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## Frequently asked questions: proposed *Safe Food for Canadians Regulations* (SFCR)

Resources to help businesses understand the proposed *Safe Food for Canadians Regulations* (SFCR) are available on the [Learn \(/about-the-cfia/acts-and-regulations/regulatory-initiatives/sfca/consultation/learn/eng/1427299500843/1427299800380\)](#) section of our website at [www.inspection.gc.ca/safefood](http://www.inspection.gc.ca/safefood).

During the consultation, we received several great questions. Here are some of the most frequently asked questions and answers - as well as a reminder of what the proposed [SFCR \(Safe Food for Canadians Regulations\)](#) would and would not apply to.

The proposed [SFCR \(Safe Food for Canadians Regulations\)](#) would generally apply to food for human consumption (including ingredients) that is imported, exported, or inter-provincially traded (food that crosses a provincial border). It would also apply to food animals from which meat products to be exported or inter-provincially traded may be derived.

The *Safe Food for Canadians Act* and proposed [SFCR \(Safe Food for Canadians Regulations\)](#) **would not apply** to the following:

- food for personal use
- food carried on any conveyance (for example, trains, ferries, airplanes) that is intended for the crew or passengers
- food for analysis, evaluation, research, or a trade show
- food that is not intended or sold for human consumption
- food imported from the United States onto the Akwesasne Reserve by a permanent resident of the Reserve for their use
- food traded between federal penitentiaries
- transportation of food, if that is the sole activity of a person.

The [SFCR \(Safe Food for Canadians Regulations\)](#) would also not change any current provincial and territorial requirements for food.

## Retailers

How would the proposed [SFCR \(Safe Food for Canadians Regulations\)](#) affect food retailers?

Retailers - except for restaurants or other similar businesses that sell food as meals or snacks —would need to track the incoming food that they sell (one step back). However, they are not required to track the sale of the food to the consumer (one step forward).

### **Would internet retailers have requirements under the proposed SFCR (Safe Food for Canadians Regulations)?**

Yes. The proposed regulations would apply to anyone who trades food on the internet, like any other food business.

## **Intra-provincial trade**

### **How would the proposed SFCR (Safe Food for Canadians Regulations) affect businesses that produce or sell food only within a province or territory (intra-provincial trade)?**

Generally, businesses that produce or sell food only within one province or territory would need to continue to comply with the labelling and advertising provisions that currently exist within the *Consumer Packaging and Labelling Regulations*, which were carried over into the proposed SFCR (Safe Food for Canadians Regulations).

In addition, traceability requirements would apply to any person who sells food at retail, as well as anyone who imports food, even if it is only sold within the one province or territory.

## **Organic Food**

### **Would there be any new regulatory requirements for the organic sector?**

Yes. The following new requirements have been proposed:

- organic aquaculture standards related to aquaculture animals, seaweed and aquatic plants
- a person who is manufacturing, processing, treating, handling, slaughtering, producing, storing, packaging, labelling and conveying an organic product would need to obtain certification for that activity, unless they already hold an organic certification for that organic product.

## **Licensing**

### **Who would need a licence under the proposed SFCR (Safe Food for Canadians Regulations)?**

Generally speaking, you would need a licence to do any of these activities:

- import food
- manufacture, process, treat, preserve, grade, package, or label food for export or to be traded inter-provincially
- request an export certificate
- slaughter food animals for export or to be traded inter-provincially

- store and handle a meat product in its imported condition for inspection by the [CFIA \(Canadian Food Inspection Agency\)](#)

Please note that a licence would not be required to store food. However, you could request a licence on a voluntary basis if, for example, a foreign country requires it.

For more information on whether you need a licence, refer to the [Would you need a licence?](#) (<http://inspection.sondages-surveys.ca/s/tool-licence-outil/?l=en>) interactive tool.

### **When would I need to apply for a licence?**

Once the [SFCR \(Safe Food for Canadians Regulations\)](#) comes into force, the following timelines are proposed:

- immediately for meat, fish, eggs, processed eggs, dairy, processed fruit or vegetable products, honey, maple, and fresh fruit or vegetable products
- immediately, if you request an export certificate
- for all other foods, a staged implementation approach would provide an additional two years to apply for a licence

At that time, you would apply for a licence through the online [My CFIA \(Canadian Food Inspection Agency\) \(/about-the-cfia/my-cfia/eng/1482204298243/1482204318353\)](#) service.

### **What will happen to my current business registration number?**

Once the [SFCR \(Safe Food for Canadians Regulations\)](#) come into force, the [CFIA \(Canadian Food Inspection Agency\)](#) would no longer issue registration numbers and would transition from registering an establishment to licensing a person. Registration numbers issued by the [CFIA \(Canadian Food Inspection Agency\)](#) under current regulations would remain valid once the [SFCR \(Safe Food for Canadians Regulations\)](#) come into force until that registration expires.

The [CFIA \(Canadian Food Inspection Agency\)](#) is currently working on the procedures to ensure this transition is smooth, and that any identifying numbers needed on export certificates or foreign country lists are captured to prevent trade disruptions.

### **What does it mean to licence a person?**

A licence is issued to a person to conduct a specific activity. In the *Safe Food for Canadians Act*, person has the same meaning as in the Criminal Code and can be an individual or an organization, including an association, company, or corporation.

## **Preventive Controls and Preventive Control Plans**

### **What is the difference between preventive controls and a Preventive Control Plan?**

Preventive controls are measures that prevent or manage hazards associated with preparing food products. They are based on the [CODEX Alimentarius General Principles of Food Hygiene CAC/RCP 1-1969 PDF \(Portable Document Format\) \(176 kb \(kilobyte\)\)](#) (<http://www.fao.org/input/download>

[/standards/23/CXP\\_001f.pdf](/standards/23/CXP_001f.pdf)).

A preventive control plan is a written document that demonstrates how hazards and risks to your food products are identified and eliminated (or reduced to an acceptable level). The preventive control plan is based on internationally accepted Codex principles and includes elements relating to packaging, labelling, grading, and standards of identity.

### **Will there be exemptions from having a written PCP (Preventive Control Plan)?**

Yes, the CFIA (Canadian Food Inspection Agency) is proposing that food businesses with a gross annual income of \$30,000 or less from the sale of food would be exempt from having to write a PCP (Preventive Control Plan). However, the meat, fish, egg, processed egg, processed fruits and vegetables, and dairy sectors would not receive this exemption, regardless of their annual sales amounts. Also, a written PCP (Preventive Control Plan) would be required to receive an export certificate, regardless of the annual income of a business.

To find out if you would need a preventive control plan, use the Would you need a Preventive Control Plan? (<http://inspection.sondages-surveys.ca/s/tool-pcp-outil/?l=en>) interactive tool. Whether you are exempt from having a written PCP (Preventive Control Plan) or not, you would be required to have preventive controls in place to manage risks to your food.

### **What is the difference between a HACCP (hazard analysis critical control point) plan and a preventive control plan?**

A preventive control plan contains the food safety control measures typically found in a HACCP (hazard analysis critical control point) plan, and would also include descriptions of the measures in place to demonstrate that you are meeting what are called "market fairness requirements" such as labelling, packaging, standards of identity, grades, humane treatment and net quantity.

### **I already have a fish Quality Management Program (QMP) plan or a Food Safety Enhancement Program (FSEP) plan. Would they be valid?**

Yes, the criteria identified in these documents would still be valid. However, you would have to make adjustments to include the additional market fairness elements and ensure there are no gaps that need to be addressed.

Importers and exporters who have existing documentation and processes in place (e.g. (for example) QMP (Quality Management Program)) and fish exporters with Export Certification Control Program plans) can still use these plans, but should review them to ensure all the applicable preventive control requirements have been met.

## **Traceability**

### **Would I have to meet traceability requirements?**

Generally, you would have traceability requirements if you:

- import food, even if you are selling food within your own province

- export food
- trade food from one province to another
- manufacture, process, treat, preserve, grade, store, package or label food to be exported or sold from one province to another
- grow and harvest fresh fruits and vegetables to be exported or sold from one province to another
- slaughter food animals where the meat product is exported or sold from one province to another
- store and handle a meat product in its imported condition for inspection by the [CFIA \(Canadian Food Inspection Agency\)](#)
- sell food at retail <sup>1</sup>, even if you only sell food within your own province

The [CFIA \(Canadian Food Inspection Agency\)](#) has developed the [What would your traceability requirements be?](#) (<http://inspection.sondages-surveys.ca/s/tool-trac-outil/?l=en>) interactive tool to explain what information needs to be included in a traceability system.

### **Would I need to purchase a traceability plan?**

No. While food businesses are required to meet the requirements of the Regulations, it is up to each business to determine the system to have in place to trace the food.

## **Importing Food**

### **What would be new for food importers?**

To import food into Canada, you would be required to:

- have a licence to import;
- have a written preventive control plan;
- import food that is prepared under similar food safety controls as food prepared in Canada;
- maintain procedures and processes for handling and investigating complaints and recalls;
- have a traceability system in place; and
- in the case of fresh fruits and vegetables, obtain a membership in the Fruit and Vegetable Dispute Resolution Corporation (DRC), unless exempt under subsection 26(2) of the proposed [SFCR \(Safe Food for Canadians Regulations\)](#).

### **What are the [PCP \(Preventive Control Plan\)](#) requirements for food importers?**

Food businesses that import food, including ingredients, are responsible for the safety of the foods they import. They also need to take precautions to ensure that the foreign manufacturer is preparing and handling the food in a way that offers the same level of protection as foods produced in Canada. For example, importers must understand the hazards associated with the foods they import, and source from suppliers with food safety controls in place. Importers are also responsible for ensuring the foods they import are handled properly once they arrive in Canada.

To learn more about [PCP \(Preventive Control Plan\)](#) requirements for food importers, see the draft [Guide for Preparing a Preventive Control Plan - For Importers](#) ([/about-the-cfia/acts-and-regulations](#)

[/regulatory-initiatives/sfca/consultation/learn/preparing-a-preventive-control-plan-for-importers/eng/1480084425374/1480084519065](#)

### **How would the proposed SFCR (Safe Food for Canadians Regulations) affect non-resident importers (NRIs)?**

A non-resident importer is someone who has a fixed place of business (not a P.O. (post office) box) in a foreign country and imports food into Canada. Under the proposed SFCR (Safe Food for Canadians Regulations), non-resident importers would need to meet the same requirements as an importer residing in Canada, and:

- have an address (fixed place of business) in a foreign country that has a food safety system that Canada recognizes as providing the same level of protection as that of Canada's; and
- import the food to Canada directly from the foreign country in which you carry out your business.

### **If the food I'm importing is manufactured by a foreign supplier that is certified to a Global Food Safety Initiative (GFSI) recognized scheme, is this sufficient evidence that the foreign supplier meets regulatory requirements?**

Importers must be aware of the hazards associated with the food they are importing. If you are importing from a foreign supplier who is a member in good standing with a GFSI (Global Food Safety Initiative) recognized food safety management scheme, this can increase your confidence in your foreign supplier's system and in the safety of the food you are importing; however, you would still need to demonstrate in your PCP (Preventive Control Plan) how the food you are importing meets Canadian requirements and what the hazards are associated to the food you are importing.

## **Exporting Food**

### **Would exporters be allowed to export food products that do not meet Canadian requirements as long as they meet the importing country's standards?**

Food that is exported to another country must meet Canadian requirements and must have been manufactured, processed, treated, preserved, graded, packaged, and labelled by a licence holder.

Generally, a person is permitted to export a food that meets a foreign country's requirement that is different from the Canadian requirement—as long as it is not one of the listed provisions in section 13(3)(a). These requirements must always be met and relate to traceability, animal welfare, humane treatment of animals, preventive control plans, and work shift agreements.

### **Would food brokers need a written PCP (Preventive Control Plan) and a licence under the proposed SFCR (Safe Food for Canadians Regulations)?**

A broker, whose only activity is facilitating the import or export of a food, would not require a licence or PCP (Preventive Control Plan).

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## Footnotes

- 1 Retailers would need to trace products one step back, but not forward to the consumer.

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**Date modified:**

2017-04-13