

HEALTH PROTECTION DIRECTORATE

Enquiries to: Gary Bielby
Principal Environmental Health
Officer, Food Safety Policy and
Regulation Unit,
Environmental Health Branch
Telephone: 07 3328 9324
Facsimile: 07 3328 9354
Email: gary_bielby@health.qld.gov.au
File Number: QCHO/002378 part 1
Our Ref.: GB110043

19 April 2011

Standards Management Officer
Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610

Dear Sir / Madam

Submission – Application A1042 – Food derived from Herbicide-Tolerant Corn Line DAS-40278-9

Thank you for the opportunity to provide a submission on the 2nd Assessment Report for Application A1042.

Queensland Government overview of genetically modified (GM) food

The Queensland Government is supportive of the move towards legislation that deals with genetically modified (GM) organisms. The Government considers it important that advances in science and technology are not impeded if it is shown that these advances do not harm human health or the environment.

With respect to the commercial production of GM crops, the Queensland Government has not imposed a moratorium and has developed a policy framework for coexistence of GM and non-GM crops, with the use of GM crops considered on a case by case basis.

The use of GM food is also considered on a case by case basis, with particular consideration and relevance to human health.

Role of Queensland Health

This is a whole of Queensland Government response and is made by Queensland Health since it is the lead agency in Queensland which coordinates policy advice relative to the national policy on food regulation. Our approach follows consultation with other relevant Queensland Government agencies.

Issues relative to this Application

Although other relevant Queensland Government stakeholders have not indicated they have any issues relative to this Application, Queensland Health has identified a number of matters and concerns and would appreciate if these could be considered.

...2/

Office
Food Safety Policy & Regulation Unit
Level 1, 15 Butterfield Street,
Herston QLD 4006

Postal
PO Box 2368
Fortitude Valley BC QLD 4006

Phone
(07) 3328 9310

Fax
(07) 3328 9354

Queensland notes our request for advice on the progress of the applications referred to in the 1st Assessment Report (2.2 Overseas approvals) and the anticipated timelines for the determinations relative to these applications has not been addressed in the 2nd Assessment Report.

Queensland also notes our request for the advice provided by FSANZ to the Office of Best Practice Regulation relative to the assessment of this Application in order to understand how the result of the benefit-cost analysis was reached has not been addressed in the 2nd Assessment Report.

Furthermore we note in 8.1.2.2 of the 2nd Assessment Report, the Confidential Commercial Information (CCI) status given by FSANZ to the detection methodology used for compliance purposes.

We note *“The applicant sought and was granted CCI on the DNA sequence of the insert and flanking border regions, the primer sequences used for cloning of the insert and confirmation of the event, and an ELISA method for protein determination. Sequence information is commonly given CCI status since the information is of commercial value to the Applicant and may provide information that would gratuitously benefit competitors. This granting of CCI does not preclude the Applicant from supplying compliance-testing laboratories with the information needed for event-specific testing purposes and, in reality, once a GM food has been approved and is ready for commercialization, the PCR method and sequence information is released to such laboratories.*

In the case of the protein detection method, CCI was granted because the methodology is the subject of a patent application. Disclosure of the method would jeopardize the patent application. Once the patent has been filed, the information would no longer be CCI and would be publicly available.”

The above CCI status is noted as is the statement in the Executive Summary of the 2nd Assessment Report which states *“At present, there is no approval to grow this GM corn line in Australia. Food derived from it would therefore enter the food supply of Australia and New Zealand through imported products”.*

Not having the PCR method and sequence information available to laboratories, such as Queensland Health Forensic and Scientific Services, during this process of providing a submission makes it extremely difficult to assess whether there will ultimately be enforcement concerns as they relate to an analytical methodology.

It is questioned whether this means imported product would enter Australia and New Zealand without the PCR method and sequence information being made available to laboratories.

Food standards should not be developed without suitable analytical methods to enable enforcement. Accordingly we urge the development of a mechanism to ensure that standards can be appropriately enforced and that such methodologies can be considered during the submission process.

Yours sincerely

Gary Bielby
Team Leader
Food Safety Policy and Regulation Unit
Environmental Health Branch