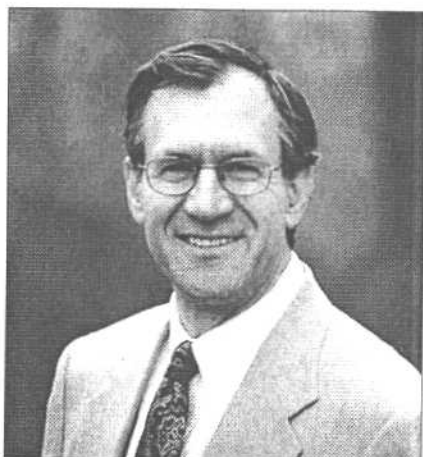


# Failure to Protect the People

Advocate, Author Steven Druker Explores the Uncontrolled Experiment of GMOs in Our Food Supply



*What are genetically engineered foods doing to us? The most chilling thing about the decades-long uncontrolled experiment in mass consumption of food disrupted at the cellular level is that we cannot know – that’s why the term “uncontrolled experiment” is actually an oxymoron. The “massive enterprise to reconfigure the genetic core of the world’s food supply,” as attorney and activist Steven Druker describes it, amounts to a train wreck of historically unprecedented proportions. Law, ethics and science lie smoldering on the tracks while hundreds of scientists and journalists who ought to know better contribute tirelessly to what may be the greatest disinformation campaign since Edward Bernays invented public relations almost a century ago.*

*As the man whose lawsuit against the FDA at the end of the '90s shook loose piles of incriminating documents, Steven Druker plays a crucial role in the fight against this great mistake. His new book, *Altered Genes, Twisted Truth*, combines the genres of memoir, policy paper, legal history and scientific primer to arrive at something like a definitive account of the GMO wars. As he recalls, policy warrior was a role history thrust upon him. Druker majored in philosophy at the University of California at Berkeley, where he received a special award for Outstanding Accomplishment and went on to earn his Juris Doctor from U.C. Berkeley. He was elected to both the Law Review and the legal honor society. Not too many years later, biotechnology intervened, and nothing was ever the same.*

## Steven Druker

**ACRES U.S.A.** This book comes at the end of a long road for you. Where did it begin?

**STEVEN DRUKER.** When I learned about the venture to reconfigure the genetic core of the world’s food supply back in the fall of '95, I was surprised. I hadn’t really been paying attention to the whole controversy on genetic engineering even after it moved into agriculture. As I began my research in early 1996, I did something few Americans were then doing. Most Americans were not getting any facts about genetically engineered

foods. If they knew about it at all, all they were getting were the standard kind of promotional claims, and I wanted to find out what was happening. The more I learned, the more I became concerned because it became very quickly evident that there was a great gap between the promotional claims and the realities. As I learned more, being a lawyer, I felt there should be a lawsuit against the FDA. That would be a good place to start, but I didn’t want to do it since I was involved in another important project and didn’t have the background. In trying to inspire public interest groups

*Interviewed by Chris Walters*

---

“Once genetic engineering did expand into agriculture, the range, the amount and the intensity of disinformation also had to expand, and year after year it got worse.”

---

to do it, everybody with whom I spoke thought it was a great idea but nobody was ready to have their organization do it. Eventually it became clear that if I didn't do it, it probably wasn't going to happen, so I put my project on hold, founded the Alliance for Bio-Integrity, and embarked on what I thought would be maybe a one or two-year project. Here we are 19 years later, and it's my full-time focus.

**ACRES U.S.A.** When did it become clear to you that the FDA had violated federal law?

**DRUKER.** Initially I just had a hunch something was wrong. It seemed very wrong that there were no labels. It was also clear that the FDA had a promotional role and yet they were supposed to regulate these foods. That raises reasonable doubts, because has it ever been the case that a federal regulatory agency can both ardently promote a product and also rigorously and fairly regulate it? I think almost everybody knows that given such a conflict of interest, something is going to lose out. There was enough evidence to distrust what the FDA was saying in terms of its pronouncements that these foods were safe. The FDA wasn't requiring any tests even though they were trying to give the impression they were. I learned enough to realize that these foods were being presumed safe. I had a hunch some laws were being broken in terms of labeling and perhaps in terms of food safety. As I did more research and began to develop some expertise in U.S. food safety law, it became evident that the law was being broken. By having nine well-credentialed life scientists as plaintiffs, which was unprecedented, that in itself demonstrated that the FDA's purported legal basis for these foods being on the market was fallacious – the claim that

there was an overwhelming consensus within the scientific community – because there isn't. I knew there were hundreds of independent scientists who did not regard these foods as safe and didn't think that they had been demonstrated safe yet. It took a bit of effort to get scientists who felt that way to actually take the bold step of signing on as plaintiffs in the lawsuit. They had to be U.S. citizens, and also they had to have university tenure because it would be too risky for non-tenured faculty to do it. Some of the scientists who wanted to do it realized they would probably lose their federal grant money since the federal government is promoting these foods, they wouldn't be able to get any more grant applications approved. The fact that we had nine was significant – nine scientists stating that they had seen no published research demonstrating that even one of these genetically engineered foods was safe.

**ACRES U.S.A.** What was the lawsuit able to dislodge in terms of discovery from the FDA?

**DRUKER.** That was the major thing the lawsuit accomplished, and we accomplished it fairly soon. The FDA was forced to hand over all of the internal files relevant to its policy on genetically engineered foods. We got over 44,000 pages of documents, and as I went through them I compiled extensive evidence that the FDA had been lying and breaking the law. The FDA's own scientists had been asked to conduct an extensive examination of genetically engineered foods. They overwhelmingly concluded that genetic engineering is different from conventional breeding. It entails unique risks, and each of the gene-altered foods has to be carefully tested before it should be allowed on the market. By the way, that's the law any-

way. The FDA scientists were merely saying that what the law requires was scientifically sound. They were saying that we can't presume these foods are safe, and they have to be carefully tested. Because that was not what the FDA decision-makers wanted to hear, they covered all of that up and lied to the public when they released the agency's policy on genetically engineered foods in May 1992. They stated that the agency was not aware of any information showing that foods produced by these new methods differ from other foods in any meaningful or uniform way. That's a very close paraphrase, and it's an outright lie. The FDA's files had a lot of information from their own scientists explaining why there were differences and why these foods couldn't be presumed safe. The FDA's biotechnology coordinator even admitted in a letter to Canadian health officials in October 1991 that there wasn't a scientific consensus, and yet in May 1992 they claimed there was. A consensus didn't develop that quickly. The law requires any consensus to be based upon technical evidence, and the FDA's files admitted they didn't have technical evidence of safety.

**ACRES U.S.A.** Your account implies that even by the late '70s and early '80s the biotech sector had laid down a sizable bed of cash and propaganda. It succeeded in ginning up a gold rush fever among scientists at a time when even well-informed Americans barely knew this stuff existed.

**DRUKER.** What you've said is an accurate representation. It wasn't until about 1982 that the first genetically engineered plant was successfully created, and that wasn't an agricultural plant. Even in the early years of genetic engineering, when single-celled organisms were the only GMOs, the scientific establishment laid a groundwork of disinformation to prevent significant regulation from being put in place and to shift the burden of proof. The massive amounts of money that had to be committed to develop genetically engineered agricultural plants probably wouldn't have been committed at all if there had been strong regulation of bio-

## INTERVIEW

technology in place and if the general risks of recombinant DNA technology had been known. Had it been known how unpredictable and how prone to unintended side effects it could be, these food organisms would've had to be carefully tested. Without that disinformation put around even before there was an ag-biotech industry, we wouldn't have seen genetically engineered foods developed, let alone commercialized. I think that's a fair statement. Once genetic engineering did expand into agriculture, the range, the amount and the intensity of disinformation also had to expand, and year after year it got worse.

**ACRES U.S.A.** Were Reagan administration officials instrumental in setting the terms for this policy that wasn't founded on evidence?

**DRUKER.** Yes, the crucial groundwork for the United States' regulatory governmental policy on genetic engineering was laid during the administration of Ronald Reagan. Of course, that administration, as we know, had a philosophy of wanting to reduce regulations to the bare mini-

mum anyway, which dovetailed with the desires of the biotech promoters to avoid regulations. Even so, and even before Reagan was in office, the biotech industry had to misrepresent many facts to avoid regulation. It was during Reagan's presidency that the joint coordinated framework was developed, which set the basic guidelines for how genetic engineering and genetically engineered foods would be treated by the federal government. It wasn't based on sound science. It was based primarily on economic and political considerations. However, even though Reagan said "no new regulations," there were already regulations in place that formed a bulwark against allowing genetically engineered foods on the market without thorough safety testing. Since 1958, U.S. Food Safety law has included a strong precautionary principle in the case of new food additives. So according to the existing law, these genetically engineered foods had to be demonstrated safe. The people advising Reagan probably did not know that at all, but the people at the FDA did. Within FDA documents we can see them grappling with the facts of what the law is and the pressure they are under to release the new food products and pretend there's somehow no need for testing. What was decided was that they would claim the engineered foods were generally recognized as safe and make any testing voluntary. They decided to project the illusion that they were really engaged in regulating the industry, when in effect they were not regulating it one bit. There's still not one iota of mandatory regulation of the genetically engineered food industry imposed by the U.S. FDA. By law the agency should be regulating, but in practice nobody even has to inform the FDA if they're going to dump a genetically engineered food product on our market, let alone do any testing. Everything the FDA has done with its voluntary consultation program is all window dressing. It is smoke and mirrors intended to give the impression that there is something responsible going

on when in reality there is no scientific review at all. The FDA's biotechnology coordinator admitted as much in one of his more candid moments. That's on record. Yet most of the time they try to claim they are doing a thorough review. Accordingly, most people have been confused. Most people think the FDA is regulating these foods. Most people think we lack strong laws to require testing of GMOs and that the European Union is the one with the stronger laws, and that's why they don't have GMOs on their market. In truth, the United States has the strictest food safety laws when it comes to GMOs; they're just not being enforced. In fact, they're being violated, and that's why we have GMOs on our market.

**ACRES U.S.A.** One thing you mentioned earlier struck an odd note. Many people who follow this issue might be surprised to learn that the FDA acted as a promoter of this technology before it was actually viable. That is intriguing.

**DRUKER.** My book cites one of the FDA's own documents from the '90s that admitted the agency had an agenda to promote biotechnology – that's in writing!

**ACRES U.S.A.** A major protagonist of your book is a man called Phil Regal. Who is he, and why is he important?

**DRUKER.** Phil Regal retired a few years ago but for many years was a professor in the College of Biological Sciences at the University of Minnesota. He was very well regarded, very well published in several fields, quite a polymath. He understood biology holistically from the organismic standpoint, from the ecosystem standpoint – he was a great generalist. He began to be concerned about genetic engineering back in the early 1980s, and it wasn't just him. Among the other scientists with concerns was Ernst Mayr, one of the greatest biologists of the 20th century, and then a professor at Harvard. He

### ACRES<sup>USA</sup> THE VOICE OF ECO-AGRICULTURE

*Acres U.S.A. is the national journal of sustainable agriculture, standing virtually alone with a real track record – over 35 years of continuous publication. Each issue is packed full of information eco-consultants regularly charge top dollar for. You'll be kept up-to-date on all of the news that affects agriculture – regulations, discoveries, research updates, organic certification issues, and more.*

To subscribe, call

**1-800-355-5313**

(toll-free in the U.S. & Canada)

512-892-4400 / fax 512-892-4448

P.O. Box 301209 / Austin, TX 78703

info@acresusa.com

Or subscribe online at:

**www.acresusa.com**