

Thank you for the opportunity to provide a written submission to the Standing Committee on Environment and Public Affairs for the petition tabled by Hon Diane Evers MLC.

Ref: Petition No. 010

Petition to Compensate GM-Free Farmers if economically affected by GM Contamination.

This submission has been prepared by Janet Grogan (FOODwatch representative)

We urge the WA Government to introduce Farmer Protection Legislation to compensate any non-GM farmer who suffers economic loss from GM contamination.

Current Situation

GM crops have been allowed in Western Australia since 2009, with GM canola commercialised in 2010. Since then the rights of the non-GM farmer have been disregarded and ignored by the previous state government. The anti-competitive behaviour of GM growers has been allowed to take place with no regard to the consequence for the non-GM farmer's right to grow a product to meet GM-free markets and GM-free consumer expectations.

GM canola's introduction came with an Industry approved GM contamination level of 0.9 per cent for grain and 0.5 per cent for seed for sowing. These levels were useful for an industry which was aware of containment difficulties, and allowed a leeway in setting up 'coexistence' guidelines.

The WA Department of Agriculture and Food has guidelines to enable successful 'coexistence' between GM and non-GM farming, suggesting buffer zones, communication, planning, swathing etc when growing GM canola, but who is monitoring this? These are not mandatory and leave the non-GM farmer with the onus in keeping GMOs off their property and out of their crops. This scenario is backed by pro-GM supporters and the GM Industry itself, some of whom confuse this as an organics vs GM problem when it actually affects the majority of farmers in WA (conventional and organic) who remain GM-free.

(1) When farmers lose their choice to grow GM-free food it is compounded by a loss of consumer choice.

GM-Free Demand

Recent research into global consumer habits by Nielsen show that more of us are choosing what we eat based on health criteria rather than cost and one of the biggest drivers is food sensitivities such as allergy or intolerance. (2)

'Buy Australian' Magazine used this data to show the top ten most rejected ingredients in Australia and they include antibiotics (60%), artificial flavours (53%), sugar and GM foods (both 44%). In Europe, where they have had transparent GM labelling for almost two decades, the figure is 59%. (3)

This rejection is not about niche or knee-jerk responses. Nielsen found that 81% of people reject GMOs because they believe that they are harmful to their own or their family's health. This trend towards GM-free cannot be ignored. This prevailing sentiment overwhelmingly backs GM-free farms and foods. (4) (5)

Martin Stone Director of HACCP Australia and GMO-ID Australia told Food & Beverage Industry News "If you put two products side by side and they look the same, smell the same but one's labelled as certified non GMO and the other one is a maybe you'll probably sell more of the certified non GM," (6)

We are now seeing the availability of labelling and apps to a discerning public demanding the right to choose GM-free products. They include the recently released NON-GMO Compliance Australia Standard (7); the Shop GMO-Free app. (UK) (8); the "Ohne GenTechnik" seal (Ohne Gentechnik = no genetic engineering) in Germany and into Europe (9) (10), the GM-Free Australia Alliance GM-Free Shopping List (11) and the Non-GMO Project (USA) which reached \$1.3 billion in sales last year. (12)

This represents a worldwide growing consumer demand for clean, green GM-free food. Agriculture and Food Minister Alannah MacTiernan recently released a report that identified 20 opportunities for premium food production in WA. Premium food is sold at a much higher price than the average for the category and includes organic food. (13). GM canola is currently sold in WA with an average \$30 per tonne penalty over non-GM canola varieties, and the difference has been as high as \$78 per tonne. Our

GM-free farmers need the assurance that they can access these markets, without incurring the economic penalties from GM contamination.

GM Contamination Events

It is a fact that GM contamination is inevitable and often costly, and most contamination events are caused by human error. (14) The US has experienced trade disasters from unapproved GM corn (15), GM alfalfa (16) and GM wheat (17) (18) while Canada had GM flax (19) and GM alfalfa problems.

In WA, roadside testing in 2015 showed that GM canola is not being contained and GM volunteers have emerged up to a hundred kilometres from possible sources. (20) The risks to a GM-free choice are real. Roadside spills and contamination events have previously been recorded in WA. (21) (22) (23)

Standards and Regulations

Grain handlers' (e.g. CBH) and organic standards maintain zero tolerance for any detectable GM in both conventional and organic non-GM commodities and crops to meet export buyers and shopper requirements. (24)

The international organic standard sets zero tolerance, as does IFOAM Europe, and also the European buyers of WA's canola, for food, animal feed and biofuel production. (25)

The ACCC states "There is no room for ambiguity with a 'GM Free' claim. Businesses must be able to verify any labelling claim. The ACCC will be looking for documented verification systems underpinned by an effective Trade Practices compliance program". (26) While the GM Industry may have enforced a GM contamination level this is neither recognised nor accepted by our regulator which expects zero GM tolerance. When a farmer's choice is compromised so is the consumers'. Problems are already being found in the poultry sector where it is difficult to guarantee GM-free chickens, as unlabelled GM feed may have been used. This is why it is imperative for the organic sector to remain 100% GM-free in order to satisfy not just consumers but the labelling regulator. Currently Common Law is the only form of redress in cases of GM contamination, but clearly this does not work. (27)

The Need for Farmer Protection Legislation

The onus for the failure of the GM Industry to prevent contamination events which cause economic harm to the non-GM farmers and loss of GM-free choice to markets and consumers should not be borne by the non-GM farmer. The farming of GM produce cannot coincide with GM-free farming when voluntary regulation practices are ignored.

Therefore we suggest that the DAFWA coexistence recommendations be revised and made mandatory to ensure that the GM sector assumes responsibility for GM segregation. (28)

It is time to establish some form of Farmer Protection Legislation. The choice to grow GM-free must be legally protected and the polluter made to pay.

We believe the fund should

- be created and maintained with a levy on all GM seed sales of, say, \$1/kg;
- operate on the widely-held principle that the polluter is liable and pays for damage done;
- automatically compensate any grower or supply chain participant who has well-documented evidence of economic loss or other harm resulting from GM contamination.

It is the GM Industry and GM growers who should bear the responsibility for economic damage and loss of choice caused by GM contamination. Farmers producing GM-free crops for premium markets should be protected and I ask that you introduce such legislation.

Thank you

Janet Grogan (FOODwatch representative)

(I have not taken this to the Parliamentary Commissioner for Administrative Investigations).

References for Petition No. 010

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1. <http://www.farmweekly.com.au/news/agriculture/cropping/general-news/gm-compensation-fund-put-on-the-table/2755486.aspx?storypage=0>
2. [http://www.nielsen.com/content/dam/niensglobal/eu/docs/pdf/Global%20Ingredient%20and%20Out-of-Home%20Dining%20Trends%20Report%20FINAL%20\(1\).pdf](http://www.nielsen.com/content/dam/niensglobal/eu/docs/pdf/Global%20Ingredient%20and%20Out-of-Home%20Dining%20Trends%20Report%20FINAL%20(1).pdf)
3. <http://buyausmag.com.au/> Pp. 20-21
4. <http://www.feednavigator.com/Markets/Continued-growth-in-non-GM-milk-poultry-in-Germany>
5. <http://www.nielsen.com/content/dam/niensglobal/vn/docs/Reports/2016/Global%20Ingredient%20and%20Out-of-Home%20Dining%20Trends%20Report%20FINAL.pdf>
6. <https://foodmag.com.au/telling-the-market-youre-gmo-free/>
7. <https://www.nongmocompliance.com.au/>
8. <http://shopgmofree.co.uk/>
9. <http://www.ohnegentechnik.org/home/>
10. <http://www.globalresearch.ca/german-supermarket-giants-demand-return-to-gmo-free-fed-poultry/5398922>
11. <http://www.gmfreeaustralia.org.au/resources>
12. <http://nongmosourcebook.com/index.php>
13. <https://thewest.com.au/business/agriculture/mactiernan-in-fresh-push-for-posh-nosh-into-asia-ng-b88529399z>
14. <http://www.gmcontaminationregister.org/>
15. <http://rt.com/news/china-rejects-us-corn-087>
16. <http://www.gmwatch.org/index.php/news/archive/2013/15050-alfalfa-rejected-for-export-because-of-gmo-contamination>
17. <http://www.dailymail.co.uk/news/article-2333381/GM-wheat-crops-America-facing-wheat-export-crisis-Europe-Japan-lead-way-rejecting-genetically-modified-crops.html>
18. <http://www.gmwatch.org/index.php/news/archive/2014/15763-monsanto-settles-with-wheat-growers-over-gm-contamination>

19. <http://www.greenpeace.org/international/Global/international/planet-2/report/2010/1/ge-contamination-devastates-ca.pdf>
20. <https://au.news.yahoo.com/thewest/countryman/a/29861723/gm-free-canola-market-at-risk/#page1>
21. <http://www.perthnow.com.au/news/survey-exposes-unplanned-gm-crop-spread/news-story/dc0896be0a6111ed29dd7fed38889307>
22. <http://www.abc.net.au/news/rural/2014-03-28/south-coast-gm-canola-spill/5353302>
23. <http://www.lynnmaclaren.org.au/parliament/speeches/genetically-modified-canola-contamination-cunderdin>
24. <http://www.farmweekly.com.au/news/agriculture/agribusiness/general-news/premium-paid-for-contaminated-canola-load/2749430.aspx>
25. <http://www.farmweekly.com.au/news/agriculture/agribusiness/general-news/premium-paid-for-contaminated-canola-load/2749430.aspx?storypage=0>
26. <http://www.accc.gov.au/media-release/accc-watches-new-labelling-of-gm-foods>
27. <http://www.gmofreeglobal.org/en/news/post/steve-marsh-gm-contamination-case-fails-in-australian-supreme-court>
28. <https://www.agric.wa.gov.au/genetic-modification/coexistence-different-production-systems>