

Safe Food for Canadians Regulations

Part 6, Division 6 – Fresh Fruits or Vegetables Subdivision C – Regulatory requirement for a membership in the Fruit and Vegetable Dispute Resolution Corporation (DRC)

On November 22, 2012, the *Safe Food for Canadians Act* (SFCA) received Royal Assent. On June 13, 2018, the *Safe Food for Canadians Regulations* (SFCR) were published in *Canada Gazette*, Part II and will come into force on January 15, 2019.

The regulations require that buyers and sellers of fresh fruits and vegetables be members of the Fruit and Vegetable Dispute Resolution Corporation (DRC) unless excepted. This will result in a regulatory requirement to be a member in good standing of the DRC for some buyers and sellers of fresh fruits and vegetables who were not previously subject to the requirement for a CFIA Produce Licence.

The SFCR: Part 6, Division 6, Subdivision C – Trade of Fresh Fruits or Vegetables

PROHIBITION

122 (1) It is prohibited for a person to:

- (a) **sell** any fresh fruits or vegetables that are to be exported or sent or conveyed **from one province to another**;
- (b) **purchase or negotiate the purchase on another person's behalf** of any fresh fruits or vegetables that are to be imported or to be sent or conveyed from one province to another;
- (c) **receive** any fresh fruits or vegetables that have been imported or sent or conveyed to **from one province to another**; or
- (d) **send or convey from one province to another or import or export** any fresh fruits or vegetables.

The requirement applies to the following, unless excepted:

Agent, Grower's Agent, Broker
Farm Markets & Direct to Consumers
Grower, Shipper, Packer
Retail, Foodservice & Restaurants
Wholesalers & Distributors

EXCEPTION – persons *

(2) Subsection (1) does not apply in respect of:

- (a) any person who is a **member in good standing of the Fruit and Vegetable Dispute Resolution Corporation**, a corporation incorporated under Part 2 of the *Canada not-for-profit Corporations Act*, as described in its bylaws;
- (b) any person who **only sells** fresh fruits or vegetables directly to consumers if that person **paid less than \$100,000 for the fresh fruits and vegetables that they sold to consumers within the previous 12 months**;
- (c) any person who **only purchases, sells or negotiates the purchase or sale on another person's behalf**, sends or conveys from one province to another or imports or exports **less than one metric ton of fresh fruits and vegetables per day**;
- (d) any person who **only sells fresh fruits or vegetables that they have grown themselves**; or
- (e) a **registered charity** as defined in subsection 248(1) of the *Income Tax Act* or a club, society or association described in paragraph 149(1)(1) of that Act.

Self-Assessment

**Use the relevant self-assessment to determine
if you are exempt from or subject to
the SFCR requirement for buyers and sellers
of fresh fruits and vegetables
to be a member of the DRC.
Keep in mind that more than one
self-assessment may apply to your operation.**

EXCEPTION – nuts, wild fruit and wild vegetables

- (3) Subsection (1) does not apply in respect of nuts, wild fruit and wild vegetables.

* A person can be an individual or an organization – including an association, company and corporation; includes other recognized legal entities such as: LLC, partnerships, etc.

DRC Help Desk