

**CFIA Follow-up Responses to Questions on Part 5 of Bill S-6, An Act respecting regulatory  
Modernization Senate Standing Committee on Agriculture and Forestry (AGFO)**

**Senate Standing Committee on Agriculture and Forestry (AGFO)**

Date and Time/Date et l'heure: May 5, 2022, 9-11 am, le 5 mai, 09h00 à 11h00

Topic of Meeting / Sujet de la réunion: The subject matter of those elements contained in Parts 4, 5 and 6 of Bill S-6, *An Act respecting regulatory Modernization*

**Members in Attendance / Membres presents**

Canadian Senators Group (CSG): Robert Black (Chair) (ON)

Independent Senators Group (ISG): Paula Simons (Deputy Chair)(AB), Brent Cotter (SK), Colin Deacon (NS), Sabi Marwah (ON), Pierrette Ringuette (NB)

Progressive Senate Group (PSG): Marty Klyne (SK), Terry Mercer (NS)

Conservative Party of Canada (C): Victor Oh (ON)

**Witnesses / Témoins**

First Panel – 9:00-9:30 - Part 4 - *Agricultural Products Marketing Act*

**Treasury Board of Canada Secretariat**

- James van Raalte, Executive Director, Regulatory Policy and Cooperation Directorate (by videoconference)

**Agriculture and Agri-Food Canada**

- Steven Jurgutis, Director General, Policy, Planning and Integration Directorate (by videoconference)

Second Panel – 9:30-11:00 - Part 5 - *Regulatory Measures Respecting Canadian Food Inspection Agency*

**Canadian Food Inspection Agency**

- Karen Reynolds, Executive Director, Policy and Regulatory Affairs Directorate (by videoconference)

**Fertilizer Canada**

- Nadine Frost, Director, Policy and Industry Standards (by videoconference)
- Cassandra Cotton, Vice President, Policy and Programs (by videoconference)

**Canadian Seed Growers' Association**

- Douglas Miller, Executive Director (by videoconference)

**Seeds Canada**

- Barry Senft, Executive Director (by videoconference)

**Follow-up Items / Suivis:** The CFIA was tasked with four questions that required follow-up. Responses are provided below.

### **QUESTION 1 - Gene-edited seeds**

**Senator Klyne:** My question is also for Ms. Reynolds of the Canadian Food Inspection Agency, although if anyone from the Canadian Seed Growers' Association or Seeds Canada want to weigh in, please do so.

There has been a lot of controversy lately over the licensing and use of gene-edited seeds both in Canada and abroad. I'm advised that when it comes to gene editing, the Canadian Food Inspection Agency is proposing guidance or updates to help explain which plants require authorization from CFIA before being grown or planted in Canada. I further understand the CFIA launched consultations last fall to bring changes to the regulations relating to genetically engineered seeds.

Stakeholder consultations have also been under way to keep pace with technology to improve transparency, and the CFIA is carefully considering relevant and scientific information about the use of gene-editing technologies in agriculture.

**What changes proposed in Bill S-6 impact the regulation and use of gene-edited seeds, and how will Canadians and the agricultural sector benefit from the advances offered by those changes and the new science around gene-edited seeds?**

**Ms. Reynolds:** Thank you for the question. I would need to commit to following up with my colleagues at the CFIA in order to provide a response to the honourable senator related to his question on gene-edited seeds.

### **CFIA RESPONSE**

The Canadian Food Inspection Agency's (CFIA) proposals in Bill S-6 are separate from current discussions on plant breeding innovations, such as gene editing. The proposals in Bill S-6 are focussed on common sense changes. They will not impact the CFIA's current work in updating regulatory guidance for plants with novel traits (including gene-edited products). The development of this guidance is proceeding under the existing regulatory framework.

Part V of the *Seeds Regulations* sets out the regulatory requirements for the release of seed into the Canadian environment, and how to apply for a permission to release seed. With the advent of gene editing technology, plant developers have asked the CFIA for improved clarity on which plants are subject to Part V of the *Seeds Regulations*, and which plants are exempt. This will allow stakeholders to better understand the regulatory requirements that are relevant to them in the context of new and emerging technologies, such as gene editing. In the

[Agri-food and Aquaculture Regulatory Review Roadmap](#), the CFIA committed to provide greater clarity to industry by updating guidance for plants developed using plant breeding innovations. [Public consultations](#) on the proposed guidance were held between May and September 2021. Clear guidance will support the agri-food sector in having access to the latest technologies while upholding Canada’s standards for safety and quality.

## **QUESTION 2 - Clause 127 (process modernization)**

**Senator Klyne:** This question is for the Canadian Food Inspection Agency. Clause 127 of the bill would allow the CFIA to carry out its mandate using electronic means. I’m all for modernization, as is my colleague Senator Sabi Marwah. The question I have is this: Could you walk this committee through using this approach — the inspections of dairy farms, livestock operations, poultry and egg producers, food processing and packaging? Are other countries using this approach? I can understand it might be faster and cheaper. But is it better, and will inspections continue to be consistent and thorough, protecting all stakeholders’ interests?

**Ms. Reynolds:** Thank you, honourable senator, for the question. Mr. Chair, I would need to commit to follow up the honourable senator’s question as it relates specifically, as I understand it, to so-called virtual inspections and the utilization of digital technologies to conduct inspection activities. The amendments in the bill, as I mentioned, facilitate the agency being able to undertake its activities digitally. However, with respect to specific individualized digital activities, I would need to commit to follow up to provide further information to respond to the honourable senator’s question. Thank you.

## **CFIA RESPONSE**

Digital technology can improve efficiency, support innovation and help businesses to remain competitive. As part of the Agri-Food Economic Strategy Table and the Agri-food and Aquaculture Regulatory Review, agri-food stakeholders suggested that the CFIA should increase its use of digital tools to support more effective regulatory administration. Stakeholders noted this would improve service delivery, and reduce the costs and burden associated with paper-based processes.

The proposed amendments to the *Canadian Food Inspection Agency Act* would provide the CFIA with the clear legal authorities to enforce its acts and regulations through electronic means. These amendments would allow for electronic information exchange with regulated parties, and for CFIA services to be provided electronically, where appropriate rather than having to rely on paper-based transactions.

CFIA has been proactively working to provide industry with digital services, and the COVID-19 pandemic accelerated these efforts. CFIA continues to add services to My CFIA – CFIA's online

platform – so that industry can request and obtain permissions online, including for various licenses, registrations and permits. This approach aligns Canada’s approach with other foreign regulatory authorities (e.g. the United States, the European Union, Chile, and Australia) who have already adopted digital platforms and tools, as a means of facilitating trade.

With respect to inspections, these activities are carried out to promote and verify compliance with regulatory requirements. They cover a broad range of services that range from issuing certificates, to onsite inspections, to reviewing documents, and conducting audits.

In order to meet public health directives during the COVID-19 pandemic, CFIA carried out some oversight and service delivery activities virtually. For example, this included off-site elements of an inspection (such as document reviews) that were completed in conjunction with on-site inspection activities by using email, phone, teleconference and other similar technology. There is general support to use these tools, particularly for lower-risk products or as part of an inspection cycle.

As a science-based regulator, CFIA also recognizes the need to continually test assumptions and experiment with novel approaches to existing and new problems. The CFIA is increasing its experimental use of virtual inspection technologies and is committed to providing front-line staff with access to new technology to help complete their work more efficiently. CFIA is currently testing the use of augmented reality, mixed reality and mobile device solutions for front-line staff. Though the possible uses are endless, CFIA's initial experiments relate to improving training, increasing ease of access for consultation between front-line staff and CFIA specialists, and increasing the capacity to work and provide services using virtual technology.

The use of digital tools can be an effective means to complement and support CFIA’s existing efforts to safeguard food, animals and plants, which enhances the health and well-being of Canada's people, environment and economy.

### **QUESTION 3 - Global competitiveness**

**Senator C. Deacon: Thank you again to our witnesses. Ms. Reynolds, in your capacity as Executive Director of Policy and Regulatory Affairs at CFIA, I really want to look to your areas of capacity to manage the burden that we have in front of us. Bill S-6 does a very tiny narrow slice, but you have a large existing regulatory administrative burden, as I mentioned earlier, in terms of being involved even in the size of diced white potatoes in cans, but you’ve got the much bigger issues that you have to deal with.**

**Then there is not just the Bill S-6 slice, but the transformation of the whole regulatory pie to keep up with the new business models, with new innovations, to make sure that Canada is globally competitive, that our farmers really are keeping up with the changes, especially as we digitalize and deal with climate change.**

**Do you have the capacity to manage what seems is a very large burden that can create conflicts just in terms of the differences of expectations between the seed growers and Seeds Canada at this meeting? I would like you to speak to that and what the need is for resources and perhaps process changes that go beyond Bill S-6 to deal with this much larger issue. Thank you.**

**Ms. Reynolds:** Thank you, honourable senator, for the question. The agency is certainly a very large, science-based regulator. The scope of our regulatory activities is vast, as the honourable senator mentioned. The agency is responsible for some nine pieces of legislation, seven of which are captured under the Annual Regulatory Modernization Bill.

As I mentioned, we welcome this opportunity through the Annual Regulatory Modernization Bill to make common sense changes to our legislation to keep it up to date. It is a vehicle and opportunity that we would not have unless this bill provided that opportunity.

More generally, the honourable senator may be aware that we do have a fulsome, forward regulatory plan as mentioned by my colleagues from Seeds Canada, Canadian Seed Growers' Association and Fertilizer Canada. We are actively engaged in our regulated industry in various modernization efforts to continue to ensure that our regulations remain up to date and support competitiveness and innovation while ensuring the safety and health and well-being of Canadians.

We have an actively regulatory agenda that we continue to advance and report on, and that information is available. Thank you.

**Senator C. Deacon: I don't want to put words in your mouth. The answer to the question is that you do feel you have the resources and the process to enable Canada to keep up globally and be a competitive agriculture and food producer, that you're all set with what you've got?**

**Ms. Reynolds:** Honourable senator, thank you for the question. I'm speaking broadly to our regulatory agenda. I would need to commit to follow up with respect to a more specific answer that the honourable senator is seeking. Thank you.

## **CFIA RESPONSE**

The Canadian Food Inspection Agency (CFIA) has the resources and processes to support Canadian agriculture and to be competitive both domestically and internationally. The CFIA also recognizes that while regulations are an essential part in helping the Agency fulfil its mandate, they should not create unnecessary barriers that prevent industries from growing and innovating. That is why the CFIA is using a range of tools, from the Annual Regulatory Modernization Bill, to targeted Regulatory Reviews, to digitalization, to advance an ambitious regulatory modernization agenda. Collectively, these tools are enabling the CFIA to become a more adaptive and agile regulator.

For instance, CFIA has been able to leverage the targeted Regulatory Reviews to lay out a plan of action to advance regulatory modernization in the agri-food and aquaculture sector. Announced in 2018, the targeted Regulatory Reviews identify bottlenecks to existing regulations or regulatory practices to support economic growth and innovation. The CFIA has taken advantage of this opportunity, and led the Regulatory Review of the agri-food and aquaculture sector. This resulted in the [Agri-Food and Aquaculture Regulatory Review Roadmap](#), which was published online in June 2019. This Roadmap lays out a regulatory modernization plan for the agri-food sector and identifies over 30 concrete actions that support economic growth and innovation.

The actions set out in the Roadmap are helping the CFIA advance its regulatory modernization agenda. They seek to improve the agility of regulatory frameworks; to improve clarity and predictability for stakeholders; reduce administrative burden; and strengthen domestic and international cooperation. For example, as a result of a commitment in the Roadmap, the CFIA updated its *Fertilizer Regulations* in 2020. The updated regulations provide flexibility to the fertilizer industry by focusing on areas of highest risk, support industry innovation, and create a more level playing field for importers and domestic manufacturers. The CFIA is continuing to focus its efforts on actions identified in the Agri-food and Aquaculture Regulatory Review Roadmap.

Additionally, tools such as the Annual Regulatory Modernization Bill are enabling the CFIA to make a number of legislative amendments to help keep its legislative frameworks relevant and up-to-date. Bill S-6 represents an important opportunity for the CFIA to address some of the legislative authorities that underpin these modernization efforts.

This will support CFIA's efforts to maintain Canada's reputation as a leader in food safety and animal and plant health, while fostering innovation, reducing burden, and enabling our stakeholders to remain competitive in the international marketplace.

#### **QUESTION 4 - Feeds Act – conditions for product registrations**

**The Chair: Thank you very much. I have one final question and it appears that we're done. This is to Ms. Reynolds. Section 104.5.31 clause 2 highlights in the Feeds Act that the minister may make approval or registration subject to additional conditions that the minister considers appropriate, including conditions respecting the prevention of harm to human or animal health and to the environment.**

**That is similarly highlighted in other sections.**

**But my question really is the following: Is there an existing system of checks and balances to ensure that the minister cannot act without taking into consideration information regarding the feed or fertilizer product or program in question, whether it be from the CFIA or another regulatory body?**

**Ms. Reynolds:** Mr. Chair, thank you for the question.

I'll just briefly touch on the proposed amendment as it relates to conditions. The stakeholders would be familiar already with the actions by the agency to provide conditions on certain product registrations. Similar to some of my previous responses, this particular amendment would ensure alignment between the legislation and the regulations, and it would not result in visible changes to current practice.

With respect to the more specifics of the second part of your question, I will commit to following up. Thank you for the question.

### **CFIA RESPONSE**

The Canadian Food Inspection Agency (CFIA) conducts assessments of feeds, fertilizers and supplements sold or imported into Canada to verify their safety for humans, plants, animals and the environment prior to issuing a registration or approval. Placing conditions on these registrations and approvals is an important component of safeguarding the health of Canadians, our food supply and the environment. For example, a registration could specify the crop type on which a fertilizer can be used. This is standard practice, and regulated parties are familiar with the use of conditions to support product safety.

The determination of conditions is based on parameters set out in the *Feeds Regulations* and *Fertilizer Regulations*. The CFIA uses rigorous science-based assessments based on information submitted by applicants as well as the most current scientific evidence available to determine the required conditions. Any conditions are based on the purpose of the *Feeds Act* and *Fertilizers Act* with the goal of preventing the risk of harm to human, plant, animal health and the Canadian environment.