



PUBLIC CONSULTATION ON THE PROPOSED SAFE FOOD FOR CANADIANS REGULATIONS (SFCR)

QUESTIONS AND ANSWERS

ABOUT THE PROPOSAL

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7. Will food businesses have enough time to prepare and implement a Preventive Control Plan and traceability requirements?

ADDITIONAL QUESTIONS

8. Where should stakeholders direct their questions?

ABOUT THE PROPOSAL

1. How would foods prepared and sold within the same province be impacted?

The proposed regulations generally would not apply to foods sold within a province (intra-provincial trade). However, certain traceability, labelling and advertising requirements would apply to businesses selling within a province, such as net quantity declarations and bilingual labelling requirements.

The *Food and Drugs Act* and regulatory requirements that apply to foods sold within the same province are not impacted by the proposed SFCR.

Businesses can find out if they would need a licence, Preventive Control Plan and/or have traceability requirements by using interactive tools at inspection.gc.ca/safefood.

2. How would the proposed regulations impact imported foods and importers?

Importers would be required to meet the same requirements as domestic producers selling food in another province, where applicable, such as obtaining a licence to import food into Canada. In addition, they would be required to work with their foreign suppliers to control any potential risks to the food they import. Importers would be required to have preventive controls in place; they would need to know their food, know their foreign supplier, and clearly articulate in a written plan the steps they take to control potential risks to food. This means being aware of any hazards that pose a risk of contamination to the food, ensuring that their suppliers are using safe conditions to prepare, store and transport their products and keeping this information in a written plan, known as the Preventive Control Plan. Importers would also have to keep traceability records identifying who they purchased food from and who they sold food to, similar to domestic producers.

3. When would the proposed regulations become law?

The outcome of this public consultation will affect the timing of final publication in *Canada Gazette*, Part II (CGII) and the corresponding coming into force.

IMPACT ON TRADE

4. How do the proposed SFCR compare internationally?

The proposed regulations reflect internationally recognized good manufacturing and hazard analysis and control practices principles. By adopting CODEX Alimentarius food safety standards, Canada would demonstrate its commitment to these international standards and best practices.

Many of Canada's trading partners are moving to preventive and systems-based approaches to manage risk and are undertaking regulatory reviews to make preventive controls central components of food safety legislation. They include the US, the European Union, Australia, and New Zealand. The proposed regulations would increase regulatory alignment with these major trading partners.

5. Are the proposed regulations and U.S. food safety rules aligned?

Yes. In 2011, the United States (U.S.) introduced the Food Safety Modernization Act (FSMA) that grants new and expanded authorities to the U.S. Food and Drug Administration (FDA) to enhance the safety of the U.S. food supply. The U.S. FDA has since finalized associated regulations that specify requirements for establishment registration, preventive controls, imports, and traceability. The CFIA and the U.S. FDA have worked together closely during the development of their respective laws and regulations to ensure that policy approaches are aligned. This collaboration has resulted in two proposed food safety regulatory frameworks that emphasize the importance of prevention and industry's primary role in preparing and importing safe food.

Under the new Canadian and U.S. regulations, food businesses will need a licence (issued by the CFIA in Canada) or be registered (by the FDA in the U.S.). Facilities in both countries will need to follow good manufacturing practices, and meet traceability requirements. They will also have to do a hazard analysis of their activities and set preventive controls.

There are some differences between the two sets of regulations because of differences in how Canada and U.S. food safety laws work. For example, the U.S. Food Safety Modernization Act applies to all food facilities that serve the U.S. market, including those located in foreign countries and those who make and sell food within the same state, but it excludes meat, poultry, processed egg products and catfish (because they are subject to a different U.S. law). Canada's *Safe Food for Canadians Act* covers all types of food, but only applies to businesses that import food, export food, or prepare it for interprovincial trade.

Canada and the U.S. recognize the need to support small businesses in meeting the new food safety requirements and are providing assistance through plain language guidance documents, interactive tools, and phased implementation approach.

SUPPORT FOR BUSINESSES

6. Will the proposed regulations place too much burden on importers and small businesses that are not familiar with the CFIA and/or have limited knowledge of preventive controls?

As part of its proposal, the CFIA has addressed small business concerns by providing an exemption from the requirement to maintain a written Preventive Control Plan for businesses in some sectors with gross annual sales of food under \$30,000. Small businesses will also be given additional time to comply with the regulations with staggered coming into force dates. Plain language guidance material and digital tools will continue to be developed to help food businesses in meeting the new requirements.

7. Will food businesses have enough time to prepare and implement a Preventive Control Plan?

Yes. The CFIA recognises the challenges that some small businesses may have in meeting the administrative and compliance requirements related to the proposed regulations. To help address this, a staged implementation approach for coming into force for small businesses to comply with the proposed preventive control requirements has been proposed; refer to the table below.

Table 1: Proposed staggered implementation approach for Part 4 requirements.

	Meat, Fish, Eggs, Processed Eggs, Dairy, Processed Fruit or Vegetable Products, Honey, Maple	Fresh Fruits and Vegetables	All Other Foods >\$30,000 and \geq 5 employees	All Other Foods >\$30,000 and <5 employees	All Other Foods \leq \$30,000
Preventive control measures	Immediately upon coming into force	+1 year	+2 years	+3 years	+3 years
Written Preventive Control Plan	Immediately upon coming into force	+1 year	+2 years	+3 years	Not required ¹

¹ In addition to all other foods, honey, maple, and fresh fruit or vegetable products would not need a written Preventive Control Plan if they have gross annual sales of food that is \leq \$30,000.

To request an export certificate, you must meet all requirements immediately upon coming into force.

ADDITIONAL QUESTIONS

8. Where should stakeholders direct their questions?

Stakeholders can refer to the main consultation page on the CFIA's website to learn more about the proposed regulations – inspection.gc.ca/safefood.

Further questions should be forwarded by phone to 1-800-442-2342 or by email via inspection.gc.ca/contactus.