

Commentary on the environment

Biosafety protocol draft spooks US biotechnology officials

Russ Hoyle

Ever since unnamed lieutenants in the Bush White House contrived to scuttle American participation in the Convention on Biodiversity at the 1992 Rio Earth Summit, biotechnology executives and Washington regulatory officials alike have been dogged by fears of Draconian international regulation (see "Biotechnology and the UN: New challenges, new failures", pp.831–834). Their concerns have only intensified in recent years.

So this spring, when a draft version of an international protocol for the regulation of living modified organisms (LMOs) started circulating around Washington, biotechnology officials climbed over one another to obtain copies and assess the damage. The leaked copies were prepared by a little-known public interest group called the Community Nutrition Institute (CNI, Washington, DC) and its twenty-something director, Richard Schweiger. Entitled the "Draft Biosafety Protocol to the Convention on Biological Diversity," it is a potpourri of everything the biotechnology industry and the US government has feared from the nongovernmental environmental organizations (NGOs) monitoring progress on the so-called biosafety protocol called for by article 19 of the convention.

The response was swift. In an internal memo, Richard Godown, executive director of the Biotechnology Industry Organization (BIO, Washington, DC) dismissed the draft protocol as impracticable and apparently meant to "hinder" international trade in biotechnology products. "It is thoroughly restrictive in its approach and in a practical sense the necessity for complying with its provisions would most probably bring all traffic in living modified organisms to an indefinite halt," wrote Godown.

The document in question is hardly a consensus view of the fragmented international environmental community. But it has not escaped anyone's attention, however, that the draft began circulating only months before the first meeting of the Open-Ended Ad Hoc Working Group of Experts on Biosafety, which is charged with beginning work on a biosafety protocol in Aarhus, Denmark in late July. Moreover, the growing controversy over the draft protocol has coincided with the commercialization of the first significant spate of US agricultural biotechnology products, from bovine somatotropin to food products and new genetically engineered biopesticides and herbicides that are now poised for international marketing.

US participation in the biodiversity treaty by successive administrations in Washington has been marked so far by naive good intentions and unfocused political gamesmanship. The upshot, until now, has been that Washington's position in drawn-out negotiations over international biosafety regulation—essentially, that there should be no such protocol, or regulations whatsoever—has been all but drowned out by the protests of Third World countries and nongovernmental environmental groups.

Thanks in part to the efforts of US observers who have witnessed the campaigns of disinformation and bald deceit employed by the forces arrayed against US biotechnology interests, the biotechnology industry has at last begun to bestir itself for the debate over the biosafety protocol. BIO, along with government officials and representatives of private US corporations, has been hosting meetings in Washington to prepare their case for the Aarhus meeting.

The call has gone out to biotechnology officials before. But the Aarhus meeting will be the first time the industry will have an independent presence in a venue established by the treaty signatories. Their arguments are expected to reflect a significantly modified US position, namely, that the US will accept a biosafety protocol that is science-based and within a framework of risk assessment and management that has proven adequate in the United States, Europe, and elsewhere. "The inevitability of a protocol is now accepted by everyone," says BIO's Godown, who will attend the Denmark meeting.

Although the CNI draft protocol will have no official standing at Aarhus, biotechnology officials in government and out believe, as one says, "We definitely anticipate running into it." The 30-plus page document is most remarkable, however, simply because it exists. The CNI report is the first and only attempt so far to pull together all the elements of a zero-risk biosafety protocol. The draft report is unquestionably a radical document that appears calculated to bring about the sort of effective moratorium on genetically engineered products, especially transgenic plants, that environmentalists like Margaret Mellon and Jane Rissler of the Union of Concerned Scientists (Washington, DC) have floated in the past.

It is also evident that a serious effort has been made to ground the draft protocol in international law, a dollop of relevant science,

and the relevant provisions of the biodiversity convention. Mellon and Rissler, among other knowledgeable environmentalists, have been asked by Schweiger to review the draft protocol, but disclaim any participation in its authorship.

If nothing else, the CNI protocol appears designed to raise to the hackles of the biotechnology industry. Its preamble declares that genetic diversity "is dependent on the socioeconomic conditions of the peoples maintaining it," code for a regime that includes social and cultural studies, sociology and "history relevant to risk assessment" in its definition of science. It designates illegal traffic in genetically engineered goods as a criminal act and includes jail sentences for responsible corporate and national officials. Besides requiring exporters of biotechnology products to submit complete safety information on a case-by-case basis, the draft protocol establishes an independent international body of experts to conduct risk assessments and make decisions on all transboundary trade in LMOs.

It also stipulates that these experts should consider "safer" alternative technologies where possible. The CNI draft calls for mandatory public participation at every stage of the decision-making process, mandatory labeling of all food products derived by genetic engineering, and establishes rigid liability standards, including compensation for any damage to the environment or human health.

In the end, the "stealth" draft protocol may attract some attention at Aarhus, as the industry fears. Yet, even environmentalists warn against taking it too seriously. "This is a legitimate contribution," says one. "But it's not the be all and end all." Greens question whether extremist international environmental groups who have been agitating for a stringent biosafety protocol—groups like the Third World Network (Tenang, Malaysia)—will go along with what they may perceive as just another venture in American cultural and economic imperialism. "Greens and NGOs have yet to arrive at a position," says one environmentalist. "They are suspicious of US NGOs at this point."

So, obviously, is the Washington biotechnology community. If nothing else, this may provide a tiny patch of common ground from which the industry and the Clinton administration can at last begin to make headway toward a rational and workable international biosafety protocol. //