

26 January 2021



The Rt Hon George Eustice, MP
Secretary of State for Environment, Food and Rural Affairs

Tamara Finkelstein
Permanent Secretary
Department for Environment, Food and Rural Affairs

Seacole Building
2 Marsham St
Westminster
London SW1P 4DF

Dear Secretary of State and Permanent Secretary,

RE: The Consultation on the Regulation of Genetic Technologies

We are writing, not to respond to the consultation itself, but to express concerns about the process.

How we regulate crops, animals and foods that have been produced using genetic engineering is an extremely important subject. We are, therefore, dismayed that the consultation is not being conducted in line with the [Cabinet Office Consultation Principles](#), as follows:

The Consultation does not conform to Parts A and E of the Principles. It is not easy to understand or answer, is not accessible, is not targeted and does not encourage responses.

Part A of the Consultation Principles states that, amongst other things, consultations should be “*easy to understand and easy to answer.*” Allied to this, Part E of the Principles states:

“Consultations should be targeted. Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist. Consider targeting specific groups if appropriate [our emphasis]. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods.”

The questions in the consultation demand of level of evidence (including references) that is inappropriate for a public consultation. It is notable that Defra itself has made statements and claims in the consultation document and the accompanying media briefings, which are neither referenced nor backed by evidence.

This consultation is meant to elicit public views – it is not a “call for evidence”.

In particular, Part 2 of the consultation is a highly technical focus on genetically engineered crops, farmed animals, human food, human and veterinary medicines, animal feed and other “unspecified sectors” and seeks detailed recommendations on regulatory measures that should be put in place around these. It is our view that Part 2 should have been a separate consultation and targeted to a more specialist audience.

Throughout the consultation, the level of specialist knowledge required is clearly beyond what most lay citizens will be able to supply. Because of this, many citizens may find the consultation too difficult and simply not respond. Similarly, the manner of the request for evidence throughout is such that many citizens would conclude that their opinions will be dismissed unless accompanied by specialist references/evidence.

Importantly, in asking for this level of detail and evidence, Defra has produced a document that, in both text and tone, seems designed to dissuade non-experts – stakeholders with valid points of view – from participating.

The consultation does not conform to Part B of the Principles. It is consulting about issues on which the government has already largely formed a final view.

Part B of the Consultation Principles states:

*“Consultations should have a purpose. Do not consult for the sake of it. Ask departmental lawyers whether you have a legal duty to consult. Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. **Do not ask questions about issues on which you have already formed a final view** [our emphasis].”*

In his first public speech as Prime Minister (and in subsequent speeches in the following days) Boris Johnson [stated](#) that one of his priorities was to “liberate the UK’s extraordinary bioscience sector from anti-genetic modification rules.”

Representatives of the UK government have stated on several occasions in the media that it is the government’s intention to overturn the 2018 European Court of Justice ruling on the regulation of genome editing.

Although it was not a public-facing event, at the 6 January online Defra briefing, prior to the launch of the consultation, both George Eustice and Gideon Henderson made it clear to attendees that the government has an agenda to deregulate gene editing and will be pursuing a change in the law as soon as is practicable. It therefore seems clear that government has already made up its mind on this issue.

The consultation does not conform to Part C of the Principles. The information provided is prejudicial rather than informative and understandable and does not include any validated cost/benefit/impact assessment.

Part C of the Consultation Principles states

*“Consultations should be informative. **Give enough information to ensure that those consulted understand the issues and can give informed responses** [our emphasis]. Include validated impact assessments of the costs and benefits of the options being considered when possible; this might be required where proposals have an impact on business or the voluntary sector.”*

Government materials, including the [Defra press release](#) and other materials including the [‘explainer’ document](#) for media, the [launch video](#) tweeted by Defra and [this tweet](#) from Defra Chief Scientist Gideon Henderson are not informative and do not assist in a balanced understanding of the issues.

In some cases – including scientifically incorrect descriptions of the gene-editing process, blithe assurances that simple “tweaks” can produce complex traits in plants and animals and that gene editing does not involve the insertion of trans genes – they actively mislead both media and the public on the state of the science and on what the process of gene editing entails.

Nowhere in these materials are there assessments of the impacts or costs of deregulation – for instance when it comes to ensuring traceability and robust co-existence rules. No alternative viewpoints and no potential problems – such as contamination of non-GM crops or the potential for unintended and possibly harmful changes in the genomes of plants and animals that may have health, welfare and/or environmental consequences in the longer term – are acknowledged.

The Consultation comes across as biased and lacking in thought and planning.

An additional concern is that the consultation gives the impression of presenting a pre-decided policy which has not been fully thought through and is not a serious attempt to engage with and listen to consultees. Such an impression undermines the claimed importance of the consultation process in our governance and democracy.

In the briefing prior to the launch, several attendees, including those who were supportive of gene editing as well as those who were not, questioned how the government would handle what will very likely be divergent views on the subject of gene editing in agriculture. It was clear that there was no plan for this and, further, there was no indication of what weight the opinions of citizens – the majority of whom remain opposed to the cultivation of genetically engineered crops and to breeding genetically engineered animals – will ultimately be given in this consultation process.

In the wider context of considering public engagement on the issue of gene editing, we would like to point out that over the last few years Beyond GM, via its a Bigger Conversation initiative, has carried out fruitful conversations and engagement with people and organisations with a range of views about genome editing technology.

All agree that openness, transparency and a democratic process is essential to quality communication with the public and vital to ensuring that the sterile and unsatisfactory stalemate over genetically engineered crops and animals is avoided.

We have made these points in our previous correspondence with Defra, with Lords and Ministers and with the National Food Strategy team.

In civil society and beyond, the opinion is being widely expressed that this consultation is little more than a hollow exercise. It's disappointing that Defra and the government does not seem to have learned anything from its previous public engagements on GMOs.

Beyond GM will be responding more fully to this consultation in a separate document. However we remain deeply disappointed in the approach Defra has taken and unconvinced that this consultation adheres to government Consultation Principles.

Yours sincerely,



Pat Thomas (Ms)
Director
Beyond GM



Lawrence Woodward
Director
Beyond GM

Cc:

Toby Nation, Group Director of Communications, Defra
Simon Case, Cabinet Secretary
Alex Chisholm, Cabinet Office Permanent Secretary