

**Witness statement to the Court of Appeal at Grenoble, France.....January 31, 2003**

[from the original french version (disponible en français)..one of 7 defence witness statements, including José Bové's, for 10 men accused of destroying a field test plot of transgenic corn (maize) in the southern Drôme region renowned for seed production.. 10 of approx. 250 that participated in this open, well publicized civil action supported by the Confédération Paysanne, etc.]

“Mr. the president,

I am testifying today as a witness of the Canadian / North American reality of contamination by genetically modified organisms (GMOs).

I have been a certified organic grain farmer for the past 18 years.

I am the communications and research director for the Organic Agriculture Protection Fund (OAPF); an extraordinary committee mandated by the Saskatchewan Organic Directorate (SOD) which is the organisation representing organic farmers and all other groups and persons interested in healthy food and environmental protection.

In Canada we have a worrying situation of uncontrollable contamination by GMOs; and more particularly in the province of Saskatchewan, it is the ubiquitous (omnipresent) and irreversible contamination by transgenic canola.

Before the introduction of transgenic canola into the environment of Canada, there was no effort to inform the public and there was no public debate.

Now we are at a point where all canola production in the Prairies of Canada, regardless of the origin of the seed source, is considered as transgenic canola. This is an example of the reduction of diversity for canola.

The presence of genes from Monsanto's 'Roundup Ready' canola and Aventis' 'Liberty Link' canola is now ubiquitous. Often, both of these patented genes are found in the same plant, in one single seed, of a non-GMO variety of canola. There are 2 Canadian scientific research studies<sup>1</sup> that confirm this; one by the University of Manitoba at Winnipeg and the other by the federal department of Agriculture at the request of the Canadian Seed Growers Association. I have these documents and they are available to the Court, upon your request.

Being resolved in our determination to protect ourselves from the threat posed by GMOs and to 'shed light' on the introduction of transgenic canola into the environment of Saskatchewan starting in 1995; we ~1000 certified organic grain farmers of Saskatchewan are pursuing Monsanto and Aventis in a class action lawsuit.

The goal of our class action lawsuit is to prevent the unconfined release and commercialisation of Monsanto's 'Roundup Ready' wheat, and to be awarded compensation for the losses we've suffered and are still suffering because of the transgenic canola belonging to both multinationals.

We have effectively been prevented from growing canola without there being contamination by the dissemination of genes by pollen due to wind and insect activity or by movement of seed or entire plants from one field to another.

Alas, I am a victim of the latter since November 29, 2002 when a strong wind transported many canola plants from my neighbour's field, over the highway, and into my yard and fields. It was not a transgenic variety, but because it is proven that all canola seed has already been contaminated; I surely now have some level of contamination.

Now I am also prevented from growing mustard because the seed is of the same size as canola and therefore inseparable. Maybe, in the not so distant future, I will also be prohibited from growing wheat!?

Our class action lawsuit is based on several points, of which a principal one is having the inserted genes in the canola declared pollutants. We will prove that Monsanto and Aventis were negligent, that their transgenic canola varieties cause a nuisance and their entry onto certified organic land is trespassing.

Doctor Mae Wan Ho of the Institute for Science in Society, at London, England, is one of our expert witnesses that explains that there is increasing evidence that GMOs are harmful to human health by way of 'horizontal transfer'. This concerns the use of agrobacterium and the cauliflower mosaic virus in the

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<sup>1</sup> See the Saskatchewan Organic Website: [www.saskorganic.com](http://www.saskorganic.com), OAPF section for these documents

transgenic process of genetically engineering plants. I also have this document<sup>2</sup> available to the Court, upon your request.

North America has become a huge laboratory for GMOs. In Canada there is no labelling of products containing GMOs, and therefore no conclusion can be determined as to the safety of GMOs.

There has never been a rejection of an application for new transgenic crop varieties. Why? Because the regulatory system uses and depends upon 'substantial equivalence' which is a mockery of the necessary science needed for in depth research studies. This has been confirmed by the February 5, 2001 report by the 15 member committee of scientists mandated by the Royal Society of Canada<sup>3</sup> to evaluate the GMO issue regarding crops and food. The federal government has not yet responded to the 52 recommendations of this scientific expert report.

Here's an American example involving transgenic pharmaceutical corn. In the US Midwest a field is sown to transgenic corn in 2001. In 2002 the field is sown to non-GMO soybeans. The farmer harvests the soybeans but also the volunteer transgenic corn. He hauls this field's production to a commercial storage elevator. It's discovered that there was volunteer transgenic corn and the United States Department of Agriculture (USDA) investigates, places the elevator under quarantine then orders the destruction of all the soybeans to prevent entry into the human consumption chain by the transgenic corn designed for pharmaceutical product manufacturing. The media asked, "Was it by luck that the contamination was discovered?" The USDA representative responded, "No, it wasn't just luck, it was planned luck." So there you see to what point the regulatory system is ridiculous.

Craig Winters, director of the American 'Campaign to Label Genetically Engineered Foods' declared, "Do we have to wait until one morning, at breakfast, we eat our corn flakes that also contain pharmaceutical derivatives and suffer the consequences before there is a serious effort made to address the GMO and transgenic issue?"

GMOs are introduced too fast and without adequate knowledge of impacts on the environment, human health and socioeconomics. Based on the Precautionary Principle, all countries have the right to impose a moratorium or outright ban on the introduction of GMOs into the environment and the food chain, until there is proof of the harmlessness of GMOs, based on complete, independent and irrefutable studies.

So, why did the company Biogemma proceed to do open field trials with transgenic corn; knowing full well that there was certainty pollen could drift to neighbouring fields because it was not assured that the male plant sterility was done to 100% ? Why?

Coexistence of transgenic / GMO varieties and crops with traditional varieties and crops, is not possible!

In North America there are several examples of this impossibility. In Saskatchewan, we have that proof with canola.

The future of my profession as a farmer is threatened. Furthermore, the future of all agriculture and family farms is at risk because of GMOs and the companies and governments that promote, invest in and develop them.

The '10 de (of) Valence' acted in legitimate defence to safeguard the genetic purity of corn, to assure the survival of small farmers, to maintain biodiversity, and for many other reasons."

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<sup>2</sup> See the Saskatchewan Organic Website: [www.saskorganic.com](http://www.saskorganic.com), OAPF section for these documents

<sup>3</sup> Royal Society of Canada's Report by Expert Panel on the Future of Food Biotechnology at [www.rsc.ca](http://www.rsc.ca)