High-Risk Inputs: Non-Testable Affidavits

Introduction to Affidavits

GLOBAL AFFIDAVIT BASICS

The Non-GMO Project requires GMO testing to demonstrate the non-GMO status of high-risk inputs in many cases. However, affidavits attesting to the non-GMO status of an input are used in place of testing in certain situations where testing is not possible or not reasonable. Affidavits may replace testing for low-risk inputs, certain minor and micro ingredients, certain crops based on country of origin, and high-risk inputs that are non-testable.

When an affidavit is required, participants need to identify a point in their supply chain at which someone possesses sufficient knowledge to attest that the input in question is not the product of biotechnology as defined in the **Non-GMO Project Standard**.

The Non-GMO Project requires a standardized affidavit for non-testable high-risk inputs and for compliance based on country of origin. In other cases where affidavits are required, but standardized documents have not been issued, the following global requirements apply.

Global Affidavit Requirements

At minimum, all affidavits must include the signature and the printed name of the party signing the Affidavit, and the date.

The party signing the affidavit must have sufficient knowledge of the supply chain to authoritatively sign. If appropriate, affidavits should be accompanied by supporting documentation. At the discretion of the TA or the Project, affidavits may be required in additional situations not explicitly identified in Section 7 of Standard v15.

NON-TESTABLE INPUTS

Some high-risk inputs are non-testable because GMO tests for them are not yet available. Non-testable high-risk inputs are listed in the Standard in Appendix B.2. They currently include canola, potato, soy, animal-derived inputs, and microorganism and enzyme-derived inputs. Major, minor, and micro non-testable high-risk inputs require a non-testable affidavit to demonstrate compliance with the Standard.

SUFFICIENT KNOWLEDGE

The party signing an affidavit must represent an appropriate critical control point within the supply chain, must have sufficient knowledge of the supply chain up to the point of the affidavit, and must understand the Project's definitions of biotechnology and GMO in order to sign. It is unacceptable for any affidavit to be based on conjecture, assumptions, or incomplete information. When a participant does not have sufficient supply chain knowledge to sign, the participant should seek out signatures from their supplier or from deeper in the supply chain. It is the participant's responsibility to ensure any supplier they ask to sign an affidavit understands what they are signing.

The Technical Administrator (TA) will ensure that the title of the signatory aligns with a role that would typically encompass technical or contractual knowledge. The TA may ask for additional documentation or clarification to assess the signatory's level of knowledge.

Language and Definitions

People who sign Non-GMO Project affidavits must attest that the input they are signing an affidavit for is not a product of biotechnology and therefore not a GMO per the Non-GMO Project Standard v15. It is important for these signatories to understand what GMOs are and what biotechnology means according to the Non-GMO Project Standard.

Biotechnology

The application of:

a. in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and the direct injection of nucleic acid into cells or organelles; or

b. Fusion of cells beyond the taxonomic family, that overcame natural physiological, reproductive, or recombination barriers and that are not techniques used in traditional breeding and selection.

For the avoidance of doubt, "biotechnology" includes the following, as amended by the Project in its sole discretion (regardless of whether the resulting products are transgenic or non-transgenic):

New Genetic Engineering Techniques

ODM – Oligonucleotide-directed mutagenesis involves the insertion of new DNA that mimics a portion of the plant's genome and is incorporated via the cell's own repair function.

RNAi – RNA interference is a process whereby RNA molecules inhibit gene expression via translation blocking or degradation. This prevents a specific portion of DNA from being read or degrades it so that it does not function.

ZFN – Zinc finger nucleases create double-strand breaks or cuts in DNA using DNA binding proteins. ZFN is older and more expensive than TALEN and CRISPR.

TALEN – Transcription activator-like effector nucleases create double-strand breaks or cuts in DNA using engineered restriction enzymes.

CRISPR – Clustered regularly interspaced short palindromic repeats create double-strand breaks or cuts in DNA using an endonuclease (Cas9) and synthetic guide RNA.

"GMO" includes any input that results from or that has been subject to any form of biotechnology, even if a particular GE technique did not directly cause any change or mutation to or otherwise help create the input.

FAQs

WHY ARE NON-GMO PROJECT AFFIDAVITS IMPORTANT?

Compliance with the Non-GMO Project Standard, and therefore Non-GMO Project Verified status, is based in part on these documents. In order to protect the integrity of the program, it is imperative that representations made regarding the non-GMO status of inputs and ingredients are consistent and made in relation to the Standard's definitions of biotechnology and GMO. Participants are required to submit truthful documentation. If documentation is incorrect, a TA may determine products that use the affidavit in question to be non-compliant with the Standard.

WHEN IS IT NECESSARY TO SUBMIT SUPPORTING DOCUMENTS?

The TA has discretion over whether or not to request additional documents; there are no formal requirements for submitting supporting documents. Supporting documents may help provide further proof to the TA that the signer has sufficient knowledge to sign or demonstrate the supply chain relationship between the signer and the participant.

HOW OFTEN ARE AFFIDAVITS REQUIRED FOR AN INPUT?

An affidavit for non-testable high-risk crops must be submitted to the TA for review prior to initial verification and, at minimum, annually upon renewal. The number of affidavits required is dependent upon the complexity of the participant's supply chain, the signatory's place in the supply chain, the non-GMO-critical control points in the system, and the TA's risk analysis. An affidavit is not necessarily needed for each and every lot.

HOW DO INPUTS THAT ARE BOTH TESTABLE AND NON-TESTABLE COMPLY?

To demonstrate compliance with the relevant action threshold, inputs with testable and non-testable precursors (currently canola and soy) and their derivatives must comply with both testing requirements and with applicable affidavit requirements.

WHO SIGNS AFFIDAVITS FOR FARMING OPERATIONS WHERE GOODS ARE POOLED?

It depends. In some cases, the participant may oversee all or many levels of the supply chain and is therefore the authority. In other situations affidavits could be appropriate at the farm, feed mill, or supplier level. The TA is responsible for confirming that the affidavit on file for non-testable high-risk crops can be linked to all derivatives of those crops from the point the Affidavit is signed to the finished Product. Please consult a TA.

This guide is for informational purposes only. Product evaluations are completed on a case-by-case basis; please consult a TA with specific questions about product compliance. In the event of any conflict or inconsistency between the information in this guide and the current version of the Non-GMO Project Standard and/or its associated program documents, the Non-GMO Project Standard and its associated program documents shall govern and control.