



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

A PRODUCER'S GUIDE TO INSPECTION

Rights and Responsibilities



Canada

What can I expect from a CFIA inspection?

A Canadian Food Inspection Agency (CFIA) inspector is a federal employee who has the legal authority to enter onto your property or place of business to conduct an inspection. The person is authorized to do this by Canada's food, plant and/or animal legislation.

Inspections are done for a specific purpose: to verify compliance with the requirements of legislation.

There are various types of inspections. These include the following:

- scheduled on-site inspection
- unannounced inspection (such as responding to a complaint or concern of a citizen or employee, or a referral from a federal, provincial/territorial or municipal government department or agency)
- inspection in emergency situations, such as disease and pest outbreaks
- inspection for requested services
- inspection for survey purposes
- follow-up inspection of on-site quarantines
- follow-up inspection due to previous non-compliance

CFIA inspectors abide by the CFIA values and ethics principles found in *The Canadian Food Inspection Agency and Its Regulated Parties, Stakeholders and Partners: An Ethical Relationship* and the Statement of Rights and Service available on our website at www.inspection.gc.ca.

When CFIA inspectors are on your property, at your place of business or conducting an inspection, they will

- identify themselves to you, and
- treat you in a fair, respectful and unbiased manner.

When arriving for the first time, the inspector will identify themselves with photo identification. This may be supplemented with a metal badge.

The inspector will ask to speak with the person in charge or the pre-identified contact, and explain the purpose of the inspection and any areas that may be of specific concern.

Please be sure to inform the inspector of any safety concerns or procedures, as well as any biocontainment controls they should be aware of while on your property.

While on-site, the inspector will collect information to verify compliance with the legal requirements and will make notes to record details of the inspection. The inspector may, for example

- ask to speak with the people involved,
- review records,
- collect samples,
- take photographs, and
- copy documents.

You are legally required to provide information to, and assist, an inspector, when requested.

How should I prepare for an inspection?

Like any business, you must know your legal obligations. And you must comply with those laws. The CFIA is committed to providing consistent and professional service in fulfilling our legislative mandate. In return, we ask that you do the following.

- Treat our employees in a courteous and respectful manner.
- Understand the role our employees perform.
- Be aware of the ethical obligations that govern the actions of CFIA officials.

If you have any questions about your inspection, speak with your local inspector or CFIA office. We can provide you with complete, accurate, and timely information that explains the laws and policies that apply to you.

Also, keep your records and supporting documents organized, readily accessible and available. Providing the inspector with complete, accurate and timely information will help them complete the inspection more quickly and effectively.

What will be looked at during an inspection?

Depending on the purpose of the inspection, the CFIA inspector will look at some or all of the following:

- animals, plants and their associated products
- food, when samples may be taken
- product packages and labels, where applicable
- operations on the property, farm or place of business
- quality management systems, where applicable

In addition to inspecting the place of business and interviewing you and your employees, the inspector has the authority to access and copy relevant records.

TIP

If you have questions or need clarification on any aspect of your inspection, please ask your inspector at any time.

These include the following:

- licences, registrations, permits and/or certificates
- process or equipment information
- operation log books
- equipment maintenance records
- sampling and testing results
- other data or records required

TIP

It is important to supply the inspector with accurate information and answers, when requested. If you do not have the information or know the answer at that time, you should tell the inspector when and how you will supply the information at a later date. Delays in providing information can mean delays in finalizing the inspection (for example, export certification cannot be completed before all of the required information is received and reviewed).

What are my rights during an inspection?

When dealing with us, you will be treated with respect, professionalism, fairness, and impartiality. You have the right

- to require that our staff identify themselves and explain why they are contacting you;
- to discuss your responsibilities;
- to ask questions or ask for clarification on any aspect of the inspection process;
- to request copies of educational material, including relevant legislation and fact sheets; and
- to receive information in the official language of your choice (English or French).

What happens after an inspection?

When the inspection is done, the inspector will review their notes and observations. If necessary, they will request further information.

The inspector will tell you about any issues, such as

- non-compliance with the law, or
- a disease or pest that is suspected or found.

The inspector will explain the next steps to be taken, such as corrective action required or quarantining an animal, plant and/or their products.

The inspector will leave an inspection report with you or tell you when you may expect your inspection report, and how it will be sent. The time required to finalize inspection results will vary. For example, if the inspector needs to wait for laboratory test results or do further record analysis, the inspection will take longer to finalize.

What happens if the inspector identifies non-compliance, or suspects or finds a disease, pest or hazard?

You may be faced with a situation where

- non-compliance is identified on your property, farm or at your place of business, or
- a disease, pest or hazard is suspected or found, on your property, farm or at your place of business.

In instances where this occurs, inspectors have a range of tools available to them. Depending on the legislation being applied, an inspector may

- provide educational material, including copies of relevant legislation, fact sheets and pamphlets; or
- ask you to store a product or remove it to another place for storage.

More serious actions could also be taken, depending on the circumstances. The inspector may

- issue a corrective action request that requires you to correct the non-compliance within a certain time period;
- seize and detain a product;
- quarantine the place being inspected;
- order you to destroy animal or plant products;
- issue an Administrative Monetary Penalties (AMPs) Notice of Violation with Warning or Penalty, where applicable; or
- refer the matter to Area Enforcement and Investigation Services for investigation and potential prosecution.

What happens if I receive a quarantine order?

Quarantine is a measure taken to prevent a disease or pest from being introduced to an area or spreading beyond an area. It does so by isolating the infected animal or plant.

If an inspector orders a quarantine, you will be provided with a written quarantine notice. It will set out the length of time and conditions during the quarantine period.

Depending on the situation, conditions may include issues such as the moving and treating of animals during the quarantine period. The CFIA inspector will provide you with further guidance.

What happens if my animals are ordered destroyed?

If your animals are ordered destroyed, you may ask for compensation. The CFIA may compensate producers for

- animals ordered destroyed;
- other things ordered destroyed, such as contaminated feed or animal products; and
- the disposal costs of animals ordered destroyed.

The inspector who made the original destruction order will arrange for a compensation assessment by evaluators who have expertise in the market value of the classes and breeds of animals. The CFIA bases compensation amounts on the animal's market value (up to a maximum amount as stipulated in the *Compensation for Destroyed Animals Regulations*).

For other things ordered destroyed, compensation amounts are based on the market value at the time of destruction.

Once animals have been evaluated, you will receive a signed copy of a compensation evaluation form. If you think the amount awarded for compensation is unreasonable, you may appeal the decision within three months of the evaluation.

What happens if my plants are ordered destroyed?

If your plants are ordered destroyed, you may ask for compensation. The CFIA may compensate producers for

- plants ordered treated, stored or destroyed;
- any place ordered treated; or
- restrictions put on the use of the place and the movement of people.

Depending on the type of pest and the nature of a pest outbreak, the inspector who made the order will provide you with further information.

What are my rights after an inspection has taken place?

After the inspection, you have the right

- to speak to your local CFIA office about the service you have received;
- to be advised of the reasons for our decisions in writing, where practical or legally required;
- to receive written documentation outlining the rules of the quarantine or destruction, or any regulatory order;
- to obtain information under the provisions of the *Access to Information Act*;
- to receive information in the official language of your choice (English or French);
- to have your privacy protected, as set out by the *Privacy Act*; and
- to seek redress through the courts.

Where do I go for more information?

For more information about the CFIA, visit our website at www.inspection.gc.ca.

If you need information about the legal requirements that apply to your operation or business, visit

- the CFIA's Acts and Regulations web page, or
- the Department of Justice's Laws Website.

If you have specific questions regarding the inspection, talk to your inspector, or contact one of our Area offices.

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CFIA Po770-12
Catalogue No.: A104-96/5-2012
ISBN: 978-1-100-54142-6