



GMO's

By Lisa Carson

There is an amended proposal for a European Regulation on Genetically Modified Food and Feed¹ that, if adopted, will have significant implications for industry and consumers. The Regulation states its objective as providing the basis for ensuring a high level of protection of human life and health, animal health, environment and consumers' interests in relation to genetically modified food and feed, whilst ensuring the effective market of the internal market.

The most significant change would be the expansion of the current labelling regime to include GM food or GM **regardless** of whether the GM protein/DNA is detectable or not. Under the proposal a product, which is analytically indistinguishable from a conventionally produced equivalent, would have to be labelled. For example, there are currently on the market products containing GM highly refined oils, which do not have to be labelled. Under the new proposal such products currently outside the labelling laws would have to be declared as of GM origin.

The Regulation is limited to food/feed containing or derived **“from”** a GMO. It does not cover food/feed made **“with”** a GMO (such as a processing aid or foods made with the help of a GMO such as a genetically modified enzyme). There is an enzyme, or protein called chymosin, which is commonly used to make cheese from milk. Prior to the development of the GM method, chymosin was obtained by scraping calves stomachs. It is now produced (as explained in the FSA website²) in a much “purer form” from bacteria that have altered to produce large amounts of chymosin from natural sources. Even under the tighter reforms proposed the resulting cheese would not have to be labelled as produced using genetic engineering.

The proposal lays down centralised European community procedures for the assessment, authorisation and supervision of genetically modified food and feed. The proposal thus places EFSA at the centre of safety assessment process instead of individual Member States.

Animal feed is currently outside the GM labelling rules. Under the proposal animal feed if derived from a GMO would have to be labelled as such. Approximately 2,000,000 tonnes of

¹ COM (2002) 559 final, 2001/0173 (COD) – dated 8 October 2002

² www.foodstandards.gov.uk/safereating/gmfoods/whereisgmused – 15/07/2002

soyabean meal and 1,000,000 tonnes of maize gluten feed, much of which comes from GM crops, are imported into the UK for use in animal feed³. However under the reforms, there is no obligation on the farmer to tell the consumer whether the animal has been reared on GM or non-GM feed.

If the reforms are adopted by Regulation the changes would be directly applicable and the UK would not need to transpose the laws. The UK would then be obliged to enforce the changes. The UK Food Standards Agency (FSA) commissioned a survey on the total financial compliance cost to businesses of the proposed Regulation. The survey estimated the net cost of the current rules at £93million and that this cost would increase to £720 million.

The FSA has stated that it is not convinced that the proposals can be delivered for consumers in a way that can be enforced, is practical and affordable. The FSA considers that labelling of all GM food products should be based on technology (i.e. detectability). Also the FSA considered that there was inconsistency in policy in requiring labelling of GM feed but not the resulting animal products. The FSA Board has recommended that the current labelling rules based on DNA/protein, be maintained and that these should be supplemented by the introduction of a provision of GM –free labelling.

Comment:

1. In view of the unreliability of testing methods, should GM labelling be based upon origin or detectability? Is any legislation capable of enforcement if there is no proven detectability test? Doesn't the introduction of GM labelling on products without any actual presence of DNA/protein simply have the effect of transferring the burden of regulation from the criminal regulatory laws onto private industry supply chain regulation?
2. Do consumers understand the distinction between food/feed "from" GMOs and those "with" GMOs? Would the consumer who is willing to pay more for a non-GM product understand that it could nevertheless have been made using genetically technology or derived from an animal fed GMOs?
3. If the farmer is to have the right to know whether the feed he is buying contains GMO's, then shouldn't the consumer have the right to know when buying food sourced from an animal fed with GMOs or treated with genetically engineered medicinal products?

³ It is not possible to insist on segregation as a condition of import as such a requirement would contravene the rules of the World Trade Organisation.

4. The laws currently permit a 1% threshold for accidental contamination of a non-GM food. Should there be a de minimis threshold for contamination and is this compatible with GM free claims?

5. Who should take responsibility within the supply chain for the GM status of ingredients? How will the cost of compliance be apportioned within the chain – will the supermarkets simply demand a warranty of GM free and enforce penalties and indemnities?