



Standing Committee on Agriculture and Agri-Food, February 2013
Proposed Domestic Policy on the Management of
Low-Level Presence of Genetically Modified Crops in Imports

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Introduction

Adoption of this LLP policy would establish Canada as the first country in the world to accept imports contaminated with levels of GM foods that have not been approved by our own regulatory agencies.

A. What does the LLP policy achieve?

1) The LLP proposal does not achieve the stated trade goal

The proposed LLP policy will not accomplish the stated goal of minimizing disruption to Canada's exports. The LLP policy would govern imports to Canada.

The rationale for adopting this LLP policy rests on the hope that other countries will follow Canada's example and adopt similar LLP policies. We do not know, however, that this will be the result. Canada's acceptance of LLP does not necessarily bring us any closer to this goal.

Rather than improving the position of Canada's commodities in the international marketplace, LLP has a high potential to undermine Canada's international reputation regarding both food safety regulation and the integrity of our food system – this is because through LLP we are actively inviting contamination of our food system, without domestic regulatory oversight.

2) LLP will change domestic GM food safety regulation

LLP would change the way GM foods are regulated in Canada. The policy proposal asks Canadians to accept GM foods as safe even when Health Canada has not fully evaluated and approved them as safe.

LLP asks all Canadians to accept GM food as safe even where Health Canada has not approved those GM foods as safe for human consumption.

LLP asks all Canadians to trust the regulatory processes of other countries.

LLP asks all Canadians to agree to the assumption that, at a low dose, unapproved GM foods are safe.

B. What are the Implications of an LLP Policy?

LLP will Sacrifice Health and Safety for (Elusive) Trade Goals

From a public health and safety perspective, there is no justification for allowing the import of foods contaminated with products that have not been fully evaluated by Health Canada.

LLP will Undermine Consumer Trust in Canada's Food Safety Regulation

The LLP policy introduces further uncertainty for Canadians in relation to what GM foods are in the food system. It creates further complexity for Canadians in understanding how GM foods are regulated, and by whom. The LLP policy would further obscure the place of GM foods in the Canadian food system and would aggravate the current problem of a lack of GM food labelling. The policy asks all Canadians to accept the potential of unknown GM contamination in every food item on the shelf.

LLP will Compromise Canada's "Science-based" Regulation of GM Foods

The regulatory system for GM crops and foods in Canada has consistently been described as "science-based". Here, however, scientific oversight over GM foods is being removed in relation to the "Action Level" proposal and seriously reduced – in an, as yet, undefined way - in relation to the "Threshold Level" proposal.

LLP is trade-based regulation that would irrevocably compromise Canada's claim to "science-based" regulation of GM foods.

C. What is the LLP proposal?

LLP proposes to establish a so-called "Action Level" (0.1% or 0.2%) and "Threshold Level" (higher than the Action Level) that will allow for a level of contamination of food imports to Canada with GM foods not approved by Health Canada, but approved in at least one other country using Codex food safety guidelines.

What is the "Action Level"?

- The Action Level allows for trace amounts of LLP resulting from dust or other sources. The level would be set at 0.1% or 0.2% and apply uniformly to LLP in grain of all crop types.

- Provided that a GM crop has been approved for food consumption in at least one country using the Codex Food Safety Assessment Guideline, when LLP of that GM crop is detected at concentrations below the Action Level, no enforcement action would be triggered because *“the LLP is unlikely to pose safety risks below the Action Level”*. (emphasis added)

What are the Implications of the Action Level?

- The Action Level is not based on science, its based on an assumption of safety. There is no scientific basis for agreeing to an Action Level and there is no science behind a decision to choose one Action Level percent over another. The Action Level proposal is an assumptions-based proposal that is not acceptable from a public health perspective and compromises Canada’s claim to “science-based” regulation of GM foods.
- An Action Level will further compromise public trust in Canadian regulation for food safety generally, and GM food in particular.
- An Action Level asks Canadian consumers to trust *the regulatory systems of other countries*.
- An Action Level will increase uncertainty and complexity for consumers who are looking for food that is free of GMOs.

What is the Threshold Level(s)?

- Crop-specific “Threshold Levels” will be set for individual crop types and **will be higher than the Action Level**.
- The Threshold Levels will be **set to reflect “achievable levels” for unintentional presence** based on best management practices for each crop type while respecting the realities of the systems in place that support the commercial trade of agricultural commodities around the world.
- These Threshold Levels will only be applicable for an individual GM crop **after a Canadian LLP risk assessment** has determined that the presence of the GM crop at the proposed level is unlikely to pose a food, feed or environmental safety risk.

What are the Implications of the Threshold Level(s)?

- The proposal for a Threshold Level further complicates the LLP proposal and further compromises Canada’s claim to “science-based” regulation of GM foods.
- The proposal that a Threshold Level could be allowed after a “Canadian LLP risk assessment” begs the question: What is this risk assessment and how does it differ from the current Health Canada approval process for GM foods?

- The proposal to establish Threshold Levels introduces a new, second tier approval process for GM foods based on an, as yet, undefined processes and criteria. The fact that this assessment process is, as yet, undefined brings home the point that the LLP policy is not “science-based.”
- Threshold Levels would severely undermine the ability of a great portion of the Canadian public to trust Canadian regulation for food safety and for GM food safety in particular. Evaluation of GM food safety is already a process that is largely hidden from the Canadian public – there is no public consultation, little information accessible to the public about the science behind these decisions, and there is no GM food labelling – and the proposal for Threshold Levels via a “Canadian LLP risk assessment” would further complicate and obscure the regulation of GM food for Canadians. Canadians would be asking “Which foods on the shelves are GM foods approved by Health Canada and which are foods are contaminated with GMOs that Health Canada has not approved?”

C. Seeking Solutions

We agree that the problem of GM contamination needs to be addressed. Contamination from GM crops is a problem that can affect a wide range of stakeholders throughout the agricultural sector, including consumers. Some crops, such as alfalfa, pose particularly widespread contamination threats that can only be addressed with a policy that refuses approval for such crops, based on an evaluation of economic harm.

We propose the following:

That GM crops are approved for planting in Canada only after an evaluation of the economic consequences of contamination. Such an evaluation could include an evaluation of the contamination potential similar to what the LLP proposal outlines for determining Threshold Levels, as it would necessarily require consultation with industry and farmers, a consultation that is currently missing in GM crop regulation.

Summary

The policy does not secure the stated goal of easing trade of Canadian exports. Rather, it has serious implications for the future of Canadian food safety regulation and Canadian trust in such regulation. Acceptance of LLP would undermine Canada’s international reputation for food safety. It would seriously compromise Canada’s claim to “science-based” regulation of GM foods, both in international markets and domestically. It would further engender consumer distrust of GM food safety regulation and leave the government with little ground to build or maintain this trust.

This policy is extremely vulnerable from a public health and safety perspective – this vulnerability extends to the biotechnology industry itself which seeks a positive public perception of its products based in an appeal for Canadians to trust in government regulation.