

June 26, 2007

Hon. Collin C. Peterson, Chair
House Agriculture Committee
2211 Rayburn HOB
Washington, DC 20515

Hon. Robert Goodlatte, Ranking Member
House Agriculture Committee
2240 Rayburn HOB
Washington, DC 20515

Dear Chairman Peterson and Ranking Member Goodlatte:

The undersigned farm organizations as well as those supporting the interests of states and localities have grave concerns regarding Section 123 of Title 1 to the 2007 Farm Bill as marked-up by the Livestock, Dairy and Poultry Subcommittee. Section 123 grants the federal government, acting through the USDA, broad powers to sweep away state and local authority to protect public health and to support and promote vital agricultural interests. Section 123 invades powers traditionally considered the domain of state governments and localities. We urge you and fellow Members to strike this provision when it comes before the full House Agriculture Committee for markup.

In addition to the preemption of state and local laws related to public health under Section 123(1), we are also troubled by the impact that Section 123(2) would have on state programs designed to support and promote family farmers and rural economies. Section 123(2) would prohibit states or localities from passing any law concerning an article of commerce that the Secretary of Agriculture has “determined to be of non-regulated status,” that is, articles of commerce that USDA has given its stamp of approval and released into commerce with little further oversight.

This measure gives far too much exclusive discretionary authority to the Secretary of Agriculture, particularly for the release of new crop varieties, an area of concern for many states and localities. For example, Section 123 would effectively eliminate Rice Commissions that have been established in Arkansas, Missouri and California to provide producer and industry input in assessing the impact of new varieties on their industry. Rice buyers, both foreign and domestic, have specific requirements and the Rice Commissions have been invaluable in assuring that new rice varieties do not compromise the marketability of rice produced in those states. Additionally, Rice Commissions allow the rice commodity industry to regulate itself and to grow to meet market demands, which is a critical factor in today’s global marketplace. Passage of Section 123(2) could effectively be a huge disservice to the rice producers in those states.

This is but one example of the negative impact that passage of Section 123(2) would have on farmers and the rural economies they support. Another example is legislation adopted this year in Washington state that prohibits the planting of genetically engineered (GE) canola in close proximity to brassica seed producers – a \$20 million industry in the state – due to fears that GE contamination could destroy that industry. Minnesota has also established a permitting program, independent of the federal regulatory process, to ensure that the commercial release of GE crops poses no threat to human health or the environment.

We oppose giving the USDA exclusive regulatory authority given this agency’s track record of regulatory failures. The recent contamination of rice stocks throughout the mid-South by

Liberty Link Rice 601 is a result of USDA's failure to provide sufficient oversight and safeguards to prevent contamination. This incident has cost rice producers millions of dollars in the futures market. Rice producers are increasingly finding it difficult to locate non contaminated seed. As a result of low prices and lack of suitable seed, rice production is down approximately 20% this year. Consequently, virtually all rice producer and commodity groups are demanding that the USDA do a better job in regulating genetically engineered (GE) seeds and products and many have turned to their states to provide better oversight.

USDA's oversight of the commercialization of Roundup Ready GE alfalfa is another example of a significant regulatory failure, which concerns the fourth largest crop in the U.S. In a legal challenge to USDA's approval of the GE alfalfa, federal district court judge Charles Breyer found in *Geerston Seed Farms v. Jobanns* that the USDA's assessment of the impacts of GE alfalfa was wholly inadequate. The judge vacated USDA's decision to deregulate Monsanto's genetically engineered (GE) alfalfa, ordering an Environmental Impact Statement (EIS) and enjoining the sale and planting of that product until credible assurances can be provided that GE alfalfa will not hurt the environment, will not harm farmers or the rural economies that they support, and can be sufficiently segregated to ensure that farmers who do not want to use these products will not be contaminated. This decision comes on the heels of a 2005 audit by the U.S. Inspector General that found that the policies and procedures of the USDA do not go far enough to oversee GE field trials to ensure the safe introduction of GE crops. USDA has yet to adequately address the concerns raised in that audit.

Given the bleak assessments of USDA regulatory capacity to oversee the testing, de-regulation and commercialization of GE crops, it is imperative that states or, if allowed by the state, localities to retain their authority to protect the interests of their farmers and rural communities.

Therefore, we urge you to withdraw Section 123 in its entirety from further consideration in the farm bill's reauthorization.

For more information on the issue or the signatories, please contact: Bill Wenzel, National Director of the Farmer to Farmer Campaign on Genetic Engineering at (877) 968-3276 or via email at bwenzel2@aol.com.

Sincerely,

American Agriculture Movement
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American Corn Growers Association
Larry Mitchell, Chief Executive Officer

Farmer to Farmer Campaign on Genetic Engineering
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Cache Creek Farm and Quetzal Farm
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California Certified Organic Farmers
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Protect Maine Farmers
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cc: Members of House Agriculture Committee