

Attention: Secretariat
National Standards Sub Committee
c/o DAFF
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Applicant Details

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Request to:

Alter an existing Point

In Section 3.3 (Genetic Modification) of the National Standard, under General Principles, following sub-paragraph (i), the following text can be inserted into the standard:

(ii) As long as an operator has not intentionally used genetically modified organisms or their derivatives and has taken reasonable steps to avoid contact with the products of genetically modified organisms or their derivatives as detailed in their risk management process, the unintentional presence of genetically modified organisms shall not affect the certification of the organic operation. Crops on the organic property, or post harvest, found to contain any detectable GMO presence shall lose certification as organic.

OR

(ii)) As long as an operator has not intentionally used genetically modified organisms or their derivatives and has taken reasonable steps to avoid contact with the products of genetically modified organisms or their derivatives as detailed in their risk management process, the unintentional presence of genetically modified organisms shall not affect the certification of the organic operation. Crops on the organic property, or post harvest, found to contain detectable GMO presence at or above the reportable presence of GMOs in food by FSANZ shall lose certification as organic.

Obviously as we have stated consistently we are for option 1) above from this submission.

AND: Develop a Guidance document pertaining to applying sanctions under Section 3.1.9

Reasons for amendment:

There is considerable concern amongst the Australian agricultural industry, including organic farmers, that setting thresholds for GMO presence at zero introduces difficulties that are technically and legally complicated to overcome and operationally difficult to implement and monitor for compliance at farm level. The outcome of maintaining zero tolerance at farm level and the ambient farming environment will be a significant cost burden (not just monetary) to organic farmers and in turn the industry.

Paragraphs 504–538 of the judgment in *Marsh v Baxter* state that there is scope for misinterpretation of Australia's organic standards; by providing guidance and clarity in the form a General Principle in the National Standard this may help to prevent such misinterpretation occurring in the future.

This is both a policy and regulatory matter that will see involvement and action by the Government, unless the organic industry itself can determine a satisfactory policy that looks after the interests of its own organic farmers while also respecting their neighbours acting within the law and appropriate codes of practice. Clearly the industry needs to continue to deliver on the expectation of consumers also that organic products are non GMO in origin or production, similar to synthetic pesticides and other prohibited products.

Recommendations

To avoid any additional regulation or Government intervention, there is a relatively simple solution that will serve to clarify and simplify the interpretation of the National Standard, while at the same time helping to avoid future situations of organic farmers feeling the need to sue their neighbours in courts of law.

Under this proposal, genetically modified organisms (GMOs) and their derivatives remain prohibited in organic agriculture, subject to the General Principle.