



# National Organic Coalition

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## GMO Contamination Prevention and Market Fairness

### What Will It Take?

How do we protect organic and conventional agriculture from contamination by genetically modified organisms (GMOs) and the inevitable market losses? What set of principles and concrete measures must be adopted to ensure the continuation of these farming methods that have served as the foundation of American agriculture and ensured our nation's food security for centuries?

Before answering these questions, we must first acknowledge that the challenges we face in this regard stem from two known facts: 1) Biological and physical movement of material derived from genetically engineered crops is difficult and oftentimes impossible to control or recall and, 2) Domestic and global markets demand foods with zero or near-zero levels of material derived from genetically modified organisms. The harsh consequences of these two known facts is that planting genetically modified crops can threaten livelihoods, affect critical food supply and demand, and it can impose an unfair financial burden on farmers seeking to satisfy discernible markets for GMO-free products. So, what do we do?

Our goal is to identify policy outcomes that are fair, comprehensive, and that do not pit farmer against farmer. What is at stake is the ability of American farmers to compete in national and global markets and not risk having those markets supplied by farmers from other countries due to GMO contamination in the US food and seed supply. Farmers who seek to avoid GMOs must not continue to be solely responsible for contamination prevention and clean-up and/or be forced give up growing certain crops. For this to happen, direct government intervention is needed to protect livelihoods and local economies.

We have deliberately chosen to use the phrase "GMO contamination prevention" instead of "coexistence" to more accurately reflect a public policy framework which emphasizes that planting GMOs must not in any way preclude the growing of organic and non-GMO conventional crops. Implicit in this framing is the acknowledgement that preventing contamination is a two-way street. While those who seek to avoid GMOs take reasonable precautions to avoid pollen drift and the commingling of seeds and products, their actions may not always be enough to prevent contamination in a given circumstance. We strongly believe that those who own, promote, and profit from GMO technology must be held responsible for the economic and market harm their products cause.

To overcome perceptions about the lack of fairness, trust, and transparency surrounding GMOs, we believe that basic democratic principles and values must frame the discussion of how to prevent contamination and facilitate fair market farming systems (see box on next page). Adherence to these principles can lead to the creation of practical government policies that directly address how to prevent GMO contamination.

The Secretary of Agriculture possesses expansive authority under the Plant Protection Act (PPA), to broadly assess economic, environmental, public health, agricultural, and other impacts of GMOs. USDA can require on-going regulation of GM crops if the impacts directly or indirectly cause injury or harm to



other agricultural production systems and markets. It can also assign responsibility and liability for GMO contamination prevention to the offending technology owners, where it belongs. As such, USDA authority exists to prevent GMO contamination and to compensate contaminated farmers. Now, all that is needed is the will to do so and a comprehensive plan of action.

## PRINCIPLES TO DRIVE GMO CONTAMINATION PREVENTION STRATEGIES

**Consumer choice** – Consumers have the right to choose non-GMO food.

**Consumer right to know** – Consumers have the right to know where and how their food was grown.

**Farmers Entrepreneurial Choice** – Farmers must have the right and opportunity to grow food, feed, fiber, livestock, and fish that serve important and lucrative domestic and foreign markets.

**Fairness** – Personal and corporate responsibility must be upheld. If you own it and are profiting from it you are responsible for the costs associated with contamination prevention and any resultant damage from contamination.

**Liability** – Testing for contamination, establishing buffers, reimbursement for lost sales, loss of organic product premiums, clean-up and removal are the costs of doing business that must be borne by the GMO patent holder.

**Precaution** – The pre-market burden of *proof of safety* is on the patent holder. This includes comprehensive evaluation of health, socio-economic, and environmental impacts of GM crops and technologies.

**Sustainability** – Agricultural technologies and systems must be assessed for sustainability and those that facilitate further declines in family farming or erode the human and environmental foundations of American agriculture must not be allowed.

**Health, Environmental and Economic Evaluation** – Technologies that pose environmental, economic, and health risks should be evaluated before commercialization and tough choices must be made about whether their overall societal benefits outweigh their costs.

**Parity** – There must be a long-term commitment to supporting the vitality of diverse agricultural enterprises, including parity of public investment, infrastructure, marketing, technical assistance, research, and funding.

**Transparency** – Ongoing documentation, tracking and labeling systems must be established to monitor the movement of GMOs in the environment, seed banks, non-GMO seed stocks, and food.

**Diversity** – Society and agriculture will greatly benefit from the rapid reinvigoration of public cultivars and breeds to restore genetic diversity on farms, ensure greater farmer seeds/breeds choices, and to enhance national food security.

The development of strict and long-overdue GMO regulations should specifically include at least:

- Labeling of GM crops and product ingredients.
- Liability assignment to the GMO patent holder.
- *Contamination Compensation Fund* in FSA or RMA through a fee on GMO patent holders, which would provide immediate assistance to farmers pending further necessary remedies of law and equity.
- Ongoing GM crop regulation and the complete elimination of deregulated GM crops.
- Comprehensive, independent health, environmental, and socio-economic assessments prior to making a decision on GM crop approvals.
- Prohibition on the growing of GM crops that are too promiscuous to prevent GMO contamination, such as GM alfalfa, GM sugar beets, GM corn, and GM canola.
- Evaluation of food security risks associated with the concentration of any sector of our food system in the hands of a few companies or with the use of one food production technology or patented seed to the near exclusion of all others.
- Establish infrastructure to prevent GMO commingling and contamination during post-harvest handling. Patent holder should be responsible for full segregation and traceability, from seed to plate.

US farmers contribute to a stable domestic economy by feeding our nation, maintaining a diverse agricultural gene pool, and by supplying differentiated markets. GMO contamination risks compromising that diversity and the competitive advantages diversity affords our farmers in national and global markets. Immediate and comprehensive government action is needed to prevent GMO contamination and to protect conventional and organic agriculture and US food security. This includes ensuring that farmers have public cultivar choices that are not genetically modified.