



PROVISION COALITION

PROCESSING FOOD SUSTAINABLY

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Brief 5: Requirement for Pre-market Environmental Safety Assessment under CEPA as well as Pre-market Safety Assessment by Health Canada and/or Canadian Food Inspection Agency (CFIA)

Date: March 25, 2014

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Did you know that the Government of Canada requires all food additives and food contact materials (used in meat and poultry) to undergo an environmental risk assessment **in addition** to any human health safety assessments prescribed in the regulation? This briefing outlines important information that you need to know before you make your submission for the human health safety assessment of food additives and food contact materials. The document also outlines why you may also need to obtain pre-market approval from Environment Canada, if the food additive or substance(s) comprising food contact material is not on the Domestic Substances List [DSL] or the In Commerce List [ICL].

Human Health Safety Assessment of Food Additives and Food Contact Materials

Food companies and importers are required, under the Food and Drug Regulations [provision B.16.002], to obtain approval from Health Canada for the manufacture or use of a new food additive prior to use of the additive in Canada, or the import of a food product containing the additive. A food additive must appear in the list of food additives in Division 16 of the Food and Drug Regulations or the Health Canada list of permitted food additives (<http://www.hc-sc.gc.ca/fn-an/securit/addit/list/index-eng.php>) before it can be used or imported in a food.

As per Section 32 and paragraph 92 (2)(b) of the Meat Inspection Regulations, 1990, materials that come in contact with the food [meat] surface including packaging, processing equipment and construction materials are subject to review by the Canadian Food Inspection Agency (CFIA) prior to use in a federally registered meat establishment. Such materials must appear on the CFIA Reference Listing of Accepted Construction Materials, Packaging Materials and Non-Food Chemical Products. <http://www.inspection.gc.ca/food/safe-food-production-systems/technical-references/reference-listing/eng/1375038742229/1375038784748>

It is industry practice to seek a Letter Of No Objection [LONO] from Health Canada for packaging materials and processing aids prior to use of a new material that will come in contact with fish, seafood, eggs, as well as dairy, fresh fruits and vegetables, non-meat manufactured and processed products.

Requirement for Environmental Risk Assessment

Under the Canadian Environmental Protection Act [CEPA'99], an environmental risk assessment of a new substance including food additives, colours and flavours, substances used in food packaging, manufacturing equipment and construction materials, is required prior to the use of or import of the substance or a product containing the substance into Canada.

The substances that comprise food additives, packaging materials, manufacturing equipment and construction materials must appear on the Domestic Substances List [DSL] or the In Commerce List [ICL]. Substances not appearing on the DSL or the ICL are not permitted for use in Canada or to be present in food or food packaging or contact materials that are imported into Canada.

Substances not on the DSL are required to be notified to Environment Canada as prescribed under the New Substance Notification Regulations. <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-247/index.html>

The DSL is the list of substances that were in commerce in Canada between 1984 and 1986 and new substances which were assessed under the New Substance Notification Regulations since their introduction in 2005.

The ICL is the list of substances in products regulated under the Food and Drugs Act that were in commerce between January 1987 and September 2001. This ICL contains food additives along with substances used in natural health products, human pharmaceuticals, veterinary pharmaceuticals, medical devices and cosmetics.

Health Canada and CFIA Safety Assessment Process

During the risk assessments conducted by Health Canada and CFIA, reviewers confirm whether or not the substances comprising the food additive or material under review are listed on the DSL or ICL. The review of the submission is delayed or terminated when substances are found to be absent from either list.

Notification Decision Tree

The decision tree on the following page is intended to assist Provision's member companies with determining the notification requirements when considering the use of, or import of, a new food additive or food contact material.

Determining the Notification Requirements for Food Additives and Substances in Food Contact Materials

