

**Welsh Assembly Government
consultation on the implementation of
Directive 2001/18/EC on the deliberate release into the environment of
Genetically Modified Organisms (Wales)**

**Preliminary Response from the Agri-Food Partnership Organic Strategy Group,
prepared by Organic Centre Wales, 04/10/02**

The Organic Strategy Group (OSG) of the Agri-Food Partnership welcomes the opportunity to respond to this consultation. As time is of the essence this response covers the issues that we see as most important as the OSG, rather than covering each of the draft regulations and clauses.

1. Introduction

1.1. The draft regulations have some serious omissions, detailed below, and therefore we believe do not support the excellent previous commitment the Assembly has made to operate *'the most restrictive policy possible within the context of EU legislation on future commercial GM crop development in Wales'*. Furthermore we are concerned, that implementation of the draft regulation as it stands would cause serious harm to the National Assembly's policies to drive forward the growth of the organic sector and would seriously undermine consumer confidence in the organic sector in Wales.

2. Omissions

2.1. The most serious omissions relate to:

2.1.1. absence of provisions for protecting organic farming, and other types of non-GM farming, from contamination from GM planting, i.e. absence of separation distances.

We propose that new regulations should be drafted in to require a separation distance between GM and organic holdings, to be set at 1 kilometre (km) for beet crops, 3km for maize and 6 km for oil seed rape.

We would also propose that all those intending to plant GMOs should notify all neighbours, including organic producers, within a 10 km radius of the holding. The National Assembly should be responsible for making those proposing to grow GM crops aware of any organic farmers or producers in the vicinity.

Where organic farmers are growing the same crop as a GM crop within 10km, the biotechnology company concerned should pay for testing of the organic crop to ensure that it is free of GM contamination to the level of 0.1% - the level of detection - and should compensate the farmer for the loss of earnings if the crop is found to be contaminated.

2.1.2. absence of provisions for legal liability

A legal liability system in which the biotechnology industry is responsible for any negative health or environmental effects resulting from the planting of GMOs must be put in place. This must be done before any marketing consent is given.

2.1.3. absence of provisions to guarantee the purity of non-GM and organic seeds, organic animal feed, organic food and produce. This must be dealt with as a priority. It is possible to work to a threshold of GM material of 0.1% - the limit of detection. The Danish Government's organic standards use this threshold value.

2.1.4. If at any stage new evidence comes to light of negative effects of GM crops, consent must be revoked immediately for the growing of the crop.

While we acknowledge that the above issues are not dealt with directly in the Directive, the OSG believes they form part of the considerations for releasing GMOs into the environment and should therefore be required by the Assembly before the granting of marketing consent.

3. Comment on the draft regulation

3.1. Draft regulation 7 (1) on Environmental risk assessment. The OSG would like to see the biotechnology industry funding the risk assessments but an independent body, not the applicant, should carry out the risk assessments.

3.2. Draft regulation 12 (1) requires applicants for part B consents to place notices in '*publications to be specified by the National Assembly of Wales*'. The OSG believes advertisements must be placed both in a national newspaper and in a local newspaper for the area in which the release is to take place, in English and in Welsh.

3.3. Draft regulation 12 (3) suggests that the Assembly will decide on a case-by-case basis the "*level of details on the location of the release which will be placed on the register.*" The OSG believes that the full address and postcode as well as the six figure National Grid Reference must be provided.

3.4. The Biotechnology industry should fund the post-market monitoring of GMOs, however an independent group must carry out the monitoring. This monitoring should extend for the ten-year period of the consent.

4. Conclusion

4.1. Only if the omissions we have highlighted are incorporated into the regulation, do the OSG believe that the Welsh Assembly Government will be addressing the legitimate public concerns over GMOs and allowing non-GM farmers to go about the business free of the risk of contamination from GMOs. Currently as the draft regulation stands, the Assembly Government is at risk of undermining its excellent work on organic farming.