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THE SMART BORDER: FOOD SAFETY AND BIOTERRORISM

Ronald L. Doering
Introduction

Welcome, Ladies and Gentlemen. Thank you for coming on this Saturday morning. I am Ron Doering. I practice law with the Ottawa offices of Gowling, Lefleur & Henderson. I am pleased that Professor King has recognized the importance of food and bioterrorism. It has been my experience that many people tend to underestimate the significance that it has in these matters. Dr. King, thank you for introducing it here. Food was only mentioned once in yesterday's excellent session. I am sorry that Professor Hufbauer is not here, because I was going to take issue with him today. We will have to do that another time.

It is my pleasure to take a couple of minutes to introduce this subject and provide a little background on our two excellent speakers. We have Barry Kellman, who is the Professor of Law at DePaul University. We also have my friend, John McNamara, who is formerly with Archer Daniels Midland, our largest agricultural company in the world, here to speak with us. I will introduce them in a moment.

I would like to begin by setting the context for this. Yesterday we heard that there were 50,000 trucks that go across the Canadian/American border every day. I want to tell you, Ladies and Gentlemen, that 6,000 of them alone are coming from the U.S. to Canada carrying food. So, we have 6,000 truckloads of food coming to Canada from the U.S. every day. We also have millions of live and dead animals that cross that border every year and literally millions of tons of commodities, such as wheat and other kinds of products. One of the interesting things that is not well known is that we have had free trade in food, plants, and animals for a long time, well before NAFTA. We have had a very integrated food system.

Canada is not well understood. I certainly found that out talking to not only Canadians, but American colleagues last night. Canada's quite unique in the world in that all food inspection, animal, health, plant protection, all of that is in a single agency. The Canadian Food Inspection Agency is responsible for seeds, feeds, fertilizers, plants, animals, all food, all commodities, including fish. The Canadian Food Inspection Agency is the third agency at the border after customs and immigration.

I set up this organization some years ago and have run it for the last five years. I am very proud of it. There are over 5,000 employees. In Canadian terms, it is quite a large organization. When we would come to Washington

for me to meet my equivalents and I would have to meet six different people at the Deputy head level to have that same integrated approach. I can tell you from my experience that there is outstanding technical cooperation that exists between Canada and the United States.

The system for plants, animals, and food that does work so well, does so well because it is highly regulated. It is the opposite of the thinking about free trade working because it is less regulated. I think it works because it is so highly regulated. Every ounce of meat that crosses is certified by a government veterinarian. They determine that it comes from an animal that was slaughtered and processed in a way that is completely equivalent with the other country. It is equivalency agreements like that that allow for this free flow of goods.

It was suggested yesterday by Professor Hufbauer that we should at least be able to harmonize our regulations in food safety. In fact, we have. At least 99 percent of the regulatory framework for food safety in Canada is the same as the United States. As you know, when the Americans want to harmonize, they mean they want to do it their way. Essentially that is what we have done. We do it because we want to sell our products to them. We could not survive without that trade relationship. The Canadian market, for example, is almost entirely reliant on export. For example, there has been a huge growth in hogs. Canadians cannot eat all that pork. It is all for export.

Turning now to the area of bioterrorism. Shortly we will hear from a real expert on this, Professor Kellman. I am looking forward to his talk. It is not well understood that in Canada and the United States we were lucky in that we had two trial runs for September 11th. When the U.K. got mad cow disease, BSE, we went through a very rigorous process of preventing any export of food, meat, and associated products to Canada and the United States. We worked closely with the United States to set up a fortified North America. This is a lot harder than you would think. We had a significant trial run at setting up what would be a perimeter arrangement for North America.

Within two years of that, we had another really big one when the U.K. got foot and mouth disease. Canada and United States had to work very closely together to make sure that we did not get that animal disease in Canada and the United States. It cost the U.K. economy \$15 billion in their economy. It was obvious what it would do if it came to North America. It would actually destroy large Canadian food companies. They actually did work to demonstrate that. We worked very closely with the Americans on a kind of fortified North America again on foot and mouth disease. So, in a way, when September 11th hit we were able to take many of the protocols and certainly some of the extra people that we had at the border to deal with September 11th. We always knew that if the Americans got foot and mouth

disease, we would get it and vice versa. We are stuck together here no matter what.

I ended up being on the Deputy Minister's Committee to respond to September 11th in Canada. From the very beginning, I had a problem getting people to understand how important bioterrorism was to our trading relationships. Everybody was so caught up with the radiological, nuclear, and chemical threats. I would have to keep reminding them that bioterrorism is different because unlike the other kinds of terrorism, you do not need any knowledge and you do not need any money. Anybody could do it. So, this was unique. We had to make that point. I must say with pride that the Canadian government did recognize that and did provide additional funds for us to address bioterrorism.

At any rate, it is a terrific topic this morning. Professor King, you have excellent speakers. I am pleased to begin with Professor Barry Kellman.

