

## Health Canada's proposed new regulatory guidance on genetically engineered foods

### Proposal #2:

### Allow unregulated GMOs to go unreported to the government (the "Voluntary Transparency Initiative")

This proposal is to create a "Voluntary Transparency Initiative" whereby Health Canada would encourage product developers to voluntarily report their unregulated gene-edited GMOs to the department, for a public list called the "List of Non-Novel Gene-Edited Plants for Food Use." The proposal is outlined in Section 6 (pages 8-9) of the consultation document "Proposed Changes to Health Canada Guidance on the interpretation of Division 28 of Part B of the Food and Drug Regulations (the Novel Food Regulations): When is a food that was derived from a plant developed through breeding a "novel food"?"

#### CONCERNS:

- **There is no transparency if information is only voluntarily disclosed.**
- **Some unregulated genetically engineered foods may be put on the market without notification to the government, or public.**
- **Health Canada will have surrendered regulatory authority over some genetically engineered foods and not therefore be able to require companies to provide information about these GMOs.**
- **Undermine public trust in the food system and Health Canada's regulation.**

Health Canada is proposing to exempt some genetically engineered (commonly called genetically modified or GM) foods from regulation and, in so doing, surrender regulatory authority over these genetically modified organisms (GMOs). In the absence of regulatory authority, Health Canada is proposing what it calls a "Voluntary Transparency Initiative" where the government would **"encourage" product developers to voluntarily report the existence of any unregulated genome-**

**edited (gene-edited) GMOs.** Health Canada would then post this information online as a **“List of Non-Novel Gene-Edited Plants for Food Use.”**

Health Canada says, “The goal of this initiative is to provide Canadians with a clearer understanding of the gene-edited products in the Canadian market with the goal of enhancing public trust in these products and the regulatory system”, and one of the two questions Health Canada asks the public in the consultation is: “Does the voluntary transparency initiative serve its purpose to inform Canadians what non-Novel gene-edited products are on the market? Can we do more to achieve this objective?”

“Health Canada recognizes the need for greater transparency surrounding gene-edited plants as many of these plants will not be considered Novel, and thus **they will not undergo pre-market safety assessment** prior to entering the Canadian food supply. To increase transparency regarding gene-edited plant varieties that are present in the Canadian food supply, this guidance describes a Voluntary Transparency Initiative whereby **plant developers are encouraged to inform Health Canada** of any non-novel gene-edited plant variety that they have developed for commercial use.” (emphasis added)

Currently, Health Canada lists which GMOs (“novel foods”) it has approved for sale. The “Voluntary Transparency Initiative” is proposed to address the problem that, because Health Canada now proposes to exempt some GMOs from regulation and allow companies to forgo government safety assessment, Health Canada’s list of approved GMOs would no longer be a list of all the GMOs that could possibly be on the market. Note: **The federal government does not track which GMOs are actually on the market.**

However, with this proposed initiative, **Consumers, farmers, and the federal government itself, will not necessarily be made aware of all the new unregulated gene-edited GMOs** because the “Voluntary Transparency Initiative” would only result in a list of those unregulated gene-edited GMOs that product developers decide to disclose.

**This initiative would not result in a list of gene-edited foods on the market – at most, it would result in a list of some unregulated gene-edited GMOs that *could* be on the market:**

- Because the proposed mechanism is voluntary, not mandatory, the list of unregulated gene-edited GMOs **may not be complete and is not therefore transparent.** There would be no way for the public, or Health Canada, to know if the list names all of the unregulated GMOs that could be on the market: the public would be left to assume that the list is partial.
- **The market status of listed unregulated GMOs would remain unknown.** Health Canada’s list would be a list of some unregulated GMOs that *companies say they intend to commercialize.* Health Canada says that, “this voluntary system is to be used for products ready for commercialization and not for theoretical products” and that it will encourage product developers to provide information at least 90 calendar days prior to commercialization. It would be difficult, however for the public to verify that corporate notifications of new unregulated gene-edited GMOs are not just posted to promote theoretical products, to attract investors for example. Additionally, there are many reasons why a product intended for commercialization may not ultimately be sold. For example, many genetically engineered foods currently listed by Health Canada as approved for use are not actually sold in Canada, including GM tomatoes, GM flax and GM potatoes (see [www.cban.ca/gmfoods](http://www.cban.ca/gmfoods)).

Health Canada says, “there is great interest from and benefit for regulators, plant developers, and the public in greater transparency regarding all products developed using these technologies that are present in the Canadian food supply.” In fact, for over twenty years, polls have consistently shown that over 80% of Canadians want mandatory labelling of genetically engineered foods.<sup>2</sup>

However, rather than establish mandatory labelling for genetically engineered foods, Canada published the standard for “Voluntary Labeling and Advertising of Foods That Are and Are Not Products of Genetic Engineering” in 2004.<sup>3</sup> The example of this voluntary labelling standard illustrates the lack of utility in asking private companies to voluntarily disclose genetically engineered foods to the public. To our knowledge, no company has ever used this standard to voluntarily identify any genetically engineered food on the market.

## Notes

- 1 The consultation documents are available upon request from Health Canada via [the consultation webpage](#). The two documents are also [posted online by CBAN](#).
- 2 For a history of poll results see [www.cban.ca/labelling](http://www.cban.ca/labelling)
- 3 For background see CBAN's report “[Are GM Foods Better for Consumers?](#)”

**An overview of the range of risks and unexpected consequences from genome editing** is provided in CBAN's 2020 report “Genome Editing in Food and Farming: Risks and Unexpected Consequences.” This report and an introduction document are posted at [www.cban.ca/GenomeEditingReport](http://www.cban.ca/GenomeEditingReport)

**For further information and updates** on genome editing see [www.cban.ca/gene-editing](http://www.cban.ca/gene-editing)

**For updates** relating to this consultation, more analysis and further action see [www.cban.ca/NoExemptions](http://www.cban.ca/NoExemptions)

**Demand mandatory, independent safety assessments for all genetically engineered foods, including those produced by the new genome editing techniques.**

**Submit your comments to Health Canada at**  
[hc.bmh-bdm.sc@canada.ca](mailto:hc.bmh-bdm.sc@canada.ca) Deadline for comments May 24, 2021

Please consider copying CBAN to your email so we can see your concerns: [info@cban.ca](mailto:info@cban.ca)

[cban.ca/NoExemptions](http://cban.ca/NoExemptions)



[cban.ca](http://cban.ca)

**The Canadian Biotechnology Action Network (CBAN)** brings together 16 groups to research, monitor and raise awareness about issues relating to genetic engineering in food and farming. CBAN members include farmer associations, environmental and social justice organizations, and regional coalitions of grassroots groups. CBAN is a project of MakeWay's shared platform.

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