



# Different But The Same

*The growing debate on harmonizing North American regulations.*

**N**o issue is more central to the making of Canadian food laws and regulations than the question of what the Americans are doing. The level of BSE testing, animal feed regulations, acceptable levels of PCBs in salmon, nutrient content claims, allowable water content in raw poultry, pesticide registrations, mandatory nutrition labelling are just recent examples in which the central issue was the lack of, and perceived need for, regulatory harmonization with the U.S.

The forces pushing for harmonization are many and growing. We are each other's biggest customers by far. We import billions of dollars of agriculture and food products every year; if we want to impose certain regulatory standards on Canadian food products, then we also have to apply these to the 6,000 truck loads of food that come to Canada everyday. This is often a real constraint. At the same time, if we want to continue to export billions of dollars of agriculture and food products to the U.S. every year, we have no choice but to fully meet U.S. standards in all aspects of food production and labelling.

Canada can never ignore regulatory changes in the U.S. For example, when research in the early 1990s began to show that open neural tube defects (NTDs), such as spina bifida and anencephaly, could be significantly reduced if women took folic acid supplements two months before pregnancy and during the first trimester, Canada and the U.S. adopted the policy of recommending such supplements. However, half of pregnancies are unplanned and when studies began to show that many women did not follow or were unaware of supplementation recommendations, public health authorities began to study the potential for food fortification. Health Canada sensibly began a pilot project to determine if there were any adverse effects associated with food fortification especially for the vast majority of the population that would receive no benefit. However, U.S. Food and Drug Administration (FDA) could not wait and ordered the fortification with folates (0.14 mg per 100 g of grain) of all enriched grain products by Jan. 1, 1998. Health Canada was left with little choice and rushed through a similar regulation that took effect Nov. 1, 1998.

The folic acid story is not an exception. Ministers must always be prepared to explain in Question Period why our standard is X if the American's is Y. Indeed, every proposed regulatory amendment routinely has to justify why we would have any variation. The American reality is more pervasive than most Canadians realize.

Fluid milk is an interesting exception. When the Americans approved the hormone supplement Rbst to be given to dairy cattle, irate Canadians made it the biggest food issue of the mid '90s with thousands of letters to the government insisting that it not be allowed in Canada. We were able to eventually take a different regulatory position only because the supply management system in milk means that very little fluid milk crosses our borders.

We have no such luxury in meat where we had free trade long before the North American Free Trade Agreement. When the U.S. brought in mandatory HACCP and their massive "Mega Reg" changes to meat inspection, all federally registered meat plants in Canada had no choice but to treat this as the new Canadian standard. It doesn't work the other way. The U.S. Department of Agriculture (USDA) routinely audits the

Canadian system and they accept no significant differences even if Canada's regulations are science-based and admired by the USDA. We are, for example, prevented from modernizing our poultry inspection regulations because the USDA is unable to get domestic approval for similar changes there and, therefore, continues to withhold equivalency approval from us.

Canadians want to be sovereign but they also want the American trade. It's not easy to strike the right balance. Several books have recently documented the interesting fact that while our economies continue to merge closer everyday, our political cultures are actually diverging. Is it any wonder that our politicians and food regulators are feeling a little stretched?

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