

*The challenge of food security: International policy and regulatory frameworks*

**Edited by Rosemary Rayfuse and Nicole Weisfelt**

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*Book review by Sally Ramage®*



**What you see is what you get**

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### What is food security?

*Food security* refers to the availability of food and one's access to it. For instance, a household is considered to be food-secure when its occupants do not live in hunger or fear of starvation. There is no threat to food security as such by the recent discovery in the UK and other EU member states where horsemeat was labelled as beef, but this was a criminal fraud of mislabelling food. Food law in the European Community is controversial. The debate continues as to what names foods are called.

Caselaw in this area centres on the question of what names we call our foodstuffs.<sup>1</sup> In an internal market where local supermarket shelves are stocked with products coming from all around the European Community ('EC') and beyond, we need to be certain that the contents of the packets conform to our understanding of the name on the labels. For example, if a product is labelled as *chocolate* on the label, we need a regulatory system that would ensure that it really is *chocolate* as is our concept of the word *chocolate*.

<sup>1</sup> See Case C-12/00, *Commission v. Spain* and Case C-14/00, *Commission v. Italy*, of 16th January 2003.

Chocolate enjoys a huge consumption in the UK and the UK chocolate market is valued at £4.2 billion. The chocolate companies *Nestle*, *Mondelez* (the United States company which now owns the UK *Cadbury* chocolate company) and *Mars* control more than 70% of the UK chocolate sector. The global chocolate industry is valued at £66 billion. There is strong global demand for chocolate made in the UK and chocolate sold for £524 million was exported in the year 2012.<sup>2</sup>



UK chocolate

The question of what names can or should go on labels is very complicated. In the EU, there is a **Labelling Directive**<sup>3</sup>, and specifically, there is a **Chocolate Directive**, the latter being Directive 73/241 Cocoa and Chocolate OJ L 228/23 (16 August 1973) replaced by Directive 2000/36 OJ L 197/19 on 3 August 2000.

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<sup>2</sup> Deidre Hipwell, 'Wonka-inspired creations spur on thriving Cadbury', *Times Newspaper*, 30 March 2013,

<sup>3</sup> The Labelling Directive (Directive 2000/13/EC) and its later amendments require manufacturers to declare all ingredients present in pre-packaged foods sold in the EU with very few exceptions.

### Prices affected by crop diseases and global warming



Global commodities market

On the global markets, the 12 months to March 2008, wheat price rose by 130%, soya by 87% and rice by 74%. As a result of the many such price increases, consumers were the end takers of the price spike and in the UK <sup>4</sup>price rises on the global commodities markets had a rapid effect on households .



soya and wheat

The consequence was that general items such as tinned foods had a 15% price increase and several items of food suffered price increases of more than 40%. As an example, a

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<sup>4</sup> The UK has a highly successful agricultural industry, but many domestic and international factors affect food production and prices for consumers in the UK. <sup>4</sup> The food chain<sup>4</sup> is the UK's single largest manufacturing sector and accounts for 7% of GDP, employs 3.7 million people and is worth £80 billion per year. The UK exported £12 billion of food and drink in 2007, but the UK is not self-sufficient in food production; because it imports 40% of the total food consumed here. As a food-trading nation, the UK relies on both imports and thriving export markets to feed itself and to drive economic growth. The UK is also exposed to volatile global markets for products such as animal feed that have strong impacts on supermarket prices. In today's inter-connected world, consumers are the eventual losers when international disasters affect the food chain and price spikes occur, as they did in the year of 2008.

pack of 4 croissants became 47.4% more expensive; a 125g packet of ham became 45 more expensive in the shops.

### **The World Trade Organisation ('WTO')**

The Sanitary and Phyto-sanitary (SPS) Measures Committee<sup>5</sup> which comprises all WTO members and deals with an area having an increasing impact on trade continues to struggle to agree on a working definition of 'private standards', for instance. Presently some of the issues relating to food security in the world today are argued over as being due to private standards. Some recent issues expressed by countries to the WTO are as follows:

(i) India has expressed concern at the European Union's ('EU') maximum residue levels of pesticides.

(ii) Peru has expressed its concern at the EU's application and modification of their regulation on novel foods.

(iii) China has expressed concern at Indonesia's port closure. Indonesia has said that Jakarta Port was closed to horticultural imports because it lacked inspection and quarantine facilities. Indonesia repeated that three other ports are available and urged

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<sup>5</sup> The Sanitary and Phytosanitary (SPS) Measures Committee which comprises all WTO members and deals with an area having an increasing impact on trade continues to struggle to agree on a working definition of private standards.

members to contact the Indonesian government to receive advice on how best to use the latest regulations. Yet, in China, now classified as the second biggest economy in the world and the world's second leading power, ordinary people have expressed awareness that food security in China must be made a pressing issue. There, the huge income gap must shrink. On 6 April 2013, a sixth person has died from a mysterious avian-borne virus, Chinese officials escalated their response on Friday, advising people to avoid live poultry, sending virologists to chicken farms across the country and slaughtering more than 20,000 birds at a wholesale market in Shanghai where the virus, known as H7N9, was detected in a pigeon.<sup>6</sup>

(iv) Brazil has reported that it had only one case of mad cow disease or '*bovine spongiform encephalopathy*' which it said was a rare and spontaneous instance with no identifiable infection from feed or any other source. Brazil has stressed that it was still considered to be a negligible risk for BSE and asked countries to remove all restrictions on its exports due to that single BSE case.

(v) The country of Belize, supported by Brazil, Ecuador, Dominican Republic, El Salvador, Cuba, Argentina, Uruguay and Chile complained to the WTO about the lack of progress and what it described as some members' objection to 'interfere with market requirements'.

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<sup>6</sup> Editor, 'China escalates its response to outbreak of Avian flu', *New York Times*, 6 April, 2013.

Some EU member states are considering the use of human waste matter (sewage) to fertilise food crops.<sup>7</sup> This sounds more disgusting than the biological logistics of processing the sewage really is. Mr Cox tells us that plants have a highly efficient water-treatment system of their own and in the outer layer of a plant's roots (the cortex), water travels largely through and between the cell walls, which form a very fine physical filter. The inner boundary of the plant's cortex is where the endodermis is found and the endodermis cell walls are impermeable- all water and nutrients must pass through the cells where any foreign material that has penetrated thus far is destroyed in enzyme-filled compartments called lysosomes- thus infections agents are unlikely to get through to the water conducting tissues.

These requirements are left to the private sector and this in effect means that member governments are delegating their responsibility under the SPS Agreement, to ensure SPS measures do not restrict trade unnecessarily, Belize said that the agreement's Art.13 includes this sentence:

*'Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities within their territories, as well as regional bodies in which relevant entities within their territories are members, comply with the relevant provisions of this Agreement.'*

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<sup>7</sup> Guy Cox, 'Where there's muck', *New Scientist*, 2 March 2013, at page 33.

However, it does not say how this should be done. This issue was first raised in 2005 and was investigated by the SPS Committee.<sup>8</sup> A number of developing countries in particular are concerned that private standard which apply, for example, in retail supermarket chains, could undermine the disciplines negotiated in the SPS Agreement.

### **China's public health and environmental regulations**

China is now the undisputed second most powerful nation on planet Earth. However, China also faces problems that affect its food security.<sup>9</sup> Not surprisingly, there has been a proliferation of new regulations and regulatory techniques over the last three years with regard to food safety, due to the the proliferation of new regulations and regulatory techniques over the last three years with regard to food safety, due to the SARS virus, in China which required intervention by the World Health Organisation. The FSL exists in a system where political forces at times suspend the law's operation and development. However, the FSL is a law that covers daily necessities. Public health and environmental regulations are necessary to guarantee certain essential infrastructure for a nation that aims to achieve consistent economic and technological growth. In a recent work report to the National People's Congress, Premier Wen Jiabao acknowledged that food safety problems are significant and the government needs to resolve these problems. Food safety is a sensitive topic between the government and society in China; therefore China has chosen the path of preventative administrative enforcement to curb food insecurity.

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<sup>8</sup> The SPS committee generally deals with standards set by international standards-setting bodies and those imposed by governments.

<sup>9</sup> John Balzano, 'China's food safety law: administration, innovation and institutional design in comparative perspective', *Asian-Pacific Law & Policy Journal*, Volume 13, Issue 2, pgs 23-80.

We remember that the world was concerned because of China's *severe acute respiratory syndrome* ('SARS') - a viral respiratory disease in humans, and caused by the SARS coronavirus<sup>10</sup> (SARS-CoV). Between November 2002 and July 2003, an outbreak of SARS in Hong Kong almost amounted to a pandemic, with 8,273 cases and 775 deaths worldwide.

The fatality rate was 9.6%, according to the World Health Organization (WHO) and within weeks, the SARS virus spread from Hong Kong to infect individuals in 37 countries by early 2003. The scientific community of WHO discovered that in May 2003, studies from samples of wild animals sold as food in the local market in Guangdong, China, found that the SARS coronavirus could be isolated from palm civets but the animals did not always show clinical signs. The preliminary conclusion was the SARS virus crossed the xenographic barrier from palm civet to humans, and more than 10,000 masked palm civets were destroyed in Guangdong Province. SARS virus was later found in raccoon dogs, ferret badgers and domestic cats. In 2005, two studies identified a number of SARS-like coronaviruses in Chinese bats. The WHO set up a secure network for doctors and researchers dealing with SARS, by way of a secure website where they could share and study chest X-rays and network with each other by teleconference.

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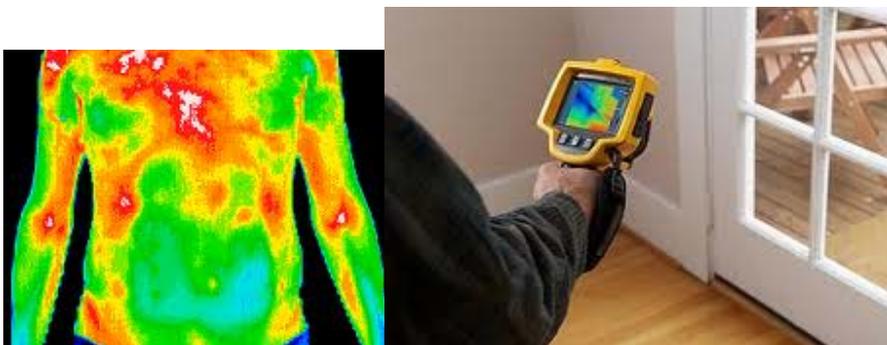
<sup>10</sup> Coronaviruses are positive-strand, enveloped RNA viruses that are important pathogens of mammals and birds. These groups of viruses cause enteric or respiratory tract infections in a variety of animals, including humans, livestock and pets.

### **SARS control**

Attempts were made to control further SARS infection through the use of quarantine and some 1200 persons were quarantined in Hong Kong, 977 in Singapore; 1147 in Taiwan. a. Schools were closed in Singapore and in Hong Kong. Then on 27 March 2003, the WHO recommended the screening of airline passengers for the symptoms of SARS. On 24 March, 2003 Singapore's Ministry of Health invoked the Infectious Diseases Act, allowing for a 10-day mandatory home quarantine to be imposed on all who may have come in contact with SARS patients. SARS patients who have been discharged from hospitals were under 21 days of home quarantine, with telephone surveillance requiring them to answer the phone when randomly called. Discharged probable SARS patients and some recovered cases of suspected SARS patients were also required to be under quarantine at their homes for a period of 14 consecutive days.

### **Screening of aeroplane passengers**

On 23 April, 2003, Singapore instituted thermal imaging scans to screen all passengers departing Singapore from Singapore Changi Airport.



SARS is a viral infection against which antibiotics are ineffective. Treatment of SARS has been supportive, with antipyretics, supplemental oxygen and ventilation support as necessary. In December 2004, Chinese researchers were reported to have produced a SARS vaccine; it was tested on a group of 36 volunteers, 24 of whom developed antibodies against the virus.

### **Possible vaccine against SARS**

Iminocyclitol 7 has been found to have an inhibitory effect on SARS-CoV in that it disrupts the envelope glycoprotein processing. Iminocyclitol 7 specifically inhibits the production of human fucosidase and *in vitro* trials yielded promising results in the treatment of SARS, yet one problem exists. A deficiency of fucosidase can lead to a condition known as fucosidosis in which there is a decrease in neurological function. The identification and development of novel vaccines and medicines to treat SARS is a priority for governments and public health agencies around the world. Furthermore, several reports from China on some recovered SARS patients showed severe long-time sequelae exist as well as pulmonary fibrosis, osteoporosis, and femoral necrosis, which have led to the complete loss of working ability or even self-care ability of these cases. As a result, some of the post-SARS patients suffer from major depressive disorder.

### Newly discovered strain of Avian flu in China

On 6 April 2013, the very real issue of food security in China raised its head again when it was reported that China has had to close its Nanjing market because of the H7N9 bird flu<sup>11</sup> Following 16 cases of the Avian flu, two more were reported on 6 April 2013. There have been six deaths in China from the H7N9 virus<sup>12</sup> with 8 other cases being treated as severe, according to the WHO. China has responded by extending a ban on poultry trading to the city of Nanjing as a precaution, having earlier closed markets in Shanghai.<sup>13</sup>

### UK Food Safety Act of 1990

However, countries should have statutory obligations of food hygiene that endeavour to 'sing from the same hymn sheet'. In the United Kingdom ('UK') there is the 1990 Food Safety Act through which Local Authorities have draconian enforcement powers relating to food hygiene<sup>14</sup> in order to protect the public from unscrupulous food business operators.<sup>15</sup> In the UK, the primary legislation governing food safety is the Food Safety Act 1990. Under this legislation food businesses are responsible for ensuring that they do not include anything in food, remove anything from food or treat food in any way which means it would be damaging to the health of people eating it; that the food they serve or sell is of the nature, substance or quality which consumers would expect; and that the food is labelled, advertised and presented in a way that is not false or misleading. Thus, a major concern of food safety law in the UK is necessarily that of food hygiene as food

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<sup>11</sup> Editor, 'China closes Nanjing market over bird flu', *News Asia*, 6 April 2013.

<sup>12</sup> This Avian flu, the H7N9 virus, is distinct from the H5N1 bird flu virus that has caused more than 360 deaths worldwide since it was found in humans in 2003.

<sup>13</sup> It is distinct from the H5N1 bird flu virus (SARS virus) that has caused more than 360 deaths worldwide since it was found in humans in 2003.

<sup>14</sup> The general and specific hygiene requirements that food business operators must comply with are set out in EC Regulations 852/2004 and 853/2004 and the UK Regulations (all fall under the title 'the Hygiene Regulations'). These requirements encompass all aspects of food hygiene from the cleaning and maintenance of premises to the hygienic handling, storage and temperature control of food.

<sup>15</sup> A 'food business' is any undertaking, whether for profit or not and whether public or private, carrying out any stage of production, processing and distribution of food. The concept of an 'undertaking' implies 'a certain continuity of activities and a certain degree of organization and excludes various activities such as the preparation of food for charitable events.'

businesses such as restaurants and cafes must ensure that the food they produce and serve is safe for consumers to eat.

### **Food safety management procedures in the UK**

Food hygiene requirements for businesses in the UK are made under powers given by the Food Safety Act 1990 and the European Communities Act 1972 and are contained under the Food Hygiene Regulations 2006. Article 5 of Regulation 852/2004 requires food safety management procedures to be based on the Hazard Analysis and Critical Control Point Principles (the 'HACCP principles'). These principles are an internationally recognised and recommended system of food safety management which seeks to identify the 'critical points' in a process where food safety problems (also called hazards) could arise and then to put in to place the steps which will prevent these problems from occurring. There are seven HACCP principles as follows:

- \*Identify any hazards that must be prevented, eliminated, or reduced to acceptable levels.
- \*Identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels.
- \*Establish critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards.
- \*Establish and implement effective monitoring procedures at critical control points.
- \*Establish corrective actions when monitoring indicates that a critical control point is not under control.

\*Establish procedures, which shall be carried out regularly, to verify that the above measures are working effectively.

\*Establish documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the above measures.

### **Food Standards Agency in the UK**

The UK Food Standards Agency has published criteria for the development and recognition of these guides for individual food sectors.<sup>7</sup> Food business operators are encouraged to use the recognised 'guides to good practice' as a voluntary aid to food hygiene compliance but they are not compelled to do so and may demonstrate their compliance in other ways. It is however important to note that when assessing compliance with the Regulations<sup>16</sup>, a Local Authority must take into account any evidence that the food business was following guidance from a recognised 'guide to good practice'. This evidence will also be crucial in establishing a defence of due diligence if the matter proceeds to prosecution.<sup>17</sup> Under the Regulations, there are a myriad of criminal offences for contravening or failing to comply with the hygiene requirements set out in the Hygiene Regulations (the UK and EU legislation). Any prosecution of a food business operator or the food business itself must be brought within three years of the commission of the alleged offence or within one year from its discovery by the prosecutor.

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<sup>16</sup> Regulation 852/2004 provides for the development of 'guides to good practice' for hygiene and the application of the Hazard Analysis and Critical Control Point ('HACCP') principles. These principles are an internationally recognised and recommended system of food safety management which seeks to identify the 'critical points' in a process where food safety problems (also called hazards) could arise and then to put in to place the steps which will prevent these problems from occurring.

<sup>17</sup> So-called 'private standards'.

## **SPS Standards**

The World Bank has announced that it has started to examine the impact of SPS standards<sup>18</sup> on low income countries using a newly constructed Standards Restrictiveness Database:

*'Broadly, the question we seek to answer through this research is: What is the impact of standards (particularly 'maximum residue levels' (MRLs) of pesticides) on agricultural exports of developing countries?'*

## **Brazil, India and China**

The first study on the subject focused on the impact of standards among the BRICs (Brazil, India and China) on least developed countries' agricultural exports.

## **Food security is crucial to the developing world**

It is never to be forgotten, however, that food and water security is the most important requirement of this planet. As of 2008, the World Bank has estimated that there were an

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<sup>18</sup> That is, the 1994 World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures.

estimated 1,345 million poor people in developing countries who live on \$1.25 a day or less. This compares to the later FAO estimate of 1.02 billion undernourished people.<sup>19</sup> Developed countries account for just 2% of the world's undernourished people and so it is very clear *that food security is crucial to the developing world* and regional regulatory frameworks must be ironed out.<sup>20</sup>

### **Water security and global warming**

Drought often affects the people of East Africa. There was the Ethiopian famine in the mid-1980s which caused the death of half a million people. It was claimed that the East African drought in the year 2011 was caused by 'climate change'. This was a humanitarian disaster directly linked to global warming. Thus hunger was thrust onto the global agenda.<sup>21</sup>

### **UK food supply today**

Food supply in the UK today is bold and businesslike. Its characteristics include:

- \*a broad determination by governments to be more 'hands-off' in relation to food markets than in the past;
- \* activity that is guided by risk-averse consumer demand and sustained by the idea that anything is possible at a price;
- \*a 10–20% reduction from 1990s levels<sup>2</sup> in lead-times for production, processing and

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<sup>19</sup>[http://www.worldhunger.org/articles/Learn/world%20hunger%20facts%202002.htm#What\\_are\\_the\\_causes\\_of\\_hunger](http://www.worldhunger.org/articles/Learn/world%20hunger%20facts%202002.htm#What_are_the_causes_of_hunger). Website accessed on 28 March 2013.

<sup>20</sup> See Chapter 13 of this book *The Challenge of Food Security*.

<sup>21</sup> Editor, 'Holding out for a climate hero', *New Scientist*, 2 March 2013, at page 3.

retailing;

\*a rationalized supply network with high levels of market concentration in the retail and processing sectors, and with any centralized control maintained through tightly defined product and logistics/ delivery specifications;

\*farm-based productivity that has increased by 20% since the 1980s through the continued roll-out of industrialized techniques; and,

\* nutrition and diet as issues of individual education and discipline.

### **Economic and Political Systems the cause of poverty and hunger**

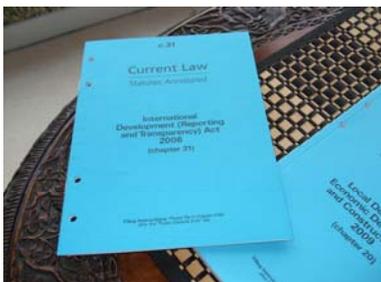
The principal underlying cause of poverty and hunger is the ordinary operation of the economic and political systems in the world. Essentially control over resources and income is based on military, political and economic power that typically ends up in the hands of a minority, who live well, while those at the bottom barely survive.

### **Trade liberalisation, privatisation and macro-economic reform**

A fact not widely publicised is that the EU, together with its member-states, is the world's largest donor of official development aid. It accounts for more than half of the world's efforts to support poor countries. The EU as a whole gives three times as much money to developing countries as a proportion of GDP in comparison with the United States.

It is the World Bank that leads the thinking on many development issues and as a result, EU policies often follow the bank's approach. For instance, in the 1980s and 1990s the EU adopted the 'Washington consensus' in favour of trade liberalisation, privatisation and macro-economic reform as the priorities for development.<sup>22</sup> Critics of the 'Washington consensus' argue that countries that followed the model too closely have run into trouble, examples being the Latin American countries like Bolivia, and sub-Saharan countries that liberalised agricultural prices without putting in place proper safeguards.

The EU and its member-states must engage and be seen to engage with emerging donors like China. China offers important opportunities to poorer countries.<sup>23</sup> For instance, in March 2013 the company *Boasteel*, China's largest listed steelmaker, posted a 41% rise in 2012 net profit of 10.39 billion Yuan (£1.1 billion), compared with 7.36 billion Yuan in 2011.<sup>24</sup>



## Climate change

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<sup>22</sup> See the 1993 North American Free Trade Agreement.

<sup>23</sup> That China is prospering is beyond doubt..

<sup>24</sup> Editor, 'Boasteel', 30 March 2013, at page 28.

Climate change<sup>25</sup> is now seen as a current and future cause of hunger and poverty.<sup>26</sup>

Global warming already causes hundreds of thousands of death each year.<sup>27</sup> Increasing drought, flooding, and changing climatic patterns requiring a shift in crops and farming practice<sup>28</sup>s that may not be easily accomplished are three key issues.



<sup>25</sup>Proposals to implement the global system by 2015 were blocked and delaying action until 2020 means vital years will be lost, during which the gap between commitments and what action is needed will only widen. With 300,000 climate related deaths every year already, mainly in developing countries, this lack of ambition is unacceptable. Climate change highlights a huge injustice in which the wealthy industrialised nations have created a global problem but poor developing nations are suffering the consequences. We have to keep pushing for action from our leaders. (SCIAF).

<sup>26</sup> See the Kyoto Protocol to the United Nations Framework.

<sup>27</sup> John Vidal, 'Global warming causes 300,000 deaths each year', *Guardian Newspaper*, 29 May 2009.

<sup>28</sup> See the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.



## Conclusion

Work is underway as regards policy and regulations to ensure global food security but the problems encountered are numerous, complex, diverse and challenging. Importantly, it has been recognized that such regulations must be equitable, transparent and coherent.<sup>29</sup> However, what of those billions who have no food now and whose floodings cannot be insured? This galling matter is raised as western developed countries make arrangements to combat flood-risk homes in places such as the UK with fixed-term flood insurance, thereby keeping the status quo.

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<sup>29</sup> See page 15.



In the UK, officials from the Department for Environment, Food and Rural Affairs ('Defra') said on the 25 March 2013 that 'they are prepared to take the unprecedented step of introducing compulsory regulation if a new deal cannot be agreed. Insurance companies in the UK said that there would have to be an increase in insurance premiums from the whole UK population with building insurance, thereby meting out a sort of punishment to the west for their contribution to global warming which causes floods and disaster everywhere.'<sup>30</sup>

To sum up, this most important book, published by Edward Elgar Publishing includes valuable contributions from experts around the globe. It brings into sharp focus this important issue of global food security. This problem will not be easy to resolve because it involves trade and money, the love of which is the root of all evil. Even when lofty ideals that seek to feed the world are reached, there seems that experts must be careful when meddling with nature, as in the case of the unforeseen spread of genetically modified crops.<sup>31</sup> In the US, organic-farming associations and a Washington organisation

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<sup>30</sup> Billy Kenber, 'MPs fear flood-risk homes will be left high and dry', *Times Newspaper*, 27 March 2013 on page 15. See also, Billy Kenber, 'Insurers may be made to offer fixed-price flood cover', *Times Newspaper*, 26 March 2013, at page 7.

<sup>31</sup> *Center for Food Safety v. Vilsack*, No. C 10-04038 JSW, 2010 WL 3835699.

against biotech products sought vacation of an APHIS decision deregulating Genetically Modified ('GM') sugar beets.



APHIS had permitted the planting of GM sugar beets after Monsanto successfully petitioned for deregulation. The organisations brought a lawsuit claiming that APHIS erred in failing to conduct an EIS before allowing deregulation. The district court vacated the deregulation and chose to not enjoin planting, at least in part because planting for the season was already completed. While the district judge did not fully enjoin the planting of distributed sugar beets, he emphasized that the vacatur returned GM sugar beets to regulated status under the Plant Protection Act. The decision thus required APHIS to issue an EIS before deregulating GM sugar beets.



However, the USDA announced in February 2011 that it would deregulate sugar beets for the upcoming season without completing an EIS, which it did not complete until June 1, 2012. APHIS's choice to defy the court illustrates the weak role that courts play in fostering coexistence and demonstrate that APHIS and the courts are unable to protect the economic interests of organic operations from the potential harms of genetically modified crops and demonstrates that organic programs have limited and incomplete avenues for relief once they have been harmed by APHIS or nearby genetically modified crops. The limited relief deters farmers from adopting organic practices. APHIS is unable to foster the goals of coexistence because its deregulation decisions do not capture the economic interests of organic farmers and therefore legal and regulatory reform is required to adequately foster coexistence in the United States. There must be workable legal and regulatory structures in place to control contamination. Possible solutions to the current inability to control contamination include unilateral agency reform and statutory reform.

