



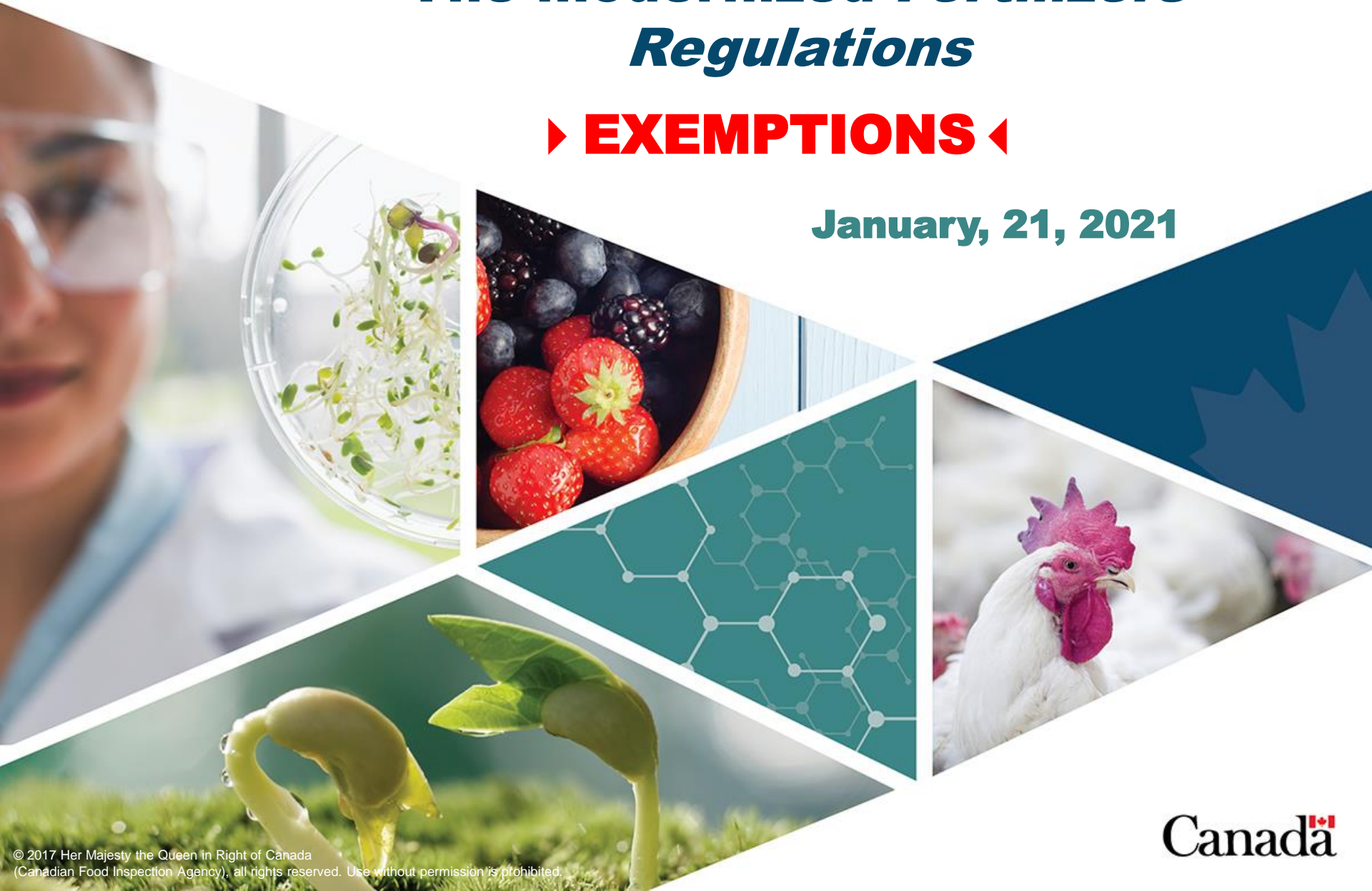
Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

The modernized *Fertilizers Regulations*

► EXEMPTIONS ◀

January, 21, 2021



Canada

Outline

- Background and purpose
- Initial stakeholder feedback
 - November 17th Annual CFPF workshop
 - Topics of greatest interest – results of polling
- Today's webinar:
 - General exemptions from all provisions of the *Act* and *Regulations*,
 - Exemptions from registration for fertilizers
 - Exemptions from Registration for supplements,
 - Associated definitions,
 - Additional information – relevant guidance materials



more
questions



[cfia.fertilizernmodernization-
modernisationengrais.acia@canada.ca](mailto:cfia.fertilizernmodernization-modernisationengrais.acia@canada.ca)

Background



- The modernized *Fertilizers Regulations* came into force on October 26, 2020 – the consolidated version of the Regulations is available:

[https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 666/index.html](https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._666/index.html)

[https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C c. 666/20150227/P1TT3xt3.html](https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._666/20150227/P1TT3xt3.html)

- The amendments to the Regulations introduced a number of substantive changes to:

- product definitions and compositional criteria,
- general exemptions,
- the registration exemption scheme
- labelling requirements
- administrative processes

- The Regulations also contain transitional provisions that allow regulated parties to comply with either the “old” or the “new” Regulations for a period of 3 years

IMPORTANT NOTE:

Solid understanding both sets of Regulations will facilitate your choice and ultimately promote compliance in the marketplace



General Exemptions

Exemption from all provisions of the *Fertilizers Act and Regulations* for:

- Manures sold in their natural condition that conform to prescribed safety standards
 - Fertilizers and supplements that are imported or manufactured in Canada that are used for manufacturing purposes only and that require further treatment.
 - Fertilizers and supplements that are manufactured domestically, or imported for export only and not for sale or use in Canada and labelled accordingly are eligible for export certification, but are otherwise EXEMPT from all provisions of the *Act and Regulations* except section 5.5.
- Export certification is not a requirement to export fertilizers and supplements from Canada.**

NOTE: Mixing, blending, repackaging or application to seed do not constitute manufacturing or further treatment

T-4-124 <https://www.inspection.gc.ca/plant-health/fertilizers/trade-memoranda/t-4-124/eng/1489154028300/1489154028976>



General Exemptions

Repeal the exemption for fertilizers imported for personal use



HOWEVER: A fertilizer that is imported into or manufactured in Canada for experimental purposes and that is not a fertilizer-pesticide or a fertilizer that contains a supplement is exempt from the application of section 3 of the Act and of all provisions of these Regulations other than section 2.1, if all residual fertilizer and plants that are grown in the course of the experiment are destroyed at the end of the experiment.

★ CG II

Which means:

The **fertilizer intended for research purposes** does not require registration and is not required to meet labelling requirements prior to importation or use as long as:

- Does not contain a pesticide or a supplement
- Is safe for humans, plants, animals and the environment
- The residual product is disposed of at the end of the trial
- The crops grown with the fertilizer are destroyed and do not enter the commercial food or feed chains



T-4-103 <https://www.inspection.gc.ca/plant-health/fertilizers/trade-memoranda/t-4-103/eng/1307855399697/1320243929540>

Registration under the *Fertilizers Act*



- All fertilizers and supplements imported into or sold in Canada require registration **unless** they meet one or more of the exemptions provided for in the *Fertilizers Regulations*.
- As part of product assessments, the CFIA evaluates the **safety** information/data and the **label** to verify product compliance
- All regulated products, including those requiring registration and those exempt are subject to **marketplace monitoring**
- Non-compliant products are subject to enforcement actions which may include product **detention**, and in cases of severe and/or repeated non-compliance, **prosecution**.
- Determining the regulatory status of a product largely depends on how the product is represented in the marketplace.

Note: all ingredients (both active and inert) + potential contaminants and degradation products are considered when reviewing product safety.

Active ingredient means an ingredient of a fertilizer or supplement to which its performance as a fertilizer or supplement is attributed

Inert ingredient is a substance that is not a fertilizer, supplement or pesticide that is added as a filler or to improve the product's physical characteristics such as sprayability or spreadability, but not to change its performance as a fertilizer or supplement

Registration – amended *Regulations*

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- Registration period –extended from 3 to 5 years
- Application form (Schedule III) and the Declaration of Resident Canadian Agent Form (Schedule IV) – repealed
- Conditions of registration –to be granted a registration:
 - Product must not be exempt from registration ✓
 - Must not present a risk of harm to human, animal or plant health or the environment (except pests) -documentation required ✓
 - Its label must meet regulatory requirements. ✓
- Refusal
 - Non-compliance with *Fertilizers Act and Regulations*, *Health of Animals Act and Regulations* and *Pest Control Products Act and Regulations*
- Redefining major and minor amendments and non-notifiable category of label changes



A person shall not change the label, chemical composition or ingredients of a registered fertilizer or supplement, if the change could reasonably be expected to affect its performance as a fertilizer or a supplement, its safety or its use, unless the registration is amended accordingly.

Important definitions associated with Exemptions

Repealed

- **House-cleaning items** : Brand, Director, environment, fertilizer, mixed fertilizer, shipping bill, supplement
- **Compendium of Fertilizer-Use Pesticide**
- **Farm Fertilizer and Specialty fertilizer**



Amended/ Replaced

- **Lesser Plant Nutrient = Secondary Nutrient Fertilizer–pesticide**
- **Minor tweaks for clarity: Grade, Organic matter, Registrant,**
- **Customer formula fertilizers**

Added

- **List of Materials** means the document entitled *Primary Fertilizer and Supplement Materials* prepared by the Agency and published on its website, as amended from time to time
- **Lot number** means a combination of letters or numbers or both that allows a lot of a fertilizer or a supplement to be traced in manufacture and distribution
- **Micronutrient** means boron, chlorine, copper, iron, manganese, molybdenum or zinc
- **Micronutrient fertilizer** means a fertilizer that is represented to contain a micronutrient

Exemptions from registration – Fertilizers

- Fertilizers appearing on the **List of Primary Fertilizer and Supplement Materials**
- Customer-formula fertilizers
- Mixed fertilizers that do not contain substances that are produced by (or derived from) living organisms
- Fertilizers that consist solely of a mixture of fertilizers that are exempt from registration or that are registered for that use

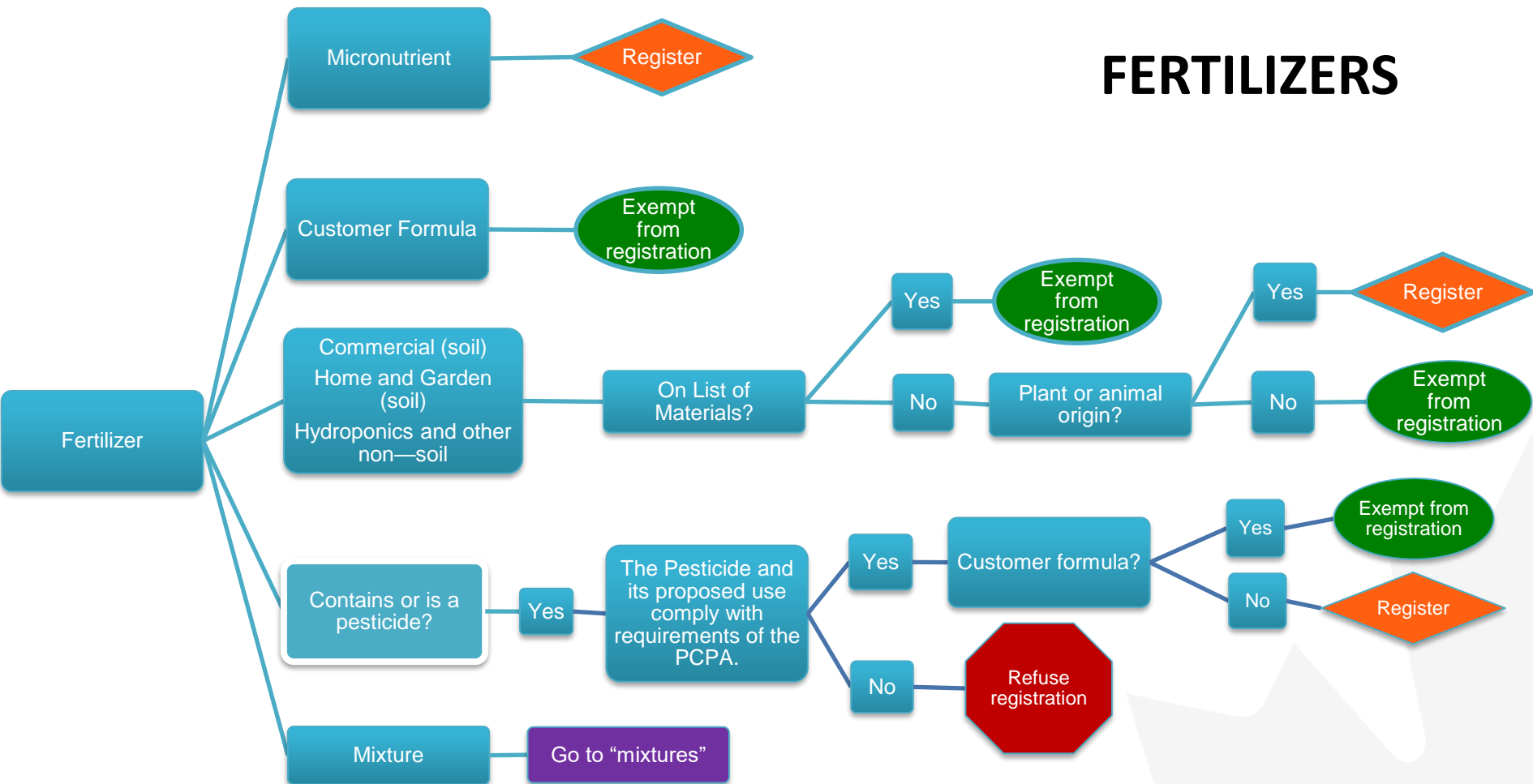
List of Materials = old Schedule II

- **Incorporated by reference**
- A primary material on the *List of materials* must meet the term and compositional criteria outlined in the list
- Products represented to be or to contain a material on the List must in fact contain this material

Not exempt:

- Fertilizers produced or derived from a living organism (unless on the *List of Materials*)
- Fertilizers containing a **pesticide**, an **unregistered supplement**, **unregistered micronutrient** or a registered supplement or micronutrient if the directions for use are **NOT consistent** with the registered product's approved use pattern; (this includes application rate, frequency, method of application and target crop.)

FERTILIZERS



Registration triggers <https://www.inspection.gc.ca/plant-health/fertilizers/registering-fertilizers-and-supplements/fertilizers-and-supplements/eng/1330932243713/1330933201778>

Exemptions from registration - Supplements, Seeds and Growing media



- Supplements listed on the *List of Materials*
- Supplements that consist solely of a mixture of supplements that are exempt from registration or are registered for that use

In the case of a mixture containing one or more viable organisms the final product is exempt from registration as long as the mixture is **not further cultured or manipulated**

Not Exempt:

- Materials that are not on the *List of Materials* and do not meet any other exemption
- Supplements containing a pesticide or a registered supplement if it is not registered for that use

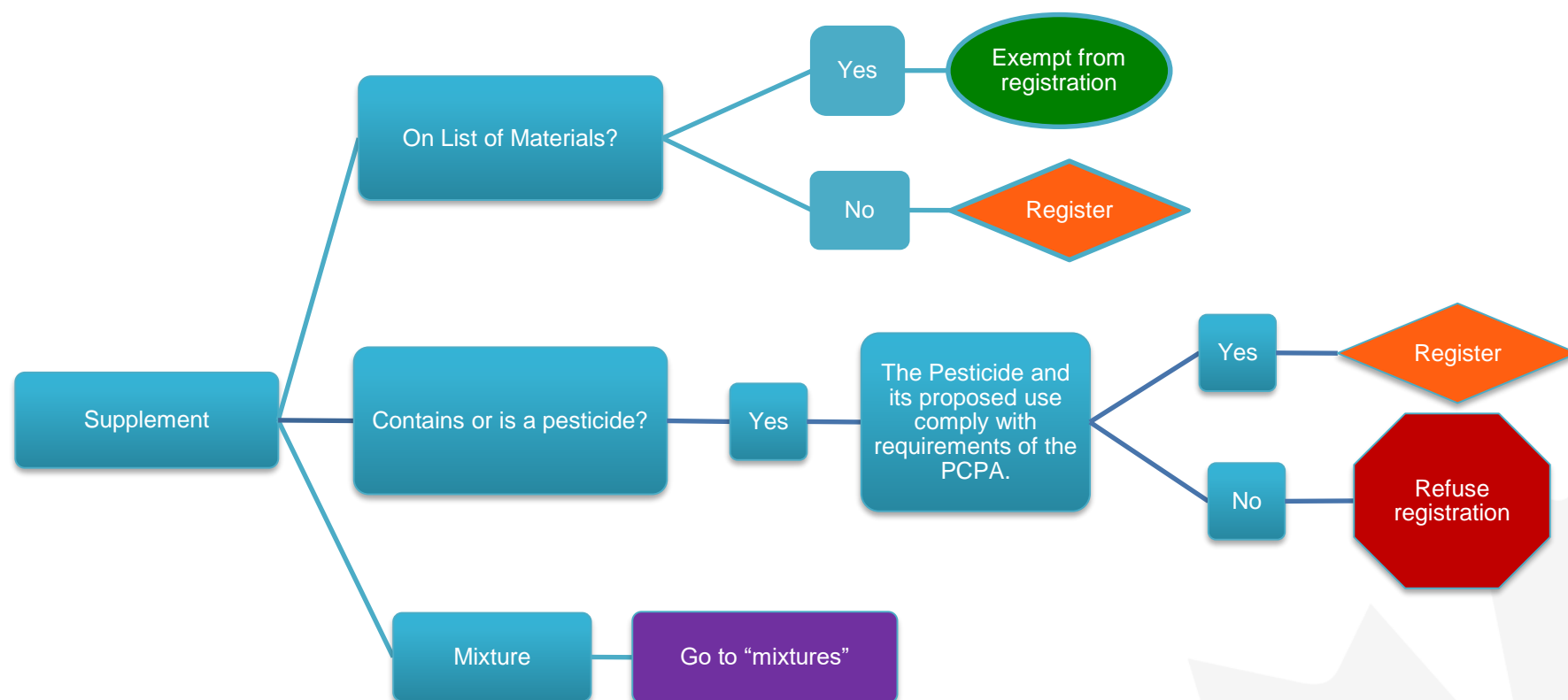
SEEDS and GROWING MEDIA – that are treated with fertilizers, supplements or both are exempt from registration as long as each component is either:

- 1) Exempt from registration
- 2) Registered for that specific use (consistent with the use pattern of the seed or the growing media)



Growing media may include potting soils, liquid media, coco coir, wood fibers, peat moss, vermiculite, clay, pumice, and perlite

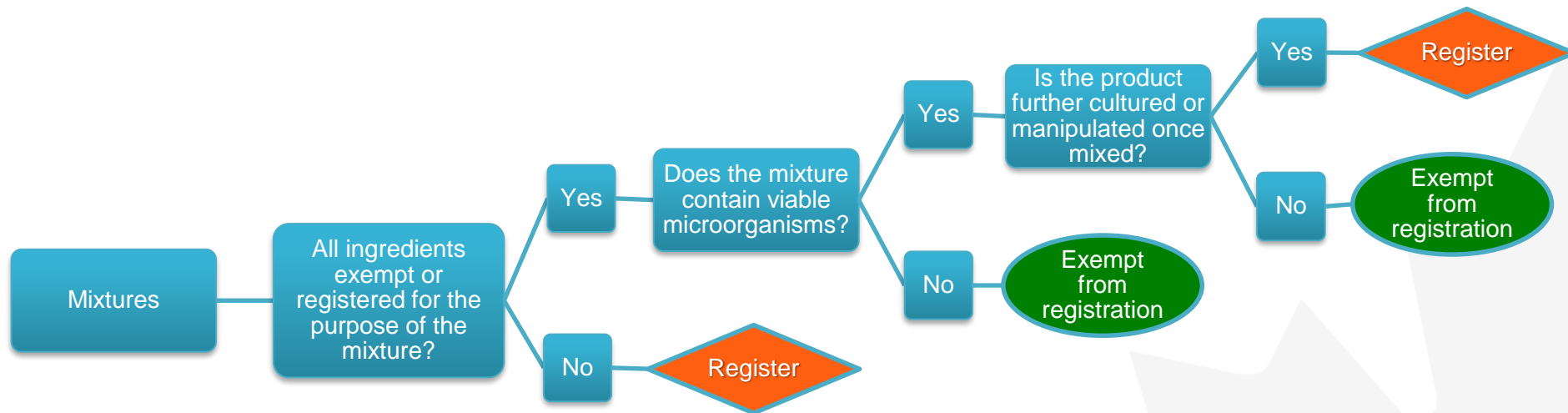
SUPPLEMENTS



Registration triggers <https://www.inspection.gc.ca/plant-health/fertilizers/registering-fertilizers-and-supplements/fertilizers-and-supplements/eng/1330932243713/1330933201778>

MIXTURES

- The amended ***Fertilizers Regulations*** contain all new provisions that exempt mixtures of fertilizers and supplements or both from mandatory registration requirement providing certain criteria are met
- This also applies to seeds and growing media treated with regulated products



Registration triggers <https://www.inspection.gc.ca/plant-health/fertilizers/registering-fertilizers-and-supplements/fertilizers-and-supplements/eng/1330932243713/1330933201778>

More Information:

Fertilizer website

<https://www.inspection.gc.ca/plant-health/fertilizers/eng/1299165827648/1299165914316>

Fertilizer Program Regulatory modernization

<https://www.inspection.gc.ca/plant-health/fertilizers/regulatory-modernization/eng/1490851506920/1490851535765>

Updated Trade Memoranda

<https://www.inspection.gc.ca/plant-health/fertilizers/trade-memoranda/eng/1299873703612/1299873786929>

Webinar series

Webinar Title	Topics covered	Date
Safety standards	Prohibitions and general safety provisions in the new Fertilizers Regulations, associated definitions, precautionary labelling, CFIA safety standards, determining compliance, tiered safety assessment levels, relevant guidance materials	Thursday, January 28, 2021 from 11 to 12 EST
Labelling and Record keeping	General labelling requirements, product-specific labelling, sample labels, record keeping option, associated definitions and guidance materials	Thursday February 4 th , 2021 from 11 to 12 EST

Email: cfia.paso-bpdpm.acia@canada.ca

Copies of presentations

Videos

Inquiry process

