



Organic Industries

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Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604

Submission: Proposal P1055—Definitions for gene technology and new breeding techniques

As Australia's independent peak industry organisation representing the diverse members of the Australian organic industry, Organic Industries of Australia Ltd (OIA) has some comments on the proposal to amend the definitions for 'food produced using gene technology' and 'gene technology' in the Australia New Zealand Food Standards Code (the Code). These definitions determine what foods are classed as genetically modified (GM) food under the Code.

Overall, while we support improved clarity for the definition of GM food, we think this proposal is designed to confuse rather than clarify. In particular, the assessment promotes a false equivalence that new breeding technique (NBT) food is produced with an outcome that might occur using natural selection techniques. That is clearly not the case, and the onus should be on the proponent to prove the safety of every instance of GM manipulation.

We are most concerned that this acceptance of GM food, if adopted, will then be used as a base from which will come further proposals to exempt genetic modifications from safety assessment. Once some GM food is exempt, there will be a lower hurdle to a future proposal to exempt GM food just a little more.

The organic industry is deeply concerned that tactical GM deregulation of this type will compromise certified organic exports to the European Union and China, and will erode consumer confidence in Australian food producers and manufacturers. Overwhelmingly, overseas markets do not want GM foods, and are worried by the environmental contamination of our organic foods with GM breeds. And we consider that Australian consumers should be afforded more transparency and safety, not less.

Yours faithfully,

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Specific comments

1. We support improved clarity in the definition of GM food.
2. We support hybrid process & product-based definitions to ensure capture of all GM foods.
3. We reject that the risk of subjecting all GM foods to pre-market assessment is not justified.
 - a. Other countries adopting exclusion from regulation is a poor justification for Australia to follow that trend.
 - b. “Absence of GM DNA” or “similarity to conventional” are a matter of measurement resolution, and do not justify exclusion from regulation.
4. We consider that all NBT foods should be regulated.
 - a. We disagree that FSANZ should casually discard its care for food safety through unsubstantiated assessment of “in a manner that matches the risk they pose.”
 - b. If there are “equivalent characteristics and risk” then why use the GM process at all?

Food category	Captured for pre-market assessment & approval
Food produced using gene technology where foreign DNA inserted (GM food)	YES
Food from null segregants	YES
NBT food that has the same characteristics as conventional food	YES
NBT food that has new or altered characteristics compared to conventional food	YES
Refined ingredients where no novel DNA and novel protein is present in the food for sale	YES
Refined ingredients where novel DNA and no novel protein is present in the food for sale	YES (not addressed in FSANZ paper)
Refined ingredients where novel DNA and novel protein is present in the food for sale	YES
Conventional food	NO

- c. Avoidance of enforcement challenges does not support a policy of exclusion from regulation.
 - d. In respect of seeking industry consultation on the process of FSANZ safety assessment of GM foods, we support that this should include long term human trials before the foods are considered ‘safe’.
5. There should be no exclusions permissible within the definition of ‘food produces using gene technology’.
 - a. GMO foods that have been in distribution for some time cannot be excluded.
 - b. Refined ingredients cannot be excluded.
 - c. Any plant material derived from any NBT cannot be excluded.

6. All facilities of production or processing GM food should be registered and regulated.
 - a. Lessons learned from biosecurity endorse that it is the responsibility of regulators to ensure the source of contamination is monitored.
 - b. GM foods should be treated in the same management infrastructure as alcohol, tobacco and opioids as products with potential for human harm, including reporting of input and output streams where GM processes are deployed.
7. Food safety
 - a. Allowing exclusions for use of GM in human foods does not provide certainty that they are safe.
 - b. GM infiltration into foods introduces risks by definition. If they had the same characteristics or risks as conventional foods, then there is no case to support their introduction.
8. Australia's competitiveness in the global food market
 - a. Introduction of exclusions from GMO regulations introduces risks to foods sourced from Australia. In particular, our key export markets are concerned about environmental contamination of Australian organic foods from GMO sources. There is a real risk of Australia losing accreditation of organic certification in these markets.
 - b. As organic systems involve certification of process, food producers who are exposed to environmental contamination (that is, from chemical residues or GM contamination) can be decertified and may even face litigation from other producers for consequential impacts.
 - c. The absence of information (labelling and regulation) is a key concern—the absence of identification of the source of that contamination becomes undefendable, and will impact Australian export opportunities.