



News Release

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Ag Groups Applaud Supreme Court Ruling on Biotech Alfalfa

WASHINGTON, D.C., June 21, 2010 – The U.S. Supreme Court reversed a lower court’s nationwide ban on the cultivation of biotech alfalfa. This remands the case back to the District Court and then back to the United States Department of Agriculture (USDA) to determine what interim measures can be implemented while the agency completes its environmental impact statement process.

The news was welcomed by a coalition of agricultural organizations who had filed a joint friend-of-the-court brief to the Supreme Court in support of the petitioners in “Monsanto Co. v. Geertson Seed Farms.” The brief was submitted by the American Farm Bureau Federation (AFBF), Biotechnology Industry Organization (BIO), American Seed Trade Association, American Soybean Association (ASA), National Alfalfa and Forage Alliance (NAFA), National Association of Wheat Growers (NAWG), National Cotton Council and National Potato Council.

In the lower court case, environmental groups and individual organic alfalfa farmers sued USDA claiming the agency’s decision to grant deregulated status to glyphosate-tolerant (or “Roundup Ready[®]”) alfalfa violated the National Environmental Policy Act (NEPA). After finding a NEPA violation, the lower court enjoined almost all planting and sale of Roundup Ready[®] alfalfa and the Ninth Circuit affirmed.

The Supreme Court reversed the injunction, finding that the District Court went too far in presuming that the only remedy available for a NEPA violation is a nationwide injunction rather than the USDA Animal and Plant Health Inspection Service’s (APHIS) proposed partial deregulation. The court explained that “a partial deregulation need not cause respondents any injury at all, much less irreparable injury.”

Accordingly, the court concluded that “the District Court abused its discretion in enjoining APHIS from effecting a partial deregulation and in prohibiting the possibility of planting in accordance with the terms of such a deregulation.”

The friend-of-the-court groups agree that the Supreme Court decision to reverse the lower courts’ ban protects the deregulatory process and thus the rights of farmers who choose to grow biotech crops, and who want access to the benefits that biotechnology can provide. It also reinforces earlier Supreme Court decisions instructing federal courts that nationwide injunctions are extraordinary remedies.