

# The TPP Pushes the GMO Industry's Global Agenda

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The Trans-Pacific Partnership (TPP) is the first trade deal that includes special provisions on genetically engineered (GMO) crops. It would encourage countries to approve and cultivate GMO crops and would make it harder to regulate GMO crops or foods, including overseeing the safety of GMO ingredients and requiring labeling. The TPP fulfilled the GMO industry's demands on food safety and seed patents, giving seed companies more leverage over farmers. The GMO industry can use the TPP to challenge and eliminate other countries' laws and to promote the export of GMO crops and foods.

The TPP represents a corporate power grab by the agribusiness and biotechnology industries to push their products, seed patents and anti-regulatory mindset on other countries — and to lock in pro-GMO policies here at home. The TPP is a 12-nation trade pact between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, Vietnam and the United States. The deal covers 40 percent of the global economy, but the TPP is more about global deregulation than it is about international trade. The TPP was negotiated in secret, and the biotechnology, GMO seed and agribusiness industries shaped the TPP in their favor.

These companies and trade associations had coveted seats on the committees that gave pro-industry input to U.S. trade negotiators and read secret TPP drafts.<sup>1</sup> The Biotechnology Industry Organization (BIO), the primary GMO trade association that counts powerhouses Monsanto, Syngenta and Bayer among its members, was an official trade advisor to the United States.<sup>2</sup> So were major GMO seed manufacturers DuPont Pioneer and Dow AgroSciences.<sup>3</sup> BIO alone spent \$8 million in lobbying during each year that the TPP was being negotiated to secure special protections for the GMO seed companies.<sup>4</sup>

The TPP encourages the export trade of GMO crops.<sup>5</sup> As the U.S. chief agricultural trade negotiator heralded at BIO's 2016 conference, "For the first time, we have specific language around agriculture biotechnology in the TPP!"<sup>6</sup> The TPP puts agricultural biotechnology industry interests ahead of democratic efforts to provide reasonable consumer, health, environmental and farmer protections.

## The TPP declares GMO regulations to be illegal trade barriers.

Trade deals like the TPP are a big piece of the U.S. diplomatic effort to promote the commercial interests of the GMO seed industry overseas and to compel foreign countries to import GMO crops and foods they do not want.<sup>7</sup> The Office of the U.S. Trade Representative (USTR) has identified almost all GMO oversight as potentially illegitimate trade barriers, including how a country approves new GMO crops, how a country tests imported grains for unapproved GMO varieties and GMO food labeling requirements.<sup>8</sup>



USTR has stated that “the United States actively engages with trading partners to remove unwarranted trade barriers to [GMO] products.”<sup>9</sup> The United States has used trade deals to challenge the legitimacy of other countries’ GMO rules to get them to scrap their laws and accept U.S. GMO exports.<sup>10</sup>

The TPP includes so-called sound science requirements that make it easier to challenge GMO regulations — provisions pushed by the food, agribusiness and GMO industries.<sup>11</sup> The TPP establishes limits on GMO oversight unless the regulations meet very high thresholds of scientific certainty.<sup>12</sup> The “sound science” smear has long been used to attack the legitimacy of GMO safety studies and to create the false impression of uncertainty.<sup>13</sup> The TPP requires that GMO cultivation and food regulations be “based on scientific principles” that are “appropriate to the circumstances of the risk” and “takes into account reasonably and relevant scientific data.”<sup>14</sup> In addition, regulations cannot be “more trade restrictive than necessary” or stronger than international guidelines.<sup>15</sup>

But GMO seed companies and trade associations fund and conduct much of the research; independent research has been restricted by proprietary licensing rules, and there are major gaps in the scientific knowledge on the environmental and human health effects of GMO crops.<sup>16</sup> Since industry-funded scientific studies constitute the bulk of the research, trade challenges to GMO rules would be skewed toward industry. This anti-regulatory approach would make it easier for the United States to challenge other countries’ GMO regulations as illegal trade barriers.

## The TPP promotes GMO approval.

The TPP presses countries to promptly approve new GMO crops and imports and to encourage the cultivation of GMOs. The U.S. Department of Agriculture (USDA) stated that the TPP would “promote the timely authorization of products of modern biotechnology.”<sup>17</sup>

The Farm Bureau wanted the TPP to encourage other countries to accelerate the approval of GMO crops and to get rid of the “political interference” in GMO approvals.<sup>18</sup> BIO stated that the TPP should create “a common framework and practices for the approval of agricultural products derived from modern biotechnology” so that GMOs that had been approved in the United States would be easier to export to all TPP members.<sup>19</sup>

The United States already highlighted TPP member countries’ unwillingness to rapidly approve and cultivate GMO crops as potential trade problems. USTR has identified Peru’s 10-year GMO moratorium as a potential trade barrier.<sup>20</sup> Malaysia does not grow any GMO food crops, and the GMO industry has complained that Malaysia’s crop approval process is too slow, which the USDA contends impedes trade.<sup>21</sup>

Other TPP countries have GMO crop approval regulations and limited cultivation that could be challenged as trade barriers. According to the USDA, Mexico’s GMO crop approval process is excessively cumbersome, and Mexican courts have blocked the approval and cultiva-



tion of GMO corn and soybeans indefinitely.<sup>22</sup> Japan requires domestic testing of imported GMO crop varieties, which the USDA reports “is widely viewed as unnecessary,” and local regulations effectively prevent any cultivation of GMO food crops.<sup>23</sup> Chile only permits GMO seeds to be grown for export under very controlled conditions.<sup>24</sup> The “sound science” language in the TPP makes it easier for the United States to successfully challenge these GMO regulations.

## The TPP makes it harder to test imports for GMO contamination.

The TPP also limits how countries address GMO contamination in imports.<sup>25</sup> GMO crops can contaminate non-GMO and organic crops through cross-pollination in the field or by commingling during shipment. Most countries do not allow imports that are tainted with unapproved GMO content. When unapproved GMOs are found, the importing countries typically block all imports, which has harmed U.S. exports.

Several TPP countries do not allow imports of unapproved GMO crops, and they often test imports for unapproved GMO traits, what the TPP calls “low-level presence.” The GMO industry pressed for the TPP to make it harder for importers to stop GMO-tainted shipments.<sup>26</sup>

Japan has a zero tolerance for any GMO varieties not approved by Japan — even if a variety is legal in other countries — and its import tests have found trace amounts of unapproved corn, papaya, potato and rice GMO traits.<sup>27</sup> Peru has a zero tolerance for any GMO traits in its imports.<sup>28</sup> Chile is considering rules regarding GMO tainted imports, which the USDA believes would hinder U.S. exports.<sup>29</sup> The TPP makes it easier to challenge efforts to stop unapproved GMO contamination in imports as illegal trade barriers.<sup>30</sup>

## The TPP threatens mandatory GMO labels.

Consumers worldwide want to know what is in their food — including whether it includes GMO ingredients. Today, 64 nations require labels on foods with GMO ingredients.<sup>31</sup> But the TPP would make these GMO labeling laws vulnerable to a trade challenge and make it harder to enact mandatory GMO labeling in the United States.

USTR believes that mandatory GMO food labels are potential trade barriers.<sup>32</sup> BIO wanted the TPP to prohibit mandatory GMO labeling unless the food had significant nutritional or human health differences (such as allergies) from conventional food ingredients — essentially setting a standard so high that it would prevent mandatory labels on most existing GMO crops.<sup>33</sup> The TPP prohibits labels based upon how a food was produced (such as with GMO ingredients) if the production distinction is purportedly irrelevant (such as between GMO and non-GMO foods).<sup>34</sup>

USTR has identified the GMO labeling rules in TPP members Malaysia, New Zealand and Peru as potential trade barriers.<sup>35</sup> Japan has a complex non-GMO, GMO and mixed-GMO mandatory labeling system, and Australia requires labeling for any foods with more than 1 percent GMO content.<sup>36</sup> Vietnam is implementing GMO labeling rules, and Chile is considering mandatory GMO labeling.<sup>37</sup> The United States could challenge all of these GMO labeling laws under the TPP to try and force countries to overturn these laws.

## The TPP imposes strict seed patents on farmers in the developing world.

TPP members are required to adopt strong seed patent rules that make seed saving illegal and that benefit the GMO companies. The TPP patent rules cover “inventions derived from plants,” which would include the biotechnology traits in GMO seeds.<sup>38</sup> In the United States, GMO companies have zealously pursued farmers that allegedly violate seed patents — even suing farmers for damages.<sup>39</sup>

TPP members must ratify the International Convention for the Protection of New Varieties of Plants 1991 (known as UPOV 91).<sup>40</sup> UPOV 91 gives seed companies broad rights over plant varieties and prohibits farmers and breeders from saving and exchanging protected seeds, common practices for farmers around the world.<sup>41</sup> It also allows companies to patent traditional crop varieties and imposes sanctions against farmers who run afoul of seed license agreements.<sup>42</sup> The TPP will force Brunei, Chile, Malaysia, Mexico, and New Zealand to ratify UPOV 91.<sup>43</sup>

Strict seed patents have helped the biggest GMO companies seize a near global monopoly on GMO seeds and affiliated agrichemicals.<sup>44</sup> The stronger TPP seed patent rules give GMO companies even more leverage over farmers.

## Stop the TPP

Trade deals should not give the GMO companies more power over farmers and our food supply. The TPP is a corporate giveaway to agribusinesses, food companies and the GMO industry.

Congress is expected to vote on the TPP in 2016. Ask your Representative and Senators to oppose the TPP. To take action, visit: <http://fwwat.ch/1YkwsKz>.

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