



## CTO DECISION DOCUMENT

<b>To be signed by</b> (highlight):			
<b>Director (PPD)</b>		<b>Team Manager</b>	<b>Senior Adviser</b>

<b>Under what authority is the decision being made</b> (highlight):		
<b>Appointed Chief Technical Officer (CTO)</b> – Peter Thomson	<b>Appointed Deputy CTO</b> -	<b>Delegated CTO authority:</b> - <b>Barry Wards</b>
<b>Section of the Act the decision is being made under:</b>	Section 27(1)(d)(iii)	
The Biosecurity Act can be viewed on the website: <a href="http://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html">http://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html</a> Delegations under the Biosecurity Act can be searched on the following website: <a href="http://kotahi.maf.govt.nz/do/policies/view/article/1169/delegations-and-authorisations">http://kotahi.maf.govt.nz/do/policies/view/article/1169/delegations-and-authorisations</a> - CTO delegations can be searched under the heading <a href="#">Biosecurity (Chief Technical Officer)</a>		

<b>Author:</b>	Brendan McDonald	<b>Team:</b>	Plant Products Import (PPI)
<b>Subject:</b>	<b>CTOPlantsDir20190048</b> CTO direction for importation of <i>Glycine max</i> for sprouting in NZ's transitional facilities	<b>Due date:</b>	13/09/2019

The unique CTO decision number can be found under the tab 'CTO27(1)(d)(iii)decisions' in this [spreadsheet](#).

Review steps	Name	Team	Date
<b>Peer review</b>	Hoda G	PPI	13/09/2019
	Ryan Rayl	PPI	16/09/2019
<b>Consultation with other MPI groups</b>			
<b>External</b>			
<b>Review and Team Manager sign out</b>	Barry Ward	PPI	16/09/19
<b>Group Manager sign out</b>			
<b>Director sign out</b>			

**Link to Word version of this Decision Document:**

- This document will be stored in the Decisions Document library

**Insert other relevant documents here, this may include:**

- Links to previous relevant decisions
- correspondence with other groups relevant to this decision, e.g. emails and lab submission forms

Note: emails or other documents can be dragged and dropped into this Word document

**Insert copy of Decision Document here once signed**  
(i.e. link in Piritahi or PDF attachment)





## CTO Decision Document CTOPlantDir20190048

### ISSUE:

During the “Tidy the Room” and “Permit Review” projects, some permits were amended to remove ambiguous wording that appeared to allow sprouting of *Glycine max* (Soybean) seeds when the import health standard (IHS) *Importation of Grain/Seeds for consumption, Feed or Processing Plant Health Requirements* (BNZ.GCFP.PHR) does not allow sprouting for this species. The importers would like equivalence to allow non-GM *Glycine max* seeds to be imported for sprouting for human consumption.

### BACKGROUND:

*Glycine max* seeds are eligible to be imported into New Zealand for consumption, feed or processing under one of the following options outlined in the *Glycine max* schedule of the BNZ.GCFP.PHR IHS:

- a) Option 1: Importation of non-viable seeds (heat treated or irradiated in the country of export)
- b) Option 2: Importation of viable seeds for processing at New Zealand transitional facilities
- c) Option 3: Importation of viable seeds for devitalisation on arrival (heat treatment or irradiation on arrival)

The BNZ.GCFP.PHR IHS does not have an option to sprout *Glycine max* seeds, because *Glycine max* is known to be predominately genetically modified (GM); however, another potentially GM seed, *Medicago sativa*, does have GM testing requirements to allow tested non-GM *Medicago sativa* to be imported for sprouting.

Under the *Hazardous Substances and New Organisms* (HSNO) Act 1996, it is illegal to grow GM seeds in New Zealand without an approval from the Environmental Protection Agency (EPA). Therefore, under the *Seed for sowing* IHS the following seeds, known to be predominately GM, require a GM testing certificate:

- a) *Brassica napus* var. *oleifera* (Oilseed rape)
- b) *Cucurbita pepo* (Squash)
- c) ***Glycine max* (Soybean)**
- d) *Gossypium hirsutum* (Cotton)
- e) *Linum usitatissimum* (Flaxseed/linseed)
- f) *Medicago sativa* (Lucerne/alfafa)
- g) *Petunia* spp (Petunia)
- h) *Zea mays* var. *indentata* (Maize)
- i) *Zea mays* var. *saccharata* (Sweetcorn)

The importers advise it is possible to import non-GM *Glycine max* seed and they state they were importing non-GM seeds under their old permit.

### DISCUSSION:

Some species schedules in the BNZ.GCFP.PHR IHS have options for processing of seed, including sprouting. The risks involved in sprouting seeds are:

- a) GM seeds
- b) Regulated pests

*Medicago sativa* is the only seed that is known to be predominately GM and is eligible to be imported for sprouting under the BNZ.GCFP.PHR IHS, but the wording for GM testing requirements for this species is confusing and copied from the *Seed for sowing* IHS, without amendment to suit the BNZ.GCFP.PHR IHS.

The GM testing requirements in the *Seed for Sowing* IHS grants assurance that seeds do not contain unapproved GM. The same GM testing requirements for importation of seeds for sprouting under the BNZ.GCFP.PHR IHS will provide the same level of protection. Directly linking the BNZ.GCFP.PHR IHS, the GM Protocol, and the list of approved testing labs on the MPI website will provide clarity to the GM testing requirements for *Glycine max* for sprouting.

The other risk involved in importing *Glycine max* for sprouting is the regulated pests associated with seeds. *Peronospora manshurica* is the only quarantine pest listed in the BNZ.GCFP.PHR IHS. This pest requires an additional declaration on the phytosanitary certificate for importation of *Glycine max* for processing. This is the same requirement found in the *Seed for Sowing* IHS. Requiring this additional declaration will provide the same level of protection for *Glycine max* seeds used for sprouting.

Using the CTO Direction, it is proposed to allow importation of *Glycine max* seeds for sprouting in New Zealand's transitional facilities if the consignment/lot accompanied by the following documentation:

- a) An import permit
  - The import permit wording will state:
    - "All consignments of *Glycine max* seed imported for sprouting must be tested for the presence of GM material".
- b) A GM seed test certificate with negative results
  - The GM testing will be undertaken as per Parts 2 and 4 of the "[Protocol for Testing for the Presence of Genetically Modified Plant Material](#)" in a laboratory accredited by MPI for GMO testing, listed on [MPI website](#)
  - GM testing certificates must:
    - list the species tested
    - state the sampling method used for each seed line (e.g. automatic in-line machine)
    - list the GM screening tests
    - have completed test results
    - contain the same lot number or unique identifier as stated on the NZ import documentation
    - be from MPI-accredited laboratories for GM testing
- c) An additional declaration on the phytosanitary certificate for *Peronospora manshurica*
  - The NPPO of the exporting country must provide one of the following additional declarations of the phytosanitary certificate:
    - "The *Glycine max* seeds for consumption or processing:
      - were sourced from an area where *Peronospora manshurica* is known not to occur.
    - OR
    - were sourced from a crop that was inspected during the growing season according to appropriate procedures and no *Peronospora manshurica* was detected."

It is also recommended that the BNZ.GCFP.PHR IHS be updated at the next amendment for:

- 1) *Glycine max* to allow sprouting of seeds under Option 2 and include GM testing requirements; and
- 2) *Medicago sativa* to clarify the GM testing requirements

#### LEGAL:

A CTO decision is required, under section 27(1)(d)(iii) of the Biosecurity Act, to give directions to an inspector that certain measures, different from those set out in the current IHS, be applied to manage the risks set out in the IHS to enable biosecurity clearance.



**RECOMMENDATION:**

It is recommended that you accept the proposal described below:

1. The CTO direction is used to allow the importation of non-GM *Glycine max* seeds for sprouting in New Zealand's transitional facilities under the import health standard *Importation of Grain/Seeds for consumption, Feed or Processing Plant Health Requirements* (BNZ.GCFP.PHR), given that the following documentations must be provided which effectively manage the risk:
  - a) An import permit
  - b) A GM seed test certificate with negative results
  - c) An additional declaration on the phytosanitary certificate for freedom from *Peronospora manshurica*

**AGREED / NOT AGREED**

2. That the import health standard *Importation of Grain/Seeds for consumption, Feed or Processing Plant Health Requirements* (BNZ.GCFP.PHR) be amended to:
  - a) allow import of non-GM *Glycine max* seed for sprouting under Option 2: Importation of viable seeds for processing at New Zealand transitional facilities. The following documentations are required:
    - i. An import permit
    - ii. A GM seed test certificate with negative results
    - iii. An additional declaration on the phytosanitary certificate for freedom from *Peronospora manshurica*
  - b) clarify the GM testing requirements for importation of *Medicago sativa* for sprouting

**AGREED / NOT AGREED**

Barry Wards  
Team Manager, Plant Product Imports  
Plants & Pathways Directorate  
Biosecurity New Zealand

Acting pursuant to delegated Chief Technical Officer authority.

Date:



**CTO DIRECTION UNDER SECTION 27 OF THE BIOSECURITY ACT 1993 CTOPlantDir:20190048**

I, Barry Wards, a delegated Chief Technical Officer under Section 101 of the Biosecurity Act 1993 (the Act), and pursuant to Section 27(1)(d)(iii) of the Act issue the following directions in respect to non-Genetically Modified (GM) *Glycine max* seed imported for sprouting under the import health standard *Importation of Grain/Seeds for consumption, Feed or Processing Plant Health Requirements* (BNZ.GCFP.PHR):

- An inspector may accept a negative GM test result for importation of non-GM *Glycine max* seeds for sprouting for human consumption, in addition to other requirements under Option 2 of the *Glycine max* schedule of the IHS.

Under **CTOPlantsDir:20190048**, *Glycine max* seed is allowed to be imported for sprouting, given that the following documentations must be provided:

- 1) An import permit
  - The import permit wording will state: "All consignments of *Glycine max* seed imported for sprouting must be tested for the presence of GM material".
- 2) A GM seed test certificate with negative results
  - The GM testing will be undertaken as per Parts 2 and 4 of the "[Protocol for Testing for the Presence of Genetically Modified Plant Material](#)" in a laboratory accredited by MPI for GMO testing, listed on [MPI website](#).
  - GM testing certificates must:
    - list the species tested
    - state the sampling method used for each seed line (e.g. automatic in-line machine)
    - list the GM screening tests
    - have completed test results
    - contain the same lot number or unique identifier as stated on the NZ import documentation
    - be from MPI-accredited laboratories for GM testing.
- 3) An additional declaration on the phytosanitary certificate for *Peronospora manshurica*, as per Option 2 of the *Glycine max* schedule.

All other requirements of the import health standard *Importation of Grain/Seeds for consumption, Feed or Processing Plant Health Requirements* (BNZ.GCFP.PHR) must be met.

This direction takes effect from the date of signing, and may apply to multiple consignments of *Glycine max* seeds imported for sprouting. This CTO direction is valid until further notice.

Barry Wards  
Team Manager, Plant Product Imports  
Plants & Pathways Directorate  
Biosecurity New Zealand  
Acting pursuant to delegated Chief Technical Officer authority.

Dated at Wellington this

Links:

GM testing protocol: <https://www.biosecurity.govt.nz/dmsdocument/10250>

MPI approved GM testing facilities: <https://www.biosecurity.govt.nz/importing/plants/seeds-for-sowing/genetically-modified-seeds-and-nursery-stock/#testing>