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CFIA Launches a New Series of Consultations on Food Safety and Inspection Modernization

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Report Highlights:

The Canadian Food Inspection Agency launched a new series of four consultations on: inspection modernization, food regulatory framework, incorporation by reference and private certification. The deadline for submitting comments varies by consultation, but falls within the range July 1-28, 2014.

A New Food Regulatory Framework

The Canadian Food Inspection Agency (CFIA) is moving ahead with a second series of consultations on the new food safety regulatory framework. The process was launched over a year ago and is linked to the requirement of developing new regulations under the Safe Food for Canadians Act, adopted back in November 2012.

This new set of consultations is a continuation of those that took place in 2013 and builds upon the feedback offered by stakeholders during those exercises. At this point, three areas are submitted for a new round of feedback collection:

- An overview of proposed new food regulations
- Incorporation by reference
- The use of private certification in regulatory oversight

Please find below additional information about each of these consultations and the deadline for submitting comments.

An Overview of Proposed New Food Regulations

CFIA is seeking feedback on [A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations](#). This document provides an overview of the proposed regulatory framework and an early look at the preliminary text for some key elements of the proposed regulations, such as licensing, traceability requirements and preventive control plans. The document builds on feedback collected during earlier rounds of [consultation](#). CFIA has to develop new food regulations as mandated under the *Safe Food for Canadians Act*.

► How to get involved?

Interested parties may provide comments by [email](#) to:
CFIA-Modernisation-ACIA@inspection.gc.ca .

Correspondence should clearly indicate "A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations" in the subject line.

When commenting, CFIA asks stakeholders to consider:

- the benefits of the proposed approach,
- any gaps that may not have been addressed,
- challenges that may exist in implementing this approach,
- what the Agency can do to mitigate these challenges, and
- what you could do to mitigate these challenges.

Comments must be provided by **July 21, 2014** to be considered as the CFIA prepares to pre-publish the proposed regulations in *Canada Gazette, Part I*. At that time, stakeholders will be able to comment on the full set of proposed regulations for 75 days. CFIA indicated that publication in *Canada Gazette I* should take place before the end of December 2014.

Incorporation by Reference

Another aspect related to drafting new food regulations is the concept of “incorporation by reference”.

The incorporation of documents by reference is a drafting technique that brings the content of a document into a regulation, without the need to reproduce the document in the regulation itself.

CFIA is currently considering guiding principles in its approach for choosing the documents to be recommended for incorporation by reference, specifically under the new *Safe Food for Canadians Act*. The new Act provides explicit authority for the incorporation of any document, regardless of its source, into the regulations.

As such, the CFIA is seeking feedback from stakeholders on its "[Incorporation by Reference](#)" discussion document. This discussion document is intended to signal to stakeholders how the CFIA will choose documents to be recommended for incorporation by reference in regulations.

► How to get involved?

Interested parties may provide comments by [email](mailto:CFIA-Modernisation-ACIA@inspection.gc.ca) to:
CFIA-Modernisation-ACIA@inspection.gc.ca .

Correspondence should clearly indicate "Incorporation by Reference" in the subject line.

When commenting, CFIA asks stakeholder to also consider the following questions:

- Do the approaches proposed with respect to choosing the appropriate documents for incorporation seem appropriate?
- Do the guiding principles proposed for keeping both internal and external documents up-to-date strike an appropriate balance between flexibility and responsiveness, and ability for stakeholders to provide input?

Comments must be provided by **July 28, 2014**.

The Use of Private Certification in Regulatory Oversight

Finally, a third piece related to the development of the new food regulations, and currently submitted for consideration by stakeholders, is the use of private certification to inform regulatory risk-based oversight. Private certification schemes are formal, documented food safety systems that are developed and administered by the private sector. For a company to achieve certification to a private scheme they

must meet specific requirements that are often designed according to internationally accepted standards for food safety.

CFIA is currently looking to enhance its approach to risk-based oversight by assessing industry's use of private certification schemes. As such, the CFIA is seeking feedback from stakeholders on its discussion paper entitled "[Use of Private Certification to Inform Regulatory Risk-Based Oversight](#)". While new, relevant, reliable information will enable improved decision-making, the CFIA recognizes that all schemes are not equal, therefore will look at each individual scheme from the perspective of its regulatory requirements. As part of the process the Agency may also use this information to conduct better planning in the allocation of its resources. This discussion paper is a first step in generating feedback on the Agency's early thinking on formalizing its approach to leveraging industry's use of private certification schemes.

► **How to get involved?**

Interested parties may provide comments by [email](#) to:

CFIA-Modernisation-ACIA@inspection.gc.ca .

Correspondence should clearly indicate "Use of Private Certification to Inform Regulatory Risk-Based Oversight" in the subject line.

CFIA asks stakeholder to also consider the following questions:

- Should the Agency consider leveraging industry's adoption of private certification schemes to:
 - help achieve public policy objectives related to consumer protection, specifically, composition and labelling? If yes, to what extent?
 - inform the upcoming preventive control plan requirement associated with the *Safe Food for Canadians Act* and regulatory requirements? If yes, to what extent?
 - inform other areas of work beyond the concept proposed in the discussion paper?
- Should the CFIA consider the Global Food Safety Initiative benchmarking process in its assessment of private certification schemes? If yes, to what extent?

Comments must be provided by **July 28, 2014**.

A New Integrated Agency Inspection Model

In a process that runs in parallel with developing new food regulations, the CFIA is revisiting its approach to inspection in general. The Agency argues that new technologies, tools and a stronger approach to inspection are needed to properly manage today's risks. The CFIA has therefore designed a single and consistent approach to inspection that will be applied across all regulated commodities, be they food, plant or animal and whether imported, produced domestically or exported.

The two processes, legislative and inspection modernization complement one another. The *Safe Food for Canadians Act* provides the legal framework for consistent regulatory requirements and inspection approaches across all food. In addition, the *Agricultural Growth Bill*, which was tabled in the Canadian Parliament on December 9, 2013, will help in modernizing plant and animal legislation. CFIA considers that together, these two pieces of legislation will provide a more consolidated legislative framework and the basis for a consistent approach to inspecting regulated commodities. They will allow the Agency to more consistently manage risk, more effectively deliver inspection activities, achieve greater industry compliance and better protect consumers.

In addition, regulatory modernization complements [inspection modernization](#), the new legislation and [Agency Transformation](#). In this context, the CFIA is undertaking a review of its regulations for food safety, plant and animal health to improve their consistency, reduce their complexity and strengthen consumer protection.

Therefore, the CFIA is currently strengthening its approach to inspection. The new integrated model expands the previous [Improved Food Inspection Model](#) from food safety to human, and animal and plant health. The [new document submitted for consultation](#) is called:

[Draft Integrated Agency Inspection Model \(iAIM\)](#)

The CFIA also released few other documents to complement the consultation paper:

1. [Discussion paper on the Integrated Agency Inspection Model \(iAIM\)](#)
2. [Questions and answers: Integrated Agency Inspection Model \(iAIM\)](#)
3. [Case for Change II](#)

The CFIA indicates it will phase in the new inspection model in increments through a series of interrelated initiatives involving inspection and legislative modernization as well as business transformation. The CFIA is currently redesigning the business functions necessary to support the core components of the model as they relate to permissions, CFIA oversight, inspection, regulatory response and systems performance. Implementation planning is underway and will be communicated on an ongoing basis via the Agency Transformation page on the Agency's website.

► **How to get involved?**

Interested parties may provide comments by [email](mailto:CFIA-Modernisation-ACIA@inspection.gc.ca) to:
CFIA-Modernisation-ACIA@inspection.gc.ca .

Correspondence should clearly indicate "draft integrated Agency Inspection model" in the subject line.

CFIA asks stakeholders to consider the following when submitting comments:

- the benefits of a common inspection approach,
- any gaps that may not have been addressed,
- challenges that may exist in implementing this model,
- what the Agency can do to mitigate these challenges, and
- what you could do to mitigate these challenges.

Comments must be provided by **July 1, 2014**.