Day/Month/2022

Dear XXX

I am writing to you as your constituent representing a business operating within the organic food and drink sector, **asking for your support of amendment 7 in the Genetic Technology (Precision Breeding) Bill.**

The UK organic sector has serious concerns with this Bill. The failure to mandate traceability in the current draft means this Bill needlessly risks negative economic shocks in the marketplace by threatening UK businesses like my own. Amendment 7 seeks to solve this unnecessary risk.

**What is amendment 7?**

The Bill aims to exempt genetically engineered organisms viewed to be akin to ‘traditional’ or natural breeding, from the Genetically Modified Organisms (Deliberate Release) Regulations 2002 (S.I.2002/2443). Mandatory traceability has long been a requirement for GMOs, but the current draft Bill would not require this for this new category of organisms. Amendment 7 would resolve this.

**Why would this help UK businesses?**

European Union (EU) imports require traceability. The Government states that this isn’t a problem, arguing that the European Union is likely to similarly update GMO regulations. There is, however, no guarantee of this. Even if it does happen, regulations may not align. For example, the weak definition in the current draft Bill for GMO exemptions is wide open to legal challenge1. The failure to mandate traceability therefore creates an entirely unnecessary risk of a potentially major UK trade barrier.

**Why is this risk so high for organic businesses like my own?**

Even if there were similar regulatory change, the EU is likely to protect EU organic standards, in line with international standards, and continue to exclude these genetically engineered organisms from organic. This means that without suitable mechanisms in place to ensure traceability and separation, organic businesses in the UK are likely to face anything from severe disruption to a complete refusal from the EU or other countries, to import products. This includes Northern Ireland, raising major issues in terms of internal market disruption and international trade.  Therefore, there is a huge unnecessary risk to the UK organic sector worth £3 billion2.

**Is mandatory traceability cheap and easy to do?**

Yes, there are already systems in place for farm to fork product traceability in many sectors, including those already in place for Genetically Modified Organisms. These can be quickly and painlessly adapted to accommodate this new category of organisms for trading purposes. Soil Association Certification Limited is already offering to provide insight on suitable measures.

**Why is traceability not being mandated in the current Bill?**

Firstly, officials have often confused traceability in supply chains with a particular use of traceability; ‘genome edited’ food labels. The Government is against such labels, arguing these foods ‘will be safe’, and labelling gives the impression they may not be. Labelling is, however, what the public demands3. But it is also a separate issue; traceability for supply chain export purposes does not require a mandate for food labels. Secondly, the economic impacts of relying only on voluntary measures has been poorly evidenced.

**How has economic impact been poorly evidenced?**

On general trade, the attempt has been to just hope for the best. For organic, there has been a complete failure to investigate. Defra officials recently argued this organic issue was only brought to their attention by the Regulatory Policy Committee (RPC) recently. In fact, the organic sector provided evidence on this issue in the consultation last year. The consultation responses were completely ignored by Defra who, until recently had not even spoken with major UK organic certifiers, including Soil Association Certification. Overall, the Impact Assessment underpinning this Bill has a highly unusual ‘unfit for purpose’ RPC red rating. Even more unusually, instead of a pause in the Bill to address this, further evidence is being collected to fill this gap in an Enactment Impact Assessment, too late for parliamentary scrutiny.

Considering this evidence gap, and as your constituent, please can I ask for you to support amendment 7, which simply and neatly resolves the overlooked, but extremely pressing economic risk to UK businesses, such as my own. With the necessary changes applied, the Bill will achieve the same purpose, whilst ensuring that organic businesses, and all those that seek to secure non-GE and non-GM markets, can continue.

Furthermore, I would urge to ask the government why instead of pausing the Bill to develop a ‘fit for purpose’ impact assessment, an Enactment IA is instead being developed, too late for the impact to businesses such as mine to being provided for parliamentary scrutiny. Such a decision to proceed threatens to undermine long running government standards in evidence-based decision making and that could lead to lower protection for farmers, food businesses and for the public interest.

I have included in an Annex to this letter additional information associated with this Bill and the position of the organic sector.

**Yours sincerely,**

XXXX

**Further background information**

1. **The failure for the Impact Assessment to consider economic issues**
2. **The blurry legal line between gene edited and GMOs**
3. **Non-safety concerns for gene editing**

1. **The failure for the Impact Assessment to consider economic issues**

The Impact Assessment underpinning the bill has no mention of concern about those markets and sectors who do not want, or choose not, to adopt this technology.

Organic is one such sector. Genetic engineering, including through ‘gene editing’, is against global organic principles. This is due to a precautionary approach to genome manipulation, and concern for the social, ethical, and environmental concerns – highlighted below. Given the lack of movement to address these concerns, this fundamental principle, held by the International Federation of Organic Agriculture Movements (IFOAM), is highly unlikely to change. This means that EU standards that currently prohibit GMOs in organic, will be extended to any new category of gene edited organisms, creating a high risk for a trade barrier.

Traceability and labelling costs, which work to provide a solution to both these issues, including trade, and which are minimal in cost, are “not quantified”.  The issues of contamination between farms and liability are not assessed.

The Impact Assessment does not properly consider or quantify the impact on trade. Not only for the organic sector, but also the conventional sector, both domestically and in terms of international markets, where the products are destined for markets where products covered by this Bill remain restricted under legal definitions.  Instead, the approach is to just hope it will all work out.

The Regulatory Policy Committee gave a ‘Red Rating’ for the Impact Assessment, an extremely rare occurrence, and one usually prevented by further evidence gathering and analysis4. The expert evidence sessions, and following debate at the Bill Committee stage, validated, and expanded on the concerns set out by the Regulatory Policy Committee. These concerns were broad, but the specific red listed rating was given to both the Equivalent annual net direct cost to business (EANDCB) and Small and Medium micro business assessment (SaMBA).

1. **The blurry legal line between gene edited and GMOs**

The heart of the Bill rests on the premise that new genetic engineering techniques (often known as gene editing) are precise and predictable and can therefore be used to create changes that are no different to traditional breeding, excepting for speed and ease. The argument therefore goes, that defined in this context, they are as safe as traditional breeding and should be treated as such in regulation. However, it is very difficult to draw a legal line between organisms considered ‘novel’ (given GMO regulatory oversight) and those that ‘could have resulted from’ traditional breeding or natural processes. Multiple academic responses to the 2021 public consultation raised concerns around this. This is because:

* Given enough time, it is hard to know what genetic change could not be achieved through traditional breeding or even natural processes, as evident by the evolution of our planet’s extraordinarily life. Yet no timeframes have even been mentioned.
* It depends on what you mean by traditional or natural processes. The current Bill wording includes this to mean both radioactive radiations to induce mutations (a common technique that has been argued by many to have escaped necessary enforcement) and horizontal gene transfer between species (opening the door to foreign gene insertions).

Oral expert evidence given to the Bill Committee from Dr Edenborough QC, concluded that the legal interpretation of the definition of precision breeding (the heart of the Bill) creates ‘staggering’ uncertainty around what this means in practice. He said because “things are being defined in a cascading way you have uncertainty built upon uncertainty”. He argued this could lead to legal challenges and disruption.

Overall, no detail on what genetic change this Bill *excludes*has been provided. Legal challenges forcing through GMOs (novel genetic change beyond what the government or its genetic advisors currently envisage) are therefore entirely possible. This legal ambiguity is likely to result in major economic disruption without legal clarifications to add certainty.

1. **Non-safety concerns for gene editing**

In last year’s gene editing public consultation, **82% or more of responses from academics, NGOs, businesses, and individuals, stated that there are non-safety issues to consider** if such organisms were to be not regulated as GMOs. A major area of concern is around the risk that commercial drivers, already evident in traditional breeding, will overall push the use of this technology on pathways that are at odds with environmental, climate, social and ethical goals.

Trends in breeding for livestock and crop varieties have shaped the rise in low welfare outcomes in key farming systems and a loss of genetic crop diversity. These lead to vulnerability to disease and reduced genetic resilience.

Instead of reversing these trends, the capability of these technologies, and the greater Intellectual Property Rights attached to them, are likely to rapidly accelerate them. This creates a high risk of widespread destabilisation of food markets in England and would threaten stability also in the Devolved Administrations.

A public goods test within the Bill would have the potential to resolve this, incentivising innovation with a wider scope and down more favourable pathways. At the very least, stronger tests for environmental and animal welfare harm, e.g., to prevent invasive plant traits, would surely be required.

There are many complex angles to even this; controversial traits such as herbicide resistance, the layers of intellectual property rights wrapped up with these technologies, the ability for ‘quick DNA fixes’ to distract from more impactful ecological innovation, the potential for invasive plants resulting from novel traits in the ornamental or agricultural sector, the damage to animal welfare…the list goes on. Many issues are not unique to gene editing but are exacerbated using these technologies.

So far, the Government has swept all such concerns under the carpet except nominally for animal welfare. No independent evidence assessing these risks has been released. What provisions the Bill does have on animal welfare, do not protect animals, for example as argued by the RSPCA5.