

## CFIA Grain Import Framework (GIF): Options for Import to Canada

The options presented in this discussion document are derived from the [Plant Protection Act \(PPA\)](#) and [Regulations](#). Guidance from the [International Plant Protection Convention \(IPPC\)](#) and relevant [International Standards for Phytosanitary Measures \(ISPMs\)](#) are used where appropriate.

### Exempt from documentation requirements

- Commodities that pose a negligible risk of being a pathway for regulated pests would not require any documentation.
- As with all commodities, they would still be subject to inspection and action would be taken if regulated pests are found
- Guided by the principles in [ISPM 32: Categorization of Commodities According to their Pest Risk](#)

### Prior to arrival in Canada: (certified grain)

#### Certifying document:

- A phytosanitary certificate is the internationally accepted standard for certification that exported plants, plant products and other regulated articles are in conformance with the phytosanitary requirements of the importing country and are free from regulated pests. [ISPM 12: Phytosanitary Certificates](#) provides guidance on their use.
- The CFIA has and will continue to accept grain certified using a phytosanitary certificate.
- Certification using other documents, may be accepted and included in the import policy directive, if deemed to provide equivalent assurances to a phytosanitary certificate.
- If requested by the United States' National Plant Protection Organization (NPPO), the CFIA could consider the following and is willing to consider other documents, provided they certify pest freedom:
  - Certificate of Origin
  - Heat Treatment Certificate;
  - Seed Analysis Certificate/ Germination Test
- Import documentation requirements verified at time of import by CFIA.
- For Canadian importers who do not meet the qualifications to obtain an import permit or who want to limit their business risk, the option to import certified grain is available to all Canadian importers and free to be distributed to any Canadian buyers or end users after release into Canada because the grain is certified as being free from Canada's regulated pests.
- The grain may be required to be accompanied by certification documents as part of programs administered through other Acts and Regulations by the CFIA.
- The grain may qualify for re-export provided it meets the third country's import requirements.

### 1. Regulation by area freedom

- Pest Free Area should meet the requirements of [ISPM 4: Requirements of the establishment of pest free areas](#) and [ISPM 10: Requirements for the establishment of pest free places of production and pest free production sites](#)

### 2. Regulation by inspection and certification for pest freedom

- The discretion is left to the exporting country's NPPO (e.g. USDA-APHIS) to determine a method to certify exports to Canada that will provide the CFIA with the necessary confidence that the commodity may be released. For guidance please consult [ISPM 20: Guidelines for a phytosanitary import regulatory system](#)

### 3. Regulation by certified process or treatment (PPR s. 38(a))

- Prior to import in Canada, a process or treatment would need to eliminate or eradicate the pests that are or may be associated with the commodity (on farm, in transit, during storage or at loading for export)
- Importer needs to be able to demonstrate that the process or treatment has been effective to the Minister or a designated inspector for the *Plant Protection Act*. When the process or treatment is not a sufficient demonstration of effectiveness, then these processes could be recognized as part of a step in a cross-border systems approach. A systems approach would need to meet the guidance outlines in [ISPM 14: The use of integrated measures in a systems approach for pest risk management](#)

## After release into Canada: (uncertified grain)

### Regulation by import permit:

- Importer must meet the requirements for obtaining an import permit under s. 30 of the PPR. A person may apply for a permit if the person
  - o (a) is a Canadian citizen or permanent resident, as those terms are defined in subsection 2(1) of the *Immigration Act*;
  - o (b) is authorized under the laws of Canada to reside in Canada for a period of six months or more and will have the possession, care or control of the thing to be imported; or
  - o (c) in the case of a corporation with a place of business in Canada, is an agent or officer of the corporation who resides in Canada
- The importer of the commodity to Canada can be approved to import material that is, or may be suspected of being infested, under a permit when it specifies treatments or processes that are likely to result in eliminating or eradicating the pest risk. Such treatments or processes must be carried out as a condition of the permit.
- Before a permit is issued, CFIA inspectors are given authority under the regulations to request additional information from importers, to verify, or request proof that a process or treatment proposed by the importer is/would



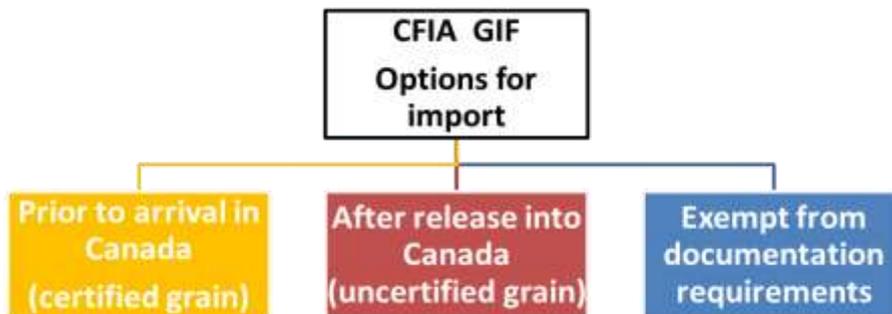
be effective and does/will prevent the establishment or spread of pests from the imported grain.

- CFIA inspectors also have the authority to verify that the conditions of a permit are being met and to take appropriate regulatory steps to control the spread of pests in cases of non-compliance with the conditions of the permit.
- The processes or treatments that can be recognized in Canada can be the same processes or treatments that are approved under s. 38(a), when the risk mitigating measures are carried out before import to Canada.
- Additional processes can also be recognized when elimination of the pest risk is a side effect of the end use for the material: oilseed crushing, ethanol plants
- The processes or treatments considered for GIF on grain imports from the U.S. must eliminate or eradicate pests (e.g. weed seeds, insects, nematodes, pathogens and any other pests that could be associated with the commodity) such that they are non-viable, and thus, incapable of establishing or spreading in Canada.

### How would a permit work to mitigate pest risk in grains?

- Weed seeds, crop residues, soil and other refuse are usually present in grain imports, and this is why grain imports are recognized as a high risk pathway for pest entry to Canada.
- As part of the transformation cycle from raw grain to processed product, cleaning steps are often employed to refine the commodity prior to processing.
- The waste material derived from the cleaning of seed and grain is defined as "screenings" by the CFIA.
- Imported screenings are considered high risk plant material due to their variable composition and their import has been regulated with permits since 1996 under [D-96-07: Import requirements for screenings and grain and seed for cleaning](#).
- Facilities that import seed or grain, for cleaning in Canada have also been regulated since 1996 with permits that specify how the screenings generated from imported seed and grain is to be handled and treated.
- The risk in screenings can be mitigated by careful handling and treatment in a manner approved by the CFIA.
- Import permits to treat or process grain in Canada may be issued under two sections of the PPR:
  - o **Section 38(b)**: when the risk is mitigated by the process or treatment (e.g., feed and flour milling, ethanol plants, oil crushers) and applied to everything that is imported and no screenings are generated. "Destructive processing"
  - o **Section 43**: when the process or treatment does not entirely mitigate pest risk or when screenings are derived from the imported grain and conditions are specified in the permit for their handling and of treatment. "Non-Destructive Processing"

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### Considerations:

- If to be cleaned in Canada, shipments are subject to documentation requirements under D-96-07: Import requirements for screenings and grain and seed for cleaning
  - Commodities imported with a phytosanitary certificate are exempt from D-96-07
- CFIA Commodity based pest risk assessments (PRA) indicated that large seeded commodities (e.g., corn, sunflowers) may be less likely to have small seeded weeds associated because they would be removed during the harvest process, however:
  - If imported directly from on-farm storage a document may need to accompany the shipment attesting that additional handling beyond the farm gate did not occur. This would be to ensure that pest risk was not introduced to the commodity post-harvest.
  - If imported from a commercial elevator, there is the risk of add-backs which would not otherwise be present from the commodity in the field. As such, those commodities become regulated because risk has been introduced.
  - Inert, non-viable or processed screenings may be added back in whatever quantity the sales contract allows because the risk has been eliminated. This must be demonstrated.
- Small seeded commodities (e.g., millet, sorghum, canola, flax) may still pose a risk from on-farm storage because our weed seeds of concern are of a similar size and shape and are less likely to be removed during harvest.

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### Points for Discussion:

1. What documents for CFIA consideration can you envision being able to provide as certification pre-border from your industry perspective?
2. How do you propose removing the risk of add-backs?
3. What treatments or processes would eliminate or eradicate our pests of concern?



4. Would a systems approach work for your business? Why or why not? If, yes, describe what the system entails.

**Regulated Commodities under Draft Directive D-12-05 (Revised October 2013)**

Regulated grains include any grain produced in the continental United States and imported under the Harmonized Commodity Description and Coding 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.

**Table 1. Grains Intended for Non-Propagative End Use Regulated by D-12-05.**

<b>HS Code</b>	<b>Description</b>
0713.10-90	Dried leguminous vegetables, shelled, whether or not skinned or split
1005.90	Maize (corn)
1006.10	Rice
1007.90	Sorghum
1008.10, 29, 30, 40, 50 & 90	Buckwheat, millet and canary seed; other cereals.
1201.90	Soya beans (soybeans), whether or not broken
1202. 41 & 42	Ground-nuts, not roasted or otherwise cooked, whether or not shelled or broken (e.g. peanuts)
1204.00	Linseed, whether or not broken
1205. 10 & 90	Rape or colza seeds (canola), whether or not broken
1206.00	Sunflower seeds, whether or not broken
1207. 29, 30, 40, 50, 60, 91 & 99	Other oil seeds and oleaginous fruits, whether or not broken
2302.40.6216-6219 & 6223-6226	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)