

Argentina: GMO Wheat Banned in the Province of Buenos Aires

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Judge says GMO wheat could cause “serious and irreversible damage” to human health and the environment

by [Tierra Viva](#) (in Spanish)

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Bioceres – the “Argentine Monsanto” – is racing to get its GMO HB4 wheat accepted by regulators around the world. It has already got food approval in Australia and partial approval in the US – from the FDA but not yet the USDA. And, according to the Argentine journalist Patricio Eleisegui, Bioceres is also heavily [targeting](#) the countries of Latin America, where it has already obtained partial approvals in Colombia and Brazil.

But while Bioceres is rushing to create markets for its GMO wheat abroad, within Argentina itself its commercialisation is facing widespread resistance. And it appears to have received a major setback in the province of Buenos Aires, the very heart of agribusiness in Argentina.

A judge in Mar del Plata has issued a precautionary ruling that suspends the use and release of GMO HB4 wheat in Buenos Aires until a commission is formed to evaluate its effects, [reports](#) the news agency Tierra Viva. The ruling responds to a collective suit brought by farmers, social and

environmental organisations and Indigenous peoples. They emphasise that the action could be replicated in other provinces where this GMO wheat is already being grown.

The temporary measure is in place until an Agricultural Biotechnology and Biosafety Commission is formed, which will be responsible for preparing a report on the introduction and release of the GMO crop and its effects on natural resources, health, production and marketing. The precautionary measure was issued by the Juvenile Criminal Responsibility Court No. 2 of Mar del Plata.

The [decision](#) of the Buenos Aires judge Néstor Adrián Salas is relevant because it confirms that although the national State has the authority to approve the commercialisation of GMOs and agrochemicals, it is the provinces that retain the authority for their effective release in the territories because they have control over natural resources.

For Judge Salas, the release of the first GMO wheat approved in the world could cause “serious and irreversible damage” to human health and the environment. He refers to both the crop itself and the associated agrochemicals; in this case, glufosinate ammonium, a herbicide that is more toxic than glyphosate.

“If the material is released in Buenos Aires territory, this being the first GMO event to be applied to wheat seed, the crossbreeding of the material with non-GMO wheat can be irreversibly introduced,” Salas warned. To support his decision, he cited – among others – a document from the National Biotechnology Commission (Conabia) that details “the potential horizontal transfer or exchange of genes” between GMO wheat and other seeds.

The precautionary measure is based on the precautionary principle present in the [General Law of the Environment](#), which establishes that in the face of danger of serious or

irreversible damage, measures to avoid it should not be delayed on the grounds of lack of information or scientific certainty.

The Commission for Biotechnology and Agricultural Biosafety of the Province, which the judge ruled must be put into operation, should have been formed more than 20 years ago, when Law 12.822 was approved. However, no provincial administration implemented the law and formed the commission.

Lawyer Lucas Landivar, who represents the group of organisations, producers and Indigenous peoples who brought the suit, stressed the importance of complying with article 124 of the National Constitution. This establishes that the provinces are responsible for the natural resources in their territory. "The provinces cannot allow their cultural heritage and biodiversity to be affected," he noted. In this sense, he stressed that the seeds used in agriculture are a cultural heritage of the people, which the provinces must preserve.

Fernando Cabaleiro, a lawyer for the organisation Nature of Rights, which is also involved in the suit, stressed that this same action can be replicated in different provinces. "There is the General Environmental Law and at the same time, each province has its legislation on this matter. This is environmental pollution and it is the duty of the provinces to protect their natural assets," he said.

Provincial law 12.822 of 2001 ordered the creation – 90 days after it came into effect – of the Agricultural Biotechnology and Biosafety Commission. The objective of this body is to prepare a report with its recommendations regarding the introduction and release of GMOs and their effects on natural resources, health, production and marketing.

In writing this law, the legislators at that time considered, "Given the vertiginous increase in the use of GMO seeds, we believe it is necessary that there should be a provincial body

that has the function of controlling their use.”

Likewise, they understood that this commission had to answer a series of questions that Judge Salas transcribed verbatim in his resolution:

* Have enough tests been done with these organisms so that we will not have to repent in the near future?

* What are the mechanisms that different countries have to assess their danger to the ecosystem and to human health?

* Why do some countries accept GMOs and others do not?

* Has the Ministry of Health or another official body certified the harmlessness of GMOs to human beings? Has the risk to human or animal health been assessed, such as the danger of antibiotic resistance?

* Should the release of GMOs undergo a mandatory environmental impact study?

* Is the introduction of GMOs in Argentina assimilated from a public debate, or is it a simple concept of genetic innovation to reap greater profits through patents in some countries?

* Does the new technology commonly called terminator affect traditional crops and biodiversity in general? [GMW: Terminator seeds are genetically engineered to be sterile after first harvest. Thus far this GMO technology has not been commercialised due to overwhelming public and scientific opposition. More information is [here](#).]

Lawyer Landivar argued that it is very striking and worrying that the Provincial Executive has spent so many years without enforcing a decision of the Legislative Power. “This omission violates the precautionary preventive regime and deepens a practice that has generated adverse consequences and negative effects on health and the environment for 20 years,” he warned.

The marketing of HB4 wheat, from Bioceres – owned by Hugo Sigman and Gustavo Grobocopatel, among other businessmen – was [authorised](#) on May 12 by the National Ministry of Agriculture. The decision ignored the claims of hundreds of social and peasant organisations and thousands of scientists who [denounced](#) the lack of transparency in the approval procedure for HB4 wheat, the contamination it will produce on other non-GMO wheats and the increased use of agrochemicals that it will entail. its cultivation.

On May 19, federal prosecutor Fabián Canda [reiterated](#) before federal judge Santiago Carrillo the request to urgently suspend the authorisation of HB4 GMO wheat due to “the irreparable damage” it could cause to the environment and the health of the population.

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