

## Joint Submission on Bill 87 The Food Safety and Quality Act

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### Submitted by:

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### Executive Summary

The groups represented in this submission – Ontario Cattlemen's Association, Ontario Pork, Ontario Sheep Marketing Agency, Ontario Cattle Feeders' Association and Ontario Veal Association – represent approximately 34,000 livestock producers in Ontario. We support the position put forth by the Ontario Federation of Agriculture and wish to highlight several areas of concern to our commodities.

Farm organizations support the updating and consolidation of safe food legislation and the provincial government needs to be commended for taking on this initiative. Ontario farmers take pride in producing a safe, wholesome product.

**Overlap with existing on-farm food safety programs:** We recommend that the provincial government make HACCP and HACCP-based programs the basis of Ontario's food safety initiative, and assure industry that any regulations that will be developed will complement national systems that are recognized by the CFIA. It is absolutely crucial that this new legislation be developed in harmony with existing laws and initiatives so as to prevent overlap and duplication, and keep costs down.

**Licensing of farms:** We do not feel that licensing is the solution for farm commodities, and instead recommend making HACCP-based on-farm food safety programs the basis for ensuring consumers have a safe food supply. Using an industry and market driven approach to certify farmers would be preferable.

**Enforcement:** We recommend following a consistent approach, employing qualified staff with knowledge of agriculture and normal farm practices, and allocating sufficient resources to run the program. Inspectors must be trained in and adhere to biosecurity.

**Penalties:** We recommend implementation of a quick appeal process for producers, and a compensation program for loss of product value and days when farmers are not allowed to ship animals.

**Training Requirements/Education:** We recommend involving commodity and industry organizations in determining training needs for each commodity, and advocate the recognition of industry training courses and programs. It is important to make a clear distinction between primary livestock production and processing; the same requirements and regulations should not apply equally to both groups.

**Need for Farming Intelligence:** In order to manage the implementation of food safety initiatives, a database of farms needs to be created, preferably in a Geographical Information System (GIS) format. The process surrounding the collection of data must be simplified and streamlined, and there must be coordination amongst the commodities and government for development of such a database.

**Development of Regulations:** Regulations must focus on risk reduction as opposed to risk elimination. All proposed regulations must be subjected to both economic and food safety impact analyses prior to implementation. It is important that the agricultural industry be involved in consultations when regulations are being developed.

**Equal Playing Field:** Any legislated changes that affect domestically-produced products must also apply to products imported from other provinces and, indeed, from other countries so as not to put Ontario producers at a disadvantage.

It is our belief that a reliance on HACCP and HACCP-based food safety programs that are designed to be preventative are better than ones that depend too heavily on inspection. Supplementing the HACCP systems approach with clear regulations governing inspection and prosecution will enable decisive action in times of crisis.

It is important not to stifle production agriculture with overwhelming legislation, and to keep the balance

between guarding against risk and preserving a positive farming environment. In developing the regulations associated with this Act, the government needs to work with all commodity boards and other stakeholders to meet the goal of protecting our food supply while ensuring a viable future for agriculture.

#### Introduction

This submission was prepared for the consideration and review of the Justice and Social Policy Committee on the occasion of consultations on Bill 87, The Food Safety and Quality Act.

Food safety is a priority for everyone. Farm organizations support the updating and consolidation of safe food legislation and the provincial government needs to be commended for taking on this initiative.

Ontario farmers take pride in producing a safe, wholesome product.

It is important that the agricultural industry be involved in consultations when regulations are being developed. The groups represented in this submission – Ontario Cattlemen's Association, Ontario Pork, Ontario Sheep Marketing Agency, Ontario Cattle Feeders' Association and Ontario Veal Association – support the submission put forth by the Ontario Federation of Agriculture, and would like to highlight several key areas of direct concern on aspects of the recently introduced legislation.

### Section 1.0

#### Who We Are

The agrifood sector in Ontario is a driving force in the Ontario economy and is second only to the automotive industry in gross sales. Collectively, the groups responsible for this submission represent almost 34,000 producers with farm cash receipts of approximately \$2 billion.

The Ontario Cattlemen's Association represents 25,000 beef producers in Ontario. Farm gate value of beef cattle production in Ontario (\$1 billion) is second only to dairy. Beef cattle raised in Ontario provide the raw product for significant primary and secondary food processing sectors serving the consumer, retail and food service segments of the economy. OCA acts as the voice of the Ontario beef industry and is active in government relations, industry development, communications, environment and research.

Ontario Pork represents the province's 4,400 pork producers in many areas including hog marketing, consumer education, research, environmental issues, animal care and quality assurance programs.

Ontario's pork producers marketed 4.6 million hogs valued at \$780 million in 2000. It is estimated that the total pork industry is worth \$4.2 billion and 35,000 jobs to the Ontario economy.

The Ontario Sheep Marketing Agency is the producer organization representing the province's 4,200 sheep producers. In addition to marketing and promotion of Ontario lamb and wool, OSMA's key strategic directions include advocacy, research and education. Ontario is the largest sheep-producing province in Canada with just over 30% of the nation's flock. Sheep and lamb farm cash receipts totaled more than \$28 million in Ontario in 2000. The Ontario Sheep Marketing Agency does not represent the dairy sheep sector and refers issues relating to sheep milk to the Ontario Dairy Sheep Association.

The Ontario Cattle Feeders' Association was formed in 1998. The OCFA operates under the direction of 12 feedlot operators who sit on the Board of Directors. The mission of the organization is to "Improve and maintain a more competitive and viable beef feeding industry in Ontario". OCFA has a membership base of 90 producers, which represent 55% of the fed cattle in Ontario.

The Ontario Veal Association is a producer run organization that is dedicated to representing the interests of both grain fed and milk fed veal producers in Ontario. Veal production is worth approximately \$110 million per year in Ontario.

### Section 2.0

#### Recommendations and Considerations

We have reviewed the legislation and identified a number of recommendations for your consideration. We believe that addressing these recommendations would add value and clarity to the implementation of Bill 87.

### Section 2.1

#### Overlap with Existing On-Farm Food Safety Programs

We agree that nothing is more important than protecting the quality of our food supply. We also recognize

that the province has an important role to play in assuring food safety and in keeping consumer confidence in our products high; however, so do the Canadian Food Inspection Agency (CFIA), Agriculture and Agri-Food Canada and industry groups.

Food safety has moved down the food supply chain to the source of the product. HACCP-based on-farm food safety programs are being developed for all commodities, and many industry groups, including those involved in this submission, are actively involved in the development and implementation of such programs. These programs, through which producers implement preventative processes at the farm level to ensure the production of a safe product, are designed by and for the industry, and are proving to be very effective in improving food safety.

We recommend that the provincial government make HACCP and HACCP-based programs the basis of Ontario's food safety initiative, and assure industry that any regulations that will be developed will complement national systems that are recognized by the CFIA. It is absolutely crucial that this new legislation be developed in harmony with existing laws and initiatives so as to prevent overlap and duplication, and keep costs down. Some of the programs currently underway in the red meat industry include the following:

#### Beef Industry Food Safety Program

The Canadian beef industry developed Quality Starts Here (QSH), an on-farm food safety and quality program, in 1995. Several publications were created and producer education implemented that focussed on production of safe, high quality beef. Recently, the Canadian Cattlemen's Association modified QSH to become a HACCP-based, on-farm food safety program. This will be available to producers on a voluntary basis with the expectation that market forces will cause it to become mandatory.

Key elements of QSH will include producer training, production protocols, record keeping, third party farm validation and auditing of the program at the national level. Recognition of QSH by the Canadian Food Inspection Agency will be imperative to protect the current large export market for Canadian beef. The new QSH program is to be launched in early 2002 with implementation in Ontario to be led by the Ontario Cattlemen's Association.

Many Ontario producers have also enrolled in OCFA's Ontario Corn Fed branded beef program, which also carries a Quality Assurance/Food Safety component. Third party auditors have also been trained and hired through the program to complete on-farm audits.

#### Canadian Quality Assurance® Program

In 1998, Ontario Pork, in conjunction with the Canadian Pork Council, launched the Canadian Quality Assurance (CQA)® program. CQA® is based on the principles of HACCP (Hazard Analysis Critical Control Points), an international, science-based approach to food safety, and is a proactive, and practical on-farm program to address safe food issues. CQA® is also based on producer education and awareness, and emphasizes good management practices for the handling and use of animal health products in pigs when administered by producers.

In order to become CQA® certified, producers must keep three months' worth of records documenting their farm practices. These records are checked by a CQA® validator, who also completes a visit to each producer's farm to check facilities. These records are then forwarded to Ontario Pork, and CQA® validation is granted upon review of the records. Producers must undergo a partial validation every year, which involves a review of all records and the "On-Farm Quality Assessment Form" with CQA® validator. A full validation, which includes an on-farm visit by a validator, must be completed every three years.

To date, approximately 1800 Ontario producers have achieved Canadian Quality Assured status, representing 2.8 million hogs or more than 60 percent of annual sales. Although the program was voluntary in the past, in March 2001, the Ontario Pork board of directors passed a motion supporting the enrolment of all Ontario producers in the CQA® program.

#### Ontario Veal Quality Assurance Program (OVQAP)

The Ontario Veal Quality Assurance Program (OVQAP) was developed with the help of industry partners such as commodity organizations, government agencies, veterinarians and producers. The OVQAP is a two level program encompassing Food Safety and Product Quality.

The Food Safety aspect is addressed using a HACCP-based system. Producers must attend a one-day workshop where they are introduced to the requirements of the program. They must complete the Producer Certification Manual, which will assist them in determining Critical Control Points on their farms. Producers must also maintain specific records for a minimum of three months before they can apply for validation. Several veterinarians have been trained to perform this function.

Producers who meet both the Food Safety and Product Quality components of the program, and become validated, can then order unique tamper-proof OVQAP ear tags. These tags identify each producer through a registration number and allow for individual identification of each calf. This provides for traceback, should it be required.

#### Sheep Industry Food Safety Program

The Ontario Sheep Marketing Agency is playing a key role in coordination of a national On-Farm Food Safety Program. This producer-led initiative is being developed in partnership with government and industry organizations from across Canada. The goal of the program is to develop an on-farm food safety program for sheep producers based on HACCP. The program is voluntary and seeks to provide enhanced consumer confidence in Canadian lamb and/or products, gain international recognition and ultimately assist in market development.

#### Section 2.2

##### Licensing of Farms

Society is asking farmers to prove or document their commitment to agriculture. Over recent years, there has been an increasing expectation of farmers to be certified in a number of areas. It is not unthinkable that a livestock producer, in ten years' time, will require a nutrient management plan, an environmental farm plan, a grower pesticide safety certificate, a manure applicator certificate, an on-farm food safety validation and a livestock medicines certificate. An umbrella for these and other programs needs to be developed to avoid the scenario in which farmers would simply have no time left to farm because they are so busy with the paperwork and courses required to farm.

This new legislation explores the issue of requiring producers to be licensed to meet standards related to on-farm food safety. We do not feel that licensing is the solution for farm commodities, and instead recommend making HACCP-based on-farm food safety programs the basis for ensuring consumers have a safe food supply. Using an industry and market driven approach to certify farmers would be preferable. However, if this licensing is to proceed, it should only do so based on a request from the commodity organization. It is also absolutely essential that commodity organizations be given input into any regulatory standards that will be developed. Funds required to develop and administer a database and then to license 60,000 Ontario farms would be significant.

#### Section 2.3

##### Enforcement

Enforcement can only be successful with the following key elements: a consistent approach, qualified and knowledgeable staff and sufficient resources. Under the proposed legislation, directors and inspectors are given tremendous powers and must have the industry knowledge to accompany these powers. OMAFRA, with its agricultural expertise, should be considered as a viable option for ensuring enforcement of the Act. Regardless of where the inspectors come from, however, they must possess a strong knowledge of what constitutes normal farm animal practices.

As written, the Act also gives sweeping powers to inspectors to enter premises. The recent Foot and Mouth outbreak in the United Kingdom increased awareness of biosecurity. This must be addressed through reference in the Act as to proper procedures for inspections. We believe that inspectors who enter farm premises must adhere to existing biosecurity measures and should be trained accordingly.

There must also be significant differences in what will be required for inspectors within meat processing plants and inspectors going on-farm. Applying one rule to all of these sectors does not seem wise.

#### Section 2.4

##### Penalties

For meat processing facilities, it is important to have licensing, fines and on-site enforcement. However, if this legislation is also to apply to primary livestock producers, there must be compensation for lost product value when farmers are not allowed to ship animals. Again, this shows the problem with using one piece of legislation for both processing industries and farms.

The Act currently states that neither inspectors nor the Ministry will be responsible for any damage, loss of value or loss of product. If a farmer is found innocent after being shut down during an investigation for a possible offence, he/she must be compensated for the days when the business is down and for a loss in product value (i.e. animals that were not sent to market at an appropriate time, etc.). There is currently no mention of compensation to producers if they are unable to ship livestock due to a perceived food safety threat that does not exist or as a result of poor judgement on the part of an inspector.

There also needs to be a specific guideline for a quick appeal process. Loss of time over weekends when the appeal process is not available needs to be taken into account. The appeal process must be

expeditious so as to ensure that, if deemed appropriate, are allowed to resume operations as quickly as possible.

#### Section 2.5

##### Training Requirements/Education

A single set of rules will not work for both farmers and meat processing staff with regards to training requirements. There are significant differences between these two sectors, and this needs to be clearly addressed in the regulations. Training requirements cannot be the same for farmers as for meat plant employees. There is also the issue of the cost of training – something no individual commodity could absorb. Commodity organizations should be involved in determining what the training needs are for each sector. This also applies to items in the Act such as specifying hours of operation, locations of businesses, etc.

The legislation hints at the possibility of requiring a minimum level of education. While many livestock farmers have formal training, including either university or college degrees or industry training courses in their field, some of our producers only have on-the-job experience. Farmers are constantly upgrading and expanding their education, especially through current industry programs such as the Grower Pesticide Safety Course, Environmental Farm Plan and Livestock Medicines Education Program. It is important that this type of education also be recognized.

#### Section 2.6

##### Need for Farm Intelligence (database)

Implementation of food safety initiatives will be much less onerous for those commodities that have legislated powers and field staff already in place. There may need to be specific government assistance, from both federal and provincial levels, for those commodity organizations, such as beef, pork and sheep, who do not have the resources in place to implement such a program.

One challenge to the implementation of on-farm food safety programs is the lack of data that exists for the agriculture sector in general. While some commodities have an excellent database of producers, others do not. A database of farms needs to be created, preferably in a Geographical Information System (GIS) format. For the creation and maintenance of such a database, the process surrounding the collection of data must be simplified and streamlined. Ongoing maintenance costs of such a system would be significant, perhaps higher than can be sustained by commodity organizations. The provincial government should see itself as a partner in this initiative. As well, existing industry and government resources need to be coordinated amongst the groups to avoid unnecessary duplication.

#### Section 2.7

##### Development of Regulations

We recognize that Bill 87 is enabling legislation, and as such, will guide the government's regulatory process in this regard for many years to come. Regulations must focus on risk reduction as opposed to risk elimination. Any regulation attempting risk elimination will fail and, in many cases, cause undue economic hardship to individual producers and/or industry segments.

All proposed regulations must be subjected to both economic and food safety impact analyses prior to implementation. The food safety and economic impacts of regulations must be known and where needed, financial incentives and compensations put in place.

#### Section 2.8

##### Equal Playing Field

Society views agriculture through a very different lens than in the past. In many respects, agriculture is seen merely as a business producing a product to be sourced in a global marketplace at the lowest cost. At the same time, however, society is placing increased demands on domestically produced products. Any legislated changes that affect domestically-produced products must also apply to products imported from other provinces and, indeed, from other countries so as not to put Ontario producers at a disadvantage.

#### Section 2.9

##### Food Security vs. Food Safety

Food security is a concept that embodies environmentally sustainable production, food safety and viable production to ensure a constant, national supply of food. Many government and industry initiatives should be blended together into a national food security policy. Recent federal/provincial Ministers meetings have identified the pillars of environment, food safety and quality recognition. These fit nicely into an overall policy of food security.

#### Conclusion

It is our belief that a reliance on HACCP and HACCP-based food safety programs that are designed to be preventative are better than ones that depend too heavily on inspection. Supplementing the HACCP systems approach with clear regulations governing inspection and prosecution will enable decisive action in times of crisis.

Agriculture is a very significant business in Ontario and must be assured of its future in the rural landscape. Legislation and regulations regarding farming operations must be built on this premise. It is important not to stifle production agriculture with overwhelming legislation, and to keep the balance between guarding against risk and preserving a positive farming environment. In developing the regulations associated with this Act, the government needs to work with all commodity boards and other stakeholders to meet the goal of protecting our food supply while ensuring a viable future for agriculture. The foundations of our country were built on agriculture. Our future lies in the capability of the industry to continue to feed not only ourselves, but the world.