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**REMARKS ON GENETICALLY MODIFIED
FOODS AND INTERNATIONAL REGULATION**

Remarks by: Mark Mansour*

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{1} First of all, I want to thank you all for having us here for a wonderful program. To start out, I had intended to address some issues that Jean Halloran has raised. The first point regarding the Committee on Food Labeling, why the United States is opposed to regimes and the considerations of the past couple of years, is very simple. It's not a matter of looking at trade cases rather because the Food, Drug and Cosmetic Act, as Dr. Hoover stated before, does not provide a consumer's right to know. It's not to say the consumer's right to know is a good thing or a bad thing, it just doesn't provide for it. As Tony Van der haegen said, the European regulatory regime does provide for it. Under the law, the United States cannot adopt standards contrary to the Food, Drug, and Cosmetic Act. Even if this delegation wanted to, which it does not, it couldn't. So, we are not going to have an agreement on labeling, and I can tell you that right now. The reason there will be no agreement is that those agreements are made in those areas where they concentrated on scientific inquiry. They've done very badly in those areas where they've concentrated on headlines. This issue of course has been infused with headlines, so let's go back to the international regulatory regime.

{2} When it comes to transgenic genetics, there's always that element of fairness that creeps into the discussion. The other issue is the advocacy. The argument Tony has made and the Commission has made is that we don't need the moratorium, and I'm not going to trouble with that too much. What I would rather trouble with is the whole idea that labeling and traceability could somehow provide the degree of confidence to the European consumer so as to overcome the decade of Mad Cow and lead, and blood, and various other things. The fact is that putting a label on a product stating that it is derived from transgenic sources isn't going to ameliorate any of those problems. It's not going to do anything to solve the fundamental problems with food safety. There will still be lysteria outbreaks; there will still be E-coli outbreaks. Precautionary principles will also not solve any of those problems because at the end of the day, all those instruments were at the disposal of the authorities in the member states in the European Commission. We now have the American Food Safety Authority, and it will have additional power. All of those things that will be available have been available before.

{3} The question is how do you use them? You can have a wonderful overview of regulation here in the United States anywhere, but if you can't find a way to enforce that regulation effectively, then ultimately what you've got is a lot of input that provides mandate, that provides the illusion of safety but in fact gets you nowhere. So my concern is that we will create a system that will be expensive. A system of labeling and traceability that's designed to sooth the fears of the public but in fact will do no such things because the first time they have a real, genuine food safety outbreak, people are going to ask the same questions they had before, and a GMO label with traceability law will have done nothing to solve that.



{4} What it will do is continue that brain drain that Tony Van der haegen discussed because the idea that European consumers are going to buy food that's labeled containing biotech I think is wishful thinking. I don't think that's going to happen because I think the one thing people have failed to realize is that you can solve all sorts of problems, but there is no remedy that I have seen yet for bad publicity. You can't remedy bad publicity with the position of WTO. The fact is, for whatever reason, and I give them all credit in the world, GM Foods are not winning the battle for now. That being the case, people are going to walk away with the impression, that's going to be a majority, and ultimately it's going to affect the sales of the product.

{5} By the time the market reacts and people finally decide that the foods are cheaper or perhaps even try it, the people making it are not going to be able to afford to do it anymore. The food industry functions on a very, very slim margin. This is not one of those things that you can continue to do and lose money, and expect that you are going to continue to be able to function at the same level. Adjustments are going to have to be made.

{6} Now, the idea is that once the system is in place, we will all be labeling and everything will be fine. First of all, there's no evidence to suggest, at least with any of the food manufacturers with whom I've spoken, that they would want to reformulate rather than label. For the simple reason that they want to maintain their relationship they have with their consumers now and given the impression that there is a majority inherent labeling, they won't walk away from that as best as they could. So the assumption is they not label but reformulate.

{7} Now, let's move to the competition. This will also apply to European manufacturers, as well as American manufacturers. There is a prevailing assumption that European manufacturers are fine because they can produce a transgenic free product. Unfortunately that's not true. All of those foods contain lots and lots of little kernels of transgenic corn that don't have passports. All those little kernels of corn that are in European food products without passports are going to be fair game. Tony, I've got to tell you, even if you're just going to use a test, it's not going to matter. I think that they're going to give you guys a bigger headache than they do us now in a year or so. Because they are going to be busting everybody, left, right, and center trying to determine who's compliant and who's not. At that point we'll all be in the same boat together.

{8} I don't want to overly flip, but it's a serious problem. I think what we're doing is trying to feed a beast here. We try to give information to this beast and it keeps swallowing it up, and chewing it up, and then it's doing nothing with it. Ultimately, there's no real addition to the situation. We continue to have all these discussions about labeling, and solve it by tracing it, we'll give the corn a passport, we'll give the soybeans a passport, everything is going to be fine. The fact is, we still haven't addressed popular concern about whether the foods are safer. None of these things speak to safety law. We have a system in place in most countries in the world right now that will get you far as safety is concerned. We could focus on safety, rather than some of these other off track issues, which would ultimately lead us into believing that we've done something good. In fact, we've done nothing but confuse people and charged them money for the privilege as well. Thank you.

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Representatives, and Mr. Mansour is currently a member of several policy task forces addressing the issue of biotechnology, including the State Department International Economic Policy Task Force on Biotechnology. Prior to joining Keller and Heckman, Mr. Mansour was Corporate Counsel and Director of Global Regulatory Affairs for the Kellogg Company. He has written numerous articles and has delivered lectures and conducted and moderated seminars on the political and trade dimensions of the biotechnology debate. He received his B.S. at the Georgetown University School of Foreign Service, where he was inducted into Phi Beta Kappa, in 1979. He received a M.A. in International Affairs and Public Policy in 1983 from Harvard University and received his J.D. from Georgetown University Law Center in 1988.

