

# **AUSTRALIA AND NEW ZEALAND FOOD REGULATION MINISTERIAL COUNCIL**

**17 DECEMBER 2007**

## **FOOD MINISTERS REQUEST A REVIEW OF VARIATION TO STANDARD 1.5.2 – FOOD PRODUCED USING GENE TECHNOLOGY – THAT HAS RESULTED FROM A580 – FOOD DERIVED FROM AMYLASE-MODIFIED CORN LINE 3272**

The Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) has requested that Food Standards Australia New Zealand (FSANZ) review variation to Standard 1.5.2 – Food produced using Gene Technology – that has resulted from A580 – Food derived from the Amylase-modified Corn Line 3272.

A580 seeks to amend Standard 1.5.2 – Food produced using Gene Technology, to include food derived from Amylase-modified Corn Line 3272 as food approved for sale and use.

The Grounds for the review of variation to amend Standard 1.5.2 – Food produced using Gene Technology are that:

- It does not protect public health and safety

In the absence of independent long term animal feeding trials designed to measure outcomes relevant to human health, there is no confidence that the construct is safe for human consumption. The toxicity trial cited in the assessment shows that only a small number of mice were fed the material for only two weeks.

- It is difficult to enforce or comply with in both practical or resources terms

It is believed that current monitoring and enforcement of GM food legislation is not adequately undertaken due to the costs associated with enforcement and the lack of resources at both the Commonwealth and State level. It is believed that GM foods are of particular concern to the community and if the legislation is too burdensome to enforce in practice, then a cautionary approach should be taken when considering approval of all such applications, and even more so in cases such as A580, where the GM corn line was intended for industrial issues.

- It places an unreasonable cost burden on industry or consumers

As Amylase-modified Corn Line 3272 enters the food chain as ingredients (eg. corn starch, flour, syrups) used in the manufacture of other food products, it may place an unreasonable cost burden on industry due to the wide range of manufactured food products that could contain the genetically modified (GM) corn ingredients and be potentially affected through a reduction in product shelf-life and product quality due to the presence of the thermostable amylase enzyme (the GM trait inserted to assist in ethanol production) contained in the ingredients.

FSANZ has 3 months to review the draft standard and re-affirm, re-affirm with amendments, or withdraw its approval of the draft standard.

## The process for requesting a review

After Food Standards Australia New Zealand (FSANZ) notifies the Australia and New Zealand Food Regulation Ministerial Council (the Council) of a draft standard or variation the Council may request a review if any jurisdiction believes that one or more of the Criteria/Ground/s set out in the Food Regulation Agreement 2000 (as amended in 2002) (the Agreement) or the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (the Treaty) applies. The Criteria / Ground/s set out in the Agreement and in the Treaty are:

- (i) it is not consistent with existing policy guidelines set by the Ministerial Council;
- (ii) it is not consistent with the objectives of the legislation which establishes FSANZ;
- (iii) it does not protect public health and safety;
- (iv) it does not promote consistency between domestic and international food standards where these are at variance;
- (v) it does not provide adequate information to enable informed choice;
- (vi) it is difficult to enforce or comply with in both practical or resource terms; and / or
- (vii) it places an unreasonable cost burden on industry or consumers.

In exercising this power the Council must comply with the Agreement and the Treaty. Under the Agreement the Council will request a review if any jurisdiction considers that one or more of the Criteria applies. The Council would also, at this point in the process, request a review if New Zealand notifies the Council of concerns that the standard would be inappropriate for New Zealand (Annex C(2) of the Treaty).

If such a review is undertaken and the Council receives notice from FSANZ that the draft standard or variation has been reaffirmed (either entirely or subject to amendments) the Council may request a second review. In exercising this power the Council must comply with the Agreement. Under the Agreement the Ministerial Council will request FSANZ to review the draft standard or variation a second time if it is agreed, by a majority vote, that one or more of the Criteria applies.