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April 21, 2017

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SUBJECT: Ontario Independent Meat Processors Association Comments on Safe Food for Canadians Regulations, *Canada Gazette*, Part I, Vol. 151, No. 3

The Ontario Independent Meat Processors (OIMP) is a provincial non-profit organization formed in 1980 to represent Ontario's meat and poultry processors, retailers and wholesalers operating under federal, provincial or municipal inspection. As a single and unified voice the OIMP provides leadership on matters that directly affect the industry.

We welcome the opportunity to provide comments on the draft regulatory text of the Safe Food for Canadians Regulations ("SFCR") pre-published in the *Canada Gazette*, Part I, on January 21, 2017. OIMP supports outcome based inspection, as it allows operations of various sizes the flexibility they require to reach the desired outcome while maintaining Canada's high food safety standards. CFIA's move from less prescriptive to outcome based requirements, and the easing of regulatory burden through the Safe Food for Canadians Regulations, is in alignment with this. Many of the proposed changes will support those in the provincial meat industry who are looking to expand their market opportunities to become federally registered.

When dealing with outcome based regulation, we need to use language of sufficient clarity and precision to convey the intent of the regulation, and the expected outcome(s), to enable regulated parties to make safer food products more effectively and efficiently.

Understanding that the Canadian Meat Council has submitted their comments based on a comprehensive review of the draft regulations, of which OIMP is supportive, we will be reserving our comments to those pieces of the draft regulations we believe will have direct impact on the non-



federally registered meat sector in Ontario, specifically Part 5 Traceability and Part 11 Labelling, Division 2.

Although the Safe Food for Canadians Regulations excludes intra-provincially traded meat products from a number of the requirements, there are a large number of provincially licensed meat plants in Ontario that sell directly to the consumer and/or have a retail component to their business. As well, the provincially licensed meat sector, with over 550 plants in Ontario, supply a considerable number of retail butcher shops, grocery stores and farmers markets. Therefore Part 5 Traceability would be applicable to them, either directly or indirectly as part of the supply chain.

PART 5 - Traceability

Documents

88 (1) Any person who sends or conveys a food from one province to another, or imports or exports it, any holder of a licence to slaughter a food animal, to manufacture, process, treat, preserve, grade, store, package or label a food or to store and handle a meat product in its imported condition and any person who grows or harvests fresh fruits or vegetables that are to be exported or to be sent or conveyed from one province to another must, if they provide the food to another person, prepare and keep documents that set out the following information:

- **(a)** the common name of the food, a lot code to enable the food to be traced and the name and principal place of business of the person by or for whom the food was manufactured, prepared, stored, packaged or labelled;
- **(b)** unless the food was sold at retail, the date on which the food was provided and the name and address of the person to whom it was provided;
- **(c)** if applicable, the name and address of the person who provided the food to them and the date on which it was provided;
- **(d)** the name of any food commodity that was incorporated into the food or from which the food is derived and, if applicable, the name and address of the person who provided the food commodity to them and the date on which it was provided; and
- **(e)** if applicable, the address of each location where the food and any food commodity referred to in paragraph (d) were moved before the food was provided to another person, the name of an individual who is responsible for each location and the date of each movement.

Documents — retail sale

(2) Any person who sells a food at retail, other than a restaurant or other similar enterprise that sells the food as a meal or snack, must prepare and keep documents that set out the information specified in paragraphs (1)(a) and (c) to (e).

Retention period of documents

(3) The documents referred to in subsections (1) and (2) must be kept for two years after the day on which the food was provided to another person or sold at retail, as the case may be, and must be accessible in Canada.

Production of documents

89 (1) A person must, at the Minister's request, provide the Minister with any document referred to in section 88, or any part of such a document,

- **(a)** within 24 hours after receipt of the request, or within



- (i) any shorter period that is specified by the Minister, if the Minister considers that it is necessary in order to identify or respond to a risk of injury to human health associated with a food commodity, or
- (ii) any longer period that is specified by the Minister, if the Minister considers that the document is not necessary for a recall that is or may be ordered under subsection 19(1) of the Canadian Food Inspection Agency Act; and
- (b) if provided electronically, in a single file and in plain text that can be imported into and manipulated by standard commercial software.

The record keeping and retention requirements of the proposed Safe Food for Canadians regulations are not in alignment with those in Ontario Meat Regulation 31/05 Meat and Regulation 562 FOOD PREMISES (see below excerpts) including those for receiving, manufacturing and distribution. Ontario Meat Regulation 31/05 requires that “The operator shall ensure that the records mentioned in subsection (1) are kept on the plant premises at least until the first anniversary of the date on which they were made”.

The Food Premises regulations only require records be maintained for meat products that are received, no other foods, and that the retention period only be one year.

Regulation 562 FOOD PREMISES

38. (1) Every operator of a premise in which meat products are manufactured shall maintain records of meats received for processing in the premise and the records shall include the kinds of meats, the names and addresses of suppliers, weights and the dates of receipt. R.R.O. 1990, Reg. 562, s. 38 (1).

(2) A record referred to in subsection (1) shall be maintained at the premise for not less than one year from the date of entry of the record. R.R.O. 1990, Reg. 562, s. 38 (2).

How will the Canadian Food Inspection Agency be addressing this discrepancy between the Federal, Provincial and Municipal regulations that govern food, specifically meat, in Ontario? How will these requirements be communicated to the affected parties?

In addition, subsection 89(1) is problematic because of the potential to generate unnecessary business costs. A turnaround time of 24 hours or less to produce documents in the case of a food safety incident under 89 (1) (a) may be unrealistic. Several factors mitigate? against achieving that outcome.

Many of the provincially licensed meat plants are SMEs where staff and resources are limited, the scope of the task may be difficult to accomplish within the imposed timeline of 24 hours. We understand that the biggest concern of Canadian consumers is timeliness, especially in the case of a food incident. For the reasons outlined above, we would propose a turnaround time of 24 to 72 hours after receipt of the Minister’s request to produce all the required documents.

In monetizing the costs associated with the implementation of the Safe Food for Canadian Regulations, was consideration given to the number of non-federally registered meat operations that may be implicated by the traceability requirements?



Clarification with respect to the on-site record retention times would also be welcome to help address this issue. How long must records remain on site? Can records be stored off-site as long as they can be retrieved and provided within 24 – 72 hours of the Minister’s request? The issues pertaining to the storage and retrieval of documents should be clarified.

The Consumer Packaging and Labelling Act and Regulations apply to all food manufactured in Canada. With the transition of the food related sections of the CPLR to the Safe Food for Canadians Regulations Part 11 Labelling, Division 2, will there be education and outreach to those businesses who would not be licensed by CFIA, e.g. the provincially licensed meat sector, but have regulatory obligations to meet the requirements of this part of the regulations? How will this be communicated to the sector?

Improved alignment between the labelling modernization initiatives of the CFIA and Health Canada is of the utmost importance given that by this time next year the Safe Food for Canadians Act (“SFCA”) may have been proclaimed into force. It is important to ensure that when these changes are made consideration is given to the timelines for compliance as the changes can be onerous and costly to small meat businesses.

We have valued CFIA’s engagement in the regulatory consultation process. We look forward to a continued partnership with the CFIA as it sets the stage for a modernized inspection and regulatory regime that has been several years in the making.

This concludes the comments of the Ontario Independent Meat Processors on the proposed *Safe Food for Canadians Regulations*. Once again, we thank you for the opportunity to provide our comments and remain at your disposal to discuss our feedback in more detail.

Sincerely,

Daphne Nuys-Hall
Technical Director