

**TERMS OF REFERENCE FOR AN ORGANIC COMPLIANCE COMMITTEE  
BETWEEN THE SECRETARIAT OF AGRICULTURE, LIVESTOCK, RURAL  
DEVELOPMENT, FISHERIES, AND FOOD, NATIONAL SERVICE FOR  
ANIMAL AND PLANT HEALTH, FOOD SAFETY AND QUALITY OF MEXICO  
AND THE UNITED STATES DEPARTMENT OF AGRICULTURE,  
AGRICULTURAL MARKETING SERVICE**

The Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA), through the National Service for Animal and Plant Health, Food Safety and Quality (SENASICA) of Mexico and the United States Department of Agriculture (USDA), through the Agricultural Marketing Service (AMS) (“the Participants”),

**CONSIDERING** our interest in working together through an Organic Compliance Committee to take concrete steps to strengthen monitoring and enforcement controls on products labeled as “organic” and to increase the confidence of our stakeholders and consumers as we work toward a future organic equivalence arrangement;

**BEARING IN MIND** our previous signed intention in October 2015 to work toward an equivalence arrangement that would recognize organic production systems in México and the United States for the benefit of producers and consumers while strengthening bilateral technical exchanges and organic trade flows;

Plan to establish an Organic Compliance Committee (hereinafter “the Committee”) under the following Terms of Reference:

1. The Committee is to be responsible for the following functions and for achieving the objectives based on the Program of Work attached to these Terms of Reference:
  - a) The Committee is to meet regularly to monitor the Program of Work and prepare progress reports for Participants.
  - b) Meeting venues are to alternate between Participants. Meetings may take place via video-conference, in which case the Participant that was scheduled to host the meeting will serve as host of the video-conference. The host of the meeting is to act as Chair and should prepare draft joint minutes to be reviewed and accepted by the Participants after each meeting.
  - c) Participants are to decide by mutual consent on the dates, venues, procedures, participants and agendas for meetings of the Committee. These arrangements should be determined in advance prior to each meeting.

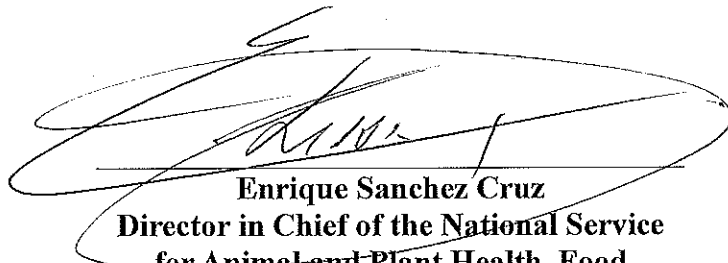
- d) Participants are to invite other relevant trade and regulatory officials to attend the Committee meetings as appropriate in view of the agenda and issues to be discussed.
  - e) Information is to be exchanged in the Committee to ensure that Participants are aware of changes to legislation and regulation, and other aspects of the organic control system within each country.
  - f) The Committee may establish technical task forces on an ad-hoc basis as decided by the Participants. Members of a technical task force are intended to be technical experts from the relevant regulatory agencies or services of each country. The Committee is to provide direction for each task force and establish timeframes for completion of work. A written report from each technical task force may be requested, which is to be submitted to the Committee for its consideration.
  - g) In most cases, Participants are to identify issues for discussion by the Committee by providing information in writing to each other and by placing the issue on the agenda of the next meeting. Participants may identify an issue regarding the organics-related activities of the other Participant. The Participant identifying the issue is to present the information describing the issue in advance of each meeting.
  - h) In cases where a specific issue requires attention before a meeting can be scheduled, Participants may address the issue by, among other options,:
    - i. Encouraging technical discussions between counterpart agencies/services;
    - ii. Holding a teleconference or videoconference of counterpart agencies/services; and,
    - iii. Considering the issue at the next meeting of the Committee.
  - i) If each Participant's organic regulatory system is recognized as equivalent by the other Participant, the Participants are to reevaluate the role of the Committee and determine whether it should continue, be modified or cease to exist.
2. Members of the Committee should include the people with the following roles, their designee(s), and other invitees as decided by the Participants:
- a) From AMS
    - i. Deputy Administrator of the National Organic Program
    - ii. Director, Accreditation and International Activities Division, National Organic Program
    - iii. Director, Compliance and Enforcement Division, National Organic Program

- b) From SENASICA
- i. General Director for Food Safety
  - ii. Deputy Director responsible for Control of Organic Production
  - iii. Department Head responsible for International Regulations on Organic Products
3. For the oversight of the Committee, the Participants plan to assign the Deputy Director for Control of Organic Production, SENASICA, and the Deputy Administrator, National Organic Program.

These Terms of Reference are not intended by the Participants to be an international agreement governed by international law.

The Participant's participation in the activities under these Terms of Reference is subject to the availability of funds, resources, and personnel.

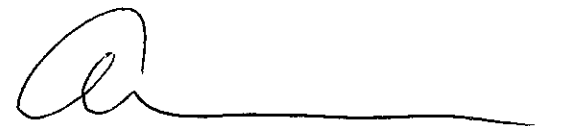
**FROM THE SECRETARIAT OF  
AGRICULTURE, LIVESTOCK,  
RURAL DEVELOPMENT, FISHERIES  
AND FOOD OF THE UNITED  
MEXICAN STATES**



**Enrique Sanchez Cruz**  
Director in Chief of the National Service  
for Animal and Plant Health, Food  
Safety and Quality

Date: Oct. 19 2016

**FROM THE UNITED STATES  
DEPARTMENT OF AGRICULTURE**



**Elanor Starmer**  
Administrator of the Agricultural  
Marketing Service

Date: 10/19/16

## PROGRAM OF WORK FOR THE ORGANIC COMPLIANCE COMMITTEE

The National Service for Animal and Plant Health, Food Safety and Quality, and the Agricultural Marketing Service plan to conduct the following program of work:

1. Actions to strengthen monitoring and controls applicable to organic products:
  - a. Within a period of six months from the date of signature of the Terms of Reference, both countries are to implement the use of import certificates (transaction certificates) for each shipment of product as additional verification measures to organic certification. The certificates should, to the extent possible, anticipate requirements under an equivalence determination.
  - b. Implementation of pesticide residue testing in each country for organic products to identify violations and take appropriate enforcement actions.
  - c. Reporting of results of pesticide residue testing to each other's regulatory authorities and the use of such results to target surveillance and training activities.
2. Actions to foster collaboration on enforcement and compliance:
  - a. Implementation of a system for tracking of complaints<sup>1</sup>/significant findings/non-compliances/actions taken.
  - b. Monitoring of trends in non-compliances and complaints that each country is seeing with a focus on regions and specific products.
  - c. Determination of further training priorities for producers/certifiers.
  - d. Documentation of existing and international best practices for certifier safety.
  - e. Organization of an "equivalence arrangement workshop" for U.S. and Mexican certification bodies to listen to their views and determine the need for:
    - i. Additional resources/training;
    - ii. Defined policies; and/or
    - iii. Additional oversight.

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<sup>1</sup> ISO 17011:2004(E) 3.9. Terms and Definitions, *complaint: expression of dissatisfaction, other than appeal, by any person or organization, to an accreditation body, relating to the activities of that accreditation body or of an accredited CAB, where a response is expected.*