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**SUBMISSION ON PROPOSED REGULATIONS FOR MANAGEMENT  
(THROUGH SEGREGATION AND TRACEABILITY SCHEMES) OF  
CONDITIONALLY RELEASED GENETICALLY MODIFIED ORGANISMS,  
PARTICULARLY CROPS.**

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This submission is made on behalf of the Pacific Institute of Resource Management and uses the response template of the ERMA consultation document.

1) Types of applications to which the proposed regulation would apply.

The regulations should be couched in a manner that allows for their broadest application across all types of GM organisms. This would avoid the difficulties of establishing a definition of 'crop' and would not be based on any particular end-use of a GMO or product of a GMO. This is required because of the present use of, for example, micro-organisms as food or in food production. GMOs may also be involved as inputs to cropping systems rather than as end products. Restricting the application of the regulations appears likely to introduce more complications and potential for contestability than if a universal approach is employed. A limited application is also likely to increase the incidence of adventitious or unavoidable presence of GMOs or products from GMOs in food and other products. Such an increase would erode the effectiveness of the regulations over time and compromise both the interests of non-GM producers and consumer choice.

2) Definition of 'crop'.

As discussed above, there should be no definition of a crop or other specific limitation in the application of the proposed regulations.

3) Requirements of the regulations

ERMA should be required to **give effect to** the prescribed segregation and traceability schemes when imposing controls. It is important that the terms employed in these regulations do not weaken their application given the wide discretion that is given to ERMA by the HSNO Act and its associated legislation

The regulations should include a definition of the level of segregation to be delivered by any code of practice. This segregation is the most important and most easily compromised aspect that operates to protect the interests of non-GM producers and consumers. Specification by applicants of an expected level of segregation is not sufficient to provide protection.

There must be consideration of traceability beyond “the life of the organism”. There remains major uncertainty about the spread of artificial genetic constructs outside of the living organisms in which they were originally employed and to limit the regulations in this manner would greatly compromise its effectiveness.

As segregation and traceability are administrative and practical matters that do not involve biological uncertainties, it is appropriate that regulations addressing them include requirements for binding guarantees and appropriate penalties for transgressions.

- 4) As a final overall point, the Cabinet Discussion Paper and other supporting documentation relating to regulatory or legislative measures seem to place stronger emphasis on the interests of those who wish to use GMOs rather than those who wish to avoid them. For example, information about the location of GMO crops is supposed to allow those who wish to avoid GMOs to make management decisions regarding their non-GMO crops, placing the burden upon the GMO-free farmer to avoid exposure rather than placing the responsibility upon the grower of the GMO crop to avoid exposing neighbours to heritable material. This apparent imbalance must be remedied. Evenhandedness toward GM-using and GM-free constituencies must be explicit and guaranteed in the regulations.

Thankyou for the opportunity to make this submission. We wish to continue our involvement in this consultation process and to make further oral submissions in the event of any hearing.

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