

Response to Food Standards Agency consultation:

Proposed Approach to Retained EU Law for Food and Feed Safety and Hygiene



12 October 2018

1. Introduction and summary

- 1.1. GM Freeze is the UK's umbrella campaign on genetic modification (GM) in food and farming. We are working to help create a world in which everyone's food is produced responsibly, fairly and sustainably. Our members encompass NGOs including the Soil Association, Friends of the Earth and Garden Organic, farmers, retailers, scientists, grassroots campaigners and concerned individuals.
- 1.2. This submission reflects GM Freeze's role as our members' specialist agency on issues relating to GM in food and farming. We have, therefore, focused on legislation relating to GM crops, food and feed.
- 1.3. Our response is not confidential and will be published on the GM Freeze website, www.gmfreeze.org.
- 1.4. In summary, the key points in our submission include:
 - We are concerned about the UK's capacity to replicate the role of EFSA in providing GM risk assessments.
 - GM ingredient labelling must be retained.
 - It is vital to retain the effects of modifying Directive (EU) 2015/412 to support divergent policy approaches across the UK.
 - The UK's exit from the EU offers an opportunity to improve legislation relating to GM in food and farming through improved risk assessments, contamination control measures and labelling of GM-fed products.

2. Comments, concerns and risks regarding the proposed approach to fixing inoperabilities of retained EU Law

- 2.1. It is vital that the UK establishes and operates a robust and transparent process for authorising the use of GMOs (including those produced through newer genetic engineering techniques such as genome editing) after leaving the European Union (EU).

- 2.2. GM Freeze understands the proposed approach to retained EU Law and appreciates the priority attached to replacing functions undertaken by the European Food Safety Authority (EFSA). We note the intention to form a close working relationship with EFSA but are concerned by the lack of information on alternative plans should such an arrangement not be achieved.
- 2.3. The proposals note (paragraph 14 of the consultation document) that “These corrections must not result in any material change in the level of protection which EU law gives to human or animal health, or to the high standard of food and feed which consumers expect...”. We are concerned that the UK is not currently equipped to replace EFSA risk assessments relating to GM food and feed in a way that will maintain current levels of protection. The UK body currently tasked with conducting and reviewing risk assessments relating to GM in food and farming is the Advisory Committee on Releases to the Environment (ACRE), which issues advice on the release of GM crops in limited field trials. When questions of food safety, environmental impacts or wider effects on the food and farming sectors are raised in statutory public consultations on proposed GM field trials, these issues are always ruled out of scope due to the scale of trials and/or the intention that material from trials will not enter the food chain. ACRE has, therefore, no proven experience of considering the wide-ranging impacts associated with authorising a GM crop for cultivation or import as food or feed.
- 2.4. Consumers place a high value on the opportunity to make an informed choice about what they are eating, including the presence of GM ingredients and the use of GM animal feed. [A GfK NOP poll¹](#) found that 89% of people in the UK want GM products to be clearly labelled and 72% were willing to pay extra for non-GM food. It is vital that the requirement to label GM foods is retained when the UK leaves the European Union, including on imported foods.

3. Political divergence within the United Kingdom

- 3.1. GM is key area of divergence in agricultural policy between Westminster and the Scottish, Welsh and Northern Irish Governments. Scotland, Wales and Northern Ireland all took full and immediate advantage of the opportunity to prohibit the cultivation of GMOs in their own territory, under Directive (EU) 2015/412.
- 3.2. GM Freeze recognises the potential difficulties that could arise from divergent legislation on the cultivation of GM crops and the UK Government’s designation of this area of policy as appropriate for a common approach. However, failing to recognise and respect the views of the devolved nations in regard to the cultivation of GM crops would constitute a clear material change in the operation of retained EU Law on GM.
- 3.3. We therefore request immediate assurance that the statutory instrument The Genetically Modified Food and Feed (EU Exit) Regulations 2018 will fully retain the effects of modifying Directive (EU) 2015/412 on Regulation (EC) 1829/2003 – GM food and feed authorisation and labelling.

4. Opportunities for improvement

- 4.1. The UK's exit from the EU offers an opportunity to review and improve legislation relating to GM in food and farming. We identify three key opportunities in this area: improved and more transparent risk assessment; effective measures to prevent and respond to GM contamination; labelling of GM-fed products.
- 4.2. Brexit offers an opportunity to create a significantly more transparent risk assessment and risk management process for all GM crops and their associated impacts. This should include greater consideration of the potential for unplanned genetic changes and for unintended impacts of both planned and unplanned changes to the genome. It should also encompass social and ethical impacts alongside safety concerns and offer meaningful opportunities for consultation with the public and civil society representatives.
- 4.3. GM crops must not be introduced to UK farms until effective measures are put in place to prevent contamination of conventional and organic seed, crops, feed and food from GM material and the pesticides associated with the use of herbicide tolerant GM crops. To support these measures an effective liability regime must be established and enforced to ensure fair compensation for UK farmers, growers, beekeepers and any other business impacted in the event of contamination with GM material, pesticides or other contaminants.
- 4.4. There is strong public support for the labelling of animal products (meat, fish, dairy products and eggs) produced from animals that have been fed GM crops. As noted in the FSA-commissioned report on GM Labelling in 2013, "Across the sample, there was broad surprise that labelling was not required to show where GM feed had been used".² Brexit offers an opportunity to meet consumers' entirely reasonable expectations through compulsory labelling of GM-fed products.

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¹ GfK NOP survey of 1,000 adults in the UK, 2010: <https://www.gmfreeze.org/press-releases/two-thirds-want-gm-to-be-kept-off-their-plates-new-opinion-poll/>

² Food Standards Agency Social Science Research Unit, GM Labelling: Exploring public responses to the labelling of GM food and the use of GM-free labelling, January 2013
https://www.food.gov.uk/sites/default/files/media/document/792-1-1401_1893_FSA_GM_Labelling_Report_Webversion.pdf