



**OVERVIEW OF THE
BIOSAFETY LEGISLATION AND
REQUIREMENTS FOR THE DETECTION
AND IDENTIFICATION OF LMOs
MALAYSIA**



- Biosafety regulatory measures were carried out in Malaysia long before the legislations were in place.
- An Administrative method was employed to regulate the import of mainly LMO grains.
- A comprehensive legislation (excluding elements liability and redress) named **THE BIOSAFETY ACT (BSA) 2007** was published in the Gazette on the 30th August 2007

PURPOSE OF THE BSA 2007

LEGAL FRAMEWORK

To establish the National Biosafety Board (NBB):

To **REGULATE** release, importation, exportation and contained use of LMOs and the release of LMOs products;

TWO REGULATORY PROCESSES

Notification

- Contained use
- Import for contained use
- Export: LMO

Approval

- Release LMO
- Release Products
- Import: LMO for release

Main functions of NBB include:

- **Making decisions on all applications; &**
- **To monitor activities in relation to LMOs and LMO products.**
- Establishment of Genetic Modification Advisory Committee (GMAC)
- To establish Institutional Biosafety Committee (IBC) – Biosafety Regulations 2010

LEGAL FRAMEWORK

PROVISIONS ON IDENTIFICATION & DETECTION

Num	Reference BSA 2007	Provisions	Remarks
1	Provision 53.(1)	Power to take samples	No obstruction
2	69(2)(i)	Regulation on Procedure with taking and dealing with samples	SOP for sampling grains SOP for sampling vegetables and fruits Biosafety Regulation (Sampling Procedures)
3	Provision 55	Appoint of analyst	Analyst to be fixed
4	Provision 56.(1)	Certificate of Analysis	Certificate needed for legal purpose
5 5	66	Power to compound	This is important to show that we are serious

LEGAL FRAMEWORK

PROVISIONS ON IDENTIFICATION & DETECTION

Num	Reference BSA 2007	Provisions	Remarks
6	69	Power to make regulations & Areas	Regulation can be developed as and when needed
7	Provision 38	Enforcement officers	List of agencies & Integrated Enforcement Matrix
8	Provision 61	Identification and Labelling	Under the Act, mandatory labelling is required (s61) Labeling regulations for <u>GM food</u> is enforced by Ministry of Health since July 2012 For other items labeling conditions are imposed during the approval process of the BSA 2007

LESSONS LEARNED 1

- BSA published in Gazettee - 30/11/2007
- Biosafety Act 2007 was only enforced - 1/12/2009
- National Biosafety Board formed – 15 /3/2010
- Biosafety (Approval and Notification) Regulations 2010 was enforced – 1 /11/2010

DELAY DUE TO FURTHER NEGOTIATIONS
WITH INDUSTRIES AND RESEARCHERS

LESSON LEARNED 2

LACK OF REFERENCE MATERIAL

Action	Explanation
Selected food materials to be tested regularly for GM content	Create a list of identified food materials
Instruments	Develop complete sampling procedures
Sampling	Take samples and test for GM content
Testing	cooperating laboratories within the Ministry to help Lack of reference materials
Enforcement	Take appropriate legal action

KEY MESSAGES

- Appropriate provision must be included in the law
- It takes time to develop a complete set of legal instrument
- Samples taken without following a legal procedure is not useful even if LMO is detected
- We must take action on offence, the least we should compound
- Not taking any legal action does not reflect good on enforcement body
- Bt. Brinjol may be entering other countries say from Bangladesh through immigrant workers



Information Sharing



BCH Central Portal

<http://bch.cbd.int>



Malaysia BCH Website

<http://www.biosafety.nre.gov.my>

THANK YOU