



OPEN GOVERNMENT

Food Inspection Agency quietly seeks long-term shelf life

Bill C-27 will legalize CFIA arrangements with private associations, insider food quality

By KEN RUBIN

Ottawa's real legislative intents are not always obvious, transparent, or necessarily conducted solely with the public interest in mind. Some initiatives are deliberately very low-profile and barely heard of in the current swirl of sponsorship hype and same-sex legislation debate.

So it is with Bill C-27, billed as simply a housekeeping update to consolidate and enhance the 1997-created Canadian Food Inspection Agency's enforcement powers. Bill C-27 is currently before the Commons Agriculture Committee. CFIA officials testified on Feb. 10, without either the president, Richard Fadden, or the Agriculture Minister, Andy Mitchell, appearing. Industry groups began presentations last week.

They will be followed by other trade and consumer groups in March and April.

Bill C-27 is being sold by CFIA as offering more consistent protection to Canadians. But what is making some consumer, health and farm groups nervous is that Bill C-27 will legalize CFIA arrangements with private associations and companies for insider food quality monitoring. Some believe, and, I agree, this could weaken regulatory efforts and lead to further inconsistencies and conflicts-of-interest situations.

As well, CFIA would enter into arrangements with foreign countries over inspections. But this may or may not offer better protection. And CFIA's food inspection powers at borders and airports are

transferred to customs officers who will double as bio-terrorist prevention agents.

Not everyone buys Bill C-27's backers' claims that by simplifying and streamlining its regulatory process this will mean greater effectiveness. The multitude of drafts of such "smart" and influential regulations are not put up front now. The concern, in part, is that these rules will not be stringent and will benefit larger private producers with greater resources who will be in more of a position to engage in voluntary compliance partnerships with CFIA.

The problem is that CFIA operates under conflicting trade promotion and consumer inspection mandates and has a mixed and controversial track record.

The Auditor General and others have been critical of CFIA's domestic enforcement abilities in places like meat-packing plants. Its testing regimes for BSE, restrictions on animal feeds and ruminant processors have been questioned as too little too late. Some of the agency's foreign work, like trying to assure the Chinese that Canada's tobacco crop is highly exportable and mould-free, flies in the face of federal anti-tobacco policies. Its incomplete inspection probe of tainted cheese in the Lunchmate case, where hundreds of children got food poisoning, left a bad taste.

Its approach to tackling deer and elk farms hit with chronic wasting disease has fallen short of ending this industry that coincidentally enjoys lucrative overseas



Photographs by Jake Wright, *The Hill Times*

BILL C-27: CFIA OFFICIALS TESTIFIED ON FEB. 10, WITHOUT EITHER THE AGRICULTURE MINISTER ANDY MITCHELL OR CFIA PRESIDENT RICHARD FADDER, APPEARING.

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Asian markets. Its linkages with a few universities and provincial authorities in expensive raccoon rabies testing have been questioned. Its secretive investigation of multi-million dollar so-called nutritional sports products has lead nowhere. The process it uses in accepting corporate filings for genetically altering food crops followed by little or no post-marketplace testing and surveillance work has been criticized by the Royal Society of Canada and others. The CFIA's questionable containment of the avian flu outbreak in B.C. aggravated various groups.

Back in 1999, CFIA's efforts to give itself even greater powers under Bill C-80 were shot down in part, as CFIA acknowledges, because of what it calls "a mistaken perception that it would have diminished the Minister of Health's responsibility for food safety." Never mind that Health Canada has yet to introduce all its changes for a revised Food and Drugs Act that will lessen Ottawa's liabilities and weaken food safety standards. Bill C-28, for starters, is trying to sneak in a lesser legal bar for the "interim" faster sale and endorsement of foods containing residues of agricultural chemicals, pesticides and veterinary drugs.

So CFIA has come back as well and takes out connecting Bill C-27 too much to health and safety components. It's instead billed as a "modernization" consolidation. What it does include is needed enforcement powers to more thoroughly search premises, hold regulated food products and stop certain food preparation operations where necessary. Mind you, the responsible federal minister under Bill C-27 wrongly remains the federal agriculture minister whose job is to promote the agriculture and food business, including seeking foreign investments and markets for Canada's agri-businesses.

Yet, where in the name of such consolidation is stronger food labelling laws, safer drinking water standards, and actions to reduce or eliminate and disclose

pesticide, growth hormone and other drug residues and harmful chemicals in foods? Where and when in this is Ottawa's coherent stands on fish farming, on genetically engineered wheat, on terminator seeds, on fertilizer and manure induced pollution, and foods mixed with drugs?

What's clear is that there is no proactive disclosure, or special accountability provisions like whistle-blowing protection to be found in Bill C-27. There is no mandatory provision for immediate disclosure, for instance, of results of testing, inspection, seizures, or of operations under agreements with private or foreign bodies, of full corporate filings, or of lobbying efforts directed at CFIA.

Currently, CFIA is subject to little oversight and the Agriculture Minister Andy Mitchell has a tame and largely unknown advisory board on CFIA, that has no real right to independently publish. CFIA's consultations on Bill C-27 have been far and few between, selective and conducted behind closed doors. None of this is helping its image of being too secretive and remote.

CFIA may well have chosen a poor time to push through its case for greater powers especially with its tying it to controversial public-private and cross border arrangements. And Health Canada is playing with long-term food safety in Bill C-28. The bill last week passed second reading and is now at the House Health Committee for review.

At a time when threats to food safety are real, what's not needed is to make permanent an agency with conflicting safety and trade goals. What's necessary is for Ottawa to reveal fully for public debate now its entire federal food protection legislative agenda—and it better be one that strengthens, and not continues to weaken public intervention for food safety.

Ken Rubin monitors food issues, assists consumer advocacy groups, and is an organic farmer.

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