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Committee on Sanitary and Phytosanitary Measures

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MODERNIZING CANADA'S FOOD SAFETY REGULATORY FRAMEWORK

COMMUNICATION FROM CANADA

The following communication, received on 13 October 2016, is being circulated at the request of the Delegation of Canada.

1. Recent decades have seen significant changes in the global food environment. Advances in science and technology, the emergence of highly integrated food supply chains and changing consumer preferences, require Canada's federal food regulatory system to keep pace in order to protect the health of Canadians. As a result, since 2012 Canada has undertaken several initiatives to modernize its food safety framework. After several years of consultation, Canada plans to introduce the proposed *Safe Food for Canadians Regulations* (SFCR) for domestic and international consideration. Canada's proposed regulations would establish consistent, prevention-focused requirements for food that is imported or prepared for export or inter-provincial trade. The proposed Regulations would consolidate existing commodity-based regulations into a single and more outcome-based food regulation under the *Safe Food for Canadians Act* (SFCA). Some requirements would be phased-in to reflect business size, and different levels of industry readiness. Plain language tools and guidance would be provided to support small businesses that are involved in importing food, or preparing food for export or for interprovincial trade in meeting the requirements.

2. In developing the proposed Regulations, the Government of Canada has consulted broadly with both domestic and international stakeholders. Canada has kept WTO Members informed of the proposed Regulations through an information session held on the margins of the July 2014 WTO SPS Committee meeting, and through the following notifications to the SPS Committee:

- G/SPS/N/CAN/700 (8 July 2013) - A New Regulatory Framework for Federal Food Inspection: Discussion Document;
- G/SPS/N/CAN/700/Rev.1 (5 June 2014) - A New Regulatory Framework for Federal Food Inspection: An Overview of Proposed Regulations; and
- G/SPS/N/CAN/938 (2 June 2015) - Options for Reducing Burden for Micro and Small Businesses.

3. Canada intends to notify the draft SFCR to the WTO in the coming months and will be providing Members with a 90 day comment period. Canada also intends to hold an information session for Members in Geneva in winter 2017 to provide additional information and answer questions from interested Members. Canada commits to keeping Members apprised on the SFCR throughout their implementation.

Background Information

4. Supporting public health and instilling confidence in Canada's food system remains a key priority for the CFIA's Food Safety Program. This program is governed by the *Food and Drugs Act*, along with four other pieces of legislation: the Canada Agricultural Products Act (CAPA), the Consumer Packaging and Labelling Act (CPLA), the Fish Inspection Act (FIA), and the Meat Inspection Act (MIA).

5. The regulatory framework underpinning the CFIA's Food Safety Program is comprised of 13 different regulations (plus two additional regulations: the *Food and Drug Regulations* and *Consumer Packaging and Labelling Regulations*). These include regulations made under the CAPA, FIA, and MIA which cover nine food commodities (i.e., dairy, fish and seafood, fresh fruit and vegetables, honey, maple products, meat, processed eggs, processed (fruit and vegetable) products, and shell eggs).

6. For each of these food commodities, the CFIA operates separate food safety, consumer protection, and inspection programs. There are additional requirements for foods found in the Licensing and Arbitration Regulations (LAR), the Livestock and Poultry Carcass Grading Regulations, the Icewine Regulations, and the Organic Products Regulations, 2009.

7. When it comes fully into force, the SFCA will repeal and consolidate the CAPA, FIA, MIA and the food related provisions of the CPLA. The proposed SFCR would establish consistent, prevention-focused requirements for food that is imported or prepared for export or inter-provincial trade. The proposed SFCR would consolidate 13 food commodity-based regulations plus the food-related provisions of the *Consumer Packaging and Labelling Regulations* (CPLR) into a single food regulation under the (SFCA).

8. The current requirements have not been regularly updated or streamlined since the CFIA's creation in 1997. As a result, requirements for federally-regulated food vary by commodity, and some food safety requirements do not reflect advances in technology, science and food safety best practices.

9. These differing approaches among food sectors pose a significant challenge to the CFIA's goal of managing risks consistently across different types of establishments and foods. Differing approaches also mean that businesses involved with multiple food commodities need to meet varying requirements in different regulations which places an additional burden on these stakeholders.

10. The proposed Regulations would establish three key food safety elements: licensing, traceability, and safety requirements related to the preparation of food and preventive control plans. These elements represent the most transformational changes to the food inspection framework and would apply to all food that is imported, or prepared for export or inter-provincial trade.
