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Testimony of Toni Chew
Before the Senate Judiciary Committee
In Support of Senate Bill 218, "The Farmer Protection Act"
February 4, 2005

Mr. Chairman and members of the Senate Judiciary Committee, my name is Toni Chew. As a concerned citizen, I want to thank you for the opportunity to present testimony in support of Senate Bill 218, "The Farmer Protection Act".

As you can see, I've given each of you a small box. I would caution you about opening it, though. It's a Pandora's Box. Once opened, it will snare Montana's wheat farmers in a maze of never-ending legal entanglements. So please, let's wait a moment.

Imagine that you're a Montana farmer and your box contains wheat harvested from your property. Monsanto comes up to you and says some of their patented seed is in your box. You say that's impossible. Your crop was planted with your own seed grown in your own fields. Monsanto says it doesn't make any difference where it came from or how it got there. Wherever their patented seed lands, they have rights over that seed. Monsanto says they intend to sue you for patent right infringement. And, as if that's not bad enough, your neighbor complains you're liable for contaminating the whole shipment of organic wheat. You're facing an expensive legal battle that may well cost more than your farm is worth. You say this is crazy! If you didn't plant the patented seed, how can you be responsible for where it may grow? Well, like many other farmers caught in Monsanto's biotechnology trap, your troubles are just beginning.

This bizarre state of affairs began when living things were first patented about fifteen years ago. In the ensuing years, it has become apparent that living organisms are difficult to patent because, unlike machines, have a habit of reproducing spontaneously and acting independently. Wheat seeds ignore fence lines. They journey on the wind and with the rain. They travel on the hooves of deer and antelope. Their pollen rides with the birds and the bees. Wheat seeds fall between the chinks of a chain connecting Monsanto to the wheat grower, and the contract harvester, and the truck driver, and the seed cleaner and bulk handler and grain marketer. Senators, the few wheat seeds in your box are but a drop in the ocean of all the wheat harvested every year. I contend it is impossible to account for every wheat seed grown in Montana, just as it is to keep track of every drop of rain that flows into the Missouri River.

And I think Monsanto's counting on just that. I think they're sitting back, happy to watch their seeds fall where they may. They've arrayed their new biotechnology in a garment of scientific grandeur, touting it as an agricultural marvel. But are we to believe everything we're told? Do mothers in Montana and around the world feel safe about feeding biotech food to their children? Are countries really better off for using Monsanto's biotechnology? Take Argentina for example. The number of hungry Argentineans has more than doubled since production of Monsanto's Roundup Ready® Soy began in 1996. At the same time, Argentina's massive forests have been traded for a mountain of soy beans that is feeding animals in Europe rather than their own families.

One point that is crucial to any discussion of wheat production in Montana is how the wheat is marketed. And when marketed for human consumption, value is added to the wheat when biotechnology is not used. The hard red spring wheat grown in the northern tier of the United States and Canada is premium wheat. There are few places in the world that can match its quality. Montana grain growers have capitalized on that singularity by establishing a profitable marketing relationship with the millers of Japan and other Pacific Rim countries. These millers will only buy non-GM wheat. So why jeopardize Montana's market niche with the proliferation of GM wheat? Non-GM wheat can't coexist in the same grain marketing system with GM wheat without being contaminated. Despite all the scientific effort to develop strategies for testing and segregating GM wheat from non-GM wheat, intermingling between the two varieties will inevitably occur. How absurd is it then, to allocate the liability of contamination onto the non-GM wheat grower?

This predicament is exactly why Montana farmers need the safeguards provided by Senate Bill 218. Senate Bill 218 is an essential step in coming to terms with the quandary of patenting living things. Even though Monsanto has applied their biotechnology around the world, it doesn't necessarily follow that now is the right time, or Montana the right place, to commercialize their GM wheat. Just as Montanans recently sent a message to an out-of-state corporation that we do not want their cyanide technology polluting our water, a similar message needs to be sent to Monsanto so our wheat is not polluted with their biotechnology.

Roundup Ready® wheat is the brainchild of Monsanto. If they want to profit from its creation, they can be accountable for its unbridled behavior. The time is now, before irreparable damage occurs, to re-evaluate the legal implications of biotechnology. Monsanto's seed patents and technology agreements may give them the legal tools to profit from their investments, but they do not have the right to trespass and cause harm with their biotechnology. With an annual budget of \$10 million dollars and a staff of 75, Monsanto has arrayed a legal army across the United States to investigate and prosecute farmers. Senate Bill 218 can arm Montana farmers with a few armaments of their own. It provides relief for certain types of GM crop-related lawsuits. It shifts a fair share of the contamination liability to the biotech companies. And when doing business with Montana farmers, it brings biotechnology under Montana's judicial purview.

The biotechnology industry is playing the Pied Piper in challenging the legal and legislative framework being built to decide where the liability lies for their products. During this hearing you will hear many different points of view and a variety of conflicting arguments. The clash of these differing opinions will eventually produce the spark of truth that will illuminate your decision. I leave you one last thought for your deliberation. Your certitude and belief in Montana's right to direct its natural resource development will determine the value of what's inside your box. You have a choice. If you stand up for Montana's farmers, your box could hold gems of inestimable value.

Thank you again for this occasion to present supporting testimony for Senate Bill 218.