

GMO Act 1997 (Act no 15 of 1997) and GMO Application Process

Introduction:

Genetically modified organisms (GMO's) have been permitted in SA since 1992. In the absence of specific legislation to regulate activities with GMO's, a Committee was established to advise government, industry and the public on the safety of GMO's. This Committee was known as the South African Committee for Genetic Experimentation (SAGENE) and they were responsible for the evaluation of risk assessments, i.e. food, feed and environmental impact assessments, of all applications requesting authorisation to conduct activities with GMO's. All activities approved were conducted according to a permit issued under an amendment of another closely related Act in government, viz. the Agricultural Pest Act, 1983 (Act No. 36 of 1983).

Since implementation of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) in December 1999, all activities with GMO's are conducted according to permits issued in terms of this act. The GMO Act is administered by the Directorate Genetic Resources Management and makes provision for a Registrar, two regulatory bodies, i.e. the Advisory Committee and Executive Council, and inspectors.

The objectives of the GMO Act:

- To provide for measures to promote the responsible development, production, use and application of genetically modified organisms,
- Ensure that activities are carried out in such a way as to limit possible harmful consequences to the environment and human and animal health,
- To give attention to the prevention of accidents, and effective management of waste.

Administration Process

The Registrar for GMO's receives all applications for activities with GMO's. Once he/she is satisfied that the application is compliant with the provisions of the GMO Act, the application is forwarded to the Advisory Committee. Members of the Advisory Committee are appointed by the Minister for Agriculture and consist of ten scientists who are experts in fields related to GMO's. This Committee evaluates risk assessments, which are submitted with every application, to determine the potential impact of the proposed activity on the environment, human and animal health, and makes a recommendation to the Executive Council on whether the proposed activity should be approved or not and which risk management procedures should be applied.

The general public is consulted on intended activities related to GMO's by means of notifications in major newspapers. Comments from the public are

considered by the Council when they evaluate an application. This promotes credibility and transparency in the regulatory process.

The Executive Council is the decision-making body and consists of officials from six government departments;

- The Department of Agriculture,
- The Department of Health,
- The Department of Environmental Affairs and Tourism,
- The Department of Labour,
- The Department of Trade and Industry and
- The Department of Science and Technology, as well as
- The Chairperson of the Advisory Committee.

If the Executive Council is satisfied that a certain activity with a GMO may be proceed, the Registrar is authorised to issue the necessary permit.

The Act also allows for anyone who feels aggrieved by a decision of the Council to appeal to the Minister for Agriculture and Land Affairs who shall finally rule on the matter.

A register of all permits issued since implementation of the Act, the Act itself and regulations on the Act, are available on the directorate's website.

Under the GMO Act provision is also made for the appointment of inspectors. These are officials within the Directorate South African Agricultural Food and Quarantine Inspection Services and they are responsible for monitoring GMO trials through inspections of trial sites at regular intervals during the planting or trial season. All inspection reports are recorded with the Registrar's office.

Current Status of GMO's in SA

GMO's approved for commercial use in South Africa have been thoroughly tested for safety with regard to humans, animals and the environment. As of 2003, GMO's that are commercially available in SA include:

- Insect resistant maize
- Insect resistant cotton
- Herbicide tolerant cotton, maize and soybean

Genetically modified crops that have received approval for contained field trials in SA include

- Cotton
- Maize
- Sugarcane
- Soybean
- Potato
- Wheat

The Council has also approved clinical trials with certain vaccines.

The stakeholders of the Directorate Genetic Resources Management are as follow:

- Other relevant Directorates in DoA
- Provincial Departments of Agriculture
- Other government departments
- Non-governmental organisations
- Regional clients (e.g. SADC Plant Genetic Resources Centre)
- Exporters & Importers
- Academic, education and research institutions
- Biotechnology, chemical, seed and pharmaceutical industry
- Professional organisations
- Consumers/ consumer organisations
- Laboratory and accreditation services
- Industries dealing with Animal and Plant Genetic Resources (e.g. Poultry, Game, Red Meat, Pig, Nurseries, NAMPO, Vine Improvement Association, Fruits, Grain traders)
- Local farmers and communities

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