

Thin Ice



the GM Freeze newsletter

Issue 13, January 2009

Take Action

Oh Jimmy...

"Jimmy's GM Food Fight", broadcast on BBC's 25 November *Horizon*, was an unbalanced look at GM crops and their potential to feed the world. While the programme raised a number of serious questions about the safety of GM for both health and the environment, it failed to adequately investigate both sides of the arguments and ended on a note suggesting that GM will eventually help feed the world if only we spend more time and money on research.

GM Freeze are stepping up our responses to such pro-GM work in the media, both because the number of such pieces is increasing and because members have asked us to provide ways to tackle the problem, of which this is an excellent example. Please send a letter to Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA (or email www.ofcom.org.uk/complain/progs/).

If you saw the programme, please include anything you found problematic – there were many examples. If you didn't see the programme, you can watch it at www.bbc.co.uk/iplayer/episode/b00fsxq6/Horizon_Jimmys_GM_Food_Fight/.

The programme was full of errors, misleading information and significant omissions (contact us if you would like a copy of our complaint to Ofcom). Some of the most significant were:

- Claims to Norwich consumers that using GM oil was good for the environment because it reduced pesticide use when there is clear evidence to the contrary from the USA because of the rise of superweeds.
- Significant imbalance in the time allocated to interviews with different sides of the GM debate, with a strong bias towards the pro-GM speakers and no input at all from African, Asian or Latin American anti-GM activists.
- Failure to mention or acknowledge the results of the Farm Scale Evaluations, which showed that GM herbicide tolerate oilseed rape and beet crops harmed farmland wildlife and led to the government banning the crop.

Any programme looking at GM in a balanced way surely must acknowledge these issues and others. *Horizon* chose not to. As ever, please send copies of any replies you get to us so we can monitor how the BBC responds to the complaints we raise.

We've Moved:

Our new registered office is in 50 South Yorkshire Buildings, Silkstone Common, Barnsley S75 4RJ. GM Freeze members wishing to make arrangements to view company documents should ring us on 0845 217 8992.

Our email addresses are still Pete@gmfreeze.org and Eve@gmfreeze.org.

New leaflets:

Enclosed with this copy of *Thin Ice* you'll find a copy of our new membership and GM animal feed leaflets you can give to friends, place in local shops or put in your own organisation's mailings. To order more free copies, please email or phone Eve.

Thank you.

London on Scottish contamination and Devolved revolt: more GM and secret trials

In September the Scottish Government announced its destruction of three oil seed rape trials after discovering that the seed used was contaminated with unauthorised GM from an unknown source. This has now been revealed to be a Monsanto GM herbicide tolerant rape, and the contamination took place in the USA. Minister for Environment Michael Russell said, "Had these plants been allowed to mature, the risk to the environment could have been very serious... This further emphasises the continuing need for rigorous controls on GM material and for Scotland to remain a GM crop-free zone."

GM Freeze welcomed the prompt action to clean up the contamination once it had been discovered, but pointed out that this is not the first time such incidents have occurred and called for a thorough investigation into both how the contamination occurred and what measures will be taken by the UK Government to ensure that such incidents are not repeated.

In October *The Independent* reported that rather than tightening controls to enforce the law, the UK Government are participating in secret plans to boost GM production across the EU. Citing confidential documents involving 27 governments, the paper reported the plans aim to "speed up" the introduction of the modified crops and foods and to "deal with" public resistance.

Such claims appeared to be substantiated when further reports emerged in November that the UK Government is planning to use secret GM trials at military bases the UK – claiming a need to protect trials from saboteurs.

Such a move would contravene EU law requiring disclosure, and Defra denied "a change in policy" on trials.

Whitehall support for GM is not in keeping with the staunch anti-GM position of Scottish and Welsh administrations and Northern Ireland's Minister for Agriculture, who has also joined forces with the Republic of Ireland to develop a GM-free island policy. The continued disregard for these wishes is opening wider cracks between Whitehall and the Devolved Administrations. Devolved Ministers are working together against London-based pro-GM policy and practice, including questioning the basis of "UK" votes in favour of the technology at EU level, saying their opposition is not adequately reflected in development of a genuine UK policy. Michael Russell said, "They [Whitehall] need to represent both strands of opinion at the European level," adding he would meet "very soon" with UK Environment Minister Phil Woolas to "create a structure in which all have confidence" for deciding the line to take in Brussels. Defra said they are, "aware of the position of the Devolved Administrations" and "discusses these issues regularly".

Global News

Europe

UK: While media hailed the development of "life-saving" GM soya and purple tomatoes, Lord Drayson, ex-head of the BioIndustry Association ('Promoting UK Biotechnology'), has been appointed as science Minister – a post previously held for many years by another pro-biotech figure Lord Sainsbury. Drayson's controversial career includes substantial donations

to the Labour party six weeks after PM Blair made him a Lord and during deliberations on a contract awarded to his company. It is also reported that after they met, Gordon Brown approved a tax reform bill saving Drayson's company some £2 million. He has a history of supporting pro-GM Science Media Centre, and the BioIndustry Association proposed wide-ranging new restrictions on the right to protest against corporations, including boycotts.

Asia and Australasia

India: In August the Genetic Engineering Approval Committee (GEAC) decided to "seek modification" of the February Supreme Court requirement for independent expert PM Bhargava to participate in its deliberations. GEAC appears to be uncomfortable with the fact that Bhargava takes his role to improve transparency seriously and wants him removed. His appointment was ordered as part of the Aruna Rodrigues PIL case (see *Thin Ice* VII and XI), but GEAC issued a list of grievances against Bhargava's outspoken attempts to highlight the committee's failure to properly oversee the GM regulatory system. This prompted him to consider "the unpleasant step of filing a case of defamation against the GEAC" for "casting personal aspersions" without addressing any of "the purely scientific and professional views" he expressed. He has not been present at either of the meetings discussing his removal, nor was that matter on the meetings' agendas. No members of GEAC responded to newspaper requests for comment.

Meanwhile, GEAC has finally released eight volumes of data on Bt brinjal first ordered by the courts in November 2007, nearly 30 months after it was first sought. Greenpeace India said the data looked comprehensive

but that there was no official assurance of its completeness from the authorities. MAYCO, a branch of Monsanto, has resisted releasing the data on the grounds that it could suffer commercial losses if the data was disclosed.

Australia: In August the Western Australian Government extended its moratorium on GM food crops for another four years. The move was welcomed by consumer and environment groups but disappointed big farmers.

Americas

Chile: In October the University of Chile reported that maize crops are contaminated with GM and illegally sold for human consumption and seed. Researchers said, "This study shows for the first time that contamination does occur in the fields in Chile. This is a very serious situation as the contaminated corn was grown illegally, was not approved for seeds by the Agriculture and Livestock Service (SAG), nor for human consumption." The Minister of Agriculture has been called upon to order independent studies to evaluate the situation, to adopt measures to eradicate the present contamination, to ratify the Biosafety Protocol and to pass a new law to ban transgenic crops in Chile.

Mexico: In November *Nature* confirmed earlier reports that landraces of maize are now contaminated with GM, despite the country's ban on GM maize intended to protect the genetic origin of the crop. Transgenes were found in 23 locations. Earlier the work by the researchers was attacked by pro-biotech scientists, which eventually led to *Nature* denouncing their paper in an editorial. One reviewer at that time pointed out the report could "gain undue exposure in the press due to a political or other

environmental agenda". After the new study was published, a researcher at the University of California said, "The importance of the study is not in the impact of the transgenes themselves, but in the fact that their spread has occurred so easily in a country where the planting of transgenic maize has not occurred for several years."

World's rice still contaminated, fallout still emerging

US – secrecy leads to court battles

US rice is still contaminated with Liberty Link GM, some two years after the problem first emerged. Test results announced in Brussels for the EC (the EU now requires all US long-grain rice imports to test negative before shipment) showed that 99.8 *per cent* of the 2008 crop tested negative for the LL GM trait. While the industry call this an "improvement" over last year's 99.5 *per cent* negative result and say this demonstrates the "success" of the clean up operation, it is clear that that job is not done either in the fields or in the courts.

In August a federal judge ruled that thousands of US rice farmers will not be able to launch a consolidated "class action" suit against Bayer CropScience over to the contamination of their crops, saying that their complaints were too varied to be heard together. Bayer "welcomed" the ruling, saying, "We believe we have acted responsibly and have complied with all relevant regulations and guidelines in our biotech rice development activities."

The farmers are considering an appeal of the decision, as well as looking for other ways to seek justice, including bringing a number of test cases that could

then be used by other farmers to force out-of-court settlements. By mid-October Bayer already faced 1,200 individual suits in five states with estimated damages topping US\$1 billion (equivalent to 16 *per cent* of Bayer's 2007 net income, whose stock has fallen some 28 *per cent* on the year previous). Bayer's lawyer said, "It's our view most of these plaintiffs didn't suffer market losses in selling their rice." Other lawyers expect that many farmers were holding off on their decisions until the results of this case, and now that the class action has been denied there will be a sharp rise in the number of cases launched.

Four such farmers in Arkansas filed a lawsuit in August against Bayer, Riceland Foods, Inc and others seeking damages for lost income, damage to their property and equipment, storage and transportation facilities. The suit was one of several filed in a number of states. The farmers claim that Bayer and Riceland withheld information about the contamination until after the 2006 planting season, resulting in Japan, the EU, Korea, Saudi Arabia and Iraq suspending imports. The suit also claims that farmers were unable to find sufficient quantities of untainted seed to plant successfully, and that the varieties they could get were less profitable.

In September members of Arkansas' largest farmer-owned cooperative (contracted to Riceland) went public with their concerns that their management were withholding information from them about their own lawsuit, filed in 2006, after Riceland cited breach of trade secrets when asking a Circuit Court judge to sanction two attorneys for releasing documents to the media during the pre-trial discovery phase. The lawsuit alleges negligence and fraudulent concealment by Riceland and seeks compensation for damages as a result. The Judge ruled that

documents outlining Riceland's involvement in developing the GM rice and that they were aware of the contamination as early as 1 February 2006 should be declassified.

Chinese rice exports still contaminated

In August Japan's health ministry announced it found and destroyed three incidents of unauthorised GM Bt63 rice in imports of Chinese processed foods as a result of stricter testing brought in by the EU in April this year.

Australia and New Zealand food safety authorities also announced in August their discovery and destruction of contaminated GM Bt63 rice. GE-Free New Zealand praised the action but said the FSA needs to do much more to "encourage compliance" of GM laws by companies, saying "the incident adds to concerns that the integrity and safety of the whole global food supply is threatened by GE mix-ups in the lab, in distribution of seeds, through field-contamination of crops, and in post-harvest production."

China prohibits the export of GM rice, so clearly there is more than one failure with their controls and regulation – a big problem considering the level of GM field testing already done in China and the Government's recent announcement of a 12-year, US\$3.7 billion GM research and development initiative with additional matched funding from its provincial counterparts.

While US courts move to control GM, others have not been so vigorous

In September California Governor Schwarzeneger signed into law a bill making GM manufacturers liable for contamination of neighbouring fields. The law sets out a mandatory crop sampling protocol to discourage biotech companies sampling crops without farmers' explicit permission and to protect farmers from intimidation and harassment through lawsuits when they have been unable to prevent GM contamination of their property or crops. California is not the only authority presenting a barrier to GM crop development.

In the courts

In August a Federal judge barred Monsanto and other interested parties from participating in the "merits" phase of a lawsuit examining whether the USDA's deregulation of Roundup Ready sugar beet breached federal law by insufficiently reviewing the potential environmental and economic effects. The suit is brought by environment and organic seed groups who fear cross pollination will contaminate their crops and that increasing the number of Roundup Ready crops grown will exacerbate the rising superweed problem.

The court ruled that since Monsanto were not responsible for the deregulation they may not participate in the merits part of the case, but might in the "remedies" phase if the USDA is found to have violated Federal law. The Centre for Food Safety said Monsanto would have poured resources into the case, complicating and lengthening the process. A spokesperson for Monsanto said, "The USDA should be able to handle it themselves."

In September a Federal Appeals Court ruled that the USDA must issue a formal environmental impact statement before the nationwide injunction prohibiting growing or selling seed for Monsanto's Roundup Ready alfalfa will be lifted. The Court determined that planting GM alfalfa can result in potentially irreversible harm to non-GM crops, damage to the environment, and economic harm to farmers that outweighs the potential financial losses to Monsanto and others.

From the regulators

In September, the FDA released stronger guidelines for use of GM animals in food, drugs and medical devices, setting out the information companies should provide at each stage of engineering animals (including providing samples of DNA, the location of its placement, any impacts on the animal's health, behaviour or nutritional value, and tracking where traits go to prevent cross breeding with non-GM animals in line with a USDA announcement in August).

Food from GM animals will not,

however, need to be labelled as such, the guidelines are non-binding and are hoped to "drive investor confidence" in the emerging industry, which says GM will make animals healthy, improve them as a source of food and provide vaccines. Industrial confidentiality precludes consumer or other involvement in any safety discussions about animals under development.

The USDA itself is criticised for proposing new rules that would weaken oversight over GM crops in general, and continue to allow pharma traits to be grown in food crops outdoors. Having promised stricter controls, the new policy would instead create new loopholes for the biotech industry, including allowing biotech companies to assess their own crops to determine whether USDA should regulate them and to grow GM crops without any oversight – something the USDA acknowledges increases the chances of contamination, but the new rules would not require them to take any action to have untested GM crops removed from non-GM food, feed or seed they contaminate.

And at the White House

In September Barak Obama, President Elect at time of writing, announced his panel of science advisors, noting that they had already played a key role in forming his science platform.

Three members of note are:

- Gilbert Ommen, a Professor of human genetics, former president of the American Association for the Advancement of Science and a director of biotechnology company Amgen.
- Sharon Long, a scientist researching the symbiosis of soil bacteria with alfalfa after resigning last year from the Board of Directors of Monsanto; and
- Michael R. Taylor, a member of Obama's "transition team", is credited with ushering Monsanto's rBGH through the FDA and trying to prevent dairies saying they don't use it.

In December Iowa Governor Tom Vilsack, named Governor of the Year by Biotechnology Industry Organization was selected as Secretary of Agriculture after initial denials that he was being considered for the post.