

## Maize Advisory Group's Response to Public Comments

The Advisory Group would like to thank all who took the time to read and offer comments on the terms of reference and the report outline for this important project. We have reviewed the comments received on the TOR and outline for the Article 13 report on transgenic maize in Mexico and have included those we felt were relevant. Others will not be included for diverse reasons that we feel are important to make public. Clearly many comments were contradictory to one another and we use the principles of inclusiveness and usefulness of the end results to decide which comments to include. Changes resulting from the comments can be found in the revised terms of reference and outline.

We have confirmed with the Secretariat that:

1. The Article 13 review must be independent of the governments and involve all stakeholders.
2. The Article 13 review is not related to Articles 14 and 15 and does not follow or require any submission process. Though the Secretariat accepted the request to look at the issue following a petition by ENGOs and community groups, it will follow the lead of the group of experts brought in to determine the terms of reference and the outline.
3. The terms of reference should be those decided by the working group (in consultation) and not dictated by governments or petitioners.
4. Human and animal health fall within the mandate of the CEC as is clear from the Children's Health and the Environment program and from the definitions of environment below. "Environment" is understood to include non-specific effects on human's:
  - Physical surrounding and conditions, especially as affecting people's lives
  - Conditions or circumstances of living
  - External conditions affecting the growth of plants and animals.

Comments received that were not incorporated into the final terms of reference or outline are generally of six categories:

1. They assume something about the Article 13 process that we believe does not apply.
2. They are policy recommendations that may result from the Article 13 report but cannot be assumed *a priori*.
3. They represent further details, flag issues to be careful about, and ways that certain topics might be addressed. These comments will be compiled by chapter and provided to the consultants who will write the chapters.
4. They limit *a priori* the scope of the report, which may limit its usefulness and credibility. The Advisory Group feels strongly that the scope should remain large

- at the beginning and be narrowed down as the process proceeds, if certain issues appear less relevant.
5. They limit the scope of the report to past events while this is a dynamic issue with other potential benefits and costs that are relevant to preventing environmental damage before it occurs or to ensure that benefits can be reaped.
  6. They limit the scope of the report to issues not addressed elsewhere. Though the Advisory Group knows certain issues are being addressed in CODEX and other international fora, it does not believe it would necessarily address all of the relevant issues and may not be specific enough to North America. References will be made in the report to international-level discussions.

In conclusion, the Advisory Group feels it is important to review all the implications for North America of the release of transgenic maize in Mexico.