



October 27th, 2021

Laura Scott, National Manager
Feed Program Coordination and Outreach Section
Canadian Food Inspection Agency
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Sent via email:
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Dear Laura,

Re: Canada Gazette, Part I, Volume 155, Number 24: Feeds Regulations, 2022

Beef Farmers of Ontario (BFO) appreciates the opportunity to comment Canada Gazette, Part I, Volume 155, Number 24: Feeds Regulations, 2022. BFO represents 19,000 beef farmers in Ontario by advocating in the areas of sustainability, animal health and care, environment, food safety, and domestic and export market development.

BFO is happy to see CFIA conduct a rigorous process to hear feedback and concerns from stakeholders. We are particularly interested in the proposed regulations that will impact livestock producers who are considered on-farm feed mills, including the Tables of Maximum Contaminant Levels for Feeds and proposed requirements for Preventive Control Plans and record-keeping. The proposed regulations are clear that livestock producers who make feed on-farm are exempt if the feed is not sold off farm, is not medicated and does not contain any substance that presents a risk of harm, and that if a producer is only purchasing a medicated feed, they are exempt.

Please find BFO's comments on proposals of support and proposals of concern below.

Proposals of Support

We support CFIA's efforts to develop a regulatory framework that protects animal, human and plant health and are supportive of a number of proposed changes. These include:

- New emphasis on identification of risk and control of risk, and the principles and objectives behind the modernization of feed grain regulations and ingredient authorization such as improved livestock feed safety, improved food system safety, reduced complexity and regulatory burden.
- The incorporation by reference (IbR) of the nine schedules and lists. Although we are supportive of the schedules and lists, we have provided comments below related to some concerns we have with the IbR of Tables of Maximum Contaminant Levels for Feeds as it relates to mycotoxins.
- The process and requirements for feed approvals, authorization and registration, which will exempt feeds grown on-farm with no substances presenting risk. This will remove authorization and

registration requirements for many products and keep the focus squarely on new and novel feeds, and those with a higher risk of potential human and animal health impacts.

- CFIA accepting shortened applications for authorization and registrations in Canada when those have been approved by an equivalent agency in other jurisdictions. Supportive of approaches that promote regulatory alignment and harmonization.
- CFIA's willingness to adjust the proposals developed in advance of the CG-1 proposals with respect to feed contaminants. The limits advanced in the pre-proposals were very concerning and BFO is pleased that CFIA is now proposing the following:
 - Removing a maximum limit for deoxynivalenol and fumonisins in single ingredient feeds from the regulation, and moving them to guidance documentation. Thus, the maximum limits for these two mycotoxins in the regulatory text will apply to total dietary intake only.
 - Adjusting upwards the maximum limit for deoxynivalenol in total dietary intake from the proposed 1 ppm (calves) and 5 ppm (cattle) to 2 ppm and 10 ppm respectively. Regulations would also establish a 30 ppm limit for fumonisins in total dietary intake for beef cattle (current regulations have no established limits).
 - Removing proposed maximum limits for ergot alkaloids as they apply to total dietary intake and single ingredient feeds from the regulation, and moving them to guidance documentation as recommended limits.
 - As opposed to the pre-proposal for "zero tolerance" for salmonella in the regulations, an outcome-based standard will be defined in the regulatory text that livestock feeds shall not contain salmonella likely to be deleterious to livestock or present a risk to human health. This outcome-based standard will be supported by regulatory guidance that lays out options to manage this risk and preventive control procedures to be followed if salmonella is detected identified. This guidance will be based on peer-reviewed scientific evidence and international standards.
 - Proposed increases in the maximum limits for various other contaminants were also adjusted in the CG-1 proposals based on industry advice and consultation.

Proposals of Concern

Maximum Contaminant Levels for Feed

With CFIA proposing the Tables of Maximum Contaminant Levels for Feeds to be incorporated by reference (IbR) into the proposed *Feeds Regulations*, and with maximum levels for certain contaminants allowed in feed for livestock being considered, BFO is particularly concerned with the maximum level approach for mycotoxins. We understand that CFIA is looking to modernize the feed regulations by aligning with international frameworks and those of our trading partners, and we are pleased to see CFIA recognize within the Tables of Maximum Contaminant Levels for Feeds document that for some naturally occurring contaminants, like mycotoxins, there may be variability year to year in levels and that in years where there is higher than normal levels of contamination, CFIA will work with industry to provide flexibility.

Despite this recognition, we still have concerns and would prefer CFIA maintain the current action level approach taken to regulate feed contaminants. The action level approach provides a measure of flexibility and recognizes the ability of feedlot producers to manage feeds impacted by mycotoxins with various

methods that can mitigate the effects of such contaminants, such as surveillance, testing, segregating affected feed and/or incorporating feeds into rations at different rates to dilute concentrations.

It is crucial that it is understood that Canada's climate can and does result in certain years where there are elevated levels of mycotoxins. It is paramount that our regulatory framework does not result in the removal of massive amounts of livestock feeds from use and the market, which would negatively impact feed availability and affordability.

Preventive Control Plans (PCP) and Record Keeping

The proposed regulations will require feed businesses to implement a written PCP that describes how a feed establishment's hazards are identified and controlled. We are pleased that CFIA has included a guidance document for preparing a PCP in the proposed regulations, however, we do have concerns that the current guidance document lacks clarity and needs to be improved to be truly effective at facilitating compliance with the regulations. It is important that CFIA ensures plain language brochures, primers, templates and model systems are developed so livestock producers who are required to develop a PCP and industry are clear on what is expected of producers and have sufficient capacity to comply. This is crucial for the producers who have never completed something like this before. Before such requirements come into force, CFIA needs to ensure that a more thorough guidance package is available. BFO recommends CFIA develop such documents in concert with industry.

For the proposed regulations related to traceability and record-keeping, it is important for CFIA to remember that depending on the size and advancements of particular feedlot operations will greatly impact their ability to implement the proposed changes related to PCPs and record keeping requirements. Therefore, the capabilities of some operations to implement the new changes will be more difficult. BFO is also unclear why CFIA is proposing a three-year record retention period and would appreciate some clarity on why that timeframe was chosen. BFO is supportive of developing and retaining feeds-based record-keeping as a tool for regulatory compliance, but we believe the established time period should be set at the minimum practically required.

Implementation and Enforcement

BFO is pleased to see a phased-in approach being proposed and for the one-year delay for the coming into force for certain regulatory requirements, such as PCPs, but we have concerns around how CFIA will effectively communicate these changes to producers. It is our recommendation that CFIA develop a comprehensive implementation strategy to ensure Ontario's beef producers who are impacted by these changes are effectively engaged and are aware of any new requirements that might impact their operations, as well as how they can ensure compliance. This ties back to our concern noted above about the need to have improved guidance documents for producers.

On enforcement, the consultation notes CFIA uses a range of tools to verify compliance and which enforcement action could be applied when non-compliance is determined, such as corrective action requests and administrative monetary policies. However, the proposal provides little detail around how or when certain enforcement measures might be undertaken. BFO believes that this section should be expanded and more clarity provided around the circumstances under which enforcement measures might be taken.

Further, unlike commercial feed mills, on-farm feed mixing systems typically mix feeds in a feed truck, and this impacts the level of precision one can reasonably expect. Understanding that this concern is outside CFIA's regulatory scope, CFIA should be aware that inspection approaches to commercial mills cannot

necessarily be applied to on-farm situations and consideration should be given to how regulations can accommodate various on-farm systems, which can have less controls.

BFO also recommends CFIA establish a review process for the new regulations to evaluate their effectiveness, efficiency, compliance and impact after two or three years have passed. This could provide the opportunity for improvements to be made, if necessary.

Thank you for the opportunity to provide feedback on the *Canada Gazette, Part I, Volume 155, Number 24: Feeds Regulations, 2022* consultation.

Sincerely,

A handwritten signature in black ink, reading "Rob Lipsett". The signature is written in a cursive, flowing style.

Rob Lipsett
President