

# For Now: Cooperation Rather Than Compensation For Coexistence Woes



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When members of the USDA Advisory Committee on Biotechnology and 21st Century Agriculture convened in August 2011, Agriculture Secretary Tom Vilsack asked the 23 farmers, advocates, researchers and industry leaders, to help him address what he considered to be a vexing “coexistence” problem for American agriculture.

The group, chaired by Delaware Valley College Dean of Agriculture Russell Redding, agreed that “coexistence” refers to the concurrent cultivation of conventional, organic, identity-preserved (IP), and genetically engineered (GE) crops consistent with underlying consumer preferences and farmer choices.

Vilsack’s charge involved three basic questions:

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 genetically engineered (GE) material(s)?

What would be necessary to implement such mechanisms? That is, what would be the eligibility standard for a loss and what tools and triggers (e.g., tolerances, testing protocols, etc.) would be needed to verify and measure such losses and determine if claims are compensable?

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?

The first meeting was quite lively with representatives of the organic community discussing the possibility of a legal compensation fund – just in case there was some type of genetic material drifting into their fields and making their crops less valuable. Growers of conventional and biotech crops pushed back hard – arguing that they could coexist with different types of growers in a neighborly fashion without additional rules and regulations.

At one point, one of the organic growers screamed across the table: “Do you know what we call you? You’re just chemical farmers!”

But over the 15 months of discussion, the tone and the dialogue improved and the committee issued a final report with 22 of the 23 members signing on.

The committee concluded that a compensation mechanism is unnecessary – at least for now – to address the unintended presence of genetically engineered (GE) material in non-biotech crops. Instead, recommendations focused on stewardship and outreach activities to enhance “coexistence” between growers using diverse systems.

The report indicated that members of the AC21 do not agree about the extent to which a “systemic” problem exists and whether there is enough data to warrant a compensation mechanism.

“What’s clear to me is coexistence is a journey that requires all stakeholders in agriculture – farmers, seed technology providers, marketers, all levels of management – to be involved,” said Redding.

“The central themes of our report – compensation, stewardship, research and seed quality are shared responsibilities. “Our report provides USDA a framework for action, but more importantly industry leadership to help ensure that farmers continue to have the right to make the best production choices for their farm. With this right comes a responsibility to respect the neighbor’s ability to make a different choice. Coexistence is both a practice and a belief; important lessons for AC21,” Redding added.

Committee member Charles Benbrook “reluctantly” supported the report, but noted that, “regrettably, on the core compensation issues, the capable leaders of AC21 were unable to move the Committee much beyond talking points shared in the first meeting.”

“Any compensation mechanism that may be put in place that is perceived by one segment of agriculture as placing unfair burdens on that sector will only divide agriculture,” states the report. If further research and data leads the secretary to believe a compensation mechanism is

needed, that mechanism should be based on the crop insurance model.

Leon Corzine, past president of the National Corn Growers Association, said he is “especially supportive of the recommendations related to stewardship and outreach. I do not believe developing a compensation mechanism is necessary or justified at this time,” he added.

The American Farm Bureau Federation (AFBF) said in a statement that it is pleased with the outcome of the AC21 discussions. Although the committee explored the idea of compensation to address economic losses by farmers whose crop value may be reduced by the unintended presence of biotechnology, AFBF said it agreed with AC21’s report that a compensation mechanism isn’t necessary or justified at this time.

AFBF Vice President Barry Bushue, an AC21 member, said he is “optimistic that our recommendations can help identify coexistence practices where they are working, improve stewardship where needed and mitigate much of the underlying concerns about the real and perceived risks related to coexistence.”

American Soybean Association (ASA) Chairman Alan Kemper further elaborated on the lack of data for non-welcome GMO presence in organic and IP crops. “After numerous requests for facts and data on the various issues in our charge, USDA could not and did not provide any data,” he said. “In this farmer member’s opinion, the best way to solve the numerous issues in coexistence is by education, stewardship and incentives at the local level.”

However, the National Organic Coalition (NOC) echoed the concerns of several AC21 organic representatives when it said “of particular concern in the report is the recommendation that organic and non-GE conventional farmers pay to self-insure themselves against unwanted GE contamination.” The coalition claims the proposal allows USDA and the agricultural biotechnology industry to abdicate responsibility for preventing GE contamination.

“The AC21 report takes responsibility for GE contamination prevention out of the hands of USDA and the biotech industry where it belongs and puts it squarely on the backs of organic and non-GE farmers,” said Andrew Kimbrell, executive director at the Center for Food Safety and a member of NOC.

Farmer and manager of Lakeview Organic Grain LLC, Mary-Howell Martens, added that according to organic producers, “unwanted adventitious genetic presence is a form of trespass and therefore should be legally and practically treated as such.”

“The current recommendation of the AC21 does nothing to incentivize prevention by the parties controlling technology,” said Melissa Hughes, director of government affairs for Organic Valley. “They have, unfortunately, no skin in the game, and the financial burden remains squarely on the backs of non-GMO agriculture.”

Hughes also objected to the crop insurance model as a potential compensation mechanism, because, she said, producers “cannot rely on an already broken system to solve this new and emerging problem as the non-GMO market blossoms.” However, she said she did appreciate “that there is finally recognition, however slight, that farmers are losing markets and premiums due to the unintended presence of biotechnology in their crops.”

Farmer and North Dakota Agriculture Commissioner Doug Goehring summed up the feelings of many of his home state farmers in his final statement on the report.

“It was disappointing that this issue had to escalate to the point that it did. There was an occasion when the situation was characterized as a war between the organic industry and the ag community, it appears to be driven mostly by politics and agendas and that was unfortunate,” Goehring wrote.

“There is merit in the issue and situation, we need to use as many tools as possible such as communication to bridge the gap and gain a better understanding of practices, systems and challenges that growers face when growing an identity preserved crop. It will bode well for all of us to build a better relationship and understanding that will support coexistence.” Δ

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