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Dr Joe Smith
Gene Technology Regulator
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Dear Sir:

Gene Ethics and the other supporters of this submission ask you to reject Bayer Cropscience's application DIR 108 for unrestricted and unlimited commercial dealings with hybrid genetically manipulated (GM) canola, stacked with Glyphosate and Liberty tolerance traits. We ask you to accept our submission and decline the application for the following reasons:

1. Bayer Cropscience is unsuitable to hold licence DIR 108, within the meaning of Sections 57 and 58 of the Gene Technology Act 2000. The Act requires the GTR to have regard to the company's history of law-breaking and non-compliance around the world over the past ten years, as it applies to human health, safety and the environment. The company's activities have had unacceptable impacts on human health and the environment for all of its 125 year history and it has continued to misbehave in the past decade. Because of Bayer's egregious record of law-breaking and non-compliance we ask the GTR not to licence its GM canola. We are also disappointed that the GTR exercised the discretion under Section 54 (2) (b) of the Act to allow Bayer to hide the case it put to the GTR justifying its suitability to be granted the licence. We ask you to publish that information.
2. The GTR and Bayer base their case for issuing a licence on out-dated evidence. For instance, the so-called Risk Assessment and Risk management Plan (RARMP), claims: "canola is not considered a significant weed, nor invasive of natural undisturbed habitats in Australia (Dignam 2001), Canada (Canadian Food Inspection Agency 1994; Warwick et al. 1999; Beckie et al. 2001) or the UK (Crawley et al. 2001a). Yet more recent and relevant scientific literature such as Schafer et al¹ and Brimner et al² are not cited. The GTR appears to cherry pick the evidence in support of the case for issuing the licence.

¹ Schafer, MG et al, The Establishment of Genetically Engineered Canola Populations in the U.S., Plos One, October 2011 | Volume 6 | Issue 10 | e25736

² Brimner, TA et al, Influence of herbicide-resistant canola on the environmental impact of weed management, Pest Management Science, DOI: 10.1002/ps.967

3. The GTR failed to require any systematic environmental data collection since the unconditional, unrestricted and unmonitored commercial release of Monsanto's GM canola began in two Australian states three years ago. Monsanto's Roundup tolerant GM canola has already led to extensive contamination of roadsides, non-GM farms and other disturbed environments in Australia. The RARMP concedes that outcrossing from GM canola to weedy and native relatives such as wild radish has been observed yet the GTR has commissioned no research that would validate or disprove the GTR's assumptions of negligible outcrossing and impacts on natural environments. We ask the GTR, as a minimum, to require such research to be conducted and evaluated before issuing any further commercial GM canola licences.
4. The GTR ignores the impediments to critical independent research posed by the GM industry prohibitions on access to GM varieties for research purposes. GM companies also censor any negative results from research, as disclosed in the Nature Biotechnology 'Under Wraps'³, and Scientific American 'A Seedy Practice'⁴ articles. The GTR has a responsibility to ensure that all the evidence is available and published.
5. The GTR has not complied with the requirements of Section 50 of the Act that require the GTR to: "prepare a risk assessment and risk management plan in relation to the dealings proposed to be authorized by the licence." Instead the GTR created five scenarios that excluded the worst cases and ignored the present evidence of harm here and around the world. Then thinking about the scenarios the GTR: "did not identify any risks that could be greater than negligible. Therefore, they did not warrant further detailed assessment." This 'straw man' approach cannot lead to the full development of robust risk assessment and management plans and therefore does not fulfill the requirements of the Act.

Please favourably consider and act on our submission that the GTR should reject Bayer's application DIR 108 for the foregoing reasons.

Yours sincerely,

A handwritten signature in black ink that reads "Bob Phelps". The signature is written in a cursive style with a long horizontal stroke extending to the right from the bottom of the name.

Bob Phelps
Executive Director

Supporters:

Network of Concerned Farmers; Just Food; MADGE; GM Free South Gippsland; Marsha Emerman; Sustainable Agriculture and Communities Association; Greenpeace Australia Pacific; True Food Network; Don Lazzaro; Ann Lazzaro; Pureharvest; Pureharvest Distribution; Organic Federation of Australia.

³ 'Under Wraps', Nature Biotechnology, Vol 27, 10, Oct 2009

⁴ 'A Seedy Practice', Scientific American, August 2009, P 22