process of trying to make the modifications but it is no longer seeming worth it to be certified. We are unable to afford an organic consultant, and we are very much alone in trying to rectify this problem. The process has been completely inhumane- we feel we have not been aided and it has caused an inordinate amount of stress for our farm.
- The accepted rate of GE contamination seems nebulous, subject to variation and different from the rate of Europeans.
- It was a bit stressful though. There is always the fear of losing certification.

## Question 7 - Have you ever contested a non-compliance that was issued to your operation?



### Comments

- Yes applied to the first inspector. No applied to the second experience. There was no non-compliance listed in the end. But, other alarming problems with the inspector surfaced with the final report - including my signature showing up on an exit form that I had never seen. Yes - he or someone in the office made up a new form and forged my signature! My take away from this experience was that I should have never given the certifying body the benefit of the doubt - I should have heeded a friend's advice and called the police straightaway. My fee was refunded, but the head office letter titled: "RE:The missing signature" was profoundly disappointing. The missing signature (my carbon copy of the form from the actual inspection was not signed - the inspector left before I could sign it) was not my first concern, it was the signature that showed up that I had a problem with. I always wondered why carbon copies suddenly disappeared from this process the year after that incident. I switched certifying bodies the day I received that "RE:Missing Signature" letter.
- I did not know that an appeal was a possibility. I was told that the cancellation was done by vote by the inspectors and it was out of the hands of the certifying body and there was nothing they could do. I looked on the CFIA website to see if they had a place to register a complaint against a certifying body and could not find anything.
- I was annoyed that it happened at all but we did manage to resolve it.
- The manager was very unprofessional, once hanging up on me on the phone and cutting me short in person at the recent conference. when we succeed with this appeal I will be switching certification bodies.
- We don't understand what it means to appeal it- but we have sent a lengthy letter asking for lesser harsh repercussions for our using of the seed/plant. We have to take many critical areas of our farm out of certified organic production for 36 months.



## Question 8 - How could the certification process be improved?



### Comments

- The cost became prohibitive for a well diverse organic farm.
- What needs to be strengthened is on site audits, we are aware of numerous infractions with feed mills and farms making self-declarations with CBs which are blatantly false and have allowed operators to obtain organic certification without proper vetting. Also co-mingling organic livestock feed manufacturing with conventional feed manufacturing should not be allowed from the same facility as it is fraught with abuse.
- An ombudsman office for organic farmers would have been useful for me at the time. No doubt other farmers could use this service too. If a certifying body is responsible for repeated mistakes that hurt organic farmers through lost sales or lost time - the farmer should be compensated. In my most alarming case of inspector "error" the certifying body refunded my fees - but no good will towards my wasted time or the fact that I did not call the police - that I chose instead to work with the organization in hopes of improving the situation for the sake of organic agriculture in Canada.
- Really not sure of the process. Not sure if I can continue to farm organically and conventionally at the same time. Little information provided by certifying body. All done electronically except for inspections. Little information about transitioning.
- Basically satisfied with process.
- I'm a small producer but I buy organically most of what I eat. I feel some of the big companies are cheating. I can tell by the taste that some things are not organic. Also I've asked one supplier

what country their product came from and they were really wishy washy. I stopped buying their product.

- My certifying body is attentive and well versed in the Organic Standard, as well as bringing forward areas of concern which apply directly to my operation. However, where there are small technical issues with how the standard is written, I wonder if my certifying body is working at the other end to clarify the language used in the Organic Standard that may bring future satisfactory conclusions to outstanding issues (where applicable). The way I see it, we are all working together towards a common goal; in this manner, I would get the sense that my certifying body understands the nature of my business more readily.
- My certification was cancelled over an issue that was not even listed as a noncompliance on my file. I did have a few minor non compliances but nothing unresolvable. The inspectors exit report did not reflect any concerns that he had while he was on my property; It is unfair that a certifying body can impose its own standard above and beyond the CFIA standard, which is what my certifier did to me.
- I feel it is vital that inspectors have a background in ag. and understand the individuality of each farming operation.
- Standards are always changing without much notification.
- What I am finding hard is that the inspectors no longer talk to you and we have found many certified organic farmers have found the same. We ALL do our best to have everything that is needed but on occasion you need advice, you need guidance. If we are working towards a stronger ORGANIC industry we need to work together to make sure that when assistance is needed that we work together to resolve these issues. Many of us feel that the inspectors are just dotting the i and crossing the t's; if you have questions or need advice on dealing with an issue then they should be able to assist or guide you it should be about open communication as we are all working towards the same goal.
- I recently switched CBs, the first CB did not communicate or answer questions in a timely fashion. The second one does. The first gave me a non-compliance for using manure from my Dad's farm even though the inspector didn't indicate it was a problem during my inspection and I didn't think it was against the standard (CB wanted documentation that the cattle feed didn't contain GMOs, if I recall correctly) but I was planning to stop using it anyway because it was causing weed problems.
- I'm glad it's stringent but with regards to abattoirs they already have rules to follow to be licensed. If they satisfy those regulations with regard to traceability and sanitation I don't see why there should be a whole separate binder of paperwork as well as inspections in order for the certifier to conclude that organic integrity is preserved. That is already guaranteed by the abattoir fulfilling their basic rules that they do to be licensed. And then to charge the farmer for all this extra paperwork and inspections. Don't get me started on that....it's crazy. My abattoir operator doesn't like it and neither do I.
- Again, I would like to see CBs given more opportunity to consult with producers/processors on ways which non-compliances can be corrected.
- Could be easier for year after year if it was electronic.
- The certifying body seems like they cannot give me direct advice, just whether I comply or not...how is one to know what to do then instead of just waiting to see if you comply. Seems like it could be a better system to give advice before making mistakes.
- There is a need in the organic industry to assist producers, a place where they can call to get guidance, for new producers like myself to avoid pitfalls. If this industry is to expand it needs to be supportive to the producers or they will just turn away.

- If you have done your best to comply and have accidentally or inadvertently made a small mistake. That would not chemically alter the food you produce ie end product....maybe there could be an exception made vs wasting all the food produced?
- We haven't had a non-compliance but things were a bit confusing when we were going through the application/ transition process. It would be really helpful to have someone to outline some of the major things that are required rather than having to sift through the regulations, it's a bit overwhelming at first.
- I was comfortable with the certification process as I also work for certifying bodies (VO). However, I can say that a high percentage of producers I know professionally could use more training about the COS.
- We are very disappointed and stressed as a result of our decision in 2014 to certify our farm (when we bought the farm in June 2014). We didn't realize how little support there would be from the certifiers, and how much information we were supposed to understand clearly without having anyone to clarify things with. In writing, the standards seem like they would make sense, but on the ground, on the farm- there are always so many questions coming up for us and no one to answer them. And inconsistency in applying the standards has made things so incredibly challenging for us, as the reason we used this prohibited substance is because other certified organic peers were using it. We never imagined that an assumption could ruin our farm, and we regret our mistakes. There is no compassion or room for regret- no warnings. We would have appreciated being given a warning, and understanding what was going on. Being certified is something we built our business on- and some of our clients won't accept our product if it is not certified. Basically we have built our business on something that we feel is no longer possible for our farm to do. We are weighing our options and trying to figure out if there is a way we can un-certify and not lose a lot of business, and wait until the standards and farmer-support improve. This has been impossible for us. The bureaucracy is incredibly frustrating.
- Every year there is always an addition to the renewal application. When you are already certified the documents should be simple, just asking if there are any changes for the current year.
- Requirements for food production are too restrictive for small-scale production. We dropped several certifications for this reason.
- I find that transactions with brokers are not sufficiently followed.
- I am now more comfortable with the certification process.
- Processes focus on document verification and there is little physical verification at the time the operations occur (fields).
- Even after 12 years a new inspector can come to you with a regulation (eg size of a calf enclosure) of which 1 square foot of size is missing!!
- What is difficult is to know what is allowed and not allowed under organic management, because there is a lot of change, for example, to standards. And also a lot of products claim to be organic when they are not.
- On the other hand, we observed an inequality between the auditors and the coordinator. Some ingredients or cleaning products approved by one are sometimes non-compliant for another and that creates non-conformances.
- Certification is a challenge to succeed each year.

# Appendix

## Management of Non-Compliance under the Canada Organic Regime

Organic operators are inspected annually by a verification officer appointed by a certification body accredited by the Canadian Food Inspection Agency.

The long list of items verified by the auditor is published in clause C.2.3 of the [Canada Organic Office Operating Manual](#). It includes verification of the organic production plan, which is the basis of the operation, and the application of that plan to ensure that the integrity of the biological product is maintained. Registers are checked to balance purchases, production and sales. In fact, both the agronomic and administrative aspects are verified.

The Manual defines 'compliance' as follows: *means adherence with requirements of laws and government regulations (e.g. Organic Products Regulation), as well as 'conformance': means adherence with requirements of standards (e.g. Canadian Organic Standard).*

Non-compliance is therefore a failure to comply with the requirements of the Standard and Regulations.

Non-compliance does not result in cancellation of certification. Clause C.2.5.1 of the Manual requires the operator to respond to a non-compliance report within 30 days of receipt. It must demonstrate that it has taken corrective action to address each non-conformity, or propose a plan with milestones as to how each non-conformity will be addressed. The plan shall include a date of completion not exceeding 90 days from receipt of the non-compliance report. The CB accepts longer delays than those specified for the end of a non-conformity if justified and documented.

The operator therefore has time to settle nonconformities. Some 'minor' non-conformities are easy to resolve. However, where the biological integrity of a product is definitely affected by a non-compliance (use of a prohibited substance, comingling of biological and non-biological products), there may be a transition obligation or the cancellation of the certification.

Clause C.2.6 of the manual describes 'Nonconformity Follow-Up'. Where the operator does not respond to the notice of non-compliance or when his activities continue to be non-compliant, the certification body shall send a written refusal of certification. This will explain the reasons for the refusal and inform the operator of his right to appeal or to submit a new application for certification to an accredited CB, which may or may not be the one who denied certification.