



**National Farmers Union**  
2717 Wentz Ave.  
Saskatoon, SK S7K 4B6  
nfu@nfu.ca www.nfu.ca

## **National Farmers Union Submission to CFIA Consultation on a New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulations, August 2014.**

The National Farmers Union (NFU) is Canada's largest voluntary direct-membership, non-partisan national farm organization. Founded in 1969, and with roots going back more than a century, the NFU represents thousands of farm families from coast to coast. NFU members believe that the problems facing farmers are common problems, and that farmers producing diverse products must work together to advance effective solutions. The NFU promotes economic and social policies that will maintain family farms as the primary food-producers in Canada.

The NFU would like to comment on the implications of the proposed regulations in regard to grain farmers. Our submission recommends that grain farmers be exempt because the food safety for grain is already fully and effectively regulated under the *Canada Grain Act* and *Canada Grain Act Regulations*.

The scope of the *Safe Food for Canadians Act* and the proposed regulations is very broad. The Act defines "person" according to include "every one", "person" and "owner", and similar expressions, including Her Majesty and an organization. It defines "food commodity" as (a) any food as defined in section 2 of the *Food and Drugs Act*; any animal or plant, or any of its parts, from which food referred to in paragraph (a) may be derived; or (c) anything prescribed by regulations to be a food commodity. The Act requires that any person who sends any regulated food commodity from one province to another, or imports or exports it, to comply with the regulations, be licensed and in some cases, also registered. The proposed regulations would establish minimum requirements for everyone who imports, prepares, grows or harvests food for inter-provincial trade or export, regardless of the commodity or size of operation. Thus, under the proposed regulations, grain farmers would require a license to sell their crops because grain is a food or food commodity that is usually sold for export and/or domestic processing in another province.

The proposed regulations would require every license holder to have a "Preventive Control Plan" (PCP) which is a form of Hazard Analysis and Critical Control Point (HACCP) plan. CFIA inspectors would use farmers' PCPs to verify compliance with the Act and Regulations by examining their paperwork. Actual inspection would only occur if the inspector believed it was warranted. Farmers with revenues under \$30,000 are proposed to be exempt from the requirement to provide a PCP, however, most grain farmers would be above that minimum.

Under the proposed regulation, each licensed grain farmer's PCP plan would need to identify: all hazards; critical control points and related control measures that are validated by evidence; critical limits; monitoring procedures; corrective action procedures; verification procedures; and record keeping procedures.

The PCP would also need to address seven key elements to good manufacturing and agricultural practices, including: products and processes; sanitation, pest control, sanitizers and chemical agents; hygiene and competencies; equipment and conveyances to be used in an establishment; physical structure and maintenance of the establishment; receiving, transportation and storage; and investigation and notification, complaints and recall procedures.

The NFU is opposed to including grain farmers under these proposed regulations because compliance would be both onerous for farmers and redundant in regard to food safety. The *Canada Grain Act* and its *Regulations* already regulate food safety for grain effectively. As well, the proposed regulations would potentially disrupt or interfere with the current comprehensive, fully-integrated system for protecting grain-related food safety<sup>1</sup>. Furthermore, the NFU opposes any initiative that might be considered to undermine or replace the *Canada Grain Act* and/or the mandate and role of the Canadian Grain Commission in safeguarding the quality standards of Canada's grain sector.

Section 13 of the *Canada Grain Act* states the mandate of the Canadian Grain Commission (CGC) thus: "Subject to this Act and any directions to the Commission issued from time to time under this Act by the Governor in Council or the Minister, **the Commission shall**, in the interests of the grain producers, **establish and maintain standards of quality** for Canadian grain **and regulate grain handling** in Canada, to ensure **a dependable commodity for domestic and export markets.**" [emphasis added]

The CGC clarifies that "Grain quality refers to end-use processing quality, grain safety and cleanliness, and, in some cases, the composition of varieties in shipments of grain. Grain grades are a measure of grain quality. The Canadian Grain Commission provides grain inspection and grading services on shipments of Canadian grain, as mandated by the *Canada Grain Act*. Scientific and technical programs and services support the certification of grain quality for shipments of Canadian grain."<sup>2</sup>

The CGC grades barley, beans, buckwheat, canola, chick peas, corn, fababeans, flaxseed, lentils, mixed grain, mustard seed, oats, peas, rapeseed, rye, safflower seed, soybeans, sunflower seed, triticale and wheat.

---

<sup>1</sup> The only grain handlers that may be exempted from CGC licensing requirements are those that the CGC deems not essential for maintaining the quality, safe-keeping and orderly and efficient handling of grain in Canada. (Section 117, *Canada Grain Act*). Exemptions from licensing are detailed in Section 15. (1) of the *Canada Grain Act Regulations*.

<sup>2</sup> Information about the quality of Canadian grain, Canadian Grain Commission, <http://www.grainscanada.gc.ca/quality-qualite/iaqm-mrsg-eng.htm>

The grain sector as a whole has a well-researched understanding of the current and emerging food safety risks, and has developed and implemented proven methods of mitigating them to meet the CGC's quality standards. The CGC's effective use of its regulatory authority and mandate is the solid foundation upon which Canadian grain sector's enviable reputation and excellent trade position has been built.

Food safety-related matters, such as ergot, fusarium damage, foreign material, etc., are grading factors for grain, with specific tolerances for each one. To obtain a grade, the grain must meet the required tolerances for all grading factors. Price and grade go hand in hand, so there is a strong incentive for farmers to meet the requirements for the highest grade possible, and thus the highest food safety standard, to maximize their revenues.

Farmers, therefore, are already active participants in meeting Canada's grain quality/food safety goals. Farmers can and do influence the quality and safety of the grain they produce in numerous ways, such as the application of cultural practices, seed choice, cleaning, drying, and the use of appropriate storage facilities, for example.

The Canadian International Grains Institute (CIGI), also an integral part of Canada's grain sector, conducts research to improve the quality of grain produced and meet the needs of our domestic and international customers. CIGI has an open and transparent relationship with Canada's export customers, and supports the CGC's quality standards by continually expanding the knowledge base that will improve the ability of Canadian farmers to deliver the kind of product our export and domestic customers want. CIGI is funded by farmers, government and industry because all see the benefit of CIGI's capacity to do sophisticated and long-term research to better understand the complex issues that affect the final product.

When asked for an example of a potential food safety risk from grain that the proposed regulation might address, CFIA personnel mentioned mycotoxins.<sup>3</sup> An individual farmer might respond to this risk by including prophylactic application of fungicide on cereal crops in his/her farm's mandatory PCP. However, problems in agriculture are rarely simple. CIGI is currently researching the relationship between fungicide use of during wheat production on loss of baking quality in flour.<sup>4</sup> Thus, what at

---

<sup>3</sup> The documented food safety risk from mycotoxins in Canadian grain products is very low. The CGC grading system measures and sets limits for fusarium-affected grain that may contain mycotoxins. In 2011, the CGC tightened the tolerance level for this grading factor (<http://www.grainscanada.gc.ca/guides-guides/don/don-1-eng.htm>). A review of several years of CFIA food recalls shows only one instance of mycotoxin contamination that caused one illness from a product that was imported from Russia (<http://www.inspection.gc.ca/about-the-cfia/newsroom/food-recall-warnings/complete-listing/2013-06-27/eng/1372379805536/1372379816370>). The CFIA's survey of corn products found minor levels of contamination and no food safety concerns due to the few instances of elevated mycotoxins (<http://www.inspection.gc.ca/about-the-cfia/newsroom/news-releases/2012-12-20/eng/1355934723486/1355934758354>).

<sup>4</sup> Cigi Annual Report 2012 / 2013

first seems to be a solution to a food safety risk may in fact have unforeseen effects on quality, which in turn damages Canada's export market position.

The proposed regulation would rely on self-reporting; farmers' variable levels of expertise and knowledge about food safety risks and HACCP planning; and a paper-based audit mechanism. In contrast, the CGC actually inspects and samples every shipment of grain for export or domestic consumption (see box: **Quality and quantity information for buyers of Canadian grain**).

### **Quality and quantity information for buyers of Canadian grain**

**Certificates of quality and quantity** - The Canadian Grain Commission issues certificates that attest to the grade and weight of grain shipments. At the request of buyers, the Canadian Grain Commission provides additional documents that attest to specifications for quality factors, variety composition, and safety factors.

**Grain grades** - The grade on a Canadian Grain Commission certificate represents a consistent, defined measure of quality. The Canadian Grain Commission establishes grain grades and specifications, carries out research to validate them, and reviews them to make certain that they are relevant to the end-use qualities that buyers require. Canada's grain sector uses Canadian Grain Commission grades to inspect grain.

**Grading and inspection practices** - The Canadian Grain Commission inspects grain when it is received by licensed terminal or transfer elevators and when it is loaded onto ships or railcars for export or shipped to domestic processors. Inspectors follow consistent practices when they inspect grain.

Source: [www.grainscanada.gc.ca/buyer-acheteur/bqq-agq-eng.htm](http://www.grainscanada.gc.ca/buyer-acheteur/bqq-agq-eng.htm)

The licensing and PCP requirements would likely be viewed by most farmers as, and in fact be, yet another layer of red tape that increase expenses and use up valuable, often limited, human resources. CFIA's own analysis indicates that the burden of complying with PCP requirements would fall disproportionately on small businesses, such as grain farmers.

Today, after the CGC's statutory measures are fulfilled, the remaining food safety risk from Canadian grain is low to non-existent. Requiring farmers to obtain licenses and file PCP plans would waste both public and private resources, and may well compromise food safety by introducing contradictory incentives that could promote short-term thinking and induce poorly informed behavior and fragmented responses should actual food safety issues occur. It should also be noted that the CGC grain quality assurance is fully funded by producers. Moreover, grain is rarely consumed directly without processing. The supply chain from farmer to processor to consumer already provides multiple opportunities to catch and deal with any downstream food safety risks. Inserting yet another step would be redundant.

According to Industry Canada, Canadian grain exports in 2013 were worth over \$18 billion. As exports have steadily increased in value, Canada has lost no international market share due to food safety concerns with its grain. Rather, Canada's success in serving these markets is because of to its long-standing quality assurance program as defined by the *Canada Grain Act and Regulations*, and carried

out by the CGC in the interests of Canadian farmers. Evidence of this reality is that no major food safety crisis has originated on Canadian grain farms.

The food safety system for grain is not broken. The NFU urges the CFIA not to tamper with it. For that reason we make this recommendation:

- **That grain farmers be exempted from the CFIA's Proposed Regulations under the new Regulatory Framework for Federal Food Inspection; and**
- **That the CFIA advocate for maintaining the comprehensive, national CGC-based grain quality assurance system and resist any move towards atomizing Canada's food safety regime for grain by implementing an individual producer-based approach.**

All of this, respectfully submitted by the National Farmers Union.