



gene ethics
working for a GM-free future

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FSANZ CEO and Board
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Email: submissions@foodstandards.gov.au

Re: P1055 – revised definitions of gene technology and new breeding techniques

Dear Dr Cuthbert and Ms Beauchamp:

Since the first round of public consultation on P1055 proposals in December 2021, “FSANZ has revised its proposed approach and prepared a draft variation to the Code” without engaging the general public or public interest advocates as stakeholders. Yet ultra-processed food industry lobbyists, bureaucrats, and others have been privileged as stakeholders to influence FSANZ approach, by redefining key terms in the law and other major consequential changes. They would deregulate ultra-processed food ingredients, additives, colours, flavours, and processing aids derived from New Breeding Techniques (NBTs) used in animal, plant and microbial genome editing. Also deregulated would be emerging new methods and products, as yet unknown.

FSANZ new P1055 proposal presents citizens with a revised regulatory model, presented for the first time and as a fait accompli. Despite strong public demands for labels on both GM and genome edited foods, FSANZ “notes GM labelling is out of scope of this proposal”, yet “changes to the labelling provisions in the Code are proposed to clarify existing labelling requirements or are consequential to the revised approach.” This secrecy disrespects the public’s rights to know and to exit the market if they choose to do so.

Novel food production processes as well as their products must continue to be rigorously assessed. For instance, it is not acceptable to deregulate the cocktail of chemicals used in fermentations – including cell growth promoters implicated in cancer proliferation – to produce cell cultured fake meat, mock milk, synthetic seafood, awful offal, and human-milk substitutes in infant formula. The concept of substantial equivalence to assess safety is unreliable. Moreover, the Health Department which hosts FSANZ is bound to nurture the long-term Health and Wellbeing of all citizens. Increasing rates of obesity and colorectal cancers among young people signal ultra-processed foods – including those made using new genome editing methods – as probable causes. Thus, NBTs require far more precautionary approaches than P1055 offers.

We therefore ask FSANZ to facilitate the following:

- 1. extend the public comment period for the current round of P1055 proposals for one month, from September 10, 2024 to October 10, 2024;**
- 2. convene an open forum with civil society organisations in which all the implications of the current P1055 draft proposal are fully detailed, disclosed and discussed;**
- 3. hold another round of public consultations on P1055 as “FSANZ has revised its proposed approach” to a fundamentally different regime from that proposed in December 2021.**

The grounds for our modest requests include:

Public comment period

- It is not in the public interest to allocate just 6 weeks to this so-called public consultation. The public and civil society organisations were entirely excluded from the formulation of the substantially altered policies in P1055, published for comment without any forewarning.
- FSANZ says it “has been carefully considering the regulatory problem posed by the emergence of NBTs since 2011 and has engaged and consulted extensively with a wide range of stakeholders and technical experts.” But public interest advocates who act on the community’s behalf, have been silenced, marginalised, and not accorded any of the access that stakeholder status brings, throughout the process.
- FSANZ and its government and industry ‘stakeholders’ have had almost four years since Round 1 to secretly develop the current proposals without the public or their representatives being engaged at all.

Open forum

- Now the interested public must be heard as the community’s safety, health and wellbeing are at risk. An open forum is justified as FSANZ has ignored the ANU’s report that it commissioned which recommends that “spaces and mechanisms that permit deep community engagement and deliberation about food production processes need to be fostered.” Instead it has commissioned public opinion polling and focus groups from which civil society groups were excluded, in the forum design and conduct of the projects, and from briefing participants on crucial public interest issues.
- FSANZ has never treated the public and civil society organisations as stakeholders in developing NBT policy or P1055 proposals, relegating us to public comment periods and never otherwise engaging with us at all. It has systematically excluded, ignored, and marginalised legitimate public stakeholders.
- FSANZ says “Targeted consultation with government agencies, industry and other stakeholders will also be required.” Self-serving business and bureaucratic interests were consulted but those advocating for the public interest, on behalf of concerned citizens, had no meaningful say.
- Our representations must now be on a par with other parties as “The food industry is expected to benefit from improved regulatory certainty provided in the proposed approach, including clear pathways to market for GM and NBT food,” while shoppers will lose the right to know on labels the source and processes of production of many products.

Another public consultation

- FSANZ says “This proposal requires two rounds of public comment to permit extensive consultation with stakeholders.” But FSANZ merely dismissed our contributions to Round 1, while global biotechnology and ultra-processed food industry lobbyists have been consulted and had the opportunity influence the proposal for the past three and a half years.
- Opinion polling and focus groups are no substitute for consulting those civil society organisations which are motivated and knowledgeable about food issues, who seek to make a positive contribution to policies that serve the public interest, in contrast to industry ambitions. Another round of public consultation is fully justified in these circumstances.

Please advise.

Yours sincerely,

A handwritten signature in black ink that reads "Bob Phelps". The signature is written in a cursive style and is positioned above a horizontal blue line.

Bob Phelps
Executive Director

Cc: Ged Kearney MP, chair of the Food Ministers' Meeting; Food Regulation Secretariat; members of the Food Ministers' Meeting; and officials on the Food Regulation Standing Committee (FRSC).