

FoEE Biotech Mailout

Information from the Biotechnology Programme of Friends of the Earth Europe

Volume 7, Issue 1

1st February 2001

Inside this issue:

The StarLink scandal (continued).....p 3

Directive 90/220/EEC - the final countdown.....p 5

The EU-US Consultative Forum on Biotechnology.....p 6

Council rejects GM vines.....p 7

New US administration even more pro-biotech.....p 8

Traceability & Labelling of GMOs.....p 8

Biosafety Protocol - first meeting of the ICCP.....p 9

Adventitious contamination by GM seeds.....p 10

NOVEL FEED : THE GAPING HOLE IN EU LEGISLATION

The European Union already has a raft of directives/regulations dealing with genetically modified organisms and micro-organisms. Apart from the most 'famous' Directive 90/220/EEC regulating the deliberate release of GMOs to the environment, and Directive 90/219/EEC on contained use of GMMOs (amended by Directive 98/81/EC), there's the Novel Food Regulation (Regulation (EC) No 258/97), the Soya/Maize Labelling Regulation (Regulation (EC) No 1139/98), the threshold Regulation (Regulation (EC) No 49/2000), the additives/flavourings (Regulation (EC) No 50/2000), and so on and so forth. There is further legislation on the way covering GM vines (vegetative propagation of the vine) (*see separate article in this Mailout*) and GM trees (forest reproductive material). And there are various other proposals under discussion at the moment, such as the Traceability and Labelling of GMOs, and the adventitious contamination of conventional seed by GMOs (*see also separate articles in this Mailout*).

under discussion since the Novel Food Regulation came into effect. The first blueprint obtained by FoE for a Novel Food Regulation dates from 1997, drafted by the services of Agriculture Commissioner Franz Fischler. In the event, nothing much happened with this proposal due to dissent within the Commission and disagreement between the various Directorates. (There were also (and continue to be) rumours that the EU was under extreme pressure from the US not to label novel feed.) During the ensuing years, we saw the resignation of the old Commission, and the reorganisation of activities within the new Commission with responsibility for food and feed passing to the revamped Directorate for Health and Consumer Affairs under David Byrne.

"Currently no Community authorisation and labelling provisions for feed products derived from GMOs are in place" (European Commission)

In his "White Paper on Food Safety" (COM (99) 719, January 2000), Mr. Byrne promised a number legislative proposals, including a Novel Feed Regulation to be tabled by the Commission by September 2000 and adopted by the Council and the European Parliament by December 2001. Five months later, no firm proposal for a Novel Feed Regulation is in sight with the text still in the drafting/consultation stages. Given that the most recent draft text proposes that the Regulation would come into force one year after publication in the Official Journal of the European Communities, and given that adoption by the Council and the Parliament will take

ment by December 2001. Five months later, no firm proposal for a Novel Feed Regulation is in sight with the text still in the drafting/consultation stages. Given that the most recent draft text proposes that the Regulation would come into force one year after publication in the Official Journal of the European Communities, and given that adoption by the Council and the Parliament will take

Yet the EU has consistently failed over the past several years to enact legislation covering animal feed containing or derived from GMOs which is, in fact, where most of the GMOs currently imported into the EU end up. A Novel Feed Regulation, which would address the issues of approval and labelling of GM feed has been



Friends of the Earth

at least 15 months after the final proposal is published, this appears to indicate that enforcement of a future Novel Feed Regulation will not happen until at least mid-2003 (if the Commission proposal were to be published tomorrow).

Most GMOs are for feed

As indicated above, most of the GMOs imported into the European Union are destined for the animal feed market. The EU has a huge livestock population to feed: some 82 million cattle (including 20M dairy cows), 120+ million pigs and more than a billion poultry. But Europe cannot feed its farm animals; it relies on imports for 70% of the high protein feed required to keep this highly intensive production system going. This protein comes into the EU in the form of soya, soya meal, maize and maize gluten, mainly from North America (the US and Canada) and also Argentina. An estimated 80% of all the soya and maize imported by the EU is for use as animal feed. The current BSE crisis, and the resultant ban on Meat and Bone Meal will lead to increased demand for alternative high protein feed materials and thus even more imports of GM crops. This is inevitable, given that more than half of the US production of soya is genetically modified, and more than a quarter of the 31 million hectares given over to maize cultivation in the US is also GM.

No authorisation/labelling laws

Three issues are at stake concerning GM animal feed: 1) the long-term safety of the product, 2) the lack of an authorisation regime, and 3) the absence of labelling and transparency for farmers and consumers. Under the current scenario, anything can be imported as animal feed. As the European Commission itself states in its Working Paper on

Traceability and Labelling of GMOs: "Currently no Community authorisation and labelling provisions for feed products derived from GMOs are in place".

to use meat which comes from animals not fed on GMOs. But why should it be down to these companies to have to seek out non-GMO supply chains as best



On the issue of safety, many questions remain unanswered concerning the long-term effects GMOs and GM derivatives may have on animal and human health. It is widely acknowledged that there is a serious lack of proper feeding studies with ruminants and other farm animals for which these products are destined (see article in *Mailout Volume 6 Issue 8, 15.12.00, on Aventis T25 maize*). There are also widespread concerns, including among the medical profession, about the continued use of antibiotic-resistant marker genes in GM crops destined for the food and feed chain.

Concerning the lack of an authorisation procedure and complete absence of labelling, farmers and consumers have the right to be angry that the European Union has continued to drag its feet on putting a Novel Feed Regulation in place. More and more food manufacturers and processors - most recently Tesco and Asda in the UK, as well as MacDonald's (for its chickens) - have announced their intention only

they can, when long overdue legislation in this area - which includes labelling - would allow them to identify non-GM feed? And why can't livestock farmers - who have suffered enough from the BSE crisis, not to mention other feed scandals such as dioxin and sewage sludge - buy labelled feed and opt for the Precautionary Principle by avoiding GMOs if they choose to do so?

The absence of GMO feed approval and labelling in the European Union is frankly a disgrace, and one that will be perpetuated for another few years if something is not done as a matter of urgency. Since the current EU BSE crisis, at least two Agriculture Ministers, from Austria and Italy, have recently stated that they believe GM feed should be labelled. The Member States should put up with delays no longer and act immediately via the Council to close this gaping hole in EU legislation.

THE STARLINK SCANDAL

(continued)

Genetically modified maize originally developed to resist the European corn borer insect pest is doing more than resisting certain pests, it is threatening to contaminate the world's food supply and creating havoc in the US commodities market. StarLink, the GM maize that gained the world's attention in September 2000 after it was found in human maize products like taco shells, continues to cause outrage and rifts throughout the world.

The cultivation of StarLink is the first time regulators in the US allowed planting a GM crop before it was approved for both human use as well as animal use. This has since proved disastrous. Friends of the Earth tested maize products after suspicions that the US grain handling system was unable to successfully keep the StarLink maize separated, which led to food recalls. It is clear from StarLink that, under current practices, separating GM seed from non-GM is extremely difficult to ensure. This is the first major case of an unapproved, genetically modified agricultural product getting into the human food chain. *(For background information on StarLink, see previous Mailout, Volume 6, Issue 7, 31.10.00.)*

In January, StarLink was also detected in a maize derivative used in the brewing industry. The contamination came to light in testing carried out by the US Food and Drug Administration, which commissioned out its own analyses to verify the results of Friends of the Earth's tests which first revealed the presence of StarLink in some brands of taco shells. In a letter to a US senator, the FDA admitted that an ingredient used to make beer had also tested positive for StarLink. According to the FDA, however, this never got as far as the retail market so consumers were not put at risk.

Export Shipments

The effects of contamination are not contained within the US. StarLink maize was also detected as early as December 2000 in US shipments to Japan and South Korea, top importers of US maize. StarLink maize is banned in both countries for food consumption, although it is allowed in South Korea for animal feed. While originally denied as a rumour by the U.S. Agriculture Department that traces of StarLink maize were found in a shipment headed for Japan, there have since been *three* such shipments of StarLink tainted maize to Japan within one month's time. Each of these shipments had passed testing done in the US for StarLink, although the same tests in Japan have found that StarLink to be present. Strategic Diagnostics, the makers of the Trait B9 test kits, have stressed that there is no indication of any failures in the kits. The two countries agreed on a dual testing plan to reassure Japan no StarLink would enter the country, meaning after the maize is tested in the US it would then be re-tested in Japan. The test plan, however, cannot guarantee the maize shipments to be StarLink-free. The administrator for the USDA's Foreign

StarLink maize was also detected as early as December 2000 in US shipments to Japan and South Korea, top importers of US maize

Agricultural Service has admitted that it is virtually impossible to offer a 100 percent guarantee that the maize will be StarLink-free. The test kits are only 95 percent accurate and can produce different results with variation in methods of performing the tests, and, according to Strategic Diagnostic's chief operating director, "If a user does

not follow instructions, a user can get varying results" *(quoted in Reuters Jan 16)*. Quite possibly, then, the testing discrepancies could be resolved by simply reading the directions. Following this breakthrough, the US Food and Drug Administration recommended that American food makers adopt the same testing procedures to prevent further contamination of foods. Under current testing procedures agreed on by the two countries, each week a USDA laboratory tests three 400-kernel samples randomly chosen from the domestic maize harvest. These samples are then sent to Japan to verify its testing. Japanese confidence in the US maize market, though, has already been shaken enough.

South Korea has had similar problems with US exports of maize tainted with the StarLink variety. The Korean Food and Drug Administration detected traces of the StarLink maize in a January shipment of 55,000 tons of US maize imported for food consumption. This maize had a certificate guaranteeing it to be StarLink-free. This maize is now in quarantine. In December, two shipments of maize weighing 3,000 and 55,000 tons and intended for human consumption were also found to be StarLink contaminated.

Compensation

Aventis, the Franco-German life science firm that developed StarLink, has recently signed a binding agreement with 17 US states to reimburse farmers financially hurt by the genetically modified maize. There were over 340,000 acres planted with StarLink maize in the US last year mainly across Iowa, Missouri, Nebraska, Minnesota, South Dakota and Kansas. Initial lawsuits in December filed by farmers against Aventis wanted redress for damage caused by StarLink in export markets, depressing maize prices, and causing losses to farmers. They claimed Aventis knew that StarLink plants were likely to cross pollinate with regular maize varieties, thereby rendering them

unfit for humans. Growers have suffered immeasurable losses this past season because of the implications of the unapproved maize getting into human food. The accord still allows states to sue Aventis if they feel the company is not living up to its obligations, and buys back StarLink maize at 25 cents per bushel to ensure the maize does not enter food for humans.

Aventis will also pay the same amount for non-StarLink maize grown within a 660-foot buffer zone which runs the risk of contamination through cross-pollination and drift. Non-StarLink maize grown beyond the 660-foot area but "inadvertently co-mingled" with the StarLink variety will be bought back at five cents per bushel if fed for livestock and ten cents per bushel if sold for approved feed or industrial use, according to a US state attorney general. While the company had not initially intended on compensating farmers with co-mingled maize, other state attorney generals are dissatisfied over the lower price offered for the StarLink-tainted maize. Expected compensation payments from Aventis are estimated between \$100 million and \$1 billion.

Farmers' Concerns

According to biotech giant Monsanto, farmers are not giving up on bioengineered seeds. In fact, they say the StarLink scandal has resulted in little to no impact on US farmer's loyalty to GM crops. A survey conducted at the annual American Farm Bureau Federation meeting showed that as many as 60 percent of the 400 growers' planting intentions for 2001 were not changed at all by the StarLink contamination. Monsanto claims that growers acknowledge the benefits derived from GM seeds are enormous. Farmers interviewed stated their major concerns from the StarLink contamination, including statements like: "The general public will not realise the many products that are now in use are perfectly safe," "Maize prices suffering further reductions in prices due to

ignorance overseas," and "Activists scaring people about food safety."

The other side of the coin is that Monsanto is coming under pressure to withdraw its RoundUp-Ready maize from the US market because the variety is not approved in Europe and could therefore have a negative effect on exports. According to the Wall Street Journal of 12.01.01, the Director of the Illinois Department of Agriculture has sent a letter asking hundreds of seed dealers asking them to stop selling "varieties that are not approved for all uses in major markets". Illinois is the US second maize-producing state and two of its biggest maize processors - Archer Daniel Midland and A.E. Stanley - export \$1 Billion worth of maize gluten to Europe each year for use in animal feed.

Growers have suffered immeasurable losses this past season because of the implications of the unapproved maize getting into human food

US maize exports in the doldrums

According to a report in the Dow Jones commodities service, U.S. maize exports are off to a rough start in 2001 due to the StarLink scandal and fears of export competition from China. Figures from the US Department of Agriculture indicate that maize exports for the crop year starting in September 2000 are down by roughly 120 million bushels compared with a year ago. According to the USDA, exports to Japan are down 30% compared to one year ago. As of January 18, US maize sales to Japan totalled 2.42 million metric tons, compared with 3.49 million metric tons a year ago.

Furthermore, analysts and traders do not expect world demand for US maize to improve, at least for the short term, according to the Dow Jones report. "The concern on the floor is the problems with our Asian

customers just aren't going away for the time being," said Duncan Russell, a maize trader at the Chicago Board of Trade. "I don't think the issues relating to StarLink corn are over".

As far as Europe is concerned, the StarLink scandal has been blamed for the fact that Spain recently decided to purchase non-GM maize from Brazil, rather than import from the US, despite the fact that the Brazilian maize is reportedly \$6 dollars per ton more expensive than the US product. According to the American Corn Growers Association's Lynden Peter: "the US is considered as something less than a reliable supplier of non-GM grain, whereas Brazil can guarantee non-GMO shipments". Consequently, Brazil is picking up former US customers, causing millions of dollars in lost export sales.

A way out of the problem?

- End split-registration for seeds. StarLink has proven that separating seed for feed from human consumption is virtually impossible and contamination is inevitable.
- Plant seeds only approved in both the EU and the US. (As the EU has stricter guidelines for genetically modified organisms the end result would be a decrease in the use of GMOs).
- Label all GM foods.
- Make information available to farmers about the seeds they buy. Many farmers were only notified of the limitations of StarLink after it had been planted.
- Treat biotech foods like food additives, i.e. impose stricter regulations, and recognise that they are different than conventional foods.

(Brendeign Covell, intern at FoE Europe)

DIRECTIVE 90/220/EEC - THE FINAL COUNTDOWN

The Joint Text approved by the Conciliation Committee on the revision of the deliberate release directive, 90/220/EEC has now been published (PE-CONS 3664/00). The third and final reading in the European Parliament is expected to take place on 13th February.

As already summarised in the last Mailout (*Volume 6, Issue 8, 15.12.00*), the revision of 90/220 has led to some major improvements over the original directive, but is a missed opportunity on other points where the legislation certainly needed to be tightened up. Below is a more detailed summary of what's good and what's not.

On the positive side ...

Compared to the existing directive, the original Commission proposal (COM (98) 85), and the various discussion documents and working drafts circulated by the Commission since revision was first under discussion in 1996, the Joint Text includes some major improvements, notably by:

- making direct reference to the Precautionary Principle;
- requiring direct and indirect, delayed and immediate adverse effects of GMOs on the environment or human health to be taken into account;
- extending risk assessment to cumulative long-term effects on human health and the environment, including biological diversity and to effects on non-agricultural eco-systems (Annex II);
- requiring Member States to ensure traceability of GMOs at all stages of the placing on the market;

- abolishing the former labelling option of "may contain GMOs" in favour of an unambiguous label stating "this product contains GMOs";
- requiring mandatory monitoring of GMOs released for commercial or any other purposes;
- requiring public registers for the locations of GMOs, whether deliberately released or placed on the market;
- setting out relatively strict minimum requirements for sectoral product legislation, and requiring (except for pharmaceuticals) a new Regulation before the Directive can be by-passed by new product legislation;
- requiring product approvals to be given for a maximum period of 10 years, providing at the same time for a renewal procedure which also applies to approvals given before the entry into force of the Directive, and to pending notifications;
- "inviting" the Commission to bring forward a legislative proposal for the implementation of the Cartagena Biosafety Protocol before July 2001;

... the Joint Text will, generally speaking, substantially improve the EU's biosafety framework. The biotech industry, which originally pushed for the revision of 90/220/EEC, would have never done so had it known this would be the outcome ...

- requiring that unauthorised releases be terminated (which in the past has not always been the practice in all Member States);

- providing for the right to consult any scientific committee the ethics committee with regard to the ethical implications of biotechnology;
- foreseeing the regulatory procedure (Articles 5 and 7 of Council Decision 1999/468/EC) for GMO product approvals, thereby giving Member States more influence;
- allowing thresholds to be introduced *only* for adventitious or technically unavoidable traces of authorised GMOs;
- being without prejudice to national environmental liability legislation and stating the need for complementary Community legislation in this field. (The Commission has undertaken to bring forward a proposal on environmental liability before the end of 2001.).

What's not so great ...

On the negative side, the joint text:

- fails to immediately ban antibiotic-resistant markers (ABRs) and requires instead that only ABRs "which may have adverse effects" be phased out by 2004 in case of 'Part C' releases, and by 2008 in the case of 'Part B' releases;
- does not ban "GMO pollution" but requires instead that adverse effects of gene transfer should be "accurately assessed on a case-by-case basis";
- exempts medicinal substances and compounds (for human use) containing or consisting of GMOs from Part B and C of the Directive, provided certain minimum requirements are met by the relevant Community legislation;
- retains the option for Member States to accept long-term multi-site release notifications;

- retains the existing simplified procedure (94/730/EC) for plants;
- introduces the option to propose new simplified "differentiated procedures" for GMO releases;
- allows for the introduction of simplified procedures for GMO products;
- streamlines and speeds up the authorisation procedure in general, by setting shorter deadlines for decision-making;
- requires a centralised authorisation procedure to be examined in 2003;
- does not provide for a liability regime addressing damage caused through GM contamination.

In conclusion, the Joint Text sets new and higher safety standards to protect the environment and

human health, is based on a broader risk assessment approach and introduces new concepts of traceability and monitoring which might help to identify and remedy adverse effects of GMOs at an earlier stage. On the other hand, the Joint Text streamlines administrative procedures, fails to ban the use of ABRs, postpones liability and the problem of GMO pollution/thresholds.

The European Parliament is expected to adopt the Joint Text which will, generally speaking, substantially improve the Community's biosafety framework. The biotech industry, which originally pushed for the revision of 90/220/EEC, would have never done so had it known that this would be the outcome.

Other legislation

As indicated in the last Mailout, the revision of 90/220 falls a long way short of resolving all the outstanding issues regarding GMO releases, and several Member States have indicated that even

with a "new 90/220", they will not relax the current 'de facto' moratorium on GMO approvals. In this regard, the European Commission is working on a text regarding Traceability and a second text regarding Labelling of GMOs and GMO derivatives, as well as another text concerning the adventitious contamination of seeds by approved and unapproved GM varieties. The majority of Member States is believed to favour new horizontal legislation on traceability and labelling. The Commission hopes to come with a proposal for traceability by the end of March, and the topic is on the draft agenda of the March 8 Council of EU Environment Ministers. It is likely, however, that the Commission (and the Ministers) will not to take a decision on traceability before the proposal regarding labelling is on the table. Both proposals are, of course, closely inter-linked given that one of the goals of traceability is to facilitate comprehensive and consistent labelling.

THE EU-US CONSULTATIVE FORUM ON BIOTECHNOLOGY

In May 2000, the President of the European Commission, Romano Prodi, and the then President of the United States, Bill Clinton, agreed to set up an EU-US Biotechnology Consultative Forum - an independent group of experts representing the diverse views regarding biotechnology on both sides of the Atlantic. The Forum was asked to present its conclusions to the EU-US Summit in December 2000.

The EU-US Biotechnology Consultative Forum (BCF) was therefore established in mid-2000, consisting of a group of 20 experts in the field, 10 from the US and 10 from the EU. The experts were drawn from different areas related to biotechnology: scien-

tists, lawyers, consumer representatives, specialists on ethics, farmers, environmentalists and industry representatives.

The full text of the Consensus Report of the CFB was published in December 2000 and is available on the web: <http://europa.eu.int/comm/external_relations/us/biotech/report.pdf>. Below are some of the most pertinent recommendations made in the report.

Recommendation 1:

To ensure that genetically modified food and animal feed are safe, we recommend that **all products be subject to a mandatory pre-market examination** by the appropriate regulatory

authorities and approved for sale only after they are found to meet the standard of presenting a reasonable certainty of no harm.

Recommendation 3:

More **public funds** should be invested in basic research that addresses safety concerns.

Recommendation 4:

In considering the role of publicly funded scientific research in supporting the development and evaluation of biotechnology, the Forum expressed concern that **scientists in academic research institutions are increasingly seen to be serving the goals of industry** rather than the public at large. Public policies that oblige academic scientists to

collaborate with industry in order to secure public funding for research may mean that the independence of scientists who are employed by academic institutions comes into question. (...)

We recommend that consideration be given to **changes in public policy regarding public funding for basic research** that would ensure the existence of a vigorous and independent public scientific research enterprise.

Recommendation 5:

The concept of substantial equivalence should only be used to structure a safety assessment. **The fact that a biotechnology food is held to be substantially equivalent to a conventional food should not be taken automatically to mean that it needs less testing or less regulatory oversight** than "non-substantially" equivalent biotechnology foods. The concept of substantial equivalence should be improved by the development and application of new techniques, which can help to identify unintended and potentially harmful changes.

Recommendation 8:

Governments should undertake to develop and implement **processes and mechanisms that will make it possible to trace all foods, derived from GMOs, containing novel ingredients** or claiming novel benefits. Before such new products are approved for marketing or when there are significant environmental questions, a detailed plan for mandatory monitoring should be established on a case-by-case basis.

Recommendation 9:

There is a **need for instruments to enforce effectively the obligation to monitor**. For this purpose the limitation of the duration of marketing approvals may be an appropriate instrument. For these marketing approvals, continued approval would be based upon the results of the monitoring.

Recommendation 11:

The EU and the U.S. should, **as a priority**, help to elaborate interna-

tional rules and procedures in the field of **liability and redress**.

Recommendation 13:

All regulatory processes governing the approval of products of agricultural biotechnology **should be open, transparent and inclusive**.

Recommendation 15:

Consumers should have the right of informed choice regarding the selection of what they want to consume. Therefore, at the very least, the EU and U.S. should establish content-based mandatory labelling requirements for finished products containing novel genetic material.

Recommendation 19:

The EU and the U.S. should pursue the **implementation of the biosafety principles outlined in the Cartagena Protocol on Biosafety**.

Recommendation 20:

The EU and U.S. should promote and participate in a global dialogue on an intellectual property rights regime (or some alternate method) that would both **provide a fair return on research investment and support sustainable agriculture for the developing world**. The aim should be to ensure fair and equitable access for developing countries to new biotechnologies and products. More specifically, **developing countries should not be forced to grant intellectual property rights** which could prevent farmers from freely replanting saved seeds or public breeders from freely using varieties as initial sources of variation.

Recommendation 21:

The EU and the U.S. should call for **respect of the traditional or indigenous agricultural and medical knowledge in any country** of the world and for the **fair distribution of the royalties** and other rewards from inventions based on this knowledge.

COUNCIL REJECTS GM VINES

Following strong opposition from Italy, a proposal from the European Commission to revise Directive 68/193/EEC, concerning propagating material for vines, to include genetically modified vines, has been rejected by the EU Council of Agriculture Ministers.

During the Agriculture Council on 29-30 January, Italian Farm Minister Pecoraro Scanio presented other ministers with the results of a study he had commissioned that concluded that there is not enough scientific data about genetically modified vines. He concluded, therefore, that adoption of the revised directive was premature and also in contradiction to the Precautionary Principle. He also stressed that no assessment had been made on the economic impact that the directive might have on the consumption of wine.

Much to the Commission's surprise, ministers from another four Member States chose to either back or at least not oppose Mr. Pecoraro Scanio. The new German Green Minister for Agriculture and Consumer Protection, Renate Kuenast, spoke along the same lines, while the Portuguese Minister said that, although his country had always been in favour of adopting the new directive, now is perhaps not the best time bearing in mind public opinion and feeling among traditional wine producers. France's Farm Minister Jean Glavany, indicating that he was not against a postponement, agreed that there is a high level of sensitivity to GMOs among both producers and consumers, a sentiment echoed by the Danish Minister Ritt Bjerregaard (former EU Commissioner for the Environment, and herself an organic farmer). Given the lack of majority among Member States, the proposal was not adopted and was referred back to the Committee of Permanent Representatives for further discussion.

NEW US ADMINISTRATION EVEN MORE PRO-BIOTECH

There is a consensus of opinion that the new Bush administration in the United States will be even more pro-biotech than the Clinton one was. This has been confirmed by a number of recent government appointments announced by Mr. Bush. Below is an article about this pro-GMO government from the British press.

GM LOBBY TAKES ROOT IN BUSH'S CABINET

Biotech firms could have undue influence, say critics

by John Vidal, *The Guardian*

When Bill Clinton was president, it was an open secret that his government favoured agricultural biotechnology and actively promoted it as a potential US global money-spinner. But the strength of the genetically modified food lobby in George Bush's new cabinet, and its links with the GM global leader, Monsanto, are greater than anything that came before, it has emerged. The secretaries of defence, health and agriculture, the attorney general and the chairman of the House agriculture committee all have links with the firm or the wider industry.

The most active GM advocate is expected to be John Ashcroft, the proposed attorney general, who received \$10,000 (UK£ 6,800) from Monsanto in the recent elections, the most the company gave to any congressional candidate. Mr Ashcroft led calls to the Clinton administration to promote GM crops in developing countries and to persuade Europe to accept them.

If the appointment of Tommy Thompson, the former governor of Wisconsin, as secretary of health and human services is confirmed, he will be given overall responsibility for food safety, pharmaceuticals and the Food and Drug Administration, which licenses biotechnology in the US. Mr Thompson is a GM supporter and has

accepted money for his campaigns from Monsanto. He used state funds to set up a GB£ 200m biotech zone and was one of 13 state governors to launch a campaign, partly funded by Monsanto, to persuade Americans of the benefits of GM crops.

Ann Veneman, the new agriculture secretary, was a director of the GM company Calgene, now owned by Monsanto, and has been active in world trade talks which would favour US companies exporting GM crops to developing countries.

Donald Rumsfeld, the defence secretary, was president of Searle Pharmaceuticals when it was bought by Monsanto.

Larry Combest, a Texas Republican who will chair the powerful House of Representatives agriculture committee, received \$2,000 from Monsanto in last year's elections. He is known as a strong supporter of GM food.

Clarence Thomas, the judge whose vote for Mr Bush in the supreme court helped decide the election, was a Monsanto lawyer from 1977 to 1979. His views on GM are not known.

Charles Lewis, director of the Centre for Public Integrity, said: "It looks like Monsanto and the biotechnology industry has the potential to bring undue influence on the new government". A spokesman for the charity Christian Aid said: "This does not bode well. We should be proceeding cautiously with GM. We fear even greater pressure on poor countries to introduce the technology, to the detriment of poor farmers and consumers who may further lose control of their food security". Loren Wassel, Monsanto's director of public relations, declined to comment yesterday.

(This article appeared in The Guardian newspaper on 1.02.01)

TRACEABILITY AND LABELLING OF GMOs

As mentioned in the previous Mailout (*Volume 6, Issue 8, 15.12.00*), despite the revision of 90/220 and the Commission's initiative for voluntary "gentlemen's agreements" with the biotech industry, the moratorium on GMO approvals in the EU remains in place until the question of traceability and labelling is resolved. In this regard, in November 2000, the European Commission published a "Working Document of the Commission Services on Traceability and Labelling of GMOs and Products Derived from GMOs".

This document, which was circulated to Member States for their comments, proposes a number of options on: traceability of GMOs, traceability of products derived from GMOs, and labelling of GMOs and foods derived from GMOs. Following the input of the Member States, the Commission is scheduled to produce a proposal by the end of March this year.

The EU moratorium on GMO approvals in the EU remains in place until the question of traceability and labelling is resolved

A copy of this Working Document is part of the "BioPolicy Materials" offered with this issue of the Biotech Mailout. To order, please complete the form provided in the cover letter (and check that your address is correct), or contact the FoEE Biotechnology Programme at the address given on page 12.

BIOSAFETY PROTOCOL FIRST MEETING OF THE ICCP

The First Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) took place in Montpellier (France) from 11-15 December 2000. This meeting aimed at preparing for the effective operation of the Protocol when it enters into force.

The meeting experienced none of the clear confrontation and divisiveness among the delegations in contrast to past meetings. All delegates seemed to agree that action was needed at international and national level. A coordinated international action would not be effective without ensuring adequate capacity at the national level for risk assessment, decision-making and monitoring. And, vice-versa, national capacity without an internationally coordinated information structure will not be effective.

MAIN ITEMS OF DISCUSSION

Capacity-building

The discussions on this issue started with the introduction of the GEF initial biosafety strategy which, inter alia, will provide assistance for developing national biosafety frameworks.

During the meeting, it was reiterated that capacity building was the foremost priority for many countries, particularly developing countries. The action to address the needs of those countries must be demand driven, identified the framework of these needs and highlighted various means to meet these needs, including the UNEP/GEF biosafety initiative.

Some of the capacity building priorities mentioned were: socio-economic capacity; human and institutional resources for risk assessment and risk management; existing national procedures; regulatory and border control systems; integration of efforts regard-

ing invasive species; the Biosafety Clearing House (BCH) and access to and exchange of information; technology transfer; facilitation of import procedures.

Support exists for regional and sub-regional efforts. The Global Industry Coalition offers cooperation between government and the private sector, but that raised concerns over "the fox guarding the hen house". There was also support for more participation of civil society into the application of biotechnology.

UNEP was urged to accelerate the implementation of its projects on national biosafety frameworks and to prepare a workshop on financial support for those projects.

The current status of the ratification process is very disappointing - only 2 countries have so far ratified the Protocol (Bulgaria and Trinidad & Tobago). 50 ratifications are required for the Protocol to enter into force

Information-sharing

The discussions centered on the designing of the BCH and the implementation of the pilot phase, which would intend to identify problems and develop solutions. Discussion centred on options of centralised procedures versus decentralised procedures. The inter-relationship between capacity building and information sharing was stated clearly by several countries. It was recommended that the pilot phase of the BCH should start as soon as possible.

Handling, Transport, Packaging and Identification

Article 18 of the BP seeks Parties to ensure by the Protocol's entry

into force that LMO transfers are "handled, packaged and transported under conditions of safety, taking into consideration relevant international rules and standards". The progress on that issue was slow inter alia because the protocol allows for two years after its entry into force for discussion on the identification of LMO-FFPs. Cases like that of StarLink as well as the interest of several countries in labelling GMOs may accelerate this process.

By March 2001 governments and international organisations are invited to submit to the Secretariat information on issues related to Article 18, in order to be considered at ICCP-2.

The Roster of Experts

The lack of scientific agreement on the potential risks of GMOs shows that scientific assessments in the biosafety field are hardly neutral. The debate will focus in the future on determining how to build a well-balanced scientific expertise which represents different political and cultural views.

The decisions at the ICCP-1 invite nominations of experts, and governments' comments on the draft nomination form and their views on that process. It was requested to the Executive Secretary inter alia to strive to ensure geographical balance and assist parties in identifying experts.

Decision-making

The debate was interesting as far as learning experiences from other fields is concerned. Particularly whether or not it was positive to learn from the functioning of prior informed consent in the Basel and Rotterdam Conventions related to hazardous substances. This discussion in turn centered the debate later on the issue of whether LMOs are intrinsically hazardous.

The decision invites governments to submit their views to the Secretariat on procedures and mechanisms to facilitate decision-making by Parties of import, which will be considered at ICCP-2.

Compliance

There was a consensus that a compliance mechanism should be of an advisory, facilitative, open, transparent and non-confrontational nature. Its objective would be to promote and facilitate compliance by Parties. Some representatives considered that the mechanism should also include judicial elements. Some representatives supported the role of civil society, including NGOs and the private sector, to play a role in triggering the procedure.

Again the link to capacity building was underlined. Several developing countries underlined their concern over not being able to comply with their obligations under the Protocol due to an inadequate capacity at national level.

RATIFICATION STATUS

To date, the Protocol has been signed by 81 states. The current status of the ratification process is very disappointing - only 2 countries have so far ratified the Protocol (Bulgaria and Trinidad & Tobago). 50 ratifications are required for the Protocol to enter into force.

NGO ACTIVITIES

Philip Bereano, representing over 100 NGOs, called for a moratorium on LMOs until effective systems of traceability and liability are developed.

Latin American NGOs presented a statement against biological weapons which was signed by more than 60 NGOs and received the support of Ecuador and the Like Minded Group represented by Ethiopia.

NEXT MEETING

The next meeting of the ICCP will take place from 1-5 October 2001 in Montreal. The meeting is expected to focus on liability, following article 27 of the Protocol.

ADVENTITIOUS CONTAMINATION BY GM SEEDS

Last year saw a number of cases in Europe of seed contamination by GMOs. Plant varieties concerned were oilseed rape, maize, soya and cotton and countries affected included France, Greece, Sweden and the UK. (see *Mailouts Volume 6 Issue 4 15.06.00 and Volume 6 Issue 5 31.07.00*).

Dealing with the problem, which is no doubt just the tip of the iceberg, was haphazard - some Member States ordered the destruction of the contaminated (and illegal) crops, while others complained about the lack of a legal basis within the EU's legislative framework for them to take action. Once again, the unresolved question of liability - who pays when something goes wrong with GMOs - came to the fore.

With this in mind, and the 2001 spring planting season soon upon us, the European Commission has produced a Working Paper as a first step in legislation on how to deal with the problem of conventional seed being contaminated by

GMO varieties. The paper presents a number of different options, including 0% tolerance for contamination by non-GM varieties, 0.3% for (approved) cross-pollinating varieties, and 0.5% for (approved) cross-pollinating and vegetatively propagated varieties. The paper also suggests more stringent time periods between cropping, and doubling the isolation distance between fields used for seed production and other fields.

The Working Paper has been sent by the Commission to Member States' governments for their comments.

A copy of this paper "Adventitious presence of GM seeds in seed of conventional plant varieties" is part of the "Biopolicy Materials" offered with this issue of the FoEE Biotech Mailout. To order, please complete the form provided in the cover letter (and check that your address is correct), or contact the FoEE Biotechnology Programme at the address shown on page 12.

ITALIAN FARM MINISTER WARNS ABOUT BSE, GMOs

Following the recent discovery of a case of BSE in Italy, Agriculture Minister, Alfonso Pecoraro Scanio, has said that he wouldn't stake his life on 'mad cow' disease not being transmissible via milk. He also indicated that it is likely that more cases of BSE in Italy will come to light as a result of the testing programme imposed by recent EU emergency measures.

Mr. Pecoraro Scanio added that the BSE crisis should serve as a warning to those pushing for the use of genetically modified foods. "We have been saying for 15 years that the industrialisation of animal breeding could create problems. Now that we are faced with the issue of GMs, we don't want to be told that they're harmless only to find out the opposite in a few years' time", he said.

As mentioned in the cover article of this Mailout, Mr. Pecoraro Scanio is one of the EU Ministers calling for immediate labelling of GM feed. Italy is one of the five countries which has been instrumental in the current EU moratorium on further approvals of GMOs.

NEW BIOTECH INDUSTRY STRATEGIES TO UNDERMINE NGOs

(A personal commentary)

GMOs are dangerous for the environment and health! NGOs are dangerous for the biotech industry and profits! Therefore the biotech industry is trying to undermine NGO's influence via a number of different strategies and approaches. As we all know, some biotech companies are desperate to get the NGOs off their backs, and have paid huge amounts to PR companies to improve their image and further their aims.

Below is an overview of some "pro-GMO campaigns" which can be expected in the near future.

Industry will organise an "organic backlash"

- Industry will try to discredit the NGO's positive alternative, i.e. organic agriculture, as "dirty" and "unhealthy". This defamation campaign, which started in the USA, is now targeted at Europe.
- Industry will probably test products from organic agriculture regarding traces of genetic modification, they may succeed in finding what they are looking for and then claim the withdrawal of the organic label. This plan, however, could also backfire since the biotech industry could be identified as the polluters.
- Another strategy to kill organic farming is the "deadly embrace approach". The biotech industry will continue to offer

Industry will try to discredit organic agriculture as "dirty" and "unhealthy"

"GM solutions" for problems that come up in organic agriculture. An argumentation often heard in panel discussions is that organic agriculture and the biotech industry could work "hand in hand" because of common aims: breeding better seeds and the reduction of pesticide and herbicide use.

Industry will plaster the "protest industry" with litigation, trying to cause the financial ruin of NGOs

Pro-biotech lobbyists argue that the NGOs influence the public with "lies" about the environmental and health risks of GMOs. Therefore, the NGOs are responsible for the financial losses of the big companies! Ideas for litigation so far:

- ... that NGOs publish names of products which contain GM ingredients/are not labelled and the names of the producers. Reason for litigation: the destruction of the company's reputation, products cannot be sold anymore.
- ... that NGOs comment on studies like the Monarch butterfly feeding study and the Pusztai case in a very "one-sided" way in order to damage the acceptance of biotechnology as a whole. Reason for litigation: the destruction of biotech's good reputation.

Even if the reasons for the potential litigation are weak, they will take up a lot of the NGOs' human and financial resources. The litigation approach is already under discussion among some members of the biotech industry and academics.

University professors will be paid by industry and will increasingly act as 'independent' opponents of NGOs in the future

Industry will invest in university projects in order to destroy the little independent research that exists

In this scenario, university professors will be paid by industry and will increasingly act as 'independent' opponents of NGOs in the future. It is easier, of course, for NGOs to challenge a representative of, for example, Monsanto than to criticise a university professor.

Other possible consequences are that critical studies will either not be produced at all, or will disappear unpublished into a drawer.

The "green-washing" argument: genetic engineering is absolutely indispensable as an instrument for conservation of biodiversity!

Those who are for the conservation of biodiversity - for example environmentalists - must also be pro-genetic engineering. To protect rare plants that are threatened, for example, by viruses, it is necessary to create virus-resistant varieties to preserve them from extinction.

Industry will use the WTO as instrument for forcing genetically manipulated plants on the European market

During future negotiations, the Mami Group (the top producers of

GM plants: the US, Argentina, Canada, etc.) will try to erode the "restrictive" import requirements foreseen under the Biosafety Protocol concluded in January 2000. One way to attain that objective is to send pro-genetic engineering experts to developing countries for so-called "capacity building" and thus influence public opinion.

By allowing threshold limits - "permissible contamination" - GM contamination is made acceptable for everything: food, feed and seed

At the moment, a standard threshold value of one percent is being discussed for all three areas: food, feed and seed. This threshold value may be raised within the next few years. GM-free plants and subsequently GM-free food and feed will therefore soon become a relic of the past.

Also organic agriculture, which is bound to be GM-free, is vitally affected by this development. In this case, the biotech industry has

Live unhealthily, destroy your body and then eat our GM food which will make everything better!

nothing to do other than make sure that GM crops are not segregated from conventional crops - then just sit back and wait!

Functional Food: GM plants and GM food of the second generation will finally lead to a benefit for the consumers.

GM plants and food of the first generation had one big advantage for the NGOs: there was no benefit for consumers. Instead, consumers were supposed to run the risks of eating GM food without knowing why.

The GM plants and GM food of the second generation are much more cunning. The most prominent example of second genera-

tion GM food is the Vitamin A "golden" rice which supposedly helps starving people in developing countries by giving them their daily dose of vitamin A. At the moment, this rice is more a media event than a real existing food but it is a very good approach to create acceptance for the starving biotech industry. (NGOs call this the "Mother Teresa strategy".)

On the other hand, society in the affluent so-called developed countries is rather interested in products like the "anti-heart-attack muesli" and the "anti-cancer tomato". The GM plants and GM food of the second generation created for the western world promise to make people healthier, younger and happier. The message is: "live unhealthily, destroy your body and then eat our GM food which will make everything better"!

(Heike Moldenhauer, GLOBAL 2000/Friends of the Earth Austria)

QUOTE OF THE MONTH

"The BSE problem has led society to rethink the principles and conditions that lie behind food production".
(Frank-Walter Steinmeier, Head of German Chancellor Gerhard Schroeder's office, quoted in the *Financial Times*, 26.01.01)

The FoEE Biotech Mailout has been published by Friends of the Earth Europe's Biotechnology Programme since January 1995, originally every six weeks and, as of 1st January 2001, every two months.

The Biotech Mailout is distributed free-of-charge by both mail and by e-mail.

Responsibility within Friends of the Earth for the FoEE

Biotechnology Programme lies with Friends of the Earth Germany (BUND).

The articles are written by FoE staff and collaborators. Opinions expressed in this publication do not necessarily reflect the opinion of the FoEE Biotechnology Programme unless it is explicitly stated.

Additional articles are contributed by guest authors, who are named and are responsible for their articles.

You are welcome to redistribute this Mailout and copy articles on condition that the source is acknowledged (please send us copies of any publications which reprint these articles).

**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 biotech@foeeurope.org

This Mailout, previous issues, and other information, is available on our web site:
www.foeeurope.org/biotechnology/about.htm