



## Changes are a comin'

Several changes are coming that will have a significant impact on Canadian food law and practice



### Repeal of standard container size regulations

To everyone's surprise, the government has announced its intention to repeal the famous standard container size regulations that are set out in the *Processed Products Regulations* (PPR). These stipulate mandatory requirements for grades and standards, including standard container sizes, for canned and frozen fruits and vegetables that are imported, exported or that are traded interprovincially. The regulations are voluminous — there are 73 sections and 12 schedules with dozens of pages of mind numbing detail. Most consumers don't even know they exist. How many know, for example, that vegetable soup and pork and beans can be in 10- and 14-fl oz cans, but it is an offence to use 12-fl oz cans? Or that ketchup containers must be 375-, 575-, or 750-mL sizes?

Changes to the PPR have been a divisive issue for years because they create winners and losers. For some, the PPR is a small but helpful protectionist measure; for others, a barrier to the importation of new or cheaper products. It did provide modest consumer protection, but the Canadian Food Inspection Agency (CFIA) wasted resources and wrongly, in my view, even applied it to the importation of wholesale bulk product to manufacturers who used it for further processing.

The announcement in the 2012 federal budget was limited to the repeal of "regulations related to container standards to enable industry to take advantage of new packaging formats and technologies, while removing an unnecessary barrier for the importation of new products from international markets." Other changes to the PPR will be done as part of the broader legislative consolidation of CFIA regulations that is coming very soon.

### A new CFIA Complaints and Appeals Office

Kudos to Agriculture Minister Ritz and CFIA president George da Pont for bringing into force an important new administrative redress mechanism for the CFIA. Readers of this column will know that I have argued for over

a decade that the scope of discretion and the range of CFIA authorities required a step-wise process to have regulatory decisions reviewed in an independent and timely way. If industry is not satisfied with CFIA staff actions in the enforcement of rules, if there has been undue delay in decisions or if the regulated party disagrees with decisions made by CFIA employees related to licensing, registration, permits, orders, inspection results, seizure, labelling or other regulatory action, then the CFIA now has a clear process to address the complaint in a timely way and provide redress if warranted.

After trying to resolve the matter directly with the employee, the regulated party now has automatic access to a formal written complaint procedure with a new Complaints and Appeal Office. The new Office will be guided by the recently released CFIA *Statement of Rights and Service for Producers, Consumers and Other Stakeholders*. Done right, this modest regulatory innovation could significantly improve the quality of agriculture and food law enforcement in Canada and could provide a useful precedent for other areas of regulation.

### More changes coming

By the time this is published, we'll have details on legislative consolidation at the CFIA and, from Health Canada, some decisions on food-like Natural Health Products. And following the budget commitment to "streamline and accelerate the process for how foods are regulated," the introduction of modest amendments to the *Food and Drugs Act* to expedite, *inter alia*, the process for additive changes. ■

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