



Evelyn Soo

Executive Director, Food Safety and Consumer Protection Directorate

Canadian Food Inspection Agency

1400 Merivale Road, Tower 1

Ottawa, Ontario K1A 0Y9

Sent by email: [cfia.labellingconsultation-etiquetage.acia@inspection.gc.ca](mailto:cfia.labellingconsultation-etiquetage.acia@inspection.gc.ca)

**June 14, 2024**

## Subject: SFCA Review Consultation

### Introduction

The Fruit and Vegetable Growers of Canada (FVGC) appreciates the opportunity to submit a response to the Canadian Food Inspection Agency's (CFIA) review of the Safe Food for Canadians Act (SFCA) through public consultation. We understand the importance of such reviews in ensuring the Act continues to meet the evolving needs of all stakeholders, including industry participants, consumers, and other interested parties. Thank-you for the opportunity to share our recommendations on behalf of the fruit and vegetable sector.

### About FVGC

The FVGC represents over 14,000 farms producing more than 120 types of crops with a farm gate value of \$6.8 billion in 2022. Our members include a wide range of growers, packers, shippers, and marketers from across Canada. Since 1922, FVGC has advocated on important issues that impact Canada's fresh produce sector, promoting healthy, safe, and sustainable food, and ensuring the continued success and growth of the industry. Our collective voice is crucial in shaping policies that directly impact the fresh produce sector and, by extension, Canadian consumers.

### Industry Commitment to Food Safety

The fresh produce industry has consistently taken a proactive approach to food safety. FVGC and our members remain committed to maintaining high standards that safeguard Canadian consumers' health and well-being.

### Recognition of Fresh Fruit and Vegetable Sector Initiatives

FVGC, formerly the Canadian Horticultural Council, initiated a food safety program known as [CanadaGAP®](#) at the turn of the century. CanadaGAP® is a food safety program for companies that produce, handle and broker fruits and vegetables.

The program has received full Canadian Government Recognition, and currently certifies nearly 3000 participating companies (retail, processing and food service sectors) across Canada and the U.S. fresh produce industry, as well as international recognition across the range of export markets in the U.S., Latin America, Europe and Asia, ensuring effective food safety procedures.

As such, FVGC has limited commentary on food safety aspects per se, but fully supports the Government of Canada's efforts to reduce regulatory and administrative burdens as they modernize the Act.



## 1) SFCA Review – High Priority Recommended Amendments

---

The SFCA review aims to provide consistency in regulations across food commodities. However, the SFCA and its Regulations must recognize and accommodate the need for commodity-specific regulatory tools that reflect trade realities, and the need for flexibility, exemptions, and experimentation to support innovation in products and packaging of perishable fresh fruit and vegetables (FFV).

### Grades Compendium

The SFCA has the ability to specifically support the modernization and regulatory approach to Grade standards for fresh fruit and vegetables. Grades and [grade names](#) for foods are regulated under the [Safe Food for Canadians Act](#) (SFCA) and the [Safe Food for Canadians Regulations](#) (SFCR), as well as under various provincial acts. Currently, thirty-one (31) FFV grade standards are maintained by the CFIA.

The quality grade standards establish one of the critical baseline elements used by the sector and the Fresh Fruit and Vegetable Dispute Resolution Corporation (DRC) for credible dispute mediation and resolution. FVGC supports the use of incorporated by reference (IBR) as a regulatory tool to facilitate the modernization of regulations in particular because it allows for faster timelines than regulatory changes and more flexibility to address sector-specific needs.

**Recommendation 1: CFIA continues to prioritize work with the Fresh Produce Alliance (FPA) consisting of FVGC, Canadian Produce Marketing Association (CPMA) and the Fresh Fruit and Vegetable Dispute Resolution Corporation (DRC), in developing a new approach to manage, review, modernize, and publish the grade standards in a timely and efficient manner.**

### Food Labelling

In the SFCA, the definition, *package* means an inner or outer receptacle or covering used or to be used in connection with a food commodity and includes a wrapper or confining band. (emballage)

FFV grades set in the [Canadian Grade Compendium: Volume 2 – Fresh Fruit or Vegetables](#) trigger mandatory grading and labelling requirements. Labelling requirements have in certain instances caused unintended added costs or other regulatory burden to industry, and/or prescriptive requirements that can hinder product innovation, and yet failed to offer consumer protection of food safety benefits.

The original definition of *package*, in combination with further definitions in the SFCR, including *consumer prepacking* has caused certain unintended impacts especially where there is no distinction language in the regulations from other foods, that provides FFV packaging with appropriate exemptions or flexibility for treatment of perishable foods that are often harvested and packaged directly on-farm.

**Recommendation 2: Seeking an amendment to the SFCA definition of *Package*, as follows:**

*an inner or outer receptacle or covering used or to be used in connection with a [food commodity](#) and includes a wrapper or confining band **but does not include a transparent protective wrapper on an individual unit of produce or clear unsealed protective bags of produce.***

The addition of a new definition for **protective** could be useful to the SFCA, as the word has a long-standing, internalized and consistent interpretation by the produce industry and could distinguish the SFCR Section 213 exemptions and its applicability.



Fresh fruits or vegetables that are in a **protective** wrapper (such as cucumbers, cauliflower, or head lettuce) or a protective bag, that is transparent and is labelled only with a price, bar code, number code, environmental statement or product treatment symbol are exempted from the requirements for further labelling.

These **bulk, individual** produce items use a protective plastic wrap for food safety and product sustainability purposes. For instance, individual, long English seedless greenhouse cucumbers, have a **protective** heat-shrink plastic overwrap to extend shelf-life from 2 days to 14 days from the date of harvest to consumption. The plastic is recyclable, but thin, clear, and without any printing on it.

The plastic protective wrap on the single greenhouse cucumber is applied for the same reasons bulk products such as apples and squash have food-grade wax applied to them. Regulations that treat **protective** overwrap on FFV with the same requirements as other packaging can create regulatory burden and barriers for compliance with little benefit.

**Recommendation 3: Ensure SFCA supports the current labelling exemption under SFCR Section 213(c), and allows for a regulatory amendment to the SFCR that also exempts a narrow subset of individual FFV that are in a protective wrapper or protective bag from further mandatory labelling requirements.**

### Test Market Authorizations

The SFCA removed the language around Test Market Authorizations (TMAs) that was originally in the Fresh Fruit and Vegetable Regulations. The fresh fruit and vegetable sector has consistently informed CFIA of the important role this language plays in our sector's ability to respond to market trends, consumer demands and evolving demographics, innovation in plant breeding and other technologies and the introduction and production of new crops.

**Recommendation 4: Reintroduce language to support TMAs to allow the fresh produce sector to innovate and respond to market demands effectively.**

### Authority to certify for export & Persistent challenges re: market access

The SFCR in Part 13 outlines that organic products must be certified to the Canadian Organic Standards by way of the Canadian Organic Regime (COR), when traded within Canada. There is a lack of harmonization in organic production standards between Canada and the United States-Canada Organic Equivalence Arrangement (USCOEA) in relation to how they address hydroponic production, referred to as a critical variance, which has resulted in barriers for Canada's greenhouse vegetable sector to supply both the domestic and export market with a growing demand for Canadian greenhouse-grown, certified organic fruit and vegetables.

**Recommendation 5: Explore the use of export-only certificates and/or other options to secure harmonization within the USCOEA in support of more Canadian-grown greenhouse organics in the marketplace.**

## 2) Improved food safety and consumer protection oversight

The challenges with prescriptive labeling requirements under the SFCA, do not adequately consider the unique packaging needs of fresh fruits and vegetables. The SFCA review provides an opportunity to



address these unique challenges, including topics brought forward by FVGC (see enclosed Appendix A – 2021 Letter re: Request for SFCR labelling amendments for fresh fruit and vegetables), areas of discussion with the FPA, and specific concerns raised by the CPMA’s Labelling Task Force, including:

- Container sizes
- Ministerial exemptions
- Minimum type heights on consumer prepackaged products
- Net quantity labelling on consumer prepackaged products
- Net quantity labelling on cases
- Organic labelling on PLU stickers
- Compositional Claims, False Uniqueness, Non-GMO labelling

**Recommendation 6: Review the SFCA for the ability to provide exemptions and regulatory experimentation for the FFV sector, in consultation with the FFV sector.**

### Licensing for prescribed activities

FVGC is concerned about the additional financial burden to certain farmers associated with obtaining licenses, agency services required in association with the license, and necessary investments to comply with new requirements beyond current CanadaGAP® requirements.

- In the SFCA, the definition, *prepare*, in respect of a food commodity, includes to process, treat, preserve, handle, test, grade, code or slaughter it or to do any other activity in respect of it that is prescribed. (conditionnement)
- Growers who are grading on-site, and may also be packing on-site. However, they may sell to marketers who are a separate entity, and have no control nor expectation of the final destination of their produce – it may to be moved inter-provincially.
- Marketers do the (re)grading, (re)packing before it is re-sold to a final retail buyer. These marketers are required to obtain the licence, so there is unnecessary redundancy, red-tape, and associated costs. Marketers, Wholesalers, etc. may impose the requirement of a license on any of their providers (growers) to maintain their own flexibility.

**Recommendation 7: Review the SFCA licensing requirements to ensure they do not impose undue financial burdens on farmers while maintaining food safety standards.**

### Strengthened Food Traceability

FVGC applauds the use and recognition of international standards in the SFCA and its Regulations, as this will help with the harmonization of requirements globally. The application of the international standard on traceability established under Codex is a case in point.

The SFCA's traceability requirements must be aligned with industry standards. In the produce industry comprehensive traceability information is at the case level via standardized case labelling. In Canada and the U.S. this label was developed via the industry-led initiative, Produce Traceability Initiative (PTI). In addition, individual PLU stickers (commonly used for bulk produce), routinely include information (such as Country of Origin, farm codes and company logos) which provide source identification and traceability information on the consumer item.



## Improved import controls to level the playing field

Imported food should meet at a minimum the same food safety requirements as Canadian produced food. Industry needs SFCA import controls to support Canadian businesses as they grow and expand from serving intra-provincial, to interprovincial, to import/export markets.

## Flexibility to meet regulatory outcomes

Harmonizing regulatory requirements with industry best practices such as certification to a Global Food Safety Initiative (GFSI) benchmarked scheme, will reduce the costs of preventive control plan design, implementation, documentation and assessment.

**Recommendation 8: Align regulatory requirements with industry best practices to reduce costs and enhance compliance. Imported foods must be held to the same level of regulatory requirement as Canadian-grown and produced food to create a fair competitive environment.**

## 3) Effective, streamlined, and strengthened legislative authorities across food commodities

---

### Modernization and simplification of food safety legislation

The consolidation of the SFCA may have unfortunately left behind key aspects originally found in the Fresh Fruit and Vegetable Regulations (FFVR) including original intent that remains critical to supporting the sector's inherent realities, needs, and rationale.

### Commodity Specific Guidance

The CFIA's [Standard inspection process \(SIP\)](#) refers inspectors to business line specific guidance which further describes guidance for preventive control inspections, commodity inspections and sample collection. Sharing these commodity specific guidance documents (accessible only on the Government of Canada network) with FVGC and other national associations may prove to be an area for review, education/training, modernization and preventative problem-solving.

**Recommendation 9: Improve the administration and enforcement approach of the SFCA by including clear guidelines for inspectors, better alignment with international standards and industry best practices, and more effective use of regulatory experimentation.**

## Conclusion

---

Your thoughtful consideration of our feedback and the extension provided for this submission is greatly appreciated.

FVGC will continue to engage in constructive discussions that contribute to the effectiveness and efficiency of Canada's food regulatory system and share insights and perspectives on a broad range of aspects related to food safety, grade standards, labelling, and organic certification.



We look forward to continue collaborating with Canadian Food Inspection Agency to foster a regulatory environment that supports the growth and competitiveness of the fruit and vegetable sector and remains responsive to the needs of consumers.

Sincerely,

**Amy Argentino**  
Director of Operations  
Fruit and Vegetable Growers of Canada

**cc.**

Jay Holmes, Director, Consumer Protection and Market Fairness Division, Food Safety and Consumer Protection Directorate, Policy and Programs, CFIA

Nicole Howe, Executive Director, Horticulture Sector, Crops and Horticulture Division, Sector Development and Analysis Directorate, Market and Industry Services Branch, AAFC