

FoEE Biotech Mailout

Information from the Biotechnology Programme of Friends of the Earth Europe

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ILLEGAL GM MAIZE DISCOVERED IN FOOD PRODUCT

As this Mailout goes to press, serious doubts about the safety of genetically modified (GM) food are being raised in the United States after a GM ingredient, not allowed in human food because of fears that it may trigger allergies, was discovered in a well-known brand of taco shells. The American Food and Drug Administration has called the presence of the 'StarLink' variety of GM maize in human food "unlawful" and has launched its own investigation. Officials at the US Environmental Protection Agency have expressed "very great concern" if US licensing procedures authorising GM crops have been violated.

Significant levels of a type of the GM maize called 'StarLink', produced by biotech giant Aventis, were discovered in Taco Bell taco shells during laboratory

testing commissioned by the Genetically Engineered Food Alert coalition, of which Friends of the Earth USA is a member (1). 'StarLink' is an insect-resistant type of maize expressing the Bt toxin, similar to the varieties of GM maize involved in research showing harmful effects on monarch butterflies. It has US Federal approval to be grown for animal feed only but is not approved for direct human consumption because it "exhibits some characteristics of known allergens". This is due to the presence in 'StarLink' of a pro-

tein called Cry9C which the US authorities have warned might cause allergic reactions in some people. (Despite this, Aventis has reportedly applied for an exemption to the restriction to limit the use of this GM maize for animal feed.)

The taco shells tested were made in Mexico and distributed by Kraft Foods Inc, a subsidiary of the multinational Philip Morris. Genetically Engineered Food Alert instantly demanded that taco shells marketed under the Taco Bell brand be immediately withdrawn from retail outlets. A lawyer acting on behalf of the coalition has filed a letter with the USA's Food and Drug Administration re-

questing the FDA to recall the adulterated taco shells if the manufacturer fails to implement a voluntary recall. "This is a legal violation and the FDA clearly has the authority to seize the prod-

uct if Taco Bell and Philip Morris do not recall it," said Joseph Mendelson, legal director of the Center for Food Safety. Genetically Engineered Food Alert has also sent letters to the CEO of TRICON Global Restaurants, parent company of Taco Bell, and the CEO of Philip Morris.

Genetically Engineered Food Alert is also urging the FDA to test for the presence of Cry9C maize in all products containing the grade of maize to which Cry9C belongs. According to the coalition, other foods which could be affected

"Taco Bell and Philip Morris have used a genetically engineered ingredient that could put the health of their customers at risk"



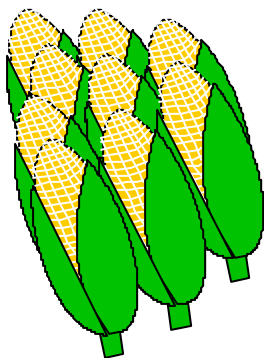
Friends of the Earth

include tortillas, breakfast cereals, corn chips, some frozen foods and corn meal. The coalition condemned the failure on the part of the FDA to provide adequate oversight of food biotechnology corporations and food producers.

"According to the tests, Taco Bell and Philip Morris have used a genetically engineered ingredient that could put the health of their customers at risk," said Larry Bohlen, Health and Environment Programs Director at Friends of the Earth US. "Consumers need to know whether this is just the tip of the iceberg." Friends of the Earth now plans to submit taco shells from Taco Bell restaurants for GMO testing.

Background information including the test results, fact sheets on GM Cry9C maize and the regulatory history of Cry9C are available on the web site www.gefoodalert.org/recall (GL)

(1) *Genetically Engineered Food Alert* founding members include: *Center for Food Safety, Friends of the Earth, Institute for Agriculture and Trade Policy, National Environmental Trust, Organic Consumers Association, Pesticide Action Network North America, and the State Public Interest Research Groups.*



GREECE FAILS TO DESTROY ILLEGAL GM COTTON

As reported in the last Mailout (see Volume 6, Issue 5, 31st July 2000), more than 4,000 hectares of land in Greece was planted this summer with cotton seed contaminated with an illegal genetically modified (GM) variety. (No GM cottons are authorized in the European Union, either for cultivation or for import.)

In June, the Ministry of Agriculture finally decided that it would order farmers to pull up and burn the cotton, which had already caused wide-scale GMO pollution since it had been flowering for some time. In an amazing about-turn, however, it was revealed on September 12th that the Ministries of Agriculture and Environment had decided that the cotton should not be destroyed after all!

A question of liability?

Many believe that the Greek governmental decision is a result of the fact that there is no liability regime in the European Union – and will not be under the revised Directive 90/220 either – which brings biotech companies to task when incidents like this occur. As we have seen from all the cases of GMO pollution in Europe this summer (oilseed rape in at least five EU Member States, maize and soya in France), because legislation concerning the liability of industry is non-existent, companies responsible for GMO pollution cannot be forced to pay compensation for the damage caused. The Greek government, therefore, faced with potentially huge compensation claims from farmers affected by the GM cotton scandal, backed off. Furthermore, it appears that the European Commission, whose task it is to enforce Community legislation (i.e. to monitor that unauthorized GMOs are not cultivated in the EU), has done nothing to intervene in the situation in Greece.

The decision taken by the government goes completely against their previous public announcements that they would order the destruction of all the cotton and compensate farmers. According to EU legislation (Directive 90/220/EEC), the cultivation of GM or cross-pollinated GM cotton is illegal, regardless of the percentage of GMO pollutants which the seeds contain. No IEU legislation currently exists in this area, but the European Commission is expected to present a proposal very soon, most likely recommending a 0.5% threshold for seeds contaminated with GM varieties approved in the EU, and a threshold of 0.0% for seeds contaminated with unauthorized varieties.

Dump it on developing countries

As if this situation were not already bad enough, it is reported that the government has decided that the produce of the illegal GM cotton can be exported to non-EU Member States. The cotton fibre will be exported to developing countries, although it has been reported that some non-EU European countries such as Switzerland and Hungary will also buy the fibre. It has been announced that the cotton seed, which is crushed for oil and can end up in the food chain, will either be destroyed or "re-exported to the country of origin" (almost certainly the United States). It remains to be seen how that will be practically and accurately achieved. (GL)

FOOD, FEED AND HOW TO TRACE IT

The European Union is about to regulate the circulation and use of genetically modified feed materials. While this regulatory project started years ago, the Commission now seems to be ready to treat it with priority. The most recent draft shows that the new concept of "traceability", included for the first time in the Commission's proposal for a regulation on genetically modified feed (SANCO/748rev 11/2000), might ultimately change the whole regulatory approach towards genetically modified organisms and, more specifically, products derived from those organisms. The draft shows that the European Union's biotech framework is not only in a flux, it is in a complete mess. On the one hand, it still follows the "one-key-one-door" approach resulting in product-related legislation; on the other hand, it is committed to general principles, e. g. traceability, whose comprehensive implementation might ultimately require horizontal legislation. It's time to throw all the existing GM legislation, including the framework legislation on contained use and deliberate releases of GMOs, out of the window - and to prepare a *General Code on Genetic Engineering*.

GM feed

While Directive 90/220 covers the release and placing on the market of all genetically modified organisms, it does not address the release and commercialisation of products derived from those organisms. That is why the European Union had to react when confronted with foods which did not contain living genetically modified organisms but products derived therefrom. That is also why the European Union has to react to feed materials containing components derived from genetically engineered organisms. The European Union's general approach - the

horizontal approach - made sure that all GMOs are regulated. It did not ensure, however, coverage of all products derived from GMOs. Given the political circumstances at the beginning of the 1990s and the enormous political pressure from the United States, the Commission instead produced product-related legislation which was, however, directed from the very beginning at GM derivatives. As one observer stated, "we included Kiwis and similar products in our 'novel food' legislation just to avoid the impression we would discriminate against GM foods although everybody knew, of course, that we were going to regulate GM, GM, and nothing else".

The Commission intends to close the gaps resulting from its historic

It's time to throw all the existing GM legislation out of the window

decision to focus on products rather than on the process of their development. The latest proposal concerning feeding materials shows, however, that the Commission and DG-SANCO in particular are hardly able to cope with the new challenge. On the one hand the Commission's proposal focusing on feeding materials is committed to the product-approach; on the other hand, the principles spelt out in the new proposal are of general relevance and cannot be implemented in one area without being implemented in the whole area of GM products. The Commission proposes that in order to ensure traceability, feed material must remain labelled by accompanying documents "regardless of the presence of DNA or protein resulting from genetic modification". Con-

versely, however, labelling referring to the genetic modification shall be mandatory only "where the presence of DNA or protein resulting from genetic modification may be detected". Thus, novel feed in which no such DNA or protein can be detected could be marketed without any label. (*Did you understand that? Or do you need to read it again? It wouldn't help - the Commission's proposal to de-link traceability and labelling remains bizarre.*)

The old loopholes – the dilemma of vertical legislation

The proposed regulation shall cover feed materials consisting of or containing (living) GMOs and feed materials derived from GMOs. However, it shall not cover additives used in animal nutrition currently covered by Directive 70/524/EEC. This means that like the original Novel Food Regulation, the Novel Feed Regulation would not cover an important area of GM input. As a matter of fact, Directive 70/524/EEC does not require any GM labelling, and thus the proposed regulation would leave an important area unregulated and would leave farmers in the dark about the composition of feed which does not carry the GM label. Unlabelled GM feed could still contain additives which have been produced with the help of genetic engineering.

Verticalise vertical legislation

The original idea of deregulators in Brussels was to create for all the different areas (food, feed, varieties, etc.) special (vertical) product legislation and exempt all those products falling under vertical legislation from the horizontal 90/220 framework. Thus, in the end we would have a beautiful, rigorous Directive on the deliberate and placing on the market of GMOs. However, no products would fall

any longer under that legislation. The new strategy of the deregulators is different: they want to exempt from vertical legislation what is already covered by *other* vertical laws. To give an example, transgenic plants are covered by the current Directive 90/220/EEC which will soon cease to exist and be replaced by a compromise Directive to be negotiated by the Council and the Parliament. This new Directive, if finally agreed, will allow transgenic plants to be regulated by the European seed certification scheme. Thus, transgenic plants would soon be exempt from the general Deliberate Release Directive and would instead fall under species-specific certification schemes. The feed regulation proposal now suggests that transgenic plants used for animal feed-

ing would also be exempt from the seed certification scheme and instead fall under the proposed animal feed regulation only. Thus, transgenic plants destined for animal feeding would be exempt from the horizontal biotech framework, they would be exempt from the seed certification framework and, in the end, they would only fall under the new regulation. This is "one-key-one-door" par excellence - and it is quite inappropriate.

The definition of traceability

It all boils down to one question

The Commission simply does not know what to do about traceability

which needs a general answer: What is meant by traceability? The Commission has announced to set out in more detail its understanding of traceability. In Brussels, however, observers say that the Commission simply does not know what to do about traceability. This is not because it's difficult to define, it's rather because the Commission's thinking is devoted to trade rather than to consumer interests. Traceability is synonymous with the citizen's right to know which is not limited to knowledge about products - it goes far beyond that. Consumers want to know *how* products have been produced. It may well be that this wish does not fit the trade agenda of the European Commission. It does, however, fit everybody's feeling about food. (DL)

NEW FEARS OVER IMPACT OF GM CROPS ON BIRD

On September 1st, "Science" magazine published the findings of new research carried out by the University of East Anglia into the predicted impacts of GM herbicide tolerant crops on wildlife (1). The researchers used a computer model to simulate the effects on weed populations and the consequences for seed-eating birds. They predicted that *"weed populations might be reduced to low levels or practically eradicated, depending on the exact form of management. Consequent effects on the local use of fields by birds might be severe, because such reductions represent a major loss of food resources."* This will have severe implications to birds such as skylarks that are already in serious decline due to intensive farming methods.

Populations of farmland birds have dramatically declined over recent decades as a result of intensive farming, and recent figures in the UK indicate alarming reductions in once familiar birds such as the skylark (54% in 20 years), and lapwing (49% in 11 years). *"It seems likely that the widespread introduction of (GM) herbicide-tolerant crops will result in further declines for many farmland birds unless other mitigating measures are taken,"* said one of the researchers involved in the study.

What was also interesting in this research was their conclusion that the impact on biodiversity was not just dependant on the weed control in the field but also on the socio-economic factors such as where and how farmers used these GM crops. If used on weedier fields then the impacts will be greater than on fields that have low weed problems. With weedier fields being the last haven for many bird species such as the skylark, these predictions do not bode well for their long-term survival. FoE has been saying for some time that the introduction of herbicide-resistant crops may be the next stage in intensive agriculture and that this will have a serious impact on wildlife. This research certainly backs up FoE's claims. Interestingly, recent research showed an increase of skylarks on organic farms. (AB)

(1) Predictions of Biodiversity Response to Genetically Modified Herbicide-Tolerant Crops, Watkinson, Freckleton, Robinson and Sutherland, Science, Vol 289, 1 September 2000.

Bt MAIZE - NEW RESEARCH CONFIRMS

New research carried out at Iowa State University (US), and published in the scientific journal "Oecologia" on 19th August 2000 (1), has confirmed the potentially devastating effects of genetically modified Bt maize on the larvae of the Monarch butterfly. The results of the two-year study by researchers from the University's Department on Entomology showed that pollen from Novartis Bt maize resulted in the death of up to 70% of the Monarch caterpillars.

Last year, scientists at Cornell University had already indicated that up to half of a Monarch larvae population fed on milkweed dusted with pollen from Bt maize - in that case Monsanto's MON 810 - died as a result. That research was heavily attacked by the biotech industry as 'unscientific', 'artificial', etc. Of course, the results of that research were not what industry wanted to hear and especially not what it wanted to be picked up by the media around the world. Nevertheless, more than one European Union country (Austria, Germany) have banned MON 810 as a result.

The studies carried out at Iowa State University are more difficult for GMO protagonists to criticise (although they have inevitably done so anyway). In this case, the conditions of the research were nearer to real field circumstances. Whereas the Cornell

scientists had themselves dusted the milkweed plants with pollen from Bt maize, the scientists at Iowa allowed the milkweed plants to become naturally dusted with pollen by placing them around fields where Bt 176 maize was growing. They then monitored Monarch larvae fed on this milkweed, compared to other larvae fed on milkweed with no pollen, or milkweed with pollen from non-Bt maize.

The results of the feeding studies showed that:

- larvae feeding for 48 hours on milkweed plants naturally dusted with pollen from Bt corn plants suffered significantly higher rates of mortality at 48 hours (around 20%) compared to larvae feeding on milkweed leaves with no pollen or feeding on leaves with non-Bt pollen;
- after 120 hours, the mortality of the Monarch larvae fed on milkweed naturally dusted with Bt pollen escalated to between 37 - 70%.

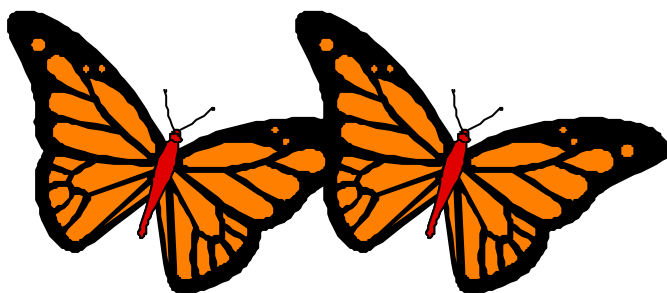
"the ecological effects of transgenic insecticidal crops need to be evaluated more fully before they are planted over extensive areas"

The Iowa scientists predict that, based on their quantification of wind dispersal of the Bt pollen beyond

the edges of fields, the effects of Bt pollen on monarch larvae can be observed at least 10 metres from field borders, although the highest mortality will occur within 3 metres. They conclude (in keeping with what environmental groups such as FoE have been saying since the introduction of GM crops) that "the ecological effects of transgenic insecticidal crops need to be evaluated more fully before they are planted over extensive areas".

In light of these very worrying new findings, Friends of the Earth is reiterating its demand that all European Union authorisations against Directive 90/220/EEC for Bt maize be immediately revoked. Three varieties of Bt maize were approved by the EU before the current de facto moratorium came into effect in spring 1998: Bt 176 (Novartis), Mon 810 (Monsanto) and Bt 11 (Novartis - approved for import only). Novartis Bt 176, in particular, was approved under extremely controversial conditions with 13 out of 15 Member States opposing its authorisation, and another Member State abstaining.

Industry fallacies that Bt crops are harmless have once again been disproved by the University of Iowa research. Moreover, industry claims that Bt crops reduce the use of chemical pesticides are largely irrelevant in the case of maize since farmers do not even spray against the pest which Bt maize targets, namely the corn borer, since the larvae stay inside of the plant. Meanwhile, as if the aggressive marketing tactics of biotech companies are not enough, the Monarch butterfly faces further dangers from another side of industry - logging companies. According to a report in the UK Independent newspaper (14.09.00), Monarch butterflies will varnish com-



Monarch butterflies - no safe places left

UK : NEW ROUND OF GMO FARM SCALE TRIALS

Winter trials of GM oilseed rape continue

Despite continuing local resentment, the UK Government has pressed on with their controversial programme of farm scale trials. Announcing the locations of 25 sites, the government has conceded nothing over public concerns of cross-pollination despite an on-going review of separation distances.

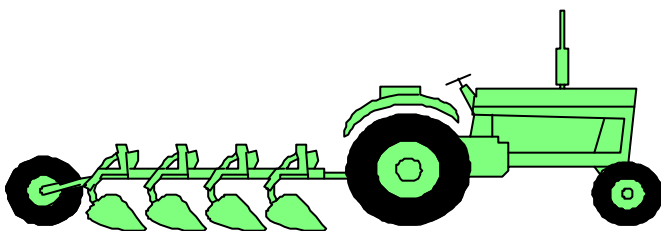
The sites are all winter oilseed rape produced by Aventis and are being grown using a Part B licence. Following FoE EWNI research earlier this year, beekeepers will be moving their hives 6 miles from the trials to maintain purity.

The government is currently reviewing separation distances between GM and non-GM crops and has commissioned the National Institute of Agricultural Botany to produce a study on distances and thresholds. This has now been published but recommends a separation distance for oilseed rape of only 1.5 metres for a 1% contamination threshold! The report plays down the lack of research on this issue and even ignores recent research by the Scottish Crop Research Institute which showed 5% cross-pollination at 4000 metres. FoE EWNI will be producing their comments on this research shortly.

Varietal Associations (VA)

A new threat of cross-pollination has appeared from a type of seed called varietal association. These are conventionally-grown hybrid seeds which are sold as a mix of around 80% male-sterile (i.e. not producing pollen) and 20% pollen producing oilseed. These hybrids are currently the top yielding varieties in the UK. Because they are mostly male-sterile they are particularly vulnerable to cross-pollination from other oilseed rape in the vicinity. This will make an interesting dilemma for the seed industry as the VA's and GM will be clearly incompatible.

In a bizarre twist, the Government has admitted that they may order the "de-flowering" of GM crops involved in the farm scale trials to avoid this cross-contamination problems. (AB)



GERMANY: VOLUNTARY MARKETING MORATO-

The German government is negotiating with agro-businesses companies on a voluntary agreement under which the companies shall commit themselves not to grow genetically modified plants until 2003. In return, the government seems to offer financial support for a major research project exploring the environmental effects of the commercial application and extensive cultivation of GM plants.

While the terms of the agreement still need to be negotiated, industry already stated that "a moratorium is not subject of our talks". On the other hand, however, it is unclear how the companies could actually prevent the cultivation of GM crops in Germany, given that once transgenic varieties have been approved in the European Union they may be traded and cultivated throughout the EU. Therefore, farmers in Germany could buy transgenic seeds in France and cultivate them in Germany.

Observers also say that the different ministries (environment, health, research, etc.) have not yet reached agreement with regard to the substance of the research programme and the composition of the group of researchers involved in it. Furthermore, the Social Democrats and the Greens obviously pursue very different goals with the dialogue. While the chancellor, who announced the talks at a conference taking place at the EXPO in Hanover, stated that the research programme aimed at "creating public confidence and acceptance of this new technology", the Greens insist that the outcome of the programme should be open and should not be prejudiced. (DL)

BIOTECH TURNS ITS FOCUS ON AFRICA

Several articles/letters have appeared in the media recently which demonstrate how the agro-biotech companies are lobbying aggressively to get their products into Africa ('biotechnology will feed the world'), particularly in light of the collapse of the European market. We reproduce two such texts below, without comment, except to quote Dr. Peter Rosset of the Institute for Food and Development Policy: "For those who remember the original Green Revolution promise to end hunger through miracle seeds, this call for Green Revolution II should ring hollow".

We'll Feed Our People As We See Fit, Hassan Adamu, Minister of Agriculture & Rural Development of Nigeria (Washington Post, 11.09.00)

It is possible to kill someone with kindness, literally. That could be the result of the well-meaning but extremely misguided attempts by European and North American groups that are advising Africans to be wary of agricultural biotechnology. They claim to have the environment and public health at the core of their opposition, but scientific evidence disproves their claims that enhanced crops are anything but safe. If we take their alarmist warnings to heart, millions of Africans will suffer and possibly die.

Agricultural biotechnology, whereby seeds are enhanced to instil herbicide tolerance or provide resistance to insects and disease, holds great promise for Africa and other areas of the world where circumstances such as poverty and poor growing conditions make farming difficult. Fertilizer, herbicides, pesticides, machinery, fuel and other tools that richer nations take for granted as part of their farming regimen are luxuries in poorer countries.

Moreover, the soil in tropical climates, or in areas with inhospitable weather; cannot be farmed successfully in the more traditional ways. These circumstances demand unique agricultural solutions, and many have been made available through the advances of biotechnology.

To deny desperate, hungry people

the means to control their futures by presuming to know what is best for them is not only paternalistic but morally wrong. Certainly, those with fertile lands and an abundance of food have every right to decide how they would like to grow their crops and process their foods. Organic farming, sophisticated methods of distributing food and other approaches are well and good for those who can afford to experiment. Starving people do not have this luxury. They want food and nourishment, not lectures, and we certainly won't allow ourselves to be intimidated by eco-terrorists who destroy test crops and disrupt



scientific meetings that strive to reveal the facts.

It is wrong and dangerous for a privileged people to presume that they know what is best for everyone. And when this happens, it cannot come as a shock that those who are imposed upon often see this attitude as colonialist.

Millions of Africans ^ far too many of them children, are suffering from malnutrition and hunger. Agricultural biotechnology offers a way to stop the suffering. As Florence Wambugu, one of Africa,s leading plant geneticists said recently, "In

Africa, GM (genetically modifies) food could almost literally weed out poverty?".

With regard to agricultural biotechnology, Africans are not asking for others to come in and grow our food. We are not asking for others to provide the financial means to establish this system in our countries. We want to come to the table as stakeholders. We know the conditions of our fields. We know the threats, the insects and diseases. We can work as partners to develop the seeds that could build peoples and nations.

We do not want to be denied this technology because of a misguided notion that we don,t understand the dangers or the future consequences. We understand. We understand that this system must continue to undergo study and careful use. We also understand that agricultural biotechnology has been deemed safe and nutritious by a host of nationally and internationally respected organizations such as the National Research Council, Nuffield Council on Bioethics, World Health Organization, Food and Agriculture Organization of the United Nations, Organization for Economic Cooperation and Development, the American Medical Association and the American Dietetic Association.

We will proceed carefully and thoughtfully, but we want to have the opportunity to save the lives of millions of people and change the course of history in many nations. That is our right, and we should not be denied by those with a mistaken idea that they know how best everyone should live of that

Text of letter from Kenya President Moi to US President Bill Clinton (21.08.00)

Excellency, I convey to you and to the American people warm greetings. I recall with great pleasure our recent meeting in Washington at the Summit on Africa when we had the opportunity to exchange views on a wide range of issues of mutual interest.

I wish to take this opportunity to write to you on a matter of great interest to my people and country. As you know, Kenya is basically an agricultural country and farming provides the basic needs for our families and communities. Yet in the face of growing population and environmental challenges, current farming methods are proving incapable of meeting our requirements for food security and economic growth. It is therefore imperative that we in Kenya embrace appropriate technologies and policies to transform our agricultural system to become more productive and profitable. It is in this context that we must view the new developments in biotechnology as offering great hope and promise.

While the Green Revolution was a remarkable success in Asia it largely bypassed Africa. Today the international community is on the

verge of the biotechnology revolution which Africa cannot afford to miss.

The recent announcement of a vitamin-A enriched rice (golden rice) offers great potential for all of us to address the issues of malnutrition and human health, particularly for poor children and for nations which are major consumers of the commodity. I understand that this important invention was developed with assistance from the government of Switzerland and the Rockefeller Foundation. While enriched rice could offer some benefit to our population, the staple crop in this region is maize.

Africa therefore needs a similar programme for the development of "golden maize". Scientific evidence indicates that deficiency in Vitamin-A weakens the immune system. Sufficient intake of Vitamin-A can improve ability to cope with the effects of chronic disease and may reduce the incidence of infections like malaria. Such a programme would also meet the objectives of the First Lady's Global Vitamin-A Partnership effort. I would therefore be grateful if you could join me in the endorsement of this idea to explore possibilities whereby United States technical and financial resources could be committed to this important endeavor.

Africa risks a biotechnology gap if we fail to participate in this project just in the same way that concern has been expressed about the digital gap in information technology without which deliberate intervention may result in a further marginalization of our continent. I am therefore specifically requesting that support and co-operation of your government and private foundations to help us to respond to the challenge of closing the biotechnology gap.

If we, as Kenyans, are to fully participate in this exciting revolution, we must develop our local capacity to address our unique needs for increased food production among our small scale farmers. Thus, support for biotechnology training programmes, curriculum development and improvement of laboratories is urgently needed. We note that a USAID-funded program in Egypt has been instrumental in building Egypt's biotechnology capacity. This has had the positive effect of augmenting that country's participation in international debates on biotechnology, such as the biosafety protocol of the Convention on Biological Diversity. I would like to propose that we explore opportunities for support as an additional agenda item in our forthcoming discussions.

For more information, contact:

**FRIENDS OF THE EARTH
EUROPE
BIOTECHNOLOGY PROGRAMME
29, rue Blanche,
B-1060 Brussels,
Belgium,
T. 32-2-542.01.80,
F. 32-2-537.55.96,**

E-MAIL

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