

## Grain Trade Australia

### Policy for Low Level Presence (LLP) in Grain

---

#### Introduction

This policy has been developed to provide guidance to the Australian grains industry and Australian Government in relation to the issue of low level presence of GM crops. It does not pertain to the adventitious presence of a GM crop i.e presence of an unapproved event.

This policy covers all grain that is for food, feed or processing (FFP)<sup>1</sup>.

For the purposes of this paper, the term “*low level presence (LLP)*” refers to “unintended presence at low levels of GM grain that is already approved for commercial use or sale in one or more countries, but may not yet be approved in an importing country”

This is derived from the globally accepted definition for LLP i.e. “*Low levels of recombinant DNA plant materials that have passed a food safety assessment according to the Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003) in one or more countries, but may on occasion be present in food in importing countries in which the food safety of the relevant recombinant-DNA plants has not been determined.*”

This policy and aligned processes will help deliver confidence to the industry that domestic and international market access will be maintained in a situation where an LLP event may occur.

This policy is focused on GM derived technologies that have been approved for commercial release/use by national regulatory systems that have legislative responsibility for human health, safety and environmental issues. In Australia this includes:

- Office of the Gene Technology Regulator (OGTR);
- Food Standards Australia New Zealand (FSANZ);
- Australian Pesticide & Veterinary Medicines Authority (APVMA); and
- DAWR and DFAT.

This policy should be read in conjunction with the GTA Policy for Genetically Modified (GM) Grain.

#### About GTA

Grain Trade Australia (GTA) is the focal point for the commercial grains industry within Australia. It facilitates trade and works to provide an efficient, equitable and open trading environment by providing leadership, advocacy and commercial services to the Australian grain value chain. GTA members are responsible for over 95% of all grain storage and freight movements made each year in Australia. Over 95% of the grain contracts executed in Australia each year refer to GTA grain standards and/or trade rules.

GTA members are drawn from all sectors of the grain value chain from production to domestic end users and exporters. GTA members are involved in grain trading activities, grain storage, grain for human consumption and stock feed milling. A list of all members is attached.

The GTA Committee responsible for development and management of the GTA LLP policy is the Committee for Plant Breeding Innovation (Committee).

The Committee is a technical advisory group to the GTA Board, comprised of appropriately qualified individuals, and, in relation to this issue, is responsible for:

---

<sup>1</sup> The initial focus of GTA is on grain for FFP and does not include seed. GTA will liaise with the seed industry and the Australian Government in regard to the extension of an LLP to seed.

1. management of the GTA LLP policy so that it reflects industry needs in relation to commercial activities associated with the trade of products from innovative plant breeding technologies within the Australian grains industry
2. engagement with industry and supply chain stakeholder groups involved in the development of policies and processes relating to the management of an LLP incident, if and when it were to occur
3. providing advice to the Australian Government in relation to an Australian LLP policy

### **Low Level Presence and importance to the grain trade**

LLP can occur in grain, food and feed products that are imported into Australia, just as Australian exports can be a source of LLP in other countries. In the absence of LLP policies in importing and exporting countries, the grain trade faces risks of disrupted trade flows and consequential costs and impacts.

The bulk nature of the commercial grain supply chain moving large volumes of grain means that trace amounts of a GM crop may become mixed as a result of unavoidable and unintentional commingling in any link along the extensive supply chain (production, processing, storage, transportation, etc.).

There has been an increase in the number of Low Level Presence (LLP) incidents that have had enduring impacts to the international trade from the disruption to trade and cost of compliance. The main focus for the international grain trade is the potential for LLP to occur where the country of export has already approved a GM event for cultivation, while the country of import is in the process of or yet to approve it for food, feed and processing (*asynchronous approval*).

LLP incidents can also arise where technology developers do not seek regulatory approval in an importing country (*asymmetric approval*) or when in the country of import the approval of the GM event expires and the technology developer does not seek continuation of the approval (*discontinued event*).

The lack of alignment in regulatory strategy implementation is of growing concern for its potential impact on international grain trade, in particular where countries operate a "zero tolerance" policy that may result in rejections of imports that contain only traces of approved (in the country of origin) GMOs.

There are a number of factors contributing to the likelihood of an LLP event occurring including:

- Increasing volume of GM crops produced
- Increasing volume of GM crops traded (movement)
- Increasing diversity of traits
- Increasing number of countries adopting GM crops
- Different timing of GM regulatory approvals (asynchronous approvals)
- Increasing situations where GM regulatory approvals are not being sought outside the producing country (asymmetrical approval)
- Lack of LLP policies in importing and export countries and/or inconsistency in LLP policies

Globally governments are attempting to address this issue through development of policies, regulations and measures aimed at preventing and managing LLP incidents through the Global Initiative on LLP.<sup>2</sup> Despite this, only three countries have actively commenced the process of policy development – Canada, Philippines and Colombia. (The EU has developed a technical solution for discontinued events in feed, however, this is not a LLP policy).

---

<sup>2</sup> The Global Initiative on LLP comprises a number of countries that have agreed to work together to try and develop a common policy approach to the management of LLP. The countries involved are Australia, Argentina, Brazil, Canada, Chile, Costa Rica, Indonesia, Mexico, Paraguay, Philippines, Russia, United States, Uruguay and Vietnam. Observers include China, Colombia, Korea, South Africa and the EU. To date the Global Initiative has held three meetings (Vancouver 2012, Rosario 2012 and Durban 2013). LLP in products for food or feed and processing are considered separately to LLP in seed by the Global Initiative on LLP and by the international grain trade. LLP for food or feed and processing is the more immediate focus of global trade and Governments. LLP is not a health issue and only GM events that have been determined to be safe to humans and animals would be eligible for LLP thresholds.

## **The GTA LLP policy**

- Supports the establishment of an Australian Low Level Presence (LLP) policy as it will:
  - assist to manage domestic occurrences of low-level presence
  - assist in discussions with trading parties and international initiatives on LLP with view of harmonising regulations internationally
  - provide greater assurances for Australian exporters who face the risk of trade disruptions related to low-level presence
- Supports Australian Government involvement in the Global Initiative on LLP and encourages the Australian Government to participate in such discussions
- Will maintain dialogue with the Australian Government on this issue and encourage it to stay engaged in the international dialogue/initiative
- As international discussions proceed and as other like minded countries such as Canada develop LLP policies, work with the Australian Government re development and adoption of a LLP policy
- Supports continued efforts through domestic policy solutions and international mechanisms to promote:
  - the synchronization of approvals in major markets
  - options for mutual recognition of safety assessments conducted according to internationally-recognized guidelines (e.g., Codex and OECD) and harmonization of regulatory processes such as safety assessments, initially for food/feed/grain products
  - implementation of LLP solutions in the major import markets for products of agricultural biotechnology
- Will work with international colleagues through the IGTC to build knowledge and ensure alignment of domestic policies with developments in other parts of the international grain trade.
- Will work with GTA Standards Committee, Australian Oilseeds Federation, Pulse Australia, the Australian Seeds Federation and other relevant organisations to ensure their policies and standards are harmonised and consistent with global language and definitions
- In conjunction with the GTA Trade and Market Access Committee, seek opportunities to include discussion of LLP policies and related issues in trade agreement discussions