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## GM FOOD AND THE DEMISE OF THE PRECAUTIONARY PRINCIPLE

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The food safety laws of the United States and the European Union are supposed to implement the precautionary principle. But in the case of genetically modified foods, officials on both sides of the Atlantic have systematically disregarded and defiled it. In a comment published May 18 in the *Financial Times*, I pointed out that the US statute explicitly requires foods with novel additives (such as GM foods) to be proven safe prior to marketing – and explained how the administrators at the Food and Drug Administration have callously violated the law by covering up the extensive warnings of their own scientists about the unique risks of GM foods and allowing them on the market without any testing. (A copy is at [www.biointegrity.org](http://www.biointegrity.org) )

Unfortunately, too many EU officials appear just as committed to promoting their biotech industry as are their US counterparts – and just as willing to circumvent the law in order to do so. Although the European Parliament has resolved that food laws should promote “preventive protection of consumer health,” and the European Commission has declared the precautionary principle will govern “in cases where the scientific basis is insufficient or some uncertainty exists,” the practices regarding GM foods are far from precautionary. For years, regulation has been based on the presumption that gene-splicing does not increase the risk of unintended harmful alterations to food, a presumption numerous experts have strongly criticized and the Royal Society of Canada has branded “scientifically unjustifiable.” Further, the Commission seems to believe that even the deficient regulations in effect are still too burdensome on industry and has persistently endeavoured to weaken their hold. To that end, it has used the US lawsuit at the WTO

against the EU's regulatory regime as an excuse to emasculate it – even though well aware of how vulnerable the US position is.

Starting in 2000, I have informed EC officials about the fraud perpetrated by the US government on GM foods; and last July, in collaboration with Friends of the Earth, I held a press conference in Brussels (to which the EC sent a representative) explaining how the Bush administration is trying to quash EU regulations that are looser than those it is legally required to implement itself. My recent comment in the *Financial Times* was intended as a pointed reminder to the Commission of how lame and ludicrous the US lawsuit truly is, and how easily it could be thwarted.

Yet, on the following day, instead of deciding to defend the EU restrictions, the Commission chose to lift them, approving Syngenta's Bt11 Maize for human consumption and thereby ending a six-year moratorium on such approvals for new GM foods. But to do so, it had to disregard unfavourable reviews by two member nations. Assessing the data, France's food authority concluded that "unforeseen effects cannot be discounted" and that further safety tests are needed. And the Austrian Government criticized the testing as seriously deficient, noting that the whole plant was not tested, several of Syngenta's assumptions were false, and the claim of safety was based on theoretical argument rather than evidence. In fact, even the opinion of the EU committee on which the EC based its approval acknowledged that the data "provide only limited evidence for safety." Moreover, the Commission allowed Bt11 to slip in under old regulations although much stricter regulations were already in force. (For more details see [www.foeeurope.org/GMOs](http://www.foeeurope.org/GMOs) )

Despite such glaring inadequacies, EU Health and Consumer Protection Commissioner David Byrne boldly proclaimed that Bt11 "has been subjected to the most rigorous pre-marketing assessment in the world." Either Mr. Byrne is unconscionably deceiving the public or he himself has been deeply deceived by the biotech lobbyists. I challenge him to fully substantiate his claim or else formally retract it – and to apologize for the irresponsible nature of the Commission's action.

Someday, regulation of GM foods in Europe and America may be aligned with the principles of sound science and the dictates of the law. Until then, it will remain the case that for these novel products, through the brazen fraud of the US government and the craven complicity of the European Commission, the precautionary principle has not only been dishonoured, but essentially destroyed.

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