

OIA19-0784 - OIA - Response.pdf

OIA20-0105 - OIA Response Template.pdf

8 November 2011 - New Zealand Request for an equivalence determination.PDF

13 December 2011 - Correspondence from USDA.pdf

16 August 2012 - New Zealand request for an equivalence determination under US National Organic Program.PDF

2 April 2015 - Letter from USDA regarding review of New Zealand materials.pdf

20 October 2015 - Acknowledgement of request for equivalency.pdf

20160824 USDA to MPI equivalence (2).pdf

23 September 2016 - Response to further request for information.pdf

20161121 USDA to Minister.pdf



OIA19-0784

18 FEB 2020

Bill Quinn
bill@organicag.co.nz

Dear Bill Quinn

OFFICIAL INFORMATION ACT REQUEST

Thank you for your email of 27 November 2019 requesting information relating to a statement made in a presentation to the Primary Production Select Committee:

- *Countries with mandatory domestic standards increasingly expect their trading partners to have comparable systems. In the future, this could make maintaining and growing market access with the United States and European Union challenging, and securing access to new markets difficult.*

You also noted there was 'a statement from the Ministry for Primary Industries (MPI) presenter to the same affect.'

You requested the following: *any communication that the Ministry for Primary Industries (MPI) or any New Zealand government department has engaged in (sent or received) with a current organic product trading nation relating to the risk put forward.*

MPI has undertaken a search and has located two letters from the United States Department of Agriculture (USDA), dated 24 August 2016 and 21 November 2016. These letters are released to you under the Official Information Act 1982 (OIA).

Information that is not relevant to your request has been redacted.

New Zealand officials are in ongoing discussions with overseas counterparts. These discussions include, telephone discussions, written correspondence and meetings. This communication can occur both formally and informally, and can often be included in email chains as part of discussions on unrelated subjects. Mentions of this topic may have also occurred over many years. As such, to search through all relevant records would involve substantial collation and research, the remainder of your request is therefore refused pursuant to section 18(f) of the OIA.

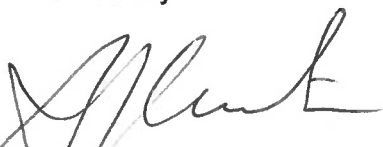
**Policy & Trade
Market Access**

Charles Fergusson Building, 34-38 Bowen Street
Wellington 6140, New Zealand

As you may be aware, the government is currently progressing a national standard for organic production which will support this growing sector. A national standard will give businesses certainty to invest and innovate, as well as give consumers confidence and support our international trade.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Ainsworth', written over a light blue horizontal line.

Steven Ainsworth
Director Market Access



OIA20-0105

Bill Quinn
bill@organicag.co.nz

Dear Bill Quinn

OFFICIAL INFORMATION ACT REQUEST

Thank you for your email of 25 February 2020 requesting information relating to the Ministry for Primary Industries (MPI) response to your previous request (MPI ref: OIA19-0784). Your request has been considered under the Official Information Act 1982 (OIA).

You have requested the following:

I note that the correspondence from The United States Department of Agriculture (USDA) AMS is 'in response to a request for equivalence' and related to a request made in November 2015 by MPI.

I seek a copy of that request to fully understand the context of the statements I originally requested information on.

The following formal correspondence relating to equivalency discussions between MPI and the USDA is provided to you under the OIA:

- 8 November 2011 – New Zealand request for an equivalence determination.
- 13 December 2011 – Correspondence from USDA.
- 16 August 2012 – New Zealand request for an equivalence determination under US National Organic Program.
- 2 April 2015 – Letter from USDA regarding review of New Zealand materials.
- 20 October 2015 – Acknowledgement of request for equivalency.
- 23 September 2016 – Response to further request for information.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision.

Yours sincerely

Steven Ainsworth
Director Market Access

**Policy & Trade
Market Access**

Charles Fergusson Building, 34-38 Bowen Street
Wellington 6140, New Zealand

www.mpi.govt.nz



USDA-AMS Administrator
1400 Independence Avenue, SW
Room 2646-S. Stop 0268
Washington, DC 20250

8 November 2011

Dear Rayne Pegg

New Zealand request for an equivalence determination

Please accept New Zealand's formal application and dossier for an equivalence determination as per the National Organic Program (NOP) Equivalence Determination Procedure. This submission is the continuation of a process that began in 2002, and builds on the long-standing existing relationship that the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) and New Zealand Ministry of Agriculture and Forestry (NZ MAF) has in respect to trade in products labelled as organic.

At that time NZ MAF made application to the USDA-AMS for equivalence recognition of the Official Organic Assurance Programme (OOAP) with the NOP. However, the USDA-AMS advised NZ MAF that it was not possible. In 2002, as an alternative, the USDA-AMS recognised NZ MAF to accredit certification organizations to apply the NOP technical standards to New Zealand agricultural products.

This conformity programme has been operating successfully since then. In 2008 The USDA-AMS conducted a successful onsite review of NZ programme which resulted in NZ MAF remaining in good standing as an Accrediting Body for the NOP.

New Zealand has a robust international reputation for credible trade in agricultural products. Equivalence agreements for trade in products labelled as organic have been established between New Zealand and the European Union, Japan, Taiwan and Switzerland. Trade with Australia is supported by the Australia/ New Zealand Trans Tasman Mutual Recognition Agreement. And the European Commission recently extended the New Zealand equivalence arrangement for an indefinite period.

In addition New Zealand and the United States are collaboratively working with three other countries in order to positively influence the implementation of South Korea's pending "Eco-friendly Agriculture Act".



The conformity assessment agreement together with the strength of our existing relationship should ensure expedient completion of our equivalence negotiations. This would further cement the international reputation of both our countries.

In terms of this equivalence application, the scope is:

- Plant products; for example, fruit, vegetables, seeds, vegetative propagating material, wine made from organic grapes, processed products of plant origin
- Animal products; for example, meat and meat products, dairy and dairy products, honey, bees, other animal products (e.g. unprocessed wool), processed products of animal origin

At stage it is not intended that the equivalence agreement would cover:

- Aquaculture products
- Cosmetic, beauty and personal care products

Attached to this letter is an Annex that provides some background on the programme, and describes the legal basis for the OOAP.

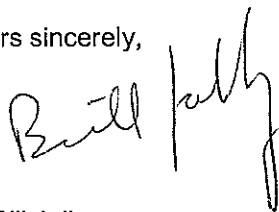
A side by side comparison of the NOP regulations and the OOAP Technical Rules for Organic Production and a description of the technical differences is also provided.

The contact person for this application is:

Dr Janine Collier
Market Access Counsellor (United States)
Ministry of Agriculture and Forestry
PO Box 2526
Wellington 6140
New Zealand
DDI: +64 4 894 2578
Email: Janine.collier@maf.govt.nz

I look forward to hearing from you in the near future on how best we can commence our discussions to progress this work quickly.

Yours sincerely,



Dr Bill Jolly
Manager Import and Export Food

Annex 1. Overview of MAF Official Organic Assurance Programme (OOAP)

Background

The Official Organic Assurance Programme (OOAP) was developed to facilitate trade in organic products exported from New Zealand. It is based on a framework of Standards which set out the requirements for organic operators and Third Party Agencies (TPAs). Overseas market access requirements (OMARs) set the requirements for exporting organic products to specific markets.

MAF recognises organic certifying bodies as Third Party Agencies (TPAs). On-going monitoring of their compliance with the OOAP Standards is undertaken by accreditation bodies and MAF. The TPAs monitor compliance of organic producers with the OOAP standards.

As New Zealand's Competent Authority for primary production, the Ministry of Agriculture and Forestry (MAF) issues official government-to-government assurances for export consignments of organic products where required. Any product submitted for an official organic assurance must also comply with all relevant New Zealand laws, including measures aimed at protecting human health, and biosecurity status of plants and animals, as well as relevant animal welfare provisions.

New Zealand organic exporters have requested MAF seek recognition with overseas markets in order to allow export of organic products to them. As such, New Zealand has reached agreement with a number of markets on the basis of the OOAP.

Legal basis

New Zealand organic producers are required to meet the relevant laws and regulations in place for their production process and commodities that are produced. The OOAP was originally established as, and is still, an OMAR issued under section 60 of the NZ Animal Products Act 1999. However, the OOAP covers a much wider production basis than animal products.

The NZ Fair Trading Act 1986 requires that labelling claims of organic products are truthful.

Relevant laws include:

- NZ Animal Products Act 1999
- NZ Agricultural Compounds and Veterinary Medicines Act 1999
- NZ Food Act 1981
- NZ Wine Act 2003
- NZ Hazardous Substances and New Organisms Act 1996

If organic products are to be exported under the OOAP, then organic producers and operators must meet the requirements of the OOAP as a minimum export standard.

Programme framework

The framework for the official organic assurance programme consists of three outcome based standards¹:

- NZFSA Standard OP1, "Accreditation, Recognition and Performance Criteria for Third Party Agencies' and their Personnel - Organic Products",
- NZFSA Standard OP2, "Third Party Agency Responsibilities - Organic Products", and
- NZFSA Standard OP3, "Registration and Performance Measurement Criteria for Operators - Organic Products".

OP1 and OP2 cover the conformance assessment aspect of the OOAP dealing with the recognised agencies. (this aspect of the OOAP and these standards are not covered in this equivalence determination application)

OP3 covers the operator specific aspects of the programme and includes the Technical Rules for Organic Production as an appendix.

Overseas market access requirements

OMARs set out the market-specific export requirements that must be met. The requirements vary according to the market and are agreed to by the New Zealand Government and the Government of the overseas country.

¹ The OOAP was administered by the New Zealand Food Safety Authority (NZFSA) until NZFSA and the Ministry of Agriculture and Forestry (MAF) merged on 1 July 2010. The organic production standards currently retain the use of NZFSA in the title, and so are referred to as NZFSA Standards to avoid confusion.



Agricultural
Marketing
Service

1400 Independence Avenue, S.W.
Room 2646-South, STOP 0268
Washington, DC 20250-0201

December 13, 2011

Bill Jolly
Manager Import and Export Food
Ministry of Agriculture and Forestry
PO Box 2526
Wellington, New Zealand

Dear Dr. Jolly:

Thank you for the informative discussion about the state of the organic industry in New Zealand and your country's request for organic standard equivalency with the United States. We appreciate and share your desire to mutually benefit from the international flow of organic products. Although we welcome New Zealand's interest in equivalency, we are currently engaged in equivalency discussions with the European Union and our Far East trade partners. Upon completing our current assignments, we look forward to working with the Government of New Zealand to evaluate your important request.

The NOP values New Zealand's continued participation as an authorized foreign country recognized to conduct accreditation body activities on behalf of the US Department of Agriculture. During our meeting we discussed conducting a 2012 on-site review of New Zealand's accreditation activities pursuant to our recognition agreement. We would like to express our interest in scheduling the review during the fourth quarter of 2012. NOP staff will contact you to make those arrangements.

Should you have questions, do not hesitate to contact me or Lars Crail, Accreditation and International Activities Division, at (202) 205-5536 or lars.crail@ams.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Miles V. McEvoy", with a long horizontal line extending to the right.

Miles V. McEvoy
Deputy Administrator
National Organic Program

Cc: Mr. Jason Frost, New Zealand Embassy



16 August 2012

David R. Shipman
USDA-AMS Administrator
1400 Independence Avenue, SW
Room 2646-S. Stop 0268
Washington, DC 20250
United States of America

Dear Mr Shipman

New Zealand request for an equivalence determination under US National Organic Program

In November 2011, New Zealand presented the USDA with a formal application and dossier for an equivalence determination as per the National Organic Program (NOP) Equivalence Determination Procedure.

This submission is the continuation of a process that began in 2002, and builds on the long-standing existing relationship that the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) and the New Zealand Ministry for Primary Industries¹ (NZ MPI) has in respect to trade in products labelled as organic. As an alternative to equivalence recognition of the Official Organic Assurance Programme (OOAP) with the NOP, the USDA-AMS recognised NZ MPI as authorised to accredit certification organisations to apply the NOP technical standards to New Zealand agricultural products.

This programme under the US-NZ recognition agreement has been operating successfully since then. In 2008 USDA-AMS conducted a successful onsite review of the New Zealand programme which resulted in NZ MPI remaining in good standing as an Accrediting Body for the NOP.

We are pleased to present the final document in this NOP equivalence determination dossier – the description of the differences between the NOP and the Official Organic Assurance Programme (OOAP) Technical Rules for Organic Production. The attached Annex: Equivalency Dossier Documents describes the full set of documents USDA-AMS has received from MPI to date.

In summarising the technical differences between the NOP and the OOAP, the document highlights significant differences between production practices in New Zealand and the United States which have important implications when considering differences between these two programmes.

New Zealand has a robust international reputation for credible trade in agricultural products. Equivalence agreements for trade in products labelled as organic have been established between New Zealand and the European Union, Japan, Taiwan and Switzerland. Trade with Australia is supported by the Australia/

¹ On 30 April 2012 the Ministry for Primary Industries (MPI) assumed responsibilities previously assigned to the Ministry of Agriculture and Forestry (MAF), the New Zealand Food Safety Authority (NZFSA), and the Ministry of Fisheries. The new Ministry continues to have responsibility for food safety, biosecurity and animal welfare, along with export standards and official assurances for primary products and food. Existing MAF and NZFSA brands, official seals and logos used on official certificates remain valid. These will be updated at a later date with notification to you well in advance of such changes being implemented.

New Zealand Trans Tasman Mutual Recognition Agreement. Notably the European Commission recently extended the New Zealand equivalence arrangement for an indefinite period.

In addition New Zealand and the United States are collaboratively working with three other countries in order to positively influence the implementation of South Korea's pending "Eco-friendly Agriculture Act" to permit trade in organic products to that market on an equivalence basis.

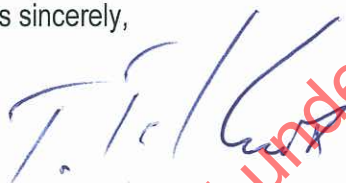
The US-NZ recognition agreement and the programme that underpins that, together with the strength of our existing relationship, should ensure expedient completion of our equivalence negotiations. This would further cement the international reputation of both our countries.

The contact person for this application is:

Dr Janine Collier
Market Access Counsellor
Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand
DDI: +64 4 894 2578
Email: janine.collier@mpi.govt.nz

I hope that you would agree there is a sound basis for New Zealand's case for equivalence with US NOP. I look forward to hearing from you in the near future on how best we can progress our discussions to achieve a favourable equivalence determination quickly.

Yours sincerely,



Tim Knox
Director Market Assurance

Cc: Peter Thomson, Director Plants, Food and Environment, MPI
Neil McLeod, Manager Market Access Coordination, MPI
Janine Collier, Market Access Counsellor, MPI
Jason Frost, NZ Embassy, Washington DC

Annex: Equivalency Dossier Documents

| Filename | Document details |
|---|---|
| 20111111 Equivalency Request letter NOP.pdf | 8 November 2011 letter to USDA. Includes an annex providing an overview of the Official Organic Assurance Programme, legal basis and programme framework. |
| NZ Equivalence application side by side NOP Subpart A.pdf | Side by side comparison of Subpart A of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application side by side NOP Subpart B.pdf | Side by side comparison of Subpart B of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application side by side NOP Subpart C.pdf | Side by side comparison of Subpart C of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application side by side NOP Subpart D.pdf | Side by side comparison of Subpart D of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application side by side NOP Subpart E.pdf | Side by side comparison of Subpart E of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application side by side NOP Subpart F.pdf | Side by side comparison of Subpart F of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application side by side NOP Subpart G.pdf | Side by side comparison of Subpart G of the National Organic Programme Regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |
| NZ Equivalence application key technical differences.pdf | Description of the key differences between the National Organic Programme regulations and the Official Organic Assurance Programme Technical Rules for Organic Production |



1400 Independence Avenue, S.W.
Room 2646-South, STOP 0268
Washington, DC 20250-0201

April 2, 2015

Bill Jolly, Chief Assurance Strategy Officer
Policy and Trade Branch, MPI
Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140
NEW ZEALAND

Dear Dr. Jolly:

Since our December 17, 2014 teleconference meeting, the National Organic Program (NOP) has reviewed New Zealand's submitted materials and request for expanding the current recognition agreement to an equivalency trade arrangement.

Our review identified two issues that require further consideration if our countries are to pursue an organic equivalency trade arrangement:

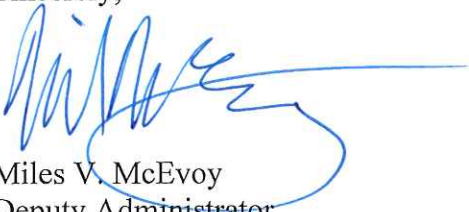
1. The side by side comparison submitted by New Zealand compares the Ministry for Primary Industries (NZ-MPI) Official Organic Assurance Programme Technical Rules for Organic Production (Technical Rules) to the USDA organic regulations. Our equivalency arrangements with other foreign government partners are based on each country's domestic organic standard, not an export organic standard.
2. New Zealand certifying bodies are accredited by two non-governmental accreditation bodies rather than the New Zealand government. Our USDA organic regulation at 7 CFR 205.500 (c)(2) states that under an equivalency agreement, a foreign government authority is to accredit the certifying bodies. It is noted that in the side-by-side comparison provided by New Zealand in 2012 there are no comparable NZ-MPI requirements for accreditation of certifying agents.

I suggest that we schedule another meeting to discuss the above items and to consider the next steps in the process.

We consider New Zealand a strong trade partner and an advocate for organic products in the global market. Thank you for your continued commitment to maintain organic integrity for products that are exported to the U.S. under our current recognition agreement.

If you any questions, please contact Lars Crail in the Accreditation and International Activities Division at Lars.Crail@ams.usda.gov.

Sincerely,



Miles V. McEvoy
Deputy Administrator
National Organic Program

CC: Jason Frost, Technical and Policy Advisor (Market Access), New Zealand Embassy
Cheri Courtney, Director, USDA NOP Accreditation & International Activities Division
Kelly Strzelecki, USDA Foreign Agricultural Service

Released under the Official Information Act 1982



**Agricultural
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**1400 Independence Avenue, S.W.
Room 2646-South, STOP 0268
Washington, DC 20250-0201**

October 20, 2015

Bill Jolly, Chief Assurance Strategy Officer
Policy and Trade Branch, MPI
Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140
NEW ZEALAND

Dear Dr. Jolly:

Thank you for your interest in improving our current organic trade arrangement. We consider New Zealand a strong partner and an advocate for organic products in the global market. We also value New Zealand's commitment to our current recognition agreement which allows for New Zealand products to be certified and marketed as organic in the United States. We acknowledge and appreciate your request for equivalency to recognize each of our countries organic standards and we are committed to facilitating organic trade.

We also appreciate the clarification provided on two points contained in your letter of May 26, 2015: 1) accreditation of certification bodies, and 2) New Zealand's domestic organic standard. Regarding the second point, New Zealand has not established legislation for a national organic standard covering the production and handling of organically produced products sold domestically. New Zealand's Fair Trading Act 1986 protects consumers from misleading and deceptive conduct including those products or services claiming organic status. This Act is administered by the New Zealand Ministry for Business, Innovation and Employment (MBIE) and enforced by the Commerce Commission which is a nongovernmental body. Our current equivalency arrangements with foreign governments are based on each country's domestic organic standard. New Zealand is requesting equivalency based on its Official Organic Assurance Programme (OOAP) which is a program for marketing exported organic products. For the United States to accept a request for equivalency without a corresponding national domestic organic program would be unprecedented.

Nevertheless, we feel that the best path forward is to improve, expand, and better define the terms of our existing arrangement which may lead to an equivalency arrangement. I am confident that we can achieve an outcome that protects organic integrity and supports organic trade.

To start the process we'd like to conduct an onsite assessment of New Zealand's organic program during the first quarter of 2016. The assessment team will assess the existing recognition agreement and review your organic export and domestic systems. The assessment team's report will be our basis for technical discussions with you during 2016 with the goal of creating an updated agreement by December 2016.

Please acknowledge that you would like to proceed with this plan and AMS-NOP staff will contact MPI personnel to begin scheduling and planning for the onsite assessment.

If you any questions, please contact Ms. Penny Zuck, Accreditation Manager, in the Accreditation and International Activities Division at Penny.Zuck@ams.usda.gov.

Sincerely,



Miles V. McEvoy
Deputy Administrator
National Organic Program
Agricultural Marketing Service

CC: Jason Frost, Technical and Policy Advisor (Market Access), New Zealand Embassy
Cheri Courtney, Director, USDA NOP Accreditation & International Activities Division
Kelly Strzelecki, USDA Foreign Agricultural Service
Julia Doherty, Office of the U.S. Trade Representative

Released under the Official Information Act 1982



1400 Independence Avenue, S.W.
Room 2642-South, STOP 0268
Washington, DC 20250-0201

August 24, 2016

Bill Jolly
Chief Assurance Strategy Officer, Policy and Trade Branch
Ministry for Primary Industries - Manatū Ahu Matua
Pastoral House 25 The Terrace, P.O. Box 2526
Wellington 6140
New Zealand

Dear Mr. Jolly:

The U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) National Organic Program (NOP) has completed a review of information submitted by the Ministry for Primary Industries (MPI) in November 2015, with its request for an equivalence determination.

Our review indicates that New Zealand is requesting equivalency based on its Official Organic Assurance Programme, a program for exported organic products. The review also indicates that the legislation with respect to domestic sales of organic products in New Zealand is the Fair Trading Act of 1986, a general statute established to protect consumers from misleading and deceptive conduct and unfair trade practices.

Under the Trans-Pacific Partnership (TPP), the U.S. is obliged to consider accepting as equivalent the standards and regulations of the other country on production, processing and labeling. However, the TPP explicitly provides that a determination of equivalence would rest on whether the standards and regulations of the other country adequately fulfill U.S. objectives for organic. In New Zealand's case, the lack of domestic organic regulations, and the absence of enforcement of specific organic labeling requirements, means that an equivalence would not fulfill U.S. objectives of ensuring that consumer expectations are met and that food labeled as organic are required to comply with consistent regulations.

In the absence of a national organic program and legislation that specifically covers the production, labeling, and selling of product as organic in New Zealand's domestic market, AMS cannot move forward with an evaluation of New Zealand for equivalency at this time. When such a national organic program and legislation is implemented, please consider reapplying for equivalency with us.

[Not relevant to request]

Mr. Bill Jolly

Page 2

[Not relevant to request]

If you have any questions, please contact Cheri Courtney, AMS National Organic Program Accreditation and International Activities Director, at Cheri.Courtney@ams.usda.gov or (202) 720-8491.

Sincerely,



Miles V. McEvoy
Deputy Administrator
National Organic Program
Agricultural Marketing Service

cc: Jason Frost, Technical and Policy Advisor (Market Access), New Zealand Embassy
Cheri Courtney, Director, USDA NOP Accreditation & International Activities Division
Kelly Strzelecki, USDA Foreign Agricultural Service
Julia Doherty, Office of the U.S. Trade Representative



23 September 2016

Miles V. McEnvoy
Deputy Administrator
National Organic Program
1400 Independence Avenue, S.W.
Room 2646-South, STOP 0268
Washington, DC 20250-0201

Dear Miles

Response to your request for further information:

With respect to the additional documentation you have requested to further the USDA's desktop analysis under the existing Recognition Agreement of 2002 there also appears to be some confusion that we perhaps need to clarify before we exchange further information. In essence the overarching structure of our conformity assessment system has not substantively changed since the Agreement was signed (when it was deemed acceptable) and has been audited and found acceptable by your services on several subsequent occasions.

I'll attempt to describe the basic construct again to start the process of trying to narrow down any confusion. MPI formally utilises the services of one of the two national / binational accreditation bodies (of which only one is currently relevant to this process) as part of its recognition process of third party agencies (TPAs). We don't just do this for TPAs involved in the organic programme but also for those we utilise for verification of our dairy regulations, our hands-on meat inspection programme, MPI's own Verification Services and the laboratories that provide analytical services for us. The use of formal ISO accreditation by internationally recognised accreditation bodies is an integral part of the regulatory model utilised by New Zealand government.

The Joint Accreditation System of Australia and New Zealand (JAS-ANZ) is one of the two nationally recognised accreditation bodies which has international standing and intergovernmental recognition as a member of the Pacific Accreditation Co-operation (PAC), the Asia Pacific Laboratory Accreditation Cooperation (APLAC), the International Accreditation Forum (IAF) and the European cooperation for Accreditation (EA). In accordance with the protocols recognised by our respective governments JAS-ANZ is peer reviewed against the ISO 17011 standard by its peers from other countries as per the above referenced mutual recognition arrangements. The list of members of IAF, PAC and APLAC and details of the conclusions of assessments of accreditation bodies against the ISO 17011 standard are available on their respective websites. Of relevance the American National Standards Institute (ANSI), with which we understand the USDA has domestic relationship, is one of the United States' members and signatories to the IAF alongside JAS-ANZ.

While MPI sends a technical expert to participate in the ISO 17020 accreditation assessments that JAS-ANZ does of third party agencies wanting to be recognised by MPI under our OOAP, we do not audit JAS-ANZ against ISO 17011 as this has already occurred in conjunction with the intergovernmental recognised international accreditation mutual recognition agreements. What we

do provide is some of the ancillary criteria to be specifically considered as part of any accreditation for our purposes and then we separately assess and then effectively contractually bind the third party agencies to the deliver the OOAP services on our behalf (including the application of the additional technical standards required by your regulations).

The New Zealand government regards the standardised and internationally peer reviewed way international accreditation bodies operate to be robust and transparent. We believe this system offers, in conjunction with further government input, superior and more internationally comparable calibrations than any assessment by a competent authority which operates independent of the standardisation agreements referenced above. Accordingly our system as currently accepted under our Recognition Agreement has never been based on MPI's own documentation being in conformance with ISO 17011 (that is the prevue of JAS-ANZ) and so your requests for information in this format would appear outside the scope of the current Recognition Agreement. In fact your request for additional information has the appearance would appear to resemble a renegotiation of what is currently accepted in the Recognition Agreement, rather than a review and audit of what has already been agreed between the two governments. I trust this isn't the intent.

What we can do, if it would help, is take your staff through how we exert control so as to ensure product certified out of the system is assured of being in conformity with the agreed requirements and any additional technical standards of the NOP (as per CFR Part 205). To this effect I wonder whether a teleconference with our respective experts could help this process? We are keen to help and work with your staff but we think some of the issues discussed above need clarifying first.

Yours sincerely



Dr Bill Jolly
Chief Assurance Strategy Officer

Cc New Zealand Embassy, Washington DC
Jacqui Bird, Manager Food Production and Processing



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

NOV 21 2016

His Excellency
Tim Groser
Ambassador
Embassy of New Zealand
37 Observatory Circle, N.W.
Washington, D.C. 20008

Dear Mr. Ambassador:

At your earliest convenience, please forward the enclosed letter to Minister of Primary Industries and Racing, Nathan Guy. We have also sent an electronic copy of the letter to the U.S. Embassy in Wellington. I greatly appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexis Taylor".

Alexis Taylor
Deputy Under Secretary
Farm and Foreign Agricultural Services

Enclosure



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

NOV 21 2016

His Excellency
Nathan Guy
Minister of Primary Industries and Racing
Wellington, New Zealand

Dear Mr. Minister:

[Not relevant to request]

[Redacted text block]

[Redacted text block]

[Redacted text] On August 24, 2016, USDA's
Agricultural Marketing Service (AMS) and the National Organics Program (NOP) sent your
Ministry the results of a desk audit outlining the additional regulatory components needed to
obtain an equivalence determination. [Not relevant to request]

[Redacted text block]

[Redacted text block]

Sincerely,

Alexis Taylor
Deputy Under Secretary
Farm and Foreign Agricultural Services