



CANADIAN FOOD INSPECTION AGENCY 59 Camelot Drive Ottawa, Ontario K1A 0Y9	D-12-05
	EFFECTIVE DATE December 1, 2012 (Original)
Title Phytosanitary import requirements for grain of field crops including pulses, oilseeds, cereals (other than barley, oats, rye, triticale, and wheat), forages, and other special crops from the continental United States.	

SUBJECT:

This directive describes the phytosanitary import requirements for grain (non-propagative) of field crops including pulses, oilseeds, cereals (other than barley, oats, rye, triticale, and wheat), forages, and special crops from the continental United States.

In addition to meeting the requirements outlined in this directive, regulated grains are subject to inspection and monitoring by the Canadian Food Inspection Agency (CFIA) to ensure freedom from pests regulated by Canada.

Following the WTO notifications G/SPS/N/CAN/460/Add.2, and G/SPS/N/CAN/609/Add.1 of July 31, 2012, this directive will be adopted on December 1, 2012.

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Review

This directive will be reviewed every 5 years unless otherwise needed. For further clarification, please contact the National Manager of the Grains and Oilseeds section, Canadian Food Inspection Agency (CFIA).

Endorsement**Approved by:**

Chief Plant Health Officer

Amendment Record

Amendments to this directive will be dated and distributed as outlined in the distribution below.

Distribution

1. Directive mail list (CFIA Programs, Operations and Science Branches)
2. Canadian Federal, Provincial and Territorial Governments
3. Industry Organizations (determined by Author)
4. General Public, Internet

Introduction

Under the authority of the *Plant Protection Act*, the CFIA is responsible for protecting Canada's plant resource base, including Canada's natural environment and the agricultural, and forestry sectors. Pests of plants can cause extensive damages that negatively impact Canada's plant resources thereby affecting our export trade. Collaboration among the CFIA, Canadian importers, foreign exporter communities, and our international trading partners is critical for successful protection of Canada's plant resources.

The regulation of pests is not new for Canada. For decades, insects, pathogens, and plant species have been regulated by Canada as pests under the *Plant Protection Act* and the *Plant Protection Regulations*. The CFIA maintains a list of pests of concern to Canada in the *List of Pests Regulated by Canada*, as published on the CFIA website. This list is regularly updated to include new pests which present phytosanitary risk to Canada.

Regulated weeds can be unintentionally introduced through the grain pathway as contaminant weed seeds. Depending on the differences in characteristics (e.g. size, shape, weight) between the contaminant seeds and the grain, some weed seeds may be removed from the crop during harvest or post-harvest procedures. Nevertheless, when a regulated weed is associated with a pathway, the risk of contamination is never zero. Grain for consumption, either for animal feed or for further processing, could harbour weed seeds of quarantine concern. Regulated weed seeds could be introduced into the Canadian environment through direct consumption by animals or through

screenings generated prior to processing. For this reason, the CFIA regulates the importation of grain to protect Canada from pests associated with these commodities.

The CFIA received significant comments and concerns from stakeholders on how the proposed requirements, as outlined in the WTO notifications G/SPS/N/CAN/460/Add.2, and G/SPS/N/CAN/609/Add.1 of July 31, 2012, could have an impact on the trade of grain between Canada and the United States (U.S.A.). The CFIA recognizes that the cross-border trade of plants and plant products is critical to North American economic stability. Most of Canada's grain imports are sourced from the U.S.A., with which a close bilateral relationship has been developed, along with a good understanding of each country's phytosanitary certification system. In many cases, grain is transported directly from a farm in the U.S.A. to a farmer/consumer in Canada. Through the consultation process it is recognized that in addition to the high volume and diversity of grain trade between the U.S.A. and Canada, there are unique transportation, pathways, and marketing practices as well as a close alignment of production, processing and phytosanitary practices. For this reason, the CFIA has developed specific phytosanitary import requirements that consider the end use of grain in Canada that will mitigate the risk associated with regulated pests.

Scope

This directive is a guide to Canadian import requirements for use by CFIA inspection staff, the Canada Border Services Agency, importers, shippers, customs brokers, exporters in the United States, USDA-APHIS, and others involved in importing grain to Canada from the continental United States.

References

D-12-06: Phytosanitary import requirements for seed of field crops including pulses, oilseeds, cereals (other than barley, oats, rye, triticale, and wheat), forages, and other special crops from all origins.
under development

D-12-04: Phytosanitary import requirements for grain of field crops including pulses, oilseeds, cereals (other than barley, oat, rye, triticale, and wheat), forages and other special crops from all origins except the continental United States.

D-12-01: Phytosanitary requirements to prevent the introduction of plants regulated as pests in Canada

D-99-01: Barley, Oats, Rye, Triticale and Wheat - Phytosanitary Requirements on Import, Transshipped, In-Transit and Domestic Movement

D-97-04: Application, procedures, issuance and use of a Permit to Import under the *Plant Protection Act*.

D-96-03: Plant Protection Import Requirements for Hemp, (*Cannabis sativa*).

D-01-06: Canadian Phytosanitary Policy for the Notification of Non-Compliance and Emergency Action.

List of Pests Regulated by Canada

<http://www.inspection.gc.ca/english/plaveg/protect/listpespare.shtml>

All other directives relating to phytosanitary requirements for field crop commodities may be found at: Plant Protection Policy Directives - Grains and Field Crops

<http://www.inspection.gc.ca/plants/plant-protection/directives/grains-and-field-crops/eng/1312226480445/1312226624109>

Plant and Plant Products Import Primer

<http://www.inspection.gc.ca/plants/plant-protection/imports/primer/eng/1324568450671/1324569734910>

Importers are also advised to consult the Automated Import Reference System (AIRS) found at <http://inspection.gc.ca/plants/imports/airs/eng/1300127512994/1300127627409>

Canada Border Services Agency (CBSA) Harmonized System Compliance:

<http://www.cbsa-asfc.gc.ca/publications/pub/bsf5118-eng.html>

International Plant Protection Convention <http://www.ippc.int>

This directive is effective immediately and supersedes the following directives:

D-95-28: Plant Protection Import and Domestic Movement Requirements for corn, *Zea mays*,

D-96-08: Import and Domestic Movement Requirements, Sorghum spp.

D-96-07: Import Requirements for Screenings and Grain and Seed for Cleaning

D-98-06: Interim Import requirements of parasitic plants: *Cuscuta*, *Striga*, and *Orobanche*.

Definitions, Abbreviations and Acronyms

Definitions for terms used in the present document can be found in the Plant Health Glossary of Terms at <http://www.inspection.gc.ca/english/plaveg/protect/dir/glosterme.shtml>

1.0 General Requirements**1.1 Legislative Authority**

Plant Protection Act, S.C. 1990, c. 22.

Plant Protection Regulations, S.O.R./95-212.

Canadian Food Inspection Agency Act, S.C. 1997, c. 6

Canadian Food Inspection Agency Fees Notice, *Canada Gazette*, Part I (as amended from time to time)

Agriculture and Agri-Food Administrative Monetary Penalties Act, S.C. 1995, c. 40.

Agriculture and Agri-Food Administrative Monetary Penalties Regulations, S.O.R./2000-187.

1.2 Fees

The CFIA is charging fees in accordance with the *Canadian Food Inspection Agency Fees Notice*. For information regarding fees associated with imported product, please contact the Import Service Centre (ISC) at <http://www.inspection.gc.ca/english/imp/importe.shtml>.

Anyone requiring other information regarding fees may contact any local CFIA office or visit

our Fees Notice Web Site:

<http://www.inspection.gc.ca/english/reg/cfiaacia/feesfrais/feesfraise.shtml>.

1.3 Regulated Pests

Numerous pests regulated by Canada could be associated with the grains regulated under this directive, key pests of which are enumerated below. A comprehensive *List of Pests Regulated by Canada* can be found on the CFIA website. New pests may be added to the list as pest risk analyses are completed.

Regulated weeds

Cuscuta spp., dodder
Eriochloa villosa, woolly cup grass
Orobancha spp., broomrape
Striga spp., witchweed

Regulated insect

Trogoderma granarium, khapra beetle

Note: All regulated grains may be subject to monitoring, inspection and verification by the CFIA to ensure compliance with Canadian import requirements including freedom from organisms in the *List of Pests Regulated by Canada*.

1.4 Regulated Commodities

Regulated grains include any grain produced in the continental United States and imported under the Harmonized System (HS) Codes in Table 1 below. HS codes are part of an internationally standardized system of names and numbers for classifying traded products developed and maintained by the World Customs Organization. An important role of HS codes is to facilitate the control and tracking of imported grains. For a detailed list of crop kinds regulated under this directive, please refer to Appendix 1.

Table 1. Grains Intended for Non-Propagative End Use Regulated under this Directive.

HS Code	Description
0713	Dried leguminous vegetables, shelled, whether or not skinned or split
1005	Maize (corn)
1006	Rice
1007	Sorghum
1008	Buckwheat, millet and canary seed; other cereals.
1201	Soya beans (soybeans), whether or not broken
1202	Ground-nuts, not roasted or otherwise cooked, whether or not shelled or broken (e.g. peanuts)
1204	Linseed, whether or not broken
1205	Rape or colza seeds (canola), whether or not broken
1206	Sunflower seeds, whether or not broken
1207	Other oil seeds and oleaginous fruits, whether or not broken

2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants (e.g. screenings)
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Note: Barley, oats, rye, triticale, and wheat are regulated under the CFIA directive D-99-01 “Barley, Oats, Rye, Triticale and Wheat - Phytosanitary Requirements on Import, Transshipped, In-Transit and Domestic Movement”. Hemp is regulated under the CFIA directive D-96-03 “Plant Protection Import Requirements for Hemp, (*Cannabis sativa*)”. For seed for propagative end use, refer to the CFIA Directive D-12-06 ****under development****.

1.5 Regulated Areas

The continental United States.

1.6 Regulated End Uses

The CFIA regulates soil and soil related matter as a high risk pathway for the movement and introduction of pests. Accordingly, grain must be cleaned prior to import in to Canada to remove soil and foreign matter that may harbour pests.

The CFIA defines end use to be the first use of the material once the consignment is released into Canada; e.g., if the grain is ultimately intended for human consumption or animal feed, but will be processed in Canada prior to being made available for food or feed purposes, the CFIA requires the importer to declare the end use as processing.

2.0 Specific Requirements

2.1 Phytosanitary Requirements

The CFIA regulates soil and soil related matter as high risk pathway for the movement and introduction of pests. Grain imported to Canada with a phytosanitary certificate must be cleaned at origin to mitigate this risk. Imports of grain that will be processed in a manner that mitigates phytosanitary risk are eligible to enter Canada with an import permit alone. Grains that undergo processing which generates phytosanitary risk material (e.g. screenings), require either an import permit and a compliance agreement, or a phytosanitary certificate. For the regulated grains listed in Table 1, from the continental United States, the following plant protection import requirements apply:

Table 2. End Use Specific Phytosanitary Import Requirements.

Commodity Type	End Use		Plant Protection Import Requirements
Grains	Direct Human Consumption	Retail packages of less than 25 kg	Import Declaration
		Bulk grain or grain in packages greater than or equal to 25 kg	Phytosanitary Certificate

	Direct Consumption by Animals	Animal Feed; Livestock Feed; Bird Feed.	Phytosanitary Certificate
	Processing/ Repacking	Screenings are generated (e.g. cleaning, milling)	Import Permit and Compliance Agreement; OR Phytosanitary Certificate
		Screenings are not generated (e.g. crushing)	Import Permit (additional phytosanitary requirements may apply); OR Phytosanitary Certificate
	Special Purposes	Scientific Research; Education; Exhibition.	Import Permit (additional phytosanitary requirements may apply)
	In-transit by closed hopper-bottom railcar through Canada to the U.S.A.		Import Permit
	End uses not listed above		Import Permit (additional phytosanitary requirements may apply); OR Phytosanitary Certificate
Screenings of Regulated Grains	All end uses		Import Permit AND Compliance Agreement

2.1.1 Phytosanitary Certificate

Consignments of the regulated grains in Table 1 for the indicated end uses in Table 2 must be accompanied by:

- phytosanitary certificate issued by the USDA-APHIS;

Note: For import requirements for re-exports of grain from origins other than the continental U.S.A., please refer to “D-12-04 Phytosanitary import requirements for grain of field crops (pulses, oilseeds, special crops, forages, and other cereals) from all origins except the continental United States”.

Additional Declarations for Regulated Grain Originating from the Continental United States

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) has confirmed that khapra beetle is a U.S.A. quarantine pest and is not known to occur in the U.S.A. APHIS has further indicated that annual surveying is undertaken throughout the United States and constant vigilance of both imported and exported product is maintained at U.S.A. ports of entry (assuming POEs as referred in APHIS letter is port of entry). The CFIA has therefore accepted the U.S.A. as free from khapra beetle and provided exemption from certification requirements with respect to khapra beetle for commodities originating in the continental United States.

The following additional declaration for regulated weed seeds is required to appear on the phytosanitary certificate issued by USDA-APHIS:

“The material in this consignment is free of seeds of the regulated weed species in the *List of Pests Regulated by Canada*.”

Additional Declarations for Grain Originating From Other Origins and Re-Exported from the United States

The following additional declaration for regulated weed seeds is required to appear on the phytosanitary certificate issued by USDA-APHIS or on the phytosanitary certificate issued by the NPPO of the origin country which accompanies the phytosanitary certificate of re-export issued by USDA-APHIS:

- a) “The material in this consignment is free of seeds of the regulated weed species in the *List of Pests Regulated by Canada*.”

AND

One of the following additional declarations for *Trogoderma granarium* (khapra beetle) is required to appear on the phytosanitary certificate issued by USDA-APHIS or on the phytosanitary certificate issued by the NPPO of the origin country which accompanies the phytosanitary certificate of re-export:

- b) “The material in this consignment was inspected and found free of khapra beetle (*Trogoderma granarium*).”

OR

- c) “The material in this consignment originated in an area free from khapra beetle (*Trogoderma granarium*).”

2.1.2 Import Permit for Research, Education, Exhibition, and Processing

Consignments of regulated grains for certain end uses (e.g. scientific research, education, exhibition) require a permit to import issued by the CFIA prior to importation. The application for a permit to import (Form No. 5256) can be found in the CFIA’s Forms Catalogue, located at the following URL:

<http://www.inspection.gc.ca/about-the-cfia/forms-and-publications/forms-catalogue/eng/1328823628115/1328823702784>

Refer to D-97-04 for additional information on the issuance of import permits.

2.1.3 Compliance Agreement for Processing Screenings or Cleaning Grain (Screenings Generated)

In addition to an import permit, consignments of regulated grains for the end uses of processing (screenings generated) or cleaning (screenings generated) require a compliance agreement prior to importation. If the grain is ultimately intended for human consumption or

animal feed, but will be processed in Canada prior to being made available for food or feed purposes, the CFIA requires that an end use of processing be declared by the importer.

A compliance agreement consists of a declaration by the importer of the handling and disposal procedures that the facility will use to mitigate the phytosanitary risk of imported plant material. These procedures are evaluated and approved by the CFIA prior to developing the requirements/conditions of the import permit. Prior to issuance of the permit, the CFIA may conduct an on-site facility audit to verify that the importer can mitigate phytosanitary risk as described. The processing of regulated commodities at a facility other than the importer's can be authorized under compliance agreement with the CFIA.

The compliance agreement and supporting forms are provided in Appendix 2.

2.2 Product Inspection

All shipments may be subject to inspection and sampling by the CFIA to ensure that regulated grains and regulated articles are in compliance with Canadian phytosanitary import requirements. Import inspections may be conducted at either the port of entry or another place designated by the CFIA.

3.0 Non-Compliance

The CFIA's authority to address non-compliance comes from the *Plant Protection Act* and *Plant Protection Regulations*, as they relate to plant protection.

Measures the CFIA can use to mitigate the phytosanitary risk of a non-compliant shipment include the following:

- ordering the shipment destroyed;
- ordering the shipment to be returned to its origin or otherwise removed from Canada;
- ordering a non-compliant shipment to be treated in Canada;
- imposing a penalty in addition to, or in lieu of, other measures listed above.

Where a shipment is inspected and determined to be non-compliant despite phytosanitary certification provided by the exporting country, the CFIA will send a Notification of Non-Compliance to the NPPO, so that appropriate corrective actions on certifying future shipments can be taken. This step is in addition to the mitigation approaches noted above.

All costs related to bringing imported shipments into compliance with Canadian import requirements are the responsibility of the importer. If importers fail to ensure compliance or they are unable to do so, the imported material may be confiscated by the Government of Canada. Refer to D-01-06: Canadian Phytosanitary Policy for the Notification of Non-Compliance and Emergency Action for further information on non-compliant shipments to Canada.

Appendix 1

Regulated Crop Kinds

HS Code	Latin Name	Common Name
0713	<i>Cajanus cajan</i>	pigeon pea
	<i>Cicer arietinum</i>	chickpea
	<i>Lens culinaris</i>	lentil
	<i>Phaseolus</i> spp.	bean
	<i>Pisum sativum</i>	pea
	<i>Vicia</i> spp.	bean
	<i>Vigna</i> spp.	bean
1005	<i>Zea mays</i>	corn
1006	<i>Oryza sativa</i>	rice
1007	<i>Sorghum</i> spp.	sorghum
1008	<i>Chenopodium quinoa</i>	quinoa
	<i>Coix lacryma-jobi</i>	Job's tears
	<i>Digitaria</i> spp.	fonio
	<i>Echinochloa</i> spp.	millet
	<i>Eleusine</i> spp.	millet
	<i>Fagopyrum</i> spp.	buckwheat
	<i>Panicum</i> spp.	millet
	<i>Panicum virgatum</i>	switchgrass
	<i>Pennisetum</i> spp.	millet
	<i>Phalaris arundinacea</i>	reed canary grass
	<i>Phalaris canariensis</i>	canaryseed
	<i>Setaria</i> spp.	millet
<i>Zizania</i> spp.	wild rice	
1201	<i>Glycine max</i>	soybean
1202	<i>Arachis hypogaea</i>	peanut
1204	<i>Linum usitatissimum</i>	flax
1205	<i>Brassica napus, B. rapa, B. juncea</i>	canola, rapeseed
1206	<i>Helianthus annuus</i>	sunflower
1207	<i>Brassica</i> spp.	mustard
	<i>Camelina sativa</i>	camelina
	<i>Carthamus tinctorius</i>	safflower
	<i>Gossypium</i> spp.	cotton
	<i>Guizotia abyssinica</i>	niger, nyjer
	<i>Sesamum indicum</i>	sesame
<i>Sinapis</i> spp.	mustard	

Note: This list will be updated as new crop kinds are identified and/or placed under specific HS codes.

Appendix 2

**Compliance Agreement for Processing Screenings or Processing Grain (Screenings Generated)
Imported to Canada From the Continental United States**

FACILITY INFORMATION	
Legal Name of Facility (Applicant)	Facility Address (Address, City, Prov, Postal Code)
Applicant Name:	Facility Contact Name:
Telephone No:	Facsimile No:
Email:	Website:
New Facility <input type="checkbox"/> Facility Renewal <input type="checkbox"/>	Date of Previous Agreement (yyyy/mm/dd):
GENERAL FACILITY AND STAFF	
Describe the process to be conducted on the regulated material.	
Describe how the facility management and staff are made aware of the phytosanitary risk (i.e. procedures to be followed and the conditions of entry applicable to the commodity/origin) of the material?	
Is a written Standard Operating Procedures (SOP) for staff regarding the handling and disposal of the regulated material available to staff? The SOP must be provided to the CFIA when requested.	

REGULATED MATERIAL HANDLING	
<p>Describe the transportation, handling and storage procedures for regulated material to prevent spills, scattering or unauthorized spread prior to processing.</p>	
<p>Describe how the regulated material is identified in order to avoid co-mingling/contamination of other material in the same facility?</p>	
DISPOSAL (HOW WILL SCREENINGS BE DISPOSED OF?)	
<p>Describe the process used for screening disposal/treatment.</p>	
<p>If screenings are not treated/disposed of on location, indicate the alternate CFIA approved treatment/disposal facility. Describe how screenings will be transported, handled, and stored to prevent spills, scattering, and unauthorized spread prior to disposal.</p>	
RECORDS	
<p>Indicate how records will be maintained for regulated material (receipt, processing dates and disposal). A copy of the logbook must be provided to CFIA when requested.</p>	

DISTRIBUTION	
<p>Will the regulated material be processed only at the destination facility named in this compliance agreement? If not, a separate compliance agreement is required of each facility.</p>	
CONDITIONS FOR FACILITY APPROVAL FOR PROCESSING IN CANADA	
<ol style="list-style-type: none"> 1. The imported material must be routed directly to the destination listed on the permit and treated or processed as soon as possible following arrival. 2. The imported material is packaged, transported, handled, tracked, and used in a manner that prevents the thing from becoming infested or spreading a pest or a biological obstacle to the control of a pest. 3. The importer is responsible for all costs associated with bringing their shipment into compliance with <i>the Plant Protection Act and Regulations</i>. 4. The importer must inform the Canadian Food Inspection Agency (CFIA) of any pests and/or signs of living pests found on the imported material. The importer is responsible for containment and clean up costs resulting from spills of infested material. 5. Imported material is not for sale or distribution until treated or processed by the importer in a manner that has eliminated any pest or biological obstacle to the control of a pest or resulted in any pest or biological obstacle to the control of a pest being non-viable. 6. Any untreated or unprocessed imported material or any residual matter (e.g. screenings) derived from the imported material must be securely contained and disposed of in a manner acceptable to a CFIA authorized inspector that: <ul style="list-style-type: none"> A: ensures that a pest or biological obstacle to the control of a pest will not spread, and B: destroys any pest or biological obstacle to the control of a pest or ensures that the pest or biological obstacle to the control of a pest is non-viable. 7. Note: Import conditions in this permit pertain to the <i>Plant Protection Act and Regulations</i> only. It is the importer's responsibility to ensure that commodities covered by this permit also comply with the requirements of other acts and regulations. 	
<p>I, _____ the authorized representative of the above named facility have read and understood the terms and agree to all the terms the conditions stated herein.</p> <p>The applicant is responsible for and shall indemnify and save harmless and defend at its own costs Her Majesty the Queen in Right of Canada, including the CFIA, Her Successors and Assigns, employees, officials, agents and contractors from and against all claims, demands, losses, costs, including solicitor and own-client costs, expenses, actions, suites or other proceedings whatsoever, brought or prosecuted in any manner which heretofore or hereafter may be made by whomever, however and whenever caused by, arising out of, relating to, occasioned by or attributed to or with respect to any acts or conduct, including without limitation omissions and misrepresentations, of the Applicant, its employees, officials, agents, or contractors, whether by reason of negligence or otherwise, in participation by the Applicant, its employees, officials, agents or contractors in any activity undertaken or purported to be undertaken under the authority or pursuant to the terms and conditions of this application.</p>	

Name of Applicant (Print)	Place of Application	Date of Application (yyyy/mm/dd)
<hr/> Signature of Applicant		
For use of CFIA Only		
The above facility is APPROVED FOR PARTICIPATION		
<hr/> Signature of CFIA Officer	Officer Name (Print)	Date (yyy/mm/dd)

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