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Ruling hailed by opponents of genetically altered crops

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A Honolulu federal court ruling will make it harder to win permits to grow genetically engineered crops across the country, environmental watchdogs said yesterday.

The ruling, by Judge J. Michael Seabright in a 2003 case pitting three environmental groups against the U.S. Department of Agriculture, found that permits filed in 2001 by four Hawaii seed companies violated federal law.

Seabright said in last week's decision that the USDA should have at least considered the impact on endangered species and the human environment, as required by federal law, before issuing the four permits.

The permits to field-test corn and sugar cane engineered to produce experimental vaccines, proteins, hormones or drugs for diseases such as HIV, hepatitis B and cancer expired in 2003. The permits gave the companies the ability to plant more than 800 acres on controlled sites on Kauai, Oahu, Molokai and Maui. This type of farming is generally known as biopharming.

Currently, no one is biopharming or growing crops to produce drugs in Hawaii. Companies produce seeds here only for human and animal consumption.

Still, last week's decision will be far-reaching, said Honolulu Earthjustice Managing Attorney Paul Achitoff, whose office is handling the case for the environmental nonprofits.

"The days of rubber-stamping these (genetically engineered crop permits) are over," Achitoff said yesterday. "Whenever (the USDA) proposes to issue permits, they're going to have to examine their impact."

Achitoff said he believes the decision will force the USDA to hold public hearings on each permit as part of the National Environmental Policy Act, one of the federal laws the USDA violated.

That would be a huge win for opponents of genetic engineering, since more than 6,000 negative comments were received when the USDA asked the public to comment on field-testing these biopharming products in 2003, according to Seabright's ruling.

Seabright reserved judgment on the permitting process. A separate hearing on that issue is scheduled for next Tuesday.

Hawaii biotech advocates say they are not worried by the decision and that their products are safe.

Before biotech products are marketed, they undergo seven to 10 years of safety testing, said Rick Klemm, executive director of Hawaii Alliance for Responsible Technology, an agricultural trade alliance.

Some 31 regulatory agencies in 17 countries, as well as prominent international scientific authorities, have stated that biotech crops are as safe as conventional crops, he said.

Besides, Klemm said, the violations outlined in the decision "were procedural" and did not involve "any harm to human health and safety or the environment."

The USDA still issues permits to biopharm across the country, he said, and in his view Seabright said it was "quite reasonable" to do so.

According to the Web site for the USDA Animal Health and Inspection Service -- the branch entrusted to regulate genetically engineered crops -- there is a rigorous process to regulate biopharming, including inspections, audits and oversight, and its task is to make sure the products do not contaminate surrounding areas.

Between 1991 and July 2005, more than 90 permits for biopharming, or "pharmaceutical and industrial crops," have been issued across the country, according to the USDA site.

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