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INSTITUTE
for
AGRICULTURE
and
TRADE POLICY

Judge Richard C. Luis
Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, MN 55401

February 20, 1995

Dear Judge Luis:

I am writing to comment on the proposed rules of the Minnesota Department of Agriculture (MDA) that govern agriculturally related genetically engineered organisms (Minnesota Rule part 1558.0010 to 1558.0090).

After reading the rules and the MDA's "Statement of Need and Reasonableness," I have concluded that the MDA intends to minimize public commentary concerning possibly controversial genetically altered organisms. By allowing the Commissioner of Agriculture alone to decide whether to allow public comment in notification procedures and commercial use exemptions, MDA may erode its responsibility to citizens, in favor of creating avenues by which industry may more expeditiously commercialize products often developed, in part, at taxpayer expense. Without public notification of and opportunity to comment on the commercialization of such organisms, the public is further deprived of meaningful participation in the decision-making process.

I urge you in the strongest possible terms to instruct MDA to rewrite the rules to ensure public notification of and comment on notification procedures and commercial use exemptions. At a time when the ability of government and research institutions to verify industry product claims is being increasingly compromised by the falling corporate contribution to fund independent government review and by the dependence of purportedly independent research institutions on corporate funding, it is vital that MDA allow public comment on these matters. The National Coalition for Universities in the Public Interest has documented numerous instances in which scientific data has been compromised, suppressed or even fraudulently presented, in order to please corporate sponsors. Furthermore, now that federal agencies are under pressure to eliminate staff, programs and standards, the avenue of public comment becomes all the more vital to conserving democratic process concerning food policy.

Finally, let me mention that the opportunity for public commentary has become all the more crucial in view of the food policy provisions of the recently approved General Agreement on Tariffs and Trade (GATT). The trade ministers who negotiated GATT were almost exclusively advised by representatives of transnational corporations. It is no surprise, then that GATT international standards for food safety and security will be decided by the Codex Alimentarius, an industry constituted and sponsored entity with no avenues for non-governmental intervention. GATT is written to facilitate, via trade representatives, corporate challenges to all manner of government policies, including the agricultural policy of the MDA.

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To cite just one instance in which GATT threatens to foreclose public debate on highly controversial genetically altered products, European Union jurists and scientists have found the work of the Food and Drug Administration to be based on sometimes inadequate scientific review and questionable juridico-medical norms. I would be happy to furnish you with documents concerning the scientific and legal work that recently resulted in the six-year extension of the European Union's moratorium on the use of recombinant Bovine Growth Hormone. (The European Veterinarians Union proposes to judge rBGH not by a juridico-medical norm as if rBGH were a bovine health-fostering medication, but as the bovine health-destroying production enhancer advertised on Monsanto's "Posilac" label.) Nonetheless, if the findings of European scientists concerning rBGH are overruled by GATT as trade barriers, the opportunity for public commentary on such rules and procedures as those proposed by the MDA may be the only avenue available to conserve the public's right to know what they are eating.

Though some lobbyists may argue that public commentary on commercial use exemptions and notification procedures is a waste of government time and taxpayer's money, the public must have the opportunity to make the decision as to whether a new product introduction requires review beyond what that of evidence supplied by companies and corporate-sponsored studies. I urge you to maximize, rather than foreclose, that opportunity for public commentary.

Cordially,

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