

Testimony of Cody Ferguson
on behalf of the Northern Plains Resource Council in support of HB 547
House Ag committee 2/10/05 3 p.m.

Mr. Chairman, members of the committee, for the record, my name is Cody Ferguson and I'm testifying today on behalf of the Northern Plains Resource Council. Northern Plains is a grassroots conservation and family agriculture group that organizes Montanans to protect our water quality, family farms and ranches, and our high quality of life. We testify today in support of HB 547.

HB 547 requires that genetically engineered wheat seed be labeled so that they grower of the product knows what he's dealing with in order to try to prevent contamination of non-genetically engineered wheat. Part of this labeling is the requirement that the label include, on the bag of seed, instructions for the use of genetically engineered wheat.

These labeling and instruction requirements are a minimum that should be required when genetically engineered wheat is introduced into Montana. According to the technology use agreement that Monsanto is currently having farmers sign—which I am passing out now—a farmer agrees to the terms of this contract, including assuming all liability for any injuries that result from the product and giving Monsanto the ability to investigate the farmer's records and farm for years after the agreement is signed, by signing the contract, *or opening the bag*. Look at the end of section 8 on page 3 of the agreement I've just passed out. So a farmer could, in theory, buy the seed from a distributor that doesn't present him with a contract or instructions for use of the genetically engineered seed to prevent contamination of his neighbor's fields, and the farmer is made liable for that use. HB 547 will at least give the farmer a way of knowing what he's planting and his responsibilities in planting it.

Labeling seeds and making sure farmers have instructions for this crop is so basic, I'm surprised that there are opponents to this bill other than the biotechnology companies that will be inconvenienced by labeling and providing instructions. All this does is give farmers who want to plant genetically engineered wheat the ability to easily identify genetically engineered wheat seeds and instructions on how to plant it so as to avoid contamination.

We do have one suggestion for this bill. We support that a farmer who follows all the directions in the planting a growing of genetically engineered wheat should not be liable when contamination of a neighbor's farm occurs at no fault of the farmer, but when this happens, who is liable? We'd be much more comfortable with this bill if liability for damages resulting from contamination rested with the owner of the technology—the company that produces it, sells it, and exercises its proprietary rights over the product. Currently, farmers are being sued for patent infringement when their land is contaminated or when the crops come up as volunteers by the same companies that waive liability for their products in the technology use agreements like the one I just passed out.

Thank you Mr. Chairman and I'll be available for questions.