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November 7, 2023

**RE: REQUEST FOR LEAVE TO PROVIDE WRITTEN SUBMISSIONS IN THE  
DISPUTE REGARDING MEXICO’S GENETICALLY MODIFIED (“GM”) CORN  
PHASE-OUT**

Dear Secretariat:

On behalf of the Canadian Biotechnology Action Network (the “**CBAN**”), I am writing to request for leave to provide written submissions to the panel in the dispute concerning the Government of Mexico’s decree to phase out imports of GM (or genetically engineered) maize (corn) for use in tortillas and dough, pursuant to Article 20, Section B, Rules of Procedure, Chapter 31 (Dispute Settlement) of the *Canada-United States-Mexico Agreement*.

*CBAN’s Membership and Expertise*

The Canadian Biotechnology Action Network is composed of 15 groups with a mandate to research, monitor and raise awareness about issues relating to genetic engineering in food and farming. CBAN members include farmer associations, environmental and social justice organizations, and regional coalitions of grassroots groups. CBAN members are the Canadian Organic Growers, The Council of Canadians, Ecology Action Centre (Nova Scotia), Ecological Farmers Association of Ontario, GE Free BC Network, Greenpeace Canada, Growers of Organic Food Yukon, Inter Pares, National Farmers Union, No More GMOs Toronto, GMO-Free PEI, Organic Agriculture Protection Fund of SaskOrganics, Union Paysanne, SeedChange, Vigilance OGM. CBAN is based in Canada and is a project of MakeWay Charitable Society.

### *CBAN's Work on Genetically Modified Crops*

CBAN has been monitoring the use of genetically engineered crops in Canada since 2006, and has conducted extensive research on the environmental, social and economic impacts of the genetic engineering of crops.

CBAN has authored many reports to bring new information and analysis to light including "[GM Contamination in Canada: The failure to contain living modified organisms – Incidents and impacts](#)" (2019), and "[Are GM Crops Better for the Environment?](#)" (2015) and "[Are GM Foods Better for Consumers?](#)" (2015).

### *CBAN's Proposed Submissions*

If we are granted the opportunity to provide written views, CBAN's submission will provide information on the following specific issues:

- The deficits in Canadian regulatory risk assessments of "novel foods" which leave some human health and safety questions unassessed for GM corn including issues relating to dietary exposure;
- The environmental impacts of GM corn with particular reference to herbicide tolerant and insect resistant traits and the related use of pesticides;
- The deficits in Canadian regulatory risk assessment of "plants with novel traits" which leave some environmental questions unassessed, with specific examples including relating to impacts on the migratory species the Monarch butterfly;
- Canada's experience with GMO escape and contamination in the environment and/or food system;
- The flexibilities in CUSMA and the WTO provisions with respect to risk assessments that must be reviewed in this case; and
- The need to balance trade obligations with the need for biodiversity protection and sustainable development.

### *Unique Perspective and Technical Assistance to the Panel*

CBAN submits that we bring a unique perspective that would assist the panel in its consideration of the factual and legal issues at issue in this dispute. CBAN, together with our member organizations, has the experience and technical expertise to provide detailed scientific submissions that will provide valuable context in determining the correct interpretation of the CUSMA provisions in question.

Our perspective is also clearly distinguishable from that of the Participating Parties in this matter. Most notably, our submissions will provide a Canadian perspective that, we submit, clearly differs from the perspective of either Canada or the United States.

*Relationship to the Parties*

CBAN does not have any direct or indirect relationship with any Party to this dispute. Further, CBAN has not received financial assistance in preparing this application for leave, nor will it receive financial assistance in preparing a submission should the panel grant leave to file one. CBAN has received legal advice in the preparation of this application from Goldblatt Partners LLP.

We would welcome the opportunity to provide a submission as part of the proceedings, reflecting the long experience and diverse expertise brought together by our unique pan-Canadian network.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Sharratt', is centered on the page.

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