



# GE Free New Zealand

In Food and Environment Inc.

PO Box 13402, Wellington, NZ Ph +64- 4 - 477 4744  
[www.gefree.org.nz](http://www.gefree.org.nz)

[Sydney.Registry@aat.gov.au](mailto:Sydney.Registry@aat.gov.au)

Administrative Appeals Tribunal  
Level 7, City Centre Tower  
55 Market Street  
Sydney NSW 2000

10/01/2012

Re: Reviewing a decision.

Dear Tribunal Members,

GE Free New Zealand in Food and Environment are applying to the Administrative Appeals Tribunal as self represented applicant for a review under clause 143 (1) (c) and 143 (1) of the Food Standards Australia New Zealand Act, on the decision to approve the applications A1042 for Food derived from herbicide-tolerant corn line DAS-40278-9 and 1046 for Food derived from herbicide-tolerant soybean line DAS-68416-4.

These foods have genetically engineered gene constructs that make them tolerant to two herbicides, dichlorophenoxyacetic acid (2,4-D) and quizalofop-P-ethyl, and we have been notified that they are due to be registered for entry into the food chain when the required Maximum Residue Levels of the herbicides have been set.

Why we seek a review of the decision is we believe that the Food Standards Australia New Zealand Authority decision has not addressed the public health concerns or the public health legislation they are bound and required to consider. This decision severely affects our interests in the ability for choice and information about these foods.

Namely these foods contain genetically engineered constructs that have never been part of the food chain. Also they have been bred to tolerate the use of herbicides that have been found to have serious health effects on workers and people who come into contact with them. These chemicals were never intended for use on food for human consumption and consequently there are no long-term studies to see if there are any health effects from these GE food lines. (See our submission)

The Trans-Tasman agency has special legislation to assess Genetically Modified foods to a standard that is not required for non-GM foods. This to our mind indicates that the legislature has considered novel foods from GMOs can pose a health threat and should undergo special consideration including public input.

This intent of the legislation is clearly set out in the Food Standards Australia New Zealand (FSANZ) in their mission statement:

- To protect, in collaboration with others, the health and safety of people in Australia and New Zealand through the maintenance of a safe food supply.

FSANZ Values are:

- To be impartial, open and accountable;
- To use the best available sciences and evidence to guide decision-making;
- To seek, respect and be responsive to the issues raised by others;

FSANZ Responsibilities are

- Provide information to consumers to enable better consumer choice
- Undertake dietary exposure modeling and scientific risk assessments
- Provide risk assessment advice on imported food

The Decision does not fulfill the public's expectation of rigorous scientific assessment required of Food Standards Agency /Authority

These applications have not been subjected to acceptable levels of scientific scrutiny to guide proper assessment, and there has been a failure in adequate response to the issues raised by us as submitters.

There is no evidence that they have undertaken any dietary exposure modeling or conducted scientific risk assessments.

The food is not going to be labelled so they have not been able to provide information to consumers on the product to enable consumer choice.

The lack of studies that would meet the international best-practice guidelines of Codex Alimentarius and considered necessary to ensure a GMO food is safe, means consumers cannot have confidence in the assessment.

We believe that the health concerns we raised in our submissions have been dismissed not considered in a measured and scientific way.

We would like you to look into this approval and can send you all the information to back up our concerns when you need it.

We have been involved in the submission process and written an urgent request of our concerns to all the members of the Ministerial Council and the NZ Minister notified us that she would not be asking for a review our concerns. We have received no written response to explain and detail why they chose not to consider our request for approval, this lack of

response and respect shown to concerned submitters makes us believe that we have not been treated in an open and accountable manner on the issues we raised.

We note that as we are taking this appeal on a self-submission to FSANZ and the letter to the Minister are attached.

We have applied for a costs relief with is attached with this application.

Yours sincerely,

Jon Muller (Secretary for GE Free NZ in Food and Environment.

#### References

FSANZ Act (current)

[http://www.comlaw.gov.au/Details/C2011C00743/Html/Text#\\_Toc303689782](http://www.comlaw.gov.au/Details/C2011C00743/Html/Text#_Toc303689782)

GM application progress

<http://www.foodstandards.gov.au/consumerinformation/gmfoods/gmcurrentapplication1030.cfm>

Application A1042

<http://www.foodstandards.gov.au/foodstandards/applications/applicationa1042food4758.cfm>

Application A1046

<http://www.foodstandards.gov.au/foodstandards/applications/applicationa1046food4807.cfm>

Submissions to FSANZ from GE Free NZ available to be sent.