NATIONAL ADMINISTRATIVE REGISTER · JANUARY 5, 2009

FOOD SAFETY ASSESSMENT IN SITUATIONS OF LOW-LEVEL PRESENCE OF RECOMBINANT-DNA PLANT MATERIALS IN FOOD AND FEED

DA ADMINISTRATIVE ORDER NO. 01, S. 2009, January 05, 2009

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WHEREAS, products derived from modern biotechnology, including genetically modified (GM) commodities for food and feed or processing are globally traded;

WHEREAS, countries in accordance with their national priorities and needs have adopted biosafety legislation, rules and regulations, and other measures so as to enjoy fully the benefits of modern biotechnology while safeguarding the health of humans and animals and safety of the environment;

WHEREAS, Department of Agriculture Administrative Order No. 8, series 2002 (DA AO 8), “Rules and Regulations on the Importation and Release into the Environment of Plants and Plant Products Derived from the Use of Modern Biotechnology”, regulates the use of products of modern agricultural biotechnology that are intended for commercial release including recombinant-DNA products for direct use for food and feed or for processing;

WHEREAS, the cornerstone of a decision making for the issuance of a biosafety permit for direct use as food and feed or for processing under DA AO No. 8 is a food safety assessment/risk assessment conducted in accordance with internationally accepted principles and practices including those of the Cartagena Protocol on Biosafety, the Codex Principles for the Risk Assessment of Foods Derived from Modern Biotechnology (CAC/GL 44-2003) and the Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants, or otherwise known as the Codex Plant Guideline (CAC/GL 45-2003);

WHEREAS, the DA adopted the Codex Principles for the Risk Assessment of Food Derived from Modern Biotechnology (CAC/GL 44-2003) and the Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived From Recombinant-DNA Plants (CAC/GL 45-2003) on 13 October 2008 through DA AO No. 31 series of 2008;

WHEREAS, DA AO No. 8 has established the Approval Registry of Plant Products for Direct Use as Food and Feed or for Processing, currently maintained by the Department of Agriculture-Bureau of Plant Industry;

WHEREAS, there have been occasions of unauthorized low-level presence of recombinant-DNA material in countries of import;

WHEREAS, the unauthorized presence in low levels of recombinant-DNA plant materials in commercial food and feed can be traced to several factors, including natural pollen flow, emergence of volunteer plants from previously harvested GM crops, discontinued GM products where discontinuance is not due to safety reasons, handling, processing and transport of GM commodities. Hence, there is a need to identify the risks posed by such recombinant-DNA plant material;

WHEREAS, such presence in low levels of unauthorized recombinant-DNA plant material in food and feed, by its

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nature, is transient, temporary or occasional; exists in non-commercial levels; and can be detected and measured through threshold levels;

WHEREAS, the 31st Session of the Codex Alimentarius Commission adopted Annex 3 to the Codex Plant Guideline, “Food Safety Assessment in Situations of Low-Level Presence of Recombinant-DNA Plant Material in Food”;

WHEREAS, low level presence of recombinant-DNA plant material under Annex 3 refers to the occasional presence in low levels of recombinant-DNA plant material present in food in importing countries in which the food safety of the relevant recombinant-DNA plants has not been determined but which have passed a foods safety assessment in one or more countries according to the Codex Plant Guideline;

WHEREAS, Annex 3 to the Codex Plant Guidelines provides that food safety assessment in situations of low-level presence may not require a full or complete comparison of the characteristics of a recombinant-DNA plant or plant product with its conventional counterpart as in the Codex Plant Guideline;

WHEREAS, this Administrative Order does not cover recombinant-DNA plant and plant products denied approval by Department of Agriculture’s regulatory agencies for the reason that these products pose significant risks to human, animal, plant or the environment health;

WHEREAS, there is a need to ensure consumer protection in terms of human and animal health, environmental safety, and food safety by utilizing the Annex to the Codex Plant Guideline in assessing the safety of low-level presence of recombinant-DNA plant materials in food and feed;

NOW, THEREFORE, I, ARTHUR C. YAP, Secretary of the Department of Agriculture, in accordance with the Consumer Act of the Philippines and Section 19, Chapter 4, Title IV, Book IV of Executive Order No. 292, Series of 1987, do hereby issue this Order:

> Adopting Annex 3 to the Codex Plant Guideline, “Food Safety Assessment in Situations of Low-Level Presence of Recombinant -DNA Plant Material in Food”, for the conduct of food safety assessment in situations of low-level presence of recombinant-DNA plant materials in food and feed;
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> Directing the concerned policy and regulatory offices of the Department to clarify issues and formulate guidelines necessary to implement this Order under the leadership of the Office of Policy and Planning; and Implementing an institutional capability building program for DA regulatory agencies to enhance their technical capacities to undertake appropriate regulatory action.

This Order shall take effect thirty (30) days after its publication in a national newspaper of general circulation.

Adopted: 05 Jan. 2009

(SGD.) ATTY. ARTHUR C. YAP
Secretary

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