



# BRIEF

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## NAFTA 2.0: Trade and Safe Food

The U.S. and Canada regulatory community understands that collaboration and efforts to harmonize food safety regulations and standards, have an important role in advancing trade, food safety, and preserving public health. Both governments through the Food Safety Modernization Act (FSMA) and Safe Food for Canadians Act (SFCA), suggest they are focused on reducing both unwarranted contradictory regulatory requirements and redundant applications of similar requirements by multiple regulatory bodies<sup>1</sup>, and yet industry continues to be saddled with administrative burdens and costs associated with two independent food safety systems.

Therefore, it is not surprising that major food producers are opting to align their quality and safety best practices and procedures with private standards to keep pace with the continuous push for safe globalization of food trade. The processes of harmonization and mutual recognition (equivalence) among private standards is occurring more quickly than is possible for national public regulations, particularly those that require multilateral negotiations. Indeed, the Global Food Safety Initiative (GFSI) is an example of a coordinated attempt to formalize mutual recognition of equivalence between various private food safety standards<sup>1</sup>. Similarly, globally recognized analytical standards developing organizations such as International Standards Organization (ISO) and AOAC International are working together to bring their microbiology method

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<sup>1</sup> Hobbs JE. Public and Private Standards for Food Safety and Quality: International Trade Implications and Trade Policy. :410-22.

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validation requirements closer towards harmonization<sup>2</sup>. There is no reason why Canada and the U.S. cannot follow in the steps of industry and move toward harmonized technologies, methods and processes based on joint risk assessment and science.

A modern food safety science approach on either side of the border must recognize that Canada and the U.S. share a common goal of safe food for its citizens and reflect the level of integration of our food supply. With a large number of agencies responsible for various aspects of food safety in Canada and the U.S., issues related to our differences persist in areas such as food safety risk assessment, technology approvals, hazard surveillance, but could be dramatically reduced if a North American approach for food safety was institutionalized through the forthcoming NAFTA negotiations.

Across the U.S. and Canada food safety regulatory frameworks there are hundreds of examples which reflect this lack of joined-up science. For example, the policy on *Listeria monocytogenes* on ready-to-eat (RTE) food, where Canada has adopted a less than 100 CFU/g in RTE foods that do not support *L. monocytogenes* growth while the U.S. applies a “zero tolerance”; or the approval process for food additives, where the Generally Recognized As Safe (GRAS) process used in the U.S. but not in Canada, allows some flexibility for additives that have a history of safe use without a legal review and approval by the FDA<sup>3</sup>. In some cases, these differences disrupt trade in finished foods but most of the time, result in economic harm by promoting unequal availability of newer, safer technologies or production protocols within both countries.

Therefore, collaboration between Canada and the U.S. should start from the basic scientific foundations to prove safety, feasibility and necessity of future regulations; and must include transparent sharing of data among agencies unfettered by traditional barriers and be done in a timely manner<sup>4</sup>. Lessons can be learned from the European Union, which more than 10 years ago introduced the creation of European Food Safety Authority (EFSA). EFSA has become an integral part of the EU’s food safety system, providing world-class, up-to-date and fit-for-purpose scientific advice to member countries. It has helped to build the EU’s scientific assessment capacity and knowledge community and informed the making of science-based regulations and standards in all of the EU countries.

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<sup>2</sup> <http://www.mygfsi.com/news-resources/news/news-blog/599-the-harmonization-and-recognition-of-global-methods-dream-becomes-reality.html>

<sup>3</sup> Stiefelmeyer K, Martin L, Klimas M. Food Regulatory Systems: Canada’s Performance in the Global Marketplace. A Case Study Approach. 2008.

<sup>4</sup> Holley RA. Food Safety Challenges within North American Free Trade Agreement (NAFTA) Partners. *Compr Rev Food Sci Food Saf.* 2011;10:131–42.

Like the EU, Canada and the U.S. have experienced common food safety scares and recognize the existence of shared food safety risks to North American food production and food imports. The two countries share in their common goals for achieving the highest possible levels of public health protection, and the social and economic welfare of their citizens. NAFTA renegotiation presents an opportunity to strengthen food (and feed) safety outcomes by:

- Establishing a new joint Risk Assessment Organization to (i) undertake science-based food safety risk assessments using common data (hazard identification, hazard characterization, exposure assessment and risk characterization), (ii) develop best practices in food safety risk management and (iii) collect, analyze and communicate food safety knowledge for the benefit of consumers, government agencies, food producers, exporters and importers.

The creation of a cross-border decentralized risk-assessment organization that resembles the role of EFSA in North America, can be equally beneficial and yield common scientific knowledge and outcomes that will also align with the provisions of the WTO agreement on SPS Measures<sup>5</sup>.

The joint agency would ensure a common scientific foundation for:

1. assessing and preventing emerging foodborne threats (microbiological, chemical and physical including, where relevant, those linked to animal and plant health through the “one health” concept);
2. recommending food safety risk thresholds for pathogens, chemical residues, allergens, etc.; for approving food safety interventions, technologies and analytical test methods;
3. validating food safety best practices at all levels of food production, processing, distribution and preparation;
4. sharing and interpreting food safety testing and surveillance data gathered across North America and globally in relation to imports;
5. recommending innovative, outcome-based food safety inspection practices and compliance promotion strategies.

Following EFSA’s scientific process, the Canada-U.S. risk assessment agency would operate with an independent Management Board, but work in close cooperation with Canada and U.S. food safety authorities with each country maintaining decision-making authority over its food and feed safety standards and inspection practices. The agency would work on a request basis, which then can be assigned to scientific panels and/or specialized technical working groups that will carry out the detailed scientific work necessary to draft a final opinion. The latter can be further discussed within

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<sup>5</sup> Comments from industry stakeholders regarding the forthcoming NAFTA negotiations recommend the adoption of the SPS chapter from the Trans-Pacific Partnership (TPP) Agreement and emphasize the need to develop fair, transparent and science-based standards, conformity assessment procedures, and SPS regulations while eliminating measures that are discriminatory and unjustified.

the Panel and open to public consultation before it is finally adopted and sent to its original requester, who will use it to support policy-making and legislative decisions.

A Canada-U.S. joint risk assessment organization will follow the example of successful cross-border cooperation initiatives such as the Canada-U.S. International Joint Commission (investigates and studies transboundary issues and recommends solutions to wisely manage shared lake and river systems along the border<sup>6</sup>), build on current achievements from the Regulatory Cooperation Council (RCC) such as the harmonization of the technical requirements of veterinary drug approvals and Maximum Residue Limits (MRLs) and the development of harmonized product chemistry templates for registration of pesticide; and strengthen transboundary scientific capacity by promoting projects focused on priority areas (e.g. Next Generation Sequencing Technologies and Applications<sup>7</sup>).

The aim for the future under NAFTA 2.0 must be to fully put into practice the principles of free trade and embed institutions into our trade agreements which enable common risk assessment and food science foundation. The border effect between Canada and the U.S. remains substantial even after 23 years of NAFTA and now is the time to recognize the role that regulatory institutions can play in framing a modern food safety system, informing policy and monitoring public health and safety.

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<sup>6</sup> <http://www.ijc.org/en/>

<sup>7</sup> <http://www.agr.gc.ca/eng/science-and-innovation/international-engagement/scientific-cooperation-with-the-united-states/?id=1432653815278>