



Review of Submissions:

DRAFT Import Health Standard 155.02.05: Importation of Seed for Sowing.

Date: 12 November 2015

Ministry for Primary Industries

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Plants, Food & Environment Directorate
Regulation & Assurance Branch

REVIEW OF SUBMISSIONS ON:

DRAFT Import Health Standard 155.02.05: Importation of Seed for Sowing

Date
12 November 2015

Approved for general release

Dr Stephen Butcher
Manager Import & Export Plants
Ministry for Primary Industries

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Introduction

The Ministry for Primary Industries (MPI) has consulted with interested parties on the proposed changes to the general requirements for the importation of seeds for sowing (Import Health Standard 155.02.05: *Importation of Seeds for Sowing*), and the *Protocol for Testing Seed Imports for the Presence of Genetically Modified Seed*. The consultation ran from 10 September 2015 to 08 October 2015. It was done in accordance with Section 22 of the Biosecurity Act (1993) and MPI's consultation policy.

MPI is currently reviewing all standards and guidance documents so that the legal requirements are clear and that information is consistently presented and easy to understand. MPI proposed:

1. Several minor amendments to biosecurity requirements and the review of the import health standard 155.02.05: *Importation of Seed for Sowing*.
2. A revised and updated version of the *Protocol for Testing Seed Imports for the Presence of Genetically Modified Seed*.
3. Change the name of the current GM Protocol to the *Protocol for Testing for the Presence of Genetically Modified Plant Material* to reflect the scope of testing includes plant material as well as seeds.
4. The schedules for *Cucurbita pepo* (squash) and *Linum usitatissimum* (flax, linseed) have been amended to include an option for testing consignments imported into New Zealand for the presence of unapproved GM seeds in an MPI approved laboratory, in addition to the option for a signed exporter/importer non-GM assurance declaration.
5. The IHS schedule for *Gossypium hirsutum* (cotton) has been amended to include the requirement for all consignments imported into New Zealand to be tested for the presence of unapproved GM seeds in an MPI- approved laboratory.
6. New tests have been added to the *Protocol for Zea mays* (maize, sweetcorn) and *Glycine max* (soybean) seed imported into New Zealand, as new events have been commercialised and are available in the market.

MPI received two submissions from the following:

Industry submissions:

New Zealand Grain & Seed Trade Association	08 October 2015
Seed Solutions	08 October 2015

Review of Submissions

This document reviews the submissions and provides a response to any questions or queries. The submissions have been reproduced in full and are appended to this document.

GENERAL FEEDBACK

The New Zealand Grain and Seed submitted that they were happy with the draft IHS, noting that MPI had addressed a number of issues raised during pre-consultation and earlier discussions held through the year.

SPECIFIC FEEDBACK

A second submission included specific comments and concerns, which are addressed below.

Exporter/ importer non-GM assurance declaration

- 1. The submitter commented on the requirement for this declaration to include the lot numbers for each line/lot present in the consignment and that the importer is required to sign it as well as the exporter. Their view is that it should be removed entirely as a requirement.*

MPI response:

The requirement for a non-assurance declaration is required by the existing Protocol (section 15 Small Quantities of Seed, option c) Quality Assurance Declaration). The change is that now MPI requires exporting companies to use the template provided in the IHS rather than using their own letter format, and the importer will also countersign the declaration. The change was made because of the variation in wording and statements about the presence of GM in seed production methods. This declaration is used across four different types of commodities. Harmonization of the procedure and template will provide uniformity and traceability across the different schedules.

At the time of applying for a permit, you are required to advise MPI that you intend to use this option now listed under the new Protocol as 2.2.3 Exporter/importer non-GM assurance declaration. You can do this under the section Purpose of Importation.

The declaration does not need to be provided at the time of application for a permit, but must be presented at the border together with the consignment and all the other necessary documentation, just like all the other importers for which the declaration applies. The declaration is very clear in stating that the importer has the option to list on the declaration either the lot number or a unique identifier, as stated on all the other import documentation, to enable MPI to reconcile the paperwork with the actual consignment. For example, where there is many lines, a list similar to the packing list may be attached to the declaration.

Seed Analysis Certificate

- 2. The submitter commented on the requirement for a Seed Analysis Certificate.*

MPI response:

The current requirement has been clarified. There is no change to the current requirements for a Seed Analysis Certificate.

Seed Analysis Certificate still optional under the IHS: Seed for sowing. All importers must choose between Option 1 and Option 2. Some importers chose to present a SAC, where some others do not. Independently of the choice taken by the importer all seed for

sowing consignments are inspected upon arrival at the border and where appropriate, i.e. regulated weed seeds or contaminants found in the consignment, will be sent and analysed at a MPI-approved seed testing facility. All viable seed, and products containing viable seed from species listed in the Plants Biosecurity Index (PBI) are inspected by MPI inspectors at the border.

Appendix I: Submissions Received

INDUSTRY GROUP AND COMPANY SUBMISSIONS

Response received: 08 October 2015

From: Thomas Chin [mailto:thomas.chin@seedindustrynz.co.nz]

Sent: Thursday, 8 October 2015 11:28 a.m.

To: Rose Souza Richards <Rose.SouzaRichards@mpi.govt.nz>; Kathryn Hurr (Kath) <Kathryn.Hurr@mpi.govt.nz>

Subject: Draft IHS for seeds for sowing, and changes to protocol for testing for the presence of genetically modified seed

Dear Rose and Kath

I wanted to let you both know that we are happy with the draft IHS.

The document is a fair reflection of our earlier discussions held during the year.

The pre-consultation meetings we had certainly addressed and cleared up a number of issues.

Thank you for your help and kind consideration.

Warm regards

Thomas

Thomas Chin

General Manager

NZ Grain & Seed Trade Assn

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Response received: 08 October 2015



P. O. BOX 534 PUKEKOHE AUCKLAND NEW ZEALAND

Submission from Seed Solutions NZ Ltd

Submission by Seed Solutions on the proposed changes to the *Zea mays* IHS

- 1) We note the new requirement for a “Exporter/Importer Non-GM Assurance Declaration” in addition to a permit for the importation of small packets. The declaration requires the listing of lot numbers. The majority of small packets imported by seed Solutions are breeding material. These are unfinished and un-coded lines and will remain so till they are finished. They DO NOT have lot numbers and CANNOT have lot numbers. This part of the declaration needs to be removed for breeding nurseries.
- 2) We note that the declaration needs to be signed by the importer and exporter. Notwithstanding the fact that the declaration should be removed entirely for this process, asking the importer to sign is COMPLETELY UNACCEPTABLE. We can provide no more assurance for MPI that the seed is GMO free than you can be assured the Toyota car you are importing from Japan has the blue upholstery you asked for. This part of the declaration MUST be removed. The assurance you require is provided by the letter our customers supply and which we then use to apply for a permit. Asking the importer to further sign a declaration is nonsense.
- 3) We also come to the following conclusions:
 - i) The first 2 paragraphs of the declaration are statements and by themselves do nothing to reduce the risk of GMO contamination
 - ii) The 3rd paragraph which does have some impetus to it, is nevertheless still just a lesser standard to the written assurance already required by 2.2.3 (1).
 - iii) 2.2.3 (1) This requires the supplier’s written assurance. (No change)
 - iv) 2.2.3 (2) A permit is still required (No change)
 - v) 2.2.3 (3) (4) (NO Change)
 - vi) The main purpose of the Export/importer Non-GMO Assurance Declaration therefore is the requirement for lot #'s. As stated by Seed Solutions REPEATEDLY, breeding nurseries DO NOT have lot #'s. Therefore the declaration is largely obsolete as a consequence.
 - vii) The declaration does not provide any extras rules or measures to reduce the likelihood of adventitious contamination.
 - viii) The declaration repeats the goals of the permit system and therefore having another layer of paperwork will lead to confusion by customers and by MPI border control officials. This will result in mistakes, omissions, and other errors. It unnecessarily complicates the situation.
 - ix) The permit system has worked perfectly well to date. All subsequent sampling of seed produced in our nurseries has been shown to be GM free.
 - x) Taking all the above points the declaration is an illogical and irrational piece of paperwork and should be removed. It’s removal will add focus and clarity to the current permit system
- 4) We note the original requirement for a SAC for lines greater than 5kg. The 5kg threshold has been removed. Technically now 1 seed needs a SAC. Nor is it clear that a requirement for a SAC does NOT apply to the importation of 20,000 small packets.

- 5) 1.5.3 Option 2 is ambiguous. The implication is that MPI inspectors have discretion to grant bio-security clearance where appropriate in the absence of a SAC. But this is not implicit. Option 2 should specifically give MPI inspectors the authority to grant bio-security clearance in the absence of a SAC.
- 6) The guidance in fact states that all seed must have a SAC.
- 7) Mandatory SAC for samples under 100kg should be removed. Customers are often sending breeders seed for increase in the order of 5kg. These have already had 3200 kernels removed for GMO sampling. To remove yet more from breeders seed (first stage of bulking up) is not acceptable. AQIS allow border officials to grant bio-security clearance for seed without a SAC. The same needs to apply in NZ.

Regards