



August 28, 2014

CFIA-Modernisation-ACIA@inspection.gc.ca

Ms. Linda Webster
Director, Strategic Partnership Division
Canadian Food Inspection Agency
1400, Merivale Road
Ottawa, ON K1A 0Y9

Dear Ms. Webster:

Re: Comments of the American Meat Institute and the North American Meat Association regarding following consultation documents:

- *A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations*
- *Incorporation by Reference*
- *Foreign Food Safety Systems Recognition*
- *Use of Private Certification to Inform Regulatory Risk-Based Oversight*

The American Meat Institute (AMI) and the North American Meat Association (NAMA) (hereinafter the organizations) respectfully submit the following comments concerning the above-referenced proposed rule.

AMI is the nation's oldest and largest meat packing and processing industry trade association. AMI members slaughter and process more than 90 percent of the nation's beef, pork, lamb, veal, and a majority of the turkey produced in the United States. In addition, some AMI members operate beef facilities in Brazil, Australia, and Canada, and many members import beef. Finally, approximately 80 percent of AMI member companies are small or very small based on Small Business Administration standards.

NAMA is a trade association with more than 600 member companies in the United States, Canada, and Mexico, representing every segment of the meat industry. NAMA provides its members with regulatory advocacy, educational

opportunities, and informational resources. NAMA members have a profound interest in safe transportation of the products they produce.

The safety of the meat and poultry products the organizations' members produce is their top priority. Because both organizations have member companies that produce meat and poultry products in Canada and many more that export such products to Canada the organizations have a vested interest in the above-referenced consultation documents and submit the following comments.

Foreign Food Safety Systems Recognition

The consultation paper on *Foreign Food Safety Systems Recognition* acknowledges that recognizing foreign food safety systems for purposes of importing products into Canada already occurs in the meat and poultry sector. That approach should be continued consistent with the Canadian Food Inspection Agency's (CFIA or the agency) plan to maintain the assessment and recognition processes as described in Chapter 10 of the *Meat Hygiene Manual of Procedures*.

A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations

CFIA should provide greater specificity regarding the requirements that will apply to meat and poultry products. In that regard, the industry, and the agency, would benefit from the opportunity to review the guidance documents that will apply to the meat sector (*Meat Hygiene Manual of Procedures*, Food Safety Enhancement Program, etc.). Such a review would enable the industry to understand what, if anything, is going to change with respect to the regulatory requirements applicable to meat and poultry products, as well as provide the industry with an opportunity to share its expertise with CFIA as it develops those requirements.

CFIA's efforts to align the agency's food safety regulations with trading partners such as the United States are laudable. Significant resources already have been expended toward achieving "regulatory alignment" between CFIA and the Food Safety and Inspection Service (FSIS), in addition to the Regulatory Cooperation Council initiatives. These efforts should continue and be a high priority for CFIA.

The consultation paper suggests that proposed draft regulations would allow the Minister to suspend immediately a license, upon proper notice being provided, in instances in which there is a "risk of injury to human health". The paper does not provide, however, any guidance about the criteria that would be used to make such a determination. Given the severity of such an action, CFIA should be

transparent with respect to what it proposes will constitute a “risk of injury to human health.” Moreover, CFIA should articulate who within the agency will be authorized to evaluate those criteria and make such an important decision.

Because food safety risk is not size dependent CFIA’s determination that the micro-business exemptions will not apply to the meat industry is appropriate. All licensed operators should be held accountable to the appropriate food safety standards, regardless of size.

A written Preventive Control Plan (PCP) will be useful in verifying compliance with both food safety and non-food safety requirements. Unclear, however, is what CFIA expects an operator to incorporate into a PCP. Specifically, the consultation paper fails to articulate how a detailed PCP would enhance food safety. Because the necessary information is readily available through HACCP and other pre-requisite programs CFIA should carefully consider the administrative burden that may be imposed by requiring a detailed PCP.

The consultation paper also addresses user fees, stating “[I]f the new fee will be an increase of over 100% compared to the old fee, the new fee will be phased in over several years”. A fee increase of more than 100% is substantial and in addition to ultimately being absorbed by consumers, likely will put Canadian meat businesses at a competitive disadvantage. To that end, CFIA should consult with the industry before imposing any such increase.

As CFIA transitions to its new system the importance of a strong training program for inspectors and the industry cannot be overemphasized. To help ensure that objective CFIA should work with the industry to design and deliver training programs. Joint-training initiatives help promote a common understanding of the regulatory requirements and expectations between industry and CFIA.

Finally, although the industry understands the need for record retention, the three year period proposed is excessive and inconsistent with the requirements generally of other countries. For meat, a one year retention period should apply for slaughter facilities and fresh meat products and a two year retention period should apply to frozen or processed meats. Such an approach would help ensure alignment with U.S. regulatory requirements.

Incorporation by Reference

Incorporation by reference (incorporation) is an approach that allows for more timely adjustments to regulatory requirements based on science and technology, risk, market dynamics, among other factors. In that regard, the consultation paper

provides a sound framework and guiding principles for adopting incorporation by reference as a governance mechanism.

The consultation paper, however, focuses more on the policy and legal limits attendant to incorporation and less on how it could be used to make changes to regulatory standards in a more timely manner. For example, CFIA should provide a list of current CFIA manuals and guidance documents that most likely lend themselves to incorporation. In addition, incorporation by reference of third party documents also should be utilized to facilitate keeping abreast of scientific and market changes. In those circumstances to help ensure credibility and facilitate incorporation a third party should help develop the Regulatory Impact Analysis Statement that justifies the third party's standards document that would be incorporated by reference. Finally, CFIA should explain how it contemplates utilizing incorporation with respect to international standards/guidelines.

Use of Private Certification to Inform Regulatory Risk-Based Oversight

CFIA's efforts to incorporate certification of private food safety standards into risk-based oversight is appropriate because it offers an opportunity to better align inspection resources to risk and generates shared accountability for food safety outcomes between industry and CFIA. For example, the pilot project underway between the Global Food Safety Initiative (GFSI) and the U.S. Food and Drug Administration (FDA) regarding how GFSI benchmarked schemes align to regulatory requirements offers lessons that may be used to enhance food safety.

The consultation paper appropriately recognizes that private certification schemes can play a "role in achieving regulatory objectives, provided they are effective, credible and aligned with public policy objectives." Indeed, CFIA acknowledges that leveraging private certification schemes "may help minimize efficiencies, overlap and cost redundancies associated with regulatory oversight."¹

Significantly, CFIA should consider how its regulatory oversight could change utilizing such certification. For example, could or should recognizing certification to private standards change the nature of an establishment's license and its renewal frequency? How might CFIA consider altering its regulatory approach if an operator voluntarily made third party audit results available? Similarly, how might CFIA adjust import inspection processes and frequencies for products coming from a foreign establishment that is certified to a recognized private standard?

¹ The organizations support using such systems to inform an establishment about the PCP requirements associated with the *Safe Food for Canadians Act* and its regulations.

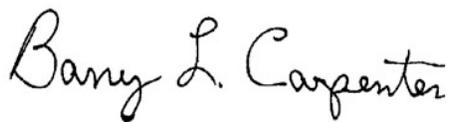
The consultation paper, however, presents certain problems. AMI and NAMA respectfully disagree with certain conclusions or theories embedded in the consultation paper concerning the purpose of private certification programs. For example, private industry codes adopted under the GFSI often apply more rigorous standards (*e.g.* packaging) than government regulatory systems. Those codes are adopted because the industry is committed to delivering safe and wholesome food to consumers and consumer recognition of these programs provides additional impetus for their use.

In addition, there is no need for CFIA to duplicate the work already done by GFSI and re-evaluate each private certification scheme. Given the number of benchmarked private sector codes in the market and resource constraints at CFIA, such a re-evaluation would be unnecessarily costly and time-consuming. CFIA, instead, should rely on GFSI as a global benchmarking tool so long as an establishment can demonstrate that its private scheme complies with GFSI standards.

CFIA also should consider using private certification programs to determine the level of residual risk and CFIA should credit companies/establishments that have a robust Supplier Approval Program. Indeed, CFIA should focus on leveraging private standards in the interest of improved food safety for Canadians.

AMI and NAMA appreciate the opportunity to submit these comments regarding the consultation documents. We would be pleased to answer any questions you have concerning these comments or anything else regarding this consultative process.

Respectfully submitted,



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North American Meat Association



Mark Dopp
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