

3rd December 2021

Food Standards Australia New Zealand
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Re: Proposal P1055 - Definitions for gene technology and new breeding techniques

1. Introduction

Grain Trade Australia (GTA) appreciates the opportunity to provide this submission to the Food Standards Australia New Zealand (FSANZ) consultation on Proposal P1055 - *Definitions for gene technology and new breeding techniques*.

Gene technology and plant breeding innovation is an important issue for the grain industry. GTA has been actively involved in industry discussions on this issue both globally via membership of the International Grain Trade Coalition (IGTC) and domestically via the GTA Technical Committee on Plant Breeding Innovation that brings together representatives from across the Australian grain and seed value chain.

A major challenge for the grain industry is the lack of consistency in regulations regarding gene technology regulation globally. GTA works with the global grain industry to try and achieve global harmonisation in the approach to regulation and to encourage adoption of a similar approach across jurisdictions as this can lead to legal certainty and will provide the lowest chance of trade disruptions.

Alignment and regulatory coherence will assist governments to avoid unnecessary erosion of value from innovation and/or driving up costs and complexity in the global food system.

GTA is supportive of Proposal P1055, its risk-based approach and FSANZ's preferred option 3. This reform will assist to future-proof the regulatory approach and provide clarity and certainty on the regulatory status and assessment requirements for food produced using new breeding techniques (NBTs). GTA supports the approach that regulation:

- should not be unnecessarily restrictive;
- commensurate with identified risks; and
- underpin health and safety of Australia's food supply.

2. About GTA

GTA is the focal point for the commercial grain industry within Australia. It facilitates trade and works to provide an efficient, equitable and open trading environment by providing leadership, advocacy and commercial services to the Australian grain value chain.

GTA members are responsible for over 95% of all grain storage and freight movements made each year in Australia. Over 95% of the grain contracts executed in Australia each year refer to GTA grain standards and/or trade rules.

GTA members are drawn from all sectors of the grain value chain from production to domestic end users and exporters. GTA members are involved in grain trading activities, grain storage, grain for human consumption and stock feed milling.

Thus, this submission is made within this context and focuses on the options in the consultation paper from a trade facilitation perspective. As such, GTA's submission focuses on the options to ensure regulation is science and risk-based and does not provide detailed comments on the operational aspects of regulations. GTA notes that the Australian Seed Federation (ASF) and CropLife have raised the need for further information, clarity and consultation in relation to:

- the role of the proposed 'Advisory Committee';
- the proposed new definitions; and
- the proposed Exclusion Criteria.

3. GTA position

GTA supports the finding of the Review that foods derived from the use of NBT should be regulated in proportionate with risk. We welcome the recognition that some foods derived from NBT have characteristics as conventional foods, and as such, should not require pre-market safety assessment in the same manner as foods derived from the use of genetic modification technology.

This most closely aligns to GTA's preference for a science and risk-based approach to assessment and regulation.

GTA supports the approach that where food derived from the use of NBT is equivalent in risk to food derived from conventional breeding, then a pre-market safety assessment is unnecessary. Further GTA notes:

- the proposal for introduction of an Advisory Committee and believes that any such Committee, if appropriate, should be implemented in a manner that reduces regulatory burden and cost
- concerns by ASF and CropLife regarding:
 - the proposal for an all-encompassing definition of *gene technology* and risk that this extends the regulatory ambit of FSANZ, is not risk-proportionate, scientifically justified, nor consistent with the policy to regulate GM foods, and
 - the revised definitions for '*conventional breeding*', '*foreign DNA*' and '*gene technology*', and note that it is important that definitions are practical, meaningful and do not create unintended consequences for the grain industry
- the need for clarifications to the Exclusion Criteria to ensure these are applicable to the Australian context.

GTA notes that ASF and CropLife have proposed that the development of a comprehensive set of guidance materials may remove the need for an Advisory Committee. GTA supports the development of appropriate and clear guidance materials regarding the exclusion criteria and believe such guidance material will assist with decision making and alignment with the requirements of the Code.

GTA agrees that there is a lack of clarity regarding what the current definition *gene technology* captures. GTA supports definitions that are based on science and harmonised with other international regulatory systems as appropriate.

Given concerns and queries that have been raised by industry, we support there being further consideration of the five proposed '*exclusion criteria*' to ensure these do not create an undue regulatory burden, and that regulation is aligned to the risk that may be posed by these products.

As noted above, GTA believes it is important that FSANZ keeps abreast with the diverse international developments in regulatory approaches to NBTs as international harmonisation is critical for an efficient and internationally competitive grain industry. A major challenge for the global grain trade is the lack of consistency in regulations regarding gene technology regulation globally. GTA supports the harmonisation of regulation and encourages Australia to remain involved and where appropriate take leadership in international forums on gene technology related issues. GTA works with the International Grain Trade Coalition (IGTC) to try and achieve global harmonisation in the approach to regulating such activities. Alignment and regulatory coherence will assist governments to avoid

unnecessarily eroding the value of the innovation and/or driving up costs and complexity in the global food system.

GTA welcomes the FSANZ approach to further consult with stakeholders to ensure Australia has a *fit for purpose* approach that provides confidence to consumers, without hindering innovation for Australian farmers, nor adversely impacting trade.

Please do not hesitate to contact GTA should you require further information.

Yours faithfully,

