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	<b>(EFFECTIVE DATE)</b>  <b>December 14, 2010</b> <b>(2<sup>nd</sup> Revision)</b>
<b>TITLE:</b> Canadian phytosanitary policy for the notification of non-compliance and emergency action.	

**SUBJECT:**

This directive describes Canadian Food Inspection Agency (CFIA) policy on the issuance and receipt of notifications of non-compliance and notifications of emergency action. Canadian policy on the implementation of the International Standard for Phytosanitary Measures (ISPM) No. 13: *Guidelines for the Notification of Non-Compliance and Emergency Action* is outlined.

This policy is intended to complement other policy directives which identify actions to be undertaken upon identification of non-compliance with Canadian phytosanitary requirements.

*This directive was revised in order to more accurately interpret ISPM 13, in the Canadian context, as well as to reflect organizational changes in the agency.*

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## Review

This directive will be reviewed every 5 years unless otherwise needed. For further information or clarification, please contact the CFIA at [Plant-Export@inspection.gc.ca](mailto:Plant-Export@inspection.gc.ca).

## Endorsement

Approved by:

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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 (Regions, Plant Health Risk Assessment Unit, United States Department of Agriculture)
2. Provincial Government, Industry (determined by Author)
3. National Industry Organizations (determined by Author)
4. Internet ([www.inspection.gc.ca](http://www.inspection.gc.ca))

## Introduction

The International Plant Protection Convention (IPPC) states that importing countries shall, as soon as possible, inform the exporting country of significant instances of non-compliance with phytosanitary certification. Non-compliances occur when a consignment, or the documentation accompanying a consignment, does not adhere to or reflect the phytosanitary requirements of an importing country. Notices are also used in new or unexpected phytosanitary situations to report emergency action taken on the detection of a pest posing a potential threat.

The IPPC International Standards for Phytosanitary Measures (ISPM) No. 13: *Guidelines for the Notification of Non-Compliance and Emergency Action* provides guidance on how to meet notification obligations under the IPPC. In all instances, the use of notification should only be undertaken with the aim of international cooperation in order to prevent the introduction and/or spread of regulated pests.

A formal mechanism for notification allows for improved follow-up and corrective actions so that recurrence is avoided. It also allows countries to identify instances of repeated non-compliance originating from the same exporter, or the same exporting country, and to take further actions to avoid further such instances.

## **Scope**

This directive outlines CFIA policy regarding notifications of non-compliance and emergency action on plants and plant products. It expands on and provides interpretation of the relevant international standard, describes roles and responsibilities within the Plant Health and Biosecurity Directorate (PHBD) relating to non-compliance, and generally describes situations when CFIA issues or can expect to receive notification.

## **References**

ISPM No. 5, Glossary of Phytosanitary Terms, FAO, Rome (updated annually)

ISPM No. 13, Guidelines for the notification of non-compliance and emergency action, FAO, Rome, 2001.

New Revised Text of the International Plant Protection Convention, FAO, Rome, 1997

## **Definitions, Abbreviations and Acronyms**

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

### **1.0 General Requirements**

#### **1.1 Legislative Authority**

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

The Plant Protection Regulations, SOR/95-212

## 2.0 General information regarding notification

A notification of non-compliance or emergency action is the official communication between national plant protection organizations (NPPOs) to inform each other when a shipment of plants, plant products or other regulated articles does not meet import requirements of the importing country. As Canada's NPPO, the CFIA may either send or receive notifications of non-compliance or emergency action. The CFIA will notify an exporting country's NPPO when consignments from that country fail to comply with Canada's phytosanitary import requirements. Conversely, an importing country's NPPO notifies the CFIA when consignments from Canada fail to comply with its phytosanitary import requirements.

The information provided in the following section applies to both issuance and receipt of notifications of non-compliance and notification of emergency action.

### 2.1 Basis for Notification: Situations for which notifications may be issued (ISPM No. 13)

1. Failure to comply with phytosanitary requirements, including the detection of a specified regulated pest, or evidence of failure of specified treatments.
2. Failure to comply with requirements for certain documentation including absence of a required Phytosanitary Certificate, or the presence of an incomplete or fraudulent Phytosanitary Certificate.
3. Prohibited consignments or prohibited articles accompanying the consignment.
4. Repeated instances of prohibited articles in small, non-commercial quantities carried by passengers or sent by mail.

\* Consistent with ISPM No. 13, bilateral agreements may exist between Canada and other countries regarding what instances of non-compliance are considered significant for notification.

## 2.2 Instances of Non-compliance and Emergency Action

In the case of non-compliance, notifications are intended to facilitate investigation of the cause of the non-compliance. Emergency actions are prompt phytosanitary actions (i.e. inspection, testing, destruction, surveillance, treatment) undertaken in new or unexpected phytosanitary situations. In the case of notification of emergency action, notifications are intended to report actions that are taken upon the detection of an unexpected pest. In both cases, notifications are intended to help avoid recurrence. The CFIA employs the form found in Appendix 1 for both types of notification.

If a consignment is found to be infested with a regulated pest that is known to be associated with the commodity in that consignment, the action taken is a normal phytosanitary action. The situation, irrespective of its seriousness, is not entirely new or unexpected. In practice, the actual action taken, e.g. treatment, destruction, further inspection, may be the same, regardless of whether it is called an emergency action or a phytosanitary action.

## 2.3 Required Information

It is the responsibility of the issuing party to provide supporting information regarding the notification, if requested. This supporting information may include a copy of the phytosanitary certificate or other relevant documents, diagnostic results, or other information deemed to be useful for the exporting country to be able to identify and correct non-compliance. Canada may request additional information from countries from which we receive notification and may be asked to provide supporting information to countries to which we issue notification.

Notifications provided by Canada include the information found in Appendix 1, which acts as a template for the issuance of notifications by the CFIA.

When CFIA receives notification, the following information can be expected to be included:

1. Reference number in order to facilitate tracking and communication (e.g. phytosanitary certificate number).
2. Dates – the date on which the notification was sent, as well as the date that the first action was taken on the consignment should be noted.
3. Identity of the NPPO of both the importing and exporting countries
4. Identity of the consignee and consignor
5. Identity of the consignment – scientific names (at least plant genus) should be provided

6. Detailed information regarding the nature of the non-compliance and emergency action taken. This may include information such as the identity of the pest, whether part or all the consignment was affected, specific problems with the documentation accompanying the consignment, or phytosanitary requirements to which the consignment failed to comply.
7. Phytosanitary actions taken – should be described in detail.
8. Authentication marks – a means to validate the authenticity of the notification, usually an official stamp or other recognizable identification mark.

## 2.4 Timing of Notification

Timely notification allows the exporting country to conduct a proper follow-up action, if required and also to prevent re-occurrence. Notifications should be provided promptly once phytosanitary action has been taken by the importing country. CFIA attempts to issue notification without undue delay following detection of non-compliant consignment entering Canada, typically within two weeks, and can expect to be notified promptly of instances of non-compliance detected in Canadian exports. Canada has bilateral agreements with certain countries which specify agreed upon timelines for notifications. Preliminary notification may be provided should there be a delay in confirming the reason for the notification (e.g. identification of an organism).

## 2.5 Lines of Communication

Notification should be sent to, and received by, the IPPC contact point or, where a contact point has not been identified, to the NPPO of the exporting country, unless bilateral arrangements exist which specify to whom the notification should be sent.

## 2.6 Language

The use of abbreviations and acronyms should be kept to a minimum. Languages used in notification must be in one of the FAO languages i.e., *Arabic, Chinese, English, French or Spanish*, unless agreed upon bilaterally.

## 2.7 Transit and Re-export

For a consignment in transit, any instance of non-compliance with the requirements of the transit country or any emergency action taken should be notified to the exporting country. Where the transit country has reason to believe that the non-compliance or new or unexpected phytosanitary situation may be a problem for the country of final destination, the transit country may provide a notification to the country of final destination. The

country of final destination may copy its notification to any transit country involved. In cases associated with a phytosanitary certificate for re-export, the obligation and other provisions pertaining to the exporting country apply to the re-exporting country.

### **3.0 Receipt of notifications of non-compliance**

The Export and Technical Standards (ETS) section of the Office of the Chief Plant Health Officer is responsible for keeping an inventory of notifications of non-compliance received by CFIA. The ETS section works with the commodity sections and Export Commodity Officers (ECOs) to ensure appropriate follow-up actions, and steps to avoid recurrence, are taken.

Notifications are generally received by the IPPC Official Contact Point, the National Manager of the ETS section.

### **4.0 Issuance of notifications of non-compliance**

Notifications of non-compliance issued by CFIA Area Plant Program Managers are tracked by the Import Control (IC) section of the Office of the Chief Plant Health Officer.

Notifications issued by CFIA are sent to the Official IPPC Contact Point of the exporting country's NPPO, unless a bilateral agreement exists between Canada and the exporting country that describes a different process.

The form used for notifications of non-compliance and notifications of emergency action issued by CFIA, which shows the type of information included in notifications, can be found in Appendix 1.

### **5.0 Appendices**

Appendix 1 - Format for notifications issued by the CFIA



## Appendix 1

## Format for notification issued by the CFIA

## Canadian Food Inspection Agency

## NOTIFICATION OF NON-COMPLIANCE

TO: Plant Protection Organization of  
c/o [Official contact point]

This is to inform that the Canadian Food Inspection Agency has intercepted a shipment not in compliance with Canadian phytosanitary requirements that originated from [name of country]. Below is the information on the interception.

Type & quantity of material affected:	Reasons for interception:
Reference number:	
Name of the importing country:	Canada
Name of the exporting country:	
Phytosanitary Certificate number:	
Commodity class:	
Scientific name (at least plant genus) for plants or plant products:	
Name and address of consignee:	
Name and address of consignor:	
Date of phytosanitary action on the consignment:	

Phytosanitary action taken:	
Specific information regarding the nature of the non-compliance and emergency action including:	
Identity of pest:	
Problems with documentation:	
Part of the consignment affected:	
Phytosanitary requirements to which then-compliance applies:	
Additional information	
Report requested:	Yes No

In order to avoid similar phytosanitary action, we would appreciate if you would ensure that future consignments meet Canadian phytosanitary requirements. For more information on these requirements, please do not hesitate to contact the Canadian Food Inspection Agency or access the Internet Web site at [www.inspection.gc.ca](http://www.inspection.gc.ca) .

**Signature**

**Date**

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Program Manager, Plant Products