

New Substances Program Advisory Note 2004-03

“Importing or Breeding Genetically Modified Tropical Fish¹”

This Advisory Note is to inform importers and producers involved in the pet trade business that genetically modified tropical fish are subject to the New Substances Notification Regulations of the *Canadian Environmental Protection Act, 1999*.

Background

The Canadian Environmental Protection Act, 1999 and its *New Substances Notification Regulations (NSNR)* apply to new substances that are manufactured in or imported to Canada. This includes new genetically modified organisms. Prior to their introduction to the Canadian market, manufacturers and importers of such substances are required to supply to the Minister of the Environment the information prescribed by these regulations that will allow this Minister and the Minister of Health to perform a risk assessment to determine if the organism poses a risk to the health of Canadians and to their environment.

Genetically modified tropical fish have recently been introduced to the global market. Bio-engineered zebra danio fish (sold as ‘GloFish™’) and genetically modified Rice fish (sold as ‘TK-Fish™’) are examples of fluorescent fish being sold to the public. With the assistance of biotechnology, genes that allow jellyfish or sea anemones to fluoresce have been added to the genes of these tropical fish to give them a luminescent appearance. These fish come in a variety of colours. Their luminescence becomes more striking under ultraviolet light.

¹ This Advisory Note focuses on the import and production of genetically modified tropical aquarium fish but the NSNR apply to all genetically modified fish. These fish are living organisms, as defined in Part 6 of the CEPA 1999 which are substances that are animate products of biotechnology. ‘Substance’ and ‘biotechnology’ are defined in subsection 3(1) of the CEPA 1999; biotechnology means the application of science and engineering in the direct or indirect use of living organisms or parts or products of living organisms in their natural or modified form.

Legal Obligations and Responsibilities

Any person producing, breeding and/or importing these fish for personal use or for profit must provide specific information prescribed by the NSNR to Environment Canada. Based on this information, it will be determined if the fish pose a risk to the environment or human health. If necessary, risk management measures could be imposed.

Therefore, as for all other genetically modified organisms, all transgenic fish not found on the *Domestic Substances List* must be notified to the Minister of the Environment by submitting the prescribed information before their introduction to Canada.

Environment Canada recommends to all importers or producers of genetically modified fish to collect, at their place of business in a separate aquarium, all genetically modified fluorescent fish. Dead specimens are to be frozen. In the near future, Environment Canada will inform you on what to do next.

Contact Information

If you have any questions, please contact the New Substances Information Line at 1-800-567-1999 (within Canada), (819) 953-7156 (outside Canada), or by e-mail at nsn-info@ec.gc.ca.

Original signed by

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Signed on March 19, 2004