



FAQ: SAFE FOODS FOR CANADIANS ACT

The Safe Foods For Canadians Act (SFCA) is a new food safety regulation that will be imposed on Canadian importers within 2015. Jamaican exporters to Canada will be required to be compliant with international food safety regulations such as HACCP, GAP, FSMA, or SFCA. Exporters should consult with their importer (s) to see how this will affect their business going forward. See FAQ below for further details on the regulation.

1) What is the Safe Foods For Canadians Act (SFCA)?

The *Safe Food for Canadians Act* was passed on November 22, 2012, consolidating the authorities of four food statutes into one Act.

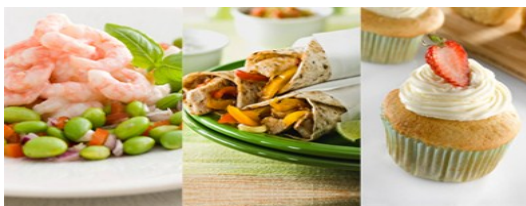
- ⇒ Canada Agricultural Products Act (CAPA)
- ⇒ Fish Inspection Act (FIA)
- ⇒ Meat Inspection Act (MIA)
- ⇒ Food-related provisions of the Consumer Packaging and Labelling Act (CPLA)

It modernizes and strengthens food commodity legislation to better protect Canadian consumers. A proposed deadline for June 2015 implementation is being observed.

2) What is the purpose of the legislation?

The SFCA:

- ⇒ Improves food safety oversight to better protect consumers through:
 - * Tougher prohibitions, penalties and fines for activities that put health and safety at risk
 - * Better control over imports and exports
 - * A more consistent inspection approach across all food commodities
 - * Strengthened food traceability
- ⇒ Enhances international market opportunities for the Canadian food industry by providing central authority to certify any food commodity for export.
- ⇒ Provides for licensing and registration of imports in all regulated food commodities to ensure a consistent approach.



3) What are the implications for Import and Export Trade?

- ⇒ Exporters from international territories (such as Jamaica) are not regulated under SFCA. The Act includes provisions to register or licence importers, holding them accountable for the safety of the food commodities they bring into the country. **Importers will be required to demonstrate that their suppliers are compliant with international food safety standards.**
- ⇒ Importers/Exporters that are compliant with major international standards such as Good Agricultural Practice (GAP), Hazard Analyses & Critical Control Points (HACCP) and so on, are sufficiently compliant with the SFCA.
- ⇒ The SFCA is an important step in aligning Canada's food safety system with her trading partners, such as with the *Food Safety Modernization Act* in the United States. Flexible, modern authorities will allow for timely responses to new international trade requirements.
- ⇒ **The legislation provides for the regulation of all food commodities.** Foods such as meat, fish, dairy and eggs are already regulated in Canada. Importers must meet Canadian requirements to bring these products into the country. In cases where food products are not regulated (for example coffee, baked goods, spices), having a licensing regime for importers places the responsibility on them to import safe foods and will increase Canada's ability to act when there is non-compliance.
- ⇒ The Act consists of stronger regulations and harsher penalties. The role the inspector for instance, has been strengthened and expanded to act across all food commodities. An inspector is now able to request and act on telephone-issued warrants. With the updating of the legislations, a fine for serious contravention that was previously CAD 250,000 can now be as high as CAD 5,000,000.



4) What are the food commodities that are affected by the Act?

All food commodities are regulated under the new SFCA. Through the consolidation of a number of Food related authorities, meat, fish, dairy, eggs and fruits and vegetables (processed and unprocessed), and packaged foods are all subjected to regulation. **Where, there is no established grade for a food commodity, the importer stands the responsibility of ensuring its quality.**

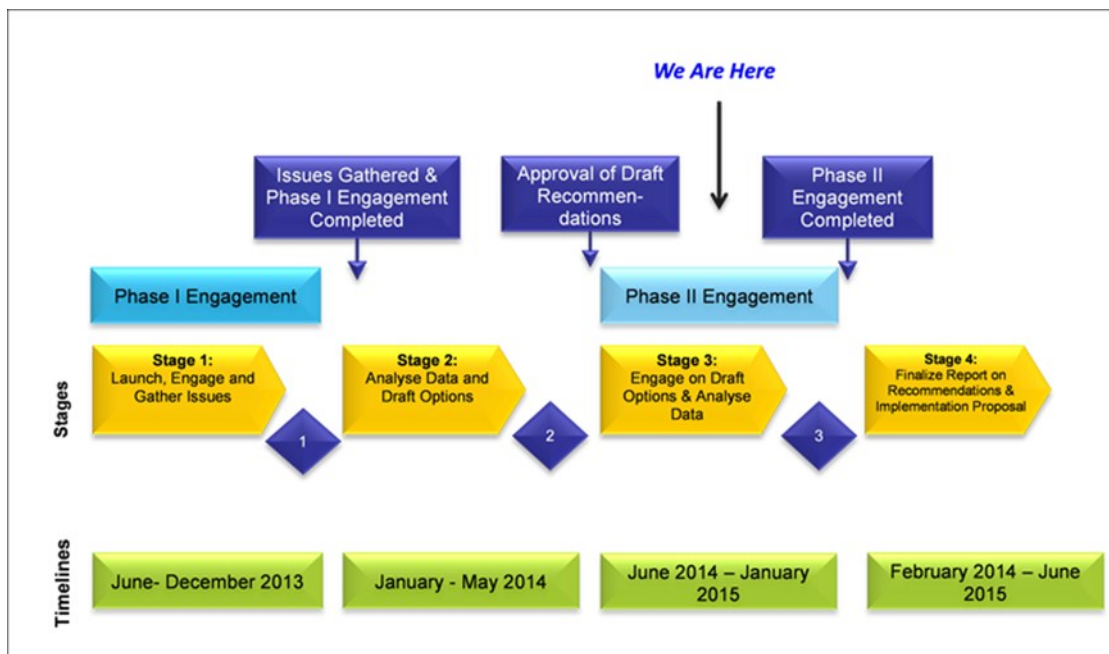
Drugs or Natural Health Products (NHPs) that are not also a food commodity are not regulated under the SFCA. Note however, that where a product is a food commodity (based on its format, representation, and history of perception and use/consumption), it will be regulated as a food commodity, irrespective of whether it also shares certain features with products that are NHPs or drugs. NHPs are regulated under the *Natural Health Product Regulations*, made under the *Food and Drugs Act*.

(See table on page 4 for the list of fresh produce that are currently regulated by Canada)

6) Is there a timeline for the implementation of the SFCA?

The CFIA will be completing an extensive and comprehensive review of the SFCA and other related regulations and working with affected stakeholders to implement the new regulations as quickly as possible. With industry in mind, the Agency has proposed a phased implementation approach commencing in 2015 to 2017.

The diagram below maps the current status of the legislation.



Source: Canadian Food Inspection Agency
(2014, Presentation at TFO Seminars for Trade Commissioners)

7) What are some of the advantages of the SFCA?

- ⇒ Safer and healthier foods available to Canadian consumers
- ⇒ All importers must be licensed thereby improving the competitive landscape
- ⇒ The legislation is more easily understood with the use of modern and results-based language
- ⇒ A new review mechanism that will be faster and cheaper than current judicial appeal process
- ⇒ Increase market access through alignment with other standards
- ⇒ There is a proposal under advisement for exemptions to be applied to micro importers (food revenue of CAD 30,000 per 12month period)

8) What are some of the disadvantages of the SFCA?

- ⇒ Potential loss of export market for companies/producers that are not certified
- ⇒ High cost to upgrade systems and processes to become internationally compliant
- ⇒ Lack of clarity in the language of the legislation where specific descriptive language is replaced
- ⇒ June 2015 deadline for licensing requirement to come into effect is not enough lead time for some exporters.

Fresh fruits and vegetables, including nuts and edible fungi, are regulated by the *Fresh Fruit and Vegetable Regulations* under the *Canada Agricultural Products Act*. These regulations cover quality, labelling, packaging, grading, and health and safety requirements.

The following are the 30 fresh fruits and vegetables for which grades are established:

| Fruits | Vegetables (miniature vegetables are excluded, but miniature cucumbers are included) |
|--|--|
| Apples | Asparagus (exception - white asparagus) |
| Apricots | Beets (exception - beets with tops) |
| Blueberries (exception – for processing) | Brussels Sprouts |
| Cantaloupes | Cabbages |
| Cherries | Carrots (exception - carrots with tops) |
| Crabapples | Cauliflower |
| Cranberries | Celery |
| Grapes | Sweet Corn |
| Peaches | Field Cucumbers (exception - pickling cucumbers) |
| Pears | Greenhouse Cucumbers |
| Plums and Prunes | Head Lettuce - Iceberg type |
| Field Rhubarb | Onions (exception - onions with tops) |
| Strawberries (exception - if no grade is used) | Parsnips |
| | Potatoes (excluded if certified for seed) |
| | Rutabagas |
| | Field Tomatoes (exception - cherry tomatoes) |
| | Greenhouse Tomatoes |



For more information visit CFIA website at <http://www.inspection.gc.ca/>