

By Cassandra Anderson
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The USDA, FDA and EPA favor corporations over human health and the environment, especially when it comes to genetically engineered (GE) organisms.

Contemporary law is no longer based on the Constitution and common law, but has been replaced by case law precedents. The GE alfalfa case (Forage Genetics and Monsanto v Geertson Seed Farms) is disturbing because it appears that a dangerous precedent has been set.

Alfalfa is a perennial plant that lives more than 2 years, so it is especially prone to contamination. The USDA deregulated or allowed open, restriction-free planting of of GE alfalfa on January 27, 2011. The Center for Food Safety (the lawyers opposing Monsanto and Forage Genetics) filed a lawsuit on March 19, 2011, and the case will not be heard until December 2011.

GE alfalfa has been allowed to be planted openly since Spring 2011 and will contaminate conventional and organic alfalfa fields as well as polluting the organic dairy and meat markets because it is used primarily for animal feed. GE alfalfa is pointless because over 90% of alfalfa grown in the US needs no herbicide, so the purpose of GE alfalfa appears to be the contamination of natural alfalfa for profit and to create a monopoly as alfalfa is the 4th largest crop in the US.

An overwhelming amount of incompetence surrounds this case.

TIMELINE OF EVENTS:

2005

the USDA's sub-agency APHIS (Animal and Health Inspection Service) deregulated GE alfalfa, but the USDA/APHIS failed to perform an Environmental Impact Statement, in violation of NEPA (National Environmental Policy Act), so the Center for Food Safety filed a lawsuit against the USDA/APHIS.

The Center for Food Safety could have challenged the authority of the USDA/APHIS under the 10th Amendment. The States may also challenge the authority of the USDA/APHIS.

2007

Judge Breyer of the US District Federal Court placed a blanket nationwide injunction against future planting of GE alfalfa, which was intended to remain in place until the USDA/APHIS completed the required Environmental Impact Statement.

However, the injunction was [incomplete](#) because Judge Breyer failed to hold an evidentiary hearing. An evidentiary hearing would have resolved the disputes over risks to the environment that the USDA/APHIS would have to consider in their Environmental Impact Statement. And it would have exposed information and entered it into the court record.

Judge Breyer determined that an evidentiary hearing was not required. Judge Breyer received his law degree in 1966 and should have known that the Supreme court would overturn his injunction because there was no evidentiary hearing ([page 68, footnote #17](#)) . He also should have known that it would be temporary.

http://www.monsanto.com/newsviews/Documents/mon_rr_alfalfa_supreme_court_brief_march_10.pdf

Monsanto and Forage Genetics requested an evidentiary hearing, but Judge Breyer rejected the request.

When we contacted the Center for food Safety a few weeks ago, we were advised that they did not believe that an evidentiary hearing was necessary.

We were advised by an insider that the intent was to quickly implement an injunction to stop the planting of GE alfalfa before the next planting season.

A legal expert advised that the Center for food Safety could have brought a suit against the USDA as an agency for failure to perform necessary duties, protection of public health and safety and the misuse of public office to benefit themselves and those whom they have contracted with, such as Monsanto, their business partner in the 'Terminator' seed patent. This type of lawsuit could have made the temporary injunction permanent.

2010

The Supreme Court bounced the case right back down to Breyer's court in its ruling on June 21, 2010. The Supreme Court ruled that the blanket injunction was too broad.

The Center for Food Safety should have acted immediately and filed a Notice for Hearing on the injunction. The Center for Food Safety failed to follow through on this action.

USDA/APHIS announced that they planned to complete the Environmental Impact Statement before the next Spring planting. This [implies](#) their intent to deregulate GE alfalfa, otherwise, there would have been no rush.



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