RURAL AFFAIRS COMMITTEE

Tuesday 4 July 2000
(*Morning*)

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RURAL AFFAIRS COMMITTEE
22nd Meeting 2000, Session 1

CONVENER

*Alex Johnstone (North-East Scotland) (Con)

DEPUTY CONVENER

*Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

COMMITTEE MEMBERS

*Alex Fergusson (South of Scotland) (Con)
*Rhoda Grant (Highlands and Islands) (Lab)
*Richard Lochhead (North-East Scotland) (SNP)
Irene McGugan (North-East Scotland) (SNP)
Des McNulty (Clydebank and Milngavie) (Lab)
Mr John Munro (Ross, Skye and Inverness West) (LD)
*Dr Elaine Murray (Dumfries) (Lab)
*Cathy Peattie (Falkirk East) (Lab)
*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*attended

WITNESSES

Derek Bearhop (Scottish Executive Rural Affairs Department)
Simon Cooper (Scottish Agricultural Science Agency)
Ross Finnie (Minister for Rural Affairs)

CLERK TEAM LEADER

Richard Davies

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Tracey Hawe

LOCATION

Committee Room 1

Scottish Parliament

Rural Affairs Committee

Tuesday 4 July 2000

(*Morning*)

[THE CONVENER *opened the meeting at 10:06*]

Items in Private

The Convener (Alex Johnstone): Ladies and gentlemen, we have a reasonable turnout. Do we have any apologies?

Dr Elaine Murray (Dumfries) (Lab): I think that Des McNulty will not be here.

The Convener: If there are no further apologies we will move to item 1 on the agenda, which is to consider whether we ought to take a number of agenda items in private. As members should be aware, item 1 was originally on genetically modified crops, and we expected the minister to be present, but because of his timetable, and the fact that there is a Cabinet meeting this morning, we agreed to rearrange the agenda to take that item last. We intend therefore to take that item at approximately 11 o'clock.

The proposal under item 1 is that we take the other items on the agenda—discussion of the fisheries inquiry, the annual report and future business—in private. Are there any objections?

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In the Standards Committee, we did not take discussion of our annual report in private, and I know that the other committees have not done so either. It seems that we take items in private at any opportunity. I have always wondered why.

The Convener: The clerks have prepared a draft of the annual report, which has been submitted for consideration by members of the committee today. Traditionally, we have taken draft reports from the clerks in private.

Mr Rumbles: My point is that other committees do not necessarily do that, but we seem to discuss in private every report that comes our way, draft or otherwise. Look at today's agenda—how many items are we taking in private?

Rhoda Grant (Highlands and Islands) (Lab): It is not really an issue, Mike. We just want to get the work done and get it done properly. If we are discussing draft reports, we need to do so in private until they are our reports. If they are draft reports, they are not what we are thinking.

The Convener: We do not make draft reports public until the committee has had the opportunity to comment on them. If we allowed draft reports to be placed in the public domain, views that were not the views of the committee would be published.

Mr Rumbles: May I make a point? The annual report covers ground that we have already gone over. It is as simple as that. It is all in the public domain anyway, so why are we doing it in secret?

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The draft report should be our final report, but until we discuss it we cannot be sure.

Mr Rumbles: But the information is in the public domain already. I do not understand the problem.

The Convener: As a committee, we have to decide whether the report is an accurate record of the year's activities.

Mr Rumbles: But why do we have to do that in secret?

Rhoda Grant: The term is "in private", rather than "in secret". The reason for taking the item in private is that the story would become what we added in and what we took out, not the report itself. We are better to do that in private until we put our own stamp on the report; it can then become public knowledge.

Mr Rumbles: I want to record my disquiet at so many items at the Rural Affairs Committee being considered in private.

Alasdair Morgan: Is this in private?

The Convener: No.

Mr Rumbles: No. This is in public.

The Convener: Given that Mike Rumbles's view is now on the record, are we content to take the items in private?

Members *indicated agreement.*

Mr Rumbles: As I said, I am not content.

10:10

Meeting continued in private.

11:10

Meeting resumed in public.

Genetically Modified Organisms

The Convener: Item 5 on the agenda is consideration of the issues that are raised by petition 51 from Friends of the Earth Scotland on genetically modified organisms. The petition was referred to us in early February by the Transport and the Environment Committee, along with petition 60 from the Green party. The Rural Affairs Committee agreed to support the Green party's petition and called for a full debate, which was held in the chamber on 23 March.

The committee resumed consideration of petition 51 on 23 May when, in the light of advice, the committee agreed to pursue the second part of the petition. The committee decided to invite the minister and the relevant scientific advisers to address the committee on the mechanisms that might be established to address concerns about the release of GM crops. The purpose of today's discussion is to question the minister on the concerns that are raised by the petition and on related recent events, and in the light of that information to agree on what advice we will give the Transport and the Environment Committee.

I welcome the Minister for Rural Affairs, Ross Finnie, who is accompanied by Derek Bearhop, Ian Anderson, David Crawley and Shirley Laing. He is also joined by Simon Cooper from the Scottish Agricultural Science Agency. I invite the minister to address the committee on this subject, before we move briskly on to questions.

The Minister for Rural Affairs (Ross Finnie): Good morning. I am very happy to have this opportunity to address the committee and to answer questions on the matters that have been raised by the petitioners. I hope that members are aware that the Executive has stated its policy, which is simply that we are neither pro nor anti-GM. We are pro public safety and the environment. Those are the two principles that guide us in this matter.

It is germane to the contents of the petition to remind members that the Executive's scope for action is very constrained by the legislation under which we operate and which we share with all our partners in the European Union. This area is governed largely by the framework directive 90/220/EEC, so it is not a question on which Scotland, or indeed the United Kingdom, can take a particular position. We must ensure that what we do falls within that legislation. The Executive's approach has been to take that directive as seriously as it can and to implement everything that is described as the precautionary approach—that is the phrase that continues to be used by the European Commission

Irrespective of the way in which any other part of the UK interprets directive 90/220/EEC, the Scottish Executive's policy is to adopt the precautionary approach that underlies the directive. The deliberate release of GM crops in Scotland, for research and for marketing, is the devolved responsibility of the Scottish Executive, but we are required to operate within that governing European legislation. That legislation is buttressed by environmental protection legislation, but, in many cases, the overarching legal concerns derive from the European directive. As a consequence, any moratorium on GM crops or refusal to grant consent for them, simply because we thought that that would be a good idea, would be illegal unless it was based on sound scientific evidence of harm.

11:15

Any consent that is granted is based on safety reassurances from our scientific advisers, principally the Advisory Committee on Releases to the Environment. The safety assessment is made on the basis of a detailed risk assessment that, to the best of current scientific knowledge, examines and evaluates, on a case-by-case basis, the possible harmful consequences of releasing a particular GMO. ACRE can, and does, reject applications that do not satisfy its stringent requirements. Furthermore, the European directive provides us with additional safeguards. It gives us the powers to suspend or withdraw consent for a particular release when information subsequently becomes available that could have significant consequences for the risks posed by that release. When any such evidence is present, we will use those powers. I repeat—we will not take risks with either public health or the environment.

Before a GM crop may be grown commercially, all the regulatory controls have to be in place—for example, marketing consent, seed listing and pesticide consent. Even then, our voluntary agreement with the biotech industry and farmers means that no GM crops will be grown commercially until the Scottish Executive and the UK Government are satisfied that there will be no unacceptable effects on the environment. The farm-scale evaluation programme that is currently under way is part of the process to provide the evidence on which to base decisions.

I must emphasise that the purpose of the farm trials is not to assess the safety of the GM crop—that has already been done in controlled conditions before approval for trials was given. The trials will give information on any effects on the local biodiversity that may be brought about by

the farming practices that are used when GM crops are sown or grown on a farm scale. The trials are additional to the regulatory requirements and reflect our concern to ensure that all aspects of the technology are given proper consideration.

I have given a brief summary of the precautionary approach that reflects the Executive's concern to ensure that the interests of the public and the environment are paramount.

The Convener: We move to questions, all of which will be addressed directly to the minister.

Richard Lochhead (North-East Scotland) (SNP): I have a brief question about the controversial contamination of the control crop during the crop trial at Daviot. What value does the minister attach to public perceptions of the trial? What value does the Executive place on maintaining public trust and confidence in what is being done? Does he not feel that the fact that the trial has been tainted by even the slightest doubt in the public eye makes the trial quite worthless? That point has been made to the Executive by many commentators, and I would like to hear the minister's response.

Ross Finnie: Thinking the trial worthless is an understandable immediate reaction; but there are other points to consider.

Our approach is to take independent scientific advice and, where necessary, to have it evaluated by other experts. We are trying to build public confidence in the whole process. We cannot isolate one incident and say, "To heck with the scientific advice, we will take independent action", because the next time we defend a particular action, on the grounds that we have taken scientific advice, the public are likely to say, "You told us last time that the scientific advice was worth nothing. Why should we believe you now?"

I anguished at considerable length over the difficulties with the Daviot trial. The Executive is trying to say that it has to take political decisions. However, this is an area about which the public needs to feel confident. When ministers talk about public safety and damage to the environment, they are not making it up, but are taking advice from independent scientific advisers. When we receive scientific advice, we have to be robust enough to stand by it.

Richard Lochhead: When the minister first heard that the control crop was contaminated, was he shocked and disappointed?

Ross Finnie: I was not just shocked and disappointed. No one could have written the script for what happened. We discovered that a sizeable amount of the Advanta product had been purchased commercially by farmers, and we spent 10 to 14 days anguishing over that. We tried to put in place, at UK and Scottish levels, measures to deal with concerns about public health and safety and the environment, and measures to deal with the concerns of farmers. We discovered a day or two later, as Advanta was making inquiries about where the product had been bought and by whom, that it was in the Daviot trial—to say I was shocked and concerned would be to understate my emotions at that time.

Richard Lochhead: That is my point. Is your fury and shock not at the fact that people realised that the trial was worthless?

Ross Finnie: No; I was more shocked to discover that, of all the places where the product could have gone, it had gone to Daviot. It is interesting that you should ask that, because that was one of my first questions to the minister. I may have asked my questions in the wrong order, though. On the trial, I am asking first, whether it poses any risk to public health; secondly, whether it causes any problem to the environment; and thirdly, whether the existence of the 0.7 per cent seed impurity has seriously compromised the scientific basis of the trial.

If any impurities are found in the seed purity trials that are going on, the Executive's policy position is that all three questions have to be answered. We have to ensure that none of that seed enters the food chain. Daviot is the case in point. If any of those boxes were not cleared, I would do as you suggest. I would say to the public that its confidence had been undermined by the announcement, that I had taken independent scientific advice and that the seed had failed one of the tests and that, accordingly, I would not hesitate to cancel the trial.

Alasdair Morgan: Are you saying that, as far as you are concerned, the jury is still out on whether the trial is still scientifically valid?

Ross Finnie: No. There has been detailed examination of the nature of the genetic modification that arises as a consequence of the contamination. There has been detailed examination of the nature of the herbicides that are to be used on the GM crop and the comparator crop, and of whether the existence of GM contamination causes any problems in the nature of the tests. We have received the unequivocal answer—Derek Bearhop may wish to expand on this—that the trials are not compromised in any way. As a layman, it struck me as a real possibility that they might be—that was the first question I asked. If the trials had been compromised, there would have been no point in proceeding. However, that was not the case.

Alasdair Morgan: Some of us, as you have indicated, have difficulties with that, because the

whole point of a control crop is that it is not genetically modified. Are you saying that the percentage of the genetic modification of the control crop is so small that you feel that it is effectively not genetically modified?

Ross Finnie: I do not "feel" that; my opinions are based on what the scientists say. I understand that the nature of the elements in the crop that were to be treated with the herbicide were not fundamentally affected by the contamination, and that therefore the results to be obtained by treating the comparator crop with the particular pesticide would not be altered. With your permission, convener, it might be helpful if Derek Bearhop were allowed to give a more detailed answer.

Derek Bearhop (Scottish Executive Rural Affairs Department): The important thing to know about the control crop is not that it is not GM, but that it is being treated differently—using different agricultural practices and, in particular, different herbicides—from the other half of the field that is being treated as a GM crop with a specific herbicide to which the plants in that crop are tolerant. What is being tested is the impact of those different farming regimes in more or less the same geographical environment. It is not the GM crop that is being tested, but the farming regime and its impact on local biodiversity.

Alasdair Morgan: The outcome of the trial, or similar trials, will not therefore be to say that GM crops do not damage the environment, but to say that a particular herbicide regime is either friendly or unfriendly to the environment.

Derek Bearhop: The outcome will be to say that the growing of a GM crop would cause, or would not cause, damage to the biodiversity of the area.

Alasdair Morgan: But how can you say that if, because of the contamination, you are actually growing two GM crops?

Derek Bearhop: It is the growing of the crop using the associated herbicide that is being tested. The other half of the field, which has the 0.9 per cent contaminant, is being treated in the same way as a conventional crop would be treated. The GM requires you to behave in a slightly different way, and the uncertainty that surrounds that is what is being tested in the trials.

Alasdair Morgan: I accept that—but we are not dealing with a conventional crop, we are dealing with a GM crop in the control crop as well. Therefore, in your conclusions, you cannot allude to the fact that a GM crop is involved; your conclusions can be about only the herbicides.

Derek Bearhop: Yes.

The Convener: If there are no further questions about the trial in Aberdeenshire, I will move to Mike Rumbles.

Mr Rumbles: Minister, we have before us a petition from Friends of the Earth Scotland, which makes two requests of the Scottish Parliament. The first is that the Parliament

"should exercise its powers not to permit the release of GM crops into the environment by way of trials or commercial planting".

We have received legal advice on that, and I would like to know whether that is the same legal advice that the Executive has received. Our advice is that article 16 of the 90/220/EEC directive says that such provision would be clearly incompatible with community law, so the first request asks us to do something that we are not allowed to. Do you agree that that is the case? If it is, we should consider the second request, which is

"to establish a mechanism in Scotland which will address the concerns regarding the impact of such releases on the environment and human health, (by way of an inquiry; an independent Commission or Advisory body)".

How do you respond to that request?

Ross Finnie: We have received the same legal advice. Whether it is at the elementary stage or at the stage of plot trials, for example, a member state cannot prevent trials from taking place unless it has substantive scientific evidence that the trial would be harmful to the environment. Providing that the trials have met all the other requirements of the European directive, the state has no legal basis for preventing them.

That answer links to Mike Rumbles's second question. It will be for the committee to decide whether we need further independent advice or whether we ought to get some of the independent advisers to make their approach to their work more public. In meeting the legal requirements of the regulation, the approach that is taken by the UK Government and by the Executive is that we should avail ourselves of the advice of bodies that have been established to provide such advice.

11:30

As I said, ACRE provides advice about the environment. It has 13 members, all of whom have considerable expertise in relation to genetically modified organisms. Effectively, ACRE is a statutory body that falls under the Environmental Protection Act 1990 and its membership consists of a range of experts, including a representative of the Scottish Crop Research Institute.

We recognised recently that membership of ACRE was largely confined to people with particular environmental concerns. In considering the debate throughout the UK, we recognised that a wider group of people might be needed, notwithstanding the expertise that was necessary to deal with environmental concerns. We also recognised that the public's concerns went wider

than the development of biotechnology and biodiversity and environmental and ethical matters.

With a view to addressing that issue, the UK Government established the Agriculture and Environment Biotechnology Commission—what a mouthful. That body has 20 or 30 members, of whom the Scottish representative is Professor Thomas Maxwell who—as members will know—is the director of the Macaulay Land Use Research Institute. The membership of that commission, which has been established only recently, is much wider than that of ACRE. Its members have wider environmental concerns and include plant breeders, lawyers, virologists, molecular biologists and representatives of GeneWatch and the Green Alliance.

Given that such bodies are in place, we should consider whether we need an inquiry—this is a long way of answering Mike Rumbles's question—or whether we need to inform the public more widely about what ACRE does. Public health issues were dealt with previously by the Government acting alone, but we will benefit from the fact that we now have the more independent Food Standards Agency. I am personally rather pleased about that. It is enormously helpful that, when we address the two key concerns about genetically modified organisms—the effects on public health and on the environment—I, as the Minister for Rural Affairs, and you, as MSPs, have access to the FSA and ACRE, which add a useful degree of objectivity.

Mr Rumbles: I will paraphrase that to establish whether I understand you correctly. On the first of the two points on the Friends of the Earth Scotland's petition, do you agree that your legal advice is the same legal advice as that which was received by the committee?

Ross Finnie: Absolutely. I confirm that.

Mr Rumbles: In addition, there are ACRE and the FSA and you believe that we have enough—

Ross Finnie: I think that there are enough advisory bodies. However, I do not wish to anticipate how the committee will handle the petition—that is for members to decide.

I suggest—helpfully, I hope—that rather than creating other bodies, holding an inquiry or going through the hoops again, perhaps the committee could provide a service to the public. There should be a wider understanding of what ACRE is. I suspect that if we were to go into the street today and ask one or two people, "What is ACRE?" we would not necessarily get an answer. That is unfortunate, given that some renowned people sit on that body.

More people understand what the FSA is, but I do not think that the Agriculture and Environment Biotechnology Commission has been properly promoted. Its first meeting is this week—perhaps we should harness that body in order to inform the debate about how the issues should be handled within the regulatory framework.

The Convener: I will move on.

You listed all the organisations and committees that have been created to deal with genetically modified organisms, but I am slightly concerned to discover your view of the power that you have as a minister and that the Scottish Executive rural affairs department has in the matter. Do you have any input or do you feel that the system operates independently of the minister in Scotland?

Ross Finnie: No. We recognise that because of cross-border sales of seed, the best approach to take towards the Advanta contamination is a UK approach. We have been heavily involved in a reaction to that contamination and we await confirmation from the Canadian authorities of precisely how the Advanta seeds became contaminated. The incident has raised questions about the buffer zones that ACRE has recommended.

ACRE was established under the Environmental Protection Act 1990, and we, as the Government, are saying that the matter is one of public concern, irrespective of whether ACRE wants to examine the situation—although I gather that it does. The buffer distances and the scientific evidence that ACRE has used must be reviewed. We have also made known our concerns about levels of seed impurity. However, under the overarching European directive on free trade, if any member state has adopted that or has equivalence procedures, we are not allowed to ban the importation or transmission of seeds.

The Advanta situation has meant that we have had to do three things. First, a committee has been established to review the situation in other countries in which there have been publicly recorded incidents of GM contamination. The list has now been published of countries in which there appears to be an above-average risk of potential seed contamination. Secondly, we have reinstated spot checks and trials of seed imports. Thirdly, we are promoting what we hope will be a common higher standard within Europe, which would enable a member state to reject a seed if it was found to have any impurity above 0.5 per cent. We have pooled all the various powers that are available to us and we still have substantial powers under the Environmental Protection Act 1990, provided that it can be demonstrated that substantial harm to the environment would be likely to occur.

The Convener: Do you feel that you and your department have adequate connections and communication with the advisory committees?

Ross Finnie: We have adequate access to all the regulatory bodies. Since the single appalling incident that occurred early on, my department and I have enjoyed every co-operation in trying to secure changes to the regulations as they affect the United Kingdom and in promoting changes throughout Europe.

The question regarding the Environmental Protection Act 1990 is whether, because that act was passed before GM crops were contemplated, we need to examine it closely for loopholes or things that should be reviewed. That is another possibility that we are looking into following the unfortunate contamination, but that would have to take place in liaison with other bodies, because the Environmental Protection Act 1990 is UK legislation.

Dr Murray: I have two questions, the first of which relates to seed purity in maize. Apparently, in an answer to the European Parliament on 22 May it was stated that seed breeders tolerate up to 1 per cent of GM seed in supposedly GM-free seed. There is a possibility that maize cultivation in this country could be affected. I am not suggesting that there is any cause for concern over safety, as GM maize has been passed for consumption by the EU. However, do we know what happens to that maize? Is it being used for human or animal consumption? There is an issue about people's right not to consume GM products, should they wish not to. I am concerned that people are not being allowed to exercise that choice, rather than being concerned about safety issues. Is any more information about that available?

My second question is about what is supposed to happen if there is an accidental release of GM seed. My understanding from a Scottish Parliament information centre note is that

"In the event of an accident the user must immediately inform the competent authority and provide all information necessary to assess its impact and take the appropriate measures."

Do you believe that that happened in the case of the Advanta release? Are there any mechanisms in place that would ensure that in future you and your department are informed as soon as evidence of that nature comes to light?

Ross Finnie: Those are two unrelated questions. You are right that the French authorities are investigating a trace of GM that has been located in an imported maize crop. They know the company from which it was imported. The UK authorities have now inquired as to the variety and source of that crop. We have very little maize in Scotland, although that amount is not to be dismissed. There is more maize in England and Wales. We are having a little difficulty because, as the south-west of France is climatically different from here, different varieties are sown there. The authorities continue to press for information, but we have no confirmation that any crops currently being sown in Scotland are contaminated. Ministers at the Ministry of Agriculture, Fisheries and Food will confirm that although it has been admitted that there has been some contamination in France, there is no evidence of any contaminated maize in Scotland.

Dr Murray: Do we know what happens to the maize that is grown in Scotland?

Ross Finnie: It is grown predominantly for forage. On your second question, you are right that in the event of a deliberate release, anyone handling crops is required to make that information known immediately and to inform the appropriate authorities.

The Advanta case is still being considered by counsel for the MAFF. You will be aware that the circumstances are fairly complex. There is no evidence that Advanta knew in 1999 that it was distributing a crop that was contaminated. The delicate issue revolves around the precise date on which the German tests highlighted that there was contamination and the question whether the actions that it took meet the requirements of that notification. Counsel is considering how to get corroborating evidence of how that happened.

I will make two points about the informing of the Scottish Executive. Anyone in the industry will tell you that it is a case of once bitten, twice shy. No one in the industry would like to be in Advanta's position. That is not a guarantee, but I think that everyone realises that it will have to do much more than it is to regain its reputation in this country.

On any failure of communication between the MAFF, the Department of the Environment, Transport and the Regions and the Scottish Executive, the committee will be aware that I have had personal and departmental apologies from the Minister of Agriculture, Fisheries and Food, Nick Brown, and from the Minister of State, Baroness Hayman. Members will also be aware that Nick Brown repeated that apology to the Scottish Executive in Parliament. I have had subsequent meetings with him. We are clear that ministers have to take responsibility for the failure of communication and for the failure to understand the potential seriousness of the contamination of the crop. We have had discussions and he has examined that matter thoroughly in his department.

After the horse has bolted it is a bit late, but we now have close co-operation. I hope that the procedures and measures that Nick Brown has

taken as a consequence of the contamination will ensure that such an incident does not happen again. I made it clear that the incident was serious and that it cannot be allowed to be repeated.

11:45

Cathy Peattie (Falkirk East) (Lab): I have heard your comments and understand that you have said that we will not take a risk with public health. However, like lots of people, I am concerned about the development of GM. I think that the research is difficult to isolate. You cannot tell bees or birds where to fly. There are concerns that damage could be done that might take years to measure. That has caused a lot of public concern.

You have told us that you are concerned about GM crops coming into our food supply, not knowing where it is coming from and not knowing what problems other countries might have. This is like a train that is rolling and is about to roll over us. This is a man-made problem that seems to be about to happen. We have no control over GM and no way of stopping it.

People are concerned and want to make choices on whether they consume GM crops. However, it is increasingly difficult to do that, as when people buy imported food, GM is probably not mentioned on the label. There are many concerns that we have not dealt with. There is confusion—it is certainly confusing for me—and it is difficult for people to get the information and get to the bottom of the issues. It seems that there will be no control in the future. What can we do about that?

Ross Finnie: I perfectly understand the concerns that something is going on that has the potential for good or for bad. The question for us is how to control that process. I came to this more than a year ago with no great knowledge and understanding. One of the things that we can do, while not giving up asking questions that we feel have to be asked and gaining satisfactory answers, is to raise the level of public understanding. That is not to say that we should accept everything that a scientist says—I am not saying that.

I get back to my essential point, which is that we should engender a wider public understanding about the measures that are in place and the principles that underlie the precautionary approach that Europe is taking—it can be distinguished from that taken in other places, especially North America. The precautionary approach of the bodies that exist in the United Kingdom is enshrined in the European directive that overarches this. I am repeating myself—and I do not want to belittle Cathy Peattie's questions—but the right way to address those questions is to be better informed as to who the appropriate people are and to direct your questions to them and say, "You are saying this, but I am Cathy Peattie and I want to know the answer to that."

Take, for example, the vexed question of bees and honey. I get letters on that subject and on all sorts of things. It is extraordinarily difficult. Of course a bee can pick up a piece of pollen and fly for as long as a bee flies. The pollen will therefore have travelled a great distance. Someone said that that was dreadful, but I am advised that the question is, first, what was the pollen and, secondly, does its effectiveness last for 100 yd, 200 yd or 400 yd? Having travelled a long distance, it is likely that the pollen will have lost whatever specific characteristic it has.

Two or three well-regarded beekeepers in the north-east of Scotland are extremely concerned about this issue, but ACRE includes an expert on bees, who is there because of the Government's concern about the issues that are being raised. It is difficult to give an absolute answer to that. The answer to your questions is to have a wider and better understanding of the process. If you are not satisfied at the end of that, you are entitled to take that view. I do not intend to diminish your opinions, but the debate is stirred up somewhat by those who are against GM as a matter of principle and who, irrespective of the argument, are unlikely to be swayed one way or the other. However, in other areas of GM science, that is not quite the case.

Cathy Peattie: There is a danger, minister, that when people know exactly what is happening they will still say no. It will be too late then to do anything about it.

Ross Finnie: We are in a difficult area. We cannot simply say, "What a good idea, Mr Scientist. We will proceed with that." That is not what the European directive is about. It is about testing at each stage whether GM gives rise to questions of food safety and of concern about the environment.

If we read the regulation carefully, we see that we do not need field-scale trials. We could go straight from plot trials. The field-scale trials were added because it was thought that it would be difficult to deal with concerns about biodiversity in a controlled small plot. There is an agreement, albeit voluntary, between the industry and the UK Government, on a three-year moratorium on the commercial growing of crops. That gives us the opportunity to ask the kind of questions that you are asking today and that should be addressed to the relevant authorities.

The Convener: You rightly emphasised that the rape produced by the trial plot at Daviot will not be

used for any practical purpose and that the oil will not be used for human consumption. One of the problems raised by beekeepers in the north-east in relation to the trial is that their bees are feeding off the crop. The honey produced as a result will be used for human consumption. Are you content that there is no irreconcilable position there?

Ross Finnie: Part of the thinking behind the distances that are set for the location of trial sites is the safety of pollen moving on air currents and being collected by bees. When ACRE considers whether to approve a trial, that is part of the environmental risk assessment that it undertakes. Again, someone who is an expert in that field sits on ACRE.

I know—because my postbag tells me—that there are beekeepers who believe that, irrespective of the distance or that assessment, there is a risk. The advice we receive is that that is one of the assessments that takes place and that ACRE has to be satisfied that no unintentional damage will be done to the environment.

The Convener: You are content that there is no contradiction in a crop that is not considered fit for human consumption being used to produce honey which is considered fit for human consumption?

Ross Finnie: There are two separate issues. If we are talking about risk, I do not know whether anybody could guarantee 100 per cent plus plus. However, we are absolutely satisfied about the risk to human consumption. We have had separate advice on the question of the human consumption of honey, and there is no risk there. ACRE believes that any risk of contamination is minuscule, and regards even that risk as unlikely. However, that is the point that the organisation has reached on its assessment of the issue.

Alasdair Morgan: One of the other reasons why we are told not to be concerned about either contaminated or trial crops is the fact that they are sterile. Is that sterility absolute, or is there merely a particular probability that the crops are sterile?

Ross Finnie: A male sterile GM hybrid?

Alasdair Morgan: But are you saying that these plants are 100 per cent sterile?

Ross Finnie: I do not think so. However, we are talking about minuscule proportions.

Simon Cooper (Scottish Agricultural Science Agency): We do not know the exact degree of sterility; however, we understand that the ability to produce pollen is very low, which means that, to all intents and purposes, the crops are sterile. That said, as you know, you can never be 100 per cent sure in science.

Alasdair Morgan: That is surely a concern. However, when you say that you understand that the ability to produce pollen is very low, do you have the figures for the probabilities back at the ranch?

Simon Cooper: No. Advanta has supplied us with these figures, because it knows the exact nature of the material.

Ross Finnie: We should bear in mind the fact that the pollen would have to cross to another recipient rape crop. It does not pollinate indiscriminately.

Alasdair Morgan: Indeed. However, even if we are talking about a small probability, there are an awful lot of potential plants, and if we multiply the probability with the number of occasions when seeds are present, that comes to a measurable finite number.

Simon Cooper: That is true. However, in relation to the total amount of pollen that is being produced in the field, the level of pollen from the sterile plants is unmeasurable. In botanical terms, the large amount of pollen produced by the fertile plants will swamp the other pollen by a factor of thousands to one, or more.

Alasdair Morgan: Is swamping a technical term?

Simon Cooper: In order to have a pollination event, pollen needs to be present. As a very large majority of the pollen will be from conventional material, it is unlikely that the pollen from sterile material, of which there might be a small amount, will be successful in pollinating anything else.

Ross Finnie: That is not just our view. ACRE has considered this specific matter, and has advised us that the 0.7 per cent figure for contamination does not give rise to environmental concerns.

Richard Lochhead: On a point of clarification, you say that, according to Advanta's figures, the probability of pollination by the sterile material is quite low. Have there been any independent checks of the level of sterility of the crop and on Advanta's figures?

Simon Cooper: We are waiting for the results of the checks made by the Canadian authorities. They will have samples of the material that was sent to the UK. We do not have access to those figures because, as far as we know, most of the seed was planted.

Richard Lochhead: So the answer is that we do not know.

Simon Cooper: At the moment.

Richard Lochhead: We do not know the level of sterility of the crop.

Simon Cooper: If you consider the actual

breeding system that is being employed, this is male sterile material. In other words, it does not produce pollen, but only receives it. However, there are various types of male sterility in oilseed rape, some of which are 100 per cent, some a little bit less. I do not know exactly which type these particular crops are, and we are awaiting information on that subject.

Richard Lochhead: Are we proceeding with the trial although we do not know the level of sterility of the crop?

Simon Cooper: If we know what the breeding system is, we can predict what the level of male sterility will be. We do not yet know what the source of the contamination in the material is.

Mr Rumbles: How long have you been waiting for that information from the Canadian Government?

Simon Cooper: Somebody from MAFF went to Canada three or four weeks ago, when the situation arose, and asked the Canadians to start investigating the situation. They are still investigating.

Richard Lochhead: Should they not act with more urgency?

Simon Cooper: The investigation is not that easy. The material must be grown and the contaminated plants must be found in it. That will take a bit of time. Material is being grown at the National Institute of Agricultural Botany, but it is not easy to pick up as there is a low level of contamination. There will be only ten or so contaminated plants in 10,000.

12:00

Rhoda Grant: There is little genuine information about GM crops in the public domain. Many people believed that the field trials were designed to ascertain whether, if the plant were sterile, that sterility could be passed on to other plants. Now it appears that the trials were to do with treatment and farming techniques. There is a fear of what is not known, and it appears to me that there are a lot of ifs and buts and not a lot of serious information that will inform decision makers or the public of the risks that might be involved. Has any work been done on getting information out to people?

Ross Finnie: That is a good point. The Scottish Executive has thought about how to produce better material on the subject. We have given preliminary thought to putting material on our website. The point is not that people are incapable of understanding, but that there is not enough information for them to understand. The GM issue has highlighted the fact that that is a serious issue. The Executive has considered ways to strike a balance between producing information that is readable and producing material that is informative. We do not want to have material on our website that could be misinterpreted. The issue is difficult.

I am promoting the view that we ought to have a better understanding of who the independent advisory people are, what they do and how they do it. Along with that is the fundamental issue of ensuring that we have a wider public discourse and that the public is better informed.

Richard Lochhead: Will the minister respond to Simon Cooper's point about the level of sterility in the crop being quite low? He said that we are still waiting for figures from the Canadian authorities. How can the minister decide to continue with the crop when we do not have the full facts and there is a probability that the crop might not be sterile?

Ross Finnie: I am permitting only the crops in the Daviot trial to continue. That is because that crop will be destroyed and will not enter the food chain. We specifically asked ACRE to advise us on the structure of a GM male sterile hybrid crop, with regard to the risk of that crop pollinating. ACRE has advised me that, given the level and the nature of the contamination involved, there is no unacceptable risk to the environment. I was satisfied that the Daviot crop fulfilled the conditions of the three tests that I mentioned earlier and that the scientific basis of the trial was not compromised.

Alex Fergusson (South of Scotland) (Con): My point has been made to some extent. I came to the meeting with a fairly open mind, but I have heard so many ifs, buts, quites, maybes and possiblys, it is becoming rather more closed. If the crop does not produce pollen, I would be interested to know what the bees are feeding on—I presume that they feed on the control plot. As Cathy Peattie suggested, the biggest issue is public concern, as I am sure you know. The evidence that we have heard this morning does little to allay that concern. Given the fact that farmers have been advised to destroy the crop, what is—

Ross Finnie: Where are the ifs and the buts to which you refer? There are no ifs or buts in the advice that I have had from the Food Standards Agency or ACRE. The problem for the farmers and their crop is that the crop does not have part C consent for commercial sale. It would be illegal for them to sell it. It was crucial that they were not put into a position where they might seek to do something illegal. To assist the innocent victims in the matter—the farmers—we obtained the derogation in Europe so that claims under the arable area payments scheme would still be valid. Thankfully, Advanta is seeking to negotiate compensation. In those circumstances, the most

sensible thing for farmers to do is to remove the crop.

Alex Fergusson: I stand corrected, minister. I commend the action that you took on behalf of the farmers who were growing this crop quite unwittingly. Indeed, that was very timeous and was greatly appreciated by the agriculture industry. However, the fact remains that public concern about this field trial crop is huge. What would be lost in terms of the overall scientific picture if the trial were simply ploughed in and we came back afresh next year, when we hope our friend will have come back from Canada with the results of the investigations?

Ross Finnie: I repeat: if I came back after a year and said that scientific advice says that we ought to conduct the trial, I would find myself in the difficulty that I was in at the outset. People would say that I had told them that I had scientific advice that the trial was not compromised, scientific advice that it gave no cause for concern to the environment, and scientific advice from the Food Standards Agency that gave rise to no public health concerns. If I told them that I was cancelling the trial to await further scientific advice, they would say, "We do not want this trial and we do not care whether you have got scientific advice." I would compromise my ability to rely on those who are tendering advice.

I do not underestimate the difficulty of the issue, but as a minister I must be somewhat consistent about whether I take the advice. It is interesting that several commentators have believed that that is the case. In the last two weeks, members will have read editions of certain farming magazines that have supported the view of the scientific advice that says that we should get to the bottom of the matter and go ahead with the trials. There is a real split, even within farming communities, notwithstanding outside public concern, the seriousness of which should not be diminished.

Dr Murray: To return to Rhoda Grant's point, many of the issues relate to an understanding of the science involved. One of the reasons we are hearing lots of ifs and buts is that there are always lots of ifs and buts in science—it is all about probability rather than absolute fact. For example, genetic modification is alteration of DNA and therefore affects the proteins in the species, but it will not affect honey, because honey is a sugar. Those are issues of scientific information.

Part of the problem may be that information is not being made available. People naturally have concerns. They see the possibility of bees carrying genetically modified pollen and wonder how that might affect foodstuffs. How can the communication of the scientific advice that you receive be better transmitted to members of Parliament and to the public so that we know whether we are right to be worried?

Ross Finnie: You are right; it is the same point that was being raised. I am in no doubt, and have felt so for a while now while trying to deal with the exigencies of this crises, that one of the fundamental issues at the heart of this matter is the need to improve public communication. You cannot blame people for having fears, but you can sift out statements that are misinformation. If the public are not getting enough information, we in the Executive have a role to play. I have said before that we are considering how to develop material that will better inform a complex debate.

The Convener: I have to bring this discussion to a close because we have to address the issues in the petition after we have taken evidence. However, one item that I would like to return to is the suggestion in item 2 in the petition that we should seek to

"establish a mechanism in Scotland which will address the concerns regarding the impact of such releases on the environment and human health, (by way of an inquiry; an independent Commission or Advisory body)".

Are the advisory committees that you currently input to and interact with adequate to cover the request in the petition?

Ross Finnie: Their composition and construction are such that they contain a huge range of people. The Agriculture and Environment Biotechnology Commission was recently established and meets this week. Its membership is in the public domain; I do not know whether members have that information. Its membership covers people from such areas as farming practice, plant breeding, consumer affairs, animal welfare, ethics, nature conservation, social science, ecology, animal genetics and plant biotechnology. Unless one has a serious concern that that is an inadequate body, one should utilise it rather than duplicate it.

Once advisory committees are established, there is an issue about how you would wish them to engage with this committee to explain how they are addressing matters of public concern. That also goes for ACRE or the FSA. If the concern in the petition is that there should be people who are addressing the issues, that is what those bodies are doing. If they are not informing you or me or the public adequately about what they are doing, they would be my first port of call—to ask them to explain more fully how they address the issues: how do they deal with requests from ministers for advice? What do they do when an applicant applies for a crop trial? What advice do they give? How do they deal with the bee issue? The advisory committees are available to us all. I do not see the need for another committee, but I do see the need for the existing ones to explain to the wider public how they operate and whether they

address people's concerns.

The Convener: We will be thrown out of this room if we are not quick. Richard, do you have a point to raise?

Richard Lochhead: Minister, is it correct that the advisory committees exist to advise the Scottish Executive—rather than to engage the public in debate about GM crops or GM technology, which will be one of the biggest issues of the 21st century? What will the Scottish Executive do to show leadership? The public perception is that the Executive discusses GM issues only when it is under pressure, or when it is reacting to events.

Many people, parties and organisations want a moratorium because we feel that we do not have the full facts. We have our own Parliament, but the debate is not taking place in Scotland. Does the minister see the case either for an inquiry or for an independent commission to engage the public in debate and to investigate all the issues, get all the facts out in the open and allow the Parliament to take an informed and public decision and move forward?

Ross Finnie: I do not think that we will agree on that. The primary purpose of such bodies is to advise, but there is absolutely no reason why their role cannot be twofold. The FSA has made it perfectly clear that part of its new role will be to hold public meetings. Members may have seen its stand at the Royal Highland Show. The FSA sees its role as being not only to give advice to ministers but to engage in a wider debate. I do not accept Richard Lochhead's proposition. We came to Parliament, we had a debate on the principles—

Richard Lochhead: Under pressure. All the committees wanted a debate, so we got a debate.

Ross Finnie: That is your opinion. We made a public statement of our position. Of course, I had to react to the accidental contamination of the Advanta crop. Members would not have expected me to do anything else. We have been considering the wider question and still are. All I am saying is that I am not clear that there is a need for another committee, which would have to call on existing committees. There is an opportunity to make use of what is already in place and, as many members have suggested, to broaden and inform the debate. I am happy to play a full part in that. If it requires any impetus, we will give it.

12:15

The Convener: We will now take a brief moment to discuss the issues connected to the petition, but I take this opportunity to thank the minister and his advisers for coming along to help us today.

We must now consider the requests in the petition and our advice to the Transport and the Environment Committee. We have gone into the first request a number of times and went into it again today when Mike Rumbles was questioning the minister. It is that the Scottish Parliament

"should exercise its powers not to permit the release of GM crops into the environment by way of trials or commercial planting".

It has been made clear to us in legal advice and in questions to the minister that the Parliament does not have that power. Is it therefore appropriate for us to respond by saying that the Parliament has no locus under EU regulations to act as the first request suggests that it should?

Members *indicated agreement.*

The Convener: The second request in the petition is that the Parliament

"establish a mechanism in Scotland which will address the concerns regarding the impact of such releases on the environment and human health, (by way of an inquiry; an independent Commission or Advisory body)".

My questioning of the minister has, to a significant extent, satisfied me that such an advisory body already exists on a UK basis and that it has an adequate level of independence and has already been active in the process described. I question the value of an additional advisory body. Please discuss.

Alasdair Morgan: I tend to agree in part with the convener. If a new body were set up, it is difficult to see who would be on it who is not on one of the existing bodies. The problem is that the existing body is perceived as being a secretive, albeit independent, Government committee, which does not really connect with the public. There is no doubt that it is not getting its message across. We need to say something about how the body conducts itself and about how its deliberations and conclusions are made public.

Dr Murray: I agree with Alasdair Morgan. The mechanism exists, but there are problems with the channels of communication—with the Parliament and with the public—and with the level of information that people receive. That is the matter for concern.

The Convener: The suggestion that I have here is that, in respect of the second request, we propose further examination of the mechanisms by which advisory committees interact with one another and with the public.

Mr Rumbles: I am not happy for us to go down that route. From what the minister said in his evidence, I am perfectly satisfied that there are a number of agencies. There may be public concern, but it is for those agencies to come forward and be more proactive. The message has

got across. With so many other jobs to do, I do not think that it is worth this committee's while to spend any more time on the issue.

The Convener: I remind members that we are advising the Transport and the Environment Committee, which has requested our views.

Mr Rumbles: I do not think that we should pursue the matter—but all right.

Richard Lochhead: There is a difference between advisory bodies, inquiries and independent commissions. There are enough advisory bodies, but given that this is a growing issue of extreme importance, which is not going to go away, there is a case for a debate in Scotland. We are in a situation in which the Executive and the Parliament are responding to events as they happen, rather than taking the bull by the horns and having an investigation into the whole issue of GM technology in Scotland. The only way to do that is to have some sort of inquiry or commission. I do not know the answer, but there is scope for that over and above the existing advisory bodies, which are there to advise, not to initiate public debate.

Cathy Peattie: Given that we are advising the Transport and the Environment Committee, I would agree with Elaine Murray and Alasdair Morgan that we should be examining the advisory bodies. There needs to be an opportunity, however, for us to be more aware of what the advisory bodies are saying and doing. We must also bear in mind that this is not just a Scottish issue; it is a global issue, which is moving closer to us. We need to consider how we deal with the implications of that. It is therefore important to know what the advisory bodies say.

Like Alasdair Morgan, I wonder where we will get the folk to do the other stuff, if all the wonderful people are on the advisory body. I would encourage the Transport and the Environment Committee to meet or take evidence from representatives of the advisory body. That would give us a clearer indication of the information that is available. I am concerned about developments. There needs to be better information to take the issue forward.

Mr Rumbles: I agree entirely with Cathy Peattie, but I do not believe that there is a need to involve another mechanism.

The Convener: The clerks—I am not sure whether it was Richard Walsh or Tracey Hawe—suggested that, in respect of the second request, we should suggest that the Transport and the Environment Committee further examine the mechanisms by which advisory committees interact with one another and the public.

Cathy Peattie: And the Parliament?

The Convener: And the Parliament.

Richard Lochhead: I would be happy with that only if we added that the committee recognises the need for an investigation in Scotland, or for the Parliament to investigate the issue—whether the Transport and the Environment Committee or this committee—and to initiate public debate. There is a case for that. We cannot avoid it.

Mr Rumbles: No.

Dr Murray: No.

Alex Fergusson: With respect, the root of the problem, the field-scale trial at Daviot, is part of such an investigation into the safety of GM crops in Scotland. That is part of the whole inquiry.

Mr Rumbles: You do not want more trials, do you, Richard?

Richard Lochhead: There should be a parliamentary investigation.

The Convener: Richard, one of the lines of questioning that I almost pursued with the minister was that there are already too many committees with responsibility for this issue.

Richard Lochhead: They are advisory committees. There is no interaction with the public or public debate. That warrants investigation. We could investigate, for instance, whether there are too many advisory bodies or whether they are the right bodies. Our current position is to assume that the X number of advisory bodies are all excellent and are all doing a good job, and that they just need to interact more, but we do not know that. There has been no investigation of whether the whole issue is being handled properly in Scotland. Maybe, as has been said, there are too many advisory committees, but my point is that that issue is not being addressed. That is why there is a need for an investigation into GM in Scotland.

Rhoda Grant: The suggestion is that we advise the Transport and the Environment Committee to examine the existing committees and take evidence from them. If the committee decides that the system is not working, it is up to it to investigate.

Alasdair Morgan: We are asking the Transport and the Environment Committee to examine the mechanisms by which the advisory committees interact with one another and with the public. We are bringing the public into it.

Mr Rumbles: I am happy with that.

The Convener: Can we agree to the clerk's suggestion? We will add the Parliament to that. Thank you very much for your attention, ladies and gentlemen. See you after the recess.

Meeting closed at 12:23.

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