



trace r&d | 2009

Diamond/Diamant

Canada 

Platinum/Platine



Gold/Or

Manitoba 

 Ontario



Silver/Argent

Alberta

IBM[®]


ManitobaPork

CANADIAN
Cattlemen
THE • BEEF • MAGAZINE

Bronze/Bronze

Alberta Farmer Express
Canadian Poultry Magazine
Canadian Wheat Board /
Commission Canadienne du blé

Consumer & Marketing Demand Network
Gallagher Canada
Grainnews
Intelliware Development Inc.

Manitoba Co-operator
On Trace
Trace it Solutions



DEPARTMENT OF JUSTICE

Traceability – the federal legal context

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Purpose

It is hoped that at the end of this presentation you will understand, and maybe remember, the following:

- 1.The federal role in traceability
- 2.The main federal Act and Regulation re: traceability
- 3.The legal obligation to identify livestock
- 4.The legal obligation to report identification information
- 5.The role of an « administrator »
- 6.The current state of regulation in the provinces



Your grandpa's traceability ...

A Legal Requirement Since 1878

- Branding of livestock in western Canada has been a legal requirement since 1878, to deal with cattle rustling
- Brands have been registered in Western Canada for more than 125 years

But now ...

- Disease passed from animal to human (mad cow disease, avian flu, H1N1), disease passed from animal to animal (foot and mouth disease), and concerns about food safety and quality have all led to much broader traceability efforts
 - Traceability's function is not to prevent disease. It is a tool enabling the rapid identification of affected sites, preventing propagation to other sites; thus limiting the disease or health problem, in the shortest possible delay.
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Traceability today and tomorrow ...

- Most traceability initiatives in Canada began through close consultations with industry, leading to statutes and regulations in the very early 2000's
- Quebec, Canada (federal) and Alberta have been at the leading edge of legislative and regulatory activity in Canada
- Traceability discussions usually include these questions:
 - which species are covered
 - who speaks for the producers of each species
 - who issues the ID numbers and who distributes the identification tags
 - who collects and holds the identification information
 - who has the right to see and use the identification information
 - what is the nature of the relationships between the federal and provincial governments, their contracted administrators, and industry
 - when will other species (and plants) be added
 - when will full traceability be implemented: (a) animal ID; (b) premises ID; (c) animal movement



The federal players: CFIA and AAFC

CFIA

- *Canadian Food Inspection Agency Act*
 - The Agency is responsible for the administration and enforcement of the: *Agriculture and Agri-Food Administrative Monetary Penalties Act, Canada Agricultural Products Act, Feeds Act, Fertilizers Act, Fish Inspection Act, Health of Animals Act, Meat Inspection Act, Plant Breeders' Rights Act, Plant Protection Act and Seeds Act*, and food-related aspects of the *Consumer Packaging and Labelling Act* and the *Food and Drugs Act*
 - Provides national traceability legislative/regulatory framework
 - Enters into agreement with Administrators to administer traceability
 - Enforces non-compliance with traceability regulations
 - Conducts traceability investigations – e.g. BSE
 - Separate from AAFC since 1997
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The federal players: CFIA and AAFC

AAFC

- *Department of Agriculture and Agri-Food Act*
 - Responsible for all federal matters, not otherwise assigned by law to another agency, in relation to: (a) agriculture; (b) products derived from agriculture; and (c) research related to agriculture and products derived from agriculture including the operation of experimental farm stations.
 - AAFC provides funding for the development and implementation of traceability in Canada.
 - Since 2001, AAFC has provided approximately \$14M to industry for strategy development, pilot projects, systems implementation, and support to purchase RFID readers.
 - Over the next 4 years, AAFC will be providing \$60M at the national level for government and industry infrastructure, and up to a further \$50M to cost-share enterprise infrastructure programs with the provinces.
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Health of Animals Act

34. For the purposes of this Act, the Minister may enter into an agreement with any qualified person to perform such duties or functions as the Minister may specify, on such terms and conditions as the Minister may specify.
64. (1) The Governor in Council may make regulations for the **purpose of protecting human and animal health through the control or elimination of diseases and toxic substances** and generally for carrying out the purposes and provisions of this Act, including regulations
- (x) requiring animals and things to be marked or to have affixed to them tags, seals or other devices for the purposes of this Act, authorizing inspectors or officers to mark animals and things or to affix to them tags, seals or other devices for the purposes of this Act, and prohibiting the removal, breaking, tampering with or altering of those marks, tags, seals or other devices;
 - (y) **establishing and governing a national identification system for animals that provides for standards and means of identification;**
 - (z) **requiring animals to be identified under the system established under paragraph (y) when the ownership or possession of them changes or when they are transported or otherwise dealt with;**
 - (z.1) governing the manufacture, sale, distribution and use of the means of identification to be used in the system established under paragraph (y);
 - (z.2) governing the collection of information and statistics, the publication of studies and the conduct of surveys on any matter related to this Act or the regulations;
 - (z.3) requiring records to be kept respecting activities in respect of which this Act or the regulations apply;
 - (z.4) prescribing any fees or charges, or the manner of calculating any fees or charges, required for carrying out the purposes and provisions of this Act or the regulations; and
 - (z.5) prescribing anything required by this Act to be prescribed, other than anything to be prescribed by the Minister.
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Health of Animals Regulations – key requirements

- 174.1 A distributor, or an organization that manages an animal identification system, that sells or distributes approved tags shall, within 24 hours after selling or distributing them, **report the following information in respect of those approved tags to the administrator:**
 - (a) the name, address and telephone number of the person to whom they were sold or distributed;
 - (b) the date they were sold or distributed;
 - (c) their unique identification numbers; and
 - (d) the total number that were sold or distributed.
- 175(1) “... every person who owns or has the possession, care or control of an animal or a carcass of an animal shall **ensure that it is identified by an approved tag that is applied to it before it is moved from its farm of origin**”
 - (2) Except as otherwise provided in this Part, **every person who owns or has the possession, care or control of an animal or a carcass of an animal shall ensure that it bears the approved tag referred to in subsection (1) at all times after it is moved from its farm of origin.**
- Ss. 186 - 189: slaughter, export and import must be reported to the administrator.



Health of Animals Regulations - Administrators

- 172. "**administrator**" means a person with whom the Minister has entered into an agreement, under section 34 of the Act, under which the person is to administer a national identification program for animals.
- Currently, the only « administrator » is the Canadian Cattle Identification Agency (CCIA), a private, non-profit corporation <http://www.canadaid.ca>
- CCIA is the administrator for cattle, sheep and bison
- CFIA has had an agreement with CCIA since 2002. This agreement is pursuant to s. 34 of the *Health of Animals Act*. (The *Regulations* came into effect in 2001.)



Health of Animals Regulations - Administrators

- 172. "organization that manages an animal identification system" means an individual, a partnership, a corporation, a cooperative, an association or an organization that is authorized by provincial legislation to manage an animal identification system
- 174.1, 184(4), 185(4), 186(4) and 187(3) impose obligations on organizations that manage an animal identification system to report information to the administrator



Health of Animals Act – Enforcement

Offence for non-compliance

65. (1) Every person who contravenes any provision of this Act, other than section 15, or the regulations or who refuses or neglects to perform any duty imposed by or under the Act or the regulations is guilty of

- (a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
 - (b) an indictable offence and liable to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both.
- Enforcement is achieved primarily through penalties under the *Agriculture and Agri-Food Administrative Monetary Penalties Act* and *Regulations* rather than through prosecutions in court
 - Enforcement, as explained by the Canadian Cattle Identification Agency (CCIA) to cattle producers on the CCIA web site:

“The Canadian Food Inspection Agency (CFIA) enforces the Canadian Cattle Identification Program with penalties for non-compliance beginning at \$500 and going as high as \$4,000. Early payment can reduce the fines by as much as 50%. The need for assessing penalties will be minimal as all industry sectors will be aware of the requirements and will be expecting compliance from their suppliers.”



Health of Animals Regulations – key requirements

To repeat:

- CFIA enters into agreements with an « administrator » to administer the « national identification system for animals »
- Farmers are required by law to apply a tag to an animal before it is moved off the farm
- Farmers who do not comply are subject to prosecution or administrative monetary penalty
- The seller of the tags must report the information about the sale of the tags
- The database will include:
 - The fact that a farmer has purchased tags
 - The name and address of the farmer who purchased the tags
 - The numbers on the tags purchased by the farmer
- The above information is sometimes referred to as the Part XV information (i.e.: Part XV of the *Health of Animals Regulations*)
- No one may ship an animal without a tag; no one may receive an animal without a tag
- If a tag is removed in a manner authorized by the regulations, details of the removal must be reported and will be added to the database
- Slaughter, export and import must be reported to the administrator
- The regulations do not deal with date of birth of the animal or the identification of premises to which the animal is being moved



A vision for tomorrow

- Full national traceability for all species and perhaps including plants; adding species and new administrators one at a time as the system becomes ready to adopt them
- Appropriate agreements between CFIA and administrators
- Appropriate data sharing agreements between provinces and CFIA
- National web-based portal for shared access to traceability data
- Three Pillars of Traceability: animal ID, premises ID, movement
- Pillar 1: Animals are identified by ear tags or other means other means
- Pillar 2: Premises ID. Shippers and Receivers of animals would be required to have premises ID numbers
- Pillar 3: Movement. The shipper and/or receiver would be required to report to the administrator the fact that certain animals were shipped and received on a certain date by a specific shipper and receiver



Quebec

- Agri-Traçabilité Québec Inc. (responsible for all traceability matters governed by Quebec legislation) <http://www.agri-tracabilite.qc.ca/en/index.html>
- Quebec *Animal Health Protection Act* <http://www.canlii.org/en/qc/laws/stat/rsq-c-p-42/latest/rsq-c-p-42.html>
- Quebec *Regulation respecting the identification and traceability of certain animals* <http://www.canlii.org/en/qc/laws/regu/oc-205-2002-2002-go-2-1581/latest/oc-205-2002-2002-go-2-1581.html>
- “management body” means the body entrusted with the management of the identification system pursuant to section 22.3 of the *Animal Health Protection Act*
- Quebec *Food Products Act* <http://www.canlii.org/en/qc/laws/stat/rsq-c-p-29/latest/rsq-c-p-29.html>



Quebec

- Quebec has traceability regulations for the cattle and sheep sectors, and more recently cervids (farmed deer, moose and elk), that cover the three pillars of traceability: animal ID, premises ID and animal movement
- ATQ manages the traceability database and provides a mirror copy, which is updated hourly, to the provincial government
- ATQ receives from CCIA specific subsets of national tag numbers to ensure uniqueness of tag numbering and distribution
- ATQ has an agreement with the provincial ministry for agriculture (MAPAQ), where ATQ is the management body chosen by MAPAQ to manage traceability
- The agreement provides, among other things, that the provincial law on access to information and privacy for public bodies governs the data collected and that the data and any software for the system that ATQ develops is the property of the province



Alberta

- Livestock Identification Services Inc. www.lis-alberta.com/ - its primary role is administration of the brand inspection program in Alberta
 - The *Livestock Identification and Commerce Act* and *Livestock Identification and Commerce General Regulation*
 - *Animal Health Act* was proclaimed on January 1, 2009 and is now in force
 - Three regulations under the *Animal Health Act* came into force at the same time: *Reportable and Notifiable Diseases Regulation*; *Traceability Premises Identification Regulation*; and *Traceability Livestock Identification Regulation*
 - *Traceability Premises Identification Regulation*; and *Traceability Livestock Identification Regulation* cover premises ID and some elements of the animal ID and animal movement
 - Data-sharing agreement between Alberta Agriculture and Rural Development and CFIA
 - Qs and As on Alberta traceability:
[www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/com12440](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/com12440)
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Alberta

- Under the *Traceability Premises Identification Regulation*; and *Traceability Livestock Identification Regulation*, all Alberta livestock premises were required to update or apply for new Premises ID (PID) numbers by January 1, 2009
- Animal owners and operators of commingling sites must provide the following information:
 - Applicant name and contact information;
 - Emergency 24/7 contact information for the premises;
 - Any previously obtained CCIA or Alberta Pork Producers' premises ID number for the premises;
 - Location of the premises, i.e. legal land description or geo-referenced coordinates;
 - Type of premises, e.g., farm, abattoir, etc;
 - Types of animals raised, kept, displayed, assembled, and disposed of on the premises;
 - Maximum capacity of the premises for each species of animals raised, kept, displayed, assembled and disposed of on the premises.
- As of January 2009, beef producers are required to have age verified with the CCIA , starting with the 2008 calves, their entire calf crop.

Producers will need to forward birth data to the Canadian Cattle Identification Agency (CCIA). Birth dates need to be tied to a Radio Frequency Identification tag (RFID), attached to each animal. Producers should ensure that tag numbers are linked with production records for ease of age verification and for audit purposes.



Ontario

- OnTrace Agri-food Traceability (OnTrace) www.ontraceagrifood.com/
- Agreements between OnTrace and CCIA, and between OnTrace and ATQ, to share validated premises information about the location of producers in Ontario who are users of both the Canadian Livestock Traceability System (CLTS) and the Ontario Agri-food Premises Registry (OAPR) managed by OnTrace.
- OnTrace is currently focused on adding primary producer data to the OnTrace premises registry system. Nine producer groups have already been added and approximately 60,000 premises in Ontario have been accurately characterized in the OnTrace premises registry system