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MEAT HYGIENE DIRECTIVE

DIRECTIVE DE L'HYGIENE DES VIANDES

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SUBJECT: Chapter 14

OBJET : Chapitre 14

Corrections have been made throughout the Chapter. Some of the highlighted changes are as follows:

Des corrections ont été faites partout dans le chapitre. Voici quelques-unes des modifications apportées :

- Detailed instructions for managers to provide feedback to inspectors.
- The terms "Inspector's Report of Non-Compliance (INCR)" and "Issues Analysis Team" are reserved solely for use by the Enforcement and Investigations Services (EIS) process. New terms "Request for Management Review" and "Review Team" are now used.

- Instructions plus détaillées à l'intention des gestionnaires devant fournir une rétroaction aux inspecteurs.
- Les expressions « Rapport de non-conformité de l'inspecteur (RNCI) » et « équipe d'analyse des problèmes » sont seulement utilisées pour le processus des Services d'enquête et d'application de la loi (SEAL). Les nouvelles expressions « demande d'un examen (sous la responsabilité d'un gestionnaire) » et « équipe d'examen » sont maintenant utilisées.

ENGLISH AND FRENCH VERSION

VERSIONS ANGLAISE ET FRANÇAISE

Please replace in your Manual of Procedures Chapter 14 with the attached pages.

Veillez remplacer le chapitre 14 de votre Manuel des méthodes par les pages ci-jointes.

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14.1 Introduction

The Canadian Food Inspection Agency (CFIA) is responsible for the enforcement of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*, *Canada Agricultural Products Act*, *Feeds Act*, *Fertilizers Act*, *Fish Inspection Act*, *Health of Animals Act*, *Meat Inspection Act*, *Plant Breeders' Rights Act*, *Plant Protection Act*, *Seeds Act*, as well as the *Consumer Packaging and Labelling Act* (as it relates to food); and the *Food and Drugs Act* (as it relates to food), along with all of their corresponding regulations.

The CFIA Compliance and Enforcement Operational Policy, 2010 is the first of a three-tiered approach to the CFIA's enforcement program, outlining the CFIA's approach to its compliance management activities, ranging from assisting regulated parties in understanding their obligations to comply with legislative requirements, to monitoring compliance, and performing inspection activities. It also outlines the various tools available to the CFIA to respond to non-compliance. The second tier of the approach consists of the development of program-specific enforcement strategies: Agricultural Inputs, Animal and Plant Health and Food (divided into four documents: Meat, Fish and Seafood, Agri-Food, Food Labelling and Food Safety). These enforcement strategies offer specific insight into the tools available to inspectors under the Agency's various programs and legislation. Procedures detailing enforcement-related information for each program within the CFIA serve as the third tier of the CFIA approach to enforcement.

This guide provides the procedures required by the third tier of the CFIA's approach to compliance and enforcement, outlining specific enforcement options that are used to respond to cases of non-compliance with respect to the *Meat Inspection Act* and the *Meat Inspection Regulations, 1990* and other applicable legislation.

It is understood that all the different types of non-compliances cannot be covered in this policy. If serious situations present themselves, more stringent action may be taken.

14.1.1 Regulated Parties Roles and Responsibilities

Regulated parties, including operators, exporters and importers, must ensure that registered establishments and all products (meat or non-meat) comply with applicable legislation. When a situation of non compliance occurs, regulated parties must initiate actions to bring the establishment and/or product (meat or non-meat) into compliance.

In addition, the regulated party is required to provide assistance to CFIA inspectors while carrying out inspection duties under the *Meat Inspection Act*.

The *Meat Inspection Act* states:

13. (2) The owner or person in charge of a place or vehicle referred to in subsection (1) and every person found in that place or vehicle shall give the inspector all reasonable assistance to enable the inspector to carry out his duties and functions under this Act and shall furnish the inspector with any information the inspector may reasonably require with respect to the administration or enforcement of this Act and the regulations.

Furthermore, the regulated party must not obstruct the work of the CFIA or provide false statements to the CFIA.

The *Meat Inspection Act* states:

14. (1) No person shall obstruct or hinder, or make any false or misleading statement either orally or in writing to, an inspector while the inspector is engaged in carrying out his duties or functions under this Act or the regulations.

14.1.2 CFIA Roles and Responsibilities

The role of an inspector is to assess the compliance of regulated parties under the *Meat Inspection Act*, *Meat Inspection Regulations, 1990*, associated policies and procedures, as well as other applicable legislation. Inspectors are designated with the power and authority to take enforcement action when they believe that there are reasonable grounds to do so. When an establishment or product (meat or non-

meat) is found to be in non-compliance, the action required to be taken will depend upon the operator's actions to correct the problem and the extent and the severity of the problem.

For example, if the operator fails to react in the case of a food safety risk, the inspector will take action to control the risk, such as by detaining the product (meat or non-meat), animal or other thing (for example: equipment, stamps, printers, labels, or anything related to the contravention). The inspector will then issue the operator a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR). This Inspection Report identifies the non-compliance and requires the operator to implement corrective measures by:

- providing an acceptable action plan by a specified date; and
- effectively implementing the corrective and preventative measures described in the action plan by a specified date.

14.1.3 Management Review Team Roles and Responsibilities

The Inspection Manager (IM) is responsible for forming the Management Review Team and coordinating its activities.

The team may consist of any number of persons within the CFIA that are called upon to provide expertise or consultation with regards to the non-compliance during the review of a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR). The objective of the team is to provide support, guidance and recommendations to the designated CFIA employee responsible to take action in the course of enforcement activities. See 14.2.1.2 - How Does an Inspector Request a Review by Management?

The team follows the guidance of this chapter and considers the following factors when determining a recommendation:

- the regulated party's history of compliance with the legislation;
- a demonstrated willingness to achieve compliance;
- evidence of corrective action already taken;
- the intent of the regulated party; and
- the seriousness of harm or potential harm.

The Inspection Manager has the following responsibilities with regard to the Review Team:

- to coordinate the review and analysis of the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR);
- to call upon appropriate Review Team members for consultation when a request for review is issued, in the interest of supporting the person designated responsible for taking enforcement action;
- to ensure the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) is addressed in a timely manner. As a guideline, a course of action should be determined and implemented within five working days;
- to ensure that, prior to implementation, all recommendations are communicated to the Regional Director, Area Executive Director (ED)/Associate Area Executive Director and the Director of the Meat Programs Division (MPD), if appropriate;
- to ensure that all of the decisions and actions are documented on the CFIA/ACIA 5517 Enforcement Tracking Form and that the form is returned to the Inspector; and
- to ensure feedback and guidance are given to the inspector regarding how to proceed with each review, even those that do not result in further enforcement action.

The Management Review Team may include any of the following CFIA representatives:

- Inspection manager;
- Regional Veterinary Officer;
- Regional or Area Program Specialist;
- Office of Food Safety and Recall;
- Supervisor;

- Inspectors / Veterinarian Inspectors;
- Area CVS or FSEP Coordinators
- Enforcement and Investigations Services representatives;
- Legal counsel;
- Regional Director;
- Area Executive Director or Associate Area Executive Director; and
- Headquarters representatives.

14.2 Enforcement Actions and Procedures

In this section, enforcement actions are identified. Each action includes the regulatory authority, procedures, and any letter templates required to execute the action.

14.2.1 Procedures for Reports and Documentation

What are the reports that can be issued concerning operators and registered establishments?

Inspectors can issue the following reports:

- **CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR)**
- **CFIA/ACIA 5393 Inspector's Non Compliance Report (INCR)**

14.2.1.1 What is a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR)?

The CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) is a tool used by inspectors to achieve compliance as follows:

- is an inspection report issued to an operator by the inspector as part of the Compliance Verification System (CVS);
- describes a specific situation of non compliance;
- requires the operator to provide an acceptable action plan by a specified date; and
- requires the operator to effectively implement corrective measures by a specified date.

When is a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) issued?

Inspectors issue a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) to operators when a CVS verification task is assessed as unacceptable.

How is a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) issued?

- Chapter 18 of the Meat Hygiene Manual of Procedures details how to issue a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR).
- It is crucial for a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) to be completed specifically according to the instructions provided by Chapter 18.
- Inspectors should ask for guidance prior to issuing a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR), if necessary.

What if the Operator does not effectively implement corrective and preventative measures by the specified date and the inspector cannot close the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR)?

The inspector may submit a request to his or her supervisor for a review of the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR & Follow up) by management.

14.2.1.2 How does an inspector request a review by management?

The inspector completes a CFIA/ACIA 5517 Enforcement Tracking form and submits it along with the completed CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR & Follow up) to his or her supervisor for approval.

- The CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR & Follow up) is reviewed by the supervisor to ensure it accurately reflects the contravention and is completed as required.
- The supervisor enters their review results and approval or refusal reasons on the Enforcement Tracking Form. The supervisor either forwards the file to the Inspection Manager for subsequent approval; **or**
- The supervisor provides feedback to the inspector as to why the request was not approved and gives guidance as to what action to take with respect to the open CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR). The completed Enforcement Tracking Form is returned for the inspector's file.

If the file was forwarded to the Inspection Manager:

- The Inspection Manager forms the Review Team to analyze the request and associated documentation.
- The Inspection Manger enters the Review Team's recommendations and any action(s) taken on the Enforcement Tracking Form.
- The Inspection Manager must ensure that feedback is provided to the inspector as to what action to take with respect to the open CFIA/ACIA 5472 Inspection Report- Corrective Action Request (CAR), including direction on any next steps in the enforcement process.

14.2.1.3 What is a CFIA/ACIA 5393 Inspector's Non-Compliance Report (INCR)?

- The INCR is a form intended to standardize referrals to Enforcement and Investigation Services (EIS) and also serves as a tool to assist inspectors in identifying and collecting relevant information when reporting incidents of non-compliance.
- Consult with EIS for specific information and instructions.

When is a CFIA/ACIA 5393 INCR issued?

- When an inspector identifies a situation of non-compliance that may result in prosecution OR Administrative Monetary Penalties (AMPs).

How is a CFIA/ACIA 5393 INCR issued?

- An Enforcement Tracking Form must be generated by the inspector to accompany the INCR through the manager approval process.
- The supervisor enters their review results and their reasons for approval or refusal on the Enforcement Form.
- The supervisor either forwards the file to the IM for subsequent approval or provides feedback to the inspector as to why the INCR was not approved and returns the completed Enforcement Tracking Form for the inspector's file.
- The INCR is reviewed by the Inspection Manager to ensure it accurately reflects the contravention and is completed as required.
- The IM enters their review results and approval or refusal reasons on the Enforcement Tracking Form. The IM either forwards the file to the EIS and returns the completed Enforcement Tracking Form for the inspector's file or
- The IM provides feedback to the inspector as to why the INCR was not approved and returns the completed Enforcement Tracking Form for the inspector's file

14.2.1.4 What is a CFIA/ACIA 5517 Enforcement Tracking Form?

The Enforcement Tracking form is generated by the inspector each time he or she requests Management Review of an Inspection Report - Corrective Action Request or has completed an INCR to be forwarded through the chain of management for approval.

The form is used to document the decisions/recommendations proposed by the supervisor and Inspection Manager during the review of a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) or an INCR.

The completed Enforcement Tracking Form also serves as a mechanism to provide the inspector with reasons as to why an Inspection Report- Corrective Action Request (CAR) should be closed or why an INCR (recommendation to Enforcement and Investigation Services for investigation for prosecution, AMPs, etc.) is not supported and must be returned to the inspector's file.

14.2.1.5 What is a Final Notice of Non-Compliance?

The Final Notice of Non-Compliance is a tool used by the CFIA in the enforcement process to achieve compliance.

The Final Notice of Non-Compliance:

- is a notice issued by the Inspection Manager as recommended by the Management Review Team;
- specifies the date by which the operator must correct the non-compliance(s) identified in the associated CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) to avoid further enforcement action.

When is a Final Notice of Non-Compliance issued?

The Inspection Manager issues a Final Notice of Non-Compliance to the operator when the Management Review Team recommends this action. The Management Review Team (Review Team) recommends that a Final Notice of Non-Compliance be issued to the operator when:

- the Inspection Manager receives a request for review of a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) from an inspector where the operator has not implemented effective corrective and preventive measures by the specified date; and
- the Review Team recommends this as the most appropriate action to achieve compliance.

How is a Final Notice of Non-Compliance issued?

The Inspection Manager:

- completes a Final Notice of Non-Compliance using the letter template;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Final Notice of Non-Compliance to the file;
- forwards the form and the file to the Review Team for next steps;

The Inspector:

- along with the EG-05 (for processing establishments) or the Veterinarian in Charge (VIC) and/or the Regional Veterinary Officer (RVO) (for slaughter establishments), meets with the operator to issue the Final Notice of Non-Compliance; and
- documents the meeting on the CFIA/ACIA 5517 Enforcement Tracking Form; the record of the meeting should include: the date and time of the meeting, the location of the meeting, all CFIA and operator participants at the meeting, and a brief summary of the meeting.

What if the operator meets the requirements stated in the Final Notice of Non-Compliance?

Based on the inspector's verification, if the Review Team determines that the operator did meet the requirements as stated in the Final Notice of Non-Compliance:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and closes the report;

The Inspection Manager:

- completes a written notification to the operator that confirms the end of the enforcement action, thus ending the enforcement process, and forwards the notification to the operator;

The Review Team:

- records the measures taken on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the written notification; and
- returns the form and the file to the inspector for retention on the operator's file.

What if the operator does not meet the requirements stated in the Final Notice of Non-Compliance?

Based on the verifications of the inspector, if the Review Team determines that the operator did not meet the requirements as stated in the Final Notice of Non-Compliance:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and the report remains open;

The Review Team:

- will consider recommending further enforcement action such as:
 - 14.2.9 Suspension of a Licence to Operate;
 - 14.2.10 Suspension of an Authorization to Operate a Program;
 - 14.2.11 Refusal to Renew a Licence to Operate; and
- records its actions on the CFIA/ACIA 5517 Enforcement Tracking Form.

14.2.2 Official Tags

What Official Tags are used by Inspectors?

The *Meat Inspection Regulations, 1990* state:

2. (1) "official tag" means any mark, imprint, stamp, seal, tag or other identification, including a detention tag, used by an inspector to indicate that an animal, meat product or other thing has been held, detained or condemned by the inspector;

There are seven types of Official Tags issued by the CFIA and used by inspectors*:

- CFIA/ACIA 0083 Detention Tag (single red tag - used in conjunction with CFIA/ACIA 3256 Notice of Detention);
- CFIA/ACIA 0093 Held Tag (single tag with perforated end);
- CFIA/ACIA 0094 Held Tag (gang of 3);
- CFIA/ACIA 1464 Held Tag (gang of 5);
- CFIA/ACIA 1467 Meat Inspection Identification Tag (gang of 4);
- CFIA/ACIA 1429 Condemned Tag (single black tag); and
- CFIA/ACIA 3256 Detention Tag (pink - used in conjunction with CFIA/ACIA 3256 Notice of Detention).

See 14.3 for a description of when each Official Tag is used.

* It is understood that in slaughter operations, there can be other approved methods of identifying carcasses and their parts for further veterinary examination. These methods are still considered as “Official Tags” as per the *Meat Inspection Regulations, 1990* definition.

What is the impact to anyone who, without an inspector’s consent, moves, alters or interferes with a product or thing controlled by an Official Tag?

The *Meat Inspection Act* states:

14. (2) Except with the authority of an inspector, no person shall remove, alter or interfere in any way with anything seized or detained under this Act by an inspector.

Anyone who removes, alters, or interferes with an official CFIA/ACIA 3256 detention tag without the authorization of the inspector could be charged with a contravention of 14(2) of the *Meat Inspection Act*.

In addition:

The *Meat Inspection Regulations, 1990* state:

130. (1) No person shall remove or alter an official seal or official tag applied by or under the authority of an inspector unless authorized to do so by an inspector.

(2) Any food animal, meat product or other thing being held on the instructions of an inspector shall not be handled or used in any way without the permission of an inspector.

14.2.3 Seizure and Detention

Where is the authority to seize and detain a meat product or other thing?

The *Meat Inspection Act* states:

15. (1) Where an inspector believes on reasonable grounds that this Act or the regulations have been contravened, the inspector may seize and detain any meat product or other thing by means of or in relation to which the inspector believes on reasonable grounds the contravention was committed.

When does an inspector seize and detain a product or other thing?

The inspector seizes and detains a meat product or other things (for example: equipment, stamps, printers, labels, or anything related to the contravention etc.) when an inspector has reasonable grounds to believe that there has been a contravention of the Act and/or Regulations.

Contraventions may include situations:

- that pose a risk to food safety or a threat to human health, in which the operator is unwilling or is unable to comply and take corrective action;
- of fraud or mislabelling;
- in which imported meat products are refused entry into Canada.

Note: It is understood that an inspector also has the power to seize and detain, as it relates to food, under the *Food and Drugs Act* and under the *Consumer Packaging and Labelling Act*.

The *Food and Drugs Act* states:

23. (1) Subject to subsection (1.1), an inspector may at any reasonable time enter any place where the inspector believes on reasonable grounds any article to which this Act or the regulations apply is manufactured, prepared, preserved, packaged or stored, and may

(d) seize and detain for such time as may be necessary any article by means of or in relation to which the inspector believes on reasonable grounds any provision of this Act or the regulations has been contravened.

The *Consumer Packaging and Labelling Act* states:

15. (1) Where an inspector believes on reasonable grounds that any provision of this Act or the regulations has been contravened, the inspector may seize and detain any product or any labelling, packaging or advertising material by means of or in relation to which the inspector believes on reasonable grounds the contravention was committed.

How does an inspector seize and detain a meat product or thing?

The inspector:

- completes a CFIA/ACIA 3256 Notice of Detention and attaches the corresponding pink CFIA/ACIA 3256 Detention Tag in a prominent place on the meat product or thing that is to be seized and detained. The CFIA/ACIA 3256, which includes the Detention Tag and the Notice of Detention, is available to order in the CFIA forms catalogue;
- delivers in person or by registered mail the CFIA/ACIA 3256 Notice of Detention (The detention Tag and Notice must bear the same serial number) to the:
 - person having care or custody over the controlled product or thing; and
 - owner or owner's agent of the product or thing;
- ensures that the product or thing seized and detained is stored in the place where it was seized or stored; or at any other place at the inspector's discretion in accordance with 14(2) or 15(2) of the *Meat Inspection Act*;
- seizes and detains the product or thing at the owner's expense, under appropriate storage conditions to preserve the product or thing;
- completes the verification task related to the contravention and references the seizure and detention in the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) issued to the operator;
- maintains continuous control of the product or thing throughout a period of seizure and detention; and
- seizes and detains products or things for not more than 180 days.

When is a meat product or thing released from detention?

The inspector releases meat products or things from detention when:

- 180 days have passed since the seizure and no charges have been laid related to the violation; **or**
- the inspector believes on reasonable grounds that the meat product or thing complies with the Act and the Regulations prior to the 180 days expiration and no charges have been laid related to the contravention; **or**
- charges have been laid related to the violation and the proceedings have been concluded; **or**
- the Tribunal or court is satisfied that sufficient evidence exists or may reasonably be obtained without detaining the thing that is the subject-matter of the proceedings; **or**
- the Tribunal or convicting court or judge order the meat product or thing be forfeited and disposed as the Minister may direct; **or**
- the owner or the person in possession of it at the time of seizure consents to its disposal and is disposed of as the Minister may direct.

How does an inspector remove a meat product or thing from seizure and detention?

The inspector:

- removes or instructs the operator to remove the CFIA/ACIA 3256 Detention Tag;
- delivers by hand or by registered mail a copy of a CFIA/ACIA Notice of Release from Detention to the persons who received the copy of the Notice of Detention.

14.2.4 Removal of Meat Products Imported into Canada

Where is the authority to request an importer to remove meat products imported into Canada?

The *Meat Inspection Act* states:

18. (1) Where an inspector believes on reasonable grounds that any meat product is being or has been imported into Canada in contravention of this Act or the regulations, the inspector may, whether or not the inspector seizes the meat product pursuant to section 15, require the importer to remove it from Canada by giving the importer a notice for its removal delivered to the importer personally or sent by registered mail to the importer's business address in Canada.

The *Meat Inspection Regulations, 1990* state:

124. The importer of a meat product who has been given a notice for the removal of the meat product from Canada referred to in subsection 18(1) of the Act shall present the meat product to an inspector for verification of the removal of the meat product at the time and place of its removal.

When does the inspector request the importer to remove meat products that have been imported into Canada?

The inspector requests removal of imported product into Canada when he or she believes on reasonable grounds that there has been a contravention of the *Meat Inspection Act* or *Meat Inspection Regulations, 1990*.

How does the inspector request the importer to remove meat products imported into Canada?

Annex J of Chapter 10 of the Meat Hygiene Manual of Procedures details how an inspector requests an importer to remove meat products imported into Canada.

14.2.5 Refusal to Certify Meat Product for Export

Where is the authority to refuse to certify meat products for export?

The *Meat Inspection Act* states:

7. No person shall export a meat product out of Canada unless

- (a) it was prepared or stored in a registered establishment that was operated in accordance with this Act and the regulations;*
- (b) that person provides an inspector with evidence satisfactory to the Minister that the meat product meets the requirements of the country to which it is being exported; and*
- (c) that person obtains a certificate from an inspector authorizing the export of that meat product.*

When does the inspector refuse to certify meat products for export?

The inspector or Official Veterinarian refuses to certify meat products for export when he or she is unable to verify that the export shipment conforms to the requirements of the importing country.

How does the inspector refuse to certify meat products for export?

The inspector or Official Veterinarian:

- verbally notifies the applicant/establishment management that the meat product will not be certified for export and explains the reason/issue;
- returns the uncertified export document to the applicant/establishment; and
- completes the verification task related to the reason for refusal and references the refusal in the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) issued to the operator.

14.2.6 Prosecution

Where is the authority to prosecute?

The *Meat Inspection Act* states:

21. (1) *Every person who contravenes paragraph 5(b) or 6(b) by selling anything contrary thereto is guilty of an indictable offence and liable to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding two years, or to both.*

(2) Every person who contravenes section 7 or 8 or who contravenes section 10 by selling any meat product contrary to subsection (1) or (2) thereof

*(a) is guilty of an indictable offence and liable to punishment as described in subsection (1); or
(b) is guilty of an offence punishable on summary conviction and liable to punishment as described in subsection (4).*

(3) Every person who contravenes or fails to comply with subsection 13(2) or the regulations is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$50,000.

(4) Subject to subsections (1) to (3), every person who contravenes any provision of this Act is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months, or to both.

(5) A prosecution for a summary conviction offence under this Act may be instituted at any time within two years after the time when the subject-matter of the prosecution becomes known to the Minister.

(6) A document purporting to have been issued by the Minister, certifying the day on which the subject-matter of any prosecution became known to the Minister is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is evidence of the matters asserted in it.

When is prosecution considered?

Prosecution is considered by the Director of Public Prosecutions of the Public Prosecution Service of Canada when he or she receives a recommendation from the Area Executive Director to do so.

The Area Executive Director recommends prosecution based on the information provided by the Issue Analysis Team when a CFIA/ACIA 5393 INCR has been issued by an inspector.

14.2.7 Administrative Monetary Penalties (AMPs)

What are AMPs?

Administrative Monetary Penalties establish an alternative to the existing prosecution system (prosecution) and are a supplement to existing enforcement measures. CFIA inspectors in federally registered establishments may use AMPs procedures for humane transportation and other animal health issues.

Please consult the [Agriculture and Agri-Food Administrative Monetary Penalties Act](#) and [Regulations](#) for more information.

Where is the authority to issue AMPs?

The authority to issue AMPs is under section 7. (2) of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

The *Agriculture and Agri-Food Administrative Monetary Penalties Act* states:

7. (2) *Where a person designated under paragraph 6(a) has reasonable grounds to believe that a person has committed a violation, the designated person may issue, and shall cause to be served on the person, a notice of violation (...)*

Who is designated to issue AMPs?

Pursuant to section 6(a) of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*, a person or class of persons designated by the Minister may issue notices of violation for AMPs.

The *Agriculture and Agri-Food Administrative Monetary Penalties Act* states:

6. *The Minister may*

(a) designate persons, or classes of persons, who are authorized to issue notices of violation;

The president delegated this authority to the Vice President of Operations, CFIA. The Vice President of Operations, CFIA has designated the Regional Director to issue AMPs. CFIA Letters of Delegation and Designation are available to inspection staff upon request.

When is an AMP issued?

An AMP is issued when the Issue Analysis Team receives a CFIA/ACIA 5393 INCR and determines, in conjunction with the Regional Director, that the issuance of an AMP is the most appropriate action to achieve compliance. The Regional Director issues a Notice of Violation and records the action taken on the CFIA/ACIA 5517 Enforcement Tracking Form. A copy of the Notice of Violation is attached to the tracking form and placed on file.

14.2.8 Issuance of a Mandatory Recall Order

Where is the authority to issue a mandatory recall order?

The *CFIA Act* states:

19. (1) *Where the Minister believes on reasonable grounds that a product regulated under an Act or provision that the Agency enforces or administers by virtue of section 11 poses a risk to public, animal or plant health, the Minister may, by notice served on any person selling, marketing or distributing the product, order that the product be recalled or sent to a place designated by the Minister.*

When is a mandatory recall order issued?

The Minister issues a mandatory recall order when the Minister believes on reasonable grounds that a product poses a risk to public, animal or plant health. The reasonable grounds are generally based upon information received from the CFIA Office of Food Safety and Recall.

The CFIA Office of Food Safety and Recall recommends a mandatory recall to the Minister when they are notified by the Area Recall Coordinator (ARC) that an operator refuses to voluntarily recall a product (regulated under an Act that the Agency enforces or administers) that poses a risk to public, animal or plant health.

Inspectors notify the ARC when a product is in distribution that poses a risk to public, animal or plant health. In the event of a mandatory or voluntary recall the inspector completes the verification task(s) related to the cause of the recall and references the recall in the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) issued to the operator.

For additional recall information, refer to the Food Emergency Response Manual available by contacting the CFIA's Office of Food Safety and Recall.

14.2.9 Suspension of a Licence to Operate

Where is the authority to suspend a Licence to Operate?

The *Meat Inspection Regulations, 1990* state:

29.2 (1) *The President may suspend an operator's licence*

(a) *if*

- (i) *the registered establishment does not comply with the requirements of the Act, these Regulations, the FSEP Manual or the Manual of Procedures,*
- (ii) *the operator fails to comply with the requirements of the Act, these Regulations, the FSEP Manual or the Manual of Procedures,*
- (iii) *it is reasonable to believe that public health will be endangered or the edibility of meat products produced in the registered establishment would be affected if the establishment is allowed to continue operating, or*
- (iv) *the HACCP plans or the prerequisite plans of the registered establishment no longer comply with the requirements specified in the FSEP Manual;*

The *Meat Inspection Regulations, 1990* provide the President with the authority to suspend an operator's licence. The president delegated this authority to the Area Executive Director (ED). CFIA Letters of Delegation and Designation are available to inspection staff upon request.

When is the process to suspend a Licence to Operate initiated?

The Review Team initiates the process to suspend an operator's licence when:

- the Review Team receives a request for management review completed by an inspector where a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) has been issued and the operator has not implemented effective corrective and preventive measures by the specified date and the team recommends this as the most appropriate action to achieve compliance; **or**
- the Review Team determines that the operator did not implement corrective measures by the date specified in the Final Notice of Non-Compliance. See 14.2.1.5 - What is a Final Notice of Non-Compliance?; **or**
- the Review Team is notified by the Regional Director that a written referral was received from the Director of the National Accounts Receivable Service to initiate regulatory action as warranted for the operator's delinquent account.

How is the process to suspend a Licence to Operate initiated?

Step 1 - Issuance of Notice of Suspension of a Licence to Operate by the Area ED

The Area ED:

- completes a Notice of Suspension of a Licence to Operate using the letter template when he or she receives a recommendation from the Review Team and he or she supports the recommendation;
- has the Notice of Suspension delivered by registered mail or by hand to the operator;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Notice of Suspension to the file;
- forwards the form and the file to the Review Team for next steps;

The Inspector:

- ensures that the licence to operate and all items bearing the Meat Inspection Legend such as labels, packaging materials, export stickers and stamps are placed under the control of the inspector until the suspension is lifted;
- obtains from the operator a complete inventory of product still owned by the operator stored in the establishment and offsite. The inventory report contains the following information: complete description of product (brand name, container type, net weight, UPC codes, etc.), quantity, distribution and present storage location;

The Review Team:

- records the actions taken on the CFIA/ACIA 5517 Enforcement Tracking Form.

Step 2 - Determination of Compliance to Terms stated in Notice of Suspension

Based on the verifications conducted by the inspector, the Review Team determines if the operator meets the terms stated in the Notice of Suspension within 90 days after the date on which the licence was suspended.

If the Review Team determines that the operator met the terms stated in the Notice of Suspension:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and closes the report (if applicable);

The Review Team:

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form; and
- forwards the file to the Area ED for lifting of the suspension of the operator's licence and proceeds to Step 3.

If the Review Team determines that the operator did not meet the terms stated in the Notice:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and the report remains open (if applicable);

The Review Team:

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form; and
- forwards the form and the file to the Area ED to recommend maintaining the suspension or cancellation of the licence. See 14.2.12 - Cancellation of a License to Operate.

Step 3 - Lifting of the Suspension

The Area ED:

- uses the letter template to complete a written notification that the suspension has been lifted and forwards it to the operator;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches the written notification to the file;
- returns the form to the Review Team;

The Inspector:

- has any items bearing the Meat Inspection Legend that were placed under the control of the inspector, including the licence itself, returned to the operator;

The Review Team:

- closes the CFIA/ACIA 5517 Enforcement Tracking Form.

14.2.10 Suspension of an Authorization to Operate a Post-Mortem Examination Program

The *Meat Inspection Regulations, 1990* and the Meat Hygiene Manual of Procedures offer operators of poultry slaughtering establishments the option to operate under the following methods of post-mortem inspection:

- traditional inspection (Meat Hygiene Manual of Procedures, Chapter 19, section 19.6.1);
- Modernized Poultry Inspection Program (MPIP) (Meat Hygiene Manual of Procedures, Chapter 19, section 19.6.2) a “post-mortem examination program” as defined in section 2. (1) of the *Meat Inspection Regulations, 1990*.

Where is the authority to suspend the authorization to operate a Post-Mortem Inspection Program?

The *Meat Inspection Regulations, 1990* state:

29.4 (1) The President may suspend an operator's authorization to operate a post-mortem examination program

(a) if

- (i) the operator fails to comply with the requirements of the Act, these Regulations or the Manual of Procedures, or*
- (ii) it is reasonable to believe that public health will be endangered or the edibility of meat products produced in the registered establishment would be affected if the establishment is allowed to continue operating; and*

(b) if

- (i) an inspector has notified the operator of the existence of grounds for suspension under paragraph (a),*
- (ii) an inspector has provided the operator with a copy of an inspection report that sets out the grounds for suspension and the date by which corrective measures must be implemented in order to avoid the suspension of the program, and*
- (iii) if the operator has failed or is unable to take corrective measures referred to in subparagraph (ii) by the date referred to in that subparagraph, a notice of suspension of the program is delivered to the operator.*

The *Meat Inspection Regulations, 1990* provide the President with the authority to suspend the authorization to operate a Post-Mortem Examination Program. The president delegated this authority to the Area Executive Director (ED). CFIA Letters of Delegation and Designation are available to inspection staff upon request.

When is the process to suspend the authorization to operate a Post-Mortem Inspection Program initiated?

The Review Team initiates this process when:

- the Review Team receives a request for a management review completed by an inspector when a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) has been issued regarding the operator's post-mortem examination program (MPIP) and the operator has not implemented effective corrective and preventive measures by the specified date and the team recommends this as the most appropriate action to achieve compliance; or
- the Review Team determines that the operator did not take corrective measures by the date specified in the Final Notice of Non-Compliance.

How is the process to suspend the authorization to operate a Post-Mortem Inspection Program initiated?

Step 1 - Issuance of Notice of Suspension of the authorization to operate a Post-Mortem Inspection Program by the Area ED

The Area ED:

- uses the letter template to complete a Notice of Suspension of an authorization to operate a Post-Mortem Inspection Program when he/she receives a recommendation from the Review Team and he or she supports the recommendation;
- has the Notice delivered by registered mail or by hand to the operator;
- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches the copy of the Notice of Suspension to the file; and
- forwards the form and the file to the Review Team for next steps.

Note: In the event of a suspension of the authorization to operate a post-mortem examination program, the operator may request to operate under traditional inspection. The operator must apply to the Director as per licence application procedures in Chapter 2 of the Meat Hygiene Manual of Procedures.

Step 2 - Determination of Compliance to Terms stated in Notice of Suspension of the authorization to operate a Post-Mortem Inspection Program

Based on the verifications conducted by the inspector, the Review Team determines if the operator meets the terms stated in the Notice of Suspension.

If the Review Team determines that the operator met the terms stated in the Notice:

The Inspector:

- records his/her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and closes the report;

The Review Team:

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form; and
- forwards the file to the Area ED for lifting of the suspension of the authorization to operate a Post-Mortem Inspection Program and proceeds to Step 3.

If the Review Team determines that the operator did not meet the terms stated in the Notice:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and the report remains open;

The Review Team:

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form; and
- initiates the process to suspend an operator's licence. See 14.2.9 - Suspension of a Licence to Operate.

Step 3 - Lifting of the Suspension

The Area ED:

- uses the letter template to complete a written notification that the suspension has been lifted, and forwards it to the operator;

- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches the written notification to the file;
- returns the form to the Review Team;

The Review Team:

- closes the CFIA/ACIA 5517 Enforcement Tracking Form.

14.2.11 Refusal to Renew a Licence to Operate

Where is the authority to refuse to renew a Licence to Operate?

The *Meat Inspection Regulations, 1990* state:

29. (4) *The President shall issue, renew or modify a licence to operate a registered establishment unless, subject to subsection (7),*

(a) the applicant or operator does not have a scheduled work shift, as defined in section 125, covering the operations of the registered establishment for the period to which the application relates;

(b) the applicant or operator does not have the required prerequisite programs and other control programs in place or the programs are not functioning in accordance with the FSEP Manual or the Manual of Procedures;

(c) the applicant or operator does not have the required HACCP plans in place or the HACCP plans are not functioning in accordance with the FSEP Manual; or

(d) based on the information provided with the application, the President determines that the operation of the registered establishment by the applicant or operator may not comply with the requirements of the Act and these Regulations.

The *Meat Inspection Regulations, 1990* state:

29. (9) *Subject to subsection (10), a licence to operate a registered establishment shall be valid for not more than one year after the date of issuance and shall expire on the date specified under the operator's name in the Register of Operators.*

The *Meat Inspection Regulations, 1990* state:

29. (10) *A licence to operate a registered establishment may be renewed on the expiry of the period referred to in subsection (9) if an operator continues to meet the conditions of the licence set out in this section, including the payment of all necessary fees.*

The *Meat Inspection Regulations, 1990* provide the President with the authority to refuse to renew an operator's licence. The president delegated this authority to the Director, Meat Programs Division (MPD). CFIA Letters of Delegation and Designation are available to inspection staff upon request.

When is the process to refuse to renew a licence to operate initiated?

The Director, MPD initiates the process to refuse to renew a licence to operate when he/she receives a recommendation from the Review Team to initiate the process to refuse to renew an operator's licence and he/she supports the recommendation.

The Review Team recommends to the Director, MPD to initiate the process to refuse to renew a licence to operate when the CFIA is in the process of suspending or has suspended the licence to operate and the team recommends this as the most appropriate action to achieve compliance.

How does the Review Team recommend that the Director initiate the process to refuse to renew a licence to operate?

The Review Team recommends that the Director, MPD initiate the process to refuse to renew a licence to operate by entering their recommendation on the CFIA/ACIA 5517 Enforcement Tracking Form and forwarding the form along with all relevant documentation (inspection reports, correspondence etc.) to the Director, MPD.

How does the Director, MPD refuse to renew an operator's licence?

Step 1 - Director, MPD Issues a Refusal to Renew a Licence to Operate

The Director, MPD:

- completes the Refusal to Renew a Licence to Operate using the letter template, giving the reason for refusal and advising that the applicant may, within 15 days after the date of the notification, submit comments in writing regarding the refusal, to which the Director, MPD shall reply;
- has the Refusal delivered by registered mail or by hand to the operator;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Refusal to the file.

Step 2 - Determination of Compliance to Terms Stated in Refusal

Based on the comments submitted by the operator and, if necessary, verifications conducted by the inspector, the Review Team determines if the operator meets the terms stated in the Refusal.

If the Review Team determines that the operator met the terms stated in the Refusal:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and closes the report (if applicable);

The Director, MPD:

- renews the Licence to Operate with or without conditions. See Chapter 2 of the MOP or section 14.2.12 - Cancellation of a Licence to Operate;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form;
- returns the form and the file to the Review Team;

The Review Team:

- closes the CFIA/ACIA 5517 Enforcement Tracking Form.

If the Review Team determines that the operator did not meet the terms stated in the Refusal:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and the report remains open (if applicable);

The Review Team:

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form;
- forwards the form and the file to the Director, MPD to recommend the Non-Renewal of a Licence to Operate and proceeds to Step 3.

Step 3 - Non-Renewal of a Licence to Operate

The Director, MPD:

- completes a Non-Renewal of a Licence to Operate using the letter template;
- has the Non-Renewal delivered by registered mail or by hand to the operator and a copy of the Non-Renewal is retained on the operator's file;
- has the operator removed from the Agency's List of Registered Establishments;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Non-Renewal to the file;
- returns the file to the Review Team for additional action;

The Inspector:

- has the operator surrender their Licence to Operate;
- takes control of all labels, packaging materials, export stickers and stamps bearing the meat inspection legend;
- ensures the legend is removed from all packaging materials, etc. at the expense of the operator;
- obtains from the operator a complete inventory of products still owned by the operator that are stored in the establishment and offsite. The inventory report contains the following information: complete description of product (brand name, container type, net weight, UPC codes, etc.), quantity, distribution and present storage location;
- has the supplies and equipment belonging to CFIA removed from the premises;
- closes the CFIA/ACIA 5472 Inspection Report (if applicable);
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form;

The Review Team:

- has the registered establishment evaluated to determine if it meets the requirements of section 28 of the *Meat Inspection Regulations, 1990*:
 - If the Review Team determines that the establishment meets the requirements, the evaluation is documented on the CFIA/ACIA 5517 Enforcement Tracking Form and a subsequent evaluation is scheduled within 12 months;
 - If the Review Team determines that the establishment does not meet the requirements, a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) is issued to the establishment owner.

Note: If the establishment owner does not take corrective measures to bring the establishment back into compliance by the date specified in the Inspection Report - Corrective Action Request, the process to cancel the registration of the establishment is initiated. See 14.2.13 - Cancellation of an Establishment Registration.

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form.

How does an operator obtain a licence to operate after a licence was refused renewal?

After the operator's license is refused renewal, the operator is considered a new applicant and he/she must apply, as required for a new licence, to the Area Executive Director. See Chapter 2 of the Meat Hygiene Manual of Procedures.

14.2.12 Cancellation of a Licence to Operate

Where is the authority to cancel a licence to operate?

The *Meat Inspection Regulations, 1990* state:

29.3 (1) *The President may cancel an operator's licence if*

- (a) the operator has not implemented the required corrective measures within 90 days after the date on which the licence was suspended; or
- (b) the application for a licence to operate a registered establishment contains false or misleading information.

The *Meat Inspection Regulations, 1990* provide the President with the authority to cancel an Operator's Licence. The president delegated this authority to the Director, Meat Programs Division (MPD). CFIA Letters of Delegation and Designation are available to inspection staff upon request.

When is the process to cancel a licence to operate initiated?

The Director, MPD initiates the process to cancel a licence to operate when he or she receives a recommendation from the Review Team to cancel an operator's licence and he or she supports the recommendation.

The Review Team recommends that the Director, MPD initiate the process to cancel a licence to operate when:

- Based on verifications conducted by the inspector, the Review Team determines the operator has not met the terms as stated in the Notice of Suspension within 90 days after the date on which the licence was suspended. See 14.2.9 - Suspension of a Licence to Operate - Step 2; or
- The Review Team has received a CFIA/ACIA 5393 INCR which provides evidence that the operator has obtained a licence based on false or misleading information, as identified during the course of inspection activities by the inspector, and the team recommends that this is the most appropriate action to achieve compliance.

How does the Review Team recommend the Director, MPD initiate the process to cancel a licence to operate?

The Review Team recommends that the Director, MPD initiate the process to cancel an operator's licence by entering their recommendation on the CFIA/ACIA 5517 Enforcement Tracking Form and forwarding the form, along with all relevant documentation (inspection reports, correspondence etc.), to the Director, MPD.

How does the Director, MPD initiate the process to cancel a licence to operate?

Step 1 - The Director, MPD Issues a Notice of Proposal to Cancel the Licence to Operate with the opportunity to be heard

The Director, MPD:

- uses the letter template to complete the Notice of Proposal to Cancel the Licence to Operate, which advises the operator of an opportunity to be heard in respect of the cancellation;
- has the Notice delivered by registered mail or by hand to the operator; and
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Notice to the file.

Step 2 - Formal Hearing with the Operator

If the operator accepts the opportunity for a formal hearing, the operator and the Director, MPD agree to meet with a designated third party adjudicator. A record of the meeting is documented on the CFIA/ACIA 5517 Enforcement Tracking Form.

- If the decision at the hearing is favourable to the operator, the Director confirms any decision or actions with the Review Team for follow up.
- If the decision at the hearing is unfavourable, or the operator did not take the opportunity to be heard at a Formal Hearing, proceed to Step 4.

Step 3 - Determination of Compliance to Terms stated in Notice of Proposal

If the Review Team, based on verifications conducted by the inspector, determines the operator met the terms stated in the Notice of Proposal:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and closes the report;

The Director, MPD:

- uses the letter template to complete a written notification that the cancellation process has ended, and forwards it to the operator;
- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the written notification to the file;
- returns the form and the file to the Review Team;

The Review Team:

- closes the CFIA/ACIA 5517 Enforcement Tracking Form.

If the Review Team, based on verifications conducted by the inspector, determines that the operator did not meet the terms stated in the Notice of Proposal:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and the report remains open;

The Review Team:

- records its actions on the CFIA/ACIA 5517 Enforcement Tracking Form; and
- forwards the form and the file to the Director, MPD to recommend the Cancellation of the Licence to Operate then proceeds to Step 4.

Step 4 - Cancellation of a Licence to Operate

The Director, MPD:

- completes a Notice of Cancellation of a Licence to Operate using the letter template;
- has the Notice delivered by registered mail or by hand to the operator, and a copy of the Notice is retained on the operator's file;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Notice of Suspension to the file;
- returns the form to the Review Team;

The Inspector:

- has the operator surrender his/her Licence to Operate;
- takes control of all labels, packaging materials, export stickers and stamps bearing the meat inspection legend;
- ensures the Meat Inspection Legend is removed from packaging materials, etc. at the expense of the operator;
- obtains from the operator a complete inventory of product still owned by the operator stored in the establishment and offsite. The inventory report contains the following information: complete description of product (brand name, container type, net weight, UPC codes, etc.), quantity, distribution and present storage location;
- has supplies and equipment belonging to the CFIA removed from the premises;

- closes the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR);
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form;

The Review Team:

- has the registered establishment evaluated to determine if it meets the requirements of section 28 of the *Meat Inspection Regulations, 1990*:
 - If the Review Team determines that the establishment meets the requirements, the evaluation is documented on the CFIA/ACIA 5517 Enforcement Tracking Form and a subsequent evaluation is scheduled within 12 months.
 - If the Review Team determines that the establishment does not meet the requirements, a CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR) is issued to the establishment owner.

Note: If the establishment owner does not take corrective measures to bring the establishment back into compliance by the date specified in the CFIA/ACIA 5472 Inspection Report - Corrective Action Request (CAR), the process to cancel the establishment registration is initiated. See 14.2.13 - Cancellation of an Establishment Registration.

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form.

How does an operator obtain a licence to operate after cancellation?

The operator is considered a new applicant and he/she must apply, as required for a new license, to the Area ED. See Chapter 2 of the Meat Hygiene Manual of Procedures.

14.2.13 Cancellation of an Establishment Registration

Where is the authority to cancel an establishment registration?

The *Meat Inspection Regulations, 1990* state:

27. (5) *The Director may cancel the registration of an establishment where the establishment ceases to comply with section 28.*

The *Meat Inspection Regulations, 1990* provide the Director, Meat Programs Division (MPD) with the authority to cancel an establishment's registration.

When is the process to cancel an establishment's registration initiated?

The Director, MPD initiates the process to cancel an establishment's registration when he or she receives a recommendation to initiate this process from the Review Team and he or she supports the recommendation.

The Review Team recommends the cancellation of an establishment's registration to the Director, MPD when it is determined that the establishment does not meet the requirements of section 28 of the *Meat Inspection Regulations, 1990*. See Step 4 of 14.2.12 Cancellation of a Licence to Operate.

How does the Review Team recommend that the Director, MPD initiate the process to cancel an establishment's registration?

The Review Team recommends that the Director, MPD initiate the process to cancel an establishment's registration by entering their recommendation on the CFIA/ACIA 5517 Enforcement Tracking Form and forwarding the form, along with all relevant documentation (inspection reports, correspondence etc.), to the Director, MPD.

How does the Director cancel an establishment's registration when the establishment no longer complies with section 28 of the Meat Inspection Regulations, 1990?

Step 1 - Director, MPD Issues a Notice of Proposal to Cancel the Establishment Registration with the opportunity to be heard

The Director, MPD:

- completes the Notice of Proposal to Cancel using the letter template, which advises the owner of an opportunity to be heard with respect to the cancellation;
- has the Notice of Proposal delivered by registered mail or by hand to the owner and a copy of the Notice is retained on file; and
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Notice of Proposal to the file.

Step 2 - Formal Hearing with the Owner

If the owner accepts the opportunity for a formal hearing, the owner and the Director, MPD or their designate agree to meet with a designated third party adjudicator. A record of the meeting is documented on the CFIA/ACIA 5517 Enforcement Tracking Form.

- If the decision at the hearing is favourable to the owner, the Director, MPD confirms any decision or actions with the Review Team for follow up.
- If the decision at the hearing is unfavourable, or the owner did not take the opportunity to be heard at a Formal Hearing, proceed to Step 4.

Step 3 - Determination of Compliance to Terms Stated in the Notice of Proposal

Based on the verifications conducted by the inspector, the Review Team determines if the operator met the terms stated in the Notice of Proposal.

If the Review Team determines that the operator met the terms stated in the Notice of Proposal:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and closes the report;

The Director, MPD:

- uses the letter template to complete a written notification that the cancellation process has ended and forwards it to the operator;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the written notification to the file;
- returns the form and the file to the Review Team;

The Review Team:

- closes the CFIA/ACIA 5517 Enforcement Tracking Form.

If the Review Team determines that the operator does not meet the terms stated in the Notice of Proposal:

The Inspector:

- records his or her findings on the CFIA/ACIA 5472 Inspection Report - Follow-up and the report remains open;

The Review Team:

- records their actions on the CFIA/ACIA 5517 Enforcement Tracking Form; and
- forwards the form and the file to the Director, MPD to recommend Cancellation of Establishment Registration then proceeds to Step 4.

Step 4: Cancellation of Establishment Registration

The Director, MPD:

- completes a Notice of Cancellation of Establishment Registration using the letter template;
- has the Notice of Cancellation delivered by registered mail or by hand to the owner and a copy of the Notice of Cancellation is retained on file;
- has the establishment removed from the Agency’s Register of Establishments;
- records his or her actions on the CFIA/ACIA 5517 Enforcement Tracking Form and attaches a copy of the Notice of Suspension to the file;
- returns the form to the Review Team;

The Inspector:

- closes the CFIA/ACIA 5472 Inspection Report;

The Review Team:

- closes the CFIA/ACIA 5517 Enforcement Tracking Form.

How does the establishment get re-registered?

If the applicant wants to have the establishment registered at a later date, he/she must apply, as required for a new establishment, to the Area Program Specialist, Establishment Approval. See Chapter 2 of the Meat Hygiene Manual of Procedures.

14.3 Official Tags and Documents

The official tags and documents described by this table can be accessed through your local CFIA inspector, veterinarian or CVS Coordinator.

Name	Use	Platform	Form #
Detention Tag (single red tag)	Used by an inspector to identify a product or other thing when he or she believes on reasonable grounds that a contravention to the Act and Regulations has occurred. This tag must be used in conjunction with the CFIA/ACIA 3256 Notice of Detention. See 14.2.3 - Seizure and Detention.	CFIA Forms Catalogue	CFIA/ACIA 0083
HELD Tag (single perforated tag)	Used by an inspector to maintain temporary control on a meat product, animal or other thing suspected in contravention of the Act and Regulations until the operator can take control of or the CFIA can seize and detain the meat product, animal or other thing.	CFIA Forms Catalogue	CFIA/ACIA 0093
HELD Tag (gang of 3)	Used by an inspector to identify carcasses and their parts for further veterinary examination as well as to hold carcasses and parts pending laboratory analysis results.	CFIA Forms Catalogue	CFIA/ACIA 0094
Condemned Tag (single black tag)	Used by an inspector to identify that a meat product is condemned and must be disposed of in a manner as prescribed by the <i>Meat Inspection Regulations, 1990</i> .	CFIA Forms Catalogue	CFIA/ACIA 1429

Name	Use	Platform	Form #
HELD Tag (gang of 5)	Used by an inspector to identify carcasses and their parts for further veterinary examination as well as to hold carcasses and parts pending laboratory analysis results.	CFIA Forms Catalogue	CFIA/ACIA 1464
Meat Inspection Identification Tag (gang of 4)	Used to identify a carcass and its parts (depending on the species: blood, head, viscera and carcass).	CFIA Forms Catalogue	CFIA/ACIA 1467
Detention Tag / Notice of Detention (large pink tag and hard copy form)	Used by an inspector to identify a product or other thing when he or she believes on reasonable grounds that a contravention to the Act and Regulations has occurred. See 14.2.3 - Seizure and Detention.	CFIA Forms Catalogue	CFIA/ACIA 3256
Notice of Release from Detention	Form issued when detained products or other things are released from CFIA control.	CFIA Forms Catalogue	CFIA/ACIA 3257
Inspector's Non-Compliance Report	Used by inspector to advance the enforcement process in a situation of non-compliance.	Desktop eForms	CFIA/ACIA 5393
Enforcement Tracking Form	Used to document recommendations and actions taken in the enforcement process	Desktop eForms	CFIA/ACIA 5517
Enforcement Template Letters	<ul style="list-style-type: none"> • Final Notice of Non-Compliance • Notice of Suspension of an Operator's Licence MIR 29.2 (1) • Notice of Suspension of an Operator's Licence MIR 29.2 (3) • Notice of Suspension of an Authorization to Operate a Post-Mortem Examination Program MIR 29.4 • Refusal to Renew a Licence to Operate MIR 29. (4) and 29. (7) • Non-Renewal of Licence to Operate MIR 29. (4) and 29. (7) • Notice of Proposal to Cancel the Licence to Operate with Opportunity to be Heard MIR 29.3 (1)(a) • Notice of Proposal to Cancel the Licence to Operate with Opportunity to be Heard MIR 29.3 (1)(b) • Notice of Cancellation of the Licence to Operate MIR 29.3 (1)(a) • Notice of Cancellation of the Licence to Operate MIR 29.3 (1)(b) • Notice of Proposal to Cancel the Establishment Registration with Opportunity to be Heard MIR 27. (5) and 27. (6) • Notice of Cancellation of Establishment Registration MIR 27. (5) and 27. (6) • End of Enforcement Action 	* Managers may access these Microsoft WORD templates from your Area CVS Coordinator	