

*AgBiotech Planning Committee
225 Reinekers Lane
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Alexandria, VA 22314*

July 1, 2009

Dr. Kiyoung Park
Director, Biotech and Nanotech Division
Ministry of Knowledge Economy (MKE)
1, Gwanmunro
Gwacheon-si, Gyeonggi-do
Republic of Korea

RE: Notification of revisions of the LMO Act under the World Trade Organization Agreements on Technical Barriers to Trade (TBT) and the Application of Sanitary and Phytosanitary Measures; G/TBT/N/KOR/; G/SPS/N/KOR/328

Dear Dr. Park:

The AgBiotech Planning Committee¹ (ABPC) respectfully submits the following comments on the proposed revisions to Korea's Living Modified Organism Act (LMO Act). The ABPC supports science and risk-based policies consistent with international standards for the regulatory oversight, availability, commercialization, labeling and trade of food, feed and fiber products derived from modern biotechnology.

Korea is an important export market for the U.S. Our organizations appreciate recent Korean government efforts to reduce redundancy and increase transparency in its regulatory process, but we remain concerned that elements of the LMO Act will negatively impact trade flow of U.S. commodities such as corn, soybeans and cottonseed products to Korean markets.

ABPC member organizations are concerned that the LMO Act includes unprecedented regulatory requirements that are burdensome and redundant. The revisions are not consistent with science-based international standards for the risk assessment of commodities and products derived through modern biotechnology, including the review of stacked events. Proposed changes to the LMO Act have the potential to disrupt trade and will make regulatory requirements for commercialization of agricultural biotechnology products less transparent and less predictable.

The ABPC is a coalition representing farmers, food processor and manufacturers, merchandisers and biotechnology providers that support the continued availability and marketability of products derived from biotechnology.

ABPC members are also concerned that regulations in the LMO Act have not been updated to reflect international guidelines or decisions of the Codex Alimentarius and Parties to the Cartagena Protocol on Biosafety. Specifically, we urge Korea to ensure the definition of “low-level presence of LMOs” is consistent with Codex guidelines to ensure that shipments of commodities are not rejected when biotech traits, which adventitiously occur in de minimus levels, have been deemed safe in the country of origin.

Our organizations strongly encourage Korea to use “may contain” language in commodity shipment documentation of LMOs instead of “does contain.” Not only is the wording “may contain” already used by most countries that require such documentation, it is consistent with Korea’s obligations under the Cartagena Protocol on Biosafety, Article 18.2(a). Korea’s requirement that commodity shipments be accompanied by “does contain” documentation language is inconsistent with the agreement and has the potential to negatively impact trade.

Additionally, the same level of regulation and risk assessment data are required for LMOs used for food, feed and processing (LMO-FFP) as for LMOs that will be released into the environment. This is inconsistent with the commitment by Korea to base its environmental safety assessments for imports of LMO-FFPs on risk criteria appropriate to the intended use of the imported product.

ABPC members continue to be concerned with Korea’s expanding process-based biotech labeling regime. The requirements go well beyond international practices, will restrict trade and do not appear to acknowledge the significant cost increases for all stakeholders involved, including the Korean consumer. If these requirements are enforced, they will be among the most restrictive in the world and will inhibit trade between the U.S. and Korea.

ABPC members respectfully ask that the Korean government considers these comments as it moves forward with implementation of the LMO act and meet the agreement between the U.S. and Korea to enact measures that facilitate trade. ABPC member organizations will assist in accomplishing this goal.

Sincerely,

American Farm Bureau Federation
American Seed Trade Association
American Soybean Association
Biotechnology Industry Organization
Corn Refiners Association
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Grain and Feed Association
National Oilseed Processors Association
North American Millers Association
USA Rice Federation
US Grains Council