



**PLEASE FEEL FREE TO USE AND EXPAND ON ANY OF THESE POINTS IN YOUR TESTIMONY – TELL YOUR OWN STORY AS WELL**

In 2006, the Center for Food Safety (CFS) sued the Department of Agriculture (USDA) for its illegal approval of Monsanto's genetically engineered (GE) Roundup Ready alfalfa. USDA failed to conduct an environmental impact statement (EIS) before deregulating the crop. An EIS is a rigorous analysis of the potential significant impacts of a federal decision. The federal courts sided with CFS and banned GE alfalfa until the USDA fully analyzed the impacts of the GE plant on the environment, farmers, and the public in an EIS.

**USDA released its draft EIS on December 14, 2009. A 60-day comment period is now open until February 16, 2010.** CFS has begun analyzing the EIS and it is clear that the USDA has not taken the concerns of non-GE alfalfa farmers, organic dairies, or consumers seriously. Instead, USDA has completely dismissed the fact that GE contamination will threaten export and domestic markets and organic meat and dairy products. And, incredibly, USDA is claiming that there is no evidence that consumers care about such GE contamination (also known as transgenic contamination or biological pollution) of organic. USDA's preliminary determination is to once again deregulate GE alfalfa without any limitations or protections for farmers or the environment.

**Review the draft EIS here:**

[http://www.aphis.usda.gov/biotechnology/downloads/alfalfa/gealfalfa\\_deis.pdf](http://www.aphis.usda.gov/biotechnology/downloads/alfalfa/gealfalfa_deis.pdf)

**Review Supplemental documents here:**

[http://www.aphis.usda.gov/biotechnology/alfalfa\\_documents.shtml](http://www.aphis.usda.gov/biotechnology/alfalfa_documents.shtml).

CFS is spearheading a campaign to ensure that all affected parties are involved in the public process and have the opportunity to submit public comments. This is the first time the USDA has done this analysis for any GE crop. Therefore, the final version (and resulting decision) will have broad implications for all GE crops. The failure of the agency to address the environmental and related economic impacts of GE alfalfa will have far-reaching consequences for organic and conventional agriculture and food producers.

#### Consumer/Organic Outreach Talking Points

**\*Tell USDA That You Care About GE Contamination of Organic Crops and Food:**

USDA claims that there is no evidence that consumers care about contamination of organic alfalfa and alfalfa-derived foods with Monsanto's GE Roundup Ready alfalfa.

- Prohibition of genetic engineering (GE) is a fundamental tenet of the Organic Standard. In fact, USDA's failure to exclude GE crops from the first version of the organic rule was one of the main reasons that 275,000 people filed public comments in 1997-- *the largest outpouring of public participation in the history of U.S. administrative procedure*. Consumers care deeply about organic integrity, and genetic engineering is fundamentally at odds with organic. More than 75% of consumers believe that they are purchasing products without GE ingredients when they buy organic.<sup>1</sup>

**\*Tell USDA You Will Reject GE Contaminated Alfalfa and Alfalfa-Derived Foods:**

USDA claims that consumers will not reject GE contamination of organic alfalfa if the contamination is unintentional or if the GE material is not transmitted to the end milk or meat product.

- The Organic Standard requires that livestock feed for animals used for meat, milk, eggs, and other animal products is 100 percent organic. Protecting organic alfalfa, the main source of feed for the organic dairy industry, is crucial to the health of that important sector of U.S. agriculture. Additionally, as the Court found in the lawsuit that required this EIS, to "farmers and consumers organic means not genetically engineered, even if the farmer did not intend for his crop to be so engineered." Whether or not the end product is impacted is not the issue. Farmers' fundamental right to sow the crop of their choice is eliminated when it is contaminated with transgenes, and so is the public's ability to support meaningful organic food and feed production. The public's trust in the integrity of the organic label is essential to the continued vitality of the organic foods industry. Tell USDA you reject GE contamination of organic *by any means* or *at any stage* of sustainable food production.

**\*Tell USDA to Protect Organic Farmers and All Farmers Who Wish to Choose to Grow Non-GE Crops:**

Although USDA says it supports "coexistence" of all types of agriculture, USDA refuses to even consider any future for alfalfa that would include protections from contamination for organic and conventional farmers and exporters.

- USDA can approve GE crops in whole or in part. Partial approval could include use restrictions, geographic limitations or planting isolation distances. Yet, in the court-ordered analysis, USDA analyzed only two options: 1) Full approval, allowing GE alfalfa to be grown and sold without restriction like any other crop; and 2) No action, meaning GE alfalfa could only be grown under USDA permit, as at present. USDA's "all or nothing" approach leaves un-analyzed any potential options to protect farmers. This is contrary to law and logic. USDA's basic mission is "protecting American agriculture." Yet, USDA *refused to even consider* any options that might protect organic and conventional agriculture from contamination and the resulting loss of markets and ability to sow the crop of their choice.

**\*Tell USDA That Protecting Farmers is Its Job and That Relying Solely on Monsanto's Business as Usual "Best Practices" Ensures Widespread GE Contamination:**

USDA claims that Monsanto's seed contracts require measures sufficient to prevent GE contamination, and that there is no evidence to the contrary.

- In the lawsuit requiring the EIS, the Court found that GE contamination *had already occurred* in the fields of several Western states with these same business-as-usual practices in place!

- The EIS itself acknowledges that GE contamination may happen and includes studies that honey bees can cross-pollinate at distances over 6 miles, and Alkali bees at 4-5 miles,<sup>2</sup> much further than any distances under Monsanto's "best practices."

-In general, where other GE crops were approved without restriction, contamination of organic and conventional seeds and crops is widespread and has been documented around the world.<sup>3</sup> A recent report documented 39 cases in 2007 and more than 200 in the last decade.<sup>4</sup> The harms incurred by organic farmers and food companies from GE contamination are many and include: lost markets, lost sales, lower prices, negative publicity, withdrawal of organic certification, expensive testing and prevention measures, and product recalls.<sup>5</sup> In at least one case, pervasive GE contamination eliminated an entire organic sector. According to an article in the journal *Nature Biotechnology*: "[T]he introduction of GEherbicide-tolerant canola in Western Canada destroyed the growing, albeit limited, market for organic canola."<sup>6</sup>

**\*Tell USDA That GE Alfalfa Would Significantly Increase Pesticide Use and Thereby Harm Human Health and the Environment:**

USDA admits (correctly) that introduction of Roundup Ready alfalfa will increase Roundup use. However, USDA's claims that the increase is not significant and that Roundup will replace other, more toxic herbicides are flat-out wrong.

- The great majority of GE crops grown today are Roundup Ready, and their widespread introduction has vastly increased Roundup use and fostered an epidemic of Roundup-resistant weeds. To kill Roundup-resistant weeds requires higher doses of Roundup, often in combination with other toxic herbicides. Over the past 13 years, Roundup Ready crops have *significantly* increased overall herbicide use on corn, soybeans and cotton - by 383 million pounds<sup>7</sup> - and Roundup Ready alfalfa will only make matters worse.

- As the agency's own studies here show, *the great majority of alfalfa is currently grown without the use of any herbicides at all.*<sup>8</sup> So Roundup Ready alfalfa will increase Roundup use and exacerbate the resistant weed epidemic without displacing other herbicides on most alfalfa farms.

- Roundup has been associated with increased rates of several cancers in pesticide applicators (e.g. non-Hodgkin's & multiple myeloma),<sup>9</sup> and is highly toxic to frogs at field-relevant concentrations.<sup>10</sup> The Environmental Protection Agency (EPA) is currently re-assessing the safety of glyphosate, the active ingredient in Roundup, for the first time in over 15 years. USDA should wait for this new EPA assessment before it considers approving GE alfalfa.

**\*Tell USDA That Harm to Small and Organic Farmers is Significant:**

USDA concludes that GE alfalfa will cause production to shift to larger farms (that can afford built-in isolation distances) and conventional growers who are not threatened by GE contamination, but that these economic shifts are not significant.

- Small, family farmers are the backbone and future of American agriculture and must be protected. Organic agriculture provides many benefits to society: healthy foods for consumers, economic opportunities for family farmers and urban and rural communities, and a farming system that improves the quality of the environment. However, the continued vitality of this sector is imperiled by the complete absence of measures to protect organic production systems from GE contamination and subsequent environmental, consumer, and economic losses.

**\*Tell USDA to Immediately Release Its “Plant Pest Determination” for Comment:**

USDA has not released for public review a key document that it relies on throughout the Environmental Impact Statement (EIS) as the basis for its decisions to approve GE alfalfa.

- USDA should immediately release the Plant Pest Determination (2009) for GE alfalfa, upon which so much of its analysis depends. Without it, the public’s ability to provide meaningful comment here is violated.

**\*Tell USDA to Extend the Comment Period:**

USDA provided only a 60-day comment period, from Dec 16-Feb 16.

- The document is almost 200 pages, 1400 with appendices. The comment period began right before the holiday season. This is the first EIS the agency has ever conducted for any GE crop. Given these factors, and its failure to release its “Plant Pest Determination,” USDA should extend the comment period at least 30 days to give the public adequate time to comment.

**Comments are due February 16, 2010.** For written, mailed comments please send two copies of your comment to Docket No. APHIS-2007-0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2007-0044.

**Comments can also be filed online at:**

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

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<sup>1</sup> Organic Community Comments to APHIS, *Proposed Rule and Programmatic Environmental Impact Statement for the Introduction of Genetically Engineered Organisms*, APHIS Docket 2008-002, June 29, 2009.

<sup>2</sup> United States Department of Agriculture. Glyphosate-Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status. Draft Environmental Impact Statement—November 2009. P.95.

<sup>3</sup> See, e.g., New Study Finds GM Genes in Wild Mexican Maize, *New Scientist*, Feb. 21, 2009; Rex Dalton (2008) Modified genes spread to local maize: findings reignite debate over genetically modified crops, *Nature*, 456 (7219), 2000, at 149; The Institute for Nutrition and Food Technology (INTA), Chile enters the list of countries contaminated with GMOs: A report from INTA has detected transgenic contamination of maize in the fields of central Chile, Oct. 22, 2008; Graeme Smith, *Illegal GM Crops Found In Scotland*, *Herald*, Sept. 13, 2008; Elizabeth Rosenthal, *Questions on Biotech Crops with No Clear Answers*, *N.Y. Times*, June 6, 2006; Gene Flow underscores growing concern over biotech crops, *Associated Press*, Sept.

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22, 2004; Andrew Pollack, Can Biotech Crops be Good Neighbors?, N.Y. Times, Sept. 26, 2004; Lyle F. Friesen et al., Evidence of contamination of pedigreed canola (*Brassica napus*) seedlots in Western Canada with genetically engineered herbicide resistance traits, 95 *Agron. J.*, 1342-1347 (2003); Simon Jeffery, Rogue genes: An unauthorised strain of GM crops has been found across England and Scotland., *Guardian*, Aug. 16, 2002; Alex Roslin, Modified Pollen hits organic farms: Genetically altered strains spread by wind, *Toronto Star*, Sept. 30, 2002; Fred Pearce, The Great Mexican Maize Scandal, *New Scientist* 2347, June 15, 2002.

<sup>4</sup> Greenpeace International. GM

<sup>4</sup> Greenpeace International. GM Contamination Register Report 2007, February 28, 2008, at <http://www.greenpeace.org/international/press/reports/gm-contamination-register-2007>.

<sup>5</sup> See, e.g., K.L. Hewett, The Economic Impacts of GM Contamination Incidents on the Organic Sector, 16th IFOAM Organic World Congress, Modena, Italy, June 16-20, 2008.

<sup>6</sup> Smyth et al. (2002). Liabilities and Economics of Transgenic Crops, 20 *Nature Biotechnology*, June 2002, at 537-541.

<sup>7</sup> <http://truefoodnow.org/2009/11/17/new-report-reveals-dramatic-rise-in-pesticide-use-on-genetically-engineered-crops-due-to-the-spread-of-resistant-weeds/>

<sup>8</sup> United States Department of Agriculture. Glyphosate-Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status. Draft Environmental Impact Statement—November 2009. Appendix J, J-25, EIS pp. 34 & 43.

<sup>9</sup> Hardell, L., & Eriksson, M. (1999). "A Case-Controlled Study of Non-Hodgkin's Lymphoma and Exposure to Pesticides," *Cancer*, 85(6), 1353–1360; Hardell L, Eriksson M, & Nordstrom M. (2002). "Exposure to pesticides as risk factor for non-Hodgkin's lymphoma and hairy cell leukemia: pooled analysis of two Swedish case-control studies," *Leuk Lymphoma*, 43(5), 1043-1049; De Roos, et al. (2003). "Integrative assessment of multiple pesticides as risk factors for non-Hodgkin's lymphoma among men," *Occup Environ Med*, 60(9); De Roos, A. J. D., Blair, A., Rusiecki, J. A., Hoppin, J. A., Svec, M., Dosemeci, M., Sandler, D. P., & Alavanja, MC .2005. Cancer Incidence among Glyphosate-Exposed Pesticide Applicators in the Agricultural Health Study. *Environmental Health Perspectives*, 113(1), 49-54.

<sup>10</sup> Relyea, R.A. (2005a). "The lethal impact of Roundup on aquatic and terrestrial amphibians," *Ecological Applications* 15(4): 1118–1124; Relyea et al (2005). "Pesticides and amphibians: The importance of community context," *Ecological Adaptations* 15: 1125-1134; Relyea, R.A. (2005b). "The letal impacts of Roundup and predatory stress on six species of North American tadpoles," *Archives of Environmental Contamination and Toxicology* 48: 351-57.