

## COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS AND ON THE GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS

Sub-Committee of Experts on the Transport of Dangerous Goods

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### MISCELLANEOUS PROPOSALS OF AMENDMENTS TO THE MODEL REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Comments on ST/SG/AC.10/C.3/2008/76  
Transport of Genetically Modified Micro-organisms and Organisms

Transmitted by the expert from Canada

1. The expert from Canada has studied the proposal from the European Biosafety Association regarding GMOs and GMMOs and has consulted experts in Canada. As expressed at previous meetings when this issue was raised, the expert from Canada is of the opinion that GMOs and GMMOs are not inherently dangerous goods and has not seen any justification from EBSA or any other source to justify the regulation of GMOs and GMMOs under the Model Regulations. The Cartagena Protocol exists to provide an international mechanism for ensuring the safe use and transport of GMOs and GMMOs and the parties and signatories should be free to develop requirements based on expert scientific advice and knowledge.
2. The expert from Canada is of the opinion that GMOs and GMMOs should be removed from the Model Regulations.
3. Having said that, if GMOs and GMMOs are to be retained in the Model Regulations, the expert from Canada agrees with EBSA that the current level of regulation for GMOs and GMMOs is onerous and not indicative of the nil to negligible risk that they pose. However, it must also be recognized that if GMOs or GMMOs, as any other material, present a toxicity or infectious risk they would be appropriately regulated under the Model Regulations.
4. The expert from Canada agrees with the deletion of the definition of GMO and GMMO from 2.6.3.1 and with the deletion of 2.6.3.4 and agrees with EBSA's justification for the proposal.
5. It is Canada's view that the second paragraph of 2.9.2.1(c) means that GMMOs or GMOs authorized for use are not subject to the Model Regulations and, therefore, would not be transported in accordance with the regulations and that includes documentation, packaging,

labelling or marking. In other words, the UN number UN 3245 would not be applicable to GMOs or GMMOs authorized for use. It is Canada's view that paragraph 2.9.2.1(c) should be re-written to clarify this intent. The expert from Canada proposes the following wording for paragraph 2.9.2.1(c):

“(c) GMMOs or GMOs which do not meet the definition of toxic (see 2.6.2) or infectious substances (see 2.6.3) but which are capable of altering animals, plants or microbiological substances in a way not normally the result of natural reproduction. They shall be assigned to UN 3245, except that when GMMOs or GMOs are authorized for use or for research by the competent authorities of the governments of the countries of origin, transit and destination they are not subject to the provisions of these regulations.”

GMMOs or GMOs are not subject to these Regulations when authorized for use by the competent authorities of the governments of the countries of origin, transit and destination.

Genetically modified live animals shall be transported under terms and conditions approved by the competent authorities of the exporting and importing countries of origin and destination.”.

6. The expert from Canada agrees in principle with the re-wording of special provision 219 but only the first paragraph is really necessary since the notion in the second paragraph is already in the re-wording of paragraph (c) of 2.9..2.1.

7. The expert from Canada does not agree with the proposal for Packing Instruction 904. The current packing instruction reflects that GMOs and GMMOs are not inherently dangerous goods and is in line with EBSA's assertion of the nil to negligible risk. In addition, EBSA's proposals mirror another packing instruction that was developed for completely different substances which do pose risks in transport. The expert from Canada could support the inclusion of the "Additional requirement" regarding genetically modified animals – again, with the addition of the word "live" before "animals" – but does not support any of the other changes to Packing Instruction 904 proposed by EBSA.

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