

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 23 October 2012 5:18 PM

To: [REDACTED]

Subject: RE: position [REDACTED] [DLM=For-Official-Use-Only]

Dear [REDACTED]

[REDACTED] has today signed a letter to [REDACTED] regarding the regulatory status of seed produced with the SPT process. The key text from the letter is as follows:

On the basis of information provided by you in your letter and in the publicly available USDA documents related to their determination on SPT, it is expected that the genetic modification present in the maintainer line is unlikely to be inherited by later generations in the production process. We note that biological mechanisms would limit inheritance of the genetic modification, and that Pioneer Hi-Bred International has implemented processes to ensure that the seed/grain in question does not include seed containing the genetic modification.

It is my opinion that these seed/grain produced through the SPT process, and which do not contain the genetic material that was introduced into the maintainer line, do not fall within the definition of GMOs in section 10 of the Act. This is because these are not organisms which have themselves been modified by gene technology (paragraph (a) of the definition of a GMO) nor are they organisms that have inherited particular traits that occurred in an initial organism because of gene technology (paragraph (b) of the definition).

However maintainer line seed, or other seed carrying any part of the genetic modification from the maintainer line, are GMOs and must not be dealt with in Australia without appropriate authorisation under the Act.

Please note that this response to your enquiry represents my view based on a review of the information before me at this time. It is not to be considered legal advice.

[REDACTED]

I would be glad to hear how FSANZ progress in consideration of this issue.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

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