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Chapter 13 - Reconciling the Provincial and Federal Systems

13.1 Introduction

Why are there two meat inspection systems in Ontario? The short answer is because the Constitution permits both federal and provincial governments to legislate in this field.¹ The two systems we have today represent the exercise of that constitutional jurisdiction by both governments, but at different times and for different reasons.

In 1906, the government of the United States enacted meat inspection legislation as a response, in part, to the publication of *The Jungle*, by Upton Sinclair, that exposed the revolting practices and horrendous working conditions at Chicago packing houses. In order to preserve its trading status with the United States and Europe, Canada responded in 1907 with the *Meat and Canned Goods Act*² which provided for the inspection of all meat sold interprovincially or internationally. Although there was legislation that permitted meat inspection in certain municipalities in Ontario as early as 1896, it was not until the 1960s that the provincial government, prompted by prosecutions relating to the sale of meat from dead animals, enacted legislation that provided for meat inspection, licensing of abattoirs and regulation of deadstock disposal.³

The progress and development of the federal system over the years has been driven by trade considerations. As a result of its success in keeping pace with international developments in food safety, the federal system is considered to be the equal of any food inspection system in the world.

13.2 The Differences in the Systems

Since part of my mandate is to consider strategies for accelerating harmonization with the federal government, it is necessary to identify the differences between the two systems in order to assess the need for such action and, if required, the direction it should take.

¹ See Chapter 2.

² 6-7 Edward VII, c. 27.

³ *Meat Inspection Act* (Ontario), S.O. 1962-63, c. 78 and *Dead Animal Disposal Act*, S.O. 1960, c. 21.

I was told by those I spoke to in government and the meat industry that the difference between the two systems is one of scale and scope, not safety. The difference in scale and scope is easily enough demonstrated. There are only 33 registered federal abattoirs in the province yet they process 85% of the livestock. On the other hand, there are 191 provincially licensed abattoirs which account for only 15% of the slaughter. With some exceptions, provincial abattoirs are small, family run businesses located throughout rural Ontario. Forcing all abattoirs to be federally registered would put many out of business. For example, most provincial plants could not meet the construction requirements for federal plants. If they wished to remain in business, they would have to raze their premises and start anew. However, the fact that such a capital investment would be prohibitive for most is, itself, no justification for supporting a system that is less safe than its federal counterpart. The issue, therefore, is whether provincial plants, properly operated and regulated, produce meat which the Ontario consumer can purchase with the same level of confidence as meat produced in the federal system.

In fact, there is objective evidence to demonstrate that provincial abattoirs in Ontario already compare favourably with their counterparts elsewhere. As noted earlier in this Report,⁴ three microbiological baseline studies have been conducted with respect to raw meat originating from Ontario abattoirs. Although no federal data is available for comparison, the results from these studies show that meat processed in Ontario's provincially licensed abattoirs is similar, in microbial quantity, to meat processed in facilities in other jurisdictions, including the U.S. and the U.K. Indeed, in some instances, Ontario pathogen levels were lower than in these other jurisdictions.

Apart from differences in construction standards, the other significant difference between the two systems is the availability of a veterinary inspector at every federal facility. Although federal meat inspectors still conduct the *ante* and *post mortem* examinations, a veterinarian is usually on-site to examine any animal or carcass that the inspector identifies as abnormal. In the provincial system, advice is available by telephone from

⁴ See Chapter 3.

the veterinary scientist or regional veterinarian and an appointed veterinarian can be called to the plant to examine an animal or carcass. I initially perceived this to be a weakness in the provincial system, but am now satisfied it is not. Apart from the fact that an on-site veterinarian is necessary to comply with international trade requirements, the size of federal plants and the volumes of animals being processed dictate the need for ready access to a veterinarian and make it economically practicable. This is not the case in most provincially licensed plants. Many only slaughter one or two days a week and the volume is comparatively low. The attendance of an on-site veterinarian would be prohibitively expensive and unnecessary as their services are only required infrequently. When a provincial meat hygiene officer identifies a problem which requires the attention of a veterinarian, the animal or carcass is held pending receipt of the necessary advice. No decision is made concerning the disposition of the animal or carcass until such advice is obtained. So long as veterinary advice is readily available to the inspectors, I do not see that the absence of a veterinarian on-site renders the provincial system any less safe than the federal system.

13.3 The Need for Local Abattoirs

If the federal system was imposed on provincially licensed abattoirs, not only would many operators have to close their doors, but a significant segment of the agricultural economy which relies on local abattoirs would suffer.

As indicated earlier in this Report,⁵ lamb and veal producers rely on the provincial system almost exclusively for the slaughter of their animals as well as virtually all of the growing niche markets.⁶ Many farmers who depend on provincially licensed abattoirs for custom slaughter offer compelling arguments in support of the preservation of local abattoirs. The

⁵ See Chapter 1.

⁶ Including bison, farmed deer and elk, ostrich, emu, ducks, geese, partridge, Cornish hens and wild boars.

representative of the National Farmers Union made the following plea at the Review's public meeting in London:⁷

Small, local, inspected abattoirs are an essential part of a diverse farm culture and local food system. Farm families, consumers and rural economies all benefit when farmers sell meat directly to the public in their home communities. Farmers selling meat direct to consumers, or to small butcher shops, make more per animal than through regular livestock market channels, thereby receiving a fair return on time and investment. Without local abattoirs to kill, cut and package meat, it is impossible for farmers to direct market their meat.

One farmer explained his family's concerns in this way:

We market our beef by the piece, side or quarter to people who know us, either directly to individuals or to retailers such as health food stores and restaurants. You can understand that issues of quality, and in particular food safety, are extremely important to us.

Our existence, however, is totally dependant on the services provided by small, local abattoirs. "Small" is critical to ensure that our product is not contaminated with or identified as other beef; "local" is important because longer travel distances result in increased stress on animals and impact negatively on carcass quality.

In my view, there is no need to sacrifice this sector of the provincial economy in order to secure a safe supply of meat. If the recommendations in this Report are adopted and implemented, the people of Ontario can be confident that the meat produced in provincially licensed plants is as safe as any produced in a federally registered facility.

⁷ The National Farmers Union was supported in this submission by the Ontario Cattlemen's Association, Ontario Sheep Marketing Agency, Ontario Pork Producers' Marketing Board, Chicken Farmers of Ontario, Turkey Farmers of Ontario, Ontario Veal Association and the Ontario Federation of Agriculture.

13.4 Harmonization

It will be evident from reading this Report that all levels of government are engaged in food safety initiatives at every stage along the farm to fork continuum. Part of my mandate in conducting this Review was to “make recommendations on approaches to strengthen regulatory and legislative systems, including strategies for accelerating harmonization with the federal government.” I have explained why we have two systems and why I think the people of Ontario are well-served by maintaining two systems. At the same time, I also believe that the adoption of my recommendations will bring the standards and practices of those systems into harmony.

The proclamation of the *Food Safety and Quality Act, 2001 (FSQA)* will provide the legislative structure that is necessary to achieve that goal, and regulations that are consistent with the National Meat and Poultry Regulations and Code (NMPRC) will establish standards that are comparable to those in place for the federal system. The introduction of HACCP-based programs all along the farm to fork continuum will ensure good practices and proper standards are observed and maintained. The specific policies I have recommended with respect to issues such as on-farm slaughter and the treatment and processing of downer animals should address specific safety concerns raised by animal welfare advocates and consumers. The training initiatives I have recommended for meat hygiene officers together with the increase in operational and veterinary support will ensure that the Ontario public will be served by an experienced and competent inspectorate capable of ensuring that the high standards being set are observed. The movement toward harmonization will produce joint training opportunities and more efficient use of scientific resources. It will also facilitate the implementation of coordinated efforts regarding disease surveillance, traceability and biosecurity which are essential to any food safety system.

But, as was so often observed during the course of the Review, there will always be those who, for expedience or profit, will ignore the rules and put others at risk. The system must, therefore, have the enforcement capacity to detect and deter potential offenders. The *FSQA* will provide the additional tools required, however, compliance and enforcement must be sufficiently

resourced to give them a proactive capacity they do not currently enjoy. Properly funded and staffed, the proposed restructured enforcement branch of the Food Safety Division will be able to deliver that capability as effectively as the CFIA enforces practices and standards in the federal system.

13.5 Food for Thought – An “OFIA”

I have identified certain gaps and duplications in the delivery of food inspection services in Ontario and have suggested ways to eliminate them. However, jurisdiction over inspection services continues to reside in two separate ministries. OMAF is responsible for seeing meat safely to market and MOHLTC has responsibility for its safe delivery to consumers. I am satisfied that this system, with the adjustments I have recommended, will provide the people of Ontario with reliable and effective meat inspection. Nonetheless, I was drawn, from the outset, to the idea of a single agency responsible for all food inspection from production through to consumption. Indeed, the creation of the Food Safety Division at OMAF that I have recommended would be a step in that direction.

The CFIA was born out of efforts to coordinate and rationalize federal food inspection services. The logistical challenges faced by the federal government were perhaps larger in scope, but very similar in kind to those we are now addressing in Ontario. Provincial food inspection services in Québec are undertaken by the Centre québécois d’inspection des aliments et de santé animale (CQIASA). This agency was established in 2001 and is, in many respects, Québec’s equivalent of the CFIA. The creation of a food inspection agency, with responsibility for all aspects of food inspection is, in my view, the next logical organizational step in the process of modernizing the food safety system in Ontario and would greatly facilitate the process of harmonization with the federal government.

I recommend that the provincial government consider the establishment of an Ontario food inspection agency that would assume responsibility for all activities associated with ensuring food safety.

In pursuing this recommendation, it will be necessary to examine and consider the respective roles to be played by OMAF and MOHLTC. The provincial government will have to decide which Ministry the agency will report to and which Ministry will be responsible for establishing food safety policies and standards. It is noted that the CFIA reports to the Minister of Agriculture and Agri-Food Canada while the Minister of Health establishes standards for the safety and nutritional quality of food sold in Canada. A similar structure in Ontario would require some adjustment to the current roles and responsibilities of OMAF and MOHLTC, although it seems to me that OMAF is best positioned to direct the operational aspects of such an agency whereas MOHLTC should be charged with setting the standards necessary to protect public health.

I do not make this recommendation as an alternative to the many that precede it, but see it, rather, as the next step in the progression of events that the balance of the recommendations represent.

13.6 Interprovincial Trade

Many provincially licensed abattoirs believe their facilities are already operating to a standard that is the equivalent of federally registered plants and believe they should be permitted access to markets in other provinces. Although an amendment to current federal legislation would be required, it is my view that the implementation of my recommendations should bring interested operators closer to realizing this goal and perhaps lead to an equivalency certification that would acknowledge harmonization of the systems and permit certified operators to trade interprovincially without federal registration. The provincial government should be prepared to advocate this position and work with the federal government and other provinces to pursue this goal.

13.7 Implementation Audit

When this Review was announced, the provincial government made a commitment to act on the recommendations. As noted in the Report, much has been undertaken to put Ontario on the road to a modern and science-based food safety system, but there is more to be done. In order to ensure that the momentum is maintained, a review or audit should be conducted

within a reasonable time to assess and report on the progress that has been made.

I recommend that the provincial government ensure an independent audit is undertaken after one year to assess and report publicly on the progress of the implementation of the recommendations in this Report.