



Second Submission:
Civil Society Call for Parliamentary Hearings on
Genetically Modified Foods
And Approval of 2,4 D Maize DAS-40278-9
September 2013

We write to you from the African Centre for Biosafety, an NGO with a respected record of evidence-based work in contributing to the GMO decision-making process; and protecting our genetic diversity, traditional knowledge and seed sovereignty built upon the values of equal access to and use of resources and support for the growing agro-ecological farming movement.

We are supported by 10 000 petitioners to call upon you to convene urgent open, transparent and inclusive Parliamentary hearings on the decision-making concerning genetically modified organisms (GMOs) in South Africa, following the approval of the 2.4-D GM maize.

In this letter we deal with the following:

1. Background to our petition dated 6th August 2012, supported by 7000 individuals, 18 health professionals, 22 organisations and the Honourable Cheryllyn Dudley of the African Christian Democratic Party (ACDP);
2. The highly questionable approval by the Executive Council: GMO Act of 1997, of Dow's 2,4-D GM Soybean DAS-40278-9;
3. Protest action by South Africans against GMOs; and
4. Submission of a second petition calling for urgent parliamentary hearings, wherein we also deal with our views on the
5. Parliamentary Briefing on GMOs scheduled for 13 September 2013.

1. Background to 6th August Petition

On the 6th of August 2012, the African Centre for Biosafety (ACB), supported by 18 health professionals, more than 7000 individuals, 22 organisations and the Honourable Cheryllyn Dudley of the African Christian Democratic Party (ACDP), submitted a petition to the National Assembly. In the petition we requested that Parliament:

- (a) Overturn the decision of the Executive Council: GMO Act to approve the importation for food, feed and processing, of Dow Chemical's GM maize variety, DAS-40278-9 (2,4 D GM maize);
- (b) Prohibit the importation of the GM maize variety, DAS-40278-9; and
- (c) Ensure that the provisions for public participation with regard to the GMO decision-making process in South Africa are transparent, just and fair.

We also further requested Parliament to, at the very least, investigate and conduct public hearings on the approval of the 2,4 D GM maize in South Africa.

The original petition and annexures are attached.

- In October 2012, we were advised by the Clerk of Papers that our petition had been sent to the Chairperson of the Parliamentary Committee on Agriculture, Mr Mlungisi Lulu Johnson for consideration.
- The ACB wrote to Mr Johnson in a letter dated 19th October 2012 requesting an update on

when the Portfolio Committee will hear our petition. We did not receive any response. The ACB has written several further emails to Mr Johnson requesting an update to which we did not receive any response.

- ☒ On the 26 February 2013, we were advised by Mr Mongezi Mabungane of the ACDP that the petition had been tabled under the Legislative Proposals and Petitions.
- ☒ On the 17th July 2013, we again wrote to Mr Johnson to enquire about the status of this petition and again attached a copy of the petition.
- ☒ On the 19th July 2013, we received a response from Mr Johnson acknowledging awareness of the existence of such a petition but confirming that he had not actually seen it until receipt of the email dated 17th July 2013.

It is now 13 months since lodging our petition and we have still not had any formal response on the status of the petition or any response to our request.

2. Approval of 2,4-D Soybeans (DAS-44406-6)

Subsequent to lodging this petition, the Executive Council approved another application by Dow for commodity import of its 2,4-D tolerant soybean in February 2013.

It is worth noting that Dow's 2,4-D maize and soybeans are not grown commercially anywhere in the world. At the time South African authorities approved commodity import of 2,4-D maize, it was still pending approval in the USA. On the 13th May 2013, the United States Department of Agriculture (USDA) postponed its decision to approve these GMOs until 2015 at the earliest, pending further safety review. The USDA was alerted to safety problems by an onslaught of objections from civil society, represented by 370 000 people ranging from health practitioners and farmersⁱ.

The decision to approve this 2,4 D tolerant maize and soy in South Africa was found so disturbing that civil society groups across the globe felt compelled to approach the United Nations High Commissioner on Human Rights and the Secretariat to the UN Convention on Biodiversity for urgent intervention to uphold the right to the enjoyment of the highest attainable standard of physical and mental health, which would be threatened by crops engineered to be resistant to the chemical, 2,4-Dⁱⁱ. This letter was drafted and endorsed by the African Centre for Biosafety (South Africa), the Network for a GM Free Latin America (Latin America), the Pesticide Action Network (North America), GRAIN International, Aquí el logo de la Red Nacional de Acción Ecologista (RENACE) (Argentina), and Terra de Direitos (Brazil).

That South Africa has approved GMOs for commodity import while approval in the country of origin has been put on hold pending further investigation in terms of food and environmental safety raises serious questions about the safety systems in place in South Africa.

As stated earlier, this petition is supported by the ACDP. On the 31 May 2013, the ACDP released a press statement reiterating the need for government to overturn the approval of the 2,4D maize. The ACDP was of the opinion that Government has been hasty in granting the approval of 2,4D GM maize given that the USA government announced that it will not grant approval for the

cultivation of this crop until at least 2015 pending further research into safety. They further added that "It is disturbing that our government granted approval for the consumption of this maize before it was approved in the country of origin."

To compound matters further, it has come to our attention that Dow has applied to the Executive Council for import approval of another 2,4-D tolerant GM maize variety, which is tolerant to glufosinate (which is to be phased out of use in the European Union by 2017) and glyphosate. This is a variety for which Dow has not even submitted an application for commercial cultivation in the United States.

3. Protest action in SA

South African consumers have become more vocal in recent years as they have begun to learn about the extent of GMOs in their food, while their demand for the implementation of labelling laws seem to be unendingly thwarted. The complete lack of GM-free maize on the South African market makes a mockery of GM labelling anyway, as consumers have no alternative choice. Citizens have taken to the streets on a number of occasions to protest against GMOs and consumer pressure has led to several companies pledging to source GM-free ingredients for their productsⁱⁱⁱ.

Some of the protest actions have included:

- small-scale farmer groups in the Northern Cape protesting against trials of Monsanto's drought-tolerant maize. They also submitted an objection to these trials under the auspices of The Food Sovereignty Campaign, an emerging farmer umbrella organisation.
- George residents protesting against trial releases of Dow's stacked maize (Mon 89034 x 1507 x NK603). Residents presented a petition signed by 600 residents to the executive manager in George on behalf of the mayor. (The ACB, with endorsement by the Southern Cape Land Committee (SCLC) submitted a detailed objection to these trials. The objection can be viewed here: <http://www.acbio.org.za/index.php/gmo-risk/95-maize/438-acbs-objection-to-dows-application-for-field-trials-mon-89034-x-tc-1507-x-mon-nk603>)
- On the 25 of May 2013 thousands of angry and frustrated South Africans, in 7 different locations throughout South Africa, joined millions of protestors marching in 426 cities in 52 countries to protest against the food fascism imposed on us by the proliferation of GMOs in the food supply in general and Monsanto, the company whose GM events dominate the GM market in South Africa in particular.

4. Submission of Second Petition

Over the past year, those who signed this petition have repeatedly called on the ACB for progress on this issue. For this reason we opened up the signatures again and prepared this follow-up text. As we were about to submit it, we got word of a Parliamentary briefing on GMOs to be convened by the Portfolio Committee for Agriculture. However, we have received no official response to our first petition, nor have we been told if there will indeed be a platform for civil society to address Parliament on the status of our food. Our concerns about the technology are growing.

Maize is the staple diet for millions of black South Africans, particularly the poorest, most marginalised communities. Approximately 86% of South Africa's maize is genetically modified, and

the commercial maize seed market is dominated by two multinational companies, Monsanto and Pioneer Hi-Bred (a DuPont subsidiary). This consolidation is repeated throughout the maize value chain, from grain traders and processors to the supermarket retailers. The vast majority of South Africans who eat maize on a daily basis are unaware of this fact, or the associated health, environmental and socio-economic damage that GM crops have caused. Even those that do have some knowledge of this are faced with the grim reality that, in this instance at least, there really is 'no alternative'. Consequently, though GM labelling laws are nearing promulgation, the fact that the majority of our maize is GM and our food system is so concentrated, means that black consumers will have little choice to purchase alternative, non-GM maize products.

The issue of GM foods is of great concern to South Africans. South Africans are angry at the GMO Executive Council's decision to permit Dow's 2,4D GM maize into South Africa, the food fascism associated with the lack of a non-GM maize alternative, the constant approvals of GM events (even those unapproved in country of origin) and the lack of Parliament's response to civil society's call for intervention.

A further 3000 people have signed a new petition calling for an urgent Parliamentary hearing into the risk assessment and risk management procedures for GM crops in South Africa and for full transparency and genuine public participation in the GMO decision making process. We attach this petition signed by over 3000 people. We urge you to read the comments made by many of the petitioners.

5. Parliamentary Briefing on GMOs scheduled for 13 September 2013

We have noted with great concern that the Portfolio Committee on Agriculture, Forestry and Fisheries' briefing on the 13th September 2013 on GM food in South Africa only includes presentations from government departments and excludes representatives from civil society, health professionals and scientists.

We are wondering why we have not been included, given that civil society has petitioned for open hearings and an opportunity to make presentations on the matter more than a year ago. It is particularly vexing, given that a discussion on the approval of 2,4-D is on the agenda; we have compiled extensive research on this and consulted with health professionals with expertise in this area as well as broader stakeholders. We have a lot of valuable information to share.

We have noted that the Portfolio Committee on Agriculture gave industry a hearing in March 2012, where AfricaBio and an expert from Switzerland were given a platform to present their arguments to the Committee. There seems to be a pattern in which industry is included in deliberations while civil society is closed out; this was our experience during the drafting of labelling regulations, where industry stakeholders were afforded a platform to address regulators. Despite civil society being extremely organised, constructive and proactive on the issue, we were afforded no such privilege.

We are encouraged by Mr Johnson's statement after the March 2012 hearing that government should also listen to those who oppose this technology and that he was committed to organising a hearing "for the other side". We are making a sincere appeal for this now to become a reality.

We therefore hereby request an update on when your Committee will make a decision on our petition that is now supported by over 10 000 people. We feel that there is an urgent need for a

high level debate on genetically modified organisms in South Africa and reiterate our demands that Parliament:

- (a) Overturn the decision of the Executive Council: GMO Act to approve the importation for food, feed and processing, of Dow Chemical's GM maize variety, DAS-40278-9;
- (b) Prohibits the importation of the GM maize variety, DAS-40278-9; and
- (c) Ensure that the provisions for public participation with regard to the GMO decision-making process in South Africa are transparent, just and fair.
- (d) A thorough review of the decision making process and the risk assessment procedures for the approval of applications for new varieties for trial and commercial release and commodity imports in South Africa.

We look forward to your urgent response.

Yours sincerely



Mariam Mayet

Managing Director: African Centre for Biosafety

ⁱ <http://www.reuters.com/article/2013/05/10/usa-gmo-idUSL2N0DR3F520130510>

ⁱⁱ <http://acbio.org.za/index.php/publications/gmos-in-south-africa/421-letters-to-the-un-high-comissioner-on-human-rights>

ⁱⁱⁱ Tiger Brands has pledged to remove GMOs from their Purity Baby Foods, Future Life has pledged to source non-GM ingredients for their products, Nestle has begun sourcing non-GM ingredients for their baby foods, as has Alpen.