

## Testimony Before AC-21 August 30, 2011

Thank you for this opportunity to provide testimony. I am Michael Sligh, a Director for the Rural Advancement Foundation International-USA based in NC. We work with farmers in all four of these distinct farming approaches identified here, today. I served on the founding board of this body, so I thank you for answering the call to serve and I know the sacrifices involved. I come from a long line of farmers and ranchers and farmed commercially for over a decade, as well. So, I fully understand these challenges both personally and professionally.

I fully appreciate the Secretary focusing this conversation into three key charges.

1. What types of compensation mechanisms, if any, would be appropriate to address economic losses by farmers in which the value of their crops is reduced by unintended presence of GE material(s)?
2. What would be necessary to implement such mechanisms? That is, what would be the eligibility standard for a loss and what tools and triggers (eg, tolerances, testing protocols, etc.) would be needed to verify and measure such losses and determine if claims are compensable?
3. In addition to the above, what other actions would be appropriate to bolster or facilitate coexistence among different agricultural production systems in the United States?

I wish to offer up eight suggestions:

1. I support the strategy of tackling compensation, first. This is at the heart of the question of shared responsibility and who pays and why, which is the basic prerequisite for a productive conversation. This is not so much a case of farmer versus farmer but one of a technology that does not seem to always stay put. Any proposed solution that is paid for by either taxpayers or others who do not have direct financial benefit and ownership of this technology seems a problematic and misplaced approach. The USDA alfalfa conversation last winter put on the table a model of compensation, which should be provided to this board. I also agree that by developing compensation first, this will then help inform the kinds of mechanisms that need to be implemented. However, it is very important to take a holistic approach – this is a jigsaw puzzle, and all of the pieces must fit together. Shared responsibility means that all players need to assume some levels of appropriate responsibility, reasonable prevention and avoidance from the unintended GE presence or contamination, but when assigning the appropriate level of responsibility this should be directly proportional to the burden of ownership– it is simply good business. GE Canola should be looked at as a very relevant and instructive case study.

2. This discussion also needs to be fully embedded in a larger framework and be guided by the principles of equity and fairness for your recommendations to actually ensure viable multiple farming and market options. You need to understand the current levels of USDA support for each these four distinct farming approaches – whether it be - GE, IP, conventional - (non-GE) – such as rice and wheat producers and all of the other conventional farmers not using GE technology and the organic sector so that your recommendations are fully grounded and linked to USDA commitments and so that the USDA resource allocations can match the identified needs of the diverse farming communities.
3. Regarding the Secretary’s second charge of implementation mechanisms - the scope of what costs and losses are covered should be comprehensive, and it should include all segments of the supply chains that are affected. This will ensure that your outcomes can truly provide a durable solution. The specific levels of action tolerances or thresholds, if any - need to be set low enough to restore and protect consumer confidence and ensure fair market access; especially regarding foreign and specialty markets requirements and expectations.
4. Regarding the Secretary’s third charge of what else should the Department do to help mitigate this problem - I strongly encourage you to first look for some “low hanging fruit” that can achieve quick unanimous agreements. We, at RAFI have always worked with this broad spectrum of farmers from organic to conventional to IP to those who chose to lease GMO seeds. One of the commonalities that I hear repeatedly is the need for greater farmer choice over germplasm and public seeds options. All farmers I believe, even those using GM technology would welcome improved elite public varieties to work into their systems and this is an essential prerequisite. This was actually one of our key areas of unanimous agreement from my tenure on this board and was one of our critical recommendations for USDA to prioritize the reinvigoration of public plant and animal breeding to ensure the continued release of elite public cultivars along with the urgent need for training a new generation of public breeders. USDA has yet to fully act on this recommendation and we strongly urge this board to reiterate this critical need. There can be no real farmer choice, if there is not real farmer availability of improved public cultivars.
5. Additionally, under your third charge the other issue that is critical is for you to make sound recommendations to the Secretary, defining the on-going biotechnology regulatory oversight by USDA, EPA and FDA to ensure that whatever compensation mechanisms are implemented can be monitored and have on-going evaluation and responsiveness.
6. Regarding AC-21 committee terminology, we strongly urge flexibility and sensitivity for the allowance of the different sectors to use their choice of terms while recognizing and respecting the choices of others. One persons “adventitious presence is another’s contamination”.

7. We urge board protocols to ensure minority recommendations can be honored and fully and fairly conveyed to Secretary when consensus is not found.
8. And finally, we also support this board's commitment to broadly seek public engagement. This should include both expert testimony as well as public participation in working groups – you need to hear from the farmers, buyers, civil society and consumers who are on-ground and affected, they are experts, too.

Discussions of “co-existence” must be understood as a two-way street and please remember that “peaceful co-existence” cannot be achieved without fairness and fairness cannot be achieved without ensuring justice and shared responsibility – this should be your guide.

Thank you,

Michael Sligh