



National Organic Coalition

3540 Route 52, Pine Bush, NY 12566

845-744-2304; email: Liana@NationalOrganicCoalition.org

3 March 2010

SUBMITTED ELECTRONICALLY

Regulatory Analysis and Development, PPD
APHIS, Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

**RE: Comments on the Draft Environmental Impact Statement (EIS) Recommending the Deregulation of Genetically Engineered Alfalfa
Docket No. APHIS-2007-0044**

cc: USDA Secretary, Tom Vilsack
USDA Undersecretary, Kathleen Merrigan
USDA Deputy Administrator, National Organic Program, Miles McEvoy

On behalf of the undersigned members of the organic and environmental community, we are writing to express our serious concerns about the damage to the integrity of organic and to organic markets that would result from the U.S. Department of Agriculture's (USDA) approval of Genetically Engineered, Roundup Ready Alfalfa (GE alfalfa). Despite its mission to protect *all* agriculture, the USDA has unfortunately and fundamentally failed to account for the foreseeable significant harm from this proposed action on organic — the fastest growing sector of U.S. agriculture.

USDA's proposed deregulation of GE alfalfa will have far-reaching consequences for the future of organic farmers, consumers, and the entire organic industry. Protecting organic alfalfa is particularly important, given its central role as the main source of forage for the organic livestock and dairy industries. Since this is the first analysis of its kind to be conducted by USDA on any GE crop, we are alarmed at the future prospect of USDA approaching all impact assessments of GE contamination on the organic foods sector in an equally dismissive manner. This EIS process affords USDA an important opportunity to develop and implement an effective strategy to prevent further GE contamination of the organic seed and food supply and it is imperative that the USDA get it right.

Another troubling aspect of the draft EIS is the USDA's complete failure to acknowledge the need for companies responsible for GE contamination to be held liable for their actions and for mandatory enforcement actions to be taken against liable parties. This indefensible position is absolutely unacceptable, and so is the stated assumption that liability for GE contamination should be borne solely by organic and non-GE conventional farmers. In short, it puts the future viability of the entire organic industry at risk.

We, the representatives of environmental, sustainable agriculture, farmer, consumer, food safety, and seed organizations as well as major organic food producing and retail companies, are writing to explain how USDA's proposed deregulation of GE alfalfa will significantly harm our industry, our markets, and undermine consumer confidence in the USDA certified organic label. Based upon our critical assessment of the draft EIS, we urge you to: 1) deny the commercial approval of GE alfalfa because no evidence exists that this novel technology can be contained or that USDA can protect farmers and markets from contamination and, 2) correct the egregious errors and faulty assumptions that underpin your analysis of the impact of GE contamination on organic and non-GE crops and markets for any future GE permit requests.

Organic Consumers Do Not Want And Will Reject GE Contaminated Food

USDA claims that there is no evidence that consumers care about contamination of organic alfalfa and foods derived from Monsanto's GE alfalfa. We know better. The prohibition of genetic engineering 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 why 275,000 people submitted comments to USDA in 1997 — at the time, the largest outpouring of public participation in the history of U.S. administrative procedure. Consumers *care deeply* about organic integrity and GE agriculture is fundamentally at odds with organic. Consumers have established an implied zero tolerance for GE material in organic products, and this is reinforced by polling data showing that consumers buy organic food to avoid GE ingredients. A public opinion poll of organic consumers has shown that more than 75% of consumers believe that they are purchasing products without GE ingredients when they buy organic.¹ Another poll of “Consumer Attitudes and Behavior, Five Years Later & Into the Future,” found that one of the top five reasons people buy organic is to avoid genetically modified products.² The organic industry risks losing its credibility and markets if the USDA allows GE material to make its way into organic products.

In the DEIS, USDA also 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. Again, we strongly disagree. The Organic Standard requires that livestock feed fed to animals to produce meat, milk, eggs, and other animal products must be 100 percent organic. Protecting organic alfalfa, the main source of feed for the organic meat and dairy industry, is crucial to the health and survival of this important sector of U.S. agriculture. In a declaration to the U.S. District Court on the economic impacts of GE alfalfa, a dairy farmer disclosed that if his alfalfa forage were contaminated with RR genes, he would not be able to obtain organic or non-GE certification. Because he owns an organic dairy and food business,

and because he is enrolled in a non-GE labeling and verification program, GE contamination would have a devastating impact on his business.³

In the legal ruling that required USDA to draft an EIS, the Court found that to “farmers and consumers organic means not genetically engineered, even if the farmer did not intend for his [or her] crop to be so engineered.” As the Court aptly concluded, 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 a crop becomes contaminated with transgenes and so is the public’s ability to support organic farming, feed, and food production with their purchasing dollars. These are both interrelated and major concerns to the organic sector. Public trust in the integrity of the organic label is essential for the continued vitality of the organic foods industry and we have no doubt that consumers will reject GE contamination of organic food no matter how or why it occurs and at all stages of organic food production.

USDA’s Analysis Is Fundamentally Flawed

Although USDA says it supports “coexistence” of all types of agriculture, USDA does not account for or adequately assess the direct and indirect impacts of GE contamination on either domestic⁴ or export⁵ food markets. The Agency’s draft EIS fails to even consider any future scenarios that would include regulatory and/or statutory protections from GE contamination for organic and conventional farmers and exporters, leaving the organic industry and consumers of organic foods with no protections from GE contamination whatsoever.

Research has shown that transgenes cannot be recalled once released into the environment.⁶ Acknowledgement of this simple yet important fact has been omitted from USDA’s draft EIS and so has an assessment of what measures, if any, can be taken to fully protect organic and conventional agriculture from contamination, market losses, and a farmer’s right to sow the crop of their choice, provided that it does not impinge upon the rights of others.

Harm To Small And/Or Organic Farmers And Businesses Is Significant

USDA concludes that GE alfalfa will cause production to shift to larger farms (that can afford built-in isolation distances) and to conventional growers who are not threatened by GE contamination, but it erroneously concludes that these economic shifts are not significant. This is simply not the case. For example, CROPP Cooperative is comprised of 1,404 organic farmers located in 36 states, 1,084 of which are organic dairies and 220 of which are organic meat or pork producers. They market nationally and internationally under the brand names Organic Valley and Organic Prairie. With annual sales of \$523 million, they are the number one selling organic brand in the Natural Food Retail Channel. In a court declaration on the economic impacts of GE alfalfa, Organic Valley’s CEO, George Siemon states: “If Roundup Ready alfalfa is permitted to be sold commercially, and this causes contamination of certified organic alfalfa stands, or seed stock, this will devastate the organic farmers who market their milk through CROPP Cooperative.⁷” The same situation holds true for all other organic dairies and meat producers across the country.

Small and family farms are the backbone and future of American agriculture and they must be protected from being pushed out of business by GE agriculture. In many communities, they provide the freshest food available to local residents. Such farms also serve as the gateway for new generations of farmers to grow our nation's food and they offer opportunities for young people to remain in rural communities, actively contributing to local economies and the cultural fabric of rural America. Moreover, small and family organic farms provide multiple benefits to the communities in which they are located including: healthy food, healthy work environment, economic opportunities for existing and emerging local businesses, and a farming system that improves the quality of the environment for present and future generations.

Monsanto Does Not Protect Farmers From Contamination

USDA claims that “best practice” requirements contained in Monsanto’s seed contracts are sufficient to prevent GE contamination and the EIS asserts that there is no evidence to the contrary. This is simply not true. The Agency itself acknowledges that GE contamination may occur and it includes studies that show how honey bees can cross-pollinate at distances over 6 miles. Alkali bees cross-pollinate at 4-5 miles.⁸ All of those distances are much further than those included in Monsanto’s “best practices.”

In cases where GE crops were approved in the past, contamination of organic and conventional seeds and crops has been widespread and this has been documented around the world.⁹ A recent study of GE contamination described 39 cases of contamination in 2007 alone, and more than 200 within the last decade.¹⁰ Harm incurred by organic farmers and food companies from GE contamination include: lost markets, lost sales, lower prices, negative publicity, withdrawal of organic certification, expensive testing and prevention measures, and product recalls, among other things.¹¹ In at least one case — canola — pervasive GE contamination eliminated an entire organic sector in Canada. According to an article in the journal *Nature Biotechnology*: “[T]he introduction of GE herbicide-tolerant canola in Western Canada destroyed the growing, albeit limited, market for organic canola.”¹²

In another instance, the alfalfa seed fields of Dairyland Seed Company, Inc., a major alfalfa seed producer, were contaminated at eleven out of sixteen sites at distances up to 1.5 miles. This contamination occurred despite the required 900 foot isolation distance. The seed fields of Cal/West Seeds, a farmer (seed grower) owned cooperative and major alfalfa seed exporter, were contaminated in a California foundation seed field and in a Wyoming seed field.¹³

The extent to which conventional and organic seed has been contaminated by GE material is unknown because it has not been comprehensively examined. Even so, studies indicate that GE contaminated conventional seeds, which at times are used by organic producers (i.e., corn, soybeans, canola) are pervasively contaminated with GE material. A 2008 US Government Accountability Office (GAO) Report documents six events of GE crops contaminating the food and feed supply:

- * 2000 StarLink Corn incident, causing \$26 to \$288 million in economic damages;
- * 2002 Prodigene Corn incident where a GE corn designed to create a pig vaccine protein contaminated non-GE corn;
- * 2004 Syngenta Bt Corn never approved for commercial use was illegally sold for several years and planted on 37,000 acres;
- * 2006 Event 32 Corn incident where 72,000 acres were planted with an unapproved GE pesticidal corn; and
- * 2006 Liberty Link Rice 601 and 604 episodes where unapproved GE rice contaminated export rice stocks.

These contamination events are not isolated incidents as many biotechnology proponents argue. Instead, as the GAO explains, “the ease with which genetic material from crops can be spread makes future releases likely,”¹⁴ contaminating the seed supply and supplanting all forms of non-GE agriculture.

USDA Claims To Support “Coexistence,” But Places Entire Burden on Organic Farmers

USDA does not provide adequate protections from GE seed contamination. Therefore, approving GE alfalfa based on the DEIS would set a dangerous precedent that would undermine the integrity of the organic seed supply for all crops for which there are GE counterparts. Moreover, the entire burden for protecting the integrity of organic products rests on the shoulders of organic and non-GE farmers whose practices not only have been the mainstay of U.S. agriculture but also have successfully fed our nation and contributed to the global food supply for centuries. Since the current regulatory framework for GE crops fails to prevent contamination or to duly assign liability to technology owners, and since it does not require segregation of GE and non-GE crops it, by default, puts our entire food system at the mercy of this new and experimental GE technology. Thus, contrary to USDA claims of supporting “co-existence,” the EIS allows GE to trump rather than to “co-exist” with proven agricultural technologies that continue to feed the world.

USDA argues that non-GE farmers simply need to change their planting and harvesting practices to “avoid simultaneous flowering” with the GE alfalfa planted in a neighbor’s field. This is an unreasonable expectation, particularly since it allows and supports the supplanting of existing agricultural technologies with the novel GE technology. Farmers plant their crops to best take advantage of local conditions and, therefore, forcing non-GE farmers to alter their planting and management practices in response to nearby GE alfalfa is an unreasonable expectation and that is likely to cause undue economic hardship. Furthermore, because alfalfa is a perennial crop that is typically replanted only every 3 to 5 years, neighbors may plant GE alfalfa in years following the planting of nearby non-GE alfalfa, removing the viability of planning to prevent GE contamination for organic and other non-GE farmers.

The DEIS puts the burden on existing non-GE and organic farmers to “disallow or remove commercial beekeepers’ hives” anywhere near their alfalfa field.¹⁵ This is an unreasonable expectation, particularly since the burden for preventing contamination should rest with the

growers and owners of this novel GE variety, and not with those who have been planting conventional and organic varieties for centuries. USDA has completely ignored farmers' desire – and right – to grow GE-free seed and raise GE-free agricultural products. This proposed, required practice also does not account for the pollination from native bee species or feral honey bees, which may be responsible for considerable GE contamination.

USDA dismisses the potential for GE alfalfa to cross-pollinate with feral alfalfa or for GE alfalfa volunteers to escape and establish feral populations.¹⁶ In both cases, this feral GE alfalfa can serve as a bridge for transferring the RR trait back to conventional or organic alfalfa years later. The agency states that if such feral RR alfalfa does arise, it can be controlled with non-glyphosate herbicide, a tool that is unlikely to be available to organic farmers whose desire and ability to use herbicides is strictly limited in the Organic Rule. This USDA recommendation also ignores the common existence of feral alfalfa on sites outside the control of farmers — such as roadsides — where it is unclear that such actions would be taken and who would be responsible.

If GE alfalfa is approved, the burden of protecting organic seeds would rest with the organic seed producer, according to the DEIS. There is no mandatory regulation, inspection or enforcement of Monsanto's so called "best practices" for growers and patent holders of GE alfalfa seeds. USDA dismisses any cause for concern about GE seed contamination¹⁷ without presenting any concrete evidence to support the claim. To the contrary, USDA specifically states that it does not have economic data or related information to demonstrate the full range of economic ramifications to organic producers from market losses and increased production costs for protecting the integrity of organic crops and seeds from GE gene flow.¹⁸

GE Alfalfa Will Increase Pesticide Use To The Detriment Of Human Health And The Environment

Although USDA acknowledges that the introduction of RR alfalfa will increase the use of the herbicide, Roundup, it claims that the increase would be insignificant and that Roundup would replace other, more toxic herbicides. They are wrong and evidence exists to the contrary.

The majority of GE crops grown today are RR and their widespread introduction on farms has vastly increased Roundup use, fostering an epidemic of Roundup-resistant weeds. To kill Roundup-resistant weeds requires higher doses of Roundup, often in combination with other even more toxic herbicides. Over the past 13 years, the planting of RR crops has *significantly* increased overall herbicide use on corn, soybeans and cotton - by 383 million pounds.¹⁹ The wholesale deregulation of RR alfalfa would only make matters worse by substantially increasing Roundup's use across the country.

As USDA's own studies show, the great majority of alfalfa is currently grown without the use of any herbicides at all.²⁰ Therefore, the planting of RR alfalfa would increase Roundup applications and exacerbate the resistant weed epidemic without displacing the use of other herbicides. It would also add a new toxic, Roundup herbicide burden to an environment where that burden is currently non-existent.

Roundup has been associated with increased rates of several cancers in pesticide applicators (e.g. non-Hodgkin's and multiple myeloma),²¹ and it is highly toxic to frogs at field-relevant concentrations.²² 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 RR alfalfa.

USDA also has failed to assess the foreseeable impacts on organic farmers from pesticide drift that would result from the dramatic increase in Roundup used on Monsanto's RR alfalfa. This situation could cause the decertification of organic crops and impart serious economic losses for organic farmers.

Conclusion

Organic agriculture provides multiple benefits to society at this critical moment when solutions to address the global and economic crisis are so desperately needed. Notable benefits of organic include: the production of healthy, nutritious, and abundant food; economic opportunities for family, small-scale, and young farmers; increasing contributions to local and regional economies; increases in U.S. exports; and enhancements to environmental quality, climate change mitigation, biodiversity conservation, and the life opportunities of future generations. Moreover, organic is the fastest growing sector of U.S. agriculture, and it has continued to steadily increase by 15% and 20% annually for over a decade.²³ To risk tainting organic with GE contamination is irresponsible government policy, particularly in light of USDA Secretary Vilsack's recent commitment to allocate \$234.5 million to "help promote American food and agriculture products overseas" as a way to better our economy.²⁴

In Europe, Japan, and elsewhere, GE contamination is prohibited not only because of strict EU regulations but also because of widespread consumer rejection of GE agriculture and food. Consumers in the U.S. do not want to eat GE food either. In fact, there has not been one U.S. consumer survey that demonstrates a strong consumer demand for GE food. On the contrary, existing polling data suggests that the opposite is true.

We Strongly Urge USDA To:

- Deny the commercial approval of GE alfalfa because no evidence exists that this novel technology can be contained or that USDA can protect farmers and markets from contamination, and
- Correct the egregious errors and faulty assumptions that underpin USDA's analysis of the impact of GE contamination on organic and non-GE crops and markets for any future GE permit requests.

Representatives of the undersigned letter would be happy to meet with you to discuss what constitutes true protections for all aspects of the organic supply chain. There is no more opportune time for the U.S. government to both publicly acknowledge the benefits of organic

and commit to the adoption of concrete policies that ensure organic remains a protected sector of our economy in perpetuity.

Sincerely,

Liana Hoodes, National Organic Coalition,
Lisa J. Bunin, Ph.D.Center for Food Safety

Organizations

Accredited Certifiers Association, *Pat Kane*
AllergyKids Foundation, *Robyn O'Brein*
Alternative Energy Resources Organization (AERO), *Jonda Crosby*
American Beekeeping Federation Inc., *Troy Fore*
Amy's Kitchen, Inc., *Andy Berliner*
Angelica Kitchen, *Leslie McEachern*
Annie's Inc., *John Foraker*
Antietam Valley Animal Hospital, *Franklin Wagner, VMD*
Arid Crop Seed Cache, *Joshua Cravens*
As You Sow, *Michael Passoff*
Bee's Needs, *Mary Woltz*
Beyond Factory Farming, *Cathy Holtslander*
Beyond Pesticides, *Jay Feldman*
California Certified Organic Farmers (CCOF), *Claudia Reid*
Californians for GE-Free Agriculture, *Renata Brillinger*
Californians for Pesticide Reform, *David Chatfield*
Carolina Farm Stewardship Association - CFSA, *Roland McReynolds*
Center for Environmental Health, *Charles Margulis*
Center for Food Safety, *Lisa Bunin*
Church Women United of NYS, *Mary Smith*
Citizens for Sanity Com. Inc., *Clay Colson*
Claudia's Organic Herbs, *Claudia Holzinger*
Clean Production Action, *Beverly Thorpe*
Clif Bar, *Elysa Hammond*
Common Ground Organic Supply & Education Center, *Patricia Becker*
Community Alliance with Family Farmers, *David Runsten*
Corporate Accountability International, *Judy Grant*
CounterCorp, *John Wilner*
Court St. Joseph #139 Catholic Daughters of the Americas, *Mary Smith*
Crawford Stewardship Project, The Kickapoo Initiative, *Jennifer M. Nelson*
Cuatro Puertas, *Isaura Andaluz*
Cumberland Countians for Peace & Justice, *Rev. Walter Start*
Dierke's Enterprises, *Terry Allan*
Dogwood Alliance, *Scot Quaranda*
Dominique's Sweets, *Dominique Cortara*
Earth Day Network, *Kathleen Rogers*
Ecological Farming Association, *Kristen Rosenow*
Eden Foods, *Michael Potter*
Edmonds Institute, *Beth Burrows*
Equal Exchange, *Keith Olcott*
Fantastic Foods
Farm Aid, *Hilde Steffey*
Farm and Ranch Freedom Alliance FARFA, *Judith McGeary*
Farm Fresh Rhode Island, *Noah Fulmer*
Farmer Food Share, *Margaret Gifford*
Fedco Seeds, Inc., *Paul (CR) Lawn*
Florida Certified Organic Growers and Consumers, *Marty Mesh*
Follow Your Heart/Earth Island, *Bob Goldberg*
Food and Water Watch, *Patty Lovera*
Food First, *Eric Holt Gimenez, Ph. D.*
Friends of the Earth, *Ian Illuminato*
Friends of the Earth, US, *Eric Hoffman*
Friends of the Family Farmers, *Kendra Kimbirauskas*
GAIA, *George Kuepper*
Gallagher Solar Thermal, *Patrick Gallagher*
Good Earth Natural Foods, *Mark Squire*
Gophers Limited, *Thomas Wittman*
Great Eastern Sun Trading Co., *Jan Paige*
Green Genes, *Lynda Marin*
Greenpeace, *Lisa Finaldi*
H.O.M.E. Inc, *Millie Grimes*
Humbolt CAFF Market Development, *Melanie Patrick*
Hungry Hollow Co-op, *Peter Wiesner*
Institute for a Sustainable Future, *Jamie Harvie*
Institute for Responsible Technology, *Jeffrey Smith*
International Certification Services Inc., *Janine Hofmann*
Kentucky's Resource for Organic Production Systems (KROPS), *Sandra Corlett*
Koyo
La Montanita Co-op, *Robin Seydel*
Maine Organic Farmers and Growers Association - MOFGA, *Russell Libby*
Michigan Organic Food and Farm Alliance - MOFFA, *Chris Bardenhagen*
Microfarm Sustainable Research and Education, *Anne Bergheger*
Midwest Organic Services Association (MOSA), *Bonnie Wideman*
Midwest Organic Sustainable and Education Services - MOSES, *Faye Jones*
Montana Organic Association, *Ole Norgaard*
Moosewood Inc., *Laura Branca*
Morrison's Custom Feeds Inc, *Cheryl Collins*
National Bison Association, *Dave Carter*
National Cooperative Grocers Association, *Robynn Shrader*
National Family Farm Coalition, *Kathy Ozer*
Nature Horticultural Services, *Ellen and Rich Malona*
Nature's Path/EnviroKidz, *Dag Falck*
Network for Environmental & Economic Responsibility, *Donald Clark*
New Natives, *Ken Kimes, Sandra Ward*
Newman's Own Organic, *Nell Newman*
Non-GMO Project, *Megan Thompson-Westgate*
Northeast Organic Dairy Producers Alliance, *Ed Maltby*
Northeast Organic Farming Association NOFA - Interstate, *Steve Gilman*
Northeast Organic Farming Association NOFA - CT, *Bill Duesing*
Northeast Organic Farming Association NOFA - MASS, *Jack Kittredge*
Northeast Organic Farming Association NOFA - NY, *Kate Mendenhall*
Northeast Organic Farming Association NOFA - NJ, *David Glenn*
Northern Utah Organic Group, *Nancy Taylor*
Northwest Florida House Rabbit Resources, *Cameron McLaughlin*
Northwest Resistance Against Genetic Engineering, *Jennifer Polis*
Oregon Physicians for Social Responsibility, *Rick North*
Oregon Tilth, *Chris Schreiner*
Organic Baby
Organic Consumers Association, *Alexis Baden-Mayer, Esq.*
Organic Farmers' Agency for Relationship Marketing, Inc., *John Bobbe*
Organic Farming Research Foundation, *Mark Lipson*
Organic Seed Alliance, *Matthew Dillon*
Organic Valley, *George Siemon*
Pacific Coast Federation of Fishermen's Assoc., *Zeke Grader*
Partners for the Land & Agricultural Needs or Traditional Peoples (PLANT), *Larry Halvey Goodwin*
PCC Natural Markets, *Trudy Bialic*
Pennsylvania Certified Organic, *Leslie Zuck*
Pennypack Farm 7 Education Center, *Patrick Druhan*
People for Environmental Action and Community Health, *Chrys Ostrander*
Pesticide Action Network, *Kathryn Gilje*

Pesticide Watch Education Fund, *Paul Towers*
Provender Alliance, *Susan Schecter*
Rapunzel
Rising Moon
Rural Advancement Foundation International RAFI - USA, *Michael Sligh*
Rural Coalition, *Marge Townsend*
Sal Cassisi Inc., *Chester, NY*
San Francisco Bee-Cause, *Karen H. Peteros*
Save NM Seeds Coalition, *Estevan Arrellano*
Scott Consulting Partners, *Sheryl Scott*
Sierra Club Genetic Engineering Action Team, *Laurel Hopwood*
SK Foods International, *Aaron Skyberg*
Springfield Creamery/Nancy's Yogurt, *Sheryl Kesity Thompson*
Stonyfield Farm, Inc, *Londonberry, NH*
Sustainable Food Center, *Ronda Rutledge*
Steiner Holistic Medicine, *Philip F. Incao, MD*
Sustainable Living Systems, *Jill Davies*
Sustainable Strategies, *Robert Anderson*
Tasting Awareness, *Natalie Soleil*
Taylor Organics, *Nancy Taylor*
Teeccino Herbal Coffee, *Caroline MacDougall*
The Cornucopia Institute, *Charlotte Vallaeys*
The Country Hen, Inc., *Bob Beauregard*

The Nature Institute, *Craig Hodrege*
The Oakland Institute, *Anuradha Mittal*
Tilth Producers of Washington, *Anne Schwartz*
Ukiah Natural Foods Co-op, *Lori Rosenberg*
Union of Concerned Scientists, *Brise Tencer, Doug Gurian-Sherman*
United Natural Foods, *Michael Funk*
University of Wyoming Cooperative Extension Service, *Jennifer Jacobsen*
Veritable Vegetable, *Bu Hygrens*
Verley Family Farm, LLC. , *The Rev. Roger W. Verley*
Verley's Reprise West, *Rev. Roger Verley*
Waggin' Tails Veterinary Services, *Ronna Kabler*
Washington Sustainable Food and Farming Network, *Ellen Gray*
Western Alfalfa Milling Co. Ltd., *Danielle Barret*
Western Organic Dairy Producers Alliance, *Tony Azevedo*
Western Organization of Resource Councils, GM Crops Project, *Todd Lake*
White Mountain Foods, *Jeff, Murray*
Whole Foods Market, *Margaret Wittenberg*
Whole Soy & Co./TAN Industries, Inc., *Ted Nordquist*
Wild Farm Alliance, *Jo Ann Baumgartner*
Winter Sun Farms, *New Paltz, NY*
Wise Solutions, *Jeremiah Ridenour*
Wittenberg Center for Alternative Resources, *Rev. James Davis*
Woodstock Farms

Farms

Acorn Hill Farm, *Walker Valley, NY*
Blue Heron Farm, *Rockport, WA*
Blue Loon Farm, *West Salem, OH*
Bobolink Farm, *Westport, NY*
Bull Brook Farm, *Amery, WI*
Canticle Farm Inc., *Allegheny, NY*
Century Farm , *Homer, NY*
Classic Organic Farm & Market, *Gaviota, CA*
Cleary Family Farm, *Plainfield, VT*
Chuck Noble Farms, *SD*
Cornercopia Farm, *Brevard, NC*
Crazy View Farm, *Wilsall, MT*
Diggnin' Roots Farm, *Milwaukie, OR*
DWD Longhorns, LLC / SESCO Valley Ranch, *Tarpley, TX*
Earth's Promise Farm, *Sandra Corlett*
Earthwise Farm and Forest, *Randolph, VT*
Field Day Farms, *Bozeman, MT*
Frosty Morning Farm, *Truxton, NY*
Gardens/Minifarms Network, *Lubbock, TX*
Greensward Nursery, *Aptos, CA*
Jill's Garden, *Victor, MT*
Kern Family Farm, *North Fork, CA*
Knollcrest Farm, *Almond, NY*
Lange Farms, *Platteville, WI*
Lightening Tree Farm, *Millbrook, NY*
Live Earth Farm, *Watsonville, CA*

Miami Valley Organic Farms, *Pleasant Hill, OH*
Molino Creek Farming Collective, *Davenport, CA*
Mountain Blue Farm, *Jaffrey, NH*
Neptune Farm, LLC, *Salem, NJ*
Nick's Organic Farm, LLC, *Buckeystown, MD*
North Frontier Farms, *Lewistown, MT*
North Slope Farm, *Pleasant Mount, PA*
Organic Farmer & Seed Industry Professional, *Sebastopol, CA*
Radiance Dairy , *Fairfield, IA*
Sabo Ranch, *Harrison, MT*
Santa Cruz Farm, *Espanola, NM*
Schock Farms, *Ashley, ND*
Second Chance Farm & Longfellow's Creamery, LLC, *Avon, ME*
Stuczynski Farms / Stuczynski Soils & Design, *Amherst,, WI*
Suzy's Old Field Farm, *Oneonta, AL*
T.O. Cattle Co., LLC, *San Juan Bautista, CA*
The Old Solar Farm, *Oxford, CT*
TLC Ranch, *Aromas, CA*
Tower Hill Farm LLC, *Sodus, MI*
Troyer's Organic Produce, *Union City, PA*
Twin Oaks Dairy, LLC, *Truxton, NY*
Wendel's Farm & Nursery, *Lake Panasoffkee, FL*
Wild Orchard Farm, *Essex, NY*
Williams Family Sustainable Farming, *Woodland, CA*
Wiscoy Organic Produce, *Winona, MN*
Wolf Creek Organics, *Ree Heights, SD*

"On behalf of the undersigned members of the Canadian farming, organic food and environmental community, we are writing to express our serious concerns about damage to organic integrity and to organic markets that would result from USDA's proposed approval of Genetically Engineered, Roundup Ready Alfalfa (GE alfalfa). We support the analysis detailed in this letter. All of the concerns expressed by our U.S. colleagues are concerns of ours. GE pollen does not respect national boundaries and GE alfalfa hay could be legally exported to Canada. For these reasons we respectfully request that USDA deny the application to deregulate GE alfalfa."

Lucy Sharratt,
Canadian Biotechnology Action Network (CBAN)

AFEAS (Association féminine d'éducation et d'action sociale),
Quebec
Alberta Organic Producers Association
Alternatives Journal, Ontario
AppleGate School, Ontario
AmiEs de la terre de Québec
Arbutus Ridge Farms, BC
Artesian Acres Inc., Alberta
L'Association Agriculture Biologique Gaspésie
Avenue BIO de l'Est, Quebec
BC Food Systems Network
Be the Change Group, Ontario
Befriending the Earth (BTE), Ontario
Beyond Factory Farming
Canadian Biotechnology Action Network (CBAN)
Canadian Organic Certification Co-operative Ltd.
Canadian Organic Growers
CEED Centre Society (Community Education on the Environment
and Development), BC
Club d'encadrement technique (CET) l'Envol-lait biologique,
Quebec
COABC, Certified Organic Associations of British Columbia BC
Cobble Hill Farmers Institute, BC
Commission scolaire des Trois-lois, Quebec
Creston Valley Food Action Coalition, BC
Eatmore Sprouts and Greens Ltd., BC
Ecocert Canada
Ecological Farmers Association of Ontario
Farm Folk/City Folk, BC
Ferme St. Joseph, Quebec
Field Gate Organics Inc. Ontario
Fleur de mil Un pays inc., Quebec
Food Action Committee, Ecology Action Centre, Nova Scotia
Future of Food in the Kootenays Working Group, BC
Garderie les petits bricoleurs, Quebec
Genesis Food, Quebec
Greenpeace Canada
HANS - Health Action Network Society, BC
Harbour House Hotel Organic Farm, BC
International Organic Inspectors Association
Island Natural Growers, BC
Jalava Consulting, Ontario
John Zuelzer & Son Canada Ltd., BC
JUST Community Market Co-operative Ltd., Manitoba
Kalamalka Orchards, BC
Keystone Grain Ltd, Manitoba
Kootenay Country Store Cooperative, BC
Kootenay Food Strategy Society (KFSS), BC
Kootenay Organic Growers Society (KOGS), BC
La Grande Ruche, Quebec
La Voil du Tai Chi et Qigong, Quebec
Les Fermes Longpres Ltee., Quebec
Les Miels Bizz Bizz, Quebec
Les Miels du Suroct, Quebec
Lillooet Food Matters, BC
Local Food Plus, Ontario
Mapleton Organic Dairy, Ontario
Manitoba Forage Council
MCS Global (Multiple Chemical Sensitivity)
Mumm's Sprouting Seeds Ltd, SK
National Farmers Union
National Farmers Union - Ontario (Bruce Local)
Nature's Path
NE Sask OCIA Chapter #3
New Brunswick Partners in Agriculture
Northwest Organic Producers Inc. Saskatchewan
OCIA #5 Marysburg/Loehr Organic Project Saskatchewan
OCIA Canada - Head Office
OCIA New Brunswick (Ch 1)
Organic Council of Nova Scotia
Organic Council of Ontario
Organic Food Council of Manitoba
Organic Materials Review Institute
Organic Meadow Co-operative Inc. Ontario
Organic Producers Association of Manitoba
Organic Trade Association in Canada
Patri-semences, Quebec
Pitt Polder Preservation Society, BC
POCIC-OCIA Chapter 6 Saskatchewan
Power Seed Inc., Ontario
Quality Assurance International
RealFood, Red Willow, Alberta
Robertson - Stow Farms Ltd., Manitoba
Rolling Acres Farm, Saskatchewan
Les Ruchers du Québec inc
Saltspringers for Safe Food, BC
Sask Organic Certification Association Inc
Saskatchewan Organic Directorate
Ship's Point Ventures Ltd., BC
Source Acres Bison, Saskatchewan
Southwest Sask OCIA Chapter #8
Spruce Acres Bison, Ontario
Steep Hill Food Cooperative, Saskatchewan
Stop the Hogs Coalition, Saskatchewan
Terra Sativa, terre de cultures inc., Quebec
The Big Carrot Natural Food Market, Toronto, Ontario
The Community Farm Store, BC
The Stone Store Natural Foods, Guelph, Ontario
Thompson Watershed Coalition, BC
Toronto Farmers Market Network
Trinity Bellwoods Farmers Market/Friends of Trinity Bellwoods
Park
Union des consommateurs, Quebec
Union Paysanne, Quebec
West Kootenay Plants, BC
Western Alfalfa Milling Co. Ltd., Saskatchewan

¹ 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.

² The Hartman Group. (2006) “Consumer Attitudes & Behavior, Five Years Later & Into the Future.”

³ Straus, Albert. (April 6, 2007) *Declaration of Albert Straus in Support of Plaintiffs Permanent Injunction*, The United States District Court for the Northern District of California, San Francisco Division, Case No. C06-175 CRB.

⁴ Domestic sales of organic food sales are estimated at \$23 million annually (2008), according to the Organic Trade Association (OTA), http://www.ota.com/pics/documents/01a_OTAExecutiveSummary.pdf (accessed 28 January 2010).

⁵ Organic exports are estimated at \$125 million to \$250 million annually, according to USDA’s Economic Research Service (September 2009), <http://www.ers.usda.gov/briefing/organic/trade.htm>, (accessed 28 January 2010).

⁶ Marvier, Michelle & Rene C. Van Acker. (2005) “Can Transgenes be kept on a Leash?” *Front Ecol Environ*, 3, 2: 96-106. Altieri, M. A. (2005) “The Myth of Coexistence: Why Transgenic Crops are not Compatible with Agroecologically Based Systems of Production.”, *Bulletin of Science, Technology & Society*, 25, 4: 366.

⁷ Siemon, George. (April 6, 2007) *Declaration of Albert Straus in Support of Plaintiffs Permanent Injunction*, The United States District Court for the Northern District of California, San Francisco Division, Case No. C06-175 CRB. P. 3.

⁸ United States Department of Agriculture. Glyphosate-Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status. Draft Environmental Impact Statement—November 2009, p. 95.

⁹ 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. 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.

¹⁰ Greenpeace International. GM Contamination Register Report 2007, February 28, 2008. <http://www.greenpeace.org/international/press/reports/gm-contamination-register-2007> (accessed 10 Feb. 2010).

¹¹ 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.

¹² Smyth et al. (2002) Liabilities and Economics of Transgenic Crops, *20 Nature Biotechnology*, June 2002, at 537-541.

¹³ Letter from Steven A. Strachota, President, Dairyland Seed Co., Inc. to Gregory H. Lowry, Executive Vice President, Idaho Crop Improvement Association, Inc., November 1, 2006.

¹⁴ *Id.*

¹⁵ DEIS at p. 102.

¹⁶ DEIS at p. 98-99.

¹⁷ *Id.* at 133.

¹⁸ *Id.* at 132.

¹⁹ <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/>

²⁰ 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.

²¹ 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.

²² 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 lethal impacts of Roundup and predatory stress on six species of North American tadpoles,” *Archives of Environmental Contamination and Toxicology* 48: 351-57.

²³ Domestic sales of organic food sales are estimated at \$23 million annually (2008), according to the Organic Trade Association (OTA), http://www.ota.com/pics/documents/01a_OTAExecutiveSummary.pdf (accessed 28 January 2010).

²⁴ United States Department of Agriculture. (Jan. 26, 2010) “Agriculture Secretary Tom Vilsack Announces Millions to Promote U.S. Food and Agricultural Exports,” Washington, DC, Press Release No. 003310. <http://www.usda.gov/wps/portal/usdahome> (accessed 28 Jan. 2010).