

Glenn Nice  
Bill Johnson  
*Purdue Extension Weed Science*

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## Roundup Ready Alfalfa in the Courts

In a recent court case, the United States District Court in California made a decision that defendants were in "violation of the Nation Environmental Protection Act by failing to prepare an environmental impact statement before deregulating Roundup Ready alfalfa<sup>1</sup>." This means that the USDA did not prepare an environmental impact statement before deregulating the Roundup Ready alfalfa. The case was presented due to concerns regarding the "potential significant environmental impact of gene transmission".

Gene transmission, also termed "gene flow", is a situation where pollen from genetically modified crops move into conventional (non-modified) crops or into closely related wild species. This would be an unintended transfer of the introduced genes into these crops or weeds. Companies that wish to register products or crops that have modified gene sequences have to provide sufficient evidence to the Environmental Protection Agency (EPA) that gene flow is not a concern.

In this case, the court decided that if Roundup Ready alfalfa was already planted that the alfalfa stand could remain in the field. That there would be no prohibition of "harvesting, using, or selling any Roundup Ready alfalfa that has already been planted". Furthermore the decision will allow producers who have already contracted or bought Roundup Ready alfalfa be planted up to March 30, 2007. However, after March 30 Roundup Ready alfalfa can not be planted until the issue is cleared in the courts.

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<sup>1</sup>Preliminary Injunction Order. March 12, 2007. The United State District Court for the Northern District of California.



*Figure 1. Alfalfa field. Photo source Bill Johnson.*

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