



Collaborative Campaigning for Food Sovereignty and Environmental Justice

Proposed Domestic Policy on the Management of Low-Level Presence of Genetically Modified Crops in Imports and its Associated Implementation Framework

Online Consultation, Agriculture and Agri-Food Canada
Submitted online by Lucy Sharratt for CBAN, January 18, 2013

Objective

- 1. Does the proposed LLP Policy and Implementation Framework provide sufficient transparency and predictability on how the Government of Canada will manage occurrences of LLP: a) in imported grain b) in other imported food and feed products?**

No. From the perspective of the Canadian public, the policy is neither transparent nor predictable. The policy may provide predictability for industry, but does so while sacrificing the trust Canadians will have in the regulation of GM foods for safety. The LLP policy introduces tremendous uncertainty for Canadians in terms of what GM foods are in the food system and further complexity in terms of how they are regulated, and by whom. The LLP policy, for Canadian consumers, is not transparent but further obscures the place of GM foods in the Canadian food system, aggravating the current problem of a lack of GM food labelling.

Scope of the Policy

- 2. Is the scope of the proposed Policy appropriate?**

No. The scope of this trade policy extends into food safety, undermining the scientific basis of the Canadian regulatory system. In the case, trade objectives would, via the LLP proposal, change the way GM foods are regulated in Canada. The regulatory system is described as “science-based” except here trade objectives are clearly proposing to remove scientific oversight over GM foods. There is no justification from a public health perspective for allowing the import of foods contaminated with products that have not been evaluated by Health Canada. The policy itself goes beyond what can be justified for meeting trade objectives.

Action Level Questions

An objective of the Action Level is to address potential trace amounts of LLP resulting from dust or other sources. For the purpose of the proposed Policy and Framework, an Action Level of 0.1% or 0.2% is proposed and will apply uniformly

to LLP in grain of all crop types. Provided that a GM crop has been approved for 100% 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.

3. Do you support the inclusion of a common low Action Level for all crops to manage potential trace amounts (e.g. dust) of LLP in imported grain? No.

4. What would be the positive or negative impact for you, your business, or the stakeholders you represent if an Action Level is established?

There is a negative impact on the stakeholders we represent if an Action Level is established. An Action Level will increase uncertainty and complexity for consumers who are looking for food that is free of GMOs. It will also add a new level of uncertainty in the organic sector, potentially compromising the ability of organic farmers to supply organic food. An Action Level will further compromise public trust in Canadian regulation for food safety generally, and GM food in particular.

5. Does an Action Level of 0.1% meet the objectives described in the proposed Policy? Please explain your answer with examples, as appropriate.

No. We disagree fundamentally with the proposed policy and so do not agree any Action Level is acceptable.

6. Would an Action Level of 0.2% meet or better meet the objectives described in the proposed Policy? Please explain your answer with examples, as appropriate.

As the Action Level creeps higher, the sacrifice of public health to trade becomes clearer. There is no scientific basis for agreeing to any 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.

Threshold Level Questions

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.

7. Do you support the inclusion of a Threshold Level, where a LLP Risk Assessment has been conducted by Canadian regulators, to manage higher trace amounts of LLP in imports?

No. The proposal for a Threshold Level further complicates the proposal and further compromises Canada's claim to "science-based" regulation of GM foods. The proposal that a Threshold Level could be allowed based on an "LLP risk assessment" begs the question: What is this risk assessment and how does it differ from the current Health Canada approval process? The proposal to establish Threshold Levels introduces a new, second tier approval process for GM foods based on, as yet undefined processes and criteria. The fact that this assessment process is, as yet, undefined brings home the point that science is not the basis of this LLP proposal.

8. What would be the positive or negative impacts for you, your business, or the stakeholders you represent if Threshold Level(s) are established?

The Threshold Level would severely undermine the ability of a great portion of the Canadian public to trust Canadian regulation for food safety and 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 and little information is accessible to the public about the science behind these decision, and there is no GM food labelling – and the proposal for Threshold Levels via an "LLP risk assessment" would further complicate and obscure the regulation of GM food.

9. "Do you agree that the Threshold Levels should be crop-specific, as described in the Proposed Policy and Framework?"

There should be no Action or Threshold Levels. This question exposes that LLP policy proposals are a step towards removing regulation of GM crops and providing an open door to contamination.

10. Do you agree with using the biology of the crop (e.g. rate of outcrossing) and the grain handling practices as considerations in establishing the Threshold Levels? Please explain your answer with examples, as appropriate.

No. This proposal to use the biology of the crop and the grain handling practices as considerations is a surrender of food safety to the industry's inability to stop contamination. It is a surrender of our food system to widespread GM contamination. Such a proposal invites industry contamination. Contamination needs to be addressed through other policies whose objective is to stop contamination. Contamination from GM crops is a problem that affects a wide range of stakeholders throughout the agricultural sector, including consumers, but has never been addressed by the Canadian government in regulation. For example, GM crops are approved in Canada without evaluation of the economic consequences of contamination, considering the biology of the crop and grain handling practices that will lead to contamination.

11. Should additional factors be considered when establishing the Threshold Levels? If yes, what other factors should be considered and why?

There should be no Action or Threshold Levels.

12. The proposed Expert Advisory Committee(s) will be made up of a diverse representation of stakeholders who will use their knowledge and background to set appropriate LLP Threshold Levels. Do you have any views on who should be members of these committees?

The proposed Expert Advisory Committee will likely be made up of representatives from the private sector as they are the actors who have the resources and interest to be engaged- such Committee make up with further undermine the ability of the Canadian public to trust in government regulation. The proposal for the Committee is not acceptable as it further exposes how Threshold Levels will be based on trade rather than food safety considerations. It would remove consideration of what is allowed in our food system from Health Canada to industry.

General Questions

13. Would the importation of LLP of unauthorized GM crops have an impact on Canadian exports and/or re-exports, such as processed food and feed products? If yes, please explain your answer with examples, and give details on the likelihood of occurrence.

LLP importation would create a deep and increasing chaos in the food system as contamination from imports grows and is distributed.

14. What impact would the proposed monitoring and enforcement strategy have on your import activities? (if applicable)

Not Applicable.

15. Should Canada be the first country to implement an LLP policy like the one being proposed here? Please explain your answer, considering the impacts such a decision could have on your sector or area of interest?

Canada should not be the first country to implement an LLP policy. Canada will make a irreversible mistake if an LLP policy is implemented. The policy does not secure the stated trade goals of easing trade of Canadian exports while at the same time 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 undermine Canadians' trust in government food safety regulation and GM food safety regulation in particular. It would further encourage distrust of GM food safety and GM food safety

regulation and leave government with little ground to build or maintain this trust. The policy is unjustifiable from a public health perspective and this has many negative implications, including on the biotechnology industry which seeks a positive public perception of its products.

16. Please provide any additional viewpoints or considerations concerning Canada's proposed LLP Policy and Framework. Please explain your answer with examples, as appropriate.

LLP policy is unjustifiable from a public health and safety standpoint. LLP asks Canadians to accept GM foods as safe even if Health Canada has not evaluated them and approved them as safe. Agriculture Canada is asking Canadians to agree that Health Canada is not relevant to the regulation of all GM foods. This will deeply compromise the legitimacy of Canadian regulation. LLP is trade policy that sacrifices safety and yet does not even accomplish its stated trade goal of facilitating international acceptance of Canada's (contaminated) exports. The future integrity of Canada's food system, public trust in food safety regulation, and Canada's international reputation are all at stake with the acceptance of LLP.