

Daniel Zeichner MP
Minister of State at Defra
Marsham Street
London
SW1A 0AA

16th October 2024

Dear Mr Zeichner,

Genetic Technology (Precision Breeding) Act 2023

Following your announcement that the Government will pass secondary legislation to implement the Genetic Technology (Precision Breeding) Act 2023, we are writing to you to raise awareness of some key elements that we feel must be included in any secondary legislation.

There are particular risks for the organic sector, which was worth £3.2 billion in 2023, and other supply chains that need to remain GMO free, as well as for those trading to regions and countries which have a different regulatory regime for the genetically engineered products defined in the Act as Precision Bred Organisms (PBO).

It is, therefore, vital that the statutory instruments that are now put in place ensure the safe release of these genetically engineered products and transparency within the supply chain, with clear labelling, to reassure and protect consumer choice, secure the organic and GMO-Free sector and to protect regional and international trade.

The undersigned ask that the secondary legislation needed to implement the Act is fit for purpose, ensuring as a minimum:

- an appropriate, robust, impartial notification and registration system for genetically engineered products to ensure that only products that meet the requirement of the Genetic Technology (Precision Breeding) Act 2023 are being declared as PBOs – the current proposals allow far too much room for error;
- mandatory requirements for the identification and traceability of PBOs in a supply chain – to be appropriate for all supply chains and include requirements when used in breeding and along generations and to enable them to be excluded where specific supply chains, like organic, require it;
- appropriate assessment of the risks to *inter alia* public health, the environment, biodiversity and animal welfare of the genetic changes taking place before they can be released or sold as food or feed (with sufficient information released to enable analysis to be carried out to identify/verify their presence in a product) – this is crucial because of the unknown long-term impact of this technology;
- and identification (i.e. labelling) at the point of sale of products containing PBO ingredients to enable consumers and supply chains to make a choice of whether to use them or not.

Setting aside our long-term objection to this technology, we are committed to work with Defra to find solutions to deliver these outcomes, which we believe can be achieved with appropriate secondary legislation using simple mechanisms that already exist within food production and supply chains.

We call on you as Minister of State to ensure that any proposed secondary legislation provides the safeguards we have identified above. This would allow the developing legislation to protect public and consumer interests, as well as meet the needs of all British businesses – and not solely prioritise the ease and commercial gain of the genetic technologies sector.

Yours sincerely,

Dominic Robinson, CEO, Soil Association Certification
Leonie Nimmo, Executive Director, GM Freeze
Pat Thomas, Director, Beyond GM
Claire Robinson, Co-Director, GMWatch
Ross Paton, Chair, Scottish Organic Stakeholders Group
Adrian Steele and Christopher Stopes, Co-chairs, English Organic Forum
Pete Richie, Executive Director, Nourish Scotland
Alysoun Bolger, Coordinator of the Standards Committee, Biodynamic Federation Demeter International
Gabriel Kaye, Executive Director, Biodynamic Association
Hannah Gutteridge, Certification Manager, Biodynamic Certification
Cristina Dimetto, Managing Director, UK Organic
Roger Kerr, CEO, Organic Farmers & Growers

Appendix

Appropriate notification and registration system

An appropriate notification and registration system must be in place to allow independent review and scrutiny of proposed new PBOs based on scientific assessment. Tools such as CRISPR/Cas gene scissors have the potential and capacity to alter gene sequences (genotype), and thus gene function and plant characteristics (phenotype) to an extent that would be impossible, or at the very least unlikely, using conventional breeding. The genetic changes can include intended and unintended changes. It is for this reason that any notifications of PBOs for release in England must contain sufficient detail about the genetic changes to enable them to be properly assessed for their safety and suitability.

Risk assessment

All genetically engineered plants must be subject to a mandatory risk assessment, carried out on a case-by-case and step-by-step basis, in accordance with the precautionary principle, to determine which intended or unintended genetic changes, or biological traits, are present in the plants, before any reasoned assumption can be made on their safety.

Genetically engineered plants that have the potential to persist, reproduce or spread in the open environment need to be evaluated in respect to their impact on nature and the environment. Where there is uncertainty, their release into the environment should be prevented.

With regard to food safety, it has to be understood that the genetic engineering processes can cause unintended DNA changes and unintended effects which are unlikely to occur in conventionally bred plants. Without detailed molecular analysis and risk assessment, it cannot be excluded that the resulting alterations in gene functions and biochemistry may impact human or animal health at the stage of consumption.

Identification and traceability of PBOs

Precision bred organisms are still genetically modified organisms. The identification and traceability of PBOs is therefore essential to enable co-existence with production systems and supply chains, such as organic, which are legally required to exclude genetically modified organisms.

This identification and separation must start at the production level, so that mandatory measures are put in place, by those choosing to grow genetically engineered plants, to ensure separation and prevent cross contamination.

This identification and traceability must be maintained throughout a supply chain to enable genetically engineered products to be separated and excluded where necessary. This would prevent any trade barriers with regions or countries that have a different regulatory regime for genetically engineered products.

Labelling

The Food Standard Agency's public dialogues showed that over 80% of the public wanted to see clear labelling of any foods containing GE ingredients. A simple, mandatory labelling requirement of PBOs, in line with other seed, feed and food labelling requirements already regulated in the UK, would not be difficult or expensive to implement and would enable identification and traceability all along a supply chain as well as at the point of sale for consumers.

Safeguarding the interests of British businesses

Patents must be strictly limited to the technical processes used for genetic engineering, and not allowed for the genetic sequences or traits of the plants, in order to avoid patents having an impact on conventional breeding. The patent of genetic resources and gene variants that are also needed in conventional breeding must be prevented. If safeguards are not put in place patents could block access to biodiversity in such a way that traditional breeding carried out by small or medium-sized breeding companies would become impossible in the future.