



Meat Industry Association of New Zealand (Inc)

Submission to Education and Science Select Committee

New Organisms and Other Matters Bill

Introduction

- 1 The Meat Industry Association of New Zealand (MIA) is a voluntary trade organization representing New Zealand meat processors and exporters. MIA member companies are responsible for the bulk (98 per cent) of New Zealand's meat exports which in 2001 earned close to six billion dollars (\$6 billion) in overseas revenue.
- 2 That return came from approximately seven hundred and fifty thousand tones (750,000t) of export meat product and co-products sent to over seventy foreign markets. The total export tonnage is split in roughly even amounts between sheepmeat and beef/veal. Close to ninety per cent of all New Zealand's annual red meat production is exported

Background

- 3 In the past ten years the New Zealand meat sector has been transformed from a commodity and production driven industry to one that is highly responsive to market trends and is focused on the value added end of the food chain.
- 4 For example, in 1992 about ninety per cent of sheepmeat (lamb and mutton) exports were in frozen carcass form and only ten per cent was in further processed form. In 2002, that ratio is almost reversed; only eight per cent of sheepmeat exports are for the carcass trade while 92 per cent are in processed cuts ready for immediate display in supermarket cabinets. This is how industry has responded to the modern consumers preference for convenient, easy-to-prepare food items, that at the same time are tasty and nutritious.
- 5 Notably also, the volume of chilled sheepmeat product exported as added value cuts in 2002 will be nearly twice the tonnage in the old frozen carcass form. The increasing emphasis New Zealand sheepmeat exporters are placing on the production of premium chilled product is a response to consumer preference for fresh food.
- 6 This significant transformation could not have occurred without access to a strong and innovative pastoral research base, constantly updated to draw upon world best biotechnology.

Overview

- 1 MIA endorses the thrust of the changes proposed in the New Organisms and Other Matters Bill. We believe they are broadly consistent with the conclusions of the Royal Commission on Genetic Modification that New Zealand's national interests lay in a cautious and selective adoption of the tools of genetic modification to preserve opportunities and options for the future. MIA supported those findings and Government's subsequent acceptance of them.
- 2 MIA supports the proposed legislation amendments that would facilitate work on low-risk genetically modified organisms subject to tight and clearly defined guidelines. MIA acknowledges the strength of Government support for a cautious regime of consideration which reflects the need for careful and selective use of gene technology. However it is time to remove the uncertainty that scientists and potential investors have experienced in recent years while the issue was being addressed in the public policy context. It is important that the Environmental Risk Management Authority (ERMA) and other agencies are left in no doubt through the legislation, that there is a clear obligation to facilitate the use of gene technology unless there are sound scientific or evidence-based reasons for not doing so.
- 3 MIA strongly supports ERMA being provided with additional resources to enhance its analytical and policy advisory skills.

Submission in relation to specific proposals in the Bill

Part 1 – Preliminary provisions

Section 2 – Commencement

MIA has no objection to the proposed changes.

Section 3 – Purpose

Propose

MIA would support a new sub-section

- (a) (i) providing a practical framework for proceeding with caution in the management of new organisms (including genetically modified organisms) while preserving opportunities; and

[re-number subsequent paragraphs]

Part 2

Sections 4– 6

MIA has no objection to the proposed changes.

Section 7 – Powers, functions and duties of Authority

Propose

MIA recommends that proposed new subsection be changed by deleting the words “are likely to”

- “(2) The Authority must ... consult the persons who, the Authority considers are representative of the classes of person who ~~are likely to~~ have an interest in the standards.”

Section 8 – 9

MIA has no objection to the proposed changes.

Section 9 (A)

MIA recommends that Section 4 of the principal Act be amended by deleting existing section 4 and substituting

“4. Purpose of Act – The purpose of this Act is to provide a practical framework for proceeding with caution in the management of new organism (including genetically modified organisms) while preserving opportunities; and to protect the environment, and the health and safety of people and

communities, by preventing or managing the adverse effects of hazardous substances and new organisms.”

Section 10 – New part 4A inserted

MIA agrees with the proposals to provide a statutory role for Nga Kaihautu Tikanga Taiao, and with the specifics of that limited role.

Section 11 – Prohibition of import, manufacture, development, field testing or release

Section 12 – Types of approval

Section 13 – New Section 27A inserted

Section 14 – Approvals for innovative agricultural compounds and medicines

Section 15 – Application for approval to import or release

Section 16 – New section 34A inserted

Section 17 – Determination of applications to import or release

MIA agrees with the proposed changes

Section 18 – New headings and sections 38A to 38J inserted

Section 38A (1)

Section 38A (2) (a) – (d)

MIA has no objection to the proposed clauses

Section 38A (2) (e)

Replace the word “possible” with “known”

The scope of the phrase “... all the possible adverse effects of the organisms on the environment...” is too wide and exposes the applicant and ERMA to an unnecessary threshold which is scientifically impossible to comply with. It would also result in costly legal proceedings to determine what falls within the definition of “possible”.

Section 38A (2) (f) – (h)

Section 38A (3), (4)

Section 38B

Section 38C (1) (a) – (c)

MIA has no objection to the proposed changes.

Section 38C (2) (a)

Insert the word “known” after the words “all the”

See the argument above with respect to insertion of the word “known” in 38A

Section 38C (2) (b) – (d)

Section 38C (3)

MIA has no objection to the proposed changes.

Section 38D (1) – (2)

MIA has no objection to the proposed changes.

Add new Section 38D (3)

“The Authority shall not impose controls which are unreasonable or irrelevant to the assessed risks posed by the new organism.”

Section 38E

Section 38F

Section 38G

Section 38H

Section 38I

Section 38J

MIA has no objection to the proposed changes, but recommends a new Section 38J (3) that would read:

“The Authority shall not impose controls which are unreasonable or irrelevant to the assessed risks posed by the qualifying organism.”

Section 19 – Importation or development of new organisms in containment

MIA has no objection to the proposed changes.

Section 20 – New sections 42A and 42B inserted

Section 42A – Projects for low-risk genetic modification

Substitute the words “Projects for low-risk genetic modification, development in containment, import into containment and field trials” for the proposed heading.

Insert into subsection (1), after the words “...develop a new organism in containment...” the words “import into containment and field trials”.

Insert into subsection (1) (a) after the words “...a project for the development...” the words “importation into containment or field trials...”

Section 42A (2)

Section 42A (3)

MIA has no objection to the proposed changes.

Section 42B – Rapid assessment of adverse effects of the importation of genetically modified organisms

Insert the words “into containment” at the end of the heading.

Section 42B (1)

MIA has no objection to the proposed changes.

Section 42B (2)

MIA recommends removing the words “If the Authority is satisfied that the importation meets the criteria for low-risk genetic modification specified in regulations made under Section 41...”

MIA believes the reference to low-risk criteria is unnecessary and would result in unjustifiable limitations on the development of the biotechnology sector.

Section 42B (3)

MIA has no objection to the proposed changes.

Section 21 – New Section 43 substituted

Section 22 – Additional matters to be considered for certain developments and field tests

Section 23 – Determination of application

Section 24 – New Section 45B inserted

Section 25 – Exemptions from provisions of Act in emergencies

Section 26 – New heading and Sections 49A and 49K inserted

Section 27 – Prohibited organisms**Section 28 – Transshipment of substances and organisms**

MIA has no objection to the proposed changes.

Section 29 – Applications required to be publicly notified**Section 30 – Information held on behalf of applicant****Section 31 – Authority to withhold information****Section 32 – Further information****Section 33 – Time limits and waivers****Section 34 – Grounds for reassessment of a substance or organism****Section 35 – Reassessment**

MIA has no objection to the proposed changes.

Section 36 – Minister’s power to call in applications with significant effects

MIA supports this section, but is apprehensive that the proposed changes could permit an unacceptable level of political intervention in the decision making role of ERMA, with respect to new organisms. ERMA already has the statutory obligation to consider all matters covered in Section 68 (1) (a).

Section 37 – Notification of Minister’s direction**Section 38 – Conduct of Inquiry by Authority****Section 39 – Minister to decide application and notify decision****Section 40 – Enforcement of Act****Section 41 – New Section 97A inserted****Section 42 – Coordination of inspection****Section 43 – New Section 98A inserted****Section 44 – Supervision of inspection****Section 45 – Powers of entry for inspection****Section 46 – Form and content of compliance order****Section 47 – Penalties**

MIA has no objection to the proposed changes.

Section 48 – New Part 7A inserted

MIA can support but is concerned that the size of the pecuniary penalties specified in the proposed legislation may act as a major disincentive to researchers, developers and investors.

Section 49 – Regulations

Section 50 – New Schedule 2 substituted

Part 3 – Agricultural Compounds & Veterinary Medicines Act 1993

Sections 51 -53

Part 4 – Medicines Act 1981

Sections 54 – 60

Schedule – New Schedule 2 substituted in Principal Act

MIA has no objection to the proposed changes.