



Judge Delays Biotech Sugar Decision

Editor's Note: In a decision that could affect the entire US sugar beet industry, a district court judge said he is considering the arguments presented by both sides and will issue a decision at a later date. If an injunction is granted, it could prevent the planting of the Roundup Ready® beets until the USDA completes an environmental impact statement—a process that could take two to three years. Ninety-five percent of the 2009 U.S. sugarbeet crop was Roundup Ready®. Sugar beet growers say they would not be able to plant non-biotech beets this year, even if they wanted to. They say there's not enough conventional seed to produce a crop this year. It appears that 'Fantasy and Fear' again outweigh scientific proof and that illogical conclusions are presented by lawyers, most of whom have never had a single course in biology. "Since sugar beet is a biennial plant and is not grown for seed at the same time it is grown for sugar, "how can contamination of non bio-tech crops occur?"

A group of organic farmers and environmental groups filed the petition in San Francisco. They claim the USDA did not do a thorough enough assessment on the environmental risk of planting genetically modified sugarbeets. They say that genetic material from the biotech sugar beets will contaminate other non-biotech crops.

This dilemma began in September 2009, when Judge Jeffrey S. White of Federal District Court in San Francisco, said that the Agriculture Department should have done an environmental impact statement. He said it should have assessed the consequences from the likely spread of the genetically engineered trait to other sugarbeets or to the related crops of Swiss chard and red table beets.

The beets contain a bacterial gene licensed by Monsanto that renders them impervious to glyphosate, an herbicide that Monsanto sells as Roundup. That allows the herbicide to kill weeds without harming the crop.

"Growers have embraced this technology," said Duane

Grant, a farmer in Rupert, Idaho, who said industry surveys suggested that 95% of the sugarbeets planted this year were genetically modified.

Grant, who is also the chairman of the Snake River Sugar Company, a grower-owned cooperative, said easier weed control allowed farmers to reduce tillage, which in turn saved fuel and fertilizer and reduced erosion.

Grant, as well as some other growers, sugar processors and seed companies like Monsanto, had sought to intervene in the case. Judge White said that other than filing a friend-of-the-court brief, they could not participate in the phase of the lawsuit examining whether the Agriculture Department fulfilled its obligations under environmental law.

However, those groups are expected to be allowed to take part in the next round of the case, involving the remedies. "We're going to use that opportunity to advocate the need for that technology and vigorously defend our growers' freedom to plant Roundup Ready® sugarbeets," said Luther Markwart, executive vice president for the American Sugarbeet Growers Association.

Beets supply about half the nation's sugar, with the rest coming from sugarcane. About 10,000 farmers grow about 1.1 million acres of sugar beets, Markwart said. That makes it a small crop compared to staples like soybeans and corn.

The Agriculture Department did conduct an environmental assessment before approving the genetically engineered beets in 2005 for widespread planting. But the department concluded there would be no significant impact, so a fuller environmental impact statement was not needed.

But Judge White said that the pollen from the genetically engineered crops might spread to non-engineered beets. He said that the "potential elimination of farmer's choice to grow non-genetically engineered crops, or a consumer's choice to eat non-genetically engineered food" constituted a significant effect on the environment that necessitated an environmental impact statement.

In March, 2009 Judge White had asked the federal government if the Obama administration would take a different stance in the case than the Bush administration had. The new administration said there would be no change.

David Berg, president of American Crystal Sugar Company, the nation's largest sugar beet processor, said food companies had accepted sugar from the biotech beets. "They've been a big nonevent in terms of customer acceptance," he said.





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