



November 7, 2014

**Subject:** CPMA comments to the following CFIA consultation documents:

1. **Enhancing Risk Analysis: A more systematic and consistent approach**
2. **CFIA Guidance Documents: Supporting Compliance with the Proposed *Safe Food for Canadians Regulations***
3. **Draft Compliance, Control And Enforcement Framework**
4. **Draft Compliance Promotion Strategy**

**Submitted electronically to:** [CFIA-Modernisation-ACIA@inspection.gc.ca](mailto:CFIA-Modernisation-ACIA@inspection.gc.ca)

CPMA and its members strongly support the regulatory modernization efforts as part of the *Safe Food for Canadians Act* and is pleased to provide the following comments to the four above mentioned consultation documents.

Based in Ottawa, Ontario, the Canadian Produce Marketing Association (CPMA) is a not-for-profit organization representing companies that are active in the marketing of fresh fruits and vegetables in Canada from the farm gate to the dinner plate. CPMA members cover various industries, integrating all segments of the fresh produce industry, including major growers, shippers, packers and marketers; importers and exporters; transportation and logistics, brokers, distributors and wholesalers; retailers, fresh cuts and foodservice distributors, operators and processors. CPMA is proud to represent over 785 domestic and international members who are responsible for 90% of the fresh fruit and vegetables sales in Canada.

**1. Enhancing Risk Analysis: A more systematic and consistent approach** (<http://inspection.gc.ca/about-the-cfia/accountability/consultations/enhancing-risk-analysis/eng/1401877060366/1401877061647>)

CPMA supports, in principle, the proposal by CFIA to establish a “proactive, systematic risk-based approach for its oversight activities”, and the allocation of resources so CFIA oversight activities are proportional to the risks managed for all regulated commodities. However, under the *Safe Food for Canadians Act* and Regulations the Agency’s mandate has been significantly increased; the number of new regulated parties, including importers, fresh produce producers, currently non-registered food manufacturers, etc., will be substantial and significant resources will be required to implement the new food safety regulatory system.

**Specific comments:**

The discussion paper indicates that the Agency’s new systematic approach to risk analysis and oversight will be grounded in the approaches adopted by the Codex Alimentarius Commission for food safety, the World Organization for Animal Health (OIE) for animal health and the International Plant Protection Convention (IPPC) for plant health. **CPMA supports the decision to utilize international, intergovernmental standards and approaches.**

The discussion paper also clearly indicates (Figure 3 (p. 10)) some of the factors that the Agency will take into account in its oversight decision-making process; however, the descriptions (pp. 11-12) of how these factors will be incorporated is, very general and does not provide sufficient information CPMA recommends that a detailed proposal on how these factors will weigh into a decision-making framework be developed in consultation with industry. This will help industry target their efforts, increase certainty and, ultimately, promote compliance.

The paper also mentions that CFIA is developing a Risk Management Strategy and that the risk approach is still under development. **When the proposed final approach has been drafted CPMA would be pleased to provide comments.**

The discussion paper indicates on p.8 that the Agency has developed a pilot program of its “risk assessment model” in meat, poultry and dairy establishments. **CPMA recommends that the Agency publish and circulate the results of this pilot project and, thereafter, re-launch consultations on its approach to risk analysis and oversight in greater detail. CPMA would be pleased to provide further comments at that time.**

**2. CFIA Guidance Documents: Supporting Compliance with the Proposed Safe Food for Canadians Regulations:** <http://www.inspection.gc.ca/about-the-cfia/accountability/consultations/supporting-compliance/discussion-paper/eng/1402209258312/1402209557237>

CPMA supports the CFIA commitment to provide information to stakeholders in the form of Guidance documents (Interpretative and Model systems) to increase understanding of the requirements of the *Safe Food for Canadians Regulations*.

The guidance should include as much interpretative information as possible, including commodity specific information, in plain language and in a user-friendly format. In terms of the example of interpretive guidance, the level of detail in examples is good, but it should be presented in a way that is more navigable and user-friendly. Having detailed legal authorities, compliance rationale and legislative text would be useful for further reading in an annex, but a specific listing of requirements should be spelled out in a plain language document first. Easy reference checklists would be helpful as well. Sample forms and checklists would provide additional assistance and certainty, this promoting compliance. All guidance documents should be developed with and reviewed by stakeholders, including internal guidance and checklists for inspectors. This will promote certainty and, ultimately, compliance. CPMA would be pleased to provide input to the development process.

Both online and personal assistance should be made available to stakeholders.

CPMA will provide comment to the content of the interpretive guidance documents when proposed final drafts have been released.

**3. Draft Compliance, Control and Enforcement Framework:** <http://www.inspection.gc.ca/about-the-cfia/accountability/consultations/compliance-control-and-enforcement/eng/1401991593065/1401991594331>

CPMA is pleased to offer feedback to the consultation document on the Draft Compliance, Control and Enforcement Framework.

Overall the CPMA is in support of the general guiding principles CFIA uses in achieving its compliance objectives. It is important to note that to fulfill its commitment that “Inspection staff are empowered to take appropriate regulatory responses” CFIA must ensure that inspection staff are properly trained (e.g. possess commodity specific training and expertise) and that enforcement powers are commensurate with inspection staff level of seniority in the proposed inspection team strata, to ensure “activities are conducted in the most effective and efficient manner, using rigorous decision-making and implementing consistent and appropriate compliance activities and control and enforcement responses”. To ensure this inspection guidance should be clear and consistent and inspection checklists should be tailored to the commodity or activity being inspected and be made available to industry.

The discussion paper also clearly indicates (p. 5 - 16) some of the tools available and factors that will be taken into account. However, the paper does not provide a clear sense of which tools would be used under what circumstances. For example, when would confiscation be used rather than quarantine (p 11), and what factors would weigh in to what degree? When is removal for examination used rather than on-site verification (p 12)? How, exactly, will the factors listed on page 13 weigh into what enforcement actions will be taken? CPMA recommends that a detailed proposal on which tools will be used under what circumstances be developed in consultation with industry. This will help industry target their efforts, increase certainty and, ultimately, promote compliance. The control and enforcement actions must be proportional to the severity and frequency of the infractions and come into play only after early outreach has failed or cannot address the issue.

#### 4. Draft Compliance Promotion Strategy

<http://www.inspection.gc.ca/about-the-cfia/accountability/consultations/compliance-promotion-strategy/consultation/eng/1401880029211/1401880205823>

CPMA supports

- The main objective of the CFIA's compliance promotion strategy “to increase awareness, improve understanding and foster continuous improvement”
- The CFIA’s objective to develop and deliver compliance promotion tools consistently and to annually review its outcomes and make appropriate adjustments
- The development of guidance documents (with sector specific information), model systems, educational tools, and training, **in collaboration with industry stakeholders** and to provide information in plain language
- Collaborative efforts of CFIA with stakeholders, such as industry and third parties to provide avenues of distribution
- The principle of accessibility with on-line and personal assistance made available to provide consistent interpretation where necessary

The government must continue its support for industry-led and government recognized third-party audited food safety schemes, such as CanadaGAP, along with international food safety standardization efforts or acceptance of equivalency.

CPMA encourages CFIA to work with its provincial and territorial partners to establish regulatory consistency.

Third parties (industry associations, educational institutions etc.), with their broad range of expertise, can assist government in providing the necessary tools and fora for providing guidance, education and training.

To mitigate the challenges faced by **small and medium-sized enterprises** (SMEs) in their ability to achieve compliance, **there must be sufficient resources, financial assistance and funding allocated and made available to assist SME's in their implementation of the Safe Food for Canadians Act and Regulations.**

In its efforts to improve its transparency and increase awareness for stakeholders to make choices, CFIA must ensure that the information shared does not have the unintended consequence of causing a lack of confidence in a particular product, sector of the supply chain, or the agency's ability to regulate.