

FoEE Biotech Mailout

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EU SEED WARS

As reported last year in the FoEE Biotech Mailout (*see Volume 6, Issue 4*), during the summer of 2000 a number of Member States of the European Union suffered one or more cases of contamination of supposedly conventional seed by genetically modified varieties. This happened in several countries such as France, Germany, Greece, Sweden and the UK, and involved different crops including oil-seed rape, maize and cotton. In the majority of instances, national governments ordered that the crops should be dug up and destroyed. One exception, however, was the case of the contaminated maize in France where the 'conventional' seed was found to be contaminated by three different GM varieties: Bt 176, Bt 11 and MON 810. The problem facing the French government concerning what action should be taken was that two of the contaminants – Bt 176, produced by Novartis (now Syngenta) and MON 810, produced by Monsanto, – were already approved by the EU for cultivation, whereas Bt 11 (also produced by Novartis) was only authorised for import. Moreover, the level of contamination was considered low (less than 1%) and the powerful French maize producers group, AGPM, threatened the government with legal action if it ordered the

plants to be dug up. In the end, faced with a lack of EU legislation in the area, the French government allowed the crop to be grown, citing the lack of legal basis for their decision.

The Working Paper

At the time of these contamination crises, French Agriculture Minister Jean Glavany and others indicated that EU law would have to be changed in order to address seed contamination by GMOs in the future. The European Commission has therefore been working on proposals during the past few months and, in January this year, the DG-Sanco produced an internal Working Paper entitled "Adventitious presence of GM seeds in seed of conventional plant varieties", as a precursor to a future Proposal for an EU Regulation. The Working Paper was sent out to the EU Member States for comments at the end of January (*see Mailout Volume 7, Issue 1, page 10*), and has caused already considerable tension between the Commission and the new US administration.

The Working Paper proposes a number of measures including:

- No unauthorised GM seeds should be allowed in conventional seed (i.e. 0% contamination).
- In the case of contamination by authorised GM varieties, a threshold of 3% for cross-pollinating plants, and 5% for self-pollinating and vegetatively propagated plants.
- In order to achieve seed production complying with these thresholds,

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longer periods of field rotation for land used to grow plants for seed production: 5 years in the case of seeds which can survive for several years (e.g. small-seeded Leguminosae (fodder plants), oil and fibre plants), and 2 years instead of the current 1 year for other plants.

- Doubling the isolation distance between cross-pollinating GM seed crops and conventional varieties.
- Two types of labelling: "EU-unauthorised genetically modified organisms not present" and "genetically modified variety".

Scientific Committee criticises Commission's proposals

In an embarrassing development for the Commission, the EU's Scientific Committee on Plants (which also falls under DG-Sanco) has severely criticised the above proposals in an opinion delivered on 13th March 2001. In fact, the SCP finds fault with every single one of them with the exception of the labelling on which it does not comment.

No unauthorised GMOs in conventional seeds

The SCP says that "a zero level of unauthorised GM seed is unobtainable in practice" and would have "severe consequences" for field trials, under Part B of the Deliberate Release Directive (which have not yet, by definition, been approved for commercial cultivation in the EU).

Contamination thresholds (by authorised varieties) of 3% and 5%

These "will only be achieved under ideal seed production conditions" says the SCP. "Achieving the 0.3% and the 0.5% thresholds will become increasingly difficult as GM crop production increases in Europe". "In due course, the 1% threshold(*) set by the Commission may be to be revised".

(*) *This reference to 1% concerns the threshold for adventitious presence of (authorised) GM ma-*

terial in food and food ingredients (EU Regulation 49/2000).

Field rotation

In the opinion of the SCP, the grouping proposed by the Commission is "too general" and "there is lack of clear scientific data on persistence times". The SCP recommends three groupings: short persistence/1 year (for soya, maize and field peas); medium persistence/2-3 years (wheat, field beans and barley); long persistence/5 years (oilseed rape, potato, beet, grasses and herbage legumes).

Doubling the isolation distance

The SCP believes that there is no need to increase the isolation distance for swede oilseed rape and maize, and says that there is "insufficient evidence to comment on isolation distances required for hybrid oilseed rape, turnip rape and Beta species". However, in the case of hybrid oilseed rape, the SCP says that "doubling the isolation distance would not be sufficient".

EU Commissioner wants to accommodate US demands

Since several months, industry representatives have been lobbying the European Commission to give up the zero level tolerance for unauthorised GMOs. At a press conference in Washington DC on 28th March, EU Consumer Affairs Commissioner David Byrne, anxious to appease American concerns that new traceability rules might hinder trade and create additional costs for

US industry, referred to a 'management committee' which would be responsible for "fine-tuning measures". "And that's where you'll find some of the responses to the discussions that we have been having here and elsewhere over the last number of weeks in the fine detail of that, for instance, on questions like thresholds and so on and so forth", Byrne said.

EU officials also indicated that one possibility discussed in Washington is to set a separate threshold for GMOs approved in the exporting country but still awaiting approval in the EU. However, the official said, no such threshold could be set for GMOs which have been rejected for commercialisation.

The legal situation is clearer than these quotations and rumours seem to indicate. Under both the existing and the new Deliberate Release Directive, commercialisation of GMOs that have not been approved for that purpose is illegal. Neither the existing nor the future Directive allows for the introduction of thresholds for unapproved GMOs. The new Directive only allows for the introduction of thresholds for approved GMOs as far as labelling is concerned. Therefore, Byrne's proposal as well as the SCP's criticism of the Commission working paper are incompatible with the current and the recently adopted new Deliberate Release Directive.

PARLIAMENT VOTES ON 90/220

The revision of the old Deliberate Release Directive 90/220/EEC is finished. No surprises – see article in Mailout Volume 7, Issue 1, 1.02.01. Of course, no sooner was it done than it became apparent that the directive is severely lacking in many respects, notably concerning the traceability and labelling of GMOs (*see separate article on page 4 of this Mailout*). For this reason, six Member States immediately declared their intention to maintain the current EU moratorium on GMO approvals until these questions have been resolved.

The European Parliament voted 338 in favour, 52 against, with 85 abstentions on the Joint Text approved by the Conciliation Committee. The text is available on the www.europarl.eu.int web site, click on Conciliation Committee, (document 1998/0072 (COD)).

GM SEEDS : A LICENCE TO POLLUTE!

(A personal commentary by Heike Moldenhauer, Global 2000/FoE Austria)

Seed contamination scandals in several European countries during 2000 – oilseed rape in Austria, France, Germany, Luxembourg, Sweden and the UK, cotton in Greece, maize and soya in France – are probably only the proverbial top of the iceberg and potentially a deeply worrying issue.

The seed issue could be, or become, the ‘Trojan horse’ of the biotech industry. Contaminated seeds will give industry the possibility to contaminate the whole food chain. Without GMO-free seeds, there can be no GMO-free fields and food. If political leaders do not immediately take appropriate measures, a GMO-free environment and GMO-free food could become relics of the past in the space of only a few years. As far as seeds are concerned, time is simply on the side of the biotech industry. The companies have nothing to do except wait – if seed contamination is accepted, it is predictable that within five or ten years European agriculture will be contaminated with GMOs.

The following papers are currently in circulation:

- Discussion Document for the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry; Subject: Presence of GMO seed in seed lots of conventional varieties of certain plant species, which have been imported from certain third countries; presented 19th June 2000.
- The European Commission’s (Health & Consumer Protection Directorate) Working Paper on the adventitious pres-

ence of GM seeds in seed of conventional plant varieties.

- The Opinion of the EU’s Scientific Committee on Plants concerning the adventitious presence of GM seeds in conventional seeds, adopted on 7th March 2001.

To solve the problem of adventitious contamination, different thresholds for different varieties of plants are discussed in all the above-mentioned papers. However, the introduction of a threshold implies the acceptance of GMO contamination in seeds. The only case where a zero tolerance for GM seeds in conventional seeds is proposed (in the Commission’s Working Paper) is for GM seeds not covered by an authorisation under Part C of the Deliberate Release Directive.

If political leaders do not immediately take appropriate measures, a GMO-free environment and GMO-free food could become relics of the past in the space of only a few years

Zero tolerance is, of course, the only acceptable option. Furthermore, zero tolerance for all GM seeds (authorised or not) in all conventional seeds is the only way to guarantee the future of GMO-free agriculture within the European Union. The suggested threshold of 0.5% for self-pollinating and vegetatively propagated crops, and of 0.3% for cross-pollinating varieties, is completely unacceptable because it is synonymous with the “license to pollute”. Such a “license to pollute” would serve to further encourage the biotech industry in its

aim to flood the market with GMOs and would mean that the alternative – “GMO-free agriculture” – would be seriously jeopardised. Instead of promoting the interests of biotech industry by introducing thresholds for seed contamination by GMOs, EU policy-makers should support European consumers who oppose GMOs in food, and farmers who have the right to choose what they want to grow.

The European Commission and the relevant EU committees need to address the following open questions and take the appropriate measures:

“Adventitious” contamination

Exactly what is meant by the term “adventitious” needs to be clearly defined. In order to arrive at this definition, the possible sources of “adventitious” contamination have to be identified, and measures to avoid contamination in fields, transport and processing have to be drawn up and put in place. In practice, this means that, in order to guarantee GMO-free seed production, large GMO-free zones must be established and specific transport and processing lines need to be set up (only for non-GMO seeds).

Traceability

In this context, the traceability of seeds from the propagating area throughout the transport, processing and retail operations has to be ensured and to be backed up by a certification and testing system.

Burden of proof

In cases where contamination is detected, the seed producer, the transport company and the distributor have to prove that the GMO contamination of the conventional seed is “adventitious”. Therefore a certification and testing system must be set up, and a responsible authority in each country has to be designated to deal with such cases.

Controls

The companies producing seeds have to guarantee and to label

their seeds as GMO-free. The responsible authorities in each country should make spot-checks and analyse samples in order to verify these claims and ensure the certification system.

Burden of costs

The measures mentioned above will, of course, incur additional costs. Because these costs are caused by the biotech companies that create the GM seeds, the financial burden should be borne by the biotech industry – “the Polluter pays” principle.

Tests

To facilitate testing, the GM seed producers should be obliged to provide test kits for all GM seeds, both those which have EU authorisation and those which do not.

Liability

For all damages, costs, etc., resulting from seed contamination, including contaminated harvests and contaminated food, the Polluter pays. It is not acceptable, for example, for the European tax-payer to shoulder the cost if farmers are compensated through CAP resources.

If seed contamination is accepted, it is predictable that within five or ten years European agriculture will be contaminated with GMOs

TRACEABILITY OF GMOs

As reported in the previous Mailout (see *Volume 7, Issue 1, 1.02.01*), the European Commission is working frantically on proposals concerning traceability of GMOs since at least six Member States – Denmark, France, Greece, Italy and Luxembourg, now joined by Austria – have indicated that they will not lift the current moratorium on further GMO approvals until the issues of traceability and labelling of GMOs are resolved. Although a final proposal was promised by the Commission during March, this did not happen and is now expected to be finalised by late April.

The most recent version of the Commission’s draft proposal, available to FoE, dating from the beginning of March (Com(2001)yyy “Proposal for a Regulation of the European Parliament and of the Council concerning traceability and labelling of genetically modified organisms and traceability of food and feed products derived from genetically modified organisms”) is quite stringent in some respects (*stringent enough to worry the US – see page 2 of this Mailout under “Commissioner wants to accommodate US demands”*), yet quite vague and incomplete in others. Areas of concern regarding the most recent text include the following.

The objective and scope of the proposed Regulation

The rationale (in the Explanatory Memorandum) regarding the objectives for an EU Regulation on traceability of GMOs, e.g.: providing “a safety net should any unforeseen adverse effects be established” and facilitating “withdrawal of products should an unforeseen risk to human health or the environment be established” (mentioned several times in the Commission’s draft proposal) are quite contentious. From an environmental and consumer perspective, it is simply not acceptable that GMOs or GMO derivatives be placed on the market at all if any uncertainty exists about long-term effects on human health and the environment. Traceability, there-

fore, should not be used as a substitute for rigorous pre-market safety testing and risk assessment based on independently derived data. If GMOs or GMO derivatives can potentially cause unintended and long-term effects on the environment and human and animal health, “future withdrawal of products” would be too little, too late.

On the other hand, an important part of the rationale for a future Regulation on traceability should be to facilitate labelling and segregation of GM and non-GM crops. This would allow consumers, farmers, as well as food and feed companies, to be informed of exactly what they are buying, thereby enabling them to avoid GMOs and GMO derivatives if they choose to do so.

The objective and scope of the draft Regulation fails to make clear whether traceability shall apply to all GMOs and their derivatives, or only those used in the food and feed sector. For example, definition (a) under Scope (a) refers to “products containing or consisting of GMOs authorised under EU legislation”, while definitions (b) and (c) refer only to food and feed respectively and furthermore do not specify whether these are food and feed authorised under Community legislation or not. This raises the following points:

- GMOs or their derivatives which fall outside the definition of food and feed, but are already been authorised against the Deliberate Release Directive, e.g. tobacco and flowers (carnations) would not be covered by the proposed Regulation.
- Similarly, if GM cotton is approved against the Deliberate Release Directive (two applications for placing on the market from Monsanto are already pending), derivatives

therefrom would be excluded from traceability legislation.

- Furthermore, the legislation would not apply to other derivatives such as fertilisers produced as by-products by facilities using GMOs or GMMOs.
- The text is unclear concerning definitions (b) and (c) as to whether the future Regulation shall apply to GMOs and derivatives thereof which are not approved against the Deliberate Release Directive.
- As far as definition (c) “feed materials, compound feed-ingstuffs and feed additives, derived from GMOs” is concerned, the Commission is in a ‘cart before horse’ situation since there is still no Novel Feed Regulation in place in the EU (see *Mailout Volume 7, Issue 1, 1.02.01*). In the current legal vacuum, the only feed materials allowed in the EU should, therefore, be those which are authorised against the Deliberate Release Directive - any others should simply not be in the marketplace at all. The proposal is ambiguous in this respect.

Definitions

The Commission lists 14 definitions in its proposal, such as what is meant by ‘product’, ‘operator’, ‘food’, ‘feed’, etc. However, the list of definitions does not specify some very important points: what is meant by the terms ‘ultimate user’ and ‘ultimate consumer’ (which are used frequently throughout the text)? This needs to be clearly specified in order to interpret the proposed legislation correctly.

Traceability requirements

There are clear discrepancies in the proposal concerning ‘pre-packaged’ products and other non-packaged products. Although as far as food products are concerned, currently most GMO derivatives such as oils, flours, etc., could be expected to

be pre-packaged, this is not the case for animal feed products derived from GMOs where products may be sold in bulk.

Furthermore, in future it may be possible that GM fruit and vegetables are placed on the market, and the differentiation between ‘pre-packaged’ and non-packaged would hamper the correct implementation of the Regulation. For example, operators could choose not to pre-package in an attempt to by-pass the legislation. Retailers could even consider un-packaging, for example, pre-wrapped fruit or bags of potatoes in order to side-step the rules.

The Commission appears to be proposing that specified information transmitted by operators should establish the identity of individual GMOs, whereas GMO derivatives should not be subject to the same requirement concerning which GMOs have been used in the finished product. In a practical example, this would imply that, in the case of maize kernels for animal feed, the specific GMO would need to be identified, whereas in the case of maize gluten (which may be derived from one or several varieties of GM maize), the Regulation would only require the information to state “derived from GMOs”. Since much of the maize gluten imported from the United States no doubt contains varieties not authorised in the EU, this would mean that farmers and consumers would not know if such varieties are part of the product.

The Commission proposes that operators should only have to retain information on products for a 5-year period and no explanation is provided why it has chosen this timeframe. However, given that many of the unforeseen effects of GMOs on the environment are only just beginning to come to light, and bearing in mind that no long-term

feeding studies of GMOs on humans or animals have been carried out, a 5-year period for retaining information is much too short. It also does not tally with the Deliberate Release Directive which authorises market release of GMOs for a limited period of 10 years. It would be advisable for the Commission to foresee keeping the data on food and feed containing, consisting of or derived from GMOs for a much longer time period since uncertainties remain about the long-term impact on human and animal health and the environment.

Under a derogation, the Commission proposes that “operators delivering food to the ultimate consumer shall not be obliged to retain documentation detailing to whom products were sold”. As mentioned above under the chapter on “Definitions”, the proposed Regulation is unclear throughout the text as to who or what the “ultimate user” or the “ultimate consumer” actually is. This is particularly true with regard to animal feed containing, consisting of or derived from GMOs since it is open to interpretation whether the “ultimate user” is the farmer who purchases feed for his livestock (or even the animal to which it is fed). If, for example, the “ultimate user” is the farmer, this would exempt animal feed suppliers from any obligation to retain documentation about where, how and to whom product has been distributed. Bearing in mind the number of recent farming crises that are a direct result of animal feed, such a loophole would be highly undesirable.

If one takes the ambiguity about what is meant by the “ultimate user” or “ultimate consumer” even further, it is unclear if the Commission might consider that the consumer who purchases the meat or dairy products from an animal fed on GMOs or their derivatives as the “ultimate consumer”. This is a grey area in the draft Proposal, as is the question of whether such animal derivatives should themselves be traced and labelled.

GMOs or their derivatives which fall outside the definition of food and feed would not be covered by the proposed Regulation

STARLINK, STARBRIGHT, NOT IN MAIZE WE HOPE TONIGHT...

(by Brendeign Covell, intern at FoE Europe)

StarLink maize continues to sprout up in the most unsuspecting places. For those of you who eat corn dogs, a non-meat alternative to hot dogs made of maize, check the brand. New laboratory tests initiated by Greenpeace have found meat-free corn dogs made by Kellogg's natural foods brand Morningstar Farms contain GM soya and the notorious StarLink maize. Veggie burgers made by the company were also found to be contaminated with genetically modified (GM) soya and StarLink. The results reveal the impossibilities of assuring GM-free ingredients even for natural food companies. Kellogg's, the parent company, contends that it is not trying to mislead consumers. When its own tests confirmed the presence of genetically modified ingredients, a Kellogg's spokesman affirmed that: "It was a case of a supplier not providing ingredients to our specifications". While Kellogg's led consumers to believe through a string of letters in 1999 that it had converted to a non-GM soya protein, its products were not labelled as GMO-free. As of March, Kellogg's had not decided on a recall of the products, although it had contacted the FDA. Officials in the FDA say that they have insufficient information to decide whether to recall the products or investigate further.

In other most-alarming news for all US taxpaying citizens, tax dollars usually lent to farmers faced with natural disasters will be spent buying back bags of maize found to be contaminated with the StarLink protein. Concern has increased as it came to light in March that initial estimates of contaminated maize were less than the reality of the situation. While 1.8 million metric tons of maize were found to be contami-

nated in the 2000 harvest, Aventis since reported that an additional 11 million metric tons of contaminated maize are in storage from 1999. The US Agricultural Department will buy back between 300,000 and 400,000 bags of maize, which translates into US\$15 million to \$20 million. Critics of biotechnology denounced the department's announcement, calling it a misuse of public money. "There is no way that taxpayers should bail out Aventis for the genetic pollution they created," said Larry Bohlen of Friends of the Earth (US). The reason given by others in favour of the buyback is to avoid another market disruption like StarLink caused last year. So far the department is not asking Aventis to

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reimburse it for the costs, but according to a spokesman, a reimbursement has not been ruled out for the future.

In brighter news, the US Environmental Protection Agency announced it would no longer consider registering a seed approved for feed but not for humans.

Aventis, however, is still trying to worm its way out of liability. While they have taken the maize off the market, they insist that it is safe for people. The company in November asked the government to temporarily approve StarLink for human consumption to avoid further recalls. In February, the company fired three top executives over the debacle so it could "restore confidence." In March, an Aventis ex-

ecutive called for a change in the federal regulations to allow some level of the GM maize in human food.

Aventis says that the food supply will never be rid of the StarLink strain; in short, they are realising the effects of having created a monster. Larry Bohlen of FoE reminded Aventis that the company "...broke the promise of biotechnology... they were supposed to improve the quality of our food, not cause so many problems and introduce so much risk." Currently the EPA has a zero tolerance policy, which means that any amount of StarLink maize is a violation. Bohlen affirms that: "Aventis is asking the government to legalise genetic pollution." The EPA's ruling on Aventis' pleas could ultimately shape US national policy on biotechnology.

Any approval of StarLink now would signify a caving to the pressures of industry and politics, rather than a science-based decision. StarLink is suspected of causing allergic reactions because the GM protein it contains has a heightened ability to resist heat and gastric juices, giving the body more time to overreact, although the EPA still contends that the likelihood of a reaction has a "low probability". Forty-eight allergic reaction reports to StarLink, however, have been received by the Center for Disease Control and Prevention, with problems across the US ranging from minor to severe. If the investigations by the FDA affirm that the allergic reactions were indeed caused by the StarLink maize, the cases would be the first health complaints lodged by consumers against a genetically modified food. The future of the biotech industry could be weighing on the outcome of this investigation. In one such case a Californian woman was rushed to the hospi-

tal apparently suffering from anaphylactic shock. According to the Washington Post, soon after she had finished a chicken enchilada, "...she began to feel hot and itchy ...her lips began to swell, she developed severe diarrhoea and soon she was having trouble breathing ...her colleagues called an ambulance."

With the US's policy of voluntary labelling for GMOs, it will remain impossible for consumers to know what they are eating

The tests being carried out by the FDA will determine if there was indeed an allergic reaction to the StarLink protein Cry9C by checking for the presence of an antibody in blood samples sent in by people claiming to have suffered an allergic reaction. The presence of the antibody would suggest an allergic reaction, while the absence of the antibody would indicate no allergic issue. The samples were scheduled to arrive in Washington mid-March, with analyses also slated for March. Researchers and medical officers with the FDA stated, though, that the test will not give a definite answer, nor is it entirely fail-safe.

With the US's policy of voluntary labelling for GMOs, it will remain impossible for consumers to know what they are eating. "Voluntary labelling" means that organic growers will shoulder the burden for proving that their foods are GMO-free, while biotech growers will not be required to reveal GM ingredients. Without labelling it will be impossible for consumers to refrain from eating GM ingredients which they may be allergic to, unlike a traditional allergen that people can avoid, like peanuts.

In the meantime, no more corn dogs for me....

NO FUTURE FOR THE BIOTECHNOLOGY INDUSTRY?

On 15th March 2001, the European Parliament adopted the own-initiative report by MEP John Purvis (EPP, UK) on "The Future of the Biotechnology Industry". The report calls for better support for the biotechnology industry, but stopped short of calling for the European Union to lift its ban on new genetically modified (GM) food strains. The report states that biotechnologies are good for employment and could help the environment without specifying, however, which technologies are actually meant, and whether they include genetic engineering.

The non-binding resolution, which is astonishingly enthusiastic about biotechnology, also called for this theme to be among the priorities of the Stockholm Summit which took place at the end of March. For this purpose, the Dutch and the British Prime Ministers, Blair and Koek, had also prepared a joint statement calling for more support, including financial support, of the EU biotech sector. In the event, however, biotechnology did not play a particularly important role at the Stockholm summit. In fact, only two paragraphs were devoted to the issue. One of the paragraphs, while announcing that the Commission and the Council "will examine measures required to utilise the full potential of biotechnology and strengthen the European biotechnology sector's competitiveness" also insists on "ensuring that those

developments occur in a manner which is healthy and safe for consumers and the environment, and consistent with common fundamental values and ethical principles".

Parliament objected to the inclusion in the report of a recommendation calling for a ban of patents on living organisms and parts thereof. However, when voting during the same plenary session on a different report, it called on the Commission "to be vigilant, in the negotiations on specific plant variety safeguards pursuant to Article 27(3)(b) of TRIPS, as to the compatibility of WTO rules with the provisions of the Rio Convention on Biological Diversity and, in the process, take account of the special interests of developing countries in their biological heritage and the interests of indigenous communities". More specifically, Parliament recommended that "such intellectual property protection be allowed only if it involves an invention of an innovative nature for industrial application, if access to the original genetic material is gained lawfully with the informed consent of the donor country, and if the economic benefit is shared appropriately between the donor country and the party wishing to commercialise the material in accordance with the principles of Article 8(j) of the Rio Convention on Biological Diversity."

GMO TRIALS IN FOOT-AND-MOUTH AREAS

Friends of the Earth has severely criticised the UK government for allowing farm-scale trials of GM crops to continue in areas affected by the foot-and-mouth epidemic. At least a quarter of the trials are on farms which are supposed to be isolated but which remain open to scientists involved in the trials. "The decision to go ahead with the GM trials shows who's really running this research", said Carol Kearney of FoE. "The decision has been made despite the fact there's no demand for GM food".

FoE CHALLENGES USE OF GLUFOSINATE AMMONIUM

Friends of the Earth England/Wales/Northern Ireland has revealed that the UK government is allowing a pesticide to be sprayed on winter GM crops - despite banning the practice for conventional varieties because of fears about its impact on the environment. To make matters even worse, information on tests undertaken to show whether spraying the pesticide on the crops is harmful to health or the environment is being kept secret. The Ministry of Agriculture Fisheries and Food (MAFF) has repeatedly denied FoE access to the information. FoE has now written to the Agriculture Minister warning that unless the government provides the data soon it faces the prospect of a judicial review.

Spraying of Glufosinate Ammonium (marketed under brand

names like "Basta" and "Liberty") to control weeds, is banned from October to the end of February due to concerns about its impact. The UK's Advisory Committee on Pesticides warned in its 1991 Annual Report that "*under certain conditions significant run-off or leaching could occur, leading to contamination of ground and surface water*". But since the winter of 1999, biotech giant Aventis has been allowed to spray Glufosinate on winter GM oilseed rape trials.

FoE has frequently asked the Pesticides Safety Directorate (PSD), part of the Ministry of Agriculture, Fisheries and Food, to supply information on the environmental and health tests carried out on Glufosinate. But the PSD has refused, claiming that it was voluntarily supplied by Aventis and even suggesting that disclosure would

be a breach of commercial confidentiality. Friends of the Earth's legal advisor has written to the Agriculture Minister stating that: "*after seeking Counsel's advice, FoE considers the failure to provide such information to be unlawful*". The letter calls on the PSD to comply with its obligations (under the 1992 Environmental Information Regulations and Regulation 17 of the 1995 Regulations) and provide the information.

According to Pete Riley, Senior Food Campaigner at Friends of the Earth: "The government's stance on this issue is outrageous. It is allowing this pesticide to be sprayed on GM crops in the winter while banning it for conventional crops. And despite repeated requests it is keeping the safety data secret. Once again, New Labour is waiving the rules to please the biotech industry. If the government doesn't come clean on this, it faces the prospect of Friends of the Earth seeking a judicial review."

QUOTE OF THE MONTH

"GM Food: Positive labelling is essential for consumers. We strongly support the mandatory labelling of all foods, food ingredients, additives and flavourings that contain, consist of or are directly derived from GMOs in order to inform consumers about the production method irrespective of whether there are traces of modified DNA or protein present in the final product." (March 2001 magazine of BEUC, the European Consumers' Organisation.)

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