August 29 2014

Subject –Canadian Produce Marketing Association comments to the ***A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations*** **-Consultation Document**

Comment due date August 29 2014

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

CPMA is pleased to provide the following comments on ***A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations*** **-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 and its members strongly support the regulatory modernization efforts as part of the *Safe Food for Canadians Act* and offer the following general comments on the CFIA consultation document entitled ***A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations:***

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 supports the outcome-based approach that regulations are not prescriptive but rather the outcomes are regulated. An outcome-based approach allows regulated parties to adjust to methods of achieving the outcomes described in the regulations and provides flexibility to adjust methods of achieving the outcomes to allow for technological and scientifically validated innovations.

CPMA encourages CFIA to take a collaborative and inclusive approach to total sector involvement in the development of any regulation, policy and programs.

Industry supports a requirement for fresh fruit and vegetable operations to develop, document, implement and maintain a PCP if they send or convey directly to market in other provinces or other countries; however, a risk based, food safety management system should be acceptable as the base for implementation of a

comprehensive food safety program that's founded on preventive controls. (**For on-farm production, one supported example is the GFSI benchmarked CanadaGAP**.)

Industry strongly suggests that the Canadian Food Inspection Agency (CFIA) work with their provincial and territorial counterparts to encourage their adoption of the determined regulations and policies. Doing so will ensure a consistent approach to food safety and eliminate the potential for unnecessary financial burden to the Canadian economy should provincial/territorial regulations not harmonize with the federal requirements.

For consistency of outcomes, regulations should align with trading partners and international standards. There should be recognition of national and international standards and establishment of equivalencies wherever possible.

Mechanisms should be put in place to ensure consistency of inspection and enforcement across all jurisdictions (this would include consistency in inspection training, interpretation, investigation, etc.) and identify means by which industry can identify the inconsistencies and report to CFIA for action to ensure that.

Regulations should not be so onerous as to negatively impact the ability of the produce industry to provide a variety of produce, in both packaged and bulk formats, to Canadian consumers.

CPMA feels there should be early engagement of stakeholders for input to development of any regulations, guidance information and tools and stakeholders should be given ample time to comment and provide feedback.

- **CPMA suggests that the timelines for the consultation in this round were too aggressive for industry to give the due diligence to the proposed regulations and provide thoughtful comments, and as mentioned above appreciates the extension to the comment period granted.**

Government should be working with industry to ensure readiness and ability to comply with new regulations.

- **As the new regulations are promulgated, industry requests that CFIA allow for mechanism to adjust the new regulations/policy as required during this transition.**
- **Unless industry or consumer complaints warrant an earlier review CPMA supports the approach to conduct reviews of regulations on a regular 5 year cycle;; reviews should include stakeholder groups.**

Education/communication is a crucially important point to ensure compliance, including an understanding of the regulations and the guidance. CFIA should work with industry to determine an effective means of accomplishing this. Social media plans can support some information sharing but may not be effective or practical for many industry stakeholders.

The provisions of the SFCA must apply to all fresh fruits and vegetables sold in Canada, whether imported or domestic, conventionally grown or organic with no exemptions for any operation subject to the *Safe Food for Canadians Act*.

All food sectors must be considered concurrently under this initiative. Moving ahead with **the Imported Food Sector (IFS)** regulatory proposal ahead of time would have costly, disruptive and entirely avoidable impacts on

business and consumers. CFIA should have consensus from all sectors before moving ahead. **Definite indication has not been received that the IFS regulation will not go forward ahead of the SFCA/SFCR**

As noted in our comments to the consultation on the Integrated Agency Inspection Model (iAIM) submitted to CFIA on July 1 2014, there are several inconsistencies between **the iAIM** and the ***New Regulatory Framework for Federal Food Inspection*** **consultation document**. CPMA recommends that the inconsistencies should be corrected and the corrections posted on the CFIA website to allow stakeholders the opportunity to submit new or corrected comments based on the corrected versions of the document/s

Specific Comments

1. The Regulatory Framework document (p.6 para.3) states – "the proposed regulations would reflect internationally recognized standards and management-based requirements, including HACCP principles and good manufacturing practices, and would support the implementation of the CFIA Improved Food Inspection Model (iFIM) ** which was developed following extensive consultations in 2012 and 2013. **CPMA suggests that the regulations "recognize as equivalent" internationally recognized standards and management based requirements rather than "reflect" them.**
   Please note that as per the recent consultation on the draft Integrated Agency Inspection Model (iAIM), the iAIM states that the "the iFIM is to become the iAIM".** As noted above, in our submission to the draft *i*AIM consultation on July 1st 2014, CPMA noted several inconsistencies between iAIM and the FFFI; this is one of the inconsistencies.
   - **CPMA requests clarity/confirmation as to which of the documents reflects the language and regulations that will be proposed when ready for Canada Gazette 1?**

2. a) From Annex 3 (2.2) : *For the purpose of the issuance of a licence under paragraph 20(1)(b) of the Act, the prescribed food commodity that is to be exported or to be sent or conveyed from one province to another is a food other than a food additive and a beverage that contains more than 0.5% absolute ethyl alcohol by volume and the prescribed activities are manufacturing, processing, treating, preserving, grading, packaging, labelling and slaughtering of animals from which meat products may be derived.*
   - **Clarification is needed around what is defined as "conveyance" and "sent" in the above and what are the parameters of licensing for those who are solely in the distribution (conveyance/sending) business? Industry does not support the licensing of operations engaged solely in distribution.**

2. b) Re: Annex 3(8 (a) – "A licence becomes invalid if (a) the licence holder is subject to a receivership or makes an assignment in bankruptcy";
   - **CPMA requests clarity relative to licensing where a company is under bankruptcy protection and continues to operate. As this applies to imports also, clarity is required re import licenses under similar conditions.**

3. a) Overall, CPMA is supportive of the single licensing model which supports the delivery of a risk-based inspection service. (iAIM Introduction par.3)

3. **b)** We are supportive of a license application which can be made for each physical location, a number of physical locations, by activity (for example, import, export), or commodity, at the discretion of the applicant. This is very important for the fresh produce industry supply chain to reduce business risk for industry given its distributed model across Canada. However, it is crucial

that this model does not add increased financial or administrative burden to the fresh produce supply chain (grower/shipper/ wholesaler/retailer/ foodservice).

3. **c)** CPMA will provide further comment once the Cost/Benefit report has been completed by CFIA; CPMA would welcome inclusion in this process to collaboratively work with government to determine a cost model that addresses the needs of both industry and government. (Cost/benefit proposal as discussed in the New Regulatory Framework for Federal Food Inspection Document - Annex 2)

3. d) CPMA supports the staggered approach to licencing implementation as proposed in the Regulatory Framework for Federal Food Inspection document; however we would request clarification on the following:

- **How will CFIA handle the due diligence/requirements around Fresh Fruit and Vegetable licensing if industry is already following a GFSI program? Will that impact the CFIA's rigor used when looking at a business/amount of time spent in a facility?**

This is of particular importance to the fresh fruit and vegetable industry since the timeline for licensing is quickly approaching (2015).
With regards to GFSI recognition, at present this is working very well, but was not initiated for fresh produce. Government should not bind itself to GFSI as it could change over time, therefore, should be included in guidance, not in regulations. The decision as to what industry adheres to should not be left to an NGO. CanadaGAP, which now also includes an option for repackers and wholesalers, is a good model – it was developed for the fresh fruit and vegetable sector and technically reviewed by CFIA. CanadaGAP, along with other GFSI recognized programs, were developed referencing many principles of CODEX Alimentarius.

4. **The New Regulatory Framework for Federal Food Inspection Document (p.21 Membership Requirements for Buyers and Sellers of Fresh Fruit and Vegetables)** states that the Government of Canada through the *Budget Implementation Act 2014*, has proposed an amendment to the *SFCA* to provide a regulation-making authority to require buyers and sellers of fresh fruit and vegetables to be members of a non-government organization; the Intent is to include this in Proposed Regulations
On p21 in the Proposal box it states: It is proposed that The Fruit and Vegetable Dispute Resolution Corporation (DRC) be the entity in which membership** is required for buyers and sellers of fresh fruit and vegetables. This proposal is based on the strong and unanimous feedback from stakeholders during the engagement of 2013.
CPMA supports membership in the Dispute Resolution Corporation (DRC) as a requirement of federal licensing and strongly suggest that the provinces should be encouraged to use the same licensing procedure for intraprovincially activities as that which is used federally.
**Please note that in the iAIM there was no mention of membership in non-governmental organization as requirement of licence for fresh fruit and vegetable buyers and sellers. This was also noted in the table of inconsistencies included in CPMA's submission to CFIA on July 1 2014 to the iAIM consultation)

5. **a) Licence Requirements: Proposed Approach To: Importers**) "CPMA supports and appreciates that CFIA is proposing to allow importers from countries which are recognized by CFIA as having a food safety systems comparable to that of Canada to be licensed **as one option for allowing importers from foreign countries to hold a CFIA license to import food into Canada.** We are recommending CFIA also allow importers in foreign countries, who are able to demonstrate food safety compliance equivalent to CFIA requirements" and have been approved by CFIA, to be licensed to import food.

This is consistent with the CFIA commitment to CSA for food for 2015, and also consistent with the proposed Voluntary Qualified Importer Program (VQIP) under FSMA. Under CSA, foreign importers are approved to import to Canada by CBSA following demonstration of supply chain security and financial security. Also, such importers could offer to provide third party inspection, either private such as an audit, or regulatory oversight or even a combination of both. This would provide CFIA with the opportunity to verify that a supplier meets the Canadian food safety requirements.

The above standards are much higher than the standards that are applied to domestic importers and domestic manufacturers.

CPMA is concerned about the language of the proposal in the Foreign Food Safety System Recognition: Proposed Framework Consultation Document where it states ``the CFIA is considering whether to allow importers who do not have a fixed place of business in Canada to obtain a CFIA importer license if they operate from the country with which CFIA has established a FFSSR arrangement and are importing food from that country into Canada." The application of this proposed regulation could restrict the importation of products that do not originate from a country with an FFSSR where the importer resides. Under our current market environment, product can be shipped by a non-resident importer (NRI) directly to Canada from any jurisdiction as long as it fulfills all current regulatory requirements. While not providing any perceived additional public health benefit, the potential unintended consequences of implementing the proposed NRI model are as follows:

- restricting the importation and thus availability of some fresh produce items which are imported from myriad of countries due to seasonal availability
- added costs to many of the commodities that Canadians are accustomed to including in their diet year round
- non-tariff trade barriers (and possible retaliatory actions)
- potential economic damage due to loss of Canadian employment to other jurisdictions

Under this proposal, product grown in a foreign jurisdiction recognized by Canada as having a comparable Foreign Food Safety System (FFSS) and included in the scope of the agreement, would not be included in the products available for direct shipment to Canada by an importer who resided in another jurisdiction with an FFSSR. In addition product from a supplier who meets or even exceeds Canadian food safety requirements would be restricted entry into Canada unless the importer lived in the same jurisdiction and the country had a FFSSR with Canada.

5.**b) For industry success relative to Non-Resident Import License we encourage the establishment of the process to align to the regulator requirements – in particular emphasis should be placed on timing for our largest trading partner, the United States.**

5. c) Additionally, clarification is required around what "similar" is defined as relative to: "foreign state that has a food safety system that provides a **similar** level of protection to that of Canada"**. Industry should be consulted when identifying the definition/parameters of "similar".**

5. d) In **Proposed Approach To: Exports (p6 B)** it states "Regulatory Proposal: Anyone who requires an export certificate from the CFIA for the purpose of export would be required to have a licence and a preventive control plan to cover their operations. A fee would apply for an export certification.
CPMA would like clarification on the following:

- **Does every exporter need a license (i.e. would a company exporting to another country which does not require an export certificate still be required to be licensed by CFIA? If no, CFIA should provide examples of where this does not apply, including in guidance documents.)**
- **Is a PCP required for a licence to export (i.e. would a company exporting to another country which does not require a PCP still be required to be licensed by CFIA)? If no, CFIA should provide examples of where this does not apply, including in guidance documents.)**

6. In the New Regulatory Framework for Federal Food Inspection Document, Annex 3 , Part 2, Licences, it states in Section 10. (1) " If an inspector determines that grounds for suspension of a licence exist, the inspector must notify the licence holder of that fact and provide the licence holder with a copy of an inspection report that sets out the grounds for suspension and the date by which corrective measures must be implemented in order to avoid the suspension."

In the iAIM in section Process for suspending or cancelling a licence p 54-55 it states:
Process for suspending a licence

Step 1: Initiation
a. If a CFIA inspector identifies a non-compliance as per Section 2 (Suspension of licence), the suspension process will be initiated.
b. The inspector will identify any non-compliance(s) and gather facts to support the finding(s).
c. The inspector will inform CFIA management of the facts of the non-compliance.
d. The licence holder will receive a report of the inspection and will be provided with an opportunity to remedy the non-compliance.

- **CPMA suggests the addition of the following: e. An appeal process should be built into Step 1**

Step 2: Evaluation
a. The Minister (or delegate) will review the inspector's recommendation and the Agency's file to verify that the cancellation criteria are being applied consistently. A permission holder is entitled to know the case against him or her and may request an opportunity to be heard and to respond to the arguments and evidence presented to the Minister (or delegate). A licence holder must request a review of the decision within the time limit specified in the written notification.
c. The hearing may be oral or by way of written submissions.
d. The Minister (or delegate) will consider the submissions of the CFIA and the permission holder and render the decision with reasons for the decision.

- **Decisions such as these cannot be made by a front line junior inspector, it must be made very clear in the regulatory text or the guidance documents that reports of the inspector be reviewed by senior inspection staff in a timely manner before recommendations go to the minister or his delegate. (N.B. the regulatory text does not give any text as to the level of expertise or seniority of the inspector)**
- **Reflecting the comments CPMA submitted to the Inspection Model consultation, the above language and any other areas where these terms are used must be clarified to remove "permission holder" and replace with "license holder" for consistency in regulations and guidance documents.**

7. **In Annex 3 Section 5a: the Proposed Regulation states: "** in the five years before the day on which the application is submitted, the applicant or, if the applicant is a corporation, partnership or cooperative, any of its officers, directors, partners or members, as the case may be, has…… of that licence"
If the intent is solely to protect public health, then the nature of fresh produce food safety programs should be taken into consideration and the determination should be based on risk rather than on an arbitrary period of time, and that CFIA provide a description/determination of the risk framework used. Either way, fresh produce should be viewed in proper context. A fresh produce operation's food safety program does not have the ability to totally eliminate food safety hazards.
   - **CPMA would like clarity as to what would apply to fresh fruit and vegetables.**

8. **a) Re: Preventive control plans:**
i) CPMA supports the decision to ground the regulation and the concept of preventive controls in the internationally accepted food safety management approach based on hazard analysis and the Codex HACCP principles.
ii) CFIA and industry have developed their food safety management programs and systems using common terms and definitions and strongly recommend that the new regulations should continue to use the language that industry is comfortable with and not introduce new language to describe well established concepts.
iii) Although CFIA and industry have a clear current understanding about the meanings of HACCP and HACCP-based these terms should be clearly defined in the regulations– (Part 1 Interpretations). In particular, given CFIA's recognition of various industry-led food safety programs as "HACCP-based" (i.e. developed through a generic hazard analysis that incorporates Codex principles and FSEP tools, etc.) a distinction between the two terms must be clearly stated to provide a clear understanding to the reader of the regulations.

8. b)
i) CPMA has concern that, as written, the proposed regulatory framework does not require all segments of the supply chain involved in interprovincial, import or export trade to put in place a preventive control plan. As previously stated in our submission to the consultation on the iAIM (July 1 2014) CPMA has the following comments on the exclusion from PCP documentation for businesses with food revenue of $30,000 and less over the previous 12 months prior to application for licence:
   - **An individual in a micro-business could dramatically impact an entire commodity group (e.g. tomato example).**
   - **Size of entity should not impact their role/regulatory requirements for food safety and licensing.**
   - **Licensing requirements need to be validated and verified. (In current proposal there is a requirement for licensing but with no requirement for written PCPs. How would CFIA verify/validate that they have systems in place to ensure safety of the food (per the CFIA requirements around ensuring food is safe).**
   - **This is contrary to the protection of public health (it constitutes a large segment of food)**
   - **Would government sanction excluding small pharmaceutical manufacturers from following CGMPs based only on size?**
   - **Programs like CanadaGAP, for growers, repackers and wholesalers, have offerings for smaller (micro) businesses. CanadaGAP manuals, which include Record templates, are available in the public domain and can be copied at no cost to the user. In our request for no exemptions in the licencing requirements we are not proposing a mandatory audit, which does include additional costs; our request it that a written PCP or records should apply for all licensees, even small businesses.**
   - **In the absence of written PCP or records how will CFIA verify compliance with the proposed licensing requirements?**

- **Regarding the U.S. Tester Amendment (which allows for exceptions to FSMA regulatory requirements for small businesses) and the intent for recognition of another country's FS system – will CFIA wouldn't recognize the U.S. system?**

- **The role of education for micro/SME is important – education, not exclusion is the goal. Information should be included in guidance documents, not regulation.**
- **CPMA would like CFIA to clarify how licensing would allow for segregation of product produced only for intra-provincial trade as opposed to inter-provincial? Licensing has flexibility to license only parts of an operation (entities) but that can be burdensome.**
- **CPMA encourages CFIA to work quickly with their Provincial and Territorial counterparts to ensure alignment with the federal regulations and guidance.**

ii) **P.34 of the New Regulatory Framework for Federal Food Inspection Document states**: With the proposed regulations, CFIA would move to a single-food regulatory approach. This would mean that there would be a leveling of the playing field for all regulated parties across commodities. With the proposed regulations, CFIA would move to a single-food regulatory approach. This would mean that there would be a leveling of the playing field for all regulated parties across commodities. "The only exceptions to this would be micro-businesses[7] and preparers of **food exclusively for export who would not be required to have a written PCP.**[8] [8] Preparers of food exclusively for export that require a CFIA certificate would need a PCP.

- **If preparers of food exclusively for export will not be required to have a written PCP, how can the integrity of the product be guaranteed? Do we wish exports to compromise the reputation of products produced in Canada?**
- **It is not clear in the footnote that the PCP required is a written one, clarification is needed.**

iii) CPMA would like to express concern that responses to queries during the consultations on the regulatory framework imply that intermediaries along the supply chain (e.g. 3rd party transporters, cold storage facilities, etc.) will not be required by the regulation to have in place preventive control plans, but that other regulated parties (e.g. manufacturers, etc.) would be required to include these parties in their preventive control plans. **Note that this creates a potential extra burden for these 3rd parties due to multiple demands from other regulated parties and ignores the fact that for some segments industry-led programs have been developed and recognized by CFIA.**

Warehouses are proposed to not require a PCP – this is a concern, a cold storage facility is a warehouse, as are pack houses, etc. Warehouses that are used to pack, process or store exposed perishable food and that could be exposed to contaminants or food safety hazards should be required to have a license and PCP – a clear definition of warehouse and where PCPs are required is needed (e.g. where a cold chain is required, packaging is open, etc.)

iv**)** The regulations should promote "best practice" as an outcome in the development and implementation of preventive control plans and suggest that this best practice should be grounded in international standards (both intergovernmental and voluntary).

v) The topic of validation is only briefly mentioned in the discussion paper. Validation presents considerable challenges for MSMEs with limited resources and access to bodies competent to conduct validations (suggested example - recognized "validation authority" perhaps a kin to the US "process authority" concept).

vi) Company and/or process specific validations to prove the (company) system will provide the required outcome should be required if the organization does not adhere to "traditional" or current accepted practices.

vii) Note that the proposed preventive controls, as described in the text and in the two annexes have deficiencies and appear to be less stringent than the requirements of food safety management system certification schemes currently operating in the Canadian and international marketplaces. viii) Appropriate to the scale of the organization, accepted concepts related to the "management system" components of a food safety management system (i.e. management responsibility and review, system verification activities,

continuous improvement, etc.) can have a significant impact on the stringency of the implementation of preventive controls (e.g. prerequisite programs, HACCP plans, etc.).
viii) Note that the proposals are silent on other areas where preventive controls are required by other governments or certification schemes (e.g. supplier approval and intentional food contamination (i.e. defense, fraud, etc.) and suggest that these areas require further consultation with industry. **P30 mentions that "**The CFIA will also be looking at the issue of adulteration and food defence as a potential element for future regulatory development." **Industry strongly suggests looking at existing food defense programs** (e.g. CBSA's PIP program

9. Re: CFIA assistance to industry to meet outcomes:

a) CPMA would like to see CFIA utilize workshops, seminars, etc. for training including:

- On-line training & tools for better access for small & remote companies
  - templates with recommended non-binding model practices or procedures that facilitate compliance
- Impacted industries should participate, or be consulted, during the drafting of the guidance documents.

b) Additionally, to ensure consistency, CFIA inspectors should be provided with guidance documents (including check lists) which industry can also have access to. This will ensure a clear understanding and interpretation across the country.

➢ **CPMA agrees with the use of simple, easy-to-understand language, not complicated legalise, but the language must meet business needs (i.e. provide the detail necessary to ensure compliance)**

10. Re: PART 5 TRACEABILITY

➢ **CPMA seeks clarification on some of the proposed language in Part 5 Traceability of the proposed regulations. Specifically:**

62.(1)(d) ***the name of the contact person*** *for each of the addresses referred to in paragraphs (a) to (c)* :

- The references (a) to (c) are to suppliers of food or ingredients and customers.
- There is a concern with the specific requirement to have the name of the contact person. The actual "person" with responsibility for traceability within an organization might change over the proposed 3 year record-keeping requirement; keeping track of current names would be onerous and unnecessary.
- **It is proposed that the requirement should be for functional contact not a personal name.**

62.(2) The proposed regulations state that ***The documents referred to in subsection (1) must be kept for three years from the dates of the dates referred to in paragraphs 1(a) to (c).***

- CPMA is concerned with the proposed time frame of three years and is unaware of any justification or precedent for this. It is typical that food safety systems require record keeping for two years and there is an expectation that the pending U.S. Food Safety Modernization Act will include a two (2) year retention requirement for high risk foods.
- **It is proposed that the Canadian requirement be harmonized with the US requirement which is anticipated to be for 2 years.**

63. A person who is required to prepare, keep and maintain documents under section 62 must ensure that those documents are ***accessible in Canada****.*

- It is understood that in a "one up/one down" model, records must be accessible from the "one down" source – in this case a company in Canada. Clarification of language is required to ensure a clear understanding by industry and regulators that section 63 refers only to the immediate recipient (one up) or sender (one down) of the traceable item. Specifically that documents are accessible in Canada only for the immediate recipient or sender and not for all points throughout the supply chain for the traceable item.
- Additionally, clarity must be provided to ensure a clear understanding of the parameters of "one up/one down" relative to individual organizations. Traceability requirements are between entities (external traceability) and not within an entity (internal traceability). In a "one up/one down" model an organization must be able to track backwards and forwards but not within their organization.
- Traceability ends when a product reaches retail or foodservice as it is impossible for a seller to track product with specific traceability information once a consumer purchases it given the lack of any feasible solution to do so.
- **It is proposed that the Guidance document clearly indicate the government's expectations as noted above.**

64. A person must, on the request of the Minister, provide the Minister with the documents referred to in Section 62 within 24 hours of the time of the request or, ***if the Minister is of the opinion that a risk of injury to human health may result, within any shorter time limit specified in the request.***

- While recognizing the need for record receipt in a timely fashion, the current language appears to be worded such at it could be used arbitrarily and that very short and unreasonable time limits could be set under any circumstances.
- **Clarification is required to outline the parameters/circumstances under which a shorter time limit might be specified. Additionally, it is proposed that a minimum short time limit, which is reasonable within a 24 hour time frame should be added to the regulations (e.g. a request should not be made at 2 a.m. with an expectation that documents are available by 5 a.m.) .**
- **CFIA should recognize that in extraordinary circumstances (e.g. foreign supplier language issues, weekend or holiday schedules), accessibility to records may be somewhat delayed.**

66. Food referred to in paragraph 62(1)(c) other than food that is to be exported, must be labelled to enable its traceability ***using a lot identifier, bar code, universal product code or other similar identifier.***

- The proposed wording is confusing and includes redundancies (e.g. bar code and Universal Product Code are basically the same thing).
- As most traceability standards (e.g. Can-Trace Data Standard, GS1 Global Traceability Standard, ISO 22005:2006, the Produce Traceability Initiative, etc.) have a common core of basic requirements which include lot identification. Businesses under all these standards are expected to define "lot" for their own purposes. In the absence of a lot, and in the event of an incident, a recall would implicate all the identified item rather than a day's production, specific orchard or animal, or other determined parameters for the lot as defined by the producer/packer. Additionally, in the event of a recall of a co-mingled item, the entire production of all the sources would be implicated. These

scenarios would vastly increase the scope of a recall and result in significant financial burden that would be unnecessary in the presence of a lot which specified a smaller subset of the entire production. Large producers/manufacturers will have lot imbedded in their business practice but it is important that government regulations do not negatively impact smaller organizations which may have little experience to date with traceability and may not understand the implications of the absence of a lot in their traceability data if the current wording is adopted which offers and either/or scenario and not definitive guidance.

- **CPMA proposes a change in wording to include lot as a required data element for traceability purposes.**

➢ **Throughout this section "person" is used when it is likely intended to mean a company/responsible party. It is crucial that this be clarified in regulations as the global definition for person in a common place setting is that it is just that, an actual person. (This also supports the comments relative to the suggested wording of *62 (1) (d)* above.)**

11. Re: Horizontal Requirements: Record Keeping

➢ **Clarity is required relative to the records required. Until that clarification is provided it is impossible to provide sufficient input but industry recommends the record keeping requirements apply only to food safety records which are therefore both accessible and relevant. (E.g. Not to additional company records unrelated to food safety.)**

12. Re: International and Inter-provincial Trade: Annex 3 Section 20 -: The regulations should not apply to product samples, provided they comply with relevant phytosanitary and quarantine requirements.

13. Industry agrees that any food trans-shipped through Canada and in bond should be exempt from the application of the Act and the regulations.

14: Re; Review Mechanism: When information that is attached to a company or product brand is made public it should have a review mechanism attached to it. (i.e. future release of AMPs, recall and review mechanisms, etc.).

15. Re: Complementary Regulations: Disclosure of Information: p 4 of the New Regulatory Framework for Federal Food Inspection Document states "While not addressed in the following document, the CFIA is planning to release future regulatory proposals related to disclosure of information."

➢ **More clarity is required around what information would be disclosed – consultation should occur with stakeholders to ensure the new authority given to the Minister under the SFCA does go beyond what is acceptable.**

➢ **Only disclosed if there is a very serious infraction. Information that would unnecessarily portray a commodity or group of commodities or a company or brand should not be made public.**

16. **Re: Requirements for Fresh Fruit and Vegetable Dealers:** Industry supports the proposed approach of industry providing arbitration of fair trade practices for fresh fruit and vegetable dealers. Fresh fruit and vegetable dealers have been effectively licensed, mediated, arbitrated and educated by an industry based organization since the inception of the Dispute Resolution Corporation (DRC) 13 years ago. Currently, the challenge for the marketplace is the dual licensing model which includes an option of either DRC members and/or CFIA license to import or trade fresh produce in Canada. Moving to a single industry provided system which includes the rules and service of the DRC would be widely supported.
In the New Regulatory Framework for Federal Food Inspection Document p 21 It is proposed that… "The Fruit and Vegetable Dispute Resolution Corporation (DRC) be the entity in which membership is required for buyers and sellers of fresh fruit and vegetables. This proposal is based on the strong and unanimous feedback from stakeholders during the engagement of 2013".
As noted above since the inception of the Dispute Resolution Corporation (DRC) in Canada, the industry in Canada and the US has been working using the two sets of functional tools on the vast majority of transactions. For sales in the US, we benefit under PACA rules and for our Canadian sales we benefit as members of the DRC and the DRC rules in Canada. For true trading success, the conditions an entity should be selected under should be based on the system and model as currently administered by DRC. Additionally, DRC-like rules and standards must be supported by regulation.
Given the DRC meets all of the above noted requirements expected by industry, CPMA is fully supportive of the DRC as the entity for this function. All labeling requirements should be less prescriptive, e.g. size of lettering on principal display panels is unnecessary. If labeling can be easily read, then allow it. Can company websites be used instead of actual name and address of responsible party?

Any quantitative references in regulation should include a mechanism for rapid review to meet advances in science and innovation.

Other Comments:

All labeling requirements should be less prescriptive, e.g. size of lettering on principal display panels is unnecessary. If labeling can be easily read, then allow it. Can company websites be used instead of actual name and address of responsible party?

Any quantitative references in regulation should include a mechanism for rapid review to meet advances in science and innovation.