



Canadian Food  
Inspection Agency

Agence canadienne  
d'inspection des aliments

# USFDA Foreign Supplier Verification Program Rules Information for Canadian Exporters

March 19, 2018



Canada 

# Objectives

## To provide you with:

- Information about the US Foreign Supplier Verification Program (FSVP)
- Guidance for getting ready
- Details on how to stay connected
- An opportunity to ask questions

# Content

- US Foreign Supplier Verification Program Requirements
- Canada/US Food Safety Systems Recognition
- Proposed Safe Food for Canadians Regulations
- Licences and Export Lists
- Getting Ready
- Questions and References

# Foreign Supplier Verification Program (FSVP)

- FSVP graduated enforcement - May 30<sup>th</sup>, 2017
- Importers verify that food meets US food safety standards
- Importers must ensure that:
  - Foreign suppliers meet food safety conditions as required for US producers under the *Food Safety Modernization Act*
  - Food is not adulterated or misbranded with respect to allergens

# Foreign Supplier Verification Program (FSVP)

Covers USFDA regulated foods except for:

- Fish and fishery products
- Juice products
- Food for personal consumption, research or evaluation
- Alcoholic beverages
- Food that is imported for processing and future export
- Low-acid canned foods
- Meat, poultry, and eggs regulated by USDA
- Food that is transhipped

# Who must comply?

- An 'importer' is the US owner or consignee of a food at the time of US entry
  - 'US owner or consignee' is defined as the person in the US who, at the time of entry, either owns the food, has purchased it, or has agreed in writing to purchase it.
- If no US owner or consignee is present at entry, the importer is a US agent or representative of the foreign owner or consignee, as confirmed in the signed statement of consent

# Foreign Supplier Verification Program (FSVP)

## FSVP importers must:

- Analyze food safety hazards
- Evaluate the risk of imported food, based on food safety hazards and the foreign supplier's performance
- Determine and perform appropriate supplier verification activities
- Take corrective actions, as appropriate
- Keep records
- Identify themselves as the FSVP importer at US entry points
  - FSVP importers will need a DUNS number

# Foreign Supplier Verification Program (FSVP)

## Supplier verification activities:

- Importers have flexibility based on risk
  - Activities may include: onsite auditing; sampling and testing; review of supplier records; or other appropriate measures.
- Annual onsite auditing is the default approach when a food has a serious hazard that is controlled by the foreign supplier.
- An importer could also rely on a third party
  - The importer must review and assess relevant documentation.

# Food Safety Systems Recognition

- USFDA recognizes Canada's food safety system through the Canada-U.S. Food Safety System Recognition Arrangement (FSSRA)
- USFDA regulated products covered by FSSRA:
  - fruits and vegetables
  - shelled eggs
  - dairy (except "Grade A" milk and milk products)
  - fish (except catfish and molluscan shellfish)
  - maple
  - honey
  - processed products
  - manufactured foods

# Food Safety Systems Recognition

- US importers are eligible to follow modified FSVP requirements when food is:
  - exported from a country with a recognized system, and
  - not intended for further manufacturing.
- The importer must demonstrate that:
  - the foreign supplier is regulated under a recognized food safety system; and,
  - the supplier is in good compliance standing with the recognized food safety authority.

# ***Safe Food for Canadians Regulations (SFCR)***

The proposed SFCR will enable CFIA to identify Canadian food processors that operate in good regulatory standing.

The proposed SFCR:

- provides a level the playing field across food sectors and between domestic food businesses and imports;
- is consistent with internationally recognized requirements for all food imported, exported, or traded inter-provincially;
- supports ongoing market access for food businesses and increases confidence in food safety; and,
- aligns with trading partners moving to preventive and outcome-based approaches for managing risk, including the United States.

# Safe Food for Canadians Regulations (SFCR) Proposed Main Elements

## *Safe Food for Canadians Act and Regulations*

### **LICENSING**

Clear mechanisms  
for identification and  
oversight of  
regulated parties

### **PREVENTIVE CONTROLS**

Industry  
documentation of  
hazards, and measures  
to address them in  
preventive control  
plans (PCPs)

### **TRACEABILITY**

Facilitating effective  
response in case of  
non-compliance

**Expected Result:** Stronger, more consistent and outcomes-based rules

# *Safe Food for Canadians Regulations (SFCR)*

To be recognized under the FSSRA, Canadian food businesses will need to:

- Be licensed under the proposed SFCR
- Operate with an acceptable Preventive Control Plan (PCP)
- Maintain acceptable traceability documents
- Be in 'good regulatory standing' with the CFIA (listing)

# *Safe Food for Canadians Regulations (SFCR)*

When SFCR comes into force

- The CFIA will publish a list of all licence holders in 'good regulatory standing'.
- U.S. importers will use the list to be eligible for modified FSVP requirements.
- Licence holders will remain on the list as long as they meet conditions to export food.

# *Safe Food for Canadians Regulations (SFCR)*

## SFCR export conditions

- Comply with domestic requirements:
  - Written preventative control plan
  - Traceability
- Food meets foreign country requirements:
  - Reasonable effort to understand importing country requirements (e.g. CFIA export library)
  - Take corrective actions as appropriate (e.g. in response to port-of-entry violations)

# Licences and Export Lists

Points to consider when applying for a licence:

- Other countries may require CFIA to certify shipments and list eligible establishments.
- The location where the food is processed is published on the export list.
  - Information on shipping documents and certificates must match information on the label and the list.
- Discrepancies between the export list, and other relevant information causes delays in clearing products.

# Getting Ready

## My CFIA Enrollment

- Set up your company profile
  - Identify the locations where food will be prepared for export.
  - Be ready to apply for a licence before the regulations come into force.
- Receive timely updates on the regulations and guidance documents that will help you keep your licence when the regulations come into force.
- CFIA will publish the list of companies in good regulatory standing when the regulations come into force.

# Getting Ready

## In the meantime... before SFCR

- Trade in foods regulated by the USFDA may still proceed prior to the CFIA developing the 'good regulatory standing' listing.
- Canadian food businesses may be required to provide evidence to US importers that food is manufactured under a food safety control system by:
  - providing documentation that the company is federally registered or licensed by the CFIA;
  - providing documentation that the company has a food safety system in place that has been validated (i.e. international standards such as Canada GAP, BRC, GFSI, etc.); and,
  - allowing importers to audit Canadian businesses to evaluate their food safety system.

# Questions and References

For more information

- Visit the CFIA proposed SFCR webpage:
  - <http://inspection.gc.ca/about-the-cfia/acts-and-regulations/regulatory-initiatives/sfca/proposed-sfcr/eng/1426531180176/1426531265317>
- Visit the USFDA Final Rule of FSVP webpage:
  - <https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm593060.htm>