
Health and Sanitary Requirements

Shipments of agricultural products, including beef and livestock, are occasionally subject to long delays due to health and sanitary inspections at the U.S. border. A pilot project to resolve these issues is under way and meat products are currently moving across the border without delays. Delays resulting from the FDA's procedures to monitor pesticide residue have raised concerns among exporters. This type of delay can be damaging to perishable fresh fruits, vegetables or dairy products and impose additional costs on the Canadian exporter who may lose U.S. customers as a result.

In January 1996, the State of Florida introduced new inspection requirements for foreign plants and plant products imported by truck, and imposed a fee of US\$70 per shipment to cover the cost of the inspection. While the stated purpose of the measure is to prevent the introduction of plant pests or diseases, unlawful pesticide residues and harmful bacteria, the State of Florida has not provided any evidence that the measure is based on scientific principles. The Florida measure is applied against foreign goods in a discriminatory manner. Shipments of plants and plant products originating from other U.S. States are not subject to inspection.

Standards applied to imported products by one agency can differ from standards applied by that same or other agency to an equivalent domestic product. In the USDA regulations, the definition of "poultry" does not include game birds; consequently, inspection of imported game birds falls outside USDA jurisdiction and is carried out by the FDA. Whereas the USDA considers salmonella to be an unavoidable contaminant in poultry carcasses and concludes that proper cooking normally eliminates any health hazard, it is the policy of the FDA to consider imported food containing salmonella to be adulterated and to prohibit such products from entering the United States. There is no evidence that the same policy is applied to game birds produced within the United States.

To detect the presence of listeria in cold smoked fish, canned lobster and ready-to-eat seafood, the United States has a trade restrictive policy of a zero tolerance level for listeria combined with a more rigorous sampling regime than that currently practiced in Canada. Canada considers the U.S. policy to be unnecessarily severe given the low level of risk resulting from a minimal listeria presence in these fish products. Instead, Canada uses and advocates a policy of good manufacturing practices which put into place process controls to reduce or eliminate the presence of listeria.

Milk and cream imported into the United States are subject to the U.S. Federal Import Milk Act. Under the Act, milk or cream may be imported only by the holder of a valid import permit issued by the FDA. To obtain a permit, a number of health and sanitary requirements must be met. These requirements effectively preclude imports. Interstate milk shipments in the United States are governed by the National Conference of Interstate Milk Shippers (NCIMS). NCIMS requires that milk and milk products shipped between U.S. states must be produced and pasteurized under regulations that are substantially equivalent to the Grade "A" Pasteurized Milk Ordinance (PMO) and have been rated by a state milk sanitation rating officer certified by the FDA. There are no provisions that pertain to imports from other countries.

The current import restrictions on ratites entering the United States were imposed by the United States Department of Agriculture (USDA) in 1990 after the detection of ticks on ostriches from Africa. No provision was made to exclude ratites from Canada when these restrictions were imposed. Post-entry quarantine requirements and maximum size and age restrictions on ratites imported into the United States present the greatest difficulty for Canadian producers wishing to export ostriches to the United States. The USDA is considering changes to its regulations regarding ostriches which would ease Canadian access to this market. Canada will continue to pursue this matter with the United States.