

Canadian Food Inspection Agency limits export opportunities for Canadian Business

Summary

Canadian Food Inspection Agency (CFIA) recently put out a Proposal – Maximum Chemical Contaminant Levels in Livestock Feeds. This proposal included several initiatives which are harmful to businesses and will have the effect of reducing trade opportunities. The Chamber of Commerce asks that the Federal Government intervene in this process, maintaining current trade opportunities and protecting the competitiveness of Canadian businesses.

Business Case

The CFIA's recently released proposal includes several components that are problematic, even devastating for Canadian businesses involved in the manufacturing of livestock feeds.

First, the proposal sets a maximum contaminant level for dioxins in livestock feeds based on a survey of available products. A more robust scientific approach would set maximum contaminant levels using a risk or safety analysis methodology as set out by CODEX, an international group that has been formed to advise governments. The FDA in the United States also has taken a stand against the method used by CFIA as it is seen as arbitrary and can lead to less food/feed being available.

The move to incorporate regulatory guidance action levels by reference to impose regulatory limits, without a full review and consultation with industry and other interested parties is a significant change. This proposal is a means of the agency creating regulations without any oversight. A limit for a substance could be set by a guidance document and it immediately becomes law without the need for industry input or any reviews by the groups being regulated or by the elected government.

CFIA's proposed prohibition of the export of livestock feeds/ingredients that do not meet the Canadian standards, even where the importing country has differing tolerances and standards or methods of regulating the contaminant. This proposal would mean that if the product did not meet the Canadian standards and testing methods, the product could not be sold anywhere in the world. The proposal has the effect of Canada determining its standards as the standards for every other country. As an example, a product that cannot be sold in Canada could not be sold in the USA, even though that product would meet the USA regulations and the FDA allowed importation.

None of these proposed changes are in the best interest of industry or Canada.

The issue is, "should Canada set the standards for other countries or should other countries set their own standards and be allowed to import whatever products they wish to import". As an example, the United States, through FDA, has determined that no limits are set for dioxins but will test when there is an issue ("find and fix strategy"). Under the proposal, Canada could

prevent all shipments of Red Lake Earth into the USA, even though FDA has reviewed the product and has determined it should be allowed for use in the United States.

The imposition of Canadian regulations on products being exported to countries that will set their own rules and regulations concerning imports is not an area in which CFIA should be concerned.

Recommendation

That the Federal Government:

1. Immediately instruct CFIA to remove the Proposal for Maximum Chemical Contaminant Levels in Livestock Feeds (July 2017) from consultation.
2. Instruct CFIA to limit its enforcement policies to products sold in Canada for Canadian consumption and not apply Canadian Standards for products that are marked for export.
3. Treat all chemicals listed in the proposal consistently, as components of total feed, in accordance with Section 19(j) and (k) or the Regulations for the Feed Act.
4. Immediately remove the proposal regarding the contaminant level for dioxins that was presented as guidance but is now being treated as legislation, thereby allowing for greater consultation and all parties having an opportunity to provide input.

Submitted by Absorbent Products Ltd.