

**To:** All Members of the County Council  
All Chief Officers

**From:** County Secretary's  
Department

**Cc:** Environment Officers )  
Officers named for action) e-mail  
Committee Section )

**Ask For:** Nikki Patient

**Ext:** 25560

**My ref:**

**Your ref:**

**ENVIRONMENT SCRUTINY COMMITTEE  
23 MARCH 2004**

**ATTENDANCE**

**MEMBERS OF THE COMMITTEE**

N E Agar (substituting for B A York), S A Batson, M V Bayes (Vice-Chairman), R S Clements, R N Copping, D J Drake, S E Jones, R Roberts, H M Saunders, C J White (Chairman),

**Also present:**

Executive Members: D A Ashley (Environment)  
R J M Ellis (Leader)

Other Members: A K Gray, D T F Scudder, I Simpson

**CHAIRMAN'S ANNOUNCEMENTS**

**Clare Kaye, Assistant Chief Executive**

The Chairman announced that Clare Kaye, Assistant Chief Executive, would be leaving Hertfordshire County Council on 26 March. Clare had led the Committee through the scrutiny learning curve and had developed and promoted good practice. The Committee thanked Clare for her excellent work.

Clare Kaye announced that she had taken the position of Brigade Commander for Buckinghamshire and Milton Keynes Fire and Rescue Service. The Committee congratulated Clare and wished her all the best for the future.

**Hertfordshire Highways Award**

Hertfordshire Highways were congratulated for winning the Innovation of the Year Award at last week's Local Government Chronicle awards last week. The award was in recognition of the revolutionary partnership created in October 2002, which brought together the County Council, Mouchel (now Mouchel Parkman) and Amey Lafarge. It commended both the idea and the execution of the partnership, the benefits of which are now starting to be realised. The Committee encouraged all in Hertfordshire Highways to continue to make the arrangement work to its full potential.

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**CHANGE TO ORDER OF BUSINESS**

The Committee agreed that, as representatives of EDF Energy were attending the meeting, item 5 – Review of the performance of EDF Energy, would be taken at 10.30am. The rest of the agenda would be taken in the published order.

**MINUTES**

The minutes of the meeting of the Committee held on 20 January 2004 were confirmed as a correct record and signed by the Chairman.

**PUBLIC PETITION**

None

**QUESTIONS**

None

**PART 1 (OPEN BUSINESS)****1 THAMESLINK RAIL SERVICES**

[Officer Contact: Keith Shephard, Consultant Tel: 01992 555368]

Keith Shephard introduced the report and updated the Committee on the work of the Thameslink 2000 Topic Group, which had been established in June 2003. The Committee noted that the Topic Group needed to have a further series of two meetings: one with the Strategic Rail Authority and one with Thameslink 2000.

Members asked about the current situation relating to disabled access. Keith Shephard reported that Thameslink was currently only installing disabled access as part of other major works and that the County Council had asked them to be more proactive in this.

**Conclusions**

The Committee noted the report and agreed to receive a further report in June. Members recognised the need for ongoing dialogue with Thameslink and accepted that the Topic Group may need to remain active in the longer-term. In particular, the Committee requested the Topic Group to press the appropriate bodies for better progress on the issue of disabled access.

Keith  
Shephard

Nicola  
Hayden

**2 REVIEW OF FLOODING**

[Officer Contact: David Hope, Environmental Land Management  
Tel: 01992 555237]

Note: Nigel Copping declared a prejudicial interest in relation to this item and chose to withdraw from the Chamber during consideration of the report.

The Committee considered the final report and recommendations of the Flooding Topic Group.

### Conclusions

The Committee:

1. noted and welcomed the report and thanked the Topic Group for their work. In particular, the Committee was positive about the identification of a named officer, David Hope, as a direct contact for the Environment Agency.
2. endorsed the recommendations of the Topic Group, subject to the inclusion of the word 'strongly' between 'is' and 'encouraged' in recommendation two.
3. suggested that the Director of Environment may wish to review the use of the Council's planning responsibilities where appropriate to ensure that flooding is taken into consideration in planning decisions.

John Wood

John Wood

### 3 MANAGING SECTION 106 AGREEMENTS

[Officer Contact: Anne Fisher, Assistant Director (Strategy)  
Tel: 01992 555203]

Anne Fisher introduced the report and updated members on the current status of the implementation of the recommendations detailed in section 2.2 of the report.

Members noted that they would receive an annual report detailing section 106 agreements.

### Conclusions

The Committee:

1. Welcomed and noted the report.
2. Requested a further report in October that set out further progress.
3. Requested a briefing note on the policy framework underlying Section 106 agreements.
4. Expressed concern about possible delays in the length of time taken for legal clearance of Section 106 agreements and requested officers to take up this issue with the County Secretary's Department.

Anne Fisher  
Nicola Hayden

Anne Fisher

Anne Fisher

#### 4 REVIEW OF THE PERFORMANCE OF EDF ENERGY

[Officer Contact: Alan Armson, Strategic Client Manager,  
Hertfordshire Highways Tel: 01707 356552]

The Committee considered a report on the performance of EDF Energy. Clive Witherly, Faults Manager, and Tony Cohen, Customer Connections Manager, attended the Committee as representatives of EDF Energy and had the opportunity to provide their comments and answer members' questions.

Clive Witherly reminded members that at the October Committee he had given a commitment to improve performance by working with the Council, and stated that the figures in the report showed a significant improvement had been achieved. He updated members on the fault figures for February 2004 and advised that:

- 78 new faults had been reported;
- 92 faults had been closed;
- there was a backlog of 27 faults;
- the average cycle time for fault repair was 13 days; and
- 87% of the faults had been resolved within the 14-day charter mark.

During discussion of this matter, the following issues were discussed:

- the handling of streetlight faults that are the responsibility of the Highways Agency;
- reasons for failure of underground cables;
- the need for effective management of resources, particularly during holiday periods;
- duplicate fault recording; and
- forecasting of faults.

Members asked what the Council could do to assist EDF in improving communication and performance. EDF's representatives stated that it was crucial that the Council reported faults on a day-to-day basis in order to avoid clustering. It was also identified that it would be helpful to hold workshops that involved the Council, EDF Energy and Amey to look at processes.

The Committee welcomed the commitment by EDF Energy to provide the Council with a weekly update of outstanding faults that had not been resolved within the 14-day charter mark.

#### Conclusions

The Committee:

1. Welcomed the report and was encouraged by the improvements in the performance on fault clearance and connections.
2. Welcomed the work by EDF Energy and Herts Highways to improve communications on intransigent problems.

3. Remained concerned that, despite improvements, performance still did not meet the Council's desired standards, and emphasised that neither Herts Highways nor EDF Energy could afford to reduce the focus on these issues in order to achieve the efficiency available through maintaining good service.
4. Welcomed the ability to have an up-to-date list of outstanding faults.
5. Requested a further report on progress to be submitted to the October Committee.
6. Agreed that this report should be referred to County Council.

Rob Smith  
Nicola Hayden

## 5 PROVISION OF THE HIGHWAY GRASS CUTTING SERVICE

[Officer Contact: Chris Allen-Smith, Principal Strategy Development  
Manager Tel: 01707 356573]

The Committee considered a report on the highway grass cutting service, as requested, in light of the changes to the specifications.

### Conclusions

The Committee noted the report and requested a further report on the 2004 grass cutting season to be submitted to the October Committee.

Rob Smith  
Nicola Hayden

## 6 REPORT OF THE RECTORY LANE TOPIC GROUP

[Officer Contact: Rob Smith, Assistant Director (Transport Management)  
Tel: 01992 556121]

The Committee considered the final report of the Rectory Lane Topic Group, which was set up at the last meeting to review the processes used for the Stevenage Highways Joint Member Panel to reach its recommendation to re-open Rectory Lane, Stevenage.

The Committee noted that the remit of the Topic Group had been to scrutinise the processes used to reach the decision, rather than to review the decision itself. The Committee upheld the principle of devolution and considered that local accountability would have been removed had it intervened directly in the decision.

Rob Smith advised the Committee that recommendation nine had already been actioned due to the timescales involved, and reported the recommendation that the Joint Member Panel had reached after reviewing this matter.

## Conclusions

The Committee:

1. Welcomed the report and recognised this work as a useful piece of scrutiny and a learning process for members and officers.
2. Noted that role of the Scrutiny Committee was to review the decision-making process and communication with the public, and not the decision.
3. Noted that the work had highlighted that there was a degree of disparity between the practices of Joint Member Panels in Hertfordshire.
4. Considered that the work of the small Topic Group and the willingness of all members involved to deal with this matter quickly was an exemplary example of scrutiny.
5. Endorsed the Topic Group's recommendations and requested that the Director of Environment should seek ways for learning to be shared between Joint Member Panels.
6. Referred the report to the Herts Highways Topic Group to be incorporated into their work on consistency and best practice.

John Wood  
Rob Smith

Rob Smith

## 7 OXHEY VILLAGE GREEN ZONE PHASE 2 TRAFFIC MANAGEMENT SCHEME

[Officer Contact: Nick Gough, Principal Strategy Development Manager  
Tel: 01707 356561]

The Committee considered a report requested by Roy Clements to enable it to decide whether or not to scrutinise the Oxhey Village green zone phase 2 traffic management scheme.

Roy Clements advised the Committee that, in his role of Chairman of the Oxhey Transport Forum, he was aware of considerable concern by local members and members of the public about the delayed execution of this scheme. He felt that by looking at the flaws in the processes used on this scheme, general lessons could be learnt for future schemes.

## Conclusions

The Committee agreed to scrutinise this subject in order to learn generic lessons from the problems with this scheme. The Committee established a three member short-life Topic Group (1:1:1) to carry out this work, which should meet as soon as possible. Membership would be decided outside of the Committee, but should not include local members. The Committee asked that local members should be invited to contribute by giving evidence about their experiences of the scheme.

Nicola Hayden

**8 HERTFORDSHIRE BIODIVERSITY OFFICER**

[Officer Contact: Richard Brown, Assistant Director (Environmental Management) Tel: 01992 555250]

The Committee considered a report requested by Nigel Agar on the Hertfordshire biodiversity officer to enable members to decide whether or not they wanted to scrutinise this subject.

Nigel Agar advised the Committee that the post of biodiversity officer was currently vacant and that he was seeking to establish the reason for the delay in filling this position.

Richard Brown reported that the delay had been caused because the Hertfordshire Environment Forum (HEF), which principally funds the post, had not been able to meet with the Council. A meeting had now taken place and HEF had confirmed that it hopes to advertise the post shortly.

**Conclusions**

The Committee was pleased to hear that HEF are now taking action to appoint a biodiversity officer and specify a work programme. Members agreed that further scrutiny of this matter was not required at this time.

**9 BUDGET MONITOR TO 31 JANUARY 2004**

[Officer Contact: Mike Collier, Assistant Director (Resources) Tel: 01992 556010]

The Committee considered a report on the budget monitor to 31 January 2004 to enable members to identify any issues that they wished to scrutinise.

In response to a question from a member, Rob Smith reported that the Environment Department had budgeted for 41 precautionary salting outings this year, which was based on the average outing figures for previous years. However, due to the high frequency of around freezing temperatures this winter, 62 outings had already taken place.

**Conclusions**

The Committee noted the report.

**10 TRAFFIC LIGHT MONITOR**

[Officer Contact: Geoff Brown, Head of Performance Improvement Tel: 01992 555370]

The Committee considered a report giving the latest data for the promises monitor 2003/04 to enable members to identify any issues that required scrutiny.

In connection to L207, members asked what control the Council had over the development of wind farms. Richard Brown reported that the Landscape Characterisation Assessment (LCA) was a broad-brush method of designating the characteristics of an area, which could include projections about the kind of development that might suit a particular landscape. The LCA was used to assist planning authorities, but was only one of a number of factors taken into consideration. Officers undertook to provide more details about planning considerations specifically in relation to wind farms.

### Conclusions

The Committee noted the report and recommended to the Director of Environment that:

- (a) as there is no performance indicator for the salting of footways, it may be an appropriate matter for the Joint Member Panels to monitor; and
- (b) he review the target for accident reduction in BVI 099c as it seems unrealistic.

John Wood

John Wood

## 11 SCRUTINY UPDATE AND WORK PROGRAMME 2003/04

[Officer Contact: Nikki Patient, Committee Administrator  
Tel: 01992 555560]

The Committee considered a report setting out the progress on scrutiny items and outlining a work programme for future meetings of the Committee.

Mary Bayes advised the Committee that, in relation to the withdrawal of traffic wardens, a productive meeting had now taken place with Chief Superintendent Tony Burden to discuss members' concerns. The Chief Superintendent had advised that members should write to their Area Commanders (with a copy to himself) if they had any concerns about this issue.

### Conclusions

The Committee noted the report and agreed that:

1. item 8 on the scrutiny update – withdrawal of traffic wardens, should be reported to County Council in order to inform and enable members to be proactive on this issue.
2. reports on the following subjects should be added to the future work programme:
  - (a) Wind farms;
  - (b) The Highways Agency (to include reference to noise levels, street lighting, signage and prioritisation of projects).

**12 GM PUBLIC HEARING**

[Officer Contacts: Richard Brown, Assistant Director (Environmental Management)  
Tel: 01992 555250  
Jonathan Brown, Assistant County Secretary  
Tel: 01992 555510  
Ian McLachlan, Assistant Director of Community Information  
and Head of Trading Standards  
Tel: 01992 555612]

Councillor C J White declared a prejudicial interest in this item and, in accordance with the Code of Conduct, remained in the meeting.

In response to widespread public interest in the issue of GM crops and food, Members of the Environment Scrutiny Committee agreed in January to hold a public hearing to enable interested organisations and Hertfordshire residents to express their views and afford members with an opportunity to consider this matter. A letter was sent to a range of organisations and the local press inviting people to attend the hearing and send in written contributions.

Richard Brown, Assistant Director (Environmental Management), introduced the officer report and explained that the County Council had an interest in GM crops and food, but that the Committee needed to be aware of the distinction between areas that the Council had direct control over and those that it did not.

Jonathan Brown, Assistant County Secretary, clarified that the County Council did not have the power to declare itself a GM-free area, and that the power to give consent rested with the Secretary of State for the Environment. He advised that if the Council decided to place a restriction on how council-owned land was used, it would need to be satisfied that any restriction was "for the benefit, improvement or development of its area". Jonathan provided the Committee with the details of the Council's current policy on genetically modified organisms (GMOs).

Professor Simon Baumberg, Professor of Bacterial Genetics at the University of Leeds, presented his report, which summarised the written responses received by the deadline and provided comment and analysis on these. (A copy of the presentation slides are attached at appendix 1).

The Committee heard a selection of speakers who provided views from both sides of the argument. Each speaker was given five minutes to present their views and comments to the Committee, and members were given the opportunity to ask questions to individual speakers. A copy of the published programme of speakers is attached at appendix 2.

Following a short break, Paul Brown, Environment Correspondent for The Guardian, was invited to comment on the main points raised and add any issues not covered by the speakers.

Paul Brown advised that he had spent five years covering stories about GM for The Guardian and was constantly amazed by the level of public objection to GM and the results of new research being produced on GM.

He advised members that the Secretary of State, Margaret Beckett, had said in her recent statement on GM to the House of Commons that, "the public dialogue reported general unease about GM crops and food and little support for early commercialisation of GM crops. People already engaged with the issues were generally much more hostile. Those not so engaged were more open-minded, anxious to know more, but still very cautious and it was suggested that as they learned more their hostility deepened."

Paul drew attention to the promise in Margaret Beckett's statement that the Government would provide guidance for farmers interested in establishing voluntary GM-free zones consistent with EU legislation, but highlighted that the practical implications of this were unclear. He advised the Committee to monitor developments on this subject.

The main issues that Paul identified were:

- (a) Difficulties surrounding compensation to non-GM farmers affected by contamination, especially in light of strong resistance from the GM industry to the Government's statement that funding for compensation would need to come from within the GM sector;
- (b) The need to differentiate between the case of maize and the other crops in the Farm-Scale Evaluations (FSEs): neither oilseed rape or beet performed as well as maize although maize is not a species which contributes a great deal to biodiversity in Britain;
- (c) The lack of evidence for increased yields from GM food crops;
- (d) The current lack of apparatus for overseeing or policing the growth of GM crops once they had been granted a licence;
- (e) The non-existence of any comparative public health testing of GM foods;
- (f) Rapidly developing superweeds, such as experienced in Canada;
- (g) The need to consider how organic gardeners would be protected.

Paul Brown concluded that, in his opinion, there was still a lot that was unknown about GMOs.

Professor Baumberg was given the chance to add any final comments before a short question and answer session from members of the Committee.

The Chairman drew attention to the County Council's current policy on GM, as detailed in the officer report, and outlined the new issues for consideration, such as the application of Article 19. Before members debated the issues, he reminded all present that the Committee was not a decision-making body but that it could decide to make recommendations to the Executive or Chief Officers on relevant County Council policy or practice.

## Conclusions

The Committee thanked the experts and all of the people who had contributed to the Hearing by writing in, coming on the day or presenting their views.

## Key issues

The Committee noted the key issues against GM crops and foods raised by contributors. These were:

- Biodiversity: some speakers had expressed concern that cultivation of GMOs would result in a decrease of biodiversity in Hertfordshire.
- Contamination: organic and non-organic farmers would be financially disadvantaged if their produce was, or perceived to be, contaminated by GM genes, and organic farmers and gardeners would be deprived of the choice to remain GM-free. Particular concern was raised because it might be difficult to distinguish between GM and organic produce once GM genes had escaped into the environment.
- Public opinion: the volume of public opinion against GM crops and food, as revealed by the "GM Nation?" Public Debate, was noted.
- Uncertainty: the effects of GMOs on the environment and food chain were still unknown and unpredictable. This meant that measures cannot currently be introduced to manage the impact of GMOs on the environment. There was also a lack of long-term evaluation of the effects of GMOs on human health.
- Legal framework and guidance: concern was expressed that the legal framework to provide compensation to those affected by GM contamination was not in place and would be difficult to impose. It was also uncertain whether this would be an insurable risk. Government guidance was still required on safe cultivation of GM crops, including advice on separation distances.

The key issues raised in favour of GM crops and food were:

- Testing: GMOs have been subject to a large amount of stringent testing, including the Farm-Scale Evaluations (FSEs), which were the largest study of farmland management practices undertaken in the world.
- Food production: GM crops allow the possibility of greater crop yields from less land. Examples were cited of the benefits of increased yield that had already been achieved in some parts of the world.
- Environmental advantage: GM crops could be of benefit to the environment, particularly in terms of lower chemical use. The Farm-Scale Trials had demonstrated a decrease in herbicide use required for GM crops in comparison to conventional crops.

**Committee comments and recommendations**

Having heard the evidence from all sides, the Committee, whilst in support of continued research into GM technology, was in favour of maintaining the precautionary principle and does not support the introduction of commercially grown GM crops in Hertfordshire at this time.

The Committee recommended to the Cabinet that:

1. It reviews the current policy established through the Rural Estate Task Group in 1999. The Committee expects that the Cabinet may wish to refer this work to the Rural Estates Panel and request that they report back before the 2005 growing season, when GM maize could be available for commercial growth. In particular, the Cabinet may wish to ask the Panel to consider whether or not the Council should alter its tenancy agreements as they come up for renewal to include a clause prohibiting the growth of GM crops. Practical guidance for tenants may need to be developed.
2. The Committee further recommends that, in the interim, the Cabinet should:
  - (a) maintain the Council's current policy of strongly advising tenants on the Rural Estate not to grow GM crops, and
  - (b) continue the policy of requiring school meals and other catering contractors to provide only foodstuffs which are free of GM organisms.
3. It should propose that the East of England Regional Assembly adopts a policy of seeking to prevent the growth of GM crops in the region.
4. It makes an application to the relevant authorities under Article 19.3(c) of Directive 18/2001/EC should an application for marketing consent be sought for any GM crop in future, to exempt the 'geographical area' of Hertfordshire from the area of consent.

The Committee agreed that a report on this matter should be submitted to the County Council.

The Committee agreed to issue a joint press release detailing the outcomes of the Public Hearing.

**REPORT TO COUNCIL**

The Committee agreed to report item 2 – Review of Flooding, item 5 – Review of the Performance of EDF Energy, and item 12 – GM Public Hearing, to the meeting of the County Council to be held on 18 May 2004.

**Andrew Laycock**  
**County Secretary**

**Appendix 1  
Handout to accompany presentation  
by Professor Simon Baumberg**

**THE BACKGROUND**

1. Genetic manipulation (GM) of crops involves the introduction into a crop plant, by artificial means, of a gene not found in that plant. The gene may derive from a different type of plant, a microbe, or an animal.

2. The purposes of GM are (i) to give the plant some desirable property that it didn't previously possess, or (i) less often, to eliminate an undesirable property.

Examples, existing or proposed, include:

- Making the plant more resistant to herbicide, so that weeds can be eliminated by fewer but larger doses;
- Making the plant produce a 'built-in' pesticide, thus saving external pesticide application;
- Making the plant produce an essential nutrient which in some places might otherwise be in harmfully short supply, e.g. the GM 'Golden rice' which produces vitamin A.
- Making the plant more resistant to drought or salt, extending the areas in which it can be grown and thus contributing to the alleviation of predicted future world food shortage.
- Eliminating the presence of particular allergens in nuts, or caffeine in coffee.

**THE OBJECTIONS**

3. GM crops have been subject to nominally rigorous testing by appropriate regulatory bodies in many countries, and in many cases have passed these tests. Growing of particular GM crops has taken place in several countries, including the USA/Canada, Southern and Eastern Asia, and South America.

4. However, strong objections to GM crops have been raised, especially but not exclusively in Western Europe including the UK. These, and possible counters to them, are summarised as follows.

5a. The technology is inherently risky because the consequences on introducing 'foreign' genes are unpredictable.

5b. GM plants are tested before being allowed out of the contained growing area and the characteristics of those taken further are as predicted.

6a. Large-scale application of any novel technology could have unforeseen effects on the health of humans, livestock, wild animals and plants, or the soil itself

6b. Appropriate tests are carried out; and growth of GM crops in North America on a vast scale hasn't shown anything untoward

7a. Uncontrolled release of pollen could spread GM characters to wild relatives of the crop plant, with unpredictable results.

7b. In many cases there would be no wild relatives, and in any case the problem would be minor.

8a. Adjoining non-GM, and especially organic, farmers could be affected with serious economic consequences for them. Their right to financial compensation could make use of GM crops questionable. Boundary areas are inherently unenforceable.

8b. The establishment of a boundary area should on the contrary solve this problem, and in any case there should be freedom for farmers to grow what they wish, in conformity with the law. Adequate measures for financial compensation could be instituted.

9a. GM crops often perform much worse than foreseen. There are increasing reports of this even from the USA and Canada, and even more so from Southern and Eastern Asia.

9b. In this case farmers will cease to grow them and the problem will solve itself.

10a. GM crops are developed solely for the profit of multinational firms, who thus tie farmers (including impoverished Third World ones) to regular and expensive purchase of seed and agrochemicals. The Third World in particular thus loses diversity of crops (which should be a high priority everywhere anyway) and is tied into a global market economy.

10b. The profit motive provides, largely acceptably, goods and services of all kinds throughout the world. Re the Third World, it may be for the best in terms of development that many of its farmers should produce for the world market.

11 a. The proposal to use GM to meet a hypothetical world food shortage is hypocritical since the world population is predicted to stabilise within a few decades at levels that can be fed with existing crops.

11 b. Such predictions are often wildly wrong; in any case, appropriate crops should be developed to be on the safe side.

12a. The tests on GM crops are by interested parties and are subject to manipulation.

12b. The tests are very thorough and anyone manipulating them would be exposed to extremely damaging consequences.

MINUTES

13a. It is clear that public opinion throughout the UK is strongly against OM crops and food.

13 b. The accumulating weight of evidence will gradually convince the public that OM crops and foods are as safe as any other.

## IN THE PUBLIC DOMAIN

14. The UK Government set up extensive farm scale trials on three herbicide-resistant GM crops aimed at determining the impact of GM crops on the environment. It also embarked on a consultation exercise involving the UK public. Results of these were to allow the formulation of Government policy on a crop-by-crop basis.

15. Two of the GM crops were found to have significantly adverse environmental effects. The third, GM maize, was found to perform better in this respect than the non-GM comparison. (These results have however been queried on the grounds that (a) the herbicide used on the non-GM crop is shortly to be banned within the EU, and (b) that many effects, e.g. on soil, were not included in the study). Differences in effects appear to be largely due to variations in management.

16. Accordingly, Margaret Beckett, the Secretary for the Environment, recently announced in the House of Commons that approval would be given to the commercial growing of GM maize (which also has no local wild relative).

17. EU aspects:

(a) A labelling requirement over a fixed limit of GM material is to be implemented by the EU later this year. However, since organic farming establishes a 'zero-tolerance' principle for GM, this will leave organic farmers exposed.

(b) Article 19 of Directive 200 1/18/EC has been argued to permit a ban on marketing and u~ of GM products in localised 'GM-free' areas. However, DEFRA (the Department for Environment, Food and Rural Affairs) has ruled against this interpretation .

## WHY CAN'T SCIENTISTS TELL US WHETHER GM CROPS AND FOOD ARE SAFE?

18. Scientific methods can establish facts with much certainty within the controlled environment of the laboratory or contained growth area, as well as via detailed observation of the natural world in the field (as in ecology and geology) or in space (as in astronomy). But even here, predicting how something new will behave can be risky. Our experiments frequently give us surprises.

And when scientific knowledge is put to use in the real world, the variety and complexity of the natural and human environments make prediction of all the consequences much more uncertain.

The range of environments, and of the behaviour of the humans who have to operate new methods, can lead to unexpected results.

19. Objectors to GM often represent the tests as unreliable because they are carried out by scientists with an interest in the results.

It's sometimes implied that there is deliberate manipulation of results, which is a serious charge that has not usually been possible to substantiate.

But a more subtle effect -which can work both ways! -is that scientists of necessity have to judge which of their experiments are credible before reporting them. This introduces the possibility of distortion through subconscious selection.

20. In much the same way, reports on the commercial growing of GM crops are frequently contradictory. And the interpretation of such reports even more so.

21. MANY OF THE ARGUMENTS, IN BOTH DIRECTIONS, COMBINE - QUITE PROPERLY - SCIENCE WITH SOCIO-ECONOMIC CONSIDERATIONS. THIS MEANS THAT SCIENTIFIC EXPERTISE ALONE CANNOT GIVE A CLEAR ANSWER TO MANY OF THE POINTS AT ISSUE.

## SO WHAT CAN BE SAID ABOUT THE ABOVE CLAIMS AND COUNTER-CLAIMS?

I would suggest that:

21. Safety to consumers: extensive u~ in North America has not incontrovertibly revealed general ill-effects on consumers.

22. Effect on the environment: the UK farm-scale tests, and other ~ from within the UK and elsewhere, show that the use of GM crops can indeed affect the extent and diversity of wildlife. This is due both to the effect of the GM crop itself (e.g. effects on predators normally eating pests killed by a GM crop) or by its management (as suggested for the herbicide-resistant crops in the UK farm scale trials).

23. 'Contamination' o(indigenous related species): it ~ that this can happen in some circumstances though it is not clear how serious the effects would be.

24. Effects on adjoining non-GM/organic farming: it is hard to see how this can be other than a serious consideration. Whatever the arguments for or against organic fanning, it is economically significant and is in demand by many of the public.

25. Poor performance by GM crops: there seems accumulating evidence for this in a variety of crops, though there is a lot of argument about the validity of the reports. In principle, this should solve itself by market forces, but this may not be easy especially in the Third World.

26. GM crops are only designed to make profits for multinational firms: if they otherwise perform satisfactorily, this does not argue against them; but it does argue in favour of stringent and objective testing.

27. The argument for the necessity of developing GM crops to feed the world is false: in this case, one must ask the objectors how they can put so much trust in prediction! And even if the crops that would be needed haven't been developed so far, the methodology could in principle provide them -that's not to say that it will succeed in doing so.

28. The tests are flawed and biased: it's Government's job to ensure that they are adequate, and to influence other countries and international bodies to this effect.

29. The public doesn't want GM crops or foods: the Government appears to be proceeding with due caution, to an extent that the uncommitted public mayor may not find acceptable.

AND FINALLY:

30. **'GM is unnatural'**: what did Hertfordshire look like say 10,000 years ago? -the blink of an eye in evolutionary time. It was covered with forests; the plants we grow as crops existed in their present form neither in Hertfordshire nor anywhere else in the world.

We have made for ourselves an unnatural environment, of waving wheatfields and potato tunnels. How far does GM go in the direction of the excessively unnatural?

Appendix 2  
Programme of Speakers

**ENVIRONMENT SCRUTINY COMMITTEE PUBLIC HEARING ON GENETICALLY  
MODIFIED CROPS AND FOOD**

**PROGRAMME**

- 2.00pm** Chairman's opening remarks  
Context of Hearing – Richard Brown, Assistant Director  
(Environmental Management)
- 2.10pm** Written Submissions: Summary, Analysis and Comment Report  
Introduction by Professor Simon Baumberg, Professor of Bacterial  
Genetics, University of Leeds
- 2.20pm** Questions from Members of the Committee

Invited Witnesses

**Speakers against GM crops and food**

- 2.30pm** Megan Blackmore, Hertfordshire Friends of the Earth
- 2.35pm** Clare Oxborrow, Friends of the Earth
- 2.40pm** Questions from Members of the Committee
- 2.50pm** Ruldolf Kirst, Hemel Hempstead GM Action Group
- 2.55pm** Kevin Pressland, Hertfordshire resident
- 3.00pm** Questions from Members of the Committee
- 3.10pm** Marion Baker, FARM
- 3.15pm** Tom Davidson, Campaign to Protect Rural England (CPRE) The  
Hertfordshire Society
- 3.20pm** Rosemary Humby, Hertfordshire Organic Gardeners
- 3.25pm** Questions from Members of the Committee

**Speakers in favour of GM crops and food**

- 3.35pm** Dr Susanna Bolton, Rothamsted Research

- 3.40pm** Dr Tony McAllister, Hertfordshire Resident
- 3.45pm** Bob Fiddaman, Chairman of SCIMAC (Supply Chain Initiative in Modified Agricultural Crops) and the National Farmers' Union spokesman
- 3.50pm** Questions from Members of the Committee
- 4.00pm** Break
- 4.15pm** Paul Brown, Environment Correspondent, The Guardian, to comment on the main points raised and add any issues not covered
- 4.30pm** Prof. Baumberg to add final comments
- 4.45pm** Questions to Paul Brown and Professor Simon Baumberg from Members of the Committee
- 4.55pm** Debate
- 5.45pm** Chairman to establish consensus
- 5.55pm** Summary of comments and recommendations to the Executive or Chief Officers – Clare Kaye
- 6.00pm** Close