

Brazil loses control over GM corn and endangers the country's biodiversity

Similar to the case of transgenic soybeans, genetic contamination of conventional maize fields by GM corn is a reality in Brazil, even if the country's current minimum segregation requirements are observed. With negligible insulation standards set by the National Commission on Biosafety and the complete lack of inspection over the contamination of grains along the production chain, Brazil loses substantial control over the production and exportation of corn. Present data reveal that the country does not label properly food made of genetically modified maize and has been exporting GM grains as if they were conventional ones, contrary to decisions of the Parties to the Cartagena Protocol which indicate the necessity of identifying exported loads.

If contamination is recognized as a fact, GM maize endangers the environment, the country's genetic heritage - a center of diversity of species -, threatening as well the production of conventional and organic grains and the very possibility of food labeling.

The Parana State Secretary of Agriculture – SEAB – released in April 2010 the results of the Monitoring Plan of gene flow between transgenic maize crop and non-transgenic in western Paraná. The research identified conventional spikes pollinated by transgenic corn in a distance as far as 120 meters away from genetically modified crops, even where the rules laid down by CTNBio (National Technical Commission on Biosafety – the official organ responsible for evaluating requests of LMOs releases in the country) were respected. The conventional corn samples contained trace amounts of DNA and proteins characteristic of transgenic varieties.

By the current rule, producers of trans-



genic corn must respect a distance of 100 meters or 20 meters plus 10 empty rows of maize from neighboring crops. However, even following this guidance, the level of contamination was found larger than the allowed presence for labeling purposes in the European Union – 0.9% and Brazil – 1%. Brazil is listed among the three largest corn exporters (behind the USA and Argentina) and should end 2010 having exported nearly 9.5 million tons of it. Probable destinations of this such potentially contaminated corn include: Spain, Portugal, Holland, Middle Eastern countries and Asia, especially South Korea and Malaysia¹.

Contamination raises the question about the numerous releases of GMOs undertaken by CTNBio without due administrative process of health and environmental risk assessment. In the moment, Brazil counts up to 23 commercially released GM varieties of three species of plants: 12 varieties of corn, 6 of cotton and 5 varieties of soybean, developed primarily by transnational corporations such as Syngenta, Bayer, Monsanto, BASF, Du Pont and Dow AgroSciences, with characteristics including resistance to insects and/or tolerance to herbicides.

Of every four new maize varieties released in Brazil, three are genetically modi-

fied. This scenario places Brazil as the fourth largest purchaser of seeds in the world today, raising in 246% the average cost of seeds between 1994 and 2006².

Brazil opts for GM, but not for security

Commercial release of genetically modified corn in Brazil by the National Technical Commission of Biosafety (CTNBio) occurred in 2008, contrary to reports of the technical bodies of health (ANVISA) and Environment (IBAMA) control. During one year, the Judiciary suspended trading of GM corn varieties, because of lack of standards for risk assessment and coexistence, both published only in 2008, as well as absence of post-commercial release monitoring.

With the current edition of insulation norms in compliance with the court's decision, GM corn varieties entered the market, making the coexistence between conventional and organic system practically unfeasible. In 2009, Brazil became the 2nd country

¹ According to: Gazeta do Povo journal in the Paraná state, 09/21/2010.

² Data of National Supply Company of the Ministry of Agriculture. Available at: <http://www.conab.gov.br/>

» in planted area, with 21.4 million hectares of transgenic crops, according to the ISAAA. Not coincidentally, the country had also hit another sad record an year before as the largest consumer of pesticides in the world. Estimates indicate that Brazilians consume about seven pounds of pesticides per year.

With the seed market in the hands of a few companies, the trend indicates that in short time, all corn producers who do not have their own seeds shall be obliged to plant transgenic varieties.

Farmers' Right – In addition to offending the right of consumers to know whether they are consuming GM products, genetic contamination in the field endangers the existence of certain varieties of corn developed over hundred years by Brazilian small-scale or traditional farmers.

Seeds which have been exchanged among farmers over the years are paramount for the preservation and genetic improvement of agricultural biodiversity worldwide. Brazil is considered to be a Diversity Centre of corn, since it guards unique varieties adapted by selection practices, conservation and improvement of farmers under different climates in Brazil. Therefore, genetic contamination is seen as an irreparable damage to conservation of cultivated and wild biological diversity, as well as a risk to patterns of life and cultural heritage of the country.

In the study developed by SEAB in Paraná, conventional crops analyzed were bordered by only one GM field, being the results already alarming. However, with the progressive increase of transgenic fields, the perspective of arrangements where there are two or three neighboring GMO crops is always closer, what makes coexistence impossible.

A new lawsuit is underway in Brazil to suspend trading, production and release of transgenic varieties of corn until sufficient standards are created to ensure the protection of genetic resources of maize, the right of farmers to the coexistence of different production systems and the right of consumers to information about the quality and nature of food offered to them.

Court voids release of Bayer's "LL" corn in Brazil

In its decision of July 2010, the Paraná State Federal Court cancels the authorization for commercial release of Bayer's Liberty Link corn and disapproves acts of the country's Commission of Biosafety – CTNBio (National Technical Commission on Biosafety).



The dispute involving GMOs gained a new chapter in its history. By judicial decision, Bayer is now forbidden to sell its Liberty Link corn – resistant to the herbicide glufosinate ammonium – throughout Brazil, as consequence of the absence of a monitoring post-commercial release plan.

The Environmental Court of Curitiba also annulled the corn release authorization for Bayer CropScience in North and Northeast Regions of Brazil on the basis of lack of studies on assessment and management of risks deriving from this sort of technology in those specific ecosystems, as required by Brazilian law and the Cartagena Protocol itself.

As a result of this decision, Bayer will be fined in 50 thousand dollars per day if sale, planting, transportation, importation and even disposal of the Liberty Link variety are not immediately suspended.

CTNBio - National Technical Commission on Biosafety, responsible for releases of GMOs in the country, was forced to ensure broad access to all release procedures of GMOs. For the Commission, the order imposes a duty to lay down rules, establishing deadlines for the analysis of requests regarding commercial confidentiality, what should be decided as soon as required by the proponent company. The aim is to allow, during the procedure, wide publicity to every information and document that is not considered confidential. Since 2007, civil society organizations criticize restrictions to access GMO release procedures, which violate the right to information and is incompatible with the constitutional principles governing public administration in Brazil, especially in regard to transparency and publicity of documents of public interest.

The court ruling refers to a Class Action filed in 2007 by NGOs Terra de Direitos, Associação Nacional de Pequenos Agricultores (National Association of Small Farmers – ANPA), Assessoria e Serviços a Projetos em Agricultura Alternativa (Advisory Services for Projects in Alternative Agriculture – ASPTA), and Instituto Brasileiro de Defesa do Consumidor (Brazilian Institute for Consumer Protection – IDEC), to require from CTNBio proper assessment concerning health and environmental risks, as well as the right to information and to no genetic contamination.

The lawsuit challenges the release of GM corn due to lack of prior definition of biosafety regulations by CTNBio, with respect to risk assessment, to coexistence between transgenic and non-transgenic crops and to post-release monitoring. The absence of environmental studies in the North and Northeast and lack of access to records of public interest were the main nullities appointed by the ruling in the procedure adopted for releasing Bayer's corn.

Ongoing contamination - Regardless the fact that the Commission has issued Normative Resolution number 4 (RN 4), in compliance with an injunction edited during the mentioned lawsuit, recent studies in Paraná state show the ineffectiveness of current coexistence rules for corn, demonstrating that the whole society is put at stake by the absence of security for planting GMOs (see more on the back). In 2009, the same organizations filed a new Class Action, this time questioning the insufficiency of isolation standards and are still awaiting the Court's decision.



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