

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

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GM Cropwatch would like to thank the West Australian Government for holding this important investigation into compensation mechanisms after GM contamination has caused economic loss.

We fully support the formation of a fund to compensate any non-GM landholders experiencing financial losses.

This fund would remove the many problems of “farmer VS farmer” in common law litigation, currently the only recourse available.

A Farmer Protection Fund will go a long way towards reducing stress and financial risk for farmers, when they fear that their farms or products are or will be contaminated by unwanted GM seeds or other GM materials.

We also support the strengthening of monitoring and detection methods to allow early detection of GM contamination. The existing “guidelines” applying to segregation of GM and non-GM materials need to be made mandatory, to help prevent further contamination.

Our submission details the multiple ways that we have documented GM seeds and plant material spreading to non-GM farms and environments in the 10 years since our group formed.

Background :

GM Cropwatch is a volunteer group, based in Victoria, helping farmers identify and remove GM canola weeds and other GM contamination. Our group formed in 2008 after the Victorian GM canola ban was lifted and concerns about the spread of GM contamination were raised.

We work with farmers and rural communities to monitor and map GM crops, and to combat the spread of GM canola by monitoring and testing for GM canola weeds. We decontaminate roadsides and farms when GM canola weed outbreaks are identified, to prevent viable seeds germinating for the next season. Test kits allow us to determine if a plant or seed is GM or not, with 95% accuracy. We post test kits to anyone concerned about potential contamination of their farms.



*Testing GM canola weeds found growing near a GM receival silo in Lubeck, Victoria
2-10-13*

GM Cropwatch has documented numerous cases of GM contamination resulting from GM canola being grown beside non-GM crops.

We regard a Farmer Protection Scheme as the ideal mechanism for redress in the cases of GM contamination listed below.

These incidents can be regarded as the tip of the iceberg, as many farmers could not disclose their concerns about GM contamination, which could threaten the marketability of their products.

Common causes of contamination

1. Spillages
2. Human Error
3. Harvested windrowed canola, drying in paddocks, blown onto nearby paddocks and roadsides
4. Contamination of seed
5. Flood spreading seed
6. Insects spreading pollen

7. Lax clean up of bags containing GM seeds

Types of contamination are detailed below.

In all of these cases, economic loss could be avoided by the establishment of a Farmers Protection Fund.

1. Spillages

September 2009 : Roadside GM canola spilt from GM canola transport : NSW

Farmer Gai Marshall found canola plants growing along the Riverina Highway near Berrigan NSW. Using test strips, she found 19 of 20 plants along a 20 km stretch of road were GM.

She believes the plants have taken root from canola spilled out of trucks on the way to the Finley GM receival silo, operated by Graincorp. Gai was not intending to grow GM canola and last year registered a GM-free status for the family property. On 22nd September, Gai Marshall and helpers pulled up as many roadside GM canola plants as possible, in an effort to stop germination of spilt GM canola seed. <http://www.smh.com.au/environment/gm-canola-found-outside-containment-area-20090924-g4s9.html>

August 2011: Truck fire in WA

15 tonnes of GM canola was spilled onto the Albany Highway near Williams after a fire broke out in the vehicle's undercarriage, melting a hole in its trailer. The spill was just 500 metres from a non-GM canola farm and showed the risks involved.

Farmers from the Williams area had asked current Agriculture Minister Mr Redman to make the area a GM-free zone to preserve their market premiums but he refused.

<http://www.news.com.au/breaking-news/gm-grain-contamination-fears-in-wa/news-story/c7148eee6d68312537d4b8e0f8de9b98>

September 2011 : Survey finds roadside canola in Albany WA

Western Australia's Conservation Council ran a "Citizen Science Survey". It found fugitive canola plants growing on the edges of major roads in the Esperance region and demonstrates that road transport can spread genetically modified plants over vast areas. 2% of fugitive plants were found to be genetically modified, despite GM crops making up less than 8% of the 2011 harvest.

<http://ccwa.org.au/media/gm-canola-genie-already-out-bottle>

October 2012 : Citizens Science follow up on 2011 results, WA

"An urgent clean-up of what is clearly now a GM Canola infestation is now required to ensure ongoing crop segregation in the Williams Shire. A thorough inquiry is also needed as to the effectiveness of the 2011 truck spill clean-up and the potential for unknown areas of contamination well away from the truck-spill site."

<http://ccwa.org.au/media/genetically-modified-time-bomb-found-albany-highway>

March 2014: Second truck spill in WA.

A second GM canola truck spill, underlining yet again the risks of GM contamination due to mechanical failure.

<http://www.abc.net.au/news/2014-03-28/south-coast-gm-canola-spill/5353302>

October 2015 : GM canola weeds found growing at 5 sites in metropolitan Perth

The GM-Free Farmers Group, representing around 150 WA broad acre farmers, raised the alarm after GM canola, which is resistant to the popular herbicide glyphosate, was found growing on road verges at Mundaring, Kewdale, Mandogalup near Kwinana and two Maddington sites.



GM Free Farmers Group's Darrell Boase and Chris Edmonds testing roadside canola plants

<https://thewest.com.au/countryman/news/gm-free-canola-market-at-risk-ng-ya-130970>

2. Human Error

December 2009: Silos in Victoria

Graincorp confirmed that genetically modified (GM) canola has been detected at two northern Victorian silos.

Independent tests found small amounts of GM canola at Dunolly, west of Bendigo, and Lillimur near Nhill.

The presence of GM canola in a designated non-GM silo was put down to human error, one employee was sacked.

<http://www.abc.net.au/news/2009-12-17/gm-canola-found-in-silos/1181672>

3. Harvested canola windrows drying in paddocks, blown onto nearby paddocks and roadsides

(A) November 2008: first GM canola contamination in Victoria

GM Cropwatch found windrowed GM canola plants, lying in the paddock ready for harvest had blown up to 74 metres along the road from the GM crop site. Monsanto responded by telling the media that GM canola contamination was “always expected and anticipated”.

The roadside is managed by Vic Roads, which has no protocols for organising decontamination. The Victorian DPI and Horsham Rural City Council were not willing to be involved.

Faced with bureaucratic buck passing, local farmers cleaned up the site, collecting the plants and using a vacuum cleaner to pick up seed that had spread from the split seed pods.

<http://sl.farmonline.com.au/news/state/grains-and-cropping/general/an-unwelcome-blowin/1371915.aspx>

<http://www.abc.net.au/news/stories/2008/11/26/2429844.htm>

<http://sl.farmonline.com.au/news/nationalrural/agribusiness-and-general/general/claims-of-gm-canola-contamination-in-vic/1369599.aspx>

(B) September 2010: Steve Marsh’s farm: Kojunup, WA

In the famous case, Steve Marsh’s organic farm was decertified after he found GM canola spread over 2/3 of his property. His legal action against his GM-growing neighbour prompted widespread support for his case. The windrowed GM plants had blown across from his neighbour.

<http://safefoodfoundation.org/food-campaigns/genetically-modified-foods/projects/steve-marsh/>

<http://www.abc.net.au/news/2012-07-06/organic-certification-row-to-head-to-wa-court/4114336>

The Supreme Court Judgement on the case found against Steve Marsh

<http://safefoodfoundation.org/2014/05/28/press-release-gm-farmers-win-is-a-loss-for-all-organic-farmers/>

4. October 2005: contamination of seed

Geoffrey Carracher, who farms 1,200 hectares near Horsham in western Victoria, sent his “Grace” brand non-GM canola seed for testing and found it had 0.5 % GM contamination. On 26th October 2005, The Primary Industries Ministerial Council (PIMC) announced acceptance of a GM tolerance level of 0.9% in marketed canola and an acceptance of 0.5% GM contamination in seed. Seed levels were meant to reduce to 0.1% within 2 years.

In effect, the PIMC had moved the goal posts to **allow** the level of seed contamination which had been experienced by this farmer.

http://web.archive.org/web/20140401030933/http://www.non-gm-farmers.com/news_details.asp?ID=2695

Bayer Cropscience announced in November 2005 that the seed contamination was from Topas 19/2 GM canola, trailed in Tasmania.

5. Flood

March 2011 : Flood causes GM canola spread : Victoria

Grain farmer Bob Mackley confirmed GM canola contamination on his formerly GM-free farm. Bob was dismayed when he found that the floods had washed GM canola from his neighbour's paddocks onto his property.

<http://www.mailtimes.com.au/story/1824365/wimmera-grain-growers-pressured-to-stay-silent-on-gm-contamination-bob-mackley/>

6. September 2009: Insects spreading pollen : Victoria

Greenpeace tested honey samples from hives adjacent to a GM canola crop at Bannockburn, near Geelong, Victoria. The pollen was found to contain Monsanto's Roundup Ready canola genes, The honey was tested using the Polymerase Chain Reaction (PCR) technique.

http://www.gmwatch.org/index.php?option=com_content&view=article&id=11558:uproar-as-gm-canola-contaminates-beehives

7. April 2016: Lax clean up of bags containing GM seeds, WA

GM canola seed bags, containing a small amount of seed, were found blowing along a road in Goomalling shire. "These bags — for Roundup Ready canola — could result in GM canola contamination of roadside verges and possible non-GM farmers' paddocks. This is completely irresponsible behaviour by some GM farmers," said Ms Copeland from the GM Free Farmers.

<https://thewest.com.au/countryman/news/stray-gm-bags-found-on-road-ng-ya-104261>

Conclusion

In a country where both GM and non-GM canola are harvested, transported, handled, marketed and sold, it is very easy to suffer financial loss if the two streams are mixed.

In December 2015, Labor MLC for the Agricultural Region, Darren West shared his concerns in a member's statement to the Legislative Council last week after a load of canola he delivered became contaminated during the sampling process at the CBH Avon site. He was told his contaminated load would need to be put on the GM canola stack, but he would still be paid a premium for the load he was delivering.

<http://www.farmweekly.com.au/news/agriculture/agribusiness/general-news/premium-paid-for-contaminated-canola-load/2749430.aspx>

GM Cropwatch would like to see certainty for farmers in cases such as these. A Farmer Protection Fund, accumulated from a levy on GM seed sales, seems to be the best remedy for these inevitable problems.

We hope you have found this submission interesting, and would like the opportunity to appear in person at the Inquiry.

We also ask that all submissions to the Inquiry are made public.

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