

# Thin Ice



the GM Freeze Campaign newsletter

Issue 16, October 2009

## Zero tolerance – what's it really about?

**W**hen the *Independent* and *Telegraph* make a hash of the EU's policy of not permitting unauthorised GMOs in food or feed it's hardly news (see [www.independent.co.uk/environment/green-living/big-stores-counting-the-cost-of-ban-on-gm-food-1779870.html](http://www.independent.co.uk/environment/green-living/big-stores-counting-the-cost-of-ban-on-gm-food-1779870.html) and [www.telegraph.co.uk/earth/agriculture/geneticmodification/6120112/Supermarkets-pave-way-for-introduction-of-GM-food-to-UK.html](http://www.telegraph.co.uk/earth/agriculture/geneticmodification/6120112/Supermarkets-pave-way-for-introduction-of-GM-food-to-UK.html)). When the BBC's *Countryfile* get it wrong in the same week, saying the UK has a "zero tolerance policy to new GM crops", perhaps it's time to set the record straight.

GM crops are not, as some have reported, illegal in the UK or the EU. Applications for import or cultivation are assessed at EU level and each Member State is expected to adopt the decisions made.

Nor are there thresholds for labelling of GM ingredients in food or feed. The law requires that ALL GM content in food or feed must be labelled, including at restaurants or catering establishments. There is some provision for so-called "adventitious presence" of GM below a 0.9% threshold to be sold unlabelled without prosecution, but this ONLY applies genuinely accidental GM content, and this should be backed up by a paper trail demonstrating the attempt to avoid GM. Blanket labels (eg, "may contain GM" or "GM absence

cannot be guaranteed") are not legal, as the intention of the law is that suppliers know what they are selling and are clear about it to their customers. Labelling requirements for GM are routinely misunderstood, or misrepresented, by industry, politicians, the media, some farmers' groups and others.

So it is perfectly legal to import, sell

**Suggestions that avoiding US GM soya will cripple the EU farming industry do not stand up**

and grow GM, provided the appropriate regulations are adhered to, including putting the right label on it. The difficulties arise here for the GM industry, as they have failed to produce more than a few crops of use, and consumers don't want to eat them. This does not stop vested interests muddying the waters for politicians and the public alike (see Get Active).

"Zero tolerance" usually refers to the application of these GM regulations – the EU does not permit GMOs into the food chain that have not passed through the approval process.

This is both sensible and safe.

Some elements of the animal feed industry are attempting to portray a very different picture, one where the EU is effectively "starved" of animal feed because the EU refuses to accept "trace amounts" unapproved GMOs in feed imports from countries that have "already" approved new GMOs that the EU has not (the so-called "asynchronous approvals" dilemma) while non-GM supplies are "drying up". They insist that this will drive farmers about of business and food prices up.

How accurate are these claims?

1) **not enough non-GM**: Brazil alone produces enough non-GM soya to meet all the EU's food, feed and (ill-advised) biofuels requirements. This is not a sustainable way to meet our needs, but that does not alter the fact that non-GM supplies are bountiful. Much of the non-GM crop is not yet certified as such, as this incurs costs that farmers cannot afford without known buyers in advance, so GM Freeze are working to ensure orders for non-GM supplies are at least maintained if not increased.

2) **we must accept "trace amounts" of unapproved GMOs because others are growing them**: it is true that shipments of soya have been turned back at EU

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# Zero tolerance – what’s it really about?

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ports when they have been found to be contaminated with unapproved GMOs. The August incidents in Spain and Germany, US soya contaminated with an unauthorised GM maize, triggered a voluntary cessation of US soya shipments, not a legal prohibition.

However, far from an extensive problem, this has occurred only a handful of times (some estimates put the total weight at a mere 200,000 tons), and, crucially, it only affected US GM soya imports. There are two reasons for this: one is that, as the UK Government notes in its recent paper *GM crops and foods: Follow-up to the Food Matters report by Defra and the FSA*, growers in countries like Brazil, Uruguay, Argentina and Paraguay (the EU’s main suppliers of soya) are unlikely to approve GMOs the EU will reject at ports because the difficulties of keeping some GMOs away from others are well-known and it is not in their interests to jeopardise their markets. The other reason is that non-GM shipments are identity preserved, so they will not be contaminated with unapproved GMOs. So, upon examination, it is clear that this is a problem for the US GM industry, not EU farmers wishing to abide

by the law.

**3) using non-GM will drive prices up:** basic economic principles suggest that this cannot be true. If more non-GM is required, then more will be grown.

Suggestions that avoiding US GM soya will cripple the EU farming industry do not stand up, particularly as there is evidence that US (non-GM soya up 1 million acres in 2009) and Latin American farmers are planting more non-GM as the difficulties of weed resistance and price hikes by the biotech industry begin to bite.

Again, the UK Government’s own analysis suggests that the price incentive is against GM in the longer term. Difficulties in recent years with increased feed prices are due to drought affecting crops, not a lack of GM.

It is important to look at where these claims are coming from, and where they get their information. This confusion suits an agenda that wants to see widespread consumer acceptance of GM in the food chains as inevitable when it is not.

It also helps to distract attention from more fundamental problems with GM. The ongoing bans on Monsanto’s MON810 maize, the only GMO authorised

for cultivation in the EU, are a reflection of widespread, deep-seated concern about the vigour (some say legality) of the European approval process and its assessment of the potential for the crop to cause harm to human health and the environment.

Nevertheless, even if we are dissatisfied with the EU’s procedures, they are a far cry better than those of the US, and it is unclear why we should accept whatever the US system puts on the market simply because the US GM industry cannot contain or segregate their products.

Reading the press one might get the idea that if only the public were more accepting, UK farmers would have a wide array of GM crops to choose from to help them cut their costs while boosting their yields.

One controversial maize crop is really all they have to offer, and there is little concrete in the pipeline. We don’t need or want GM animal feed, particularly as this is the last profitable leg the industry has to stand on.

We need and want a safe, gm-free food chain, properly regulated, transparent and accountable.

## GET ACTIVE

# Thanks, but no thanks, Mr Herbert

**J**ulian Little, the busy lobbyist for the GM industry and Chair of the Agricultural Biotechnology Council posted a long letter on Future Countryside, “a project set up by the Shadow Environment Secretary, Nick Herbert MP, to promote new ideas for conserving the natural environment” (see [www.futurecountryside.com/articles.php/foodandfarming/21/agricultural-biotechnology-surely-farmers-deserve-the-choice-to-use-all-the-tools-available-to-them](http://www.futurecountryside.com/articles.php/foodandfarming/21/agricultural-biotechnology-surely-farmers-deserve-the-choice-to-use-all-the-tools-available-to-them))

While responding to everything said or written by Mr Little would be a big job, it is important to send a strong message to the man who may be our next Defra chief that we do not want this “choice”. If you cannot access Future Countryside, comments could be posted to Mr Herbert at the House of Commons, London, SW1A 0AA.

In addition to information elsewhere in *Thin Ice*, things you may wish to consider include:

*“We have three stark choices: we produce more food from the land we*

*currently farm; we bring more land into production and accept the environmental consequences; or we risk significant increases in food prices ...”* This is a false choice, but it suits the industry. Better choices include eating more fresh food produced closer to home rather than the highly processed products of industrial monoculture and understanding that the historically low proportion of our income that we currently pay for food may need to increase if we want sustainability and food security. Wasting so much food, as we do, would help too.

*“Increases in crop yields have long been the advantage of GM, and this is now a crucial benefit with international importance.”* In fact a US study found that GM soya has a “yield drag” (drop) of up to 10% on conventional varieties. While GM crops may claim to increase yields over crops without any kind of weed or pest protection, few farmers take such a risk, and non-GM varieties suit many circumstances with the added benefit of a market willing to buy and eat

them, which in only achieved for GM if there are no labels to tell consumers what they are eating.

*“GM can help to stabilise food supplies and reduce the rising prices of key commodities such as milk, meat and staple foods.”* This is confusing, as the GM industry also claims that GM was grown on more land than ever before in 2008 (although GM Freeze found they exaggerated their figures by a factor of four), yet 2008 saw worldwide price shocks in food and feed. The use of GM did not prevent this, and could not, as the real drivers of food prices are the costs of fuel and other inputs like fertiliser, especially those based on petroleum or other diminishing natural resources like phosphate. GM crops are totally dependent on these inputs, indeed farmers of HT crops are contractually bound to use expensive brand-name versions (Monsanto doubled Roundup prices last year and put corn seed prices up 35%

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# INTERNATIONAL ROUND UP

## Europe

### EU

In July EFSA granted Monsanto's request to reauthorize its pest resistant maize MON810, banned in six Member States, as it had come to the end its ten-year approval.

France rejected the decision, citing a study by eight researchers in five countries, including CRIIGEN's Giles-Eric Seralini (see *Thin Ice 14*), calling into question the reliability of tests used by EFSA and the US FDA to assess the health risks of GMOs and pesticides. "Agricultural GM companies and evaluation committees systematically overlook the side effects of GMOs and pesticides," said CRIIGEN, adding their study highlights "a significant underestimation of the initial signs of diseases like cancer and diseases of the hormonal, immune, nervous and reproductive systems, among others." Seralini demanded "systematic publication" of such tests, which can now only be obtained through individual legal actions.

### UK

In June the Scottish Government announced strict new "polluter pays" liability rules for damaged caused by GMOs, including a 75 year timeframe favoured by campaigners. Environment Minister Roseanna Cunningham said, "Scotland must remain GM-free, and that means putting in place tough regulations which make clear our zero tolerance stance and send out a strong message that the polluter must pay if accidental contamination occurs." In July Welsh proposals included a ban on GM crops in national parks, strict liability for GM crop growers, a statutory requirement to register crops publicly, consent to plant at least three months in advance and a new voluntary industry-funded compensation scheme, or a statutory one should that fail.

Farmers Union of Wales president Gareth Vaughan said, "Going down the GMO route will quickly lead to us losing that competitive edge." Rural affairs Minister Elin Jones said that while she was prevented from declaring the whole of Wales GM-free, policies would be as restrictive as possible. Meanwhile in England, GM polluters can still claim two legal "defences" that provide loopholes against liability.

In July it was revealed that a GM potato trial was planted in June at Leeds University behind fencing, CCTV cameras and guards, despite a lack of clear public notification. It is unclear if legal requirements for public notification were met. On the one hand, the test is a rerun of the trial disrupted last year (see *Thin Ice 12* and *13*), and apparently on the same land, and consent was originally given for three years. On the other hand, no notification of this year's planting was posted on the Defra website or elsewhere, raising questions as to how locals, farmers or others would know that the test was

## Americas

being redone. Public notification is required by law and important both for locals to know where such crops are being grown in case the need to protect their own crops, as well as for post-crop and post-test monitoring.

### Argentina

Monsanto applied for approval of its new RR2 soya seed in Brazil and Paraguay claiming it will boost yields by as much as 15%. However, under legislation permitting seed saving farmers in Argentina do not pay royalties on the Monsanto soya they grow, so the company has not sought authorisation there for its RR2.

The vast majority of Argentina's considerable soya crop is Roundup Ready, grown from seed originally illegally planted then later approved to legitimise the crop, but still without the patent required to generate income Monsanto says it is due but has been unable to obtain.

The EU Commission approved RR2 soya for import in December 2008 after Member States failed to reach a decision.

### Peru

In July the Government was reported to be analysing data revealing illegal GM contamination of maize (including Monsanto's MON810 and MON863) in storage centres in five key agricultural areas.

It is illegal to plant, harvest or sell GM in Peru, yet legislation establishing regulatory powers and penalties are not yet in place, so the authorities have not power to act.

### US

In May viable GM sugar beet plants were found in compost sold to gardeners, calling into question once again the concepts of coexistence and segregation – 2008 was the first year GM sugar beets were grown. In September the judge hearing the lawsuit in the Federal District court of San Francisco found that the USDA failed to adequately assess potential environmental impacts before approving GM sugar beet for cultivation (see *Thin Ice 13*).

It is expected that similar to the decision two years ago on GM alfalfa, this will lead to a ban. A spokesperson for the American Sugar Beet Growers Association spokesman Luther Markwart said, "Clearly we are going to vigorously defend our farmers' freedom to plant Roundup Ready sugar beets." The freedom of farmers to grow non-GM beet appears to be swaying the courts, however.

### Canada

In July, Canadian farmers and environmental groups accused the Government of rushing the approval of "SmartStax", the new Dow/Monsanto HT/PT maize with eight GM traits. Concerns include that while each of the GM events was approved individually, apparently

no risk assessment was made of the traits in combination. Furthermore, refuges (used to slow development of insect resistance) around SmartStax were conditionally reduced by 80%, apparently with no assessment of Dow and Monsanto's argument that their product made insect resistance is unlikely to develop. The companies themselves will monitor how insects respond and adapt to their product during the course of its authorisation, which extends until 2012. Entomologist Bruce Tabashnik noted that insect resistance is inevitable, rendering such GM seeds ineffective and putting organic production at risk, and that reducing refuges may accelerate this process.

Smartstax was also approved in Japan and the US, and application for approval in Europe for import and cultivation is anticipated.

## Updates in brief

**US courts and GM alfalfa** (see *Thin Ice 13*) – In June US 9th Circuit Court of Appeals ruled that GM alfalfa crops can cause potentially irreversible harm to organic and conventional crops, the environment and farmers. Monsanto's petition to rehear was denied in full. Campaigners said the decision affirms an earlier finding that USDA broke the law for failing to get a full Environmental Impact Statement before approving the crop.

**US rice contamination fallout** (see *Thin Ice 13*) – In August some 1,500 US farmers filed a lawsuit against Bayer CropScience, claiming damages for the contamination of their crops in 2006 with an unapproved experimental variety.

**US/Monsanto revolving door** (see *Thin Ice 13*): In July Michael R. Taylor, Monsanto's Vice President for Public Policy from 1998 until 2001, was appointed by the Obama administration to the Food and Drug Administration (FDA). Meanwhile Monsanto announced they plan to put seed prices up by as much as 42% next year.

**EU GM approvals and suggested country opt out** (see *Thin Ice 15*): The issue is not resolved, but appears to have become entangled in Commission President Barroso's eventually successful bid for re-election. Borroso is reported to back the opt out option, but in "exchange" for "streamlining" GM approvals in general. Unsurprisingly, Agriculture Commissioner Fischer Boel is reported to support this move (in advance of her announced retirement), as well as wanting these cultivation issues to be kept separate from imports, which she says must remain EU-wide. European Greens continue to point out that GM cultivation has cross-border implications, so individual state opt outs are not enough to protect the environment or consumers. How opt outs would fit into the Common Market has yet to be explained.

# Canada's Triffid flax contaminates Europe

In September GM Freeze wrote to both FSA and DEFRA twice asking why no action had been taken on the official EU food alert issued weeks earlier about an illegal variety of GM flax "Triffid" (deregistered in Canada in 2001) found in EU imports.

The letters requested an official food alert to inform food businesses of the potential for problems, as well as asking what steps the FSA and DEFRA were taking to test for, identify and destroy any contaminated stocks entering the UK. At the time of writing

only the FSA had replied to the first letter, saying there are "no grounds for issuing an alert" in the UK. This at a time when new EU alerts reported that parts of the contaminated shipments had been distributed to some 11 EU countries.

The reply would seem to indicate that unless someone else finds GM contamination, the FSA will not look for it.

Sales of Canadian flax plummeted. Sold as linseed in the UK, the product is often used in health food products

baked goods.

By coincidence, in July Canada changed its system for registering crop approvals, removing the requirement that new varieties be equivalent to or better than existing varieties.

The National Farmer's Union said the new regulations "will accelerate registration of seed varieties that companies want to get onto the market quickly", adding that their call for a public appeal process to address issues including unwanted GM variety registration had "resulted in nothing".

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while posting record profits), so how GM will help keep prices down is unclear.

*"Finally, GM can help reduce the environmental and carbon footprint of agriculture. In the near future it could lead to the 'climate proofing' of agriculture with crops that can survive drought and require significantly less fertiliser."* The footprint increases, however, as GM-driven weed resistance forces farmers to use ever higher and more frequent doses of herbicides and is pushing them back to older more dangerous chemicals (like paraquat) banned because of the damage they cause.

*"[GM] Crops included maize, soya and oilseed rape, as well as tomatoes, peppers and even virus resistant papaya which has saved one of Hawaii's major industries. India has moved from being a net importer of cotton to a net exporter, as a result of GM technology."* Hawaiian GM Papaya cultivation has been declining for several years following contamination of the wider crop and weak sales, and Hawaiian experts dispute the claim that their industry ever had a

problem requiring "salvation" by GM. Also BT cotton only works for farmers who have irrigation, and the expansion of GM cotton in India is putting huge pressure on water supplies, along with other problems.

*"In Europe, however, we have not seen the same uptake of the technology. The reason for this is simple: the regulatory system surrounding the registering of GM crops for cultivation in Europe is so dysfunctional that there is only one GM crop available to European farmers ..."* The EU regulatory system may be unsatisfactory, but that is because it takes decisions to authorise GMOs rejected by democratic votes based on poor safety assessments. Furthermore, it is unclear why farmers would choose to grow crops people will not buy.

*"We know there are many who want this choice as new crops, such as blight resistant potatoes, and drought resistant maize are reaching the final stages of development."* Anyone wishing to grow blight resistance potatoes might like to consider the highly successful non-GM varieties developed in Wales by the Savari

Research Trust. Those looking for drought resistant maize could consider the non-GM variety developed in Malawi (see GM Freeze briefing for more information). Non-GM varieties are available to grow now, while GM varieties, if they ever work, are years away.

These repeated assertions are little to do with the desirability of GM and everything to do with the fact that the GM industry is faltering. Monsanto is said to be cutting 900 jobs (some 4% of its workforce), restructuring the Roundup unit that has been the basis of its profits for years and pressure is mounting in the US for a full investigation into the anti-competitive practices. Cargill posted a 69% drop in profits last quarter. If they are to survive, they must polish up the reputation of their GM investments and prevent research funding going to high tech non-GM crops (like those developed with Marker Assisted Selection) that actually deliver, conventional crops or the agroecological approaches that many scientists believe is the real solution to sustainability and food security.

### 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.

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