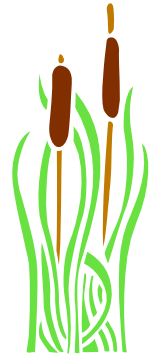


CLEAN



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Dr. Barry O'Reilly
Secretary
Dept. of Agriculture
National Crop Variety Testing Centre
Backweston
Leixlip
Co. Kildare

28/12/04

Submission to the working group on the coexistence of genetically modified crops with conventional and organic farming

Dear Dr. O'Reilly,

The first premise in the *Commission Recommendation of 23 July 2003 on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming* says:

“No form of agriculture, be it conventional, organic or agriculture using genetically modified organisms (GMOs), should be excluded in the European Union.”

CLEAN wishes to stress that coexistence of conventional livestock farming and livestock farming using genetically modified organisms is already undermined by the fact that virtually no compound animal feeds for sheep and beef farmers, not containing GMOs, are available in the country. We have expressed our concerns in this regard in an article published on the indymedia website. (Please see Appendix 1). We have also received

information on this issue from the Department of Agriculture and Food. (Please see Appendix 2)

This is a serious situation and contravenes also the second premise of the Commission Recommendation:

“The ability to maintain different agricultural production systems is a prerequisite for providing a high degree of consumer choice.”

Failure by the department of Agriculture and Food to inform livestock farmers, who in many cases don't know about the GM content in feeds, nor would know what GMOs are, contributes to the current situation in Ireland.

Failure by the EU regulations to provide for labeling of non GM conventional meat and other animal products, allows this situation to happen. Thereby it violates the rights of consumers, who are not commonly aware of this situation, and the ability of farmers to maintain a conventional production system. By this lack of labelling regulations, GM livestock farming/ animal products and conventional livestock farming/animal products become indistinguishable. This is the logical outcome of coexistence, made worse by the absence of appropriate labelling. It also takes away a competitive advantage that Ireland, whose main agricultural exports are beef and dairy products, would have by deciding to farm without GMOs.

Ireland would have two options here. It could push at EU level for labeling of meat and animal products, or it could decide to ban all GMOs and become GM free. It is clear that if Ireland is GM free, its products would automatically be as well and need not be labeled as such. This would not infringe premise (1), as this does not say that agriculture using GMOs should not be excluded **everywhere** in the European Union.

CLEAN is convinced that the second option would be the most efficient and most appropriate option for Ireland to avoid the economic loss and impact incurred by the mixing of GM and non GM crops, as requested in premise (5) of the Commissions Recommendation:

“The issue of coexistence addressed in this Recommendation concerns the potential economic loss and impact of the admixture of GM and non GM crops, and the most appropriate management measures that can be taken to minimize admixture.”

There is a lack of homegrown cereals, crops and animal feeds in Ireland at the moment. In 2002 Ireland was 820 % self-sufficient in beef, 163 % pigmeat, 303 % sheepmeat, 101% in poultrymeat, 988% in butter, 453% in cheese, 1074% in milkpowder, but only 76% in cereals.¹ It is clear, that beef and dairy products amount for the main bulk of Irelands agricultural exports. With decoupling, this amount should decrease, and Irish produce should become more quality than quantity. Non GM conventional farming could give this a boost. Also more cereals and fodder plants could be grown instead, so that Ireland could become self-sufficient in those.

The sixth and seventh premises of the Commissions recommendation say:

“Farm structures and farming systems, and the economic and natural conditions under which farmers in the European Union operate, are extremely diverse, and efficient and cost effective measures for coexistence vary greatly between the different parts of the European Union.”

“The European Commission considers that measures for coexistence should be developed and implemented by Member States.”

Farm sizes and structures, as well as natural conditions, vary extremely in Ireland itself. Organic farmers and growers, who have to be protected, are scattered all over the country. Many, especially small farmers, need off farm income. The additional burden and costs for farmers and the state of developing, introducing and controlling a regulation system that would implement the General Principles (part 2 of Annex of Commission Recommendation) and Indicative Catalogue of Measures for Coexistence (part 3 of the annex) would be totally out of proportion for Irish agricultural conditions. Whereas the Annex says in 1.5, that the present guidelines are non-binding guidelines, some such complex system would have to be developed, if Ireland would not decide to stay GM free. This again shows that keeping Ireland free of GMOs would be the most efficient and economically sound option.

Ireland had in June 2003 a mere 299.900 hectares under cereal crops, 14.200 hectares under potatoes, and 31.500 hectares under sugar beet.¹ Compare this to 42.8 million hectares(!) under GM crop cultivation in 2003 in the US, from where we unfortunately are forced to import parts of our GM feeds.

It is hoped hectares under crop, as well as diversity, will increase in Ireland, **yet this will not lead to such a significant amount, that it would make the introduction of a complicated system to ensure coexistence reasonable and viable.**

Such a system would have to be as stringent and costly as never seen before, and affect farmers, growers, hobby gardeners, food processors, caterers, retailers, administration, insurers, the judicial system, and the consumer, with the result that we would all have to become watchdogs in the basic life-preserving activities that are growing, rearing, and eating. This will worsen when more and more GMOs are approved by the EU.

Ireland therefore has many reasons to stay GM free. This would be in accordance with 2.1.4 of the annex to the Commissions Recommendation on proportionality, where it says:

“They (measures) should avoid any unnecessary burden for farmers, seed producers, cooperatives and other actors associated with any production type.”

Farmers in Ireland already struggle with regulations and the amount of inspections, and there is a serious question as to whether they could and would adhere with regulations that would be as strict as those necessary for coexistence, (especially when regarding the current state of information and education on GMOs in Ireland, and assuming that coexistence was actually possible, which assumption CLEAN would vigorously challenge). This becomes clear for example in the following article:

Farmers demand notice of inspections

THE Irish Farmers' Association has demanded a new charter of farmers' rights giving 14 days' notice of inspections to check for cross-compliance with agricultural and environmental standards under the Single Farm Payment system.

Speaking following a meeting with senior Department of Agriculture officials, IFA President John Dillon called for an emphasis on administrative checks and verification using existing data, reduced levels of on-farm checks, 14 days advance notice and a single farm visit.

He also proposed that farmers be allowed to correct information held on the Cattle Movement and Monitoring System database without incurring penalties.

"A reasonable level of tolerance must be built into the inspection process to take account of the normally occurring unintentional errors at farm level," he said.

Aideen Sheehan
Irish Independent

Also, in regard to the relatively tiny amount of land currently under use for crop growing in Ireland, **there is in fact a duty to keep this GM free, and protected from GMOs, as Ireland otherwise has no conventional crops to rely on in a potential future situation, where as yet unknown detrimental effects from GMOs might become evident.**

Ireland is a designated high grade seed potato production area. This is also in danger to be intruded by GMOs, as notifications for field testing of GM potatoes have been received by the EU.

Conclusion

Allowing coexistence on the island of Ireland is no option. Ireland can show that implementing recommended and necessary measures for coexistence would be disproportionate and in fact damaging to Irish agriculture and competitiveness. It would lead to economic loss and other unbearable impacts. Farmers in Ireland are not educated enough about GMOs to make reasonable choices and administer coexistence measures. Decisions made regarding the introduction of GMOs into Ireland are being made in a manner which is in contravention with both the spirit and the letter of the Aarhus Convention, which requires proactive sharing of information with, and the inclusion of, all stakeholders in decision-making on the environment. Both Ireland and the European Commission are signatories to the convention. With farming conditions in Ireland admixture is impossible to avoid. As the area under crops in Ireland is relatively small, Ireland needs to secure its conventional crops in case of a potential emergency situation. Ireland should

therefore take the correct measure and stay GM free which must include the ban of GM imports for animal feeds. The case of animal compound feeds shows how easily admixture happens, despite existing regulations, and how difficult it is to avoid it without a ban on GMOs.

¹ Economics and Planning Division, Department of Agriculture and Food: Fact Sheet on Irish Agriculture, September 2004

Yours sincerely

Christine Raab-Heine
Director, on behalf of CLEAN

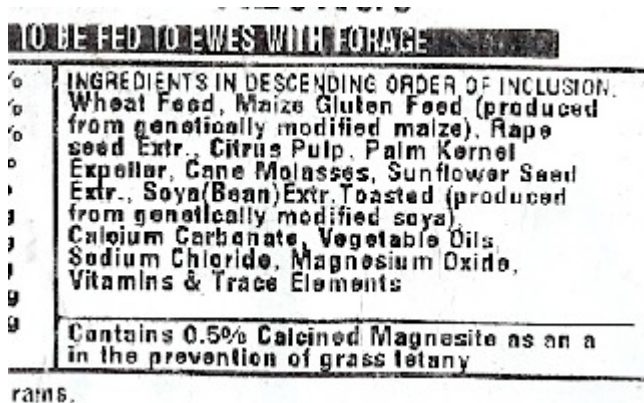
Appendix 1

Animal Feeds In Ireland Are Contaminated With GMOs

by Christine Raab-Heine - CLEAN(Cavan Leitrim Environmental Awareness Network)Ltd Tuesday, Dec 7 2004, 10:39pm

chheine@iolfree.ie

national / environment / feature



GM Regulations for Labelling of Animal Feed are a Farce

Are you aware that all compound feeds commonly fed to farm animals contain GM maize and other GM meal? Given the state of information and discussion in this country on GMOs, many a farmer won't know this. But worse: it is virtually impossible for conventional farmers, especially small farmers, to get GM free compound feeds from their local suppliers. We are pretty sure that the presence of GMOs in animal feedstuffs is well known to the Department of Agriculture and other officials, but did they properly inform

small farmers and consumers? **Farmers and consumers: please check the small print on feed bags and food labels.**

- We (Cavan Leitrim Environmental Awareness Network) urgently call on all farmers to demand GM free feeds.
- We urgently call on consumers to demand GM free meat, eggs and milk.
- We urgently call on the government to take action that GM free feeds are available and GM feeds banned.
- We urgently request that labelling of GM meat, milk and eggs i.e. from animals fed on GM feeds be labelled as such.
- We urgently call on the government to keep Ireland GM free. This is the only way to avoid any more problems for farmers and consumers.
- We urgently call on the government, the EU, and on our Irish representatives there, to work towards a GM free European Union, whilst noting that all the directives, regulations and labelling within the EU make no sense, if the countries of origin of imports cannot guarantee that their products are GM free.

Related Links:

[Will Bertie give us a GMO time bomb for Christmas?](#) A GM-Free Network press release.

[Round up of UK Anti-GM protests via Indymedia UK.](#)

[Save Our Seeds.](#)

Feed mills freely label their feeds as containing GM! They say that the countries of origin cannot give guarantees that their exports are not contaminated with GM, and so they don't even bother to examine the GM content, or attempt to keep the content below 0.9%, which would mean that the feed would not have to be labelled as containing GM. We are further not told about the actual percentage of GM content. This is one of many flaws in the EU regulations on GMOs. Another flaw is the fact that meat from animals fed on GMOs does not have to be labelled as such. If consumers would have the opportunity to insist on GM free meat, it would not be so easy to infect our farm animals and products

with GMOs, and the actual farce of labelling feeds we have at the moment would become an instrument helping to keep GMOs out of the country.

If basically all Irish meat, apart from qualified organic meat, is GM meat, i.e. meat from animals fed on GMOs, this might have, apart from the unforeseeable dangers to animal and human health, serious effects on the Irish farm, food, gastronomic and tourism sectors. Conversely keeping Irish feedstuffs and meat GM free could be a boost to these sectors. Immediate action is needed here as it is now that the bulk of feeding compounds starts. Let us have GM free lambs next year.

Ireland is, like other EU countries, required by the EU Commission to develop a national strategy and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming. One might think this is to protect conventional and organic farmers. It isn't. It is to facilitate GM farming:

"1. No form of agriculture, be it conventional, organic or agriculture using genetically modified organisms (GMOs), should be excluded in the European Union." (Commission Recommendation)

The labels show that conventional livestock farming is already excluded by the non availability of GM free compound feeds.

Why is this important?

- Because we do not want to eat produce created with GMO's,
- Because we do not want to support the creation of GMO crops or the design of GM-creatures!

Why do we not want this to happen?

Because as GM technology is an invasive technology, there is no co-existence between GMO and "normal" organisms possible. This

has the unavoidable and ultimate consequence that if we allow GMO technology now, we will have no other organisms than genetically modified ones living on this planet in the future! We will never have a choice again!

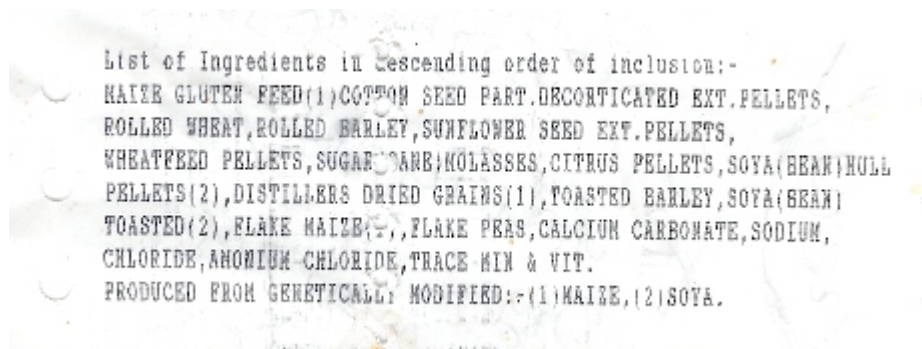
As this is the simple and dreary truth, this technology is undemocratic, because it determines the ultimate future of the whole planet and all living things on it, potentially including the human race, without any need or justification!

In common with other new technologies, the development of genetic engineering is largely controlled by a few powerful corporations. These corporations exert unprecedented influence over governments and academia, who are both failing in their obligation to adequately monitor and control the development and use of this technology and to safeguard public health and the environment.

It is clear that there is too much uncertainty about GMOs, and consequently we cannot accept them!

And so:

1. We urgently call on all farmers to demand GM free feeds.
2. We urgently call on consumers to demand GM free meat, eggs and milk.
3. We urgently call on the government to take action that GM free feeds are available and GM feeds banned.
4. We urgently request that labelling of GM meat, milk and eggs i.e. from animals fed on GM feeds be labelled as such.



5. We urgently call on the government to keep Ireland GM free. This is the only way to avoid any more problems for farmers and consumers.
6. We urgently call on the government, the EU, and on our Irish representatives there, to work towards a GM free European Union, whilst noting that all the directives, regulations and labelling within the EU make no sense, if the countries of origin of imports cannot guarantee that their products are GM free.



F u r t h e r n o t e s :

Let us, as citizens, maintain this: In life absolute certainty does not exist. Therefore any risk analysis, also for GMOs, is based on reasoned assumptions. Our assumptions are based on the best available data and knowledge. In case we conclude that there is too much uncertainty about the product with respect to possible adverse effects for human health and the environment, a product will not be accepted.

Only some weeks ago a vCJD case was diagnosed in Ireland, which only developed after an incubation period of many years, and which is thought to have been caused from eating meat from cattle fed on meat and bone meal. We all know that it was only disclosed

after years that this caused BSE. Feeding meat and bone meal to herbivores was unnatural. Feeding GMOs to animals is also unnatural, as is the production of them in the first instance, which is unfortunately developed globally by big corporations. We take an enormous risk by eating meat or drinking milk from animals fed on GMOs!

Only recently the IFA showed concern in respect of a case of contamination of feeds with bones in imported feed ingredients. The ongoing GM contamination, however, was not mentioned in this context!

Without going into details regarding all issues of concern with respect to GMOs, we wish to stress, that one of the key findings of a new report by Freese and Schubert on "Safety Testing and Regulation of Genetically Modified Foods" (available on www.foe.org) was "The failure of companies to test for most possible unintended effects of the unpredictable genetic engineering process; in particular, there is a lack of long-term animal feeding studies". The kind of safety we are promised by scientific risk assessments in the EU becomes clear in a recent assessment report for GM cotton:

"A comment was made by Miep Bos in respect of the notification report: The GMO should not be admitted because the notification states too often, that the product is "highly unlikely to have any adverse effect". There are no hard facts but only assumptions that the product will not be harmful. That is not sufficient."

The answer from Netherlands CA was: "Within science absolute certainty does not exist. Therefore any scientific risk analysis, also for GMOs, is based on reasoned assumptions. These assumptions are based on the best available scientific data and knowledge. In case it is concluded that there is too much uncertainty about the product with respect to possible adverse effects for human health and the environment, a product will not be admitted."

Science was and is often helpful in explaining what has happened, albeit it has so far failed in explaining with certainty causes and origins of Aids, BSE and vCJD, for example. Science might be successful to develop new technologies, but science has not shown so far to be in a position to predict, determine or evaluate with certainty possible outcomes of such inventions. As econexus puts it: "The application of new technologies has historically been problematic. Though they are often proposed as a solution to a current problem they themselves may create new ones which were not predicted in time and others that were predicted only by specialists who were ignored. Additionally, the hope of a simple technical solution to a complex problem may distract attention and divert resources from essential political and social responses to the initial or underlying problem. (www.econexus.info)

One of the findings of Freese/Schubert and also of Wilson, Latham, Steinbrecher: Genome Scrambling

– Myth or Reality? (available on the econexus website) was that there is a huge lack of independent “available” tests for long term effects of GMOs.

At the same time when the IUCN World Conservation Congress 2004 has passed a moratorium on the further release of genetically modified organisms until such time that they can be demonstrated beyond reasonable doubt, to be safe for biodiversity, human health and animal health, the US plans to allow contamination of food crops with GM experimental crops. As two thirds of US experimental GM crops contain genes classified as confidential, there are no possibilities to detect them. (www.foe.co.uk)

According to the ISAAA (International Service for the Acquisition of Agri-Biotech Applications), the US was growing 42.8 million hectares of the global transgenic crop area (63% of global total) in 2003. (Global Status of Commercialized Transgenic Crops:2003)

Appendix 2

10/ December/ 2004

Dear Ms Raab-Heine,

I received a copy of your enquiry concerning Genetically Modified Feed from Patricia Bonner in the State Laboratory. As you may be aware, the Department of Agriculture and Food is the competent authority for the implementation of legislation on animal feed. As such the control of GM legislation in feed falls within our remit.

You raise a number of topical and valid points in your correspondence; perhaps I could address them as they appear on your communication.

1. The lack of non GM feed in circulation:

At present Soyabean, Maize, Rapeseed and Cottonseed and their respective by products are the feed materials that may be produced from genetically modified organisms. Ireland, and indeed the EU, relies to a large degree on the importation of such ingredients from 3rd countries in order to meet the dietary protein requirements of farm animals. Whilst it is a fair conclusion that the majority of soya bean imported into Ireland is produced from GMOs, the situation concerning Maize, Rapeseed and cottonseed is not entirely GM. For example the majority of Rapeseed imports are sourced from within the EU and as such are non GM. That is not to say that it is not possible to source Soyabean of a non GM kind. Some feed mills in this country have been paying a premium to do so. Such materials are usually used by producers for specialist markets such as poultry farmers who are supplying supermarkets. It is important to point out the legislation does not require animal produce from animals fed GM feeds to be labelled. Nonetheless it is common to see such labelling in the supermarkets.

2. Feed mills are claiming all their ingredients are GM.

This is a point that has been discussed at EU level and the result of the discussion was that this is not permitted. Traceability requirements in feedingstuffs have evolved to such a degree that it is very easy to trace material back to a particular boat. In addition, labelling legislation for feed requires that certain analytical information be transmitted to the purchaser including the GM status. We are actively inspecting feed mills to ensure compliance with all aspects of the GM legislation. Claiming a product is GM where there is no documentary evidence to support this is not accepted.

3. Sampling and Analysis:

The Department of Agriculture carry out documentary and analytical checks on a range of feeds throughout the feed chain. Every import of animal feed must be notified to the Department and is then examined **and** sampled upon arrival. A proportion of these consignments are analysed for GM status based on a risk assessment. The analysis in the laboratory firstly uses a screen to detect if transgenic material is present. This is a qualitative test that indicates whether subsequent quantitative tests are required. Where quantitative analysis is required a method of elimination is used to determine the appropriate GM event. To date such tests have given conclusive evidence to allow us to enforce the labelling thresholds. The argument concerning new GM events is something we are conscious of, however, the structure of EU decision making on the matter, and the scientific expertise available to the Department enable us to keep up to date with other possible GM events circulating in the community. The Qualitative test will detect a GM event. If the screens do not quantify this, we are confident that our laboratory expertise (which is in constant communication with other laboratories within the community via the European Network of GMO Laboratories) will establish the contaminant. To date this problem has not arisen.

4. Determining the GM content of a compound feed:

In practice our control job is made a lot easier by the controls we place on feed materials. After all these are the constituents that make up a compound feed. At compound feed level we carry out a number of investigations. As regards GMOs we ensure that the information is transmitted on the

labelling, we check the documentation supplied by the importers and trace this back to the original consignment. Where samples are taken for analysis, we would collect all the information relating to a particular batch including the constituent ingredients and their level of inclusion. When the compound feed is analysed we can firstly determine if it contains GMs through the qualitative screen. If this is the case, and the product has not been labelled we look at the quantification of the level of contamination.

In our experience we have found three categories of feed:

- Feed claiming to be “GM free”, which we do not accept as a material is GM or it is not;
- Feed making no statement, i.e. below the 0.9% threshold;
- Feed declared as produced from Genetically Modified Organisms.

We are confident of detecting contamination in feed samples. Where any problem are found we do have the ingredient samples which can be referred to for further testing. To date we have not needed to do this as material was below the threshold or substantially above it and labelled as such.

I would also like to point out that all operators in the feed chain are familiar with the requirements under Regulation 1829/2003 and 1830/2003. I hope these points prove useful for you. If you require any further information please do not hesitate to contact me on 01-5053364.

Yours Sincerely,

Dr. John Dardis
Animal Feedingstuffs,
Department of Agriculture and Food