

**Submission to FSANZ review:
Food Derived using New Breeding Techniques,
April 2018
Troy Lever BSc.**

It appears this review apparently avails to corporate stakeholders, the opportunity to have all GMOs deregulated since as indicated on page 10 of the consultation paper, "Although not a NBT, transgenesis would also belong in this group" and "From a technical perspective there is no distinction between cisgenesis, intragenesis and transgenesis as all three techniques involve introducing new pieces of DNA into the genome using gene technology" ..?

Such an outcome clearly presents marketing leverage to corporations pushing GMOs with a complete disregard for the consumers right to know since it allows them to get in under the radar of consumer discretion by making unavailable to consumers the ability to even discern as there will be no easy basis to do so. From a consumer and citizen perspective then, the validity of the review itself is therefore called into question.

Never-the-less

3.1.1/ "Do you agree, as a general principle, that food derived from organisms containing new pieces of DNA should be captured for pre-market safety assessment and approval?"

Unless FSANZ is to completely abdicate its duty of public safety around GMOs, then I don't see it has an alternative and obviously, a decision to deregulate is one of abdication. The safety issues around on-target changes are one thing upon which substantial equivalence assessments have presumably focussed? Clearly every GMO is unique in the on-target respect but not only is this a proposal to throw caution to the wind there but again in the consultation paper is admission (page 12) around the fact that off-target changes cannot be assured against. Though techniques for their detection may be improving says nothing about their adequacy in critical instances or that they will even be used...? FSANZ clearly knows this then, and so any basis for dismissal cannot be one of risk elimination.

3.1.2/ "Should food from null segregant organisms be excluded from pre-assessment and approval?"

No, FSANZ itself acknowledges the difference between traditionally cross-bred varieties and null segregants. Why else would it have encouraged applicants to compare their GE proposals with a similar null segregant? (page 11) "It has been common practice for a number of years for FSANZ to allow the use of null segregants as non-GM comparators for compositional analysis as part of a GM food safety assessment" What's the benefit of using

a null segregant if not to minimise differences that would be greater if using a traditional cross breed that had not come about with the use of irradiation or mutagenesis, as a base-line for comparison?

Regardless of the fact that they are clearly unique organisms in DNA arrangement, that a null segregant may by definition not contain new DNA does not mean that which presents as a null segregant actually is one.

3.1.3/ "Are foods from genome edited organisms likely to be the same in terms of risk to foods derived using chemical or radiation mutagenesis? If no, how are they different?"

Each artificially produced organism using any of the mentioned modes is clearly unique with unique specific risks to consider. My concern here is the implied proposition of radiation and mutagenesis as a hypothetical base-line comparator over organisms traditionally bred in the true sense without use of such artificial techniques. Unless with a view of capturing new irradiated or chemically mutated DNA, I cannot accept the otherwise implied premise of the question.

3.2/ "Are you aware of other techniques not currently addressed by this paper which have the potential to be used in the future for the development of food products?"

Again, from the consultation paper (page 13) "In undertaking this review the focus has been on those techniques considered most likely to be used in food production and which were the subject of technical workshops hosted by FSANZ in 2012 and 2013" ...it's now 2018, biotech isn't standing still and who knows what technologies are coming? It should also be considered that just because a hypothetical technology is new does not it is safer.

Regardless of how safe they are, FSANZ is apparently proposing automatic deregulatory status if this goes through? This question puts the onus on those making submissions who are concerned about their right to choose and the appropriate transparency to that end, to demonstrate that there isn't currently a case for concern in this regard. Given transgenesis is not even excluded from deregulatory consideration adds to the concern around herbicide resistance and the probable carcinogenicity of Roundup for example, found by the IARC.

3.3/ "Do you think a process-based definition is appropriate as a trigger for pre-market approval in the case of NBTs? If no, what other approaches could be used?"

Not alone, it's inadequate. Every organism is unique. Given the nature of

the question though, it would appear that if not having any approach at all is not an option then you'll stick with the process approach? If that's what happens then it should apply in as highly detailed specificity and transparency as possible.

3.4/ "Are there other issues not mentioned in this paper, that FSANZ should also consider, either as part of this Review or any subsequent proposal to amend the Code?"

In addition to acknowledged concerns and others, it should consider that corporations which straddle agriculture and pharmaceuticals are financially incentivised to be less vigilant in avoiding the creation of health problems for which it may then offer solutions and that by FSANZ abdicating its responsibility around GMO deregulation, that way ahead is opened up with significantly lower risk to corporations with respect to the problem creation aspect and significant profits to be made in the problem solution aspect. A corporation has a responsibility to make as much money as possible. Reducing accountability on safety as deregulation does amounts to the dropping of a significant deterrent to that end. Will it be completely disregarded as a FSANZ responsibility to help maintain such deterrents?