

An upcoming U.S. Supreme Court ruling could allow farmers everywhere to once again plant a variety of alfalfa seed which has so far been deemed illegal by a California court. Monsanto Company had produced a genetically engineered alfalfa seed which was marketed under its Roundup Ready product line; this line is resistant to Roundup weed killer. A 2007 District Court ruling overturned the government's initial 2005 approval of the seed.

In February 2007, a group of farmers, environmentalists and consumer activists, led by Geertson Seed Farms of Adrian, Ore., filed an injunction with the U.S. District Court in Northern California to ban the sale and usage of the genetically engineered alfalfa seed. The group claimed the seed would be destructive to both the economy and environment, specifically that Monsanto's alfalfa would contaminate other crops and promote 'super weeds'. Judge Charles R. Breyer, of the Federal District Court in San Francisco, revoked the government's initial approval of the seed and said it could be planted until March 30, 2007.

Morrison farmer Arlen Schwinke, who started farming in 1960, firmly believes the seed should be on the market right now.

“It [the restriction] never should have been put on in the first place,” said Schwinke. “I didn't think the reasoning behind restricting it was valid.”

Breyer's decision to revoke the deregulation was based on what he called 'a lack of documentation on potential environmental impact'. Monsanto responded to the decision by joining the United State Department of Agriculture's (USDA) side in the appeal. Currently, Monsanto has a 60-day comment period in the USDA's environmental impact study, which was required by Judge Breyer. The comment period allows users and supporters of Monsanto to write their feelings on the product and have it submitted in the study through Monsanto's website; the comment period started December 18, 2009 and ends February 16, 2010.

Schwinke said since he isn't able to plant the alfalfa seed right now, some fields of his weren't plant with alfalfa altogether while others he did plant had weeds grow throughout. He hopes the Supreme Court will take all of the information into account and put the seed back on the market.

“At the present time, I've got 20 acres of Roundup Ready alfalfa. I like it because I can keep my hay free of weeds so when I harvest, it's pure alfalfa,” said Schwinke.

Curt Bruckerhoff, a MFA, Inc. seed representative from Columbia, Mo., said there are many farmers eager for the ruling to be handed down.

“There are customers waiting to plant Roundup Ready alfalfa, they're waiting for that technology to get back on the market,” said Bruckerhoff. “It's a technology that farmers want.”

Bridget Anderson, public affairs consultant with Pioneer Hi-Bred in Johnston, Iowa, said their

company supports strong, science-based regulatory decisions for all crops and is ready for the seed to be back on the market. Pioneer sells the alfalfa seeds along with several other Monsanto-produced, Roundup Ready seeds.

“Pioneer believes it is important to offer growers options for their individual farming operations,” said Anderson. “We do plan to offer Roundup Ready alfalfa and will be ready to serve our customers once the deregulation process is complete.”

Arguments in the case aren't expected to start until April and a decision is expected by the end of June.