Organic Sector position paper – Genetic Technologies (Precision Breeding) Act 2023.

What is this paper about?
This paper details the organic sector's[1] response to the Genetic Technologies (Precision Breeding) Act 2023[2].

What is the purpose of this law?
This law removes 'precision bred' organisms, also referred to as 'gene edited' organisms, from the scope of the regulations that cover other genetically modified organisms. It makes 'provision about the release and marketing of, and risk assessments relating to, precision bred plants and animals, and the marketing of food and feed produced from such plants and animals; and for connected purposes.'

The Government contends that 'precision bred' organisms could have been produced through the use of traditional breeding technologies and that the associated genetic changes 'could be made more slowly using traditional breeding methods or occur naturally'[3].

Why does the organic sector need a position on this law?
Laws governing organic farming in GB and the EU (Including Northern Ireland) exclude the use of GMOs. They also state that 'Genetically modified organisms (GMOs) and products produced from or by GMOs are incompatible with the concept of organic production and consumers' perception of organic products. They should therefore not be used in organic farming or in the processing of organic products'.

Although the new law categorises 'precision bred organisms' differently to other GMOs, they are still genetically modified and so cannot be used in organic production.

The organic sector, working with likeminded stakeholders, recognise that this law does not have sufficient requirements in place to ensure these GMOs are necessarily safe for release. We also recognise that consumers, and those who wish to avoid products derived from these GMO's, cannot identify and exclude them if they should wish to do so. We have also identified several other deficiencies in the Act which have raised serious concerns about the lack of protection for the environment, UK farmers and animal welfare.

In identifying these problems with the Act it has become important that we can clearly communicate what our concerns are, why we have the concerns and what action needs to be taken to protect the things at risk.

Why is the organic sector concerned about GMOs?
GM has a track record of failing to deliver[4]. We are told that GM foods are needed to feed our growing population and to meet the challenges of climate change and pests, yet real world experience has shown that GM crops have not lived up to their promises.

[1] This includes the Soil Association, Soil Association Certification, Organic Farmers and Growers and BDAA.
[2] https://www.legislation.gov.uk/ukpga/2023/6/contents/enacted
[3] https://www.gov.uk/government/consultations/genetic-technologies-regulation/outcome/genetic-technologies-regulation-government-response
[4] https://www.gmwatch.org/en/main-menu/news-menu-title/archive/99-2019/19169-gmo-myths-and-truths-4th-edition-includes-new-chapter-on-gene-editing

These newer technologies (described as 'precision breeding' in the Genetic Technologies Act), like 'old GM' are perfectly suited to distract from what is really needed, and to end up concentrating corporate control, putting big agribusiness firmly in the driving seat. We only have to look at the US and Brazil to see what direction GM takes us in - low food and environmental standards, farmers faced with degraded soils and loss of control around seed choice and production techniques that are far from resilient to climate change, and wildlife in crisis.

We need to see a shift in priority to solving our underlying food problems. Techno-fixes like gene editing mustn't divert time, effort and attention from crucial issues facing food and farming.

We need a transformational change in our food and farming:

- restore soils,
- diversify crops,
- remove the need for synthetic chemicals,
- work with nature rather than subvert and subjugate it
- restore and value our wildlife and the wider environment
- switch to foods that are healthy (nutritionally healthy for human digestive and immune systems).

This requires a dramatic shift towards farmer-led innovation with agroecology (including organic) to create a just, climate and environmentally friendly future.

IFOAM OI[5] is the global organisation that speaks on behalf of the organic movement. IFOAM OI-has adopted position papers on Genetically Engineered & Genetically Modified Organisms[6] and on Compatibility of Breeding Techniques in Organic Systems[7]. These papers make it clear why 'genetically modified organisms (GMOs) and their derivatives have no place in organic food and farming systems'.

How are we responding to the Genetic Technologies Act?
Now that the Genetic Technologies Act is in place, we are evaluating the detailed provisions of the legislation and want to influence the development of all possible secondary legislation that will be required to implement the Act. Much of the detail on how the legislation will work is missing and we see huge risks in developing rules in haste without adequate consultation and consideration of the wider public interest.

We believe that all GM techniques, new and old, must remain subject to risk assessment, traceability and labelling to ensure farmer choice, consumer choice and the safeguarding of health and the environment. Regulation is needed not only for novel traits, but also for the process of DNA interference itself.

We want the Act to be implemented in ways that don't damage organic food and farming in the UK and protects the interests of all UK farmers from the loss of diverse and widely available crop genetics to biotech companies. It needs to prevent risks to the health of consumers, animals and the environment, and to promote an approach that ensures maximum transparency for citizens around how Defra and the FSA discharge their responsibilities relating to the release and marketing of

[5] https://www.ifoam.bio/
[6] https://www.ifoam.bio/genetic-engineering-and-genetically-modified-organisms
[7] https://www.ifoam.bio/compatibility-breeding-techniques-organic-systems

'precision bred organisms'. In short the Biotech companies need to demonstrate that not only are the products they are seeking to release safe for both the environment and human health but contribute positively to society and sustainable development.

What do we want and why?

Transparency and scrutiny

We are calling for full transparency around the development, release and marketing of 'precision bred organisms'. This must include publication and proper technical scrutiny of information provided to Defra and the FSA at all stages of the registration and approval process.

We are calling on Defra to strengthen their approach to implementation of the notification requirements for 'precision bred organisms' – their proposed approach is inadequate. This would include requiring more detail about the genetic changes being made, the intended benefits of the changes and how those changes can be identified in a product.

Defra's current plans involve little more than an in-house check of the completeness of scant information required by the legislation. This risks rubber stamping notifications, with no real evaluation, as checks will focus on whether all sections of the notification form have been filled in, rather than on technical scrutiny of the information provided. We are deeply concerned that this approach is not fit for purpose. For example, it even risks allowing non qualifying organisms to slip through the net. Such organisms could contain genetic material from other species or include species that fall outside the scope of the act, such as fungi and micro-organisms, which pose particular risks if released into the environment.

We are calling on the Food Standards Agency (FSA) to adopt regulations requiring the labelling of all food and feed containing or derived from 'precision bred organisms'.

The legislation doesn't mandate labelling; however, it also doesn't preclude this.
We know that most citizens expect labelling. In a recent poll in August 2023 64% of those polled said they would expect that trials of genetically engineered crops here in the UK would be thoroughly checked by Defra officials and signed off before going live. Just 9% disagreed. 70% said they would expect that genetically engineered foods and ingredients made from them will be clearly labelled on the packaging so consumers can make informed choices about what they buy. Again just 9% disagreed. We are clear that this is a key component of any credible traceability regime and in the wider public interest.

We are calling on Defra and the FSA to publish detailed assessments of the proposed genetic changes and environmental impact of precision bred organisms, including their potential to contaminate production on farms that wish to avoid their use. We also call for comprehensive evaluation of the potential for novel traits to be transmitted to other crops and wild relatives. The potential for 'precision bred organisms' to directly and indirectly disrupt ecosystems must be fully assessed prior to release. The release of this manipulated material must be shown to contribute positively to both society and sustainable development.

The inclusion of animals in the scope of the Act is particularly worrying. We are asking for a moratorium on the use of these technologies in animals until there has been an adequate public debate on the consequences of these technologies on animal welfare.

Traceability
We want full traceability of 'precision bred organisms' at all stages of their production, distribution and marketing.

We are writing to Defra to call for a clear commitment to protecting the interests of the organic sector through ensuring that organic business can identify 'precision bred organisms' and adequately assess any risk of contamination.

We are writing to the FSA Board to ensure that they adequately discharge their responsibility to 'protect public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) and otherwise to protect the interests of consumers in relation to food'.

No restrictions on trade
The Genetic Technology Act applies in England and no similar legislation has been adopted in Scotland, Wales or Northern Ireland. The devolved administrations in Scotland and Wales have not supported the introduction of this legislation, however, they are effectively obliged to accept the provisions of this legislation under the terms of the United Kingdom Internal Market Act 2020[8]. For Northern Ireland EU law in relation to Genetically Modified Organisms continues to apply.

Government acknowledges the potential for trade barriers with countries and territories where 'precision bred organisms' are required to be labelled as GMOs. This includes the EU which is a key trading partner for UK food businesses.

We are calling on food businesses and retailers to support our demands for robust and thorough notification and approval processes for precision bred organisms, labelling and transparency as a way of avoiding supply chain disruption for organic and non-organic foods and food products that don't contain 'precision bred organisms' or products derived from them.

End

[8] https://www.legislation.gov.uk/ukpga/2020/27/contents/enacted