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Chair

Mr. Paul Steckle

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● (1535)

[*English*]

The Vice-Chair (Mr. Gerry Ritz (Battlefords—Lloydminster, CPC)): I call the committee to order. We do have quorum to hear our witnesses today.

Today before us we have, from the Alberta Beef Producers, Arno Doerksen, past-chairman; from Alberta Cattle Feeders' Association, Kee Jim, veterinarian, Feedlot Health Management Services; and from CropLife Canada, Denise Dewar, executive director, Plant Biotechnology. Welcome.

If everybody could grab their chairs, we will get started. Mr. Easter is here.

We generally give our witnesses.... In this case there are three of you. You'll all be speaking separately, I understand. We'll give you seven or eight minutes to give us a bit of a presentation, and then we'll get into the questioning round, if that works for you, folks.

Arno, on my list you're going to lead off. Is that okay?

Mr. Arno Doerksen (Past Chairman, Alberta Beef Producers): Thank you, Mr. Chairman.

We appreciate the opportunity of presenting to the Standing Committee on Agriculture and Agri-Food today, and certainly thank you for this opportunity. Alberta Beef Producers, as I'm sure you're aware, represents approximately 30,000 beef cattle producers. The organization was established in 1969. It is a democratic organization representing grassroots Alberta cattle producers and is funded by a check-off when producers sell or slaughter cattle. Our annual budget is in the range of $10 million to $12 million. Certainly we're pleased to make a presentation here today.

We have a written presentation that I trust will be translated into both official languages so that it can be distributed to everyone on the committee. I understand that our 10 recommendations have been translated and circulated. Is that correct? I appreciate that. I will refer to those and speak in some detail to a number of them.

I'm pleased that Dr. Kee Jim is also here to speak to the same set of recommendations, and so we will divide up the time between the presentation that we have. I hope it's useful for the committee.

Certainly as cattle producers we have a very strong commitment to Canada's animal health and food safety system and we are very proud of the fact that we have one of the very best animal health and food safety systems anywhere in the world.

One of the things that are very important with regard to this system is that it's a partnership approach. It starts on the farm, where the grassroots producers delivery quality products, and there are checks and balances all the way through the system. That's where CFIA comes in, and certainly the fact that this bill is on the table today.... We have a number of concerns with regard to the bill, and we will refer to some of them.

As we understand and as published in the Government of Canada information as background to the bill, the purpose of Bill C-27 is to consolidate, modernize, and enhance the existing inspection and enforcement powers of CFIA for food, agriculture, and aquatic commodities, as well as agriculture inputs and animals and plants and their products.

Of primary concern to cattle producers is the failure of the federal government and CFIA to consult with the industry in the development of Bill C-27. The lack of consultation not only contravenes the federal policy regarding smart regulations but also evidences an intention on the part of CFIA to develop and implement policy in isolation from the reality of both the livestock industry in general and of the beef cattle industry in particular. It's certainly unfortunate that the advisory board to the minister that was mandated in the Canadian Food Inspection Agency Act was neither in place nor consulted during the drafting of Bill C-27. This, coupled with the total lack of industry consultation during the drafting process, has resulted in draft legislation that falls short of addressing the needs and concerns of cattle producers.

As Alberta beef producers, we were encouraged, and are encouraged, by the creation of the Beef and Cattle Producers Advisory Committee to CFIA, but we feel that both this committee and the advisory board should be engaged in the review of Bill C-27. Certainly those are two of our recommendations—that in fact this bill be referred for consultation to the advisory committee that is being established, and also that the advisory board that was at one time in place be re-established to take a look at this legislation prior to implementation. Hence, we recommend that the minister in fact re-establish that advisory board. That is of key concern to us. In fact, the advisory board to CFIA, from an industry perspective, should also be advisory to the minister, from where we sit.

I'll skip down a little bit to some of the further recommendations that we have. Kee will talk about some of the regulatory concerns that we have around regulated product and some of the changes in definition and the inclusion of live animals as a regulated product, which is certainly new to this bill.

● (1540)

I want to talk further about some of the costs and liabilities that are inherent in the new bill and the concerns that we have about them.

Specifically, in our recommendation 7, we're recommending that section 44 be amended to provide for a third-party determination of the reasonableness of the costs sought to be recovered from producers and to restrict cost recovery to those persons convicted of an offence under the legislation. Cost recovery should not be on the back of the industry. And number 8—an additional recommendation—is that we remove section 45, which grants complete immunity to the minister and CFIA.

The cost of a burgeoning CFIA bureaucracy is being transferred to a sector of the economy that can least afford to absorb this additional financial burden. Liability for paying costs should be a penalty for contravention of the agency-related acts and payable by those found guilty of an offence, not by the average cattle producer. The Agriculture and Agri-Food Administrative Monetary Penalties Act should be used as an enforcement tool for Bill C-27, as well as for agency-related acts named in the statute. Producers who are found to be in compliance with Bill C-27 and the agency-related acts following an inspection should not be liable for payment of any costs.

We think that's pretty important, because it adds, as I said, liability where there is really not the ability to cover it.

There is nothing in Bill C-27 to balance the minister's or CFIA's power to recover costs from producers. There is also no provision in the bill for a producer to challenge the reasonableness of the costs sought to be recovered from him. One solution to this issue would be to charge the board of arbitration and the review tribunal established by sections 4 and 4.1 of the Canada Agricultural Products Act with receiving complaints and reviewing the costs that CFIA wishes to recover from producers under section 44 of the bill.

The exclusion of liability on the part of the government and CFIA set out in section 45 of Bill C-27 is a dangerous legislative precedent. The section reads as follows:

> Neither Her Majesty in right of Canada nor the Agency is liable for any loss, damage or costs, including rent or fees, resulting from a person being required to do anything to comply with this Act or the regulations.

This goes beyond the good-faith exemptions normally found in legislation of this nature. A good-faith exemption would provide that neither Her Majesty nor the agency is liable for any act done in good faith in the exercise of any of the minister's or the agency's powers or the performance of their duties and functions. There is, however, no justification for government and agency immunity in this legislation. Due process and justice demands that there be a means by which both the minister and the agency can be held accountable for their actions. There also needs to be a mechanism by which producers can be compensated for loss and damages suffered as a result of the negligent actions of the minister and/or CFIA.

Those concerns are certainly part of the broader package that we will speak to after Dr. Jim has made his presentation, and we'll certainly be happy to respond to questions about them, but I would like to refer to some of our experiences over the last two years to highlight and maybe provide a tangible example of why this situation is important to cattle producers.

Certainly, as the past-chairman of the Alberta Beef Producers for two years prior to last December, I got a number of calls from producers whenever comments or decisions came out of 59 Camelot that did not reflect an understanding of the grassroots realities that producers face out in the country. Some had to do with our import regulations, some with bluetongue and anaplasmosis issues, some with comments and concerns regarding the testing of animals, and some were about producers participating in our animal health and food safety system by providing animals for testing. Those kinds of issues that are spoken of in the abstract create a great deal of concern among cattle producers and really compromise the effectiveness of what I believe is one of the very best systems anywhere in the world.

● (1545)

It is in the interests of building that and making it stronger that we're here today to make a presentation and to address our concerns with regard to this legislation. Cattle producers are fully committed to participating as partners in the system that we have in place and that we make stronger here in Canada.

With that, I will thank you and be available for questions.

The Vice-Chair (Mr. Gerry Ritz): And I will thank you, Mr. Doerksen.

Dr. Jim, please.

Dr. Kee Jim (Veterinarian, Feedlot Health Management Services, Alberta Cattle Feeders' Association): I'm here today to give testimony. I represent the Alberta Cattle Feeders' Association as a board member. The ACFA is a producer organization that represents feedlot producers in the province of Alberta.

Alberta feeds out approximately 70% of Canada's total beef cattle production, but it's not just the comments of ACFA that I bring forward. In my involvement with the beef industry I'm a delegate to the Alberta Beef Producers, a board member of the Canadian Cattlemen's Association—I chair the animal health committee of CCA—and a board member of the Canadian Cattle Identification Agency, Livestock Identification Services, and *Rancher's Beef*.

I'm a cattle producer in Canada, and I'm involved with purebred operations, commercial cow-calf operations, backgrounders, and feedlots. Also, as a veterinarian I'm the managing partner of Feedlot Health Management Services, which is one of the largest feedlot consulting companies in North America.

To start with, I think it's important to note that cattle producers are not at odds with the general spirit and intent of Bill C-27. It would be pretty difficult to question efforts to consolidate and modernize legislation. In addition, legislative enhancements to protect public health and safety, such as the tampering prohibition, are obviously acceptable. But as beef cattle producers we have very serious concerns and reservations about the first part of Bill C-27, clauses 3 to 23 inclusive, which are entitled "Administrative Regime Respecting Regulated Products", which seek to create and consequently to impose an entirely new regulatory scheme on primary livestock producers who are not currently regulated by the existing acts and regulations administered and enforced by CFIA. It's an entirely new regulatory scheme that we have not had enough time and enough consultation on.

To draw out a few examples, under Bill C-27 beef cattle have become a regulated product by virtue of paragraphs (a), (f), and (g) under the definition of "regulated product". This represents a substantially changed nature and extent to which beef cattle and beef cattle producers are currently regulated by the Government of Canada and, by extension, the CFIA. None of the agency-related acts under the CFIA drive the inspection and enforcement authority or regulate beef cattle and beef cattle producers in the manner and to the extent permitted by the wording of Bill C-27.

The regulation of beef cattle and beef cattle producers under the agency-related acts as they currently exist is limited to protecting animal health as it may be affected by reportable diseases or by toxic substances. It is only in that context that the federal government, through one of the agency-related acts, regulates the importation, interprovincial trade, and export of beef cattle. There is no authority in any of these agency-related acts to regulate the production of beef cattle. And that is one of our principal objections to this bill—having the live animals become regulated products. The rationale for this has not been clearly explained, and at this point in time we do not see what public policy objective this particular regulatory scheme embraces.

Under clauses 3 to 5, the minister is given discretionary power to issue to any person a licence of a prescribed class that authorizes the person to be engaged in, or to operate an establishment to engage in, the production of beef cattle. Once again, it's a whole new licensing provision that's not in any of the other acts. This is new material, and it's a dramatic change from the existing regulatory scheme. These licensing provisions go beyond the stated objective of Bill C-27, which is to consolidate CFIA inspection and enforcement powers, not to create an entirely new licensing power that's not found in any of the statutes and regulations from which the CFIA derives its authority.

For us as cattle producers, that's not acceptable.

● (1550)

We feel that the new licensing power is an unnecessary and unwarranted extension of federal government authority over beef cattle and beef cattle producers. As I mentioned before, there's no stated purpose, reason, or context for the licensing of beef cattle producers, and as the bill currently reads, there's no limit on the licensing power given to the minister.

With respect to clauses 15 and 22, we have the issue of prohibitions. With regard to page 10 of Bill C-27, the Canadian Food Inspection Agency Enforcement Act, David Johansen states that most of the prohibitions set out in clauses 15 to 22 of the bill are currently contained in many of the agency-related acts. We would respectfully disagree. This is an incorrect summary of clauses 15 to 22. Beef cattle producers have serious and justified concerns with clause 15.

The concerns that beef cattle producers have with these are compounded when you read them in conjunction with clause 15. There's no guidance to the minister anywhere in Bill C-27 as to the public objective that is sought to be achieved by licensing producers who are engaged in or operating in the importation of beef cattle, preparation of beef cattle for export, interprovincial trade, exports, and so on.

When we look at clauses 3 and 15 together, it creates a completely new regulatory scheme, again, governing beef cattle producers and, for that matter, all other primary livestock producers in this country. This is in distinct contrast to the provisions in the existing agency acts administered and enforced by CFIA.

The other major point I'd like to bring forward pertains to clause 56, under regulations. Clause 56 of Bill C-27 authorizes the Governor in Council to make regulations for carrying out the purposes and provisions of Bill C-27, including additional regulations as described in paragraphs 56(a) to (y).

In question is the authority to make regulations, regarding paragraph (o):

> establishing the requirements for quality management programs or quality control programs for regulated products

—and as we know, those products have been defined as live cattle—and regarding paragraph (r),

> respecting the design, construction, hygiene, sanitation, maintenance and operation of establishments referred to in section 3 and the equipment and facilities

This is an attempt at a major expansion of powers that is beyond the mandate of CFIA. Bill C-27 seeks to regulate what is set out as a voluntary program under the APF. Things such as on-farm quality management, quality control, traceability, and industry programs should be market-driven, and they should not be prescribed or regulated by government agencies.

So we have some regulation there that really represents an extension of policy, and that type of extension is not acceptable to beef cattle producers unless we can clearly understand the rationale, the purpose, and the objective—in other words, understand what is happening. Bill C-27 looks like, in many clauses, a significant expansion of the existing regulations, not a modernization and consolidation. It is a significant attempt to regulate areas that have never been regulated before, specifically in aspects of beef cattle production. We do not feel that is the role of government in any way, shape, or form. To our minds, it does not satisfy any policy objective laid out in the APF or otherwise protect the public from food safety risks and concerns.

With that, I will close. Thank you.

● (1555)

The Vice-Chair (Mr. Gerry Ritz): Thank you, Dr. Jim.

Ms. Dewar, for 10 minutes, please.

Mrs. Denise Dewar (Executive Director, Plant Biotechnology, CropLife Canada): Thank you, Mr. Chair.

CropLife Canada is the trade association representing the developers, manufacturers, and distributors of plant science innovations, pest control products, and plant biotechnology for use in agriculture, urban and public health settings.

CropLife Canada's mission is to support innovative and sustainable agriculture in Canada, in cooperation with others, by building trust and appreciation for plant science innovations.

CropLife Canada members want to play an important role in enhancing the value of Canadian agricultural production. We recognize that Canadian producers have been experiencing enormous pressures with border closures resulting from BSE, historically low commodity prices, and competition from countries such as Brazil whose agricultural production is growing at an extraordinary rate.

Our members continue to work towards bringing innovative products to Canadian agriculture, offering farmers new seed and trait technologies, as well as the latest advancements in pest control for crop protection. These new tools provide farmers with improved yields, better pest control, higher-value crops, and lower production costs.

In addition, the technologies currently in the research pipeline of the life science companies have the potential to revolutionize agriculture as we know it today.

Crop plants will be the platform of the new bioeconomy. We often hear the saying that oil is black gold. The vision of our member companies on the future of agriculture is that agriculture will be the new green gold. Plants will be used to produce renewable energy, plastics, fibres, new materials, nutritionally enhanced foods, and safer supplies of medicines.

We believe that new technology is part of the solution to the current challenges facing crop agriculture and that, in fact, farmers and agriculture can become the cornerstone of the bioeconomy in Canada.

With respect to Bill C-27, the Canadian Food Inspection Agency is responsible for the environmental and animal feed safety evaluation of novel seeds and plants, as well as for enforcing rules for importation of plant products, maximum residue limits for pesticide residues on food, foods derived from plants with novel traits, and animal feed derived from plants with novel traits.

Health Canada is a companion organization to the CFIA and is responsible for the human health safety evaluation of plants with novel traits, the setting of maximum residue limits for pesticides, and pesticide approvals through the Pest Management Regulatory Agency.

As highly regulated companies working with all of these government departments and agencies, CropLife Canada members support a science-based regulatory system founded on up-to-date international science, knowledge, and methods.

We also support making health and safety a priority for regulatory activity. This is indeed a smart regulation approach.

Bill C-27 aims to simplify the CFIA's enforcement activities and we support this objective. This includes aligning our regulation with our major trading partners to gain efficiencies and to reduce or eliminate the incidence of non-tariff trade barriers.

The modernization of legislation and regulatory practices that result in greater efficiency, predictability, timely decision-making, and alignment with our trading partners represents a real opportunity for Canadian agriculture by promoting access to the latest technology and new options for higher-value production.

It is extremely costly for countries so dependent upon trade to have to accommodate regulatory differences when global science is being conducted to determine the best way to evaluate new products or technologies. Canada is a small market and we simply cannot afford to individualize our regulatory approach without serious impacts on Canadian growers.

For example, the committee is familiar with the fact that Canadian growers do not have the same access to pest control products as their U.S. counterparts have. Why is this? In part, it is because of the expense of generating extra data to meet Canadian-specific regulatory requirements. When we add these costs to the small size of the Canadian market, it is often uneconomical to bring products to Canada.

We support Agriculture and Agri-Food Canada's efforts to make minor-use products available to Canadian growers; however, we remain concerned that if we do not eliminate unnecessary differences between the Canadian and U.S. approach to pesticide regulation, our growers will continue to be at a disadvantage.

● (1600)

Similarly, we need to remain vigilant that both policies and regulation for plant biotechnology and seeds are aligned with our U. S. counterparts. If Canada chooses to go down a different path, Canadian growers will again be denied access to these new technologies that have the potential to revolutionize cropping agriculture as we know it.

I wish to assure the committee that a call for regulatory alignment does not result in sacrificing health and safety standards. Regulatory science is a global endeavour. Much is understood about how to evaluate products from a health, safety, and environmental health point of view. Because this is the case, there is little justification for creating what the External Advisory Committee on Smart Regulation calls the tyranny of small differences in our regulations, just to say that we are taking a Canadian approach.

With respect to the role of the CFIA, some witnesses before this committee have expressed concerns regarding the two mandates of CFIA, namely, contributing to a safe food supply and facilitating trade in food, plants, and so on. CropLife Canada's point of view is different. We see it as a competitive advantage to promote Canada's approach to safety and regulation of products and to ensure that our many trading partners, as well as the public, have a full understanding of the rigour of our regulatory system.

Our experience in areas such as regulation of both plants with novel traits and pest control products has shown that rather than there being a dumbing down of regulations, when we aim to align our approach with our trading partners, including the U.S., the regulations actually become tougher. Where safety is concerned, the bar always moves to the highest common denominator, not to the lowest.

The CFIA has worked hard to foster understanding and support for Canada's regulatory system among our trading partners and among those countries in which regulatory expertise is limited. These efforts result in building capacity in other jurisdictions to conduct regulatory evaluations, and in greater acceptance of the high quality of Canadian agricultural production.

The committee has heard about a couple of other issues that, while not directly related to the substance of Bill C-27, relate to seeds and technologies, namely, farmers' ability to save seeds, and genetic use restriction technology, or GURT. I would welcome the opportunity to address these issues in the question period. Our response is contained in the written brief circulated today.

In conclusion, much of what is proposed in Bill C-27 is already in current practice by the CFIA. CropLife Canada members support the streamlining of the regulatory approach taken by the CFIA and the ability of the agency to have one common platform for enforcement activities. CropLife Canada welcomes the opportunity to answer questions the committee members may have about our members' products, how they're regulated, and the contribution they can provide to the advancement of Canadian agriculture.

Thank you.

● (1605)

The Vice-Chair (Mr. Gerry Ritz): Great. Thank you, Ms. Dewar.

We will start the questioning with Ms. Finley, for seven minutes.

Ms. Diane Finley (Haldimand—Norfolk, CPC): Thank you, Mr. Chair.

Well, thank all of you for coming. I really appreciate the time you've taken to go through what seems on the surface to be very simple, yet turns out to be a very complex bill.

I appreciate your comments. I do have a couple of questions, and I'd like to start with Mr. Doerksen.

You mentioned amending clause 44—and that is in the cost recovery—and limiting it to those convicted of an offence. One interpretation of clause 44 that we've heard is that this would represent not only penalty payments but also charges for any and all services rendered or mandated under this act. If you are required to have an inspection, you have to pay for it, so perhaps there should be a cost recovery, perhaps a profitability operation.

Mr. Arno Doerksen: Well, clearly, our primary concern is that there's really complete immunity here with regard to costs for the system. That downloads those costs, some of which have already been there, back to the production system. So not all of that is new, as we saw in our presentation. But when, as Kee suggested, we couple that with live animals becoming part of the regulated commodities or becoming a regulated product, that then implies that primary producers, the producers of cattle, will be saddled with additional costs. That's a major concern, because that's clearly new and not the direction this thing should be going.

Clearly, we support the idea of people paying when they contravene the act or when they're found in breach of the act or convicted of an offence, but to simply say that all the costs of the system are going to be put back to the producers and to the production system is inappropriate, because this bill goes far beyond just production. As we've said, the focus of this needs to be on animal health and food safety, so that becomes a broader issue. And to saddle the primary producer with all of that cost at the various levels of production above that is inappropriate.

Ms. Diane Finley: Dr. Jim, would you like to comment on that?

Dr. Kee Jim: It would appear, but it's not totally clear, that the proposed extension whereby the live animals become part of the routine CFIA inspection and enforcement would represent new costs in the system. The audits and so on, it appears, would be borne by the primary producer, whereas in many other types of legislation, the audit functions—the compliance, and so on—are in the public good, so it's a cost borne by society, not by the specific production sector.

That's our concern, particularly when we're not totally sure what the new licensing and the new requirements for regulated products, i. e., live cattle, will be. We don't know what they are, so it's pretty difficult to tell what the cost would potentially be if it's a cost recovery type of approach, as it appears likely to be here. There are these undefined potential rules, which have costs of enforcement, and we can't figure out what they will be or can't get our arms around what might develop at a time further down the line. It's very ambiguous to us at this point.

Ms. Diane Finley: Thank you.

You also refer to clause 45, which grants complete immunity to the minster and the CFIA. I have some concerns about that, as I've mentioned as recently as today in the House. Is there anything you'd like to suggest that would be different—not just immunity, but perhaps going the next step and saying that if there were frivolous action, for example, there should be consequences? Would you see that as relevant?

Dr. Kee Jim: That's what's just amazing. Why would there be a complete indemnification procedure for the minister under any circumstances? I think we all recognize that in the event of certain activities the minister and the government may be forced to make decisions and do things where they're acting in good faith. In retrospect, it may be looked upon as going a little too far, and you should be able to recover the economic consequences of that.

For example, in the event of a foreign-animal disease incursion into the country, there will be some potentially controversial decisions made, in an effort to contain disease, that may have to be made on the spur of the moment. As producers, we can live with those types of decisions as long as there is some measure of accountability, but to basically state right from the beginning that there is no accountability and no mechanism for review of the situation, or for any arbitration, or for any recovery of producer cost, and so on, is a pretty onerous statement and a pretty worrisome one.

● (1610)

Ms. Diane Finley: I'm wondering if any of the three of you could describe what sort of mechanism you'd like to see in place for accountability.

Mr. Arno Doerksen: There are a number of things we have spoken to. Kee referred to the good faith exemption, which is standard in these types of regulation for ministers of the Crown; that's certainly in place.

One of the other things with regard to accountability, I think, is in the first three points we make with regard to recommendations to bring forward and re-establish the advisory board. To make it a very vital part of the operation could be very useful. It's not so much a matter of accountability with regard to the regulation, but to make sure the partnership approach to how this whole system is delivered, to both the public and the industry, is kept in balance. Cattle producers are very much a part of a good food safety system by virtue of their production practices, and it's important that this linkage not be lost. There is some accountability in that, but clearly the broad sweeping immunity that's clear in this and that's been stated is inappropriate.

Ms. Diane Finley: Ms. Dewar.

Mrs. Denise Dewar: CropLife Canada would also support some type of appeal mechanism, or an ombudsman, or something along those lines, for exactly the reasons mentioned.

The Vice-Chair (Mr. Gerry Ritz): Madame Rivard.

[*Translation*]

Ms. Denise Poirier-Rivard (Châteauguay—Saint-Constant, BQ): Thank you, Mr. Chairman.

Ladies and gentlemen, thank you for coming. You have studied Bill C-27 and you have made a number of recommendations to our Committee.

You, the Alberta Beef Producers are proposing the following as your fourth recommendation: Remove live animals from the definition of "unregulated product" and remove the live animals and the Health of Animals Act from the mandate of the Canadian Food Inspection Agency.

I would like to know who would be responsible for the control of animal diseases such as bird flu or mad cow disease. Would it be another agency or Agriculture Canada?

[*English*]

Dr. Kee Jim: Hopefully, I understand the question correctly.

One of our recommendations is to remove live animals from the definition of a regulated product. That's the new part of what is being proposed in the bill. Removing live animals and the Health of Animals Act from the mandate of the Canadian Food Inspection Agency—we're putting that in to show, by extension, how putting live animals in and defining them as a regulated product just doesn't make any sense. That's not an approach we can support.

In terms of controlling and dealing with mad cow disease, because it is a disease that affects live animals, that part we can see makes sense.

So if you're going to go back to first principles, go right back and make Bill C-27 something that deals with all of our problems, then that's where that statement comes in. You're going to go back even further into the regulatory process and start to question why they were in the Health of Animals Act to begin with.

I don't know if that helps, but hopefully it does.

● (1615)

Mr. Arno Doerksen: I believe that prior to the establishment of CFIA, live animals were under the jurisdiction of Agriculture and Agri-Food Canada. If some of these things are going to be brought in the way they are, then remove live animals and put it back to Agriculture and Agri-Food Canada, and take a little different approach to it, as Kee mentioned. Exactly how that's worked out needs to be discussed in the broader context. You don't take one part out; it's part of an overall package. If some of these other factors are going to be inherent in the bill, then we need to move live cattle out of the jurisdiction of CFIA.

[*Translation*]

Ms. Denise Poirier-Rivard: This brings me to ask you if you are proposing a traceability system administered exclusively by the cattle industry.

[*English*]

Mr. Arno Doerksen: In fact, we do have a traceability program that is operated by producers. The Canadian Cattle Identification Agency runs a trace-back program or an animal identification program that allows producers to trace animals back to their herd of origin. This certainly is a key component in our response to the situation we have here in Canada as a result of the limited BSE we have.

International markets and other countries that are interested in our products have recognized the value of that program to the cattle production system. So we certainly feel that continues to be a part of our whole response to animal health and food safety.

Does that address your question? I'm not sure I caught it completely.

[*Translation*]

Ms. Denise Poirier-Rivard: Yes, it is okay.

Are the Alberta beef producers still regularly feeding their cattle with animal meal or has it been completely eliminated from their feeding?

[*English*]

The Vice-Chair (Mr. Gerry Ritz): For clarification, you're talking about bone meal and blood meal.

Okay.

Dr. Kee Jim: In 1996 the ruminant-to-ruminant prohibition was made, so protein derived from ruminants could not be fed back to ruminants. So that hasn't happened for many years.

The Vice-Chair (Mr. Gerry Ritz): Thank you.

Mr. Easter, for seven minutes.

Hon. Wayne Easter (Malpeque, Lib.): Thanks, Mr. Chair.

Thank you, folks, for your presentations. When I read through it, your submission is substantially different from some of the other organizations that have come before us.

I just can't help but ask the question. Are you really serious about removing clauses 3 to 23, removing clause 45, and removing on-farm quality management, quality control programs, food safety systems, and traceability from the minister's regulation-making authority?

Do you actually see, Dr. Jim, as a veterinarian, that we'd have a hope on God's green earth of exporting animal products and beef to the rest of the world if we removed all those clauses? Are you serious?

● (1620)

Dr. Kee Jim: We most certainly are serious. We currently export to most nations of the world. That's a new section, so we've been able to do it without clauses 3 to 23 historically. It represents defining beef cattle as a regulated product, the live animal versus the food that's derived from them. We don't see it as the role of government to be telling us what production practices and quality programs should be on the farm. That's a radical extension of the existing authority.

Hon. Wayne Easter: I take your point of view seriously, but I really do think you've misread the act. Under licences, what it clearly says is:

> The Minister may issue to any person a licence of a prescribed class that authorizes the person to be engaged in, or to operate an establishment to engage in,
>
> (a) the importation of a regulated product;

It then goes on from there. Licences are extremely important in that area and are done by other acts at the moment. Some of the other points you raised are carried out under the Health of Animals Act.

On foreign inspection, if you take clauses 3 to 23 out, you lose the foreign inspection arrangements and you lose the exchange of information, which are there to create efficiencies in the system in terms of arrangements with other countries to the benefit of the livestock industry.

If you take out the temporary orders that allow the country to respond rapidly to threats and to public health and safety.... You need that authority there to respond in times of need. The emergency exemption is there to provide relief in public emergencies and natural disasters. You need those authorities if something happens in the future.

I really do, in all seriousness, find it strange that you believe that the CFIA would have the authority to do its job if we removed all those sections that you're asking us to remove.

Arno.

Mr. Arno Doerksen: Certainly the clauses need to be rewritten. Part of what we're saying is the provision for the minister to grant licences for some of these sectors is not new, but by implication in clause 15 to suggest that...basically, our understanding of that is that primary producers could require a licence to function in Canada, and that's inappropriate. Under the circumstances, with the range of clauses there and implications that are new to this whole regulation, we're suggesting you remove it, rewrite the section in consultation with industry in a way that will allow for the effective and efficient production of animals in Canada without compromising any animal health or food safety regulations.

There seems to be no public good or higher level of protection that is proposed or is being sought by this regulation, other than the authority to license. What is the purpose of that?

Hon. Wayne Easter: On the authority to license the importation of regulated product, there are a number of other points there. In any event, we'll have a look at it from our side.

I personally think that if we go as far as you're requesting, we would have serious problems giving the Canadian Food Inspection Agency the authority to do its work. I think that would create severe problems for us in terms of exporting meat products to the rest of the world.

You mentioned that cost recovery is not directly related to this bill. I certainly think there's a need for the agency to receive its costs from someone. I know that in the hearings I've been holding across the country, there is certainly a belief out there in the farm community... and it's not directly related to this bill. But if it is a mandated cost for public health, public good, and public safety, producers are certainly telling me that it should be the responsibility of society as a whole to cover the cost, rather than the primary producer.

I would like to hear your view on that. It's not directly related to this bill, because I think they have to cover their costs somewhere, but what's your view on that?

My question is this. If it's mandated, should it be covered by the public rather than the primary producer because it's for the public good?

● (1625)

Mr. Arno Doerksen: The simple answer would be yes, I think so. I think some of the implications that are inherent in this are the reasons why we're saying these clauses need a rewrite at the very least.

In terms of a mandated cost for the public good, that should be recovered, again, at the very least, on a partnership basis. You can't saddle primary producers with a whole bunch of extra costs that aren't focused on animal health and food safety. There are also implications for some of the quality control and management principles that are inherent in this by giving all of that control over to CFIA.

Hon. Wayne Easter: Do I have time for one more?

The Vice-Chair (Mr. Gerry Ritz): No, you're actually out of time. We'll catch you at the next round. It's not a problem.

Dr. Kee Jim: I have one quick comment to follow up on Arno's statements.

Part of our reluctance on this bill is that we don't know what CFIA has in mind. When you've defined the live animal as a regulated product, what do you have in mind for enforcement, audits, and so on?

We don't know what the costs are. We have no way of determining what the costs might be, because we don't know what protocols and other things are going to be imposed on the production system. There's high level of uncertainty.

If your question is on how we think those costs should be distributed, our question is this. What's the nature and extent of these undefined costs? If it's inconsequential, then it's not a big concern. But because we don't know what the program is going to look like, the costs may be very high. That's the root of our concern.

Mr. Arno Doerksen: I don't want to create a blanket answer to a question that has a few facets.

For example, the CCIA, the Canadian Cattle Identification Agency, which we referred to earlier, is paid for by cattle producers. We voluntarily and deliberately implemented that program, which was paid for and delivered by producers, because we believed that it provided producers with the opportunity to create a higher level of confidence in our animal health and food safety system.

I don't mean to suggest that producers would be irresponsible in accepting their fair share of the costs.

The Vice-Chair (Mr. Gerry Ritz): Thank you, gentlemen.

Mr. Miller, for five minutes.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chairman.

I'd like to say thanks very much to our witnesses for being here. I'm also a beef producer, so it's sometimes refreshing to have somebody here who actually knows something about the industry.

I apologize, Mr. Doerksen. I missed the first part of your presentation. I was speaking on a bill that shouldn't even be before Parliament, but anyway, it was there.

I have one question. I was going over your summary, and you mention the lack of consultation with the industry. That sometimes happens when government tries to ram some things through. What could we have done better, and what should we have done better, to have a little more consultation from the industry itself?

Mr. Arno Doerksen: Our first three recommendations speak to this question. The Canada Food Inspection Agency Act provides for an advisory board to the minister. That is a function that was in place for a time but has not been used recently. If it was in place, this group could speak to the impact of the bill.

There is lots of provision for consultation with cattle producers, and the establishment of the Beef and Cattle Producers Advisory Committee to the CFIA is a positive thing. There needs to be a similar advisory role to the minister; this is critically important for a partnership approach to the matter.

The other side of the coin is that some people say our cattle producers are trying to get in to tinker with the animal health and food safety system. Not at all. There is no compromise in the high standards of quality. But we really have to understand the system, and it goes beyond cattle producers to all other commodities.

There is a primary production role of having to deliver a product, and we know the value of quality control programs that go right back to the farm gate. To be effective, we need good communication and dialogue. This is where the rubber hits the road.

You can make regulations here in Ottawa, in the halls of Camelot, but they need to be practical for producers. It doesn't compromise effectiveness in any way. It's a matter of completing the system. There are various ways that consultation can take place.

● (1630)

Mrs. Denise Dewar: From the standpoint of CropLife, a lot of the enforcement aspects that relate to seed were taken up in the previous Bill C-80, so from our standpoint there are not a lot of concerns about consultation. But it can certainly be an issue when new legislation and regulation is coming through.

Mr. Larry Miller: Mr. Doerksen, on page 2 of your report, with respect to licensing power, it seems we're putting a little too much power in one person's hands. Do you have any comments on this?

Mr. Arno Doerksen: Clause 3, coupled with clause 15, provides for licensing of all primary production facilities. That's the concern. Licensing of importers and exporters has been standard for a long time and we don't have any quarrel with it. We're referring to adding a licensing role for primary producers when it seems unnecessary. It's an unwarranted extension of federal government regulatory authority. There is no stated purpose for it, no context that it's been put into.

Mr. Larry Miller: You mentioned on page 6 the difference between food products and live animals. I wonder if you could enlarge on that.

Dr. Kee Jim: Throughout the bill one of our major concerns is that the live beef cattle are being prematurely defined as food. We need to make a clear differentiation. If you make live animals a regulated product, by extension you're creating a whole different regulatory environment at the farm level.

We don't necessarily have difficulties with this; it's just that we don't know what it is. It's not clear. The “minister's discretion” could mean virtually anything. This is what we need to know. It lays the framework for regulating activities on the farm, and we have to know what it is.

The Vice-Chair (Mr. Gerry Ritz): Thank you, Mr. Miller.

Monsieur Gaudet.

[*Translation*]

Mr. Roger Gaudet (Montcalm, BQ): Thank you, Mr. Chairman.

We wish to welcome our colleague Don Boudria who has a large area of farm land in his riding which I drive through about twice a week.

Ms. Dewar, what do you think of Bill C-27? Earlier, you mentioned Bill C-80, but that bill was never passed. I think that it died on the Order Paper. I wish to get your comments on Bill C-27 because we did not get them. Do your comments on Bill C-80 also apply to Bill C-27?

● (1635)

[*English*]

Mrs. Denise Dewar: I think Bill C-27 does meet the needs of our industry. I referred to Bill C-80 in the sense that a lot of the work was done at that time. As that bill did not go forward, Bill C-27 was streamlined. It accomplishes the goals that we need, so Bill C-27 is acceptable from our point of view.

[*Translation*]

Mr. Roger Gaudet: Then it is acceptable. Don't you have any recommendations to submit to this Committee in order to improve this Bill?

[*English*]

Mrs. Denise Dewar: As I mentioned earlier, we would support an appeal mechanism. It would also address some of the issues that beef producers have brought forward. An appeal mechanism or ombudsman could help to address some of the concerns that I've heard about too much power going to the CFIA. With an appeal mechanism, there would be an opportunity to vent concerns and to bring those up, so I would put it forward as a recommendation.

[*Translation*]

Mr. Roger Gaudet: Thank you.

Mr. Doerksen, in your second recommendation, you said: "Request that the minister re-establish the advisory board prescribed by section 10 of the Canadian Food Inspection Agency Act".

What advisory board are you talking about? It must have existed since you want it to be re-established.

[*English*]

Mr. Arno Doerksen: It's described in the existing act. It was an agricultural advisory board to the minister that was in place but simply hasn't been active. I can't give you the details of that, but I understand it was to have a maximum of 12 members and to serve at the will of, or during the term of, the minister basically. From an industry perspective, it was a positive thing, but it simply hasn't been kept up.

[*Translation*]

Mr. Roger Gaudet: Do you know who were the members of that advisory board? Did it include producers?

[*English*]

Mr. Arno Doerksen: I don't know all of the members. I do know a particular person who was on it, one of the past presidents of the CCA, Ben Thorlakson, who was on the committee when it was implemented by Minister Vanclief, I believe, quite a few years ago, but they really only had a few meetings and didn't continue with the process.

It had a broad range of representation, with some producers, but not only producers; it represented the agriculture industry in advising the minister with regard to impacts from a range of things, not just CFIA.

[*Translation*]

Mr. Roger Gaudet: You asked Mr. Easter to eliminate some restrictions concerning food inspection. Do you believe that our inspection process is more rigorous than that of the US?

[*English*]

Dr. Kee Jim: No, we don't want to necessarily be any more strict; in this bill, we want to understand.... There are a lot of things here that are implied and have no details, from the viewpoint of a primary producer. It's given the minister very broad and sweeping powers, and we don't understand how it's going to affect us. As live cattle producers we are now affected, as ours is being defined as a regulated product. We have to know what this regulatory scheme looks like and what areas of production on the farm are going to be audited and monitored.

It talks very vaguely about food quality. It talks about on-farm food safety. In clause 56 it talks about a whole host of things. It talks about traceability. What are the details of some of those new provisions that aren't in any of the other agency acts that are supposedly being consolidated here? That's our uncertainty. We don't know what the.... It's very broad, and we don't know what it means for us as primary producers. What does the government intend to audit of our day-to-day activities? What are the costs of such activities? Who's going to define those standards? What's the mechanism for determining or even defining what quality is?

That's the nature of our concerns. We're not suggesting that we're going to compromise food safety or the Canadian public in any way, shape, or form. But the very broad and sweeping nature of this bill causes grave concern for primary producers, because they are now defined as producing a regulated product, something CFIA has enforcement powers over. When we don't even know what they're trying to enforce, it causes us a great deal of concern.

● (1640)

The Vice-Chair (Mr. Gerry Ritz): Thank you, Mr. Gaudet.

Mr. Boudria, for five minutes.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): I want to just get back to clause 56 of the bill. At one point, I chaired the cabinet committee on regulations—some time ago. If some of the concerns you have are about where the government may make regulations, the way in which these things are generally written is to give the parameters where the regulations are to be made. That in itself does not confer power on the minister himself or herself, at the time that you have a minister; what it says is that the House delegates this to the Governor in Council.

The way the regulations are then made is that a draft set of regulations is pre-published, usually after previous consultation with an industry sector. They're then circulated, after draft approval by a cabinet committee, for a specific number of days, sometimes 60, sometimes 90. The reaction of the industry is sought, and then a revised example is passed by cabinet at that point. Only then is it gazetted and signed off by the Governor General, and they become regulations at that point.

Even then, if a regulation is made that exceeds the authority in the bill, there's a committee of us, members of Parliament, who oversee that process in the end as well.

I guess my question is, is it that you don't want the regulation-making ability to be that wide, or rather that you would be seeking to know more concretely from the minister where he intends to regulate?

Have I understood your concern correctly?

Dr. Kee Jim: I believe you have.

We recognize there are other legislative processes before any of this gets enacted, but our question on paragraph (o) of clause 56 is questioning "establishing the requirements for quality management programs or quality control programs for regulated products, food safety systems" and so on. We're questioning whether there would ever be a reason to regulate in that area. We can't really figure out why the minister would ever want to be involved in on-farm quality management and things like it that involve more market-driven parameters.

Paragraph (r) is "respecting the design, construction, hygiene, sanitation, maintenance and operation of establishments"—which now include farms—"referred to in section 3 and the equipment and facilities in them". We're just having a hard time devising the scenario where the government would want to make regulations in those areas, or what the rationale would be.

I think the fundamental question is, why would you specifically put them in there unless some action or scenario were being contemplated? It comes right back to the fundamental issue we have as beef cattle producers: we don't feel it's the role of the government to be involved in day-to-day production. It is the role of the government to make sure that food safety and public health is being protected, but you can do that on an outcome basis; you don't have to do it on a production basis and get involved in day-to-day production in the farming, ranching, or feedlot producing sector.

● (1645)

Hon. Don Boudria: Can I, with your permission, challenge that briefly?

For instance, under the health of animals provisions now, there are such powers presently existing whereby an inspector, for the purpose of identifying animal health, contagious diseases, all these others things, has that power now. It doesn't mean they want to be in your business of farming, but it does mean there is a role on behalf of society to inspect, to do the things those organizations do already. Is that really a change?

Dr. Kee Jim: It is a substantial change. We recognize and fully support disease control and making sure we don't have foreign animal diseases in this country and don't create public safety issues. But requirements for quality management programs or quality control...? Quality management and quality control are not part of food safety per se. It's just that you've established a mechanism—and it's not to say it will ever be used, but why would you ever want to be in that particular area? It doesn't relate to the current Health of Animals Act and preventing the things that occur under it.

Producers aren't objecting to the fairly broad and sweeping powers under the Health of Animals Act to control foreign diseases and control situations that may result in a food safety issue for the public. We have no difficulty with that, but we have a lot of difficulty with proposed legislation, especially when it's enforced by an agency on very loose parameters and is very undefined in terms of what might be done or what is being contemplated. We just can't understand why you would ever contemplate wanting to be involved with equipment and facilities, for example.

The Vice-Chair (Mr. Gerry Ritz): Mr. Sorenson, for five minutes.

Mr. Kevin Sorenson (Crowfoot, CPC): Thank you for coming. It's good to see you guys down here again.

The Conservative Party of Canada generally supports a less intrusive approach to regulatory policy in Canada. When you look at Bill C-27, it doesn't take long to understand that this is very intrusive. This regulatory system they've put in place is very intrusive, maybe even on rural Canada and the way they do business currently.

I know Mr. Doerksen is an individual who's been around cattle all his life. Over the last two years, Mr. Doerksen, have you spent much time with CFIA? Is it lots of time?

Mr. Arno Doerksen: Yes, quite a bit.

Mr. Kevin Sorenson: Yet in the recommendations that come we're being asked to remove clauses 3 to 23 from Bill C-27, to remove all policy provisions from Bill C-27, to amend clause 44. In your testimony, Mr. Jim, when you talked about the live animal now becoming viewed as food right there on the farm, right out on the ranch....

Mr. Chairman, have the purebred people been here yet?

The Vice-Chair (Mr. Gerry Ritz): Not that I'm aware of, no.

Mr. Kevin Sorenson: We haven't had any of the purebred breeders here? I would suggest to the committee that they would be a good group to get—maybe Herb McLane and Norris Sheppard and some of those guys. They should appear here. As I said, I think this is very intrusive.

What are the implications to the producer? In your view, what are the implications to the 50 cow-calf operator out there in east central Alberta? What are the implications of this bill right off the top? More record keeping? It's not just the intrusive measures that the bill may give CFIA as far as coming in and searching, quarantining, or even potentially being able to...I wouldn't say shut down, but certainly to come in without warrant and quarantine or hold inventory.

● (1650)

Hon. Wayne Easter: You might have said that too, since you're just using scare tactics.

Mr. Kevin Sorenson: No, let me say this, Mr. Chairman, and I said this at the last meeting. I'm not regularly on the agriculture committee, but when I did go into my constituency and host five town hall meetings in the last week, this issue came up more than anything else. And that's in the midst of Gomery, in the midst of same-sex marriage, all this. Bill C-27 is one of the major concerns that producers have.

If you were to make one recommendation to the CFIA to make the CFIA better, what would it be?

Mr. Arno Doerksen: I think an effective and functioning advisory committee to CFIA and the minister would be an important one. In fact, it was one of the recommendations we made. There is an advisory committee being established, and we think that's very good, but it really needs to be effective, because that's how you get ongoing practical outcomes from the kind of system we have.

We've suggested a range of exemptions or removing a number of sections. Certainly, they need to be rewritten so that they're practical. If this bill is going to go into new areas, it needs to be done in close consultation, because the impact that you asked about of making live animals out on the farm a regulated product is very significant. Along with a number of the other vagaries or undefined areas in the bill, it simply creates too much uncertainty to go ahead with the current write of the bill. It needs a rewrite in some of the sections that we've talked about.

Mr. Kevin Sorenson: Since BSE and since some of the security issues that have been brought up, are we better off with what we have right now than with Bill C-27? I think everyone recognizes that we have to do things differently, and we have to make sure we can trace and track, but when I look at the intrusion on the property rights, for example, or other things here, I think we're better off maybe holding off on anything until we do it right.

Dr. Kee Jim: If it was approached with the modernization and consolidation viewpoint of the existing act and if the stated objective of Bill C-27 was followed more closely, then it would be very acceptable. I think we all recognize that we're faced with potentially new situations that need to be dealt with, things such as bioterrorism, tampering with the food supply, and things that were not contemplated in the past. There's no difficulty with that. It's just that the "new portion" should be limited to dealing with issues and not trying to advance an agenda to turn live animals into a regulated product. I think the cattle industry would support having a bill such as Bill C-27 with the stated objectives but without legislative creep into areas where there's no perceived need.

Certainly, if the need is there, then it needs to be better explained as to what this legislation would be used for. What on-farm activities do you choose to regulate? You alluded to record-keeping. Under this bill it could be far beyond record-keeping. There's no end to the possibilities as to what could be enforced and what types of things you would have to do on the farm.

● (1655)

Mr. Kevin Sorenson: Give an example.

Dr. Kee Jim: They talk about a quality management program; that means not only record-keeping. Maybe the government chooses to tell us that unless you have cattle that meet a certain quality parameter, you can't raise them because they don't measure up. That's a very strange area to want to get into.

What about just trying to tell you how to design your chutes or your corrals and tell you the frequency with which you need to maintain your equipment. There are all sorts of things in here that could potentially be looked at.

We fail to see the connection to food safety and public good. That's where we're struggling with this thing.

The Vice-Chair (Mr. Gerry Ritz): Thank you.

Madame Rivard.

[*Translation*]

Ms. Denise Poirier-Rivard: In your second recommendation, you are asking the minister to re-establish the advisory board prescribed by section 10 of the Canadian Food Inspection Agency Act. What powers would you give to that advisory board?

[*English*]

Mr. Arno Doerksen: It was simply an advisory board; it wasn't a decision-making group. Does that answer the question?

[*Translation*]

Ms. Denise Poirier-Rivard: This board should made up of people from all sectors, including veterinarians. Ten or twelve people qualified to make decisions and who are knowledgeable about all the problems would have to be part of it. I find it difficult to imagine what kind of powers could be given to that kind of advisory board.

[*English*]

Mr. Arno Doerksen: It certainly would be able to comment on a broad range of issues the minister faces, yes, specifically as they pertain to this bill. If that group had been maintained and was functional, it would be a very appropriate group to comment on the details of modernizing legislation. As Dr. Jim suggested, we support that approach. Certainly, a group like the advisory board would be a reasonable group to comment on details of the legislation.

[*Translation*]

Ms. Denise Poirier-Rivard: Has Ms. Dewar something to add?

[*English*]

Mrs. Denise Dewar: It's about the responsibilities of the advisory board?

[*Translation*]

Ms. Denise Poirier-Rivard: I could repeat my question.

[*English*]

Mrs. Denise Dewar: Again, I would support the advisory board having a function to allow producers to go and challenge decisions that are made, but I don't know if I heard your question.

Mr. Arno Doerksen: There have been a number of questions asked about the makeup of the advisory board, and there's probably no better group than this group to find out the details of that. That would be in the public record, I'm sure. I can't give you the details of who was on that board, but certainly it would be in the public record, and I'm sure this committee could get that information.

The Vice-Chair (Mr. Gerry Ritz): Thank you, Madam Rivard.

Roger.

[*Translation*]

Mr. Roger Gaudet: Concerning this advisory board, as a mayor, I was the warden of an MRC and we had an advisory board on agriculture which directed all agricultural matters such as dezoning and so on. That board submitted recommendations to the MRC and the latter made the decisions. An advisory board must be active. If it is not, it has no value. It should submit good ideas to the minister or the authority responsible. If the advisory board is active, it will be a good thing. It should include all kinds of people. In our board, we had agrologists, mayors and even a citizen who was completely outside of agriculture. That way, we were getting all kinds of ideas. When the MRC received those suggestions, we were able to put together a master plan.

Personally, I wish we had an advisory board, but it should not be only consulted through written communication. It should hold meetings to be able to have good input. That's all.

[*English*]

The Vice-Chair (Mr. Gerry Ritz): Do you have anything on that, gentlemen? No?

Thank you, Roger.

Mr. Easter, five minutes.

● (1700)

Hon. Wayne Easter: Thank you, Mr. Chair.

My line of questioning is somewhat along the lines of Mr. Boudria's.

First, on the Beef and Cattle Producers Advisory Committee, I think that in the bill overall it would have to be broader than that, because CFIA isn't just about beef and cattle. But you are right, there was an advisory committee that stopped functioning some number of years ago. I don't think you'll find resistance on the government side to moving forward with that kind of advisory committee as long as, as you say, it's effective and provides a good function.

Any suggestions you might have on the makeup of that, Mr. Chair, we as a committee would appreciate receiving. We will have to go back and look; I don't know myself, Mr. Chair, who the people were on that committee. I think that's a very good suggestion.

Coming back to the regulations and paragraph 56(o), I think one of the intents here, Dr. Jim—and we're seeing it with the BSE, for instance, a concern from the public.... With modern farm operations and on my own farm, we ourselves do our own feed regime. We had to be able to assure the public out there that if you're making your own feed, etc., it does meet the quality control standards the public is demanding and whoever we export to is demanding as well. I don't anticipate this would be overly intrusive, but I do think you need to assure the public that your standards of safety are there. I think that's the need with respect to those clauses in the bill.

What's your response to that? Don't you think we need to cover up that end as we go to a more modern system of farming, one that creates a lot of efficiencies on the farm? Farmers themselves are picking up a lot of those responsibilities that are now regulated at the feed manufacturer; then we have to assure the public that everything we're doing is above board.

Dr. Kee Jim: In that narrow example, I would agree with you, but if you choose to mix your feed on the farm, you are presently under a regulatory requirement. It wouldn't be an extension of anything that isn't already there.

Hon. Wayne Easter: I don't think it's anticipated to be. If there are requirements, then you basically need in your legislation itself the enabling powers to do A, B, C, and D.

Don outlined the safeguards to ensure that from an industry standpoint.... I certainly don't want any more regulation than we currently have either, but we do certainly have to meet the standards of public safety. I'm just trying so we're not too far off the same wavelength.

Dr. Kee Jim: I think it's easy to reach consensus on a very straightforward example like that. But there are many controversial things on production practices that are potentially out there, and I'll give you an example. There's controversy regarding the use of antimicrobials in animal agriculture. There's a whole range of scientific opinions and theories upon this matter. That could potentially be construed as a quality issue. We don't want to get tangled up in that debate at the farm level.

Hon. Wayne Easter: I would agree with you. We've seen some of those suggestions, that maybe we shouldn't eat meat—practically to the point where they're suggesting that maybe we shouldn't eat meat; we should just eat the grass ourselves. It's pretty nearly that bad.

To you, Denise, because you're with CropLife Canada, there've been a lot of people—and maybe this is some of the problem in Kevin Sorenson's area—out there, while we're dealing with Bill C-27, implying that it gives a whole lot of authority in terms of plant breeding. This bill has nothing to do with the plant breeders' act. It's a separate act. I'm not saying Kevin's part of it, but one of the reasons for all the fear out there is that there's a major campaign on by people opposed to the Plant Breeders' Rights Act, and that's fine.

In any event, I just want your comment that this bill does not in any way relate to the Plant Breeders' Rights Act, that it's a separate matter.

● (1705)

Mrs. Denise Dewar: That's right.

Hon. Wayne Easter: My last point is on the GURT or terminator gene that you mentioned. What did you want to express with that? You never had time to deal with it.

Mrs. Denise Dewar: What we would like to raise is the issue that I think the committee has heard from some folks who have stated that this technology will be used to shut down the ability of farmers to save their seed and will mean farmers in the developing world will not be able to use their seed. I think what we'd like to express is that this technology is not meant for farmers in the developing world. This technology is actually meant for farmers here in North America who are already using hybrid seed or biotechnology in transgenic seeds.

The objective of GURTs, genetic use restriction technologies, is to prevent the outcrossing of some of these genetically engineered DNA. It's really a mechanism to address some of the concerns the critics have around gene flow. As we go to high-value novel traits, like producing plastics and fibres and different products in crop plants, it's also a mechanism that helps to contain those traits and makes sure they stay where they're put.

This is a technology like any other technology; it has pros and cons. The reason we have a regulatory system and CFIA is to ensure that these technologies are used for maximum benefit with minimum risk to the system. We want to make sure that Canadian farmers and Canadian industry have the opportunity to use those technologies in an appropriate fashion.

The Vice-Chair (Mr. Gerry Ritz): Thank you, Mr. Easter, Ms. Dewar.

Just to follow up with this, I'll use the chairman's prerogative.

In the bill there's actually a subclause, 53(1), that says CFIA can actually bring charges up to and within two years of the date of beginning an action; but in the case of seed, it's actually three years. Do you think it's punitive to actually add another year only for the seed sector or to single out any other sector in this way?

You've said the bill is basically okay with you. I'm wondering if you have any concern over why this extra year is there.

Mrs. Denise Dewar: This would be a consideration that we'd have to look at.

I wouldn't say we don't have concerns. I think what we do see on the seed side—which is very different from the animal side of agriculture—is a bill that achieves its objectives of streamlining in terms of efficiency and consolidation. It's actually putting into legislation what has already been occurring, in effect. The concerns from the crop and the seed side are not the same as the ones from the animal side; that would be my point.

But on your point, yes, I think that is something we'd like to look at.

The Vice-Chair (Mr. Gerry Ritz): Thank you.

Ms. Finley, five minutes or less.

Ms. Diane Finley: I'll keep it to less, if the witnesses will.

To build on the chairman's question, subclause 53(1) does say that charges don't have to be laid for up to two years. In other words, the statute of limitations is two years here. Anytime within that period they can be laid, which conceivably could mean that somebody could go into an operation—be it a farm, a processor, or whatever—shut them down with a warrant, and then not lay charges for two years. Do you think the two-year limit is appropriate? If not, what would you recommend?

Mr. Arno Doerksen: We'll take another look at that, and if we have further comments, perhaps we could provide them, along with.... I think there was an earlier question that we have to add some comments about—the makeup of the advisory board. Is that correct?

● (1710)

The Vice-Chair (Mr. Gerry Ritz): That would be great.

Ms. Diane Finley: I'd appreciate that.

Mr. Arno Doerksen: I don't have a further comment on that. The two-year timeframe for laying charges, for taking legal action, is kind of a standard, not in industry but in the legal world, as I understand it. So I don't have a comment on that at this point.

Ms. Diane Finley: The committee would appreciate it if you could provide some feedback on that, please.

Mr. Arno Doerksen: Sure. We will do that.

The Vice-Chair (Mr. Gerry Ritz): Okay. That's it?

Mr. Boudria.

Hon. Don Boudria: On the last point, it's still important that there be a considerable amount of time to lay these charges. If someone has tampered with something and has tampered with it a long time ago, because the incident happened a long time ago, for the interest of the people who are producing it, you want to be able to lay these charges. It doesn't mean that you shut them down and forget about them for two years before you even charge them. That's not the idea. It's the other way around. It's to ensure that if someone is able to prove that something happened, say, more than six months ago, and it's hopelessly wrong.... If you're only able to lay charges in reference to something that occurred less than six months ago, then you couldn't do anything most of the time. That's the other side of that.

Anyway, the issue I want to raise again is the authority to regulate, which I tried to establish a little bit earlier. Authority to regulate is not regulation in itself. That's the next step. But on the advisory board or advisory committee that has been referred to....

I'm just thinking out loud here. I'm not speaking for the government. I'm not a minister. I'm not the parliamentary secretary.

If the advisory board had broader authority, as I think the parliamentary secretary has indicated, over more things, not just one sector, and secondly, if it were stated that the board has, say, the power to review the regulations before they're gazetted, or perhaps even before they're draft-circulated for the first time, would that help in satisfying the industry, at least the part of the industry you represent?

I'm just trying to find a way to make that better.

Mr. Arno Doerksen: It certainly seems to me, from a common sense perspective, that it would, because the advisory board, as it's outlined in the act, was to have not more than 12 members. Let's say it represents the broad interests of the industry. It would be a logical body to comment on the impacts of regulation.

Hon. Don Boudria: But if it were specifically said that this was one of their mandates, would that help you?

Mr. Arno Doerksen: Sure. I think that would be a good thing.

Hon. Don Boudria: Could I get the others to comment? There's more than one group here.

Mrs. Denise Dewar: I think the issue always, when new legislation is coming through, is how far are the regulations going to go? Some transparency around that would be helpful.

Hon. Don Boudria: That sounds like a yes. Is it? Okay.

That's it for me.

The Vice-Chair (Mr. Gerry Ritz): Thank you.

As one other point, in light of this bill trying to streamline, coordinate, and be more cost-effective, one of the issues that has come to light is that there will be a crossover of inspectors. You might have a beef inspector doing a fish plant, or a fish inspector doing a poultry plant, or a poultry guy out inspecting a crop variety.

Do you see the effectiveness of that, Dr. Jim? Are you capable of rushing into Nova Scotia this evening and inspecting a fish plant? Would you feel comfortable doing that? Or would you feel comfortable having your counterpart from there inspecting your facility?

Dr. Kee Jim: From an inspection viewpoint, given the complexity of agriculture and agribusiness in the various sectors, from poultry to swine to cattle to aquaculture, etc., I believe it's beyond the capabilities of most people to be expected to effectively multi-task in very diverse production systems that involve very diverse species, to be highly competent and capable of good judgment, and to still have enough expertise to really be functional. I would have serious reservations about fish inspectors looking at cattle, and I'm sure they would have equal reservations in reverse.

The Vice-Chair (Mr. Gerry Ritz): I would hope so.

With that in mind, how many more inspectors are we going to need on the ground to make this effective? Can you give me a ballpark guess? I mean, everybody says there's not enough now.

● (1715)

Dr. Kee Jim: But that's part of our concern. We could answer that if we knew what they intended to inspect.

The Vice-Chair (Mr. Gerry Ritz): Okay.

Dr. Kee Jim: If they plan on doing inventory, or looking at records, it could be a very large number. There are over 100,000 beef cattle producers in Canada. If you're going to go onto the farm in any significant audit capacity, you're going to need a lot of people.

The Vice-Chair (Mr. Gerry Ritz): Yes.

Just as a quick point on the advisory committee, I think it's an excellent idea. We have to have industry involved with government regulations; you're going to have to live with them. My concern is that the old body that was around—before Mr. Vanclief, I think it was, basically turfed it—was made up of 12 members. With the diversity in agriculture across this country, how would you hold it to 12 members? How could those 12 have enough knowledge of all the aspects of agriculture to make that advisory committee work?

Mr. Arno Doerksen: I think those realities would have to be looked at. The concept behind the makeup of the committee would be to make it effective, and if you made this board too big, it would lose its effectiveness. So that's a detail that would have to be looked at when it's re-implemented.

The Vice-Chair (Mr. Gerry Ritz): Sure; a camel is a racehorse built by a committee. There's always that concern.

Mr. Sorenson, a quick point?

Mr. Kevin Sorenson: Yes.

As I said, I'm not a member of this committee, but the licensing aspect of it has been brought up to me. This is a legitimate question that perhaps the parliamentary secretary would answer for me. Some people are afraid that all of a sudden, somewhere down the road, you get this whole new licensing regime. What does the bill do for that?

As well, when we talk about food safety, and we talk about record-keeping—and you talked today about quality control—some have a fear that it isn't going to be long before there's this type of registry where you have to notify CFIA when you do the vaccination, when you do the branding, when you do some of the other operations they do in the spring. That's a fear that a lot of the producers have: the licensing and the record-keeping. Do you see that in this bill as well?

Hon. Wayne Easter: It's in there.

Mr. Kevin Sorenson: It's there. Again, we're talking about those who are very...and I don't like using the word "suspicious", but some days you feel like you don't know whether you need a scoop shovel to shovel grain or a binder full of books and forms to go about doing your business on the farm. I think we're starting to realize more and more that you'd better not have the scoop shovel, you'd better have the accountant and the lawyer and everyone else to go through the registry and the requirements that are going to be needed.

So I thank you. I know we aren't done—there may be another question here—but thank you for answering these questions for us today.

The Vice-Chair (Mr. Gerry Ritz): Thank you, Mr. Sorenson.

Mr. Easter, one small point.

Hon. Wayne Easter: Just on the point that I think Dr. Jim raised, we had a discussion earlier, Mr. Sorenson, on this licensing issue, and I do think we differ on it. As I read this, clause 3 talks about licensing for the importation of a regulated product. But we'll certainly have a look at it. I think it's absolutely necessary to have those licences there, but certainly there are different interpretations.

Mr. Kevin Sorenson: But as they said, they're making live animals regulated product.

Hon. Don Boudria: As who said?

The Vice-Chair (Mr. Gerry Ritz): That's the testimony from Dr. Jim and Mr. Doerksen, that it's in the legislation—

Hon. Wayne Easter: That's a different interpretation, so we'll have to get some of our legal people in to talk about it.

The Vice-Chair (Mr. Gerry Ritz): Gentlemen, we're breaking down here.

Any last points from our panel?

Dr. Kee Jim: On behalf of the cattle industry, we appreciate your hearing our concerns. If any further clarification is required, we have written briefs that we will submit as well. We need to resolve what we regard as one of the pivotal issues in this bill—the fact that live cattle are now a regulated product.

Mr. Arno Doerksen: I thank you on behalf of Alberta beef producers for giving us input into this bill, and I hope our concerns will be considered. As Dr. Jim suggested, we are available for further comment.

The Vice-Chair (Mr. Gerry Ritz): Ms. Dewar, any last points?

Mrs. Denise Dewar: On the grain side, there is streamlining here. Our purpose today was largely to correct some of the misinformation about PBR being part of this bill, which it is not.

● (1720)

The Vice-Chair (Mr. Gerry Ritz): Thank you, ladies and gentlemen, for your input.

Ladies and gentlemen from the panel, we have a little bit of housekeeping to do before you get away. We excuse our guests from this.

We have some amendments coming in already. The clerk would like to know whether you want to see them next week while we're away. We could put packages together and get them to your offices in Ottawa. The week after was the other option.

Okay, May 2. You have your direction there.

Should the amendments be distributed to the CFIA officials at the same time, or when we start to do clause-by-clause? How do you want to handle it?

Hon. Wayne Easter: This is a crucial piece of legislation. I think they should be distributed to CFIA so we can have their analysis available to us.

The Vice-Chair (Mr. Gerry Ritz): Everybody okay with that? All right, so ordered.

We also have Bill C-40 coming before us, and it has a definite timeline. Would you consider meetings on Wednesdays, May 4, 11, and 18, from 3:30 to 5:30, as well as our regular Tuesday and Thursday meetings on Bill C-27?

Hon. Wayne Easter: Some of the people are not regulars at this committee. If we don't have Bill C-40 dealt with and out of here by August 5, it opens us up to retaliation from the Americans. We want to avoid that. It's a fairly simple bill, and I would suggest that we deal with it with some urgency.

I'm in favour of the extra sittings.

The Vice-Chair (Mr. Gerry Ritz): It may be a little more complex than you would like us to believe. On the parliamentary calendar it doesn't show up for some weeks, but we can certainly do our thing at this committee and get it back to the floor so it can be part of that ambitious agenda we're seeing.

Is everybody okay with that? All right.

Thank you, everyone.

The meeting is adjourned.

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