

DEFRA consultation on - EU Commission proposals on threshold for adventitious presence of approved GMOs in seeds.

GeneWatch UK - September 2002

1.1 Summary

GeneWatch asks that DEFRA;

- ?? does not sign these regulations but waits until the other EU Commission proposed regulations are in place.
- ?? works to ensure that these regulations are discussed openly in both the EU and member state Parliaments.
- ?? does not agree to any more regulations until the conclusion of the public debate.
- ?? recognises that many of the UK and EU public do not want to eat GM crops and ingredients derived from them and works to ensure that non-GM food remains available at no additional cost.
- ?? recognises that GM-seeds derived from one transformation event should not be allowed to contaminate GM-seeds from another transformation event without a full risk assessment of the consequences of cross contamination having taken place.
- ?? works to ensure that these regulations are in accordance with the Deliberate Release directive (2001/18/EC) and the proposed GM food and feed regulations to enable any GM line to be removed from the agriculture and food chain should this be deemed necessary.

1.2 Comments on the context of the regulations.

1.2.1 Legal basis of the regulations

These regulations represent the beginning of a long chain that takes GM crops from the farm to the fork. Since the first imports of GM soya arrived in the EU, the public have been very concerned about the use and regulation of GM crops. GeneWatch believes that these regulations are crucial in regard to the way in which the EU manages any potential introduction of GM seeds. Therefore these regulations must be debated and discussed in context of the overall management of GM crops through the agriculture and food/feed chain.

GeneWatch is concerned that these regulations are being implemented under the comitology procedure, that gives no opportunity for discussion in either the EU Parliament or the Parliaments of the Member States. The implications of a legal basis that allows seeds stocks to be contaminated by GM seeds will affect the food and environment of every citizen of Europe. It is therefore necessary that this is discussed more widely.

1.2.2 The EU proposed Regulations of GM food and feed and on the traceability and labelling of GM food and feed and ingredients derived from GMOs

These proposed seed regulations have been designed to fit with an overall adventitious food contamination level of 1%. GeneWatch already has concerns that a level of 1% cannot be maintained using these regulations

(see below) but, in addition, consideration must be given to the fact that the EU Parliament has voted for this level should be reduced to 0.5%. GeneWatch cannot understand how it is practical or sensible to agree these regulations until the above food and feed regulations are finalised.

1.2.3 UK Government has committed to a public debate

GeneWatch is pleased that the UK Government is committed to a public debate on the issues of GM food and we hope that the opinions raised will influence Government policy. However, it seems unwise to agree any further regulations on this subject which may be difficult to alter at a later date, should Government policy change as a result of the debate.

1.3 **Comments on the regulations.**

1.3.1 GM and non-GM seeds must be kept separate

GeneWatch believes that non-GM seeds must remain entirely free of contamination by non-GM seeds for the following reasons;

1. Overall, EU consumers still do not want to eat GM food¹. Food retailers and producers have given assurances to their customers that they will not use GM foods or ingredients from GM crops. Retailers must also comply with labelling regulations which currently allow for 1% contamination but which may be reduced to 0.5%. From discussions with UK supermarkets it is our understanding that in order to meet both the legal requirements and the wishes of their customers they will not accept any detectable contamination. If EU farmers are unable to provide crops that meet these criteria then food producers and retailers will look beyond Europe for their supplies.
2. There remains considerable uncertainty as to the long term health and environmental affects of growing GM crops. If problems are found it may be necessary to remove one or more GM lines from the food chain and environment. This ability to remove GM crops from the market is written into both the Deliberate Release Directive 2001/18/EC and the proposed regulations on a) GM food and Feed (COM [2001]182) and b) Traceability and labelling of GM food and animal feed (COM [2001] 425). Allowing GM seeds to contaminate non-GM seed stocks would make this impossible to achieve.
3. These contamination levels make no attempt to recognise that "GM-seeds" are not one product, but are a number of products each derived from one or more transformation events with a range of traits associated with them. When authorised for market use GM lines are only assessed by themselves, no assessment is made of GM lines that have become cross contaminated with one another. As currently drafted, these regulations allow not only non-GM seed but also GM-seed to become contaminated with a number of different GM lines. This will lead to gene stacking and associated potential environmental problems. Already in Canada GM oilseed rape varieties have crossed to give triple herbicide resistant seeds that are leading farmers to use more environmentally damaging herbicides such as 2,4-D. GeneWatch notes that English Nature in its response

¹ Eurobarometer 55.2 - Europeans Science and Technology - December 2001
<http://europa.eu.int/comm/dg10/epo/eb.html> - reported that 70.9% did not want to eat GM food at all.

(10 April 2001) to the MAFF consultation of 16. Jan 2001 has also raised these concerns.

1.3.2 Can GM and non-GM seeds be kept separately?

Over the last few years, there have been a number of seed contamination cases. These include contaminated Canadian OSR seed sold by Advanta in the UK in 2000 to the Australian company, Pacific Seeds, announcing that 30, 000 tonnes of maize seed had become contaminated by GM in New Zealand in 2002. In the UK we have also recently discovered that Aventis has not kept GM OSR lines for the farm-scale evaluations separate from other GM OSR lines. Considering this and other examples GeneWatch has no confidence that contamination levels will not rise over the long term and are concerned that these regulations do nothing to address the realities of the situation. Considering this there seems to be two possibilities for legislators:

- 1) Take a laissez faire attitude in the interests of the biotech industry and accept that GM seeds will become contaminated with GM. This will mean removing choice from consumers. It will also make it necessary for all new GM lines to be assessed assuming that they will become cross-contaminated with other GM lines.
- 2) Listen to public opinion, via the public debate, to discover what is going to be acceptable and work to find mechanisms that will prevent unacceptable levels of GM contamination from taking place.

GeneWatch believes that in the current climate the second option is the only realistic one because it was the removal of choice and the discovering that 60% of processed food could contain GM ingredients that initially raised public anger about these crops. Consistently the Eurobarometer (and other) surveys have shown that most people do not want to eat GM food and that even more demand choice and clear labelling. Furthermore, as previously mentioned, if conventional seeds become contaminated with GM seeds then it will be impossible to remove any GMO found to cause environmental or health problems from the market place. This would make a mockery of the EU Commission proposed Regulations on Traceability and Labelling of GM food and feed and ingredients derived from GMOs, as well as the safeguard provisions in 2001/18/EC

1.4 Conclusion

These regulations do not complement the aspirations of the GM food and feed regulations or the regulations on the traceability and labelling of GM food and feed and ingredients derived from GMOs, to allow the removal of any given GM line from the agriculture and food chain if this is deemed necessary. They do not recognise the importance of preventing gene stacking between GM lines and in no way attempt to address how GM and non-GM crops can co-exist and how seed contamination levels could be kept to a minimum for the long term. Furthermore, despite the fact that they claim to allow for 1% contamination of food they do not recognise that food producers and retailers must give themselves a margin of error and so will not accept any contamination of seeds. GeneWatch believes that these regulations should be entirely re-written and expanded to take account of the difficult subject of whether GM and non-GM seeds could co-exist in Europe.