MINISTRY PAPER No. 59/21

Biosafety Policy for Jamaica

1. Cabinet by Decision No. 28/21 dated 5 July 2021 approved the **Biosafety Policy for Jamaica** and its tabling as a White Paper in The Houses of Parliament.

2.0 Background

2.1 Biosafety issues first came to the fore on the Jamaican policy agenda in 1997 with a request for the importation of a genetically modified Solo variety papaya (*Carica papaya*) on which research was to be conducted at the Biotechnology Centre at the University of the West Indies, Mona. This request highlighted the fact that there was no mechanism in place to deal with applications for the importation of living modified organisms (LMOs)[1]. As a precursor to the initiation of this research, a National Biosafety Committee (NBC) was established by Cabinet with responsibility for, *inter alia*, granting permission for the importation of genetically modified plants, seeds, cuttings or slips into the island.

2.2 Jamaica became a Party to the Cartagena Protocol on Biosafety on December 24, 2012 (hereinafter referred to as 'the Protocol'). This Protocol is a supplementary agreement to the Convention on Biological Diversity (CBD). The Protocol recognizes the potential benefits of modern biotechnology while seeking to ensure the safe use, transfer and handling of LMOs, taking into account risks to biodiversity and human health. The Ministry of Housing, Urban Renewal, Environment and Climate Change is the National Focal Point for the Protocol.

2.3 Cabinet by Decision No. 31/17, dated 14 August 2017, gave approval for the development of a Biosafety Policy for Jamaica. By Decision No. 11/20 dated 16 March 2020, Cabinet approved the draft Policy and its tabling as a Green Paper in The Houses of Parliament. The Green Paper was tabled in The Houses in June 2020.

2.4 The Goals of the Policy are to:

1. Manage the risks to human health, agriculture and biodiversity from the development, transboundary movement, handling and use of living modified organisms; and

2. Facilitate the development of a national modern biotechnology sector in a safe and regulatory environment.

2.5 The objectives of the Policy are to:

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1 Any living organism that possesses a novel combination of genetic material obtained through modern biotechnology. A living organism is a biological entity capable of transferring or replicating genetic material. In the Policy, living modified organisms also include genetically modified organisms.

i. ensure the effective regulation of the transboundary movement of LMOs is in keeping with the relevant international rules and standards;

ii. ensure that the possible adverse effects of LMOs on human health and biodiversity are effectively mitigated and managed;

iii. promote the development and utilization of modern biotechnology at the national level that may provide financial benefits to the relevant sectors taking into account issues of biosafety;

iv. establish national standards for the safe handling, storage, transport, detection, identification and use of LMOs, including packaging, labelling, documentation, disposal and contingency procedures;

v. increase public education and awareness and information sharing on biosafety to facilitate effective implementation of the national biosafety regime; and

vi. increase the capacity of the relevant national institutions to implement and monitor a national framework for biosafety.

3.0 Issues

3.1 While genetic manipulation is not a new concept, in recent years, the ability to modify life-forms has been revolutionized by modern biotechnology. Modern biotechnology has allowed scientists to modify plants, animals and microorganisms at rates faster than those of conventional methods. Scientists do so by manipulating genes and inserting them into an organism resulting in LMOs. The first commercially grown LMO, a tomato modified to resist rotting, was introduced in 1994. Since then, several LMOs have been produced globally for different purposes.

3.2 The potential of modern biotechnology is vast; however, it must be developed and used with adequate safety measures, to minimize any adverse risks to the environment and human health. There is still much that is unknown about how products of genetic engineering will behave and evolve and how they will interact with other species. Genetic engineering is the selective, deliberate alteration of genes (genetic material) by man. Due to the potential risks to human health and the environment from the products of genetic engineering, countries must implement robust national biosafety frameworks (NBFs). These NBFs should include appropriate policies and legislation and take into account potential risks from modern biotechnology in relevant sectors. To date, Jamaica has not implemented a national framework for implementing the Cartagena Protocol to address the issues relating to LMOs.

3.3 Enshrined in The Charter of Fundamental Rights and Freedoms, Section 13 (3) (l), is the right to enjoy a healthy and productive environment free from the threat of injury or damage from environmental abuse and degradation of the ecological heritage. Inherent in this right is

the need for the public to be informed of activities/processes which may have or potentially have negative impacts on the environment and the active engagement of the public in the decision-making process. Currently, there is no comprehensive public education and awareness programme in place related to LMOs.

3.4 Additionally, while there is some institutional capacity within the public sector to deal with issues of biosafety, the requirements of the Protocol, however, calls for more robust systems. As such, national capacity – both human and technological – will have to be built.

4.0 Policy Measures

4.1 A summary of the policy measures that will be utilized to achieve the aims of the Policy are outlined below:

(i) The Ministry with responsibility for the Environment will establish a National Biosafety Committee (NBC) which will be responsible for reviewing applications for the importation, safe handling, containment and disposal of LMOs, reviewing field research reports involving LMOs, assisting with developing and reviewing guidelines and standards and material for public education. The members of the NBC include senior officers of:

- Ministry with responsibility for Agriculture and Fisheries:
  - Research & Development Division;
  - Plant Quarantine/Produce Inspection Branch;
  - Veterinary Services Division;
- Ministry with responsibility for Health;
- Ministry of Foreign Affairs and Foreign Trade (MFAFT);
- Ministry with responsibility for the Environment (Environment and Risk Management Branch):
  - Natural Resources Conservation Authority (NRCA);
  - National Environment and Planning Agency (NEPA);
  - Scientific Authority (appointed under the Endangered Species (Protection, Conservation and Regulation of Trade) Act);
- Ministry with responsibility for Science and Technology;
  - Scientific Research Council (SRC);
  - National Council on Science and Technology (NCST)
- Ministry with responsibility for Industry and Commerce;
  - Bureau of Standards Jamaica (BSJ)
  - Consumer Affairs Commission (CAC);
- Ministry with responsibility for Finance
  - Jamaica Customs Agency (JCA);
- Ministry with responsibility for Culture and Gender
  - Institute of Jamaica (IOJ)

- Tourism Product Development Company Limited;
- At least one representative from the private sector;
- At least one representative from academia; and
- At least one representative from civil society.

Other individuals/agencies with expertise in a relevant area may also be co-opted to the Committee. NEPA will provide Secretariat support to the NBC.

(ii) Competent authorities will be established for different types of LMOs. These competent authorities will be responsible for carrying out the administrative functions required by the Cartagena Protocol under their respective portfolios. The proposed competent authorities are: the Natural Resources Conservation Authority (NRCA)/NEPA, the Ministry with responsibility for Health and the Ministry with responsibility for Agriculture and Fisheries (Plant Quarantine/Produce Inspection Branch, Veterinary Services Division). Decisions by the competent authorities on the use and movement of LMOs will be based on scientific evidence including risk assessments.

(iii) Risk assessment procedures will be developed and updated for the:

- import/export;
- use;
- handling;
- research; and
- development

of LMOs.

In addition, risk management mechanisms, measures and strategies to regulate, manage and control the risks associated with the development, use, release and transboundary movements of LMOs will also be developed and updated.

(iv) Relevant risk management mechanisms, measures and strategies will be implemented by the national competent authorities.

(v) Socio-economic impact assessments will be used to determine whether and how an LMO will be used or introduced into the environment.

(vi) A regulatory framework will be set up to manage the use of LMOs domestically which will include LMOs which are imported or developed locally for use as Food, Feed or for Processing (FFP) as well as LMOs destined for contained use. Contained use is any operation, undertaken within a facility, installation or other physical structure, which involves LMOs that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment.

(vii) Safe practices for handling, transport, packaging and identification will be promoted. Guidelines for the development and implementation of internal safety procedures for public and private organizations engaged in modern biotechnology research for the use, transportation, storage or handling of LMOs will be developed. Standards will also be developed for contained use, field trials and deliberate release.

(viii) Standards for labelling and identification of LMOs will be developed. These standards will be incorporated in the monitoring regimes of the relevant agencies. These labels will, *inter alia*:

- identify whether LMOs are listed among the contents or whether the product contains LMOs;
- whether it is intended for release into the environment;
- the identity and traits of the LMO;
- instructions for safe use, transportation or handling; and
- the name and contact information of the owner, distributor, importer, exporter, any party having custody of or responsibility for the LMO or any party authorized to provide additional information on the LMO.

(ix) An ongoing Public Education Programme on Biosafety will be developed and executed by the competent authorities in collaboration with the NBC. Entities such as the BSJ and the CAC will also, where appropriate, incorporate biosafety information into their public education programmes.

(x) Through a collaborative approach across government, capacity building initiatives will be undertaken by all Ministries, Departments and Agencies within the NBF. This will include increasing the capacities of the relevant regulatory agencies to identify and test LMOs.

5. Financial Implications

5.1 The implementation of the Policy, as outlined in the five-year implementation plan, will require additional personnel at the relevant Ministries, Departments and Agencies (MDAs), as well as, improvements to existing testing facilities and/or construction of new testing facilities. As a result, the Government of Jamaica will be required to provide the requisite budgetary support to the relevant MDAs. Public Private Partnerships may also be pursued, particularly in relation to the testing facilities.

6. Consultations

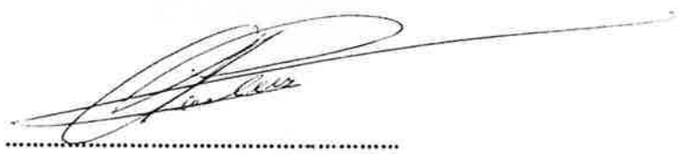
6.1 The preliminary Policy document was developed under the UNEP/GEF Biosafety Framework Project. The Green Paper was finalized by the Environment and Risk Management

Branch of the then Ministry of Economic Growth and Job Creation in consultation with the following MDAs: NEPA, Attorney General's Chambers, Ministry of Health, BSJ, Ministry of Industry, Commerce, Agriculture and Fisheries, JCA, the College of Health Sciences, University of Technology, the MFAFT, the Ministry of Finance and the Public Service, the SRC, NCST and the IOJ. The draft Policy was presented to the Economic Growth and Job Creation Committee of Cabinet on February 19, 2020.

6.2 The Environment and Risk Management Branch was transferred to the Ministry of Housing, Urban Renewal, Environment and Climate Change on its creation after the General Elections in 2020. The MHURECC conducted public consultations on the Green Paper in October 2020. The White Paper was finalized taking the comments received during the consultations into consideration as well as the instructions of the Cabinet.

7.0 Next Steps

7.1 Subsequent to the tabling of the Policy as a White Paper in The Houses, implementation of the Policy will commence.



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Appendix 1: Biosafety Policy for Jamaica