

OMAFRA Proposal for the *Food Safety and Quality Act*

Purpose



01

Dairy Legislative Alignment

Provide an overview of the proposed legislative amendments to the *Milk Act* and the *Food Safety and Quality Act, 2001* (FSQA), which would enable the transfer of food safety and quality provisions from the *Milk Act* and its regulations to future regulations under the FSQA.



02

Questions & Answers

Discuss and answer questions related to the proposal.

Note:



Currently, the *Milk Act* provides the oversight framework for the production, marketing and processing of milk and milk products from cows and goats. Under the proposed dairy legislative alignment, regulatory oversight for food safety and quality for all species of milk, would move under the FSQA, and the regulated marketing provisions for cow milk would remain in the *Milk Act*.

Opportunity

- OMAFA's proposal to amend the *Milk Act* to enable the future transfer of food safety and quality provisions from the *Milk Act* and its regulations to the *FSQA* would:



Balance **industry and public interests** by giving regulation-making authority for food safety currently held by the Ontario Farm Products Marketing Commission (OFPMC's) to Cabinet or the Minister (as with all other foods). Food safety is not part of the OFPMC's core mandate.



Place **oversight for all milking species (cow, goat, sheep, water buffalo)** under a common regulatory framework in alignment with the approach found in other jurisdictions. The same food safety risks exist for milk from different species.



Address requests from Ontario's milk processing industry, which has been seeking a consistent oversight framework for all milking species.



Respond to the 2019 recommendation from the Office of the Auditor General of Ontario (OAGO) that OMAFA include inspection oversight of milk from species such as sheep and water buffalo in its dairy food safety program.

- The *FSQA* provides Ontario with consistent standards and tools for regulating the food safety for any foods under OMAFA inspection oversight and is best suited to regulate milk from all species of animals.

Enabling Future Modern Regulations

Overview

- The proposed legislative amendments would enable the transfer of the food safety and quality requirements from the *Milk Act* and its regulations to new, more modern regulations for the production, transportation, and processing of milk and milk products from all milking species (cow, goat, sheep, water buffalo) under the FSQA, an act expressly developed for food safety oversight.
- Should the legislative amendments be approved, this transfer, via the creation of new regulations under the FSQA, would occur at a future time, once new regulations have been developed, consulted upon and approved.



Future regulations would consider requirements for on-farm production, milk grading and testing, transportation, and processing of milk and milk products.

- Changes to the FSQA and *Milk Act* would prompt consequential amendments to the *Health Protection and Promotion Act (HPPA)* and the *Ministry of Agriculture, Food and Rural Affairs Act (MAFRAA)* to replace references to the *Milk Act* with FSQA. (See Appendix A).
- If approved, any changes to the *Milk Act*, FSQA, HPPA, and MAFRAA would not come into effect until regulations for production, transportation, and processing of all milk under the FSQA and associated amendments to regulations under the *Milk Act* are developed.

Current vs. Future Status



Simplified Overview of Proposed Changes

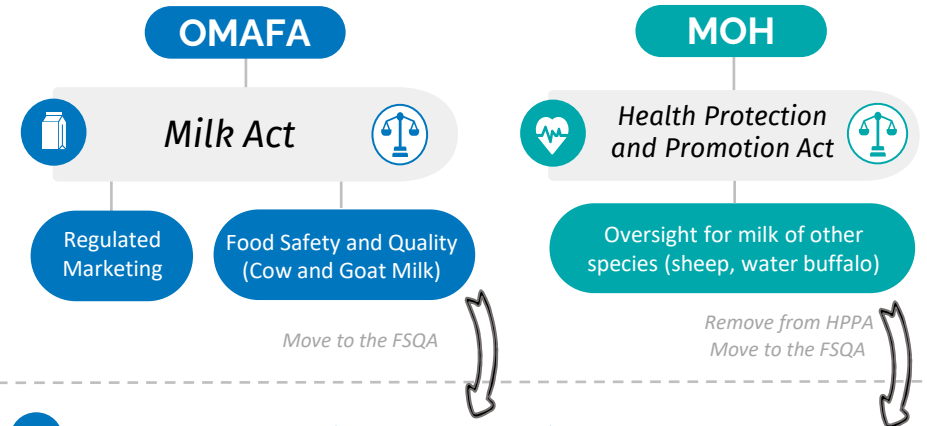
Current Status

- Currently, **Regulated Marketing** and **Food Safety and Quality** requirements for milk and milk products (milking species: cow, goat) are under Ontario's *Milk Act*.
- MOH's *Health Protection and Promotion Act (HPPA)* has **oversight for milk of other species** (e.g., sheep milk and water buffalo milk).

Future Status

- The proposed changes, if approved, would:
 - Remove oversight for milk of other species from the *HPPA* and move this oversight to the *Food Safety and Quality Act, 2001 (FSQA)*.
 - Transfer food safety and quality requirements from the *Milk Act* to the *FSQA*. This would also move DFO's delegated authority to the *FSQA*.
 - Regulated Marketing requirements would remain under the *Milk Act*.

A Current Status



B Future Status (if approved)



As proposed, **Oversight for Milk of Other Species (Teal)** would **move** from the *HPPA* above, to the *FSQA*. **Food Safety and Quality (Blue)** has also been moved from the *Milk Act* to the *FSQA*.

Transfer of Designated Administrative Authority



Continuity of Delegated Authority to Dairy Farmers of Ontario (DFO)

- If amendments to the *Milk Act* are introduced and approved, designated administrative authority (DAA) under the FSQA would be required for DFO to continue administering and enforcing the Raw Milk Quality Program (RMQP).
- Like the *Milk Act*, the FSQA provides a framework for the Minister to delegate authorities for administration and enforcement of designated legislation. This would allow DFO to continue as the delegated administrative authority to administer the RMQP for cow milk and authority related to:



Oversight of Bulk Tank Milk
Graders and transportation of
raw cow milk



Creating fees, charges and
penalties to administer and
enforce the provisions



Receiving the payments from
penalties similar to those found
in s. 56 of Reg. 761



Minister's Regulation and Lieutenant Governor in Council (LGIC) Regulations

- Regulation making authority related to the DAA would rest with the Minister.
- Regulation making authority related to food safety, including the production, transportation, and processing of milk from all species, would rest with the LGIC, as with most other foods for which OMAFA has food safety oversight.



Note: If the DAA for DFO moved to the FSQA, consequential amendments to the current Administrative Agreement between DFO and OMAFA would be required to align with the transfer of the DAA to the FSQA.

Next Steps



Continued engagement including:

- Dairy Farmers of Ontario (DFO), Ontario Dairy Council (ODC), and the Ontario Milk Transport Association (OMTA)
- Ontario Goat and Goat Milk Brokers
- Ontario Sheep Farmers and the Dairy Sheep Co-operative Inc.



OMAFa staff review and analysis of feedback and comments from Regulatory Registry posting and stakeholder meetings.



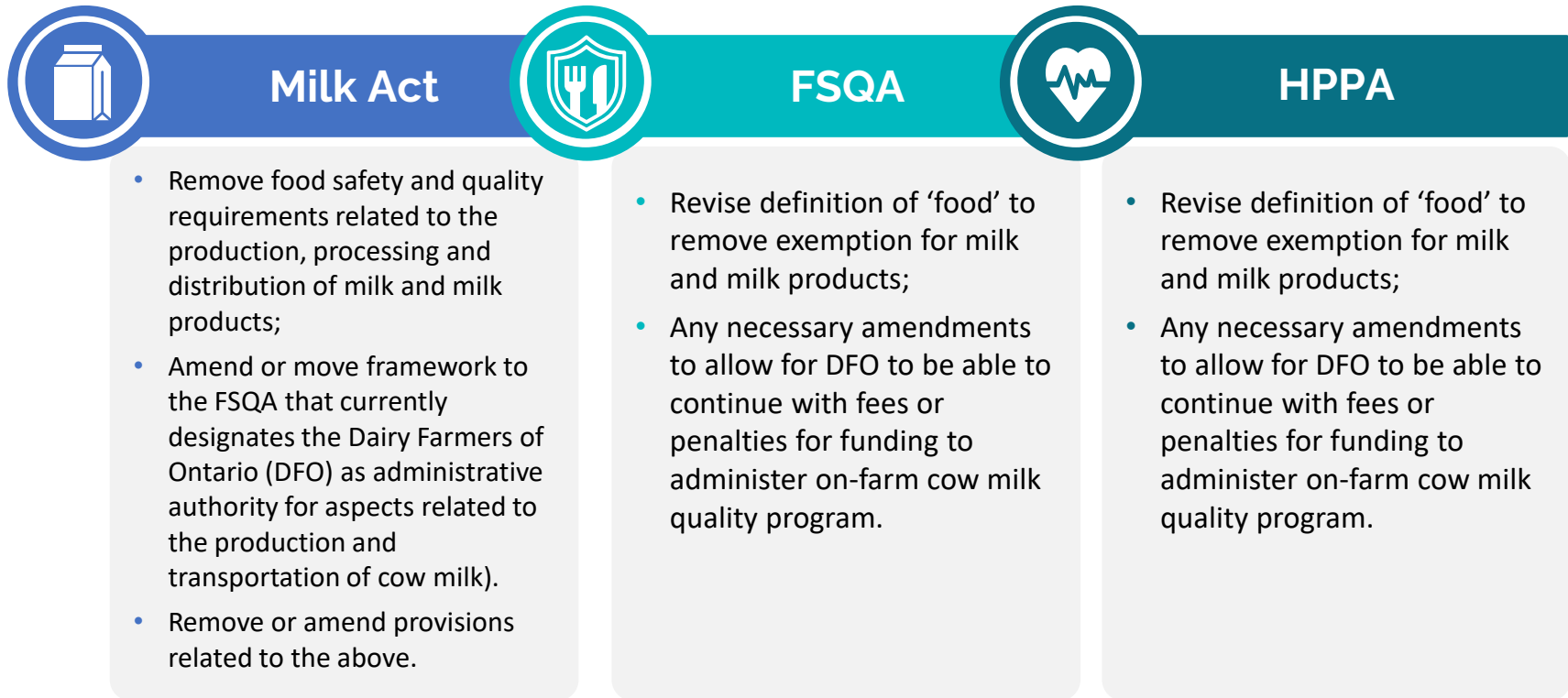
OMAFa to work with the Office of Legislative Counsel (OLC) to draft proposed legislative amendments to the *Milk Act* and the *FSQA*, considering Regulatory Registry feedback.

Discussion and Questions



Appendix A: Key Steps – Dairy Legislative Alignment

- The proposal would require legislative amendments to the FSQA, the *Milk Act* and its regulations, and consequential amendments to the HPPA and Ontario Regulation 493/17 – Food Premises, along with the MAFRA Act (replace references to *Milk Act* with *FSQA*). Proposed amendments include:



Note: If approved, changes to the *Milk Act*, *FSQA*, and *HPPA*, and the *MAFRAA* would not come into effect until regulations for production, transportation, and processing of all milk are developed and come into force under the *FSQA*.