

# Freeze Update



## Taking the Freeze forward

**T**he Five Year Freeze has come a long way since 1999. What seemed like an unstoppable momentum behind the rush to commercialise GM crops and food has been slowed to a near standstill.

The biotech companies involved in the UK have backed away from any attempt to commercialise GM crops for cultivation in the short term. We now have better regulations (but not perfect) on the release of GM crops into the countryside and food chain and on traceability and labelling.

The government appears stumped by the massive show of public opposition to GM crops and the huge difficulties involved in preventing contamination of the food chain were GM crops ever to be grown here. It is unlikely that any GM crops will get the go ahead to be grown in the UK before 2007 at the earliest.

This is amazing progress from 1999 when the first commercial crops were a mere signature away from approval. We can congratulate ourselves on a job well done.

At this point it is more than appropriate to thank our former Director Clare Devereux who ended four years dedicated leadership of the Freeze in March. Her commitment, tenacity and creativity will be sorely missed by everyone. I wish her well in her new area of food related work.

However, our work to ensure that UK food and farming become more sustainable still has a long way to go. Now is not the time to relax our efforts. There are clear signals that the pro-GM lobby are trying to re-package the first generation herbicide tolerant crops as part of a sustainable future by changing crop management to mitigate the disastrous effect on wildlife shown in the farm scale evaluations. New consumer

friendly GM crops are being promised within a few years.

Our job is to ensure that the hype does not obscure the facts and make sure that the Freeze's GM concerns are fully addressed and that the Government promotes and funds alternative approaches to reducing the impact of food production on us and the environment.

Please continue to support the Freeze in making this happen over the next five years.

**Pete Riley, Director Five Year Freeze.**



## Scarecrows join fight against GM contamination

The UK Government is deciding what practical measures are needed in the field to allow GM crops to be grown (see page 2 for more detail). It looks as though it is planning to allow widespread routine contamination at low levels in non-GM and organic crops.

In response to this threat, scarecrows, the traditional protectors of crops, are leaving their fields for a new battleground. They have been launched as a new symbol of the anti-GM campaign: to protect crops, food and the environment from GM contamination.

Bayer may have dumped Chardon LL and the biotech industry may be fleeing the UK, but the threat of GM crops remains as real as ever. Biotech companies have lodged 10 applications to grow GM crops in Europe in the last year or so alone.

We hope that, with your help, anti-GM scarecrows will start appearing all around the country, with campaigners and groups building their own and using them in local events, putting them in unusual or traditional places: local meetings, roundabouts, entrances to GM-free areas, FSE trial fields...anywhere to raise local awareness or get media coverage.

Friends of the Earth is producing a manual with further ideas and guidance on how to build scarecrows, which will be ready in mid August. There will also be a day of action on 30 October and a mass lobby of Parliament next February, more details of which will follow. Contact Carrie on 020 7837 0642 or email

[carrie@fiveyearfreeze.org](mailto:carrie@fiveyearfreeze.org) for more information.

**In July Friends of the Earth held a launch outside Parliament with a giant scarecrow on stilts and a gang of handmade scarecrows.**





# There's a rumble in the GM jungle about contamination and liability!

## ...news...

### EC throws precaution to the wind

As arguments over the safety of GM foods continue to rage between Member States in Europe, the European Commission (EC) has decided to overrule them all, throw out the precautionary principle and approve two GM crops for import.

Under the EU rules for approving GM foods, if the Agriculture Ministers of Member States fail to reach a qualified majority within three months when voting on a new GM product then the EC can take a decision in line with its own scientific advice.

In May the EC authorised the marketing of BT11, a modified sweet corn variety developed by Syngenta, for human consumption despite outstanding safety concerns from several Member States. In July the EC again overruled disagreements on safety to authorise Monsanto's NK603 maize as animal feed. European Agriculture Ministers have failed to support the approval of NK603 for human consumption because of concerns about its safety and it is now widely expected that the EC will also overrule these concerns to approve NK603 in the next couple of months.

According to the Green Party, only 9 out of 25 EU Member States are in favour of granting approvals for new GM products. And you thought you lived in a democracy?!

### Consumer rejection of GM products continues

100 days after the introduction of the new GM labelling laws Friends of the Earth say they have found just five GM products on sale in the UK.

If you find a GM-labelled product on sale then you could buy it and then return it to the shop asking for your money back, explaining that you refuse to consume any GM products. This would be very clear feedback to the food industry.

During the last five years two questions have been rumbling away in the background in the GM debate – can you grow GM and non-GM crops in the same bit of countryside without the GM traits contaminating other crops and plants in the area and who should pay if contamination does take place?

Over the next year or so the UK and other EU governments will have to address these issues and come up with some pretty convincing arguments and solutions. The EC prefers to refer to this issue as "coexistence" suggesting that there is a way to prevent GM traits spreading. However, after a series of stakeholder and ministerial meetings in Brussels in 2003, the EC deftly passed this difficult problem to Member States to sort out through domestic legislation or voluntary schemes.

When the Agriculture and Environment Biotechnology Commission (AEBC), the Government's GM policy adviser, was set up in 1999, it soon recognized that contamination and liability were issues that needed to be resolved if GM crops were ever to be released into the UK. They grappled the issue for over two years. Stakeholder meeting followed stakeholder meeting. The result was the AEBC could not agree on the crucial issue of what threshold of contamination was acceptable and desirable. They did recommend that the statutory rather than the voluntary approach should be used on both coexistence measures and compensation and liability.

The government promised that there would be a public consultation on coexistence this summer. So far all that has been announced is a series of stakeholder meetings with a consultation to follow in the autumn. The Freeze met DEFRA officials in May who made it clear that they had no intention of extending the consultation beyond their website and the usual consultees to holding public events where voters, farmers and other interested parties could have their say.

In July, the Common's EFRA committee described government and EU policy as "*confusing, unworkable, unacceptable and potentially destructive of the UK organic*

*food industry*". They might have added "*and any other type of farming and part of the food chain trying to remain GM free*". The Committee was also highly critical of the idea of a voluntary approach to GM free zones which Mrs Beckett had said would be part of the consultation.

In their most recent announcement DEFRA stuck to their line that coexistence schemes have to meet the GM threshold of 0.9% above which labelling is legally required. What they fail to explain is how food companies can keep their final product below this level if their raw product leaves the farm with contamination close to this point already.

The outcome of the heated debate that will take place on this issue will depend on how the "adventitious presence" of GM is interpreted. The labelling regulations only allow an exemption below 0.9% if the GM presence is "adventitious" or "technically unavoidable". The question is would contamination resulting from very short separation distances between crops be classed as "adventitious" if it was known that cross pollination was very likely to occur at this distance?

Please take the chance to make your views known to politicians, officials and the food industry before your right to a GM-free diet is signed away. The Freeze is currently raising funds to ensure that there is an opportunity for real public debate and involvement in this crucial issue. One of the Freeze's under pinning demands – the right choose GM-free - is under threat and the environment and health potentially damaged if the Government gets its way.

One thing is clear – most consumers would not regard food with at 0.9% GM content as being GM-free. This is the message that we need to get across to MPs, officials and companies in the food chain. If there is no practical solution then the answer to GM crop growing may just have to be "NO!".

We will bring you more information about how to take part in the consultation in the next newsletter.

# GM animal feed must be stopped...



Animal feed still represents the largest market for the biotech industry, with three quarters of soya imported in to the UK being fed to pigs, cows and poultry. Although GM ingredients in animal feed now have to be labelled if the GM content exceeds 0.9%, the products from GM-fed animals that enter the food chain do not have to be. It is therefore impossible for consumers to avoid them, unless they buy organic eggs, meat and dairy products or go to shops where they voluntarily label these animal products.

## ... in the UK

Greenpeace has been targeting Sainsbury's for some time for selling unlabelled meat and dairy products from animals fed on GM feed. Pantomime cows have been turning up at stores to return unwanted GM milk and to label the offending products. Sixty cows occupied Sainsbury's head office in London until they were granted a meeting. In a compromise move Sainsbury's agreed to try out for a limited period a new range of GM-free milk that would cost more than conventional milk and be cheaper than organic milk. It appeared that none of the additional cost of the milk would be passed on to the farmers.

A coalition of groups including FARM, the Institute of Science in Society, GM-free Cymru, Genetic Food Alert and Farmers for Action has also been targeting Sainsbury's with a duel message: Stop using GM animal feed and pay farmers a fair price for milk. The price farmers get for milk has dropped to about 5 pence per pint, while Sainsbury's sell it at 29 pence per pint and many small dairy farmers are being forced out of business.

Marks and Spencer and the Co-op both sell non-GM reared meat and dairy as standard

and Greenpeace has produced a report demonstrating that there is enough non-GM animal feed available for farmers to make the change.

## ... in Argentina

The import of GM animal feed to the UK is having a huge impact in Argentina, the world's third largest soya producer which exports over 90% of its harvest, 98% of which is GM. The recent decision by the EU to approve import of Monsanto's GM maize NK603 for animal feed coincides with its approval to be cultivated in Argentina, which will have an increased impact on the already dire situation there.

*"We are very upset and concerned about the approval of Round-up Ready Maize in Europe. It implies more social, economic and environmental suffering for our country"* Stella Semino, Grupo Reflexión Rural, Argentina.

Freeze Steering Group member Helena Paul has seen the problems in Argentina first hand and reports here for the Freeze:

The massive cultivation of GM soya, still being imported into the UK as animal feed, threatens to destroy the social and environmental fabric of southern South America, perhaps more quickly than any previous development.

In June 2004, I visited Argentina to speak at a seminar and spent a week with GRR, the Rural Reflection Group. With their help I was able to visit peasants threatened with eviction from their land for the production of GM soya and talk with a lawyer who defends many such groups. The 122 peasant families, who live in the dry forest without destroying it, dread the arrival of bulldozers to flatten their houses and the forest. I was told there are 5000 similar cases in this one province alone, mainly because of pressure for GM soya production. Further south, huge areas of forest that had survived until recently, are being cleared for GM soya, which the Argentine government says is vital to service the country's enormous debt.

Europe and China are Argentina's best customers for GM soya. We should resist the import of GM soya for animal feed, not just to protect our own environment, agriculture and social fabric, but also that of Argentina and all the other countries threatened with similar devastation.

## ...news...

### GMO Bill

On 14th May 2004, the GMO Bill had its second reading in Parliament. The Government Whip, Jim Fitzpatrick, objected to the bill when it was read out which, as the session had run out of time, was enough to scupper the Bill. This was a deliberate move by the Government to prevent the Bill from becoming law. Next parliamentary session we will have another opportunity to try for a GM Private Members Bill.

### Schmeiser loses case

Back in May the Canadian Supreme Court made it's ruling on the case of Canadian farmer Percy Schmeiser, who was accused by Monsanto of violating the company's patent on GM oil seed rape. Schmeiser has always maintained that his crops were contaminated with the GM genes by pollen blown by the wind, whereas Monsanto accused him of growing the crop deliberately without paying the required licence fee.

In it's ruling on the case the Supreme Court overruled a previous ruling that Schmeiser should pay damages to Monsanto because it agreed that he had not used Monsanto's Round-up weedkiller on the crop and so had not profited from the inserted gene. This was a major personal victory for Schmeiser.

However, the Court also ruled that a gene patent extends to any higher organism that contains the patented gene. This means that a company can effectively own the rights to a whole plant or animal which it has genetically modified. Companies can now argue that their rights extend to anything that its patented genes get in to, whether accidentally or not.

This is not all good news for Monsanto though. As Schmeiser argues, now that the companies have effectively been granted ownership of their GM genes, they should also be legally liable for any damage caused by them spreading in to unwanted places.

## action...action...action

- **Boycott Sainsbury's own brand milk, cheese, yoghurt, cream and ice cream;**
- **Complain to the manager or at the customer services desk;**
- **Organise your own protest outside your local Sainsbury's store (see [www.indymedia.org.uk/en/2004/03/286947.html](http://www.indymedia.org.uk/en/2004/03/286947.html) for ideas or call Carrie on 020 7837 0642).**
- **Support the Greenpeace Jaguars against deforestation in Argentina. See [www.greenpeace.org](http://www.greenpeace.org) or call 020 7865 8100**

# Freeze intervenes in WTO dispute



Over the last year we have been reporting on the US-led challenge at the World Trade Organization (WTO) to Europe's precautionary approach to GMOs. All sides in the dispute have now submitted their first written evidence, had one session giving oral evidence and submitted their rebuttal submissions.

There will be a second oral hearing at the beginning of September and then the three person panel, who will rule on the dispute, will decide whether or not to consult expert scientists for opinion on the case. If they decide to do this then there will be a substantial delay in proceedings, as all parties have to agree on which scientists provide the advice. If the panel does not request the scientific input, the decision on the case could be made in the autumn.

The US argues that the EU violated WTO agreements by introducing a general moratorium on GM which was not based on scientific evidence or a risk assessment and has led to undue delay in the approval of new products, which in turn amounts to an unjustified barrier to trade. They have also objected to the many national bans on GM imports across the EU.

The Freeze is part of an international coalition of 15 organisations, including several from the complainant countries, that has submitted an *amicus curiae* brief to the dispute panel as evidence to support the EU case. The coalition *amicus* begins

by outlining the many uncertainties that still surround GM technology, the potential health and environmental risks, the indirect impacts of the technology, consumer rejection of GM food and justification for the delays to the approval process in the EU.

This dispute is a disturbing and ill-disguised bullying tactic by the U.S to try to force the EU to accept GM food and crops against the will of its citizens. It seems as though this tactic is working at the European Commission level as, in a crude attempt to prove to the WTO that there is no moratorium, it has recently approved two new GM products for import, despite many concerns about safety expressed by individual member states. (See over for details).

## action...action...action...

**Write to the US, Canadian and Argentinean Ambassadors to let them know that we can see through their tactics and that we retain the right to decide what we eat.**

**There is a background sheet and draft letter enclosed in this newsletter. For more copies call Carrie on 020 7837 0642. You can read all the submissions and much more about the case at [www.genewatch.org](http://www.genewatch.org)**

## ...news...

### FAO accused of pro-GM bias

In May the UN's Food and Agriculture Organisation released its 200-page annual report entitled "Agricultural Biotechnology: Meeting the Needs of the Poor?".

The report asserted the benefits of GM crops for the developing world and concluded that a shift in research towards pro-poor genetic modification is needed. Media headlines on the report largely presented it as an unqualified promotion by the FAO of GM technology.

Over 650 world wide civil society organisations, including the Freeze, responded by denouncing the report in an open letter to the Director of the FAO in Rome.

The letter condemns the bias of the report and argues that GM crops do not help in the fight against hunger in the world. What is needed is structural changes in access to land, food and political power, combined with robust, ecological technologies via farmer-led research.

### Bite Back: 48 million say "Hands off our Food"

On 25th May Friends of the Earth campaigners declared a bio-hazard area around the WTO headquarters in Geneva in protest at the US-led dispute over GM food.

They handed over the Bite Back: Hands off our Food petition of over 100,000 individual signatures, as well as those of 544 organisations representing 48 million citizens around the world.

## The Supporters of The Five Year Freeze are:

Action Aid, Action Against Allergy, Additives Survivors' Network, African Initiatives, Agricultural Christian Fellowship, Baby Milk Action, Bakers, Food and Allied Workers Union, Biodynamic Agricultural Association, Black Environmental Network, Body Shop International PLC, British Allergy Foundation, British Association of Fair Trade Shops, British Association of Nature Conservation, British Naturopathic Association, Caduceus, Campaign for the Protection of Rural Wales, Catholic Institute International Relations, Centre for Alternative Technology, Chartered Institute of Environmental Health, Christian Aid, Christian Ecology Link, Communities Against Toxics, Compassion In World Farming, Corporate Watch, Council for the Protection of Rural England, Culpepers, Ecologist, Ecology Building Society, Elm Farm Research Centre, Ethical Consumer, Econexus, FARM, Farm-A-Round Ltd, Farming and Livestock Concern, Federation of City Farms and Community Gardens, Find Your Feet, Food Commission, Food for Health Network, Food Poverty Network, Forum for the Future, Fresh Food Company, Freshlands UK, Friends of the Earth, Friends of the Earth Scotland, Gaia Foundation, Gardeners GMO Group, GE Free Forests, Genetics Food Alert, Genetics Forum, GeneWatch UK, GM-Free Cymru, GMO Campaign, Good Gardeners Association, Green & Blacks, Green Books, Green Network, Green Party, Greenpeace, Guild of Fine Food Retailers, Guild of Food Writers, Harvest Help, HDRA, Health Food Manufacturer's Association, HIPPO, Hyperactive Children's Support Group, Iceland Foods, Institute for Science in Society, Intermediate Technology Development Group, International Society for Ecology and Culture, Islamic Concern, Islamic Foundation for Ecology and Environment Sciences, Living Lightly, Local Government Association, Longhouse Food Consultancy, Maternity Alliance, Medact, National Association of Health Stores, National Federation of Women's Institutes, National Society of Allotment and Leisure Gardeners Ltd, Natural Law Party, Natures Store Ltd., Neal's Yard Bakery, Neal's Yard Remedies, New Economics Foundation, New Internationalist, Noah Project, Organic Farm Foods Wales, Organic Gardening, Organic Shop, Organics Direct, Oxfam, People & Planet, Permaculture Association UK, Permaculture Magazine, Permanent Publications, Pesticides Action Network UK, Plamil Food, Planet Organic, Positive News, Pret A Manger, Pro-natural Food Scotland, Resurgence, Scientists for Global Responsibility, Scottish Beekeepers Association, Small Farms Association, Soil Association, Student Environment Network, TGWU, The Harbour, Townswomen's Guilds, Traidcraft Plc, Triodos Bank, UNISON, Vegan Society, Vegetarian Society, Network UK, Vinceremos Wines & Spirits Ltd, Welsh Beekeepers Association, Whole Earth Foods Ltd, Wholesome Food Association, Wildlife Trusts, Womankind Worldwide, Women's Environmental Network, Woodland Trust, World Development Movement, World Wide Fund for Nature.

The Five Year Freeze is also supported by over 50 local authorities and 200 wholefood shops, restaurants and other local businesses.

In supporting the Five Year Freeze each of the above organisations is indicating its formal support in those areas where it has specific competence. Each also acknowledges the arguments of the other supporters of the Five Year Freeze in their respective fields in relation to the campaign. In addition each organisation supports the overall call for a Five Year Freeze.