5 Glenwood Road
Lynnwood Glen
0081 Pretoria
South Africa

PO Box 72981
Lynnwood Ridge, 0040
Pretoria, South Africa

Tel: +27 12 472 9500/16
Fax: +27 86 646 2680
E-mail: genman@sansor.co.za
Website: www.sansor.org

SUID-AFRIKAANSE NASIONALE SAADORGANISASIE

SOUTH AFRICAN NATIONAL SEED ORGANIZATION

NPC Reg No 1989/003392/08

Registrar GMO Act, 1997 2018/07/31
Directorate: Genetic Resources
Department of Agriculture, Forestry and Fisheries

Dear Ms Nompumelelo Mkhonza

SOUTH AFRICAN APPROACH TO LOW LEVEL PRESENCE OF GENETICALLY MODIFIED CROPS IN IMPORTED COMMODITIES

Low Level Presence (LLP) refers to the unintentional presence of agricultural biotech products that have passed a food safety assessment according to the Codex Guideline (CAC/GL 45-2003) in one or more countries, but may be present in food in importing countries in which the food safety of the relevant product has not been determined.

Practical solutions to address LLP

- LLP risk assessment approaches should incorporate existing safety assessments, history of safe use and familiarity with similar traits and proteins. Risk management approaches should be proportionate to actual risk.
- Existing national legal frameworks and sovereign authority of individual governments should be respected. Solutions should be compatible with international standards and agreement to prevent trade disruption.
- LLP solutions should be predictable, efficient and achievable for all stakeholders, including governments, industry and grain traders. It should be enforceable by government authorities to provide safety assurance to the public.
- LLP thresholds should be realistic, practically implementable and based on the realities of grain handling practices.

Zero presence of commercialized agricultural biotech-derived products in global trade is not practically implementable or achievable due to underlying production constraints and commodity handling systems. Globally, the seed industry and the agricultural value chain have implemented rigorous quality management systems to ensure minimization of LLP, however, achieving an absolute zero in these well-managed biological systems, consider e.g. seed production, is not possible. Hundred percent purity is almost impossible in the production of food, feed and seed as agricultural commodities inevitably become inter-mixed to a small extent.

Consequences foreseen with implementation a zero-tolerance threshold

It should be noted that No bulk handling system, no channeling system, no IP system can attain zero thresholds. Thus, this action will result in serious disruption of seed and grain trade in RSA.

RSA's approach will trigger similar policy action in the rest of Africa (as RSA is a Leader in the Biotech Policy area). This will result in RSA grain and seed exports being blocked in other African countries.

Additional consequences are as follows:

- Zero presence policy presents an unjustified by safety economic burden on industry
- South Africans access will have great limitations in accessing safe, sustainable and seed and food supplies.
  - Increased cost in regulatory compliance, and affect food security.
- Zero presence policy limits choice for farmers

- Testing for zero presence can create false positives.
- Testing costs and risks are greater at lower thresholds, and even more expensive and highly variable.
  - No standardized sampling for GMO testing exists
  - Variability in type of tests used globally
  - Multiple tests being conducted across the supply chain, thus leading to variable results.
- Zero presence of LLP (no agreed threshold) is impossible to achieve. When analytical limits are used in place of zero, new scientific advances can render increasingly minute levels problematic when there is no scientific relevance or safety consideration to warrant such a conclusion. Exporters and/or grain handlers may cease offering products to countries employing zero threshold policies, and in times of tight supplies importers may face difficulties or added costs in securing needed food requirements.

Proposal

Therefore, we would appeal to the South African authorities to reconsider their proposed approach for zero tolerance for GM crops and implement a 1% threshold for seed (as per decision of Executive Council meeting of 01 September 2009) and a 5% threshold LLP for grain (as per Consumer Protection Act 2011 GMO labelling regulations). This position will ensure that South Africa avoid any potential trade disruptions that would be triggered by the zero-tolerance approach on LLP for GM crops and related products. It is understandable that the current 1% threshold is still under regulatory review and as the stakeholders, we are open for further discussions on this issue. It is proposed that during this review period, the South African authorities should consider the safety assessment of the national authority of the authorized exporting countries.

Existing seed quality standards are appropriate standards to use for management of LLP situations for seed trade. Grain LLP thresholds should be higher than seed LLP thresholds.

SANSOR is requesting that LLP policies to be implemented be science-based, practical and transparent. These should also provide for mechanisms that are proactive and predictable for the global movement of seed and provide flexibility with respect to risk assessment approaches.

References

1. Executive Council meeting minutes of 01 September 2009
2. Consumer Protection Act 68 of 2008, as revised in 2011; clause 7 (3) p18

King Regards

Dr Lukeshni Chetty, PhD
General Manager