

## **ALERT ALERT SOUTH AFRICAN CIVIL SOCIETY ALERT ALERT**

### **PIONEER HI-BRED, DOW AGROSCIENCES WANTS SOUTH AFRICA TO APPROVE RISKY, "NON-EXISTENT" GM MAIZE UNDER INVESTIGATION BY EPA**



28 Feb 2005 - During January 2005, Pioneer Hi-Bred RSA (Pty) Ltd and Dow Agrosciences Southern Africa (Pty) Ltd applied to the South African regulatory authorities, the Executive Council and the Registrar: Genetically Modified Organisms Act, for a food and feed safety approval for its GM maize HerculexT RW containing new rootworm-protected Bt Cry34Ab1/Cry35Ab1 genes as well as the PAT protein to withstand the use of glufosinate-ammonium herbicides. HerculexT RW is not currently grown commercially anywhere in the world; and is under investigation in the USA by the Environment Protection Agency (EPA) because of food safety concerns. Pioneer and Dow are pushing the South African authorities to approve HerculexT RW because they are trying to cover their backs. They are afraid that HerculexT RW GM maize may be contained in the bulk shipments of GM and non-GM maize streaming into South Africa from the USA, as a result of contamination through cross-pollination and co-mingling occurring in the USA, where HerculexT RW is currently being field tested. It is thus entirely possible that risky, inadequately tested and unapproved Bt proteins are entering the South African food supply.

Please send your objections to Michelle Vosges, Registrar: Genetically Modified Organisms Act [MichelleV@nda.agric.za](mailto:MichelleV@nda.agric.za)  
Closing date for objections is 9 March 2005.

## **GROUNDS FOR OUTRIGHT REJECTION**

### **Approval sought for non-existent GM maize**

The reason given by Pioneer and Dow for their application is to enable the importation of HerculexT RW GM maize into South Africa from 2006, once it is commercially grown in the USA in 2006. Pioneer and Dow's HerculexT RW GM maize has not yet been approved in the USA,[1] and has yet to fully go through the regulatory process in that country. In other words, HerculexT RW GM maize does not exist at the moment for the purposes of import into South Africa, because it has still to be grown commercially in the intended country of export, the USA. The safety approval sought by Pioneer and Dow in respect of the non-existent GM maize appears to be in conflict with the principles and provisions of the Cartagena Protocol on Biosafety to which South Africa is a Party, because the Protocol applies to real situations of cross border trade in GMOs and not to speculative trade in respect of non-existent GMOs. It is implicit in Article 11 of the Biosafety Protocol, that Pioneer and Dow first obtain approval for the commercial growing and domestic use of HerculexT RW from the authorities in the USA before seeking a food safety clearance in South Africa.

### **HerculexT RW under investigation by EPA because of serious food safety concerns**

As a result of serious concerns raised by civil society groups in the USA, the EPA has convened a Scientific Advisory Panel (SAP) to investigate certain food safety concerns.[2] Civil society groups in the USA[3] have raised grave concerns that data submitted to the EPA by Dow Agrosciences indicates that Cry34Ab1 may become a food allergen if allowed into the food supply. Cry34Ab1 protein is still an unknown quantity given that they have not been food constituents, and are not

similar to food proteins or known allergens. Allergenic responses to new proteins that have not previously formed part of the food supply cannot therefore be ruled out.

The Precautionary Principle enshrined in the Biosafety Protocol requires that South Africa refuse Pioneer and Dow's application.

The SAP is expected to meet on the 1 and 2 March 2005, and thereafter, will write its report and make its recommendations. At the earliest, the EPA is expected to make a regulatory decision regarding the safety of HerculexT RW only after June 2005.

More imports of GM maize into SA will worsen current grain crisis Since the GMO Act came into effect, the Executive Council, GMO Act, has authorised several millions of tons of GM maize to be imported into South Africa by especially the animal feed industry in the Western Cape because it is cheaper than locally produced maize. However, South African farmers have sounded the alarm bells during January 2005, when GRAIN SA launched a country-wide campaign to raise public awareness about the country's agricultural crisis arising from the low price for maize because of the dumping of cheaper subsidised maize from other countries.[4] Additionally, Bully Bothma from GRAIN SA also conceded that cheap imports do not benefit consumers, but rather it is big business that profits.[5]

Pioneer and Dow's application is intended to further enable and expedite the imports of cheap subsidised GM maize from the USA.

This alert is sent by the African Centre for Biosafety, a member of the South African Freeze Alliance on Genetic Engineering (SAFeAGE). Please note, the ACB has been furnished with more than 2000 pages of mainly scientific data, in response to its application for access to information in terms of the Promotion of Access to Information Act (PAIA). The ACB will be submitting detailed scientific and legal objections as to why Pioneer and Dow's application must be rejected. These will be circulated and will also be available on ACB's website at <http://www.biosafetyafrica.net>.

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[1] US-commercialized GM crops and the regulatory documents associated with them can be found at [http://usbiotechreg.nbi.gov/database\\_pub.asp](http://usbiotechreg.nbi.gov/database_pub.asp)

[2] <http://www.epa.gov/oscpmont/sap/>

[3] Submission by Dr Doug Durian-Sherman Ph.D, erstwhile Science Director, Biotechnology Project, Centre for Science in the Public Interest Comments to EPA re: Dow Agro Request for a Tolerance for Corn Rootworm Transgenic Corn Containing Cry34Ab1/Cry35AB1 April 7, 2003. Doug Gurian-Sherman, obo The Centre for Food Safety Comments to the Scientific Advisory Panel Evaluating Cry 34Ab1/35Ab1, March 1-2, 2005, Docket No. Opp-2004-0395, shared with the ACB, 25 February 2005.

[4] SAPA: SA agriculture 'in crisis'. 21 January 2005  
<http://www.sabcnews.co.za/economy/business/0,2172,96257,00.html>

[5] SAPA: SA agriculture 'in crisis'. 21 January 2005