



F17/18: Safe Food for Canadians Act and Regulations– Information and Guidance

Food Products

19 December 2018

For Your Information

1 Overview

- (1) Canada has a new food regulatory regime and import framework under the Safe Food for Canadians Act (SFCA) and the Safe Food for Canadians Regulations (SFCR). The Canadian Food Safety Inspection Agency (CFIA) is responsible for administering the new legislation which comes into force 15 January 2019. The SFCA consolidates three CFIA inspection statutes, the Meat Inspection Act, Fish Inspection Act, and Canada Agricultural Products Act, as well as the food provisions of Consumer Packaging and Labelling Act. The SFCA provided the legislative base to simplify and consolidate 14 regulations into a single set of food inspection regulations, the SFCR.
- (2) Canada's regulatory landscape moving forward post 15 January 2019 will have four key components:
 - a) Food and Drugs Act / Food and Drug Regulations
 - b) SFCA and SFCR
 - c) Health of Animals Act and Regulations
 - d) Plant Protection Act and Regulations
- (3) This FYI outlines the key provisions and implications of the SFCA and SFCR as related to New Zealand exports of food products.
- (4) At the end of the FYI exporters can find links to the various resources available and the CFIA's implementation timeline.

2 New Rules

Under the SFCR, the Canadian importer (Canadian domiciled unless applicable to be a non-resident importer) is responsible for ensuring that the foreign supplier (foreign supplier means any person or company that is manufacturing, preparing, storing, packaging or labelling the food in the foreign country) is manufacturing, preparing, storing, packaging or labelling the food before it is imported into Canada under the same conditions required in Canada. Canada defines "food" as meaning "any article manufactured, sold or represented for use as food or drink for human beings, chewing gum, and any ingredient that may be mixed with food for any purpose whatever."

All foreign suppliers (exporters) to Canada need to be aware of the Canadian food safety requirements and be willing and able to provide Canadian importers with the information required to demonstrate food safety controls that meet the SFCR are in place.

It is important for New Zealand businesses to note that the SFCA and SFCR rules will likely be imposed upon them by commercial contract from importers because the rules require these Canadian commercial entities to contractually impose similar requirements on foreign suppliers.

Importers will need to:

- (1) Have a **licence** to import. Importers can register for licences online through [My CFIA](#). Note that for the first year, as part of the transition, valid registrations or licences already issued under the Canada Agricultural Products Act, Fish Inspection Act, and Meat Inspection Act, will remain valid until they expire, provided the licence has the following statement: “This certificate is issued in accordance with the [name the Regulations]. This registration, licence, permit or authorization is also a licence that is issued under the Safe Food for Canadians Act upon its commencement day”;
- (2) Have a **Preventive Control Plan (PCP)**, unless exempt (see summary of timeline **below**). Importers will be required to show documentation of hazards and measures to address hazards in preventative control plans (PCPs). [Model PCPs](#) may be useful for New Zealand exporters to be proactively prepared for any importer requests for information/documentation;
- (3) Ensure that foreign suppliers are manufacturing, preparing, storing, packaging and labelling the food under the same conditions as provided by [section 47-81 of the SFCR](#);
- (4) Investigate potential health risks and non-compliances and maintain procedures and processes for handling complaints and recalls;
- (5) Keep clear and complete **traceability** records that show who the food was obtained from and to whom it was sent. Importers will be required to maintain records to identify the food and trace it “one step forward and one step back”.

Canadian importers may ask New Zealand exporters:

- (1) for information about the products being exported to understand the hazards reasonably expected to occur and to get a general understanding of the complexity of the supply chain that may impact the hazards, to know if the food meets Canadian requirements or whether it may need further processing or labelling after it arrives in Canada in order to meet Canadian requirements;
- (2) for information about the manufacturing practices and safety controls of the food being exported in order to demonstrate that the food is manufactured, prepared, stored, packaged and labelled under conditions that provide at least the same level of protection as provided in the SFCR;
- (3) how exporters are addressing any hazards associated with the food;
- (4) if exporters are part of a food safety certification program and if the food is subject to this program, this will help the Canadian importer build a written PCP. Some additional requirements may be necessary if the certification program doesn't fully meet the Canadian requirements. Exporters may be asked for documented evidence of good standing;
- (5) to visit New Zealand establishments to verify the effectiveness of preventative controls – this is not mandated by SFCR but importers may seek to satisfy obligations under the SFCR in this way.

Importers may be able to reference foreign suppliers' Risk Management Programme (RMP)/Food Control Plan (FCP)/National Programmes (NP), as approved and listed by MPI, in Canadian importers' PCPs rather than having to duplicate documentation. MPI is currently discussing with the CFIA if this can be used to assist New Zealand exporters to meet Canadian importers needs for a written PCP under the SFCR.

MPI is also in discussions with the CFIA on having an even wider Sanitary and Phytosanitary (and other certification matters) Implementing Arrangement (SPS Arrangement) between CFIA and MPI that would offer further advantage to New Zealand exporters.

2.1 Non Resident Importers (NRI)

The requirement to have a resident importer is a potentially significant change, noting that a number of New Zealand exporters use United States domiciled importers. There is a provision for non-resident importers (NRI) to obtain a SFCR licence under certain conditions, including where there is a systems recognition arrangement between Canada and the exporting country. New Zealand meat products and live/raw molluscan shellfish are allowed to have a NRI associated with MPI's existing formal recognition arrangements (the current CFIA listing requirements for establishments still applies). The United States has a wider dispensation associated with the Food Safety Systems Recognition Arrangement (FSSRA) that the United States Food and Drug Administration (FDA) has with CFIA. MPI is in discussions with the CFIA regarding a wider dispensation for New Zealand under the 1995 Seafood Equivalence Arrangement which covers all other seafood. CFIA has agreed to review the existing bilateral arrangement and discuss with MPI the potential for a wider dispensation for NRI for all seafood.

2.2 Meat and Shellfish

Meat and live or raw (frozen or unfrozen) molluscan shellfish must come from a country that has a food safety system that the CFIA has approved and recognised as providing the same level of protection as that provided by the SFCA and SFCR. New Zealand is recognised by Canada as having an approved inspection system for specified meat (excludes poultry) and live or raw (frozen or unfrozen) molluscan shellfish.

The SFCR maintains the requirement for meat and live or raw (frozen or unfrozen) molluscan shellfish to come from an approved establishment. The current OMAR requirements relating to premises registration continue to apply.

Importers will be required to keep the following minimum documents when importing meat or shellfish from a foreign supplier in a country with an approved inspection system and from an approved establishment:

- (1) confirm and keep documented evidence that the food to be imported is part of the New Zealand approved inspection system; and
- (2) confirm and keep documented evidence that the foreign supplier(s) is subject to the oversight of the foreign government and is in good standing within the recognised system. For example, the foreign supplier is not subject to an enforcement action in the foreign country.
- (3) As meat and BMS are both subject to official MPI certification this should largely satisfy (1) and (2) above.

2.3 Dairy products, eggs, fish, honey, maple products, meat products, processed egg products and processed fruit and vegetable products

Importers of dairy products, eggs, fish, honey, maple products, meat products, processed egg products and processed fruit and vegetable products will be required to have a **licence, traceability** and **preventive control measures** by 15 January 2019. A written **Preventative Control Plan (PCP)** will also be required on this date.

2.4 Fresh fruit and vegetables

Fresh fruit and vegetable importers will require a **licence** and **traceability** by 15 January 2019, but will not require preventive controls or written PCP's until 15 January 2020.

Existing grade certification requirements (e.g. apples) continue to apply.

2.5 All other foods

For all other foods¹ (e.g. confectionary, snack foods, beverages, oils, dried herbs and spices, nuts and seeds, coffee and tea, or processed grain-based foods such as baked goods, cereals and pasta) a phased approach is being taken depending on whether the total value in annual food sales is more or less than CAD\$100k and the importer has more or less than four employees (see summary of timeline **below**).

2.6 Wine

Wine is exempt from the licensing and preventive control provisions indefinitely but traceability will be required from 15 January 2020.

2.7 Food additives

Imported food additives are exempt from the licensing and preventive control provisions indefinitely but traceability will be required from 15 January 2020.

2.8 Unprocessed food for further processing in Canada

The following imports are exempt from the licensing and preventive control provisions indefinitely but traceability will be required from 15 January 2020:

- (1) Imported unprocessed foods meant to be further prepared in Canada listed in [Schedule 1](#) of the SFCR, and that:
 - a) is unprocessed and is intended to be manufactured, processed or treated for use as a grain, oil, pulse, sugar or beverage; and
 - b) has a label applied or attached to it, or accompanying it, that bears the expression "For Further Preparation Only" or "pour conditionnement ultérieur seulement", and is not a consumer prepackaged food.

2.9 Personal use

The SFCR allows for a person to import food for personal use provided it meets the quantities set out in the [Maximum Quantity Limits for Personal Use Exemption](#).

2.10 Animal products not for human consumption, animal food, pharmaceuticals and petfood

The requirements of the SFCR apply to human food. The SFCR do not apply to products not for human consumption e.g. animal food and petfood. Exports of these products need to be labelled with a statement indicating "not for use as human food" or "ne peut servir à l'alimentation humaine". Note that other legislation relating to pharmaceuticals, pet food and animal food may apply.

¹ "all other foods" includes any food other than meat, fish, eggs, processed egg, dairy, processed products, honey, maple, fresh fruits and vegetables.

2.11 General Information

- (1) [Automated Import Reference System \(AIRS\)](#) searchable database of CFIA import requirements.
- (2) [Understanding the Safe Food for Canadians Regulations: A handbook for food businesses and Getting started: Toolkit for businesses](#)
- (3) Fact Sheets: [Supporting food businesses](#), [Importing Food](#), [Licensing of food businesses](#), [Traceability and Preventive food safety controls](#)
- (4) Find out if and when a licence is needed, a preventative control plan and what traceability requirements apply using the CFIA's Interactive Tools for [licencing](#), [preventive control plan](#), and [traceability](#).
- (5) CFIA Guidance documents www.inspection.gc.ca/safefood, including:
 - a) [Importing food: A step-by-step guide](#)
 - b) [General import requirements](#)
 - c) [Food specific import requirements](#)
 - d) [Importing from specific countries](#)
 - e) [Non-resident importers](#)
 - f) [Recognition of foreign systems](#)
 - g) [A guide for preparing a preventive control plan for importers](#)
 - h) [Questions and answers: Importing food](#)
 - i) [Questions and answers: Safe Food for Canadians Regulations](#)
- (6) CBSA Guidance documents www.cbsa-asfc.gc.ca, includes a [Step-by-Step Guide to Importing Commercial Goods into Canada](#) and [Food, Plants, Animals and Related Products: Memorandum D19-1-1](#).
- (7) Health Canada – maximum limits for pesticides and veterinary drug residues plus list of permitted additives, MRLs established in Canada may be found using the [Maximum Residue Limit Database](#) on the [Maximum Residue Limits for Pesticides](#) webpage.

3 Timeline

- (1) To stay up to date with the CFIA's SFCR exporters can:
- sign up to receive CFIA's [E-mail notifications](#)
 - stay connected via Twitter, LinkedIn, YouTube and Facebook
 - subscribe to the [CFIA Chronicle](#)
 - use the [contact us](#) form on the CFIA website (www.inspection.gc.ca/safefood - bottom right corner)
- (2) For detailed timelines refer to: www.inspection.gc.ca/safefood.

SFCR requirement	Dairy products; Eggs; Fish; Honey; Maple products; Meat products; Processed egg products and Processed fruit and vegetable products	Fresh fruits or vegetables	All Other Foods		
			More than \$100K in annual food sales AND more than 4 employees	More than \$100K in annual food sales AND 4 employees or less	\$100K or less in annual food sales OR 4 employees or less
Importer Licence	January 15, 2019	January 15, 2019	July 15, 2020	July 15, 2020	July 15, 2020
Traceability	January 15, 2019	January 15, 2019	July 15, 2020	July 15, 2020	July 15, 2020
Preventive Controls	January 15, 2019	January 15, 2020	July 15, 2020	July 16, 2021	July 16, 2021
Written PCP	January 15, 2019 (not required for maple products and honey with annual food sales are \$100K or less)	January 15, 2020 (not required if annual food sales are \$100K or less)	July 15, 2020	July 16, 2021	not required if \$100K or less (regardless of no. of employees)

Contact for further information

Ministry for Primary Industries (MPI)
 Policy and Trade Branch
 Market Access Directorate
 PO Box 2526
 Wellington 6140
 Email: market.access@mpi.govt.nz

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