

February 2, 2002

**Canadian Biotechnology Advisory Committee
Genetically Modified Foods (GMF)**

**Special Stakeholder Project on the review of an
Acceptability Spectrum for GM Foods**

Terms of Reference

The Canadian Biotechnology Advisory Committee is undertaking a special pilot project to examine an 'Acceptability Spectrum' for GMF and to assess its viability and usefulness. The description of the Acceptability Spectrum as it appears in CBAC's Interim Report on GM Foods is in an annex. The Objectives and Desired Results for the project are :

Scope

A novel food is any food that does not have a history of safe use as a food, or has been manufactured or packaged in a way not previously applied to that food and which causes a significant change in the properties of the food. For testing the acceptability spectrum, the focus is on genetically modified crops and livestock intended for food and feed.

Objectives of the Project

1. To create a space that facilitates a dialogue among key stakeholders on key issues in GM foods, and to assess the viability of extending the space and dialogue for future deliberations in GM foods.
2. To test the relevance, viability and usefulness of the proposed 'Acceptability Spectrum' among stakeholders with a wide range of views, and to assess the ability to explore key issues, underlying principles and values questions using the spectrum.

Desired Outputs/Results from the Project

1. A more defined 'Acceptability Spectrum' with an initial range of criteria/guidelines and example GM products to characterize the spectrum, along with a common terminology/vocabulary for this field of genetically modified organisms.
2. An assessment of the relevance, viability and usefulness of the spectrum, and the likely conditions under which it could be successful, and the further development that should be pursued if it is to be applied to policy making.
3. An assessment of the ability to create a space that facilitates a dialogue on GM foods toward common ground, and the viability of extending the approach into the future policy environment.

4. An indication of the state of the debate on GM foods, among key stakeholders, perhaps at its most intense level, and hence an indication of the potential direction of future debates.

Overview of the Project Process

The process will involve four stakeholder groups:

1. NGOs – ENGOs, and representatives from Health and Faith communities
2. Consumers
3. GM biotechnology developers
4. Supply chain organizations and firms – farm producers, food manufacturers and distributors

Step 1:

- **An Exploratory Committee is being assembled at the outset** to design the project process, identify possible “case study” foods and example assessment criteria to use in the testing process, and identify potential participants.
- The Exploratory Committee consists of two to three individuals from each of the four stakeholder groupings plus the co-chairs of the GM Food Committee of CBAC.
- The CBAC representatives will participate in the discussions of the Exploratory Committee but the stakeholder participants (non-CBAC) will be responsible for deciding the path within a set of guides or ground rules.

Step 2:

- **Each of the four stakeholder groups will hold individual, facilitated meetings** to consider the proposed concepts and criteria elaborated within the “Acceptability Spectrum” approach, and to apply the approach to the GM food case studies which have been identified by the Exploratory Committee.
- Each stakeholder group will consist of approximately 10-12 members, who will meet at least once separately.
- Each group will report back to the exploratory committee and to CBAC. CBAC will determine if a cross-stakeholder meeting is warranted at that stage to advance the pilot project.

Step 3

- **Cross stakeholder meeting:** After each group has met and reported on their meeting, CBAC will review the project to determine if a cross-stakeholder meeting is warranted at that stage to advance the project.
- The cross-stakeholder meeting involving all stakeholder groups and CBAC representatives, will be held to test the spectrum across varying interests, to discuss commonalities and differences in the findings of each group, and determine if/where there is common ground between the groups’ views.

Exploratory Committee

To enable and guide the project, CBAC has established and delegated authority to a steering committee called the "Exploratory Committee". The **Role** of the Exploratory Committee is to:

- Agree on the objectives for the project
- Create a design for the overall process and a general model for individual stakeholder sessions
- Outline principles and ground rules for the conduct of the project and sessions (incorporating a code of conduct)
- Identify GMO/GMF case studies or stylized examples of GM Foods or products and example assessment criteria to be used in the dialogue and examination of the 'acceptability spectrum'
- Outline participant selection criteria for the stakeholder sessions, and develop and implement a strategy to invite and engage stakeholders in stakeholder sessions
- Consider the results of the stakeholder sessions and advise on whether a subsequent multi-stakeholder session would be useful and productive.
- Consider the results of the acceptability spectrum review, and advise on whether and in what ways the learning, spectrum model and tools (principles, criteria, case examples, etc) should and could be made more available to other groups and the public to promote better understanding, and to further assess and improve their viability and usefulness

Collaborative Process for the Exploratory Committee

This committee is inspired by the "collaborative process" approach, wherein the preparation of the participants, the commitment of the parties involved, and notions of fairness, representativeness, openness, transparency, mutual respect and efficiency in the pursuit of the objectives, are of utmost importance.

The principal characteristics of a process of this nature are as follows:

1. The participants agree to engage in a collaborative process that implies a mutual effort towards understanding and respect for the opinions of others.
2. The work of the Exploratory Committee will be facilitated, but self managed, and will operate by general agreement of the whole group.
3. Exploratory Committee members are invited and involved as individuals, and are drawn from stakeholder groups including: consumers; public interest groups and NGOs; sector associations; biotechnology developers; biotechnology supply chain (including retailers, food producers and farm community); universities; and government. The composition of the Exploratory Committee is intended to be indicative of the range of different organizations and stakeholders directly interested in the task undertaken.
4. Participants have an accountability to their own constituency (to speak from the knowledge and interests of the constituency) and to the Exploratory Committee and the committee process (to contribute fairly and constructively while respecting the

agreed terms of reference and code of conduct and to strive for success in the committee process).

5. The mandate of the Exploratory Committee is in keeping with a public interest approach, which dictates the need for transparency of sources, the process and results of the work, and which respects the requirement for collaboration between the parties.

Code of Conduct for the Exploratory Committee

Members of the Exploratory Committee have agreed to abide by a code of conduct to guide their approach and relationship in this project. The code includes the following operating principles :

1. Collaboration - The participants agree:

- to proceed in a spirit of mutual respect, openness, and collaboration, striving to achieve the required objectives;
- to create a thoughtful, open, candid, and constructive exchange;
- to ensure that the process evolves in a timely fashion;
- to respect the motivations and beliefs of the other participants;
- to aim toward a consensus, with the goal of producing a unanimous report which will identify the points of agreement, differences in principles, and unresolved matters;
- to allow, in cases of severe differences, a participant to include their objection in the report;
- that the minutes of the meetings will state the decisions of the committee, actions to be taken, and any objections raised by members;
- to not publicly denounce other participants or the process, or to look to apply outside pressures on the committee.
- that considering that the Exploratory Committee is based on collaboration, it is possible for the participants to take steps outside the normal conduct of full committee interactions, that will favour the actions of the committee, such as personal meetings, private consultations, small group discussions, etc. However, it is important that the committee is informed of these events.

2. Representation - The participants agree:

- To proceed according to their conscience in the pursuit of the objectives. Participation in the committee implies a desire of each participant to actively contribute towards the success of reaching the objectives;
- That they have been asked to join the committee as individuals, drawing upon their wide and deep experience and views. To enable an indicative range of views, participants have also been invited to sit on behalf of consumers or as representative of an enterprise, a government authority, a university, a sector association, or of a public interest group/NGO. Participants will generally speak from their own experience, as well as drawing upon the knowledge base and interests of the constituency/organization they represent - in that sense participant views may be seen as indicative of their constituency. However, as this is not a formal stakeholder negotiation, participant contributions should not be seen as representing the official, comprehensive or conclusive views of their constituency/organization. In general, the committee will interact and advance their work 'in the moment' without outside reference. Where

- necessary, it is the responsibility of the participant to consult with their enterprise, government authority, university, association, or organization to determine his or her exact mandate, ideally before or early in the process;
- In exceptional circumstances, participants may ask to consult with their enterprise, government authority, university, association, or organization before making a final decision on a given point. This consultation should not unduly slow the pace of the committee work;
 - To respect the rules of confidentiality from the beginning of the committee's work. Participants should also use discretion in representing the interactions and individual opinions of others, and not attribute views by name outside the committee.
 - That CBAC will make information about the project and the terms of reference publicly available including the Objectives, the membership of the Exploratory Committee, the Code of Conduct and the Acceptability Spectrum itself.
 - That where a public spokesperson for the project is necessary and has been named, he/she will speak publicly about committee matters after consultation with the Exploratory Committee. Until a representative is named, the Executive Director of the CBSec will provide factual information on request about the pilot project. It is acceptable for committee members to discuss the terms of reference for the project (objectives, desired results, role of the committee, this code), the 'acceptability spectrum' itself, the process and nature of the participation, and to express opinions on points already reached and agreed within the framework of the committee, always remembering not to publicly address or represent the current discussions of the committee.

3. Assumptions - The participants agree that :

- the established process of collaboration, that brings to the committee people who are involved with the subject and who have diverse interests, assumes the establishment of a climate of confidence and trust;
- it is important to allow and encourage the process to be flexible to accommodate changing needs, but it is also important to trust the process and to stay involved until completion;
- all information, including documents deposited by participants, are public, unless confidentiality is required for justifiable reasons and is made explicit by the person who is the source of the information;
- committee meetings are private, to favour the development of confidence and mutual understanding;
- committee members will respect the agreed confidentiality and will follow it both inside and outside of the working committee;
- all studies undertaken by the committee will be made public after their deposit. This publication could be made by press release, by a designated spokesperson, or posting on the CBAC website, after agreement with the Exploratory Committee;
- only the persons delegated with the responsibility have the authority to speak on behalf of the committee;
- press releases concerning the committee should be released by the CBSec after examination and acceptance by the committee.

Administrative process

Logistics and administrative support will be supplied by the Canadian Biotechnology Secretariat.

The committee is responsible for keeping pace with its agenda and its work.

Internal operating procedure

- The facilitator guides the meetings and associated work, unless the committee determines otherwise;
- In the case of the absence of the facilitator, the alternate co-facilitator will guide the meetings;
- A member cannot replace themselves with someone else to participate in the committee. In the cases of prolonged or repeated absences, the facilitator of the committee will meet with the person in question to determine if it would be more appropriate to suggest to their enterprise, government authority, university, association, or organization that the member be replaced by another representative.

Annex – Overview of Acceptability Spectrum reproduced from CBAC Interim Report on GM Foods

Developing a framework to consider the Acceptability/Non-Acceptability of GM foods:

Throughout Phase 1 of its work on GM foods, and in preparations for Phase 2, CBAC focused on critical aspects of the regulation of GM foods. In its consideration of the social, ethical and legal factors associated with regulatory programs, CBAC’s point of departure – arguably the general assumption among most members – was that GM foods would be part of our collective reality and that a discussion of how they should be regulated is therefore appropriate. In other words, CBAC proceeded as though it was generally assumed that GM foods do exist and will continue to exist.

During its consultations, CBAC heard differently. CBAC heard that whether GM foods should be part of our collective future also warrants discussion, as does the issue of the line to be drawn between GM foods that Canadians consider acceptable and those they do not. CBAC heard that this concept had been inadequately addressed in its deliberations to date, including in its Consultation Document.

As a result of this feedback, CBAC introduced a new segment in the consultation and received feedback on a framework that might facilitate a discussion of the acceptability or unacceptability of GM foods. The framework is based on the premise that different kinds of GM foods could be classified along a spectrum as being more or less acceptable, according to a variety of criteria. The Acceptability Spectrum, as shown below, consists of four categories: acceptable; acceptable with certain conditions; unacceptable at the present time and until more is known or a given standard is met; or, not acceptable under any circumstances. GM foods that are considered not acceptable under any circumstances could be recommended for an unconditional prohibition (banned). Those that are unacceptable at the present time could be placed under a moratorium.

Acceptable	Acceptable with conditions	Not acceptable (until more is known or certain standards are met i.e., moratorium)	Not acceptable under any circumstances (i.e., ban)

Using this framework, it could be feasible to assign either groups or classes of foods or individual products to a position on the spectrum. These could move along the spectrum as knowledge improves, as society’s views change or as certain standards are met.

It became clear during the discussions that people assign foods to a particular category for a variety of reasons. These reasons include, for instance, matters of health and environmental safety, social implications (such as economic impacts), ethical issues (such as the view of some people that combining animal and plant DNA is unethical), and broader societal implications (such as the concentration of power or other global or international impacts that can result from approving a particular food or class of foods).

These various influences were used to generate a two-dimensional framework building on the initial Acceptability Spectrum, as shown below. Health and environmental safety considerations are separated from the other influences by a bold line because these are the elements on which the current regulatory system primarily bases its decisions on GM foods. A bold line is also drawn between broader social considerations and the influences to its left, to represent the significant international scale of many of the broader societal issues at play.

	Health and environmental safety	Social considerations	Ethical considerations	Broader societal considerations
Acceptable				
Acceptable with conditions				
Not acceptable until more is known or certain standards are met				
Not acceptable under any circumstances				

It should be noted that the Acceptability Spectrum framework introduces features that are unique in discussions of a federal food policy. First, it acknowledges that some people's views regarding the acceptability of products is based on more than health and environmental safety considerations, and it builds on the notion that certain foods might be considered unacceptable by the public if they have social or ethical implications – on a domestic or international scale – that outweigh their perceived benefits. Second, it suggests that in some circumstances governments and/or industry should perhaps be considering postponing or preventing the marketing of given foods for reasons other than health and safety risks.

The implications are significant given the current system of domestic and international trade laws. They raise the critical question of authority. How would decisions that take into account these social and ethical elements be implemented given current national and international laws? How can they be applied if they are not based on the kind of criteria that fall within the regulatory system's science and risk based assessments and decisions? Possible mechanisms for implementing this framework would need to be explored, including in particular voluntary and industry-driven approaches. The relationship and complementarity of this activity with the regulatory system and with the broader governance structure would require closer consideration.

Through initial discussions, it appeared that the framework could be useful in engaging Canadians in a dialogue about the values and criteria that determine the acceptability of GM foods in the eyes of the public.