

# SAFE FOOD FOR CANADIANS REGULATIONS: FOOD FOR THOUGHT FOR CANADIAN BUSINESSES

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On June 13, 2018, the final *Safe Food for Canadians Regulations* (“**SFCR**”) were published.<sup>[1]</sup> The SFCR, together with the majority of the provisions in the *Safe Food for Canadians Act*<sup>[2]</sup> (the “**Act**”), will come into force on January 15, 2019. The implementation of this legislation will represent the most important update to food regulation in Canada in over two decades.

## Overview of the New Regulations

In introducing the SFCR, the President of the Canadian Food Inspection Agency (“**CFIA**”) reinforced that while Canada has “one of the strongest food safety systems in the world,” the SFCR represent a proactive response to new threats to food safety, evolving consumer preferences and supply chains, and prevention-focused international food safety standards. The CFIA conducted extensive public consultation in relation to the SFCR, holding over 300 external stakeholder events and receiving over 1700 written submissions. Stakeholders generally supported the regulations from both food safety and humane treatment of animals perspectives.

The SFCR will replace 14 existing food regulations. This consolidation will modernize the existing control system by improving the consistency of rules across food types and businesses, reducing the current administrative burden, and providing the flexibility required for innovation.

As further detailed below, among the changes in the SFCR are (a) the adoption of a licensing regime for Canadian businesses that import food or prepare food for export, and (b) a requirement for businesses to implement preventive controls and traceability measures. The CFIA will verify compliance with the SFCR through a combination of onsite inspection and surveillance activities.

## New Regulatory Requirements

The SFCR have a broad application, governing food for human consumption that is imported, exported, and inter-provincially traded, with certain provisions also applying intra-provincially. As a result, many Canadian businesses will need to update their food safety and record-keeping practices in the coming months.<sup>[3]</sup>

Specific regulatory changes introduced by the SFCR include:

1. Licensing: businesses will need licences to conduct certain activities, including to import, export, manufacture, process, treat, preserve, grade, package, and label most foods;<sup>[4]</sup>
2. Preventive controls: licence holders and non-licence holders will be required to implement (a) preventive controls to reduce risks to food and ensure humane treatment of food animals during slaughter activities, and (b) a written preventive control plan;<sup>[5]</sup> and
3. Traceability: businesses will need to maintain records tracing food, both forward one step (i.e. to the immediate customer) and backward one step (i.e. to the immediate supplier).<sup>[6]</sup>

## Conclusion

The SFCR will bring significant changes for Canadian food businesses, but the CFIA has advised that the seven month period between the publication and coming into force of the regulations should give businesses enough “time to familiarize themselves with and prepare for the new requirements.”<sup>[7]</sup> In addition, some requirements will be delayed in coming into force, with a view to giving small businesses more time to adapt. These delayed requirements will not come into force for an additional 15-30 months, depending on activity type, business size, and food commodity.<sup>[8]</sup>

One positive effect of the increased SFCR administrative burden is that Canadian food safety standards will be consistent with international standards. This will enable Canadian businesses that export food internationally to leverage SFCR licences as proof that their food safety controls meet certain control requirements, including those of the United States’ Food and Drug Administration.

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[1] Safe Food for Canadians Regulations, SOR/2018-108.[ps2id id='1' target='']

[2] Safe Food for Canadians Act, SC 2012, c 24.[ps2id id='2' target='']

[3] Canadian Food Inspection Agency, *Understanding the Safe Food for Canadians Regulations: A handbook for food businesses* (Ottawa: June 2018).[ps2id id='3' target='']

[4] *Safe Food for Canadians Act*, SC 2012, c 24, s 20(1).[ps2id id='4' target='']

[5] See, for example, *Safe Food for Canadians Regulations*, SOR/2018-108, s 86(1).[ps2id id='5' target='']

[6] See, for example, *Safe Food for Canadians Regulations*, SOR/2018-108, s 90.[ps2id id='6' target='']

[7] Canadian Food Inspection Agency, *News release: Making food safer and creating more trade opportunities for businesses* (Ottawa: June 2018).[ps2id id='7' target='']

[8] Canadian Food Inspection Agency, *SFCR: Timelines* (Ottawa: June 2018).[ps2id id='8' target='']

## A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against



making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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