*May 29, 2012*

**Comments to the USDA Advisory Committee on**

**Biotechnology and 21st Century Agriculture**

Good afternoon. My name is Colin O’Neil and I am the Regulatory Policy Analyst for the Center for Food Safety. This is the fourth time that I sit before you to provide comments on behalf of CFS and our over 200,000 members nationwide.

I said in my comments to the committee in August, your task is no small one and in the subsequent meetings, it has become apparent that this is certainly the case. The USDA has asked you to lay tracks for what many feel is a runaway train and no matter how hard this Committee tries, you cannot provide the recommendations needed while something as big as unrestricted GE contamination continues to barrel down. Today’s agricultural landscape is changing rapidly and any new GE crop introduction could tip the scale of contamination from bad to worse. Therefore, it is incumbent upon AC21 to first call for the USDA to immediately halt the approval and planting of any new GE crops. This will give the AC21 the respite it needs to logically and scientifically assess the issue of contamination and provide recommendations on what needs to be done.

As this committee’s deliberations proceed, there are three things that have become increasingly clear.

First, the USDA has failed to prevent GE contamination from occurring in crops it has already approved. Therefore, it is imperative that the USDA institute an immediate moratorium on the approval and planting of new GE crops unless and until contamination of organic and non-GE conventional crops can be scientifically proven preventable.

Second, without USDA imposed measures and guidelines on GE technology, non-GE growers remain largely unprotected from contamination by GE crops that have been deregulated and commercially grown. Mandatory contamination prevention measures must be put in place to mitigate gene flow from GE crops. Enforcement of such measures must be the responsibility of the USDA. Preventing GE contamination must be the cornerstone of the AC21’s recommendation and should be a primary goal of the USDA’s biotechnology program. As the government-appointed, and tax payer-funded, enhancer of fair farming for all, the USDA is sorely failing in this role and all eyes are upon the Agency to redeem itself in this regard. Mandatory contamination prevention measures are critical, not only to stopping gene flow, but also to preserving the future success of US agriculture of all types.

Third, currently, the entire burden for preventing and responding to GE contamination rests with those who neither use, nor benefit from GE technologies. This system is fundamentally unfair. Patent holders must be held liable to pay for the full range of agronomic, economic, and social losses, including restitution costs that result from contamination. But it is important to underscore that transgenic contamination is not merely an economic harm that can be wholly remedied with monetary damages.  Transgenic contamination is a multifaceted harm that causes fundamental losses to farmers by limiting their right to sow and source the crop of their choice, a harm which is irreparable in nature.

The AC21’s focus on identifying a compensation mechanisms instead of mandating contamination prevention wrongly assumes that contamination is an acceptable cost of doing business for organic, IP, and non-GE farmers. Equally deceptive is the notion that those who stand to suffer from contamination should also bear the burden of financing a compensation mechanism. CFS opposes any compensation mechanism that requires organic, IP, and conventional non-GE growers to purchase insurance or pay into a fund to compensate themselves for unwanted contamination. Such a scheme of penalizing the victim is fundamentally unjust, threatens farmers’ economic viability, and fails to address and prevent the root cause of the problem — GE contamination.

In conclusion, CFS supports an immediate moratorium on the approval and planting of new GE crops, the establishment of mandatory contamination prevention measures, and the recognition of biotech patent holder liability.

Respectfully submitted,

*Colin O’Neil*

Regulatory Policy Analyst

Center for Food Safety

(p) 202-547-9359 | [colin@icta.org](mailto:colin@icta.org)