



CANADIAN FOOD INSPECTION AGENCY 59 Camelot Drive Ottawa, Ontario K1A 0Y9	D-12-04
	EFFECTIVE DATE December 1, 2012 (Original)
Title Phytosanitary import requirements for grain of field crops including pulses, oilseeds, cereals (other than barley, oat, rye, triticale, and wheat), forages and other special crops from all origins except the continental United States.	

SUBJECT:

This directive describes the phytosanitary import requirements for grain (non-propagative) of all field crops including pulses, oilseeds, special crops, forages, and cereals (other than barley, oat, rye, triticale, and wheat), from all origins except the continental United States. The import requirements for barley, oats, rye, triticale, wheat, and hemp are included in other directives.

In addition to meeting the requirements outlined in this directive, regulated grains are subject to inspection and monitoring by the Canadian Food Inspection Agency (CFIA) to ensure freedom from pests regulated by Canada.

Following the WTO notifications G/SPS/N/CAN/460/Add.2 and G/SPS/N/CAN/609/Add.1 of July 31, 2012, this directive will be adopted on December 1, 2012.

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This directive will be reviewed every 5 years unless otherwise needed. For further clarification, please contact the National Manager of the Grains and Oilseeds section, Canadian Food Inspection Agency.

Endorsement

Approved by:

Chief Plant Health Officer

Amendment Record

Amendments to this directive will be dated and distributed as outlined in the distribution below.

Distribution

1. Directive mail list (CFIA Policy and Programs, Operations, and Science Branches)
2. Canadian Federal, Provincial and Territorial Governments
3. Industry Organizations (determined by Author)
4. General Public, Internet

Introduction

Under the authority of the *Plant Protection Act*, the Canadian Food Inspection Agency (CFIA) is responsible for protecting Canada's plant resource base, including Canada's natural environment and the agricultural, and forestry sectors. Pests of plants can cause extensive damages that negatively impact Canada's plant resources thereby affecting our export trade. Collaboration among the CFIA, Canadian importers, foreign exporter communities, and our international trading partners is critical for successful protection of Canada's plant resources.

The regulation of pests is not new for Canada. For decades, insects, pathogens, and plant species have been regulated by Canada as pests under the *Plant Protection Act* and the *Plant Protection Regulations*. The CFIA maintains a list of regulated pests to Canada in the *List of Pests Regulated by Canada*, as published on the CFIA website. This list is regularly updated to indicate new pests which present phytosanitary risk to Canada.

Pests may be imported intentionally or unintentionally in consignments of grain intended for non-propagative end uses such as direct consumption and processing. The grain pathway represents a risk for introduction of pests. For this reason, the CFIA regulates the importation of grain to protect Canada from pests associated with these commodities.

Scope

This directive is intended for the use of CFIA inspection staff and the Canada Border Services Agency. It is a guide to Canadian import requirements for use by importers, shippers, customs brokers, exporters in other countries, other National Plant Protection Organizations, and others involved in importing grain to Canada.

References

D-12-06: Phytosanitary import requirements for seed of field crops including pulses, oilseeds, cereals (other than barley, oat, rye, triticale, and wheat), forages, and other special crops from all origins.

****under development****

D-12-01: Phytosanitary requirements to prevent the introduction and establishment of plants regulated as pests in Canada. ****under development****

D-99-01: Barley, Oats, Rye, Triticale and Wheat - Phytosanitary Requirements on Import, Transshipped, In-Transit and Domestic Movement.

D-97-04: Application, procedures, issuance and use of a Permit to Import under the *Plant Protection Act*.

D-96-03: Plant Protection Import Requirements for Hemp, (*Cannabis sativa*).

D-01-06: Canadian Phytosanitary Policy for the Notification of Non-Compliance and Emergency Action.

List of Pests Regulated by Canada

<http://www.inspection.gc.ca/english/plaveg/protect/listpespare.shtml>

All other directives relating to phytosanitary requirements for field crop grains may be found at: Plant Protection Policy Directives - Grains and Field Crops <http://www.inspection.gc.ca/plants/plant-protection/directives/grains-and-field-crops/eng/1312226480445/1312226624109>

Plant and Plant Products Import Primer

<http://www.inspection.gc.ca/plants/plant-protection/imports/primer/eng/1324568450671/1324569734910>

Importers are advised to consult the Automated Import Reference System (AIRS) found at <http://inspection.gc.ca/plants/imports/airs/eng/1300127512994/1300127627409>

Canada Border Services Agency (CBSA) Harmonized System Compliance:

<http://www.cbsa-asfc.gc.ca/publications/pub/bsf5118-eng.html>

International Plant Protection Convention <http://www.ippc.int>

This directive is effective immediately and supersedes the following directives:

D-95-28: Plant Protection Import and Domestic Movement Requirements for corn, *Zea mays*.

D-96-08: Import and Domestic Movement Requirements, *Sorghum* spp.

D-98-06: Interim Import Requirements of Parasitic Plants: *Cuscuta*, *Striga*, and *Orobanche*.

Definitions, Abbreviations and Acronyms

Definitions for terms used in the present document can be found in the Plant Health Glossary of Terms <http://www.inspection.gc.ca/english/plaveg/protect/dir/glosterme.shtml>

1.0 General Requirements

1.1 Legislative Authority

Plant Protection Act, S.C. 1990, c. 22.

Plant Protection Regulations, S.O.R./95-212.

Canadian Food Inspection Agency Act, S.C. 1997, c. 6

Canadian Food Inspection Agency Fees Notice, *Canada Gazette*, Part I (as amended from time to time)

Agriculture and Agri-Food Administrative Monetary Penalties Act, S.C. 1995, c. 40.

Agriculture and Agri-Food Administrative Monetary Penalties Regulations, S.O.R./2000-187.

1.2 Fees

The CFIA is charging fees in accordance with the *Canadian Food Inspection Agency Fees Notice*. For information regarding fees associated with imported product, please contact the Import Service Centre (ISC) at <http://www.inspection.gc.ca/english/imp/importe.shtml>.

Anyone requiring other information regarding fees may contact any local CFIA office or visit our Fees Notice Web Site:

<http://www.inspection.gc.ca/english/reg/cfiaacia/feesfrais/feesfraise.shtml>.

1.3 Regulated Pests

The National Plant Protection Organizations (NPPOs) of exporting countries have the role of determining pest status (i.e. presence or absence within the exporting country) prior to certifying exports to Canada. However, the CFIA expects that NPPOs make determinations of pest presence or absence in line with peer reviewed scientific literature, internationally recognized pest databases and/or surveys.

Numerous pests regulated by Canada could be associated with the grains and/or articles regulated by this directive. Notable examples of such pests are enumerated below.

A more comprehensive *List of Pests Regulated by Canada* can be found on the CFIA website. New pests may be added to the list as pest risk analyses are completed.

Regulated weeds

Cuscuta spp., dodder

Eriochloa villosa, woolly cup grass

Orobanche spp., broomrape

Striga spp., witchweed

Regulated insect*Trogoderma granarium*, khapra beetle

Note: All regulated grains may be subject to monitoring, inspection and verification by the CFIA to ensure compliance with Canadian import requirements including freedom from organisms in the *List of Pests Regulated by Canada*.

1.4 Regulated Commodities

Regulated grains include any grain imported under the Harmonized Commodity Description and Coding System (HS) codes in Table 1. HS codes are part of an internationally standardized system of names and numbers for classifying traded products developed and maintained by the World Customs Organization. The most important role of HS codes in import is to facilitate the control and tracking of imported grains. For a detailed list of crop kinds regulated under this directive, please refer to Appendix 1.

Table 1. Grains Intended for Non-Propagative End Use Regulated by this Directive.

HS Code	Description
0713	Dried leguminous vegetables, shelled, whether or not skinned or split
1005	Maize (corn)
1006	Rice
1007	Sorghum
1008	Buckwheat, millet, and canary seed; other cereals
1201	Soya beans (soybeans), whether or not broken
1202	Ground-nuts, not roasted or otherwise cooked, whether or not shelled or broken (e.g. peanuts)
1204	Linseed, whether or not broken
1205	Rape or colza seeds (canola), whether or not broken
1206	Sunflower seeds, whether or not broken
1207	Other oil seeds and oleaginous fruits, whether or not broken (except 1207 10 Palm nuts and kernels)

Note: Barley, oats rye, triticale, and wheat are regulated under the CFIA directive D-99-01 “Barley, Oats, Rye, Triticale and Wheat - Phytosanitary Requirements on Import, Transshipped, In-Transit and Domestic Movement”. Hemp is regulated under the CFIA directive D-96-03 “Plant Protection Import Requirements for Hemp, (*Cannabis sativa*)”. For seed for propagative end use, refer to the CFIA directive D-12-06 **under development**

1.5 Regulated Areas

All origins other than the continental United States are regulated areas under this directive.

2.0 Specific Requirements**2.1 Phytosanitary Import Requirements**

The CFIA regulates soil and soil related matter as a high risk pathway for the movement and introduction of pests. Accordingly, grain must be cleaned prior to import in to Canada to remove soil and foreign matter that may harbour pests. Importation of unclean grain is prohibited from the areas regulated under section 1.5

The CFIA defines end use to be the first use of the material once the consignment is released into Canada. For the grains listed in Table 1, the following plant protection import requirements in Table 2 apply.

Table 2. End Use Specific Phytosanitary Import Requirements.

Description of end use	Plant Protection Import Requirements
Direct Consumption (e.g. Human Consumption, Animal Feed, Livestock Feed, Bird Feed)	Phytosanitary Certificate
Scientific Use (research), Educational Use, Show or Exhibition	Import Permit (additional phytosanitary requirements may apply)
Processing	Phytosanitary Certificate
End uses not listed above	Import Permit (additional phytosanitary requirements may apply)

2.1.1 Phytosanitary Certificate:

Consignments of the regulated grains in Table 1 from regulated areas (section 1.5) must be accompanied by:

- phytosanitary certificate issued by the NPPO of the country of origin;

OR

- phytosanitary certificate of re-export issued by the NPPO of the country of re-export. The original phytosanitary certificate or its certified copy should also accompany the consignment.

Additional Declarations

One of the following additional declarations for *Trogoderma granarium* (khapra beetle) is required to appear on the phytosanitary certificate or on the phytosanitary certificate of re-export:

- a) “The material in this consignment was inspected and found free of khapra beetle (*Trogoderma granarium*).”

OR

- b) “The material in this consignment originated in an area free from khapra beetle (*Trogoderma granarium*).”

AND

The following additional declaration for regulated weed seeds is required to appear on the phytosanitary certificate or on the phytosanitary certificate of re-export:

- c) “The material in this consignment is free of seeds of the regulated weed species in the *List of Pests Regulated by Canada*.”

2.1.2 Import Permit

Consignments of regulated grains under this directive (e.g., scientific research, education, exhibition) require a permit to import issued by the CFIA prior to importation. The application for a permit to import (Form No. 5256) can be found in the CFIA’s Forms Catalogue, located at the following URL:

<http://www.inspection.gc.ca/about-the-cfia/forms-and-publications/forms-catalogue/eng/1328823628115/1328823702784> and refer to D-97-04 for additional information on the issuance of import permits.

2.2 Product Inspection

All shipments may be subject to inspection and sampling by the CFIA to ensure that regulated grains and regulated articles are in compliance with Canadian phytosanitary import requirements. Import inspections may be conducted at either the port of entry or another place designated by the CFIA.

3.0 Non-Compliance

The CFIA's authority to address non-compliance comes from the *Plant Protection Act* and *Plant Protection Regulations*, as they relate to plant protection.

Measures the CFIA can use to mitigate the phytosanitary risk of a non-compliant shipment include the following:

- ordering the shipment destroyed;
- ordering the shipment to be returned to its origin or otherwise removed from Canada;
- ordering a non-compliant shipment to be treated in Canada;
- imposing a penalty in addition to, or in lieu of, other measures listed above.

Where a shipment is inspected and determined to be non-compliant despite phytosanitary certification provided by the exporting country, the CFIA will send a Notification of Non-Compliance to the NPPO, so that appropriate corrective actions on certifying future shipments can be taken. This step is in addition to the mitigation approaches noted above.

All costs related to bringing imported shipments into compliance with Canadian import requirements are the responsibility of the importer. If importers fail to ensure compliance or they are unable to do so, the imported material may be confiscated by the Government of Canada. Refer to D-01-06 for further information on non-compliant shipments in Canada.

Appendix 1. Crop Kinds Regulated by directive D-12-04

HS Code	Latin Name	Common Name
0713	<i>Cajanus cajan</i>	pigeon pea
	<i>Cicer arietinum</i>	chickpea
	<i>Lens culinaris</i>	lentil
	<i>Phaseolus</i> spp.	bean
	<i>Pisum sativum</i>	pea
	<i>Vicia</i> spp.	bean
	<i>Vigna</i> spp.	bean
1005	<i>Zea mays</i>	corn
1006	<i>Oryza sativa</i>	rice
1007	<i>Sorghum</i> spp.	sorghum
1008	<i>Chenopodium quinoa</i>	quinoa
	<i>Coix lacryma-jobi</i>	Job's tears
	<i>Digitaria</i> spp.	fonio
	<i>Echinochloa</i> spp.	millet
	<i>Eleusine</i> spp.	millet
	<i>Fagopyrum</i> spp.	buckwheat
	<i>Panicum</i> spp.	millet
	<i>Panicum virgatum</i>	switchgrass
	<i>Pennisetum</i> spp.	millet
	<i>Phalaris arundinacea</i>	reed canary grass
	<i>Phalaris canariensis</i>	canaryseed
<i>Setaria</i> spp.	millet	
<i>Zizania</i> spp.	wild rice	
1201	<i>Glycine max</i>	soybean
1202	<i>Arachis hypogaea</i>	peanut
1204	<i>Linum usitatissimum</i>	flax
1205	<i>Brassica napus</i> , <i>B. rapa</i> and <i>B. juncea</i>	canola, rapeseed
	<i>Helianthus annuus</i>	sunflower
1207	<i>Brassica</i> spp.	mustard
	<i>Camelina sativa</i>	camelina
	<i>Carthamus tinctorius</i>	safflower
	<i>Gossypium</i> spp.	cotton
	<i>Guizotia abyssinica</i>	niger, nyjer
	<i>Sesamum indicum</i>	sesame
	<i>Sinapis</i> spp.	mustard

Note: This list will be updated as new crop kinds are identified and/or placed under specific HS codes.