



Invitation to a CFIA webinar on the broadened interpretation of the definition of a “supplement” and options for implementation of this change in policy

June 28, 2021

Issue

The Canadian Food Inspection Agency (CFIA) has broadened its interpretation of the definition of a "supplement" under the *Fertilizers Act* to include products that act either **directly** or **indirectly** to improve the physical condition of soils, or to aid plant growth or crop yield.

What has changed

Under the former interpretation, supplements with direct modes of action were regulated by the CFIA, while products that were represented to indirectly improve the condition of the soil or aid plant growth or crop yield were not considered supplements under the *Fertilizers Act*. The broadened interpretation of the definition now forms the lens through which the CFIA identifies and regulates all supplement products that are imported or sold in Canada. That, in turn, means that:

- supplements with indirect effects will be regulated by the CFIA;
- some may require registration unless there they are exempt under the *Fertilizers Regulations*;
- active ingredients that trigger/cause the beneficial effects of the product will have to be guaranteed on the label.

Background and Drivers

The broadened interpretation of the definition of a “*supplement*” does not mean that any changes to the definition in the *Fertilizers Act* were made, nor is it a consequence of the recently published amendments to the *Fertilizers Regulations* (October 26, 2020).

Rather, the change in interpretation is a direct result of a fertilizer industry request (2017) that the CFIA review the scope and types of products captured under the “supplement” definition. The intent of this request was to have the Agency assume regulatory authority over nitrification and urease inhibitors, rather than the Pest Management Regulatory Agency (PMRA). This request prompted the Agency to review the definition of a supplement in the *Fertilizers Act*, and resulted in an expansion of its interpretation to include both direct and indirect modes of action. This enabled the CFIA to reach an agreement with the PMRA to take on sole authority for regulating inhibitor products in Canada.

The next product category impacted by the broadening of the definition were polymers (March 2021). Notwithstanding the extensive dialogue and consultation with industry regarding the regulation of nitrification and urease inhibitors as well as polymers, there is an overall lack of clarity in the marketplace as to the regulatory status of **other** supplement products with indirect benefits.



Furthermore, as the number of innovative agricultural inputs designed to maximize yields and reduce environmental impacts grows rapidly, regulatory departments, both domestic and international, are challenged to ensure their regulatory frameworks remain risk-based, agile and consistent. Regulation of supplements will not only contribute to protecting consumers from safety risks (when and where such regulatory intervention is merited), but also ensure fair and equitable regulatory environment for all regulated parties.

Implications

This change in policy has implications for the regulated sector, particularly for products that were previously deemed to lie outside of the CFIA's mandate. These products will now be regulated and proponents may need to obtain registration unless they meet one of the exemptions from registration provided for by the *Fertilizers Regulations*. Whether or not they require registration, products that are or contain supplements must be labelled in compliance with the *Fertilizers Regulations* prior to importation and sale in Canada.

Purpose of the webinar

In recognition of the administrative burden and cost associated with product registration, the CFIA is inviting industry members to actively participate in the development of implementation options that are realistic, feasible and cost-effective for regulated parties while respecting the CFIA's commitment to a safe, fair and equitable marketplace.

The webinar is intended to discuss the broadened interpretation of the definition of a "supplement" and to initiate a dialogue with regulated parties regarding possible implementation strategies for regulation of materials which are now considered supplements. More specifically, the CFIA is seeking stakeholder feedback both in person, at the webinar, and through a short survey which will be distributed to participants and other interested parties after the session. This, in turn, will help the CFIA better understand the market structure, as well as the number and types of products and materials implicated.

We recognize that the commitment to engage in discussions with the Agency, particularly in light of changing regulations and the economic uncertainty brought about by the pandemic, can be taxing. However, we also believe that it will pay dividends when industry perspectives are factored into final policy implementation options and timeline.

We thank you in advance for your ongoing support and commitment to improving the regulatory framework for fertilizers and supplements in Canada.

Sincerely,

Ewa Madey PhD.

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CFIA WEBINAR: Broadened interpretation of the definition of a “supplement” Implementation options

When: July 12, 2021

Time: 11:00 am – 1:00 pm EST

Format: Virtual - MS Teams

Join on your computer or mobile app

[Click here to join the meeting](#)

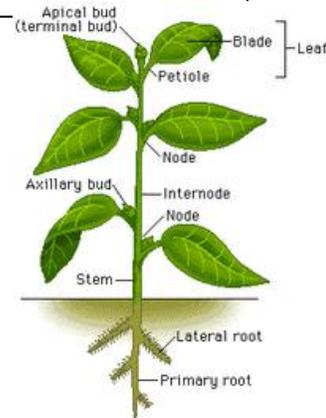
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DRAFT Agenda

TIME	SESSION	SPEAKER
11:00-11:10	Welcome and logistics	Ewa Madey, CFIA
11:10-11:30	Broadened definition of a supplement – implementation options	Ewa Madey, CFIA
11:30 – 11:45	Examples – what’s “in” and what’s “out”	Nathalie Decan, CFIA
11:45-12:00	Questions of clarification	ALL
12:00 – 12:15	Stakeholder survey – purpose, timelines and themes	Glenn Murray, CFIA
12:15-12:45	Focussed discussion and preliminary feedback	ALL
12:45-1:00	Next steps	Ewa Madey, CFIA

All materials provided at the meeting will be available in both official languages and distributed to participants after the event.

The session will not be recorded.

Simultaneous translation will not be provided – however all participants are welcome to speak in their language of choice.

Thank you for your input !