Roundup Ready® Alfalfa Win, What Does it Mean?
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Every time I’m with a group of growers during the past month, the first questions they ask are what does the Supreme Court ruling on Roundup Ready® Alfalfa (RRA) mean and when will we be able to plant Roundup Ready® Alfalfa. Although seemingly simple, these are two very complex questions.

What Does the Supreme Court Ruling on Roundup Ready® Alfalfa mean?
The legal appeal to the Supreme Court was not about whether RRA should be a regulated or deregulated (that is for the USDA to decide). The Supreme Courts ruling was about the lower court’s authority to balance potential damage to RRA sensitive markets by placing restrictions on the USDA that prevented them from executing their responsibilities per the Plant Protection Act and the National Environmental Protection Act.

###Hay Prices for New Mexico

<table>
<thead>
<tr>
<th>County</th>
<th>Contact</th>
<th>Premium Hay ($/ton)</th>
<th>Top Quality Hay ($/ton)</th>
<th>Other Hay ($/ton)</th>
<th>Condition/ Market Activity/Cut Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chaves</td>
<td>Sandra Barraza, County Agent</td>
<td>$165-175 large delivered; $210-230 small in barn</td>
<td>N/A</td>
<td>$130-135 large striped delivered</td>
<td>3rd 100%, 4th started and sporadic due to rain; Market fair to slow; Heavy rains recently, Hot and humid.</td>
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<tr>
<td>De Baca</td>
<td>Leigh Ann Marez, County Agent</td>
<td>$150-160 large; $220 small bales</td>
<td>$130-140 large striped; $185-190 small striped</td>
<td>$100-120 dry cow hay, various quality</td>
<td>3rd 100%; Market is steady; Spotty rain showers and hot.</td>
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<tr>
<td>Hidalgo</td>
<td>Christy Rubio, County Agent</td>
<td>$175 large; $7.00 per 2-string bale</td>
<td>$140; $6.00 per 2-string bale</td>
<td>$100 oat hay; $5.00 per bale ryegrass</td>
<td>3rd 100% complete; market strong; some rains.</td>
</tr>
<tr>
<td>Lea</td>
<td>Wayne Cox, County Agent</td>
<td>$195-205 large; $8.00-9.00 small</td>
<td>$185-200 large; $6.00-7.00 small</td>
<td>$5.00-6.00/bale for rained on hay</td>
<td>3rd cut underway.</td>
</tr>
<tr>
<td>Luna</td>
<td>Jack Blandford, County Agent</td>
<td>$150 large; $5.00 small</td>
<td>N/A</td>
<td>Rain damaged hay coming</td>
<td>3rd 90%, 4th 10-20%; Market steady; Rain slowing cutting and affecting quality.</td>
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<tr>
<td>Otero</td>
<td>Beth Gordon, County Agent</td>
<td>$6.50 2-string 70# bales; $11.75 3-string 105# bales</td>
<td>$9.75 3-string 100# bales</td>
<td>Rains likely to lead to more low quality hay</td>
<td>3rd 75%; Sales are o.k.; afternoon rains making it difficult to get in field</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>Patrick Kircher, County Agent</td>
<td>$165-180 large; $185-200 small squares</td>
<td>&lt;$165 large</td>
<td>$180 wheat small bales</td>
<td>3rd 75%; good quality/yield; Large square market for dairies slow – moving as funds are available; Rains affecting mowing/baling.</td>
</tr>
<tr>
<td>Valencia</td>
<td>Kyle Tator, County Agent</td>
<td>$6.00-7.00/bale small</td>
<td>$5.50/bale small</td>
<td>$4.00-5.00/bale for cow hay</td>
<td>3rd 30-40%; Market fair to good; Good supplies; Hot weather</td>
</tr>
</tbody>
</table>
In its 7-1 ruling, the Supreme Court found that “The District Court abused its discretion in enjoining APHIS from effecting a partial deregulation and in prohibiting the planting of RRA pending the agency’s completion of its detailed environmental review.”

**When Will We be Able to Plant Roundup Ready® Alfalfa?**
Because it is still under regulated status, growers wanting to plant Roundup Ready® Alfalfa must wait until the USDA completes the Environmental Impact Statement (EIS) or other interim measures are put in place. The USDA expects to have the EIS completed in time for spring planting of 2011.

**Many growers interested in Roundup Ready Alfalfa ask: What can I do to ensure it comes back to market ASAP?**
Although the Supreme Court ruling and the USDA’s assurances to finish the EIS are positive signs that RRA is back on track for next spring, delays might still crop up. For example, a letter signed by fifty six members of Congress sponsored by Senator Leahy of Vermont and Representative DeFazio of Oregon requests USDA Secretary Vilsack to take “no action” on the RRA position. The objective of this letter is to make RRA unavailable for all future plantings. I would urge members of the New Mexico Hay Association to follow the lead of the California Alfalfa Forage Association and contact their Senators and Congressman to encourage the USDA to bring Roundup Ready Alfalfa back.

*See attached letter from the California Alfalfa & Forage Association.*
July 16, 2010

The Honorable Tom Vilsack
U.S. Department of Agriculture
200A Jamie Whitten Bldg.
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Vilsack:

The Board of Directors of the California Alfalfa & Forage Association are concerned about misinformation being circulated in Congress calling for continued banning of Roundup Ready Alfalfa (RRA). We are a farmers’ organization representing the thousands of alfalfa growers in our state that would be directly impacted by your actions in this case.

Senator Patrick Leahy and Congressman Peter DeFazio and 54 congressional co-signors have written you urging denial of any further use of RRA by farmers. They are doing this despite the comprehensive research APHIS conducted before RRA was deregulated originally. They also dismiss the draft Environmental Impact Statement (dEIS), which was recently completed after 3 years of work, and currently under review. We object to the overt political pressure being put on your agency, and urge you to have APHIS continue its careful review to its completion, based upon a scientific analysis of the facts at hand.

It is apparent that the many discussions and actions over the last several years have caused confusion and misinformation about the deregulation of RRA. A number of statements in the Leahy letter are either misleading or incorrect.

- The Leahy letter states that GE contamination will inevitably result in contamination of all organic hay and dairy production, with great economic harm. This is simply neither true nor likely, nor reflective of the evidence. Methods to prevent excessive gene transfer between hay crops grown for ‘sensitive markets’ such as organic and export near ‘GE’ crops are well known. We have had growers who have grown both organic and conventional and RRA hay in nearby areas successfully over the past 5 years since the release of RRA. After the release of RRA, both organic dairying and organic alfalfa production have increased, as have exports of hay and seed; there is no evidence of damaging RRA contamination in hay crops that we’re aware of. There is scant evidence that organic alfalfa producers or dairying would be hurt by RRA. In fact the opposite is just as likely to be true – if consumers do not like GMO crops, RRA may enhance the value of organic hay and milk for those consumers who reject ‘conventional’ milk.
• The letter deliberately mixes up seed production (1% of the US acreage) with hay production (99% of the acreage). While gene-flow is a significant issue in seed production (where isolation is required to maintain seed purity), it is not a significant issue in hay production where the whole plant is harvested on a regular basis, effectively stopping inadvertent gene flow. There are a range of management factors in hay which keep gene flow to zero or a tiny fraction of the few percentages that may occur in neighboring seed fields (gene flow in neighboring seed fields have been measured at about 2%- to date no gene flow has been documented between neighboring hay fields). Gene flow in hay production is very much in control of the hay grower through harvest management (see CAST publication on Gene Flow in Alfalfa, CAST website), and there is no reason that upon planting non-RRA seed that a grower shouldn’t continue to harvest non-RRA hay. In California, the Imperial Valley has special conditions (close fields and seed production for export) that could lead to unwanted gene flow to seed, and for that reason we fully support the restriction on planting RRA in that region imposed by seed company contracts.

• Even in seed production, steps can be and have been taken to ensure isolation distances which will control gene flow, including seed being produced for organic, export or other sensitive markets. It is simply not true that those who wish to purchase non-RR alfalfa seed will be unable to do so, either now or in the future. Such steps are detailed in the seed stewardship documents sponsored by the National Alfalfa and Forage Alliance (NAFA), and in certification standards developed by AOSCA (Assoc. of Seed Certification Agencies) for seed produced for sensitive markets. Alfalfa seed production is a demanding enterprise, requiring adherence to good methods and certification standards so that seed contamination is prevented to meet market standards.

• We represent alfalfa growers with a wide range of views on crop production, including GE-adopting, conventional, export focused, and organic growers. We believe growers should have the right to use environmentally safe technologies of their choosing. Even though organic alfalfa hay represents less than ½ percent of production, it is very important for all growers to be able to farm in the manner of their choosing. Organic, conventional, and RR alfalfa hay production can coexist, contrary to this letter’s statement. This is not a new issue. Farmers have figured out ‘coexistence’ strategies for many different crops and situations historically, and there is no reason to think that it cannot be done in this situation. Examples include growers of organic fields grown next to sprayed fields, sweet corn grown near field corn, seed fields of different varieties of sunflower (etc.) – they must all be managed to prevent excessive neighbor influence.

• The Leahy letter incorrectly states that there is no need for and few benefits to RRA. If this were true, farmers would not buy the technology! But this is not the case – many of our growers have observed benefits from this technology. Herbicides are used extensively in our state (probably at the >95% level, not the 7% claimed by Leahy), and RRA represents a significant innovation in weed management. Most growers who have tried RRA have reported better weed control and lower overall herbicide use, due to better success in stand establishment with RRA. It controls many poisonous and difficult-to-control weeds for which we have few other options. It has benefited growers and dairy producers alike through production of higher quality, weed-free hay. RRA also provides significant environmental benefits by replacing more environmentally damaging herbicides that have been found in groundwater in our state. It is also less toxic to applicators than other herbicides. To claim there is no benefit to this technology reveals the lack of direct experience on the part of the writers.
The “Co-existence” document prepared under the guidance of NAFA provides a proper framework to assure all sectors of the alfalfa and alfalfa seed business (conventional and organic) can operate profitably, without harming each other. We urge you to approve the release of this product, as recommended by the draft EIS, taking into account the normal protocols devised for safe use of GMO crops, and following the scientific process. Please do not be swayed by political pressures from those who have a one-sided view.

Thank you for considering our opinion.

Sincerely,

Philip Bowles, Farmer and CAFA Chairman on behalf of the Grower-led CAFA board

cc. Senator Dianne Feinstein, Senator Barbara Boxer, and CA Congressional Delegation