



## **Genetic Engineering Bill Approved in the California Assembly** *Bill Would Protect Farmers from GMO Contamination*

---

*Thank you for your calls and letters to Assemblymembers!*  
*Stay tuned for an alert targeting Senators later this spring, as AB 541 now moves to the Senate.*

AB 541, which could become California's first state law protecting farmers from the hazards of genetically engineered crops, passed out of the full Assembly on January 29 with a vote of 49-13. It has the support of the California Farm Bureau as well as California Certified Organic Farmers, Community Alliance with Family Farmers, the California Farmers Union and many food safety and environmental organizations.

Introduced by Assembly Member Jared Huffman (6<sup>th</sup> AD) early in 2007, the bill was held over in the Agriculture Committee in April. Since then, AB 541 has been scaled back to address two provisions related to farmer protections.

AB 541 will enact protections for California farmers against frivolous lawsuits that intimidate and harass those who have not been able to prevent the inevitable – the drift of genetically engineered pollen or seed. It will level the playing field for farmers accused by agricultural biotechnology companies and other patent holders of contract violations, and discourage the practice of biotech companies sampling crops without explicit permission from farmers and prosecuting based on unverifiable testing results.

Specifically, the newly amended bill would provide for:

1. Protection from patent infringement lawsuits for farmers unknowingly contaminated by GE crops. Currently, farmers with crops that become contaminated by patented seeds or pollen have been the target of such lawsuits without clear recourse or defense.
2. The establishment of a mandatory crop sampling protocol to be used by patent holders when investigating farmers they believe may have violated patents or seed contracts. This protocol would require the farmer's written permission for sampling, and provide for a state agriculture official to accompany the patent holder during the sampling and collect duplicate samples for independent verification if requested by either party.

“I am very pleased that the stakeholders on this issue have found a way to address one of the issues related to genetic contamination of crops,” stated Assembly Member Huffman. “While there is still work to do on other issues concerning genetically engineered food, AB 541 would be an important step in establishing basic protections for California's farmers.”

The original bill included several other elements, including the establishment of the country's first system of notification for the locations of GE crops; the confinement of experimental pharmaceutical-

GENETIC ENGINEERING POLICY PROJECT: California Certified Organic Farmers • California Church IMPACT • Center for Food Safety • Center for Environmental Health • Community Alliance with Family Farmers • Earthbound Farm • Ecological Farming Association • Environment California • Good Earth Natural Foods • Occidental Arts and Ecology Center • Oakland Institute • Ocean Beach People's Organic Food Co-op • Pesticide Action Network North America • United Natural Foods, Inc.



producing crops to greenhouses to protect the food system from contamination; and, legislative clarity that the GE crop manufacturer is liable in the event of contamination, and not farmers.

“While AB 541 as currently amended represents only a small piece of what our stakeholders identify as issues to be addressed, we think this represents a move in the right direction,” stated Renata Brillinger, director of the Genetic Engineering Policy Project, the 13-member coalition of organic and conventional farmers, food industry, environmental, and faith organizations sponsoring AB 541.

The bill will now move to the Senate for consideration.

## **France Suspends GE Corn**

---

French President Nicolas Sarkozy announced on January 11, 2008 that his country would invoke an EU safeguard clause enabling it to suspend the marketing and growth on its territory of a GM crop that has EU-wide authorization.

The crop in question is a variety of maize, MON 810, produced by the US biotech giant Monsanto. The strain contains a gene allowing the maize to defend itself against the corn borer which regularly destroys maize harvests all over Europe. MON 810 has so far been the only genetically modified crop to have market authorization in France, one of Europe’s largest maize growers.

The decision came after France’s ‘Provisional High Authority on GM Organisms’ presented, on 9 January 2008, the conclusions of its study on the effect of the MON 810 crop on health and the environment. The committee, composed of 15 scientific experts, announced that it had found “new scientific facts relating to a negative impact on flora and fauna.” However, not all its members signed the final declaration, arguing that they did not have enough time to conduct the study.

These new scientific facts” include cross-pollination of GM and non-GM fields at local level and negative effects on insects, a species of earthworm and microorganisms.

Excerpted from:

<http://www.euractiv.com/en/environment/france-suspends-gm-maize-citing-new-scientific-evidence/article-169522>

GENETIC ENGINEERING POLICY PROJECT: California Certified Organic Farmers • California Church IMPACT • Center for Food Safety • Center for Environmental Health • Community Alliance with Family Farmers • Earthbound Farm • Ecological Farming Association • Environment California • Good Earth Natural Foods • Occidental Arts and Ecology Center • Oakland Institute • Ocean Beach People's Organic Food Co-op • Pesticide Action Network North America • United Natural Foods, Inc.



## **Monsanto wins lawsuit over farmer who saved GE seed**

---

The Supreme Court on Monday let stand, without comment, a lower court ruling that punished a Mississippi farmer for re-using Monsanto Co.'s patented, genetically modified soybeans. St. Louis-based Monsanto sued Homan McFarling in 1999 for violating its patents by planting biotech seeds that he saved from a previous year's crop. The company won \$375,000 in damages, which McFarling's lawyers also challenged as excessive.

Since the late 1990s, Monsanto has pursued similar lawsuits against almost 100 farmers, according to the Center for Food Safety, which opposes the suits and urged the court to take McFarling's case.

McFarling purchased Monsanto's patented Roundup Ready soybean seeds in 1998. The seeds are engineered to withstand Monsanto's Roundup herbicide, enabling farmers to spray their fields with the herbicide without damaging their soybean crops.

McFarling then saved seeds from the 1998 crop to plant Roundup Ready soybeans in 1999 and 2000. Monsanto sued, arguing that a "technology agreement" McFarling signed restricted him to using the seeds for only one growing season.

Lawyers for McFarling, however, argued that patent law doesn't allow Monsanto "to control the future use of seeds that were a natural product of the seeds that he had bought and planted."

But a district court and the U.S. Court of Appeals for the Federal Circuit sided with Monsanto. The appeals court ruled that the second-generation seeds were "nearly identical copies" of Monsanto's patented seeds, and a district court injunction barring their use is "simply a prohibition against unlicensed use of the patented invention."

Source: <http://www.bnd.com/business/story/221785.html>