



Got Questions?

The Food Law Guy has the answers

DEAR FOOD LAW GUY:

I just read that the U.S. intends to expand its inspection of Canadian fruits and vegetables in November and have Canadians pay for it. What's going on?

Allan from Ajax, Ont.

DEAR ALLAN:

The United States Department of Agriculture quietly published its intention to do this with apparently little prior notice to the Canadian government. It's not clear yet whether this will involve some kind of system of "hold and test." If it does, the implications could be very hurtful.

What has surprised me is how muted the reaction has been from Canada. Apart from an excellent editorial in the *Globe & Mail* and a column by veteran reporter Alex Binkley, there has been little government or industry response. The Canadian produce industry put out a purely factual press release repeating the U.S. unsubstantiated allegation that there is "an increasing amount of prohibited material that came from places other than Canada being intercepted at the Canada/U.S. border." If this is true, and non-Canadian products pose a risk, then Canada is equally vulnerable and we should be alarmed. If this is not true, then we should be complaining that this is another example of inappropriate U.S. protectionism.

It's somewhat ironic that the U.S. action came the week before the three ministers from the U.S., Canada and Mexico reported with much fanfare on supposed accomplishments under the Security and Prosperity Partnership. Other than recycling platitudes from the leaders' meeting in Cancun, the only reference to the food and agriculture sector was that "U.S. and Canadian officials began exchanging information to compare methods of vulnerability assessments." This is new? The cold truth needs to be repeated: there is still no real work or progress on regulatory harmonization for the food and agriculture sector. And now we are going to pay to help the U.S. create more roadblocks at the border.

DEAR FOOD LAW GUY:

Whatever happened to the CFIA proposal to have a national regulatory standard for "organic?"

Sean from Saskatoon, Sask.

DEAR SEAN:

I'm pleased to report that the Canadian Food Inspection

Agency (CFIA) has just published in *Canada Gazette I* a comprehensive scheme to bring some order to this confused area. While the urgency was the pending action by the European Union to deny access for Canadian products until Canada had a national regulatory system, the new regulation should also serve to cut down on the proliferation of "organic" products that would not meet any standard. With the rapid growth of the sector, the proliferation of accreditation agencies and organic logos and the virtual non-regulation of imported products, the lack of a national standard that was consistently enforced had become a major problem for growth in the industry. The CFIA has wisely chosen to have Third Party Delivery of the program, backing up the various accreditation agencies with federal law and enforcement when necessary. The CFIA has also prepared an excellent detailed Quality Management System Manual that is available on request.

DEAR FOOD LAW GUY:

Whatever happened to the Health Canada proposal to allow additional irradiated foods to be sold in Canada? Our company would like to introduce a private label brand line of irradiated ground beef.

Tom from Toronto

DEAR TOM:

Forget it. Our regulatory system does not allow such radical innovation. It's true that in November 2002 Health Canada announced its intention to amend the Table to Division 25 of the *Food and Drug Regulations* to allow fresh, frozen, prepared and dried shrimp, fresh and frozen poultry, and fresh and frozen ground beef to be irradiated in order to control pathogens, reduce microbial load and extend durable life. It's also true that the World Health Organization endorsed food irradiation more than 25 years ago, and that the U.S. approved irradiation of poultry in 1990 and meat in 1997. However, it will be several years before this innovation will be available for the Canadian processor/retailer. It's yet another interesting example of our sclerotic regulatory system undermining innovation and investment, as well as another indication of the lack of regulatory harmonization.

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