



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

Canadian Food Inspection Agency



Our vision:

To excel as a science-based regulator, trusted and respected by Canadians and the international community.

Our mission:

Dedicated to safeguarding food, animals and plants, which enhances the health and well-being of Canada's people, environment and economy.

REGULATION OF COMPOST under FERTILIZERS ACT & REGULATIONS – Changes to Program Administration

***Compost Council of Canada
Annual Conference, Sept , 2014***

Canada

Outline

- ***Fertilizers Act and Regulations***
 - Regulation of Compost
 - Regulation of Digestates
- **Transformational Agenda**
 - Changes to the *Fertilizers Regulations*
 - Fertilizer Regulatory Modernization
- **Impacts on Compost products**
 - Safety labelling
 - Definition of compost
 - Compost “categories”
- **Agricultural Growth Act**
- **Next Steps**

Regulation of Compost

Compost is considered a supplement under the *Fertilizers Act and Regulations (Schedule II)*

NO person shall sell, or import into Canada any fertilizer or supplement unless it:

- has been REGISTERED as prescribed**
(MOST compost products do not require registration)
- conforms to prescribed STANDARDS**
- Is properly LABELLED**

NOTE: Manufacture, use and disposal are regulated under the Provincial and municipal regulations



Regulation of Digestates

When sold as a plant nutrient (fertilizer) or to improve the physical condition of soil, aid in plant growth or crop yield (supplement), digestates are regulated under the *Fertilizers Act and Regulations*

CURRENTLY:

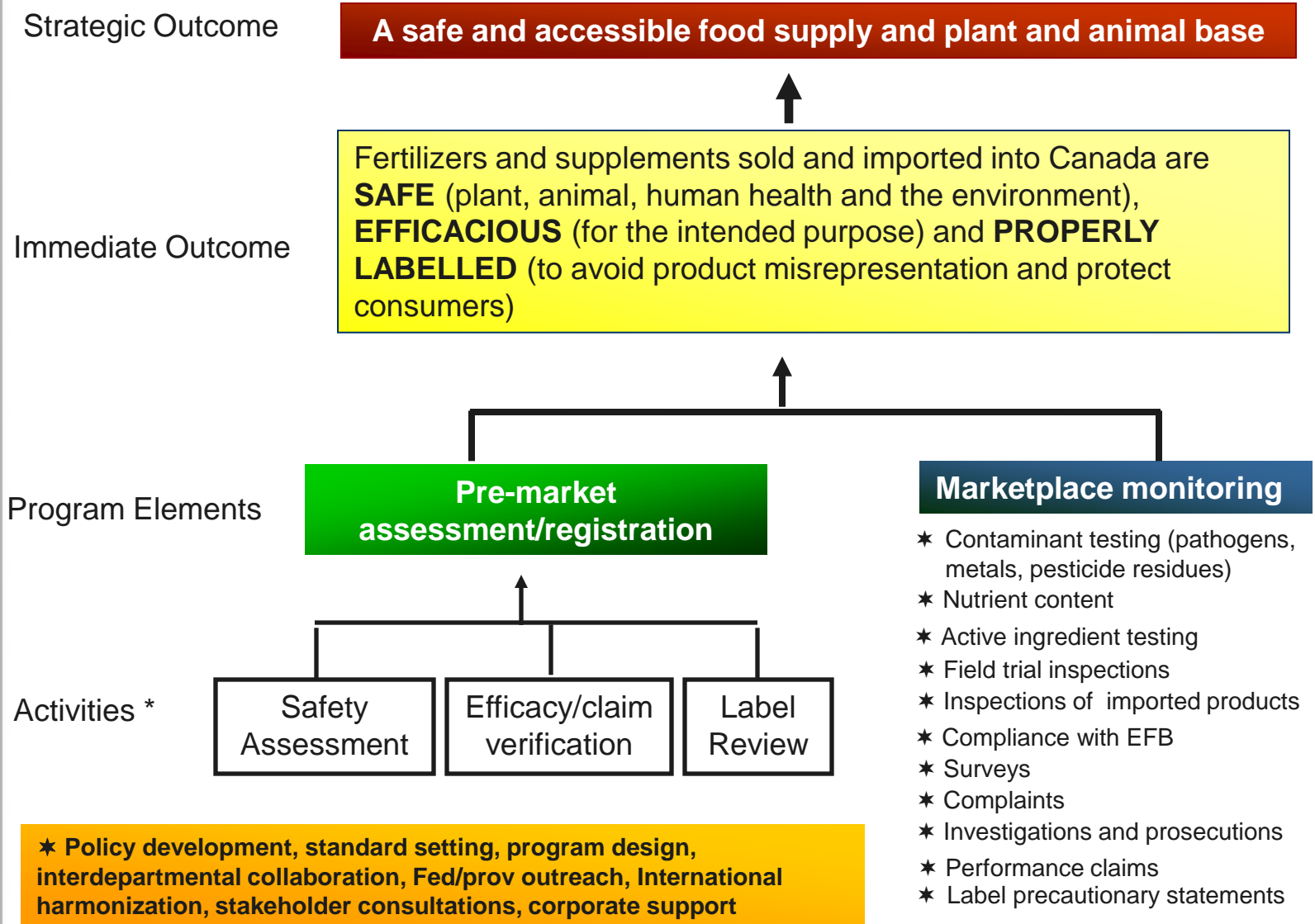
- Require registration if recommended for agricultural use (farm fertilizer).
- Exempt from registration if recommended only for use on household plants, urban gardens, lawns or golf courses or in nurseries or greenhouses (specialty fertilizer).
- May require registration as a supplement if additional active ingredients or claims (other than plant nutrient) are made about the product.

Note: subject to change via Regulatory Modernization initiative.

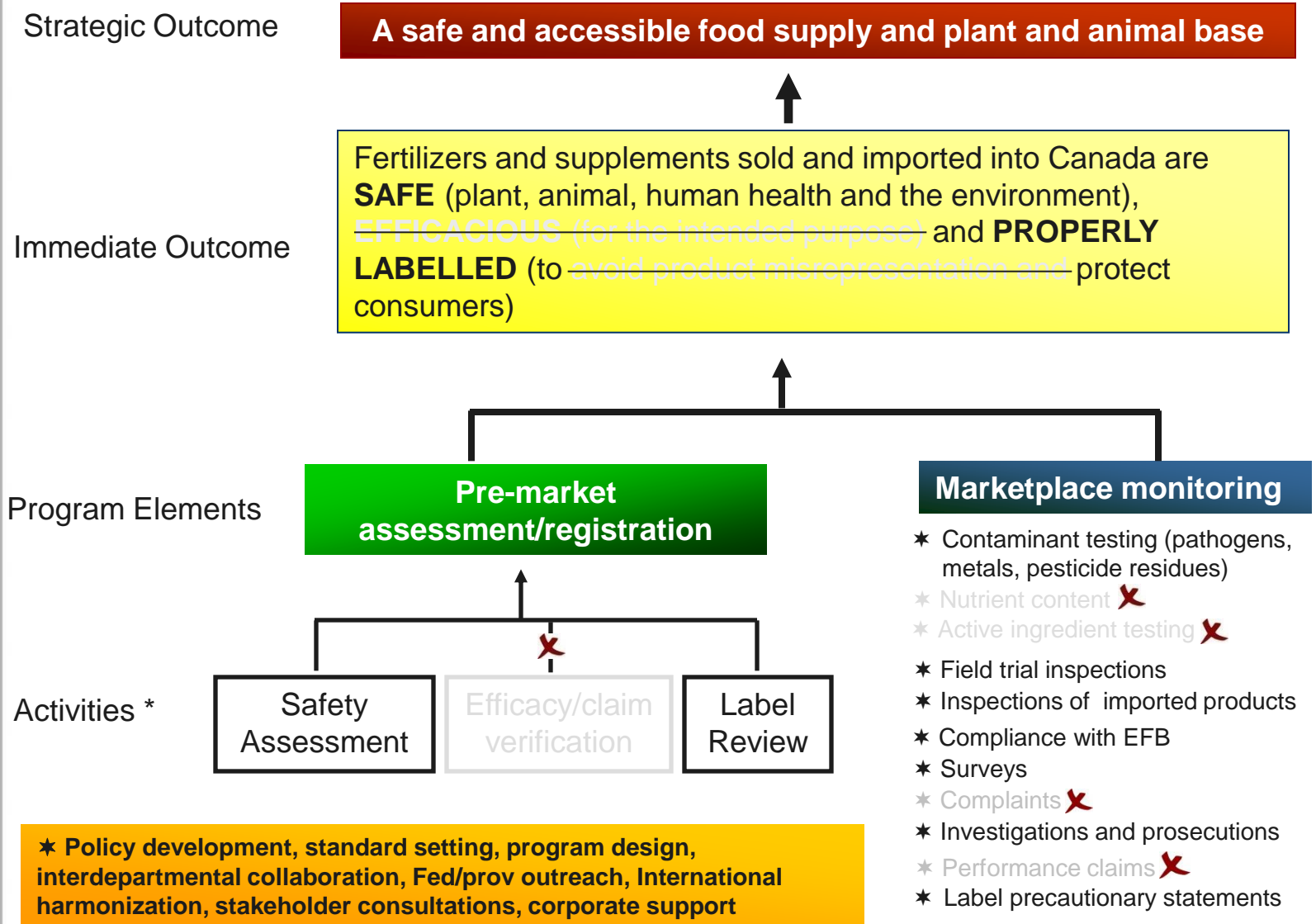
Transformational Agenda

- Amendments to the *Fertilizers Regulations* – April 26, 2013
 - Discontinuation of efficacy and quality regulation
 - Focus on product safety
 - Changes to pre-market assessments for fertilizers and supplements
 - Changes to marketplace monitoring activities
- Regulatory modernization of the federal *Fertilizers Regulations* (launched December, 2011)

Past Regulatory Framework



2013 Changes – NO Efficacy or Quality



CFIA's Regulatory Modernization

Regulatory Modernization (December 2011) involves a systematic review of all regulatory frameworks for food safety, plant health and animal health. *Fertilizers Regulations* have been identified as a short term priority. The regulatory modernization proposal:

- builds on the changes introduced to program administration by the Budget 2012 decision to remove efficacy oversight;
- was developed in close consultation with the stakeholder community through government/industry working groups (the Canadian Fertilizer Products Forum – CFPF www.cfpf-fcpf.ca);
- was posted for public pre-consultation (Fall 2013), and ongoing consultations through CFPF continue;
- involves input from stakeholders via questionnaires (Fall 2013) to aid in measurement of costs and benefits of the proposed amendments.

Key elements of change

FROM:

TO:

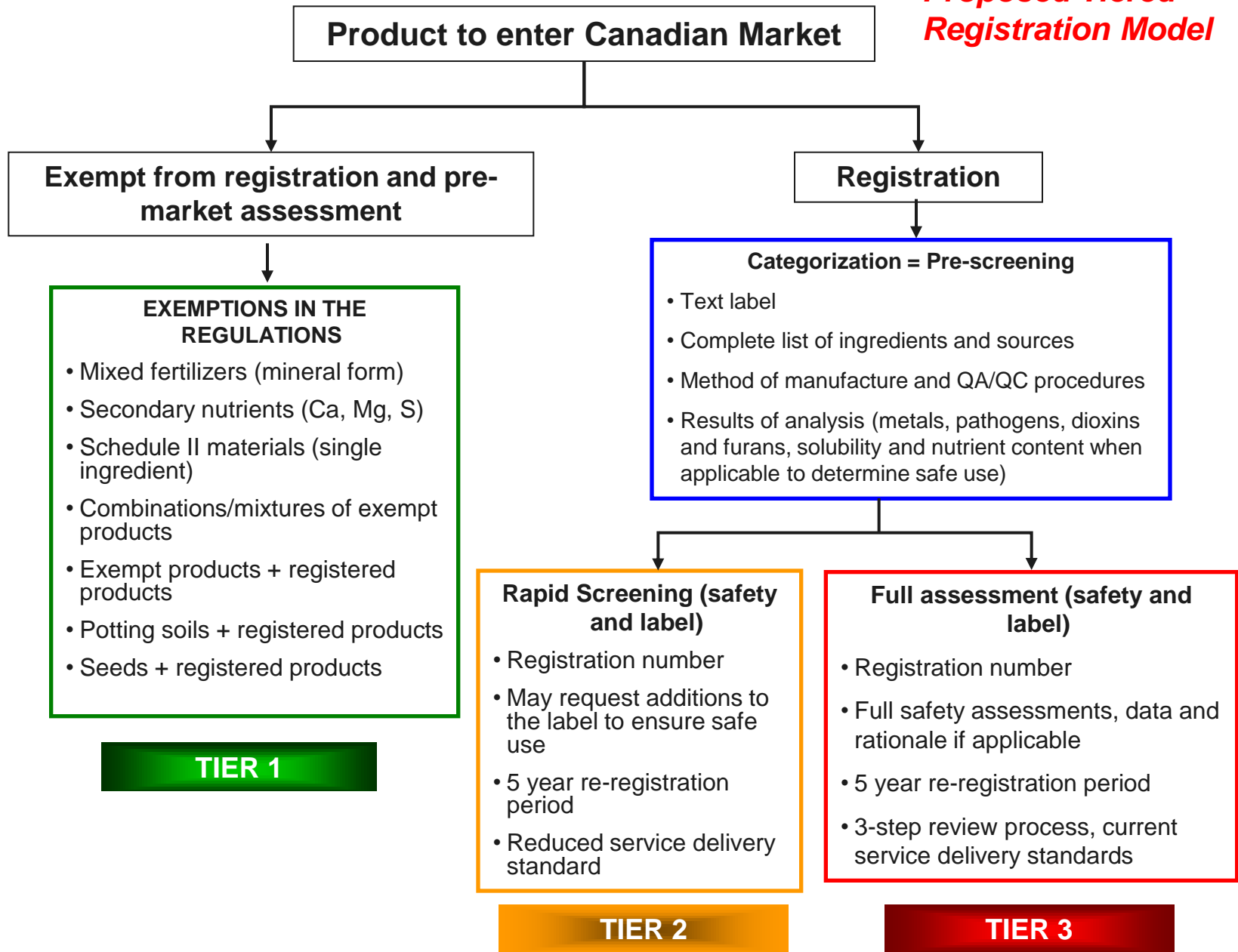
Current status	Modernized Framework
<p>EFFICACY</p> <p>Prescriptive numerical standards and quality criteria</p> <p>Requirement to substantiate ALL performance/benefit claims (pre-market assessment)</p> <p>Marketplace monitoring of quality</p>	<p>Removes all quality provisions - buyer-beware marketplace</p> <p><i>Based on feedback from the CFPF working groups, only a few sectors are contemplating self-regulatory initiatives</i></p>
<p>SAFETY</p> <p>Generic provisions – specific safety standards and requirements maintained through policy</p>	<ul style="list-style-type: none"> •Maintains outcome-based approaches to safety requirements and standards •Strengthens authority for environmental sustainability
<p>DEFINITIONS AND EXEMPTIONS</p> <p>Outdated definitions that are aligned with product use patters (farm vs. home and garden)</p> <p>Burdensome registration requirements for combination products</p>	<ul style="list-style-type: none"> • Aligns definitions with current science and modern terminology • Supports new exemption scheme • Maintains consistency with other relevant legislation • Aligns exemptions with the risk profile of the product, ingredients and their sources

Key elements of change (cont'd)

FROM:

TO:

Current status	Modernized Framework
<p>SCHEDULE II</p> <p>Outdated definitions (over 30 years)</p> <p>New safe primary materials and combinations not included</p>	<ul style="list-style-type: none"> • Amends existing definitions to reflect current science and modern manufacturing practises • Adds materials to be exempt from registration (based on history of safe use and relevance to the marketplace) - risk-based approach to regulation • Removes materials no longer used (e.g. garbage tankage)
<p>LABELLING AND MARKET ACCESS</p> <p>Prescriptive labelling provisions</p> <p>Prescriptive submission format requirements (application form, label etc)</p> <p>Two-tiered rigid registration scheme – exempt from registration or subject to full pre-market assessment</p> <p>Three year registration period</p>	<ul style="list-style-type: none"> • Outcome-based approach – removes prescriptive provisions - mandatory labelling of “core information” ONLY • Flexibility (placement of information, etc) • Less Prescriptive submission format – removes application form from Schedule IV of the regulations • Three tiered registration scheme + FIVE year registration period – blend of regulatory and policy instruments • Support innovation and facilitate/ expedite market access



Impact on Compost products

- Fertilizer Program will no longer be monitoring quality aspects of compost products (verification of guarantees)
 - Will continue to monitor safety aspects (pathogens, heavy metals)
- Fertilizer Program will focus on safety of regulated products, including compost
 - Review of precautionary statements required on label
 - e.g. Allergenicity statements
- Definition of Compost on Schedule II of the *Regulations* is proposed to be changed to require designation to kind
 - Consultation ongoing to determine at what level

Precautionary statements required

Precautionary statements may be required, dependent upon the nature of the product.

Allergenicity:

- Health Canada implemented Enhanced Labelling Regulations for Food Allergens for food products that may contain the 10 priority allergens (August 2012).
 - Eggs, milk, mustard, peanuts, seafood (fish, crustaceans and shellfish), sesame, soy, sulphites, tree nuts, wheat
- Fertilizer Program is reviewing allergenicity issues in compost products that may contain these 10 priority allergens.

Other Potential Risk Factors:

- bacterial and fungal pathogens

Definition of Compost

Currently, Schedule II of the *Fertilizers Regulations*:

- *Compost: A solid mature product resulting from composting, which is a managed process of bio-oxidation of a solid heterogeneous organic substrate, including a thermophilic phase. **This product may be designated as to kind.***

Proposed revision:

- ***This product must be designated as to kind.***

This revision includes two separate elements for consideration:

- a) Level of detail required
- b) Format / placement on label

Designation as to kind

Examples...

- Product name?
 - i. seafood compost*
 - ii. fish, crustaceans and shellfish compost*
 - iii. salmon, crab, crayfish, lobster, prawns, shrimp, clams, mussels, oysters, scallops and squid compost*

- Mandatory listing of ingredients?
 - i. Source separated organics*
 - ii. Food scraps, yard and landscaping debris, paper fibers, wood waste*
 - iii. Fruit, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bakery items, cheese, eggshells, coffee grounds, leaves, branches, grass, weeds, floral trimmings, paper towels, cardboard, tea bags/coffee filters, wooden crates, and tree branches*

Compost “categories”

Based on initial discussions with CCC, categories have been proposed for labelling of feedstocks, such that a complete list of all potential ingredients in the feedstock would not be required on a product label:

- Post consumer source-separated organics
- Leaf & Yard residues
- Municipal Biosolids
- Fishery & Aquaculture residues
- Forestry residues
- Livestock & Agrifood residues

Discussion with compost stakeholders is necessary to further justify and define the proposed compost categories.

Agricultural Growth Act (Bill C-18)

This bill was introduced in December 2013 by the Government of Canada to support agricultural sector growth through modernization.

<http://www.inspection.gc.ca/about-the-cfia/newsroom/news-releases/2013-12-09/eng/1386435526001/1386435540960>

Key authorities of note for the compost industry:

- Incorporation by reference
- Licencing of establishments
- Authorities around record keeping

If the Act receives Royal Assent, the key changes impacting the compost industry would require regulatory amendments.



Potential impacts on compost industry – Agricultural Growth Act (Bill C-18)

Incorporation by reference:

- Schedule II could be referenced in the Regulations
- Schedule II could then be updated as needed without requiring a regulatory amendment.

Licensing of establishments:

- Could require licensing of composters/manufacturers or importers.
- Include Preventive Control Plans (quality control measures) to align with food safety continuum.
- Authorities to develop regulations on what documents to keep, prepare, provide, etc.

Current challenges and next steps

- Regulatory modernization in the context of Agency's ambitious transformational agenda – CGI– delayed till winter
- Service Delivery Standards for file processing – delays and ensuing backlog of submissions for registration
- BNQ is reviewing their compost guidelines – CFIA will participate in advisory capacity
- CFIA and CCC need to work together to elaborate the level of detail required for the designation as to kind, as pertains to compost labelling
- Research is needed to determine safety and exposure risks associated with allergens – thus precautionary statements
- Ag Growth Bill – if passed - will require significant consultation and engagement from the stakeholder community to develop new regulatory regime for licensing facilities

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