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Monsanto is Behind Anti-Farmer Legislation to Regulate Open- Pollinated Seed Cleaners

OHIO BILL DISCRIMINATES AGAINST SEED-SAVING FARMERS

A bill has been introduced in the Ohio state legislature (United States) that would require registration and state-level regulation of anyone who cleans or conditions self-pollinated seed. According to the Rural Advancement Foundation International (RAFI), the proposed legislation is part of Monsanto's aggressive corporate strategy to police rural communities and intimidate seed-saving farmers.

"The proposed legislation is part of a dangerous trend to eliminate or restrict the right of farmers to save and exchange seed - all in the name of increasing seed industry profits" explains Hope Shand, Research Director of RAFI. "We weren't surprised to learn that Monsanto is behind the bill, because the company is already waging a ferocious campaign against seed-saving farmers and it's actively developing the controversial suicide seeds - or Terminator technology," said Shand. Terminator is a technique for genetically altering a plant so that the seeds it produces are sterile.

According to the Ohio Seed Improvement Association, the proposal to amend Ohio's seed law originated with agribusiness giant Monsanto last year. Monsanto is the world's largest seller of genetically modified seed. Under US patent law it is illegal for farmers to save patented seed. To enforce its exclusive monopoly, Monsanto has aggressively prosecuted farmers for what the company calls "seed piracy." But seed saving is illegal only if the farmer is saving or re-using patented seed. Farmers who grow soybeans and wheat, for example, typically save seed from their harvest to re-plant the following year. An estimated 25% of North American soybean seed is farm-saved seed.

Monsanto has waged an aggressive, Draconian campaign against seed-saving farmers in North America. The company has hired Pinkerton investigators to root-out seed-saving farmers and it is using radio ads and telephone "tiplines" in farming communities to identify and intimidate farmers who might save or re-use the company's patented seed. Under Monsanto's gene licensing agreement, the company reserves the right to come onto the farmer's land and take seed samples to insure that the farmer is not violating patent law.

"It appears that Monsanto's newest strategy is to shift the expense and burden of policing rural communities to the seed cleaners and state governments. If the bill becomes law, Monsanto's "gene police" will ultimately become state regulators who are working on behalf of Monsanto," explains Pat Mooney, Executive Director of RAFI.

"The Ohio legislation is unfair to farmers because it places an onerous regulatory burden on all seed-saving farmers and seed cleaners - not just farmers who buy Monsanto's patented seed," explains Shand. If the bill becomes law, it would require seed cleaners to keep detailed records on every seed cleaning transaction, to document the name of the farmer, seed variety names and whether or not the seed is protected by patents or breeders' rights. "In essence, the bill discriminates against farmers who are lawfully saving and re-planting open-pollinated seed varieties," asserts RAFI's Shand.

Ohio farmer and custom seed cleaner Roger Peters opposes the proposed bill to regulate open-pollinated seed cleaners. "Why should any farmer be forced to keep records on law-abiding farmers who clean their own seed?" asks Peters. "And why should public tax dollars be used to protect the patents of private seed companies like Monsanto?" questions Peters.

"State-level seed laws are supposed to protect farmers, not penalize them," asserts Sean McGovern, Executive Administrator of the Ohio Ecological Food and Farmers Association, a Columbus, Ohio-based organization that promotes sustainable agriculture and certifies organic farmers. "I can't imagine any use for this bill except to enforce Monsanto's patents," concludes McGovern.

BACKGROUND INFORMATION ON HB 85, INTRODUCED IN THE OHIO STATE LEGISLATURE ON JANUARY 28, 1999.

Specifically, H.B. 85, amendments to the Ohio Seed Law would:

- Require all seed cleaners to register as a seed cleaner or conditioner. (The bill states that the Director of Agriculture will determine the minimum quantity of self-pollinated seed that when cleaned or conditioned would require the person to become registered.)
- Require the seed cleaner to keep records on every farmer and seed cleaning/conditioning transaction. The seed cleaner would be required to keep all records for a minimum of five years and make the records available to the State Director of Agriculture on request.
- The seed cleaner would be required to document the following information:
 1. The commonly accepted name and brand or variety being cleaned;
 2. A declaration of any patent, or plant variety protection certificate, issued for the seed being cleaned or conditioned;
 3. The name, address, telephone number of the farmer who submitted the seed to be cleaned or conditioned; the amount of seed cleaned or conditioned; and an indemnification statement signed by the person who submitted the seed for cleaning;

"The undersigned promises to reimburse or indemnify the seed cleaner or conditioner for any liability damages that the seed cleaner or conditioner may incur for any violation of a patent or a certificate issued under the Plant Variety Protection Act resulting from cleaning or conditioning the undersigned's seed, including all damages, liability payments, costs, and attorney's fees arising in connection with the violation."

- The seed cleaner or conditioner is required to retain a sample of each type and variety or brand of seed cleaned or conditioned for at least 18 months.
- The Director of Agriculture may inspect all records, documents and samples required to be kept by the seed cleaner /conditioner to determine if he/she is in compliance with the law. If the Director suspects that a registered seed cleaner or conditioner has violated or is violating a provision - the director shall conduct a hearing, and may suspend, revoke, or refuse to renew the person's registration.

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