

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION

Ref: 176681

Date: October 15, 2012

Issue: Genetically engineered (GE) Arctic™ apples: Options for British Columbia, should the Canadian Food Inspection Agency (CFIA) approve these apples for unconfined production.

Background: This information is provided at the request of the Ministerial Assistant.

Okanagan Specialty Fruits Inc (OSF) applied to the CFIA to have its Arctic Golden Delicious and Arctic Granny Smith apples approved for unconfined production. These apples have been genetically engineered to delay browning of apple flesh when cut.

CFIA confirms these apples are being reviewed for unconfined production. The CFIA cannot confirm when a decision would be made.

Pollination of conventional or organic apples with GE pollen would produce apples with GE seeds, even though the flesh would not be GE. Processing of the apples, such as slicing, juicing etc., would release GE material from the seed into the product.

GE plants and seed cannot be certified as organic under BC's *Agri-Food Choice and Quality Act*. s.13

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Discussion:

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Some local governments have declared "GE Free Zones" in Richmond, Powell River, Nelson, Rossland, Kaslo and New Denver. A Cowichan Valley Regional District bylaw discourages GE production.

The European Union (EU) regulates GE food using a much higher standard than Canada's to establish food safety. EU regulation mandates labelling of all GE food products.

Conventional and organic apple growers are concerned about:

- contamination of their product in the field with unconfined GE pollen;
- transfer of GE material into final product during processing;
- perception of increased human, environmental and economic risk associated with GE apples; and
- for organic growers, loss of organic certification, premiums, integrity of the BC brand and access to export markets.

Options for BC include:

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Contact: Daphne Sidaway-Wolf, Agrifoods Policy and Legislation, 250 356-6586

DIR GT ADM MS DM DS

- In 2001, BC drafted legislation to require labelling of Genetically Engineered (GE) food. The bill died after the 2001 provincial election.
- The intent was to provide BC consumers with the GE status of the food available for sale other than in food service establishments.
- Informed choice is reportedly a pre-determinant of population health, so this labelling requirement could contribute to population health.
- BC has the authority to require labelling of GE foods sold in BC.
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s.13, s.16

- The Canadian General Standards Board (CGSB) developed, with BC input, a voluntary standard for the labeling of GE and non-GE foods. Ministry staff members are not aware of any foods being labeled according to this standard.

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Name and purpose of Bill 18 (http://www.leg.bc.ca/36th5th/1st_read/gov18-1.htm):

BILL 18 -- 2001 GENETICALLY ENGINEERED FOOD LABELLING ACT

Purpose and application

2 (1) The purpose of this Act is to provide consumers with information for making choices respecting food composed of, containing or derived from genetically engineered materials.

(2) Subject to subsection (3), this Act applies to food sold in British Columbia and for which standards or requirements are established under this Act.

(3) This Act does not apply to food prepared and sold from restaurants, cafeterias, catering services or other prescribed classes of food establishments or operations.

Daphne Sidaway-Wolf 2012-10-18

- The reference in Briefing Note 176681 to the 2001 GE labelling was to Provincial legislation.
- In 2001, BC drafted legislation to require labelling of Genetically Engineered (GE) food. (http://www.leg.bc.ca/36th5th/1st_read/gov18-1.htm) The bill was allowed to die after the 2001 provincial election.
- The intent of the proposed legislation was to provide BC consumers with the GE status of the food available for sale other than in food service establishments.
- Informed choice is a reportedly a pre-determinant of population health, so this labelling requirement could contribute to population health.
- BC has the authority to require labelling of GE foods sold in BC.
- s.13, s.16
- The Canadian General Standards Board (CGSB) developed, with BC input, a voluntary standard for the labeling of GE and non-GE foods. Ministry staff members are not aware of any foods being labeled according to this standard.
- CGSB standard is considered by some, including BC, to allow a high level of adventitious or incidental GE material in the non-GE foods.

This is an extract from BC's Bill 18 (http://www.leg.bc.ca/36th5th/1st_read/gov18-1.htm), which shows the name and purpose of the Bill.

BILL 18 -- 2001

GENETICALLY ENGINEERED FOOD LABELLING ACT

Purpose and application

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July 8, 2013 8:30 am – 9: 30 am

Topic	Purpose/Outcome	Attachments
1. Use of Genetic Engineering Technology in BC Agri-Foods Production in BC	<ul style="list-style-type: none">• Issue• Current Status• Jurisdiction<ul style="list-style-type: none">- Federal- Provincial- Local Government / Municipal• Considerations	Deck: Use of Genetic Engineering Technology in Agri-Foods Production in BC Overview Process – Canadian Government Regulatory Review for Novel Foods

GE = Genetic Engineering uses biotechnology for direct recombination of genes to create a novel product

GM = Genetically Modified, by any method: e.g., GE, classical agricultural breeding, etc.

Canadian Regulation of Foods Derived from Biotechnology – Process Overview

Note: Canadian Food Inspection Agency (CFIA) and Health Canada work together on this approval process

Time: May be a 7 to 10 year process to research, develop, test and assess the safety of a new GM food.

Manufacturers and importers who wish to sell or advertise a GM food in Canada, must submit data to Health Canada for a pre-market safety assessment, as required under the *Food and Drugs Regulations* (Novel Foods) to provide assurance the food is safe if prepared/consumed as for to its intended use.

Key steps in Federal regulatory process:

1. **Pre-submission consultation:** proponents consult with the Novel Foods Section of the Food Directorate in advance of notifying Health Canada of a GM food for safety assessment.
2. **Pre-market notification:** when a proponent believes they have sufficient information on the safety of a GM food to address Health Canada's criteria, a submission is made to the Novel Foods Section.
3. **Scientific Assessment:** by experts in molecular biology, toxicology, chemistry, nutritional sciences and microbiology to assess many parameters: e.g., allergic reactions, molecular structure, safety, etc.
4. **Requests for additional information:** if Health Canada finds any of the information provided about a GM food is insufficient, further documentation is requested from the proponent of the submission.

Summary report of findings: when evaluators have completed their assessments, they summarize their findings and recommendations in a report. PUBLIC and FPT CONSULTATION OCCURS HERE WHEN HEALTH CANADA POSTS APPLICANT'S SUBMISSION ON WEBSITE.

5. **Preparation of food rulings proposal:** once the evaluation of the product is completed, a Health Canada Food Rulings Proposal is prepared. This proposal is reviewed by senior staff (Directors and Director General) in the Food Directorate to ensure that all issues have been addressed. Once this has been done, a decision is made whether or not to approve the product.
6. **Letter of no objection:** If a product has successfully completed the evaluation process, and the other regulatory approvals such as environmental and feed safety are in place, a "Letter of No Objection" is sent to the product proponent. This letter indicates that the product can be sold in Canada for the intended uses, as listed in the submission, and any restrictions or requirements with this decision.
7. **Decision document on Health Canada Web site:** a decision document, describing the novel food and summarizing the safety information used to determine its safety as a food, is posted on the *Novel Foods and Ingredients page* of Health Canada's Web site.

Current status of Arctic Apple application:

- Okanagan Specialty Fruit's (OSF) began the Application Process in the early 1990's.
- CFIA published OSF submission of application publicly April 15, 2012 and held an open public consultation process on that submission from the publish date to closing on July 3, 2012. Consultation was limited to internet and mail-in responses only. (This represents the last stages of step 5.)
- Currently the application is at the 6th Stage in the application process. OSF is awaiting notice of decision from CFIA and Health Canada.

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Use of Genetic Engineering Technology in Agri-foods Production in BC



Structure of the Presentation

- **The Issue**
- **Definition**
- **Jurisdiction – responsibilities**
 - Federal, Provincial, Municipal
- **Current Status**
- **Arctic Apple**
- **Issues/Discussion**



Issue

- **Provincial response to issues on GE agri-food products.**



Definitions

- Genetic Modified Organism: is an organism, like a seed, that:
 - Has had its genes (DNA) altered to act in a way that does not happen naturally and/or
 - Contains genes from another organism.
- Genetic Engineering: is a process that may alter, delete or add genes to a species



Jurisdiction

Role of Federal Govt:

- Canada exercises sole authority over labelling, import, export and interprovincial trade of agricultural products (including GE products) through:
 - the *Canada Agricultural Products Act*, which regulates the preparation and advertisement of agricultural products; and
 - the *Food and Drug Act*, which protects public health by ensuring agricultural products meet specific standards for marketing or sale.
- Canada must approve all GE products for production.



Role of Provincial Gov't:

- Provinces do not have the authority to approve GE agrifoods products.
- However, the Province has the authority, and could create new legislation, to restrict the production of federally approved products within BC.
- AGRI's current policy position is to defer to the Federal Government: *"the province considers that the federal government must ensure the transparent, science-based and effective environmental and socio-economic review of genetically engineered products. The data and decisions must be made available to the public."*
- Currently, all other provinces also defer to the Federal Government .



Role of Local Governments :

- Local governments have no authority to regulate GE production.
- However, based on public concerns, at least 11 local governments have adopted resolutions to restrict or prohibit the use of GE-based agrifoods within their jurisdictions:
 - Richmond, Powell River, Nelson, Kaslo, Salt Spring Is, Metchosin, Saanich, New Denver, Denman Is, Telkwa, and Cherryville.
- This issue will likely be raised at UBCM.



Current Status – Canada and BC

Canada:

- Since 1994, over 81 GM foods have been approved in Canada including: Canola, Corn, Lentils, Potatoes, Rice, Soybeans, Squash, Tomatoes and Wheat

BC:

- Use of GE crops in BC began 15 years ago with the introduction of herbicide resistant corn.
- Four federally approved GE crop varieties (corn, canola, soy and sugar beets) are currently grown in BC and other federally approved crop variety (e.g., alfalfa) may be put into production in BC at any time.
- GE feed and pharmaceuticals are currently used in some BC livestock production operations.



Arctic Apple

- The Arctic Apple was developed primarily to provide a more enjoyable consumer eating experience. Possible supply chain benefits are expected from this non-browning apple (notes).
- The Arctic Apple™, a GE apple, is currently waiting on federal approval for unrestricted release (open field production).
- Critics are concerned about the negative impact GE approved products would have on the industry.



Current Issues

Pro – GE Agriculture

Genetic modification is not new. Genetic engineering is just the latest form of biotechnology—the most precise method yet

There are no inherent differences between foods produced from GE crops and those from non-GE crops.

As practiced today, agriculture damages the environment more than any other human activity. GE crops could ease negative impacts allowing farmers to dramatically reduce their use of spray insecticides, water and chemical fertilizer.

Anti-GE Agriculture

Genetic engineering is fundamentally different from traditional methods of plant and animal breeding because it can potentially cross biological barriers, transferring genes from one species to another. Economic, ecology and health issues are unknown .

There are no conclusive (non-industry) studies that state GE products are safe. Consumers are also requiring additional labelling requirements to make informed decisions.

Bioengineered crops will do wide-reaching damage to the environment. More research is needed on the potential of GE crops to transfer their genes to other crops or wild relatives. Non-GE crops will be contaminated by GE crops in neighboring fields, threatening crop diversity and organic operations.



DISCUSSION

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Pages 17 through 19 redacted for the following reasons:

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July 8, 2013 8:30 am – 9: 30 am

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WHEREAS some Genetically Engineered (GE) crops, through pollination, can disperse their pollen and genes indiscriminately and potentially contaminate non-GE crops, resulting in lawsuits, loss of organic certification, and marketability;

AND WHEREAS there is particular concern with the transfer of DNA between species and the potential unintended consequences, especially with animal species;

AND WHEREAS Vancouver Island and associated coastal communities are isolated from other agricultural areas in British Columbia, which can provide practical approaches to avoiding contamination by GE organisms and these locations suggest that there is an opportunity for local farmers to provide organic production, to help maintain long-term sustainability, to foster a living seed bank, and to be a refuge from genetically engineered contamination;

THEREFORE BE IT RESOLVED that UBCM ask the British Columbia government to legislate the prohibition of importing, exporting and growing plants and seeds containing genetically engineered DNA, and raising GE animals within BC, and to declare through legislation that the province of BC is a GE Free area in respect to all plant and animal species.

ENDORSED BY THE ASSOCIATION OF VANCOUVER ISLAND & COASTAL COMMUNITIES

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: *Endorse*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution asking that the Province legislate the prohibition of importing, exporting and growing genetically engineered plants, seeds, and animals on Vancouver Island or in associated coastal communities.

However, the membership did endorse a similar resolution, which asked for a legislative ban on the importing, exporting and growing of fruit and plant material containing genetically engineered material in BC (2012-B126).

RESPONSE: Ministry of Agriculture

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION

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GE plants and seed cannot be certified as organic under BC's *Agri-Food Choice and Quality Act*. s.13

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Discussion: BC has no legislation that would limit production of GE Arctic™ apples if CFIA approved. Some local governments have declared "GE Free Zones" in Richmond, Powell River, Nelson, Rossland, Kaslo and New Denver. A Cowichan Valley Regional District bylaw discourages GE production.

The European Union (EU) regulates GE food using a much higher standard than Canada's to establish food safety. EU regulation mandates labelling of all GE food products.

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- contamination of their product in the field with unconfined GE pollen;
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- for organic growers, loss of organic certification, premiums, integrity of the BC brand and access to export markets.

Options for BC include:

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Contact: Daphne Sidaway-Wolf, Agrifoods Policy and Legislation, 250 356-6586

DIR GT ADM MS DM DS



Use of Genetic Engineering Technology in Agri-foods Production in BC



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- However, the Province has the authority, and could create new legislation, to restrict the production of federally approved products within BC.
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Genetic engineering is fundamentally different from traditional methods of plant and animal breeding because it can potentially cross biological barriers, transferring genes from one species to another. Economic, ecology and health issues are unknown .

There are no conclusive (non-industry) studies that state GE products are safe. Consumers are also requiring additional labelling requirements to make informed decisions.

Bioengineered crops will do wide-reaching damage to the environment. More research is needed on the potential of GE crops to transfer their genes to other crops or wild relatives. Non-GE crops will be contaminated by GE crops in neighboring fields, threatening crop diversity and organic operations.



DISCUSSION

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING
with Neal Carter of Okanagan Specialty Fruits July 12, 2012

Ref: 176004

Date: July 4, 2012

Issue: Developer seeks Minister's support for confined release and sale of genetically engineered (GE), non-browning apples.

Background:

- ArcticTM Apples were genetically engineered to stop apple flesh from browning when cut.
- The developer thinks sliced, non-browning apples could be sold for a premium.
- Cut apples would receive processed apple prices. Grower returns for cut apples would be about -\$0.05/lb lower than returns for organic table apples (according to the Certified Organic Associations of BC).

Discussion:

- In 2000, the then Minister of Agriculture expressed concern to the then Federal Minister about the ability to contain GE pollen from 800 GE apple trees 'greenhoused' at Summerland Research Station. Apple pollen is heavy and is not blown far, but can be carried up to seven kilometres by insects.
- Pollination of conventional or organic apples with GE pollen would produce apples with *GE seeds*, even though the *flesh* would not be GE.
- Processing/cutting would release GE material from the seed into the apple product.
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- BC Fruit Growers passed non-GE resolutions that were not supportive of this product.
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Suggested Response:

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Contact: Daphne Sidaway-Wolf, Agrifoods Policy and Legislation Branch, 250 356-2945

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Use of GE technology in agri-foods production in BC

RECOMMENDED RESPONSE:

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Use of GE technology in agri-foods production in BC**BACKGROUND:**

- The use of Genetic Engineering (GE) technology (gene addition, deletion or manipulation) in agri-foods production and processing is increasing.
- Four federally-approved GE crop species (canola, corn, soy and sugar beets) are currently grown in BC. Other GE crop species have been approved by the Federal government, but are not currently grown in BC. GE feed and pharmaceuticals are currently used in some BC livestock production, but no GE livestock have been approved.
- The Arctic Apple, a GE apple, is currently waiting federal approval for unrestricted release (open field production).

Jurisdictional considerations:

- Federal
 - Canada exercises authority over labelling, import, export and interprovincial trade of agricultural products (including GE products) through: the *Canada Agricultural Products Act*, which regulates the preparation and advertisement of agricultural products; and the *Food and Drug Act*, which protects public health by ensuring agricultural products meet specific standards for marketing or sale.
- Provincial
 - Provinces do not have jurisdiction to approve GE agri-foods products for unrestricted release – this is within the sole purview of the Federal government; however, the Province may legislate to restrict the production of federally-approved GE agri-foods products within BC, or may dedicate resources to encourage the development, production or sale of federally-approved products.
 - Ministry of Agriculture's current policy position is to refer to the Federal government: "the province considers that the Federal Government must ensure the transparent, science-based and effective environmental and socio-economic review of genetically engineered products. The data and decisions must be made available to the public."
- Municipal
 - Despite their lack of authority to regulate or restrict agri-foods products, 12 local governments have adopted resolutions to restrict or prohibit the use of GE-based agri-foods within their jurisdictions (e.g. Richmond, Powell River).

Issues:

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CROSS JURISDICTIONAL COMPARISON:

- As in BC, the other provinces and territories defer to the Federal government on this issue.

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PROGRAM EXPENDITURE / REVENUE IMPLICATION (IF APPLICABLE):

- No resources are currently dedicated specifically to GE.

Approved by:	Prepared by:	Alternate Contact:
Melanie Stewart	Name: David Coney	Name: Russ Horton
Date approved by ADM:	Branch: Agrifoods Policy and Legislation	Branch: Agrifoods Policy and Legislation
Phone: 250 356-1821	Phone: 250 387-3232	Phone: 250 356-1671
Cell: s.17	Cell: s.17	Cell: N/A

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- In 2001, BC drafted legislation to require labelling of Genetically Engineered (GE) food. The bill died after the 2001 provincial election.
- The intent was to provide BC consumers with the GE status of the food available for sale other than in food service establishments.
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s.16, s.13

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Daphne Sidaway-Wolf 2012-10-18

ADVICE TO MINISTER

CONFIDENTIAL RESOLUTION ISSUES NOTE

Ministry of Agriculture
Date: August 28, 2013
Minister Responsible: Pimm

UBCM Resolution B72 – Genetic Engineered Plants (GMO)

B72 GENETICALLY ENGINEERED PLANTS & ANIMALS

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WHEREAS some Genetically Engineered (GE) crops, through pollination, can disperse their pollen and genes indiscriminately and potentially contaminate non-GE crops, resulting in lawsuits, loss of organic certification, and marketability;

AND WHEREAS there is particular concern with the transfer of DNA between species and the potential unintended consequences, especially with animal species;

AND WHEREAS Vancouver Island and associated coastal communities are isolated from other agricultural areas in British Columbia, which can provide practical approaches to avoiding contamination by GE organisms and these locations suggest that there is an opportunity for local farmers to provide organic production, to help maintain long-term sustainability, to foster a living seed bank, and to be a refuge from genetically engineered contamination:

THEREFORE BE IT RESOLVED that UBCM ask the British Columbia government to legislate the prohibition of importing, exporting and growing plants and seeds containing genetically engineered DNA, and raising GE animals within BC, and to declare through legislation that the province of BC is a GE Free area in respect to all plant and animal species.

ADVICE AND RECOMMENDED RESPONSE:

- **The federal government has responsibility for food safety.**
- **I will continue to focus my energy on programs B.C. has control of. This includes helping B.C. growers take advantage of new market demands for their products and supporting British Columbians in buying locally.**

Communications Contact: Marc Black, 356-1812