



Collaborative Campaigning for Food Sovereignty and Environmental Justice

George Da Pont, President
Canadian Food Inspection Agency
cc. Nataliya Dormann, Plant Biosafety Policy Specialist

July 9, 2012

**RE: Public Process Lacking on Genetically Engineered Foods:
Request to halt regulatory evaluation of GE “non-browning” apple**

Dear Mr. Da Pont,

As per the Canadian Food Inspection Agency’s Notice of Submission Project, the Canadian Biotechnology Action Network (CBAN), and many other groups and Canadians, submitted comments on the request for regulatory approval of a genetically engineered (GE or genetically modified) “non-browning” apple from Okanagan Specialty Fruits by July 3, 2012. (CBAN’s comments to the CFIA are also posted at <http://www.cban.ca/content/view/full/1295>)

The CFIA invited public comment based on two pages of bullet points, called a “Summary of Submission” and authored by the company itself, describing the contents of a data submission – the data itself was not released for comment. CBAN’s request for the data from the company was denied.

Six days after this CFIA comment period closed, the U.S. government posted over 160 pages of data on the GE apple (July 9, 2012).

In our comments to the CFIA on the GE apple, CBAN included our analysis that the CFIA process was not a true public comment period because we were unable to comment on the submission itself. Please find attached this excerpt from our submission.

The CFIA should be deeply embarrassed at having wasted Canadian’s time guessing as to the contents of the submission from Okanagan Specialty Fruits while the U.S. government released substantive information just days after the CFIA process ended.

The GE apple is once again exposing the futility of genetic engineering as well as the lack of democracy in Canadian regulation over GE. The GE apple is not wanted by consumers or growers. A new consumer poll commissioned by the BC Fruit Growers Association and the Quebec Apple Producers found that 69% of Canadians do not want the GE apple.

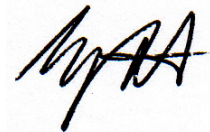
(<http://www.bcfga.com/files/file/Report%20on%20GE%20survey%20-%20July%203%202012.pdf>)

The Canadian Biotechnology Action Network asks that the regulatory assessment of the GE apple be placed on indefinite hold pending national consultations about the future of genetic engineering followed by complete reform of the regulatory system as per the 58 recommendations of the 2001 Royal Society of Canada Expert Panel on the Future of Food Biotechnology.

It is clear that, without democratic oversight, companies are submitting products for approval that have no social utility and, on the contrary, risk Canadian markets and organic production. Our regulatory agencies should not be compelled, through lack of any alternative process, to review products that have no social or economic merit.

There is an obvious and immediate need for a gatekeeper before products are submitted Canadian regulatory agencies for safety assessments – this gatekeeper should be the Canadian public.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Sharratt', written in a cursive style.

Lucy Sharratt
Coordinator

Excerpt from

Comments submitted to the Canadian Food Inspection Agency (CFIA) on the “Summary of Submission” for Approval of Novel Food, Livestock Feed and Unconfined Environmental Release for Apple Genetically Engineered To Be Nonbrowning (GD743 and GS784) from Okanagan Specialty Fruits Inc.

Submitted by the Canadian Biotechnology Action Network, July 3, 2012

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Comments on the Notices of Submission Project

Before commenting on the “Summary of Submission”, such as is possible without access to any of the data submitted, it is important that the Canadian Biotechnology Action Network (CBAN) outline our analysis of the “Notices of Submission Project” itself.

The CFIA Notices of Submission Project does not provide a true public comment period. The CFIA “comment period” cannot be considered a true invitation to public comment because the public is invited to comment on a submission whose contents remain secret.

CBAN does not consider the “Summary of Submission” a true summary.

What has been posted on the CFIA website is a series of bullet points written by the company that refer to the content of the submission, a submission that, as yet, remains inaccessible to the public. This posting is called a “summary” but is more a table of contents. The CFIA says, “The CFIA and Health Canada post “notices of submission” on the CFIA website that describe the product and the data they receive from certain product developers who have requested safety assessments of plants with novel traits (PNTs) for unconfined release and safety assessments of novel feeds and novel foods derived from PNTs.”ⁱ However, arguably, the posting does not achieve even this but is a rudimentary table of contents that does not actually describe the data providedⁱⁱ - it does not, for example, list specific scientific questions examined or studies done. The content of the summary is not instructive of the contents of the submission for the purposes of scientific comment.

The CFIA’s evaluation of the GE apple excludes “non-scientific” considerations such as the potential economic consequences of GE contamination for apple growers and yet the CFIA invites “non-scientific input” from the public.

The public is invited by the CFIA to comment on non-scientific considerations (such as economic impacts) but the CFIA does not consider non-scientific concerns in its decision-making. As stated on the Notices of Submission project webpage: **“Scientific questions or information** will be forwarded to CFIA and Health Canada evaluators for

consideration in the assessment. **Non-scientific input** will be evaluated and appropriate ways of addressing it will be explored.”ⁱⁱⁱ The public may not be aware that non-scientific input will be excluded from CFIA and Health Canada decision-making over the GE apple. Ministers are clear that, “The CFIA’s science-based environmental and livestock feed safety assessments assesses potential risks to the environment and livestock health caused by introducing a PNT into the environment, not potential risks related to the marketing of such crops.”^{iv}

The scope of the CFIA assessment is narrowed to scientific concerns and those concerns themselves are narrowed. For example the question of gene flow relates to the potential of the GE plant to “become a weed of agriculture, become invasive of natural habitats or be otherwise harmful to the environment.” We maintain that the following considerations are not inclusive of the full environmental and socio-economic consequences of gene flow:

- Does the plant have the potential to become a weed of agriculture or to be invasive of natural habitats?
- Is there a potential for gene flow to wild relatives whose hybrid offspring may become more weedy or invasive?
- Does the plant have the potential to become a plant pest?
- Is there a potential impact on non-target organisms?
- Is there a potential impact on biodiversity?
- Is there a potential impact of the plant or plant products on livestock feed or food safety?

The “Notices of Submission Project” is a voluntary system that exists courtesy of an agreement from industry group CropLife whereby its members (companies) are invited to permit the CFIA to notify the public (via a posting of a “Summary of Submission” drafted by the company) that a request for approval of a “Plant with Novel Trait” has been submitted. This arrangement permits companies to withhold notice of requests for approval from the Canadian public. Furthermore, it does not provide for notification from companies who are not members of CropLife nor does it capture potential submissions of GE animals including fish. Canadian regulatory agencies should notify the Canadian public of all submissions for approval of GE organisms/foods.

ⁱ <http://inspection.gc.ca/plants/plants-with-novel-traits/general-public/fact-sheets/transparency/eng/1338143383841/1338144227355>

ⁱⁱ The Summary is provided by the company and cannot be accurately referred to as data received as the CFIA has not validated the contents of the submission, it is data submitted.

ⁱⁱⁱ <http://inspection.gc.ca/plants/plants-with-novel-traits/notices-of-submission/eng/1300143491851/1300143550790>

^{iv} Joint Response: Agriculture and Agri-Food Canada, Environment Canada, Health Canada, “Response of the Federal Departments and Agencies to the petition file August 16, 2004, under the Auditor General Act: December 24, 2004” http://www.oag-bvg.gc.ca/internet/English/pet_125_e_28851.html