

Expert Witness Report

STEPHEN WILLIAM MARSH v MICHAEL OWEN BAXTER

SUPREME COURT OF WESTERN AUSTRALIA

ACTION NO. CIV 1561 OF 2012

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Contents

Expert Witness “Code of conduct” Declaration.....	- 3 -
Qualifications and Experience - Jonathon (JON) Slee	- 4 -
Executive Summary.....	- 5 -
Q & A Section	- 6 -
1. What are the relevant standards in Australia which apply to organic farming?	- 6 -
2. The NASAA Standards and the Australian Certified Organic Standard (2010) both appear to apply to the certified organic farms (farming system) and the organic produce. Is this the case?	- 8 -
3. Are there any other relevant Australian Standards?	- 10 -
4 What standards apply to the certification of organic farms and organic farm produce in North America?.....	- 11 -
5 Under the North America Standards what, if any, degree of tolerance is provided for the adventitious entry of GM plants onto certified organic farms?	- 11 -
6 What standards apply to the certification of organic farms and organic farm produce in Europe?	- 11 -
7 Under the European Standards what, if any, degree of tolerance is provided for the adventitious entry of GM plants onto certified organic farms?	- 11 -
Closing declaration:.....	- 12 -
References:	- 13 -
Appendix 1 – Extract from “National Standard”	- 14 -
Appendix 2 – Extract from NASAA Standards	- 15 -
Appendix 3 – Extract from AS6000 - 2009	- 17 -

Expert Witness “Code of conduct” Declaration

STEPHEN WILLIAM MARSH v MICHAEL OWEN BAXTER
SUPREME COURT OF WESTERN AUSTRALIA ACTION NO. CIV 1561 OF 2012

I Jonathon William Slee certify that I have been provided with “Code of conduct – Expert Witnesses” prior to the commencement of this report.

I Jonathon William Slee certify that this report complies with the Code of Conduct.

.....

Jonathon W Slee

18 November 2013

Qualifications and Experience - Jonathon (JON) Slee

Jon has over 20 years experience in the Grain Industry ranging from production, trading and processing. Jon has extensive knowledge and experience in the area of Grain Standards and industry guidelines. This includes being on the Australian Oilseed Federation (AOF) technical committee for over ten years, Chairman of the Grain Industry Association of Western Australian (GIWA) standards committee, as well as 3 years on the standards committee for Grain Trade Australia (GTA).

Employment:

2008 – Present	2008 - Present	2001-2008	1997 - 2001
Director of Marketing Aus-Oils Pty Ltd, Kojonup WA	Principal (Consultant & Grain Marketing) Oilseed & Protein Solutions	National Marketing Manager Riverland Oilseeds Pty Ltd	WA Marketing Manager Davison Oils Pty Ltd

Education:

Bachelor of Business (Agriculture) Muresk Institute of Agriculture Curtin University of Technology (1994)	Certificate of Trade Studies (Farming) TAFE, Geraldton Regional College (1989)	T.A.E. Hale School Wembley Downs (1985)
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Industry Positions:

Grain Industry Association of Western Australia (GIWA):
 Chairman 2010 – current
 Vice Chairman 2008 – 2010
 Oilseed Council: Chairman 2008 – current
 Standards Working Group: Chairman 2008 – current

Australian Oilseed Federation (AOF):

Vice Chairman 2003-2006; 2011 – current
 Executive Member 1999 – current
 Standards & Technical Committee 2000 – current

Grain Trade Australia (GTA):

Standards Committee 2008 - 2011

Other positions & organisations:

- Curtin University Food Science Faculty Advisory Board 2008 - current
- Oilseed Industry Association of Western Australia Chairman 1999 – 2006.
- Grain West Expo – Chairman of the organising committee 2002 - 2009
- Member of the organising committee “World Congress on Oils and Fats & 28th ISF Congress (held in Sydney Sept 2009)
- Foundation member and four years as a member of the executive committee of the National Agricultural Commodities Marketing Association – WA
- Current member of the Stock Feed Manufacturers Association WA
- Canola industry representative on the Gene Technology Grains Committee - WA
- Canola industry representative on the Grain Guard Canola Industry Protection Plan 2002 – current.
- AOF gene technology working group – (this group was instrumental in the development of the “delivering market choice” guidelines)
http://australianoilseeds.com/Technical_Info/industry_reports/gm_canola

Executive Summary

There are a number of standards operating in Australia that cover the production, processing and sale of organic products. The basis for all of the standards in operation can be linked back to two sets of standards that lay out the minimum requirements that need to be met. The first National standard that was brought into place was developed to meet the requirements of export markets. The base standard for export is "The National Standard for Organic and Bio-Dynamic Produce" (the National Standard) which is managed by AQIS (DAFF Biosecurity). There are seven certifying organisations that have been approved by AQIS that can verify that products for export have met all the requirements set out in "The National Standard". Some of the certifying organisations have developed their own standards using "The National Standard" as the base and adding additional clauses and details as required. The NASAA standards are one example of this. I believe that the different certifying organisation have done this to meet the requirements of the Australian organic market and to potentially differentiate a product that they have certified from that of one of the other certifying organisations.

Although it is illegal to Export product labelled as "organic" without meeting the requirements of "The National Standard" and having an "Organic Produce Certificate" issued, there is no such mandatory requirement on the Australian domestic market. In 2009 "The Australian Standard for Organic and Biodynamic Products" (AS 6000-2009) was developed with a focus on the domestic market and covers both Australian produced products as well as imported products.

...

However this has not occurred and adoption of the standard has been limited within the organic industry. The AS 6000-2009 standard is a good reference for industry and our legal system to use to identify what products are organic and what are not. If products are labelled as organic they should still meet these basic requirements.

...

All of the organic standards that are in operation in Australia strictly prohibit the intentional use of Genetically Modified Organisms (GMO's). This rule appears to be similar to the organic standards that are set in other countries around the world, however it appears that most other countries do allow for some "adventitious presence" (AP). The European Union (EU) has set an AP tolerance level of 0.9% GM in organic products, while the United States does not have a set AP tolerance level, they do allow for "AP" of both the organic production and processing systems as well as the product. Both the EU and US standards are relevant for both their locally produced organic products as well as imported products.

In my opinion Mr Marsh would not be in breach USNOP or EU standards.

...

Mr Marsh was certified organic with NASAA, who is an accredited organisation for certifying Australian organic product for the US market under the United States National Organics Program (USNOP).

Q & A Section

1. What are the relevant standards in Australia which apply to organic farming?

Organic certification is not mandatory for the production or sale of organic products in the Australian market. This means that products can be labelled and sold as “organic” without being certified under any of the current standards that cover organics’ in Australia.

Although there is no mandatory certification that cover all organic products in Australia, products that are labelled “organic’ still have to meet basic requirements under “Competition and Consumer Act 2010” (Formerly “The *Trade Practices Act 1974*”) that helps to ensure that products being sold as 'organic' are in fact organic. Severe penalties can apply for selling non-organic produce as organic. The Australian Competition and Consumer Commission (ACCC) is a national agency responsible for enforcing the C & C Act 2010. The ACCC states on their website “*Where a trader claims that their products are organic but does not refer to any particular standard, the ACCC may use AS 6000–2009 as a reference point when assessing whether the organic claim is misleading or deceptive.*”

There are currently two key National Standards which set the minimum requirements for the production, processing and labelling of organic food in Australia (Neeson 2010):

1. **The National Standard for Organic and Bio-Dynamic Produce, (Export standard)**
(Implemented by AQIS according to the *Export Control Act 1982*)
2. **The Australian Standard for Organic and Biodynamic Products – AS 6000-2009 (Domestic and import standard).**

However it appears that most of industry has not yet to fully endorse and adopt the new standard AS 6000 – 2009.

These standards are largely implemented through a system of organic certification which is a regulatory and audit based system aimed at providing guidelines and rules (Standards) for those wishing to become producers, processors or retailers/wholesalers/ exporters of organic products. There are 7 organisations that accredited to certify businesses and products under “**The National Standard for Organic and Bio-Dynamic Produce**” and only one organisation that is accredited to certify business or products under the **AS 6000-2009 “The Australian Standard for Organic and Biodynamic Products”** standard. (See Table 1).

Export Standard (The National Standard for Organic and Bio-Dynamic Produce)

The organic export program is governed by the Export Control Orders. These Orders give ‘prescribed goods’ status to organic produce under the *Export Control Act 1982*. Any person producing organic goods for export is required to have a quality management system that is audited by Department of Agriculture, Fisheries and Forestry (DAFF) Biosecurity (Formerly Australian Quarantine Inspections Service (AQIS)) as part of a third-party arrangement with certifying organisations. All product leaving Australia that is identified by the trade description ‘organic’ or ‘biodynamic’, or with words of similar intent, such as ‘biological’, must be accompanied by an Organic Produce Certificate.

The DAFF Export Organic Program provides policy advice and verification services to the export organic and bio-dynamic sector in Australia. The primary objective of the Export Organic Program is to ensure that organic and bio-dynamic produce exported from Australia meets the requirements of importing countries, ensuring that international market access is maintained.

If you intend to export food, cosmetics, fibre or any product that is described (labelled) as 'organic', 'bio-dynamic', 'biological', 'ecological' or by any other word of similar indication, you should be aware of the following:

- Export Control (Organic Produce Certification) Orders—these orders make it illegal to export organic produce without a government to government certificate
- The Export Control (Organic Produce Certification) Orders prohibits the export of organic produce unless an organic produce certificate has been issued under these Orders for the produce.
- Organic and bio-dynamic produce for export must be certified by an approved certifying organisation, verifying that the produce has been prepared in accordance with the “National Standard for Organic and Bio-Dynamic Produce”.

Approved certifying organisations must be issued with a quality management certificate from DAFF.

Domestic and import standard (The Australian Standard for Organic and Biodynamic Products AS 6000 - 2009)

AS6000 – 2009 (Standards Australia) specifically covers organic produce sold within Australia including imported products. AS 6000-2009 was developed at the request of “The Organic Federation of Australia” (OFA). It established an agreed set of procedures for the production, preparation, transportation, marketing and labelling of organic and biodynamic products within Australia. This standard is more comprehensive than the export standard and was developed with the intent for it to replace the “The National Standard” so that there would be only one Australian Standard that governed Export, Import and Domestic. (Leu A, (2012))

Table 1 – National Standards & Accredited Certifying Organisations

Export The National Standard for Organic and Bio-Dynamic Produce (DAFF Biosecurity – formerly AQIS)		Import & Domestic The Australian Standard for Organic and Biodynamic Products (AS 6000–2009)	 AS 6000-2009
Accredited Certifying Organisation		Accredited Certifying Organisation	
1. AUS-QUAL Limited (AUSQUAL)		1. SAI Global	
2. ACO - Australian Certified Organic			
3. Bio-Dynamic Research Institute			
4. NASAA - The National Association of Sustainable Agriculture Australia			
5. OFC - Organic Food Chain			
6. Safe Food Production Queensland			



Accredited Certifying Organisations

Both standards set out requirements for industry organisations seeking to become 'approved certifying organisations'. This is achieved through a system of third-party accreditation.

Under these arrangements each certifying organisation is audited to ensure that the organisation and its members meet the requirements of the Standards. In addition, DAFF Biosecurity accredits and conducts audits of certification organisations and their documented Export Control Orders and importing country requirements.

A number of the certifying organisations have developed their own standards using "**The National Standard for Organic and Bio-Dynamic Produce**" as the basis and then adding detail and some additional clauses to meet the requirements of their members or chosen markets.

2. The NASAA Standards and the Australian Certified Organic Standard (2010) both appear to apply to the certified organic farms (farming system) and the organic produce. Is this the case?

Yes, both can apply to Organic produce, however only one needs to apply for the produce to be certified organic. Each case will depend on which certifying organisation the producer/wholesaler/exporter or retailer chooses to certify that their production process/farm / product complies with organic production and supply chain standards.

Both NASAA and ACO are accredited organisations under the DAFF Biosecurity managed export standards "**The National Standard for Organic and Bio-Dynamic Produce**".

Australian Certified Organic Standard (ACOS)

ACO claims to be Australia's largest **certifier** for organic and biodynamic produce and to have over 1500 operators within its certification system. ACO is a fully-owned subsidiary of **Biological Farmers of Australia** (BFA) www.australianorganic.com.au

BFA (a not-for-profit organisation) claims that their logo is well recognised in Australia, and increasingly in Asia, Europe and the US. BFA claims to represent 3000 organic growers (website), to be the "voice of Australian organics" and Australia's foremost organic body that represents and develops the interests of more than 3,000 organic industry farmers, operators, producers, processors and traders. The BFA also serves the greater community, taking on the role of public educator about the benefits of organic food and farming. They do not explain how they fit with the Organic Federation of Australia in this regard.

The BFA is active in the development of organic standards, lobbying governments on behalf of the organic industry and supporting the growth of the organic domestic and international markets for Australian operators. It provides assistance in market intelligence, exporting requirements, and development of contacts and networks. (The BFA is not a certification body; that role is undertaken by its subsidiary companies Australian Certified Organic Pty Ltd and OGA Certified Pty Ltd (T/A Organic Growers of Australia Small Producer Program).

The National Association for Sustainable Agriculture, Australia (NASAA)

www.nasaa.com.au

NASAA is a non-profit company comprising an association of members and certified operators (over 1000). NSAA was formed in 1986, claims to be Australia's leading organic certifier with certification and inspection services both in Australia and overseas. NASAA is committed to developing and maintaining organic standards, assisting operators to gain organic certification and ongoing compliance across the organic supply chain.

NASAA claims that NASAA certification covers some 7 million hectares and over 900 licensed operators and to be the only Australian certifier with extensive operation overseas, certifying production and processing operations in Nepal, Brazil, Papua New Guinea, Indonesia, Samoa, Malaysia, East Timor, Brazil, Solomon Islands and Sri Lanka – comprising over 12,500 small farmers. This international network ensures worldwide recognition for the NASAA label.

NASAA also claims to represent the interests of NASAA licensees, and the Organic industry in general.

3. Are there any other relevant Australian Standards?

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The Australian Oilseeds Federation (AOF) set the industry standards which are used for trading Oilseeds and their products (vegetable oil and vegetable protein meal). The trading standard for Non-GM canola seed has an Adventitious Presence tolerance for GM material of 0.9% for Non-GM Canola.

Some of the organic certifying organisations have their own standards in addition to the "National Standard" and the "Australian Standard" (AS6000-2009). These include:

ACO - Australian Certified Organic

As stated (in Q 2) above the ACO have their own "Australian Certified Organic Standard" ACOS which uses the "National Standard" as the basis.

Bio-Dynamic Research Institute

The Bio-Dynamic Research Institute was founded in 1957, and is involved in research and practical development of the Australian DEMETER Bio-Dynamic Method of Agriculture. In 1967 it was vested with the role of the certification of DEMETER quality products. It is not a certification business in the current sense of this term, rather it demands highest quality application of the bio-dynamic method, strongly supports family farms and businesses, and encourages community based, sustainable, ecological activities. Products which carry the DEMETER Bio-Dynamic Mark meet The Australian DEMETER Bio-Dynamic Standard which incorporates the requirements of the "National Standard for Organic and Bio-Dynamic Produce".

Demeter trade mark is internationally recognised and used in over 45 countries around the World by bio-dynamic farmers.

NASAA - The National Association of Sustainable Agriculture Australia

The NASAA Standards include:

- The NASAA Organic Standard Primary Producers (incl. Biodynamic), Input Manufacturers, Processors, Packers, Wholesalers, Transporters, Exporters

- NASAA Organic Standard Addendum Section 12.7 Cosmetic Labelling Standard February 2011
- The NASAA Organic Trader Standard Retailers, Restaurants, Markets

It is worth noting that NASAA certification is recognised in the US and a number of other international markets.

Extract from NASAA website: "In addition to its domestic accreditation under AQIS, NASAA was the first Australian certification body to achieve accreditation through the International Federation of Organic Agriculture Movements (IFOAM). NASAA also holds accreditation under the US National Organic Program (USNOP)."

<http://www.nasaa.com.au/welcome1.html>

4 What standards apply to the certification of organic farms and organic farm produce in North America?

The United States Department of Agriculture (USDA) under its National Organics Program (US NOP) is responsible for the oversight of the standards (US NOP). The USNOP standards are mandatory for any business that wants to produce, handle or market "organic" products in the United States. The systems for certifying business or products in the US is similar to Australia and is left up to a number of different industry organisations or businesses that are accredited by the USDA as USNOP certifying agents.

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5 Under the North America Standards what, if any, degree of tolerance is provided for the adventitious entry of GM plants onto certified organic farms?

...

6 What standards apply to the certification of organic farms and organic farm produce in Europe?

In Europe Organic production and labelling is governed by the "COUNCIL REGULATION (EC) No 834/2007" (this replaced Regulation (EEC) No 2092/91). There are a number of certification bodies across Europe that all conform to the above standards. The individual certifying bodies may also have additional requirements that their members have to meet above those requirements set out in the EC No 834/2007. A supplement to the EC No 834/2007 is (EC) No 889/2008 which provides more details to the standards as well as supporting materials such as Non-GM declarations.

7 Under the European Standards what, if any, degree of tolerance is provided for the adventitious entry of GM plants onto certified organic farms?

Europe has an Adventitious Presence tolerance for GM material of 0.9% in certified organic products.

In the EU the focus for adventitious presence is in the product rather than the farming systems. The EU uses the same rules for Adventitious Presence of GM for organic products as it does for its broader Non-GM market. The tolerance for adventitious presence of GM material is governed by: "REGULATION (EC) No 1829/2003; Section 2 Labelling

Article 12, point 2. This Section shall not apply to foods containing material which contains, consists of or is produced from GMOs in a proportion no higher than 0.9% of the food ingredients considered individually or food consisting of a single ingredient, provided that this presence is adventitious or technically unavoidable.”

Since 2010 the year of the introduction of commercial production of GM Canola in Western Australia there has been more than 2.0 million tonnes of Non-GM Canola exported to the European market without a single breach to the EU standard with the 0.9% AP level set for GM material.

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Closing declaration:

I Jonathon William Slee have made all inquiries which I believe are desirable and appropriate and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Court.

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Jonathon W Slee

18 November 2013

References:

Leu A, (2012) Submission by the Organic Federation of Australia to the National Food Plan Green Paper

Neeson (2010) "PRIMEFACT 1047 NSW Dept Industry & Investment"

Anon (2009) NATIONAL STANDARD FOR ORGANIC AND BIO-DYNAMIC PRODUCE, Edition 3.4 Last updated - 1 July 2009

Anon (2008) Official Journal of the European Union, COMMISSION REGULATION (EC) No 889/2008 of 5 September 2008

Anon (2010) AUSTRALIAN CERTIFIED ORGANIC STANDARD 2010 - VERSION : 1 . 0

NASSA Website: <http://www.nasaa.com.au/welcome1.html>

Appendix 1 – Extract from “National Standard”

Extract from: NATIONAL STANDARD FOR ORGANIC AND BIO-DYNAMIC PRODUCE (Current version as of 1st July 2009)

3.3 GENETIC MODIFICATION

General Principles

- i. Products or by-products that are derived from genetic modification, are not compatible with the principles of organic and biodynamic agriculture.*
- ii. Before purchasing or committing new production areas to organic or biodynamic operations, operators should assess the risk from production areas that have previously grown or produced crops or livestock that were subject to genetic engineering or genetically modified organisms to ensure they are able to meet the expectation of freedom of their organic or biodynamic products from genetic engineering contamination.*

Standards

3.3.1 The use of genetically modified organisms or their derivatives is prohibited. This includes but is not limited to, animals, seed and farm inputs such as fertilisers, soil conditioners, vaccines, crop production materials, food additives or processing aids.

3.3.2 Operators shall implement a risk management process to assess how they will avoid the accidental introduction of genetically modified organisms to the organic farm. These actions may include, but are not limited to:

- a) knowing about contaminant risks
- b) implementing distances / buffer zones from potential contaminants
- c) implementing special handling, transport and storage arrangements
- d) maintaining samples
- e) testing a crop perceived at risk.

3.3.3 Inputs, processing aids and ingredients shall be traced back one step in the biological chain to the organism from which they were produced to verify that they are not derived from genetically modified organisms.

3.3.4 Where genetically modified crops or livestock have been grown or used on a production unit, other than a landless system, a minimum of at least five years must have elapsed before products grown in or on that land can be certified according to this standard.

3.3.5 The certification of organic crops, livestock or agricultural products will be withdrawn where genetically modified crops, live stock or agricultural products are grown or produced on the same farm.

Appendix 2 – Extract from NASAA Standards

Extract from:

“The NASAA Organic Standard, December 2004, Amended 13th May, 2008 Page 25 & 26 of 114”

3.2 GENETICALLY MODIFIED ORGANISMS

GENERAL PRINCIPLES

Organisms, which are derived from recombinant DNA technology, are genetically modified organisms and have no place in organic production and processing systems.

Even where evidence of GMOs is not detected in finished organic product, the deliberate or negligent exposure of organic production systems or finished products to GMOs is outside organic production principles.

RECOMMENDATIONS

Every potential source of GMOs in the supply and input chain, and any sources from historic or adjacent usage, should be identified and operators should familiarise themselves with the vectors and modes of potential transfer of material with modified DNA to avoid contamination.

STANDARDS

- 3.2.1 The deliberate use and or the negligent introduction of genetically engineered organisms or their derivatives to organic farming systems or products are prohibited. This includes, but is not limited to:
 - seed
 - feed
 - propagation material
 - farm inputs such as fertilisers and compost
 - vaccines
 - crop protection materials
- 3.2.2 Operators using input materials at risk of containing GMOs must obtain signed statements from the suppliers of these materials that they do not contain GMOs or their derivatives, backed up by laboratory analysis where NASAA deems it necessary.
- 3.2.3 The certification of organic crops will be withdrawn where genetically engineered crops are grown on the same farm.
- 3.2.4 Operators must not use ingredients, additives or processing aids derived from GMOs in certified products. Processing operations that handle GMOs in conventional products will need to notify NASAA and detail a risk strategy for prevention of contamination of certified product.
- 3.2.5 Operators must not knowingly permit exposure or fail to take action against the application of or exposure to GMOs.
- 3.2.6 Inputs, processing aids and ingredients shall be traced back one step in the biological chain to the direct source organism from which they are produced to verify that they are not derived from GMOs.
- 3.2.7 Operators must conduct an assessment of risks from contamination with GMOs and take action where appropriate. These actions may include, but are not limited to:
 - knowing about contaminant risks
 - implementing distances/buffer zones from potential contaminants
 - implementing special handling, transport and storage arrangements
 - maintaining samples
 - testing of crops perceived at risk
- 3.2.8 Planting or sowing for organic production will not take place until 5 years after the harvest (or removal) of any genetically engineered crop that may have been planted on the land.
- 3.2.9 Organic certification shall be withdrawn where NASAA considers there is an unacceptable risk of contamination from GMOs or their derivatives.
- 3.2.10 Any certified production area within ten (10) kilometres of a site used to grow genetically engineered crops is perceived to be at risk of contamination and certified operators must inform NASAA of any such sites known to be within that radius.
- 3.2.11 Contamination of organic product by GMOs that results from circumstances beyond the control of the operator may alter the organic status of the operation.
- 3.2.12 Under the National Standard, NASAA will decertify any products that are tested and reveal the presence of GMOs.

3.3 WINDBREAKS / BUFFER ZONES

GENERAL PRINCIPLES

Windbreaks and shelter-belts act as a form of buffer zone providing multiple functions including some protection from contamination.

Examples of buffer zones include:

- multiple rows of trees and or hedges
- acceptable distances from contamination
- physical barriers to prevent spray drift

RECOMMENDATIONS

Living windbreaks and shelter-belts should be provided to protect crops and livestock from contamination and assist in the reduction of soil erosion.

STANDARDS

3.3.1 Buffer zones must be provided to protect certified areas from contamination from adjacent properties where appropriate.

3.3.2 Requirements for buffer zones shall be determined by NASAA based on appropriate and practical situations and in each case will be no less than 5 metres.

3.3.3 Where outside rows of a crop are used as a buffer zone, produce from these rows shall be quarantined and may not be sold as certified. Records shall be maintained to verify compliance with this requirement.

Appendix 3 – Extract from AS6000 - 2009

Extract from “AS6000 – 2009 Organic and Biodynamic products”

2.3 GENE TECHNOLOGY

2.3.1 General principles

(a) Products or by-products that are derived from gene technology are not compatible with the principles of organic and biodynamic agriculture.

(b) Before purchasing or committing new production areas to organic or biodynamic operations, operators should assess the risk from production areas that have previously grown or produced crops or livestock that were subject to gene technology or genetically modified organisms to ensure they are able to meet the expectation of freedom of their organic or biodynamic products from gene technology or contamination.

2.3.2 Requirements

2.3.2.1 Genetically modified organisms or their derivatives shall not be used. This includes but is not limited to, animals, seed and farm inputs, such as fertilisers, soil conditioners, vaccines, crop production materials, food additives and processing aids.

2.3.2.2 Operators shall implement a documented risk management process as part of the organic management plan to assess how they will avoid the accidental introduction of genetically modified organisms to the organic farm. These actions may include, but are not limited to—

- (a) knowing about contaminant risks;
- (b) implementing distances/buffer zones from potential contaminants;
- (c) implementing special handling, transport and storage arrangements;
- (d) maintaining samples; and
- (e) testing crops perceived to be at risk.

2.3.2.3 Inputs, processing aids and ingredients shall be traced back one step in the biological chain to the organism from which they were produced to verify that they are not derived from genetically modified organisms.

2.3.2.4 Where crops or livestock have been produced using gene technology within a production unit, a risk management plan shall be in place in the organic management plan to mitigate against future contamination from such organisms of both the farm environment and end products destined to be labelled as ‘organic’, ‘biodynamic’ or ‘in-conversion’ in accordance with this Standard. This shall include an extension of the conversion period for the farm where such risks cannot be, or have not been, shown to have been managed to prevent contamination with such prohibited substances.

2.3.2.5 The labelling of organic and biodynamic crops, livestock or agricultural products shall not be permitted where gene technology is used to grow or produce crops, livestock or agricultural products on the same farm.

6.2.2 Product known to be contaminated by genetically modified organisms or nano technology or their by-products, shall not be labelled as ‘organic’, ‘biodynamic’ or ‘inconversion