

# A Primer On International Food Safety Regulations

by Ronald L. Doering



**T**HE GROWTH IN THE international trade of food (and the law regulating its movement) is perhaps the single biggest factor affecting food safety regulation today. Canada annually exports more than \$21 billion of agricultural products and fish and fish products are valued at \$3.8 billion. Canada imports food and agricultural products from half the countries in the world with food imports alone valued at \$10.7 billion annually. Canada, then, has much to gain from trade liberalization. At the same time—and this is at the heart of the current globalization debate—countries like Canada strive to obtain the benefits of trade liberalization without sacrificing certain national sovereignty rights such as the maintenance of national public health standards for safe food.

The World Trade Organization (WTO) recognizes the sovereign right of countries to afford appropriate levels of health and safety protection for their people, animals, and plants through a subsidiary agreement called the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS). While enshrining the right of protection, the agreement sets up a regime to prevent these measures from being protectionist; that is, to prevent countries from using domestic standards as disguised barriers to trade. The SPS Agreement places a number of restrictions on how these measures are developed and enforced, particularly requiring that the standards be science-based. Countries that adopt certain

international standards are deemed to be trade-compliant without the need to establish any other scientific basis. The Agreement specifically references three existing international standard-setting bodies: the Codex Alimentarius (CODEX) for food safety standards, the Office International des Epizooties (OIE) for animal health, and the International Plant Protection Convention (IPPC) for plant health.

These organizations have been fundamentally transformed by the WTO reference. While established to allow technical-level bureaucrats to design voluntary technical standards by consensus, they are now at the heart of the protection-protectionism debate because decisions they make have huge implications for a country. Their standards can be used to justify preventing products from being exported from competitor countries.

There have already been several cases where food safety has been used as a disguised barrier to trade. North American beef still cannot be exported to the European Union because of allegations that U.S. and Canadian use of certain growth hormones in cattle cause a food safety risk. The Codex Committee concluded that the hormone use was safe but the EU chose to accept trade sanctions rather than allow this perceived threat to its food supply. Similarly, the EU has justified its ban on the imports of food containing genetically modified ingredients disguising their protectionist position by citing science that supports a food safety risk.

It is not well recognized that food safety regulators around the world

regularly find themselves thrust into the midst of complex international trade issues in which the science is relevant but rarely determinative.

Canada has negotiated hundreds of bilateral trade agreements with other countries in which we accept equivalency for specified products with the result that much trade occurs through government certification rather than re-inspection.

While the system has generally served us well, the phenomenal growth in food imports has put the system under severe stress. There is growing evidence of corruption and incompetence in foreign countries which is undermining the credibility of their regulatory systems. Food Processors have been sourcing ingredients from countries with lax controls. Recalls routinely involve scores of countries. International terrorism has resulted in increased border security. It has become increasingly difficult to develop international standards. It remains to be seen how well the international food regulatory system can adopt to these growing challenges. ■

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