

# Safe Food for Canadians Regulations

## Division 2 – Trade of Fresh Fruits and Vegetables

Regulatory requirement for a membership in the  
Fruit and Vegetable Dispute Resolution Corporation

On November 22, 2012, the proposed *Safe Food for Canadians Act* (SFCA) received Royal Assent. On January 21, 2017, the *Safe Food for Canadians Regulations* (SFCR) were published in *Canada Gazette*, Part I and are expected to come into force in mid-2018.

The proposed regulations would require that buyers and sellers of fresh fruits and vegetables be members of the Fruit and Vegetable Dispute Resolution Corporation (DRC) unless exempt. The proposed regulations will result in the requirement for a mandatory membership in 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 Safe Food for Canadians Regulations: Division 2 – Trade of Fresh Fruits and Vegetables

#### PROHIBITION

##### 26(1) It is prohibited for a person to:

- (a) **sell or negotiate the sale on another person's behalf** of any fresh fruit or vegetable that is to be exported or to be sent or conveyed **from one province to another;**
- (b) **purchase or negotiate the purchase on another person's behalf** of any fresh fruit or vegetable that is to be imported or to be sent or conveyed from one province to another;
- (c) **receive or receive on another person's behalf** any fresh fruit or vegetable that has 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 fruit or vegetables.

#### EXEMPTION – persons \*

##### (2) Subsection (1) does not apply to:

- (a) a 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) a 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) a 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 (2 205 lb) of fresh fruits or vegetables per day;**
- (d) a person who **only sells fresh fruits and vegetables that they have grown themselves;** or
- (e) an **organization that is 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.

\* 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.

##### The requirement applies to the following, unless exempt:

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

##### 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.**

#### DRC Help Desk