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Chair

Mr. Merv Tweed

Standing Committee on Agriculture and Agri-Food

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● (0850)

[*English*]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): I call the meeting to order.

Good morning, everyone. Welcome to the Standing Committee on Agriculture and Agri-Food.

This is meeting number 52. Pursuant to orders of the day, we are studying the order of reference of Tuesday, October 23, 2012, Bill S-11, an act respecting food commodities, including their inspection, their safety, their labelling, and their advertising; their import, export, and interprovincial trade; the establishment of standards for them; the registration or licensing of persons who perform certain activities related to them; the establishment of standards governing establishments where those activities are performed; and the registration of establishments where those activities are performed.

Joining us today we have Mr. Ritz. I will just advise the committee that I will be adding 10 minutes to the end of the meeting for the minister to stay. He is the Minister of Agriculture and Agri-Food and the Minister for the Canadian Wheat Board. I will ask him to open with his comments, and then we will move to questions from committee members.

Mr. Minister, welcome.

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board): Thank you, Mr. Chair. I'm joined today by officials from the Canadian Food Inspection Agency: the president, George Da Pont, as well as Neil Bouwer, Paul Mayers and Dr. Martine Dubuc.

It's a pleasure to be here as a former chair of this committee myself. Congratulations to you, Merv, on being elected to your position. Like you, I didn't tolerate tardiness either.

It's good to be back at this table to speak about an issue that is important to Canadian families.

As you know, Mr. Chairman, consumers remain this government's number one priority when it comes to food safety and consumer confidence. That's exactly why I'm here today to urge the members of this committee to pass Bill S-11—and you read out the long title, Mr. Chair, so I won't—the Safe Food for Canadians Act, as expeditiously as is possible.

The Safe Food for Canadians Act will strengthen and modernize our food safety system to make sure it continues to protect the safety of Canadian food.

This act will give CFIA more authority to require industry to produce timely and usable information when it is requested. It will also require companies to have traceability systems. These additional powers will help food inspectors analyze data to speed up any future recall investigations, thus more quickly protecting Canadian consumers.

The Safe Food for Canadians Act will improve food safety oversight by instituting a more consistent inspection regime across all food commodities, implementing tougher penalties for activities that put the health and safety of Canadians at risk, providing better controls over imports, and strengthening food commodity traceability.

The act will implement tougher fines for those who knowingly tamper with our Canadian food supply. Under current legislation, the maximum fine that could be imposed for such an offence is some $250,000. The Safe Food for Canadians Act raises the maximum fine level to $5 million, and possibly more with court activity, for activities that intentionally put the health and safety of Canadians at risk. This bill will allow the CFIA to create a regime for administrative monetary penalties, or AMPs. AMPs, Mr. Chair, will be a key tool in our inspectors' arsenals to discourage those who are looking to cheat or subvert the system.

We all know that Canadians depend on the Canadian Food Inspection Agency, the Public Health Agency of Canada, and industry itself to make sure that their food is safe. These monetary penalties are an intermediate step to ensure that food processors are taking the safety of food production seriously. The act will also consolidate the CFIA's food commodity acts and will align inspection and enforcement powers across all food commodities.

This move specifically addresses recommendation number 43 of the Weatherill report. In fact, Mr. Chairman, upon passage of this important legislation, our government will have addressed all 57 of the Weatherill recommendations.

This new act gives government more authority in areas critical to food safety inspection and investigation.

While the number one priority is strengthening food safety for Canadians, the Safe Food for Canadians Act will also benefit Canada's agricultural industry.

The agricultural industry, as you well know, helps drive Canada's economy, with over $44 billion in exports and one in eight Canadian jobs. This act will further align Canada's food safety system with our key trading partners and increase importing countries' confidence in Canadian foodstuffs. This will help increase demand around the world for our top-quality Canadian products.

Finally, to address a concern that has been heard many times around this table, the act will strengthen controls over imported food, introduce the ability to license all food importers, and prohibit the importation of any unsafe foods.

Mr. Chair, recently consumers have heard a lot of fiction from opposition parties with respect to Canada's food safety system. I'd like to take this time to correct some of the fiction we've heard in the debates last week.

Let me begin with the member for Guelph, who recently said that Bill S-11 is not a panacea that would give the CFIA more powers than it has today.

Mr. Speaker, that is patently incorrect. The fact is that this act will give the CFIA more authority to require industry to produce timely and usable information. It will implement tougher penalties for intentional activities that put the health and safety of Canadians at risk while providing better control over our imports of foods.

Dr. Sylvain Charlebois, associate dean of the University of Guelph's college of management and economics, recognizes that this power is currently missing from CFIA's toolbox. He said:

> The CFIA, on the other hand, does not have the authority to compel the speedy delivery of information from industry during an outbreak.

That is testimony coming right from the member for Guelph's riding, Mr. Speaker.

The NDP have stated that CFIA has fewer inspectors and less resources. This could not be further from the truth. Just because you didn't vote for it doesn't mean it didn't happen.

● (0855)

The fact is, Mr. Chairman, that our government has increased the budget of the Canadian Food Inspection Agency by some 20% since we took office. With this budget increase, CFIA has hired over 700 net new inspectors. The CFIA has also increased the number of inspectors at the XL facility in Brooks by some 20%, adding two veterinarians and six inspectors to the complement at the plant.

The member from Welland continues to make erroneous claims that the initial detection of E. coli was done by the United States. He continues to do this despite knowing full well that Canada detected E. coli on the same date that the U.S. notified Canada of their finding. Furthermore, he knows that no product associated with this initial finding entered the marketplace.

To repeat, at that time all affected product was contained and there was no evidence that any additional product had been affected. Thus, no recall was needed. As I said at the time, no product made it to store shelves.

The CFIA started investigating immediately. They have been acting ever since to protect consumers, as outlined in the timelines on display here, working in concert with the Public Health Agency of Canada and the provincial agencies they serve.

The opposition continues to mislead Canadians by saying that the U.S. system is somehow better than Canada's. This is false, for a number of reasons that I am sure the CFIA would be happy to explain to you, but I will give you two very clear reasons here today.

First, Canada and the United States maintain one of the largest trading partnerships in the world. That is only possible because our food safety systems are equivalent. We will continue to make sure that our food safety system is strong and that our imports and exports continue to meet this high standard, which is revered around the world.

Second, you will see by the chart provided that it was Canada that issued the first recall health alert to the public. While I realize that the facts do not suit the opposition's rhetoric, I'm pleased to get these facts on the record again here today.

Mr. Chairman, at each step of the process, the Canadian Food Inspection Agency and the Public Health Agency of Canada have run a transparent investigation. They have published science-based evidence and information on websites as soon as it was available and have held many public briefings and technical briefings. Canadians can also sign up for instant information on recalls and food safety concerns. The agency will continue to rely on science-based evidence and a commitment to protect consumers. Our government will continue to provide the CFIA with the workforce and resources necessary to protect Canadian food.

In closing, Mr. Chairman, we all know that food safety is an issue that is very important to Canadian families. That is why consumers are our government's first priority when it comes to food safety. The Safe Food for Canadians Act will provide the Canadian Food Inspection Agency with much-needed additional authorities to protect Canadian food and consumer confidence.

I urge the members of this committee to help our government make Canada's robust food safety system even stronger and send this bill back to the House as quickly as possible.

Thank you for your kind attention, Mr. Chair. As always, I look forward to your questions.

The Chair: Thank you very much, Minister.

Mr. Allen, you have five minutes.

Mr. Malcolm Allen (Welland, NDP): Thank you, Chair.

Thanks to the minister for being here today.

As he noted in his opening, I believe he referred to recommendation 43 being the last one from the Weatherill report to be completed. Recommendation 43 actually speaks to recommendations 6 and 20 of the Weatherill report. I will read from the last half of section 6. This is a quote from the Weatherill report:

> Meat processors should not wait for requests for information from the CFIA inspectors and should, in the interests of food safety, ensure that inspectors have all information they require.

I would draw the minister's attention to the timeline that he supplied to us, showing that indeed it was the CFIA that was actually making the requests, not necessarily XL Foods that was providing them voluntarily. Section 20, which is on page 43 of the report, also speaks to that:

> The Canadian Food Inspection Agency should formally communicate its expectation that registered meat processors will bring all information with potential consequences for food safety to the attention of their assigned inspector in a timely manner.

Around the document issue, Mr. Minister, it has been clear in the CFIA's timeline that one of the weaknesses of this particular incident was the availability of the information in a timely fashion and the fact that, in the vernacular of the CFIA, a lot of CARs were put out there—calls basically requesting information. There were delays in that process.

Can you point to me in Bill S-11 where sections 6 and 20—the two recommendations in the Weatherill report—will be fulfilled in the mandate of Bill S-11, understanding, of course, that there is a piece in Bill S-11 that talks to the production of documents when requested? Sections 6 and 20 call for more than just the production of documents when requested; they actually call for the facilities to produce them without a request, knowing full well something is occurring.

Can you help me find that in Bill S-11?

● (0900)

The Chair: Go ahead, Mr. Minister.

Hon. Gerry Ritz: You've mixed a couple of things together there, Mr. Allen, in talking about CARs as well. Those are separate from the production of documents on the timeline we're talking about. We'll certainly address that at some point, I'm sure.

The Weatherill reports are predisposed on a company that is transparent, that is looking to facilitate and help CFIA move forward in a recall situation. Unfortunately, in this instance, XL was not that forthcoming.

The CFIA, I should stipulate, did receive boxes of documents over a period of some three days, after constantly going back to XL with written asks—of course they were verbal to begin with—and expediting it to the point where it finally got documentation. As I said, it received boxes of paperwork over a period of two or three days that then had to be analyzed and worked back through to start to put together an assessment on a trend analysis to show where there were gaps and where there could possibly be spikes in E. coli.

The initial find, the problem, was that they had had a discovery but then had not bracketed properly. That's taking production on either side of the affected batch out of the food cycle as well. They had not done that, and until CFIA was back in there doing the trend analysis, that was not discovered. That then started CFIA to look even deeper. That's the timeline leading up to the 12th, as they put all of that together with sound scientific evidence to begin the process of asking for more documentation, and so on.

With XL not voluntarily coming forward with documentation, it became apparent that Bill S-11, which we tabled last spring, well in advance of this, started to look like the right thing—even more so than we thought—because by regulation it would force a facility such as XL, or any other one, to be transparent, to come forward with information in a timely way and a way that is formatted to be usable right away, not with boxes of paperwork that take days to work through It would be a format that is usable, very similar to our timeline. When you see it written down on a pad of paper, it doesn't give you the same impact as a flow chart does. This is the type of information we're requesting from facilities like XL.

George, did you want to add anything, or Paul?

Mr. George Da Pont (President, Canadian Food Inspection Agency): Yes.

Mr. Malcolm Allen: I have another question. We have other time, and I'm sure we can get to—

The Chair: You have 10 seconds.

Hon. Gerry Ritz: I know how important this is to you, Mr. Allen.

Mr. Malcolm Allen: We'd like Mr. Da Pont to add, but we only get five minutes, as you know.

A follow-up to that piece is this. If indeed we have an XL—let's use the vernacular of the bad actor—what, then, in Bill S-11, through an enforcement mechanism or through the fines you've escalated, which we are pleased to see, would then allow you or CFIA to actually impose penalties because they were not forthcoming, without actually saying, “Now, we'll charge them because of all the other things they've done”?

Simply say, “Look, you were supposed to bring them forward; you decided not to; here's the enforcement piece; here's what you pay; this is the penalty.” It would be similar to what we see, Minister, when we drive down the highways in Ontario: it would say, “Go over the speed limit and enforcement is basically through regulation and fine.” You don't get off easy.

The Chair: Mr. Minister, please be as brief as you can.

Hon. Gerry Ritz: It's not really a genuine comparison, because with radar you have a speed gun that says you were doing this. There is no speed gun in a facility such as XL.

You know, I don't think anyone would say that XL was trying to hide anything. You have to prove intent in order to put AMPs in play, and I don't think it was intentionally trying to hide anything. What it was doing was giving voluminous boxes of paperwork, trying to cover off all the bases, which then had to be deciphered and gone through one at a time, put in a proper sequence, put in the right order to make sense of all the files, the testing data and so on, that it put in play.

What Bill S-11 would do is set a format that XL and other plants would be asked to follow, a format that would actually give you usable data when you ask for it—not boxes and boxes and files of paperwork, but actual usable data with trend analysis captured and so on, on a go-forward basis. Bill S-11, by regulation, would set a standard; all plants would be asked to do this.

Some do it now, voluntarily; some don't, because they're not asked to by regulation. These regulations would now set the benchmark for everyone to come to that standard.

● (0905)

The Chair: Go ahead, Mr. Lemieux.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Thanks very much, Chair.

Thank you, Minister, for joining us this morning.

Certainly the recent events at XL in Brooks have made this legislation even more important, and I know in the debates in the House....

Our food safety system is rated as superior, not by us but by a report on OECD countries. In reviewing the bill, I noticed that there are parts that will grant CFIA more authority, more ability, and more efficiency in getting recall information from companies in a timely manner. I actually think that this probably would have played a positive role in the XL situation.

I do want to bring up a quote so that we have an outside opinion on this. There's a Dr. Sylvain Charlebois, from the riding of Mr. Valeriote, actually, who works at the University of Guelph. I'm just going to read for you what he has said: "The CFIA...does not have the authority to compel the speedy delivery of information from industry during an outbreak." That's what Dr. Sylvain Charlebois says.

Minister, you know from the debates we've had and from the panels we've been on that the opposition and the food inspectors union have said repeatedly that CFIA already has all the powers it needs to obtain important documents from companies such as XL Foods. However, there are experts, such as Dr. Sylvain Charlebois and others, who have said that CFIA needs the powers that this bill will give them to obtain these documents, and certainly in a more timely manner.

Minister, could you share with the committee who is right on this matter about what the CFIA is able to do now and what they will be able to do once this bill passes into law?

Hon. Gerry Ritz: Well, when you look at the timeline shown behind me, Mr. Lemieux—you'll have a copy of that in front of you, or you will have shortly—you will see that CFIA began reacting immediately, asking XL for documentation and asking them to show where the bracketing was done on that first batch. I'm not saying that XL was negligent or criminally intent on hiding anything—absolutely not. What I'm saying is that they came forward with boxes and boxes of paperwork over a period of time, as they amassed it. Did they put enough attention on it? Probably not, but that's for them to describe and explain as they move forward.

At the end of the day, Bill S-11 now will give us extra tools in the CFIA tool kit. I'm happy to help put them there, with your help and the help of the opposition in getting this bill passed, so that they have the ability to ask for it on Monday morning and expect to get it by Monday afternoon, and in a useful format.

This is the important part: you can have timely access, but if you get 12 boxes of paperwork and have to sit down and start to analyze and go through all of it, that's time wasted, time lost, but if you have it in a format that is standardized across all food commodities and across all manufacturing processing in this country, you have something that can be worked with very, very quickly to initiate recalls or to say that we don't need a recall because it has been handled. That's the important part.

The biggest concern with Canadian consumers is the timeliness. They want to know that their food is safe, but they also want to know that when there is a breach, when there is a problem, we are timely in getting that product off the shelves. That's why I said right away, to assure consumers on the initial outbreak, that the product never made it to store shelves. Consumers needed to know that.

We have not seen any huge move away from beef in Canada. Actually, beef products are still moving, are still being consumed. We're not seeing any beef being stopped from export around the world, even into the American market, other than any product coming out of number 38, the Lakeside XL plant in Brooks. Even XL product—live animals and so on—that the Nilssons own is still available to go to the U.S. It's only the product coming out of that plant as CFIA works towards recertifying that particular facility.

Mr. Pierre Lemieux: Thank you.

I have a question about industry. Industry's on the receiving end of this, in a sense. CFIA works with industry. Industry has its own food inspectors. I'm just wondering, Minister, if you could share—

Hon. Gerry Ritz: Well, they have quality control people.

● (0910)

Mr. Pierre Lemieux: They have quality control people who are focused on food safety.

Hon. Gerry Ritz: Right.

Mr. Pierre Lemieux: Here's what I would like to ask you, Minister. I know that there has been consultation done on Bill S-11 and on what the industry itself has been asking for. Could you share with the committee what industry has been saying about Bill S-11 and the measures contained in this bill?

Hon. Gerry Ritz: Well, you'll always get mixed response. There are those who say that we don't need more regulation, that regulation slows down the speed of commerce and so on, but then you'll also get those who say that we need a rules-based system, such that everybody maintains that benchmark. Because there are always people who are driven by a bottom line as opposed to food safety, you'll always get some of that happening, depending on their criteria.

Having said that, at the end of the day, having a set of rules that sets a benchmark of a higher standard across the country and across all food commodities lets everybody know what they're up against, what they have to conform to.

I think having a standardized format will help a lot of the smaller producers in being able to understand what that we require from them. As you know, business abhors a vacuum. Business abhors the idea that there isn't stability in the regulatory regime.

These are not over-the-top regulations. These simply specify the timeliness and the format of any documentation that CFIA requires. That's all this does. We're more than happy to work with our partners at the Public Health Agency and industry—it's a three-way partnership—to deliver safe food for Canadians. Everybody plays their part.

The Chair: Thank you.

Mr. Valeriote is next.

Mr. Frank Valeriote (Guelph, Lib.): Thank you, Mr. Chair.

Thank you to everyone for coming today.

I would just like to point out that Mr. Charlebois is on the minister's own expert panel, and has been for some time. You can derive from that whatever you wish with respect to Mr. Charlebois' opinion about the issue of the timeliness of the production of reports from the industry.

That said, section 13 most clearly gives authority now to demand production. There are clear penalties in the act, including shutting down the plant, which happened in this case. You can say to someone that you have all the authority you need, which it says now, or you can say to someone that you have all the authority you need including this, this, and this, which, by the way, was already indicated to the CFIA inspectors in a bulletin from the minister's own department in February of this year.

That said, Minister, in her investigation into the listeriosis outbreak, a concern was expressed by Ms. Weatherill. She said that a lack of detailed information and different voices left the independent investigator unable to determine the existing level of resources and the resources necessary to operate the compliance verification system. She made a recommendation—recommendation 7, to be specific—for a resources audit by an independent third party expert.

Can you explain why that audit has yet to be done?

Hon. Gerry Ritz: Well, there are a number of different factors in the question you asked, Mr. Valeriote, and—

Mr. Frank Valeriote: I'm speaking of the audit.

Hon. Gerry Ritz: I'm really concerned that you're impugning Dr. Charlebois simply because he's an expert and has been named to a panel—

Mr. Frank Valeriote: I'd ask you to answer my question, Minister, on the audit.

Hon. Gerry Ritz: I am answering your question.

You talk about demanding papers. Yes, CFIA has the ability to demand papers, but not in a timely way and in a format that is usable. Those are the changes in Bill S-11, so don't muddy the waters any more than you already have.

CFIA has the ability to decertify a plant. That's a nuclear strike, and CFIA is loath to do that simply because of the recertification process that is required.

Having said that, to answer your question, the Auditor General of Canada has the ability at any time to audit any department, any agency, of this country. We would welcome that, certainly. He has that ability, and we would look forward to that.

Mr. Frank Valeriote: Why are you ignoring—

Hon. Gerry Ritz: Coming out of the Weatherill report, the CFIA has put together an expert panel with the ability to insert themselves after a situation such as this—we fully expect them to—and to give it a full overview.

Should you decide that you want an audit, certainly CFIA will stand up to any audit, as they do internationally, on a go-forward basis. We're audited by third parties from other countries all the time.

Mr. Frank Valeriote: Okay—

Hon. Gerry Ritz: We're more than happy to share those audits with you as to the efficacy and efficiency of CFIA.

Mr. Frank Valeriote: Minister, you keep saying that all 57 recommendations have been complied with.

Carole Swan, the former president of the CFIA, said herself that the survey undertaken by PricewaterhouseCoopers was quite different from an actual audit. She said, and I quote, “An audit is a very specific process.”

A comprehensive report of CFIA resources and deployments in the most effective way would be a meaningful exercise for CFIA, and I'd like you to explain why you continually refuse to comply with recommendation 7 of the Weatherill report.

● (0915)

Hon. Gerry Ritz: I think there are a number of initiatives that have been undertaken by CFIA and this government to build the capacity of CFIA, to make them more open and transparent. At CFIA we're in the midst of an inspector modernization piece, which follows on those recommendations. There was $100 million in last year's budget to fund that, over the next five years, to make sure that everyone has the training that is required of them at any particular class of facility and the level of inspection that they're taking part in.

CVS, the compliance verification system, is—as you well know, Mr. Valeriote, since in 2005 your government brought it in—a report card on HACCP, the hazard analysis critical control point program. That is international in scope. We judge other facilities around the world that we import from, as they judge us, on their HACCP controls. When you see breaches in that, or a company not following the written protocols in their HACCP production, as we saw at XL, that's when they become decertified.

So a series of steps are taken that are always done based on timeliness of evidence, and a sound scientific basis for that evidence, leading CFIA to make the judgments and take the action that they do.

Mr. Frank Valeriote: Minister, you have indicated that there will be a review undertaken by your expert panel of the situation at the Brooks plant.

My question is this: do you not feel that you very obviously lose independence of a review when the very person responsible for chairing that review and the president of the organization who will have to receive the criticism for efficiencies and remedy problems is the very same person? It lacks independence, and it's independence that's required when you are doing an examination of something that went wrong.

Hon. Gerry Ritz: The reason that the chief foods officer and the president are de facto members of that expert panel is to make sure that CFIA, at whatever level, is forthcoming with whatever information that panel asks for. That's the reason they're on there. That's pretty much standard, I would think, throughout government: to make sure that the panel doing the interview or the inspection has the ability to move forward with timeliness and usable information. That's the major reason that the president is a de facto member and that he and Dr. Brian Evans, our chief food officer at this point, are taking point.

The Chair: Thank you.

Mr. Payne, go ahead.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chair, and thank you, Minister, for being here today along with the officials.

I'm sure most of you realize that XL Foods Ltd. is in my riding in the city of Brooks. I want to thank you, first of all, Minister, for keeping me up to date on a regular basis, on a daily basis, including weekends, with what was going on in the facility. It was important for me and certainly for my constituency.

I also want to thank CFIA. You had stated that this facility should not be reopened until it could be recertified to make sure that it met all the standards. I believe that was the correct decision, and I support that 100%.

I've had the opportunity to give a couple of speeches, Minister, on this facility, and certainly on Bill S-11. I know the opposition has talked about things a number of times, and made a lot of noise about this, particularly around deficit reduction. I belive that CFIA's reduction is $56 million, over time, and I understand that this is offset by $52 million in new dollars. That's what the opposition has said, and it complained that in fact inspectors have been cut. I understand that these are transfers of meat inspectors from CFIA to the provinces of B.C., Saskatchewan, and Manitoba, as federal inspectors were doing provincial work.

A voice: That's a good point.

Mr. LaVar Payne: That is no different, Minister, from what happens in some of the other provinces—Ontario, Quebec, the Atlantic provinces, and of course Alberta.

The opposition has complained about the changes of labelling as well. Once again, I think the opposition doesn't necessarily understand what's going on in terms of labelling in CFIA. Can you confirm to this committee that on provincial meat inspection and labelling, the opposition is mistaken in terms of the cuts?

Hon. Gerry Ritz: Sure. With the deficit reduction action plan, CFIA is not immune, nor is any other department or agency of this government. We're all looking for efficiencies, and that's what CFIA strove to do. They have identified a number of efficiencies. Absolutely not one nickel affects front-line food safety, not one nickel. I would challenge the opposition to actually point to that in any way, shape, or form. We do hear some noise from the unions on how this will affect such-and-such, but they cannot show where that is actually true.

You mentioned the $56 million outlined; that's over a three-year period. During that same timeframe, and there are still moneys to be announced, we also have sunsetting programs. This is the problem with Kevin Page's report; it's an incomplete report. It doesn't speak to the renewal of sunsetting programs. We fully expect to renew two for some $25 million, but that takes a vote in the House. You can't claim it until you've actually voted it through.

During the same timeframe that we're removing $56 million in efficiencies, we have on the table $223 million in new money, plus the go-forward over the next couple of years when we buttress or take sunsetting moneys and put them back in again.

This idea that somehow this is a horrendous slash to their budget is absolutely ridiculous. Since we've formed government, the overall budget of CFIA has gone up by 20% because it needed at certain times to do certain things. We fully expect the inspector modernization to be funded out of the $100 million in the 2012 budget over the next four years now, and we have a year under our belts.

Someone pointed out that we'd only spent $18 million. Well, that's the first year, and it takes time to build the capacity and train and get them all in to E-Certs and all those types of things to enhance commerce and still maintain our food as safe.

We've increased traceability from gate to plate. We've done that under other jurisdictions. The Health of Animals Act takes precedence on the farm, but as soon as that animal hits the farm gate on its way to a feedlot or a slaughter facility, then Bill S-11 starts to pull in to play. It's the next step, the logical sequence in maintaining that traceability part of Bill S-11 to make sure that our food is safe right from gate to plate. We have to be able to trace food from a processor on, which we do in a recall, but we also have to be able to trace it back to the farm.

There are people in these slaughter facilities who simply check the head of an animal and the brain to make sure there's no BSE. We also check lungs for TB. We check liver for cysts. A number of different operations are undertaken. That's really the traceability back to the farm.

There all of those things in Bill S-11 that start to build a stronger food safety system from gate to plate.

● (0920)

Mr. LaVar Payne: How much time do I have left, Mr. Chair?

The Chair: You have four seconds, so I think I'll move on to Mr. Atamanenko.

Mr. LaVar Payne: Then I'll thank the minister and his staff for coming here today.

The Chair: Go ahead, Mr. Atamanenko.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Thank you very much.

Thank you, Minister, and your officials, for being here.

We're here to look at Bill S-11. Obviously the reason there is a new bill is it was felt that the current system isn't working, so we're here to improve it. I would hope, as we examine this bill, that if certain amendments are put forward, we'll discuss this and strengthen it, because that's our purpose here: to strengthen this piece of legislation.

Minister, you stated in your opening remarks that the Canadian and U.S. systems are equally as strong when it comes to food safety and to inspection. I'd like to zero in on what happens at the border for a few minutes, if I may.

I know that in committee in the past we've had witnesses who have stated that only, I think, 2% of the products that come into our country are inspected for food safety. In fact, we have inspection that checks out the pests and checks out other problems, but on the American side 100% of food commodities going across the border are inspected.

I'd like to refer to the testimony made by Paul Caron at the Senate committee, an inspector with 35 years of experience, who questions the fact that our system is as strong as the American one at the border. He states that, for example:

> Shipments going to the U.S. have to be screened by the USDA for animal health reasons, plant health reasons, then by the U.S. Food and Drug Administration, then Homeland Security, then customs and border services, which directs the load to a meat inspection establishment located in close proximity of the border.

Apparently, according to him, all food shipments entering the U.S. are cleared at the port of entry, while Canadian meat shipments are often released to be possibly inspected later inland.

There seems to be, from what I'm reading, a discrepancy in the way we treat items going back and forth across the border. I'd like you to comment on that if you could, please.

● (0925)

Hon. Gerry Ritz: I'm happy to do that, Mr. Atamanenko.

I want to take exception to the line you started with, saying our current system isn't working. I would take exception to that. Audits from other countries around the world are showing that our system is extremely good. Japan seeks to emulate it. It has one of the highest food safety records in the world. The latest OECD report says we have a superior system, so I would take exception to that comment.

When you compare the efficacy of one country's system to that of another country's system, you have to look at equivalency and outcome. I think we have that with the Americans. Certainly they do things differently.

What Mr. Caron is talking about is a bit self-serving, because he owns a customs house. He's talking about the old customs house system. What that did was create unnecessary stress if the animals were live or, if it's processed product, unnecessary work in handling it again.

What we've done is gone to a system whereby the product is tested at point of unload, as opposed to rerouting it to a customs house. Mr. Caron has a problem with that because he owns a customs house. He wants the old system put in play.

What we've done is put in place, through CFIA, a system under which last year, or to this year alone, we've done 480 border blitzes, so to say we don't check at the border is a complete misnomer. We don't do it in a way Mr. Caron would like, because his customs house is not used as it was at one point. That's unfortunate for him, but at the end of the day the system we now have in play is much more effective and much more efficient than it was.

Mr. Alex Atamanenko: As a Canadian consumer, if I know that every product going into the United States is inspected at the border and I know that not everything is inspected coming here—there are just spot checks—I tend to worry.

Hon. Gerry Ritz: Let me correct you on that. Everything going into the U.S. is not checked. It's not 100% testing at the border, no. The Americans do spot checks the same as we do. They also do equivalencies of plant processors and have almost like a NEXUS card for people travelling. They give pre-clearance to plants that have measured up to the U.S. standard. That's the difference.

They don't measure everything at the border, as some people claim they do.

Mr. Alex Atamanenko: Thank you. I have half a minute.

I'll ask this question in regard to enforcement. The fines, according to Bill S-11, would increase. In the past the average fine was approximately 5% of the maximum fine for an indictable offence. In other words, they weren't enforced to the maximum.

My question is this: is there a desire now, in light of what has happened, to start enforcing these fines to the maximum, and do we have the personnel to do it?

Hon. Gerry Ritz: Certainly we have the personnel to do it. That's what people on the front line do, backed up by management systems, right up through the region and then through to the national level. That said, we have assessed, or CFIA has assessed—

I keep saying “we”. It's almost as though I have Stockholm syndrome after the last six weeks. Forgive me for that.

CFIA enforces, with AMPs and other necessary items such as CARs that go up on the website, as a person.... There is public pressure on facilities and so on. There are number of fines. Someone said that we've never levied fines and so on. We can make sure that you get the full list of what we've done over the last few years, should you want to see that, because it is quite extensive with respect to who has been fined and who has been charged and so forth.

We delist American plants at the same level as they have delisted ours, usually for the same types of reasons. It is because of cleanliness and things like that.

This idea that somehow they come up and adjudicate us much more harshly than we adjudicate them is absolutely not true. Again, we can make available to you the requests we've left with American plants and those we've delisted over the last number of years. Should you want to see that, we'd be happy to do that.

The Chair: Thank you, and if you choose to do that, it would be through the chair.

Mr. Richards is next.

Mr. Blake Richards (Wild Rose, CPC): Thank you.

Thank you, Minister, for being here today. While you're here, I want to publicly, on behalf of the farmers in my riding, thank you for your hard work. I know that when I go out to the farms in my area, all I hear is praise for the good work you've done in allowing them marketing choice through the changes to the Canadian Wheat Board, in the trade deals you've worked so hard on to open up more markets for them, and certainly in the job you're doing handling the XL Foods situation.

I just wanted to pass that along. I hear time and time again from my farmers about the great work you're doing. Thank you very much for that. Thank you for being here today.

I'll get to the bill at hand. I want to ask you about the traceability provisions in the bill. I see that there are proposed amendments to the Health of Animals Act. We're looking at expanding our existing traceability requirements. It looks like the proposed amendments, basically, would provide the groundwork for a national livestock traceability system in Canada.

Can you elaborate a bit on the need for traceability? I'm sure that you've had consultations and discussions. I would like to hear some of the comments from stakeholders and the provincial governments on this initiative.

● (0930)

Hon. Gerry Ritz: There's growing support, right from the farm gate through industry, for traceability. More and more consumers in Canada and around the world are asking to know where the product came from and how it was handled.

I know that in Japan, you can take your cellphone camera and take a picture of the bar code, and it will bring up the farm where that pork or whatever was raised. It will show you a picture of the farmer hugging the pig. It's an unbelievable system. It's a little bit over the top for what most people require, but they've gone to that extent because of some food situations they've had over time.

I know that at the Senate hearings, there was some concern from the cattlemen, but I am here to assure them, as I have done personally in my meetings with them on the XL crisis, that the Health of Animals Act takes precedence on the farm and on the ranch. Bill S-11 only comes into play as that animal is loaded and moved on to the next stage for backgrounding, feedlot, processing, or whatever it is. They have that ability.

Farmers were concerned that somehow we were going to develop a cow registry. We had this huge computer system from a gun registry that went nuts, so they figured that we should put it back to work. I mean, they don't figure we should put it back to work. I'm here to tell you that this is not going to happen. We got rid of that gun registry. We're not going to have a cow registry.

What we are seeking to do is have traceability. As I said in response to another question, if something shows up at a processing facility or in a feedlot in the form of an ill or sickened animal, we can trace it back to the farm or ranch it came from. There are specifically reportable instances, such as tuberculosis and BSE. To maintain our status on the BSE scale internationally, we have to test so many animals a year. We do that. It has to be done at slaughter. You can't do a brain examination on a cow and send it back out to the pasture.

All these types of things are done. That's all kept. That's all databased. We need to be able to go back to the farm if there is a problem. Every once in a while that does happen, and we're able to go back and quarantine that farm should there be something like TB and so forth.

That's the whole concept. Farmers are also poised to make use of genetics and feed regimens and so on to put out a superior product. The plants now have the ability to database meat. For example, if there's a side of beef that is perfectly marbled and is going to get extra dollars in a premium market like Japan or Korea, we want more of that. Who produced that beef? We can go back now, through a program called BIXS, to that producer—Cargill or XL in Guelph, or wherever it is—and say, "Give me 200 more head of that, because I have an order from Korea."

That's the nature of this. It's to build a more vibrant, effective system that works to the benefit of everybody. It provides safer food and also the ability of farmers to produce more of what they're doing for a specific market.

Mr. Blake Richards: Excellent. Thank you, Minister, it's good news to hear that. It sounds as though it supports the great work you've been doing in opening up markets. When we can find ways to bring that product to market, that's also—

Hon. Gerry Ritz: We have Japan doing an analysis right now, based on science, moving from the 21-month animal that they allow in now up to the 30-month. That's huge. That's the difference of some $80 million or $90 million to Canadian ranchers.

Mr. Blake Richards: Good. Excellent. Thank you, Minister.

I wanted to bring up the issue of food imports. Safe food is another area that Canadians want to know about. They want to know we're doing all we can to ensure that the food being brought into the country is safe.

Could you tell us some of the things we're doing, and have done, to make sure we're keeping bad food imports out of Canada?

Hon. Gerry Ritz: An amazing statistic that most Canadians never really know is that there are 100 million meals served in Canada every day. It's just an astounding number, considering the amount of foodstuff it takes and the diversity of the food that people are demanding in Canada.

We export between 50% and 85% of certain commodities, but we also import 50% of our domestic consumption. That is a tremendous workload for the professionals at CFIA, who are trying to make sure that what's going out is safe and what's coming in is safe. They do a tremendous job at that by working with other countries to do audits of facilities around the world. They're making sure that what we're importing from the U.S., Australia, or wherever is safe and comes into this country as safe product.

They also do what I talked about—border blitzes. They have a regime that looks at the possible worst cases, and they do analyses of that.

We're never as concerned about a bulk commodity coming in, like a grain, as we are about a processed meat product. You put your emphasis on the things that could create the most problems. They constantly strive to do a better job at that.

That's why we, as government, continue to fund them and continue to make sure they have the ability to get that important job done. We do it through a regulatory regime and by providing the monetary and staffing capacity.

● (0935)

The Chair: Thank you.

Mr. Rafferty is next.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Thank you, Chair, and my thanks to everyone for being here today.

On liability and fines, there is movement in this bill. That's welcomed. That's certainly a good thing. However, in the case of proven negligence, particularly when there are mistruths or deaths involved, I wonder if the concept of unlimited liability was ever considered for this bill, given that the intention is not to bankrupt companies.

Minister, what do you personally think of that concept? Could it help to ensure adherence to rules and regulations?

Hon. Gerry Ritz: I think it's very important, Mr. Rafferty.

There are two avenues. There are the AMPs, which are heightened in this bill. There's also the ability in this bill for a judgmental system that would actually go beyond the $5 million. That's there, and it's not capped. If a judge found criminal intent, he could go beyond the $5 million and make that recommendation.

On the other side, you have civil or common law, in whatever province. They can to go to that company and bring a class action suit. Consumers, consumer groups, or a lawyer will take everybody to court, and those actions are usually uncapped. In the case of XL, there was a negotiated settlement, some $27 million or $28 million, between XL and the people affected.

There are those two streams.

Mr. John Rafferty: Thank you, Minister.

In the bill, I wondered if unlimited liability was actually spelled out. I wonder if that would create some kind of deterrence.

Hon. Gerry Ritz: Well, Neil can show you the exact clause where that's spelled out, if you'd like.

Mr. John Rafferty: Okay. I'll ask him later, after you're gone. We only have you for an hour, Minister.

Hon. Gerry Ritz: He's got it circled.

Mr. John Rafferty: Yes, okay.

As you know, Minister, the prairies begin in the west part of my riding. We have a lot of beef farmers. A few years ago, we had a small abattoir approved, and it's up and running, but no federal inspection is available. We have three border crossings right in cattle country, right into Minnesota.

There's a general feeling among cattle farmers in my area that you as the minister, and the government, really only care about large packers, large producers, and not small ones—

Hon. Gerry Ritz: That's actually not true, Mr. Rafferty—

Mr. John Rafferty: Just let me finish. Are there any plans, in terms of federal inspection, to help these smaller abattoirs get their meat across the border and across provincial borders? That would be —

Hon. Gerry Ritz: Yes. Sure—

Mr. John Rafferty: —very helpful, because the trend is towards eating local. If you can eat local, you can know exactly where that meat comes from, and I think that some of the things that we were talking about could be avoided.

Hon. Gerry Ritz: We've actually done that. Some three years ago Agriculture Canada, working with provincial authorities and the CFIA, had what we called a “meat pilot”.

There were 19 provincially regulated facilities across Canada that took us up on that challenge. We set aside some moneys to help them get up to a federal level, and I think about 11 will make it. They will become federally listed, although provincially regulated, and will be able to trade interprovincially and so on, so we've done exactly what you're talking about. We wanted to see an interprovincial movement of meats done with a provincial facility, but inspected at the federal level.

When we talked about—

● (0940)

Mr. John Rafferty: I don't want to interrupt, but I have one more question. I don't know how much time I have—

Hon. Gerry Ritz: Well, I had a great answer.

Mr. John Rafferty: I'll catch you later on that answer.

Hon. Gerry Ritz: Okay.

Mr. John Rafferty: I do want to say that Rainy River beef, of course, is the best beef in Canada and possibly the world, just so you know that.

Hon. Gerry Ritz: I'll have to come and try some.

Mr. John Rafferty: Yes, you're certainly welcome any time.

One of the reasons you're here with this bill is that we had a situation, a series of events. If you could go back to when the Americans first discovered that there was something wrong—

Hon. Gerry Ritz: Whoa. We discovered it on the very same day, so let's get that on the record again and again and again—

Mr. John Rafferty: I'll say "when it was discovered", then, Minister.

What would you do differently now?

Hon. Gerry Ritz: Hindsight is always 20/20, absolutely. I think we would have been more vociferous in demanding that XL come forward with paper, but you have to recognize the fact that any other recall has been predicated on illness.

When you look at the time chart and you talk to public health, it was the day after the CFIA notified public health, which is the proper thing to do. They started analyzing, looking for spikes of illness. E. coli, listeria, and all these great things generally occur between April and September. That's the hot spot, and because of temperatures and people handling the food. They're barbecuing more and they set some hamburger out on the counter; then they're home two hours late, and gee, something happened to it on the counter.

They're always analyzing this. We're looking for spikes right away with public health. There weren't any. There still aren't any.

Other than four or five people in Edmonton who ate meat coming out of that Costco needling, there has not been a cluster of people affected by this particular outbreak. None of the 13 in Saskatchewan was connected to the XL product, none. You need that analysis right away to know where to look and to see where that product went out. While that evidence is accumulating—and it's based on sound science, on protocols, and so on—you form that analysis.

You can see by the timeframe—and we'll make sure everybody gets a copy of it—how that was starting to build. We actually had recall notices out on the product before the U.S. did. Yes, they closed the border, but they were still accepting all kinds of Canadian product. They were still moving XL product in the U.S. beyond the dates that were covered. In fact, they were going to cook everything that was recalled and put it back into the food chain. We're not doing that.

There are differences, but there is equivalency at the end of it.

Looking back, what would we have done differently? We followed all of the protocols that were laid out. I think the CFIA would have been a lot more hard-nosed in getting the material from XL, rather than being nice and going through the format of a letter and so on. You stand banging at the door until you get it.

However, we're not seeing any illness spikes to drive us to the point of decertifying; that's a nuclear strike. Certainly we have tremendous empathy for everyone affected by this, the 16 people who were ill. That redoubles our efforts to make sure that the CFIA and public health have the capacity to analyze this type of thing in a more timely way and get any of that type of product off the shelf even faster.

The Chair: Thank you.

Mr. Zimmer is next.

Mr. Bob Zimmer (Prince George—Peace River, CPC): Thank you, Minister and CFIA staff, for coming today.

I read Bill S-11 and I was happy to see how it would benefit Canadian families. I have four kids myself and—I've said this before—we're "meatatarians". We have burgers.

I see Bill S-11 like a computer update; it's an update of legislation to make it current and bring it into our modern world.

It introduces consistent food inspection practices across all food commodities. It increases some existing fines and introduces new fines and penalties. It gives the CFIA the ability to require regulated parties to have traceability systems, including a prohibition against selling food commodities that have been recalled. It introduces new and stronger prohibitions against deceptive practices, tampering, and hoaxes, giving the CFIA the ability to require the registration or licensing of regulated parties and establishments, and it prohibits the importation of unsafe food commodities. It's great stuff.

I have a few questions, though. What specifically can be done in legislation, or what is in the legislation, that deals with tampering?

Hon. Gerry Ritz: Well, we've had a number of bills before the House that talked about tampering with food. There are things under Health Canada and things under CFIA.

We get these hoaxes. Around Thanksgiving, you always end up with somebody saying that they've done something to a turkey. Whether they did it or not, you still have to treat it as though it has happened, and you seek to bring that product back in. CFIA resources, Public Health Agency resources, and the store owners themselves all take part in that. It is a three-way partnership to make sure that food is safe.

What Bill S-11 does is make sure that if someone does that and they've shown intent by warning that they're doing it, they can be prosecuted to the full extent of the law and beyond, should it be required. It's just not on, those types of things. It's like talking about a bomb in an airport. Whether you did it or you didn't, it still creates a furor that is hard to dispel.

The one thing that people need to realize is that food safety is not a static exercise. HACCP programs, the CVS report card on the HACCP programs, what CFIA does, and what the Public Health Agency are not a static operation. It's a living document, or a living tree in a lot of respects, in that things ebb and flow.

As a plant like XL expands or does things differently, those changes call for different HACCP controls and for different reporting on those controls, and they call for different people and different training for the CFIA staff. There's ongoing and constant staff training, upgrading, and so on at CFIA to adjust for what industry is doing. They give us their plans and we analyze them. When we say, “Yes, this looks better”, CFIA will staff up accordingly. There are those living, breathing changes all the time that are to be adjusted to.

At the end of the day, that partnership among industry, CFIA, Health Canada, and the provincial health boards is to make sure your food is safe. The provinces concentrate on facilities at the provincial level, such as the Costco in Edmonton or restaurants and all those types of things. The Public Health Agency assembles all that data nationally to make sure there aren't spikes somewhere that show unhealthy food products out there. Then CFIA reacts to it, proactively as much as we can. That's what Bill S-11 seeks to do: add more tools to the proactive side of their tool kit.

● (0945)

Mr. Bob Zimmer: Right.

Expanding on that a little bit, Minister, can you just explain for Canadians what the fines are under the new act, and can you list some of those fines?

Hon. Gerry Ritz: Neil has that page circled right there, so I'll have him do it.

Thank you.

Mr. Neil Bouwer (Vice-President, Policy and Programs, Canadian Food Inspection Agency): Thank you, Mr. Chair.

In response to the question, in particular with respect to tampering, there are explicit authorities in the bill in regard to tampering or those who threaten to tamper with food commodities. The increased fines and penalties for these offences are clearly detailed in the bill.

For summary conviction, a first offence would be a $500,000 fine and/or 18 months' imprisonment. For a summary conviction on a subsequent offence, it's a fine of $1 million and a two-year imprisonment. For an indictable offence for this category of offence, it would be an unlimited fine and/or five years' imprisonment.

Mr. Chair, I would just point out for the member that the measures on anti-tampering and threatening to tamper were both issues that were raised in our consultations on the bill. These were identified as an important enhancement. The Criminal Code currently covers tampering as mischief, but the explicit authorities that are in the Safe Food for Canadians Act give greater legal assurance and enhanced authorities to prosecute tampering and threatening situations.

Mr. Bob Zimmer: Thanks. That sounds good.

The Chair: Thank you.

Mr. Allen is next.

Mr. Malcolm Allen: Thank you, Chair.

Let me just say that not only is Bill S-11 legislation that we support but also that we want to try to work with you, Minister, and obviously our colleagues across the way, to ensure this legislation can be as good as possible.

We certainly agree there are some very good things in Bill S-11. It addresses some of the issues identified by all people in the legislature, as well as by CFIA—both administratively and by its inspectors in the field—and the industry in general, so we believe this bill is pointed in the right direction.

We'd like to see whether there are some things that can enhance and help it. We'll put those forward in a constructive manner. That's going to be our attempt here.

I want to get back to the usable data. I think that's a critical piece and I'm glad you raised it. It should be in a usable form and not, as you described—and I think probably very accurately—a bunch of boxes with a bunch of paper in them; that's not necessarily usable.

HACCP is the centrepiece for the plant itself. When we look at that, HACCP is not something we control per se as policy-makers. It is an independent piece that comes in as a control point that the plant has to administer and has to actually live up to; it has to be authorized and has to be registered. All of those things it has to do underneath that HACCP program.

The questions for me are these. How does the request that we now have through Bill S-11 about usable data get integrated into the HACCP piece? Does that become a change to the folks who register HACCP as well, or does it just become an augmentation to it? I'm happy either way, to be truthful. In fact, if it goes into HACCP, perfect; if it is an augmented piece to the HACCP program, that's good too.

I'll put the next question and allow you to get to it, Minister.

We know the HACCP programs, for those who have them in their plants, are reviewed annually by a third party, and not necessarily CFIA, by the way, just for the folks who are watching. These are registration programs. ISO 9001 registration is outside that and is not a CFIA responsibility, and folks need to know that.

That being the case, will there be an obligation that not only would we see that their registration has been effectively kept up, year to year to year, but we would also get more than just seeing their registration certificate? Would we see they've done the things they need to do to continue to get that registration?

Would this bill help make sure that kind of information-sharing continues, because the HACCP program is indeed supposed to be, in the words of a Toyota production assistant, “an ongoing quest for excellence”? If that is the case, should then that reporting mechanism be a two-way dialogue back and forth between the plant and its front-line inspectors to understand how that's working out?

● (0950)

Hon. Gerry Ritz: Well, you rightly point out, Mr. Allen, that the HACCP protocols in any plant are a living document. They ebb and flow and change as the plant redirects its staffing and what they're doing on a given day, and you try to make them as complete as possible.

I would not agree with you that CFIA is completely removed from the adjudication of those HACCP programs; it is there. It is there to make sure they are efficient and equivalent to what the plant is actually doing. Then through the CVS, the compliance verification system, CFIA constantly audits the efficacy of the HACCP program as to what's actually happening on the floor.

That's what tripped up XL at the end of the day, when its certificate was pulled. What it had written down and what it said it was doing did not correspond to what was actually happening on the plant floor. That was the decertification point.

You rightly point out that these HACCP programs are changeable and they are adjudicated, as you say, by third parties, but the day-to-day verification that HACCP is still efficient and effective in the plant is done by CFIA.

Mr. Malcolm Allen: I don't want to leave the impression that CFIA steps aside. That's not what I'm suggesting. What I'm suggesting is that, when a plant actually applies for a HACCP designation, it does so through the certification process that is recognized worldwide.

Hon. Gerry Ritz: Right. It's recognized internationally.

Mr. Malcolm Allen: CFIA always plays a role, obviously, inside the plant, so I don't want to leave people with that impression.

The issue is that there are also, through the certification regime that's recognized worldwide through HACCP, certain things the plant must continue to do to receive its certification. It can lose its certification—

Hon. Gerry Ritz: Yes.

Mr. Malcolm Allen: —and CFIA would then have another issue to deal with if it loses in the certification process.

Yes, day to day CFIA is doing the things that need to be done on the plant floor around those critical components going back and forth. What I'm asking is this: if the changes to HACCP come along, and the independent third party review comes through on an annual basis to see if they're doing the things they need to do, what is the dialogue back and forth?

This is at a higher level than just an inspector, by the way. This is not about a front-line inspector and a carcass; this is now about the system.

Is there something in this legislation, or is the process now in place, to require this dialogue to go back and forth? If it is, I think we should recognize it, because it's important to know that and it's wonderful if it's happening. If it's not happening to the same degree as maybe it should, perhaps we have to incorporate it some way with a minor tweak to the legislation.

That's really what I'm trying to find out.

Hon. Gerry Ritz: Would you comment, George, please?

Mr. George Da Pont: Thank you.

That's actually a very good point. There is an aspect in the legislation and there is work under way in the inspection modernization initiative that the minister mentioned that touches on that point.

In the legislation itself, sections 51 and 53 will provide the authority to establish regulations around documentation, a format-type of documentation, so once the act is enacted we will be able to put in a regulatory package that would address some of the issues you just mentioned, so the authority is there, and it would be in regulation.

You also mentioned the requirement and the usefulness of having a more structured system assessment. We have been working on an inspection modernization process for almost a year now. We've had a lot of consultations with industry. We've had consultations with consumer groups. Most of the details have actually been developed by focus groups from our front-line inspectors, and one of the proposed changes there is to bring in and create those who we're calling for the moment “system assessment officers”, who would be doing exactly what you described.

● (0955)

The Chair: Thank you.

With that, I'll thank the minister and the departmental staff for attending today. We appreciate your time.

That ends the first portion. I'm just going to take a brief recess for two to three minutes while people clear the room.

Thank you, Minister.

Hon. Gerry Ritz: Thank you, Mr. Chair. It was a very constructive dialogue. We appreciate it. Thank you.

The Chair: Thank you.

We will pause for three minutes.

● (0955)

(Pause)

● (1000)

The Chair: Welcome back, committee members and guests.

Joining us now from the Canadian Food Inspection Agency is Mr. George Da Pont, president.

I know you have some guests with you, Mr. Da Pont. Perhaps you would like to take the time to introduce them. I understand you have a very brief statement, and then we'll move to questions.

Go ahead, please.

Mr. George Da Pont: Thank you very much, Mr. Chairman.

I'd like to introduce Neil Bouwer, our vice-president for policy and programs; Colleen Barnes, one of the executive directors in policy and programs, who has done an awful lot of work on this bill; Paul Mayers, the associate vice-president of policy and programs; and finally, Madame Martine Dubuc, the vice-president of science, and actually Canada's new chief food safety officer.

[*Translation*]

Mr. Chair, thank you for this opportunity to speak today about the proposed Safe Food For Canadians Act.

As president of the Canadian Food Inspection Agency (CFIA), I have an obvious interest in and responsibility for our ability to keep the food supply safe and to keep Canadian families healthy.

The objective of this bill is to strengthen our ability to carry out our mandate and to adapt our legislative regime to the changes that have taken place in the world. Food safety is one of the Government of Canada's highest priorities. While the existing food safety legislation has served Canada well—and our system is recognized as one of the best in the world—it is time to modernize and strengthen it.

● (1005)

[*English*]

The food safety environment is much more complex today than it was even a decade ago. When Canadians go shopping, they can buy food from an increasing range of countries with differing food safety systems. Globalization and increasingly integrated supply chains have increased the role of imports in our food system. In addition, as our population generally ages, it does become more susceptible to food-borne illnesses.

At the same time, lifestyles are changing, and technology is changing food manufacturing processes. These factors highlight the need for more modern and simplified food commodity legislation. Modern food safety science requires a sophisticated trend analysis and risk-based and system-based approaches. The fact is that science-based best practices can be implemented faster if they form part of our legal, regulatory, and food program frameworks.

Food safety is undoubtedly top of mind for many Canadians, as we're all well aware of the large XL beef recall from this past September. Sixteen people fell ill, and I want to offer my sympathy to them and to their families. While I am thankful they have recovered, I very much sympathize with the discomfort and stress they have experienced. None of us want to see a repetition of this type of incident.

There are some key authorities in the proposed bill, specifically on documentation and traceability, which the minister talked about, that would have greatly assisted the agency's investigation and recall process in that instance, as well as in some other instances in the past.

Canada's food safety system is based on legislation that in some cases is almost 50 years old. While it has served us well, it needs to be updated to keep pace with the emerging realities that we find ourselves in today.

The bill before you will consolidate food commodity legislation under which the Canadian Food Inspection Agency operates. Right now, food safety in Canada is regulated under five different statutes that were created at various times over the last half century.

As you know, one is the Food and Drugs Act that is administered by the Minister of Health. There are three commodity-specific statutes: the Meat Inspection Act, the Canada Agricultural Products Act, and the Fish Inspection Act. Finally, CFIA is also responsible for the food-related provisions that appear in the Consumer Packaging and Labelling Act. This bill will consolidate the various food commodity statutes and the provisions in the Consumer Packaging and Labelling Act. The Food and Drugs Act will remain separate under the administration of the Minister of Health, and the enforcement of food-related provisions in that act will continue to be done by CFIA.

While the existing food commodity legislation is workable and has served us well, inconsistencies and gaps in the powers there are inconsistencies and gaps in the powers. That became apparent when the CFIA was brought together and created. The existing legislative framework is functional but complex, and certainly can be improved upon.

Right now, in certain cases, we have a cumbersome approach to inspection and enforcement activities. I can give you one example. When an inspector enters a multi-commodity establishment, say one that produces products that combine meat and vegetables that are processed into another product, the inspector has to enforce authorities under several different statutes, causing inconsistencies in enforcement. This bill will allow us to change that. It will modernize and consolidate our inspection enforcement authorities across all food commodities to meet current and future needs.

Let me give you a few specific examples of increased inspection powers in addition to those that the minister covered in his remarks.

As mentioned, this bill includes explicit authority for inspectors to compel information within a specific timeframe and in a readable format. The bill will allow inspectors to request telewarrants, which will aid enforcement actions in more remote areas. The bill allows inspectors to take photographs in support of investigations and enforcement actions related to food. The bill empowers inspectors to look at records on computers, again in support of food compliance verification activities. This bill will ensure a more effective inspection presence by eliminating the differences that now exist in the various pieces of legislation that regulate food products.

In addition, the bill includes broader authority for the Canadian Food Inspection Agency in a number of areas: unsafe food can be prohibited from being imported into Canada, and direct authority is provided for dealing with tampering and hoaxes. The bill includes enhanced food and animal traceability authorities and authorities around licensing and the ability to require preventative controls.

As well, as was discussed earlier, much higher fines can now be levied on top of the administrative monetary penalty regime.

● (1010)

[*Translation*]

In June 2009, the Standing Committee on Agriculture and Agri-Food tabled the Subcommittee on Food Safety report entitled “Beyond the Listeriosis Crisis: Strengthening the Food Safety System”.

The subcommittee identified areas for improvement, such as a common approach to food safety, standards for implementing food safety programs, including hazard analysis critical control point and traceability systems, and increased resources for inspection systems. All parties supported the full implementation of all of the recommendations made by the independent investigator, Sheila Weatherill.

In the past, the CFIA has faced some criticism from some parliamentarians, standing committees, and stakeholders for outdated and inconsistent inspection and enforcement authorities. This legislative proposal addresses these issues. I would like to assure you that this bill does not change accountabilities for food safety. Health Canada remains responsible for setting policies and standards for food safety and nutritional quality. For its part, the CFIA will continue to be responsible for enforcing food safety standards.

My colleagues and I would be happy to respond to any questions you may have.

Thank you.

[*English*]

The Chair: Thank you very much.

Go ahead, Mr. Atamanenko.

Mr. Alex Atamanenko: Thank you again to all of you for being here.

Any kind of legislation, any law that we have, is only as good as the ability to enforce it—I think everybody would agree with that—so I want to talk a little more about inspection, because there has been some confusing information out there.

We were told that 700 new food inspectors have been added to the ranks. From the research we've done, we know that a lot of them include hundreds whose work has nothing to do with protecting Canadians from unsafe food products. For example, 200 inspectors have been added to the invasive alien species program, which obviously is important but doesn't deal directly with food safety.

It's my understanding that since 2006, not a single new meat hygiene slaughter inspector position has been added to the CFIA ranks, except to fill vacancies. I'd like to get some clarification on that. We know that as a result of what happened at Maple Leaf Foods,170 inspectors have been added to the processed meat program. Now we've had this outbreak at XL. Following what happened with Maple Leaf Foods, are more inspectors going to be added, and if so, how many, and when will they be in place?

Mr. George Da Pont: Thank you very much for the question.

The first point I would make is I agree with you that there has been a certain amount of confusion around the number of inspectors, but we've tried very hard to dispel that confusion. We have the exact numbers posted on our website, running back eight or nine years. We've identified which ones are front-line inspectors—they're the people who do the front-line inspection—and the inspection managers. We've broken down the increase in meat-related inspectors. We have put all this information on our website. It has been there for some time, and there has been a significant increase. If you look at the website, it accounts for the numbers and accounts for the numbers on the meat side.

If I use the XL plant as a primary example, four or five years ago we had fewer inspectors than we do now. Over the last three or four years we have augmented the number of people in that plant by adding two additional veterinarians and six additional inspectors. You mentioned slaughter facilities; that's a perfect example of where we've had a significant increase in the number of people in that particular plant in the last few years.

● (1015)

Mr. Alex Atamanenko: Given the fact that it is a pretty high-production plant, cranking out a lot of meat, and that things move pretty fast, and we've had a crisis there, are you planning on increasing the number of inspectors at that particular plant, and if so, by how many, roughly?

Mr. George Da Pont: We have a formula that takes into account a variety of factors, including the speed of the line, to determine how many inspectors are needed in a particular plant. What we have in XL is equivalent to what we have in other slaughter plants, taking into account the size of the plant, the amount of production, the speed of the line, and so forth. We have no evidence at this point that this number is inadequate. It is working successfully in other plants. It has worked successfully there, notwithstanding the incident that we obviously had. There were other factors, we think, that led to that. We can get into that a little later in more detail.

Obviously, we very much want to do a lesson learned, an examination of the situation, as we do in any such situation, as the minister indicated, using our expert advisory panel, and I think we need to have a thoughtful, sober look at everything. If, coming out of that, there are recommendations on things that we could and should improve, we'll certainly do that.

Mr. Alex Atamanenko: I have 20 seconds. There is to be consolidation of the inspection system for fish, meat, and agricultural products, the idea being that the inspectors will now consolidate their knowledge. How will Bill S-11 ensure that the differences will be taken into account? In other words, will a former meat inspector have the qualifications to go to other areas? How are you looking at that?

The Chair: Answer in 10 seconds or less, please.

Mr. George Da Pont: I was going to ask Mr. Mayers, but if you put a 10-second time limit, that may not be possible.

I think there are some things that are very common no matter what you are inspecting. Basic sanitation is a prime example of that. Obviously, there will always within that have to be some particular aspects tailored to whatever the product is and whatever the plant is doing. We see the consolidation being all those things that are in common that should apply across the board, notwithstanding what the food commodity is. That should be standardized. There will always be specific things that relate to whether you're in a slaughter plant, a meat processing plant, or processing vegetables. It will be a combination of a lot of common things and unique aspects.

The Chair: Thank you.

Mr. Payne is next.

Mr. LaVar Payne: Thank you, Chair.

Thank you, Mr. Da Pont, and your officials, for being here today.

As I said earlier, XL Foods is in my riding. It's a very important facility for that community. It has roughly 2,200 workers in a city of 13,500 people. It has a huge impact on the community, as well as obviously on not just the community but the employees, the company, and the ranchers who are there. It has a huge impact.

I've had a number of opportunities to talk to the media on this matter. Something like 4,000 head of cattle go through there every day. When I think about that, Mr. Da Pont—I know that we have all those inspectors and veterinarians there—I think about the required documentation. It's absolutely huge. I tried to explain that to the media. I tried to explain to the opposition that you can't just flip a switch and everything is okay the next day.

However, I really want to talk about inspectors' powers. Those were just comments I needed to get out on the floor.

The inspectors are our front-line troops. What we want to ensure is that they do in fact have the powers. We have added, as was stated earlier, some 700 net new inspectors. It's really important for them to be able to do the job that is required of them and have a number of powers granted to them by law.

Some of those—as you mentioned, Mr. Da Point—are to examine, test, take samples, open packages, take photographs, copy computers, and move or restrict items, which we saw through the recall process. One thing the legislation does is modernize the inspection powers by, for example, explicitly allowing inspectors to take photographs, whereas before that was not specifically stated in the statutes.

Some, however, are worried that the legislation gives food inspectors too much power. I'm wondering if you could explain why this concern is unfounded.

● (1020)

Mr. George Da Pont: There are really two aspects that are very important. Our inspectors are critical. You have to give them the full range of authority. You can't micromanage and shouldn't micromanage an inspector in the field. We rely on their training, professionalism, and judgment.

One of the important things in exercising that power is you have to have reasonable cause. This is a test that would apply across the board in looking at all inspection powers. Five or six months ago, the agency tried to capture some of this and lay out some of these things in a service commitment document that applies to our inspection staff and to all of the people we regulate.

There is also another powerful new tool in this legislation. It provides for the creation of a statutory complaints mechanism, which does not exist in statute now. For anyone who is regulated or anyone who feels that an inspector or anyone else in the agency overstepped their bounds or was not reasonable in the use of the powers, it now provides a review and appeal mechanism that can look at the situation quickly, come to a conclusion, and take action if indeed it is founded.

In addition, as is the case now, people would have access to the courts, but this provides a mechanism that should be faster, quicker, and cheaper than trying to go through court.

Mr. LaVar Payne: Thank you. I have 20 seconds.

I want to again reiterate how grateful I am for the CFIA and what they have done at that facility. It's important that we have safe food. I know the difficult work it has been on the inspectors. I just want to say thank you to all of them.

Thank you.

The Chair: Thank you.

Go ahead, Mr. Valeriote.

Mr. Frank Valeriote: Thank you, Mr. Da Pont.

First, you should know that everyone around this table supports Bill S-11. Second, nobody's questioning any of your commitments to food safety in this country. It's not so much what's in the bill as it is what might not be in it. Sheila Weatherill, in the report, recommended a third party independent audit. All sorts of successful companies—private, public—have third party audits, an outside look-see at the total resources.

I have four questions for you.

One, do you see the merit of a third party audit being undertaken every five years? Somebody outside of the CFIA would come in and look at it so parliamentarians and CFIA are informed on what exists, what may be needed, and how efficiencies can be achieved.

Two, you heard the minister say that CFIA could have been a lot more hard-nosed on getting the material from XL, rather than being nice. That tells me they had the authority. It might be a matter of culture in a particular plant where the authority wasn't exercised, whereas it is exercised in other plants. I'm still troubled with this seeking refuge behind some lack of authority under the existing legislation. Do you not feel they actually had the authority and it was a question of culture?

Third, I'm concerned that clause 27 doesn't authorize the inspector to require a specific format in which information is delivered, so time could be lost between delivery of information and the interpretation of that information.

Fourth, would you, Mr. Da Pont, undertake to provide within a week the names of all inspectors at CFIA, their job descriptions, and where they are located?

● (1025)

The Chair: Before I ask you to comment on that, I will suggest that as with all people who serve the Government of Canada and the people, it's policy, not opinion, that you're asked to present.

Thank you.

Mr. George Da Pont: In relation to your first question, that is very much a policy issue and it is not appropriate for me to comment on it in the context that you raised it, except to note that the legislation being proposed does have a review provision, and that review provision includes reference to resource review. How the committee chooses to deal with that, of course, is in the hands of the committee.

I'm glad you asked the question on the documentation, because we do have the power to compel documentation. That's never been in question and never been the issue. The Meat Inspection Act has such a provision. What's different in clause 27 is that we've added phrases about timeliness. While we have the power to compel it, there isn't a clear authority on compelling it in a certain timeframe. If you look at the situation in this case, we asked for the documentation verbally on September 6, which is quite appropriate. You're working with plant management.

We were not getting the impression that we were getting much action. We formally wrote to them on September 7. We set a deadline for producing that documentation on September 8, so we did take very quick and progressive action to set a deadline.

However, we don't really have an enforcement mechanism. The minister mentioned the only available enforcement mechanism, which is to simply shut down the plant. That is a theoretical option, no question, but if I go back to the point the other member raised, we also have to be seen as exercising authorities in a reasonable manner. Based on the information we had at that time, as the minister outlined, there were no spikes in illnesses, and no product that we knew had tested positive was in the marketplace. It would have been very difficult, in a practical sense, to pass that test.

That's why I think these provisions are important. They were put in the legislation when it was tabled in the Senate, which was well before this particular incident. They weren't tailored to this incident; they were tailored by our experience in other situations that have been replicated here, so we've strengthened the front-line inspector's ability to get action in a timely way by specifically adding that to the legislation.

I don't think the idea of asking an inspector to determine a format is workable. We have over 700 facilities. You don't want 700 inspectors having different formats. To answer that, we would rely on the regulation that we would put in place under subclauses 51(1) and 51(3), whereby we would be able to, in regulation, set out the format of the documentation and the type of information, and it would apply across the board.

The Chair: Thank you, Mr. Da Pont.

I suggest that we verify whether Mr. Da Pont is actually legally able to provide those names to the committee. If he is, I'll ask that he do it through the chair.

Mr. Hoback is next.

Mr. Randy Hoback (Prince Albert, CPC): Thank you, Mr. Chair, and thank you for being here this afternoon, gentlemen, to help us go through this new piece of legislation.

I have to say I'm a little concerned, and I'm glad you're here to explain the facts to the opposition members here. There's been a lot of misinformation and distortions in their presentations that have created a lot of confusion and fear.

The first thing I'm going to ask you to do—and it's very simple—is tell them what the website address is. I've told them three or four times where to go to get the information on inspectors, on timelines, and all that, but they don't seem to know it. If you could highlight the website address for them, I'd really appreciate it.

● (1030)

The Chair: Go ahead, Mr. Allen, on a point of order.

Mr. Malcolm Allen: The request by Mr. Hoback is willingly accepted by this side, provided that Mr. Da Pont is willing to put it in writing to the chair and have the chair distribute it. We'd be glad to accept it. I think it's cfia.ca.

The Chair: Thank you.

Mr. Da Pont—

Mr. Randy Hoback: I touched a sore point there. Please, if you would give it to the chair, that would be fine.

Mr. George Da Pont: Yes, I will work with the clerk or the chair on what information can be provided.

I must say that providing names is probably going to be very difficult, because I think it raises privacy issues.

Mr. Randy Hoback: I have only five minutes, Mr. Da Pont. Mr. Valeriote had his chance for his questions.

Mr. Chair, if you could instruct the clerk to write that out and get it out to the members of the opposition, I'd appreciate it. I'd know for sure they have all the information.

It's been very frustrating. I know that Mr. Valeriote was very concerned about the review committee and the process of reviewing after this. In fact, he attacked the integrity of somebody in that committee. I think that's totally unprofessional.

In fact, Mr. Valeriote has had a history of crying wolf many times now. In the situation in his riding with robocalls, he was the one crying wolf, yet he was the only man who was actually found in contravention of the act when he did it. Again, there's not much credibility coming from that member. I wish he'd be a little more thorough in his diligence when he—

Mr. Frank Valeriote: Mr. Chair, I have a point of order. This is completely irrelevant to the question here—

Mr. Randy Hoback: No, it is relevant, and I'll tell you why—

The Chair: Order. Mr. Valeriote is on a point of order.

Mr. Frank Valeriote: No, I don't think so, and on the point of order, it wasn't Mr. Valeriote, it was the federal riding association, so you might want to correct the record.

The Chair: Is this on the same point of order, Mr. Hoback?

Mr. Randy Hoback: I have no point of order. Neither does he.

The Chair: It is not a point of order, but I would ask that the questions be relevant to the guests we have here.

Mr. Randy Hoback: The relevancy is very clear. All we've done here in the last two weeks is spread a lot of misinformation and fear. That's why I'm so happy to have you here to explain this, because they would not accept any explanation from the minister, and I don't think they'll accept the explanations you have posted on the website, which is very unfortunate.

I will move on to Bill S-11. Bill S-11 is a piece of legislation which.... Again, you addressed Mr. Valeriote's concerns. He's been talking in the House about how you didn't have the mandate or the ability to get information in a timely manner. You've explained that to him, so I hope he now understands that. I know the minister explained it to him probably four or five times.

One thing I want to talk to you about is labelling. You've taken the labelling provisions from the old act into the new act. Have there been any changes in the labelling legislation? Then when it comes to tampering, can you explain the process around that?

Mr. George Da Pont: Maybe I'll turn that over to Neil Bouwer and Colleen Barnes to respond.

Mr. Neil Bouwer: Thank you, Mr. Chair.

I think I covered a little bit on the tampering side already, in terms of the new prohibitions against tampering and also threatening to tamper.

On the labelling side, the new act basically brings over the authorities that were in the Consumer Packaging and Labelling Act that are food-related provisions. Through regulation, we'll basically maintain the regulatory oversight on packaging and labelling. There are various parts of the regulation-making authority that cover that. We would assure the member, Mr. Chair, that those authorities carry over into the new act.

Mr. Randy Hoback: With regard to tampering, previously we had no way of properly investigating or enforcing. Why did you need to make the change?

Mr. Neil Bouwer: The Criminal Code, under “mischief”, does cover tampering. Normally, property-related mischief offences are prosecuted under the Criminal Code. Of course, that is not pursued or enforced by the CFIA. The new tampering provisions enhance and clarify the penalties for tampering to make clear that it's a clear prohibition.

As I mentioned in my earlier statements as well, this is a key provision that we heard discussed in our consultations, because tampering—for example introducing certain foreign objects into food—or threatening to tamper, which can be also very negative to the confidence in the food supply, is basically a gap in terms of the existing legislative framework. Bill S-11 proposes to strengthen and enhance those provisions by pointing out specific prohibitions on tampering and threatening to tamper.

Mr. Randy Hoback: Okay—

The Chair: Thank you. Time flies.

Mr. Allen is next.

Mr. Malcolm Allen: Thank you, Chair.

We talked earlier, Mr. Da Pont, about the documents and the fact that we saw a large volume in some unusable form. I don't want to get into details that are too technical about how unusable they were or what kind of unusability they had. Was this different from documents we were seeing before, in this sense that they weren't usable, or were there indications earlier on that maybe some of the documents weren't quite as useful as possible, or did XL simply produce a whole pile of new stuff that was different from what we'd seen before and just wasn't usable?

● (1035)

Mr. George Da Pont: They gave us the documents in a piecemeal fashion over September 10 and 11. They came in piecemeal. There were issues of incomplete information and there was difficulty in analyzing the information and putting it together. I can get Mr. Mayers to give you a bit more detail on that.

Mr. Paul Mayers (Associate Vice-President, Policy and Programs, Canadian Food Inspection Agency): Thank you, Mr. Chair.

In the context of the documentation, I take from your question that it's the issue of the documents we would see routinely versus documents when in an investigation. For example, our routine review of documents in support of the demonstration that an establishment is doing the things it should have been doing with respect to its HACCP plan wouldn't extend to its distribution records.

The distribution records are a critical element in an investigation. These are the types of things that, when we get them piecemeal and without clear format and clarity, slow our ability—

Mr. Malcolm Allen: Mr. Mayers, I don't want to cut you off. You've been here before, sir. You know what the timelines are like.

We're clearly talking about different types of documents, right? That's really what I wanted to get at so that folks aren't out there thinking, “My goodness, if they were always getting the wrong documents, why didn't somebody say something?”

That's why I really wanted you to tell us that this is about something different, and that it came to you in such a fashion that you had some here but were missing some there and you couldn't draw any kind of thread through all of this to try to come up with any kind of logical explanation when you were missing page 27 of 32 pages and you didn't get page 1. That sort of thing is really what I wanted. I appreciate the opportunity to hear you say that.

I want to change tack for just a minute and go to labelling. As we know, there are two things that have happened. One was earlier on when CFIA announced a new labelling process through the web, so folks who were applying for labels, etc., would do that. That's a web-based product.

Of course, there's the piece that's now in this legislation, which talks about how the authority for labelling becomes the authority of the Minister of Agriculture, but as we know, in the past it was the authority of the Minister of Health.

The obvious question is, who now actually has the authority? Is it the Minister of Agriculture or the Minister of Health? There's the overlap.

Folks, this is where it gets to be one of these back-and-forth weaving pieces, where we have the Food and Drugs Act over here and food safety over there, with two ministries. As well, the minister and CFIA have now put forward this new web-based product that they're looking at as we go forward with labelling.

Who will have the authority? At this moment, that is unclear to me.

Mr. George Da Pont: I'll ask Mr. Bouwer to cover the authority issue, but I did want to make one point about the web-based product and what it is. It is a tool. It's primarily for companies that want to be able to put a label together. We now do a lot of back-and-forth explaining of this and that, so we're doing a web-based tool that they can use themselves. That will help them put a compliant label together quickly, with less intervention from us.

Of course, we still have to do the job of approving it at the end of the day. It's only a tool to do things faster and quicker.

The Chair: Go ahead, Mr. Bouwer, very briefly, please.

Mr. Neil Bouwer: Thank you.

Health Canada remains responsible for the health and safety claims that are made on labels and also for the standards that are to be met on labelling. The CFIA is responsible for consumer protection and for other non-health-related claims that might be made on a label. As in other areas of food safety, it's a partnership between Health Canada and the CFIA.

The Chair: Thank you.

Mr. Storseth is next.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you very much, Mr. Chair.

I want to thank Mr. Rafferty for his comments, but let's just set the record straight: Alberta beef is still the best beef in the world.

Voices: Oh, oh!

Mr. Brian Storseth: I'd like to thank the CFIA officials. This is a very serious topic, and I want to thank you for the work you've done.

I think that when it gets into the realm of politics, oftentimes we do food safety a disservice. When an issue like XL or listeriosis comes up, everybody wants to be able to say they've found the solution for ever and ever, and there will never be another problem, but we know, as the minister said, that food safety isn't a static issue. It is one that is constantly growing and evolving, and we need to be on top of it. I think timelines are important, so could you just clarify when this legislation was actually tabled?

● (1040)

Mr. George Da Pont: It was tabled in June.

Mr. Neil Bouwer: It was tabled on June 17, I believe.

Mr. Brian Storseth: So it was well before the issue of XL came up.

CFIA has been proactively looking at improving its safety systems. We continue to evolve and assuredly will continue to evolve for as long as we're doing this. I am proud that we have one of the best food safety systems in the world.

I know the minister's not here, but I believe his experience in this, as well as the experience of the officials we have here and in CFIA, helped not only to control the XL situation but also served to maintain composure with the general public outside of the Ottawa bubble. In my riding, people were reassured and have the idea that we do have the best food safety system in the world. It's important that we continue to maintain that. I want to congratulate you.

I have a question. For the layman who reads this, it's easy to say, "Well, is some food safety inspector able to come in and just write out a fine for $500,000? All of a sudden, we've given all these powers to CFIA officials that are outside those of even a judge and jury."

Could you clarify the process, and the appeals process as well?

Mr. George Da Pont: Thank you very much for the question.

I'll ask Mr. Mayers to elaborate on a couple of points, but we'll go back to the basic point. All of our inspectors will have to be held to a test of reasonableness and will have to act based on information.

As I mentioned, there is a specific review mechanism contained in this bill for any regulated party who feels that an inspector has behaved inappropriately, has exceeded his authority, or has not used the authority properly in relation to the situation. That review mechanism is built in. The intent is to set it up in a such a way that we can have a timely response to complaints.

We put an awful lot of effort into training our inspectors, and that's a key aspect of their training: not only what authority they have, but also what's appropriate to use in a particular situation.

Paul, do you have anything to add?

Mr. Paul Mayers: The one thing I would add is that it is an entire system. An inspector is not going to be operating so independently in making a decision that it becomes arbitrary. The training that the president spoke about is a critical element, but that inspector is also going to be supported by a network in terms of interpretation so that when an inspector is faced with a situation, they apply their judgment, but they also have the support of program specialists who can provide direct feedback to the inspector on the interpretation of events. Before a decision is taken on using an AMP, that process of interaction within the entire system is applied so that we ensure not only reasonableness but also consistency of the decision.

The Chair: I'm going to stop there. The bells are ringing.

We have a brief five-minute in camera meeting that I ask the members to stay for.

I thank our guests today. We appreciate your comments.

I want to inform people in the room that a purse has been found in the ladies' washroom, and it is believed to be from this committee. It's at the Sergeant-at-Arms office in the basement.

Thank you for being here. I ask you to please remove yourselves as quickly as possible, as we do have other business.

We have a two-minute recess.

[*Proceedings continue in camera*]

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