

PANDORA'S BOX

GENETIC-TESTING LAW STIRS DEBATE

COPENHAGEN—A bill that would lead to the world's first law banning the use of genetic testing by employers, insurance companies, and pension funds was scheduled to come into force in Denmark on July 1. But debate in the Danish parliament on the details of the bill looks certain to delay enactment well beyond that date.

The parliament has been looking at the bill since it was introduced by the Minister of Labor, Knud Erik Kierkegaard, on April 22. The ban has wide support in parliament, with the exception of an ultra-right conservative minority. However, the debate has brought to light a number of issues that are likely to arise for other nations when they begin to regulate genetic information.

The first issue is one of scope. As originally conceived, the ban would have applied to all occupations. Now, however, parliament has accepted that a few exceptions are necessary. For instance, for jobs like security personnel or pilots, in which possession of a hereditary disorder might create risk for other people, employers may apply to the Labor Minister for an exemption from

the testing ban.

The idea of a total testing ban has also been opposed by organizations that are behind the measure. A trade-union umbrella group, the Danish Confederation of Trade Unions (Copenhagen), wants to retain the use of genetic tests to monitor the work environment and protect workers' health. Its proposal that the ban should apply only to hiring and not to testing during employment has won the support of the Directorate of National Labor Inspection, part of the Ministry of Labor.

The original proposal is likely to be refined so that the ban applies only to tests that look at hereditary characteristics of identifiable individuals and not to genetic monitoring of populations conducted anonymously. Such monitoring might involve testing factory workers for workplace-caused cancers. The Salaried Employees and Civil Servants Confederation, a trade union that includes laboratory technicians, suggested this distinction.

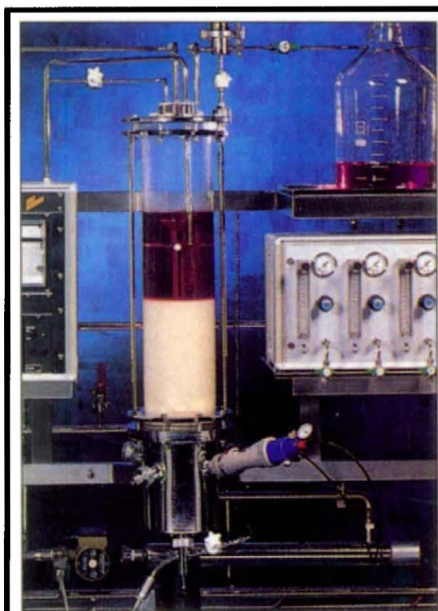
The bill's definition of what actually constitutes a genetic test may also be refined. The Ministry of Labor claims that neither employers nor insurance

companies in Denmark have used DNA tests. However, Novo Nordisk (Bagsvaerd), among others, has conducted elective occupational-health testing on its work force (in Novo's case to look for allergies). These are not DNA-based, but could nevertheless come within the scope of the new law following a recent debate surrounding the textile company, Danish Cotton Spinning Mills (DCSM, Vejle).

As part of a research study, 226 of DCSM's workers were tested for alpha-1-antitrypsin (AAT) deficiency. When the test became public, it was argued that such a test could be used to exclude from employment people who cannot tolerate high levels of textile dust, as such exclusion is perhaps cheaper than cleaning up a mill. However, the AAT test used by DCSM was not based on DNA but on protein analysis. Under the bill's narrow definition of "genetic test," such testing would not be regulated.

This has led to demand for a broad definition of "genetic test" to include all testing methods that provide information on genes. —Thomas Breck.

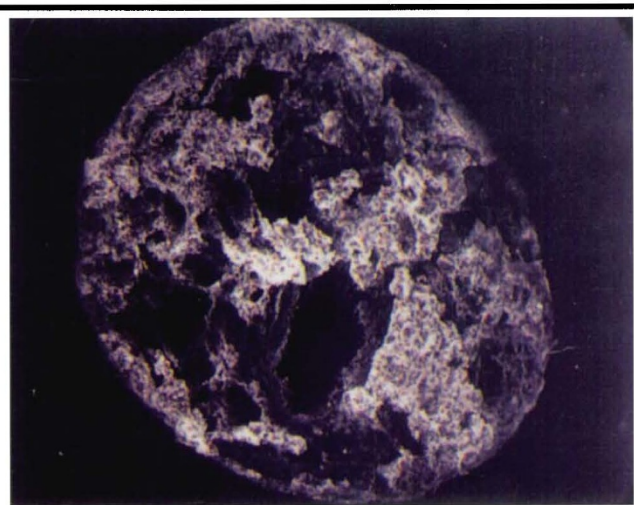
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