

Listeriosis Update 2009

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Globe and Mail (January 6, 2009)
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Listeriosis Probe: The back burner

It is difficult to imagine that the federal government is not interested in examining the factors surrounding the outbreak of listeriosis that killed 20 Canadians last year. It is in the Conservatives' interests, after all, to ensure that no similar tragedies occur under their watch. But the government's apparent failure to launch an investigation it promised early last fall raises the unsettling thought that its pledge was made largely to prevent the issue from jeopardizing its prospects in the election campaign.

On Sept. 3, 2008, Prime Minister Stephen Harper announced that there would be "an arm's-length investigation to make sure we get to the bottom, on the government side, on the bureaucratic side, of exactly what transpired" in the fatal outbreak of bacteria in Maple Leaf Foods luncheon meats, "and to make sure as we go forward and we make changes to our system that this kind of thing can't happen again." On Sept. 6, the day before the election was called, Mr. Harper announced the terms of reference - including a reporting deadline of March 15, 2009.

That deadline may have been a little ambitious, since an investigation of complex regulations and their enforcement could take longer than a few months. But the government does not appear to be making an effort to meet it - or to treat the matter with any degree of urgency. Four months later, and nearly two-thirds of the way through its self-imposed time-frame, it is being reported that the government has not yet even named a lead investigator. At this rate, it will be a surprise if the investigation is completed this year.

There is no plausible justification for this delay. Parliament need not be sitting for the government to appoint investigators; it requires no legislation. Nor would anyone fault Mr. Harper or his ministers for taking action on this file at a time of political uncertainty. If Mr. Harper was comfortable appointing 18 senators while Parliament is prorogued, he should have no qualms about naming someone to help protect Canadians from being killed by their food.

With the exception of the controversy surrounding some ill-advised jokes made by Agriculture Minister Gerry Ritz, the listeriosis outbreak played little role in the fall campaign. Canadians did not have much reason to believe the Conservatives bore responsibility for it, and were led to believe the government took the matter seriously. They might have felt differently if they had known the issue would not be attended to promptly once the campaign was over.

CBC News (December 19, 2008)

Listeria files withheld under deluge of access-to-information requests

Canada's food watchdog is withholding files documenting its handling of the recent nationwide listeria outbreak, citing the high volume of freedom-of-information requests and limited staff resources.

As part of a joint investigation, the CBC and Toronto Star first made requests for the files in August. The files detail meetings between the Canadian Food Inspection Agency, meat processor Maple Leaf Foods Inc. and public health officials. None of the files has been released and the CFIA is seeking extensions that could hold back the release of records for more than a year. Standard extensions typically range from one to two months.

"Currently, we're not looking at a very good year," said Cynthia Richardson, the CFIA's director of executive support and co-ordination.

Richardson said the office has four people to process about 500 requests for the year.

"My view is that, based on current volume, we should have twice the current staff," she said. "I've indicated to my executive director, as well as the president's office, that this is a pressure, that our ability to meet the current workload is in jeopardy."

Richardson said the delay is partly owing to restrictions in the federal Access to Information Act regarding what can be made public and what must be blacked out. She also noted workers must wade through a vast number of documents.

"The act is perhaps no longer serving the original intent," she said. "My sense is that when the act was written, it was not anticipated that we would be processing files of 75,000 pages. The idea I think was more that we would be looking for finite documents."

"It's systemic and I find that offensive ... to our system of laws. Access to information is not capricious. It's in response to a quasi-constitutional right that you have to have access to government records, and to have access within 30 days," he said.

"So when you're telling me about extensions of 500 days, and when I see regularly extensions of two and three hundred days, then the system is broken down."

Liberal agriculture critic Wayne Easter called for greater resources to process the requests. "In order to meet the spirit of the law there has to be human resources there to do it," he said. "And what you have is a government that is not living up to the mandate of the law by not having the resources and finances in place."

Maple Leaf Foods on Thursday agreed to pay up to \$27 million to settle class action lawsuits related to the summer listeriosis outbreak, which was linked with 20 deaths. The outbreak spurred a recall of 220 meat products produced at a Toronto Maple Leaf Foods factory.

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PULL QUOTE:

“Access to information is not capricious. It's in response to a quasi-constitutional right that you have to have access to government records, and to have access within 30 days.”

— Michel Drapeau, an Ottawa-based lawyer and an expert in the field of access to information, said the law should be modified so information can be released in a timely manner, noting the documents may contain crucial information on the scale of the crisis.