CropLife AUSTRALIA

SUBMISSION IN RESPONSE TO FOOD STANDARDS AMENDMENT (TRUTH IN LABELLING – GENETICALLY MODIFIED MATERIAL) BILL 2010

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1. Executive Summary

CropLife Australia (CropLife) welcomes the opportunity to make this submission in response to the proposed Food Standards Amendment (Truth in Labelling – Genetically Modified Material) Bill.

The proposed Bill will not achieve its objective. The Bill aims to provide more choice to consumers regarding the consumption of genetically modified (GM) ingredients in food products, but it will have the opposite effect. The Bill removes thresholds for accidental presence and increases the due diligence requirements of food manufacturers who wish to market non-GM products. These changes will discourage a company from supplying products with non-GM ingredients, whenever any part of their supply chain is also used by a GM ingredient. They will be discouraged because they cannot be confident that they are not breaking the law. As a result, consumer choice will be reduced.

GM food ingredients are already labelled in Australia. The current exemptions recognise the practicalities of modern supply chains and the fact that enforcement of labelling rules becomes much more difficult and costly when no modified protein or DNA is present in the final product. Exemptions for low levels of unintended materials are not unique. There are many such thresholds enshrined in international standards for commodities, particularly those that are transported and stored through bulk handling systems. Several of these tolerances are for known human toxins. It would be absurd to remove them for GM crops, which are completely safe.

The Bill requires food manufacturers to label GM food ingredients even when these are unintentionally present. CropLife does not see how this is possible unless every product is individually tested for GM ingredients and labelled individually, which is completely impractical.

In cases where the GM DNA and proteins have been removed by a refining process (e.g. oils, sugar), there is only one way that a total lack of GM content could be indicated. An expensive traceability system would need to be established but this would be cost prohibitive in many industries. Furthermore every ingredient (batch or individual item) used in a process food would have to be tested in order to prove the zero level that this legislation aspires to. There simply has to be a threshold to allow for sampling variation and testing realities.

The development of ‘due diligence’ guidelines that is required by the Bill is redundant with provisions in the Australian Competition and Consumer Act 2010, which already prevent manufacturers from engaging in conduct that is misleading or deceptive, as well as obligations in the Australia New Zealand Food Standards Code (Food Standards Code) that require the labelling of any intentionally present GM ingredients. These provisions already effectively require manufacturers to conduct due diligence when making claims that ingredients are not genetically modified.

In summary, the proposed Bill will reduce consumer choice and is redundant with existing legislation. Accordingly the Senate Community Affairs Committee should recommend that this legislation not proceed.

2. Introduction

CropLife Australia (CropLife) is the peak body representing the pesticide and agricultural biotechnology industries in Australia. Our members provide all the biotechnology traits that are commercially available in Australia and include large international, as well as small national companies. We are an active participant in all discussions about future food security and sustainable agriculture and have instigated programs such as ***drum****MUSTER*, ChemClear® and Agsafe Accreditation and Training, which aim to increase the safety of pesticides used in agriculture. We are also a member of the international *Excellence Through Stewardship* program, which provides best management techniques for GM crops throughout their development, commercial use and eventual discontinuation.

In agriculture, genes have been modified for more than 10,000 years and this modification has been extremely beneficial to modern civilisation. Fruits and vegetables that were once small and toxic are now important sources of nutrition for billions of people around the world. Genetic modification is simply an improvement on previous forms of crop breeding (that also sought to modify genes). It allows breeders to develop new varieties with more precision and fewer side effects.

More than a trillion meals containing GM food ingredients have been consumed globally and there is no scientifically credible evidence of any harm resulting from this consumption. Elite scientists from the World Health Organization, the European Union, Australia, the United Kingdom, the USA, Brazil, China, India, Mexico and the third world have all made public statements asserting that there is no reason to believe that GM food ingredients are more hazardous than conventional ingredients. Despite this lack of risk, GM food ingredients are rigorously assessed in many countries (including Australia) before they are legally permitted in food.

During 2010, GM crops were planted on approximately 650,000 hectares of Australian land. The two GM food crops that are commercially cultivated in Australia are GM cotton and GM canola. These crops have delivered a wide range of benefits to Australian farmers, including reducing pesticide, water and fuel use, soil erosion and disruption, and providing more flexible pest and weed control. These significant benefits will expand when future GM traits become available that provide water efficiency, nutritional improvement and better pest and weed control. Some of these traits are already making their way to market with drought tolerant corn will be released in the US in 2012 and new generation pest and weed control crops are currently being trialled in Australia.

Genetic modification allows crop breeders to more quickly and flexibly introduce new traits into crops. It also allows the transfer of traits between different species. This is often not possible with conventional breeding. The ability to quickly produce higher yielding, safer and more nutritious crops is important because the world faces extremely serious food security challenges in the next forty years. Ground water is declining rapidly and current estimates indicate that in 25 years time, we will not have enough water to feed the world's population. The amount of arable farmland is declining annually by about one percent and 25 percent is already degraded. Essential fertiliser supplies are dwindling and increasing in cost as oil prices rise and minerals deplete. Meanwhile, biofuels are competing with food for farmland and agriculture is particularly affected by environmental pressures with farmers being hit the hardest by climate change, increased storms, flooding, drought and new pests. While agricultural production will be challenged by these factors, demand for food is increasing rapidly - the UN estimates that the world will need to grow 70 percent more food by 2050 if there is to be sufficient food for everyone. GM crops will be an essential tool that will be needed to meet that goal. The importance of GM in meeting these challenges is recognised by global institutions. At a conference in 2010 the UN's Food and Agriculture Organization declared that

> "Agricultural biotechnologies encompass a wide-range of tools and methodologies that are being applied to an increasing extent in crops, livestock, forestry, fisheries and aquaculture, and agro-industries, to help alleviate hunger and poverty, assist in adaptation to climate change and maintain the natural resource base, in both developing and developed countries.[1]"

[1] UN FAO Committee on Agriculture. FAO International Technical Conference on Agricultural Biotechnologies in Developing Countries: Options and Opportunities in Crops, Forestry, Livestock, Fisheries and Agro-Industry to face the challenges of food insecurity and climate change. Available at: http://www.fao.org/docrep/meeting/018/K7932E.pdf

2. Introduction (cont.)

Food ingredients derived from GM crops are safe. There is no theoretical reason to expect hazards that differ from non-GM crops and GM crops have been so extensively studied and strictly regulated that much more is known about their agronomic and dietary effects than their non-GM equivalents. The safety of GM food ingredients was recognised by the Ministers who introduced mandatory labelling requirements in Australia when they highlighted that the decision had nothing to do with safety concerns and that the purpose of the labels was to provide consumers with information.

CropLife believes that when it comes to providing consumers with information, food manufacturers are better placed to gauge and rapidly react to consumer preferences than governments. Manufacturers and suppliers have shown an ability to do this in response to consumer demands for information such as "free-range" claims and more recently, regarding hormone treated beef. There is no reason to expect that this would not happen with the labelling for GM ingredients.

In March 2004 the Community Affairs Committee considered a very similar piece of legislation and recommended that the Bill not proceed. The Committee should reach the same conclusion in this instance.

3. The Safety of GM Food

Summary

- **There is consensus amongst scientific experts globally that there is no reason to anticipate higher risks from GM food ingredients than from conventional sources.**
- **This consensus is based on extensive research and a complete lack of reported illnesses from consumers.**
- **The extensive safety assessments conducted by regulatory authorities on GM food ingredients ensures that any risks are addressed.**

There are two fundamentals which should premise the Committee's consideration of the Bill:

1. That there is no credible scientific evidence supporting any food safety concerns; and
2. There is a significant pool of evidence to support the fact that these products are safe to the community and consumers.

In 1999, when Australian health ministers agreed to a GM food labelling system, Senator Grant Tambling, the then Parliamentary Secretary to the Minister for Health and Aged Care, expressed the health ministers' confidence in GM food safety:

> "Ministers chose to fully label not because they had any safety concerns – they certainly did not – but to acknowledge consumers wanting more information about genetically modified foods[2]".

The debate on the safety of GM food ingredients peaked in the late 1990's and early 2000's. Part of the reason for the high level of attention at this time was that many Western countries were establishing regulatory systems for managing any potential health risk from consuming foods containing GMOs. A large number of studies[3] were conducted around the world to determine the relative risk of a variety of different crops, the results of which were made available to regulators and the broader community.

By the year 2000, there was scientific consensus that there was no reason to expect any more food safety risks from food ingredients derived from GM crops than you would expect from food ingredients derived from conventionally bred crops. For example, in 2000, the American Medical Association stated that:

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2 Grant Tambling (1999) The Regulation of Genetically Modified Foods. Available at: http://www.health.gov.au/internet/main/publishing.nsf/Content/health-mediarel-yr1999-gt-gtsp990827.htm

3 A database of food safety studies on GM crop ingredients is available at: http://croplife.intraspin.com/Biotech/category.asp?id=1

3. The Safety of GM Food (cont.)

> "Worldwide, many people are eating GM foods with no overt adverse effects on human health reported in the peer reviewed scientific literature…. There is no scientific justification for special labelling of genetically modified foods, as a class, and that voluntary labelling is without value unless it is accompanied by focused consumer education[4]"

In December 2007, the Australian Academy of Science declared its confidence in the safety of GM food ingredients[5]:

> "GM products have been in several foods for many years and consumed without any substantiated evidence of ill effects on health, and their safety confirmed by many peer reviewed studies world-wide. The regulatory system in Australia is designed to enable unexpected, undesirable effects, such as the production of toxins or allergens, poor nutritional properties or serious environmental damage, to be identified during the laboratory phase or during the several seasons of field trials that precede commercial production. The Academy supports labelling of food, in particular where it assists consumers making deliberate dietary choices; but such labelling must be scientifically based."

The Australian Academy of Science is not alone in making this statement. Seven scientific academies[6] made a similar joint statement in the year 2000[7]:

> "Decisions regarding safety should be based on the nature of the product, rather than on the method by which it was modified. It is important to bear in mind that many of the crop plants we use contain natural toxins and allergens. The potential for human toxicity or allergenicity should be kept under scrutiny for any novel proteins produced in plants with the potential to become part of food or feed. Health hazards from food, and how to reduce them, are an issue in all countries, quite apart from any concerns about GM technology."

The safety of current GM food ingredients has also been confirmed in numerous global and Food Standards Australia New Zealand food safety approvals. These approvals result from rigorous assessment of the extensive safety data that is provided to regulators and the fact that after 15 years of commercial cultivation, and over a trillion meals consumed globally, there is yet to be a single confirmed case of a single health effect. When this is considered along with the complete lack of theoretical risk, it is clear that the continuation of safety assessments for food ingredients derived from GM crops is due solely to the precautionary approach.

In January 2011, the Blewett Review of Food Labelling in Australia and New Zealand was published. It made the following comments about GM food safety:

> "In relation to irradiation and genetic modification, the approved foods have been subject to stringent safety assessments and the science appears robust and has been peer reviewed… There is no evidence that consumption of either irradiated food or GM food produces any immediate detrimental effects in humans, nor has any convincing evidence been advanced to indicate potential, future harm to humans"

In conclusion, the consensus of opinion by scientific and legal experts for over a decade has been that food derived from GM crops does not present additional food risks when compared to conventional crops. It is also commonly agreed that the negligible risks that all foods share are regulated only for GM crops. This unique safety assessment means that the safety of approved GM crops is more thoroughly understood than food derived from conventional crops. Therefore, any discussion of GM food labelling should keep in mind that the purpose of such labelling is to inform consumers, rather than to question the safety of a food ingredient that has been thoroughly assessed and found to be safe by Australian regulators.

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4 American Medical Association, Council on Scientific Affairs (2000) GM Crops and Foods. Available at: http://www.ama-assn.org/ama1/pub/upload/mm/443/csai-00.pdfl

5 Australian Academy of Science (2007) Statement on Gene Technology and GM Plants. Available at: http://www.science.org.au/policy/gene-tech.html

6 The academies of sciences in Brazil, China, India, Mexico and the United States, the Third World Academy of Sciences in Trieste and the Royal Society wrote the report.

7 National Academy of Sciences (2000) Transgenic Plants and World Agriculture. Available at: http://books.nap.edu/catalog.php?record_id=9889

4. GM Food Labelling in Australia

- **Most food ingredients already require labelling in Australia if they are GM.**
- **Existing exceptions recognise the need to balance the provision of consumer information with the cost and other practicalities of providing this information**

In 2001, Australia implemented a labelling regime for GM food ingredients to facilitate consumer choice. Generally, under this regime, if genetic material or protein from genetic modification is present in the final food it must be identified in the ingredient panel of the label. There are several categories under which a food or ingredient does not require a GM label. These are:

- Highly refined products;
- Additives and processing aids that do not contain novel DNA or protein;
- Foods containing GM flavouring of less than 0.1 percent of the final food;
- Foods containing GM ingredients that are intended for immediate consumption, such as restaurant and take-away foods and catered meals.

Also, there is an exemption for the unintended presence of a GM food where it can be demonstrated to be unintentional and its presence is not more than one percent per ingredient. Finally it should also be noted that nowhere in the world is GM labelling required on end products such as meat, eggs and milk derived from animals that are fed GM feed.

Highly Refined Products

Many oils and sugars undergo a refining process that has the effect of removing and/or denaturing DNA and/or protein. For example, most oils derived from GM crops cannot be differentiated from oils derived from conventional (non-GM) crops because they are identical in composition, even at a molecular level.

To enforce labelling provisions on highly refined oils would involve the implementation of a system that requires suppliers to trace back the source of production, with documentation at every step from the farm to the processing plant. Currently, there are literally thousands of pages of documentation that are required during the process of delivering a food product from paddock to plate. It is not a trivial requirement if more documentation was required for tracking GM produce. Grain crops such as canola are currently transported and stored as bulk commodities to minimise transport and storage costs. A documentary process, combined with the added storage and handling costs, would be both expensive and unnecessary.

Food additives and processing aids

Food additives, such as preservatives and thickeners, are substances that are added to foods to achieve a technological function and normally remain present in the final food. Processing aids, while also used in small amounts to perform a technological function in the processing of raw materials, are not normally present in the final food.

Under Australia's current GM food labelling laws, food additives and processing aids are not required to carry a GM label unless they are, or they contain, novel DNA or novel protein, and the novel DNA or novel protein remains in the final food. A removal of this exemption would lead to similar logistical problems as those that were discussed previously with highly refined products.

Unintended Presence

GM food labelling is not required for the unintended presence of GM crops that comprise less than one percent of any ingredient in the food.

Thresholds exist for a range of quality factors in grain bulk handling. For example, the Codex Standard for Wheat and Durum Wheat (Codex Stan 199-1995) allows for 1.5 percent of kernels to be bored by insect pests and another 6 percent to be damaged by other factors. The international wheat standard includes tolerances for other cereals (3 percent), shrivelled grain (8 percent), and even harmful or toxic seeds (0.5 percent). Tolerances also exist for mycotoxins, which are produced when certain grains are infected with fungal spores. Organic produce also has thresholds for toxic heavy metals and pesticides, although these exemptions do not currently extend to GM crops.

4. GM Food Labelling in Australia (cont.)

All of these thresholds recognise the practicalities of food production and transport while still ensuring safety and quality standards. They recognise this even when the threshold relates to a genuinely dangerous contaminant. As discussed previously, GM food ingredients are at least as safe as conventional ingredients so it is illogical to not have a threshold for them, while maintaining thresholds for dangerous produce that may be present.

The lower a threshold is set the greater the cost to meet that threshold, because the cost increases exponentially as the threshold approaches zero. Different protocols for farmers, increased testing, increased cleaning and potentially the use of specifically developed storage, transport and distribution facilities all add to the final cost of the product.

These costs will be passed on to consumers in the form of higher priced end products. If the requirements are too costly or difficult to comply with, then the number of non-GM products will be significantly reduced and in several products non-GM options are likely to become completely unavailable.

5. The Most Efficient Way to Provide Consumer Information

Summary

- **There is no need for the current mandatory labelling requirements because it is more efficient to allow the market to determine when the provision of information on GM ingredients is justified by consumer purchasing behaviour.**
- **An important principle of best practice governance in Western democracies is that governments do not interfere with functioning markets.**
- **There is no market failure regarding the ability of food manufacturers to provide consumers with information they desire. This is evidenced by fat-free, salt-free, organic and free-range labels, etc which have been developed in response to consumer information demands without government intervention.**

It is the position of CropLife that:

- There are functioning markets for the supply of consumer information relating to food production systems and food ingredients and Government regulation is not required in this area.

There are a number of ways labelling can be used for “the provision of adequate information relating to food to enable consumers to make informed choices”. The options range from prescriptive regulations to market based mechanisms. Currently, the Food Standards Code mandates certain information in order to facilitate consumer choice. Well known examples include Country of Origin Labelling, the labelling of GM food ingredients (when they can be analysed for) and the labelling of irradiated food ingredients. The reason for the compulsory requirement to label these foods is that there is believed to be a strong consumer demand for this information. However, for a number of reasons, this approach is inefficient when compared to a market based approach:

1. Mandatory labelling can imply a health concern arousing, rather than addressing, community concerns.
2. Risk aversion can lead to the continuation of requirements after consumer preferences change.
3. Governments rely on surveys to determine consumer preferences and surveys are not always a good gauge of consumer behaviour at the supermarket where cost and taste can take precedence.
4. The Australian food production market responds rapidly to consumer demands for information.

5. The Most Efficient Way to Provide Consumer Information (cont.)

Mandatory labelling for non-health reasons can imply a health concern and can reinforce misconceptions in the community. For example, GM food ingredients must be labelled in the same way as an allergen, despite the fact that a GM food ingredient has been assessed for its allergenicity, while a conventional ingredient has not. This sends a message to consumers that the ingredient is a hazard, regardless of the logic in providing the information. In these cases. the logic of mandatory non-health labelling is circular – the label arouses consumer concern that it then seeks to address through providing the information that caused the concern. It is also counterproductive in that the addition of this information to the label arouses, rather than addresses, community concerns.

It is important to remember that a food label is a finite space and that only a certain amount of information can be placed on the label. Excessive mandatory requirements reduce the ability of food manufacturers to provide other information about the product that may be more important to consumer purchasing decisions. Also, all information comes at a cost and consumers should not have to pay for this information if it is not relevant to them. Consequently, CropLife believes that the mandatory information prescribed for food labels should be limited to food safety information.

Information to satisfy consumer preferences can be met in other ways. The market will provide production information if there is a significant proportion of the community that would prefer to purchase products that contain that information. For example low fat, low salt, free-range and many other production methods are voluntarily disclosed by manufacturers in response to community demand. Recently Coles supermarkets have introduced beef that has been voluntarily labelled as being produced without the use of hormones. The Australian Competition and Consumer Act 2010 states that any information provided on food labels must not be misleading or deceptive. Therefore, mandating labelling requirements for consumer choice is redundant because market mechanisms and existing legislation already ensure that, when desired, this information will be available and accurate.

Governments need to be risk averse to perform most roles of government. However, this aversion means that it is much more difficult to remove precautionary measures than it is to establish them. This is true even when the uncertainty that led to the original precautionary decision is resolved. A market based system would react quickly to consumers losing interest in a particular piece of information on a food label. If a company was not providing the information to consumers and was producing food at a lower cost, without losing market share, then competitors would quickly emulate this approach. On the other hand, if a large proportion of consumers wanted certain information and were prepared to preferentially purchase products that provided that information, then the market would also react to this promptly.

Governments have few options to genuinely assess what information is most desired by consumers, other than to rely on surveys. The result of all surveys can be influenced by the questions asked and the way in which they are asked. This leads to contradictory findings in different surveys and discussion can rapidly become polarised with different statistics being used to support opposing arguments. A good example of this is the variation in results from two relatively recent surveys on consumer attitudes towards GM food labels – one conducted by the Australian Government[8] and the other by Newspoll for Greenpeace[9] that Senator Nick Xenophon referred to in his first reading speech of this Bill.

The Australian Government survey found a low level of community concern regarding GM food ingredients, while another survey, conducted around the same time by Newspoll for Greenpeace, indicated that nine out of ten Australians wanted to see GM food labelled. The difference between these two survey results highlights the contested nature of survey results and the difficulty of gauging consumer preferences from these results.

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8 FSANZ (2008) *Consumer Attitudes Survey 2007.* Available at: www.foodstandards.gov.au/newsroom/publications/consumerattitudes/index.cfm

9 Newspoll (2008) *GM food labelling*. Available at: http://www.greenpeace.org/raw/content/australia/resources/reports/GE/rpt-gmpoll-190908.pdf

5. The Most Efficient Way to Provide Consumer Information (cont.)

A related problem with assessing consumer behaviour based on surveys is that surveys that measure information desires of consumers very rarely correlate these desires with purchasing behaviour. In recognition of this fact, the European Union commissioned Kings College to perform a study[10] from 2006-2008 examining the differences between consumer intentions as measured by surveys and actual purchasing behaviour. The study found that:

> "Shoppers certainly behave differently from what they say they would do. One in three respondents was wrong in their perceptions about what they bought, while another third did not know. We conclude that one must be very careful in drawing conclusions about behaviour from consumer surveys which focus on opinions and intentions."

An alternate market based approach would gauge consumer sentiment by reacting to purchasing behaviours. Companies are constantly responding to changes in purchasing behaviour in order to maximise profits. If a company provides information desired by consumers then it benefits from increased market share and the number of products providing that information increases as competitors follow suit. If the information is desired by a section of the community then this information can be provided to this market segment without requiring consumers who do not seek this information to pay for it. This contrasts with mandatory non-health labelling where the costs are shared amongst all consumers of the good because there is no choice to not pay for the additional information.

6. The Effect of the Proposed Bill

The proposed Bill will reduce consumer choice.

While the current system is not as efficient as a market based mechanism, it does recognise several important realities including that:

- Modern agricultural supply chains for many commodities rely on shared harvesting, transport and storage facilities;
- There is a lower limit to how accurate random cost effective sampling of commodities can be; and
- When products are biochemically identical there are significant problems associated with both enforcement and maintaining affordable evidence of production method; and
- Regulation should not be more trade restrictive than necessary. This principle is also recognised in the World Trade Organization's Agreement on Technical Barriers to Trade, several free trade agreements and multiple COAG guidelines on best practice governance.

As a result, the Food Standards Code mandatory labelling requirements have not imposed an unmanageable cost on businesses that wish to use non-GM ingredients. However, the removal of these highly practical exemptions, as proposed by the Bill, would mean that the costs of providing non-GM products would be prohibitive. These costs would include the additional supply chain costs that would be imposed by a zero adventitious presence level. These would be substantial because shared harvest, storage and transport equipment could not be used. For example, current thresholds allow grain to be transported in a large vessel. If these were removed it would instead need to be placed in containers to ensure that it did not mix with other grains. This would increase shipping costs substantially. ABARES has estimated that the cost of containerising Australian wheat for export to Japan increases shipping costs by 50 percent[11]. Additional costs would include increased testing, documentation and machinery cleaning costs.

In addition to these substantial costs, the Bill would also impose liability issues for food manufacturers who wish to use non-GM ingredients. The proposed Bill creates additional due diligence requirements that may exceed the requirements under the Competition and Consumer Act 2010, which states that:

> "A person must not, in trade or commerce, engage in conduct that is misleading or deceptive."

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10 European Commission (2008) *Do European consumers buy GM foods?* Available at: http://www.kcl.ac.uk/schools/biohealth/research/nutritional/consumerchoice/downloads.html

11 ABARE (2006) *GM Grains in Australia – Identity Preservation.* Available at: http://www.abare.gov.au/publications_html/crops/crops_06/GM_grains.pdf

6. The Effect of the Proposed Bill (cont.)

The Australian Competition and Consumer Commission investigates any case of non-compliance with this law, which was previously contained in the Trade Practices Act. As a result, it is already illegal for a food manufacturer to deliberately misrepresent the contents of a food product.

In the case of GM food ingredients, this requirement is supplemented by the requirement to label GM ingredients accurately under the Food Standards Code.

The proposed requirements for due diligence appear to be additional to these and may result in further liability for companies wishing to market non-GM food ingredients. The financial risk of this liability will be another deterrent that will limit the amount of companies who feel that they can market a non-GM product in a cost effective way.

Regulations should not impose costs greater than the benefits derived from the regulation. We maintain that the significant costs resulting from this Bill do not justify the benefits - there is no health benefit, only an “information” benefit that will be insignificant if alternative products are not available for purchase. A regulatory impact assessment seems necessary for such a piece of proposed legislation should it proceed.

Current tests can detect a single GM grain in 10,000 grains and the sensitivity of these tests increases every year. However, unless every piece of grain in a shipment is tested it cannot be guaranteed that very low levels of GM content will be captured in the sample that is sent for analysis. In order to perform these tests, the seed must be crushed, so testing all of the seed is not a realistic solution. Detection of GM material at the lower levels involves uncertainty, not only with the sensitivity of the tests but also with the uncertainty of sampling methods. This makes enforcement impossible at levels close to zero. As a result of these realities, it is always going to be impossible to be able to say with absolute certainty whether every single seed is non-GM.

The risk of error would be further increased by the proposal to require unintended GM presence to be labelled. It is not even entirely clear how it would be possible to comply with, or regulate this provision, particularly with highly refined products where the GM and non-GM final products are identical. In these instances, a manufacturer would not even be able to test for unintentional presence in the final product, regardless of the extent of sampling.

Due to all these factors, it is highly likely that if the proposed changes were adopted then food manufacturers would simply label everything as GM whenever there was commercial GM cultivation of that crop. They would do this rather than risk violating the zero threshold proposed in the Bill by not labelling an ingredient that occasionally had a 0.001 per cent level of GM content.

Therefore, these amendments would remove consumer choice altogether – the opposite outcome to the intention behind introducing mandatory labelling of GM food ingredients in Australia in 2001, and the opposite intent to the current Bill.

7. Conclusion

The Explanatory Memorandum for the proposed Bill states that the amendments it contains "would allow consumers to make an informed choice[12]." CropLife argues that this Bill would actually remove consumer choice, because it would deter manufacturers from offering non-GM products.

CropLife believes there is no need for the mandatory labelling of GM food ingredients as required under current Australian law.

CropLife also believes that the current system of GM food labelling is already a good compromise whereby a stringent labelling standard is imposed for consumer information, although no public health risk is identified. If there is sufficient demand then the market will supply these products through voluntary labelling without the need for legislation. However, CropLife can only recognise this compromise because the current system contains important exemptions that reduce the cost of the mandatory labelling requirements. This is appropriate because regulation should always be commensurate with risk and GM food ingredients are at least as safe as any non-GM foods. If the Government is going to amend the food labelling legislation, it should amend it to remove requirements for mandatory labelling of GM food ingredients, rather than strengthening these requirements.

The current Bill is not required and will not achieve its desired aims. It should not proceed.

[12] Parliament of Australia (2010) *Food Standards Amendment (Truth in Labelling – Genetically Modified Material) Bill 2010. Explanatory Memorandum.* Available at: http://www.austlii.edu.au/au/legis/cth/bill_em/fsailmmb2010636/memo_0.html