

ANALYSIS

removed his ministry's support of the International Biotechnology Congress held in Genoa in May, banning his officials from taking part in the meeting. His new constraints come when Italy's public funding of agbiotech is already limited and the industry struggling. There has been a 75% cut of financial resources for research inside the agriculture ministry in the last two years. The government's long-term plan, the National Plan for Vegetal Biotechnology, had

intended that the agriculture ministry allocate \$4 million a year for agbio research, but even this was stopped two years ago as a result of Italian economic problems; in 2000, \$2 million must be shared among 200 agbio projects. In addition, GM field trials have fallen from about 40 in 1999 to 26 this year, many being halted because of pressure from local authorities. "The precautionary principle is turning out to be a 'no experimentation principle,'" says Defez.

"The agriculture minister says he wants to protect Italian traditional products, but to reach success we need innovation" points out Enrico Porceddu, of the Società Italiana di Genetica Agraria (Italian Society of Agricultural Genetics). "Italy has an important past in this field [particularly development of cereal varieties], but now we are already losing the market of flowers and, without a turnabout, we will be forced to buy seeds produced abroad."

Anna Meldolesi

Withdrawn Greenpeace Bt suit enters spin cycle

In mid August, officials from the Environmental Protection Agency (EPA; Washington, DC) laid out plans for a comprehensive reassessment of all currently registered, commercial varieties of corn and cotton genetically engineered to express *Bacillus thuringiensis* (Bt)-specified insecticidal genes. The move comes after US District Judge Louis Oberdorfer on July 21 agreed to a motion from Greenpeace (Washington, DC) to dismiss its lawsuit against the EPA concerning Bt-producing crop plants. Environmental activists and industry representatives almost immediately began spinning statements over the significance of withdrawing this lawsuit, which Greenpeace and several dozen other groups initially brought in petition form before the agency in September 1997.

The Biotechnology Industry Organization (BIO; Washington, DC) quickly applauded the court's action on the lawsuit. "Dismissal of the case...affirms the EPA's regulatory policies and its past scientific findings that Bt crops are safe for the environment and, in many cases, enhance environmental quality," says BIO executive director for food and agriculture Michael Phillips. "The dismissal also demonstrates that the plaintiffs in the lawsuit were not able to produce credible scientific evidence to support their charge that the EPA acted negligently in approving Bt crops."

However, Greenpeace and other members of the coalition that brought this action against EPA vehemently disagreed with BIO's interpretation of the court decision. "Contrary to erroneous statements released by BIO, no judgment was issued against the Greenpeace claims, nor did the court find the suit to be lacking in merit," Greenpeace responded in a formal statement. "Greenpeace is now preparing further legal steps in its battle to force EPA to withdraw its approval of insect-resistant Bt crops."

In the 1997 petition and subsequent lawsuit filed with the federal court system,

Greenpeace, the Center for Food Safety (CFS, Washington, DC), and other activist groups alleged that agency officials had violated federal statutes and procedures during the mid 1990s when several Bt-producing transgenic plants—specifically corn, cotton, and potatoes—were approved for registration and commercial sale. Among other claims, the petition and subsequent lawsuit alleged that such products would cause significant environmental problems, including the eventual loss through the accelerated development of

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resistance of conventional Bt insecticides, which are used in both conventional and organic agriculture, as well as damage to non-target species; in addition, concerns were raised about potential human health problems.

In April of this year, EPA officials provided a 112-page response to the petition and cited a flurry of documents, including the records of each specific Bt transgenic product that was subject to agency registration review as well as more sweeping procedural reviews, such as the deliberations during special scientific advisory panels whose expert members reviewed agency plans for curtailing the development of resistance to Bt insecticides by target pests. "After carefully reviewing the issues raised by the petitioners, the agency has affirmed the scientific and legal foundation for its current regulatory approach and has denied the petition," EPA officials said in a statement. "EPA is undertaking a comprehensive evaluation, using sound science, an

open and transparent process, stakeholder involvement, and consultations with other government agencies on our regulatory approaches to ensure that sound decisions are made on the continued use of Bt corn and Bt cotton."

Although the EPA carefully addressed and refuted Greenpeace's allegations—including, for instance, claims that Bt released through degradation of GM crops would harm soil organisms, or that GM crops would transfer into wild plants and create superweeds—and found its assessment of Bt plant pesticides "rigorous," Charles Margulis, the organization's genetic engineering specialist, says by withdrawing the lawsuit "we have not conceded that EPA addressed our claims by its regulatory process."

Joseph Mendelson, an attorney with the CFS, a co-plaintiff with Greenpeace, says part of the reason for withdrawing the lawsuit is that the five-year registrations which EPA granted to several of the Bt-producing corn and cotton varieties are due for re-consideration either this year or next. This means that on technical grounds some elements of the recently withdrawn lawsuit were set to be "mooted out," he says. "We plan to track the re-registrations closely. It isn't over, and the fat lady hasn't sung."

Indeed, in setting its new reviews, EPA officials appear to be heading off anticipated renewal of the Greenpeace lawsuit. For instance, they point to elaborate efforts to base the reevaluations on "the most current health and ecological data, including recently reviewed non-target impact data" and say that "the reassessment process has...been designed to assure maximum transparency." They also note that the reviews will incorporate recommendations from outside experts who serve on agency scientific advisory panels as well as guidance handed down from the US National Academy of Sciences (Washington, DC) and other more broadly constituted federal review panels.

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