

## Judge halts GM alfalfa plantings until USDA completes study

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A federal judge's ruling on Thursday effectively halts further plantings of genetically modified alfalfa across the county until the US Department of Agriculture conducts a full environmental study on the crop.

The 15-page decision from Judge Charles Breyer of the Federal Northern District of California sets an injunction on plantings of Roundup Ready alfalfa while the USDA's Animal and Plant Health Inspection Services conducts an environmental impact study. USDA estimated the study will take about two years to complete.

Monsanto and Forage Genetics International developed Roundup Ready alfalfa, which is resistant to the herbicide glyphosate, the main ingredient in Monsanto's Roundup herbicide.

Geertson Seed Farms, the Center for Food Safety, the Sierra Club and several other co-plaintiffs sued the USDA in February 2006, asserting the agency illegally deregulated Roundup Ready alfalfa in June 2005 without first conducting an environmental impact study. The suit also argued that the GM alfalfa posed a serious risk not just to organic and conventional alfalfa, but to the environment as a whole.

Monsanto and Forage Genetics argued that they provided an extensive dossier of environmental studies to the USDA which led to the deregulation decision, court documents reported. In addition, they said regulatory agencies in Canada and Japan had found the crop posed no environmental risks.

Additionally, Monsanto said that Roundup Ready alfalfa posed no harm to humans and livestock, and that the crop could coexist with non-GM alfalfa crops through stewardship practices, according to a company statement.

Breyer, however, disagreed. In a series of rulings that began in February, Breyer found that USDA had violated the National Environmental Protection Act by not conducting the study, and failed to seriously consider possible environmental risks.

In March, Breyer ordered a temporary injunction on Roundup Ready alfalfa plantings after March 30, but he placed no restrictions on plantings that already had taken place, which he ruled could continue to be grown, harvested and sold.

Breyer's latest ruling notes that there are 200,000 acres of Roundup Ready alfalfa planted across the US for forage, and 20,000 additional acres planted for seed. Without the injunction, he wrote, it was estimated that Roundup Ready acres would number more than one million by 2008.

Allowing the crop to continue to expand its market share without study posed a serious threat to those who don't want GM products, Breyer wrote.

In addition, he found that harm to farmers and consumers who don't want to purchase GM alfalfa or animals outweigh possible economic hard to Monsanto, Forage Genetics and farmers who wanted to plant GM alfalfa.

Although he's requiring a study to look at environmental risks, Breyer's ruling noted that contamination of natural and organic alfalfa by the GE variety has already occurred. "Such contamination is irreparable environmental harm. The contamination cannot be undone."

Breyer required Forage Genetics to provide the locations of all existing Roundup Ready alfalfa plots to USDA within 30 days. USDA, he ruled, must then make those plot locations public "as soon as practicable" so growers can determine if their crops have been contaminated, court documents report.

"This ruling is good news for organic farmers and most conventional farmers across the country," Andrew Kimbrell, executive director for the Center for Food Safety, said in a statement. "This crop represents a very real threat to their crops and their livelihood. This ruling is a turning point in the regulation of biotech crops in this country."

In a statement from Monsanto, Executive Vice President Jerry Steiner stated the company's belief that biotech and organic crops can, and have, successfully coexisted.

"We support a farmer's right to choose biotechnology, organic or conventional crops with the proper stewardship practices that make coexistence feasible," Steiner said. "We have heard from farmers across the country who are disappointed they can't access this technology."

Monsanto's statement also reported that the company is considering an appeal of Breyer's ruling.

Despite its reported growing acceptance among farmers, Roundup Ready alfalfa has figured prominently in debates on genetically modified crops and foods.

In Lake County, the Coalition for Responsible Agriculture in 2005 tried unsuccessfully to get the Board of Supervisors to place a 30-month moratorium on the crop. The board voted against the moratorium in October 2005.

As Lake County News reported in March, Sarah Ryan, president of Lake County Healthy Environment and Life, a coalition member group, said that the effort grew out of the group's concern about Roundup Ready alfalfa's potential impacts on other plants and crops.

The Lake County Farm Bureau opposed the ordinance. Executive Director Chuck March said previously that the Farm Bureau opposes individual cities and counties establishing separate biotech policies.

Deputy Agriculture Commissioner Chuck Morse said earlier this year, before the March 30 planting moratorium, that he knew of no Roundup Ready alfalfa planted in Lake County.

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