



POLITICAL BRIEFING – 3 July 2020

The UK Agriculture Bill 2019-20
Lords Committee Stage

Amendment to deregulate the products of genome editing via the Environmental Protection Act 1990

The Agriculture Bill will be going to Committee Stage in the House of Lords on 7 July. An amendment has been tabled on the subject of genome editing (see text below). Its purpose is to remove organisms produced by a form of genetic engineering called genome editing from the scope of GMO oversight and regulation. **We oppose this amendment on the grounds that it is undemocratic.**

Power without debate or oversight

This amendment has come out of the blue. The issue of genome editing was not included in any form in the original text of the Agriculture Bill. (1) It has not been discussed, either in specifics or in principle, in the House of Commons. The government has made no statement to suggest it would support an amendment to deregulate genome editing through this Bill.

A key and worrying aspect of the amendment, tabled by Lords Cameron, Krebs and Rooker and Baroness Hayman, is that it proposes to give the Secretary of State the power to alter the definition of GMOs in the Environmental Protection Act 1990, without the need for debate or parliamentary scrutiny. (2)

This amendment is the first to emerge on genome editing. However there has been intense lobbying by Julian Sturdy, MP, Chair of the APPG for Science and Technology in Agriculture and others (3) for a possibly more comprehensive amendment on deregulation. This amendment should therefore be viewed in the context of a much wider move to deregulate genome editing via the Agriculture Bill.

The wrong amendment, in the wrong Bill, at the wrong time

Irrespective of anyone's views on the pros and cons of genome editing, the thrust of the amendment, and the process by which it has been brought forth, **gives rise to serious concerns about transparency, democratic process and the undermining of Environmental Protection Act.** Our reasons for opposing it are:

- Genetic engineering in food and farming is an issue of public concern in the UK and there is strong citizen support for GM regulation that demands a transparent process rather than one which is being pushed through quietly by unelected Peers;
- Crucially, it would result in a substantial alteration of the Environmental Protection Act 1990 (EPA) without public and parliamentary scrutiny. Creating a precedent of altering the EPA by giving the Secretary of State wide-ranging powers through another (non-Environmental) Act is risky and wrong;
- The amendment purports to cover only “agricultural research” – however it is not possible to restrict the kind of deregulatory changes proposed to the products of agricultural research only. If adopted all agricultural uses of genome editing will be deregulated, including commercialised seeds and food products;
- The explanatory statement proposes to allow the deregulation of “new precision breeding techniques”. This term has no formal scientific or legal definition, nor is it defined in the amendment. In lobbying language it is broadly applied to any form of genome editing;
- The term ‘genome editing’ represents a suite of technologies with a range of potential applications, some of which – for example gene drives or the use of gene-edited plant and animal species to further conservation aims – pose significant risks to the farmed and natural environment. To make such broad

alterations in the structure of UK environmental protection is, at best, ill-considered and cavalier and, at worst, destructive and dangerous;

- The amendment does not consider how deregulation of technologies might impact on other forms of agricultural production and innovation (such as organic), or what their impact might be on animal welfare, market transparency and consumer concerns;
- Since the amendment applies only to England, it conflicts with and threatens the competencies of the devolved nations, which have shown support for strict regulation of GMOs;
- Genome editing is being hailed as a “game changing” technology. Any future role for such a powerful technology should be subject to a full, open and nuanced public and parliamentary debate where potential benefits and risks can be carefully examined.

We urge you to represent these views to those in power, in particular Secretary of State George Eustice, and to use your influence and information channels to ensure that such amendments, which aim to sidestep regulatory and public oversight and consideration of genome editing, are defeated.

For more information on the proposal to deregulate gene-edited organisms in the UK contact:

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Notes

(1) During the 2nd reading in the Lords there was a brief exchange between a few peers on the subject of gene editing in which both ‘pro’ and ‘anti’ views were expressed.

(2) A “public consultation” is mooted but no detail is provided as to its scope or mechanics and in any case the outcome of such a consultation would not be binding on ministers.

(3) See Julian Study’s [letter](#) to the Secretary of State and supportive statements from various [GMO research establishments](#), the [British Society of Plant Breeders \(BSPB\)](#) and [the National Farmers Union \(NFU\)](#).

Amendment 275 Text

LORD CAMERON OF DILLINGTON
LORD KREBS
BARONESS HAYMAN
LORD ROOKER

After Clause 42

Insert the following new Clause—

“Agricultural research (1)

(1) The Secretary of State may by regulations modify the definitions contained in Part VI of the Environmental Protection Act 1990 in relation to products of breeding techniques for agricultural purposes where nucleic acid changes could have occurred naturally or through traditional breeding methods.

(2) Regulations under subsection (1) may only be made after the Secretary of State has held a public consultation on any proposed modifications to the definitions.

(3) Regulations under subsection (1) may only be made in relation to England.

(4) Regulations under subsection (1) are subject to the affirmative resolution procedure.”

Member’s explanatory statement *To enable the Secretary of State to make changes to the Environmental Protection Act 1990, as it applies in England, in relation to breeding techniques after the UK leaves the EU. This would allow for regulation of new precision breeding techniques compatible with international definitions.*