

## Frequently Asked Questions:

### The New Brunswick Organic Grade Regulation

The New Brunswick Organic Grade Regulation under the *Natural Products Act* was established in 2014. The New Brunswick Organic Grade ensures that all organic products produced and /or processed and sold within New Brunswick will be certified organic products in accordance with the federal Organic Products Regulations and the Canadian Organic Standards. Any product marketed, labeled or advertised as organic must comply with the New Brunswick Organic Grade Regulation.

**1. Why is this regulation needed when “organic” is already regulated through the Federal *Organic Products Regulations* (2009)?**

Answer: The Federal *Organic Products Regulations* (2009) made certification to the Canada Organic Standards mandatory for any organic claim on products being marketed across provincial or Canadian borders. However, these regulations do not provide oversight of organic claims for products produced and marketed **within** a province. Consequently, the NB Organic Grade Regulation was created to provide a provincial regulatory framework for those products.

This regulation will make sure that NB producers and processors of organic products sold in NB are produced and/or processed in accordance to the Canadian Organic Standards.

This regulation will also protect consumers and organic producers and processors that have valid organic certificates against individuals who make unsubstantiated or fraudulent organic claims.

**2. Do small scale NB farmers and processors selling their organic products directly to consumers through their local Farmers Market and/or through their Community Supported Agriculture’s (CSA) weekly basket program need to have a valid organic certificate?**

Answer: Yes, it is a requirement under the NB Organic Grade Regulation that all NB farmers and processors, large and small, have a valid organic certificate for their products.

**3. Who certifies the products as organic?**

Answer: A third party organization called a certification body is used to verify that a farm product is produced or processed according to the Canadian Organic Standards. The third party organization must be accredited or recognized by the Canadian Food Inspection Agency in accordance with the Federal Organic Products Regulations.

**4. Do restaurants operating in NB need to be certified organic in order to have a product listed as organic on their menu?**

Answer: No, the restaurants do not need to be certified. However, restaurant operators are encouraged to make sure valid organic certificates exist for all NB products they sell and advertise as organic.

**5. Do NB processors who make organic products with multiple ingredients need to have a valid organic certificate in order to sell their organic products within NB?**

Answer: Yes, these processors must have an organic certificate for the organic products they sell in NB. If retailers are mixing together multiple ingredients to create a unique product in-store to be sold as organic, that is considered processing and therefore the retailer must have an organic certificate for those organic products sold in NB.

**6. What if the product is made with ingredients from NB and from outside NB?**

Answer: Yes, these processors must have an organic certificate for the organic products they sell in NB.

**7. Do all retail stores, including small retailers, operating in NB need to be certified organic in order to sell organic products grown or processed in NB?**

Answer: No, retail stores do not need to be certified. However, retailers are encouraged to make sure valid organic certificates exist for all NB products they sell and advertise as organic.

**8. Do NB retailers involved in the repackaging of NB organic products need to be certified organic in order to sell their products as organic within NB?**

Answer: No, however, these retailers must ensure that the products being repackaged as organic products have a valid organic certificate.

**9. Do NB retailers involved in cutting organic items and repacking the need to be certified organic in order to sell these products as organic within NB?**

Answer: Yes, these retailers must have an organic certificate for the organic cut products they sell in NB.

**10. What organizations in New Brunswick are responsible for the implementation and enforcement of the NB Organic Grade Regulation?**

Answer: The NB Farm Product Commission is responsible for implementing, administering and compliance of the NB Organic Grade Regulation. Enforcement will be carried out by NBDAAF Enforcement Officers.

**11. Are NB Farmers Markets responsible for any aspect of the NB Organic Grade Regulation?**

Answer: No, if the NB Farmers Market is not directly involved with the marketing, labeling or advertising of organic products. It is the vendors' responsibility to meet the requirements of the NB Organic Grade Regulation which states that any product produced and/or processed and sold within NB must have a valid organic certificate.

**12. At a NB Farmers Market, a vendor is using the wording "grown organically" on one of its signs but after requesting to see an organic certificate, the grower indicates he is not certified but he does follow the Canadian Organic Standards. Is this vendor allowed to sell or market his product as organic?**

Answer: No, the vendor is not allowed to sell, label or advertise his product as organic. Anyone wanting to market a NB product within the province with the following wording; organic, grown organically, raised organically or any similar words, including abbreviations of, symbols for and phonetic renderings of those words, is required to meet the NB Organic Grade Regulation. If they are unable to provide proof of certification they will be required to remove their signage.

**13. Will the province of New Brunswick intervene in cases which involve organic products imported from other provinces or from outside Canada and sold in NB?**

Answer: No, the province of NB and the NB Farm Product Commission do not have any regulatory authority for organic products that are imported into NB. The NB Organic

Grade Regulation only applies to organic products or multi-ingredients organic products which are produced and/or processed and sold within NB.

**14. Will the NB Organic Grade Regulation add any new requirements for currently certified organic New Brunswick producers or processors who sell products within NB?**

Answer: No, there will be no new requirements, however, producers may be asked to present their valid organic certificates or provide copies to retailers and restaurant operators who purchase and market their products. Producers are encouraged to display their organic certificate at all points of sale.

**15. Will the NB Organic Grade Regulation add any new requirements on certified organic NB producers or processors who export products out of NB?**

Answer: No, there will be no additional requirements. Producers, who export their organic products out of NB, will continue to be under the oversight of the Canadian Food Inspection Agency through the federal Organic Products Regulations.

**16. Will the NB Organic Grade Regulation provide any oversight of New Brunswick farm inputs if they are marketed, labeled or advertised as organic?**

Answer: Due to the nature of some farm inputs labeled as organic, these situations will be dealt with on a case by case basis. It is the responsibility of producers or processors of organic products to ensure that the inputs they use meet the requirements of the Canadian Organics Standards.

**17. Will the NB Organic Grade Regulation provide any oversight of aquaculture products?**

Answer: No, the NB Organic Grade Regulation will not provide this oversight. The Regulation provides oversight of farm products and related multi-ingredient products only.

**18. Will the NB Organic Grade Regulation provide any oversight of products labeled as “natural”, “naturally grown”, “naturally produced”, or “ecological”?**

Answer: No, the NB Organic Grade Regulation only provides oversight of products that are marketed, labeled or advertised as organic or similar wording (grown organically, raised organically or any similar words, including abbreviations of, symbols for and phonetic renderings of those words).

**19. Situations that are noncompliant to the NB Organic Grade Regulation should be reported to whom?**

Answer: If there are reasonable causes to believe that unsubstantiated or fraudulent organic claims have been made for a NB product sold within NB, then the NB Farm Product Commission should be contacted at 506-453-3647.