Briefing

The EU Commission Proposal On The Thresholds for Adventitious Presence of Approved GMOs in Seeds

-Summary

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Friends of the Earth Cymru
33 Castle Arcade Balcony Cardiff CF10 1BY
Tel 029 2022 9577 Fax 029 2022 8775
Email cymru@foe.co.uk
Website www.foecymru.co.uk

Friends of the Earth Limited Registered in London No 1012357
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Adventitious presence

Introduction
Consultation is currently taking place on the European Commission's draft Directive on acceptable contamination levels of non-GM seed with GM material (adventitious presence). The main proposals contained in the draft Directive include:

" Crops grown from conventional seed should have a genetically modified organism content not exceeding 1% 

" Above that 1% threshold an indication of the presence in a food of a genetic modification should be compulsory

" Sampling and testing conditions should be specified to ensure seed placed on the market complies with the requirements

" Food containing more than 1% authorised genetically modified organisms may be marketed, provided it is clearly labelled.

This Directive has critical implications for the successful implementation of the National Assembly for Wales’ food strategy, which relies on the marketing of Welsh produce as pure and uncontaminated. It will decide the extent to which conventional farmers are protected from GM contamination as well as determining the level of consumer choice through its provisions on labelling.

As it stands, the Directive falls well short of what is required to protect the Assembly’s food strategy, conventional farmers, consumer choice and the Welsh environment. In particular, pressure needs to be exercised to:

" set statutory separation distances between GM and non-GM crops

" set the lowest possible threshold for the labelling of contaminated seed

" reject the proposal to allow the marketing of contaminated seed above this threshold.

Serious Omissions in the DraftDirective

1. Failure to deal with contamination of GM Seed Lots with other GM varieties.

The draft Directive deals only with contamination of non-GM seed with GM material. It is of vital importance that the Directive also deals with gene flow between genetically modified varieties. Serious problems could arise from this type of contamination.

Firstly, the recent problems in the UK in which it was admitted that oilseed rape seed was contaminated with other GM varieties containing antibiotic resistance genes, is an example of the serious risks to health that could arise from this type of contamination.

Secondly, "gene-stacking" could occur. A herbicide tolerant variety of oilseed rape could be additionally contaminated with insect and fungal resistant genes after only a few growing seasons. This could give a competitive advantage to crops outside the arable environment as well as to
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contaminated wild relatives, which could subsequently become invasive of other habitats.

1.2 Failure to set statutory separation distances

The current draft Directive for seed purity does not set any minimum separation distances between non-GM seed crops and GM crops of the same species. This is a critical omission in the proposal, particularly in view of the importance of the growing organic farming industry in Wales and its contribution to the food industry's marketing strategy.

It is confirmed in the European Environment Agency's report on cross pollination (Genetically modified organisms (GMOs): The significance of gene flow through pollen transfer 2002 p41) that it is possible that pollen released from GM maize plants could travel up to 800m. The failure to set statutory separation distances would render the legislation wholly ineffective. The National Assembly has already set a precedent in Europe by establishing a statutory separation distance for GM and non-GM maize.

The National Assembly for Wales should lobby for agreement on this issue.

1.3 Failure to protect farm saved seed

The current proposal makes no allowance for farm saved seed, a widely practised activity which farmers choose to do for agronomic as well as economic reasons. When requirements for traceability and labelling come in it is likely that the resulting commercial crop from farm saved seed will be scanned for GM contamination. Given the prevalence of farm saved seed it is probable that any farmer growing GM crops would not be far from its production. A result of this situation is likely to be that farmers will not be able to sell produce for saved seed. They would then be forced to buy certified seed at increased cost to their business.

The National Assembly for Wales should call for clauses to cover farm saved seed.

2. An Acceptable Threshold of Contamination

The setting of an acceptable threshold is vital in allowing a traceability and labelling scheme to be established that can maintain choice for farmers and consumers. It is also important to diminish the threat of creeping contamination and to allow for stringent monitoring of the new technology.

The threshold currently being used by the majority of the UK's food industry is 0.1%. The European Parliament has issued its opinion that the threshold for the labelling of GMOs should be 0.5%. The European Commission proposal on adventitious presence proposes a threshold of 1%.

The National Assembly for Wales should lobby for zero contamination, which in practice means no GMOs detectable within the bounds of current technology. This would then remove the arbitrary setting of thresholds as well as the need to constantly review them.

3. Allowing the marketing of seeds contaminated above the thresholds

It is essential that farmers know what they are planting for any meaningful GM traceability and labelling scheme for food and feed to work. The draft Directive allows for the marketing of labelled seed lots contaminated to the 1% threshold and there are even suggestions that the Commission is even considering raising this figure to 5%. This proposal will result in creeping contamination, undermine consumer and farmer choice and wholly contravenes the precautionary principle.
The National Assembly for Wales should lobby for the rejection of this proposal.

4. Good practice for seed production

The recent revelations about GM contaminants of GM seed in the farm scale trials suggest that the biotechnology industry is incapable of following good practice in the production and handling of GM seeds and crops. This proposal envisages a high level of self policing by the seed industry to provide evidence that they have done all they can to prevent contamination. In most cases the onus and cost burden will fall on the innocent non-GM seed producer to keep their seed production pure and prove that they have done so.

The National Assembly for Wales should lobby for all seed to be independently analysed for unauthorised GM presence. The cost of this should be raised by a levy on all GM seed placed on the market.

Conclusion

There remains considerable doubt across Europe about the viability of the coexistence of GM and non-GM crops. This Directive could have a vital role to play in this issue. In particular, the National Assembly for Wales should lobby for statutory separation distances between GM and non-GM crops, the lowest possible threshold to be set for contamination levels and labelling, and the rejection of the marketing of seeds contaminated above these levels.

Written for Friends of the Earth Cymru