



Goodbye and hello, new food standards

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In November 2023, proposed regulations that would significantly amend the *Food and Drug Regulations* (*FDR*) were published in *Canada Gazette I*. When finalized, the amendments would impact how food standards, food additives, microbiological criteria and methods of analysis govern foods at a federal level.

While the amendments would significantly alter the anatomy of food regulations in *FDR*, the application of the new rules would generally have the same outcome as the current one. However, the proposed changes would address some housekeeping issues, such as repealing the food additive tables that are currently still codified in Division 16, *FDR*. Perhaps the most significant focus of the proposed changes is that Health Canada and the Canadian Food Inspection Agency (CFIA) can modernize rules related to the substantive elements of food standards, which is desperately needed for some (*e.g.* those for spices and flavours). Essentially the updates carve out the structure of modern rules, including incorporation by reference (IbR), whereby Health Canada and CFIA can more effectively address modernization.

In Canada, food standards are governed by federal and provincial governments. Food standards at the federal level are split into those under IbR by *FDR* and *Safe Food for Canadian Regulations* (*SFCR*). The proposed amendments speak specifically to those under *FDR*. The current *FDR* (Part B) is subdivided into various divisions, largely related to commodity groups like alcoholic beverages, grain and bakery products, dairy, meat, etc. Within those divisions, certain foods with prescribed composition, strength, potency, purity, quality or other properties are designated as standardized foods.

When first established, *FDR* was intended to be administered and enforced by a government entity dedicated to those rules. These rules, in a simplified generic perspective, can be related to 'health and safety' as well as 'trade and commerce'.

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The proposed amendments would essentially separate criteria related to 'health and safety' and 'trade and commerce'. From an administration viewpoint, this would then better align with Health Canada and CFIA's mandates.

If, as an example, we examine the current food standard for wheat flour in B.13.001, *FDR*, we can see that standard prescribes the particle size of the bolted flour, moisture content, the grain proportion of bran and germ, and what other ingredients (*e.g.* malted barley flour) can be added. The standard also requires the flour to be fortified with thiamin, riboflavin, niacin, folic acid and iron. Optional addition of vitamin B6, pantothenic acid, magnesium and calcium is also permitted. It can be observed that the standard for white flour, as many other current standards, prescribes the use of food additives. However, food additive rules under *FDR* were amended in 2012, when 15 separate food additive tables were established (IbR) under 15 food additive marketing authorizations (MA). MAs are ministerial regulations under *FDR*. Within the 15 MAs for food additives are notwithstanding provisions whereby when a food additive is identified for use in a food in its respective food additive table, the application of the food additive is not limited by the food standards. In other words, the 15 food additive MAs and their IbR tables are paramount when it comes to applying food additive rules. This was done as a temporary workaround until the needed *FDR* changes can be made. Now is the time.

It has been proposed that the vitamin and mineral rules for wheat flour be retained in the *FDR* (B.13.001). The other compositional parts and 'trade and commerce' aspects of the flour standard would be repealed and consolidated in a new IbR document called Food Compositional Standards Document. The food additive reference would be wholly repealed. Health Canada also proposes to repeal the current 15 food additive MAs and their IbR tables and reconsolidate those in 15 List of Permitted Food Additives table, IbR directly under *FDR*. Health Canada will add another column, 'Notes,' to these tables. This new column will identify the reference to the notice of modifications amending the table, making archival research simpler.

The proposed food compositional standards capture 19 specific food commodities currently governed in Divisions 1 to 22, *FDR*. Divisions 3 (Baking Powder), 4 (Cacao and Chocolate Products), 5 (Coffee) and 20 (Tea) would be repealed entirely. Of course, their standard will be transferred to Canadian Food Compositional Standards IbR document.

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