
Organic Agriculture Protection Fund

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Media Release:

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Organic farmers apply for class certification in lawsuit against GMO giants Losses due to introduction of GM canola estimated to be in excess of \$14 million

Today legal counsel for the representative plaintiffs of approximately 950 Saskatchewan certified organic farmers, filed documents with the Court of Queen's Bench to have their legal action against Monsanto and Aventis (now Bayer) certified as a class action.

The organic farmers are claiming damages for losses due to GMO contamination of canola, and are seeking an injunction to stop the introduction of GM wheat.

The following are some of the important points from affidavits submitted in support of the application:

The farmers' preliminary assessment of the economic impacts of GMO crops, prepared by **J. Wallace Hamm** of darWall Consultants Inc, shows:

- losses due to the introduction of GM canola at over \$14 million
- the organic premium value for Saskatchewan organic hard red spring wheat is estimated at over \$170 million over the next decade; and if GM wheat is introduced, losses in the order of \$85 million from the EU alone could occur within this same period.
- furthermore, because wheat is so important on Saskatchewan organic farms, the introduction of GM wheat "...will also cause the decline if not the demise of the Saskatchewan organic industry."

Dale Beaudoin, one of the two representative plaintiffs, stopped growing canola when a buyer refused his 1999 canola crop after it tested positive for GMOs. He states that the canola was intended for the European market and because of the contamination, the buyer would not purchase the canola. He further states "Since wheat is my principal crop, I do not believe I will be able to survive not being able to grow wheat organically should GMO wheat contaminate the environment to the extent of GMO canola."

Larry Hoffman, the other plaintiff, has not grown canola since 1994. He says "I do not wish to take the chance of growing it only to discover my crop has become contaminated." Furthermore he offered evidence to support the plaintiffs' case that the defendants

- knew, or ought to have known, that their canola would spread adventitiously;
- released the canola without segregated production or distribution systems; and
- knew, or ought to have known, that such a release would entail the loss of the European market.

Dr. Rene van Acker, Associate Professor of Crop Science at the University of Manitoba states: "...the likelihood of contamination of non-GM canola with GM canola in Western Canada is very high and perhaps absolute;...Non-GM canola has been contaminated to a significant degree in Western Canada" and "...it is likely that a release of GM wheat with only the confinement regulations that existed with the release of GM canola would lead to the uncontrolled spread of GM transgenes within the wheat genome of Western Canada at an even more rapid rate, and to an even greater extent, than is being realized with canola."

Gary Smith, Agrologist and Certified Organic Crop Inspector states: "Canada is presently among the world's top five producers of organic grain ...Canadian organic retail sales growth is expected to rise from .7 billion dollars in 1997 to 3.1 billion in 2005, an annual growth rate of 20%."

He states: "One of the most powerful tools that an organic farmer has to control weeds and maintain fertility is crop rotation. The loss of canola to organic farmers as a crop rotational tool has negatively affected organic farmers in Saskatchewan. Further GMO crops, such as GM wheat, provide a threat to the future of organic farming in Saskatchewan."

Michael Marriage, managing director of the leading UK organic cereal manufacturer and supermarket supplier states: "No one wants GM wheat; even non-organic millers in the U.K and Europe are very concerned, even when they are allowed a small percentage of adventitious contamination. With organic regulations there is no leeway, and so we would have to buy from sources with no chance of GM contamination. If Canada introduced GM wheat we cannot assure that we would make any further wheat purchases from Canada."

Dr. Mae Wan Ho, Director, and co-founder of the Institute of Science in Society, London, UK, says that GMO contamination by ordinary cross-pollination is well known. She states: "Less studied, but of greater concern, is "horizontal gene transfer" wherein the genetic construct is transferred to unrelated species interacting with GM crops such as microorganisms, earthworms and arthropods in the soil, insects, birds, mammals, and human beings.

"There is no evidence that horizontal gene transfer was adequately studied before the Defendants' products were released, no convincing evidence that it does not occur and, mounting evidence that it does in fact occur. This should cause very serious concern."

In the genetic engineering of plants the cauliflower mosaic virus (CaMV) is used as a promoter to ensure that the introduced foreign gene is expressed. This is done by Monsanto for its Roundup Ready products. Dr. Ho states: "CaMV is closely related to human hepatitis B virus, and less closely, to retroviruses such as the AIDS virus.

"The prospect of "horizontal gene transfer" means that CaMV 35S has the potential to reactivate dormant viruses found in all genomes, plants and animals, and recombine with them to create new viruses. In addition, the fact that the promoter is active in animal and human cells means that, if transferred into their genomes, it may result in the over-expression of genes that are associated with cancer."

She concludes that: "Because of the serious hazards associated with the Defendants' crops, they should be immediately withdrawn from use."

Copies of the Certification application (including all affidavits and supporting documents) can be obtained at the Court of Queen's Bench Judicial Centre of Saskatoon, 520 Spadina Crescent East.

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The OAPF consists of a special fund and committee commissioned by the **Saskatchewan Organic Directorate** to facilitate taking legal action on behalf of the certified organic grain farmers of Saskatchewan.

For details of the class action suit and the Class Actions Act, please see <http://www.saskorganic.com>