June 10, 2021

To: Linda Webster, Director, Plant Production Division, CFIA
CC: Karen McIntyre, Director General, Food Directorate, Health Canada; Martin Duplessis, Director, Bureau of Microbial Hazards, Health Canada; William Anderson, Executive Director, Plant Health and Biosafety Directorate, CFIA; David Svab, Director, Animal Feed Division, CFIA.

RE: Consistent, accessible, and timely information is necessary to ensure transparency

Dear Ms Webster,

Thank you for providing your June 3rd confirmation of the announcement from the company Bioceres that their HB4 drought and herbicide tolerant soy is approved by Health Canada and the Canadian Food Inspection Agency. However, we are writing to stress the importance of posting product approval notifications for the public as a minimum measure of government transparency. Regulatory departments should provide public notifications of genetically engineered product approvals such that regulatory decisions are announced to the public by the government, rather than by private companies.

Bioceres announced Canadian approval of its HB4 soy via a press release on June 1st. As of June 10, notice of approvals by Health Canada and the CFIA do not appear on the respective websites. This minimal information should be posted simultaneously with notification of approvals sent to product developers.

The company Bioceres is also interested in commercializing their HB4 technology in wheat. As you are aware, the commercialization of genetically engineered wheat is of great concern to many farmers, agri-food and civil society organizations, and members of the public. If government notification of approval decisions does not occur before or simultaneously with notification to product developers, it is possible that Canadian farmers and other members of the public could find out about a first Canadian approval of a genetically engineered wheat from a company such as Bioceres rather than from the government. Without information immediately available from the regulatory departments, there would be considerable confusion, mistrust and, potentially, market harm. This scenario highlights the need for reliable, timely public notifications.

In our view, providing notifications of regulatory decisions to product developers before notifying the public results in a lack of transparency and suggests that the departments consider this information to be less important for the public.

We would also like to reiterate the importance of publishing Decision Documents for public transparency. The Canadian Biotechnology Action Network has previously raised our concern that

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Decision Documents are not published at the same time as notifications of approval but appear at unspecified times post-approval. Because the Decision Documents are the only substantive public information about approved genetically engineered products (describing the products and technology as well as how the decision made) they are particularly crucial to providing transparency and minimal information to the Canadian public.

As noted in our comments submitted to Health Canada in the consultation on regulatory guidance for novel foods, the importance of the Decision Documents, along with current novel food listing, is discussed in the Guidelines for the Safety Assessment of Novel Foods: "In light of widespread interest in novel foods and, in particular, those produced by the techniques of biotechnology, the Food Directorate is of the view that mechanisms to inform the public about such new products are needed."

However, four of the novel foods approved by Health Canada's are currently listed without Decision Documents:

1. Enhanced Yield and Herbicide Tolerant Maize DP-202216-6, Pioneer Hi-Bred Canada Company, 2020/09/30
2. Simplot Innate®Potato Event Gen2-Z6, J.R. Simplot Company, 2020/09/24
3. Imidazolinone herbicide tolerant grain sorghum - ADV-IMI-R, Advanta Seeds, 2020/05/07
4. Insect-resistant sugarcane CTC91087-6, Centro de Tecnologia Canavieira, 2019/09/09

Consistency, accessibility, and timeliness of information are key to transparency. This is also why, as discussed in our consultation comments submitted to Health Canada, voluntary product developer disclosure of information would not provide transparency (Please see our comments submitted to the Bureau of Microbial Hazards, May 11).

We ask that, at a minimum, Health Canada and the CFIA provide notification of product approvals to the public concurrent with notifications to developers. We ask that Canadians find out about public decisions from decision-makers, not from private companies.

As the departments consider comments from the public about transparency in relation to new regulatory guidance proposals, we ask you to assess how existing mechanisms are failing to provide the necessary transparency and how the departments may provide improved information to the public.

Thank you for attending to this important issue.

Sincerely,

Devlin Kuyek
CBAN Steering Committee