



PROVISION COALITION

PROCESSING FOOD SUSTAINABLY

100 Stone Road West, Suite 205
Guelph, Ontario N1G 5L3
P. 519-822-2042
info@provisioncoalition.com
www.provisioncoalition.com

Food Substances Alert – The Government of Canada Will Stop the Manufacture or Import of Food Substances Not Listed on National Registers

Date: February 17, 2015

Prepared by: Keith Mussar

Keith Mussar & Associates
Agri-FOOD CONSULTANTS

Risk Outlined In This Brief That May Affect Your Business

If a food substance used in your product or product packaging is not listed on the **Revised In Commerce List and/or the Domestic Substances List**, it is your regulatory responsibility to have it added. The Government of Canada can stop the manufacture or import of food and food packaging containing a substance that is NOT found on either the revised In Commerce List or the Domestic Substances List.

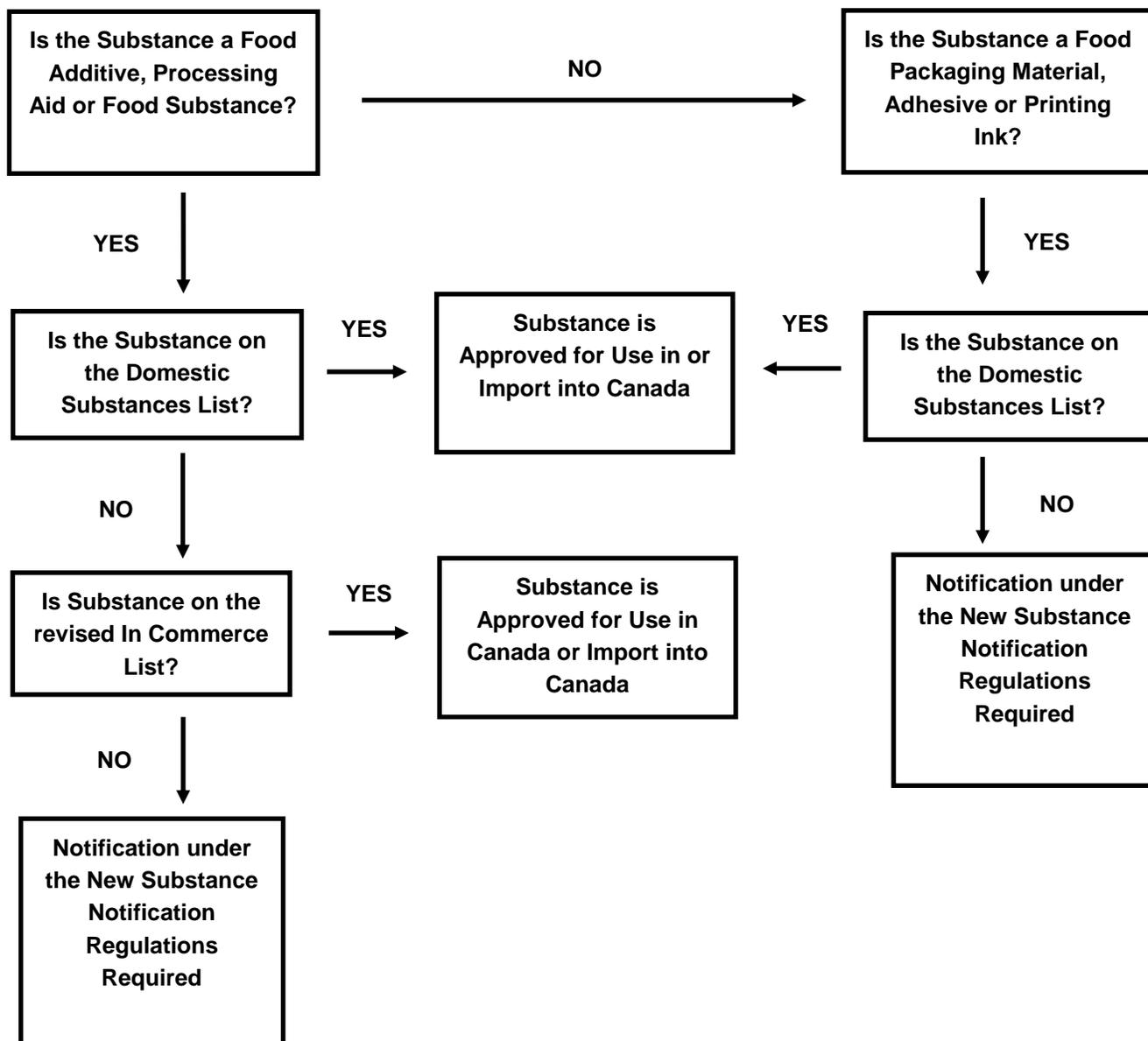
Background

Health Canada and Environment Canada continuously evaluate the human health implications and environmental safety of all substances used in food and food packaging that are sold in Canada. Food additives, food processing aids and food substances (such as flavours, colours, etc.) **MUST** be listed on either the revised **In Commerce List** or the **Domestic Substances List** in order to be used in Canada or contained in a food that is imported into Canada.

Similarly, substances used in food packaging in Canada or imported into Canada for use in food packaging, including inks and adhesives, **MUST** be listed on the Domestic Substances List. As such, it is important that food and beverage manufacturers be aware of their obligations with respect to these lists and take the necessary steps to ensure compliance going forward.

When Is Notification Of A Substance Required?

The following flow chart will help member companies determine if a substance is approved for use in Canada and when it is necessary to notify a substance under the New Substance Notification Regulations before it can be used.



How To Add Substances to the Revised In Commerce List and the Domestic Substances List

Adding Substances to the Revised In Commerce List

Information on adding or nominating food additives, processing aids and food substances to the revised In Commerce List, along with the forms that must be completed, can be obtained on the Health Canada website at <http://www.hc-sc.gc.ca/ewh-semt/contaminants/person/impact/list/nomination-declaration-eng.php>

Adding Substances to the Domestic Substances List

For food packaging substances or new food additives to be added to the Domestic Substances List, the substance must be pre-approved for use by Health Canada and Environment Canada. Information on how to obtain this approval, and the data that must be submitted, can be found in the New Substances Notification Regulations (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-247/index.html>) and in the Guidelines for the Notification and Testing of New Substances - Chemicals and Polymers <http://publications.gc.ca/site/eng/280464/publication.html>

What is the Revised In Commerce List?

The **“In Commerce List”** is the original Health Canada list of substances that were used in cosmetics, pharmaceuticals, veterinary drugs, biologics and genetic therapies and medical devices in Canada between January 1, 1987 and September 13, 2001. Food additives (e.g. lecithin), colours (e.g. caramel colour) and enzymes (e.g. amylopectin) were added to the original In Commerce List in 2013 and the combined list is now called the **“revised In Commerce List”**. The list is available on the Health Canada website <http://www.hc-sc.gc.ca/ewh-semt/contaminants/person/impact/list/reg-eng.php>

Food and ingredients (e.g. flavours) meeting the definition of food found in Section 2 of the Food and Drugs Act <http://laws-lois.justice.gc.ca/eng/acts/f-27/page-1.html#h-2> are considered to be “implicitly listed” on the revised In Commerce List.

The revised In Commerce List is administered and maintained by Health Canada. It can be found on the Health Canada website at: <http://www.hc-sc.gc.ca/ewh-semt/contaminants/person/impact/list/reg-eng.php>

Entries on the revised In Commerce List are identified by a unique substance number or identifier (the Chemicals Abstract Services or CAS number), a substance name or “Sub Name” which is the commonly used name for the substance and, in some cases under “Index”, the chemical name or alternative name(s) that the substance may be called as illustrated in Table 1.

Table 1: Examples of Substances Listed on the revised In-Commerce List

CAS No.	Sub Name	Index
1.11.1.6	Catalase	
68876-77-7	Dried Yeast	Saccharomyces cerevisiae
26566-34-7	Sorbitol	Glucitol
62624-30-0	Vitamin C	DL-Ascorbic acid
84082-51-9	Whey Protein	
84650-00-0	Coffee	
89382-88-7	Saffron	C.I. Natural Yellow 6

Should one enter “revised in commerce list” into a search engine, an alternative Health Canada web page for the revised In Commerce List may be accessed http://www.hc-sc.gc.ca/ewh-semt/contaminants/person/impact/list/revised-icl_lsc-reviser_tbl-eng.php

This version of the revised In Commerce List is not as user friendly. The substances listed in this table are the same as those in the list referenced above; however, the table format is different and in some cases only the scientific or chemical name for the substance is provided. For instance, in the case of the enzyme catalase CAS No. 1.11.16 (Table 1), the name appearing in this version of the revised In Commerce List is the chemical name for catalase; hydrogen-peroxide:hydrogen-peroxide oxidoreductase.

To facilitate searching of the revised In Commerce List, interested parties can copy the revised list into an Excel spreadsheet and use the Excel search feature. The revised In Commerce List, as published on the Health Canada websites, does not have a search option.

Foods Additives Not Required to be Listed on the Revised In Commerce List

Food additives that meet the following criteria are not required to be listed on the revised In Commerce List.

- Food additives that are (i) naturally occurring and that are unprocessed or (ii) are naturally occurring and are processed only using manual, gravitational or mechanical means, by dissolution in water, by flotation or by heating solely to remove water (e.g. carrageenan in ground seaweed). (see Section 3.3.6 Guidelines for the Notification and Testing of New Substances: Chemicals and Polymers <http://publications.gc.ca/collections/Collection/En84-25-2005E.pdf>)

AND

- Food additives that are a natural source material or an extract or isolate from a natural source material and
- The primary molecular structure is unaltered from its structure as it occurs in the natural source (e.g. lecithin), or
- The food additive is a salt or derivative of a substance which meets the above criteria and the structural alternations are reversible under environmentally relevant conditions (e.g. sodium caseinate)

Prioritization of Substances on the Revised In Commerce List

Substances listed on the revised In Commerce List are undergoing prioritization by Health Canada and Environment Canada to identify those substances which may pose a threat of significant harm to human health or the environment. It is expected that Provision Coalition's member companies and other industry stakeholders will be contacted by Health Canada to provide data on selected substances as that process continues.