

A testing time - GM potato trials in 2007

BASF Plant Sciences have applied to field test GM potatoes in England. Three varieties of GM potatoes resistant to late potato blight may be tested.

Public consultation ended on 19th October yet Defra's scientific advisory committee (ACRE) still went ahead and discussed the application on 28th September. Such action is hardly designed to encourage participation in the approvals process.

Late potato blight is a major disease of potatoes and left to run its course can destroy an entire crop.

The proposed BASF GM trials are planned for Borrowash in Derbyshire and the National Institute of Agricultural Botany (NIAB) trial grounds in South Cambridgeshire.

Potato breeders have been developing blight resistance for decades and have had a lot of success. Around one in five conventional varieties have good resistance in either foliage or tubers and of these 10 score highly for both. Blight is a fungal disease which

constantly mutates and also reproduces sexually. So there is constant need for breeders to develop new blight resistant varieties. How long GM resistance would last is unknown. One very promising source of natural resistance is the Hungarian Sapro varieties which have been developed in the UK by the Sarvari Research Trust.

Unfortunately these highly blight resistance potatoes have not yet forced their way into the top twenty most popular varieties.

GM Freeze's response to BASF's application pointed out that GM was not needed to produce blight resistant potatoes and in any case there would be no market for them. So taking a risk of contamination is not necessary. GM potatoes can contaminate in two ways. Either by surviving underground after being missed at harvest and coming up in following non-GM crops (known as ground keepers) or by pollinating a non-GM crop and forming GM seeds which could emerge in future non-GM crops.

One of the main pollinators of potatoes is the pollen beetle which is capable of carrying GM pollen hundreds of metres.

Although the blight resistant genes in BASF's GM potatoes come from potatoes, this does not rule out unpredictable changes within the receiving potato. Genetic engineering of potatoes has already produced some surprising changes (See GM Freeze briefing on the BASF application for details www.gmfreeze.org) and were at the heart of the Pusztai controversy in the late 1990s.

If the trial goes ahead (as seems very likely given ACRE's track record) GM Freeze has demanded amongst other conditions that the GM varieties should not be allowed to flower and that no potato crop is grown on the trial site for at least ten years to ensure all ground keepers are removed.

Continued pressure on Terminator needed

At the beginning of this year we asked for your help to prevent the global *de facto* moratorium on Terminator technology from being overturned at Convention on Biological Diversity meetings in Brazil. Due to public pressure over 250 MPs signed an early day motion supporting the moratorium and the wording of international agreements remained in place.

However, pressure is still needed to amend UK and EU legislation to ensure that Terminator cannot be approved until assessments show that it poses no harm to people or the environment. We have updated the enclosed leaflet about Terminator to include details on writing to your MP to keep up the pressure on Terminator. If you would like more copies of the leaflets, please contact us on 020 7837 0642.

International focus

Switzerland

The Greenpeace campaign against the use of GM animal feed recently achieved an important step in Switzerland: all major retailers committed to phasing out GM animal feed in meat products - even in imported poultry or meat. See: <http://www.greenpeace.ch>

Greenpeace now have 970,000 signatures on their petition demanding products from animals fed a GM diet are labelled. They are aiming for one million by December. Sign the petition online at www.gmfreeze.org

India

GM Free Village: On October 11, 2006, all the farmers of Eenabavi, a small village in the heartland of farmer suicides in Andhra Pradesh, took an oath to remain GM-Free and organic. This event marked its third year of chemical-free agriculture and is proving to the world that food security can be achieved without any chemical or GM use.

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The GM Freeze campaign is calling on the Government for a Freeze on:

The growing of genetically modified plants and the production of genetically modified farm animals for any commercial purpose

Imports of genetically modified foods, plants, farm crops and farm animals, and produce from genetically modified plants and animals

The patenting of genetic resources for food and farm crops

Defra coexistence plans 'legally flawed'

The Defra public consultation on proposals for managing the coexistence of GM, conventional and organic crops ended on 20th October. Many individuals and organisations have responded to Defra with their concerns about the proposals. Over 5,200 people took part in the email action to David Miliband and over 1,200 people sent emails to their MPs.

Action

On 19th October campaigners gathered outside the Defra offices in London to hand in a hamper of fresh, seasonal products and personal messages rejecting GM contamination of food. People from as far a field as Cumbria and Dorset came to make their point in person. In the morning former Environment Minister Michael Meacher posed for the press in Parliament Square with a giant tomato and pod of peas to accuse Defra of introducing GM through the back door.

The giant tomato and peas joined campaigners later in the day at Defra, along with a small herd of pantomime

cows and, with a police escort, were allowed in to Defra to present officials with the hamper. The event was a success and was followed by food and socialising in a nearby pub.

Legal opinion

On the same day, a new legal opinion by top European lawyers on the Defra GM consultation was published by GM Freeze, the Soil Association and Friends of the Earth. The lawyers considered whether the proposals in Defra's consultation are compatible with current European law. In several key areas they concluded that the Defra proposals are legally flawed and inconsistent with EU law. This means that if Defra were to draft legislation based on their proposals in the consultation document they could be open to a serious legal challenge from civil society groups.

Authorities in Scotland, Wales and Northern Ireland have yet to publish their coexistence consultations and we hope that the legal opinion will force them to come up with more robust and legally sound proposals than Defra.

Several of the consultation proposals that people are most opposed to are revealed to be legally flawed. The main points of the legal opinion are:

1. On the adoption of the 0.9% GM threshold for labelling GM ingredients as the baseline for crops in the field it says: "The labelling thresholds are... legally irrelevant



A hamper of seasonal products was handed into Defra with messages to keep food GM free.

so far as the scope of coexistence measures is concerned" Paragraph 28

2. On the proposal to limit the scope of coexistence rules to purely economic factors it says: "[the legislation] was not intended to be limited in scope to the economic aspects of coexistence" Paragraph 51.

3. On the Government's suggestion that a GM Crop Site Public Register is not legally required under EU Law: "Its position that there is no requirement in law for a public register is fundamentally flawed and ignores the provisions of Directive 2001/18" Paragraph 6

4. On the exclusion of allotment holders and gardeners from those who should be legally informed of the intention to plant a GM crop near their land; "this approach is fundamentally flawed" Paragraph 56.

Local campaigners demonstrating outside Defra.



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5. On DEFRA's proposals to minimise rather than avoid GM contamination through coexistence measures; *"is a flawed approach to the Community legislation"* Paragraph 23

7. On Defra's application of the "adventitious" presence to coexistence measures it says: "It would seem to us to be strongly arguable that GM presence which is "built-in" or inherent by virtue of a generally applicable base-line norm or tolerance does not accord with the definition of adventitious presence". Paragraph 45

You can download a summary and a full version of the legal opinion from www.gmfreeze.org or call on 0207 837 0642.

Get active

Help to keep up the pressure on Defra and the devolved administrations on GM crop measures.

Email your MP asking them to write to Secretary of State for Environment, Food and Rural Affairs, David Miliband to request Defra's response to the opinion. Go to www.stopgmcontamination.org for a new easy email action.

If you have more time you can use the enclosed sheets to write to Defra yourself. You can find out who your MP is at www.locata.co.uk/commons/ or by calling 020 7219 4272.

If you live in Scotland, Wales or N. Ireland contact your MSP, AM or MP and ask them to contact Ross Finnie, Carwyn Jones or David Cairns, respectively, asking for their response to the opinion (which they have been sent) and how the flaws in Defra's proposals will be rectified when they finally consult the public on the same topic.

Please copy any replies to GM FREEZE, 94, White Lion Street, London N1 9PF

Rice contamination proves GM is impossible to control

In August, the US notified the EU that it had detected trace amounts of unauthorised GM rice in its long-grain rice supplies intended for human consumption. Since then there have been over 107 incidents of contaminated rice found in 16 Europe countries. No one seems to know how the contamination occurred, or just how widespread it is. This incident highlights just how difficult it is to contain and monitor GM genes once they are in the environment.

Contamination found

Between 1998 and 2001 Bayer CropScience carried out trials in the US on a variety of herbicide resistant rice it calls LL601. For reasons we do not know, Bayer decided not to continue with the process of commercial approval for LL601.

However, five years later, in August this year, the EC was notified that traces of the unapproved LL601 rice had contaminated long-grain rice grown in Arkansas, Missouri, Mississippi, Louisiana and Texas and may have been exported to Europe. No GM rice is authorised for sale anywhere in Europe, so any contaminated US rice on sale would be illegal.

The EU's immediate response was to only allow US long-grain rice certified to be free of LL601 to enter Europe. The rice had also not been fully assessed for safety and so no one can be certain whether it presents a health risk or not. Despite this, leaked minutes from a meeting with food companies showed that the Food Standards Agency (FSA), charged with protecting consumers and the food chain, told retailers that it did not expect them to remove rice already on their shelves that might be contaminated from sale, as it believed the rice to be safe to eat. The FSA advice to retailers ran contrary to requirements set down in the EU's emergency measures agreed in August,

and also indicated to retailers that they could break the law by selling an illegal product.

This has led Friends of the Earth to start proceedings of a Judicial Review of the FSA handling of the contamination issue. The FSA subsequently revised its public advice that retailers should remove any contaminated rice already on sale, but it continues to state that LL601 is safe to eat.

Out of control

In the meantime, contaminated rice was found in products sold by Morrison's, Tesco, Sainsbury's and the Co-op. Friends of the Earth found LL601 in rice from Morrison's, who responded by assuring the public they had taken all contaminated rice off sale. However, a week later campaigners in the South West discovered rice from the same contaminated batch on sale in their local Morrison's which also proved to contain LL601.

Control also appeared to be a problem in European ports, as a shipment of U.S. rice in Rotterdam that had certificates from the U.S. declaring it to be GM-free, turned out to contain LL601 when later tested. The E.U. then entered in to prolonged discussion with the U.S. on a reliable certification system, but was unable to reach agreement and now requires all US rice shipments to be tested on arrival in EU ports before being distributed. Japan has gone even further, flying over samples from the US to be tested before allowing shipments to set sale from the US to Japan.

This disruption has caused serious financial problems for rice farmers in the US, who have launched at least 25 federal law suits against Bayer to try to recover their losses. However, some Americans seem to blame Europe's over-regulation for the loss of their markets, rather than accepting that unauthorised GM products are illegal

in the EU and we have the right to uphold our own laws. A press release from the US Rice Federation refers to the EU actions as an 'unfortunate over-reaction' that is 'denying EU consumers of wholesome American rice'.

In the US, Bayer's reaction to the crisis has been to apply for a fast-track deregulation of LL601, which would give it commercial approval to be sold there and limit the economic liability of Bayer having contaminated rice with an unapproved GM variety. Bayer has so far been unable or unwilling to reveal how contamination took place on such a large scale when LL601 had not been grown for five years.

What coexistence?

The incident occurred right in the middle of the Defra consultation on coexistence of GM, non-GM and organic crops and helps to highlight one of the many reasons why the concept of coexistence is a myth that will not protect our food supplies from GM contamination. It also highlights the difficulties we face in monitoring what is in our food that we might not be looking for.

Enforcement authorities across the EU were hampered by the lack of direct test materials for LL601 rice -

Bayer only supplied this to a handful of labs. This is a common problem for all experimental GM crops being tested outside Europe or those awaiting EU commercial approval. A GM Freeze survey of local authorities in 2005 highlighted the serious lack of money devoted to testing for unwanted and illegal GM presence in imports

The rice incident has shown that experimental lines are now contaminating the food chain, and no one would have been testing rice in Europe for GM because they would not have been expecting to find it. This raises the very significant question of what other foods are contaminated with GM traits that we are unaware of and are not looking for, and how do we ensure that we do know what we are eating?

In the US there are significant outdoor trials growing pharmaceuticals in food crops. This would be very difficult to detect in food, as the authorities here would not necessarily know what they were looking for when testing. It seems only a matter of time before we find GM pharma crops in our food supply.

GM Freeze believes that the only answer is to introduce international protocols whereby any country testing a GM trait in a crop that it exports must provide the countries it imports to with the templates for each experimental trait. Authorities in the EU should then regularly and routinely test imports for those experimental traits. The same should also apply to GM traits approved in a country exporting crops to countries where the GM traits have not been approved. Only then will we be in a position to accurately monitor and control GM contamination around the world.

Get active

GM Freeze has produced a briefing, GM Labelling and Traceability: Enforcing Enforcement. It contains actions that you can take to improve the level of enforcement to ensure consumer choice is maintained and reduce the chances of unauthorised GM materials entering the UK. You can download a copy from: www.gmfreeze.org/uploads/tsabd_ehobriefing_sept_2006.pdf or call us on 020 7837 0642.

Europe must appeal WTO decision

On September 29th, the World Trade Organisation published its final ruling on a claim by the US, Canada and Argentina that Europe's moratorium on growing and importing GM products was illegal.

The interim decision released last February didn't expressly rule against the current strict EU regulations. However, in the final report the Panel appeared to change its ruling introducing the possibility that parts of the EU regulations on GM might be interpreted in the future as violating WTO rules. The Panel also decided that international laws, such as the Cartagena Protocol on Biosafety, governing the safety of trade in GMOs but not agreed to by the USA did not apply between the parties in the WTO case.

A legal analysis of the WTO Dispute Panel's report has revealed that this is at odds with other WTO decisions and international law. If unchallenged it could mean that the precautionary principle will not be allowed to be used in laws designed to protect the environment, human health or other consumer concerns.

The Panel's legal reasoning undercuts the Biosafety Protocol leaving the Protocol members, many of which have not set up their GM regulatory frameworks yet, in a situation where Protocol-based regulations could be challenged at the WTO if the plaintiffs are not Protocol Members.

The WTO is incapable of reconciling growing conflict between "free" trade ideology and what citizens require of their governments for socio-economic, health and environmental protection based on the Precautionary Principle.

The panel's report will be formally adopted by the WTO within 60 days unless appealed by the EC. GeneWatch UK, and the RSPB have called for an appeal of the findings.

'The WTO GMO dispute: Implications for developing countries and the need for an appeal' can be downloaded from www.genewatch.org