



Aug 29, 2014

Subject – CPMA draft comments to *Use of Private Certification to Inform Regulatory Risk-Based Oversight* Consultation Document

Submitted to: CFIA-Modernisation-ACIA@inspection.gc.ca

Comment due date: August 29th, 2014

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 on the CFIA *Use of Private Certification to Inform Regulatory Risk-Based Oversight* Consultation Document.

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 790 domestic and international members who are responsible for 90% of the fresh fruit and vegetables sales in Canada.

General Comments:

CPMA appreciates the extension to the comment period given for this consultation document; this has allowed our industry a little more time to conduct a more thorough review of the consultation documents.

CPMA recommends that the CFIA commit to the continuation of the two national recognition programs for Canadian, industry-led food safety certification schemes.

As a developer of a HACCP-based food safety management system for the repacking and wholesale sector of the produce supply chain, (now a component of the CanadaGAP food safety certificate program), CPMA has long been a supporter of industry-led, HACCP or HACCP-based food safety management system certification schemes for the non-registered sector, including farms.

CPMA has supported, at the national and international level, the CFIA-led federal-provincial-territorial initiative to establish national programs to recognize these certification schemes.

As you know, the two national recognition programs (<http://inspection.gc.ca/food/safe-food-production-systems/food-safety-enhancement-program/recognition-program/eng/1299860970026/1299861042890>) were developed during an extensive round of negotiations, starting in 1998, between CFIA, the provinces and territories and representatives of industry associations from all along the supply chain. These recognition programs are built on a rigorous, step-wise process that assesses them for technical soundness and administrative effectiveness. The criteria for the recognition programs include the requirement that the

certified farm or food business be in compliance with all pertinent regulatory requirements and be in conformity with the requirements established as a result of either the rigorous generic hazard analysis or site-specific hazard analysis. In addition, the farm or business must meet the scheme requirements concerning documentation, record-keeping, training, certification

Specific Comments:

1. Assessment Process (p. 6) and Scheme Assessment Requirements (p. 6, 1st bullet 1 and p. 10): The discussion paper outlines three components of a proposed assessment process and three key principles. To the depth that they are described, the steps are moving in the right direction. CPMA supports the suggestion (p. 10) that the new CFIA “assessment approach” for non-Canadian food safety certification schemes apply the same criteria and use a similar review process as the national recognition programs. CPMA would like to note that adequate resources and training to ensure competency of the assessment team will be required to attain success. It will also be important for the process and its results to be as transparent as possible, and for an appeal mechanism to be in place should the assessment results be questioned by interested parties. etc.

2. Outcome of the Assessment Process (p.6, 2nd bullet 2 and p. 7): The discussion paper indicates that the assessment may conclude that a scheme “may partially – or fully, meet some – or all CFIA criteria” and that CFIA will not “recognize or endorse private certification schemes”. However, it is silent on the question as to what the outcome of the assessment process will be. The existing recognition programs have very clear outcomes. After each stage in the review process CFIA issues a Letter of Completion and following the Implementation Assessment, CFIA issues a Letter of Recognition. CPMA requests clarification from CFIA as to the expected outcome of its proposed assessment process. Canadian food businesses will need to know what “status” a private certification scheme has vis-à-vis CFIA’s criteria.

3. Certifying Body Competency (p. 6, 1st bullet 2 and pp. 9-10): The discussion paper proposes that one of the assessment criteria will be that schemes utilize certification bodies that are accredited to an international standard and cites the example of Standards Council of Canada accreditation programs for management system standards. It further indicates that the certification body will need to be “competent to carry out certification in specified food business sectors”. This approach is consistent with the requirements of private sector benchmarking schemes and with existing government recognition programs in the EU, US and other countries. It does vary from current Canadian practice with respect to the recognition of on-farm food safety programs where these schemes can organize their conformity assessment component internally, provided they meet a set of criteria and demonstrate that their assessments are impartial. **CPMA supports including in the new assessment criteria a requirement for certification bodies to be accredited and recommends that the accreditation body be a signatory to the provisions of the International Accreditation Forum’s multilateral agreement respecting the audit and certification of food safety management systems.**

Key to the concept of certification body competency is that of auditor competency and for that matter the competency of the CFIA’s new inspectorate. CFIA is already collaborating with the CFIA is already working with industry on the development of common Canadian competency requirements for private and public sector food safety auditors that meet international expectations. These requirements could become part of the assessment criteria.

4. “continued information sharing” (p. 6, 2nd bullet 3): The discussion paper proposes that for recognized schemes “there will be a need for continued information sharing between certification bodies and CFIA”. No rationale is provided for this. It is to be expected that food safety certification schemes seeking “assessment” would be required to update the Agency about changes to their schemes; indeed, this is a condition of recognition under the existing national programs. However, certification is a matter between the company, the certification body and the scheme. The Canadian recognition programs, reflecting ISO standards respecting

audit and certification (i.e. ISO/IEC 17065:2012 and ISO 22003:2013, which incorporates ISO/IEC 17021:2011), require that recognized schemes ensure that information concerning certifications are publicly available. Requiring assessed or recognized schemes to require the bodies providing certification to enter into a reporting relationship with CFIA require justification and further discussion. CPMA supports the concept of a regulated party being asked to identify if it is certified under a private food safety management system certification scheme at the time of licensing or license renewal.

5. “the CFIA is not proposing to:” (p. 7): The discussion paper states four activities that the Agency will not do. The first bullet point has been discussed above. CPMA supports the proposal that CFIA not “assume accreditation or certification responsibilities” and not “require submission of private certification scheme audit reports”.

With respect to the final bullet respecting imports, CPMA requires clarification. Currently the Agency requires California and Arizona suppliers of leafy greens to Canada to be certified under the *California Leafy Green Products Handler Marketing Agreement* (<http://www.caleafygreens.ca.gov/>) or its Arizona counterpart (<http://www.arizonaleafygreens.org/>). The status of these marketing agreements is unclear – are they government certification schemes or private certification schemes? **CPMA asks for clarification as to whether or not the Agency is proposing to end this requirement and if so, what the rationale for that decision is.**

6. Mutual Recognition (pp. 7-8) and “harmonization” (p. 9): The discussion paper proposes that in situations where “Systems Recognition” has been agreed to and where “a Memorandum of Understanding has been developed regarding private certification scheme assessment” that there could be mutual recognition. **CPMA supports, in principle, the proposal subject to the respective national assessment programs being “comparable” and on the basis that the assessment criteria and processes are transparent and accessible. We encourage the CFIA to enter into MOUs respecting recognition by other countries of Canadian schemes that have been “recognized” through the official recognition programs**

7. Global Benchmarking (p. 11): The discussion paper notes that several global benchmarking systems have developed, including GFSI. These systems have matured and become more transparent over time. CPMA encourages the Agency to compare these benchmarking system requirements to its proposed regulatory requirements, its existing recognition programs and its proposed assessment program, to engage in discussions with them in a transparent manner, and to consider leveraging existing benchmarking systems such as GFSI to expedite CFIA’s proposed regulatory assessment activities

8. Concurrence Approach (pp. 11-12): The discussion paper notes that the Conference Board of Canada has proposed a “concurrence approach” or more simply an alignment of public and private efforts and food safety requirements.

CPMA supports the adoption of this approach to ensure Canada’s food safety regulatory requirements are aligned with international standards and international market expectations for food safety managements systems.