

Voluntary Report – Voluntary - Public Distribution

Date: October 14, 2022

Report Number: MX2022-0055

Report Name: State-Level Law for the Promotion and Protection of Local Corn Varieties

Country: Mexico

Post: Mexico City

Report Category: Policy and Program Announcements, Biotechnology - Plants and Animals, Grain and Feed

Prepared By: Benjamin Juarez

Approved By: Susan Karimiha

Report Highlights:

On September 20, 2022, the Congress of the State of Mexico (one of Mexico's 32 states) approved the Law for the Promotion and Protection of Local Corn Varieties. The law states that the Government of the State of Mexico will cooperate with Mexico's federal authorities to ensure that local corn varieties in the state are free of genetically engineered (GE) corn.

On September 20, 2022, the Congress of the State of Mexico (one of Mexico's 32 states) approved the *Law for the Promotion and Protection of Local Corn Varieties*. The law was published in Mexico's Federal Register (Diario Oficial) on October 6, 2022. In addition to declaring local corn varieties to be a food of cultural heritage for the State of Mexico, the law seeks to keep the State free of genetically engineered (GE) corn, calls for the use of the precautionary principle, and approves a budget to support local corn varieties free of GE corn. According to one member of the state's Congress, the new law supports President Andrés Manuel López Obrador's objective of supporting Mexico's countryside by prohibiting GE corn and promoting food self-sufficiency.

The new law refers to several measures in relation to local corn varieties:

BEGIN UNOFFICIAL TRANSLATION OF SELECT ARTICLES

Chapter I, Article 1.- Declare the protection of the different varieties of Native Corn and in Constant Diversification in relation to their intrinsic value as Biocultural and Food Heritage of the State of Mexico, so that, under the principles set forth in the Law on Biosafety of Genetically Modified Organisms and applicable legal provisions, is free of Genetically Modified Organisms (GMOS) that violate the purpose of this Law.

Chapter I, Article 4.- In the sowing of Native Corn, and with the purpose of protecting nature and caring for the environment, and the health of the population, the authorized instances, the municipalities and the Council must apply the Precautionary Principle, the Principle in Dubio Pro Natura, the Principle of Prevention, the Principle of Restoration, and the Principle of Sustainability and Sustainability.

Chapter III, Article 13.- The State Legislature must contemplate in the State Expenditure Budget the necessary budgetary items to comply with the objectives of this Law, and with the programs of care, protection, restoration, recovery, preservation and promotion of Native Corn free of GMOs.

Chapter III, Article 22.- The Government of the State of Mexico will cooperate with the Federal Authorities in the matter, so that the Native Corn established in the state territory continue free of transgenic corn, GMOs or anything else that threatens the object of this Law.

END UNOFFICIAL TRANSLATION OF SELECT ARTICLES

The law was initiated by members of the Morena party, the political party of President López Obrador, and debated in two legislative committees, the Committee of Agricultural and Forestry Development and the Committee of Environmental Protection and Climate Change. The proposed law was approved unanimously by the full state-level Congress.

The State of Mexico is Mexico's most populous state, with a population of 17 million (2020) or 13 percent of the country's population. The state houses major transportation hubs and arteries, including airports, rail, and major highways. In 2021, the state's corn production was valued at \$600 million USD, accounting for seven percent of Mexico's total corn production. The state produces turkey and sheep, with the state's turkey output accounting for approximately 15 percent of total domestic turkey production and sheep production contributing 16 percent of national sheep production.

The State of Mexico (highlighted in red)



Source: mapchart.net

During 2016 and 2017, the local Congress of the State of Yucatan attempted to pass a similar law to protect local corn varieties in that state, which included some restrictions on the transport and consumption of GE corn in Yucatan. However, Yucatan's proposed law was challenged before Mexico's Supreme Court as being in violation of several laws (i.e., the Federal Biosafety Law; the Free Transit Laws framed in the Communications and Transportation law, and Mexico's constitution). As a result, the Yucatan state-level legislative proposal was modified to allow the free transit of GE corn.

Mexico depends heavily on imports of corn for its livestock sector. Mexico imported 15.6 million metric tons (MMT) of corn from the United States in 2021 with a value of 4.7 billion USD, and over 9 MMT during the first half of 2022.

BEGIN UNOFFICIAL TRANSLATION

DECREE NUMBER 93

The Law for the Promotion and Protection of Local Corn Varieties as a Biocultural and Food Heritage of the State of Mexico is issued.

LAW OF PROMOTION AND PROTECTION OF LOCAL CORN VARIETIES AS A BIOCULTURAL AND FOOD HERITAGE OF THE STATE OF MEXICO

CHAPTER I OF THE GENERAL PROVISIONS

Article 1.- The provisions of this Law are of public order, social and biocultural interest, and of general observance in the State of Mexico, and are intended to:

- I. Declare the protection of the different varieties of Native Corn and in Constant Diversification in relation to their intrinsic value as Biocultural and Food Heritage of the State of Mexico, so that, under the principles set forth in the Law on Biosafety of Genetically Modified Organisms and applicable legal provisions, is free of Genetically Modified Organisms that violate the purpose of this Law;
- II. Recognize as Native Corn in the State of Mexico the 64 varieties that are reported at the national level by the National Commission for the Knowledge and Use of Biodiversity, and that are grouped into seven groups;
- III. Establish the coordination mechanisms that allow fostering, protecting, promoting and supporting the activities of production, commercialization, processing and consumption of Native Corn;
- IV. Recognize the Germplasm Bank of the Agricultural, Aquacultural and Forestry Research and Training Institute as a custodian of native maize germplasm, as well as the various plant species of the State, due to their intrinsic biocultural value;
- V. Promote and support, in coordination with the municipalities, the productive, cultural, artisanal, biocultural and culinary activities of the communities, ejidos, towns and agrarian subjects that have originally cultivated Native Corn, for its intrinsic value;
- VI. Promote the economic development of producers and guardians of Native Corn, recognizing its intrinsic value and the value of the quality of native corn free of transgenic elements, GMOs or anything else that violates the object of this Law, with the purpose that they and their communities benefit;
- VII. Protect, conserve, enhance, regenerate, take advantage of in a sustainable and sustainable way, in accordance with the applicable legal provisions, the germplasm of the various varieties of Native Corn so that it is free of transgenic elements, GMOs or anything else that violates the object of this Law;
- VIII. Promote research, technical assistance and training for producers and guardians of Native Corn that allows the creation of sustainable and sustainable production models, which guide to regenerate the fertility of the soil, and to learn more about its biological and biochemical cycles, the homeostasis of Native Corn and allelopathy, combining the knowledge and talent of producers and technical support with the advances of emerging ecotechnologies and use of bio-inputs;
- IX. Guide the use of agroecological products, ecological and organic phytosanitary products, pesticides and fertilizers, which must be compatible with the balance of ecosystems.

Article 2.- For the purposes of this Law, it is understood as:

- I. Community Seed Banks: The centers for the production, selection, conservation and distribution of Native Corn seeds whose purpose is their protection, preservation, conservation and administration collectively, for their production through traditional systems;
- II. Germplasm Bank: It is the seed reservoir of the Native Corn varieties, which according to the appropriate management and conservation techniques is in the hands of the Institute of Agricultural, Aquacultural and Forestry Research and Training of the State of Mexico;
- III. Council: to the Mexiquense Consultative Council of Native Corn;
- IV. Directory: The State Directory of Producers and Guardians of the Native Corn varieties;
- V. Constant Diversification: It is the evolutionary process of continuous domestication through native agricultural techniques, which for millennia has allowed a genetic diversity with variations in size, texture, ear and grain color, with the ability to adapt to wide climatic conditions and versatility. in uses;
- VI. ICAMEX: Institute for Research and Training in Agriculture, Aquaculture and Forestry of the State of Mexico;
- VII. Law: Law for the Promotion and Protection of Native Corn as Biocultural and Food Heritage of the State of Mexico;
- VIII. LBOGM: Law on Biosafety of Genetically Modified Organisms;
- IX. Hybrid Corn: That which results when a corn plant fertilizes another that is not genetically related to the first;
- X. Native Corn: Varieties of the taxonomic category *Zea mays*, subspecies *mays*, that indigenous peoples, peasants and farmers who have cultivated and cultivate, from seeds selected by themselves or obtained through exchange, in evolution and constant diversification;
- XI. GMO: Genetically Modified Organisms, which are any living organism, with the exception of human beings, that has acquired a novel genetic combination, generated through the specific use of modern biotechnology techniques defined in the LBOGM, provided that techniques that are established in the same or in the Mexican official standards that derive from it are used;
- XII. Food Heritage: Set of techniques, practices and knowledge with resources and territories, with values and with inherited and/or learned beliefs for food supply, storage, preparation and consumption;
- XIII. Biocultural Heritage for its Intrinsic Value: the value in itself of Native Corn that allows the vindication of native peoples and indigenous communities, and its ecosystem conservation;
- XIV. Original Patrimony: The genetic lines, original varieties of Native Corn, which are constantly diversified and improved, on land owned by producers in the State of Mexico;
- XV. Producers and Guardians: people who descend from those who originally and from time immemorial have cultivated Native Corn, have conserved, safeguarded, preserved and improved it for millennia through indigenous procedures, and
- XVI. SECAMPO: Secretary of the Field of the Government of the State of Mexico.

Article 3.- The authorities of the State of Mexico and its municipalities may agree with the competent authorities, their programs and actions for the restoration, recovery, preservation, protection, conservation, development, regeneration, evolution and promotion of Native Corn, as well as the strengthening of the natural elements that make up the ecosystem on which it depends, and the biological and cultural characteristics of the Native Corn varieties.

Producers, ejidos, agrarian subjects and communities may establish and set up Community Seed Banks, in order to protect and promote Native Corn.

Article 4.- In the sowing of Native Corn, and with the purpose of protecting Nature and caring for the environment, and the health of the population, the authorized instances, the municipalities and the Council must apply the Precautionary Principle, the Principle in Dubio Pro Natura, the Principle of Prevention, the Principle of

Restoration, and the Principle of Sustainability and Sustainability.

CHAPTER II OF THE COUNCIL

Article 5.- The Mexiquense Consultative Council for Native Corn is a body for consultation and opinion in matters of promotion and protection of Native Corn for the formulation, design and evaluation of public policies that are developed in matters of protection of Native Corn, which it will be honorary, democratic, interdisciplinary, plural and inclusive.

Article 6.- The Council will be composed as follows:

- I. A Presidency that will be the holder of the Executive Power of the State of Mexico;
- II. A Vice Presidency that will be the person in charge of the Secretary of the Field of the State Government;
- III. A Technical Secretariat that will be a person representing ICAMEX;
- IV. A member who will be a representative of the Secretary of Economic Development of the State Government;
- V. A member who will be a representative of the Secretary of Finance of the State Government;
- VI. A committee that will be a person representing the Secretary of the Environment of the State Government;
- VII. A member who will be the person holding the presidency of the Legislative Commission for Agricultural and Forestry Development of the State Legislature;
- VIII. A member who will be the person holding the presidency of the Legislative Commission for Environmental Protection and Climate Change of the State Legislature;
- IX. A member who will be the head of the presidency of the Legislative Commission on Indigenous Affairs of the State Legislature;
- X. A committee that will be the person representing the National Institute of Indigenous Peoples in the State;
- XI. A member who will be the person representing the State Council for the Integral Development of Indigenous Peoples in the State;
- XII. A member who will be the person representing the Ministry of Agriculture and Rural Development;
- XIII. A committee that will be the person representing experts in the field from civil society;
- XIV. A committee that will be the person representing organizations of peasants or farmers;
- XV. A committee that will be the person representing the producers, peasants or farmers of communities without organization;
- XVI. A member who will be the representative of the Original Peoples;

- XVII. A committee that will be the person representing the organizations of state consumers;
- XVIII. A committee that will be the person representing scientific people specialized in gastronomy, health, nutrition and other purposes;
- XIX. A committee that will be the representative of people from the academy, recognized in the matter, at least one representation of each university in the State of Mexico, and
- XX. A member who will be the person representing the Intersecretarial Commission for the Biosafety of Genetically Modified Organisms (CIBIOGEM).

For each member of the Council there will be a substitute person appointed by the titular person, who must accredit knowledge in the matter.

The functions, procedures and organization of the Council shall be established in the Regulation issued by the State Executive for such purpose.

Article 7.- The Council will have the following powers:

- I. Opinion in the design, planning, programming and definition of public policies on the promotion and protection of Native Corn and Constant Diversification;
- II. Review and, where appropriate, give an opinion on the modification of the Native Corn seed programs;
- III. Promote research and dissemination of knowledge of native maize, and
- IV. Others established by the Regulation issued by the State Executive.

Article 8.- The Council will determine the mechanism by which it will carry out a semi-annual balance on the procedures, procedures, evaluations and other actions that have been carried out in each six-month period for compliance with this Law.

The reports made by the Council will be of a public nature, so with the support of SECAMPO they will be disseminated on the official website with respect to confidentiality, reserve and protection of personal data.

Article 9.- The functions of the people who are members of the Council will be honorary, so they will not receive any remuneration, emolument or compensation for their participation.

CHAPTER III OF THE COMPREHENSIVE PROGRAMS AND ACTIONS FOR THE PROMOTION AND PROTECTION OF NATIVE CORN

Article 10.- In order to comply with the purpose of this Law, SECAMPO will establish programs, mechanisms, policies and actions that have as their purpose:

- I. Promote the supply of Native Corn free of transgenic elements, GMOs or anything else that threatens the purpose of this Law;
- II. Protect the genetic reserve of Native Corn, as well as promote its regeneration, existence,

development, evolution, improvement and constant diversification in its regional communities and ecosystems;

- III. Promote research and development of technology that seeks the preservation, regeneration of germplasm, and the protection, promotion, conservation, restoration, recovery, preservation and improvement of Native Corn, free of GMOs or anything else that violates the objective of this Law;
- IV. Promote the productivity, profitability, competitiveness, income generation of the producers, employment, health and biodiversity of the Native Corn in the communities, the ejidos, the towns, agrarian nuclei and agrarian subjects that have originally produced Native Corn to favor the productive infrastructure with physical and biological improvement, soil leveling, irrigation systems, roads, drains, protection and sanitation of rivers, and other water sources;
- V. Provide technical assistance for projects of at least 5 years, in coordination with universities and public research institutions;
- VI. Carry out state and regional fairs of Native Corn to develop and promote its production, marketing, care, protection, restoration, recovery, preservation and maintenance, and
- VII. The others that the laws and regulations confer.

Article 11.- The SECAMPO will be in charge of planning, designing, regulating, evaluating, and preparing the draft budgets and executing the Native Corn seed programs.

SECAMPO, through ICAMEX, will be able to guide producers, ejidos and communities regarding the creation of Community Seed Banks.

Article 12.- SECAMPO, with the opinion of the Council, will review and, where appropriate, modify the programs and public policies for the supply of Native Corn seeds, so that they comply with the applicable legal provisions on this matter.

Article 13.- The State Legislature must contemplate in the State Expenditure Budget the necessary budgetary items to comply with the objectives of this Law, and with the programs of care, protection, restoration, recovery, preservation and promotion of Native Corn free of GMOs.

CHAPTER IV OF THE INVENTORY AND CATALOG OF NATIVE CORN SEEDS

Article 14.- ICAMEX, with the knowledge of the Council, will periodically update the inventory and catalog of Native Corn breeds found in the State.

The breeds that are contemplated in the Inventory are considered Biocultural Heritage for their Intrinsic and Food Value of the State of Mexico in the terms of this Law.

Article 15.- The varieties of Native Corn that have been obtained through ancestral and community improvement, are also considered Biocultural Heritage for their Intrinsic and Food Value of the State.

Article 16.- ICAMEX will provide training to protect and preserve the different varieties of native corn.

CHAPTER V
PROCESSING, DISTRIBUTION AND COMMERCIALIZATION OF NATIVE CORN

Article 17.- SECAMPO within the scope of its powers may agree with the federal, state and municipal authorities, the distribution and marketing channels, in order to safeguard the protection, production, diversification, improvement, processing and consumption of Native Corn, preferably for human consumption.

CHAPTER VI
OF THE STATE DIRECTORY OF PRODUCERS AND
GUARDIANS OF NATIVE CORN BREEDS

Article 18.- For the purposes of this law, the State Directory of Producers and Guardians of Native Corn breeds, allows the promotion and dissemination of programs and services that are provided for their benefit.

The registration of the Directory referred to in this article will be carried out with respect to the confidentiality, reservation and protection of personal data, in terms of the Law on Protection of Personal Data Held by Obligated Entities of the State of Mexico and Municipalities.

CHAPTER VII
OF THE STATE REGISTRY OF TECHNICAL SUPPORT PERSONS AND PROFESSIONISTS

Article 19.- The State Register of Technical Support Persons and Professionals in the care, protection, restoration, recovery, preservation and promotion of Native Corn will be made up of a multidisciplinary group of professionals, whose purpose is to advise based on analysis and research.

Article 20.- The State Register of Technical Support Persons and Professionals must be updated and published in the Official Newspaper "Government Gazette," and in the information portal of SECAMPO, as well as in a newspaper with circulation in the State, at least once a year.

Article 21.- SECAMPO, with the opinion of the Council, will organize and manage the training and professionalization of those who make up the State Register of Technical Support Persons and Professionals, since they will be the extensionists and advisors who will provide support for the fulfillment of the object of this Law.

CHAPTER VIII
OF THE GRADUAL RESTRICTIONS AND THE RESPONSIBILITIES OF THE AUTHORITIES

Article 22.- The Government of the State of Mexico will cooperate with the Federal Authorities in the matter, so that the Native Corn established in the state territory remain free, GMOs or anything else that violates the object of this Law.

Article 23.- The State Government will cooperate with the Federal Authorities in the matter, to guide on the use of agrochemicals and pesticides considered highly dangerous for the health of the ecosystems in the planting and production of Native Corn.

The Council will monitor the agreements that are generated in this matter with the various levels of government.

Article 24.- It is the responsibility of the authorities, as well as of the public servants who are members of the Council, to carry out the actions and obligations contained in this Law in accordance with what is determined by the Law of Administrative Responsibilities of the State of Mexico and Municipalities and other applicable regulations.

Article 25.- Administrative acts or resolutions issued by the competent authorities may be challenged before the Court of Administrative Justice of the State of Mexico, under the terms, conditions and formalities established by the Code of Administrative Procedures of the State of Mexico.

TRANSIENT

FIRST. Publish this Decree in the Official Newspaper "Government Gazette".

SECOND. This Decree will enter into force the day after its publication in the Newspaper Official "Government Gazette".

THIRD. The State Executive will have a term of 90 calendar days after the entry into force of this Law, to issue the Regulations of this Law.

FOURTH. The Executive of the Government of the State of Mexico, through SECAMPO, in its capacity as Vice President of the Council, will have a term of 30 calendar days after the entry into force of the Regulations of this Law to provide the installation of the Mexiquense Consultative Council of native corn.

FIFTH. The State Legislature, within a period not exceeding 365 calendar days after the publication of this Decree, must publish the legal reforms that are necessary for the fulfillment of the objective of this Law.

SIXTH. The disbursements that, where appropriate, must be made in order to comply with this Decree, will be subject to the resources approved for such purposes by the State Legislature.

SEVENTH. Any provision of equal or lesser hierarchy that contravenes what is established in this Law is repealed. The Governor of the State will understand it, causing it to be published and complied with.

END UNOFFICIAL TRANSLATION

Attachments:

[State-Level Law for the Promotion and Protection of Local Corn Varieties OFFICIAL SPANISH.pdf](#)