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Statement on Philippines Supreme Court decision

The Cornell Alliance for Science would like to express its disappointment in light of the decision on Bt talong (eggplant) by the Supreme Court of the Philippines on December 8, 2015.

According to the decision, the field-testing of Bt talong is "permanently enjoined," or prohibited. Additionally, the national biosafety system DA 2002-8 is declared "null and void," while any further field testing, import, or use of genetically modified organisms (GMO) is "temporarily enjoined" until a new biosafety order is passed.

In this decision, the Justices have sided with Greenpeace and others seeking a ban on the testing and development of Bt talong. The Court considered the submitted evidence without due consideration of scientific expertise, to the extent of granting validity to studies already shown unsound by the mainstream scientific community. Unfortunately, sources published by anti-biotechnology activists on the Internet were given more weight than peer-reviewed scientific articles published by world-renowned experts in top-ranked scholarly journals.

Following evidence submitted by Greenpeace and its witnesses at earlier hearings to the Court of Appeals, the Supreme Court ignored authoritative scientific governing bodies that attest to the absence of unique risks of GMOs. Such includes widely cited statements from organizations like the American Association for the Advancement of Science, the U.S. National Academies of Science, and other national academies around the world.

By blatantly privileging to the “no consensus” statements published by dissenting activist organizations, this court decision sets a bad precedent. The same reasoning could be applied in other areas such as climate science or vaccination research, where small numbers of dissenters challenge the overwhelming weight of expert opinion. It is disappointing that the Supreme Court gave equal merit to these witnesses despite their varying relevant scientific backgrounds and expertise on the subject — of Bt talong in particular, and GMOs in general. Should membership of a high caliber expert institution or a distinguished publication record in the peer-reviewed literature not carry more weight than a group that offers retracted articles or the misrepresentation of facts as evidence? This is an example of “false balance” of representation of science in action, and results in factually inaccurate statements going into the record, unchallenged.

As a partner institution involved in the development of Bt talong in the Philippines, as well as in India and Bangladesh (as part of the Agricultural Biotechnology Support Project II of USAID), the Alliance for Science at Cornell University rejects the assertions of witnesses supplied by anti-GMO groups. The Court states: "There exists a preponderance of evidence that the release of GMOs into the environment *threatens* to damage our ecosystems... and eventually the health of our people once the Bt eggplants are consumed as food."

This is not the case: Our university staff and faculty would not engage in a project with knowledge of even a small real risk of serious harm to the environment or human health. Bt crops have been widely consumed in the global food supply for nearly two decades, and hundreds of studies have confirmed that the Bt proteins are not toxic to animals other than target pest species. The same Bt protein is widely used as a pesticide spray by organic farmers.

In ruling against Bt talong, the Supreme Court uses the precautionary principle ill advisedly. It states that "uncertainty, the possibility of irreversible harm and the possibility of serious harm" posed by Bt talong field trials warrant invocation of the precautionary principle; that "cases must be resolved in favor of the constitutional right to a balanced and healthful ecology." Such a ruling neglects the already existing risk to farmers, consumers, and the environment of a cropping system that is dependent on the use of high inputs of potentially toxic insecticides.

In uncritically accepting the negative overall framing of the GMO issue presented by Greenpeace and other activist groups, the Court leaves little room for a genuinely balanced consideration of risks and benefits. This hinders scientific progress, and interrupts the knowledge-based improvements in agricultural sustainability in the Philippines. It denies the choice of farmers interested in cultivating Bt talong as a cost-effective, safer pest management method.

Stopping science and technological progress does not automatically reduce risk; instead, it raises different risks by not addressing pressing food security and environmental problems these emerging technologies are designed to address.

The Cornell Alliance for Science will continue to promote an informed conversation about plant biotechnology with the express goal of allowing farmers and consumers worldwide access to innovation needed to create a more sustainable agricultural system. The recent Philippine Supreme Court decision is a step backwards in this effort. It is a blow to the entire global scientific and agricultural communities, and a sad day for science.