

## **APPENDIX B: FEDERAL LEGISLATION**

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## APPENDIX B

### SUMMARY OF FEDERAL LEGISLATION

#### **Canada Agricultural Products Act**

The Act regulates the marketing of agricultural products in import, export, and interprovincial trade. It provides for national standards and grades of agricultural products, for their inspection and grading, for the registration of establishments, and for standards governing establishments.

#### **Canada Grain Act**

The Act provides for the establishment of the Canadian Grain Commission. The Commission establishes and maintains standards of quality for Canadian grain and regulates grain handling in order to ensure a dependable product for domestic and export markets.

#### **Canada Wildlife Act**

The Act makes provisions for the conservation of Canadian wildlife. Activities provided for under the Act include the establishment of conservation and interpretation areas and facilities, research, conferences and meetings, and programs and policies which encourage wildlife conservation and interpretation. The Act also provides for the assignment of public lands for conservation and the enactment of measures to protect species of wildlife in danger of extinction.

#### **Canadian Environmental Assessment Act**

This Act prescribes the assessment of any installations or activities, prior to commencement, on federally controlled water, land or air environments.

The Canadian Environmental Assessment Agency promotes environmental assessment as a planning tool to protect and sustain a healthy environment and to meet the expectations of Canadians who want a growing economy in harmony with a healthy environment.

#### **Canadian Wheat Board Act**

This Act provides for the establishment of the Canadian Wheat Board (CWB) to provide orderly marketing, in interprovincial and export trade, for grain (wheat, oats and barley) grown in Canada.

The Board has the authority to acquire, store, transfer, transport or dispose of grain, to enter into contracts and agreements, and to establish, utilize and employ whatever marketing agencies or facilities are necessary to sell and dispose of the grain acquired by the CWB for such prices as it considers reasonable with the object of promoting the sale of grain produced in Canada in world markets.

The Act sets out conditions for the delivery of grain and for the issuance and use of permit books. It gives the CWB the authority to prescribe railway delivery points, set quotas for each kind of grain, direct or prohibit deliveries, provide for the allocation of railway cars, make inquiries and investigations to ascertain the availability of delivery and transportation facilities and supplies of grain and look after other matters concerning the interprovincial or export marketing of grain.

Under the Act, no person other than the Board may export, import or transport from one province to another wheat or wheat products. Neither may they sell or agree to sell or buy or agree to buy wheat or wheat products situated in another province or outside Canada.

## **Consumer Packaging and Labeling Act**

The Act and regulations establish basic labeling requirements for a broad range of prepackaged consumer products. (Some other consumer products are covered by the Food and Drugs Act.)

Basically, a label must include the product's common or generic name, the net quantity of the package's contents in metric, and the name and business address of the person who or for whom the products were manufactured. The common name of the product and metric net quantity must be in both English and French.

The Act prohibits the sale, advertising and importation of any prepackaged product that has applied to it a label containing any false or misleading representation concerning the product. It also outlines the powers of inspectors.

## **Customs Act**

The Act governs the importation and exportation of goods in and out of Canada. The Act also regulates the transportation, movement and storage of goods. A certificate of origin is required for all goods being imported into Canada and goods being exported to the United States. The Act provides for the appointment of inspectors and outlines their powers. It also allows duties to be charged.

## **Excise Act**

The Act is concerned with the excise duties that distilleries, breweries and tobacco manufacturers are charged. It also covers the licensing of these establishments, requires that a list of all equipment used be submitted, weighing and measuring instruments be inspected, and records be kept. Provisions in the act cover the powers and duties of inspectors, the computing of excise duties, and the warehousing of goods.

## **Export and Import Permits Act**

The Act provides the legislative framework for the restriction of imports coming into and exports leaving Canada.

Goods may be added to the Export Control List (1) to promote further processing of natural resources or (2) to limit or keep under surveillance the export of unprocessed goods when supplies are high and prices are depressed. The Export Control List of Countries lists those countries Canada does not, for various reasons, wish to export to.

Goods may be added to the Import Control List to ensure the best possible supply and distribution of an article that is scarce or subject to government controls in the country of origin or to support, by restricting the importation of certain products, actions taken under the Agriculture Stabilization Act,

Agricultural Products Cooperative Marketing Act, Agricultural Products Board Act, Canadian Dairy Commission Act, Farm Products Marketing Agencies Act, and Meat Import Act.

Permits are required for goods and countries on the above control lists.

## **Feeds Act**

This Act controls and regulates the sale of animal feeds.

Feed is defined in the Act in relation to livestock, which is also defined.

Under the Act, no person may manufacture, sell or import into Canada any feed unless it has been registered, packaged and labelled and conforms to prescribed standards. Inspectors enforcing the Act may enter any place and sample any feed to which the Act applies, examine books or other documents relating to feed, and seize or detain any article by means of which any violation was committed.

The Governor in Council may make regulations covering the registration of feeds, sampling, packaging, labeling and other particulars necessary for carrying out the Act

The Act provides penalties for any person who contravenes the Act or regulations.

## **Fertilizers Act**

This Act covers agricultural fertilizers.

Fertilizers and supplements may only be sold in or imported into Canada if they have been registered, packaged and labeled as prescribed and if they conform to the standards set out in the Act.

The Governor in Council may make regulations respecting the registration, prescription of standards, packaging and labeling of fertilizer and supplements.

## **Fisheries Act**

The *Fisheries Act* is federal legislation established to protect Canada's fisheries resources and supporting habitats. It applies to all Canadian waters, including ditches, channelized streams, creeks, marshes, rivers, lakes, estuaries, coastal waters and marine offshore areas. The *Act* also

applies to seasonally wetted fish habitat such as shorelines, stream banks, flood plains, intermittent tributaries and privately owned land.

The *Fisheries Act* defines fish habitat as the spawning grounds and nursery, rearing and food supply and migration areas that fish depend directly or indirectly to carry out their life processes. Fish habitat also includes surrounding plants, life forms and structures such as gravel beds and large woody debris that interact to make fish life possible.

The habitat protection provisions of the *Fisheries Act* are of particular interest to farmers. These sections prescribe that no one may carry out a work or undertaking that results in a harmful alteration, disruption or destruction (HADD) of fish habitat, unless it has been authorized by DFO. The *Act* also prohibits the deposit of deleterious (e.g., harmful) substances into waters containing fish. Some examples of deleterious substances include fertilizers, pesticides, manure, sediment, milk waste, etc.

Farmers should contact DFO before working in any watercourse to help determine the requirements that may apply to a specific project. To locate the DFO office nearest you refer to *DFO Contacts* in the last tabbed section of the Farm References Guide.

## **Food and Drugs Act**

The Act covers the sales and marketing of food, drugs and cosmetics in Canada. (The Act does not apply to products destined for export.)

Under the Act, no person may sell any food that has in or on it any poisonous or harmful substance, is unfit for human consumption, consists in whole or part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance, is adulterated, or was manufactured, prepared, preserved, packaged or stored under unsanitary conditions.

No person shall label, package, treat, process, sell or advertise food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Under the Act the minister may enact specific regulations cover labeling, packaging, conditions of sale and the use of substances for ingredients. The Minister may also set standards concerning the quality, purity, concentration, strength, potency, manufacturing methods, preparation, preservation, packaging, storage and testing of foods, drugs and cosmetics.

If standards have been established all products offered for sale, including imports, must comply with that standard.

Like food, drugs and cosmetics must be safe, clean, and comply with prescribed industry quality standards. Labels, packaging and advertising may not be false, misleading, deceptive or confusing.

Under the Act, no foods, drugs or cosmetics may be advertised or sold as a treatment, preventative or cure for specific diseases or health conditions.

The Act also provides for the appointment of inspectors and outlines their powers.

## **Health of Animals Act**

This Act covers the diseases and toxic substances that may affect animals or be transmitted by animals to people, and the protection of animals.

The Act gives the Minister of Agriculture and Agri-Food Canada the authority to control diseases and toxic substances that may affect animals or that may be transmitted by animals to people. It also gives the Minister the authority to do such things as may be required for the protection of animals.

The dispositions of the Act tend to avoid the introduction, exportation and propagation of any diseases or toxic substance into Canada. This includes the authority to prohibit importation or introduction into Canada of animals and other things, to subject animals to quarantine, and to cause animals or things to be disposed of, which may include destruction. It also allows the Minister to order compensation to the owner of an animal or thing in respect of certain actions taken under the Act.

## **Migratory Birds Convention Act**

This Act is designed to protect migratory game birds, migratory insectivorous birds, and migratory nongame birds that inhabit Canada during part or all of the year. There are provisions in the Act covering when and where birds may not be killed or captured or their nests or eggs disturbed.

The Act provides for the appointment of game officers and outlines their powers. It also gives the Governor in Council the power to make whatever regulations are deemed necessary to protect migratory birds.

Although migratory birds may damage agricultural lands, it is an offence under the Act to release substances which may harm them.

## **Navigable Waters Protection Act**

This Act prescribes installations and activities conducted on, in or below navigable waters in Canada.

The mission of the Navigable Waters Protection Division is to preserve the public right of unimpeded safe navigation, and contribute to a secure marine environment.

## **Pest Control Products Act**

The intent of the Act is to ensure the safety, merit and value of pest control products used in Canada. It focuses on the protection of human health and the environment, and product performance.

Under the Act, a control product is defined as any product, device, organism or substance that is manufactured, represented, sold or used to control, prevent, destroy, mitigate, repel or attract pests. The term pest includes any injurious, noxious or troublesome insect, fungus, bacterial organism, virus, weed, rodent or other plant or animal pest. Products regulated under the Act include herbicides, fungicides, insecticides, biological agents such as bacteria and viruses, antimicrobial agents, growth regulators, wood preservatives and water purification products.

All pest control products used or imported into Canada must be registered.

## **Plant Protection Act**

The purpose of this Act is to protect plant life and the agriculture and forestry industries by preventing the importation, exportation and spread of injurious pests and by providing for their control and eradication as well as the certification of plants and other things.

The Act provides for the monitoring of pests. It obligates anyone discovering a pest in an area where the pest has not previously been known to exist to notify Agriculture and Agri-Food Canada immediately and provide a specimen of the pest.

## **Seeds Act**

This Act covers the testing, inspection, quality and sale of seeds.

## **Transportation of Dangerous Goods Act**

This Act regulates the transport of all dangerous goods in Canada, whether by rail, road, air and water. Under the Act, no person may handle dangerous goods unless all applicable safety standards and applicable prescribed documentation requirements are complied with and all containers, packages and means of transport are clearly marked with applicable prescribed safety marks.

The Act provides for the appointment of inspectors and outlines their powers. Goods which are considered to be dangerous include: (1) explosives, (2) gasses, (3) flammable and combustible liquids, (4) flammable solids, (5) oxidizing substances, (6) poisonous and infectious substances, (7) radioactive materials, (8) corrosives, and (9) any other substances and organisms deemed to be dangerous. The Act set out requirements regarding emergency response assistance plans.