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BEYOND THE LISTERIOSIS CRISIS: STRENGTHENING THE FOOD SAFETY SYSTEM

Report of the Standing Committee on Agriculture and Agri-Food

Larry Miller, MP
Chair

Subcommittee on Food Safety

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JUNE 2009

40th PARLIAMENT, 2nd SESSION

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THE STANDING COMMITTEE ON AGRICULTURE AND AGRI-FOOD

has the honour to present its

THIRD REPORT

Pursuant to its mandate under Standing Order 108(2), the Committee has studied Beyond the Listeriosis Crisis: Strengthening the Food Safety System and has agreed to report the following:

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INTRODUCTION

The agri-food sector has evolved dramatically during the last few decades. Food supply chains are more complex, and a single food processing establishment can ship products nationally and internationally, reaching millions of consumers. As a result, foodborne illness outbreaks that were traditionally local and restricted geographically can now be nationwide and extend beyond borders. The summer 2008 listeriosis crisis that cost the lives of 22 Canadians is an example of the increased complexity of food safety issues. The two production lines that were contaminated at the Maple Leaf Foods facility in Toronto made products that were marketed across Canada under more than 200 brand names and labels.

On 12 February 2009, the Standing Committee on Agriculture and Agri-Food adopted the following motion:

> That, given the Listeriosis crisis that occurred last summer, the Standing Committee on Agriculture and Agri-Food establish a Subcommittee on Food Safety; and that the members of the Subcommittee be named after the usual consultations with the Whips; the composition of the SubCommittee be proportionally the same as that of the Standing Committee on Agriculture and Agri-Food with the Chair being a member of the government, and that the Subcommittee be granted all of the powers of the Committee pursuant to Standing Order 108(1) except the power to report directly to the House.

Canada's food safety system ranks among the best in the world and is highly regarded by our trading partners. Some feel, however, that the listeriosis crisis of summer 2008 cast a shadow on its reputation and has motivated members to find ways to improve the food safety system with a view to preventing another tragedy. The Subcommittee on Food Safety held public hearings between April and June 2009 on a number of issues related to food safety, and this report presents its findings. First, the question of responsibility, including that of the Minister, for the food safety system is addressed. Next, a section is dedicated to the events of summer 2008, since the listeriosis crisis was the catalyst for the study. The final section provides information on, and recommendations for, improvement of the Canadian food safety system.

FOOD SAFETY: A SHARED RESPONSIBILITY

A National Approach to Food Safety

Under the different powers given to them by the Constitution, the federal and the provincial/territorial governments have authority over various aspects of food safety, and in some cases the provinces delegate that authority to the municipalities.

At the federal level, the *Food and Drugs Act* provides the foundation of Canada's food safety system. It derives its authority from the federal power to legislate in the area of criminal law and requires that all food sold in the country be fit for human consumption. Some products (dairy products, shell or processed eggs, fresh or processed fruits and vegetables, honey, maple syrup, beef, pork, poultry and fish) are also covered by separate Acts of Parliament, enacted under the federal jurisdiction over trade and commerce. For instance:

- Canadian establishments that process and distribute these products across the country or internationally must register with the Canadian Food Inspection Agency (CFIA) in order to operate. Consequently, establishments that trade in these products are referred to as "federally registered establishments."

- Importers or foreign processing establishments may be subject to enhanced import controls, such as audits of importer quality systems, inspection of foreign establishments, etc.

- All other food establishments are referred to as "non-federally registered establishments" and are subject to an inspection system different from that for federally registered establishments.

Provinces and territories are also involved in protecting the safety of the food supply, as described in the December 2000 Report of the Auditor General of Canada:[1]

> Under their public health and trade mandates, the provinces' and territories' jurisdiction extends to all food manufactured and sold within their borders. Provincial governments regulate not only food retailers and services, such as restaurants, but also requirements for all food premises, including federally registered establishments. For example, most provinces regulate the construction standards and basic sanitary requirements of certain establishments within their borders. In some provinces, municipal governments also enforce regulations.

1 Office of the Auditor General of Canada, *Report of the Auditor General of Canada to the House of Commons,* Chapter 25, "Canadian Food Inspection Agency — Food Inspection Programs", December 2000, p. 25-8.

The Federal/Provincial/Territorial Food Safety Committee (FPTFSC), composed of government officials from health and agriculture ministries across Canada, coordinates the development of national food safety policy options, implements initiatives to achieve national food safety goals and priorities, and enhances accountability for food safety in general. It is a forum for discussing science issues, concerns about technical barriers to interprovincial trade, and agri-food inspection policies and programs.

Despite the fact that jurisdiction over food safety is divided among the different levels of government, Canadians, no matter where they reside or purchase their food, are entitled to the same assurances about its safety, assurances that should be based on common standards and expectations. The Subcommittee was told that federal, provincial and territorial food safety officials have been discussing the development of a national food safety strategy since at least 2003. Last February, the agriculture ministers also requested a Food Safety Action Plan. Governments at all levels, the agri-food industry, and other stakeholders should be invited to participate in and facilitate the development of an integrated, co-ordinated, and national approach to food safety policy and regulation based on sound scientific risk assessment and risk management principles and on international standards.

Responsibility in the Food Supply Chain

In the aftermath of the deadly listeriosis outbreak in the summer of 2008, Michael McCain, President of Maple Leaf Foods Inc., accepted full responsibility for the distribution of contaminated meat. Mr. McCain repeated before the Subcommittee that his company failed in its efforts to protect consumers and was responsible for the deaths of 22 Canadians:[2]

> [W]e did take responsibility and accountability for this, because it occurred in our plant, on our watch, with Canadian consumers eating our product. We have an obligation to produce a safe product, and it's an obligation we've held very close for over 100 years. We had systems and protocols in place that we felt were best practice, and they failed us. So accountability and responsibility for that series of events does rest very squarely on our shoulders as an organization, and I'm personally accountable for that organization, so that rests very squarely on my shoulders.

While Michael McCain clearly accepted full responsibility for the listeriosis outbreak, it should also be noted that there is a general understanding that food safety does not solely reside in one person's hands. The food supply chain, from farmers to consumers, is

2 Michael McCain, President, Maple Leaf Foods, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 3, 16:25, 2nd Session, 40th Parliament, Ottawa, April 20, 2009.

highly fragmented among many stakeholders, and while we can sometimes pinpoint exactly the source of a food safety problem, hazards can originate anywhere in the food production continuum. In its December 2000 report, the Auditor General of Canada stated that:[3]

> Responsibility for safe food lies with all those involved in food, from production through to consumption:
>
> - farmers must produce safe food, and fishers must catch and handle fish safely;
> - food processors, wholesalers and distributors must comply with established standards;
> - all levels of government must verify compliance with these standards; and
> - consumers must handle food properly.

This approach is shared by many countries. According to European Union laws, for example, food operators have primary responsibility for food safety while inspectors play an active role in overseeing compliance. In that sense, producer accountability is a proactive approach that focuses on prevention. Mr. James Hodges, Executive Vice-President of the American Meat Institute, also told members that this vision is shared in the United States:

> [T]he ultimate responsibility for producing safe food rests with the manufacturer. The government, whether it be in the United States or Canada, does not manufacture food. They have a very important role in the oversight of setting appropriate standards to protect the public health and they have to have vigorous oversight to ensure that those standards are met.[4]

Witnesses representing the Canadian food processing industry agreed that they have a responsibility to produce safe food. Subcommittee members, however, questioned the CFIA as to whether it should not also claim partial responsibility for the listeriosis crisis, as it is the agency responsible for ensuring compliance of safety standards by food manufacturers. CFIA, as well as Health Canada and the Public Health Agency of Canada (PHAC), indicated that they consider food safety a responsibility shared among the three federal organizations and that government's basic responsibility is to set the standards for

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3 Office of the Auditor General of Canada, *Report of the Auditor General of Canada to the House of Commons,* Chapter 25, "Canadian Food Inspection Agency — Food Inspection Programs", December 2000, 25-7.

4 Mr. James Hodges, Executive Vice-President, American Meat Institute, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 10, 19:45, 2nd Session, 40th Parliament, Ottawa, April 29, 2009.

safe food, to monitor compliance and to hold industry accountable when it fails to produce safe products. The *Food and Drugs Act* and other federal statutes such as the *Meat Inspection Act* give these powers to the federal government. It is within this context that the Minister of Agriculture and Agri-Food, the Honourable Gerry Ritz, stated that "the Government of Canada accepts its share of responsibility for what happened last summer."[5]

5 Hon. Gerry Ritz, Minister of Agriculture and Agri-Food, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No 5, 16:00, 2nd Session, 40th Parliament, Ottawa, April 29, 2009.

A FOOD SAFETY ISSUE: THE LISTERIOSIS CRISIS OF SUMMER 2008

Background

A. Foodborne Illness and Listeriosis

Consumption of food and beverages contaminated with microorganisms such as bacteria, parasites and viruses can produce illness and in some cases death. Mild cases of foodborne illness are not uncommon; PHAC estimates that there are as many as 13 million cases yearly in this country. Fortunately, the vast majority of these illnesses are not serious enough to cause the sufferer to seek medical attention. In other instances, individuals may report to a doctor who may choose to treat the patient for their symptoms and the cause of the illness may not be pursued. In a small portion of all foodborne illnesses, the disease will be serious enough to seek medical attention, and the cause of the illness will be determined. Generally, the symptoms of foodborne illness, often referred to as food poisoning, include nausea, vomiting, diarrhea, stomach cramps and fever. Overall, children and adults who are in good health do not succumb to serious illness from contaminated food. Vulnerable populations, which include infants and very young children, pregnant women, the elderly and individuals with compromised health, may suffer serious illness from these pathogens. The determination of the source of foodborne illness is a challenge, as it requires recollection of all food and beverages consumed over several days or weeks.

Listeriosis is caused by ingestion of the bacterium *Listeria monocytogenes*, herein referred to as listeria. Listeria is widespread in the environment in soil and water, which can then contaminate vegetation and animals. Contaminated plants and animals in turn can infect humans. The resultant infected human and animal waste keeps the cycle going. Like other sources of foodborne illness, listeria does not produce disease in all individuals who consume contaminated food and drink. Many people will experience no ill effects, while others will suffer only mild symptoms that may not even be enough to alert them to the fact that they have been infected with anything. However, for those vulnerable populations listed above, listeria can produce serious illness. In addition to the general symptoms already mentioned, listeria can spread to the nervous system causing headache, stiff neck, confusion, loss of balance and convulsions. For pregnant women, the infection can result in an infected newborn, or worse, spontaneous abortion or still birth. Listeria is more likely to cause death than other foodborne bacteria. Approximately 20 to 30% of cases in high risk individuals can be fatal.

Most commonly, listeriosis is associated with consumption of contaminated milk, milk products and ready-to-eat foods. While listeria can be eliminated from milk and milk products by pasteurization, raw milk and its products, particularly soft cheeses, pose an increased risk. Ready-to-eat and processed foods pose an increased risk because of the number of manipulations involved in preparing the products. Each step involved introduces another possibility for contamination. For those foods that are cooked prior to

consumption, listeria and other bacteria present are destroyed. Listeria is unique among foodborne bacteria in that its growth is not inhibited by refrigeration or high salt concentration. Listeriosis is even more difficult to investigate than other foodborne pathogens, in terms of determining the source of the infection, because symptoms may not appear for as much as 70 days after consumption of the contaminated product. On average, however, illness appears around 30 days after ingesting the microorganism. Determining what foods and beverages were consumed a month or two earlier can be very challenging.

B. The Outbreak

In summer 2008, Canada experienced an outbreak of listeriosis that required the recall of several Maple Leaf products. By the time all of the statistics were in, 57 cases had been confirmed, causing or contributing to 22 deaths.

In Canada, cases of listeriosis are routinely reported a few times weekly. An outbreak will not be suspected until more cases than would normally be expected are reported. In June and early July 2008, Ontario's Ministry of Health and Long-term Care (MOHLC) indicated that it had detected a small increase in the number of listeriosis cases[6] through its Early Aberration Reporting System (EARS), which analyzes routine surveillance from the integrated Public Health Information System (iPHIS), but no pattern or link was determined until the end of July after more cases had been identified. While Ontario retained the lead, the next few weeks involved collaboration between Toronto Public Health, MOHLC, PHAC and Health Canada to analyze food and human samples, perform genetic fingerprinting to establish a link between specific food samples and human cases, as well as determine the food source of the outbreak. On 29 July, MOHLC issued a report through the Canadian Integrated Outbreak Surveillance Centre (CIOSC) (described under Managing Emergencies, National Foodborne Illness Surveillance System), which would have alerted all public health partners, including CFIA, to the increased incidence of listeriosis. On 30 July it held a teleconference to which upwards of 100 participants were invited although no roll-call was taken. Testimony was contradictory as to whether CFIA was invited. The Subcommittee acknowledges a dispute between Ontario public health officials and CFIA officials as to whether CFIA was made aware of the listeriosis issue on 29 July or 6 August. It is clear, however, that on 6 August, CFIA was notified of a public health investigation into two listeriosis cases in a nursing home in Toronto. CFIA then launched an investigation to confirm the affected batches of food. On 8 August, CFIA contacted Maple Leaf Foods to ask the company whether it had the ability to trace certain products.

PHAC took the lead coordinating role in the public health investigation on 15 August when it became apparent that the cases were distributed nationally. After CFIA obtained positive results for *L. monocytogenes* in unopened Maple Leaf product on 16 August, Maple Leaf Foods was contacted with the information, and it initiated a

6 In Ontario, listeriosis is a reportable disease, under regulation 569, part 16, of the *Ontario Health Protection and Promotion Act*.

voluntary recall immediately. Ultimately, the list of recalled products grew until 5 September. Determination of the source of contamination within the Maple Leaf Foods plant was found to be deep within a slicing machine and required its complete disassembly for sanitization. By the beginning of September, 31 cases of listeriosis linked to the outbreak had been confirmed, and 16 deaths were attributed to listeria. This number continued to grow over the next few months to 57 confirmed cases and 22 deaths, as a testament to the potentially long incubation period for listeria.

What the Subcommittee Heard about the Outbreak

A. Overview of Federal Departments' and Agencies' Roles during the Outbreak and Actions in Response to It

The Subcommittee first invited Maple Leaf Foods to testify about the listeriosis outbreak. It heard from them as well as other industry witnesses that they consider the standards and regulations enforced by CFIA to be a 'floor', and that industry strives to go beyond these minimum requirements in their production of food in order to maintain a high level of quality and safety. The President of the company, Mr. Michael McCain, described how his company carried out frequent environmental tests within the plant, testing that was not required by CFIA. He testified that Maple Leaf Foods was collecting, at the time of the tragedy, over 3,000 samples per year in their environmental monitoring program. Whenever listeria or other contamination was detected they would sanitize until they got a negative result. Despite the diligent sampling and testing, listeria growth went undetected, since the bacteria were able to colonize deep within a slicer in an area considered to be inaccessible. The Subcommittee was told that no amount of inspection would have changed the outcome. Members also heard that what Maple Leaf Foods environmental testing did not involve at the time, but what they have since implemented, is the application of a sophisticated investigative and pattern recognition science to analyze test results to better determine the root cause. In the words of Michael McCain:

> But if you want to go to the exact cause of this outbreak, it was not about a lack of inspection. It was not about a lack of product testing or a lack of inspectors. It was about a failure to analyze test data that we weren't even obligated to collect.[7]

The Subcommittee was told by several witnesses that since the outbreak, there has been implementation of a new policy, effective 1 April 2009. CFIA indicated that the new measures largely address those concerns raised by Mr. McCain above. The new policy will be discussed in greater detail in a later section.

Mr McCain was praised by members for his conduct throughout the crisis, as well as since. Several members commented that Mr. McCain was the face of the listeriosis crisis and questioned whether the federal government was sufficiently visible during the outbreak. Others questioned Mr. McCain and other industry witnesses as to whether CFIA's inspections were to blame for the contamination.

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7 Michael McCain, President, Maple Leaf Foods, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 3, 16:30, 2nd Session, 40th Parliament, Ottawa, April 20, 2009.

The Subcommittee heard conflicting testimony with respect to CFIA inspection reports for the Maple Leaf Food plant that were altered after the outbreak. Mr. Bob Kingston, president of the Agriculture Union, felt that altering the report so long after the fact is not normal. CFIA officials agreed that inspection reports had been altered but claimed this was done in order to clarify the records in anticipation of the in depth investigation.[8] Testimony from Mr. Don Irons, a food processing supervisor at CFIA, confirmed that although not common, this is done periodically when there is an in-depth audit.

Some industry witnesses agreed that more frequent inspections would not have changed the outcome, although Mr. Bob Kingston, president of the union representing food inspectors, noted that more visual inspections of the premises and equipment is often useful in identifying symptoms and situations favourable to the development of food safety hazards. Witnesses emphasized that the decontamination of the source equipment required complete disassembly of a machine that was not meant to be disassembled. However, the Subcommittee heard from Mr. Nelson Vessey, a former CFIA auditor, that an effective equipment auditing program might have detected the problem.

CFIA told the Subcommittee that its role in the outbreak began once it was made aware of the listeriosis cases on 6 August, and it launched a food safety investigation beginning on 7 August. David Williams, Chief Medical Officer of Health, MOHLC, and David McKeown, Medical Officer of Health, Toronto Public Health, testified, however, that CFIA had been made aware of the increased cases of listeriosis on 29 July, when Ontario issued reports through CIOSC. Once CFIA's food safety investigation determined that meat from sampled sandwiches originated from Maple Leaf Foods, CFIA contacted the company on 8 August to enquire about its records and product traceability capacity. The CFIA then searched for unopened products, as positive results had been obtained from opened product only at this point; introducing the possibility that contamination had happened subsequent to opening. On 12 August CFIA located unopened product and sent it for testing. This came back on 16 August, positive for *L. monocytogenes*, and CFIA informed Maple Leaf Foods of the result, prompting the company to immediately initiate a voluntary recall process.

Dr. Williams and Dr. McKeown disagreed with CFIA's position that unopened product was required before a conclusive statement could be made about the source of contamination. They pointed out to Subcommittee members that it would be very unlikely that different opened packages of meat could subsequently become contaminated with the same type of bacteria. They suggested that the process could have been shortened by several days if CFIA had not pursued the locating, sampling and analyzing of unopened packages. However, CFIA officials emphasized that unopened product was necessary to confirm the recall order.

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8 Mr. Cameron Prince, Vice-President, Operations, CFIA, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence,* No. 5, 16:55, 2nd session, 40th Parliament, Ottawa, April 29, 2009.

Health Canada has had a policy on *L. monocytogenes* in ready-to-eat foods since 1994; it was updated in 2004. The policy sets out guidance for the safe manufacturing of ready-to-eat foods as well as controls to address risks related to listeria. With respect to Health Canada's role in the 2008 listeriosis outbreak, its first involvement was in late July when the department received a routine request to test food samples for the presence of listeria. A national Listeriosis Reference Service (LRS) was created in 2001 and is a joint venture between Health Canada's Bureau of Microbial Hazards and PHAC's National Microbiology Laboratory (NML). The LRS analyzes food and clinical samples. Laboratories within Health Canada analyze foods samples while NML focuses on clinical human isolates. Throughout the outbreak, Health Canada laboratories carried out genetic typing as necessary, over 200 samples in all.

The Subcommittee heard that addition of a relatively simple and inexpensive compound to ready-to-eat meat products could inhibit the growth of listeria. It heard that, had Maple Leaf Foods been able to add either sodium acetate or sodium diacetate to their ready-to-eat products, the growth of listeria in those products might have been avoided. These additives have been approved in the United States for five years, and the Subcommittee was told by the Canadian Meat Council that there has not been a recall of ready-to-eat meat due to listeria-related illness since that time.[9] These food additives were not approved by Health Canada at the time of the tragedy, although Schneider Foods had requested approval as early as 2002.[10] Members were told by Health Canada officials that these substances received approval in September 2008.

PHAC began to receive clinical samples for routine analysis on 10 July from MOHLC and throughout the remainder of the month from provincial public health laboratories. Some members expressed concerns over the time that elapsed between samples being sent for analysis and the results being communicated. Dr. Frank Plummer, Director of PHAC's NML, explained that these procedures, particularly genetic fingerprinting, can take as much as 14 days for non-urgent samples. In a letter to Dr. David Williams, the heads of CFIA, PHAC and Health Canada suggested that MOHLC should not have sent samples to the Ottawa lab, but rather to a CFIA lab in Scarborough. Dr. Williams replied that, at the time of sampling, there was no indication that an outbreak was underway; that in fact, at that time they were routine samples and as such would be expected to go to the LRS in Ottawa. Federal officials confirmed that samples were sent to the correct laboratory. The Subcommittee was told that MOHLC requested distribution records from CFIA of the implicated food products, but did not receive them.

PHAC continued to conduct analyses and communicate with public health authorities on results and possible sources. Only after connecting the listeriosis cases in other provinces to the outbreak in Ontario did PHAC take the lead in coordinating the national investigation and response; this was not until 15 August. As lead coordinator,

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9 Mr. Martin Michaud, Vice-President, Technical Services, Olymel, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 8, 17:35, 2nd Session, 40th Parliament, Ottawa, May 13, 2009.

10 Ibid.

PHAC standardized data collection and centralized data to enable national reporting and analysis for identification of linkages between cases. It sent a public health alert requesting that all public health units use a standardized questionnaire to obtain information on the listeria cases, and the Chief Public Health Officer issued a statement to inform Canadians about the ongoing public health investigation.

The Subcommittee was told that in addition to daily press conferences or technical briefings, PHAC also issued traditional media notices and advisories and wrote to senior organizations and professional organizations; as well, it developed guidelines. PHAC stated that they felt that they were trying to be very visible in their role in the outbreak as well as in the collaboration with the other federal partners. The Subcommittee was told that throughout the crisis, Health Canada, PHAC and CFIA, along with Toronto Public Health, held daily teleconferences. The Minister of Agriculture and Agri-Food was also actively involved in the teleconferences.

B. The Independent Inquiry — A Review of Federal Actions During the Outbreak

On 20 January 2009, the Prime Minister announced the appointment of Sheila Weatherill as Independent Investigator into the listeriosis outbreak. Ms. Weatherill indicated that her mandate was:

> to examine the events, circumstances and factors that contributed to the outbreak; review the efficiency and the effectiveness of the response of the federal organizations in conjunction with their food safety system partners in terms of prevention, recall of contaminated products, and collaboration and communication, including communication with consumers; and make recommendations based on lessons learned from that event and from other countries' best practices to prevent a similar outbreak in the future and remove contaminated products from the food supply.[11]

The timeline set out by Ms. Weatherill includes fact gathering and analysis between January and the end of April, followed by in-depth probing until June, and finally report writing.

The Subcommittee heard about the six terms of reference set out for the investigation. In addition to the three set out above in the mandate, the investigation is not to assign or suggest criminal or civil liability to anyone or any organization and is to use procedures for the expedient and proper conduct of an investigation, including reviewing relevant documents and consulting as appropriate. The report is to be completed and submitted to the Minister of Agriculture and Agri-food, in both official languages, by 20 July 2009.

The five guiding principles for carrying out the investigation were enumerated by Ms. Weatherill as: "access to the most accurate and complete information available;

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11 Ms Sheila Weatherill, Independent Investigator, Listeriosis Investigative Review Secretariat, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 4, 16:10, 2nd Session, 40th Parliament, Ottawa, April 22, 2009.

independence from all parties, both inside and outside government; systematic investigative techniques; external expert advice; and consideration of all legitimate viewpoints to ensure that the approach is fair, collaborative and constructive."[12]

The investigation, with an estimated cost of $2.7 million, is being conducted with dedicated staff, as well as others on an as-needed basis. The Subcommittee was told that staff included those with expertise in discovery and document retrieval, in order to ensure that all required documentation and testimony would be obtained. Full-time staff for the investigation includes professionals from three expert firms and six federal public servants from Environment Canada, the Public Health Agency of Canada, the Canadian Food Inspection Agency and Agriculture and Agri-food Canada. On an as-needed basis, the investigation has access to five expert advisors and seven consultant researchers.

Ms. Weatherill indicated in her testimony to the Subcommittee that she has had complete cooperation from all those from whom she has requested input, both documentation and interviews. She indicated that her role is restricted to examining the federal government's involvement only during the outbreak and she clarified that she had no input into the terms of reference for the investigation. Some members expressed concern that she had not interviewed the Minister of Agriculture and Agri-food at the time of her appearance. Another concern expressed was that the inquiry is not sufficiently arm's length from the Minister of Agriculture and Agri-food, since it will report directly to him. Ms. Weatherill stated that there had been "no attempt to influence or limit the investigation in any way, from any source"[13] and expressed confidence in the manner in which the investigation and reporting was to be conducted. She assured members that she would be interviewing the Minister and gathering all data required, emphasized that "the evidence trail is being followed wherever it leads" and expressed confidence that the report would be submitted on time. In fact, the Subcommittee learned that the Minister met personally with Ms. Weatherill on 4 May for two hours.

The Minister of Agriculture and Agri-food indicated during his appearance at Subcommittee that he would be meeting with Ms. Weatherill in the coming days. He expressed confidence in her ability to conduct a thorough and comprehensive investigation and described her as extraordinarily qualified. The Minister confirmed that the report will be made public and he pledged that "the recommendations that come forward through the lessons-learned reports and through the report that Ms. Weatherill will table will be followed up on and will be implemented."[14]

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12 Ibid., 16:15

13 Ibid., 17:00

14 Hon. Gerry Ritz, Minister of Agriculture and Agri-Food, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 5, 16:55, 2nd Session, 40th Parliament, Ottawa, April 29, 2009.

Recommendation 1:

The Subcommittee recommends that the government call for a fully transparent and independent public inquiry, with all the powers provided under the *Inquiries Act,* into the actions of the federal government, its agencies and departments in relation to the events leading up to, during, and subsequent to the listeriosis crisis of the summer 2008.

IMPROVING THE FOOD SAFETY SYSTEM

The following sections will focus on the federal government's activities and how they relate to provincial/territorial food safety programs where relevant. During testimony from the various federal authorities, their roles and levels of responsibility in the context of the 2008 listeriosis outbreak were described and questioned. The federal department involved is Health Canada, while the agencies include the CFIA (an agency under the responsibility of the Minister of Agriculture and Agri-food) and the PHAC (an agency of Health Canada).

Canada consolidated its food safety system in 1997. It regrouped all risk assessment activities (the scientific evaluation of all known and potential adverse health effects resulting from foodborne hazards) within Health Canada and all risk management activities (the processes and structures put in place to effectively minimize potential adverse foodborne hazards) within the CFIA. In general terms, the CFIA is responsible for putting into effect the policies and standards established by Health Canada through regulation, inspection and enforcement. PHAC also has a role in risk management, since it is responsible for disease surveillance, including detection of outbreaks and their sources, as well as reporting and disease prevention.

Risk assessment

Food safety risk assessment consists of determining, on the basis of scientific data, whether food additives, farm inputs (pesticides, veterinary drugs, etc.) or agri-food processing procedures compromise food safety. Food consumption can never be entirely risk-free, but the threshold below which the risk is minimal must be identified, thereby determining the acceptable level of consumer protection. In Canada, this role belongs to Health Canada. Under the *Food and Drugs Act*, Health Canada is responsible for establishing policies and standards relating to the safety and nutritional quality of food sold in this country. The Department must, for example, determine the residual quantities of pesticides allowed in foods and the safety of new food additives.

A. Food Safety Standards

The listeriosis outbreak has shed some light on areas to improve with respect to risk assessment. Firstly, Michael McCain, President of Maple Leaf Foods, emphasized the need for ongoing science-based review of sampling and testing requirements, since the Maple Leaf Foods plant was exceeding requirements for sampling but did not detect the listeria contamination. The ongoing review of existing policies to reflect emerging food safety issues was also identified by Health Canada in its report on the lessons learned from last summer's listeriosis crisis. Mr. James Hodges, Executive Vice-President of the American Meat Institute talked about the United States' experience with listeria and indicated that it is a continual learning experience as each incident brings new information on how to control the organism, which further improves preventive measures. Similarly, as

a result of the listeria outbreak in 2008, the Canadian government reviewed and implemented a new policy called Risk-based Verification Sampling of Ready-to-Eat (RTE) Meat and Poultry Products, which came into effect 1 April 2009.

Prior to 2005, ready-to-eat products were monitored under two sampling programs undertaken by CFIA, M-200 and M-205. The M-200 work plan required microbiological testing of ready-to-eat meat end products, with a target of 10 samples twice a year per plant. The M-205 work plan required environmental sampling of manufacturing areas (such as the ready-to-eat meat packaging area) twice a year. With the introduction of mandatory Hazard Analysis and Critical Control Point (HACCP) program in 2005, the sampling program M-205 was eliminated. Questioned on the relevance of removing the M-205, some witnesses, including Michael McCain, have indicated that the M-205 sampling program was probably not very effective in the light of the new scientific evidence brought by the listeriosis crisis.

Despite the removal of the M-205 sampling plan, environmental testing was still identified as a best practice by Health Canada but was not mandated; this may explain why Maple Leaf Foods was still conducting environmental testing within its HACCP program. There was, however, no legal obligation to report to CFIA immediately when an environmental sample was positive. There was and still is a legal obligation for industry to report end product positive tests. In that case, industry did have obligations to conduct sanitation and to retest. Based on the policy at the time, a negative retest following sanitation was deemed to have addressed the issue. As Mr. McCain pointed out, this is not how the data collected with their environmental testing should have been used. He told the Subcommittee that "what we did not do then, and what we do do now, is sophisticated investigative and pattern recognition science to analyze test results to better determine root cause."[15]

The measures that were introduced on 1 April 2009 include mandatory environmental testing within the HACCP plans conducted by industry, including mandatory reporting of those results, on a daily basis or upon review by CFIA. When those samples are submitted to a private accredited lab, CFIA is alerted to a positive sample by the accredited lab. Environmental testing conducted by CFIA was also reintroduced at a greater frequency than required under the M-205 plan, and there is the continuation, at a greater frequency, of end product testing both by government and by industry. It should be noted that this new policy does not only cover *L. monocytogenes* but also salmonella and, for some products, *E. coli* O157:H7. These new requirements allow for investigation and follow-up of individual trends, such as looking for patterns where pathogens can develop in the production line.

15 Mr. Michael McCain, President, Maple Leaf Foods, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No, 3, 16:00, 2nd Session, 40th Parliament, Ottawa, April 20, 2009.

The Canadian Meat Council also indicated that the sampling requirements may vary if the company uses an antimicrobial agent, but would like some additional flexibility based on the risk if a production line uses other food safety technologies. For example, the Subcommittee heard about "cold pasteurization." Representatives from Piller's Fine Foods described this process, whereby the finished and packaged product is subjected to extreme pressure, in much the same way as canned foods, which kills any microorganisms that might be present. They emphasized that this process does not replace or diminish any of the good manufacturing practices of food production, but they did question the need for all of the sampling required under the new policy, since the cold pasteurization method destroys all pathogens in the end product.

Recommendation 2:

The Subcommittee recommends that the government ensure that up-to-date food safety and processing technologies as well as new scientific evidence be included in all risk assessments and that this should be achieved by establishing a process of ongoing review of food safety standards.

In this regard, the Subcommittee heard testimony about the acceptable levels of listeria in food. The current standard does allow any listeria in most ready-to-eat food but does permit 100 listeria bacteria per gram of certain ready-to-eat foods where growth is not sustained. For some witnesses, permitting any level of listeria poses a threat to vulnerable populations.[16] In other countries, including the United States and Brazil, no listeria is permitted in any ready-to-eat food.

B. Common Approach to Food Safety Standards

Health Canada is responsible for evaluating the potential health effects of food production aids and technologies. Research and development bring food safety innovations and technologies that, if safe and effective, should be available as soon as possible to food producers. For example, Health Canada issued an interim marketing authorization to permit the use of sodium diacetate (a mixture of sodium acetate and acetic acid or vinegar) as an additive in standardized and unstandardized preparations of meat, meat by-products, poultry meat, poultry meat by-products, prepared and preserved fish products. Sodium diacetate is a bactericide and fungicide; that is, it controls both mould and bacterial growth in food. As stated earlier, industry requested approval of this antimicrobial in September 2002, and it has been widely used in the United States for the past five years. According to the American Meat Institute, during that time, there have been no ready-to-eat meat recalls due to Listeria.

16 Mr. Amir Attaran, Professor, University of Ottawa, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 13, 16:20, 2nd session, 40th Parliament, Ottawa, June 10, 2009.

In the United States, irradiation of ground beef was approved in 1997. This technology destroys disease-causing bacteria in foods and serves the same function as milk pasteurization and pressure cooking of canned foods. Food irradiation is endorsed by many groups, including the World Health Organization and the Food and Agriculture Organization of the United Nations, and has been approved for several decades for a handful of foods in Canada, such as potatoes to inhibit sprouting. In 1998, the Canadian Cattlemen's Association (CCA) submitted an initial petition to Health Canada to approve irradiation of fresh and frozen ground beef to minimize the risks associated with *E. coli* 0157:H7. Regulatory changes to allow irradiation of ground beef were published in Part 1 of the Canada Gazette on 23 November 2002 but progressed no further in the process. In 2008, a review of scientific literature showing the effectiveness of irradiation against *E. coli* 0157:H7 and salmonella in ground beef was submitted to Health Canada by the CCA.

New technologies that could have a direct impact on the safety of food products have to be approved, and some of the above examples show that it takes time to obtain permission to use them. Members of the Subcommittee have asked why it takes so long to approve new products and technologies and why only an emergency like the listeriosis outbreak seems to speed up the approval process. According to witnesses, all the studies and scientific data showing that these additives and antimicrobial agents pose no danger are available, but the Canadian regulatory system asks to provide information every time the industry wants to use a new one. According to the Canadian Meat Council (CMC), Health Canada does not have the same capacity to approve all antimicrobials, veterinary drugs, and pesticides that the U.S. Food and Drug Administration (FDA) has. As an organization, the FDA employs 10,000 people for this purpose, while the comparable Health Canada section employs approximately 800. The CMC asserted that there is little use in Canada conducting its own studies on products that the Europeans or the Americans have already approved, and that products already approved in these countries should be approved based on the same data.

The agriculture and agri-food sector has always been a strong proponent of the harmonization of pesticide, veterinary drug and other food safety regulations with those of the United States. Some would even go further and support the creation of a Canada-United States food safety authority based on the models implemented in the European Union with its European Food Safety Agency (EFSA) and in Australia and New Zealand with the Food Standards Australia New Zealand (FSANZ). Those two agencies are in charge of the risk assessment and development of food safety standards; enforcing the standards remains under the supervision and responsibility of the individual countries. The European Union created the EFSA in the aftermath of the mad cow crisis, when it was realized that a continental approach would be more efficient. The CMC also indicated that the new Obama administration has announced that it is reviewing the American food safety system after the recent contamination of peanut products with salmonella. Since the Canadian economy is highly integrated with that of the United States, there is an opportunity to engage with the United States authorities on common food safety issues.

Recommendation 3:

The Subcommittee recommends that the government increase its collaborative efforts with the United States and consult with stakeholders and consumers on the possibility of developing a common approach to food safety standards.

Risk management

A. The Federal Food Safety Network

At the federal level, enforcement of the food standards is the responsibility of the CFIA. The Subcommittee was told that the CFIA is a science-based regulator with a mandate to safeguard food, animal health and plant protection and that CFIA is "part of a national network responsible for food safety, which includes Health Canada, the Public Health Agency of Canada, provincial and territorial departments of health, and the public health units found in local municipalities".[17] CFIA's role in food safety risk management is through inspection, testing, auditing and reviewing of food production. When necessary the CFIA can take enforcement measures and issue food recalls.

Other federal agencies are involved in managing food safety risks. PHAC, which is mandated to promote and protect the health of Canadians, is responsible for preparing for, detecting, and responding to, any outbreaks that threaten human health, including outbreaks of foodborne illnesses. When an outbreak spreads beyond a jurisdiction or exceeds its capacity, PHAC takes the national lead on the human health side.

In addition to its risk assessment role, Health Canada provides assistance to CFIA and PHAC when an outbreak occurs. Health Canada carries out tests for the presence of contaminants in food and tests food samples to determine whether there is a link between a suspected outbreak and a specified food source. The department also provides scientific expertise to help CFIA respond effectively and appropriately in a given food safety circumstance. Finally, as part of its role in delivering public health services to first nations, Health Canada provides information to these communities about food recalls.

Risk management activities can be categorized in two broad areas: minimizing the risks, and managing outbreaks and emergencies when they occur. The following paragraphs focus on different risk management activities addressed during the Subcommittee hearings.

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17 Ms. Carole Swan, President, Canadian Food Inspection Agency, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 3, 18:15, 2nd Session, 40th Parliament, Ottawa, April 20, 2009.

B. Minimizing Food Safety Risks

One thing that all witnesses emphasized was that safety cannot be ensured only through testing or inspections, but that preventative programs are the best way to produce safe food. The Subcommittee heard that it is virtually impossible to test all products on the shelves for contamination. Similarly, testing end products in a random fashion may not help to show the whole picture: as explained by Mr. Rick Holley, professor at the University of Manitoba, when a problem is not suspected, it is not possible to know what proportion of the products is likely to be contaminated. Since an organism like listeria occurs in foods at 0.1%, at least a thousand tests have to be conducted in order to find one positive. A similar limitation exists with environmental testing. Unless every point of contact is sampled along a production line, the source of a contaminant may be missed.

Food safety problems have to be identified and eliminated from the food production chain, so that the end products are safe to eat. This section addresses initiatives at different stages of the food supply chain that help prevent food safety hazards from developing and consequently contaminating food products.

1. At the Farm

Farmers address food safety through three broad and related systems: on-farm food safety (OFFS) programs, biosecurity programs, and traceability programs. In 2001, federal, provincial, and territorial (FPT) ministers agreed to a framework for the recognition of OFFS assurance programs based on the HACCP system. Commodity groups have been developing and administering OFFS programs since then. These programs are summarized in table 1.

Table 1: Summary of On-Farm Food Safety Programs by Commodity or Commodity Groups

Commodity	*Program Name*	*Remarks*
Chicken	Safe, Safer, Safest	83% of chicken farms already certified
Beef	Verified Beef Production	Approximately 400 producers certified or in process of being certified
Hog	CQA	Approximately 7,000 production units certified (representing over 70% of total Canadian production)
Sheep	Food-Safe Farm Practices	510 producers trained by the end of fiscal 2007-08, with 100 additional by the end of 2008
Milk	Canadian Quality Milk	All farms certified by the end of 2010 (Number of certified farms currently varies by provinces from zero to 90%)
Fruits and Vegetables	CanadaGap	Technical review by CFIA completed for most commodities; nearly 300 producers already certified
Grains/Oilseeds/Pulse	ExcelGrains Canada	Technical review by CFIA completed; implementing the certification process

OFFS programs identify such potential food safety hazards as chemical residues from animal health product use or pesticides, determines a number of procedures to eliminate those hazards, and defines the record-keeping procedures farmers have to follow to ensure that the program is correctly implemented. Most commodities have received technical recognition by CFIA for their OFFS programs, and farmers' representatives asked for continuous support from the government to help them fully implement OFFS program and obtain recognition nationally and internationally.

Biosecurity programs are again commodity group-led initiatives to protect animals and prevent the spread of disease. They are particularly important in industries that commonly operate with confined animals. For example, the Chicken Farmers of Canada has developed, in partnership with CFIA, protocols on disease preparedness, prevention, response, and recovery, such as enhanced biosecurity provisions and an avian influenza low pathogenic surveillance program. The Canadian pork industry has also been a leader in biosecurity measures and disease control protocols. Witnesses have said that government should help commodity groups that currently lack biosecurity programs and that it must inform the general public as well as non-agricultural government organizations about biosecurity and disease prevention. The Subcommittee was told about instances where people have entered a farm site without checking to see what biosecurity protocols are in place and without the consent of the farm owner. Mr. Robert McLean, Vice-President of Keystone Agricultural Producers, told the Subcommittee that the industry has worked with the Manitoba government to put together a workshop to train government inspectors and others frequenting farms about the importance of biosecurity and proper

procedures when they do on-farm inspections. Given the current situation with the H1N1 influenza A virus, it is paramount that biosecurity measures be fully understood by the general public and government organizations.

Finally, tracking and traceability programs are intended to provide government and industry with a responsive capacity to deal with a disease outbreak when it occurs. They are not preventive programs and apply not just to farmers but to the entire food supply chain. This aspect will be discussed in the section "Managing Emergencies".

Witnesses have indicated that there is not always a clear incentive for farmers to adopt measures or programs to improve food safety. Because they prevent diseases, biosecurity measures usually have clear economic benefits, but this is not always the case. Many producers told the Subcommittee that OFFS programs were developed with the idea of being able to market them and receive a premium. This hope never really materialized, but farm groups have indicated that some retailers will not buy from producers unless they can prove they have an OFFS program.

Mr. Rick Culbert, President of Bioniche Food Safety, also talked about the challenge with adoption of OFFS measures. His company developed the world's first licensed vaccine against *E. coli* O157:H7, a bacteria strain that releases toxins that cause severe, permanent illness or even death. He told the Subcommittee that when the vaccine is given to cattle it significantly reduces *E. coli* colonization in the animals, by as much as 98%. This reduction in the amount of *E. coli* O157:H7 shed by cattle helps to reduce the risk of it being present in ground beef or surface water. As this bacteria does not make cattle sick, however, there is no incentive at the moment for cattlemen to vaccinate them. Like retailers with OFFS programs, packers might be interested to know that their risk of bringing *E. coli* through the packing plant door is reduced. The question remains whether they will be willing to pay a premium for it or whether they just dictate preferential supplier status and give priority to vaccinated cattle.

The Subcommittee has heard that producers are willing to prove that the food they produce is safe through these programs, but government must know that there is an economic cost to producers to doing so without being able to pass it on to the rest of the supply chain. Witnesses indicated that there is a need for cost to be offset by government on behalf of society, possibly through tax credits, incentive-based programs, or by making food safety expenses eligible for the Agri-Flex program[18] and broadening eligibility criteria for government funding to animal vaccines if they have a clear benefit for public health.

18 The $500 million agricultural flexibility program was announced in the Economic Action Plan. Although details are not known yet, this Agriculture and Agri-Food Canada program will make investments in areas that meet unique regional needs.

2. Processors

One of CFIA's primary focuses is to inspect and audit food processing establishments. Inspection frequencies and types vary, depending on whether the products are imported or are from federally regulated or non-federally regulated establishments.

In addition to the requirements under the *Food and Drugs Act*, a number of products must comply with other statutes, namely the *Canada Agricultural Products Act*, the *Meat Inspection Act* and the *Fish Inspection Act.* Those commodities (dairy products, shell and processed eggs, fresh and processed fruits and vegetables, honey, maple syrup, beef, pork, poultry and fish) make up 56% of the consumer's grocery budget.[19] Regulations under these statutes provide for specific food safety regimes for the covered commodities, and each establishment has to follow strict food safety standards for their processing lines. Federally registered establishments are inspected regularly, sometimes daily, to ensure compliance with federal regulations.

The Food Safety Enhancement Program (FSEP) was developed in 1989 for the industries covered by the *Canada Agricultural Products Act*, the *Meat Inspection Act* and the *Fish Inspection Act*. Initially voluntary, this program became mandatory for some industries including the meat sector in 2005. Under the FESP, processors develop a HACCP program where in critical areas of the production line that may pose a food safety risk are identified and measures determined to eliminate the problem. Processors must also develop a prerequisite program to prove their transportation, storage, sanitation and other systems meet the CFIA's criteria. With the gradual adoption of these new programs, the CFIA has replaced its traditional inspection system with a HACCP-based inspection system, under which inspectors check the validity and adequacy of the processors' food safety procedures. The current approach to inspection, the compliance verification system (CVS), is a detailed checklist that guides inspectors, who then use defined verification tasks to assess a facility's ability to meet the regulatory requirements by focusing on the systems the facility has put in place. According to the CFIA, the CVS assures consistency and uniformity in inspection activities and prescribes inspection frequencies.

Some witnesses suggested that the HACCP approach has become the gold standard for food safety. It is referenced by the Codex Alimentarius Commission, and the World Health Organization. It is widely used in food processing industries in the United States and in the European Union and is advocated globally as the best standard, because it allows mapping known risks, documenting how risks will be managed, and then verifying whether the procedures were followed. When a problem occurs, it then provides the framework to go back and determine the origin of the contamination.

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19 Office of the Auditor General of Canada, *Report of the Auditor General of Canada to the House of Commons, Chapter 25: Canadian Food Inspection Agency — Food Inspection Programs*, December 2000, p. 25-8.

The Subcommittee heard some concerns that HACCP and CVS constitute a trend toward a deregulation of the food industry, since it gives a more prominent role to the industry in food safety procedures. According to the CFIA, HACCP and CVS do not constitute a privatization of the food inspection system, since it does not change the government's role in establishing food safety standards and in verifying compliance with food safety requirements. In fact, controls in place under a HACCP system could not be carried out by a team of inspectors and were not all in place under the old inspection systems. In addition, the Subcommittee heard from Ms. Jennifer Fowler, inspector at the CFIA, who explained how she verifies companies' reassessment of their HACCP programs:

> What I'm doing is a verification of their written HACCP program which consists of the written HACCP plan, the actual process involved, and also their prerequisite program which has to do with the environmental factors in the plant. I look at the HACCP program. There are certain guidelines that they have to follow in writing up the HACCP program. It ranges from a form 1 that speaks about the product, to a form 10 which is their HACCP program.[…] It actually outlines the process from the time the raw product enters the plant to the time it finishes and leaves the door. […] the company is supposed to analyze, based on their system, where they will place the critical control point to make sure that the hazards that could be introduced at a certain point are being addressed and monitored. […] I go inside once I've reviewed the program to make sure that what they have on paper is exactly what's happening on the kill floor. I verify the accuracy of those plants. […] I am doing the verification in that once I'm saying that the HACCP written program is okay, the inspector is the one who implements that program. If they don't have a properly written HACCP program, the implementation will fail.[20]

Mr. James Stamatakis also described his tasks as a front line CFIA inspector in ready-to-eat meat plants:

> I do work directly in the establishment and the establishments presently that I have—two establishments—are both ready-to-eat establishments. My job duties, starting from the beginning, are to perform CVS tasks. Also, my job duties are to ensure that import and export inspection is done, filing reports, answering e-mails, phone calls, and setting up schedules for the rest of the week for CVS tasks that I'm supposed to be doing [...] I am there from 7:30 in the morning until 3:30. When I do come in to perform my duties, I make sure that I release the stamps for export certification and verification to be done by the establishment under my auspices. I also might have to leave halfway through the day to go to my second establishment.[21]

Some witnesses, however, expressed some concerns about implementation of the new regime. Mr. Nelson Vessey, who worked for 40 years as an inspector with Agriculture and Agri-Food Canada and the CFIA, provided an historical perspective of how food inspection programs have evolved. He told the Subcommittee that improving the system

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20 Ms. Jennifer Fowler, Inspector, Canadian Food Inspection Agency, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 9, 18:05, 2nd Session, 40th Parliament, Ottawa, May 25, 2009.

21 Mr. James Stamatakis, Inspector, Canadian Food Inspection Agency, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 9, 17:50, 2nd Session, 40th Parliament, Ottawa, May 25, 2009.

was not always the driver behind the changes and that there has been an ongoing failure to ensure that any new inspection procedures would have the desired results before putting them in place. In his opinion, the CVS has not yet been proven scientifically to work.

Mr. Bob Kingston, National President of the Agriculture Union, a part of the Public Service Alliance of Canada, indicated that the HACCP-based inspection system has drained many resources away from other useful inspection activities. He notably mentioned that traditional inspections are a good complement to HACCP and should not be overlooked. Having inspectors on-site in the plant affects the behaviour of the plant employees in a positive way so that procedures are followed more strictly and precisely, enables better communication with plant employees, and allows experienced inspectors to recognize symptoms of problems, such as excessive condensation and moisture or worn or cracked rubber belts that are very hard to sterilize. He emphasized that it does not replace the HACCP system, but traditional inspection of the plant gives the inspector real-life experience and knowledge of the plant that can only improve his or her analysis of the plant HACCP records. Mr. James Stamatakis also confirmed that his experience with traditional inspection and the current HACCP program and CVS complement each other:

> I feel that with the combination of my old experience, in the old system, along with the training at this present new system with the CFIA, with CVS tasks coming into effect, that when you marry these two disciplines together that you can do a better job. I'm happy with what I do. I feel it's effective, but like every other system, as was mentioned earlier this evening, there are going to be problems that have to be resolved.[22]

Despite the reservations described above, food inspectors, academics, and the food industry have all endorsed and supported the HACCP approach. Many even expressed a belief that in the absence of HACCP, the origin of the listeriosis issue would not have been identified. In addition, in the case of ready-to-eat products, HACCP programs allow for a greater frequency of testing by both industry and government.

The Subcommittee heard that current standards provide better protection than before. For that reason, some witnesses have asked that Canada create a single meat inspection standard. Provincially inspected (PI) meat plants that only trade within one province do not meet the same standards as federally inspected plants. Ms. Laurie Nicol, Executive Director of the Ontario Independent Meat Processors (OIMP), indicated that the Province of Ontario recently introduced stronger meat inspection regulations that require HACCP programs. Other provinces still have meat processors that are rarely inspected or do not have HACCP programs. This does not mean, however, that these plants are operating at a lower food safety standard than large federally inspected facilities.

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22 Mr. James Stamatakis, Inspector, Canadian Food Inspection Agency, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 9, 17:55, 2nd Session, 40th Parliament, Ottawa, May 25, 2009.

Members have expressed concerns that a single standard could hurt PI plants that are generally smaller. Actions taken by Maple Leaf Foods for detecting the source of the listeria contamination were extensive and costly. Similarly, new prevention strategies now employed require more resources than previously. The Canadian Meat Council indicated that some federally inspected plants can be quite small, citing a company with only 15 employees, for instance. The OIMP, which represents small businesses, agrees it can be a challenge, but suggested that there may be ways other than the CFIA standards to achieve food safety. It was suggested that an "outcome-based standard" would provide identical safety and satisfy both small and large plants. Since the current national meat and poultry code, developed by CFIA and the provinces, includes those outcomes, the CFIA could, according to the OIMP, recognize provincial standards as equivalent to the federal standard. Ms. Jennifer MacTavish, Executive Director of the Canadian Sheep Federation, also supported the concept of reciprocal agreements across provinces.

Mr. James Hodges from the American Meat Institute explained that the United States also has two systems, a federal inspection system and individual state systems. Legislation was revised a few years ago to include an equivalency between state and federal standards. Currently, individual state systems must be equivalent to the federal system. Plants in states that do not have their own inspection systems (a little less than half of the states) are federally inspected.

3. Importation

Inspection of imported products is another important focus for CFIA. The 2007-08 CFIA performance report to Parliament stated that "since the creation of the agency in 1997, the imports and exports of products subject to CFIA regulation have increased 45.6%".[23] According to Mr. Christopher Kyte, President of the Food Processors of Canada, the imported food sector represents 23% of the food consumed in Canada but 50% of the food recalls.[24] Unlike food produced in Canada, where CFIA can play an active role to implement preventative programs at the food processing level, imported foods require a different approach: equivalency and inspection of products.

With respect to meat, before a country can export products to Canada, the CFIA must assess two points in particular:

- Whether the country's meat inspection system must be considered equivalent to Canada's; and

- Whether the country's status with respect to certain serious animal diseases or diseases that have serious economic consequences.

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23 Canadian Food Inspection Agency, Departmental Performance Report 2007-2008, Ottawa, 2008, p. 12.

24 Mr. Christopher Kyte, President, Food Processors of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 8, 16:20, 2nd Session, 40th Parliament, Ottawa, May 13, 2009.

The CFIA deems another country's meat inspection and certification system to be equivalent to Canada's if it has demonstrated that its system can achieve the same level of protection of human and/or animal health as Canada's system. Once the CFIA has approved a foreign country's inspection system, it assesses it regularly to determine whether it maintains the equivalence. In addition to this, the CFIA monitors imports by checking product admissibility at points of entry and it administers an imported meat product inspection program.

One element of the meat inspection program is the pre-market label registration. Currently, an exporter of meat to Canada must submit its labels to the CFIA for registration. Mr. Robert de Valk, Executive Secretary of the Canadian Association of Regulated Importers, indicated that the government has decided to eliminate this requirement. His association, along with the Food Processors of Canada, opposes this move by the government. According to Mr. De Valk, this program is an efficient and effective means of keeping out imports that do not meet Canadian requirements. For example, a USDA inspector at a plant in the United States that exports to Canada has to interpret the Canadian regulations and ensure that the export that is being prepared there meets Canadian import requirements. Mr. De Valk asserted that "one of the most effective ways [the U.S. inspector] can assure himself that the particular export meets Canadian requirements is to have a label that is registered by the CFIA. Then he knows that someone in Canada has already looked at it and said this meets Canadian requirements."[25]

Pre-market label registration is also mandatory in Canada.[26] The Canadian Meat Council (CMC) has been in favour of removing it for a long time and agrees with the government decision to eliminate the requirement. The CMC believes that compulsory pre−market label approval of meat products is not a food safety issue and that it delays product launch. Registration of labels does not ensure the product is safe; nor does it ensure that all ingredients are declared on the labels. The real food safety issue is ensuring that what is on the label is indeed what is in the food.

The Subcommittee also heard from Mr. Paul Caron, a CFIA inspector for 35 years, who spent a majority of his career as a CFIA border inspector and now is working as a consultant for the meat industry. He identified a number of shortcomings in the CFIA meat import inspection program. For example, imported meat shipments in Canada are not inspected at the port of entry, and exporters know between 72 hours and 30 days in advance whether or not their shipments will be inspected. He also indicated that statistics obtained through the *Access to Information Act* showed that "from January 1, 2000 to December 2007, 2,936 shipments that had been ordered by CFIA to be inspected were

25 Mr. Robert de Valk, Executive secretary, Canadian Association of Regulated Importers, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 6, 16:15, 2nd Session, 40th Parliament, Ottawa, May 4, 2009.

26 It is also required for imported and domestic processed fruits and vegetables.

not inspected",[27] and nothing suggests that companies were prosecuted for not complying.[28] He also asserted that "Import meat samples have not been and continue to not be sampled according to the sampling plans outlined in Chapter 10, Meat Hygiene Manual of Procedures".[29]

Many witnesses said that imported products must meet the same standards as Canadian products. For example, Mr. Michael McCain asked that CFIA "appropriately ascertain the safety of imported ready-to-eat products by equal enforcement of its revised listeria policy at the border".[30] Dr. Brian Evans assured members that it is very important for Canada to ensure that whatever standards apply to our domestic industry also apply to imports. He also testified that the CFIA will promote equivalency of the new listeria policy with Canada's trading partners, with additional verifications of products imported into Canada.

4. Distribution and Consumers

While the federal government does have a less active role in the sector downstream of the processors, various stakeholders including the trucking industry and retailers play a role in minimizing and preventing food safety hazards. The Canadian Supply Chain Food Safety Coalition indicated that industry associations, using the same approach as that pioneered by the primary production sector, have developed or are in the process of developing and implementing national HACCP-based food safety programs.

Mr. Nick Jennery, President of the Canadian Council of Grocery Distributors (CCGD), notably mentioned that industry does not compete on food safety. CCGD worked with the Canadian Federation of Independent Grocers (CFIG) to develop a HACCP-based retail food safety program, which is currently being implemented across all CCGD retail members. In the fall of 2008, CCGD, along with Food & Consumer Products of Canada and the CFIG, also initiated an industry association working group to review and update the Supply Chain Food Product Recall Manual.

On the consumer side, the Subcommittee heard from the Canadian Partnership for Consumer Food Safety Education (CPCFSE). Among the 11 to 13 million annual cases of foodborne illness in Canada, the majority is caused by improper handling or cooking of the food at home. Ms. Brenda Watson, Executive Director of the CPCFSE, told the Subcommittee that research reveals that despite the fact that the majority of adults feel confident they understand and follow safe food-handling procedures, a sizeable number do not consistently follow them. The CPCFSE administers ongoing public awareness

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27 Mr. Paul Caron, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 9, 19:10, 2nd Session, 40th Parliament, Ottawa, May 25, 2009.

28 Ibid., 20:15

29 Ibid., 19:20

30 Mr. Michael McCain, President, Maple Leaf Foods, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 3, 16:10, 2nd Session, 40th Parliament, Ottawa, April 20, 2009.

initiatives and offers consumers access to information on safe food handling at home. Technologies could also be available to consumers to help them mitigate food safety hazards. For example, the Subcommittee heard from Toxin Alert, which is developing packaging that signals bacterial contamination.

Providing information to the public on proper food handling procedures but also on food standards and risks from new technologies, contamination, or pathogens is an important factor in maintaining consumers' confidence. Mr. Sylvain Charlebois, Associate Professor at the University of Regina, indicated that despite doing better than most industrialized countries, the Canadian food system has always been weak on risk communication, a shortcoming also identified by Health Canada in its *Lessons Learned* report. Mr. Charlebois suggested that the public does not have much knowledge about our food standards and food safety programs and that the government should focus on educating the public. This was also supported by the CPCFSE, which recommended that all food safety initiatives must include a focus on the consumer. The CPCFSE also recommended that communication be harmonized, integrated, and planned between industry and government and urged that ongoing investment is required to deliver food safety messaging to consumers. Indeed, campaigns aimed at changing behaviour can take 20 to 30 years to gain significant traction in the marketplace, as demonstrated by the anti-smoking campaign.

The Subcommittee also heard some testimony on communication models. The CPCFSE believes that its partnership model makes effective use of financial resources and that rather than inventing a new model, the Government of Canada should invest in the existing one that has served the Canadian consumer over the past 12 years. On the other hand, Mr. Charlebois recommended that a single Canada-US food safety agency could focus on consumer concerns alone. He testified that since communication means managing perceptions and fear, CFIA is not designed to deal with the public and that CFIA should instead look solely at regulating and developing a partnership with the industry to implement inspection programs.

Finally, the Subcommittee addressed the issue of consumer confidence in the Canadian food safety system. Witnesses representing Option consommateurs discussed the crisis of confidence that they felt followed the listeria outbreak. CFIA acknowledged that confidence may have been temporarily shaken, as is normal at a time of crisis, but denied that the outbreak brought about a real crisis of confidence.

5. Recommendations on Minimizing Risks

As mentioned throughout this report, HACCP-based food safety systems are now an integral part of Canada's food safety approach. Although they do not and cannot prevent all problems from occurring, they are recognized by many as the most effective method for minimizing food safety hazards. It should be noted also that although HACCP

programs are mandatory in many federally inspected establishments, products not covered by the *Canada Agricultural Products Act*, the *Meat Inspection Act* and the *Fish Inspection Act* are under a different inspection regime, and this may give the false impression that they are not inspected at all.

Recommendation 4:

The Subcommittee recommends that the government encourage the implementation of HACCP-based food safety systems certified by the appropriate food safety authority.

The Subcommittee heard from various sources that, despite having good programs in place, CFIA lacks the resources to properly implement all that it is mandated to do. Declining and inadequate training and lack of personnel were identified as problematic. On training, for example, Mr. Paul Caron, who formerly trained import inspectors, noticed a decline in the technical knowledge of those inspectors. The Canadian Meat Council also told the Subcommittee that after the new "Risk-based Verification Sampling of Ready-to-Eat (RTE) Meat and Poultry Products" was implemented on 1 April 2009, it became evident that many inspectors did not know enough about proper aseptic sampling techniques. With respect to resources, internal CFIA documents received by the Subcommittee revealed that the CFIA inspection program is experiencing workload challenges in meeting delivery requirements. Mr. Don Irons, a food processing supervisor at the CFIA, also indicated he does not have the necessary resources to properly implement the Compliance Verification System in the area for which he is responsible.

There was a fair amount of discussion on the ratio of inspectors to plants to which they are assigned. Some witnesses suggested that the ratio was too high. For example, the inspector responsible for the Maple Leaf plant was also assigned to six other establishments at the time of the crisis. However, CFIA officials indicated that they try to adjust the number of plants per inspector based on the plants' complexity, size, and location and that there is no ideal ratio.

When asked for statistics on the number of front line inspectors, CFIA gave conflicting testimony. Union representatives offered different figures as well. Mr. Bob Kingston also questioned where the approximately 200 new inspectors announced by the government were deployed, a concern also raised by the National Farmers Union. The CFIA confirmed that 207 new inspectors had been added between March 2006 and March 2008, 133 of whom are meat inspectors. The government invested $113 million for food and product safety in budget 2008, and witnesses commended the $250 million in budget 2009 for improvement of federal laboratories. Nevertheless, many witnesses emphasized that systems can only reach their potential if they are properly resourced and implemented. As stated by Mr. Michael McCain: given the mandate that we

believe is appropriate for the CFIA, for the government and regulator going forward, we would share your view that more resources are required, not less."[31]

Recommendation 5:

The Subcommittee recommends that the Canadian Food Inspection Agency, cooperatively with the union, finds the means and technology such that they can provide accurate, real-time evaluation of inspector resources.

The Subcommittee believes that the debate over CFIA resources is the responsibility of Parliament and that any assertion about the adequacy or the lack of resources should not be made lightly, as it can undermine the public's confidence in the Canadian food safety system.

Recommendation 6:

The Subcommittee recommends that the government undertake a comprehensive review of the resources, including training, that Canadian Food Inspection Agency (CFIA) needs to properly implement, execute and enforce all food inspection activities; and that the government make that review public.

A frequent message during the Subcommittee's hearings was that all foods sold in Canada must meet the same standards. As indicated before, the implementation of HACCP systems all along the food chain for all products, including those not covered by the *Canada Agricultural Products Act*, the *Meat Inspection Act* and the *Fish Inspection Act,* would partially resolve this issue. Nevertheless, many products sold in this country are not federally inspected, and although members do not want to suggest that these products are not the same, with respect to safety as those under the federal system, the Subcommittee believes Canadians should not be given the impression that there is a double food safety standard in Canada.

Recommendation 7:

The Subcommittee recommends that the government implement a system to recognize the equivalency of existing provincial inspection systems in comparison to the federal inspection system.

A safe supply of food is a public good, and in many cases farmers and processors bear the costs of implementing proactive food safety measures without being able to pass them on to the consumers. In some cases, such as the vaccination of cattle against *E. coli* O157:H7, the cost prevents adoption of the technology, since there is no incentive for producers. Because there is the expectation that all food sold in Canada is safe, there

31 Mr. Michael McCain, President, Maple Leaf Foods, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 3, 16:40, 2nd Session, 40th Parliament, Ottawa, April 20, 2009.

is no price premium paid to Canadian producers who pay the costs associated with providing safe food, yet they compete with international producers who do not always pay the same costs. Members agree that the government has a responsibility to offset some of the cost, since food safety is a public good.

Recommendation 8:

The Subcommittee recommends that the government provide funding for food safety initiatives at the different levels of the food supply chain, including the implementation of policy changes that support the development of novel approaches to foodborne pathogens.

The Subcommittee agrees with the House of Commons Standing Committee on Finance[32] that *E. coli* should be eliminated from the food supply.

Recommendation 9:

The Subcommittee recommends that the federal government develop initiatives designed to work towards the removal of *E. coli* from the Canadian food chain.

Finally, as a means of increasing consumer confidence in the food safety system:

Recommendation 10:

The Subcommittee recommends that the government restore and publish the Establishment Inspection Reports and Establishment Ratings.

C. Managing Emergencies

1. National Foodborne Illnesses Surveillance System

One of PHAC's primary functions is disease surveillance. The Subcommittee heard from Dr. David Butler-Jones, Canada's Chief Public Health Officer, and Dr. Frank Plummer, Director of the National Microbiology Laboratory in Winnipeg, who provided details of PHAC's surveillance systems for foodborne illness.

32 House of Commons, Standing Committee on Finance, *Taxing to Prosper: Canada System for Taxes, Fees and Other Charges*, Third Report, 2nd Session, 39th Parliament, February 2008.

With respect to infectious diseases, PHAC maintains a database of nationally notifiable diseases, that is, diseases that must be reported within the provinces and territories, and this data is transmitted to PHAC. Diseases that are to be nationally notifiable are determined through federal/provincial/territorial negotiations.[33] Subcommittee members were told that of the top pathogens causing foodborne illnesses, all but listeria are reportable. Other pathogens include *E. coli* O157:H7 (verotoxigenic *E. coli*), salmonella, *Clostridium botulinum* and shigella. Richard Holley, a food safety specialist, told the Subcommittee that in addition to listeria, *Staphylococcus aureus* and *Clostridium perfringens*, which also cause significant levels of foodborne illness in Canadians every year, are also not reportable federally. Listeriosis has not been a nationally notifiable disease since 1999, and members asked whether it should be placed back on the list, given the high mortality rate associated with this pathogen in vulnerable populations, the ability of listeria to thrive in environments that are not conducive to most bacterial growth, and the long incubation period of the disease. The Chief Public Health Officer indicated that removing listeria from the list may have been premature.

The Subcommittee also heard about a multi-partner surveillance initiative funded by PHAC and Agriculture and Agri-food Canada, called C-EnterNet, which is in its pilot phase. It is meant to reduce the burden of enteric disease through sentinel site surveillance, which requires collaboration among jurisdictions, as well as the development of better food safety policies. Mr. Rick Culbert of Bioniche Food Safety urged the Subcommittee to recommend that the government fully fund C-EnterNet.

The National Enteric Surveillance Program (NESP), which is a national surveillance program designed to provide timely analysis and reporting of laboratory-confirmed enteric disease cases in Canada, was also described to the Subcommittee. The NESP has been in operation since April 1997 and provides weekly reports to stakeholders across the country. However, Mr. Holley explained that the NESP pools laboratory reports of foodborne illness and puts them all together, but that the results are easily skewed, and that it does not provide an accurate reflection of the incidence of enteric disease because only Quebec and British Columbia require that all foodborne illnesses caused by microorganisms be reported. He stated that

33 For further clarification, the PHAC website states that “Communicable diseases (CDs) are made notifiable in the provinces and territories of Canada by provincial and territorial statute. The list of notifiable diseases at the federal level is agreed upon by consensus among provincial, territorial and federal health authorities. The purpose of making a specific CD reportable is to facilitate both tracking and required control efforts by public health personnel. In addition, the NND list helps to promote uniformity and synergy among the provincial and territorial efforts and conformity with international reporting requirements.” This is available at http://dsol-smed.hc-sc.gc.ca/dsol-smed/ndis/list-eng.php

> for reportable diseases in six of our provinces, the data are pooled together, they're aggregated. Other provinces don't aggregate the data. They come to Ottawa and you can't make any sense of them. We don't know what makes us sick and we don't know what foods containing those unknown organisms cause greater frequencies of illnesses.[34]

Similarly, Mr. Ron Usborne testified that the collection of epidemiological data—that is, the type of pathogen, number of cases, where outbreaks occur, etc.—needs to be improved. He indicated that a program to help us evaluate how our programs are working to combat foodborne disease and allow continuous improvement had been designed at Health Canada but was never implemented. He told the Subcommittee that such a program would help evaluate the effectiveness of food safety and surveillance programs and allow for continuous improvement.[35]

Although the Subcommittee was not told about the NESP by PHAC officials, they were told that, had the outbreak occurred five years ago, the tragedy would have probably been greater. PHAC spoke about PulseNet and the Canadian Network for Public Health Intelligence (CNPHI), which, PHAC testified, have greatly enhanced the ability of the Agency to detect foodborne illness outbreaks. It was not made clear to the Subcommittee whether these are meant to replace or enhance NESP and C-EnterNet.

One system that PHAC uses, PulseNet, is a virtual laboratory, which has been in existence for about 10 years but has been expanded in the past three years to include listeria. PulseNet is a decentralized system in which regional, provincial and federal laboratories across the country are certified by PHAC to work with the same equipment, the same protocols, the same training to produce genetic fingerprints, and then they compare these electronically on a central database maintained by PHAC that links all computers and databases of certified laboratories. In this way, PulseNet helps to identify outbreaks at very early stages. It is currently dedicated to tracking the DNA fingerprints of all cases of *E. coli* O157:H7 and salmonella, which are responsible for the vast majority of foodborne illness in Canada. In recent years PHAC has been working on adding listeria to the system. At the time of the outbreak, only the province of Quebec had chosen to be certified, as were the Health Canada lab in Ottawa and the NML. Neither CFIA nor any of the other provinces were yet certified. Since the outbreak, Ontario and Alberta have become certified, as has CFIA.

A second system, the Canadian Network for Public Health Intelligence (CNPHI) allows front line workers to communicate about events in real-time. CNPHI is a secure, web-based collective of applications designed to facilitate national, integrated, real-time collection and processing of laboratory and epidemiological surveillance data,

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34 Dr. Rick Holley, Professor, University of Manitoba, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 5, 18:30, 2nd Session, 40th Parliament, Ottawa, April 29, 2009.

35 Mr. Ron Usborne, Food Safety and Quality Systems Specialist, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 5, 18:20, 2nd Session, 40th Parliament, Ottawa, April 29, 2009.

dissemination of strategic intelligence, and coordination of public health response. The goal of CNPHI is to reduce the occurrence of foodborne illness by enhancing the response capacity of public health stakeholders. CNPHI is comprised of two secure components, the CIOSC and the Response and Resource Management Centre.

CIOSC is a national system that allows for timely sharing and strategic dissemination of public health intelligence between local/regional, provincial/territorial and national public health stakeholders. Currently CIOSC includes Public Health Alerts and a FluWatch pilot site. The Public Health Alerts, which includes enteric alerts (e.g. foodborne illness) and respiratory alerts (e.g. influenza), are for receiving, posting and distributing alerts about confirmed or suspected events and outbreaks. The system allows registered users to see nationwide communicable disease event activity. The Response and Resource Management Centre contains web-based *Intelligence Exchange Resources* to assist public health stakeholders with the management of activities and agreed-to information-sharing between agencies of different jurisdictions.

The Subcommittee heard that these two systems, PulseNet and CNPHI, are effective at detecting outbreaks at a very early stage. PHAC officials emphasized that the listeriosis outbreak was detected with only 10 cases in a population of 30 million and a high background level of enteric disease. The Chief Public Health Officer stated that the tragedy would have undoubtedly been much worse in the absence of these two systems. The Subcommittee wonders whether PHAC has sufficient resources to expand PulseNet and CNPHI in such a way as to best serve Canadians. It notes that PHAC officials remarked on the number of years they have been developing these programs.

The Subcommittee was told that foodborne illness costs about $10 billion annually in Canada. Mr. Holley suggested that a decision has to be made as to the level of investment the government should make into effective surveillance programs. Members appreciate the enthusiasm shown by PHAC officials for the systems the agency has in place to detect foodborne outbreaks, but they question whether their effectiveness might be enhanced by including more foodborne illnesses on the list of nationally notifiable diseases, particularly listeriosis. They note that in order for the federal government to meet its obligations under the International Health Regulations, the provinces must report illnesses to PHAC.[36]

Recommendation 11:

The Subcommittee recommends that the government enhance the national foodborne illnesses surveillance system by developing programs to gather epidemiological data on foodborne illnesses in Canada and that it initiate discussions with the provinces to add relevant foodborne illnesses to the list of nationally notifiable diseases.

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36 Dr. Kumanan Wilson, Associate Professor, University of Ottawa, Subcommitte on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 13, 17:15, 2nd session, 40th Parliament, Ottawa, June 10, 2009.

2. Recalls and Outbreak Management

In the event of a national foodborne illness outbreak, the CFIA is responsible for determining the exact food source of the contamination as well as managing the recall of that product. PHAC is responsible for detecting the outbreak and coordinating the national investigation and response. PHAC, directed by the Chief Public Health Officer, enters into its outbreak response mode following identification of an outbreak that either spans more than one jurisdiction in Canada or exceeds the capacity of a single jurisdiction to respond appropriately. PHAC launches an outbreak investigation in order to determine the source of an outbreak and implements control measures to reduce the public health impact and limit further spread of the disease. Unlike most disease outbreaks, where PHAC collaborates mainly with other public health figures, in a foodborne disease outbreak PHAC also works with CFIA. The identification of the source in a foodborne illness outbreak is complex, since linked cases can be geographically distant and the disease can manifest days or weeks after consumption of the food, making it difficult for patients to recall what they had consumed. PHAC's surveillance programs PulseNet and CNPHI can address the geography issue and they can identify an outbreak at its earliest stages. The agency then determines, through the DNA fingerprinting analyses, which cases are linked. And once that has been done, it can compile the lists of consumed food from each of the linked cases and look for common items.

Once the suspected food items have been identified and tested, those testing positive are investigated by CFIA to determine where they came from. It contacts the facility that served the food to request purchasing and supply records that may provide additional information about the specific food involved. Once the source is identified, CFIA works closely with the manufacturer in order to request information on lots and batches of the foods in question, including distribution records, in order to locate and request unopened packages of these foods for testing. Confirmation of contaminated product is then relayed to the manufacturer, and CFIA initiates a recall. Several witnesses emphasized the importance of establishing certainty with respect to the affected food product. They cited instances in which authorities prematurely announced affected foods only to have to retract later, after considerable unnecessary damage had been caused to another manufacturer, an entire food industry, or even the consumers, who were forced to change consumption pattern and buy another product that was the real source of the problem. The Subcommittee heard testimony from the public health officials from Ontario that in some cases the results from open packages should be considered conclusive. They emphasized that it would be unlikely that opened packages at different locations would be contaminated with the same pathogen because of contamination of the product after it was opened.

Once CFIA, in collaboration with Health Canada, has decided that a risk is posed by a food product, it then must determine the level of risk posed in order to determine the class of food recall. There are three classes of food recall, I, II and III, in descending order of perceived risk. As in the case of the listeriosis outbreak, a class I recall involves issuance of a news release as well as a posting on CFIA's website to notify the public.

Under the *Canadian Food Inspection Agency Act*, the CFIA has the authority to order a manufacturer to recall a product, or products. Recalls are the responsibility of CFIA's Office of Food Safety Recall, which directs a manufacturer to carry out the recall of the affected products. The Office follows up by conducting effectiveness checks on the recall.

Some members questioned why the CFIA did not invoke a mandatory recall of affected Maple Leaf products. However, the Subcommittee was told that it is preferable that a recall be accomplished efficiently on a voluntary basis if possible. Several industry witnesses testified that the term 'voluntary' is misleading and that it is understood as meaning that it will become mandatory quickly if compliance is not swift. CFIA also stated that there was no need to invoke a mandatory recall, as Maple Leaf Foods was completely cooperative, and that a voluntary recall can proceed more quickly in any event. Finally, it was pointed out that the *Canadian Food Inspection Agency Act*, while it gives authority to order a food recall, is meant for those situations where the company is unable or unwilling to cooperate; circumstances that did not apply in this situation. However, the Subcommittee also heard that although the use of a voluntary recall may be the most prudent, it should nevertheless be CFIA that announces, manages, and provides all public information about it; industry should not be the primary source of recall information for the public.[37]

In its follow-up report to the listeriosis outbreak, the Chief Medical Officer of Health of Ontario indicated that Toronto Public Health (TPH) inspectors were inhibited from accompanying CFIA inspectors to the Maple Leaf plant. CFIA officials indicated to members that they have no authority to prevent inspectors from entering plants. However, in their appearance at the Subcommittee, MOHLC and TPH clarified that they were not initially invited to accompany CFIA as part of the audit team and that when TPH inquired about their inclusion, they were informed that they would need to make the request in writing, which they did, and CFIA agreed. Upon arriving at the plant at the agreed-upon time and date, TPH was told by CFIA that they could only send in one of the two inspectors present. MOHLC and TPH indicated that they had had no previous knowledge of these requirements.

Testimony from Lyn Wilcott of the British Columbia Centre for Disease Control (BCCDC) suggested the same lack of collaboration between CFIA and the provinces during a recall. BCCDC indicated that for most issues, collaboration between them and the CFIA is very good. However, Mr. Wilcott testified:

37 Dr. David Williams, Chief Medical Officer of Health of Ontario, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 10, 16:10, 2nd Session, 40th Parliament, Ottawa, May 27, 2009.

> Where things seem to go off the rails is during recalls where there are illnesses involved, or potential for illnesses, or potential adverse publicity, or even prior to a recall, when we as a province are doing an illness or outbreak investigation. This is the point, in those kinds of examples, where the CFIA becomes very reluctant to share information openly and freely.[38]

In addition, the concerns raised by the BCCDC reaffirmed the criticisms of the MOHLC discussed earlier with respect to its experiences during the listeriosis outbreak. Specifically, BCCDC indicated that CFIA is often reluctant to provide information to the provincial public health authorities about distribution patterns of a food in question, whether it was sold in the area in question, whether there is information on lot and batch numbers for the time in question, etc.[39]

Finally, media communication during outbreaks has been addressed. Some members voiced concerns about the amount of media time that federal officials had during the outbreak and recall process and whether their advisories and alerts to the Canadian public were carried out in the most appropriate way. Members were concerned about the need for a single person to become the face of a crisis. They indicated that in the case of the listeriosis outbreak, although the Minister of Agriculture and Agri-Food as well as CFIA and PHAC officials were available, Mr. McCain became the identifiable spokesperson. They suggested that one federal authority should have been more visible. Members' concern was that in the future PHAC be more visible and that the Chief Public Health Officer be the federal spokesperson during a crisis.

Several witnesses suggested that Canada already has the capacity for effective communication, citing such incidences as the BSE crisis and the more recent H1N1 outbreak, but that there were deficiencies in communication during the listeriosis outbreak. For example, Mr. Christopher Kyte, President of the Food Processors of Canada stated;

> When we had the BSE issue, the government was there in full force. You had Brian Evans out discussing it. You had the minister out. We felt really good. You got the message out to the consumers. They ate more beef. But we didn't see that in listeria. Michael McCain ended up being the Canadian government's spokesperson. We're not sure that was right.[40]

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38 Lyn Wilcott, British Columbia Centre for Disease Control, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 7, 16:40, 2nd Session, 40th Parliament, Ottawa, May 6, 2009.

39 Ibid., 16:45.

40 Mr. Christopher Kyte, President, Food Processors of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, No 8 — 16:30, 2nd Session, 40th Parliament, Ottawa, 13 May 2009.

A similar sentiment was expressed by Mr. Martin Michaud, Vice-President, technical services at Olymel, who testified:

> During the listeriosis outbreak last summer, what our industry really needed was a voice and a face that Canadians could rely on as we had during the BSE crisis and the SARS crisis.[41]

Mr. James Laws, Executive Director of the Canadian Meat Council, also commended the Government's handling of the BSE crisis, as well as of H1N1, and asserted that:[42]

> That's the type of response we'd like to see in the future for other food safety events like this one. We believe it should be the Public Health Agency of Canada and/or Canada's Chief Veterinary Officer out there reassuring Canadians.

Dr. Brian Evans, Executive Vice-President of CFIA, explained that there is a federal protocol in place for outbreaks of foodborne illness. Canada's Foodborne Illness Outbreak Response Protocol (FIORP) guides the activities of the federal government and the provincial government in the early stages of the epidemiological investigation and then transfers the lead from the province to the federal authority on the epidemiological side when the outbreak extends beyond provincial borders. The Medical Officer of Health for Toronto Public Health expressed frustration that FIORP was not being followed during the listeriosis outbreak. Dr. McKeown stated:

> During the 2008 listeriosis outbreak, it did not appear to me and my colleagues that the protocol was being used to guide the investigation and response and some participants were apparently unaware of its status or its existence.[43]

He indicated that the protocol needs to be updated, and that there should be substantial training for all parties who may have to collaborate during an outbreak and suggested that Canada hold some tabletop, or simulation, exercises in order to test the foodborne illness outbreak response, including the communications component. Dr. Williams supplemented that the drafting of FIORP pre-dated the creation of PHAC, which leaves the role of the Chief Public Health Officer in question with respect to foodborne illness outbreaks.[44]

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41 Mr. Martin Michaud, Vice-President, Technical Services, Olymel, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 8, 17:35, 2nd Session, 40th Parliament, Ottawa, May 13, 2009.

42 Mr. James Laws, Executive Director, Canadian Meat Council, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 8 — 18:45, 2nd Session, 40th Parliament, Ottawa, May 13, 2009.

43 Dr. David McKeown, Medical Officer of Health, Toronto Public Health, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 10, 16:15, 2nd Session, 40th Parliament, Ottawa, May 27, 2009.

44 Dr. David Williams, Chief Medical Officer of Health of Ontario, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 8, 17:00, 2nd Session, 40th Parliament, Ottawa, May 27, 2009.

Recommendation 12:

The Subcommittee recommends that the government review with the provinces the inter-agency protocols in place during an outbreak, including the public communication and information sharing components, and conduct real-scale simulation to validate these protocols.

Recommendation 13:

The Subcommittee recommends that the government review the legislative basis for the Public Health Agency of Canada and the Chief Public Health Officer with a view to ensuring independence from government departments and ministerial influence, so as to protect and restore faith and confidence in Canada's public health system.

It was felt that this issue must be addressed before Canada is faced with another incident. In fact, CFIA's *Lessons Learned* report on the recall response focuses almost exclusively on communication and information issues. All public officials testified that these concerns were being addressed. It should be noted that unlike SARS, which was a public health issue, or BSE, which was a food supply safety issue, the listeriosis crisis affected both the food supply and public health. The fact that the response involved more than one agency may have complicated communication and increased confusion in the general public.

3. Other Initiatives in Relation to Outbreak Management

The Subcommittee heard some testimony during the course of this study with respect to the capacity of government laboratories to deal with both human and food samples. Dr. Williams of the MOHLC reiterated one the conclusions from his *Report on the Management of the 2008 Listeriosis Outbreak in Ontario,* that provinces should not be reliant on federal agencies for laboratory testing. This issue was addressed by PHAC officials, who described the recent efforts to decentralize laboratory testing of PulseNet as discussed above. Certification of laboratories across the country to test samples, and providing a central database for comparison of results, should help to reduce the timelines involved in identifying outbreaks. Some witnesses questioned whether laboratories will have the capacity in the event of a large outbreak. PHAC officials indicated that they have the ability to draw on personnel from other areas in that circumstance, but they suggested that both the day-to-day operations and surge capacity during outbreaks need strengthening.

The Subcommittee also heard that traceability systems, or the ability to trace back a product, are a useful component to help manage food safety emergencies. When the origin of a problem is identified and linked to a particular premise, other products delivered from that source can be followed the other way through the chain and recalled. The dairy industry is particularly advanced in terms of traceability, as explained by Mr. Richard Doyle, Executive Director of the Dairy Farmers of Canada:

> When the milk is produced from the farm, on each farm we now have identification by GPS of every location, of every housing of dairy animals, so you know exactly where each of the animals is located and you know it by terms of premises. When the milk is delivered, each of the farms is also identified. Samples are being kept, and they're tested by provincial laboratories, in most instances, once they're received at the plant. The plants also do their own tests on receipt of the milk with regard to residue in order to decide whether they should discard the whole truck or not. Then it goes into the silo. You know where the milk is coming from, so you have a product in the end where you know the date of production, of the process of that product, and you will know exactly the lot of the milk silo it came from. You can trace the farms that have been delivering to that particular silo, and you will be able to identify back to the animals.[45]

According to witnesses, national standards for all commodities have to be developed. Mr. Doyle indicated that because of the different jurisdictions there are different traceability systems for livestock, and coordination is necessary. Even if programs can be administered by a partnership of provincial governments and commodity groups, national standards are necessary in order to avoid confusion for exporters and provide clear information about food safety programs to foreign buyers.

Recommendation 14:

The Subcommittee recommends that the government encourage the development of industry-led traceability systems for all commodities and products.

D. Final Thoughts

Finally, the Subcommittee heard that whistleblower legislation could play a role in identifying potential food safety hazards before there is a public health threat. David Hutton, Executive Director of the Federal Accountability Initiative for Reform, stressed the need for whistleblower protection. He emphasized that few employees, either of industry or government, have the protection necessary to encourage them to come forward when they see problems with food safety. He testified that the federal Public Sector Integrity Commissioner, an officer of Parliament who investigates alleged wrongdoing in the federal public service, is not sufficient protection for public servants and questioned the office's effectiveness.

45 Mr. Richard Doyle, Executive Director, Dairy Farmers of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, *Evidence*, No. 6, 17:00, 2nd Session, 40th Parliament, Ottawa, May 4, 2009.

CONCLUSION

During the entire course of this study on food safety, the deaths of 22 Canadians were on the minds of all members. Although safety is a relative notion, since there is no such thing as a zero risk, members still believe food produced in Canada remains among the safest in the world. The Subcommittee identified areas of improvement, such as a common approach to food safety, standards for the implementation of food safety programs such as HACCP and traceability systems, an enhanced foodborne illness surveillance system, better inter-agency protocols in case of an outbreak, and increased resources for our inspection programs. With respect to public health, the Subcommittee wants to see stronger prevention, surveillance and response protocols. If fully implemented, the Subcommittee believes these recommendations will improve the Canadian food safety system and mitigate future tragedies.

LIST OF RECOMMENDATIONS

Recommendation 1:

The Subcommittee recommends that the government call for a fully transparent and independent public inquiry, with all the powers provided under the *Inquiries Act,* into the actions of the federal government, its agencies and departments in relation to the events leading up to, during, and subsequent to the listeriosis crisis of the summer 2008.

Recommendation 2:

The Subcommittee recommends that the government ensure that up-to-date food safety and processing technologies as well as new scientific evidence be included in all risk assessments and that this should be achieved by establishing a process of ongoing review of food safety standards.

Recommendation 3:

The Subcommittee recommends that the government increase its collaborative efforts with the United States and consult with stakeholders and consumers on the possibility of developing a common approach to food safety standards.

Recommendation 4:

The Subcommittee recommends that the government encourage the implementation of HACCP-based food safety systems certified by the appropriate food safety authority.

Recommendation 5:

The Subcommittee recommends that the Canadian Food Inspection Agency, cooperatively with the union, finds the means and technology such that they can provide accurate, real-time evaluation of inspector resources.

Recommendation 6:

The Subcommittee recommends that the government undertake a comprehensive review of the resources, including training, that Canadian Food Inspection Agency (CFIA) needs to properly implement, execute and enforce all food inspection activities; and that the government make that review public.

Recommendation 7:

The Subcommittee recommends that the government implement a system to recognize the equivalency of existing provincial inspection systems in comparison to the federal inspection system.

Recommendation 8:

The Subcommittee recommends that the government provide funding for food safety initiatives at the different levels of the food supply chain, including the implementation of policy changes that support the development of novel approaches to foodborne pathogens.

Recommendation 9

The Subcommittee recommends that the federal government develop initiatives designed to work towards the removal of *E. coli* from the Canadian food chain.

Recommendation 10:

The Subcommittee recommends that the government restore and publish the Establishment Inspection Reports and Establishment Ratings.

Recommendation 11:

The Subcommittee recommends that the government enhance the national foodborne illnesses surveillance system by developing programs to gather epidemiological data on foodborne illnesses in Canada and that it initiate discussions with the provinces to add relevant foodborne illnesses to the list of nationally notifiable diseases.

Recommendation 12:

The Subcommittee recommends that the government review with the provinces the inter-agency protocols in place during an outbreak, including the public communication and information sharing components, and conduct real-scale simulation to validate these protocols.

Recommendation 13:

The Subcommittee recommends that the government review the legislative basis for the Public Health Agency of Canada and the Chief Public Health Officer with a view to ensuring independence from government departments and ministerial influence, so as to protect and restore faith and confidence in Canada's public health system.

Recommendation 14:

The Subcommittee recommends that the government encourage the development of industry-led traceability systems for all commodities and products.

APPENDIX A
LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Canadian Food Inspection Agency	2009/04/20	3
Stephen Baker, Vice-President Finance, Administration and Information Technology		
Brian Evans, Executive Vice-President		
Paul Mayers, Associate Vice-President Programs		
Cameron Prince, Vice-President Operations		
Carole Swan, President		
Maple Leaf Foods Inc.		
Randall Huffman, Chief Food Safety Officer		
Rory McAlpine, Vice-President Government and Industry Relations (St. Clair Office)		
Michael H. McCain, President and Chief Executive Officer		
Department of Health	2009/04/22	4
Meena Ballantyne, Assistant Deputy Minister Health Products and Food Branch		
Jeff Farber, Director Bureau of Microbial Hazards, Health Products and Food Branch		
Morris Rosenberg, Deputy Minister		
Listeriosis Investigative Review Secretariat		
Sheila Weatherill, Independent Investigator		
Public Health Agency of Canada		
David Butler-Jones, Chief Public Health Officer		
Frank Plummer, Scientific Director General National Microbiology Laboratory		
Mark Raizenne, Director General Centre for Food-borne, Environmental and Zoonotic Infectious Diseases (CFEZID)		

As individuals	2009/04/29	5
Richard (Rick) Holley, Professor Department of Food Science, University of Manitoba		
Ron Usborne, Food Safety and Quality Systems Specialist		
Canadian Food Inspection Agency		
Stephen Baker, Vice-President Finance, Administration and Information Technology		
Brian Evans, Executive Vice-President		
Paul Mayers, Associate Vice-President Programs		
Cameron Prince, Vice-President Operations		
Carole Swan, President		
Grain Growers of Canada		
Theresa Bergsma, Chair Farm Food Safety Committee		
Dale Riddell, Program Manager Farm Food Safety Initiative		
House of Commons		
Gerry Ritz, Minister of Agriculture and Agri-Food		
Ontario Fruit and Vegetable Growers' Association		
Brenda Lammens, Chair		
As an individual	2009/05/04	6
Sylvain Charlebois, Associate Professor University of Regina		
Canadian Association of Regulated Importers		
Robert de Valk, Executive Secretary		
Dairy Farmers of Canada		
Réjean Bouchard, Assistant Director Policy and Dairy Production		
Richard Doyle, Executive Director		
BC Centre for Disease Control	2009/05/06	7
Lynn Wilcott, Acting Program Director Food Protection Services		
Canadian Cattlemen's Association		
John Masswohl, Director Governmental and International Relations		
Canadian Council of Grocery Distributors		
Jackie Crichton, Vice-President Food Safety and Labelling		
Nick Jennery, President		

Canadian Partnership for Consumer Food Safety Education		
Robert de Valk, Director		
Brenda Watson, Executive Director		
Chicken Farmers of Canada		
Mike Dungate, General Manager		
David Fuller, Chairman		
Keystone Agricultural Producers		
Robert McLean, Vice-President		
Ontario Cattlemen's Association		
Dan Ferguson, Coordinator Verified Beef Production - Quality Starts Here		
Agriculture and Food Council of Alberta	2009/05/13	8
Tricia Meaud, Deputy Executive Director Federal Programs		
Beef Information Centre		
Lisa Mina, Executive Director Consumer Marketing		
Marin Pavlic, Food Safety Manager		
Canadian Horticultural Council		
Anne Fowlie, Executive Vice-President		
Canadian Meat Council		
James M. Laws, Executive Director		
Food Processors of Canada		
ChristopherJ. Kyte, President		
Olymel		
Martin Michaud, Vice-President Technical Services		
Ontario Independent Meat Processors	2009/05/13	8
Laurie Nicol, Executive Director		
As individuals	2009/05/25	9
Paul Caron		
Nelson Vessey		
Agriculture Union		
Bob Kingston, National President Inspection Supervisor, Canadian Food Inspection Agency (Burnaby, B.C.)		

Canadian Food Inspection Agency		
Catherine Airth, Associate Vice-President Operations		
Jenifer Fowler, Inspector		
Don Irons, Food Processing Supervisor Complex 3 – Toronto		
James Stamatakis, Inspector		
As an individual	2009/05/27	10
Liam Scott, Counsel		
American Meat Institute		
James Hodges, Executive Vice-President		
Bioniche Food Safety		
Rick Culbert, President		
Canadian Agricultural Safety Association (CASA)		
Dean Anderson, Vice-Chair President and Chief Executive Officer, Farm Safety Association		
Marcel Hacault, Executive Director		
Ontario Ministry of Health and Long-Term Care		
Vanessa Allen, Public Health Laboratory (Toronto) Environmental Microbiology		
Tina Badiani, Acting Surveillance Lead		
David Williams, Chief Medical Officer of Health		
Toronto Public Health		
David McKeown, Medical Officer of Health		
Bison Producers of Alberta	2009/06/01	11
Thomas Olson, Chairman		
Canadian Pork Council		
Dawn Lawrence, Canadian Quality Assurance (CQA) Program Coordinator		
Martin Rice, Executive Director		
Canadian Sheep Federation		
Jennifer MacTavish, Executive Director		
Federal Accountability Initiative for Reform (FAIR)		
David Hutton, Executive Director		
National Farmers Union		
Terry Pugh, Executive Secretary		

Piller Sausages and Delicatessens Ltd.		
James M. Laws Executive Director, Canadian meat Council		
Peter Stein, Director Quality Assurance and Food Safety		
Canadian Federation of Agriculture	2009/06/08	12
Bette Jean Crews, President, Ontario Federation of Agriculture		
Canadian Food Inspection Agency		
Stephen Baker, Vice-President Finance, Administration and Information Technology		
Brian Evans, Executive Vice-President		
Paul Mayers, Associate Vice-President Programs		
Cameron Prince, Vice-President Operations		
Carole Swan, President		
Canadian Health Coalition		
Brewster Kneen, Representative		
Canadian Supply Chain Food Safety Coalition		
Albert Chambers, Executive Director		
Canadian Trucking Alliance		
John Gyoroky, Corporate Dock Manager and HACCP Coordinator Erb Transport		
Ron Lennox, Vice-President Trade and Security		
As an individual	2009/06/10	13
Kumanan Wilson, Associate Professor, University of Ottawa Canada Research Chair in Public Health Policy		
Option consommateurs		
Anu Bose, Head, Ottawa Office		
François Décary-Gilardeau, Analyst Agri-food		
Toxin Alert Inc.		
William T. (Bill) Bodenhamer, President and Chief Executive Officer		
Mike Espy, Chairman		
Edward Petroff, Vice-President and Chief Executive Officer		

University of Ottawa

Amir Attaran, Professor
Institute of Population Health

APPENDIX B
LIST OF BRIEFS

Organizations and Individuals

Amir Attaran

Gary W. Baggey

Bioniche Food Safety

Canadian Chamber of Commerce

Canadian Federation of Agriculture

Canadian Food Inspection Agency

Canadian Horticultural Council

Canadian Meat Council

Canadian Partnership for Consumer Food Safety Education

Canadian Supply Chain Food Safety Coalition

Chicken Farmers of Canada

Fred J. Coates

Dairy Farmers of Canada

Department of Health

Federal Accountability Initiative for Reform (FAIR)

Food and Consumer Products of Canada

Listeriosis Investigative Review Secretariat

Maple Leaf Foods Inc.

William Arnold Mason

National Farmers Union

Ontario Independent Meat Processors

Professional Institute of the Public Service of Canada

G.W. Riedel

Maria Deanna P.Santos

Emile Therrien

Toxin Alert Inc.

Iain Williamson

Kumanan Wilson

World Society for the Protection of Animals (WSPA)

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings (Meetings nos *3 and 27*) is tabled.

Respectfully submitted,

Larry Miller, MP

Chair

Food Safety in Canada: Everybody's Responsibility

A Dissenting Opinion by the Conservative Party of Canada on the Report of the Subcommittee on Food Safety

The Conservative Party of Canada presents this report regarding the recent study on food safety by the subcommittee, established by the Standing Committee on Agriculture and Agri-Food, as our members believe that the main report does not sufficiently, accurately and/or fairly address certain issues.

The safety of our food is an issue that all Canadians care about. The Listeriosis outbreak of summer 2008 was traced back to ready-to-eat meat products produced at a Maple Leaf Foods plant in Toronto. Sadly, 22 people died from listeria-related diseases and many more became sick. This tragedy has raised some questions about the food safety system in Canada.

In this context, the Standing Committee on Agriculture and Agri-Food (SCAAF) struck the Food Safety Subcommittee with two general goals:

1) Study the Listeria outbreak of 2008 and make recommendations for future outbreaks of this kind.
2) Study Canada's food safety system in general and make recommendations to improve food safety in this country.

The Subcommittee on Food Safety has heard from witnesses from all over Canada, all levels of government, farm groups, food processors, food retailers, food safety academics and experts, and of course consumers. One common theme that has come from every witness is that we expect a safe supply of food and that everyone needs to work together – from the farm gate to the kitchen plate – to ensure that our food is indeed safe.

In Canada, food safety is a shared responsibility between industry, federal and provincial governments and consumers. Food processors have the responsibility to produce safe

food, government has the responsibility to set the standards for food safety and enforcing those standards and consumers have the responsibility to handle food safely. Health Canada is the federal department responsible for developing the standards industry must follow and the Canadian Food Inspection Agency (CFIA) is the government's regulatory authority to ensure industry adheres to the standards.

When a human-illness outbreak occurs, jurisdiction rests with municipal and provincial/territorial authorities to manage the outbreak and conduct the epidemiological investigation. Once the outbreak crosses provincial boundaries, the Public Health Agency of Canada (PHAC) takes the lead on managing the outbreak. It is up to the public health authorities to determine the source of the outbreak and in the case a food is identified; public health must inform the CFIA to conduct a food safety investigation to pinpoint the specific source and initiate a recall.

LISTERIA OUTBREAK

The 2008 listeriosis outbreak called into question CFIA's approach to inspection in ready-to-eat meat plants as well as the approach taken by the responsible agencies and departments that manage foodborne illness outbreaks when they develop.

CFIA's inspection of ready-to-eat meat plants is based upon its inspection staff carrying out a series of tasks under the Compliance Verification System (CVS). CVS was developed by CFIA for federally registered plants, all of which operate under a Hazard Analysis Critical Control Points (HACCP) system. HACCP, was designed to improves food safety by identifying the areas in a plant (or a farm, grocery store, or any other portion of the supply chain) where potential food safety issues may arise and stipulates actions required to correct the problem and mitigate the risk to food safety. Maple Leaf Foods had a HACCP system in place however; it did not anticipate the buildup of organic material deep inside the meat slicers, where the most likely source of contamination was discovered. It wasn't until the slicers were fully disassembled that the material was discovered. The Committee heard that CFIA inspectors disassembled slicing equipment

as part of their regular inspections however testimony from Dr. Brian Evans refuted those arguments and stated that "to infer that in fact we, at CFIA, were somehow dismantling slicers on our own in past years I don't think is accurate.[1]"

Experts from CFIA and Maple Leaf concluded that this organic source was the most likely source of listeria contamination. Dr. Brian Evans again testified that "what was critical to this whole event was this determination at the end of the day that in spite of cleaning and disinfection and breaking down of equipment according to manufacturers' specifications, beyond the cutting and contact surfaces, a new threat, a new issue, was identified in this particular circumstance, which we had no knowledge about, that could colonize deep into the equipment.[2]"

Michael McCain even testified that, "No amount of inspection, be it higher or lower, would have changed that outcome. If you want to go to the exact cause of this outbreak, it was not about a lack of inspection. It wasn't about the lack of product testing or a lack of inspectors.[3]" Witnesses directly involved in the Maple Leaf plant repeated Mr. McCain's opinion that the inspectors at the plant did their jobs and were adequate.

The management of the outbreak also revealed coordination issues revolving around the recall process, internal and external communications, and responsibility when it came to all agencies involved across all levels of government as well as industry, specifically Maple Leaf Foods. Lessons Learned reports were done by CFIA, Health Canada, PHAC, and the Ontario Ministry of Health and Long Term Care. Additionally, Maple Leaf Foods provided the subcommittee with its own analysis of what lessons it learned.

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[1] Dr. Brian Evans, CFIA Executive Vice-President and Chief Veterinary Officer of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

[2] Dr. Brian Evans, CFIA Executive Vice-President and Chief Veterinary Officer of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

[3] Michael McCain , President and CEO of Maple Leaf Foods Inc., Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

In addition to these Lessons Learned reports, the Prime Minister of Canada announced in September 2008, that he would launch an independent investigation into the outbreak. Shelia Weatherill was subsequently appointed to this position and her report is expected to be completed in late July, 2009.

A. Hazard Analysis and Critical Control Points (HACCP)

HACCP is an internationally accepted approach to manage food safety risks that ensures that industry and CFIA inspectors work cooperatively throughout the product line to ensure that potential risks are identified and managed. There was a general consensus among witnesses that the science-based HACCP system is the best way to identify and address potential problems early in the supply chain, before they occur. In regards to the importance of HAACP in facilities like Maple Leaf, Dr Brain Evans testified that "HACCP helped them arrive at a conclusion much earlier than would otherwise have been the case.[4]"

RECOMMENDATION 1

CFIA should continue to work with Industry to develop HACCP, as it focuses on the prevention of food safety risks, rather than 'after-the-fact' detection on end products.

B. Compliance Verification System (CVS)

CVS is an inspection tool that was developed by CFIA in 2005 and piloted in 2006 to give inspectors a checklist to ensure the existing HACCP systems in place at a food processing facility are monitored and audited in a consistent manner across the country.

[4] Dr. Brian Evans, CFIA Executive Vice-President and Chief Veterinary Officer of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

CVS was fully implemented in April 2008 and adds new requirements to traditional inspection tasks where inspectors must review paperwork to ensure a plant is following its HACCP plan properly. For example, an inspector reviews records to ensure cleaning and disinfecting is taking place regularly and that a plant is conducting the microbiological testing required. Inspectors are also required to watch how the cleaning and disinfecting is done to ensure it is being done properly and they are required to conduct their own microbiological tests.

CVS has been criticized as "privatizing meat inspection" because companies are required to keep records to demonstrate they are adhering to their HACCP plans and do their own testing in addition to the government testing. According to Dr. Brian Evans, "CVS is not privatization[5]," and does not leave food safety in the hands of industry. Testimony to the Committee has shown that the Government has not and has no plans to privatize inspection. CFIA will always play its role as regulator and inspector. CVS tasks are continuously evaluated to ensure they remain current and relevant however, some concerns were raised by various groups that CFIA didn't evaluate CVS properly before fully implementing the system.

On September 5, 2008, CFIA improved food safety controls ready-to-eat plants by adjusting CVS tasks for its inspectors to control bacteria and other food borne pathogens in federally registered ready-to-eat meat plants. CFIA also directed industry to aggressively and thoroughly clean slicing equipment; enhanced oversight of sanitation and equipment maintenance, started reviewing company records of end-product and environmental test results on a daily basis; started analysing trends in positive environmental test results to flag any potential problems early; and completed a review of cleaning and sanitation programs used in all federally registered ready-to-eat meat plants.

RECOMMENDATION 2

[5] Dr. Brian Evans, CFIA Executive Vice-President and Chief Veterinary Officer of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

CVS should remain the fundamental system that guides inspectors and assures consistency and uniformity in their inspection activities.

RECOMMENDATION 3
CFIA needs to undertake a full evaluation of CVS to ensure that it is working to its full effectiveness.

C. Environmental Testing

As of April 1, 2009, it is mandatory for food processors to report the results of their environmental tests to CFIA. This will allow CFIA and industry to analyze trends of positive listeria results to preemptively flag potential problems. Testimony from Agriculture and Agri-Food Minister, Gerry Ritz; President and CEO of Maple Leaf Foods Inc., Michael McCain; Executive Vice-President and Chief Veterinary Officer of Canada, Dr. Brain Evans; and president of the Agriculture Union of the Public Service Alliance of Canada, Bob Kingston all supported the importance of environmental testing. Mr. McCain stated that, "the new listeria policy, we believe, is a very significant material step forward," and that the "the most important question in enhancing food safety has to do with how you interpret the data.[6]" With this change, CFIA will be able to analyze the data and take immediate corrective action when required.

In 2005, under the previous Government, mandatory testing and reporting by CFIA was cancelled. As a result, Maple Leaf Foods was not required to submit its environmental test results to CFIA in the months leading up to the outbreak. For three months before the outbreak, Maple Leaf Foods collected periodic positive environmental tests results for listeria but was not required to submit the results to CFIA. As a result, CFIA was not informed of the listeria problem in the Maple Leaf Foods' Toronto plant. Since April 1, 2009, plant operators must conduct environmental testing and immediately report any

[6] Bob Kingston, president of the Agriculture Union of the Public Service Alliance of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 25, 2009.

positive listeria results to CFIA. The new policy also adds additional environmental and end-product testing done by CFIA. With the new listeria policy now enforced an event like last summer "could possibly[7]" be prevented, according to the CFIA inspection supervisor for the affected Maple Leaf facility, Don Irons.

Had environmental testing for listeria not been cut in 2005, CFIA may have detected problems sooner. CFIA now does a data trend analysis on environmental listeria test results taken by food processors and acts preemptively to determine its root cause.

RECOMMENDATION 4

The Government of Canada should continue to support the new mandatory requirements for listeria testing and reporting as well as trend analysis by industry to CFIA inspectors.

D. Recall of Maple Leaf Products

In his statements to the subcommittee, Dr. Brian Evans summarized the timeline from last summer, "The listeriosis outbreak began in early June and was detected by public health officials in Ontario over the ensuing seven weeks. Detailed investigative work at municipal and provincial levels led to their advising the CFIA on August 6th, 2008, that a possible food link was suspected. It was on August 6 that the CFIA was first informed of a public health investigation into two listeriosis cases in a nursing home. Samples taken 16 days previously from meat used to make sandwiches in early July at the facility had tested positive. On August 8th CFIA determined the source plant and began to investigate unopened samples across Ontario to determine how many products were affected. By August 16th, CFIA had the test results required to initiate the recall with Maple Leaf.[8]"

[7] Don Irons, CFIA inspection supervisor for Maple Leaf facility, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 25, 2009.

[8] Dr. Brian Evans, CFIA Executive Vice-President and Chief Veterinary Officer of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

In order to do a recall, CFIA requires a link to a specific product. If on July 21st Toronto Public Heath had sent proper samples with the right product information CFIA would have been able to react sooner.

The CFIA Office of Food Safety and Recall (OFSR) is responsible for conducting food safety investigations and initiating recalls when a food-borne illness is suspected. OFSR is an independent body with protocols that require them to take action as soon as they are informed of a potential food safety risk.

In order for a recall to be triggered, the CFIA has make a scientific link to the right food source (including product and lot codes) before the public is notified. If a recall goes out too early, misinformation can have a worse effect than an accurate recall at a later date. In Dr. Brain Evan's testimony, he cited the U.S. example of inaccurate information on a strawberry recall several years ago. He went on to explain that giving the public "information that we can't validate …perhaps puts them at greater risk and cause them to change their behaviours[9]" is more harmful than no information. As a result of the raspberry recall, US consumers switched from eating strawberries to raspberries, but months later, it was determined that raspberries were what should have been recalled.

RECOMMENDATION 5

The CFIA should maintain its evidence-based methodology of initiating recalls.

E. Communications

The issue of how the federal government communicated with the public during the outbreak was raised by many witnesses. Statutory requirements put the Chief Public Health Officer out front as the primary spokesperson for the Government of Canada.

[9] Dr. Brian Evans, CFIA Executive Vice-President and Chief Veterinary Officer of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

However, as ministers and the government are ultimately held accountable to answering the concerns of Canadians, the Minister of Agriculture and Agri-Food along with representatives of the CFIA and the Chief Public Health Officer conducted 14 press conferences between August 24 and September 9, 2008 to brief the media and to keep Canadians informed. Despite this strong government presence, many felt that Maple Leaf Foods did a better job communicating directly to the public through television commercials and other forms of advertising.

CFIA did note in its testimony that it can only notify the public when an issue tied specifically to food has been identified. They can not act on hunches and risk getting it wrong. However, the provincial health authorities are not under the same legal restrictions that bind CFIA, and may have communicated a public health risk to the public much sooner. Instead, as Dr. Williams of Ontario testified, they abdicated that responsibility to the federal government.

These faults in communication were noted by all government agencies in their testimony and the Lessons Learned reports provided to the subcommittee.

Recommendation 6

The federal government should review its protocols on providing timely, accurate information to the public and put in place the necessary protocols and resources to ensure that there is better communication to the public during a food-borne illness outbreak.

Internal communications between the responsible federal and provincial authorities was another area that all parties agreed need to be improved. The Foodborne Illness Outbreak Response Protocol (FIORP) was not activated by neither the federal government nor the provincial governments despite being a Federal/Provincial/Territorial agreement designed to facilitate communications during this very type of outbreak. The purpose of the FIORP is to establish clear lines of communication and protocols for all partners to follow. In addition, CFIA did not activate its emergency command centre, despite its sole purpose

of managing emergency situations such as this one. As a result of this inaction, there was confusion among the partners as to who had the lead for which part of the investigation and which agency had the authority to do what.

The general consensus from witnesses is that Canadians do not want a food borne outbreak to become an opportunity for government agencies and departments to flex their bureaucratic muscles against each other – rather they would prefer that these agencies cooperate to put an end to whatever is happening.

Internal communications by the federal agencies, provinces and regional health authorities have improved since the outbreak. The Executive Director of the Canadian Meat Council, James M. Laws commented on the improvements in the Government agencies coordination, "Well, I can say that I think we've been very happy with the Government's actions lately on the H1N1 flu virus. That's the type of response we'd like to see in the future for other food safety events like this one.[10]"

RECOMMENDATION 7

The Government of Canada should support Health Canada, PHAC and CFIA's effort to improve communications between themselves and other jurisdictions.

RECOMMENDATION 8

The FIORP should be activated when a food borne outbreak becomes apparent in order to better facilitate cooperation and communication between all levels of government and their respective agencies and departments.

F. Responsibility

[10] James M. Laws, Executive Director of the Canadian Meat Council, , Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, June 1, 2009.

Food safety is a shared responsibility from farms to the processing industry and all levels of government and even in our kitchens. Testimony from the president of CFIA, Carole Swan, states that "Responsibility for food safety does not reside in one person or one institution. There is a network of people and organizations responsible. Government has an important responsibility. We are responsible for setting strong standards and holding industry to account. But, ultimately, industry has responsibilities, as well; they have responsibilities for producing safe food. There is a great deal of shared responsibility. CFIA is one player in a continuum of players who are responsible for making sure that the food Canadians eat is safe.[11]"

The Codex Alimentarius (published by the World Health Organization and the Food and Agricultural Organization of the United Nations) states that everyone, including farmers and growers, manufacturers and processors, food handlers and consumers, has a responsibility to assure that food is safe and suitable for consumption. The Canadian Food and Drug Act also clearly describes the shared responsibility between Government and industry.

Industry

Maple Leaf Foods has taken responsibility for the listeriosis outbreak. Industry is ultimately responsible to ensure the products they produce, import, store and distribute are safe for consumers. They must identify potential issues and assist with food safety investigations. Industry also initiates or responds to direction to implement a recall.

CFIA

CFIA contributes to the control of food borne outbreaks through its food safety investigations and recalls, as well as its compliance and enforcement activities. It also notifies the public when specific food safety issues have been identified. Food inspection

[11] Carole Swan, CFIA president, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 20, 2009.

programs administered by the CFIA confirm that establishments have taken the appropriate steps to produce safe food products.

Health Canada

Health Canada establishes food safety standards and policies along with decision-making with respect to a Risk Assessment Process. It also releases communication of issues related to food safety.

PHAC

The Public Health Agency of Canada (PHAC) is usually the first point of contact at the federal level for food borne illness outbreaks. It is in charge of public health surveillance and leads during an epidemiological investigation when cases occur in multiple provinces or if requested by a province. PHAC also releases communication of issues with a human health impact, including notification of the public.

Provinces/Territories

The province/territory leads investigations of human illness outbreaks within their boundaries including the epidemiological investigation. They also release communications of issues with respect to human health issues, including notification to the public.

Minister of Agriculture and Agri-Food

The Minister acted as the Government's lead spokesperson to Canadians to keep them updated of the Maple Leaf outbreak. The independent government agencies conducted themselves appropriately and independent of the Minister's influence. The agencies in fact did their job as they are required to do so by legislation.

Testimony from the Chief Public Health Officer of Canada, Dr. David Butler-Jones, indicates that there was no political interference and the agencies involved were allowed to do their jobs. Dr. Butler Jones said, "no one gave me direction about what information to provide, what questions to answer, how to answer questions, or what actions to take,

from the Public Health Agency. No one. If they had, I would have resisted it. This is not a political role. That is clearly why this position was established with that measure of independence on matters of public health. No one from the Prime Minister's Office, the Prime Minister, no minister, no minister's office, said, "I want you to say this. If that was ever an issue I would have resigned.[12]""

The Public

The public, as consumers of food products, also have a responsibility to ensure their food is safe. Testimony placed the number of food borne illnesses in Canada at thirteen million every year. Most of these are due to improper handling of food in the kitchen or undercooking high-risk products like meat. It is incumbent upon the consumer to ensure that they follow the preparation and cooking instructions of the product they are to consume.

However, testimony from several witnesses pointed to the fact that despite efforts on the part of Health Canada and CFIA to educate consumers about proper food handling and cooking, the message still needs to be reinforced. The federal government can play a positive role in this area by promoting such safe practices to consumers.

RECOMMENDATION 9

Due to the complexity of food production the Government of Canada should continue to underscore the importance of the work with the provinces and territories to strengthen the shared responsibility approach to food safety.

RECCOMENDATION 10

The Government of Canada should adopt a plan to increase awareness and education of the public as to the importance of food safety at home.

[12] Dr. David Butler-Jones, PHAC, Chief Public Health Officer, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 22, 2009.

G. Independent Investigator

The Prime Minister appointed Shelia Weatherill to be an Independent Investigator to assess how the Government agencies involved in last summer's Maple Leaf Foods listeria outbreak preformed. Mrs. Weatherill is a highly qualified expert who has all the powers and resources to follow the evidence wherever it leads. The setup and practices of the independent investigator are identical to the Auditor General's authority in an investigation. The Independent Investigator's mandate requires Mrs. Weatherill to submit her report to the Minister of Agriculture and Agri-Food by July 20th.The Minister of Agriculture assured the subcommittee that he will make her report and her recommendations to strengthen our food safety system public.

The Independent Investigator testified that she had the "power, mandate, and resources to fulfill the expectations and conduct this investigation.[13]"

RECOMMENDATION 11

The Government of Canada should review all findings of the Independent Investigator's report.

RECOMMENDATION 12

The Government of Canada should release the Independent Investigator's report to the public.

[13] Ms. Sheila Weatherill, Listeriosis Investigative Review Secretariat, Independent Investigator, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, April 22, 2009.

FOOD SAFETY IN CANADA

The listeriosis outbreak of 2008, while a tragedy, is not indicative of Canada's food safety system overall. There is a general consensus throughout Canada, supported by the witnesses that testified at the subcommittee, that we have one of the safest food systems in the world. However, there is always room from improvement. Areas identified for improvement include strengthening CFIA's inspection resources and regime, the need for clarification between federally inspected plants and provincial ones, CFIA's role as regulator of imported/exported foodstuffs, Country of Origin Labeling (COOL) restrictions on Canadian livestock exports, traceability of livestock and other agriculture products, and on farm food safety.

A. CFIA Resources and Regime

Budget

There has been testimony that CFIA needs increase its resources and training for inspectors. Bob Kingston has claimed that "as a consequence of a lack of resources, there isn't time to train the inspectors.[14]" The budget and inspector increases do not back up that claim. The budgets for CFIA have increased as follows 2005-06: $489.0 million, in 2006-07: $571.5 million and in 2007-08: $639.4 million. The budget for CFIA was only cut in 1994, 1995 and again in 2005. Additionally, the Government of Canada invested $113 million in the Food and Consumer Safety Action Plan in Budget 2008. In the Economic Action Plan for Canada, Budget 2009, the Government also announced an additional $250 million to upgrade federal labs, including those of CFIA.

RECOMMENDATION 13

The Government of Canada should continue to make food safety a priority and provide CFIA with adequate budgets to ensure Canada's food system is safe.

[14] Bob Kingston, president of the Agriculture Union of the Public Service Alliance of Canada, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 25, 2009.

Inspectors

The Government has empowered CFIA inspectors with the most effective methods of inspection through CVS and HACCP. CFIA inspectors have the necessary resources to do their job. The Government has hired, in its first two years, over 200 new inspectors. CFIA has increased its staff by 14% since 2006.

RECOMMENDATION 14

The Government of Canada should hire more inspectors as warranted and provide the proper training and resources for them to do their job.

B. Federal/Provincial/Territorial Regulations

The issue of federal versus provincial/territorial inspection standards was hotly debated among those who testified at the subcommittee hearings. Some witnesses, such as Mr. Peter Stein of Piller Sausages and Delicatessens Ltd. argued that "all plants, both provincial and federal, should be included in the scope of the new listeria policy released this past April 1st.[15]" Others argued that a single standard would put local abattoirs who simply could not meet the federal requirements out of business. Jennifer MacTavish representing the Sheep industry summed this up: "If it's a reciprocal agreement among provinces so a domestic trade can occur, that would be wonderful. We do not want to put the smaller processing plants in any kind of a position where their livelihood would be threatened.[16]"

A one-size fits all approach to both provincial and federal inspections does not make sense in a country such as Canada. What may be acceptable in Quebec may not be acceptable in British Columbia. It is not the role of the federal government to dictate to

[15] Mr. Peter Stein, Piller Sausages and Delicatessens Ltd., Director Quality Assurance and Food Safety, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, June 1, 2009.

[16] Ms. Jennifer MacTavish, Canadian Sheep Federation, Executive Director, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, June 1, 2009

the provinces/territories the standards they have to adopt for their own provincially regulated markets. This position is backed up by the constitution which clearly splits federal/provincial/territorial jurisdictions in agriculture. However, as some witnesses indicated this does not preclude the federal government from urging cooperation among all levels of government to adopt equivalency without driving local abattoirs out of business.

RECOMMENDATION 15

The Government of Canada should ensure that its food safety standards are applied consistently across Canada in all federal inspected components of the supply chain.

RECCOMENDATION 16

The Government of Canada should encourage its provincial/territorial partners to adopt an equivalent food safety standard in all provincial/territorial abattoirs without putting undo pressure on smaller operations which may cause them to go out of business.

C. Imports/Export

Testimony revealed that "exporters know between 72 hours and 30 days in advance whether their meat shipment to Canada will require visual inspection, full inspection, or no inspection.[17]" While it is reasonable for CFIA to give warning to Canadian importers that the product they are expecting may be detained for inspection, such a system should be enforced with the threat of random, unannounced spot checks.

RECOMMENDATION 17

CFIA should review its policies and procedures with respect to advance warning for imported meat products to Canada.

[17] Mr. Paul Caron, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 25, 2009.

There was a general consensus that "imported products must meet the same standards and regulations that we face here in Canada.[18]" The CFIA meets these standards through equivalency agreements with our trading partners. We only import products from countries that have food safety standards equal to those of Canada.

RECOMMENDATION 18

The Government of Canada should continue to ensure imports meet the same standards as domestically produced products.

D. Pre-Market Labelling

Testimony on pre-market registration for meat products stated that it is not a food safety issue. Ensuring what is on the label is not a food safety issue. "Getting a label pre-approved—that's the important part—by somebody sitting in Ottawa who may never have been into a meat plant in their entire lives has nothing to do with safety.[19]"

There was conflicting testimony throughout on pre-marketing labelling with the Beef Information Centre Executive Director, Ms. Lisa Mina, testifying that, "rigorous monitoring and enforcement of product labels play a role to maintain confidence in the perceived safety of food products, such as meat, in Canada.[20]"

RECOMMENDATION 19

The Government of Canada should review the present system of pre-market labelling to protect the integrity of imported agricultural products while

[18] Mr. Peter Stein, Piller Sausages and Delicatessens Ltd., Director Quality Assurance and Food Safety, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, June 1, 2009.

[19] James M. Laws, Executive Director of the Canadian Meat Council, , Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, June 1, 2009.

[20] Ms. Lisa Mina, Beef Information Centre, Consumer Marketing, Executive Director, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 13, 2009.

providing greater flexibility for Canadian companies to provide these imported products to consumers in a timely and safe manner.

E. Country of Origin Labeling (COOL)

COOL restrictions have been put in place by the U.S. Government as a 'food safety' measure. However, the general consensus is that COOL is not a food safety program but rather a non-tariff trade barrier to Canadian and other food exports to the United States of America. The Government of Canada has challenged the unfair COOL restrictions at the WTO in order to reach a negotiated settlement. The Government will continue to stand up for Canadian producers to ensure they are treated fairly. Livestock industries on both sides of the border are concerned about COOL. These restrictions are detrimental to the free flow of trade with the U.S.

The president of the American Meat Institute, James Hodges testified that the Canadian Government's stance on COOL is beneficial to the cattle industry in both countries "Trade action related to COOL is an appropriate remedy. It is a regulation that is not food safety. It is a regulation that is an impediment to trade.[21]"

RECOMMENDATION 20

The Government of Canada should continue to challenge COOL at the WTO and strive for a negotiated settlement.

F. Traceability

Traceability is a theme raised from all sectors of the supply chain. The ability to trace a product, be it a live steer on the farm or a box of asparagus at the grocery store, from a specific outbreak to its origin will not only allow faster product recalls it will boost confidence in Canada's food supply.

[21] James Hodges, American Meat Institute, Executive Vice-President, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 27, 2009.

One area that Canada is making progress in traceability is that of live cattle, especially in the wake of the initial BSE cases in 2003. Witnesses testified that BSE dealt a severe blow to the confidence of international markets in Canadian livestock and led to the closing of many borders to our cattle. One of the ways of restoring that confidence in the safety of our cattle is by being able to show potential customers the traceable history of that particular cut of meat or live animal. It is clear from the testimony that traceability is a key component of Canada's food safety system.

In the new Growing Forward Framework for Agricultural there is almost $100 million for food safety systems and traceability initiatives. The Government has invested in traceability under Growing Forward as another way to improve food safety.

RECOMMENDATION 21

The Government of Canada should continue to invest in traceability to further protect the initial stages of the food supply chain and increase competiveness by ensuring these costs are not passed on to Canada's primary producers.

G. On Farm Food Safety

The first step of food safety begins on the farm. The Government of Canada supports on-farm food safety program. Many producer groups testified that the food safety system begins with HACCP based systems on the farm. HACCP systems allow producers to focus on the most vulnerable areas of food safety. "Thousands of on-farm food safety manuals have been distributed on farms across Canada, I must note that the accomplishments would not have been possible without the collaboration and support, in financial resources and technical expertise, of both Agriculture and Agri-Food Canada and the Canadian Food Inspection Agency. The Government of Canada has made

considerable investment in helping industry develop the program. The importance of this support cannot be emphasized enough.[22]"

The Government's commitment to on-farm food safety needs to be in the domain of an efficient and streamlined regulatory system. "There needs to be some incentive for producers to participate. In the best case scenario, producers will be implementing the program in response to market incentives where they get paid a premium.[23]"

RECCOMENDATION 22

The Government of Canada should support farmer's efforts to produce safe food, implement farm HACCP systems, and ensure producers can operate in the most competitive environment possible.

CONCLUSION

Food safety is the responsibility of all Canadians. The listeria outbreak has shown that even with the most sophisticated risk-based approach to food safety, sometimes things can literally fall between the cracks and grow into large problems. The emphasis needs to be put onto all levels of government to ensure that the food they inspect is safe for consumption and that when a health incident does occur; cooperation takes precedence over turf wars. It is equally incumbent upon industry to ensure that the food they grow, process, transport, sell, and cook for Canadians is safe. Finally, it is up to the consumer to ensure that the food they eat is handled and prepared properly. It is when all of these groups work together, we can all be sure that our food is safe.

[22] Anne Fowlie, Canadian Horticultural Council, Executive Vice-President, Canadian Horticultural Council, Executive Vice-President, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, May 13, 2009.

[23] Ms. Jennifer MacTavish, Canadian Sheep Federation, Executive Director, Subcommittee on Food Safety of the Standing Committee on Agriculture and Agri-Food, Evidence, 40th PARLIAMENT, 2nd session, Ottawa, June 1, 2009