

CASE STUDY

Agriculture Canada to remove Health Canada from safety assessment of some GM foods

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A RADICAL SHIFT in Canada's policy over regulating the safety of genetically modified (GM) foods is close to being finalized. Following stakeholder consultations beginning in 2011, Agriculture Canada proposes to allow a level of GM contamination in grain imports to Canada. The policy would permit a "low level presence" (LLP) of some GM foods that have not been approved by Health Canada. This would mean that Canada's regulation of GM foods would no longer be applied to all the GM foods that Canadians eat. It would put an end to the current "zero tolerance" policy for GM foods not approved by Health Canada.

The new LLP policy would mean that even if Canada's regulators have not yet assessed the safety of a GM grain for food or feed, a percentage of that GM product could be still legally allowed — if the contamination comes from a country whose regulatory system Health Canada has determined to be trustworthy. The policy

would not apply to products that have never been authorized anywhere in the world, such as food system contamination from experimental field trials (as has happened in the past, and is called “adventitious presence”). The acceptable percentage of “low level presence” is a currently proposed 0.2% along with *a second, higher percentage not yet announced*. But what is the purpose behind creating exceptions to Canada’s domestic food safety assessment?

Canada would be the first country in the world to adopt such an LLP policy, and that is the point. The federal government argues that this policy would “provide a model that could be adopted globally.”¹ Canada needs other countries to accept a low level presence of GM contamination in our *exports*. Canada and the U.S. were the first adopters of GM technology in food and farming and our regulations were designed to facilitate commercialization. However, we are now out of step with most of our trading partners, the majority of which have not yet approved the same GM crops that Canadian farmers are growing. The result is, increasingly, the rejection of Canadian exports due to GM contamination.

The federal government also argues that the policy is needed because Canada will soon be at risk from contaminated imports. But Canada and the U.S. continue to be first adopters and Canada has not yet faced any LLP occurrences from outside our borders. On the contrary, according to a UN Food and Agriculture Organization survey, Canada, the U.S. and China are the origins of most LLP events globally.²

Canada’s grain shipments can become contaminated with trace amounts of dust or other remnants from the GM crops grown and shipped here (e.g., GM corn, canola and soy). Such shipments can be quarantined at foreign ports and turned away. The current policy proposal puts “low level presence” at 0.2% detection for this type of scenario. At this percentage, the health risk is assumed to be “negligible.” This assumption is based on a product approval from a foreign government that is trusted by Health Canada, based on their responses to a yet-to-be-written “questionnaire.” This is not the only number at play however.

It is not just trace amounts in shipping containers that hold up Canada’s exports. In 2009, widespread contamination of GM flax was discovered in our flax exports reaching 36 countries (at a cost to industry of over \$29 million).³ This type of contamination from the field would be subject to a so-called Threshold Level percentage of allowable LLP that is not yet been named, but that is likely to be much higher (the industry is proposing 5%).⁴

Whatever the percentage, this higher “low level presence” would be allowed if Health Canada has already conducted an as yet undefined “LLP risk assessment” in anticipation of possible contamination. Rather than fully approving these GM foods as safe for consumption, however, Health Canada would conduct some form of partial evaluation based on an X% contamination scenario. This “LLP risk as-

assessment” is presumably a response to the public expectation of a domestic risk assessment, and that Health Canada does have a mandate for health protection.

In summary, in addition to accepting a 0.2% LLP based on trust in a foreign government’s regulatory system, the proposal puts forward an undefined “LLP risk assessment” for X% of GM contamination. In this way, the proposal actually follows the logic of our existing system where Health Canada assesses the safety of GM foods without disclosing what products it is assessing or what data is being evaluated, and where products are released onto the market with no labelling for the public.

In this proposal, safety is assumed rather than assessed. If Canada is to persuasively argue on the global stage that “LLP is a trade issue, not a safety issue,” then we must put a policy in place for ourselves first.⁵ Canada insists that other countries should accept LLP from Canada as safe because Health Canada has approved the GM product (GM flax, for example). To lend authority to our argument, Canada must also accept such GM contamination from other countries.

International agreements provide full flexibility for countries to maintain zero tolerance for unapproved GM crops. Indications — including from a UN Technical Consultation on LLP that was partly funded by the Canadian government in 2014 — are that Europe, Japan and many countries in Africa are not ready to forego domestic safety assessments to open their borders to GM contamination.⁶ For all these extreme and complicated changes, the implementation of an LLP policy would not actually achieve the trade goal of opening markets to GM-contaminated exports from Canada.

But this is a policy with a long-range view. It was over 10 years ago that Monsanto withdrew its applications for approval of GM wheat in both Canada and the U.S. because international markets were not willing to bear the risk of GM contamination. In their 2014 statement, expressing “support for the future commercialization of biotechnology in wheat,” organizations representing the grain trade in Canada, the U.S. and Australia emphasized the need for “expediting the adoption of reasonable low level presence (LLP) policies” to “ensure that trade can continue uninterrupted for commodities like wheat that may contain traces of existing biotech traits approved in accordance with international guidelines by an exporting country.”⁷ LLP would pave the way for Canada, the U.S. and/or Australia to approve GM wheat because it would remove the threat of trade disruption from expected GM contamination.

An LLP policy would legalize, normalize and expand GM contamination, which would become the norm in international trade and would gradually increase over time. An alternative to the LLP policy is focusing on efforts to protect trade through enhanced segregation of GM and non-GM crops and/or by simply ensuring export

market approvals before new GM crops are introduced (as proposed in a private members bill defeated in the House of Commons in 2011).

However, improving segregation or slowing down the commercialization of GM crops is not on the table. In fact, the LLP policy for food and feed has also opened the door to discussions over an additional policy for LLP in seed. Allowing contamination in seed would threaten Canada's non-GM seed stocks and the future of organic and other non-GM farming and trade. Developing an LLP policy on seed is a process that has already been initiated by Agriculture Canada.

Accepting "Low Level Presence" is a trade-driven proposal that would change how Health Canada determines GM food safety. It has wide-ranging and serious implications for the future of GM crops, the international reputation of Canada's agri-food industry, our future ability to segregate GM and non-GM crops, and, arguably, the trust that Canadians have in government food safety regulation. For two decades, the biotechnology industry and the Canadian government have asked the public to trust federal regulation of GM foods. Now Canadians are being asked to accept an absence of that safety assessment.

Endnotes

1 Kirsten Finstad, Agriculture and Agri-Food Canada, Addressing Low-level Presence in Food, Feed and Seed – an update, Presentation to the Canadian Seed Trade Association, Quebec City, July 16, 2013.

2 FAO, The results of the FAO survey on low levels of genetically modified (GM) crops in international food and feed trade. Technical Consultation on Low Levels of Genetically Modified (GM) Crops in International Food and Feed Trade. Rome, Italy, 20–21 March 2014. http://www.fao.org/fileadmin/user_upload/agns/topics/LLP/AGD803_4_Final_En.pdf

3 Sean Pratt, Policy on acceptable GM levels slow to be delivered, *The Western Producer*, May 23, 2015.

4 Ibid.

5 Lucy Sharratt, notes from Technical Consultation on Low Levels of Genetically Modified (GM) Crops in International Food and Feed Trade. Rome, Italy, 20–21 March 2014. Available upon request.

6 Ibid.

7 Wheat Biotechnology Commercialization, Statement of American, Australian and Canadian Organizations, June 5, 2014