



Beginning in 2006, the Center for Food Safety (CFS) and others took legal action against the Department of Agriculture's (USDA) illegal approval of Monsanto's genetically engineered (GE) Roundup Ready alfalfa. The federal courts agreed and banned GE alfalfa until the USDA fully analyzed the impacts of the plant on the environment, farmers, and the public in an environmental impacts statement (EIS).

USDA released its draft EIS on December 14, 2009. A 60-day comment period is now open until February 16, 2010.

Organic Seed Alliance (OSA) strongly believes this EIS failed to address the economic and environmental consequences of GE alfalfa. It sets dangerous precedent for future deregulation, and threatens the integrity of organic seed and food systems and the National Organic Program.

Organic Seed Alliance worked with Center for Food Safety staff and others to put together talking points specifically for organic farmers who want to give input. Please, take the time to familiarize yourself with these points and make comments before the deadline. Please make note to the page references to the actual EIS document in your comments.

ROUNDUP READY ALFALFA EIS: ORGANIC PRODUCER TALKING POINTS

1. The Animal and Plant Health Inspection Service (APHIS) admits that genetically engineered (GE) crops (i.e., corn, soybean, canola) accidentally end up in organic products but says there's no evidence that this is impeding the development of the organic sector (p. 135 - 136). That is, APHIS asserts there's no evidence that organic consumers demand products free from the unintended presence of GE traits (p. 135). APHIS says consumer preferences for organic over GE foods are influenced in part by philosophical factors that are likely unrelated to unintended cross-fertilization of feed crops with GE material (p. 135).

ORGANIC RESPONSE to 1: My customers expect my products to be free of GE traits. Any and all presence of such traits will cause them to lose confidence in my products. The Environmental Impact Statement (EIS) dismisses the reality that my consumers view organic products as GE-free and demand zero tolerance for GE material - they purchase organic products to avoid GE ingredients in food. Farmers and consumers should have the right to produce and consume food that is GE-free.

2. The EIS states that stewardship practices laid out in organic system plans and Monsanto's "best practices" are sufficient to minimize cross-fertilization between organic and GE crops (p. 103).

ORGANIC RESPONSE to 2: The EIS response to cross-fertilization places the burden of protecting the integrity of organic seeds, agricultural products, and markets solely on my shoulders as an organic producer. This is an imbalanced and unfair burden. There needs to be mandatory regulation and enforcement of "best practices" for growers and patent holders of GE crops. The extent to which conventional and organic seed is contaminated by GE material is unknown because it has not been comprehensively examined. Still, studies indicate that conventional seed with GE counterparts – at times used by organic producers – (i.e., corn, soybeans, canola) are pervasively contaminated with GE material (Union of Concerned Scientists, 2004). Once seed is contaminated, contamination expands along the entire chain of production, from seed to crop to final product. It is unreasonable to place the economic burden of protection along this entire chain of production on the potential victims of contamination.

3. In the case of Roundup Ready alfalfa, APHIS said the supply of organic alfalfa hay and organic alfalfa seeds would not be directly affected by adoption of GE alfalfa (p. 133). The agency said it did not have economic data or other related information to demonstrate economic ramifications to organic producers regarding loss of markets and increased production costs for protecting the integrity of products from GE crop gene flow (p. 132).

ORGANIC RESPONSE to 3: *If you are an organic producer or processor, provide USDA/APHIS economic data (even estimates) related to the economic ramifications for you as an organic producer or processor due to the production of GE crops. These estimates can include production costs for your organic crop, including costs to avoid gene flow from GE crops and tests for identifying GE material, or costs associated with organic products being rejected from buyers due to unwanted GE material.*

It is important to note that as an organic farmer, I have no recourse in the event GE material enters my crops because the question of who is liable has not been determined. I'm left with the economic and agronomic costs of detecting and eradicating GE material; losing the genetic integrity of seed on which I rely; taking measures to avoid future contamination; and selling contaminated products into the conventional market, receiving a lower price for my organically produced products (sending contaminated products to the organic market threatens consumers' trust in the credibility of this non-GE, high-value market).

4. APHIS says USDA organic certification would not be affected given that organic certification does not require testing for GE content and focuses on the process used to grow the product rather than on the content of the product (p. 133).

ORGANIC RESPONSE to 4: When I purchase organic seed I expect it to be free of all GE material as GE traits are specifically excluded from the USDA National Organic Program (USDA NOP 7CFR 205.105(e) and 205.204). Knowingly planting seed with GE traits would threaten my certification, as well as further contaminate my crops. The conclusions of the EIS do not provide adequate protection from seed contamination, and sets a dangerous precedent that would undermine the integrity of the organic seed supply of all types of crops for which there are GE crop counterparts. The current regulatory framework for GE crops fails to contain and segregate GE and non-GE crops, unfairly placing the entire burden of protecting the integrity of organic products on the shoulders of organic farmers.

The EIS completely ignores my desire – and right – to grow GE-free seed and raise GE-free agricultural products. It poses a conflict with the National Organic Program’s federal regulations excluding GE by creating conditions in which organic seed, free of any and all GE contaminants, will increasingly become difficult if not impossible to source. I fought hard to ensure that organic standards did not include GE seeds and crops. In the event I detect GE material in my organic products, I must choose between maintaining the integrity of the organic market by sending it to the conventional market or knowingly sending the GE product to the organic market. Both options place me in a vulnerable and awkward position. In the first scenario, I lose a premium price for my product. In the second, I further risk the credibility of organic. Consumers have established an implied zero tolerance for GE material in organic products, since polls show confidence in organic products as clear alternatives to GE ingredients. The organic industry risks losing credibility altogether should its consumer base become aware that GE material is making its way into organic products. This puts my operation and this valuable market at risk. Additionally, the NOP federal regulations are at risk, as there is no “acceptable” use of an excluded method, such as the use of genetically engineered inputs. Excluded means excluded – organic seed cannot have GE traits and be used by an organic farmer. APHIS needs to respect the federal rule, and recognize that the companies releasing GE crops must have a clear and sound method for preventing contamination of organic seed systems. Until that is the case the use of GE alfalfa should be prohibited.

SUMMARY OF KEY MESSAGES TO MAKE : I implore you to reconsider the deregulation of RR Alfalfa based upon the undue burden it places on organic growers, the threat to the integrity of the organic market, and the regulatory difficulties that will occur with the continued contamination of the organic seed supply by a technology that is clearly, and legally, and excluded method in organic system plans.

To review the EIS:

http://www.aphis.usda.gov/biotechnology/downloads/alfalfa/gealfalfa_deis.pdf

and supplemental documents here:

http://www.aphis.usda.gov/biotechnology/alfalfa_documents.shtml.

Provide your comments to USDA APHIS No Later Than February 16,

2010. To Submit Your Comments to the USDA:

<http://www.regulations.gov/search/Regs/home.html#submitComment?R=0900006480a6b7a1>