



Contacts: George Kimbrell, Center for Food Safety, 415-826-2770, c: 571-527-8618
John Bianchi, Goodman Media, 212-576-2700, c: 917-693-4290

SUPREME COURT RULING IN MONSANTO CASE IS VICTORY FOR CENTER FOR FOOD SAFETY, FARMERS

HIGH COURT DELIVERS RULING THAT LEAVES BAN ON PLANTING OF ROUNDUP READY ALFALFA IN PLACE IN FIRST-EVER CASE ON A GENETICALLY-ENGINEERED CROP

Washington, DC June 21, 2010 – The Center for Food Safety today celebrated the United States Supreme Court’s decision in *Monsanto v. Geerston Farms*, the first genetically modified crop case ever brought before the Supreme Court. Although the High Court decision reverses parts of the lower courts’ rulings, the judgment holds that a vacatur bars the planting of Monsanto’s Roundup Ready Alfalfa until and unless future deregulation occurs. It is a victory for the Center for Food Safety and the Farmers and Consumers it represents.

“The Justices’ decision today means that the selling and planting of Roundup Ready Alfalfa is illegal. The ban on the crop will remain in place until a full and adequate EIS is prepared by USDA and they officially deregulate the crop. This is a year or more away according to the agency, and even then, a deregulation move may be subject to further litigation if the agency’s analysis is not adequate,” said Andrew Kimbrell, Executive Director of the Center for Food Safety. “In sum, it’s a significant victory in our ongoing fight to protect farmer and consumer choice, the environment and the organic industry.”

In the majority opinion written by Justice Samuel Alito, the Court held: “In sum...the vacatur of APHIS’s deregulation decision means that virtually no RRA (Roundup Ready Alfalfa) can be grown or sold until such time as a new deregulation decision is in place, and we also know that any party aggrieved by a hypothetical future deregulation decision will have ample opportunity to challenge it, and to seek appropriate preliminary relief, if and when such a decision is made.” (Opinion at p. 22).

The Court also held that:

- Any further attempt to commercialize RRA even in part may require an EIS subject to legal challenge.
- The Court further recognized that the threat of transgenic contamination is harmful and onerous to organic and conventional farmers and that the injury allows them to challenge future biotech crop commercializations in court.

USDA indicated at the Supreme Court argument that full deregulation is about a year away and that they will not pursue a partial deregulation in the interim. Any new attempt at deregulation in full or part will be subject to legal challenge.

“The bottom line is that the Supreme Court set aside the injunction because the vacating of the commercialization decision already gave us all the relief we needed, but forbidding RRA planting until a new decision is made by the agency. And at such time, farmers and consumers still have the right to challenge the adequacy of that process.” said George Kimbrell, senior staff attorney for CFS. “The Court’s decision affirmed that the threat of genetic contamination of natural plants posed by biotech crops is an issue of significant environmental concern now and in the future”

In this case, CFS faced off against powerful opposing entities, including the Department of Agriculture and the agricultural biotech giant, Monsanto Corporation. The Center and the other respondents were supported by a broad array of diverse interests, marshalling no less than seven amicus briefs in support. The amici included three states’ attorneys general, leading scientific experts, legal scholars, former government officials, farmers, exporters, environmental groups, food companies and organic industry trade groups. The Organic Trade association and companies like Stonyfield Farms, Cliff Bar and Eden Foods voiced united concern over the threat a ruling for Monsanto would pose to the organic food businesses, the fastest growing sector in the American food industry. Attorneys general from California, Oregon and Massachusetts filed a brief on behalf of their citizens emphasizing “the States’ interests in protecting the environment, their natural resources and their citizens’ rights to be informed about the environmental impacts of federal actions.” A full list of the more than sixty organizations, companies and individuals who filed briefs in support of CFS and opposed to Monsanto can be viewed at <http://truefoodnow.org/publications/supreme-court-briefs/>.

Monsanto was supported by a bloc of powerful corporate interests and industry groups, including the American Farm Bureau, the Biotechnology Industry Organization, the American Petroleum Institute, the U.S. Chamber of Commerce, and CropLife America.

The environmental, health, cultural, and economic impacts of the genetically-engineered alfalfa seed, which is designed to be immune to Monsanto’s flagship herbicide Roundup, and the USDA’s plan to commercialize it, was at the heart of this dispute since 2006, when CFS filed a lawsuit against the USDA on behalf of a coalition of non-profits and farmers who wanted to retain the choice to grow non-GE alfalfa. Central to the issue is unwanted transgenetic drift: GE alfalfa can spread uncontrollably by way of bees that can cross-pollinate plants many miles away, contaminating both conventional and organic alfalfa with foreign DNA, patented by Monsanto.

“We brought this case to court because I and other conventional farmers will no doubt suffer irreversible economic harm if the planting of GE alfalfa is allowed,” said plaintiff Phil Geerston. “It was simply a question of our survival, and though we did not win on all points of the law, we are grateful that the practical result of today’s ruling is that Monsanto cannot take away our rights and Roundup Ready alfalfa cannot threaten our livelihoods.”

Alfalfa is the fourth most widely grown crop in the U.S., and a key source of dairy forage. Organic and conventional farmers faced the loss of their businesses due to widespread contamination from Monsanto's patented GE alfalfa, and the foreseeable contamination of feral or wild alfalfa would ensure an ongoing and permanent source of transgenic pollution in wild places akin to that of invasive species. The New York Times ([link](#)) recently covered the epidemic of super-weeds Monsanto's Roundup Ready crops are causing across the country.

Further background information on the history of this case and scientific studies are available at <http://truefoodnow.org/publications/supreme-court-briefs/>.

#

The Center for Food Safety is national, non-profit, membership organization, founded in 1997, that works to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. On the web at: <http://www.centerforfoodsafety.org>