

Federal Judge Orders First-Ever Moratorium on Sale of Genetically Engineered Alfalfa Seed

A Federal judge ruled March 12, 2007 in San Francisco, CA that the U.S. Department of Agriculture's (USDA's) 2005 approval of genetically engineered alfalfa seed is vacated and ordered an immediate halt to sales of the genetically altered seed. The ruling follows a hearing in the case brought by the Center for Food Safety (CFS) against the U.S. Department of Agriculture for approving the genetically altered alfalfa without conducting the required Environmental Impact Statement.

The decision is consistent with Judge Charles Breyer's ruling of February 13th, in which Judge Breyer found that the USDA failed to address concerns that Roundup Ready alfalfa will contaminate conventional and organic alfalfa. The ruling noted that "... for those farmers who choose to grow non-genetically engineered alfalfa, the possibility that their crops will be infected with the engineered gene is tantamount to the elimination of all alfalfa; they cannot grow their chosen crop."

The decision set forth the following conditions on seed remaining in inventory of retailers and consumers:

*"in any event, to minimize the harm to those growers who intend to imminently plant Roundup Ready alfalfa, the Court will preliminarily enjoin all future planting of Roundup Ready alfalfa **beginning March 30, 2007**. Those growers, who intend to plant Roundup Ready alfalfa in the next three weeks, and have already purchased the seed, may plant the seed. **All growers intending to plant after March 30, 2007, or who have not yet purchased the seed, must plant non-genetically engineered alfalfa.***

*Accordingly, the federal defendant's June 2005 decision deregulating Roundup Ready alfalfa is **VACATED** and the Roundup Ready alfalfa is once again a regulated article. The federal defendants shall issue the appropriate notices notifying Roundup Ready alfalfa sellers and growers that no Roundup Ready alfalfa seed may be planted after March 30, 2007. In addition, only that seed which has already been purchased by growers may be planted prior to March 30, 2007. All sales of Roundup Ready alfalfa seed are prohibited pending the Court's issuance of permanent injunctive relief."*

Seed retailers in Indiana who have not received notification from their suppliers regarding Roundup Ready alfalfa seed, should contact those suppliers for instructions on seed remaining in inventory after the March 30, 2007 deadline.