



CANADIAN HEALTH FOOD ASSOCIATION

235 Yorkland Blvd, Suite 201 · Toronto, ON M2J 4Y8

www.chfa.ca · info@chfa.ca · (800) 661-4510

October 13, 2023

Compositional Standards and Grades Section
Canadian Food Inspection Agency

Submitted via email: cfia.StandardsGradesModernization-Normesclassment.acia@inspection.gc.ca

Re: Engaging on Strategy for Modernizing Food Compositional Standards

On behalf of the Canadian Health Food Association (**CHFA**), we are writing to provide comments on the consultation for the *Engaging on Strategy for Modernizing Food Compositional Standards*. CHFA appreciates the opportunity to contribute our perspective. As Canada's largest trade association dedicated to organic and wellness food products, CHFA is committed to advocating for our members and representing the industry, particularly on proposed regulatory changes that will directly influence their business operations. Our membership base consists of hundreds of businesses across Canada, including manufacturers, retailers, wholesalers, distributors, and importers that produce and sell a variety of pre-packaged foods and would be affected by regulatory modernization initiatives of the *Food and Drug Regulations*, including changes to the compositional standards.

CHFA is aligned with the objective of modernizing the Food Compositional Standards to reflect today's market dynamics and evolving consumer preferences. We believe that the existing food compositional standards necessitate updates to reflect the current Canadian consumer, promote innovation among Canadian businesses, and to improve opportunities for international trade.

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Principles and Process for Maintaining and Updating the Food Compositional Standards

Incorporated by Reference (IBR)

While transitioning these standards to IBR documents holds the promise of alleviating administrative burdens associated with Regulatory Impact Analysis Statements (RIAS), Cabinet review, and publication in the Canada Gazette, it's essential to acknowledge and manage the inherent risks of deviating from the established regulatory structure. These risks necessitate the development of a robust process for the maintenance and updates to the IBR for food standards. It is imperative to maintain government accountability and consider the long-term impacts on our Canadian food products, keeping in mind both the health implications of preservative-laden food and the government's Healthy Eating Strategy.

Establishing a set cadence for regular reviews and updates to these standards, as part of the Incorporation by Reference (IBR) approach, is crucial for genuine modernization. This step will ensure the continued relevance and effectiveness of the regulatory framework as a whole.

To ensure transparency and uphold an equitable business environment within the food industry, CHFA strongly recommends that the Canadian Food Inspection Agency (CFIA) adopts a transparent screening process for submitted requests to revise compositional food standards. The criteria for ranking priority or consolidation of requests should be clearly defined and consistently applied, and a dedicated communication channel or platform should be established to disseminate information about new modification requests, their status, and priority ranking, providing industry stakeholders equal access to pertinent information influencing their business decisions. CHFA also seeks clarity on CFIA's plans for establishing an internal process for updating the standards incorporated by reference, independent of requests from industry stakeholders outside of the government.



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While revisions within an IBR typically bypass intensive review and stakeholder consultation, it is vital to retain certain elements of the regulatory process to uphold the integrity of Canadian food standards and in turn Canada's food system. CHFA proposes that CFIA allow a stakeholder consultation period of no less than 60 days, providing an opportunity for industry stakeholders to offer feedback. Any feedback provided should be given due consideration prior to moving forward with the change. Furthermore, we strongly encourage CFIA to establish a dedicated working group, inclusive of industry representation, tasked with the consulting and updating the food standards.

It is imperative that a process be established to immediately and directly notify all affected stakeholders in the event of approval or a request to change a standard. To facilitate prompt updates and targeted engagement, CHFA suggests implementing a listserv notification where stakeholders can pre-select each SOI they would like to receive email notifications on. Furthermore, changes with potential impacts on product compliance should be accompanied by a reasonable 5-year transition allowance for affected companies, enabling them to manage inventory, contractual obligations, and relationships effectively.

In addition to direct notifications, maintaining a central database of standards with version history, updates, and application status is essential to facilitate ease of access and enable stakeholders to track changes effortlessly.

While IBR offers advantages, an over-reliance on IBR can lead to a complex web of cross-references, making it difficult for industry to navigate and comply with the regulations. This can increase administrative burdens and compliance costs. To mitigate this challenge, CHFA urges CFIA to develop a comprehensive and user-friendly guide that maps the existing regulations to the new IBR structure, providing clear guidance on interpreting and complying with the incorporated documents. This

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guidance should also encourage stakeholders to subscribe to a listserv for notifications and provide information related to the modification request application process and accessing pertinent databases.

Considering the substantial impact this transition will have on stakeholder interaction with Canada's food standards and the potential implications on the Canadian food system, CHFA recommends that CFIA, in collaboration with Health Canada, establish a monitoring and evaluation mechanism to assess the effectiveness of the new IBR-based regulations. A formal review, ideally conducted within two years, would offer sufficient time for implementation and facilitate timely adjustments before potential adverse impacts are compounded.

Demands for Changes to the Food Standards

In the future CHFA may request modifications to the food compositional standards on behalf of its collective members and the health and wellness food industry.

At this time, we believe that priority should be given to make the modifications necessary to allow the Canadian food industry to better position plant-based foods to align with today's consumer, and today's marketplace. Consumers have become more aware of plant-based foods and are incorporating these foods as part of their everyday diets. There has been a drastic increase in demand for products across the whole plant-based food sector. To modernize our regulations to reflect the Canadian consumers understanding of plant-based food products, revision to the following sections of the *Food and Drug Regulations* are necessary: Division 8 on Dairy Products, Division 14 on Meat Products, and Division 22 on Poultry, and Poultry Meat Preparations and Products. Currently, using common names like "milk," "cheese," "butter," "meat," or "egg" for plant-based foods is prohibited in Canada. By aligning regulations with consumer preferences and enabling clear food labeling,



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consumers can make informed choices that suit their dietary needs and values, while maintaining the integrity of our food regulations.

In conclusion, to foster innovation and encourage growth within the food industry, Canada must address outdated food composition standards that are holding back the food and beverage sector. It will be important to meet the needs and aspirations of Canada's consumers and industry stakeholders. By reducing the regulatory burden faced by Canadian food business and aligning more with international trading partners, the modernization of Canada's regulatory framework for food of contributing to efficient business practices and economic growth in the country.

Thank you for considering our feedback as part of your outreach on modernizing food compositional standards. As a dedicated and forward-looking stakeholder, we are hopeful that our comments are given due consideration and stand ready to lend our expertise and support.

Sincerely,

A handwritten signature in black ink that reads 'Ashley Cornell'. The signature is written in a cursive, flowing style.

Ashley Cornell
Director of Regulatory Affairs and Policy
Canadian Health Food Association

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