



Import Requirements for Leafy Green Vegetables from U. S. and California

Introduction

Californian leafy greens have been associated with several outbreaks of foodborne illnesses over the past ten years. In September 2006, a large multi-state outbreak of *E. coli* O157:H7 illnesses associated with contaminated fresh Californian baby spinach resulted in 205 confirmed cases, including one confirmed illness in Canada, and three deaths in the US.

The Canadian Food Inspection Agency (CFIA) undertook immediate activities in Canada in response to the spinach outbreak including recalling the product that had been distributed in the country and establishing import alerts. Since October 2006, CFIA officials met with the US officials to gain information on the findings of investigations into the spinach and other outbreaks relating to leafy greens grown in California and on measures taken to address the food safety risks associated with these products.

The California Department of Food and Agriculture (CDFA), in consultation with US federal, other California officials and the Western Growers Association, developed the *California Leafy Green Products Handler Marketing Agreement (Handler Marketing Agreement)* which requires signatory handlers of leafy greens grown in California to get their supply from growers that apply the *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens (Leafy Green GAPs)*.

The *Leafy Green GAPs* were developed by the Western Growers Association, in collaboration with the US Food and Drug Administration and the California Department of Health Services, and have been peer reviewed by academia. It incorporates best practices to address the risk factors associated with leafy greens.

Upon review of the *Leafy Green GAPs*, the CFIA determined that hazards have been appropriately identified and addressed. The CFIA will limit entry of products into Canada to those handled by shippers that have signed the *Handler Marketing Agreement*.

Definitions

Handler: in the *Handler Marketing Agreement*, means any person who handles, processes, ships or distributes leafy green product for market whether as owner, agent, employee, broker or otherwise. This definition does not include a retailer.

Leafy green products or vegetables: mean iceberg lettuce, romaine lettuce, green leaf lettuce, red leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard.

Import Requirements

The CFIA will allow the importation of leafy green vegetables from USA if:

1. The shipper declares in Box 22 of the Confirmation of Sale's document (COS) whether the product was grown in California or in a State other than California;
2. Product grown in California has been handled by a signatory handler of the *California Leafy Green Products Handler Marketing Agreement (Handler Marketing Agreement)* and the name of the signatory handler is noted in Box 22 of the COS.

The *Handler Marketing Agreement*, the list of signatory handlers and the *Leafy Green GAPs* can be found at: <http://www.caleafygreens.ca.gov/>

Scope of the Import Requirements

The requirements apply to all US shipments of leafy green vegetables either sold in bags, in bulk, or combined with other food items, in a fresh state.

Implementation Time Lines

US shippers should start implementing these requirements by May 21, 2007 so that compliance is achieved at the Canadian border by June 1, 2007. Enforcement actions by the Canadian Border Services Agency (CBSA) and CFIA will be initiated on June 1, 2007.

Enforcement of the Import Requirements

When a shipment of leafy greens from USA arrives at the border, the CBSA will review the documentation specifically for the declaration made under Box 22 of the COS form and will accept or refuse entry based on answers to the following questions:

- Do the leafy green vegetables originate from California?
If "no", release shipment;
If "yes", go to next question
- Has it been handled by a Californian handler that is signatory of the *Handler Marketing Agreement*?
If "no", refuse shipment;
If "yes", release shipment.

Examples of declarations in Box 22 of the COS for which shipments would be accepted:

“Leafy green vegetables were not grown in California”

“Leafy green vegetables were grown in X” (X is a State other than California)

“Leafy green vegetables were grown in California and handled by Y, signatory of the *Handler Marketing Agreement*” (Y is the name of the Californian handler)

“Leafy green vegetables were handled by Y, signatory of the *Handler Marketing Agreement*” (Y is the name of the Californian handler)

Note: the term “leafy green vegetables” can be interchanged with leafy greens or any other vegetable included in the definition for leafy greens.

If the requested information does not appear in box 22 of the COS, CBSA will refuse the shipment.

CBSA will forward a copy of the COS and custom invoices to CFIA inspection offices as per normal procedures.

Legislative Authority

The import requirements are based on the following legislative authority. Failure to comply with the requirements will result in product being refused entry into Canada, destroyed or re-exported to USA.

Section 3.1 (1) of the *Fresh Fruit and Vegetables Regulations* and Section 4 of the *Food and Drugs Act*.

Section 3.1 (1) of the *Fresh Fruit and Vegetables Regulations* states: “Subject to subsection (2), no person shall market in import, export or interprovincial trade as food unless it:

- (a) is not adulterated;
- (b) is not contaminated;
- (c) is edible;
- (d) is free of any live insect, scorpion, snake, spider or other living thing that may be injurious to health;
- (e) is prepared in a sanitary manner;
- (f) where irradiated, is irradiated in accordance with Division 26 of Part B of the Food and Drug Regulations
- (g) meets all other requirements of the Food and Drugs Act and Food and Drug Regulations with respect to the produce.”

Section 4 of the *Food and Drugs Act* states: "No person shall sell an article of food that:

- (a) has in or on it any poisonous or harmful substance;
- (b) is unfit for human consumption;
- (c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;
- (d) is adulterated; or
- (e) was manufactured, prepared, preserved, packaged or stored under unsanitary conditions."

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Distribution

Canadian Produce Marketing Association
Canadian Federation of Independent Grocers
Canadian Council of Grocery Distributors
Canadian Importers Association
US Embassy in Ottawa
US Food and Drug Administration
US Department of Agriculture
California Department of Food and Agriculture
California Department of Health Services
United Fresh Fruit and Vegetable Association
Western Growers Association
Health Canada, Bureau of Microbial Hazards
CFIA Area Network Specialists
CFIA Operation's Branch, including CFIA Import Service Centres

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