

# **British Columbia Association for Regenerative Agriculture (BCARA)**

## **Quality Manual**

### **Version 7.0**

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*Note: This document is a compilation of the requirements of ISO 17065, the Canada Organic Office Operating Manual, the rules specific to the COABC Accreditation Program and BCARA's own policies and procedures.*

## References

1. *Canada Organic Office Operating Manual* Version 14, 2012  
<http://www.inspection.gc.ca/food/organic-products/certification-and-verification/operating-manual/eng/1372291950607/1372292208270>
2. *Organic Agricultural Products Certification Regulations*  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/10\\_200\\_93](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_200_93) (under the authority of the BC Agri-food Choice and Quality Act)  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_00020\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_00020_01)
3. SOR/2009-176 *Organic Products Regulations* (under the authority of the Canadian Agricultural Products Act) <http://www.certifiedorganic.bc.ca/programs/cor.php> (click Organic Products Regulation at top of page)
4. *ISO/IEC Guide 17065 (2012) Conformity Assessment - Requirements for bodies certifying products, processes and services*
5. British Columbia Certified Organic Production Operation Policies and Management Standards Version 10, Book 1, *Operation Policies and Procedures and Annex 2 For Certification Bodies Operating within the COABC ISO 17065 Compliant Accreditation Program*  
[http://www.certifiedorganic.bc.ca/standards/docs/Book\\_1\\_V9\\_Annex\\_2\\_ISO.pdf](http://www.certifiedorganic.bc.ca/standards/docs/Book_1_V9_Annex_2_ISO.pdf)
6. *British Columbia Certified Organic Production Operation Policies and Management Standards* Version 9, Book 2 Certified Organic Management Standards  
[http://www.certifiedorganic.bc.ca/standards/docs/Book\\_2\\_V9.pdf](http://www.certifiedorganic.bc.ca/standards/docs/Book_2_V9.pdf)
7. *CAN/CGSB 32.310 General Principles and Management Standards* and *CAN/CGSB 32.311 Permitted Substances Lists*. Together these documents are the Standards.  
<http://www.certifiedorganic.bc.ca/standard/index.php> links are under Canada Organic Standard Documents

## Definitions

1. **Accreditation** – The initial and ongoing recognition of the British Columbia Association for Regenerative Agriculture (BCARA) by the COABC Accreditation Board.
2. **Accreditation Board** – The COABC Accreditation Board, appointed by the COABC, operates independently from the COABC Board,. It oversees both regional certification and ISO certification programs. It is designated by the Canadian Food Inspection Agency (CFIA) as a Conformity Verification Bodies (CVB). A CVB is an organization that has an agreement with the CFIA under subsection 14(1) of the Canadian Food Inspection Agency Act to assess, recommend for accreditation and monitor certification bodies ISO accreditation.
3. **AGRI** – BC Ministry of Agriculture
4. **Agri-Food Choice and Quality Act** – An Act of the British Columbia legislature specifying the provincial law governing COABC and BCARA.
5. **Applicant** – A person or enterprise that has applied for organic certification under the BC Certified Organic Program provided by BCARA.
6. **Appeal** – A procedure whereby a certified enterprise or a member of the public requests a review of a certification decision. The appeal may also be filed against BCARA.
7. **Audit** – A systemic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
8. **Audit Committee** – The committee designated by the COABC Accreditation Board for providing evaluation of COABC members.
9. **Auditor** – The official appointed by the the COABC Accreditation Board. The Auditor will provide “on-site” evaluations of the certification programs operated by COABC member bodies.
10. **Audit Trail** – A comprehensive system of documentation, or parts therein, sufficient to determine the source, transfer of ownership, transportation, and protection of integrity of organic products and/or ingredients from production through harvest, storage, transport, processing, handling and sales.
11. **BC Certified Organic Program (BCCOP)** – is a voluntary agri-food quality program sanctioned by the Government of British Columbia through the Organic Agricultural Products Certification Regulation under the Agri-Food Choice and Quality Act.
12. **BCARA** – British Columbia Association for Regenerative Agriculture.
13. **Board** – The Board of Directors of BCARA.
14. **Canadian Organic Regime (COR)** – The documented framework of standardization and control measures necessary for the implementation of the Organic Products Act and Regulations (Canada). In practice, the COR refers to all parts of the national organic program that is managed by the Canadian Food Inspection Agency (CFIA).
15. **Certification Body (CB)** – The body that conducts certification (see 17). May also be referred to as Certifying Body, Certifying Agency, Certification Agency, or Certification Agent.
16. **Certificate** – The document (issued by BCARA) that describes the organic status of an enterprise. May also be called the ‘Certificate of Conformity’.

17. **Certification** – The procedure by which an accredited certification body gives written assurance products are organic as defined in CAN/CGSB 32-310 and CAB/CGSB 32-311, and accreditation criteria. Certification of products may be based on a range of inspection activities including verification of management practices, auditing of quality assurance systems, and in/out production balances.
18. **Certification Committee (CC)** – A group of persons approved by the Board of Directors of BCARA and delegated responsibility for assessing applications for certification.
19. **Certification Requirement** - Includes requirements imposed on the supplier by BCARA, COABC, or COR certification e.g. completing the contract agreement, paying fees, providing information and access.
20. **COABC** – The Certified Organic Associations of British Columbia. The administrator of the Organic Agricultural Products Certification Regulations under the Agri-Food Choice and Quality Act (BC). A competent body for accreditation to ISO Guide 17011 compliant standards.
21. **Declaration of Interest** – A declaration of personal and/or commercial interests in the organic industry made by those involved in the certification process and Board of Directors to enable determination of a party's objectivity.
22. **Document Review** – process where BCARA's policies and procedures are compared to Accreditation Requirements.
23. **Document Control** – procedures that ensure that the correct version documents used by BCARA are used and are available for BCARA personnel have access to those they need.
24. **Enterprise** – A production, processing or handling business or establishment. For the purposes of this document, an enterprise is enrolled in, or is an applicant for BCARA's organic certification program
25. **Genetically engineered (GE)/modified organisms (GMO)** – means products produced through techniques in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination.
26. **Handler** – Any operation, or portion of an operation that receives, or otherwise acquires, agricultural products for resale, except that such a term shall not include final retailers of agricultural products, who do not process and substantially transform, repack, or re-label such products.
27. **International Organic Inspectors Association (IOIA)** – The body (recognized by the COABC) responsible for training and upgrading of verification officers under the BC Certified Organic Program. Information regarding the IOIA is available at <http://www.ioia.net/>.
28. **Inspection** – On-site visit to premises for the verification of compliance with standards.
29. **Inspector** – Synonymous with "Verification Officer" (#52).
30. **Internal Audit** – A systematic periodic review and assessment of the objectives and performance of the certification program that is undertaken by BCARA itself.
31. **ISO** – The International Organization for Standardization – An independent body (with worldwide membership) based in Geneva, Switzerland. Member organizations collaborate in the development and promotion of international standards.

32. **ISO 17011 Compliant Accreditation** – specifies general requirements for accreditation bodies assessing and accrediting conformity assessment bodies. COABC is compliant with ISO 17011.
33. **ISO 17065 Compliant Certification** – Refers to the organic certification program operated by BCARA. BCARA Quality System is compliant to the ISO Guide 17065 General requirements for bodies operating product certification systems.
34. **Licensee** – An operator (or enterprise) that is in possession of a valid certificate.
35. **Operator/Supplier/Client/Enterprise** –The party that is responsible for ensuring that products meet and, if applicable, continue to meet, the requirements on which the certification is based. For the purposes of this document, the terms operator/enterprise/supplier/client are used interchangeably. Every supplier claiming that the products it markets meet the requirements covering designation “Canada Organic” and “Biologique Canada” and “British Columbia Certified Organic” within the scope of the Organic Products Regulation, and the Organic Products Certification Regulation (BC) must submit an application to certify those products. Suppliers of certified products (operators) and approved service providers can be distinguished as follows: certified product suppliers have full control over and are responsible for the production or manufacturing process, supplying of the raw materials and the sale of certified products. Service providers only carry out a particular activity (packaging, transportation, slaughtering, etc.) within the production or manufacturing chain, according to specifications provided by the supplier (operator), who maintains legal ownership over the product throughout the entire process.
36. **Organic** – a method of food production conforming to the standards described by the National Standards of Canada for Organic Agriculture (CAN/CGSB 32-310 and CAN/CGSB 32-311).
37. **Organic Products Regulation (OPR)** – Refers to a federal regulation under the Canada Agricultural Products Act. <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2009-176/>
38. **Parallel Production** – The simultaneous production, preparation or handling of organic and non-organic (including transitional) crops, livestock and other organic products of the same or similar, visually indistinguishable varieties.
39. **Permitted Substances List** – A list of production and processing materials indicating their acceptance for use in organic food production. This list is contained in CAN/CGSB 32-311.
40. **Production Unit** – An identifiable portion of an enterprise that produces an agricultural product under a specific management plan.
41. **Records** – Forms, journals, reports and minutes that have been completed or created for specific purposes. Uncompleted forms are documents; completed forms are records.
42. **Regulation** – Organic Products Regulations under the Canada Agricultural Products Act
43. **Sanctions** – Measures taken with respect to certified operators who have failed to comply with the standards or other requirements of the certification body.
44. **Service Providers** – Only carry out a particular activity (packaging, transportation, slaughtering, etc.) within the production or manufacturing chain, according to specifications provided by the supplier (operator), who maintains legal ownership over the product throughout the entire process.

45. **Society** – A society incorporated in the Province of BC, as is the British Columbia Association for Regenerative Agriculture. (BCARA).
46. **Standards** – Current organic production, processing or handling standards authorized by COABC – CAN/CGSB 32.310 General Principles and Management Standards and CAN/CGSB 32.311 Permitted Substances Lists. Together these documents are the Standards. <http://www.certifiedorganic.bc.ca/standards/index.php> links are under Canada Organic Standard Documents
47. **Supplier** – The party that is responsible for ensuring that products meet and, if applicable, continue to meet, the requirements on which the certification is based. Every supplier claiming that the products it markets meet the requirements covering designation “Canada Organic” and “Biologique Canada” and “British Columbia Certified Organic” within the scope of the Organic Products Regulation, and the Organic Products Certification Regulation (BC) must submit an application to certify those products. In this document, the terms “supplier” or “operator” or “client” are used interchangeably and refer to a person or company.
48. **Suspension** - Certification may be suspended if there is non-compliance. Suspension remains in effect until required corrective measures are implemented and verified. The term of suspension will make it clear which products must not be sold until the suspension is lifted.
49. **Third Party** – A decision-maker who has no direct financial interest in the affairs of the enterprise being certified and no direct interest in the marketing of that operator’s products.
50. **Transitional Production** – A product from an enterprise under the supervision of a certification body and in the process of completing its transitional period towards becoming a certified enterprise.
51. **Under Review** - Assigned when information gathered at the inspection was insufficient or inconclusive. A letter accompanies the issuing of this status from the Certification Body to the operator stating why the inspection was inconclusive. No products may be labeled as Certified Organic until this designation is lifted. This is a temporary assignment of status, until more information is received or until certification is denied because information is unsatisfactory or is not received, despite requests.
52. **Verification Officer (VO)** – A person (member in good standing of the International Organic Inspectors Association) contracted by the Certifying Body to undertake the inspection of an enterprise for compliance with the standards.
53. **Voluntary Withdrawal** - The withdrawal from the certification program of any production unit or processing facility due to use of a prohibited practice or material.



# 1 Overview

## 1.1 Introduction, Description, and History

- 1.1.1 The British Columbia Association for Regenerative Agriculture (BCARA) has been incorporated as a society in the province of British Columbia since December, 1987. (Certificate of Incorporation number S-0023106). We helped establish a provincial program to certify organic farms, processors and handlers that came into effect in 1990. The original BCARA Standards and Guidelines we developed were greatly inspired and assisted by those of the California Certified Organic Farmers (CCOF), the Organic Food Producers Association of North America (OFPANA), Oregon Tilth, and the Organic Crop Improvement Association (OCIA). These standards have informed the creation of subsequent standards in Canada, including the current Canadian National Standards mandated under the Federal Organic Production Regulations.
- 1.1.2 The Board of Directors of the Society are elected by the membership. A list of the current Board of Directors is available on the BCARA section of the website: [www.certifiedorganic.bc.ca](http://www.certifiedorganic.bc.ca). Membership information and the Constitution and Bylaws of the Society are available on request.
- 1.1.3 BCARA is an accredited Certification Body (CB) under the Certified Organic Association of British Columbia (COABC) BC Certified Organic Program (BCCOP) and is also accredited by the Canadian Food Inspection Agency (CFIA) under the Canada Organic Regime (COR) and ISO 17065. COABC subscribes to, and administers, the BC Certified Organic Program provided by the British Columbia Ministry of Agriculture (AGRI) under the Agri-Food Choice and Quality Act of BC, and is also an official Certification Verification Body under the Canadian Organic Regime established under the Canada Organic Products Regulation.
- 1.1.4 BCARA certifies organizations located within the territory of British Columbia to standards adopted by COABC, i.e., Canada's National Standard CAN/CGSB032-0310 and CAN/CGSB032-0311, and, upon request, to the terms of the Canada-USA Equivalency Agreement.

## 1.2 Policy Objectives of the Quality System

- 1.2.1 The purposes of this document are to:
- a) Show an overview of BCARA's certification program;
  - b) Assist all who have a positive interest in BCARA operating the organization in a manner that is effective and sustainable;
  - c) Delineate clear Job Descriptions for all BCARA Board, committee and staff members; and
  - d) Provide an orderly mechanism for revising policies.

## 1.3 Purpose and goals

- 1.3.1 The purpose of organic certification is to ensure that the agreed upon conventions of organic agricultural systems are being practiced by growers and all those who handle and process organic food on its journey to the final consumer. BCARA provides a system that combines strict production standards and verifiable third party inspections that protect the producers and buyers of organic products.
- 1.3.2 Organic certification verifies that operations have implemented organic production systems that comply with established standards. The criteria against which the products of a supplier are evaluated are outlined in current versions of British Columbia Certified Organic Production Operation Policies and Management Standards and CAN/CGSB CAN 32.310 & CAN/CGSB 32.311 which are Canada's National Standards and have international recognition.
- 1.3.3 BCARA's certification system operates in compliance with ISO Guide 17065 and rules established by CFIA under the Canada Organic Regime which requires the certification body have safeguards to ensure there is no possibility of influence or conflict of interest in the certification process.
- 1.3.4 BCARA can provide certification to the requirements of the Canada Organic Regime. This allows products to be sold as organic inter-provincially and exported outside of Canada. Please note that the Organic Products Regulation and the Canada Organic Regime only permits certification of actual products rather than processes, services, or plots of land.
- 1.3.5 The purpose of the BCARA Society is to:
- a) Promote closer contact and exchange of ideas and experiences among growers interested in a regenerative approach to agriculture;
  - b) Establish a better relationship with the general public and other interested groups to understand and appreciate regenerative agriculture;
  - c) Stimulate, develop and encourage necessary improvements in the disposition, sale or acquisition of useful products and likewise to obtain any scientific aid or assistance with respect to regenerative agriculture;

- d) Encourage economical plans or devices that might be of assistance to commercial organic growers in transition towards a clean, environmentally sound and sustainable agriculture;
- e) Recognize that the basis for regenerative agriculture is founded in stewardship of the earth, and all that it implies, including one's philosophy and attitude towards caring for the earth, sound soil management, environmental consideration and producing a product that is clean and health enhancing; and
- f) Establish and maintain a certification program.

## **1.4 Outline of Services of BCARA's Certification Program**

- a) Provide inspection and certification for growing, processing, packaging (or re-packing), and labeling of organic crops, wild crops, livestock, and livestock products. Evaluation and inspection is repeated annually.
- b) Develop and distribute information and materials related to organic certification.
- c) Produce publications, forms, and documents needed for the certification process.
- d) Provide to the public basic information on our members' enterprises (name, contact information, organic products).
- e) Keep our members informed of updates to organic standards and educational articles.
- f) Consult with and inform members, as needed, about changes to organic standards and the BCARA certification system, including requirements for certification.
- g) Encourage voluntary support and sharing of information among members at our meetings and beyond.
- h) Do not provide formal consultation on overcoming identified barriers to certification or consultation about organic production.
- i) Do not engage in buying, selling, brokering or marketing product.
- j) Do not release confidential business-related information on enterprises we certify.

## **1.5 Resources**

As a registered non-profit society, BCARA has no direct financial interest in the affairs of its members. Financial resources required to fulfill the operating and fiscal responsibilities of the Association are acquired entirely through fees charged for services provided.

## **1.6 Annual Budget and Fee schedules**

The Board of Directors of BCARA prepares an annual draft budget. Membership, certification, and other service fees are also tentatively set at this time; fees are such that BCARA may operate responsibly without undue constraint of funds. The draft budget and proposed fee schedule are presented to the membership for discussion and adoption at a General Meeting of the Members. Current fee schedules are available on request.

## **1.7 Statement on Genetic Engineering**

Genetic Engineering is defined as anything made with techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes, but is not limited to: recombinant DNA, cell fusion, encapsulation, macro-and micro-injection, gene deletion or magnification, introducing a foreign gene, and changing the position of genes and other techniques for altering composition of living organisms, or with results that do not occur in nature. Such methods do not include the use of traditional breeding conjugation, fermentation, hybridization, in vitro fertilization or tissue culture. Products of genetic engineering (GMOs and GEOs) are prohibited for use in the Canadian Organic Regime.

## 2 General Provisions BCARA Organic Certification Program

### 2.1 Categories of Certification

BCARA provides certification for six classes of operations:

- a) **Transitional:** Covers previously uncertified farms producing agricultural and horticultural crops and livestock operations until they meet the qualifications for Organic Status.
- b) **Organic:** Covers production of agricultural and horticultural crops that have been certified as organic in accordance with requirements of BC Certified Organic Program and/or the Canadian Organic Regime. For crops grown in soil, the transition period is a minimum of 3 years from the last use of materials that are not in accordance with CAN/CGSB 32-310 & 311. At least 12 months of the transition period must be under the supervision of a certification body. Operations producing crops grown in fields or in greenhouses in an in-ground soil system and maple products must apply for certification at least 15 months before they want to sell the crop as organic.
- c) **Organic Livestock and Poultry:** Covers farms producing animal products such as meat, eggs, and milk in accordance with requirements of the BC Certified Organic Program and/or the Canadian Organic Regime.
- d) **Organic Food Processing:** Covers the production of processed organic foods by processors and co-packers in accordance with requirements of BC Certified Organic Program and/or the Canadian Organic Regime.
- e) **Organic Packaging and Labeling:** Covers activities of businesses participating in the distribution of organic foods such as packers, brokers, retailers, wholesalers and distributors that pack, re-pack, or label in accordance with the requirements of the British Columbia Certified Organic Program and/or the Canadian Organic Regime. An organic product that is further prepared at a retail outlet, and bears the organic logo, must be certified in accordance with sections 12 and 13 of the OPR. BCARA must certify the organic product and/or its packaging and labelling after verifying the organic contents and composition, the substances used, the production and processing methods and control mechanisms for purposes of compliance with CAN/CGSB 32.310, CAN/CGSB 32.311 and its general organic production principles.

- f) **Inactive:** For all operations (including processors and handlers) inactive status is granted when the enterprise does not hold a certificate because its production system is currently inactive and no certified products are available for sale, even though the system that was set up is compliant with standards and has been inspected. BCARA offers agricultural and horticultural producers the opportunity to maintain their certification status on their land for a maximum of 3 years when a situation occurs such that they are unable to market a crop. Status for land can be maintained so long as:
- i. The producer received permission from the Certification Committee to apply for "Inactive Certification Status."
  - ii. The producer is not selling any products with the claim that they are certified organic or using a certification mark.
  - iii. During the producer's inactive period, they will submit the certification application and renewal forms. Such growers will pay membership and certification fees, but not inspection fees, and will not receive a certificate of status. A grower who maintains membership may reactivate certification at any time within three years by requesting an inspection and paying inspection fees. A certificate may be issued after the inspection report is reviewed. The inspection must take place when the organic production system is active.
  - iv. Agricultural and horticultural producers are subject to random inspections during the inactive period.
  - v. During the inactive period when no certificate has been issued, producers may not represent their products as organic. The BCARA mark may not be used, except on an official letter from BCARA attesting to the compliance of the producer's production system. This letter can be presented to prospective clients for its products.

## 2.2 No Restrictions to the Certification Program

- 2.2.1 BCARA's policies and procedures shall be non-discriminatory. The administration of the policies and procedures shall not discriminate in any way. They are provided without bias toward race, colour, religion, age, gender, national origin, sexual orientation, and/or marital or familial status. Services are available without regard to membership in any organization, and are not contingent upon the number of certificates issued.

Note: BCARA can decline to accept an application or maintain a contract for certification when demonstrated reasons exist such as the operator participating in illegal activities or having a history of repeated non-compliances with certification/product requirements.

- 2.2.2 Certification is available for all growers and processors whose activities meet BCARA's Purpose within the territory and scope described above (Sections 1.1, 1.1.4).

- 2.2.3 The fee structure shall be published and not unduly discriminate against operators of any groups or on the basis of membership.
- 2.2.4 BCARA is responsible for the impartiality of its certification activities and will not allow commercial, financial, familial, or other pressures to compromise impartiality.

## **2.3 Financial Support for the Certification Program**

The Certification Program is a self-sustaining program within BCARA. The BCARA Board of Directors, in conjunction with the Certification Committee, recommends a fee structure that covers all expenses of the program each fiscal year and ensures that there is financial stability and that the resources required for effective management of the certification system are available. Adequate reserves and/or insurance are maintained to cover liabilities arising from BCARA's operations and activities. These fees are ratified by the membership of BCARA at a General Meeting for the next fiscal year. The budget and financial statements for BCARA are available from the Treasurer upon request.

## **2.4 Conflict of Interest Policy**

- 2.4.1 BCARA ensures that conflicts of interest will not affect certification decisions. All BCARA personnel and any volunteers must, annually, sign a Declaration of Interests statement that lists their business interests and familial relationships in the organic sector. They also sign a statement that they will notify BCARA immediately of conflict of interest about any issues they are asked to deal with. This would include matters that were not on the Declaration of Interest statement. Examples of conflict of interest include: Board of Directors, staff, or Certification Committee Members purchasing products used in their own production or processing system from, or otherwise engaged in a formal business relationship with, another BCARA operator; family relationships with BCARA operators and Board of Directors, staff, or Certification Committee Members; consultancy services provided by Board Members, staff, or Certification Committee Members to a BCARA operator; or inspection services provided by a Verification Officer (VO) who may also sit on the BCARA Board of Directors or Certification Committee.
- 2.4.2 No personnel (employees, contractors, or volunteer) shall be used to inspect, review or make a certification decision for a product or operation where they have provided consultancy, or were employed by, or were a principal in, within the previous 2 years. VOs agree that they will not work for an operation they inspected for a period of 12 months after the certification year. VOs who sit on the Certification Committee can take part in pre-review discussions of operator applications and files that they have not yet inspected, but cannot make post-

inspection decisions on operations that they have inspected for a period of 2 years after the inspection has occurred.

- 2.4.3 If a VO or reviewer is found to be involved in a certification decision with an operation with which they have a conflict of interest, the Board of Directors of BCARA will review the circumstance and take appropriate action, such as assigning a new inspector, and/or transferring the application to another accredited certification body, at no additional cost to the producer.

## 2.5 Confidentiality Policy

- 2.5.1 All representatives of the BCARA Certification System, including but not limited to: the Board of Directors, Certification Administrator, Certification Committee members, and contracted VOs, are required to sign a Confidentiality Agreement prior to commencement of their position and annually thereafter.
- 2.5.2 BCARA's Administrator may release information regarding an enterprise as follows:
- a) **Routine, Public Information** – Operation name, address, phone number, categories of operation, effective date of certification and certification status are publically available. Decisions on appeals and complaints are a matter of public record. Additional information may be made public only with the consent of the operator.
  - b) **Proprietary Information** – All information other than that listed above on a BCARA certified enterprise, is considered proprietary, and will be kept confidential.
  - c) **Financial Information** – BCARA will not release any financial information pertaining to operators that may be on file with two exceptions:
    - i. Information about operator's COABC fees to be released only to COABC. COABC requires a breakdown of fees owing by each operator BCARA's Quarterly Reporting. Information about BCARA fees owing by operators are not shared with COABC.
    - ii. Notice to the BCARA Board by the Certification Administrator and bookkeeper of any operator fees past due.
  - d) **Certification Records** - Producer files and records and information about a particular product or supplier (i.e. application, inspection reports, certification decision letters, supporting documents) are released or disclosed to a third party only when signed permission is given by the producer, except as provided for in this document or by law. Auditors (from BCARA, COABC, COR, AGRI, CFIA) must sign a Confidentiality Agreement before examining records. If the law requires information to be disclosed to a third party the certified operation shall be notified in writing.
  - e) An authorized representative of a certified operation may look at the operation's certification file only when the administrator, VO or certification



committee member is present. The producer may not remove documents. However copies of documents will be provided by BCARA, if requested. This may be subject to a cost recovery fee if a large amount of copying is involved. Any alteration made to documents must be signed and dated.

- f) Other Certification records, such as Certification Committee minutes, and proceedings of appeals and complaints are to be kept confidential, subject to audit and legal requirements. Decisions on appeals and complaints are a matter of public record.

## 2.6 Reciprocity Policy

Reciprocity agreements (acceptance of certification by another certification program) are important for growers who ship product across provincial borders or to international markets, and for organic processors, handlers, retailers who work with product from many different sources. BCARA accepts certifications from other third party certification organizations whose standards are deemed to meet or exceed those of the current COABC standards. For products certified under the Canadian Organic Regime, BCARA accepts certificates from certifiers who are listed as "Certification Bodies Providing Organic Certification Services under the Canada Organic Regime" and according to the rules for applicable Equivalence Agreements on the [CFIA Organic Products website](#). Contact BCARA for more information.

## 3 Structure of BCARA Certified Organic Program

### 3.1 Administration of the Program

Contact: Certification Administrator, 2110 Hector Road, Comox, BC, V9M 3Y7  
 Phone: 250-205-0279 (There is voicemail when the administrator is unavailable and calls will be returned within two business days.)  
 Email: [bcara.admin@gmail.com](mailto:bcara.admin@gmail.com)

### 3.2 Membership

- 3.2.1 Persons, enterprises or organizations become members of BCARA to help further our purpose (see above, Section 1). A person may apply in writing for membership, and upon acceptance by the Board, and payment of their annual dues, is welcomed as a member in good standing. Failure to pay the current annual membership fee, or other subscriptions or debt due and owing to the Society, is grounds for loss of membership.
- 3.2.2 BCARA Members receive notification of meetings and activities and a single vote per membership. Members who fail to pay their membership fee, or other debts to BCARA, cease to be members in good standing and have no voting privileges until the arrears are paid in full.
- 3.2.3 A person ceases to become a member of BCARA by:
- a) Delivering their resignation in writing to the secretary of the Society or by mailing, emailing or delivering it to the address of the Society;
  - b) On their death, or in the case of an organization, on dissolution;
  - c) On being expelled;
  - d) On having been a member not in good standing for 12 consecutive months; or
  - e) On non-payment of certification fees.
- 3.2.4 A member may be expelled by special resolution of the members at a general meeting. A brief statement of the reasons for the proposed expulsion shall accompany the notice of special resolution for expulsion. The person who is the subject of the proposed resolution for expulsion shall be given an opportunity to be heard at the general meeting before the special resolution is put to a vote.
- 3.2.5 Applicants for BCARA certification program are not required to become members of BCARA. Members have the right to vote on Board of Directors and see financial statements/budgets. Non-members are welcome at BCARA meetings and will receive information and can give feedback about changes in the certification program requirements. An operation that has applied to the BCARA Certification

Program will have their certification application process stopped, or certification cancelled, if they fail to pay required fees or fail to follow certification requirements.

### **3.3 Board of Directors**

- 3.3.1 The Board of Directors is the legal authority for governing BCARA and acts in a position of trust for the members. Board members are individually and jointly responsible for furthering the six purposes of BCARA as outlined in the Constitution and mentioned above (Section 1.3).
- 3.3.2 There will be six members of the Board, or a greater number determined from time to time at a General Meeting. Each term is three years. Terms are staggered so that two members retire and are replaced each year. Directors may serve for a maximum of two consecutive terms, and, after a one-year hiatus, may serve again. Ex-officio directors will be determined from time to time from the membership, but the number shall never equal or exceed the number of directors.
- 3.3.3 The Board performs BCARA's Administrative Responsibilities as described in Section 3.4, or may delegate some or all of them to a hired staff person.
- 3.3.4 Directors serve the best interests of BCARA as a whole, not personal or factional interests, exercising the care and skill of a reasonably prudent person. They participate fully in the affairs of the Board and support all decisions once made. Any Director who misses three consecutive meetings will be contacted to determine the viability of further involvement.
- 3.3.5 Directors must be familiar with, and abide by, Parts 5, 6 and 7 of BCARA's Bylaws concerning Powers, Proceedings and Duties of Directors. They may delegate any, but not all, of their powers to committees of member(s) (see Part 6, Bylaw 32 for more details). The Board assesses its strengths and weaknesses in performing its responsibilities with respect to the annual audit, and recruits and orients new directors accordingly.
- 3.3.6 The Board articulates and implements policies that are in accord with the Constitution and Bylaws, to guide directors, members, committees and staff in doing the work of BCARA.
- 3.3.7 The Board prepares an annual Plan of Intention with timelines for implementation. Financial management and budgeting are part of this process. Recommendations are brought to the general membership annually for discussion and approval.
- 3.3.8 The Board approves all permanent members of the Certification Committee and hires, evaluates, and releases staff as necessary, including administrators and verification officers.

3.3.9 The Board names one of its members to chair each Dispute Resolution Committee and selects one director, or an appointee for each of the following special positions. Each officer has the ultimate responsibility for their respective duties, either by carrying them out or delegating them.

3.3.10 **President**

- a) Prepares agenda and circulates at least 3 days ahead of meeting
- b) Chairs Board meetings
- c) Supervises other Board members in the execution of their duties
- d) Chairs General meetings
- e) Ensures that a quality system is established, implemented and maintained. Responsible for the quality management system and may delegate tasks as needed to the Certification Administrator.
- f) Reports on the performance of the quality system to the Board for review and as a basis for improvement of the quality system
- g) Ensures that the Internal Audit and Management Review are done and documented.
- h) Supervises administrative assistant to the Board.
- i) With the Certification Committee chair, ensures that BCARA continues to deliver certification services in the absence of the certification administrator
- j) Ensures that a Dispute Resolution chair, if needed, is appointed in a timely manner
- k) Responsible for hiring, firing and overseeing the work of the Certification Administrator.

3.3.11 **Vice President**

- a) Sits in for the president in their absence
- b) Assists the secretary

3.3.12 **Secretary**

- a) Drafts Annual Calendar of Events and meetings with the rest of the Board
- b) Arranges for meetings and notifies directors
- c) Keeps minutes and manages records pertaining to Board functions
- d) Sends all minutes to the Certification Administrator to house at the BCARA office
- e) Maintains a register of BCARA Society members
- f) Ensures the good standing of the Society by complying with annual filing requirements, and ensuring copies of filing is sent to the BCARA office.

3.3.13 **Treasurer**

- a) Supervises the bookkeeper
- b) Drafts the annual budget
- c) Supervises expenditures and pays the bills in a timely manner
- d) Ensures adequate financial records are kept and sent to the Certification Administrator to house at the BCARA office

- e) Supervises preparation of annual financial statements and interim reports
- f) Prepares the Treasurer Report for the BCARA Annual General Meeting (AGM)

#### 3.3.14 **Certification Committee Liaison**

- a) Maintains communication with the chairperson of the Certification Committee and Certification Administrator
- b) Brings issues of certification policy and appeal to the Board
- c) Ensures sure that general membership is notified of any changes of policy or Certification Standards
- d) Attends Certification Committee meetings as necessary to resolve issues or provide Board input to Certification Committee decisions when needed
- e) Helps to recruit and train new Certification Committee members

#### 3.3.15 **COABC Representative**

- a) Represents BCARA's interests to COABC
- b) Reports to BCARA concerning COABC affairs
- c) Keeps BCARA staff and membership informed about COABC's activities.

#### 3.3.16 **COABC Alternate Rep**

- a) Fills in when the regular Rep is unavailable.

#### 3.3.17 **Dispute Resolution Chair** (ad hoc appointment)

- a) Manage any internal and external disputes as per BCARA policies

## 3.4 Administrators

The BCARA Board hires staff members to assist in the implementation of its decisions and to ensure that the best interests of the Association are served and maintained.

#### 3.4.1 **Certification Administrator**

The Certification Administrator is hired by the Board and is accountable to, and works collaboratively with, the Certification Committee and the Board. The Certification Administrator signs BCARA's Confidentiality and Conflict of Interest forms annually and has no vote on final decisions of the committee. The administrator is not authorized to make certification decisions.

##### **Communication:**

- a) Sends out, receives and reviews all certification applications and renewals and other correspondence in relationship to the certification program.
- b) Collects missing information from applicants
- c) Works with the bookkeeper to track expenses associated with each file and outstanding Accounts Receivable
- d) Distributes files for review by Certification Committee members

- e) Returns calls and emails promptly, including inquiries on the certification status of operations in the certification program
- f) Prepares and distributes Certificates of Status
- g) Maintains records and communication as necessary with COABC, including agreements re: use of COABC logo
- h) Is responsible for all reports to accreditors, including quarterly and annual reports to COABC as required
- i) Informs BCARA Board and COABC of any suspensions or non-granting of certification (denial of certification or de-certification) due to non-compliances when they happen and again after all appeals are finished
- j) Reports to operators concerning certification issues
- k) Stays informed on changes to standards, standards interpretations, and regulatory and accreditation requirements and ensures that the Certification Committee, Board and operators in certification program are informed as appropriate
- l) Informs operators in the Certification Program of comment periods on proposed amendments to the Standards and interpretations by the Standards Interpretation Committee.

**Certification Committee:**

- a) Notifies members, prepares suggested agenda, and attends Certification Committee meetings
- b) Assigns certification files to Certification Committee members based on their qualifications
- c) Records minutes and circulates to members for approval
- d) Keeps a log of any decisions requiring interpretation of the Standards, so as to ensure consistency for precedent setting
- e) Ensures along with the Certification Committee chair that Certification Committee deliberations and decisions are free from conflict of interest by examining CC members' Declarations of Interest and deciding what does not constitute a conflict of interest. Everything else listed shall be considered a conflict of interest.

**Records:**

- a) Maintains such files as are necessary for running the Certification program
- b) Maintains a list of all operations in the certification program and updates the COABC database regularly
- c) Tracks non-compliances (NCs) and responses to NCs from operators
- d) Produces/revises forms, as necessary, to comply with Standards in cooperation with Certification Committee
- e) Keeps a record of all complaints and appeals and forwards them appropriately within 3 days of receipt
- f) Maintains a contact list, including e-mail addresses, of all operators
- g) Maintains BCARA's information on COABC's website. Records all certification activities in spreadsheet or database system including dates each step in process has been carried out

- h) Co-operates with all audits and ensures that auditors sign BCARA confidentiality & Declaration of Interest forms. Keeps records secure & confidential, as per BCARA policies.
- i) Manages and controls all documents and records as per BCARA's policies regarding document and record control

**Inspections:**

- a) Is delegated by the Board to select and contract with verification officers.
- b) Schedules inspections with verification officers according to approved criteria
- c) Receives and distributes inspection reports to Certification Committee and to the inspected operator
- d) Approves invoices from inspectors and forwards these to the treasurer or designate for timely payment

**3.4.2 Board Administrative Assistant**

- a) Files all necessary legal documents with the Corporate Registry in Victoria annually
- b) Arranges location, prepares agenda, notifies members, takes minutes of General Meetings and AGM
- c) Attends to all non-Certification correspondence of the Association
- d) Ensures copies of records are in the official BCARA office in time for audits
- e) Attends to the banking, accounts payable, including COABC fees, record keeping and general finances if assigned to do so by the Board.

## **3.5 Certification Committee**

- 3.5.1 Mandate of committee: The Certification Committee (CC) meets on a regular basis to review all certification applications received by the BCARA administrator. The Certification Committee is appointed by, and responsible to, the Board of Directors. The affairs of the Certification Committee shall at all times remain confidential to as few persons as possible. This shall include Certification Committee members, inspectors whose resources are relevant to the task at hand, and the management and administrative staff. No member of the Board may participate in decisions by the Certification Committee. The Certification Committee is responsible for interpretation of the standards when no Standards Interpretation Committee (SIC) interpretation is available.
- 3.5.2 The Committee is responsible for contributing to the evaluation of verification officers. The Committee is autonomous in its functioning and makes the final decision on each applicant's status based on the administrator's summary of the applications, and the verification officer's report and recommendations about the operation. The Board delegates the scheduling and contracting of Verification officers to the certification administrator.

- 3.5.3 The Committee comprises a minimum of three members. Members of the Committee shall adhere to the confidentiality and conflict of interest policies of BCARA and shall sign Confidentiality and Declaration of Interest agreements annually. Members are required to declare and then remove themselves from discussions and decisions where they have a conflict of interests or where they may not be able to remain impartial.
- 3.5.4 The Certification Committee may be made up of organic producers, certified by BCARA or by other certification bodies or people with production knowledge (academic or practical) of organic and conventional agriculture, food processing, food systems, and related sciences and knowledgeable organic consumers. ISO 17065 requires that decisions be made within a structure where members represent a balance of interests and no single interest predominates. As organic producers are considered a single interest, BCARA will have non-producers on the Certification Committee. In addition, the committee must be large enough to avoid conflicts of interest.
- 3.5.5 Decision Making: The quorum for the certification committee is 3, but more than a single interest must be represented for a quorum to be achieved. For instance 3 organic producers cannot constitute a quorum. Should an occasion arise that an urgent matter must be decided by the committee it may take place by written e-mail communication to the entire committee. This must be documented.
- 3.5.6 Members of the Committee may receive payment for their services from BCARA. They may not receive payment in-kind or otherwise from members or clients of BCARA.
- 3.5.7 **Certification Committee (CC) Member Responsibilities:**
- a) Reviews assigned renewal and initial applications for certification
  - b) Recommends tests and audits to determine compliance with Standards
  - c) Reviews Verification Officers' reports
  - d) Compares operations with standards
  - e) Suggests to the whole committee certification status and non-compliances (NCs), opportunities for improvement (OFI) or recommendations in relationship to the COABC standards
  - f) Participates in evaluation of standards and any information or consultations required to make certification decisions and prepares log entries
  - g) Participates in internal reviews of BCARA as requested
  - h) Participates in orientations or workshops provided by BCARA, as required.
- 3.5.8 **Chairperson or designate - Job Description**
- a) Facilitates CC meetings ensuring that they are run in an orderly and effective manner
  - b) Oversees agenda for meetings
  - c) Arranges for a facilitator for any disputes internal to the committee
  - d) Ensures balanced representation on the CC



- e) Ensures that the deliberations and decisions of the CC are free from conflict of interests. The CC and the Certification Administrator will examine Declarations of Interests of the CC and VOs and decide what does not constitute a COI. Everything else will be considered a COI.
- f) Approves correspondence templates of the CC
- g) Approves changes to certification forms, referring any matters requiring more input either to the Committee or the Board
- h) Notifies the CC Liaison of any situation with financial implications that may go over budget
- i) Is responsible for ensuring, with the president, that BCARA continues to deliver certification services in the absence of the Certification Administrator
- j) Reports to the General Meeting concerning certification issues

### **3.6 Standards Interpretation Committee**

- 3.6.1 The Canadian Food Inspection Agency, in partnership with the Organic Federation of Canada (OFC), has developed the Organic Standards Interpretation Committee (SIC). This nationwide Standards Interpretation Committee (SIC) is mandated by the CFIA to give guidance to the CFIA on the interpretation the Canadian National Standards for Organic Agriculture (CAN/CGSB 32.310 and CAN/CGSB 32.311). Interpretations by SIC are binding on BCARA's Certification Committee and operators. The BCARA Certification Administrator and Certification Committee are responsible for referring to current versions of all rulings. The Certification Administrator and the Certification Liaison are responsible for ensuring that operators in BCARA's Certification Program are informed of comment periods set for suggested interpretations. The Standards interpretations are posted on the Organic Federation of Canada's website.
- 3.6.2 Requests for interpretations can be submitted to the committee by anyone (e.g. operator, CB, CVB). Requests must clearly outline the issue that needs a technical interpretation and the relevant section of the standards. Business issues (e.g. certificates or payment of fees) shall not be included as that is not within the scope of this committee.
- 3.6.3 When the Certification Committee is unsure of an interpretation it must initially direct the question to the COABC office. If the COABC Accreditation Board cannot provide an interpretation or BCARA does not agree with the interpretation provided by the Accreditation Board, the Accreditation Board will forward the request to the SIC on behalf of BCARA.
- 3.6.4 If the BCARA Certification Committee and the operator both agree there is a need for interpretation or clarification from the Standards Interpretation Committee (SIC), during the certification cycle of the operator the following will occur:

- a) The issue that is the subject of the request will be set aside by BCARA (the nonconformity will be placed on hold) until a response from the SIC is received.
- b) In these cases, between the times when the interpretation request to the SIC is submitted and the response from the SIC returned, any certification work affected by the interpretation shall proceed, up to and including the issuance of certification documents.
- c) When the response from the SIC is received, the outstanding issue shall be revisited and appropriate actions taken by BCARA, or the operator or both as required.
- d) If changes are required by the operator to comply with the interpretation of the SIC, BCARA will not suspend or withdraw any certification it has issued that is affected by this interpretation as long as the operator has made the required changes in a time frame that is no less than the time permitted for any other non-compliance issued by BCARA.

3.6.5 In cases where the BCARA Certification Committee and the operator do not agree that the issue needs an interpretation, BCARA will rely on CAN/CGSB 32-310 section II – General Principles of Organic Production and Par.1.4.1 to interpret the issue. The operator must comply with BCARA’s decision. If the operator still does not agree with BCARA they may ask the SIC for an interpretation and request a consideration of the issue at a later date, or make a complaint to the COABC about BCARA.

### **3.7 Inspectors (Verification Officers—VOs) and other contractual workers**

3.7.1 Inspectors are independent third parties who are in good standing with the International Organic Inspectors Association (IOIA), contracted by BCARA to conduct on-site inspection of members applying for organic certification with BCARA. Inspectors must be familiar with the current version of the Canada Organic Standards for Agriculture, be up-to-date with all Canada Organic Office memos and directives as listed on the CFIA website, and have training/experience with the type of operation they are inspecting.

3.7.2 Inspectors document the applicant’s compliance with the Standards and with BCARA certification procedures, and then submit recommendations regarding the operation’s compliance with the standards to the Certification Committee. Inspectors shall not make final decisions as to the certification status of the applicant. Inspectors are directly responsible to the Certification Committee and ultimately responsible to the Board of Directors. Inspectors shall adhere to the confidentiality and conflict of interest policies of BCARA and shall sign Confidentiality and Declaration of Interest agreements.

- 3.7.3 BCARA may hire contractual workers to perform specific tasks when needed. The Board of Directors hires and supervises these contract workers. All contractors shall adhere to the confidentiality and conflict of interest policies of BCARA and shall sign Confidentiality and Declaration of Interest agreements.

## 4 Internal Audit

BCARA conducts periodic internal audits covering all procedures in a planned and systematic manner, to verify that the management system is implemented and is effective. These audits normally are performed at least once every 12 months and shall be completed in no more than a 12 month period.

### 4.1 Responsibility for Internal Audits and Management Reviews

- 4.1.1 The President ensures that an Internal Audit and a Management Review are done annually. At the first Board meeting after the Annual General Meeting the President puts the planning of the Internal Audit and the Management Review on the agenda.
- 4.1.2 The Board may choose to appoint an Internal Audit/Management Review (IAMR) Coordinator to work with the president to ensure that the Internal Audit is planned, carried out, reported and properly documented and that the Management review is carried out and documented.
- 4.1.3 The Board will ensure that Internal Auditor(s) are appointed to do the audit that are knowledgeable in certification, auditing and the requirements of the BCCOP and COR (ISO-compliant) program. The auditors may be involved with BCARA's certification program (Certification Committee members, VOs, administrators, Board members or members of BCARA), as long as they present acceptable evidence of their qualifications, but they may not audit their own work. The auditor(s) will write a report of findings.

## **5 Management Review**

BCARA shall review its management system at least once a year to ensure its continuing suitability and effectiveness in satisfying the requirements for COABC and COR accreditation and BCARA's stated policies and objectives. This review will be done by the BCARA Board of Directors, a representative of the Certification Committee, at least one external representative from the greater community, and the Certification Administrator. This review is conducted annually.

See Procedures Manual section 7.

## 6 Mechanism for Safeguarding Impartiality

- 6.1 BCARA has a mechanism for safeguarding impartiality, which provides input on the following:
- a) The policies and principles relating to the impartiality of its certification activities;
  - b) Any tendency on the part of BCARA to allow commercial or other considerations to prevent the consistent impartial provision of certification activities;
  - c) Matters affecting impartiality and confidence in certification, including openness.
- 6.2 BCARA's Impartiality Mechanism Committee must have a balanced representation of significantly interested parties, such that no single interest predominates (internal or external personnel of BCARA are considered a single interest and shall not predominate). The Impartiality Mechanism Committee can include two or more persons a) through d) as representatives of BCARA and two or more persons e) required to balance representation:
- a) Members of the Board of Directors
  - b) Members of BCARA
  - c) Certification Administrator
  - d) Two or more external members-at-large (i.e. academic researcher, customer of BCARA certified products, government agency, knowledgeable community member, etc.)
- 6.3 Input from the impartiality mechanism is part of the yearly Management Review. Input from the impartiality mechanism that is in conflict with the operating procedures of BCARA or other mandatory requirements should not be followed. Management should document the reasoning behind the decision to not follow the input and maintain the document for review by appropriate personnel.

## 7 Document and Record Control

### Definitions:

A "Document" is written policies, process descriptions, procedures, and blank forms that are used to communicate information or information needs.

A "record" is information sometimes on an application, or otherwise submitted (i.e. A blank application form is a "document" until it is filled in – then it becomes a "record".) Signed contracts, confidentiality agreements, information sent in by producers such as maps, sales records, etc. are records. In other words, a document tells us what to do. A record tells us what was done.

### Responsibility for document and record control:

The Board of Directors is ultimately responsible for ensuring that a document and record control program is in place, but the Certification Administrator controls and tracks all documents on a day-to-day basis. The Certification Administrator can make all corrections (i.e. spelling, grammar, web link changes, minor edits, etc.) to documents without approval from the Board or CC.

### 7.1 Control for BCARA Documents

The purpose of the Document Control Program is to review the continued functionality, relevance, security and economical operation of all documents used in the BCARA certification program. The document control program shall have, at minimum, a system that will:

- a) Trace the progressive changes to documents and ensure only current documents are in use
- b) Maintain security measures and back-up control
- c) Ensure periodic review (may be done as part of internal audit process) to ensure functionality and relevance of all documents available in the current system
- d) Create an appropriate electronic document system
- e) Ensure that the distribution of all documents are controlled so that the appropriate documentation is made available to personnel of the certification body (including Board, Certification & Dispute Resolution Committees) or suppliers (members and prospective members) when they are required to perform any function relating to the certification body's activities.

### 7.2 Record Control

The purpose of the record control program is to ensure the continued security, physical integrity and confidentiality of records within BCARA certification program. Records will be kept for a minimum of ten years, or as further required by law and be available for

subsequent inspection and evaluation by government appointed inspections under the Regulations or the COABC Auditors. The record control program shall have, at minimum, a system that:

- a) Has security measures in place to protect records from fire and theft
- b) Has back-up system for replacement of essential records
- c) Has confidentiality control to protect proprietary and sensitive information as much as possible and within legal boundaries.

Under the direction of the president, the record control program will have a structured and competent filing system, and all confidential records will be stored in secured filing cabinets.

## **7.3 Access to Records**

- 7.3.1 Producer files are confidential. Members of the Certification Committee, the certification administrator, contracted VOs and auditors (COR, COABC, BC Ministry of Agriculture, BCARA internal audit, BCARA Management Audit) have access to producer files, complaint logs, appeals records and Certification Committee minutes. Each person who has access to producer files must have a signed confidentiality agreement. Resolutions of complaints and appeals are public.

## **7.4 Record disposal**

- 7.4.1 Records and relevant supporting documents concerning the inputs, preparation and handling of crops, livestock and organic products that are, or are intended to be, sold, labeled or otherwise represented as organic in accordance with CAN/CGSB-32.310 will be kept for a minimum of 5 years, or as further required by law and will be available for subsequent inspection and evaluation by government appointed inspections under the Regulations or by the COABC Auditors. The following records shall be retained longer than 5 years if the operation is still enrolled in BCARA's certification program in order to keep the Operation's Certification file complete:
- a) Initial application
  - b) The land use history



## 8 Conflicts

**8.1 BCARA considers that well-managed (i.e. respectful and constructive) conflict amongst those with a positive interest in our purpose is a healthy dynamic.**

For protocol on attending to concerns re: Certification, see Section 9.

**8.2 Any further issues or non-Certification concerns will be handled as follows:**

Only after every attempt has been made to reach agreement using Hear and Clear Guidelines (see Appendix "C"), the Board of Directors will strike a Dispute Resolution Committee made up of a minimum of three of the following:

- a) One BCARA Director (may be the Dispute Resolution Chair);
- b) One member of another Certifying Body accredited by COABC;
- c) One person with expertise in the topic;
- d) One member of BCARA, selected by the Board; and
- e) A facilitator with Dispute Resolution skills (non-voting).

**8.3 The decision of the Dispute Resolution Committee is final and binding.**

See section 9 for more information on the Dispute Resolution Committee mechanism and actions.

## 9 Reconsiderations, Appeals, and Complaints

### 9.1 Reconsideration of Certification Decisions

A request for reconsideration of the decision regarding a certification decision shall be treated as follows:

- a) A certified operator may ask the Certification Committee to re-consider their certification decision within fifteen (15) days of receipt of the decision of the Committee.
- b) This request must be in writing, with reasons why they disagree with the decision, and reference to the specific certification requirements (standards or others), and may contain new information or corrections to the inspection report.
- c) The request will be sent to the Board of Directors and all members of the Certification Committee.
- d) BCARA will acknowledge the receipt of the request for reconsideration. The Certification Committee must respond within fifteen days from receipt of the request for reconsideration. This is not an appeal, but an informal process that gives each party a chance to clarify the facts and standards.
- e) The Board of Directors and Certification Committee will review the request, and if the decision is upheld, then the operator will be informed in writing of this decision.
- f) If the decision will be reviewed then the operator will be informed in writing and told that a fee is required to further investigate the decision.

### 9.2 Appeals

- 9.2.1 All BCARA Operators have the right to appeal a certification decision concerning their enterprise.
- 9.2.2 The member will pay a \$100.00 deposit towards the extraordinary administration costs of holding an appeal. If the Dispute Resolution Committee finds in favour of the member, the deposit will be refunded.
- 9.2.3 The request for an appeal must be submitted with the required fee, in writing, to BCARA within 30 days of receipt by the operation of the Certification Committee's decision. The request must state the reasons and rationale for the appeal, such as:
  - a) Relevant background information regarding the alleged violation
  - b) The Certification Committee's actions and ruling on the case
  - c) Reasons why the operator thinks the Certification Committee's decision was incorrect. This may be an alternate interpretation of the standards, and the Standards Interpretation Committee ruling, an explanation and evidence that the information on which it was based is incorrect.

- d) Evidence refuting the alleged violation
  - e) Suggestion for resolving the issues
- 9.2.4 The Certification Committee prepares and submits to the Board representative a written explanation of its actions and rulings. This must include:
- a) Identification of the specific section of the Standard that has been violated
  - b) A copy of the certification decision the program member is appealing
  - c) A copy of the program member's current application forms and certification certificate
  - d) A copy of any relevant Verification Officer reports
  - e) Any other component of the program member's certification files that the certification committee considers pertinent to the appeal.
- 9.2.5 Upon receipt of a formal appeal, BCARA will acknowledge and confirm whether it relates to certification activities for which it is responsible.
- 9.2.6 A Dispute Resolution Committee will be formed that includes:
- a) A BCARA Director (could be the Dispute Resolution Chair);
  - b) One member of another Certifying Body accredited by COABC;
  - c) One person with expertise in the topic;
  - d) One member of BCARA, selected by the Board; and at the Chair's discretion
  - e) A facilitator with Dispute Resolution skills (non-voting).
- 9.2.7 In preparation for a meeting of the Dispute Resolution Committee, all necessary documentation will be assembled. Every effort will be made to have the committee in place within 30 days of receipt of the appeal.
- 9.2.8 All documentation supporting and contradicting the ruling of the Certification Committee must be circulated to the committee members within 30 days of receiving the request of appeal.
- 9.2.9 Once the committee has been formed and a meeting date identified, the date, time and location of the Appeal will be sent to all Dispute Resolution Committee members, Board of Directors, Certification Committee members and the Administrator.
- 9.2.10 In case of a conflict of interest on the part of the Board representative the Board shall appoint another representative. All parties must sign BCARA's Confidentiality and Conflict of Interest Agreements.
- 9.2.11 Within fifteen working days of the Dispute Resolution Committee being formed, all documentation submitted by both sides of the dispute will be circulated to members of the Dispute Resolution Committee, the Certification Committee and the program member who is appealing.

- 9.2.12 The appealing member has ten days to prepare a written rebuttal of the material provided by the Certification Committee. The Chair of the Dispute Resolution Committee will ensure that the rebuttal letter is circulated to the Certification Committee and all Dispute Resolution Committee members.
- 9.2.13 Within 60 days of the receipt of the appeal, the meeting regarding the Appeal will be conducted.

### **9.3 Meeting and Decision of the Dispute Resolution Committee**

- 9.3.1 The Dispute Resolution Committee will decide the date, time and location of the first meeting. The first meeting can be done via conference call, via electronic means, or in person.
- 9.3.2 At the first meeting, all parties will agree to conduct the Appeal through written documentation, conference call, by other electronic means or in person.
- 9.3.3 Either the Certification Committee and/or the appealing operator may elect to have their case represented solely through written documentation. The time and place for the appeal meeting must be acceptable to both parties if they wish to attend. The meeting may be by conference call, or other electronic means.
- 9.3.4 There must be a minimum of three voting Dispute Resolution Committee members present to hear the appeal. Every effort will be made to confine the hearing to one day.
- 9.3.5 All decisions of the Dispute Resolution Committee are made by a majority vote of the committee members who hear the appeal. The decision of the Dispute Resolution Committee can be made at the conclusion of the hearing or reserved for further discussion by the committee members for no more than ten days from the time of the hearing.
- 9.3.6 The decision of the Dispute Resolution Committee shall be provided in writing to the Certification Committee, BCARA Directors, complainant and operator within 5 days of the determination. Decisions and reasons for the decision of the Dispute Resolution Committee are recorded and are a matter of public record, but the proceedings of hearings are confidential.
- 9.3.7 The report from the Dispute Resolution Committee will be held in confidence for five years, after which all electronic and written versions will be destroyed.

## 9.5 Complaints

There are two types of complaints that BCARA receives and resolves: 1) Complaints about BCARA's Operations and 2) Complaints about Standard Violations. All complaints must be received in writing. All complaints that are not submitted in writing will not be processed.

### 9.5.1 Complaints about BCARA's operations

If a member or non-member, or an operator in the certification program, believes that BCARA is not properly following the rules of its program they may submit such information in writing to the BCARA Certification Administrator. Details of the issues and any document references, as well as suggestions for resolution are to be included by the complainant. The complaint is to be in writing, so it can be accurately conveyed. The complaint will be forwarded to the Board for investigation. The Board will convey action steps to the administrator who will advise the complainant on the action taken.

Records of the complaint and the actions taken will be kept as follows:

- a) The date BCARA received the complaint;
- b) An outline of the problem;
- c) Persons responsible for investigation and resolution;
- d) The process of investigation and the cause(s) of the complaint;
- e) A proposed corrective action plan;
- f) An incident closing statement (actions complete, situation resolved);
- g) Date the issue is resolved

Should the investigation lead to corrective actions, a corrective action plan with specific dates shall be recorded, and implemented.

All complaints will be reviewed as part of the internal audit process.

### 9.5.2 Complaints about BCARA certified operations violating the Standards

Complaints regarding BCARA certified operations violations of the Standards shall be treated as follows:

- a) All suspected violations of its standards must be submitted in writing to BCARA. The complaint must be signed by the complainant and must contain a full explanation of the perceived violation including dates, names of the parties involved and evidence documenting the claims. The documentation must be as complete as possible before an investigation will begin.
- b) The BCARA certification administrator will acknowledge, in writing, that it has received the complaint confirming whether it relates to BCARA's Operations or Violations of Standards. The letter will include action steps towards resolving the complaint.
- c) All documents pertaining to the complaint will be sent to the Certification Committee and the Board of Directors.

- d) The Certification Committee will conduct a preliminary evaluation of the complaint. If there is enough evidence that a violation has occurred, the Committee will identify the potential violation of the standards. At least one member of the Certification Committee and the Board will be designated to investigate the complaint further.
- e) All BCARA representatives, including BCARA Board Members, Certification Committee Members, Verification Officers, and the Certification Administrator, must maintain confidentiality and under no circumstances must the name of the complainant, the name of the operator, or the nature of the complaint be made known to anyone other than BCARA personnel who have signed a confidentiality statement and are directly involved in the complaint investigation.
- f) As part of the investigation, one or more of the following may occur:
  - i. An additional inspection of the operation may be carried out by a VO
  - ii. A visit by the Certification Committee
  - iii. A request to the Province or CFIA to investigate may be done.
- g) If the operator requires further steps to be taken to resolve the complaint, then these must be clearly conveyed in writing to the operator including the dates and nature of each resolution step.
- h) If no further steps are required by the operator or all steps have been completed then a written report must be submitted to the Certification Committee and Board of Directors. The Board of Directors will review the report and instruct the Administrator to convey the findings to the complainant and the operator.
- i) In all cases, the complainant shall be given a written report explaining the determination of whether there was a violation and outlining the actions taken. The Board representative, Certification Committee member and Administrator are responsible for ensuring that this report is provided to the complainant in a timely manner.
- j) If the decision by the Board and Certification Committee is unfavourable to the operator, then they have the right to launch an appeal to the decision and or the report. The appeal is submitted to the Board and the Dispute Resolution Committee will investigate the complaint further.
- k) The operator will be made aware in writing that they have 15 days to launch an appeal to the decision.

Final decisions on complaints and disputes are public, but minutes and any proprietary documents from the proceedings are confidential. A record of all complaints, dispute proceedings and resolutions is kept in the BCARA office for a minimum of 5 years.

## 10 Certification and Inspection Procedures

The certification process is repeated annually, with fees payable each year. It consists of an application with information about the organic production plan, review of plan by the Certification Committee to see if it conforms with the standards, inspection to see if the operation follows their plan and the standards, and a review by the CC of the inspection report. A letter is sent to the producer stating the results of the review and assignment (or withdrawal) of status (see section 2.1). Surveillance is on-going and unannounced inspections may happen at any time.

### 10.1 Application for certification

- 10.1.1 Upon request, potential applicants will receive an introductory letter from BCARA, which includes: a request for application, the current fee schedule, and references to websites containing standards and materials lists currently in use by the Certifying Body.
- 10.1.2 Potential applicants who submit the request for application back to the Certification Administrator with their information and current appropriate fee will receive a certification package.
- 10.1.3 Certification application packages will contain:
- a) A short description of evaluation and certification procedures and a link to the BCARA Quality Manual
  - b) Application forms appropriate to the type of operation (including transition declarations (land use history forms) for crop, livestock). Returned application must contain a list of products they want certified.
  - c) Inputs recording form(s) for Crop and/or Livestock operations
  - d) Packer Re-packer forms for processing and/or handling operations
  - e) Organic Product Profile (OPP) for each processed product (must match up with product name to be used on label, or updated to this later in the certification process – the name on the OPP will appear on the certificate and must match) Sent to all processing operations.
  - f) Subcontracted processing form (if applicable) for operators who subcontract processing to a non-certified processor (e.g. custom slaughter, or custom processing)
  - g) Independent Cold Storage form (if applicable) for operators who have their product stored off-site
  - h) Checklists that detail other documents needed for certification (such as maps, flow charts, neighbour letters, etc.)
  - i) The current fee schedule and worksheet
  - j) The contract between the operator and BCARA

- k) A Complaint Form for certified operations to record any complaints they receive about their product or operation. This form (or the equivalent record) is to be kept at the operations office and will be examined by the VO.
  - l) BCARA constitution and bylaws (upon request)
  - m) A membership form (membership is optional).
- 10.1.4 If an enterprise wishes to be certified by BCARA, an authorized representative must complete and submit the application forms and the documents requested in as much detail as possible. Additional letters or notes explaining particular circumstances are welcome. Completed applications and fees are to be submitted to BCARA before assessment begins.
- 10.1.5 Initial applications may be submitted at any time. However, an inspection and evaluation must take place when organic production can be observed. The evaluation process can take up to 8 months. Therefore, it is best for crop production enterprises to submit applications no later than May 15 to ensure that BCARA has time to review their application, arrange for verification visit and review the inspection report.
- 10.1.6 Operations that have been previously certified by BCARA (renewing applicants) will be sent a renewal package in February of each year that will include updated fee schedules, renewal forms for all operations they were certified for in the previous year, and standards updates. Due date(s) and financial penalty dates for renewal applications will be clearly indicated.
- 10.1.7 Renewal applications and fees must be submitted by the deadline stated. If BCARA does not receive a renewal application by the final deadline (March 31st of each year) the operation's certification will be cancelled. The operation shall be informed two weeks before the final due date that their renewal application has not been received. Certification will be cancelled as of the due date if no renewal is received. The operator and COABC will be notified.
- 10.1.8 If an enterprise wishes to be certified by BCARA, an authorized representative must complete and submit the application forms and the documents requested in as much detail as possible. Additional letters or notes explaining particular circumstances are welcome.
- 10.1.9 Returned applications must include:
- a) Completed application forms for all types of production for which certification is requested – this is considered the organic production plan for the year. The application must include a list of all products to be certified.
  - b) BCARA – Applicant contract
  - c) Required maps
  - d) The checklist and other documents as specified on the checklist, such as labels.
  - e) Required fees as per the fee schedules



- 10.1.10 Applicants must provide a complete list of input materials used in production and/or processing with their application. Inputs materials include: fertilizers, soil amendments, planting media, crop production aids and pest control productions used in crop production; livestock feed supplements, feed additives, medications and livestock production aids used in livestock production; and ingredients, processing aids, post-harvest handling substances, cleaners, sanitizers and facility pest control products used in processing and handling as defined in Section 3 of the CAN/CGSB-32.310.

### **10.3 Fees**

- 10.3.1 Fees are recommended by the Board and approved by the membership of BCARA at a General meeting. Refer to the current BCARA fee schedule. Fees set by COABC are collected by BCARA and remitted to COABC.
- 10.3.2 If an applicant withdraws an application prior to a decision by BCARA, the applicant will be liable for costs of services provided up to the time of withdrawal. In this case BCARA will not issue a decision on certification of products that had been requested. COABC fees will be refunded according to their refund policy.

### **10.4 Review of Application**

- 10.4.1 Applications, accompanying documentation and required fees are received by BCARA and date-stamped. The administrator sends an acknowledgement of receipt of the application to the applicant. The application is reviewed by the certification administrator for completeness. The certification administrator will determine whether BCARA has the capability to perform the certification service with respect to scope of certification sought, location of operations and any special requirements such as language used by applicant. The administrator will refer anything unusual to the Certification Committee.
- 10.4.2 If, during the review of the application it is seen to be incomplete, or if more information is needed, the certification administrator will contact the applicant and request the additional materials, or return the application for further completion.
- 10.4.3 The Certification Committee reviews each application to determine whether:
- a) The application is complete and clear
  - b) The requirements for certification are documented and understood
  - c) The applicant is the product supplier or whether other suppliers in addition, or instead of, must apply for certification of products named in the application

- d) The applicant does not hold more than one certification under Canadian Organic Regime for any given operation site
  - e) In cases of an enterprise that was denied certification by another certification body, documentation has been submitted to show that the non-compliance has been corrected
  - f) That BCARA has the necessary competence and capability to perform certification with respect to scope of certification sought. If BCARA does not, they shall decline to undertake the certification.
- 10.4.4 The certification administrator will contact the operator after the initial review of the application by the Certification Committee if there are questions or concerns about the application. Any differences in understanding between BCARA and the applicant are to be resolved before an inspection is arranged. If the enterprise appears to be in compliance with requirements, a VO will be assigned to conduct an inspection at an appropriate time. The certification administrator will advise the operator of the assigned VO and the general time frame for inspection.
- 10.4.5 If the applicant withdraws an application prior to a decision by BCARA, the applicant will be liable for costs of services provided up to the time of withdrawal. In this case BCARA will not issue a decision on certification of products that had been requested.
- 10.4.6 If there are non-compliances the enterprise may submit amendments or corrections to the application. If they cannot comply at this time the enterprise may re-apply at another time.
- 10.4.7 Within 60 days of publication of an amendment to a certification standard, BCARA will inform certified operations of the amendment. This may be in the form of a summary with an Internet link to the actual wording. Operations will have twelve (12) months from date of publication to come into compliance with the new standards. Compliance with the new standard will be checked during the next annual certification cycle.

## **10.5 Verification Inspections**

- 10.5.1 Requirements for inspections:
- a) A minimum of one inspection is required annually in order to verify the operation's compliance with the standards.
  - b) A knowledgeable, authorized agent of the enterprise must be present during pre-scheduled inspections.
  - c) Additional inspections during the year may be either pre-scheduled or unannounced as the Certification Committee sees fit.
  - d) If an inspection must occur on a date beyond a period of 12 months from the previous inspection this postponement must be no longer than 6 months. The reason for the postponement must be documented.

- e) If an interval between inspections is greater than 12 months there must be subsequent inspection that restores the parity between number of calendar year and regular inspections over a given time.
- f) If an operator submits an application, but their organic production system is not yet operational, or if the operation is Inactive (see 2.1.f.) the operation may be exempted from inspection as long as their system is not in operation. The operator must inform BCARA that their productions system is not operational and let BCARA know in advance when it will be operational. No products made or sold during this period may be represented as organic. No certificate is issued until the operator begins operations and results of inspection have been reviewed.
- g) New applicants may need more than one inspection to verify compliance prior to granting certification.
- h) Where an application concerns approval of ingredients or verification of ingredients in a non-certified product, or an input must be approved, BCARA may omit onsite verification if the Certification Committee considers that a document evaluation will be sufficient.
- i) For pre-certification, certification or any service for which approval is requested, an initial inspection is required for each production unit, building or site (including vehicles) where production or preparation of agricultural and food products is carried out.
- j) The inspection may include non-organic units and documents related to non-organic inspection.
- k) The inspection will include observation of non-organic units and may include examination of records related to non-organic production.

10.5.2 The Certification Committee may require additional inspections of an enterprise to check for corrections of non-compliances and/or conditions of continuing certification, because of questions arising from testing, or at random.

10.5.3 An inspection must take place when the production system is operational (being actively managed), before a certificate can be issued. For farms, the period begins as soon as all operations subject to inspection start production (e.g. seeding) and ends with products requested for certification being packaged or stored in containers. For farms that also have non-organic production, timing must allow visual determination of what is planted in each cultivated field of the production-site. Processors may be inspected at any time, but if they are a split operation the inspection must happen when a product requested for certification is being produced. If the Certification Committee determines that this is not possible the reasons must be recorded and an inspection at a time when activities and facilities are available so that the inspector can assesses compliance or capacity for compliance. No more than 2 consecutive years can pass before organic production can be observed.

10.5.4 Pursuant to clause C 2.3.16 of the Canada Organic Office's (COO) Operating Manual, BCARA shall require pre-harvest or post-harvest sampling and testing

when there is a reason to suspect that the agricultural input or agricultural product has come into contact with a prohibited substance or was produced by or handled using techniques listed in clause 1.4 from the Canadian Organic Standards. If the Certification Committee or the VO suspects that there may be undeclared split operation or undeclared parallel production of similar products, the inspection and document review shall include non-organic production. If there is a concern that there may be GMO contamination (even a trace) then appropriate samples shall be collected and tested.

- 10.5.5 BCARA verifies materials used by organic operations for compliance with the Canada Organic Regime (COR) regulations. For brand name products, BCARA may also accept determinations made by the Organic Materials Review Institute (OMRI), a reputable third party operating under ISO Guide 17065 that reviews brand name products for compliance to the Canada Organic Regime (COR). OMRI has a publicly available list of products reviewed for Canadian use at <http://www.omri.org/canada-list>. In all cases, resulting determinations and final decisions are maintained by BCARA.
- 10.5.6 The certification administrator (directed by the Certification Committee) assigns Verification Officers (VO) whose training and experience matches the operation's activities. Verification officers must have current membership in IOIA, as well as training with respect to the Canada Organic Regime. Verification officers are rotated through enterprises so that the same inspector is not used on an enterprise for more than 3 consecutive years. Verification officers shall not be assigned to inspect operations if they would be in a conflict of interest.
- 10.5.7 Before the inspection the VO reviews the operation's file and, for pre-scheduled inspections, makes an appointment with the operator for the inspection.
- 10.5.8 If the operator objects to the particular verification officer, whether for conflict of interest or other reason, the Certification Committee shall rule whether the reasons are acceptable. The operators do not have the right to choose or recommend verification officers.
- 10.5.9 The VO shall submit reports to the certification administrator within 14 days of inspection. The report summarizes the operation's organic production/handling system and practices, and evaluates them for compliance with organic standards for which the applicant has applied. Each report includes a list of all points of concern, such as missing information, possible non-compliances found by the verification officer, and the section number of the standard that applies. Reports shall also include: identification of land and premises visited; names of personnel interviewed, including name of person with whom exit interview was conducted; date; time and duration of visit; a detailed summary of fields, buffer zone requirements, and/or sites visited; and a list of products verified on each field and/or site. A description of all audits conducted along with the results must be

included. For handling and processing operations, organic product recipes are proprietary and will be kept strictly confidential.

- 10.5.12 A VO evaluation form shall be sent to each producer with the VO report. These forms and interviews with the producers are part of the internal audit. The Certification Committee and certification administrator will evaluate the verification officers at the end of each season. Evaluation of VOs is also part of the internal audit. VOs are expected to be impartial, know the applicable standards, have knowledge of the area they are inspecting and follow BCARA's specific instructions. They are expected to display appropriate demeanor when conducting inspections.

## **10.6 Additional Inspections & Surveillance**

- 10.6.1 The Certification Committee may require additional inspections. These inspections may be announced or unannounced and may be carried out for the following reasons:
- a) Random selection made by Certification Committee
  - b) Farms with split operations (both organic and non-organic production)
  - c) Concern for contamination: If there is a suspicion of pesticide residue contamination or GEO/GMO contamination (even in a trace amount) an investigation shall take place. Investigations shall include sampling and tests for prohibited substances, including GMOs and pesticide residues.
  - d) To verify compliance to certification requirements
  - e) To verify any changes in an operation that may affect certification status, either positively or negatively
  - f) To verify continuing compliance for operations in the first year in the certification program
  - g) To verify organic production if the previous inspection took place when no organic production was verified
  - h) To investigate a complaint
  - i) At the request of Canada Organic Office or COABC if the compliance of the operation is in doubt, or for other valid reasons.
- 10.6.2 The Certification Committee shall plan for a minimum number of unannounced inspections at the beginning of each inspection year. A minimum of 3% of primary producers (minimum 1), and 5% of other producers (minimum 1) shall have unannounced inspections. The criteria used shall be recorded in the minutes of the Certification Committee. BCARA covers the cost of these inspections.
- 10.6.3 Unannounced inspections may be limited in scope and may cover only portions of the operation.
- 10.6.4 In cases where it is not possible to conduct an unannounced inspection (e.g. for reasons related to site access or other factors supported by a justification),

advance notice may be given providing that this notice period does not allow time to cover up non-compliances that might exist. In any case it shall not be more than 24 hours. BCARA will document the reasons for any advance notice.

- 10.6.5 The certification administrator shall keep a record of unannounced inspections.

## 10.7 Evaluation process

- 10.7.1 Within two weeks of receipt of the inspection report, the certification administrator will pass the report, the file belonging to the applicant, and any additional supporting information to a member of the Certification Committee deemed to be free of any conflict of interest with that applicant and their business.
- 10.7.2 Within a maximum of 90 days of receiving the VO's report, the Certification Administrator sends a copy of the inspection report and a letter listing the decisions of the Certification Committee to the enterprise. Any limitations to the scope of certification and the right to use certification marks are communicated at this time.
- 10.7.3 If the Certification Committee determines that the enterprise complies with all standards and that the applicant is able to conduct operations in accordance to its plan it will direct the administrator to issue a letter and certificate.
- 10.7.4 **Notification of applicant** - When the BCARA Certification Committee has reason to believe, based on a review of the information, that an applicant for certification is not in compliance with the certification requirements, a letter or report including the outcome of the evaluation shall be issued to the applicant, within a reasonable length of time, indicating all non-compliances that must be eliminated in order to comply with all of the certification requirements. This letter or report, documents noncompliance (NC), and provides among other things:
- a) The description of each non-compliance;
  - b) The facts upon which the notification of non-compliance is based;
  - c) The request for remedial actions for each non-compliance; and
  - d) The date by which the applicant must demonstrate that the noncompliance no longer exists or that remedial actions were taken.

The letter or report shall inform operators of the following:

- a) The operator must respond within 30 days of receiving the non-compliance report issued by the certification body.
- b) The response shall either provide evidence of corrective action taken to address each NC or present a plan with dates as to how and when each NC will be addressed. This plan shall include a completion date not exceeding 90 days from receipt of the NCs.
- c) The Certification Committee may accept times greater than those stated for the closure of a non-compliance as long as they are justified and documented.

- d) Additional evaluation tasks needed to verify that non-compliances have been corrected. Some examples are: an examination by the Certification Committee of submitted documents, confirmation of changes on the next scheduled inspection, or an additional scheduled or unannounced inspection to confirm changes made, or testing.
- 10.7.5 The applicant has 15 days from receiving the Verification Report and Conditions letter to point out any errors in the inspection report or certification decision letter or the facts in these documents are considered to be correct.
- 10.7.6 If the operator disagrees with the decision of the certification body they have 15 days to ask the committee to reconsider. This request must be in writing and refer to the specific certification requirements and production information and may contain new information or corrections.
- 10.7.7 If the applicant agrees to continue the evaluation process and shows that remedial action has been taken to meet all the requirements within the specified time BCARA will repeat only the necessary parts of the initial procedure. This means that BCARA will ensure, based on submitted documentation, and if necessary, an on-site inspection, whether or not the non-compliances were corrected.
- 10.7.8 The certification administrator must track dates for responses, responses received, and report back to the Certification Committee when the date for response has past. The Certification Committee shall decide whether another inspection is necessary, or whether documentation submitted is sufficient. The operator shall be informed of additional evaluation tasks needed to verify that non-compliances have been corrected.
- 10.7.9 The certification administrator will notify the COABC Accreditation Board of approvals of certification and enter the operation on the COABC website.

## **10.8 Granting of Certification**

- 10.8.1 General principles: The decision-making process operates against a background of the following general principles:
- a) The decision to certify a product shall be made if the Certification Committee determines that all procedures and activities contained in the production or preparation plan (application) are in compliance with requirements and that the applicant is able to conduct operations in accordance with this plan and after the corrections of all non-compliances. This decision is valid until the results of the next annual evaluation are known and a new decision is made, or unless BCARA is made aware of information to cause BCARA to suspend or withdraw certification. This information can come from an external source or from the CB's own efforts.

- b) It is the responsibility of the Certification Committee to make final decisions about application outcomes. It is never the responsibility of the Verification Officer who performs the site inspection or of the Certification Administrator.
- c) All decisions must be made in a non-discriminatory manner that is fair to all parties while maintaining the required standards.
- d) All applicants will be treated in a manner that is respectful and professional.
- e) All decisions will be made in a timely manner.
- f) Status is granted by issuance of a certificate to the operation.
- g) The operation shall be notified of certification marks it is allowed to use along with any conditions for use.
- h) Newly granted "Organic" status shall be reported to the COABC on a quarterly basis. Certification status will be reported on the COABC website at the time the operation is notified.

10.8.2 **Canada-USA Equivalency Agreement:** All products (except dairy products or products that include dairy products) that are certified under COR are also certified to the terms of the Canada-USA Equivalency Agreement. For dairy products to be certified to the Canada-US Equivalency Agreement the producer and VO must specifically address the issue of whether the milking animals have been treated with antibiotics. BCCOP certificates and transitional operations shall not be certified to the Canada-US Equivalency Agreement. Operations that are certified to the Canada-US Equivalency agreement are allowed to use the USDA organic logo as long as they follow all US labelling rules. The labels must be submitted to BCARA before use and the Certification Committee shall use the NOP labelling rules when deciding whether to approve the labels.

## 10.9 Operations in Transition

**Transitional Product** – A product from an enterprise under the supervision of a certification body and in the process of completing its transition period towards becoming a certified enterprise. Applicable sections of British Columbia Certified Organic Production Operation Policies and Management Standards Book 2 shall be used in conjunction with the Canadian National Standards for certification of Transitional Operations, as well as other operation that are not certified under the Canada Organic Regime.

### 10.9.1 What is the transition period?

For a crop to be considered organic, substances not allowed under organic standards shall not have been used for at least 36 months before harvest AND organic practices and standards must have been fully implemented for at 12 months under the supervision of a certification agency. However, a completed application must be submitted to a certification agency at least 15 months before a product is hoped to be sold as organic if the product is grown in soil (either in a field or in greenhouses with an in-ground permanent soil system including maple products).



The transition is the period of time between when an operation starts using organic practices to when a product can be considered organic. During the transition period the operation shall be run using all organic practices as specified in CAN/CGSB32-310 & 32-311.

Processing & handling - There is no transition period for processors or handlers, but the verification period will take a minimum of several months to a year, depending on exact circumstances. An inspection must take place when organic product is being produced.

- 10.9.2 **No organic claim may be made on a transitional product** - A Transitional claim on product is only allowed under certification agency supervision and after 12 months from the last use of a prohibited product and required inspections, certification reviews have been completed and non-compliances have been cleared.
- 10.9.3 The same processes are used for certification as outlined in sections 10.7 of this document, including yearly: application, fees, inspection, review and issuance of certification documents
- 10.9.4 After inspection and review, the transitional operations go up a step in status each year (First Year Transitional, Second Year Transitional, Third Year Transitional or T1, T2, T3) and a new certification document has to be issued for the higher status. From Third Year Transitional they go to Organic. Since the Canadian National Standards and OPR require only a 36 month transition from the last use of a prohibited material with a minimum 12 months under the oversight of a certification agency it is likely that operations going through the full transition will reach organic status before three full years of transition under the oversight of BCARA. If there are no conditions outstanding when they reach 36 months from the use of the last prohibited material and a minimum of the full 12 months under the certification agency (including at least 2 inspections and all conditions cleared) an organic certificate can be issued. When the operation goes to Organic status they should be sent a Labelling Fact sheet, the COABC consent forms & asked if they want to use any of the logos. If they want to use the COABC checkmark logo send consent conditions & declaration. They have to return the declaration. See section 9.12.
- 10.9.5 Transitional Certification documents (certificate) are issued under BCARA's authority, not COR or COABC.
- 10.9.6 **Labels for transitional products** - Labels for product produced and sold or re-sold only within BC may prominently state TRANSITIONAL, CONVERSIONAL or TRANSITION TO ORGANIC, or CONVERSION TO ORGANIC The word "certified" shall not be used with the words "transition" or "conversion" The use of any of these terms require BCARA's pre-approval of the label. BCARA's logo shall not be

used on the label, though BCARA's name may appear. BCARA will not authorize transitional labels for product shipped and sold or re-sold outside of BC, unless BCARA sets up a Transitional Program as per COABC Policy 15.

## 10.10 Certificate of Status

- 10.10.1 Approval of certification is shown on a certificate. Certification documents shall only be issued after the decision to grant or extend the scope of the certification has been made, certification requirements have been fulfilled and the certification agreement has been signed. Except for rare instances of scope extension, or for operations not under the Canada Organic Regime (COR) this means the certificate will be issued at the end of the certification cycle – after inspection, and after all non-conformities (conditions) have been cleared.
- 10.10.2 Term of certificate:
- a) Under the BC Certified Organic Program (BCCOP) the term of a certificate is 12 months as indicated in Section 8 of the Organic Products Certification Regulation (BC). Provided a renewal application is received by BCARA before the expiration of the previous certificate, and all other policies and standards (including clearing non-compliances) have been met, the renewed certificate will be issued.
  - b) If a renewal application is not received, status ends on the expiration date marked on the BCCOP certificate and the enterprise must surrender their certificate.
  - c) Products that remain in inventory after the term of a certificate has expired may be marketed under that certificate upon written permission from BCARA. The Certification Committee will require appropriate documentation and may require inspection consistent with the requirements for certificates, so long as the product remains in inventory
  - d) Under the Canada Organic Regime (COR) the certificate remains valid until a renewal certificate is issued or BCARA cancels it. If a renewal application is not received by the date stipulated on the certificate/the time prescribed in the OPR\section12 (1), the Certification Administrator will initiate suspension or cancellation and notify the Certification Committee.
  - e) BCARA will follow the Organic Products Regulations (OPR) requirements for cancellation under clause 20(6) in case of voluntary withdrawal by the operator.
- 10.10.3 Yearly Renewal: The possession of a certificate is not, by itself, a guarantee of certification. BCARA shall issue a new certificate in each year following the annual certification decision. At any time in the cycle BCARA will confirm the operation's status.

- 10.10.4 Revocation of Certificate When BCARA issues a notice of cancellation or revocation, the certificate, by that act, is invalidated. BCARA will notify the Accreditation Board when a certificate is cancelled or revoked.
- 10.10.5 Extension/Amendment of Certification to cover changes in certification plan and new products. Amendment of Certificate and Notification of changes: If an enterprise applies to amend the scope of their granted certificate, or notifies BCARA of changes to its production that could affect conformity of the product, the Certification Committee will decide what, if any, evaluation procedure is needed to determine whether or not the amendment will be made. Normally, if a new product is to be produced in a similar manner to existing products (i.e. using same equipment and procedures) then documentation will suffice, and a further inspection will not be required. However new land, changes of ownership, or new product lines will probably require both documentation and inspection before the certificate is amended. Certification records shall include the rationale when no evaluation, review or decision activities are deemed necessary.

## 10.11 Withdrawal of Certification Status

- 10.11.1 **Voluntary Withdrawal:** Operators shall inform BCARA of withdrawal from the certification program of any production unit or processing facility due to the use of non-allowed (prohibited) practices or substances. If conditions exist for which the producer, processor or handler anticipates the use of prohibited practices or substances, BCARA strongly recommends consultations with appropriate experts and the Certification Committee, close monitoring of the actions and effects, and detailed documentation. If the operation is certified under the Canadian Organic Regime (COR) the requirements in the Organic Products Regulation for cancellation under clause 20(6) will be followed.
- 10.11.2 **Suspension:** When an operation is not in compliance, the BCARA Certification Committee may decide to suspend certification. Procedures for suspension of certification status for non-compliance will be done according to section 20 of the Organic Products Regulation, as amended from time to time. If certification is suspended, BCARA will communicate to the client the actions needed to end suspension and restore certification. The term of suspension will make it clear which products must not be sold until the suspension is lifted. The holder of the certification will be notified that they have an opportunity to be heard before certification is cancelled.
- 10.11.3 **Decertification and cancellation:** Decertified status is assigned to operations, that were certified, but no longer meet the production or processing standards or certification requirements, and the certificate has been revoked. The BCARA Certification Committee will cancel the certification if the holder of the certification has not implemented the required corrective measures within the period specified or in cases where the applicant has provided false information (fraud).

Cancellation is subject to Section 20 of the Canadian Organic Products Regulation, which include provisions for the certification holder to be notified and to have an opportunity to be heard in relationship to the cancellation.

- 10.11.4 Written notice of denial of certification is issued if the operation: has not renewed its application by the due date; has not paid its fees; its plan is not compliant; or they did not respond to the notice of non-compliance. The notice will state the reasons for denial. The notice will include: an opportunity for the applicant to submit a plan for corrective action, notice of the right to appeal, and the applicant's right to:
- a) File an appeal of the denial.
  - b) Re-apply for certification to any accredited CB, including to BCARA.
- 10.11.5 BCARA will inform the applicant, of any:
- a) Notice of non-compliance that would prevent the immediate acceptance of certification.
  - b) Decision to refuse certification once review and appeal deadlines have expired.
- 10.11.6 BCARA will make all needed modifications to certification documents, public information, authorizations for use of marks, etc. to ensure there is no indication that the product continues to be certified. If it is the scope of the certification that is reduced, this shall be clearly communicated to the client and described in certification documents and public information.
- 10.11.7 If BCARA has reason to believe that an initial applicant for certification has willfully made a false statement regarding its production system and organic operations, BCARA may deny certification without issuing a notification of non-compliance.
- 10.11.8 **Reporting Suspensions and Cancellations:** The BCARA Certification Administrator will report to the COABC all suspensions and cancellations issued by the Certification Committee on or before the 25th of each month. All suspension and cancellation reports shall include the name of the operator, the date of issue and the reason for the action. For entities operating within the Canada Organic Regime, BCARA will reinstate suspended certification only after the CFIA has been notified and the date of the certification reinstatement is posted on the CFIA published list of suspended and cancelled organic certifications.
- 10.11.9 BCARA will not grant certification to an operator who had its certification previously cancelled and whose name appears on a CFIA published list of cancelled organic certification unless the operator has submitted an application for certification of agricultural product to BCARA as per section C2 of the Canadian Organic Office Operating Manual, has completed the organic certification process and the BCARA has received a confirmation from the CFIA that the date of certification reinstatement is posted on the CFIA list.

- 10.11.10 BCARA shall submit to the CFIA a request for having the date of the certification reinstatement posted on the CFIA list of suspended and cancelled organic certifications within 5 working days from the certification decision. (The CFIA will post the reinstatement within 5 days of the request)

## 10.12 Labels and Official Marks

- 10.12.1 **Use of organic claim, certification marks and phrases:** When a company has obtained a certified organic status compliance certificate for its products it may use BCARA's seal and/or logo and certification mark, as well as the British Columbia Certified Organic logo and phrase only for advertising, marketing or promoting those products or class of products listed on the certificate. The Canadian Organic legend (logo) may only be used on products for which BCARA has issued a certificate under the Canadian Organic Regime. Use of these logos are subject to prior approval of labels by BCARA and requirements in the sections that follow.

BCARA seals shall only be used on products that are certified by BCARA and listed on the certificate. Misuse of seals is considered a major non-compliance and may result in de-certification. It may also be reported to relevant authorities, including the CFIA.

- 10.12.2 The British Columbia Certified Organic mark and phrase may only be used after the operator signs the Consent Conditions contract and has obtained BCARA's approval of the proposed label. The Canadian Organic legend may only be used in reference to products certified under the Canadian Organic Regime and only with BCARA's prior approval. Labels, advertising and promotional materials that use either of these marks must be approved by BCARA before use. Products labeled or advertised with an organic claim must indicate that they are certified by BCARA on the label. Labels and advertising claims must not be used in such a way as to be confusing to the consumer.
- 10.12.3 **USDA Organic logo:** Products certified to the Canada-US Equivalency Agreement can use the USDA organic logo on labels. Logo is available on the NOP website. Labels must be submitted and approved by the BCARA Certification Committee before use. The Certification Committee must use the NOP requirements for use of the USDA logo when approving these labels. This review is to be documented. If the operation will be exporting products to the US they should be aware that US labeling laws differ from Canadian ones and that they are responsible for informing themselves and complying with general US labeling laws.
- 10.12.4 **Label Approval Process:**
- a) Operations are to submit proposed labels before use for approval by the Certification Committee. They also submit all labels with their plans (applications).

- b) All VO's are to collect labels with organic claims that are not already on file.
- c) Processors are to submit all labels.
- d) Labels used in subcontracting and Private Labels are to be submitted, reviewed and approved.
- e) Labels are to be reviewed by the administrator and Certification Committee

10.12.5 **Withdrawal of License to use marks** - License for use of any of the certification marks and/or BCARA's name will be withdrawn under the following circumstances:

- a) When an operator's certification is discontinued, cancelled, revoked or expired, the use of BCARA's name and BCARA, COABC. COR certification marks, phrases, and logos must cease immediately.
- b) A subcontractor of a BCARA certified operator is no longer making the product for the BCARA certified operator.
- c) When an enterprise selling private label products without itself being certified, ceases to purchase from the BCARA certified supplier.
- d) An operation cannot demonstrate that it is able to comply with the applicable standards for operations included in its certification application.
- e) When the operation ceases to be certified by BCARA.

10.12.6 When a BCARA certified company makes a certified organic product and also supplies it, as a private label product, to a client that is certified for marketing the product as organic by another certifying body, the following conditions apply:

- a) The mark of the client's certifying body must only be placed on products that are prepared and packaged for this client if the client's certifier has taken responsibility by extending the client's certification to cover the particular site and processes used by the producer of the client.
- b) In order to have this license granted the certifier must guarantee its own certification. The producer's certification body must be approved by the Canada Organic Office, that its evaluation and certification procedures include the products concerned, and following what these two certifiers have agreed, the body may have access either to the evaluation report produced by the other certification body or to the supplier's operations site, thus allowing it to proceed with an inspection.

10.12.7 **Separate certifier for marketing:** When a BCARA certified company makes a certified organic product and also supplies it, as a private label product, to a client that is certified for marketing the product as organic by another certifying body, the mark of the client's certifying body must only be placed on products that are prepared and packaged for this client if the client's certifier has taken responsibility by extending the client's certification to cover the particular site and processes used by the producer of the client. In order to have this license granted, the certifier must guarantee its own certification. The producer's certification body must be approved by the Canada Organic Office, that its evaluation and certification procedures include the products concerned, and following what these two certifiers have agreed, the body may have access either

to the evaluation report produced by the other certification body or to the supplier's operations site, thus allowing it to proceed with an inspection.

- 10.12.8 If a BCARA certified company wishes to have a private label brand name and the BCARA or British Columbia Certified Organic mark or phrase on a product that is prepared and also marketed by a certified organic company this can only be done if BCARA guarantees the certification of the company preparing the product as described in the paragraph above.
- 10.12.9 **Recordkeeping Requirements for Certified Operations:** All certified operations shall keep clear, accurate records, and supporting documents, that include details of production, inputs, harvest, processing handling and sales of products produced under the BCARA certification program. These records must be detailed and comprehensive enough to show compliance with organic regulations. All of these records regarding organic production and sales must be kept by the certified operation for a minimum of 5 years.

## 10.13 Subcontracting

- 10.13.1 Where a product displays a certification claim (including BCARA's name, British Columbia Certified Organic, or Canada Organic Regime claim), except for individual items cited in the ingredients list, all production and processing of the product must be done by an entity certified as organic by a certification agency whose accreditation is recognized by BCARA that supports the claim, or by a subcontractor who uses methods that conform to the relevant standards, except as set out below. When certification is done by another certification agency BCARA must take responsibility for this and will require certificates and any additional information needed to confirm certification and oversight by the other Certification Body.
- 10.13.2 It may be possible to use an uncertified sub-contractor if the raw materials supplied, and sales of the product, are under control of the BCARA licensee. The actual facility and processes used must be inspected and evaluated by BCARA. The subcontractor normally would not take title of the product. The BCARA licensee's batch lots may be processed by a non-certified organic co-processing facility, as long as the requirements of the standards and the following procedures are followed:
- a) The BCARA operator must take responsibility for the subcontracting and is responsible for submitting an application to the certification body and supplying information for certification, arranging for access to the facility for inspection and paying applicable fees. This arrangement only applies to the products of a particular BCARA operator. It does not confer certification on the co-processor to represent itself as certified organic or to label any product (except that covered by the agreement) as organic. If more than one licensee

- uses a particular co-processor, the plant will need to deal with each licensee's certification separately. Therefore, one plant may require several inspections.
- b) A contract between the BCARA licensee and the subcontractor is required. The contract must contain clauses regarding compliance with the standards and the obligation to provide information and access to the certification body. It must state that this process does not confer certification on the subcontractor for any products that are not listed in the contract. The subcontractor may not use a BCARA authorized certification claim on any products not listed in the contract. The following points are essential:
  - c) An application is submitted to BCARA before the processing is done. Though this is the responsibility of the BCARA operator the information and undertaking must be co-signed by a person in authority of the non-certified co-processor.
  - d) An audit trail shall be maintained and made available for inspection.
  - e) A verification officer inspects the processing facility at least once a year at the time that an organic batch is processed.
  - f) BCARA deems the processing has not compromised the integrity of the organic product.
  - g) BCARA shall ensure that each sub-contracted operator has the current version of the applicable standards and a general description of the certification process.
  - h) The BCARA licensee has full responsibility for the sub-contracted production and shall be subject to sanctions in the event of non-compliance of the subcontractor.
  - i) The list of products and the subcontractor shall be listed on the BCARA licensee's certificate and only pertains to those items.
  - j) The non-organic subcontractor does not have the right to use labels with any of the organic marks that BCARA has authority over except on the products of the BCARA operator.

10.13.3 BCARA shall be notified when a non-certified subcontractor ceases to supply the BCARA operator. The non-certified subcontractor must not continue to label any products including BCARA's name, COABC official mark or phrase, or any other organic marks for which BCARA is responsible, past the date of the final run made for the BCARA licensee.

## 11 Certification Transfers

When an operator certified by another Certification Body (CB) accredited by the Canadian Organic Regime wishes to transfer their certification to BCARA, the operator must submit an application with their production plan to BCARA. BCARA has a policy that requires the operator to sign a release to allow the release by the previous CB of (at minimum) the last certificate, last approved production plan (application), land use history (if applicable), last



inspection report and last decision letter (condition letter) plus subsequent submissions from the operator.

The release form is sent by BCARA to the previous CB with a request for the appropriate documents. BCARA's administrator will also check the CFIA website to ensure the operator is not under suspension or decertified. BCARA Certification Committee shall examine documents from the previous CB in order to approve decisions made by that CB. BCARA will also ensure that any conditions attached to its certification from the previous year are followed up by BCARA during its inspection and decision-making process. The transfer and issuance of a certificate will be treated in the same manner as a BCARA renewal. Before a BCARA certificate is issued the evaluation process must be followed. Inspection must take place within 12 months (no later than 18 months) of the last inspection of the previous agency. If the inspection takes place in more than 12 months in subsequent years the inspection timing is to be such that the time period of 12 months is restored. This may require more than one inspection in a year.

Transfers from a certification body that is not COR accredited, but is accredited by COABC, will require the operator to sign a release to allow (at minimum) the last certificate, the land use history (if applicable), last two years of inspection reports and decision letters (condition letter), submissions from the operation in regards to the last decision letter, from the previous CB so that any conditions that were attached to its certification from the previous year are followed up by BCARA during its inspection and decision-making process. BCARA has to review the work of the previous certification body. A BCARA certificate will not be issued until the BCARA Certification Committee has approved decisions made by the previous CB and after inspection and review of the inspection report, non-compliances are cleared.

If an operator wishes to transfer from BCARA to another certification body they must:

- a) Inform BCARA that they are doing so
- b) Make an application to the other certification body
- c) Give BCARA permission to release information to the other CB.
- d) Continue certification with BCARA until BCARA is notified by the receiving CB that a compliance certificate has been issued.
- e) As soon as BCARA is notified by the other CB that a compliance certificate has been issued BCARA will notify the operation that its certification agreement is terminated and that BCARA is no longer monitoring the operations compliance. Any refunds will be made under the BCARA refund policy.
- f) BCARA shall require the operator to return any documents confirming the organic certification (such as certificates and attestations) that were previously issued by BCARA to this operator as per section 13 (2) of OPR and immediately stop the use of any labels or advertising which identify BCARA on products they market. They cannot use up their supply of labels with BCARA's name.
- g) BCARA will exchange information with other CBs and/or CFIA to verify the validity of information on an operator in cases where the operator has changed CBs.

## 12 Attestation of Compliance Requirements

Only products can be certified under the Canada Organic Regime, but BCARA may provide a formal "Attestation of Compliance" to service providers who perform contractual work for operators with certified product and the service is not eligible for certification under Section 14 of the OPR; for example livestock slaughter facilities; traders where no labeling or re-packaging is occurring; or transportation and custom services such as seed cleaning where the ownership of the product remains with the primary producer. It is not mandatory that operators obtain an attestation but if requested the requirements of the COO Manual C.11 apply. In addition to requirements in C.11, BCARA will use the principles and procedures set out in British Columbia Certified Organic Production, Operation Policies and Management Standards, Book 2, Certified Organic Management Standards with special reference to the Processing and Handling section. BC Organic Production Certificates and an "Attestation of Compliance" as per appendix B of the COO Operating Manual will be issued in these cases.

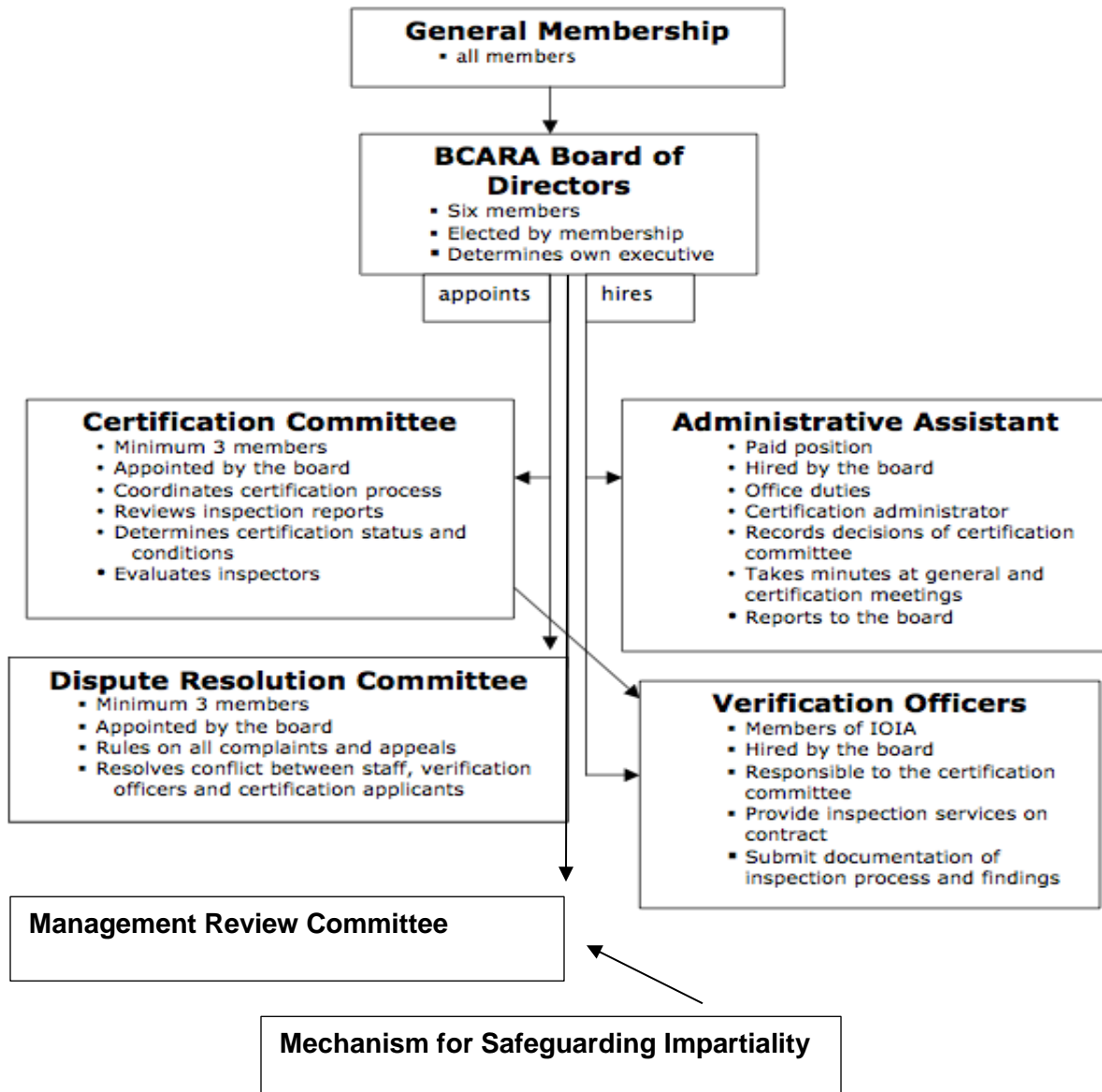
## 13 Transaction Certificates

Operations requesting export certification (a transaction certificate) must first apply to BCARA using a Transaction Certificate Request.

The operation will complete the application and BCARA will review the application to ensure the products requested for export are listed on the operation's organic certificate. BCARA will send the operator the approved Transaction Certificate. One copy of the Transaction Certificate will go to the Buyer, one copy will go to the Seller and one copy will be filed at the BCARA office.

# Appendix A – BCARA Organizational Chart

## Appendix A – BCARA Organization Chart



## Appendix B - BCARA Residue Sampling Procedures (August 20, 2012 rev. September, 2013)

### 1. Purpose:

This document outlines the sampling procedures for parties conducting residue testing of organically produced agricultural products under the requirements of BCARA Quality Manual and give guidance to those making decision about the results of laboratory tests for pesticide residues.

### 2. Background:

Canadian Organic Standards, CAN/CGSB 32-310, section 1.4.1 states substances - "when producing or handling organic products, it is forbidden to use any of the following substances or techniques:" and continues with a list. The use of the term "prohibited substances" means any of the items on that list. These procedures are particularly relevant for paragraph b)

*Synthetic pesticides (e.g. defoliants and desiccants, fungicides, insecticides and rodenticides), wood preservatives (e.g. arsenate) or other pesticides, except as specified in CAN/CGSB-32.311, Organic Production Systems — Permitted Substances Lists*

The other items that may be most easily tested for are covered under:

- a) products of genetic engineering as these items are most easily detected by testing and*
- f) synthetic allopathic veterinary drugs, except as specified in the standards.*

Canada Organic Office Operating Manual version v14 states (Section C 2.3.16):

*The CB shall require pre-harvest or post-harvest testing of any agricultural input used or agricultural product to be sold, labelled or represented as being in compliance with the requirements of the Canadian Organic standards when there is a reason to suspect that the agricultural input or product has come into contact with a prohibited substance, method or ingredient in the production and handling of organic products.*

*C 2.3.18 The CB shall require sampling and testing, in an event of a complaint concerning the use of or contamination with prohibited substance, as part of the investigation of the complaint.*

*C.2.3.19 The CB shall investigate if it has a suspicion that an organic product contains even a trace amount of a GMO. The CB shall require sampling and testing in an event of suspicion of the presence of GMO.*

### 3. Policy:

The Standards (par. 1.4.1) does not prohibit the presence of these items on products, but does prohibit the use by the operation producing the products. The Canadian Standards do not set maximum pesticide levels allowed on organic products, unlike other standards such as the US NOP program. Tests can be used as part of an investigation, but the mere presence of a prohibited material does not, in itself, indicate that the operation has contravened the standards. Substances, such as pesticides, may be in surrounding atmosphere and may drift into organic fields. Substances such as

organo-chlorines have a long persistence in certain soils and can be taken up by plants many decades after application.

BCARA Quality Manual allows Verification Officers contracted by BCARA to collect samples of product and institute tests in the following conditions:

QM 4.5.9. g states:

- a) The inspector will give a receipt to the operator for each sample collected and will keep a chain of custody report to keep track of samples taken
- b) Testing of soil, water, or products will be undertaken only when warranted, such as in cases of suspected fraud, GMO contamination, pesticide contamination of soil or water contamination and for a well-documented complaint. The enterprise will be responsible for any costs associated with testing.

Section 4.61 allows for additional inspections if there is

- c) Concern for contamination: If there is a suspicion of pesticide residue contamination or that there may be GEO (GMO) contamination even in a trace amount, an investigation shall take place. Investigations shall include sampling and tests for prohibited substance including GMOs and pesticide residues.

The VO and BCARA Certification committee are to consider the following before submitting samples to lab for analysis:

What are we looking for? Are there other ways to determine whether prohibited products were used (interviewing neighbours or employees, checking with local suppliers, reviewing purchase invoices, collecting evidence such as empty pesticide containers). Is testing the right, or most effective tool?

#### **4. Procedures**

In order to clarify and ensure consistency in sampling the following procedures must be followed. In addition the laboratory used shall be accredited under (ISO/IEC 17025:2005 and be compliant with standards for the type of analysis being done. The BCARA certification administrator shall keep a list of approved labs.

##### **4.1 When to collect samples**

Samples should be collected when:

1. there is a suspicion that a prohibited substance has been applied
2. it is suspected that contamination from genetically engineered organisms, antibiotics or prohibited substances may have occurred.
3. pesticide drift may have occurred.
4. To gather evidence as part of an investigation.

Suspicion may be based on things such as a written complaint, an open container of prohibited substance that has not previously been recorded, an obvious source of drift, the product on an organic farm being unaffected by pests that are obvious on neighbouring farms, obvious signs of herbicide use, etc.

If the VO initiates samples he/she is to attempt to contact BCARA as soon as possible with an explanation of the situation and reasons for collection. The VO should describe any specifics about the potential contamination (what chemical or class of pesticides are suspected). If the VO is unable to contact BCARA in a timely manner the sample should be collected, but, if possible held before being sent to the laboratory until BCARA is contacted.

Depending on circumstances and the training of the VO BCARA may wish to send another VO with training in sample collection. . The VO collecting the sample, should contact the laboratory to check on sample collection and shipping requirements as well as chain of custody documentation

The VO must include in his or her report details about the reason sampling was deemed necessary and other evidence collected. As much evidence as possible must be collected, especially if there is a suspicion of operator non-compliance with the standards. Evidence might include interviews with neighbours, photographs of pesticide containers, interviews with pesticide supply companies or advisors, copies of receipts or input logs.

#### 4.2 Sample amounts

Sufficient size of sample must be collected to ensure that adequate amounts are present to allow the lab to test and re-test if necessary.

Suggested sample sizes (taken primarily from NOP 2610 which is derived from USDA AMS pesticide Data Program SOPs)

<b>Commodity type</b>	<b>Recommended sample size</b>
Most fresh fruit & vegetables	3-5 lbs (1.5-2.5 kg). Be sure to include at least the whole commodity <u>For raw commodities:</u> remove adhering soil, decomposed outer leaves and inedible root and tuber vegetable tops
Blended commodities or those smaller than a strawberry (including: berries, cherries, coffee beans, dried commodities, flours, grains. Herbs, garlic, legumes, mushrooms, nuts, teas, seeds, baby food sizes small jars/packages, spices/.	1 lb (approx 500 grams) Take samples consisting of whole commodities or use a sampling tool. <u>For raw commodities:</u> remove adhering soil, decomposed outer leaves and inedible root and tuber vegetable tops
All liquids and semisolid foods (eg juices, oils) and Canned/jarred foods	16-32 ounces (500ml-1000 ml)/

#### 4.3 Choosing the samples: (From IFOAM EU Group 12 Guideline for Pesticide Residue Contamination for International Trade in Organic Annex)

Samples must be taken from clearly defined lots. A "lot" is an identifiable quantity of goods having common properties or uniform characteristics. In the field, a lot would

comprise a crop of a single variety in a clearly defined area which has been treated as a single crop. In post harvest situations, whether in bulk, or packaged goods, the lot should reflect the field lot as near as possible. In processing operations the lot may be a 'batched' delivery of raw materials or a clearly defined production run of goods awaiting dispatch.

In order to arrive at a "laboratory sample" for analysis, a number of primary samples are taken from the lot, which are combined to form the bulk sample. Where possible the bulk sample should be sent for analysis as the laboratory sample. Depending on guidance from the laboratory the bulk sample may need to be reduced in size. Soil sampling is included here because BCARA may need to carry out investigations of sources of contaminations including investigations on farm, in cooperation with the farmer concerned.

Visually split the field/block up into 4 ha (10 acre) blocks. Walk the field in a W shape avoiding headlands and any unrepresentative areas e.g. gateways and water troughs. Take samples along the arms of the W.

The number of samples to be taken will depend on the size of the block but as a guide the following criteria should be used:

Area of Lot in hectares	Minimum number of primary samples to be taken
Less than 0.5 ha	(4)
0.5 ha to less than 2.5 ha	(4 to 8)
2.5 ha to less than 25 ha	(8 to 20)
25 ha to less than 250 ha	(20 to 70)
Greater than 250 ha	(70+)

#### **4.4 Sampling record**

The sampling officer must record the nature and origin of the lot; the owner, supplier or carrier of it; the date and place of sampling; and any other relevant information. Any departure from the recommended method of sampling must be recorded. A signed copy of the record must accompany each replicate laboratory sample and a copy should be retained by the sampling officer. A copy of the sampling record should be given to the owner of the lot, or a representative of the owner, whether or not they are to be provided with a laboratory sample. If sampling records are produced in computerized form, these should be distributed to the same recipients and a similar verifiable audit trail maintained.

#### **4.5 Sampling Procedures** (taken from: IFOAM EU Group 12 Guideline for Pesticide Residue Contamination for International Trade in Organic Annex)

Because contamination can arise from packaging materials and from incorrect handling procedures, detailed special requirements may be required. If in doubt the sampler should check with the laboratory that will do the analysis as to the sampling method, packaging and handling. Where it is not clear from the sampling procedures outlined



below, guidance may also be needed for sample size.

Sampling will normally be done into a clean plastic container or plastic bag.

Samples must be labelled and sealed so that opening the sample breaks the seal.

To avoid sample contamination leading to a misleading result, samplers must comply with the following procedure:

- Hands to be thoroughly washed prior to sampling, or any subsequent sub sampling. Avoid touching or handling the sample. Sampler must either use latex gloves, clean rubber gloves. the sampling bag itself or a clean scoop to obtain the sample..
- Only clean polythene bags or containers must be used (not polypropylene or PVC).
- When taking a sample it is essential that the sample should be representative of the whole lot.
- Samples must be stored in clean and dry conditions.
- It may be necessary to freeze or chill samples as soon after sampling as possible. If samples are taken frozen, or are frozen after sampling they must be kept frozen up to arrival at the laboratory.

The VO or BCARA should normally obtain a consent form. However, a sample may still be taken where an operator refuses to sign the form. A receipt is to be left with or sent to the operation.

#### **4.6 Packaging and transmission of the laboratory sample**

The laboratory sample must be placed in a clean, inert container which provides secure protection from contamination, damage and leakage. The container should be sealed, securely labelled and the sampling record must be attached. The sample must be delivered to the laboratory as soon as practicable. Spoilage in transit must be avoided, e.g. fresh samples should be kept cool and frozen samples must remain frozen. Samples of meat and poultry should be frozen prior to dispatch, unless transported to the laboratory before spoilage can occur.

#### **4.7 Sample Documentation**

4.7.1 Each sample should be identified by the following information:

- a) Certified operation name and address
- b) Identification of sampling site (best to include site map or filed map).
- c) Sample identification – commodity information, variety brand name and lot number (if applicable), or other ID.
- d) Certifiers name
- e) Collector's name and signature
- f) Date collected & date shipped.

A receipt is to be left with or sent to the operation.

4.7.2 Upon arrival at the laboratory the following information is to be recorded by the

laboratory and included with the sample results.

1. Date received
2. Name of person receiving sample
3. Explanation for what happened to any sample that is not analyzed (eg chain of custody breached, rotten sample, etc)
4. Internal sample Id

## 5. Decision making

5.1 After the analysis is received the producer shall be sent a copy of the analysis along with the inspection report. If there is a result of concern the producer shall be given an opportunity to explain possible reasons.

5.2 The results and the inspection report shall be considered by the Certification Committee. The following should be taken into consideration by the Committee:

- Does the Certification have enough expertise to be able to interpret the results? If not they must seek technical help.
- The results are to be interpreted in relationship to background levels of the contaminant, and other evidence to distinguish between fraud and inadvertent sources such as background contamination or actions taken outside of the operation.
- The sample analysis in itself will not be sufficient evidence to prove fraud, as the Standards do not set out maximum residue levels, and sampling procedures outlined here may not be statistically valid.

5.2.1 If the results show a level higher than the maximum residue limits regulated under the Pest Control Products Act, appropriate authorities shall be notified and the producer shall withdraw the product from sale pending additional test to confirm the results. If the results are confirmed the producer will be expected to notify recipients of the product and recall the product. Other sanctions as per 5.2.2 and 5.2.3 will be imposed by the Certification Committee.

5.2.2 If the operation is deemed to have applied a prohibited substance and thus contravened the standards, the Certification Committee must decide the appropriate sanctions. Based on the particulars of the substance, the levels of residue, and the particulars of the application (did the operation know the substance was prohibited, was this attempted fraud, were they reckless in not checking the substance, or was this an unintentional mistake), the Committee may decide any of, or any combination of the following

- Effected crop cannot be sold as organic
- Effected crop/products must be recalled
- Require that crop grown in that areas not be sold as organic for a period of 36 months as per CAN/CGSB 32-310 par 5.1.1
- Suspend and or decertify the operation. COABC, Canada Organic Office, other BCARA operations, and buyers will be notified as per BCARA suspension and withdrawal of certification policies.

5.2.3 If it is found that the results are from an source outside the operations control (such as drift) Certification Committee will require that the operation improve it's plan to reduce the risk and/or improve their protection from the source of contamination as required in CAN/CGSB 32-310 paragraph 5.1.4. This may include written agreements, signage, and other measures as per:

5.1.4 When unintended contact with substances prohibited by par. 1.4.1 is possible, distinct buffer zones or other features sufficient to reasonably prevent contamination are required.

- a. Buffer zones shall be at least 8 m wide.
- b. Permanent hedgerows or plant windbreaks, artificial windbreaks, permanent roads or other adequate physical barriers may be used instead of buffer zones.