



## **“Regulating Animal Cloning and Nanotechnology in Food Production: Balancing Safety, Animal Welfare, Ethical and Trade Concerns”**

March 4, 2008 Washington, DC

Hosted by the American Society of International Law, the World Food Law Institute and the International Food & Agricultural Trade Policy Council

**Sharon Bomer Lauritsen, Executive VP for Food and Agriculture, Biotechnology Industry Organisation (BIO)**, provided an explanation of the cloning process and emphasized its similarity to other assisted reproductive technologies. She referred to risk assessments now completed in the US, EU, New Zealand, Australia and Japan (and risk assessments presently underway in Canada and Argentina), emphasizing that there are no unique health risks associated with food derived from clones and their offspring. FDA’s policy is to only require labeling on production and processing methods when a product’s nutrition value has changed or when it undergoes a change in its health related characteristics, and would therefore not be applicable to food derived from cloned animals. Since some suppliers and retailers, however, may want to provide voluntary “clone-free,” labels, the industry is developing a supply chain management program to track and ID cloned animals and food products derived from them.

**Mark Mansour, Foley & Lardner, LLP**, explained that regulation on nanotechnology used in food production does not exist. To date, the technology has only been marginally used in food production, mostly in food packaging (indirect additives). Mansour spoke of the necessity of US and EU collaboration on nanotechnology, so as to avoid the conflicts that occur(ed) over biotechnology. This is particularly important, he stressed, since technological innovation is outpacing government regulation as well as public understanding.

**Wolf-Martin Maier, Counselor for Food Safety, Health and Consumer Affairs, European Commission Delegation**, explained that EU legislation does not expressly forbid cloning. Its regulation would likely fall under the Novel Foods Regulation, which would also provide a legal basis for mandatory ethically motivated labeling. Initial EFSA risk assessment shows same results as that of FDA and a final EFSA opinion is expected in April or May. An EU ethics body has voiced its opinion that it sees no reason why cloning should be undertaken, and some in the European Parliament would like to ban cloning based on animal welfare grounds. One EU member state, Denmark, has banned cloning.

Food products derived from nanotechnology would also be regulated by the Novel Foods Regulation and two applications are presently pending. Even though such products would presently be unlawful under EU laws, some products are already available. In Mr Maier’s personal view, there are more health risks concerned with nanotechnology than cloning, considering the unpredictable performance of nano-particles. When nanotechnology is employed in food additives, in his view, such products should obtain a new approval even if the regular food additive has already been approved.



**Michael Roberts, Former Director of the National Agricultural Law Center** provided some thoughts on the underlying legal issues involving the SPS and TBT Agreements. Among the more provocative issues he raised were whether the WTO and SPS/TBT can or should respond to political, ethical and moral nuances raised by animal cloning. What should be the role of consumer concerns in connection with emerging technologies in a world where consumers increasingly view themselves as purchasing not only products, but also “shares of responsibility in the moral and ecological economy that produces them?” Although private standards can address non-science based labeling issues, Roberts pointed to the risk of “legal pluralism” in the global food sector.