



THE CENTER FOR
FOOD SAFETY



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newsroom

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Farmers and Consumer Groups File Lawsuit Challenging Genetically Engineered Alfalfa Approval

“Roundup Ready” Alfalfa Will Increase Pesticide Use and Cause Grave Harm to Environment and Organic Industry

USDA Failures Guarantee Transgenic Contamination, Creation of More Superweeds

San Francisco, CA – Today, attorneys for the Center for Food Safety (CFS) and Earthjustice filed a lawsuit against the U.S. Department of Agriculture (USDA), arguing that the agency’s recent unrestricted approval of genetically engineered (GE), “Roundup Ready” Alfalfa was unlawful. The GE crop is engineered to be immune to the herbicide glyphosate, which Monsanto markets as Roundup. USDA data show that 93% of all the alfalfa planted by farmers in the U.S. is grown without the use of any herbicides. With the full deregulation of GE alfalfa, USDA estimates that up to 23 million more pounds of toxic herbicides will be released into the environment each year.

“USDA has once again failed to provide adequate oversight of a biotech crop,” said Andrew Kimbrell, Executive Director of the Center for Food Safety. “This reckless approval flies in the face of overwhelming evidence that GE alfalfa threatens the rights of farmers and consumers, as well as significant harm to the environment. APHIS has refused to apply and enforce the law and instead has chosen to bow to the wishes of the biotech industry.”

This is the second case challenging the legality of USDA’s handling of GE alfalfa. In 2007, in another case brought by CFS, a federal court ruled that the USDA’s approval of the engineered crop violated environmental laws by failing to analyze risks such as the contamination of conventional and organic alfalfa, the evolution of glyphosate-resistant weeds, and increased use of Roundup. The case resulted in USDA undertaking a court-ordered four-year study of GE alfalfa’s impacts under the National Environmental Policy Act (NEPA). Remarkably, it marked the first time USDA had ever undertaken such a study, known as an Environmental Impact Statement (EIS), in over 15 years of approving GE crops for commercial production. While USDA worked on the EIS, GE alfalfa remained unlawful to plant or sell, a ban that remained in place despite Monsanto appealing the case all the way to the U.S. Supreme Court.

The Center for Food Safety is a 501(c)(3) organization that works to protect human health and the environment by curbing the proliferation of harmful food production technologies and by promoting organic and other forms of sustainable agriculture.

Earthjustice is a non-profit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth, and to defending the right of all people to a healthy environment.

Earthjustice attorney Paul Achitoff commented: “We expect Monsanto to force-feed people genetically engineered crops—that’s its business model. We hoped for better from the USDA, which has much broader responsibilities. GE alfalfa will greatly increase use of toxic chemicals from coast to coast, threatens the organic dairy industry, and will have farmers going back to Monsanto every year to buy its patented seed and Roundup.”

The plaintiffs include a diverse coalition of conventional and organic farmers, dairies and agricultural associations, and environmental and consumer groups: CFS, Beyond Pesticides, Cornucopia Institute, California Farmers Union, Dakota Resources Council, Geertson Seed Farms, National Family Farm Coalition, Northeast Organic Dairy Producers Alliance, Sierra Club, Trask Family Seeds and Western Organization of Resource Councils.

“We in the farm sector are dissatisfied but not surprised at the lack of courage from USDA to prohibit Roundup Ready alfalfa and defend family farmers,” said plaintiff farmer Pat Trask.

Known as the “queen of forages,” alfalfa is the key feedstock for the dairy industry. Organic dairies stand to lose their source of organic feed, a requirement for organic dairy, including milk and yogurt products. The organic sector is the most vibrant part of U.S. agriculture, now a 26 billion dollar a year industry and growing 20% annually.

“Approving the unrestricted planting of GE alfalfa is a blatant case of the USDA serving one form of agriculture at the expense of all others,” says plaintiff Ed Maltby, Executive Director of the Northeast Alliance of Organic Dairy Producers. “If this decision is not remedied, the result will be lost livelihoods for organic dairy farmers, loss of choice for farmers and consumers, and no transparency about GE contamination of our foods.”

Because alfalfa is pollinated by bees that can fly and cross-pollinate between fields and feral sources many miles apart, the engineered crop will contaminate natural alfalfa varieties. Roundup Ready alfalfa is the first engineered perennial crop, meaning it remains in the ground for 3-6 years and is widely prevalent in wild or feral form throughout America, further increasing the likelihood and extent of transgenic contamination.

“USDA’s review is inaccurate and completely failed to consider critical issues. The decision to deregulate Roundup Ready alfalfa opens the door to widespread transgenic contamination, costing farmers their markets, reputation and ability to grow natural varieties,” said plaintiff farmer Phil Geertson.

“We are an organic, grass-fed beef operation relying on alfalfa in pasture mix and for winter feed. GE alfalfa means contamination of all alfalfa seeds within a few years. Our options include giving up organic production at great revenue loss or finding another forage at great cost increase,” says organic beef producer Jim Munsch from Wisconsin.

Approval of Roundup Ready alfalfa will spur the glyphosate-resistant epidemic that is already regarded as one of the most serious challenges facing U.S. agriculture. Weeds evolve resistance to glyphosate just as bacteria evolve immunity to overused antibiotics. While other Roundup Ready crops spawned the epidemic, Roundup Ready alfalfa will exacerbate it by increasing the frequency and intensity of glyphosate use on millions of acres of cropland. Farmers respond to resistant weeds by applying more and more herbicides, soil-eroding tillage operations, and even hand-weeding on hundreds of thousands of acres. Such “superweeds” have expanded

four-fold to infest over 10 million acres since just 2008, with some projecting 38 million acres by 2013. Alfalfa, the fourth most prevalent crop in the U.S., is grown on over 20 million acres, spanning every state.

“Alfalfa grows in dense stands that naturally suppress weeds, and so has traditionally been the one crop in farmers’ rotations that provides a much-needed break from the onslaught of toxic herbicides. Roundup Ready alfalfa will only foster still more resistant weeds, and thereby increase the pesticide dependence of U.S. agriculture beyond already unsustainable levels,” said Bill Freese, CFS Science Policy Analyst.

The latest USDA data show that less than 10 percent of alfalfa acres are sprayed with any herbicide, and consequently, GE alfalfa will dramatically increase the use of such chemicals across the country, with all of their attendant hazards to wildlife, plants, groundwater, and people.
