



**CANADIAN SUPPLY CHAIN FOOD SAFETY COALITION**

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**COALITION CANADIENNE DE LA FILIÈRE ALIMENTAIRE POUR LA SALUBRITÉ DES ALIMENTS**

**Submission to the Standing Senate Committee on  
Agriculture and Forestry on Bill S-11: Safe Food for  
Canadians Act**

**27 September 2012**

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Mr. Chairman and Honourable Senators, thank you for inviting the Canadian Supply Chain Food Safety Coalition to appear during your hearings on Bill S-11, the *Safe Food for Canadians Act*. It is a pleasure to be here.

In 2012, your committee is celebrating a worthy achievement - its 40th anniversary. Since being separated out of the mandate of the Banking, Trade and Commerce committee in 1972, it has been an active and forward looking committee. You and your predecessors are to be congratulated.

Bill S-11 represents a long awaited opportunity to modernize Canada's federal food safety legislation and regulations.

However, prior to discussing the Bill, I would like to take a minute to introduce our organization.

The Coalition was formed in December 2000 and incorporated in 2007 to act as "*a single strong voice for Industry along the food chain, with the public and government on industry-wide food safety issues*".

Our membership is composed of national, provincial and regional associations involved in the agri-food industry and of individual companies that provide services to the industry. A list of the members is appended to this submission.

As of today, the Coalition has 38 member organizations - 28 national and 3 provincial or regional association as full members and 7 allied members. The latter are companies providing food safety audit, certification and consulting services to food businesses.

Our association members represent businesses at every link in the food supply chain from input suppliers through primary production, transportation, processing, manufacturing, distribution and importing to final marketers at export, retail and food service.

Our **Vision** is that:

*"Canada's agriculture, aquatic and food industry will have a world-class reputation for producing and selling safe food."*

Our **mission** is:

*"To facilitate, through dialogue within the food industry and with all levels of government, the development and implementation of a national, co-ordinated approach to food safety to ensure credibility in the domestic and international marketplaces".*

Over the past eleven (11) years, we have been actively involved in consultations with ministers and with officials at all levels (federal, provincial and territorial) and in intra-industry discussions about the future shape of Canada's food safety system.

To meet its members' needs, the Coalition also undertakes:

- monitoring and analysis with a particular focus on Canadian and International trends;
- policy development either with its members or with other stakeholders ;
- advocacy; and
- special projects, such as our current project on food safety auditor qualifications and competencies.

In addition, because we are the only Canadian organization that includes members from all segments of the food supply chain, the members have assigned the Coalition a responsibility in pandemic/ emergency/critical infrastructure planning.

## **1. Food Safety Modernization – Global Trend:**

Honourable Senators, over the past decade or so, many of our trading partners, developed and developing countries alike, have established new food safety strategies and implemented major changes in their food safety legislation and regulations. Some examples include:

- Australia (2001)
- EU (27 countries) (2003)
- Japan (2003))
- India (2006 & 2011)
- Peru (2008)
- Chile (2008)
- Mexico (2008 & 2009)
- China (2006 & 2009)
- Turkey (2010)
- US – Food Safety Modernization Act (2011)
- New Zealand (expected in 2012)

All these legislative initiatives are based on a full supply chain (farm to fork) approach and incorporate at their core the requirement that all food businesses implement preventive controls using HACCP or HACCP-based requirements.

Many of these modernization initiatives go much further. Australia and New Zealand, for example, established a joint mechanism for developing food standards. And, in Australia itself, the commonwealth and state and territorial governments, have put in place a process for harmonizing food safety regulations at both levels. Since 2002, we have been

advocating that Canada's governments consider this approach to achieve a harmonized, integrated national food safety system.

From a trade perspective, both as a source of imports and a destination of exports, the new US initiative is particularly important. With the passage and on-going implementation of the 2011 *Food Safety Modernization Act*, the US will push its food safety legislative and regulatory requirements well beyond its borders. Initiatives respecting preventative controls (HACCP and HACCP-based), food defense, traceability, registration, importer responsibilities, 3<sup>rd</sup> party certification, etc. – are now putting pressure on Canadian food businesses exporting to the US. Indeed, it is not just these companies, but their suppliers as well, that will be swept into the new “mandatory” environment. These changes will have ramifications in our domestic market for years to come.

## **2. Bill S-11, Safe Food for Canadians Act**

Honourable Senators, Bill S-11 is important. It sets the stage for the modernization of Canada's food safety legislative and regulatory framework - a long overdue exercise.

Bill S-11 is, however, not just food safety legislation. As its long title indicates, S-11 deals with:

- Inspection;
- Labelling and advertising;
- Import, export and interprovincial trade of food commodities;
- Establishment of standards for food commodities and establishments; and,
- Registration and/or licensing of persons and establishments.

Indeed, close reading of the Bill reveals that it is about a great deal more than even its title suggests. Some would say that it is really a “federal food quality and safety” Act. This is not a criticism, just a statement of the facts.

## **3. Inspection**

At its core, Bill S-11 is about inspection and enforcement. In this it is very similar to previous bills (C-80 in 1999 and C-27 in 2005). The bill consolidates and harmonizes the inspection and enforcement powers from the *Fish Inspection Act*, *Meat Inspection Act*, *Canada Agricultural Products Act*, and the food provisions of the *Consumer Packaging and Labelling Act*. And, it extends these requirements to all food businesses involved in interprovincial trade, imports and exports.

The Coalition's members consider this to be a very positive step.

A harmonized set of inspection powers and enforcement tools should facilitate both training and implementation. It will be the basis for the Agency's inspection modernization initiative. And, it will, hopefully lead to a higher level of consistency across the country and from facility to facility.

The Bill also provides for new offences related to tampering, threats and communicating false or misleading information. These inclusions are long overdue.

#### **4. Regulations:**

Bill S-11 is also about providing the Governor in Council with the authority to make regulations (Subsection 51(1)). Most of these provisions are carried over from the existing Acts. There are, however, some very important new provisions concerning food safety. These include:

*(g) respecting quality management programs, quality control programs, safety programs or preventive control plans or any other similar programs or plans to be implemented by persons who conduct any activity regulated under this Act;*

*(s) respecting the accreditation of persons, bodies, facilities or laboratories in Canada and elsewhere and the recognition of their activities or findings;*

*(t) respecting the recognition of systems of inspection, certification, manufacturing, preparation, storage, packaging, labelling or testing;*

*(v) respecting the traceability of any food commodity, including regulations requiring persons to establish systems to*

*(i) identify the food commodity,*

*(ii) determine its places of departure and destination and its location as it moves between those places, or*

*(iii) provide information to persons who could be affected by it;*

These and other sections raise more questions than they answer.

#### **5. National Food Safety Strategy**

As stated in my introduction, the Coalition has for the past 11 years been asking governments (federal, provincial and territorial) to develop "a national, co-ordinated approach to food safety to ensure credibility in the domestic and international marketplaces".

Bill S-11 provides a strong legislative framework for a new inspection and enforcement regime and a new and apparently comprehensive "toolkit" for creating regulations.

However, the Bill has been put forward without a clear statement as to how this framework and toolkit are to be used. No road map or strategy has been articulated by the government. This is of great concern to the members of the Coalition.

We have given considerable thought to what such a strategy should look like. In 2009, we developed a set of four principles and a number of suggestions concerning the approach that Canada should take<sup>1</sup>. Our principles are:

**Principle #1:** *Food safety is a shared responsibility of all participants in the supply chain, input suppliers, businesses involved with the production, processing, manufacturing, importing, distribution, retailing and marketing of food, all levels of government and consumers;*

**Principle #2:** *Governments at all levels, the agri-food industry and other stakeholders should foster and facilitate the development of an integrated, co-ordinated, and national approach to food safety policy and regulation based on sound scientific risk assessment and risk management principles and on international standards.*

**Principle #3:** *Industry and government food safety initiatives should encourage the implementation of HACCP and/or HACCP-based food safety systems by businesses all along the supply chain.*

**Principle #4:** *Food businesses, governments and other stakeholders have a responsibility to adequately resource, proactively manage, update, maintain and continually improve their individual and collaborative food safety systems and food safety initiatives.*

In June of 2009, we presented our ideas to the Subcommittee on Food Safety in the other place. That Subcommittee endorsed our principles and our recommendation for a National Food Safety Strategy by stating that:

*“Governments at all levels, the agri-food industry, and other stakeholders should be invited to participate in and facilitate the development of an integrated, co-ordinated, and national approach to food safety policy and regulation based on sound scientific risk assessment and risk management principles and on international standards.”*

We were also pleased that the Subcommittee also restated our declaration that:

*Canadians, no matter where they reside or purchase their food, are entitled to the same level of assurances about its safety, assurances that should be based on*

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<sup>11</sup> A National Strategy for Industry-led Food Safety Programs (CSCFSC 2009) in English and French at [www.foodsafetycoalition.ca](http://www.foodsafetycoalition.ca)

*common standards and expectations. A corollary of this statement is that agri-food businesses within each link of the supply chain should be asked to operate according to common standards and expectations within and amongst the responsible jurisdictions. Our expectation of imported food products should be, as a matter of course, the same as we would expect from our national system.*

We cannot overemphasize the importance of moving forward now, while Bill S-11 is before Parliament, to develop a National Food Safety Strategy.

The federal government has recently recognized this need. and accepted our offer to work with together on a strategy document.

Since your hearings commenced we have held several preliminary meetings with officials.

We are now working our way through a set of substantive questions.

We hope that this collaborative initiative will provide a “vision”, a “roadmap”, a “strategy” and clarify how the new legislation and the new “toolkit” of regulatory powers will be used.

## **6. Additional Concerns:**

In reviewing Bill S-11, our members have identified a number matters that are uncertain or confusing. Several of these have been mentioned in earlier presentations to your committee:

- Access to computers and computer data by inspectors (paragraph 24(2)(e)).
- The rules around “incorporation by reference” (Clause 52) and how consultations will be conducted and how transparent the process will be.
- The meaning of outcome-based requirements and the future role of Agency manuals, policy statements, etc. under a single regulation.
- Unintentional or unavoidable contamination that does not pose a threat to human health (an issue that also concerns Section 4 of the *Food and Drugs Act*).
- Which parts of the food chain will be included under the Act and when. This is particularly the case with the primary sector which would be covered by the new definition of “food commodity” (Clauses 2.).
- Licensing and registration – what will be covered and how will they work. (Clauses 20, 21,22)
- Prohibitions on imports that are currently admitted for reprocessing for either domestic use or re-export (Clause 4, 10(3) etc.).

Others concerns that we have identified include:

- The future role of the on-farm food safety and post-farm food safety programs developed collaboratively by industry with the federal government over the past two decades.

- Harmonization with the new requirements of the US Food Safety Modernization Act, especially for the many firms that will be required to comply with it to retain their market access south of the border.

Some of these issues have been framed in the context of potential amendments. Others have been put forward as questions. In either case we urge you to give them serious consideration in your hearings and during clause by clause review.

We would note that in some of these areas industry is starting to get answers from CFIA. The Agency is engaged in several wide-ranging consultations (e.g. import controls, inspection modernization, feeds and fertilizer regulatory reform, ingredient labelling, etc.). Unfortunately, these answers are not always consistent. This is a matter that has been drawn to the attention of the Agency's senior management and it is a matter that we are confident they will shortly resolve.

## **Conclusion**

In conclusion the Canadian Supply Chain Food Safety Coalition would like to thank the Committee for asking it to make this submission.

Our first priority is that Canada will have a world-class reputation for producing and selling safe food.

To achieve this vision we must put the principles that we have articulated into action. This requires industry and governments to work both together and within their own spheres.

To ensure that this collaborative effort is successful, we need a clear national food safety strategy and the legislation and regulations to underpin it.

Bill S-11 provides a good legislative base.

The dialogue that has now started between government and industry should provide the strategy and lead to good regulations.

Then, the heavy lifting of implementation of a modern food safety regime will need to move into high gear. That too will require co-operation, collaboration and investment by both industry and government.

As a final point, we would like to say on behalf of our members that the Coalition is ready to engage further with this Committee if you need additional information..

Thank you

Albert Chambers  
Executive Director



## **Membership –September 2012**

### **National Organizations (28)**

CropLife Canada  
Canadian Animal Health Institute  
Canadian Trucking Alliance  
Canadian Federation of Agriculture  
Canadian Hatching Egg Producers  
Turkey Farmers of Canada  
Chicken Farmers of Canada  
Egg Farmers of Canada  
Canadian Pork Council  
National Cattle Feeders Association  
Dairy Farmers of Canada  
Canadian Horticultural Council  
Canadian Produce Marketing Association  
Baking Association of Canada  
Canola Council of Canada  
Canadian National Millers Association  
Canadian Meat Council  
Canadian Poultry & Egg Processors Council  
Further Poultry Processors Association of  
Canada  
Dairy Processors Association of Canada  
Fisheries Council of Canada  
Food and Consumer Products Canada  
Food Processors of Canada  
Canadian Association of Importers and  
Exporters  
Canadian Association of Regulated Importers  
Retail Council of Canada  
Canadian Federation of Independent Grocers  
Canadian Restaurant & Food Service  
Association

### **Provincial/Territorial Groups (3)**

Alberta Egg Producers Council  
Ontario Produce Marketing Association  
Small Scale Food Processors Association

### **Allied Members (7)**

AIB International  
Guelph Food Technology Centre  
Jackie Crichton Consulting  
NSFI Canada  
QMI-SAI Global  
SGS Canada Inc  
GS1 Canada