

Defending Agriculture

Legal, environmental hot button issues that impact U.S. farmers.

Did Biotech Dodge a Bullet?

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On January 27, 2011, USDA's Animals and Plant Health Inspection Service ("APHIS") decided to grant Roundup Ready alfalfa been genetically engineered to be resistant to Roundup herbicide. Many in agriculture gave out a Secretary Tom Vilsack would choose an alternative that would require mandatory measures regarding restrictions on the use of Roundup Ready alfalfa.

"Coexistence" jumped from the pages of the Final Environmental Impact Statement ("FEIS") issued. Concerned that the FEIS declared the second preferred alternative would meet "...USDA's purpose of coexistence of all types of agricultural practices and addresses concerns expressed by some members regarding pollination and other related impacts to non-GE alfalfa."

Alfalfa has been a rallying point for those opposed to genetically modifying plants. The FEIS is an indication that the future for genetically modified plants will be rocky and littered with lawsuits.

In 2004, APHIS received a petition from the Monsanto Company and Forage Genetics International for "nonregulated status" for two alfalfa lines which had been genetically engineered for glyphosate resistance. Without regulatory authority, it must assess plant pest risks and if there is reason to believe that products could be harmful ways then the genetically engineered product becomes a regulated article.

Enormous opposition has arisen to the proposal from Monsanto and Forage Genetics International. APHIS on its 2009 draft Environmental Impact Statement ("EIS"). 133 people attended public meetings.

The FEIS provides insight on how the USDA reached its decision of January 27, 2011.

In a nod to those opposing the granting of nonregulated status, the Secretary announced that the advisory committees on biotechnology and on reviewing national genetic resources. The Department of Agriculture genetic integrity, production and preservation of alfalfa seeds entrusted to the germplasm system.

Alfalfa gene flow

USDA will also refine current models on the gene flow in alfalfa and it will look to providing voluntary industry led stewardship. Even though the department granted nonregulated status, it is still attempting to adhere to "principles" which are set forth in the FEIS. It is always important to read the fine print as to where 13, 14 and 15, of the FEIS farm producers might find it interesting that USDA was considering that Roundup Ready alfalfa to be harvested for seed. In fact, "The only GT alfalfa seed fields would be in geographically restricted areas."

USDA suggested in its alternative that "GT alfalfa seed bag labeling and seed identification (e.g., Roundup Ready), FEIS suggests there would be Tier I, Tier II and Tier III states. Tier I states would have no restrictions on seed production but it would have to be less than 1% of total US seed production. Tier II states would be 1-5 miles from a seed field and the GT alfalfa must be harvested before a "...10% bloom." In Tier III states, Roundup Ready alfalfa where seed was grown.

In addition, GT alfalfa seed production would have been limited to geographic areas and Tier II areas would maintain isolation distances of 5 miles between GT alfalfa and conventional alfalfa."

A producer of GT alfalfa seed would have to identify his field locations by GPS and report those areas to the USDA.

seed certifying agencies upon request. Harvesting equipment could only be used for GT alfalfa seed using an appropriate protocol presumably established by USDA. Finally, GT alfalfa seed would have to prevent co-mingling with any other agricultural product.

Agriculture dodged a bullet on this FEIS for alfalfa. This issue of using genetically engineered traits in the alfalfa FEIS issued in December, 2010. You may want to read it!