



## It's not easy being a food safety regulator

This summer the media reported several incidents that led to strident criticism of food safety regulators that was completely unfair and wrong. These cases served to remind me of something I sometimes lose sight of. Acting for the food industry, I regularly encounter stupid laws, inflexible out-of-date rules, unreasonable delays in pre-market approvals, and inconsistent enforcement, and as a result, this column has often been critical of food regulators. Having had the lead responsibility for setting up the Canadian Food Inspection Agency (CFIA) and serving as its president for several years, you would think that I shouldn't have to be reminded that it's not easy being a food safety regulator.

In the United States, the largest foodborne outbreak in the last decade involved a rare strain of Salmonella Saintpaul thought to originate from tomatoes. The Food and Drug Administration (FDA) acted quickly, providing a public warning to avoid eating several types of tomatoes until its investigation was complete. After several weeks and hundreds of tests and interviews, the FDA concluded that the problem was not likely tomatoes but rather hot peppers. In the meantime, the tomato industry lost hundreds of millions of dollars in sales and now demands compensation for its losses due to the regulator's "mistake." Politicians rushed to microphones to utter vicious attacks on the FDA for "destroying" the tomato industry. Produce industry spokespersons were equally outraged.

Of course, these are the very same people who would have been outraged if tomatoes had been the source of the salmonella and the FDA had failed to act quickly. The fact is that the FDA did exactly the right thing in the circumstances. Tracing the source of foodborne illnesses can be diabolically complicated, especially for produce like tomatoes where products are sorted, there are no bar codes and the product is quickly consumed, often together with other produce. In fact, the most likely culprit is salsa, a combination of tomatoes and peppers. Hundreds of newspaper and magazine articles piled on to criticize the regulators, with almost none explaining that the FDA probably did the best that it could in the circumstances.

This summer in Canada we had several front-page news stories and sensational television and radio coverage of the case of a fired CFIA scientist who was described as a whistleblower for revealing proposed changes to Canada's food safety system. The media and a union leader highlighted,

in particular, the CFIA's proposal to no longer require mandatory pre-market label registration for meat and certain processed food products, implying that this "privatization" would compromise "the health and safety of Canadians." The CFIA was slow to respond to the criticism, but it finally pointed out that the saved resources would be re-directed to higher risk areas.

More to the point, the proposal to eliminate pre-market approval of these labels had absolutely nothing to do with food safety. We don't require pre-market approval of labels of any other food products. This is a long overdue reform and a modest effort by the CFIA to re-direct its limited resources to higher risk areas. In fact, before the "leak," the CFIA had already released a notice to the industry of its intention to enact this reform designed to effect a reduction of the regulatory burden and the time it takes to get new products to market.

In the past 20 years food safety regulators have been thrust into the public spotlight, often in impossible circumstances. There are now more than 250 different types of bacteria, parasites, viruses and toxins that are known to cause foodborne illness, and it is now the largest class of emerging infectious diseases in Canada. We are now aware of more than five times the number of foodborne pathogens than were identified 60 years ago. One third of Canadians get food poisoning every year.

At the same time, a number of factors have combined to complicate the setting and enforcement of food safety standards. The science is often uncertain. Analytical chemistry can now find parts per trillion, yet no one knows what the safe level should be. More inspection, auditing and testing cannot create zero risk. More food is consumed outside the home and more of it is imported. Risk communication to a scientifically illiterate population with chemical paranoia is difficult. Misinformation abounds.

Regulators are routinely criticized for overreacting to one problem and underreacting to another. It's easy being a Monday morning quarterback; it's not easy being a food safety regulator.

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