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SUBMISSION TO FOOD STANDARDS AUSTRALIA NEW ZEALAND

Second call for submissions: Proposal P1055. Definitions for gene technology and new breeding techniques

PREAMBLE

The Soil & Health Association of New Zealand is an incorporated society founded in 1941. Its primary purpose is to promote and advocate the production and consumption of organic food. Our motto is 'Healthy soil – healthy food – healthy people: Oranga nuku – oranga kai – oranga tāngata'.

We represent approximately 17,000 members and supporters around Aotearoa New Zealand, including consumers, home gardeners, farmers, business people, chefs and more.

The Soil & Health Association (hereafter the Association) welcomes the opportunity to submit on this proposal to "revise and update the definitions in the Australia New Zealand Food Standards Code (the Code) for 'food produced using gene technology'

and ‘gene technology’ to make them clearer and to better reflect existing and emerging genetic technologies, including new breeding techniques (NBTs)”.

The Association also refers FSANZ to our earlier submission on 21 December 2021; all our points in this submission still stand.

Definitions

- **Food:** in our submission includes foods, food ingredients, additives, processing aids, colours, flavours etc.
- **Genetic engineering (GE):** in our submission we use this term for all types of genetic engineering, including gene editing, synthetic biology, GE fermentation, null segregants, cell-cultured foods, anything with ‘novel’ DNA and ‘new breeding techniques’.

SUBMISSION

PLEASE NOTE: 2021 submission also attached

1. The Soil & Health Association sent a submission on P1055 to submissions@foodstandards.gov.au on 3 December 2021 and has a record of this email being sent by our National Councillor at the time, Jodie Bruning (see PDF attached to cover email).

2. However, it appears this may not have been received, as no submission from the Soil & Health Association is recorded in FSANZ's summary of feedback from the 2021 consultation. This calls into question the completeness of the 2021 summary of feedback.

3. We have attached our 2021 submission again, to include it as part of our 2024 submission and to reiterate all the points we made in 2021.

Extension of time

4. The Association requests an extension of time to respond to this consultation of at least one month.

5. The time frame has been too short to adequately give the public and consumer advocacy groups time to consider, evaluate, consult our members and respond to the proposal.

Keep the current regulatory framework

6. We categorically reject the proposal.
7. We want all genetically engineered food available for sale in Australia and New Zealand to continue to be publicly notified, assessed for safety by FSANZ, labelled, and expressly permitted (or rejected) by the Code.
8. The proposal by FSANZ does not achieve what it sets out to do, namely clarify the definitions for ‘gene technology’ and ‘food produced using gene technology’.
9. Instead of clarification, the proposal merely changes the definition.
10. Exempting food and ingredients produced using gene editing (‘NBTs’) from the definition of ‘genetic engineering’ (or ‘genetic modification’) would do the opposite of clarification – it would reduce transparency and hide ‘NBTs’ from regulatory and public scrutiny.

Keep the current definition of genetic engineering

11. We are strongly in favour of keeping the current definition of genetic engineering.
12. The ‘new breeding techniques’ that FSANZ refers to (primarily gene editing techniques such as CRISPR-Cas9, zinc-finger nuclease etc.) are widely understood globally and by consumers to be genetic engineering. The definition of genetic engineering includes gene editing.
13. NBTs are simply newer versions of earlier forms of genetic engineering. They are still tools for guided or site-directed DNA modifications.

Informed choice for consumers

14. Consumers want to know not only what is in their food, but also how it is processed.

15. We want full disclosure and labelling of any foods that have been created using genetic engineering, gene editing, or ‘new breeding techniques’ at any stage in the production process.
16. Consumers have many reasons for wanting to avoid GE food – such as health, environmental, ethical, cultural, philosophical, climate change and more.
17. In order for consumers to be able to make informed choices about their food, the definition of genetic engineering must include techniques such as gene editing (‘NBTs’).

Process AND product

18. Our members and supporters are highly concerned about how their food is produced. They want food that is natural and unadulterated, free from harmful chemicals and toxins, and produced in ways that enhance our soils, environments and communities.
19. Excluding food ingredients from the legal definition of genetic engineering simply because they do not have (or are purported not to have) any ‘novel DNA’ in the final product is unacceptable to many consumers.
20. Our supporters want to avoid ultra-processed foods and food ingredients (including additives, processing aids) produced using genetic engineering, gene editing and ‘NBTs’. These types of foods and ingredients are contributing to adverse health outcomes including obesity, diabetes, digestive problems and cancers.
21. Therefore full disclosure of any foods and ingredients produced using gene technologies is imperative in order for consumers to be able to make choices for their own and their families’ health.
22. We support the current regulatory framework of case-by-case assessment of all genetically engineered, gene edited and NBT foods, and the production processes involved.

Focus on ‘novel DNA’ and proteins ignores other changes to GE foods

23. We reject the claims made by the proposal, and by the biotech industry, that NBT foods have had all ‘novel DNA’ and proteins removed from the final product.
24. Even if there were no ‘novel DNA’ or proteins present in the final product, this ignores other changes that can and do occur as a result of using genetic engineering techniques.
25. The changes made during the process of gene editing, synthetic biology, GE fermentation, or ‘NBTs’ can induce harm via other pathways that do not occur via changes in nucleic acids.
26. A focus on ‘novel DNA’ and proteins is too limited and ignores other changes that occur during food processing that uses gene technologies.

Safety and equivalence

27. The claim that foods produced using ‘new breeding techniques’ are equivalent to their non-GE counterparts cannot be made with any certainty – in fact significant differences have been discovered.
28. We cannot make this comparison as our knowledge of the risks to health from GE foods is still very limited, and there is very little long-term independent research to draw from.
29. Unlike foods that have been in the human diet for hundreds or thousands of years, GE foods do not have a long history of safe use.
30. We are increasingly discovering unexpected (‘off-target’) changes resulting from gene editing and such technologies, so FSANZ must apply the precautionary principle and retain the current regulatory framework, to fulfill its regulatory function of upholding and safeguarding public health.
31. Because of the ability to rapidly scale up NBTs, any risks to human, animal and environmental health also increase.
32. The proposal would allow food companies to carry out their own safety assessments for foods produced using NBTs, which is not in the public interest and is unacceptable to our members.

Impacts on organic producers and organic food

33. We are highly concerned about the impacts this proposal would have on the organic sector.
34. Genetic engineering of all kinds is not allowed in organic standards and is anathema to organic principles and practices.
35. This proposal threatens the integrity of organic products and the livelihoods of organic producers.
36. The market for non-GMO products is increasing globally and increasing numbers of producers are meeting this market.
37. This proposal would make sourcing of GE-free ingredients much more difficult for food producers who are organic, or who are not organic but want to avoid GE.
38. This would impact consumers, perhaps by higher prices, or lower confidence in organic and GE-free products.
39. It would reduce producer and consumer choice.

Māori concerns, and Te Tiriti o Waitangi

40. Many Māori strongly object to any form of genetic engineering, as it disturbs whakapapa (kinship with the natural world), mana (dignity), mauri (life force or essence), wairua (spirit) and tino rangatiratanga (sovereignty).
41. In Aotearoa New Zealand there is at least one claim before the Waitangi Tribunal that involves genetic engineering – Claim WAI262.
42. Until or unless this is settled to the satisfaction of Māori, the definition of genetic engineering should include gene editing (‘NBTs’).

Summary

43. In summary, the Association strongly rejects the proposal.
44. We support FSANZ to take a precautionary approach to all GE foods, to retain and strengthen the current regulatory framework in order to uphold public health and safety.
45. We support rigorous assessment of all materials and processes used in all foods using GE processes.

46. FSANZ must assess risks, costs and benefits with public health and wellbeing, and transparency of information as the priority, rather than industry interests and trade issues.
47. FSANZ must require the food industry to provide published, independent, peer-reviewed scientific evidence of health risks, and when assessing this, hold public health and safety as the top priority.