

**MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER GMO ACT, 1997 HELD ON  
21 JULY 2009, HARVEST HOUSE, ROOM 332, PRETORIA**

**PRESENT**

Dr J Jaffha (Chairperson)  
Mr B Durham  
Dr G Bouwer  
Ms W P Mandivenyi  
Mr A Pretorius  
Ms E Koekemoer

Department of Agriculture, Forestry and Fisheries (DAFF)  
Department of Science and Technology (DST)  
Chairperson of the Advisory Committee (AC) under the GMO Act, 1997  
Department of Environmental Affairs  
Department of Health (DoH)  
Department of Trade and Industry (DTI)

**VACANT**

Representative

Department of Labour (DoL)

**IN ATTENDANCE**

Ms C Arendse  
Ms G Christians  
Ms E Jantjies  
Ms I Muedi  
Ms R Chanda  
Mr S Mokhothu  
Ms L Segooa  
Ms P Kershaw  
Ms N Nhleko

Department of Agriculture, Forestry and Fisheries  
Department of Agriculture, Forestry and Fisheries  
Department of Agriculture, Forestry and Fisheries  
Department of Agriculture, Forestry and Fisheries (secretariat)  
Department of Health  
Department of Agriculture, Forestry and Fisheries  
Department of Science and Technology  
Department of Environmental Affairs  
Department of Environmental Affairs

| NO. | SUBJECT                           | RESOLUTION  | FOR ATTENTION  |
|-----|-----------------------------------|---|----------------|
| 1.  | OPENING AND WELCOME               | The Chairperson welcomed those present at the EC meeting.                 | EC Chairperson |
| 2.  | ATTENDANCE REGISTER AND APOLOGIES | The attendance register was circulated to everyone present for signature. | EC Chairperson |
| 3.  | ADDITIONS TO AND ADOPTION OF THE  | The agenda was adopted with no additions:                                 |                |

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|-----|---|---|------------------|
| 4.  | <p align="center"><b>APPROVAL OF THE RECORD OF PROCEEDINGS OF 12 May 2009</b></p> | <p>The record of proceedings of the meeting of 12 May 2009 were amended and approved with the following corrections:-</p> <p>5.4 (ii) Substitute "DB" with "Director Biosafety"</p> <p>5.4 (iii) Substitute "chairperson of AC with "Chairperson of the AC"</p> <p>5.9 (vi) Substitute "Plant Breeders Rights" with "Plant Breeders Rights, 1976 (Act 15 of 1976)</p> <p>6.3 Correct the spelling of "Triclinium"7.1(i) Correct the spacing of "the dtj" and the reference to the "Consumer Protection Act, 2008 (Act 68 of 2008) (iii) Correct the reference to "Biodiversity Act, 2004 (Act 10 of 2004) and substitute "NEMBA" with "NEMBA (Act 10 of 2004)</p> <p>7.4 (ii) Correct the reference to the "Plant breeders Rights, 1976 (Act no 15 of 1976)</p> |                  |
| 5.  | <p align="center"><b>MATTERS ARISING FROM THE PROCEEDINGS</b></p>                 |   |                  |

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| 5.1 | Feedback on appeals lodged under the GMO Act (DAFF)        | <p>(i) The EC noted that in terms of the GM cassava appeal, additional information was requested from the applicant with regard to intellectual property and the use of the material. The response had been received and submitted to the original review panel. Feedback from the review panel will be submitted to the Minister.</p> <p>(ii) The EC noted that the permit for CSIR for the contained use of GM sorghum had been issued. The EC requested that the GM Sorghum permit be circulated as it may be useful if a visit to the CSIR facility is planned once activities have commenced.</p>   | DAFF<br><br>OoR    |
| 5.2 | Update on outcome of Argentina fact finding mission (DAFF) | <p>(i) The EC noted that in terms of the Binational Commission (BNC) with Argentina, an annual seminar took place in Pretoria. The main topic for discussion was food security, food prices and trade issues. DAFF also met with their Argentinean counterparts to discuss identified areas of co-operation and progress made in this regard.</p> <p>(ii) The EC noted that there was specific focus on the Biosafety Regulatory System in Argentina in one of the presentations. One area of interest was the advances in terms of animal GMOs and the procedures in place in terms of regulatory processes. A copy of the presentation will be circulated to all Council members.</p>                        | DAFF               |
| 5.3 | Commodities (Registrar)                                    | <p>(i) The EC noted that a provisional document has been compiled in terms of the Standard requested from the SABS. The current document incorporates all permit conditions (permit holder, commodity importer and commodity use) as well as the approved inspection guidelines.</p> <p>(ii) The EC noted that the SABS standard should refer to GMO instead of LMO as our legislation currently refers to GMO.</p> <p>(iii) The EC noted that the SABS standard should be completed by January 2010 and be ready for circulation and public comment. Another SABS committee meeting is planned for September 2009 and members are requested to provide feedback with regard to the terms of reference and</p> | OoR, EC<br><br>OoR |

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|     |  | <p>any other content of the document. Comments need to be submitted by the end of July 2009.</p> <p>(iv) The EC noted that information regarding milling/storage capacity and transport at the various ports is essential before conditions pertaining to commodity approvals and imports can be finalized. The dti indicated that such information had been circulated to EC members but will be resent to all members again.</p> <p>(v) The EC noted that amended permit conditions for commodity permit holders, commodity importers and commodity users will be circulated to EC members when finalised.</p> | <p>thedti</p> <p>OoR</p> |
| 5.4 | Appointment of AC members (Registrar)  | The EC noted that the submission for the appointment of AC members has been approved.  | OoR                      |
| 5.5 | Syngenta – 08/095: Commodity clearance of maize Bt11xMIR604 (Registrar)                            | The EC recommended approval for the following applications of Syngenta: 08/095 Commodity clearance of maize Bt11xMIR604; 08/096 Commodity clearance of maize MIR604xGA21 and 08/097 Commodity clearance of triple stacked maize Bt11xMIR604xGA21 subject to the finalisation of the commodity clearance decision by the EC.  | OoR                      |
| 5.6 | AND<br>Syngenta – 08/096: Commodity clearance of maize MIR604xGA21 (Registrar)                     |  |                          |
| 5.7 | AND<br>Syngenta – 08/097: Commodity clearance of triple stacked Maize Bt11xMIR604xGA21 (Registrar) |  |                          |

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| 5.8  | Pioneer 08/336:Commodity clearance -Soybean 356043 (Registrar )                                  | (i) The EC noted that the report from the allergenicity and nutrition experts are still being awaited.  | OoR           |
| 5.9  | Pioneer 08/340:Commodity clearance -Soybean 305423 (Registrar )                                  | (i) The EC noted that the report from the nutritionist is still being awaited.  | OoR           |
| 5.10 | Monsanto 08/470 :Trial release of maize event MON89034 and MON89034 x NK603 (Registrar )         | (i) The EC approved the application Monsanto 08/470: Trial release of maize event MON89034 and MON89034 X NK603 subject to inclusion of an additional permit condition stipulating the characterisation of populations for resistance.  | OoR           |
| 5.11 | Monsanto 08/546 :Extended Trial release of maize event MON89034 and MON89034 x NK603 (Registrar) | (ii) The EC approved the application Monsanto-08/546: Extended trial release of maize event MON89034 and MON89034 X NK603 for two further seasons.  | OoR           |
| 5.12 | ARC.VOPI 08/039 General release of potato SpuntaG2   | (i) The EC denied the application of ARC-VOPI: 08/039 General release of SpuntaG2.<br>(ii) The reasons for the rejection are as follows:<br>- The Socio-economic impact study indicates that the commercial farmers do not anticipate this event to present a significant lowering of inputs as the same spraying regime is required to manage other pests which this event does not target.<br>- Small scale farmers identified more pressing challenges relating to production such as lack of water, seed availability, fertilizers etc.<br>- No evidence is presented that other pest management strategies against PTM have been considered or compared with the release of GM-Spunta. | OoR           |

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|     |         | <ul style="list-style-type: none"> <li>- The applicant presents several arguments of the value of this event for small scale famers; however, entry of these GM potatoes into the formal trade remains a particular concern. Segregation of GM from non-GM potatoes would require an Identity Preservation System which is currently not in place.</li> <li>- The capacity of small scale farmers to implement risk management measures could potentially be onerous.</li> <li>- Considering the biology of potatoes, vegetative material (tubers) may be used for propagation which may complicate risk management.</li> <li>- Potato Tuber Moth is not a major pest for stored potatoes but rather rodents.</li> <li>- The Western Blot of transformed potatoes was limited to protein extracts from leaves and there is an assumption that one band represents the Cry1 Ia1 protein. No data is presented of expression levels in tubers.</li> <li>- Concerns on the toxicity testing by use of an animal feeding study was conducted with cooked (boiled) potato although raw freeze dried potato would have been better suited.</li> <li>- No evidence is presented that known allergens of potato, namely Sol t1 (<i>patatin</i>) are not over expressed in the GM potato</li> <li>- No actual toxicity data of the cry-protein on the target organism, PTM is presented.</li> </ul> |               |

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| 5.13      | Fort Dodge 08/001 Poultry vaccine   | (i) The EC noted that the Advisory Committee is currently evaluating this application to provide a final recommendation to the Council.  | OoR           |
| 5.14      | Pioneer 09/395 Trial release of maize event 98140 (Registrar)   | (i) See section 6.8-6.17   |               |
| 5.15      | Registration of facilities (EC members)   | (i) The EC approved the guideline for the registration of facilities.  | OoR           |
| 5.16<br>6 | Extension Policy (EC)<br><b>Application to be considered by EC</b><br><br>Time extensions and amendment to existing permits (registrar) | (i) The EC approved the time extension policy.   | OoR           |
| 6.1       | Bayer-08/009-Trial Release of cotton (TWINLINK x GLYTOL)<br><br>AND   | (i) The EC approved the application Bayer-08/009-Trial Release of cotton (TWINLINK X GLYTOL).  | OoR           |
| 6.2       | Bayer-08/018-Extension permit of cotton (GLYTOL x LLCotton25)<br><br>AND  | (ii) The EC approved the application Bayer-08/018: Extension permit of cotton (GlytoixLLCotton25) and Bayer-08/019: Extension permit of cotton (BGixLLCotton25) subject to the applicant complying with permit conditions stipulated previously. | OoR           |
| 6.3       | Bayer-08/019-Extension permit of cotton   |  |               |

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| 6.4  | (BGII x LLCotton25)<br>Monsanto -08/468-Trial<br>Release of maize<br>MON87460<br>AND | (i) The EC approved the application Monsanto -08/468-Trial Release of maize subject to submission of previous trial reports.  | OoR           |
| 6.5  | Monsanto -09/606-Import &<br>Trial Release of maize<br>MON87460<br>AND               | (ii) The EC reserved a decision on the application Monsanto -08/606-Trial Release of maize MON87460 pending the submission of additional information.   | OoR           |
| 6.6  | Monsanto -09/657- Import of<br>maize MON87460  | (iii) The EC approved the application of Monsanto -09/657- Import of maize MON87460 subject to verification of seed quantities  | OoR           |
| 6.7  | AND<br>Monsanto -09/647- Export of<br>maize MON89034                                 | (iv) The EC approved the application Monsanto-09/647: Export of maize MON89034 subject to verification of seed quantities.  | OoR           |
| 5.14 | Pioneer 09/395 Trial release<br>of maize event 98140<br>AND                          | (i) The EC denied the following Pioneer trial release applications of various maize events: 09/394, 09/395, 09/396, 09/397, 09/398, 09/399, 09/400, 09/401, 09/402, 09/403 and 09/404.  | OoR           |
| 6.8  | Pioneer-09/394-Trial<br>Release of maize –TC1507<br>AND                              | (ii) The reasons for the rejection are as follows:<br>- The maps supplied by the applicant contain insufficient data<br>- Insufficient risk assessment data of stacked events<br>- Lack of information on risk management strategies and monitoring | OoR           |
| 6.9  | Pioneer-09/396-Trial<br>Release of maize of 98140<br>xMON810<br>AND                  |   |               |
| 6.10 | Pioneer-09/397-Trial<br>Release of maize –TC1507<br>x MON810                         |   |               |



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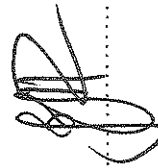
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| 6.11 | AND<br>Pioneer-09/398-Trial<br>Release of maize –TC1507<br>x MIR162<br>AND              |            |               |
| 6.12 | Pioneer-09/399-Trial<br>Release of maize –<br>MON810xMIR162<br>AND                      |            |               |
| 6.13 | Pioneer-09/400-Trial<br>Release of maize –<br>98140xTC1507xMON810<br>AND                |            |               |
| 6.14 | Pioneer-09/401-Trial<br>Release of maize –<br>TC1507xMON810xNK603<br>AND                |            |               |
| 6.15 | Pioneer-09/402-Trial<br>Release of maize –<br>TC1507xMIR162xNK603<br>AND                |            |               |
| 6.16 | Pioneer-09/403-Trial<br>Release of 3ple stack maize<br>–<br>TC1507xMON810xMIR162<br>AND |            |               |
| 6.17 | Pioneer-09/404-Trial<br>Release of maize –<br>TC1507xMON810xMIR162<br>xNK603            |            |               |

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| 7.  | <b>General</b>  |   |               |
| 7.1 | Regulatory and policy development   | (i) The EC noted that the DoH circulated an updated version of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) for noting. The amendments included in the updated version, are parts from the FCD Amendment Act, 2007 (Act 39 of 2007). Section 16 which dealt with the secrecy clause was omitted from the updated Act.   | DoH           |
| 7.2 | Monsanto's request to amend a permit condition<br>Permit number: 17/3<br>(4/07/015) | (i) The EC noted the request from Monsanto with regard to the amendment of condition no. 27 of the mentioned permit which refers to the planting site being left fallow for a year after the trial has been concluded or the planting of a crop with different leaf composition to maize instead.<br>(ii) The EC recommended that the current permit conditions are still applicable and should be upheld, as this would be in contravention of permit requirements pertaining to monitoring of the site. | OoR           |
| 7.3 | Import extensions and amendments (registrar)  | (i) The EC noted three applications for time extension of import permits previously issued have been received from Pharmaceutical Product Development (1) and Triclinium (2).   | OoR           |
| 8.  | Date of the next meeting  | The date for the next meeting is scheduled for 1 <sup>st</sup> September 2009   |               |
| 9.  | Closure   | The meeting was concluded at 13:04  |               |

Approved by Chairperson

Dr. J. Jafftha  
Name



Signature

Approved by Registrar

Ms G Christians  
Name

Signature