

ILLEGAL GM MAIZE SHOULD BE RETURNED TO USA

2,546 tonnes of prohibited Bt10 maize unloaded at Irish port Department of Agriculture accused of slapdash procedures and cover-up

GM-free Ireland Network press release
www.gmfreeireland.org

Photos are available at <http://www.gmfreeireland.org/scandal/>

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An illegal shipment of 2,546 tonnes of genetically modified (GM) corn-gluten animal feed made from the unauthorised Bt10 maize (1) arrived in Ireland aboard the ship Helena Oldendorff on Wednesday 25 May and was unloaded at Greenore Port in Co. Louth, on Thursday.

The Bt10 maize, which has for years been mislabelled as a legal GM variety called Bt11, is not allowed for importation into the EU because it contains an antibiotic resistance gene which threatens the health of animals and humans (2). But instead of returning the illegal cargo to the sender in the USA, the Government allowed it to be taken ashore, together with GM soybean hull pellets and distillers dried grain destined for the Irish food chain (3).

This shipment of Bt10 is the first known case of the banned biotech maize arriving in the EU since emergency measures were recently adopted by the EC to prevent Bt10 seeping through European borders (4). According to an EU Commission spokesman, US officials tested the shipment for Bt10 corn before it left, "and notified to Irish authorities before the ship arrived" in Ireland. So why did the Government not act in time?

Local eyewitnesses report that Department of Agriculture officials arrived on the scene late, after the shipment had already been brought ashore. They also said the Bt10 consignment was improperly unloaded through the same hopper, transport vehicles and storage facilities used for legal GM and non-GM animal feed, which have thus been cross-contaminated by the banned Bt10. It is unclear if the cargo was then cleared by Customs. The tainted animal feed is now stored in a shed at the Greenore quay.

Speaking in Berlin on Thursday, German Minister for Consumer Protection, Food and Agriculture Renate Kunast called for the shipment to be destroyed because it is illegal in every country on Earth. She said "this incident shows that the EU must keep its strong measures; the US authorities must guarantee that their controls are functioning before such shipments leave the US, and not just after they arrive in Europe." (5)

The fact that over two-and-a half thousand tonnes of the unauthorised Bt10 maize arrived in a single shipment to Ireland long after the EU required the USA to terminate the practice, raises the question of how many hundred thousand tonnes of mislabelled Bt10 GM feed may have been fraudulently sold to Irish cattle and sheep farmers – and consumed by Irish livestock – over the past 4 years or more. US exporters send 3.5 million tonnes of corn gluten feed to Europe each year, a trade worth some €350 million, and most of this is genetically modified. GM corn gluten has been the main ingredient of compound feeds for Irish sheep and cattle since 1995, although most farmers were not informed of this until the EC's GM labelling laws came into effect last summer. Premium Irish beef exporters are already being excluded from leading European markets if their animals are fed on GM feed. (6)

Nobody knows how much Irish beef and lamb has been contaminated, eaten by Irish consumers, or exported under Ireland's clean green food island brand image.

In an attempt to cover-up the scandal on Wednesday 25 May, the Irish Department of Agriculture and Food issued a press release (7) which referred to the illegal Bt10 shipment as a "sample", failing to disclose the fact that this so-called sample consists of 2,546 tonnes -- enough to fill over 85 lorries and feed over six million cattle and sheep. (8)

The Government said "the material will be detained in a holding store at the point of arrival until disposal can be arranged. Further sampling and analysis will be conducted to ensure that any associated lots are not contaminated." A Department of Agriculture and Food spokesperson said "We are satisfied that the testing arrangements and protocols that are in place worked very well."

But as representatives from around the world gather this week and next in Montreal for the second round of negotiations on the Cartagena Protocol on Biosafety, US arguments against the EU's mandatory labelling and precautionary approach to legalising GMOs include claims that current testing methods for GM food ingredients should be abandoned because they are "unreliable". Michael Schechtman, executive secretary of a US Agriculture Department biotechnology committee said "many of the requirements (on biotech labelling and tracking) do not match the ability of current testing methods to detect their presence or do not yield consistent results."

Leading scientists concerned about the reliability of the Bt10 detection methods are now claiming a major cover-up. Dr. Mae-Wan Ho and Professor Joe Cummings of the Independent Science Panel on GM stated that the Bt10 testing method probably involves scientific fraud. (9)

The GM-free Ireland Network (which represents over 32,000 farmers, food producers, retailers, and restaurants North and South of the border) today called on the Government to return the outlawed GM maize to the US. (10)

GM-free Ireland spokesperson Michael O'Callaghan said "Importing this illegal GM animal feed is a violation of EU law. For the government to cover up the scandal by describing over 2,500 tonnes as "a sample" is outrageous. The Irish government should make use of its legal right, under the Cartagena Protocol on Biosafety (11), to refuse the importation of any GM seeds, crops, trees, fish, livestock, animal feed or food, based on the Precautionary Principle. It is disgraceful that while the Biosafety Protocol conference takes place in Canada and Ireland's Environmental Protection Agency hosts the European Enforcement Project conference for regulators of Genetically Modified Organisms (GMOs) in Dublin today, our Government simultaneously violates EU law by allowing this dangerous and illegal shipment of GM animal feed to be unloaded onto Irish soil with virtually no control over handling procedures."

ENDNOTES

(1) The Bt10 maize, patented by the Swiss agri-biotech firm Syngenta, is prohibited in the USA and Europe because it contains an Ampicillin resistance marker gene which may confer resistance to this common antibiotic used to treat bacterial infections. This could create new "superdiseases" with no possibility of cure. According to an Opinion issued by the European Food Safety Authority Scientific Panel on Genetically Modified Organisms in 2004, "Ampicillin resistance marker genes should not be present in GM plants to be placed on the market". No official information has been forthcoming regarding the Ampicillin resistance marker gene in Bt10, nor any attempt to ascertain whether the marker gene has contaminated other GM and conventional varieties of maize which are routinely sold to Irish farmers to feed their cattle and sheep.

Moreover, like many GMO crops, Bt10 maize also produces its own insecticide. According to the (US) Institute for Responsible Technology, transgenic DNA from GM plants has been found to survive digestion and become lodged inside otherwise harmless bacteria that live in the human digestive system. The risk is that this could turn people into living pesticide factories.

Most GM crops contain novel combinations of DNA (taken from viruses, bacteria, plants and animals) which evolve and interact with the living organisms and ecosystems in which they are released, and whose long-term health and environmental impacts are thus scientifically impossible to predict. Genetically modified organisms (GMOs) tend to be genetically unstable, don't always perform as expected, threaten biodiversity, and create superweeds. The Food Safety Authority of Ireland (run by a former biotech industry executive) claims that GM animal feed and GM food are safe, despite no long-term health studies to prove this assertion. Independent scientists with no financial ties to the biotech industry have published evidence that transgenic DNA in food may survive digestion and activate inside your body. Apart from the possibility of turning you into a living pesticide factory, other GM food risks include new diseases, allergies, reduced immunity and antibiotic resistance. Scientific evidence from around the world proves that GMO crops inevitably contaminate surrounding regions, can never be recalled, and cannot possibly "co-exist" with conventional and organic farms. But the Irish Government has never voted against their legalisation in the EU Parliament and is currently trying to "ensure their co-existence" in Ireland.

(2) Dr. Philip Michael MICGP, Chairman of the Irish Doctors Environmental Association (IDEA) issued a statement on Friday stating "both the theoretical and proven adverse effects of GM foods are well known. There is a major global health risk looming in terms of antibiotic resistance of microorganisms commonly encountered in daily medical practice. Ampicillin is still one of the safest and most useful drugs in adult and paediatric practice in many parts of the world. Anything which could jeopardise its usefulness by increasing the rate of resistance development has to be avoided at all costs, hence the importance of removing all traces of Bt10 maize from the animal and food chain."

(3) The Bt10 shipment was being sent to Arcady Seeds in Dublin.

(4) The Swiss biotech giant Syngenta (formerly Novartis) has been selling the illegal Bt10 maize mixed up with a legal variety called Bt11 for the past four years or more in the USA, resulting in about 133 million kilograms of the maize making its way into the human food chain in the USA and Europe. Syngenta and the US government were able to cover up the scandal from December 2004 until the story broke on 22 March 2005 in the science journal *Nature*. Syngenta claimed the Bt10 is substantially equivalent to the legal Bt11 variety, and that in any case only 1,000 tonnes had been placed on the market during the four year period. The US government only fined Syngenta € 270,000. In the following weeks, Syngenta refused to make public the information needed for governments to test food and feed imports for the illegal GM maize.

(5) Under pressure from public protests across Europe, on 18 April, the European Union blocked all imports of genetically modified corn-gluten feed and brewers grain from the USA unless they are accompanied by an analytical report by an accredited laboratory which demonstrates that the product does not contain the unauthorised maize Bt10. Scarcely a week later, the EU authorities announced that Syngenta had presented a detection test for Bt10, which was already validated by the EU authorities.

(6) This information is provided by the Kepak Group (<http://www.kepak.com>). This Irish company is one of Europe's leading food processing firms with sales offices throughout Europe, an annual turnover of over €500 million and which processes in excess of 400,000 cattle, 2.5 million lambs and 15,000 tons of consumer foods per annum. Some of Kepak's prime EU clients have informed Kepak they now refuse to continue buying the company's flagship KK Beef Club "designer beef" brand of premium Irish grass-fed beef it comes from GM-fed cattle.

For a detailed overview of European market rejection of GM food, see the report "No market for GM foods in Europe" published by Greenpeace in January 2005. This well researched document shows that the EU market for GM labelled food products is virtually closed. Europe's top 30 retailers and top 30 food & drink producers have policies and non-GM commitments which reveal a massive international food industry rejection of GM ingredients. This cuts across the industry from food and drink manufacturers to retailers, and includes everything from snacks and ready meals to pet food and beer. The combined total food and drink sales of the 49 companies with a stated non-GM policy in their main market or throughout the EU (27 retailers and 22 food and drink producers) amounts to €646 billion, more than 60% of the total €1,069 billion European food and drink sales. Irish food companies doing business internationally need to implement a non-GM policy without delay. Download report (2MB PDF file) from <http://www.gmfreeireland.org/downloads/NoMarketForGMFood.pdf>

(7) The full text of the Department of Agriculture and Food press release of 25 May 2005:

"Department applies new EU controls to import consignment of an unauthorised animal feedstuff.

In early 2005 the European Commission was informed of the inadvertent release of an unauthorised Genetically Modified Maize (Bt10) onto the market in the US. Measures were immediately put in place to ensure that this material would not enter the animal feed chain in EU Member States (Commission Decision 2005/317). These measures relate to two by-products of maize that are used in animal feed, namely Maize Gluten Feed and Distillers Dried Grains originating in the US. In accordance with the Commission Decision all imports of these two feedstuffs must be accompanied by certification from an accredited laboratory which demonstrates that the product does not contain the unauthorised Bt10 Maize.

In accordance with the Decision, the Department of Agriculture and Food has been applying this certification requirement to imports from the US of the relevant feedstuffs.

The Department has in recent days been informed by an Irish importer that a sample of a consignment of Maize Gluten Feed destined for Ireland had tested positive in an accredited laboratory in the US for the presence of the unauthorised Bt10 maize. The material was already en route when the laboratory results were obtained. In accordance with the Commission Decision the material in question will not be allowed enter the animal feed chain and will be disposed of. The material will be detained in a holding store at the point of arrival until disposal can be arranged. Further sampling and analysis will be conducted to ensure that any associated lots are not contaminated."

(8) Most Irish beef and lamb comes from animals fed on GM animal feed. The amount consumed depends on the type of animal and the season of the year. According to the Irish Cattle and Sheep Farmers Association, a typical dose for cattle being fattened for market is of 4 or 5 Kgs per day, of which 5 to 10 per cent may consist of GM corn gluten. Animal feed for lambs may contain up to 30 per cent of GM corn gluten. A single feed of Bt10 could confer antibiotic resistance to common bacteria.

(9) Dr. Mae-Wan Ho and Professor Joe Cummings said: "The detection method for Syngenta's illegal GM maize is flawed; there must now be a full disclosure of information and access to reference material for retrospective risk assessment and risk management." A leading scientist, who spoke on the condition of anonymity, said the data which Syngenta provided to the EC to help identify the contaminated shipments is "very suspicious".

Dr. Brian John of GM-free Cymru (GM-free Wales) raised concerns about Syngenta's attempt to control the testing for Bt10 by setting up a monopoly with only one private lab having 'official' reference material. "This lab is known to be closely cooperating with Syngenta, and so the question of impartiality of testing is a real one. For instance, might that lab have a behind the scenes agreement with Syngenta that they will report any positives to Syngenta first, even before reporting the positive to the customer who sent in the sample?" Dr. John also said that Bt10, like most GM crops, is probably genetically unstable and that its transgenic DNA may have changed since it was first patented. He is concerned that the validation trial was conducted on just one undated sample of Bt10 maize selected and submitted by Syngenta. "This sample may not truly represent the nature of Bt10 as it is today, more than ten years after its initial development."

(10) The GM-free Ireland Network declared over 1,000 GMO-free zones North and South of the border on 22 April 2005, as a first step in protecting the right of Irish farmers and consumers to choose safe GMO-free food and farming. They want the Governments of the Irish Republic and Northern Ireland to prohibit GMO seeds, crops, trees, fish, livestock, animal feed and food on the island, in order to protect Ireland's world famous clean green food island image and enable Irish farmers to secure their fair share of the rapidly growing market for the safe GM-free food which the majority of EU consumers demand. The GM-free Ireland Network also encourages Irish County Councils to join the European Network of GMO-free Regions which includes over 100 regions and 3,500 local areas that prohibit GMO farming in 22 EU countries. For more information visit the GM-free Ireland at <http://www.gmfreeireland.org>

(11) The Cartagena Protocol on Biosafety, to which the EU is a party, recognises the right of any country to say "no" to GMOs on the basis of the precautionary principle. Ireland thus the legal right to prohibit or restrict GMOs when there is scientific uncertainty about their short to long-term safety. The Protocol explicitly upholds the right of Parties to ban imports of GMOs and to impose higher safety standards. The treaty recognises the Precautionary Principle whereby governments should take preventative action before environmental damage starts to occur, when there is a reasonable cause for concern. Since the Biosafety Protocol was drafted and negotiated in the years 1999 and 2000, scientific backing to the precautionary principle has increased in the light of additional evidence on the risks of genetically modified organisms to biodiversity (e.g. the Mexican maize contamination case, among others). A ban or embargo on GMOs in the Irish Republic and Northern Ireland would therefore be fully legitimate and backed by science. Details may be found in An Explanatory Guide to the Cartagena Protocol on Biosafety. IUCN Environmental Policy and Law Paper No. 46. Published by IUCN - The World Conservation Union, Gland, Switzerland, 2003. ISBN: 2-8317-0671-8. Can be ordered online from: www.iucn.org/bookstore, tel: + 41 22 999 0001.

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