IFOAM EU Group

International Federation of Organic Agriculture Movements - EU Regional Group

President: Francis Blake, fblake@soilassociation.org

Office: EU co-ordinator Marco Schlüter, marco.schlueter@ifoam-eu.org

Rue d'Arlon 82, BE-1040 Brussels,

Tel +32 2 282 4665 Fax +32 2 280 0608

For the attention of the cabinet of
President PRODI, Commissioners
and the cabinets of WALLSTRÖM,
FISCHLER, BYRNE, LAMY,
PATTEN, BUSQUIN, BOLKESTEIN

25 March 2004

RE: Labeling threshold for GM contamination in non-GM seed

Dear Commissioner / member of the cabinet,

We are writing with respect to the Commission's imminent decision on labeling thresholds for the adventitious presence of GMOs in non-GM seed. As you know this decision has grave implications for European agriculture. We urge the Commission to propose a threshold for all non-GM seed at the limit of detection, currently 0.1%. This is vitally important to safeguard the future of non-GM and organic European production.

We are concerned that there has been much lobbying against low thresholds from the biotechnology, seed and agrochemical industry. However, it is essential that the decision is based on the wider needs of the European agriculture industry (including the organic sector) and the expectations of European consumers. Higher thresholds will result in very serious and far reaching practical, economic and political problems, which would far outweigh the more limited difficulties of implementing a 0.1% threshold. Please find our main arguments set out below.

General comments on GM crops

IFOAM (the International Federation of Organic Agriculture Movements, representing over 700 member organisations in almost 100 countries worldwide, and in which the IFOAM EU Group represents those in EU and EFTA countries) is opposed to genetic engineering in the whole of agriculture. Genetic engineering is contrary to the principles of organic farming and there are in addition numerous health, environmental, ethical and socio-economic concerns about this technology. We do not believe that GM crops offer any significant benefits for society or the prosperity of European agriculture. We are therefore completely opposed to the presence of GMOs in organic agriculture and processing, and this is reflected in organic standards around the world.

All non-GM seed should have a labelling threshold at the limit of detection
There are strong strategic, legal, practical, economic and political reasons why non-GM seed for all agriculture must have a 0.1% limit of detection threshold.

- Strategic
If the Commission is serious about maintaining non-GM agriculture (whether conventional or organic) and the ability of European consumers to choose non-GM food, then the lowest practical threshold in seed is vital. Seed is the start of the food production chain, so any allowed contamination at this stage makes GM-free production then impossible. Allowing even a minimal level of contamination in seed gives great potential for contamination to spread out of control geographically and, because of the nature of reproduction, with increasing levels from year to year.

- Legal
Under the new EU labelling rules, GMOs and products containing GMOs must be labelled. The 0.9% labelling threshold is only for "adventitious and technically unavoidable presence" of GMOs. This means that all operators must try to exclude contamination and routine contamination of up to 0.9% cannot be allowed. The 0.9% allowance is only a legal provision to cover the risk of contamination occurring *despite* an operation having tried to exclude the possibility of GM contamination.

Legally it can be argued that any GM presence that could have been avoided in seed would clearly not meet the conditions for a non-GM label. Similarly, routine GM presence in a farmers' seed supply, whether labelled or not, would mean that the farmer's harvest could not be accepted as non-GM, even if the level was less than 0.9%. Therefore, the seed GM thresholds can only legally, and must, be set at the limit of detection.

- Practical
We welcome and strongly agree with Commissioner Fischler's statement on 22 January that seed thresholds should be as low as possible to reduce the pressure on the risk of breaching the 0.9% labelling threshold. There is a clear practical relationship between the seed and food labelling thresholds. The experience with GM crops in North America has shown that contamination can enter the food chain at many points after the seed: cross-pollination in the field, the sharing of machinery, transport, storage, and during processing.

We note that Danish research has found that a 0.1% threshold was generally "obtainable" for all seed varieties (except possibly hybrid oilseed rape).

Should 0.3/0.5% thresholds be adopted for seed, cross-pollination alone is likely to frequently take non-GM production over the GM labelling limit. For example, among studies on pollen transfer on maize, one found that the cross pollination level at 200m was 1.6%, at 300m it was 0.7% and at 500m it was 0.2% (Jones and Brooks, 1950). Another found that at 600m the cross-pollination level was 0.8% and at 800m it was 0.2%, and this was against the prevailing wind where levels would be lower than in the other direction (Salmov, 1940).

- Economic

It is crucial to note that most of European agriculture has to supply a non-GM market. Nearly all the supermarkets (all in some countries) and food companies in Europe have adopted non-GM policies for their products and ingredients – see the list of UK supermarket policies as an example. It is vitally important that the ability of farmers to supply the domestic market is not jeopardised. The potential for GM contamination to lose European farmers their own market has been dramatically illustrated by the loss of the European maize and oilseed rape markets to US and Canadian farmers within just a few years of the introduction of GM crops (each worth $300 million annually). This is the main reason why North American farmers are now opposing the introduction of GM wheat.

We also know that some supermarkets, possibly many, are using a 0.1% GM contamination threshold for the producers supplying them. They say this is to meet their consumers' demands and to have the maximum leeway to ensure that they do not breach the 0.9% labelling limit, since they cannot test every batch. These farmers are clearly completely dependent on GM-free seed.

By far the least costly and burdensome option and that with the most potential for success, is for the maximum control on contamination to be ensured at the seed stage, where the area and amount of production is far less and where the industry is already used to seed purity controls. To have, say, a 0.5% threshold would mean reserving over half of the possible adventitious contamination for the seed industry, which is the sector that least needs it. Once seed is grown for a crop, the amounts being handled increase from between six and over a hundred times. Any threshold above 0.1% would necessitate far more rigorous and extensive controls along the rest of the chain and throughout the industry, and with greater potential for eventual failure. This would be completely contrary to the principles of prevention at source, proportionality and minimisation of costs and bureaucracy. The total expense could impact on the price of food or the competitiveness of European farming.

And, why should farmers who chose to buy non-GM seed have to worry about unidentified contamination? To ensure they can sell their crop as non-GM, they will have to put a lot of unnecessary effort into testing even if non-GM crops are not being grown in the area. It is only reasonable for something as controversial as GMOs, where a large proportion of farmers do not want any GM crops and where there are clear economic implications, for farmers to be able to know if their seed is contaminated with GMOs. If effectively all contamination has to be labelled, then market forces can operate and farmers can chose whether to buy non-GM or GM seed. If there is no such requirement, guaranteed GM-free seed will become a speciality and not available to most farmers, as has happened in North America.

- Political

If Governments are to have the option of recalling GMOs for health or environmental reasons (should this be necessary in response to new scientific information, for example) the Commission must be certain that contamination levels can be kept at a minimum and stable level and that alternative, GM-free food production is still in existence.

Finally, we believe that as there has been such wide and strong opposition to GM crops from society, should any of the problems outlined above come about – such as contamination levels spiralling out of control, or organic and non-organic non-GM food being routinely contaminated so that farmers go out of business or consumers cannot easily access non-GM food – there is likely to be very severe backlash from both consumers and farmers.

No barriers to trade

In no respect can the labelling of GMOs in seeds above the detection limit (0.1%) be considered a barrier to trade. It is a matter of market information, and it would apply to seeds produced in Europe as well as to imported seeds. Seed companies already routinely conduct tests for the presence of GMOs in their seed lots. Seed labelling requirements for all contamination are a response to the predominant market demand for non-GM and GM-free food, and would simply allow market forces to operate most efficiently.

Safeguarding the organic market

Turning now to the arguments relating specifically to organic production, there are many issues of concern to the organic movement regarding GM contamination. However, we see unlabelled GM contamination of non-GM seed sources as a particularly severe threat to the sector. At the Commission's hearing on an EU action plan for organic farming on 22 January, the threat of GMOs was raised by all the speakers. Protecting seed purity was repeatedly stated as the priority since it is the start of the production chain.

It is worth noting that the opposition to GMOs is shared by the consumers of organic products, a market worth over € 6 billion in Europe and € 14 billion worldwide and growing year on year. Organic consumers generally accept paying a premium for organic products, since they have high demands and expectations of organic food. The viability of organic farming depends on consumers continuing to seek organic food and pay the premiums. The purity and integrity of European organic farming and food with respect to GMOs is therefore extremely important, especially for the economic viability of European organic production.

The legislative conditions for organic farming

In addition to the organic market requirements for no GM contamination, EU regulation 2092/91 prohibits the 'use' of GMOs in organic production. Thus the sowing of any GM seed, even as unknown contamination of a non-GM variety, is, technically, prohibited. Although 'organic' seed must be used where available, the use of seeds from conventional agriculture is allowed and is common in practice (and will remain so for some time whilst the production of organic seeds is still very low). *Any* threshold in non-GM seed therefore endangers organic production. This means that use of the lowest detection level threshold (0.1%) is in effect mandatory for organic farmers.

No separate threshold for organic seed

The option of simply adopting a specific threshold for organic seed will not address the sector's problems in any way. The IFOAM EU Group strongly opposes a separate threshold. Organic farmers are heavily dependent on the conventional sector for their seed supplies, both directly and indirectly. Organic seed production has grown in recent years, though from a very small base, and we welcome this. However there are still many crops and varieties

where organic seed is not available or is scarce. It is not enough for a few organic seed varieties to be available at a European level since many varieties are needed, just as in the conventional sector, to enable production under the different soil and climatic conditions across Europe.

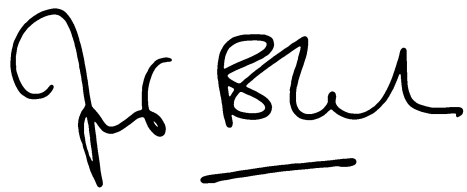
Anyway, most organic seed is directly derived from non-organic seed. It becomes 'organic' after one generation of being grown under organic management. So a 0.1% threshold for organic seed will not avoid the need for the same threshold in non-organic seed. A separate organic threshold would require the organic sector to become completely independent from the conventional sector in terms of multiplication and breeding, meaning it would be disconnected/excluded from progress in general seed breeding. However even in the medium future, the organic sector is too small to have enough of its own capacity for sufficient seed breeding in all varieties. This would impose an enormous economic and logistical burden on this small sector which could become unviable or uncompetitive vis à vis organic imports from the majority of countries around the world which are not growing GM crops.

We ask the Commission to note the experience of the organic sector in Canada, which has had to abandon the production of oilseed rape in the main organic farming province of Saskatchewan. The main reason is because of the difficulties of obtaining GM-free seed. (The organic sector is now taking the industry to court for compensation.) There is therefore a similar and very genuine risk for the future of organic production in Europe.

In conclusion, most of the non-organic market and the whole organic food market has a non-GM requirement. As seed is the starting point for the production of food and contamination is most efficiently controlled at this stage, it is essential that all non-GM seed is free from contamination. Any practical or economic objections to a 0.1% threshold are far outweighed by the far reaching problems that will result from setting higher thresholds. We urge that the labelling threshold for all non-GM seed, conventional as well as organic, must therefore be set at the lowest detectable level (currently 0.1%).

We trust that you will recognise the validity of these points and that your proposals will therefore take them into account. As annexes we enclose the position of the IFOAM EU regional group on Co-existence between GM and non-GM crops, and a list of UK supermarket policies on GMOs.

Yours sincerely



Francis Blake
President