

GENETICALLY MODIFIED CROPS

1 SUMMARY

- 1.1 This item has been referred from Council on 26 June 2003.
- 1.2 The report comments on the specific requests made by the person who asked the question at Council, and suggests possible policy decisions.

2 BACKGROUND

- 2.1 At the Full Council Meeting on 26 June 2003, Mrs Carole Shorney asked a question of the Leader of the Council concerning genetically modified crops on behalf of Friends of the Earth, South East Essex Group. The question and response are appended. The matter has been referred to this Committee for consideration.
- 2.2 Members will be aware that the scientific and ethical issues around the debate about genetic modification (GM), are wide-ranging and complex and the Council does not have the specialist expertise or resources to keep abreast of all developments.

The main focus of this report, therefore, concentrates on the issues raised by Mrs Shorney.

3 DETAILED ISSUES

Request the Secretary of State for the Environment Food and Rural Affairs (DEFRA) to provide legal protection for this District from specific GM crops in line with Article 19 of 2001/18/EC.

- 3.1 It is understood that Friends of the Earth are encouraging Local Authorities to pursue this as a means of applying pressure on the Government and, so far, a small number of Authorities have resolved to take this course of action.
- 3.2 The use of GM products (including GM crops) in the EC is controlled by Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms. The Directive provides a procedure for the European Commission and the 15 Member States to decide whether to allow individual GM products to be placed on the EC market.
- 3.3 The Directive presumes that GM products will be placed on the single market, providing they meet detailed safety standards set by the Directive. The safety of the genetically modified organisation in any particular product is judged on a case-by-case basis, and safety assessments must be based on scientific evidence of risks to human health or the environment.

- 3.4 A company wishing to market a GM product in the EU must first apply for authorisation to any EU Member State. Other Member States and the Commission are given the opportunity to comment on or object to any particular application. In most cases, products will be subject to the scrutiny of the relevant European expert committee and the expert advisers of the 15 member states. In the UK, DEFRA Ministers are advised by the Advisory Committee on the Releases to the Environment (ACRE), which is a statutory body of 13 independent scientific experts. ACRE's advice informs the UK's position in the EU-level collective decision-making. The Commission is also required to consult the public on each GM product application. If, following this scrutiny, a GM product is deemed to have met the safety standards of the Directive it will be granted a consent for placing on the market within the Community. Such consents are often referred to as "Part C" consents after the relevant provisions in Directive 2001/18.
- 3.5 Any Part C consent will be subject to conditions added under Article 19 of the Directive, which will dictate how the GM product may, and may not, be used. For instance, each Part C consent will specify requirements such as the period for which it is valid, how the GM product must be monitored for "unanticipated effects", how it must be labelled, how it must be made traceable through the supply chain, etc. In the case of crops, a consent may typically provide that it may be cultivated in the EU in the same way as any conventional variety of the species. Alternatively, it may restrict its use to "import only" (i.e. it may be imported as an agricultural commodity, such as grain, from another country but may not be cultivated in the EU).
- 3.6 To be consistent with the Directive any request for a ban on a crop could only be considered if sound scientific evidence was put forward to demonstrate that the GM product in question posed a particular risk to the area in question. In practice, the close environmental/ecological proximity of different parts of the UK and Northern Europe makes it likely that a risk posed in one territory would be a risk posed to other areas too – and this would make it very unlikely that EU members would agree to a Part C consent being granted at all. In the absence of sound scientific evidence, a ban would not be granted.
- 3.7 This is essentially a national issue. If the Council believes that GM crops should not be grown, either completely or with specified restrictions, then it could write to the appropriate Minister setting out that position now.

Ensure that no GM crops are grown on land over which it has control.

- 3.8 The Head of Legal Services advises that the Council has some land which is the subject of a tenancy and which is farmed by a third party. The Council could seek agreement with the current tenant that GM crops will not be grown on the land, and ensure that when the opportunity arises the lease be made specific to prohibit GM crops.

- 3.9 Discussions can also take place with the Council's grounds maintenance contractor to ensure that, should GM grass become available commercially, it is not used on Council owned or managed parks or open spaces.
- 3.10 Tenants of Council homes can be advised of the Council's views and encouraged not to grow GM crops, although it would not be desirable to seek to limit the cultivation of hybridised plants of the type that have been available for a number of years.

Adopt a GM-free policy for all goods and services for which this Council is responsible.

- 3.11 The Council has previously resolved to require suppliers to take GM foods out of local menus where it had the power to do so, and this proposal represents a further extension of that policy.
- 3.12 The commercial cultivation of GM crops and the production and marketing of goods containing GM material has not yet been agreed in Europe and it is difficult to predict how markets may develop in future years, and what effect a non-GM purchasing policy might have in the future on costs and availability of goods. However, if many purchasers indicate their intentions at an early stage, this may well have the effect of discouraging some GM product development.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 There is uncertainty about some of the environmental, health and economic implications of the genetic modification of crops.

5 RISK MANAGEMENT

- 5.1 Strategic risk – As mentioned in paragraph 4 above, there is still uncertainty about the environmental, health and economic implications of GM technology, particularly in the long term.
- 5.2 Reputation risk – Members of the local community may well expect the Council to adopt a leadership role on this important topic, but with differing views, there will be some who will disagree with whatever stance the Council takes.

6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES**
- (1) That the Council does not seek a ban of any crop under Article 19 of 2001/18/EC, but writes to the appropriate Minister to express concern over the potential contamination of non-GM crops, to seek assurances that licences will not be granted until it can be shown beyond any doubt

that this risk can be eliminated and that any product containing GM material will be fully labelled, to provide consumer choice.

- (2) That the Head of Legal Services seeks a voluntary agreement with tenants of agricultural land owned by the Council not to grow any GM crop, and that the leases be amended to prohibit this at the first available opportunity.
- (3) That the Council's grounds maintenance contractor be advised that GM grass should not be cultivated, should it become available.
- (4) That tenants of Council houses be advised, by means of the 'Your Home' magazine, of the Council's concern and encouraged not to grow any GM plants which may become available.
- (5) That suppliers be advised that the Council does not intend to purchase any goods containing GM material. (HHHCC)

G Woolhouse

Head of Housing Health and Community Care

Background Papers:

Letter from Mrs C Shorney dated 12 June 2003.

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293 PUBLIC QUESTION

The Proper Officer reported that, pursuant to Council Procedure Rule 10, the following question of the Leader of the Council had been received from Mrs Carole Shorney of 19 Folly Lane, Hockley, GM-Free Campaigner on behalf of Friends of the Earth (South East Essex Group):-

“Our question accompanies the GM-Free collage made up of postcards signed by members of the public in Hockley on Saturday 12 April 2003. This collage is a visual representation of our concern about GM crops and food and of our request for Rochford District Council to adopt a policy to become GM-free.

Over the next year or so, the Government will decide whether to allow GM crops to be commercially grown across the UK. If it does, it would lead to widespread GM contamination of our food, crops and environment.

In the US and Canada, where GM crops have been grown commercially for a few years, the levels of contamination of crops through cross pollination and mixing after harvest have already caused serious economic damage. In a small area like Rochford, we are certain that there will be similar effects. These could have a serious impact on the image of Rochford and the food produced here. It would also threaten the choice of local citizens who want to buy food free from GM.

Will the Council therefore give full consideration to the proposal to declare Rochford GM-free and specifically to adopt the following policies?

- Request the Secretary of State for the Environment, Food and Rural Affairs (DEFRA) to provide legal protection for this District from specific GMcrops in line with Article 19 of 2001/18/EC*?
- Ensure that no GM crops are grown on land over which it has control?
- Adopt a GM-free policy for all goods and services for which this Council is responsible?

*Using the law to protect our area is a real option open to Rochford District Council. If a biotech company wants to market a GM crop in the EU, it needs to obtain a marketing consent under the Deliberate Release Directive (2001/18/EC). Once a consent is granted, that GM crop can then be marketed across the EU without any further local consultation, including in Rochford.

On a case by case basis, for those GM crops that are relevant to its area, Rochford District Council can use Article 19 of the Deliberate Release Directive to request that a condition is attached to individual GM marketing consents, in order to protect its geographical area. It can do this by writing to the Secretary of State for the Environment, Food and Rural Affairs (Margaret Beckett) and directly to the European Commission.

Other local authorities around the country have already voted to go GM-free, including South Gloucestershire Council, South Hams District Council and Norton Radstock Town Council, both in Devon. Devon and Lancashire County Councils have also taken significant steps to becoming GM-free.

The accompanying booklet 'Now or Never' sets out our concerns and explains why it makes sound economic sense to keep our area free of GM crops.

SE Essex Friends of the Earth Group would be delighted to meet with your officials to discuss this important matter in more detail."

The Leader of the Council, Councillor P F A Webster, responded to the question as follows:-

"Rochford District Council considered the subject of genetically modified crops and food in the year 2000. Following from that debate the Council made a number of policy decisions, including that it would require suppliers to take GM foods out of local menus where it had the power to do so, and that it would not consider a Motion to declare the Authority as a GM-free zone, as this would be unenforceable.

In respect of the questions now being asked by Mrs Shorney: -

1. Ensuring that no GM crops are grown on land over which the Council has control is a policy that could be adopted, subject to the need to agree this with existing tenants. As far as the gardens of Council tenants' homes are concerned, it would only be reasonable for the Council to advise tenants of the Council's view and to seek their co-operation.
2. Adopting a GM free policy for goods and services represents a further, reasonable, extension of the Council's existing approach to this issue.
3. The proposal to seek protection for this District from specific GM crops is not, I believe, something which the Council should pursue. It would require this Council to apply to the Government on a crop by crop basis for a specific ban on the growth or marketing of the crop in this District. It is very unlikely, in my view, that any such application would be considered without detailed background information explaining the reasons for the application.

This is an important issue that needs to be dealt with properly at national level. The potential for cross-contamination across local government borders makes the concept of district by district requests for bans pointless, other than as a way of drawing local concern to Ministers' attention.

I believe that this Council should make representations to Ministers to express concern over the potential contamination of non-GM crops and to seek

assurances that licences will not be granted until it can be shown beyond any doubt that this risk can be eliminated.

In addition, I also believe that absolute assurances should be sought from the Government that any product containing GM material will be fully labelled, to provide consumer choice.

Chairman, so that Members of this Council can fully consider any further policy decisions on this subject, I propose that the matter be referred to the Community Services Committee.”

The proposal was seconded by Councillor T G Cutmore and it was:-

Resolved

That the matter be referred to the Community Services Committee so that the Council can fully consider any further policy decisions on this subject.
(HHHCC)