



Invasive Alien Species and Domestic Programs
Plant Protection Division
Canadian Food Inspection Agency
Submitted via email to CFIA-IAS_ACIA-EEE@inspection.gc.ca

February 17, 2023

Submitted Via Email

To Whom It May Concern:

RE: Incorporation by reference of plant protection movement prohibitions and restrictions

On behalf of the Canadian fresh fruit and vegetable industry, we welcome the opportunity to provide comments to the Canadian Food Inspection Agency's (CFIA) consultation entitled *Incorporation by reference of plant protection movement prohibitions and restrictions*.

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 proud to represent over 830 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

Comments

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. CPMA is also generally supportive of the proposed Incorporation by Reference (IBR) for *Schedules I and II of the Plant Protection Regulations (PPR)*, which has the potential to support greater regulatory flexibility and should allow the list of regulated pests to be maintained and updated in a timely and concise manner. At the same time, we must emphasize that the fresh produce industry's experience with IBR implementation to date has raised serious concerns about whether these benefits will be realized in practice.

In the *CFIA Incorporation by Reference Policy*, CFIA states it is committed to the principles of accessibility, transparency, consistency, reasonableness, and clarity when using IBR in regulations. The majority of fresh fruit and vegetable test markets are incorporated by reference (Compendium of grades). However, there has yet to be guidance on the process that would be used to amend the grade standards should there be a request. The produce industry would need strong assurance that these conditions would not be imposed on proposals to market products that require an exemption of some kind relative to the grade standard. Meaningful engagement, transparency, and effective information sharing between CFIA and the fresh produce industry are necessary to ensure the effective implementation of all IBR provisions.

In addition, the CFIA has indicated that the new Test Market Authorization and Ministerial Exemption processes under the *Safe Foods for Canadians Regulations* are limited to a very specific set of cases and that the issues industry has raised with regard to these policies are best handled through IBR changes. However, industry does not view the IBR change process as a workable mechanism for our sector, due to the lengthy review processes and WTO notification requirements, which will make it very difficult, if not impossible, for the fresh fruit and vegetable industry to test the market for innovative products. The fresh fruit and vegetable industry is seeking a regulatory mechanism to replace what was repealed in the previous *Fruit and Vegetable Regulations*. This mechanism is critical to granting industry the timely flexibility to market their product and test new and innovative compositions and packages for consumers. A nimble regulatory framework is required to foster rather than impede innovation – without this approach, Canadian industry will struggle to retain or expand market share.

For CFIA's Incorporation by Reference to work efficiently, CPMA strongly urges the CFIA to prioritize thorough consultation with industry prior to making regulatory changes and to move away from a perfunctory approach to stakeholder consultation, to better understand the proposed changes.

When significant impacts to industry arise as a result of regulatory or policy change and the CFIA believes it is bound by regulation, the CPMA recommends that a mechanism be put in place to allow for independent examination of the industry or regulatory issue with the goal of determining a workable solution that does not jeopardize business but rather supports an outcome-based model of regulatory compliance.

Closing Remarks

CPMA welcomes the opportunity to submit comments on these issues, which are of great importance to our members. 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 in a timely manner. As noted above, a collaborative approach to find workable solutions for industry and government is critical to the success of regulatory and policy compliance. Greater transparency from the CFIA and other government departments is essential moving forward. Incorporation by Reference will not work without CFIA's cooperation with the fresh produce industry.

Regards,

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line.

Ron Lemaire
President
Canadian Produce Marketing Association