CULTIVATING COMPETITIVENESS:
Turning Agri-food Regulatory Reform Promises into Action
April 2019

Part of the Regulatory Series: RegulateSmarter.ca
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In an increasingly competitive global marketplace, the success of Canadian farmers and food manufacturers is closely linked to the performance of the regulatory systems that govern their activities.

In its May 2018 report, *Death by 130,000 Cuts: Improving Canada’s Regulatory Competitiveness,* the Canadian Chamber of Commerce examined how Canada’s dysfunctional regulatory systems are inhibiting business and economic growth. In its call to improve Canada’s regulatory performance, the report highlighted specific regulatory challenges facing Canadian agri-food companies.

Over the last two years, the federal government has commissioned its own expert reviews, which have confirmed the need for a more agile regulatory system to generate new agri-food jobs and export growth. These reviews have been accompanied by political commitments to modernize Canada’s regulations so they keep pace with technological and market changes.

The promise to improve the sector’s regulatory environment is a welcome development for Canadian agri-food firms. However, many of industry’s challenges with these regulatory regimes are not new, nor are pledges to fix them. With a federal election around the corner, Canada’s agri-food sector is anxiously waiting to see if these commitments to regulatory competitiveness will turn into action.

Canada’s large geography provides a diverse agricultural yield, including oilseed-rich cropland and beef production in the Canadian Prairies; corn, soybean, dairy and poultry production across Quebec in Ontario; the wide variety of fruits and vegetables grown in B.C., Quebec, Ontario and the Annapolis Valley; and the large fisheries on the east and west coasts.

Canada’s food production goes far beyond raw commodities—food and beverage processing is the largest manufacturing industry in the country, providing employment for 246,000 Canadians. As a result, Canada is the fifth largest agricultural commodity exporter and 11th largest exporter for manufactured food products in the world.

Canada’s position as an agriculture and agri-food exporter should be considered a floor, not a ceiling.

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SO WHAT IS THE PROBLEM?

Canada has one of the safest, most closely regulated agriculture and agri-food regimes in the world. However, a build-up in the complexity and inconsistency of regulatory processes over time has created an environment that can inhibit the sector’s competitiveness and ability to take advantage of new global opportunities. These challenges are amplified by regulatory misalignment between federal departments and agencies, between provinces within Canada and between Canada and the U.S.

In addition, the sector is facing new rule changes that will further affect how it makes, labels and sells its products to Canadians and global customers. This includes Health Canada’s Healthy Eating Strategy, which includes initiatives such as front-of-package labelling, changes to the Canada Food Guide and marketing restrictions to children. Other rule changes include the Safe Foods for Canadians regulations and the Food Labelling Modernization Initiative from the Canadian Food Inspection Agency and Environment and Climate Change Canada’s carbon pricing policies and movement towards zero plastic waste.

Individually, some of these regulations, such as front-of-package labelling, will impose new costs to the sector and decrease the competitiveness of Canadian agri-food companies. Collectively, concurrent regulatory changes are straining the resources of regulators and industry, alike, to fully understand the cumulative implications of these changes. They also reveal a more fundamental problem with Canada’s regulatory environment. Many departments and agencies, which have an immense influence on the economic success of the sector, are not required to consider the cumulative impacts of these measures or promote economic growth along with their designated health, safety and environmental mandates. This results in disproportionate regulatory decisions that are not considering business competitiveness impacts.

Despite this, there are signs the federal government is prepared to improve the regulatory competitiveness of the sector. These signs can be traced back to the work of the Advisory Council on Economic Growth.
Pest Management Regulatory Agency

Regulatory approval processes have important impacts on industry competitiveness. Crop protection products are integral to protecting Canada’s food supply from weeds, insects and diseases in order to consistently maximize crop yields and quality, which are critical to grower competitiveness, both domestically and internationally. Canada’s Pest Management Regulatory Agency (PMRA) is a body within Health Canada responsible for regulating all pesticides in Canada. Only pesticides registered and approved by the PMRA can legally be used in Canada. Under Canadian law, all registered pesticides are required to undergo a full re-evaluation at least every 15 years to ensure they remain safe for use, consistent with the current science. Additionally, registered products may be subject to special review if new scientific concerns are demonstrated. Continued access of Canadian farmers to the full range of the current modern plant-protection, as well as, their access to innovative new products depends on PMRA making science-based decisions on these products in a timely, predictable manner, which will soon become impossible.

PMRA has more than 100 pesticide re-evaluations underway, with hundreds more expected over the next decade. PMRA is not properly resourced to handle its current workload nor the consultations required, let alone the steep increase in re-evaluations. This situation has resulted in over-conservative approaches to risk assessment with comparatively little consultation, compared to the U.S. This is putting Canadian farmers at a competitive disadvantage by limiting their access to crop protection products. Unless this situation is urgently addressed, continued innovation and entire value chains and cropping systems may be put at risk, forfeiting much of the economic potential of the sector and, with it, agriculture’s broader societal contributions to climate change and biodiversity.
In late 2015, less than two months after a federal election that resulted in a new government, the Minister of Finance announced the creation of the Advisory Council on Economic Growth, chaired by Dominic Barton, the global managing partner of McKinsey & Co.

In the announcement, the government described the Advisory Council as an expert panel with the objective of helping the federal government develop “an even more robust growth strategy designed to provide higher living standards and greater opportunity for the middle class and those working hard to join it.”

In its second of three reports to government, the Council recommended measures to “unleash the growth potential of key economic sectors” and suggested Canada identify six to eight high potential sectors and move assertively to remove barriers, bring together capabilities and resources available across the country and unlock private sector growth.

Agri-food was identified as a high potential sector with the ability to generate GDP growth and create new jobs in Canada. Specifically, the report highlighted that Canada has the potential for substantial growth and export improvement to become a global leader in safe, nutritious and sustainable food for the 21st century. The report also set a target for Canada to achieve $75 billion in food exports by 2025 and noted, something businesses operating in Canada understand too well, that foreign investors see Canada’s regulations as unwelcoming.

While the growth potential of Canada’s agri-food sector is not news, the Advisory Council work provided high profile validation of the new economic benefits that could be unlocked with the right policies in place. The Advisory Council’s advice to identify six to eight high potential sectors and move assertively to remove barriers to growth resulted in the creation of the Agri-food Economic Strategy Table in early 2017.

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Slow regulatory processes and overly burdensome regulations increases costs for entrepreneurs and businesses (often unnecessarily) and hinder their pursuit of new initiatives. We need to streamline inefficient and unpredictable regulatory processes.

- Advisory Council on Economic Growth, Investing in a Resilient Canadian Economy
The creation of Economic Strategy Tables was announced in Budget 2017, which declared them, “...a new model for industry-government collaboration, focused on turning Canadian economic strengths into global advantages.”  

Prompted by its designation from the Advisory Council as a high potential sector, agri-food was established as one of the six tables to help develop a comprehensive and coordinated approach to future growth in the sector. Murad Al-Katib of Saskatchewan’s AGT Food & Ingredients chaired the group, which was composed of industry representatives from a wide range of crop, livestock and food companies across Canada.

Following a series of meetings in 2017 and 2018, the Agri-food Economic Strategy Table delivered a wake up call to government in its September 2018 report.  

Unfortunately, Canada’s regulatory system is increasingly inhibiting industry’s nimbleness by restricting innovative practices and products, by being slow to make approvals and by not being coordinated across departments and levels of government. Most importantly, there is no central body that looks at the cumulative impact of regulations from multiple departments on the sector’s competitiveness.

To make matters worse, amending regulations in Canada—even those regulators agree are redundant—is usually a long, technical process that draws considerable resources. Canada needs its regulatory system to move at the speed of commerce. Canada is facing intense competition from other jurisdictions, many of which have more agile regulatory environments. If we hope to achieve our vision and growth targets, it is imperative to have in place a regulatory system that works in tandem with industrial growth strategies and supports the sector’s competitiveness.

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In addition to giving more definition to the regulatory challenges confronting the sector, the report provided the government with specific policy proposals to create a more competitive operating environment for Canadian food companies. While industry was quick to embrace the Agri-food Economic Strategy Table’s findings, companies have also expressed concerns that the federal government may look past some of the recommendations and use only those that are closely aligned with its existing plans and priorities. This would be a different outcome from the “new model for industry-government collaboration” that was promised with the launch of the Economic Strategy Tables.

Front-of-package Labelling Regulations

One of the highest profile new regulatory proposals confronting Canada’s food sector is Health Canada’s front-of-package (FOP) labelling initiative. Despite the well-intentioned goal of promoting public health, the poorly designed regulatory proposal will have far-reaching competitive implications for Canadian food manufacturers if enacted.

Instead of seeking alignment with an already existing voluntary U.S. standard or joint development with other trading partners, Health Canada is proposing Canada-specific warning labels on the front of food packaging that would caution consumers about foods that are high (more than 15% of an individual’s daily recommended value) in sugars, sodium or saturated fat. Canadian agri-food businesses are strongly opposed to Canada’s go-it-alone approach. Moving forward with a Canada-specific FOP label will introduce a new non-tariff barrier to trade at a time when Canada is pushing to eliminate non-tariff trade barriers at the WTO and through regulatory alignment exercises between Canada, the U.S. and other countries. Implementing the labelling changes will also have a total net cost to industry estimated at $1.8 billion.

The Agri-food Economic Strategy Table has identified FOP labelling as a regulatory change that will hurt the sector’s competitiveness and recommended immediate action to explore an alternative approach. The opposition from Canadian food manufacturers and advice from the Economic Strategy Table has turned FOP labelling regulations into a bellwether of the government’s economic intentions for the sector. If the government is serious about realizing the Economic Strategy Table’s vision for the sector, it should halt Health Canada’s current approach to FOP labelling and leverage industry expertise to pursue evidence-based nutritional policies that will improve Canadians’ health outcomes.


INTRODUCTION

These Are Not New Problems...

The work of the Agri-food Economic Strategy Table is consistent with previous findings from government and industry led studies and reviews that have identified (and re-identified) regulatory challenges facing the sector.

“This study provides the necessary evidence to support the growing assertion that the Canadian food regulatory system is inefficient and ineffective in terms of speed, clarity, transparency and accountability and, as a result, is hurting Canada’s economic future and ability to prosper and compete globally. It draws attention to the fact that urgent reform is needed to meet the expectations of Canadians.”

- Stiefelmeyer, Martin and Klimas, George Morris Centre, Food Regulatory Systems: Canada’s Performance in the Global Market

“In the agri-food sector, numerous parties have advocated regulatory reform for years. Many feel that the progress is much too slow for the dynamic changes that continue to occur in the sector.”

“Canada’s agri-food sector is regulated by a number of federal departments and agencies. Currently, the sector appears to have no overarching regulatory objective, and the differences in the objectives of the regulators can produce regulations which impair the sector’s competitiveness, innovation and sustainability.”

- Canadian Agri-food Policy Institute, Regulatory Reform in Canada’s Agri-food Sector Discussion Paper

“Many of the regulations for the agri-food sector are out of date, unnecessarily impeding investment, innovation and competitiveness. We need modern regulations that are science-based, risk-based and balanced.”

- Public Policy Forum and the Canadian Agri-food Policy Institute, Canada as an Agri-food Powerhouse: Strengthening our Competitiveness and Leveraging our Potential, Roundtable Synthesis Report

“The House of Commons Standing Committee on Agriculture and Agri-food has recommended a number of times in the past that the government undertake a full review of regulatory measures that could hurt the ability of certain sectors of the country’s agricultural and processing industry to compete with those in other countries.”

- Standing Committee on Agriculture and Agri-food, Competitiveness of Canadian Agriculture Report
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<tr>
<th>Year</th>
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| 2011 | “Despite a number of recent attempts at regulatory reform, it appears Canada is not moving the regulatory system forward in a way that allows the agriculture and food sectors to be sufficiently innovative or competitive in the global marketplace.”  
- Bloom, Grant and Slater, Conference Board of Canada, Governing Food: Policies, Laws and Regulations for Food in Canada |
| 2011 | “Canada’s regulatory system is slow, cumbersome and inefficient. It discourages the adoption of new technologies at the farm level and in food processing. It discourages food companies from developing new products that can provide health and other benefits to consumers. As a result, it removes the opportunity for farmers and food companies to differentiate their products.”  
- Larry Martin and Kate Stiefelmeyer, The MacDonald Laurier Institute, Canadian Agriculture and Food: A Growing Hunger for Change |
| 2011 | “The current regulatory system is generally viewed by industry as too slow, unpredictable and expensive and as not creating a level playing field with our competitors. Burdensome approval processes hinder Canadian access to more efficient and effective products of innovation (e.g., crop inputs) and discourage private sector innovation in Canada.”  
- Agri-Innovators Committee Report to the Minister of Agriculture and Agri-food |
| 2014 | “Many of the regulations for the agri-food sector are out of date, unnecessarily impeding investment, innovation and competitiveness. We need modern regulations that are science-based, risk-based and balanced.”  
- Public Policy Forum and the Canadian Agri-Food Policy Institute, Canada as an Agri-Food Powerhouse: Strengthening our Competitiveness and Leveraging our Potential |
| 2015 | “There needs to be greater accessibility, transparency and predictability in [agriculture and agri-food] regulatory assessments as a lack thereof negatively impacts business planning.”  
- Regulatory SubCommittee, Report to the Value Chain Roundtables All Chairs |
| 2017 | “The competitiveness of Canada’s agri-food sector is stymied by the ‘tonne of feathers’ dilemma, whereby hundreds of well-intentioned and seemingly unobtrusive regulations add up to weigh down performance, productivity and growth.”  
| 2018 |                                                                                     |
INTRODUCTION

WILL THIS TIME BE DIFFERENT?

While many past calls for agriculture and agri-food regulatory reform have led to insufficient change, there are reasons for optimism among Canadian producers and food manufacturers that the federal government is prepared to undertake significant changes to the ways it interacts with and regulates the sector.

The government has already enacted several of the Advisory Council on Economic Growth’s recommendations in shaping its overall economic agenda, such as the creation of the Canada Infrastructure Bank. The Advisory Council’s focus on agri-food as a high potential sector has created high expectations inside and outside of government that necessary policy changes will follow.

The Agri-food Economic Strategy Table’s report turned the idea of a high potential sector into an actionable plan with important recommendations to make the agri-food regulatory system more agile. This plan, set out by the government’s own panel is supported by an industry that is prepared to help implement it.

In early 2018, the Treasury Board Secretariat initiated a three-year targeted regulatory review process12 to examine the regulatory requirements and practices in the agri-food sector with the stated goal of making simpler, clearer, more modern regulatory systems. In the fall of 2018, the government announced some initial regulatory actions because of this vehicle for industry-government collaboration to identify and eliminate regulatory problems.

In the November 2018 Fall Economic Statement,13 the government made a series of commitments to address Canada’s overall regulatory competitiveness through systemic changes to how the government regulates. This included a commitment to explore making regulatory efficiency and economic growth a permanent part of regulators’ mandates—a key recommendation of the Canadian Chamber in its report, Death by 130,000 Cuts.

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Despite this optimism, the government has a narrow window to show meaningful progress before the upcoming federal election. There is apprehension from the business community that the government will cherry pick from the proposed solutions rather than make systemic changes to leverage Canada’s regulatory systems to generate new economic opportunities for the sector. Industry unease was not allayed through the 2019 Federal Budget, which did not substantively address the Agri-food Economic Strategy Table’s recommendations or demonstrate progress on systemic regulatory reform commitments.

It is important for the government to take action in the coming months in order to build industry confidence in its intentions. Central agencies and key cabinet ministers must be tasked with reassessing regulatory proposals that will increase industry costs, bringing forward plans to implement the recommendations of the Agri-food Economic Strategy Table and move forward with legislating economic growth into regulators’ mandates.

Canada has some of the world’s highest quality and safest food producers and manufacturers. The time has come for the federal government to modernize the regulatory environment they operate in to support their growth and competitiveness. Doing so will position Canada to become an agricultural and agri-food superpower.

- Perrin Beatty, President and Chief Executive Officer, Canadian Chamber of Commerce
The Path Forward

It is clear there has been a great deal of investment in studying the regulatory problems facing Canada’s agri-food sector.

It is time for government to turn that study into action supported by clear outcomes, resources and timelines. To do so, there are steps the government should take in 2019 to show its commitment to regulatory reform and long-term agri-food sector growth:

1. **Conduct a cost-benefit analysis on the cumulative impacts of newly proposed regulatory changes that will affect Canada’s agri-food industry.**

   **Timeline: Immediate**

   The government should end its siloed development of regulations currently being proposed for the agri-food sector by Health Canada, the Canadian Food Inspection Agency, and Environment and Climate Change Canada and conduct a comprehensive cost-benefit analysis on the cumulative impacts of these proposals. The analysis should include perspectives from economic growth departments, including Agriculture and Agri-food Canada; Industry Science and Economic Development Canada; and Global Affairs Canada, and evaluate the aggregate costs and benefits of the regulations on the entire food chain to determine if they align with the government’s stated economic goals for the sector.

   “Agriculture has enormous potential to be a key player in the success of Canada’s economy, but as the Economic Strategy Table reports, that success can only be achieved with regulatory reforms. Now’s the time to create a modern, world-class regulatory system that allows our farmers access to the tools they need to be even stronger drivers of the economy while at the same time protecting and enhancing our environment and providing safe food for Canadians as well as citizens around the world.”

   - Pierre Petelle, President and CEO, CropLife Canada

2. **Make the targeted regulatory review of the agri-food sector a permanent, ongoing-model for regulatory modernization.**

   **Timeline: Immediate**

   Treasury Board’s three-year targeted regulatory review of the agri-food sector has kick-started the process of modernizing sector regulations. The government should make this tool a permanent feature of Canada’s regulatory structure to ensure agri-food regulations remain nimble, iterative and responsive to technological and market changes.
3. Implement the recommendations of the Agri-food Economic Strategy Table’s Report.

   » Timeline: Spring 2019

   The government promised the Economic Strategy Tables would be a “new model for industry-government collaboration” and should respond to the agri-food report accordingly. The government should commit to implementing all of its recommendations with ambitious timelines for relevant departments and agencies to do so.

4. Pass legislation to make regulatory efficiency and economic growth a permanent part of regulators’ mandates, including Health Canada, the Canadian Food Inspection Agency, and Environment and Climate Change Canada.

   » Timeline: Summer 2019

   The government made a commitment in the 2018 Fall Economic Statement to “explore” making regulatory efficiency and economic growth a permanent part of regulators’ mandates. The government should introduce and pass legislation before the end of the current legislative session to ensure agriculture and agri-food regulators are appropriately balancing protection and prosperity in exercising their regulatory functions. This amendment will encourage a partnership-based approach between regulators and agri-food businesses to better support growth without compromising protections.

“The federal government has finally recognized the food sector as a strategic industry worth backing. Unfortunately, we are faced with an unusual situation in which one part of government is helping us showcase our safe, high-quality agri-food products to the world, while another, namely Health Canada, is moving forward with measures that unfairly undermine public trust in our industry and our ability to grow, innovate and export. If the government is serious about its commitment to our sector, then all of the recommendations of the Agri-food Economic Strategy Table should have been included in Federal Budget 2019, including the recommendation to explore alternative pathways to front-of-package labelling.”

- Michael Graydon, CEO, Food & Consumer Products of Canada

“Canada is well established as a global player in agri-food exports, largely due to its quality of farmers and food manufacturers and our safely regulated food system. Where we are failing is on our ability to capitalize on our economic growth opportunity within the agriculture and agri-food sectors. These sectors have been identified as high potential in terms of both generating profit for Canadian-based food businesses, but also in the quality of middle class, often rural, manufacturing jobs. Our success to date should therefore, be considered a floor, and our ceiling understood to be limitless. Standing in our way is an onerous and inefficient regulatory regime. Our government has not kept its promise to action reform. We are calling for accountability and action to ensure our sector receives the support it needs to improve competitiveness.”

- Denise Allen, President & CEO, Food Processors of Canada