

WHY DOES BIOTECH REGULATION DIFFER SO MUCH BETWEEN THE EU AND THE US?

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When it comes to agricultural biotechnology, public policies in the United States (US) and the European Union (EU) have been radically different. In the US, products of agricultural biotechnology have been extensively tested and marketed. In the EU, few biotechnology products have received regulatory approval while most have faced a *de-facto* moratorium. The tough regulatory stance of the EU towards agricultural biotechnology has typically been justified on the basis of public skepticism towards the technology and heightened concerns about food safety in the wake of the mad cow disease outbreak and other recent food scares.

Divergent regulations in the EU and the US are not, however, unique to agricultural biotechnology. For instance, the two regions have approached the regulation of beef treated with growth hormones, and the use of antibiotics in animal feed in different ways, despite similar scientific evidence on the safety of such practices. It is therefore useful to place the different ways the EU and the US approach agrifood regulation in a broader context, one where the underlying regulatory philosophies can be considered. In this special issue of *AgBioForum*, key government officials, industry association representatives, consultants and academic experts present viewpoints and empirical evidence on the forces that drive biotechnology and, more broadly, agrifood regulation in the US and the EU. The papers are based on presentations given at the US-EU Policy Issues in Animal Production symposium hosted by the EU Center and the College of Veterinary Medicine at the University of Missouri-Columbia in May 2000.

EU/US Regulatory Policies And The Role Of Science

As Richardson points out, on the face of it the US and the EU agricultural policies have similar objectives. They target a plentiful and safe food supply, rural development, and environmental sustainability. Despite similar objectives, however, regulatory policies have diverged in recent years. Haniotis argues that EU policies have become more demand-driven, shaped to respond to consumer preoccupation with the safety of the food supply and the trustworthiness of the regulatory system.

Moynagh, Sylvander and LeFloc'h-Wadel, and Beranger echo the view that consumer values and attitudes in the EU have been changing thereby inviting shifts in policy. EU consumers have seemingly become increasingly interested in organic foods, improved animal welfare, and sustainable agricultural systems (Moynagh; Sylvander & Le Floc'h Wadel; Beranger). Accordingly, EU agricultural policies are pursuing a "multifunctional" agricultural sector (Beranger).

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Social values and attitudes, of course, influence government regulation. Differential social values and risk attitudes between EU and US consumers could therefore result in differential regulatory approaches. As Haniotis puts it, “weighing risk factors...is not done in a vacuum, but in the concrete environment of societies with specific preferences” (p. 86).

Still, observed market behavior leaves the broad conception of drastic shifts in consumer values and attitudes open to some question. For instance, despite their alleged increased interest, United Kingdom and French consumers spend less than 1% of their food budget on organics and about half of what US consumers spend for such products (Sylvander & LeFloc'h-Wadel). Similarly, consumer demand and public interest in regulating the conditions in raising laying hens to safeguard animal welfare does not extend to the production of Foie Gras (Moynagh). Even data on consumer attitudes is sometimes difficult to interpret. According to Gaskell, in 1999 some 67% of European consumers were supporters or risk tolerant supporters of biotechnology crops –a percent that is not very different from that typically found among US consumers (e.g., Hoban, 1998).

Irrespectively, on the basis of shifting consumer attitudes and values, regulation of food in the EU increasingly considers not only food and environmental safety risks but also “all potential consumer (and) social risks” (Haniotis, p. 85). In this context, science simply becomes a risk assessment tool (Carsin). Considerations of “other risks, costs and values” can lead to the radically different regulatory decisions on the basis of similar scientific evidence. Take the case of the bovine somatotropin (bST) for instance. In the US, a clean food safety bill led to the approval and use of the compound. In the EU, first political costs then a precautionary approach towards potential health risks and finally animal welfare considerations have led to a 10 year ban of bST (Collier; Brinkman).

Precaution And Controversy

Recent elaborations on the concept of the “precautionary principle” by the EU are formalizations of a regulatory approach that has in some cases been implemented for some time, well before the recent food scares in the EU, as the case of bST demonstrates (Collier; Brinkman). Invoking the precautionary principle and “other factors” can result in controversies in cases where scientific uncertainty is low and differences in social values are significant (Sundlof). The European Union’s bans of bST and growth hormone treated beef, and restrictions on biotechnology all fall into this category (Roberts; Sundlof). When divergent policies do not impede market access and trade, controversy is kept to a minimum (e.g., ban on bST). When market access is affected (e.g., growth hormone treated beef) speculation of protectionistic behavior and controversy emerge (Roberts).

As the papers in this special issue illustrate, the regulatory approaches of the US and the EU towards agricultural biotechnology are divergent but consistent with underlying philosophies of agricultural policy and regulation in the two regions and, hence, predictable. However, market access and trade can be significantly affected in the case of agricultural biotechnology with potentially very high economic stakes (Kalaitzandonakes, 2000). Hence, predictability may not prevent controversy.

References

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