

Submission by



SUBMISSION

to the

**FOOD STANDARDS AUSTRALIA NEW ZEALAND
(FSANZ)**

on the

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

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BIOTECH NZ SUBMISSION ON THE PROPOSAL *P1055: DEFINITIONS FOR GENE TECHNOLOGY AND NEW BREEDING TECHNIQUES*

INTRODUCTION

BioTech New Zealand (BioTechNZ) welcomes the opportunity to make this submission to the Food Standards Australia New Zealand.

The New Zealand economy is based on the primary sector. Improved plant varieties and animal genetics will keep New Zealand's primary industries competitive and improve productivity, while sustainably staying within environmental limits. Farmable land in New Zealand is limited, so we need to get greater productivity from what we have, and improving crops and animals is critical.

BioTechNZ is a membership-funded organisation. A diverse range of members share a desire to maximise the ways that biotechnology can address many of New Zealand's (and the World's) agricultural, environmental, industrial and health problems.

BioTechNZ connects innovators, investors, regulators, researchers, social entrepreneurs and interested public. We also help raise awareness and increase understanding of biotechnology to enable our nation to embrace the best opportunities biotech offers to us daily, helping us live better, healthier and more productive lives.

We take a practical, but information and evidence-based approach, focusing on harnessing the opportunities and addressing the issues. We draw on the active contributions of all members. In 2018, BioTechNZ joined NZTech, the peak body for New Zealand's technology ecosystem.

Due to these new breeding technologies BioTechNZ believes The Food Standards Australian New Zealand Act 1991 (FSANZ Act) is no longer fit for purpose and BioTechNZ commends the Food Regulation Standing Committee for their aspiration to identify opportunities to modernise and future-proof regulatory practices throughout the food regulation system.

GENERAL COMMENTS

BioTechNZ and its members are highly supportive of the submission from **CropLife Australia** and **Agcarm** regarding P1055.

DEFINITIONS FOR GENE TECHNOLOGY AND NEW BREEDING TECHNIQUES

As outlined in the Consultation Paper, BioTechNZ supports Option 3 – Amend the definitions in the Australia New Zealand Food Standards Code (the Code), as outlined in the Consultation Paper and proposes to adopt a risk-based regulatory approach.

Maintaining the status quo of outdated and unclear definitions (Options 1 and 2) that are not fit for purpose is not an option.

ALIGNMENT BETWEEN FOOD AND GENE TECHNOLOGY REGULATIONS

BioTechNZ strongly support and emphasise the need to avoid inconsistencies between what is regulated as a genetically modified organism and what is regulated as a GM food. The finding of the Review: that NBT foods should be regulated in a manner that matches the risk they pose and welcomes the growing recognition that some NBT foods have the same characteristics as conventional foods, and as such, should not require pre-market assessments in the same manner as GM foods.

The risks generated by a new trait being created in a species are dependent more on the trait itself and less on the method of creation. In cases where the product of NBT is indistinguishable from conventional breeding technologies, then risk assessment based only on trait (outcome) is the only logical way to proceed in assuring food safety. When new or changed genetic information is introduced and maintained in a species, then assessment of food safety should be based on risk, taking all scientific knowledge and precedent into account. However, this does highlight, again, the inconsistencies with the regulation of GMOs under the Hazardous Substances and New Organisms (HSNO).

HAZARDOUS SUBSTANCES AND NEW ORGANISMS (HSNO)

In New Zealand, the Hazardous Substances and New Organisms (HSNO) Act regulates the release into the environment of live and viable GMOs. Releases are prohibited unless approved by the EPA. The HSNO Act is of extreme importance to New Zealand's Biotechnology sector that operates under severe legislative constraint.

In HSNO the definition of genetic technologies is no longer relevant: as noted by the Royal Society (August 2019, p51) organisms cannot be simply categorised as being 'genetically modified' or 'not-genetically modified'. For instance, gene editing technologies, such as CRISPR-Cas, are considered genetic modification and new organisms created fall under current legislation. However, those resulting from random mutagenesis, whether natural, chemical or due to irradiation, are not new organisms. While mutagenesis has a long record of safety, this shows that definitions that were created two decades ago are no longer fit for purpose.

Genetic technologies face confused and costly regulation, out of step with trading partners. HSNO suffers from being subject to an increasingly confused array of overlapping legislation/regulation, adding to cost and timelines. HSNO has become all about process, rather than outcome, which is disproportionate to risk. In 2019, a Food Standards Australia New Zealand review of food gene technologies concluded that regulatory definitions in the Food Standards Code were no longer fit for purpose (FSANZ December 2019, pp11-19²). New Zealand is crucially out of step with Australia, and most of our trading partners, to the marked disadvantage of New Zealand researchers and commercial businesses.

¹ RSNZ (August 2019). [Gene Editing Legal and Regulatory Environment](#), Royal Society Te Apārangi, Wellington.

² FSANZ (December 2019). [Final Report: Review of food derived using new breeding techniques](#), Wellington. Accessed online: foodstandards.gov.au.

BioTechNZ recommend there is a review of regulatory requirements for the registration of biotech products in New Zealand that recognises developments in NBTs, with a view to developing a more appropriate and targeted regime for managing risks. The sooner this happens, then the quicker we can realise the potential of these technologies to deliver positive outcomes for New Zealand.

ADVISORY COMMITTEE

BioTechNZ supports both CropLife Australia and Agcarm in their recommendation that they do not see a clear need for an advisory committee.

CONCLUSION

Thank you for the opportunity to provide feedback. BioTechNZ is happy to engage further to discuss our submission and provide any further assistance.

Yours sincerely,

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