Message to farmers: "Fend for yourselves."

Dec 11, 2012 by Marcia Ishii-Eiteman

Organic and conventional farmers are feeling rooked. And for good reason. A USDA-appointed advisory group known as the Advisory Committee on Biotechnology and 21st Century Agriculture (AC21) has just concluded over a year's worth of deliberation on how to address the thorny problem of transgenic contamination of organic and non-genetically engineered (GE) crops— a major threat to farmers' businesses and livelihoods.

The result? A report recommending that farmers and taxpayers bear the heavy costs of dealing with genetic contamination, while leaving the Big 6 pesticide and GE seed manufacturers free from any responsibility for the harm caused by their products.

As Reuters' Carey Gillam observed, "The committee's final report failed to make a single recommendation holding the patent holders of genetic engineering technologies responsible and liable for damages caused by its use." Instead, the AC21 report recommended that farmers worried about contamination should simply buy their own crop insurance — at rates subsidized by taxpayers — to protect themselves from the inevitable damage they'll incur as more and more GE crops are planted.

Translation: "Farmers: you're on your own (sorry about the mess). Pesticide and GE seed companies: enjoy your free lunch (taxpayers are footing the bill)."

Genetic trespass happens

GE pollen and seeds — blown off trucks or carried by wind, insects or birds — can and do readily traverse farm boundaries and contaminate non-GE fields, cross-pollinating crops or becoming established from seed.

Consider corn. It is a wind-pollinated crop (this is the evolutionary genius of those tassels) producing an abundance of pollen that blows across the U.S. countryside from those 96 million planted acres, most of them grown from GE seed. Now imagine trying to farm corn that is not contaminated. Where does one hide?

Once their fields are contaminated, organic farmers risk losing organic certification, their markets and reputation. Meanwhile, conventional and organic farmers, seed cleaners and food businesses whose products have been contaminated risk losing access to important domestic and export markets for GE-free goods. Adding insult to injury, farmers whose crops have been contaminated become vulnerable to patent violation lawsuits and intimidation by the likes of Monsanto and DuPont

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Economic damages from GE contamination alone could push a farm into bankruptcy. More fundamentally, non-GE farmers argue, contamination denies them their right and ability to farm as they wish, on their own land. As AC21 member Melissa Hughes of farmer-owned Organic Valley states in the report:

“To be clear, the farmers in the organic cooperative I represent do not want [transgenic] biotechnology on their farms, or in their crops. … The current recommendation of the AC21 does nothing to incentivize prevention [of contamination] by the parties controlling technology. They have, unfortunately, no skin in the game, and the financial burden remains squarely on the backs of non-GMO agriculture.”

Wrong questions, wrong answers

In addressing the issue of genetic trespass, a number of AC21 members argued forcefully that USDA should create mandatory GE prevention strategies, penalties for non-compliance and meaningful economic incentives for compliance. Not surprisingly, this tougher stance — and focus on prevention — was rejected by industry reps on the committee, and so did not make it into the report’s final recommendations.

Establishing financial and legal liability for contamination would certainly “incentivize” prevention. One mechanism to do so, long advocated for by organic farmers, is a general compensation fund, paid into by GE technology owners, administered by USDA and overseen by a multi-stakeholder advisory body. This idea appears to have been dismissed by those AC21 members who feared that “establishing such a fund would suggest to consumers and trading partners that there was something unsafe about the products produced by the entities funding the mechanism.”

The questionable safety of GE products aside, my larger concern is that well-defined and promising approaches to preventing genetic contamination were so easily swept aside. Why? USDA Secretary Vilsack (former Biotech "Governor of the Year") gave the AC21 an intentionally narrow mandate that doomed it from the start: focus on how to enable “coexistence,” rather than how to prevent contamination. As well, industry actors were obsessively concerned with how accepting responsibility might “look” to outsiders — consumers, investors and trading partners — if GE seed manufacturers appeared to admit a) that contamination is occurring and b) that they should be held liable for damages.

In effect, the outcome of this committee seems to be that the makers of GE products have once again successfully ensured that they have "no skin in the game."

Now what?

I was initially surprised to see that all but one of the stalwart organic and sustainable farming allies who participated in the A21 committee process had signed onto the “consensus document.” But as I read through their official statements — which together take up nearly half of the entire report’s contents and offer a fascinating peek into the clearly contentious drama of the committee’s deliberations — I realized that these farmers and allies were “consenting” only to the importance of finally having a (somewhat) open conversation about the here-to-fore virtually taboo topic of genetic trespass. Most remained sharply critical of the report’s conclusions.

The one silver lining was the committee’s recognition of the critical importance of preserving the diversity, quality, purity and availability of a non-GE seed supply. Whether or not this recognition gets parlayed into meaningful protections for non-GE farmers and seeds is apparently up to us.

Take Action» The best way to prevent contamination is to stop the wave of new GE crops in the pipeline from making it to market in the first place. Sign our petition to Secretary Vilsack urging him to reject Dow and Monsanto’s latest suite of herbicide-resistant GE crops.

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