

Reply by the Government to the third report from the Agriculture Committee, session 1999-2000 : "the segregation of genetically modified foods" (HC 71) / Agriculture Committee.

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AGRICULTURE COMMITTEE

Fifth Special Report

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**REPLY BY THE GOVERNMENT TO
THE THIRD REPORT FROM
THE AGRICULTURE COMMITTEE,
SESSION 1999-2000,
“THE SEGREGATION OF GENETICALLY
MODIFIED FOODS” (HC 71)**

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The Agriculture Committee is appointed to examine on behalf of the House of Commons the expenditure, administration and policy of the Ministry of Agriculture, Fisheries and Food (and any associated public bodies). Its constitution and powers are set out in House of Commons Standing Order No. 152.

The Committee has a maximum of eleven members, of whom the quorum for any formal proceedings is three. The members of the Committee are appointed by the House and unless discharged remain on the Committee until the next dissolution of Parliament. The present membership of the Committee is as follows:

Mr David Borrow (*Labour, South Ribble*)
Mr David Curry (*Conservative, Skipton and Ripon*)
Mr David Drew (*Labour, Stroud*)
Mr Alan Hurst (*Labour, Braintree*)
Mr Michael Jack (*Conservative, Fylde*)
Mr Paul Marsden (*Labour, Shrewsbury and Atcham*)
Mr Austin Mitchell (*Labour, Great Grimsby*)
Mr Lembit Öpik (*Liberal Democrat, Montgomeryshire*)
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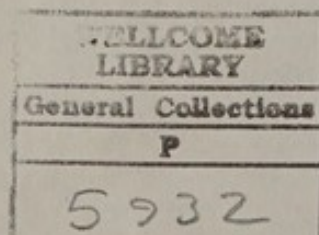
On 15 February 2000, the Committee elected *Mr David Curry* as its Chairman.¹

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, and to make Reports to the House.

The Committee may meet at any time (except when Parliament is prorogued or dissolved) and at any place within the United Kingdom. The Committee may meet concurrently with other committees or sub-committees established under Standing Order No. 152 and with the House's European Scrutiny Committee (or any of its sub-committees) and Environmental Audit Committee for the purpose of deliberating, taking evidence or considering draft reports. The Committee may exchange documents and evidence with any of these committees, as well as with the House's Public Accounts and Deregulation Committees.

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/commons/selcom/agrihome.htm.

All correspondence should be addressed to the Clerk of the Agriculture Committee, Committee Office, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is 020 7219 3262; the Committee's e-mail address is: agricom@parliament.uk.



¹ On 16 July 1997, the Committee elected *Mr Peter Luff* as its Chairman. He was discharged on 21 February 2000.

FIFTH SPECIAL REPORT

The Agriculture Committee has agreed to the following Special Report:—

The Committee has received the following memorandum from the Ministry of Agriculture, Fisheries and Food, constituting the Government's Reply to the Third Report from the Committee of the 1999-2000 Session, *The Segregation of Genetically Modified Foods*, made to the House on 24 February 2000.

* * *

The debate on GM technology

Recommendation (a): We believe that it is vital that the confusion over GMs is now replaced by rational debate and education in order that the market can serve those who actively choose to grow or consume genetically modified foods as well as those who choose not to do so (paragraph 1).

1. The Government welcomes this call for rational, informed and open debate on GMOs. We recently hosted an OECD conference in Edinburgh entitled 'GM food: Facts, Uncertainties and Assessment' on the safety of GM foods. This promoted an open dialogue amongst scientists and other interested parties from all sectors of the international community including developing countries. We are shall be considering along with our G8 partners how best to build on this for the future.

Principles of the Report

Recommendation (b): The principles of transparency, inclusiveness, a duty to explain and choice have driven our recommendations and we commend them to the Government (paragraph 4).

2. The Government is fully committed to principles of transparency and inclusiveness and the need to provide consumers with information to enable them to be able to choose whether or not to buy foods containing GM materials.

3. The establishment of the Food Standards Agency, whose policy is one of openness and transparency, will ensure that the views and needs of consumers will be listened to and taken into account when food policy is being developed.

GM-free and non-GM

Recommendation (c): We accept the distinction which has to be made between 'non-GM' and 'GM-free'. There is not yet a satisfactory definition of GM-free but once it has been agreed, we expect it to be enforced (paragraph 9).

Recommendation (d): We recommend that the Government work within the EU to establish early definitions of 'non-GM' and 'GM-free' labels to apply throughout the EU which in the case of the latter should be as close to 100% as practicable (paragraph 52).

4. The Government is pressing the European Commission to bring forward rules on GM free labelling for food as soon as possible and proposals are expected shortly. Any rules that are agreed will be enforced by Local Authorities as part of their food enforcement responsibilities.

Separation distances

Recommendation (e): We recommend that the Government ensure that the separation distances set out in the SCIMAC guidelines be reviewed if there is clear evidence of cross-pollination taking place within the existing guidelines and any necessary revisions implemented in the next round of field trials. If such a review becomes necessary, we would expect all interested parties to be represented on it (paragraph 13).

5. The SCIMAC guidelines address the risk of cross pollination between GM and non GM crops by laying down separation distances and specifying practical safeguards to minimise spread of pollen. The



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separation distances are based on long-standing agricultural practice and scientific advice in the production of high quality seed crops where genetic purity is crucial. These separation distances have been shown to work in many years of farming practice and the production of seed, and their incorporation in the Guidelines will help ensure that problems with cross pollination are minimised. SCIMAC has indicated that it will review separation distances in light of experience. The Government agrees that SCIMAC should involve interested parties in that review.

SCIMAC guidelines

Recommendation (f): We conclude that the SCIMAC guidelines are a practical approach to crop-handling procedures on a particular farm (paragraph 15).

6. The Government have endorsed the SCIMAC guidelines because they provide a framework to ensure that best practice is followed in growing GM crops. The Government will encourage SCIMAC to further refine and develop the guidelines in the light of experience.

Recommendation (g): We believe that the self-regulatory arrangements need to be clearly endorsed by Government so that they have equivalent status to statutorily based guidelines. However, we also consider that such statutory guidelines should only be imposed if they are part of a uniform arrangement across the EU (paragraph 24).

7. The SCIMAC guidelines are aimed at ensuring best practice in the growing of GM crops. The rules are rigorous and are intended to be underpinned by a system of legally binding contracts, independent enforcement and audit. The Government has given its endorsement to the SCIMAC guidelines. It believes further that they could form the basis of legislation in the future, and is exploring, at EU level, the scope for achieving this.

Recommendation (h): We believe that the SCIMAC guidelines offer a firm basis on which to build in order to segregate GM and non-GM crops in the UK countryside. We have identified areas where improvements are needed but we conclude that an acceptable level of segregation can be achieved without incurring excessive costs (paragraph 25).

8. The Government agrees that practical separation and identity preservation between GM and other crops can be achieved by measures such as the SCIMAC guidelines, if this is what the market wants, without incurring excessive costs.

Notification

Recommendation (i): We believe that notification should be compulsory, that the notification zone should at least match the separation distances and that SCIMAC must work harder to ensure that the views of neighbouring farmers and other directly interested parties are taken into account in the planting of GM crops (paragraph 19).

9. The SCIMAC guidelines require that growers of GM crops must notify neighbours in writing should the specified separation distance from the GM crop impinge upon a neighbouring farm. The guidelines also outline a framework for resolving conflicting planting strategies. The Government agrees that SCIMAC must ensure that this system works effectively.

Recommendation (j): We believe that we should not give the impression that there is something inherently dangerous about GM crops which warrants rules different from any other circumstance. On balance, we believe that there is a real problem in requiring a public register for one category of crops only. Either a product is safe or it is not safe. If it is safe, it should take its place on an equal footing with other crops (paragraph 19).

10. The Government agrees with the principle of this recommendation. The Secretary of State is obliged (section 122 Environmental Protection Act 1990) to keep a public register of applications to release all GMOs. There is no specific requirement to single out GM crops. The keeping of a register is a matter of public record only, and there is no suggestion that the requirement is based on safety concerns or inherent dangers of GMOs. The public register is an important element of openness and transparency

in the regulatory process and has wide support both from environmental groups and the Biotechnology industry.

Organic farming

Recommendation (k): We welcome the ongoing discussions between SCIMAC and representatives of organic farming as the right approach to the difficulties GMOs present to the organic sector. It would be as wrong for an organic farmer to prevent his neighbour growing GM crops as for a farmer planting GM maize to put his neighbour's organic crop, and therefore livelihood, in jeopardy. A *modus vivendi* must be found and written into the guidelines to ensure that the special circumstances of organic farmers are recognised. The two types of farming are equally legal and neither should be subject to discrimination (paragraph 22).

11. The Government agrees that the legitimate concerns of the organic sector must be taken into account but aims to ensure as well that the UK industry is not denied access to the benefits of GM technology. The Government agrees with the Committee's view on the need for compromise and is working to facilitate this. Discussions between the interests concerned and the relevant Government Departments are continuing.

Liability

Recommendation (l): We recommend that the Government resolve the issue of legal liability on an EU-wide basis as a matter of urgency and aim to have the necessary measures in place before any commercial plantings of GM crops are permitted (paragraph 26).

12. The Government agrees that the issue of liability for damage from GMOs is important and requires early attention. We are currently considering what measures may be necessary, particularly in the light of the European Commission's White Paper on Environmental Liability, which deals with environmental damage from various types and sources.

Field trials

Recommendation (m): We recommend that the Government maintain the programme of GM crop field trials as planned, and that all steps are taken to ensure that experiments are not scaled down below the size calculated to produce reliable and scientifically sound results and that they are protected from interference (paragraph 28).

13. The Government's Farm Scale Evaluations research programme is overseen by an independent Scientific Steering Committee, who advise on the number of field locations required to ensure that the results are reliable and scientifically sound. They have confirmed that sufficient and suitable sites were identified for the programme to go ahead during 2000. There is no question of the programme being scaled down to an extent where sound results could not be generated.

14. Demonstrating its commitment to openness and transparency about this research programme, the Government has announced the grid references for the field sites involved in the programme this year. Discussions are ongoing with the police to minimise the risk to farmers and their property. Nevertheless, if vandalism and illegal activity threaten the safety of farmers and their families, the Government may need to reconsider the options over site disclosure.

Animal feed

Recommendation (n): We recommend that the Government press the European Commission for an early consideration of a workable and transparent labelling regime for meat and dairy products derived from animals fed on GM materials and for labelling of the feed itself (paragraph 34).

15. The Committee acknowledges that there are no proven food safety implications in eating products derived from animals fed on GM soya [paragraph 34]. Indeed there is no evidence of carry-over of DNA from feed into products for human consumption. It follows that no related GM material would be detectable in the final food. The European Commission and the UK Government share the Committee's view, expressed in its recommendation at paragraph 48, that it would be impractical to require labelling where GM content is undetectable. However, we agree that animal feedingstuffs containing GM material should be clearly labelled to enable farmers to know what they are feeding to their livestock and we are pressing the EC Commission to bring forward proposals on this as soon as possible.

Conclusion on segregation

Recommendation (o): We conclude that segregation of GM and non-GM crops is possible without incurring excessive costs to the consumer (paragraph 36).

16. Segregation costs will be determined by the availability of, and demand for, non-GM supplies. Any costs incurred are a matter for the supplier and his customer to agree as part of a normal business transaction.

Recommendation (p): We believe that consumer faith in the transparency and effectiveness of the process would be enhanced by a clear chain of command in the baton-passing method so that it could be seen to be both comprehensive and effective and by the drawing up of a Code of Practice available for public scrutiny. We recommend that the Government encourage and facilitate the establishment of an industry forum to examine the options and adopt whichever can be implemented effectively and comprehensively on an international basis (paragraph 39).

17. New labelling rules on GM labelling introduced on 10 April, have extended the responsibility to label further along the supply chain to the suppliers of mass caterers. Supermarkets and their suppliers are already responding to public demand and seeking non-GM supplies. The Government has also published a list of suppliers of non-GM maize and soya to meet supermarket needs.

18. The British Retail Consortium (BRC) and the UK Food and Drink Federation (FDF) have been developing an 'Identity Preserved' standard. The purpose of this is to provide a common standard which can be adapted throughout the supply chain from seed to final product. The standard is currently being tested by the industry before the final version is produced with a view to it being accepted eventually as an industry wide standard. The Government encourages such developments for the help that they give to manufacturers and retailers in meeting customers demands for choice.

Labelling and thresholds

Recommendation (q): We recommend that the Government continue to support the principle that the threshold for the minimum adventitious presence of GM material in non-GM food should be reduced to the lowest achievable by best practice throughout the industry. The review of the thresholds should allow an opportunity to reconsider whether different standards should apply to different crops. We recommend that the Government put forward proposals to this effect (paragraph 46).

19. The Government is already pressing the Commission to review the threshold for the adventitious contamination of non-GM supplies within two years. The present threshold of 1% was agreed based on the ability of the supply chain to be able to provide non-GM soya of the required purity and the availability of suitable methods of analysis. As technology advances in this area it is expected that they will be capable of being reduced further. The feasibility and desirability of introducing different standards for different crops will be looked at in this context.

Recommendation (r): We are attracted to the proposal for a consolidating regulation on labelling of GM foods and recommend that the Government consider how best to pursue this approach with the European Commission (paragraph 47).

20. All UK regulations for the labelling of GM foods have now been consolidated into one instrument which came into effect on 10 April. The Government will encourage the European Commission to keep legislation on labelling of GM foods under review.

Recommendation (s): We acknowledge that, where GM content is undetectable, it would be impractical to require labelling but the significance of the negative list must be fully explained to consumers if the labelling regime is to be effective and transparent (paragraph 48).

21. The implementation of an EC negative list in the UK would be preceded by a consultation with all interested parties. Guidance notes would also be issued to ensure that consumers were fully informed of the significance of such a measure.

Recommendation (t): We recognise that the anomalies created by the legislation on GM labelling may cause some confusion and believe that the Government should consider how this can be explained to the public. We would welcome either reassurance that such anomalies will not occur or proposals by the Government to the EU on how they might be addressed (paragraph 49).

22. The Government is committed to ensuring the public has choice in the foods they eat. Guidance on GM labelling rules has been provided in the form of guidance notes, half a million of which were distributed when rules on GM labelling were first introduced. These were sent to local authorities for distribution to all businesses selling food to the public. These are currently being updated to incorporate the amendments to the existing rules. The Food Standards Agency is currently preparing a booklet for the public explaining the background to GM and the legislative measures which are currently in place or planned and how these are intended to work in practice.

23. The implications of the EU labelling rules, and in particular the de minimis threshold, are clear. If an ingredient contains GM material above the threshold it must be labelled. If the level of GM material is less than the threshold, it must be labelled unless it can be demonstrated that the ingredient was obtained from a non-GM source. There are no anomalies, the labelling requirement applies regardless of the level at which the ingredient is present.

Testing

Recommendation (u): We agree with the Government that it is not necessary to prescribe how testing is carried out, as long as it reaches the required standard, but we believe that some assistance may be required to ensure that local authorities are properly equipped to perform their consumer protection role for GM products (paragraph 51).

24. The Government is already sponsoring a proficiency scheme on GM testing methods which includes public analysts. This will ensure that a range of laboratories are available who are capable of carrying out analyses to a guaranteed standard.

Conclusion on the availability of products

Recommendation (v): In the end it is the market which will decide on how best to meet consumer demands (paragraph 55).

25. The Government agrees with the Committee's statement. Although the Government will continue to ensure that all GM foods reaching the market have been fully assessed for safety and that consumers can make an informed choice about what they eat, the public will ultimately dictate market forces. The market has already shown that it will respond to consumer demands and seek supplies accordingly.

Regulatory structures

Recommendation (w): We recommend that the Agriculture and Environment Biotechnology Commission be established as matter of urgency (paragraph 59).

26. The Government shares the Committee's view of the importance of the AEBC's contribution to the development of a body of strategic advice on the implications of biotechnology. We are currently seeking a Chairman of the required calibre and hope to be able to announce a date for the first meeting shortly.

Recommendation (x): We recommend that the Government clarify responsibilities for examining GM issues within the entire food chain from farm to customer in the light of the establishment of the AEBC and the Food Standards Agency and publish a clear explanation of the regulatory and advisory framework (paragraph 59).

27. Responsibilities within the new strategic advisory framework are clear:

28. The Food Standards Agency (FSA) will include within its responsibilities all aspects of the safety and use of genetically modified food and animal feed;

29. The AEBC will focus particularly on biotechnology as it relates to agriculture and the environment and will be able to address any issue that does not fall within the remit of the FSA or the Human Genetics Commission (HGC). The HGC will advise on genetic technologies and their impact on humans.

Recommendation (y): We expect the Government to ensure the principles of openness and transparency apply in the work of the AEBC and the Food Standards Agency (paragraph 60).

30. The two bodies will need to communicate with each other, with relevant regulatory and advisory bodies, stakeholders and the public in order to do their work. Along with all other committees involved in biotechnology, the AEBC is charged with following the principles of openness and transparency set out in the Report of the Review of the Advisory and Regulatory Framework for Biotechnology. It is also expected to develop a public dialogue. Likewise the Food Standards Agency has adopted principles of openness and transparency second to none and will be fully interacting with all its stakeholders, particularly the public.

Ministry of Agriculture, Fisheries and Food
April 2000

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