



Smart Regulation

Government should Get Smart and heed EACSR's recommendations

In September 2004 the External Advisory Committee on Smart Regulation (EACSR) released its final report. The federal government established the committee in May 2003 to provide perspective and advice on the current regulatory approach of government. The committee and its report covered many government jurisdictions, including some of the most complex such as environment, health and food.

The concept of Smart Regulation applies to all manner of governance, including acts, regulations, orders and standards. The idea is to make the system less complex, more effective and responsive to the needs of Canadians. To give credit to EACSR, the report puts into writing what we all suspected and forms a basis on which government can modernize its policies on regulation. The prime minister has requested that other ministers collaborate to improve the current system. The status quo is finally recognized as being insufficient in meeting the needs and expectations of Canadians and as being an impediment to industry innovation.

Although the scope of EACSR involved all federal jurisdictions, food regulation is governed by an abundance of statutes and regulations that are administered and enforced by various entities. The food industry would be a key beneficiary of EACSR's efforts and its Smart Regulation recommendations.

Areas in food regulations that need to change include: the lack of cooperation between federal government departments, the slow speed of developing regulations, lack of harmonization with other countries – particularly the U.S. – and the increasing level of prescription where alternatives could serve as better options. The report also noted that regulations need better performance and accountability measurements.

The Canadian Food Inspection Agency Enforcement Act (Bill C27) followed in the wake of the EACSR report. It is touted as an act that will modernize and consolidate enforcement and inspection activities by the Canadian Food Inspection Agency. The Bill, which has not received assent yet, would involve consequential amendments to other acts such as but not limited to the *Meat Inspection Act* and *Fish Inspection Act*. Bill C27 would not repeal any other act, but

simply add another layer to those existing already. There is little question regarding the need for consolidation, but does the approach fit into the principles of Smart Regulation? Is this just a “patch” where a more comprehensive approach would be more effective in the long run? These are the types of questions Smart Regulation needs to ask.

At around the same time as Bill C27, parliament was on fire debating the question of banning trans fats. The positions expressed by MPs ranged from “let’s ban trans fat now” to “let’s take a broader look at the consequences and additional considerations before implementing a solution.”

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Fortunately, the broader focused position supported by Carolyn Bennett, the minister of state and public health, prevailed. This position appears to conform to the principles of Smart Regulation. The government elected to set up a multi-stakeholder task force that will report back on public education and labeling some time in the spring of 2005. Within a year the task force is to provide the minister with recommendations on reducing trans and saturated fats in the Canadian diet.

If government seriously considers, with some degree of vigilance, EACSR's recommendations, it will result in better, more effective regulation. The principles of Smart Regulation seem very apparent but obviously are not always fully appreciated or take the back seat to political interest, uninformed or unbalanced decisions and interdepartmental turf issues.

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