



Food Safety and Consumer Protection Directorate  
Canadian Food Inspection Agency

Food Directorate  
Health Canada

April 3, 2021

**Submitted Via Email**

To Whom It May Concern:

**RE: Consultation on Proposed Joint Policy Statement on Food Labelling Coordination**

On behalf of the Canadian Produce Marketing Association members, we welcome the opportunity to provide our comments to Health Canada and the Canadian Food Inspection Agency (CFIA) for the consultation on their *Proposed Joint Policy Statement on Food Labelling Coordination*.

**About CPMA**

Based in Ottawa, the Canadian Produce Marketing Association (CPMA) is a not-for-profit organization representing companies active in the marketing of fresh fruit and vegetables in Canada, from the farm gate to the dinner plate spanning the entire produce industry. The Association's members include major growers, shippers, packers, and marketers; importers and exporters; transportation and logistics firms; brokers, distributors, and wholesalers, retailers, and foodservice distributors; and fresh cut operators and processors. Founded in 1925, CPMA is today proud to represent over 800 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

**General Comments**

CPMA and Canada's fresh produce industry are committed to working with Health Canada and the CFIA to ensure that food labelling requirements provide consumers with the information they need while also avoiding imposing undue economic burden on industry. Indeed, a collaborative approach to find workable solutions for industry and government is the backbone to success for regulatory and policy compliance. We are supportive of the commitment made in the 2019 *Agri-food and Aquaculture Sectoral Regulatory Review Roadmap* for the development of a strategy to coordinate future changes to food labelling requirements to provide greater predictability and to reduce the economic burden imposed by multiple, sequential label changes.



More broadly, CPMA supports the Government of Canada’s ongoing efforts towards regulatory modernization, which is necessary to maintain and fuel the fresh produce industry’s global competitiveness. A regulatory environment that fosters innovation requires a whole-of-government approach that considers how regulations interact with one another and mitigates unnecessary complexity for industry. Regulatory reform that supports future innovations, while avoiding uniquely Canadian regulatory requirements, would bolster the fresh produce industry and contribute to our competitiveness, now and into the future.

The fresh produce supply is one of the most globally integrated supply chains in the world. CPMA emphasizes that regulations must not inadvertently place Canada in a non-competitive position relative to trading partners where similar regulations do not exist. CPMA also notes that consumer confidence in the safety of the food supply is eroded when jurisdictions have different regulations, or if there is not sound science behind them. Consistent, evidence-based requirements will serve to boost trade for producers while also allowing a variety of healthy, safe fresh produce choices to continue to be available to consumers around the world.

As in other sectors, the United States is Canada’s largest trading partner when it comes to fresh fruits and vegetables, with many businesses operating on both sides of the border. As noted in the *Proposed Joint Policy Statement*, the United States Food and Drug Administration (US FDA) and the United States Department of Agriculture (USDA) prescribe uniform compliance dates for changes to food labelling regulations, with changes to food labelling requirements finalized in a fixed, two-year window and a uniform, one- to three-year transition period for industry. Implementing a similar coordinated approach to changes to labelling requirements in Canada would be a welcome alignment, not only for the Canadian industry, but also for the North American produce sector more broadly.

### **Scope**

CPMA is supportive of the proposed scope of the joint policy. Greater predictability and coordination in compliance dates across all regulatory amendments that directly or indirectly mandate a food label change would allow industry to take a more holistic approach to label changes and the business decisions associated with them. We are also supportive of the determination that voluntary amendments would be out of scope, as this would provide greater flexibility for the fresh fruit and vegetable sector to adjust their labels based on the needs and priorities of their businesses.

### **Compliance Dates**

CPMA is supportive of the proposal for Health Canada and CFIA to establish compliance dates which align with those presently used in the United States. We would like to reiterate that the harmonization of labelling requirements with our trading partners, particularly the U.S., is critical to reducing regulatory burden in the highly integrated fresh fruit and vegetable sector and should be pursued to the greatest extent possible.



## **Transition Periods**

CPMA is supportive of the policy proposal to allow Health Canada and CFIA to tailor the transition period for each food labelling regulation in consultation with stakeholders; this is particularly important for those regulatory proposals which are more complex and may require multiple transition periods. The complexities and unique considerations of the fresh produce sector, related to the nature and perishability of our product, as well as time-sensitivity across the supply chain, can often mean that a one-size-fits-all regulatory approach will be ineffective, inefficient and impose undue burden on industry, and will fail to meet the intended objectives of the Canadian Government. Thorough consultation with industry, including to determine an appropriate transition period, can serve to support a better understanding in government of the administrative or other costs of regulatory changes and avoid imposing undue burden on industry. In addition, CPMA recommends that a period of education to support compliance, without punitive action, be integrated into Health Canada and CFIA planning of transition periods.

CPMA is further supportive of the proposal for transition period for individual labelling regulatory changes to continue to be proposed in *Canada Gazette, Part I* for public consultation. As noted above, meaningful consultation with industry is critical to the success of regulatory change. We would also strongly urge the Government to publish a “What We Heard” report for consultations at *Canada Gazette, Part I* for industry to be able to review and provide additional comments well ahead of the publication of regulations in *Part II*.

CPMA is supportive of transition periods for revisions to applicable documents incorporated by reference continuing to be proposed through departmental and agency notification processes, and for the final transition period to be specified following stakeholder consultation, with the understanding that these transition periods should still align with the uniform compliance dates being proposed for other regulatory amendments.

Finally, CPMA recommends that Appendix A: Governor in Council Food Labelling Regulations, 2000-2020 should include links to related notices regarding the regulatory initiatives to provide further information for affected industries.

## **Regulatory Development**

CPMA agrees with the proposal that Health Canada and CFIA will continue to advance regulatory proposals through existing organizational processes.

As noted in the Joint Policy Statement, the Government of Canada participates in multiple international fora, such as Codex Alimentarius, that create guidance and standards to support regulations; this participation often involves significant resources as well as consultative involvement from stakeholders. CPMA supports the Government’s participation in these bodies and recognizes the importance of this work in ensuring that Canada is a leader in implementing global best practices and standards. It is therefore imperative that both Health Canada and CFIA prioritize the implementation of the agreed-to



outcomes of these bodies, rather than implementing regulation out of line with the international standard, which creates confusion and puts Canadian industry at a competitive disadvantage. In addition, in any efforts to harmonize and standardize between governments, it is essential that government also considers the existing international standardization integrated in business. Where business has developed international/global standards – standards tested by commercial application – government must ensure that, wherever possible, the standards it chooses to implement in services and solutions reflect those business-driven and tested standards. To achieve this, as government considers new solutions, a key piece of that effort should be early engagement with business stakeholders to understand the standards which already exist and have been implemented across international supply chains. This approach could also serve to reduce the amount of time needed for industry transition, as well as the economic burden on industry.

### **Health Canada and CFIA’s Formal Interdepartmental Coordination Process**

CPMA is supportive of Health Canada and CFIA’s continued collaboration in developing food labelling regulations. It is critical that this collaboration occurs prior to publication of regulatory proposals in *Canada Gazette, Part I* so that both organizations participate in and inform discussions on the impact to industry of proposed labelling changes from the early stages of regulatory development.

CPMA emphasizes that, in addition to publication on departmental websites, Health Canada and CFIA should ensure that notification of their forward regulatory plans is sent to stakeholders in all affected industries, including all Safe Foods for Canadians license holders. Both departments should regularly and proactively review the relevant stakeholder mailing lists to ensure that the appropriate industry and other stakeholders are included.

Furthermore, CPMA strongly recommends that relevant industry associations, such as CPMA, the Canadian Supply Chain Food Safety Coalition, the Retail Council of Canada, and others, be included in the proposed Committee on Food Safety (CFS). The inclusion of these industry stakeholders in the work of the CFS would serve to foster deeper discussion about the content of regulatory changes from the early stages of development, and would allow Health Canada and CFIA to garner a better understanding of potential unintended consequences and/or burden to industry as regulations are being developed.

### **Closing Remarks**

CPMA welcomes the opportunity to submit comments to the *Proposed Joint Policy Statement on Labelling Coordination*. We would like to reiterate that, where possible, the CFIA should engage with the fresh produce industry as they determine proposed models and implementation plans for the key areas noted in this submission. Furthermore, a monitoring and accountability mechanism should be established, with key objectives assessed in an annual public report.

As noted above, a collaborative approach to find workable solutions for industry and government is critical to the success of regulatory and policy compliance. CPMA and Canada’s fresh produce industry are keen to work with Health Canada and the CFIA to ensure that our members’ safe, nutritious products are able to reach Canadian tables through a growing and competitive fresh produce supply chain.



Thank you in advance for taking the time to review our comments and consider our recommendations.

Sincerely,

A handwritten signature in black ink, appearing to be 'RL', followed by a horizontal line extending to the right.

Ron Lemaire  
President  
Canadian Produce Marketing Association