

Submission to the Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by genetically modified material

From :- Organic and Biodynamic Meats Co-operative (Western Australia) limited, a co-operative of organic and biodynamic farmers with over 30 members farming around Western Australia. The member farmers in addition to producing meat, grow a wide range of certified organic and biodynamic produce, including grains, vegetables, fruits, wine, eggs, dairy and honey, and therefore have much at stake in this issue.

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The Organic and Biodynamic Meats Co-operative (Western Australia) limited (“Organic Co-op”) broadly supports the proposal of Principles for Farmer Protection Legislation developed by the Foodwatch organisation, and adds the following submission :-

- 1. The importance of this inquiry to the future of farming in WA.** The future ability to be compensated for economic loss caused by GM material is essential not only to the future development of organic and biodynamic farming in Western Australia, but also to the many conventional farmers who choose to grow non GM. The organic market is the fastest growing sector of the agricultural economy worldwide, and should be nurtured and protected in Western Australia. The conventional non GM sector is also perceived worldwide as much “cleaner and greener” than GM farming, and attracts premiums for example for non GM canola. Therefore organic and conventional non GM farmers all have much to lose from GM pollution. At present there is no known economically and socially viable way to recover losses caused by GM pollution.
- 2. GM pollution is a fact.** In the case of farmers like Steve Marsh, pollution was through the invasion of GM seed, which is almost impossible to control. This is evidenced not only by the Marsh case, but by many examples of GM pollution in Australia and worldwide. GM canola plants can be seen growing on the edge of roads around the state. Even more concerning is the evidence from countries around the world where GM foods have been growing for longer than Western Australia. In the case of Canada, the vice president of the Canadian Farmers who himself was a conventional canola grower, came and spoke around Australia to warn us. He said that the Canadian experience was that over time GM genes polluted seed widely across the canola industry. This made it impossible for conventional canola seed growers like him to be able to continue to sell seed canola, because they could not guarantee it was GM free. He held out no hope of recovering for this loss to his business due to the cost of court

cases. There are also scientific studies showing widespread GM pollution across corn crops grown in central and north America. In this case GM pollution means that transgenic genes from another species that were put into GM corn crops, were widely found in non GM crops and plants. This pollution cannot be controlled or recalled. It travels in seed, it travels in pollen. Once out and polluting the non GM seed stocks there is no way to simply recall it. It is a very real problem already in the world and to my knowledge little is being done elsewhere to make those responsible for the pollution rectify it or pay for the damage.

3. **No current viable compensation for GM pollution exists.** At present there is no real or viable way for farmers in WA (or to my knowledge elsewhere in the world) to recover for losses caused by GM pollution. Governments like the previous Liberal National Government of WA, have left the recovery of losses to the “common law”. This means farmers seeking compensation for losses have to go to court, which is simply too expensive and stressful in all ways for farmers to undertake. This is proven by the Marsh Case, where the Marshes, who had their own legal fees covered, still are left with a bill for around \$1,000,000. The Canadian and US experience is also that farmers cannot afford to go to court to get justice, so few ever even try. The GM industry relies on this fact to avoid responsibility for the damage it does to others. Another alternative possibility for farmers to get compensated for economic losses caused by GM pollution is said to be insurance. Our insurance company (which is one of the biggest farming insurers in WA) advised that they had no product to cover economic loss caused by GM. This has also been the experience many farmers have had with their insurers. In any event, why should the innocent non polluting party, bear the costs of paying for insurance for pollution. That cost should be paid by the polluter.
4. **GM has not been proven to be safe.** It is often misleadingly claimed that GM foods and seeds are safe, and the Marsh case settled this issue. The Marsh case did not establish that GM farming and products are safe. That was not an issue in the case, because to determine that issue would be too big, take too long and be too expensive to deal with in a private court action. The fact is that GM farming and products have a very short track record of around 20 years compared to non GM farming which has been going on for around 10,000 years (in the case of corn for example). GM products were approved with only short term feeding trials of around 90 days. Long term feeding trials (up to 2 years) are only now being ramped up. Already those done and underway have produced disturbing and serious evidence that GM foods are not safe in the long term, which is what is most important.
5. **Compensation for damage done by GM industry.** As is well known, the companies making and selling GM farming and products assured the world that other products they have marketed (such as DDT, Dioxin, and PCBs) were safe when they were selling them. Any wise government or person should consider this very carefully before trusting that their current product – GM seeds/agriculture – is safe. This known and proven track record means that it is important that the young and new GM industry is made to take responsibility for the pollution it causes to the broader agricultural industry now. If GM is so safe and does not pollute where it is not wanted, then the industry has nothing to be concerned about. If it is so safe and containable, perhaps the GM industry can find insurance to cover the considerable risk that it is not. A fund imposed on the industry to pay for any proven damage to any farmer or the wider agricultural industry is a start towards the GM industry taking responsibility for its

products. It would also be appropriate to consider that the GM industry has strict liability imposed on it for its products which they assure us are safe. It took many years to prove that smoking causes cancer, a fact that now we all take for granted. Farmers cannot be expected to be carrying the brunt of legal cases to prove that GM is unsafe, so they can get compensation for their losses.

6. **Summary.** What would be wise for the future of Western Australian (and Australian agriculture), is to put mechanisms in place for the simple, inexpensive and practical compensation of farmers who suffer losses from GM pollution. The non GM agricultural industry should not have to bear the costs and stress of claiming and getting compensation in court or by insurance. Justice would be served by having a system where a levy is imposed on GM seeds so that there is a fairly administered fund to ensure that farmers suffering losses can recover quickly and efficiently. In the bigger picture, the GM industry may one day in the not too distant future be proven to be causing serious damage not only to the agricultural industry, but also to consumers. It is recommended that the inquiry be broadened or another one set up to look at how to ensure that in this event the GM industry is held to account, and also into the need for labelling of GM foods. At the last state election assurances were made by the then opposition (Labor) agriculture spokesman Mick Murray, that the GM moratorium would be restored in this state under a future Labor Government. To date this has not happened. The wisest choice would be to stop GM altogether in WA. At present GM pollution in WA affects mainly canola and cotton. If GM farming was to expand into other crops in WA such as wheat, it would be far more threatening to the non GM farmers, especially the organic sector. My understanding is that in the US farmers have united to stop the spread of GM into wheat. At present the WA government has a broken promise standing in the way of being able to stop the spread of GM into other crops and protect the non GM sector here. The committee is urged to also inquire into imposing a total GM moratorium in WA until long term feed trials prove GM foods to be safe. That would mean the government is also looking after the consumers who it should also be protecting.
7. **Thanks.** On behalf of our Organic Co-op members I thank all the members of the Environment and Public Affairs Committee for this Inquiry. Steve Marsh came and spoke at a meeting of biodynamic farmers at our farm prior to there ever being a court case involving him. At that time his neighbour was growing a GM crop next door and Steve spoke about how he could see the potential risks to his business and lifetime's work very clearly. The GM crop was being grown in a lawful manner, but there were inadequate buffer zones in the enabling legislation, and a neighbour who simply did not appreciate the potential problems and costs for Steve. How could it be that Steve who foresaw the problems and took steps to warn his neighbour, ended up with a massive liability for attempting to get justice. I am expecting that this inquiry will pave the way for such injustice to never occur again in this state, and will be the first step towards making the GM industry accountable and liable for the losses and damage it causes.