

Judge uproots biotech beets

By John Miller

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As any farmer can tell you, never put all your eggs in one basket.

But that appears to be the result thus far after

a decision in a Northern California district court that could cripple the sugar beet industry this coming year.

On Friday, Aug. 13, U.S. District Court Judge Jeffery White granted a request by the Center for Food Safety (CFS), to vacate a US Department of Agriculture (USDA)

decision to deregulate genetically engineered sugar beets, but denied the center's request for a permanent injunction.

The USDA department responsible, Animal and

Plant Health Inspection Service (APHIS),

deregulated the sugar beets in violation of a

statute in the National Environmental Policy Act wherein an Environmental Impact Statement (EIS) must be completed

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before a product can be deregulated.

As a result of the request by the CFS, an environmental organization opposed to the proliferation of genetically modified organisms in agriculture, the matter has been remanded back to APHIS to presumably complete an EIS, which typically takes years, before they attempt to deregulate the sugar beets again.

The vacated deregulation applies only to future plantings of genetically engineered sugar beets after the Aug. 13 date of the court's decision and

not the current crops, which may be harvested as planned.

However, according to background information from Judge White's ruling, 95 percent of the nation's sugar beets are genetically engineered in spite of warnings and recommendations made by the court in a March 16 hearing that conventional seed should be used until APHIS completed their EIS.

"Amazing what one little group can do to you," area farmer Terry Lofink said.

If push comes to shove, Lofink said he would likely cut back his acreage devoted to sugar beets from 200 to 60 or 70. He has no

idea, however, where he could find enough conventional seed to plant even a scaled-down crop.

And although seed manufacturers' production is a proprietary matter sealed within court records, it is widely speculated that there is not nearly enough conventional seed available to meet the demand nationwide.

University of Wyoming's SAREC farm manager Bob Baumgartner believes the genetically engineered sugar beets are a "valuable tool" for farmers, but doesn't see their proliferation as a consequence of choice.

According to Baumgartner, the genetically engineered seeds have been available for many years, but the sugar industry repeatedly shied away from their use. But after disposing of the inventory they couldn't sell, the seed companies "ramped up" production of the new seeds and cut back inventory on conventional seed, leaving the sugar companies and farmers no choice but to buy the new seeds in order to have a sugarbeet crop to meet demand.

The genetically engineered seeds have performed spectacularly, with sugarbeet production and effi-

ciency up 20 to 30 percent across the US.

In the meantime, the ball is in APHIS's court, with more than a few associations, foundations and farmers hoping they can pull off at least a temporary deregulation. American Sugarbeet Growers Association Executive Vice President Luther Markwart believes APHIS may seek an injunction to continue growing crops under various restrictions.

"A partial deregulation is possible," Beet Sugar Development Foundation Vice President Tom Schwartz said. "I'm not ready to concede just yet."



Bob Baumgartner displays a freshly pulled sugarbeet. The sugar beets at SAREC are entirely genetically engineered.