



Report of the Petitions Committee

Petition of Claire Bleakley: Regulation of gene edited food in the FSANZ Act review

July 2021

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Hon Jacqui Dean
Chairperson

Petition of Claire Bleakley

Recommendation

The Petitions Committee has considered the petition of Claire Bleakley—Regulation of gene edited food in the FSANZ Act review—and recommends that the House take note of its report.

Request regarding genetically modified and gene-edited food

The petition was presented to the House on 2 December 2020. It requests:

That the House of Representatives urge the Minister for Food Safety to advocate for the regulation, safety trials and full labeling of GM and gene edited food in the current review of the FSANZ Act.

About the Food Standards Australia New Zealand Act

The petition concerns a piece of Australian legislation—the Food Standards Australia New Zealand Act 1991 (the FSANZ Act). The Act regulates Food Standards Australia New Zealand (FSANZ), which is a statutory authority responsible for developing, varying, and reviewing food standards for Australia and New Zealand. New Zealand’s participation in FSANZ is confirmed and specified under a food standards treaty signed by Australia and New Zealand in 1995.¹ Four other pieces of New Zealand legislation regulate the safety of domestically produced food.²

Ministers from both countries are members of the Australia and New Zealand Ministerial Forum on Food Regulation. The Ministerial forum has a number of responsibilities, including developing FSANZ policy guidelines, promoting harmonised food standards, overseeing the implementation of standards, and promoting a consistent approach to compliance and enforcement by Australia and New Zealand.

In November 2019, the Ministerial forum endorsed a plan to reform the binational food regulation system. As part of this, the Australian Government is undertaking a review of the FSANZ Act. A consultation document on the range of possible reforms was released, and public submissions invited. The petition is in reference to this review.

The petitioner is concerned about genetically engineered food

The petitioner, Claire Bleakley, submitted her petition on behalf of the non-profit organisation GE Free New Zealand. She is the president of the organisation. GE Free NZ undertakes a number of activities around genetically engineered food (which covers both genetically

¹ The treaty is officially titled “Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System”.

² These are the Agricultural Compounds and Veterinary Medicines Act 1997, the Animal Products Act 1999, the Food Act 2014, and the Wine Act 2003.

modified and gene-edited food). A genetically modified organism is defined in the Hazardous Substances and New Organisms Act 1996 as:

- any organism which has had its genes or genetic material modified by in vitro techniques³
- any organism which has inherited, or is otherwise derived from, genes or genetic material modified by in vitro techniques.

Foods derived from genetically modified organisms are often called genetically modified (or GM) food. GM foods include things like insect-resistant corn, or soybeans with modified fatty acid content.

Gene editing refers to the laboratory procedures that scientists use to modify an organism's DNA (by inserting, deleting, or making other alterations to genetic material). A genetically modified organism is the result of gene editing undertaken by scientists, so the phrases "genetically modified food", "gene edited food", and "genetically engineered food" are sometimes used interchangeably.

The petitioner noted in her submission that GE Free New Zealand has been involved in making submissions to FSANZ since 2004, and she said that members of GE Free NZ, and many other people, are concerned about the review of the FSANZ Act. She cited results from a survey undertaken by a professor at Waikato University, in which respondents expressed strong opposition to the release of genetically engineered organisms, and indicated that they would like to be involved in reviewing the regulatory framework around GE foods entering the food chain.

In her submission, the petitioner outlined the following five requests about genetically engineered food.

Regulate and label all GE food

In the petitioner's view, all genetically engineered foods should be properly regulated and labelled to meet the objectives of the FSANZ Act. She notes that FSANZ is working with Health Canada on the safety of genetically modified foods. The collaboration began with a pilot phase in 2020, under which Health Canada conducts an assessment of a GE food not yet authorised for use in Canada, Australia, or New Zealand. FSANZ then reviews the assessment. When Health Canada and FSANZ are satisfied with the results, they each use the assessment to authorise the food in the countries they represent. FSANZ says this collaboration reduces duplication of work, provides an opportunity to share scientific expertise, and could inform future regulatory decisions.

Ms Bleakley is concerned that this collaboration may lead to the labelling of GE food becoming voluntary, and some GE food not being assessed by FSANZ. She said the risk posed by mutations and other unexpected effects of gene editing are unclear.

³ In vitro techniques involve isolating a part of an organism (such as microorganisms, cells, or biological molecules) in a laboratory setting, away from their normal biological setting. In contrast, "in vivo" techniques involve a living being, such as a human, plant, or animal.

Require 90-day feeding trials of GE food

Ms Bleakley said that FSANZ does not require short- or long-term studies on humans or animals involving oral ingestion or skin pricks for any GE food. She said that, out of 90 GE food applications made to FSANZ, none include studies of human trials of the whole food, although some include short-term animal studies. In the EU, she noted, 90-day feeding trials of GE whole food or feed are undertaken on rodents under Regulation 503/2013.

Ms Bleakley questions how GE food can be deemed safe in New Zealand without these tests. She believes the lack of studies breaches FSANZ's responsibilities under the FSANZ Act.

Ms Bleakley cited some studies in which oral-ingestion or skin-prick studies of some GE foods resulted in unforeseen results, such as allergic reactions or adverse health effects. She is particularly concerned that, if GE foods are not labelled, some people may unknowingly ingest allergens and have severe allergic reactions.

Require a full assessment of pesticide residues in GE food

Ms Bleakley said that GE food is often developed to tolerate pesticides or express insecticides. Her written submission discusses a type of GE corn which had an application approved by the FSANZ Ministerial forum in December 2020. FSANZ released its approval report on this, "Food derived from herbicide-tolerant corn line MON87429", in September 2020.⁴ Ms Bleakley is concerned that this application was not fully or correctly considered.

Ensure the public can challenge decisions made by FSANZ

Ms Bleakley believes that not enough health and safety information about GE food applications is made available from FSANZ in its approval decision reports. She said FSANZ also does not allow public submitters to ask for a review of an approval decision. She said the FSANZ Act only allows for a review if an application has been rejected or abandoned by FSANZ.

Require the Minister to consult stakeholders before approving decisions about GE

Ms Bleakley wants Ministers in the FSANZ Ministerial forum to consult interested parties before approving applications for GE foods. She expressed her concern again about oral-ingestion studies and labelling of products, and would like members of the Ministerial forum to be aware of these and other concerns of some members of the public.

Comments from the Minister for Food Safety

We received a written submission from the Minister for Food Safety on this petition. The Minister noted that "genetically modified foods in New Zealand are subject to strict safety controls to ensure only assessed and approved GM foods enter the food supply". She said that applications to FSANZ must include a safety assessment which meets internationally established scientific principles. The application process also includes public consultation.

⁴ The full report can be found here:
<https://www.foodstandards.gov.au/code/applications/Documents/A1192%20Approval%20report.pdf>

The Minister said that, with some exceptions, GM foods are required to be labelled so consumers can make informed choices.

The Minister said that the review of the FSANZ Act was intended to examine the overall effectiveness of the Act, and will not include a review of standards on particular issues. Public submissions on the review were invited.

The Minister noted that FSANZ also proposes to revise and modernise some definitions related to new breeding techniques and GE food in the Food Standards Code.⁵ The Minister said a call for public submissions on this was expected in mid-2021. The Minister suggested that this public submission process might be a more appropriate way for the petitioner to raise her specific concerns, rather than through the more general review of the FSANZ Act.

Our response

We appreciate the information provided by the petitioner. We acknowledge that she is concerned about the safety of GE food for New Zealanders.

We agree with the Minister's comments that there are opportunities for the public to engage with FSANZ. We note that the proposal to amend definitions about new breeding techniques in the Food Standards Code should be open for public consultation soon. Information and updates on when the proposal may be open for submissions can be found on the FSANZ website.⁶ The FSANZ website also provides a list of all current calls for public submissions.⁷ We hope the petitioner takes the opportunity to submit on this proposal when a call for submissions is made.

⁵ More information on this review can be found here:
<https://www.foodstandards.gov.au/consumer/gmfood/Pages/Review-of-new-breeding-technologies-.aspx>

⁶ <https://www.foodstandards.gov.au/consumer/gmfood/Pages/Review-of-new-breeding-technologies-.aspx>

⁷ <https://www.foodstandards.gov.au/code/changes/Pages/Documents-for-public-comment.aspx>

Appendix

Committee procedure

The petition was referred to us on 2 December 2020. We met between 9 December 2020 and 8 July 2021 to consider it. We received written submissions from the petitioner and the Minister for Food Safety.

Committee members

Hon Jacqui Dean (Chairperson)
Rachel Boyack
Dr Liz Craig
Shanan Halbert
Nicole McKee
Teanau Tuiono
Tim van de Molen

Evidence received

The documents we received as evidence in relation to this petition are available on the Parliament website, www.parliament.nz.