

FROM ZERO-TOLERANCE TO “LOW LEVEL PRESENCE” LEGALIZING GM CONTAMINATION IN INTERNATIONAL TRADE

SUMMARY

To eliminate or minimize the economic cost of GM contamination in the international grain trade, Canada and other large-scale adopters of GM crops are lobbying Europe and countries around the world to implement Low Level Presence (LLP) policies. LLP means that national governments would accept imports that are contaminated with a low level of GM food/feed, that their regulators have not yet assessed for safety but have been approved in another country with a regulatory system judged trustworthy. LLP would pave the way for Canada, the US and/or Australia to approve GM wheat, for example, because it would remove the threat of trade disruption caused by GM contamination in wheat exports.”

LOW LEVEL PRESENCE (LLP)

the detection of low levels of unauthorized GM crops in imported grain, food or feed where the GM crop is authorized for use in one or more foreign jurisdictions but is not authorized in the country of import. **Example:** A GM flax approved in the US and Canada but not approved in Europe contaminated Canadian flax exports to Europe in 2009.

ADVENTITIOUS PRESENCE (AP)

the detection of the unintentional presence of GM crops that have not been authorized in any country on the basis of a food safety assessment. **Example:** In 2006/2007, Bayer’s GM rice that was field-tested in the US, contaminated rice exports to over 30 countries.

WHAT?

National governments would recognize the regulatory decisions of certain other nations for the purposes of accepting GM contamination in imports from those countries. The GM food/feed in question would not have been assessed for safety by domestic regulators in the importing country.

WHY?

- GM contamination in exports from Canada, for example, has cost the Canadian economy.
- Monsanto withdrew its applications for approval of GM Roundup Ready wheat in Canada and the US in 2004 because international wheat markets were not willing to bear the risk of GM contamination.
- The fact that not every country has approved the same GM food/feed is an obstacle to international trade when exports are contaminated with GMOs. Countries lobbying for LLP argue that the problem is not GM contamination, but the fact that countries are not approving GMOs at the same time (asynchronous approvals).

example

CANADA’S LLP POLICY PROPOSAL

Canada is proposing a domestic LLP policy. Canada’s health regulators would not assess the safety of all the GM foods that Canadians eat. Even if our government has not yet assessed the safety of a GM product, a percent of that GM product in imports would be legal - if that contamination comes from a country whose regulatory system we trust. The percent proposed is 0.2% and higher..

HOW?

- CETA, the Canada and European Union Comprehensive Economic and Trade Agreement, includes a letter that explicitly requires discussions on LLP as part of a bilateral “Dialogue on Biotech Market Access Issues”.
- The “International Statement on LLP” is signed by Australia, Argentina, Brazil, Canada, Chile, Costa Rica, Indonesia, Mexico, Paraguay, Philippines, Russia, South Africa, United States, Uruguay and Vietnam. Its aim is to facilitate international trade of agriculture commodities.
- Canada is in the final round of public consultations on a proposed domestic LLP policy. This would be the first domestic LLP policy in the world and, Canada argues, would “provide a model that could be adopted globally.”

IMPLICATIONS

- LLP would legalize, normalize and expand GM contamination. GM contamination would become the norm in international trade and would gradually increase over time.
- LLP is a move towards international regulatory harmonization whereby countries recognize each other’s regulatory systems or adopt the same regulations.
- LLP is a move towards removing regulation of GMOs altogether. In the case of LLP incidents, national regulations for health and safety are not in use. LLP allows for the consumption of GM foods that have not been approved by domestic regulators.

CONCLUSION

“GM crops and products that have not undergone a safety test should not be allowed onto the market, including in the guise of low-level or adventitious presence. It is the sovereign right of each country to decide on policy, including zero tolerance, and require that all GMOs are risk assessed prior to approval. Both the Codex Annex on Low-Level Presence and the Cartagena Protocol on Biosafety provide full flexibility for a country to have zero tolerance for unapproved GM crops.

Exporting countries should respect this and find ways to comply with the importing countries’ laws, rather than pressing for contamination thresholds. Experience shows that strict control systems – both public and private – are needed to prevent any trace of unauthorized GMOs from entering the food and feed chain.”

— International civil society organization statement on LLP “

RESOURCES

- International civil society organization statement on LLP www.cban.ca/content/view/full/1912
- Country presentations to FAO Technical Consultation on LLP www.fao.org/food/food-safety-quality/a-z-index/biotechnology/LLP/en/
- Analysis and description of Canada’s LLP policy proposal www.cban.ca/llp
- GM Contamination Registry www.gmcontaminationregister.org/
- Codex Alimentarius - Foods derived from modern biotechnology. 2009. (pp 28-33) ftp://ftp.fao.org/codex/Publications/Booklets/Biotech/Biotech_2009e.pdf

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