



# BEYOND PESTICIDES

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August 24, 2012

Dear Members of the AC21 Committee:

I am writing you on behalf of Beyond Pesticides to comment on the development of the Committee's Final Draft Report. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

We appreciate the Committee's hard work in developing the AC21 report and look forward to working with you further to perfect the process and ensure equitable coexistence throughout all American farming communities. However, we have serious concerns regarding certain elements of the draft report. We would like to see more attention given to the prevention of contamination and a more balanced allocation of responsibilities among all parties so that all involved are working toward the same goal and have equal investments in achieving successful coexistence.

The most critical issue that we would like to see addressed concerns the definition of "coexistence" outlined in the report. Without a solid understanding of this central concept, any plans for implementation would be ultimately fruitless and would lead only to more conflict and misunderstanding in the future. The current definition in the draft report falls far short of any true understanding of what it is to coexist and lacks any assurance that the involved parties would receive the necessary protection required in order to effectively coexist. Specifically, we suggest the inclusion of a phrase in the definition stipulating that all parties are entitled to assurances against trespass from genetic drift. Coexistence of any kind should include a shared understanding of boundaries and a requirement under the penalty of law to respect those boundaries. Without any guarantee that coexistence will ensure cultivation without trespass, organic and non-GE farmers will be at a significant disadvantage and "coexistence" will result in a severely imbalanced system. Where trespass occurs, operations that are trespassing should be prevented from doing so.

Responsibility for ensuring this guarantee should be shared equally among organic, non-GE, and GE farmers alike. A system in which organic farmers are forced to expend resources to protect themselves from the choices of others, while potential trespassers are merely allowed to go about their business regardless of consequences is not equitable coexistence and is not a permanent solution. Sadly, this is precisely the system that has been proposed in the draft report by suggesting that organic farmers should buy insurance to protect themselves against potential

genetic drift from neighboring GE farms and that GE farms should not be blamed for genetic material escaping their properties.

Additionally, the draft report suggests that compensation in the case of genetic contamination is the most proper mechanism for ensuring perpetual coexistence. If contamination occurs and harm is done, appropriate compensation should always be determined and made available to all affected parties. However, it would be more proper to put enforceable measures in place to *prevent* contamination in the first place, thus minimizing the issue of determining compensation in most cases. The report hints at this idea by suggesting the cultivation of good relationships between neighbors with divergent production methods as a way to avoid contamination. While this is always a good start, it is by no means a solution to the issue of genetic trespass. Much greater emphasis should be placed on the adoption of preventive measures by all parties, in order to minimize circumstances in which contamination could occur.

Organic producers are prohibited by the *Organic Foods Production Act* from using any crop materials that are genetically engineered. Consumers have come to expect and demand that organic foods are GMO free. Based on these expectations, some retailers specializing in organic products will test shipments of organic material they receive to ensure that they are not deceiving their customers. A rejection of a shipment from a large retail store can be financially devastating to an organic producer and can be crippling to a farmer's reputation, community standing, and trust from consumers. This can happen despite the farmer's best efforts and due entirely to forces outside his or her control stemming from the actions of others. It is time to rectify this by creating a truly balanced and equitable system of coexistence. The draft report as it stands now is entirely incapable of creating such a system, and we urge the members of the Committee to work to redraft the report in order to ensure that concrete measures are included to prevent contamination and to more appropriately balance responsibilities among all involved.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Feldman", with a long horizontal flourish extending to the right.

Jay Feldman  
Executive Director