



Bureau of Policy, Intergovernmental and International Affairs
Food Directorate
Health Products and Food Branch
Health Canada
251 Sir Frederick Banting Driveway
Tunney's Pasture
Ottawa, Ontario
K1A 0K9
Address locator: 2204C

Submitted Via Email At bpia-bpaii@hc-sc.gc.ca

July 26, 2023

To Whom It May Concern:

RE: Future Food Regulatory Modernization Priorities

On behalf of the Canadian Produce Marketing Association, we are pleased to provide comments to the Health Canada and Canadian Food Inspection Agency (CFIA) joint consultation, the *Future Food Regulatory Modernization Priorities*.

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.

Potential Future Food Regulatory Modernization Priorities

- 1. In your view, does this list accurately reflect and describe the key outstanding items/issues that need to be addressed? If not, please indicate any that are missing along with a brief description of the issue.**

We appreciate the government's initiative to update potential future priorities for its food regulatory modernization agenda. We are supportive of certain proposed priorities, as listed below.

While not within the scope of this consultation, CPMA would also like to emphasize that any food regulatory efforts on the part of CFIA, such as the ongoing consultation on compositional standards, must not hinder the Agency's ability to meet its existing commitments to complete the revision of the Canadian fresh fruit and vegetable grade standards. Despite significant efforts on the part of industry working groups to present the government with thorough proposals for updated standards, the review of the Canadian grade standards has been ongoing for more than two years. In fact, the updated standards for commodities under the first two phases of the review project have seen delays that have cost the greenhouse industry millions of dollars, and future phases (comprised of more than 20 commodities) are still awaiting action on the part of the government.

Of the items set out in the list (including any missing items that you've proposed for addition), please rank, in order of importance, your top 5 items and briefly explain why these items should be prioritized.

The following list is provided, in order of importance:

1. **Modernize the regulatory framework for consumer value claims:** While not on the list proposed by CFIA and Health Canada, CPMA believes that it is important for the Canadian government to clearly outline standard definitions for consumer value claims (e.g., sustainable, non-GMO, local, no pesticides used, natural, etc.) This will provide industry with better direction when using consumer value claims on their labels and how to substantiate them if present. For example, if a company wants to use the claim "sustainable" on his/her label, there needs to be a clear definition for "sustainable", as well as other acceptable terms, terms that are not acceptable, and the requirements needed to substantiate this claim. Failure to provide standard definitions for consumer value claims may cause consumer confusion with the Canadian population, as various companies may have their own understanding of what is considered sustainable, local, etc. This runs the risk of creating consumer distrust in the Canadian labelling system.

CPMA is supportive of the anticipated CFIA public consultation on consumer value claims being planned for later this year and are eager to work with the government on this important topic. CPMA is also supportive of ongoing efforts at Codex Alimentarius regarding standards for sustainability claims, which can play an important role in supporting harmonization between trading partners.

Modernize the regulatory framework for health claims on foods: CPMA supports the modernization of the regulatory framework for health claims on foods, to allow Health Canada to amend health claims more rapidly when new scientific research becomes available. Health claims on foods are an important source of information for Canadians and should be enabled to best reflect advancements in science.

Targeted amendments to the regulatory framework for novel foods (Division 28) in light of the new guidance published on May 16, 2022, as part of our Regulatory Roadmap commitments: CPMA is strongly supportive of the government's efforts to amend the regulatory framework for

novel foods to reflect the [Guidelines for the Safety Assessment of Novel Foods](#). CPMA supports the government's science-based approach to regulating plant breeding and gene editing technologies, which offer important benefits for the fresh fruit and vegetable sector, including increased crop productivity through herbicide tolerance, pest and disease resistance, prolonged shelf-life, the development of food without allergens, improved nutrition, better taste, resistance to cold temperatures and harsh environments, as well as the ability to reduce post-harvest food waste. As we face significant global challenges around food security and climate change, these innovative technologies can help farmers and food processors adapt to changing climate and pest pressures while continuing to grow safe, high quality, affordable food for Canadians and consumers around the world.

Proposed new regulations to address online labelling for the Nutrition facts Table (NfT) and ingredients: The CPMA supports providing consistent food information to Canadians through e-commerce and supports Health Canada and the Canadian Food Inspection Agency's decision to develop voluntary guidance for industry. In this process, it is important that special consideration be provided for the fresh fruit and vegetable industry, given the perishability, seasonality, and variability of fresh fruits and vegetables available at retail. Labelling exemptions that exist for fresh fruits and vegetables should also continue to exist in the online space to avoid any unnecessary burden on the industry. CPMA recommends that there be no additional labelling requirements for bulk fresh fruits and vegetables sold through e-commerce. CPMA had submitted comments to Health Canada and the Canadian Food Inspection Agency's consultation on *Online food labelling* in 2022. Please refer to the [CPMA comments to online food labelling consultation](#) for more information.

Modernize the regulatory framework for food irradiation (Division 26) of the Food and Drug Regulations: The use of food irradiation is already allowed in certain produce in Canada to improve its safety and shelf life. Modernizing the regulatory framework to reflect technological and safety advancements that have occurred may allow other foods to be irradiated, contributing to reducing food waste.

Addressing food waste including potential revisions to Canada's regulations for best before date labelling on foods.

- 1. What purposes do best before dates serve for you or your members? Do they perform a function beyond communicating quality and freshness to consumers? Have you identified that best before dates contribute to food waste? If so, please explain any available evidence.**

Comments

Within the fresh produce industry, best before dates are primarily used for the following reasons:

- To communicate freshness to customers
- To help retailers manage product rotation (FIFO: First in, first out inventory management)
- To help warehouses manage product rotation that is supplied to retailers
- For traceability purposes

“Packed on” and “Harvested on” dates are also used in the fresh produce industry to serve similar purposes.

Some members have indicated that best before dates (BBD) not only encourage consumers to waste food by discarding product that has reached its best before date, but also encourage retailers to reject food that has a best before date that is soon approaching, largely due to the negative consumer perception that products that are close to their BBD are undesirable. These two factors result in cases of high-quality produce being either discarded or sold at a significant loss.

2. What regulatory changes, if any, would you propose to best before dates in order to support the goal of reducing food waste?

Comments

CPMA believes that fresh fruits and vegetables without added ingredients should continue to be exempt from date-marking labelling.

As noted above, “packed on” dates and “harvested on” dates are widely used in the produce industry and can be useful in produce tracking, tracing, and product inventory rotation at both the retail and wholesale level. These dates also provide further information on freshness to consumers. The use of these terms may want to be considered in the government’s efforts to reduce food waste.

3. Are there any other approaches (including non-regulatory) that would be effective in reducing food waste?

Comments

Greater consumer education is needed from the Canadian government on how to reduce food waste. Health Canada and CFIA should consider partnering with [Half Your Plate](#), a consumer education program developed by CPMA, to help Canadians fill half their plate with fruits and vegetables. In the past year, *Half Your Plate* has developed many consumer educational resources to help reduce household produce waste, such as [How to waste less fruits and vegetables](#), a [produce shelf guide](#), a [produce storage guide](#), and more.

Careful consideration should be taken to ensure that the industry is able to communicate the freshness of their products at the distribution centres and produce backrooms at retail. Currently, the use of best before dates is not very well understood by consumers, which contributes to increasing food waste. Educational programs, voluntary packaging labelling, and campaigns that clearly outline how to determine whether a product is still safe to consume are highly encouraged.

4. What costs or business impacts would result from regulatory changes to current best before date labelling regulations?

Comments

The costs and/or business impacts that would result from regulatory changes to current best before date labelling regulations are entirely dependent upon the details of the changes being made and are

not easily identifiable at this time. Regulatory updates requiring mandatory changes to labelling practices could impose significant costs. CPMA believes the government needs to thoroughly consult with industry to avoid unintended costs and impacts.

- 5. In light of the Health Canada/CFIA food labelling coordination policy "Food labelling coordination: Joint policy statement", should you need to change food labels as a result of modifications to the requirements for best before date labelling, what is the feasibility of the January 1, 2026, or January 1, 2028, compliance dates?**

Comments

As with the question above, the feasibility of the proposed dates depends on what changes are made to best before date labelling. In Canada, prepackaged fresh fruits or vegetables (including prepackaged, chopped, or shredded fresh fruits and vegetables) are exempt from displaying a best-before date, however some companies voluntarily use best before dates. If mandatory changes are made that impact the produce industry, then more time may be required for implementation. If minimal changes are made or greater flexibility is provided, the proposed compliance dates may be acceptable for our members. The government needs to thoroughly consult with the fresh produce industry before moving forward with updating food labelling policies.