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USDA Says Yes to Terminator

It's official. The US Department of Agriculture announced this week that it has concluded negotiations to license the notorious Terminator technology to its seed industry partner, Delta & Pine Land (D&PL). As a result of joint research, the USDA and D&PL are co-owners of three patents on the controversial technology that genetically modifies plants to produce sterile seeds, preventing farmers from re-using harvested seed. A licensing agreement establishes the terms and conditions under which a party can use a patented technology. Although many of the Gene Giants hold patents on Terminator technology, D&PL is the only company that has publicly declared its intention to commercialize Terminator seeds. (for details, see "2001: A Seed Odyssey" *RAFI Communique*, January/February 2001, www.rafi.org)

"USDA's decision to license Terminator flies in the face of international public opinion and betrays the public trust," said Hope Shand, Research Director of RAFI. "Terminator technology has been universally condemned by civil society; banned by international agricultural research institutes, censured by United Nations bodies, even shunned by Monsanto, and yet the US government has officially sanctioned commercialization of the technology by licensing it to one of the world's largest seed companies," explains Shand.

"USDA's role in developing Terminator seeds is a disgraceful example of corporate welfare involving a technology that is bad for farmers, dangerous for the environment and disastrous for world food security," adds Silvia Ribeiro of RAFI. Terminator has been universally opposed as an immoral technology because over 1.4 billion people, primarily poor farmers, depend on farm-saved seeds as their primary seed source.

Michael Schechtman, Executive Secretary to USDA's Advisory Committee on Agricultural Biotechnology, made the official announcement regarding the licensing of Terminator at the Committee's August 1 meeting. The 38-member Advisory Committee, established during the Clinton administration, was created to advise the Secretary of Agriculture on issues related to growing public controversy over GM technology. Because of overwhelming public opposition to USDA's involvement with Terminator, the issue became a top priority for the Advisory Committee. USDA officials admitted last year that the Agency had the option of abandoning patents on Terminator, but chose not to do so. Although many members of the Biotech Advisory Committee urged the USDA to abandon its patents and forsake all further research on genetic seed sterilization, the USDA steadfastly declined. The official statement released by USDA this week states that the Agency "had a legal obligation" to license the technology to D&PL.

In a lackluster attempt to quell its critics, the USDA pledged to negotiate licensing restrictions on how the Terminator technology could be deployed by Delta & Pine Land. "In the end, the restrictions negotiated by USDA are meaningless," concludes Michael Sligh, RAFI-USA's Director of Sustainable Agriculture, and member of the Biotech Advisory Committee. According to Sligh, "USDA's promotion of Terminator technology puts private profits above public good and the rights of farmers

everywhere.” Sligh spearheaded efforts amongst Advisory Board members who urged the USDA to abandon Terminator.

USDA places the following conditions on D&PL’s deployment of Terminator:

- The licensed Terminator technology will not be used in any heirloom varieties of garden flowers and vegetables and it will not be used in any variety of plant available in the marketplace before January 1, 2003. (*RAFI’s comment:* In other words, Terminator will not be commercialized, at the earliest, until 2003 – only 17 months from now. To suggest that USDA is protecting heirloom varieties from genetic seed sterilization technology is ludicrous. There’s no money to be made on genetic modification of heirloom vegetables and flowers. The seed industry aims to engineer seed sterility in major crop commodities – especially those crops that have not been successfully hybridized on a commercial scale such as soybeans, rice and wheat.)
- USDA scientists will be involved in safety testing of new varieties incorporating the GM trait for seed sterility, and a full and public process of safety evaluation must be completed prior to regulatory sign-off by USDA. (*RAFI’s comment:* Can USDA play a role in both developing and regulating this technology? Is it a blatant conflict of interest for the agency to conduct a biosafety review of a product in which it holds a financial interest?)
- All royalties accruing to USDA from the use of Terminator will be earmarked to technology transfer efforts for USDA’s Agricultural Research Service innovations that will be made widely available to the public. (*RAFI’s comment:* “Technology transfer” is a very broad concept. Terminator seeds in every foreign aid package? More paper clips for ARS patent lawyers?)

USDA concludes that Terminator “is a valuable technology.” Ironically, the agency promotes Terminator as a “green” technology that will prevent gene flow from transgenic plants.

“We reject the notion that Terminator is a biosafety bandage for GM crops with leaky genes, but even if it were, biosafety at the expense of food security is unacceptable,” concludes RAFI’s Silvia Ribeiro.

Last year the FAO’s Panel of Eminent Experts on Ethics in Food and Agriculture concluded that Terminator seeds are unethical. When heads of state meet at FAO’s World Food Summit Five Years Later in Rome, 9-15 November, they will have the opportunity to re-affirm that finding, and recommend that member nations ban the technology. In keeping with its image as a rogue, isolationist state in international treaty negotiations on global warming and biological weapons, the US also appears to stand alone on Terminator.

Delta & Pine Land (Mississippi, USA) is the world’s 9th largest seed corporation, with revenues of \$301 million in 2000. The company has joint ventures and/or subsidiaries in North America, Brazil, Argentina, China, Mexico, Paraguay, South Africa, Australia, and China.

RAFI is an international civil society organization based in Canada. We are dedicated to the conservation and sustainable use of biodiversity and to the socially responsible development of technologies useful to rural societies.

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