



Chartered
Institute of
Environmental
Health

Proposals for managing the coexistence of GM, conventional and organic crops

Response to the Department for Environment, Food and
Rural Affairs consultation paper

October 2006

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Any enquiries about this response should be directed in the first instance to:

Ann Goodwin
Principal Policy Officer
Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Telephone 020 7827 6315
Email a.goodwin@cieh.org

The Chartered Institute of Environmental Health (CIEH) welcomes this opportunity to comment on the consultation paper from Defra on the coexistence of GM, conventional and organic crops.

1.0 Executive summary

- 1.1 The CIEH believes that the Defra consultation on the coexistence of GM, conventional and organic crops is fundamentally flawed in that the government should be proposing measures to prevent the contamination of non-GM and organic crops and not permitting GM contamination of these crops to become routine. The European Commission states in its "Report on the implementation of national measures on the coexistence of genetically modified crops with conventional and organic farming"¹ that *"All coexistence measures adopted or proposed by Member States have certain central elements in common. They are designed to protect farmers of non-GM crops from the possible economic consequences of accidental admixture with GMOs."*
- 1.2 The CIEH opposes the growing of GM crops in England as proposed in the Defra consultation document as there are no robust techniques available to monitor the impact of genetic engineering in the food industry or on health or on the environment. Genetic engineering should not be used in the production of human food or animal feeding stuffs or released into the environment until such techniques are in place.
- 1.3 The consultation should include options for coexistence measures that would aim to eliminate GM contamination of conventional and organic crops to the lowest reliable limit of detection of 0.1%.

2.0 Introduction

- 2.1 The Defra consultation paper, *Proposal for managing the coexistence of GM, conventional and organic crops*, seeks views on issues relating to the coexistence of GM and non-GM crops in England. The consultation looks at whether special arrangements should apply in the case of coexistence between GM and organic crops. The consultation considers options for providing redress for possible financial losses by non-GM farmers due to GM crop contamination. The consultation looks at arguments for and against a public GM crop register and provides guidance on voluntary GM-free zones.
- 2.2 Defra's coexistence consultation has been launched to get views on what practical measures are needed to control GM contamination, if and when GM crops are grown in England. The outcome from this will decide whether GM contamination is allowed to become a routine part of crop production or whether it will be prevented. It will also decide who will be held liable if/when contamination occurs. The CIEH has an interest in the integrity of food and the environment and human health.
- 2.3 "Coexistence" is the word used to describe the growing of GM crops alongside conventional and organic crops. The Defra consultation document was issued on 20 July with the proposals for England and similar consultations will be issued for Scotland, Wales and Northern Ireland.

¹ Brussels 9.3.2006 Com (2006) 104 final {SEC(2006)313}

- 2.4 Most GM legislation in Europe has, to date, been determined in Brussels. The coexistence issue is being left to Member States to determine individually.
- 2.5 The consultation document can be found at www.defra.gov.uk/corporate/consult/gmnongm-coexist/index.htm or by calling Defra helpline on 0875 933 5577.

3.0 General comments

- 3.1 The CIEH food policy states under Aim 5:

The promotion of food which is produced having regard to the principles of sustainability through working to ensure:

- *Food is produced from sustainable sources;*
- *That until robust techniques are available to monitor the impact of genetic engineering in the food industry on health and the environment, genetic engineering should not be used in the production of human food or animal feeding stuffs or released into the environment*

- 3.2 The CIEH holds fast to this policy and believes that GM crops should not be allowed to be grown as proposed by Defra as there are no robust techniques in place to monitor the impact of genetic engineering in the food industry or on health or on the environment.

- 3.3 Proposed separation distances between GM and non-GM crops

Defra states that *"Separation distances will be the key coexistence measure to limit cross pollination between GM and non-GM maize or oilseed rape crops"* (Para 45). It is likely that the proposed separation distances will result in GM contamination of non-GM crops as pollen can move over considerable distances. Cross-pollination rates of up to 1.8% have been recorded over 56 metres². The pollen beetle, a major pest of oilseed rape, is thought to be responsible for cross-pollination of oilseed rape plants over 26 kilometres apart³. In spring 2000, it was discovered that more than 6,000 hectares of farmland across the EU had been planted with GM contaminated oilseed rape. The seeds came from Canada, and it is believed that contamination occurred due to cross-pollination with GM oilseed rape, despite the four kilometre separation distances used⁴.

The CIEH does not consider distances as proposed by Defra to be a suitable method of preventing GM contamination of non-GM crops.

- 3.4 GM contamination

Without any public consultation, Defra has changed the 0.9% GM contamination which is the level of accidental GM contamination allowed in food before it has to be labelled as GM into a standard of permitted contamination. The consultation does not include options for coexistence measures that would aim to eliminate GM contamination of non-GM and organic crops down to the lowest reliable limit of detection at 0.1%.

² www.hgca.com/document.aspx?fn=load&media_id=1460&publicationId=1805

³ www.defra.gov.uk/environment/gm/research/epg-rg0216.htm

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www.gmcontaminationregister.org/index.php?content=re_detail&qw_id=2®=0&inc=1&con=3&cof=2&year=0&handled2_page=1

3.5 The threshold limit

“Defra considers that a 0.1% (limit of detection) threshold would present serious difficulties and ultimately not be in the best interests of the organic sector” (Para 121).

This may lead organic certifiers to enforce the current threshold of the limit of detection and put increased costs onto organic and non-GM farmers. The CIEH is concerned that the 0.1% limit of detection threshold is not being held as the target for contamination threshold limit.

3.6 Liability for damage

Defra does not make clear who should be liable for damage to non-GM or organic crops and damage to the environment is not covered at all. The consultation leans towards a voluntary, industry led scheme for compensating farmers for GM contamination above 0.9%. It does not propose putting in place strict liability laws. The consultation proposes that only direct financial losses are covered, ie the direct market value of the affected crop. It does not cover losses such as a farmer losing organic status or costs for crop testing for GM contamination, storing a contaminated crop separately or extra transport costs. Any losses related to contamination of less than 0.9% will not be covered. The CIEH believes that if biotechnology companies are to be allowed to cultivate their crops in England, they must be held strictly liable for any damage the products cause. This includes economic damage if non-GM or organic farmers suffer contamination and cannot sell their products as GM free, including any additional costs as well as damage to the environment.

Defra is indicating a voluntary, industry-led scheme, for compensating farmers for GM contamination above 0.9%. Defra states it is *“likely to be cheaper and more straightforward to establish and operate”* (Para 170). In Denmark, a levy has been placed on all GM growers to pay for compensation. The CIEH believes that organic and non-GM farmers should not suffer any additional costs trying to ensure that their crops are not contaminated by any neighbouring GM crops.

3.7 Voluntary measures

The consultation document is proposing a voluntary industry code of practice to cover measures for preventing GM contamination such as cleaning GM material from farm machinery. The importance of cleaning shared equipment after it has been used by GM farmers is underlined by government research which showed that seed spillages and failures to clean combine harvesters are likely to be a significant source of GM contamination⁵. This type of contamination should be controlled by legislation, not a voluntary measure.

3.8 GM public register

The consultation document questions whether there is a need for a public register of GM crops *“It would be difficult for the government to justify imposing a detailed GM*

⁵ www.defra.gov.uk/environment/gm/research/epg-1-5-84.htm

crop register, bearing in mind the costs and burden on farmers" (Para 181). The CIEH does not feel that this indicates openness and transparency. The public and farmers of non-GM crops have a right to know where GM crops are being grown. Defra indicates that a GM register is not needed because they plan to operate a notification system where farmers intending to grow crops will be required to notify their neighbours in case they plan to grow non-GM crops. However, the notification system is not required where the separation distances are within the GM grower's own land. This means that farmers will not necessarily know if adjacent farmers are growing GM crops. The CIEH cannot accept that GM crops can be grown without adjacent farmers being made aware of this. Gardeners and allotment holders are not included in these requirements as Defra has assumed that their products will not be sold so will not need to be labelled if they contain GM material. The CIEH believes that gardeners and allotment holders should be included in the scope of co-existence measures. The Royal Institute of Chartered Surveyors is advocating a web based land register for GM crops as it is essential for future decisions of land use and value of property⁶.

3.9 Very few laboratories can undertake GM testing which cost around £200 per sample and takes between three to ten days. Local authorities and growers of non-GM crops should be made aware of these potential costs.

3.10 The Euro barometer survey on biotechnology⁷ in 2005 showed 58% opposed the use of GM crops across the EU: *"Overall Europeans think that GM food should not be encouraged. GM food is widely seen as not being useful, as morally unacceptable and as a risk for society."*

3.11 Voluntary GM free zones

Defra will offer guidance on farmers on setting up voluntary GM free zones, although they are *"not advocating these"* and do *"not see them as necessary"* (Para 182). There is growing demand across the UK and Europe for GM free areas. In the UK, 60 local authorities have passed resolutions opposing GM crops in their areas, covering a population of 18.5 million people. Voluntary GM free zones are unlikely to work in practice due to practical and legal difficulties which Defra itself highlights. Local authorities should have the democratic right to decide whether or not GM crops can be cultivated in their areas, reflecting and ensuring that local decisions are legally enforceable⁸.

⁶ www.rics.org/NR/rdonlyres/F441B60F-0C91-4D31-A1BA-44BC16266523/0/gmo_register.pdf

⁷ http://www.ec.europa.eu/research/press/2006/pdf/pr1906_eb_64_3_final_report-may2006_en.pdf

⁸ www.gmofree-europe.org