

# CLEAN CORN: MEXICANS PROTECT A GLOBAL STAPLE

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International Trade Education Committee (ITES) Report

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A February 2023 Mexican Presidential Decree banned the growing of transgenic corn, in order to protect the people's constitutional right to a clean environment and native species from cross-pollination by genetically modified (GMO) species.

THIS IS THE FIRST TIME THAT AN INDIGENOUS RIGHTS GENERAL EXCEPTION IN ANY TRADE AGREEMENT INVOLVING THE US WILL BE EXAMINED.

The decree included restrictions on GMO corn usage in minimally processed foods, such as masa and tortillas. It set a deadline of March 2024 for the elimination of glyphosates in the country, setting a long-term goal of removing GMOs fed to animals. In August 2023, the US Trade Representative, eventually supported by the Canadian government, opened a case against the Mexican government in the secretive Investor State Dispute System tribunal (ISDS). The case asserted that Mexico is violating the US-Mexico-Canada Agreement (USMCA) by preventing the importation of GMO corn. The U.S. claims that Mexico did not present scientific evidence in its report to back up its claim that GMO corn and herbicides are dangerous to the Mexican people.

This is the first time that an Indigenous Rights General Exception in any trade agreement involving the U.S. will be examined. USMCA Article 32.5 on Indigenous Peoples Rights, which was insisted upon by Canada, allows any of the three USMCA countries to create measures “necessary to fulfill its legal obligations to Indigenous Peoples.” In addition, the Environmental chapter in the USMCA points to the connections between Indigenous People’s rights and biodiversity.

Mexican nongovernmental organizations (NGOs) support their government’s policies, saying that they are in line with the USMCA, as well as the General Agreement on Tariffs and Trade Agreement (GATT)’s Sanitary and Phytosanitary Measures. These measures allow taking a precautionary, proactive stance regarding protecting corn as there are no conflict-free scientific studies proving the safety of GMO maize. The involvement of GATT provisions makes this a case with global implications.

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TICE THAT INTEGRATES CORN, BEANS, PUMPKIN, BROAD BEAN, QUELITES AND MEDICINAL PLANTS AND THE RESILIENCE THEY GENERATE IN THE FACE OF CLIMATE CHANGE AND SOIL DEGENERATION.

Mexican NGOs point out that in 2020, 40% of the Mexican diet was corn-based. The average Mexican eats around 432 lbs of corn per year. Mexico also says that by defending itself in front of the ISDS, it is defending its corn biocultural heritage and preserving its native corn species.

Mexico is a gene reserve for 64 different breeds of corn, 59 of which are native, used and preserved for 300 generations by Indigenous Peoples and the ancestral practices of peasant groups. Mexico points out the decree is not a ban on importing corn; it merely regulates the end use of corn for human consumption. Growing GMO corn is destructive to the milpas growing system, a practice that integrates corn, beans, pumpkin, broad bean, quelites and medicinal plants and the resilience they generate in the face of climate change and soil degeneration.

Analysis by U.S. NGOs such as Food and Water Watch highlights that U.S. approval of GMO corn is based on industry assertions, not science. Assessments of reproductive, developmental, neurological, metabolic, microbiome or gastrointestinal-tract-related health risks have not been addressed through the U.S. Food and Drug Administration (FDA) process. Nor has any other process in the public or private sector addressed those risks. The U.S. government has never done its own assessment of GMOs.

Technical comments coauthored by Friends of the Earth and Food Tank pointed out that the U.S. government's submission to the tribunal lacked information about the toxins expressed in contemporary GMO corn varieties, and their levels. It ignored dozens of studies linking the insecticidal toxins and glyphosate residues found in GMO corn to adverse impacts on public health.

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The toxicity of GMO corn has been increasing since it was introduced 30 years ago. First, insecticidal toxins, in the form of new proteins, have been engineered into every grain of GMO corn. Early varieties had just one new protein, but today, two thirds of GMO corn varieties have been engineered to have three or more. Levels of these toxins in GMO corn grain now measure 50-100 parts per million (ppm), up from 2-6 ppm.

Our bodies were not designed to digest these new proteins expressed in GMO seed strains. These toxins are designed to kill insects by breaking down their digestive systems. The same seems to be happening to us. The Center for Food Safety's analysis submitted to the tribunal documents increasing allergenic responses to transgenic corn. There are now antibodies against these Cry toxins, which are proteins that attack the gut lining, in at least 8% of Americans. Also, 85% of field corn in the U.S. expressed endotoxins, including non-GMO fields contaminated through wind pollination.

Next, consider the herbicides that are integral to GMO corn. Originally, GMO corn was engineered to withstand just the weed killer glyphosate. Glyphosate usage has increased in the U.S. more than tenfold since the introduction of GMO crops. Now, 86% of GMO corn varieties are engineered to handle two to four toxic herbicides.

Friends of the Earth calls on the U.S. to provide science addressing these concerns in its USMCA response. The tribunal is expected to issue its ruling on the dispute in the fall.