

letter

U.S. food safety responsibilities clarified

After reading the page 14 article in the Spring editor of the *B.C. Berry Grower*, titled 'U.S. food safety rules tightened', I felt compelled to offer a more comprehensive perspective on the subject to ensure that Canadian growers are provided with complete and factual information.

The article states that "the FLA requires Canadian growers, who intend to have their product shipped to the U.S., need to meet the FSMA Produce Safety Rule and that their packer will have to verify that."

In fact, it is the responsibility of the U.S. company importing produce into the U.S., and not of the Canadian packer, to verify that food safety risks have been managed by the grower.

It is the grower who needs to provide the U.S. importer with assurances to demonstrate that relevant food safety risks have been managed. A Canadian packer cannot provide the importer with assurances on the behalf of the grower.

While complying with the U.S. Produce Safety Rule requirements may be one method of demonstrating that food safety risks are being managed, it is not the only method.

U.S. companies that import produce into the U.S. are subject to the FSMA (Food Safety Modernization Act) Final Rule on Foreign Supplier Verification Programs (FSVP) for Importers of Food for Humans and Animals. The U.S. importer must complete a risk assessment of the produce that they are intending to import. Where the assessment identifies food safety risks of significance to human health, the importer is required to have the Canadian grower provide evidence that

importers of certain products, including fresh fruits and vegetables for direct consumption, would not be subject to the complete FSVP requirements, but only to modified FSVP requirements. If the importer can verify that the Canadian grower's operations are overseen by and are in good compliance standing with the Canadian Food Inspection Agency (CFIA), no further evidence would be required to confirm that the grower is managing food safety risks.

In practice, under the proposed Safe Food for Canadians Regulations, it is expected that the operator holding a valid licence would achieve that objective. Under the current regulatory framework in Canada, registered establishments and businesses who have enrolled voluntarily through MyCFIA can effectively demonstrate regulatory oversight and compliance.

In terms of technical requirements of the U.S. Produce Safety Rule, the article states that "growers not using potable drinking water for irrigation will have to sample their water tested five times a year for four years to determine if their water is safe to use or will require corrective action." While a couple of exemptions to water testing requirements are explained, a couple of important exemptions are not mentioned. ○

If the water does not contact the edible portion of the crop, the water quality standards set out in the U.S. Produce Safety Rule do not apply and therefore water testing is not required. For example, berry growers who irrigate using drip irrigation would typically not be required to demonstrate that the irrigation water complies with U.S. water

quality standards.

Testing is not required if a growers are treating the water according to a scientifically recognized method.

Alternatively, growers who use non-potable water to apply chemicals may elect to use potable water provided by the municipality to avoid requirements relating to water testing.

The article inaccurately states that "sampling the source is the only way to determine if the water has a high level of risk." While water testing may be the only effective method of confirming water quality, effective management practices, including appropriate preventive measures and corrective actions, are at least as important to mitigate the risk of contamination to water sources.

The article inaccurately states that "the Food and Drug Administration, which enforces the new regulations, expects the same compliance from both domestic growers and importers." What the FSMA regulations actually require is that foreign suppliers are able to demonstrate to their U.S. importer that food safety risks of significance to human health are being effectively managed. The FSVP provide numerous options for growers to achieve that objective, and the mutual systems recognition between Canada and the U.S. allows Canadian suppliers to benefit from the modified FSVP requirements.

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