
Organic Agriculture Protection Fund

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Organic farmers gain key piece of evidence in class action

Agriculture and Agri-Food Canada publicly released a study today on the *Isolation Effectiveness in Canola Seed Production*. The study discloses that growers producing Certified canola seed for the conventional canola market cannot prevent genetic contamination of their seed by Monsanto's Roundup Ready Canola and Aventis's Liberty Link genetically modified (GM) canolas. The contamination was so severe that the research scientists who did the study recommended that four varieties of canola seed sold in the conventional canola market be withdrawn or Breeder and Foundation seed sources for the varieties be cleaned up.

In 2000-2001 Agriculture and Agri-Food Canada (AAFC) undertook a study for the Canadian Seed Growers Association (CSGA) to look at whether the isolation distances used by certified seed growers were effective in preventing genetic contamination by Round Up Ready and Liberty Link GM canola varieties. It took months of pressure on behalf of the Saskatchewan certified organic farmers engaged in a class action lawsuit against Monsanto and Aventis to obtain a copy of this important publicly-funded study.

Results show that even with the strict isolation distance and inspection standards required by certified seed growers, contamination occurs. In the case of one very experienced grower mentioned in the study, the contamination level was as high as 7.20%. This unusually high level of contamination led the researchers to conclude that the foundation seed itself was highly contaminated.

Seventeen of the 70 samples tested showed contamination that exceeded the purity required for Certified seed (99.75%) and 30 of the 70 samples exceeded the purity required for Foundation seed (99.95%). Only two of the 70 samples would be considered acceptable seed for organic production. The study concluded that "... the present isolation distance of 100m provides adequate but not complete protection from foreign pollen." And further, that the "... large number of canola seeds normally planted per acre plus the high probability that a small percentage of herbicide tolerant seeds will be present in most Certified seed lots has and will continue to result in significant herbicide tolerant plant populations in most commercial canola fields."

It follows that certified organic farmers, whose standards strictly prohibit contamination by GM varieties, are highly unlikely to be able to produce a crop free of RoundUp Ready or Liberty Link contamination, thus losing the opportunity to serve the lucrative certified organic canola market.

The CSGA maintains that the study was merely preliminary and not statistically significant. However, the research scientists who did the study do not say this. Furthermore, they state that the sample size was large enough to give a 99% confidence level that buyers would find the same level of contamination in the seed stocks.

AAFC and the CSGA initially refused to release the study when asked. After persistent pressure, AAFC finally agreed to release a copy of what it was already planning to release to the CBC pursuant to an existing Access to Information request. However when the document finally arrived, large tracts were missing and relevant portions were concealed as "confidential business information". It was only after the lawyer representing the organic farmers in the class action launched a court application to compel the disclosure of the full report that the AAFC and CSGA offered to publicly disclose the full report.

This study will be a key piece of evidence in the organic farmer's action because it provides scientific documentation of the widespread GM contamination that has all but wiped out their organic canola market. It further provides evidence that the contamination is from both the Roundup Ready and Liberty Link genes. A copy of the study can be obtained on request from Agriculture and Agri-Food Canada or from the Canadian Food Inspection Agency.

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See **Media Backgrounder** for an overview of the pedigreed seed system.

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