NAFA SUPPORTS APPROPRIATIONS BILL’S FARMER ASSURANCE PROVISION

An appropriations bill signed March 27 by President Obama has an important section that farmers need to fully understand, according to a coalition of farm organizations, including the National Alfalfa & Forage Alliance, that support the provision. Known as the Farmer Assurance Provision, it was designed to mitigate the effects of repeated and future procedural lawsuits from anti-biotechnology activists aimed at driving the technology out of the marketplace – including technology that has already gone through a stringent regulatory review process.

In addition to NAFA, those supporting the provision are the American Farm Bureau Federation, American Soybean Association, American Sugarbeet Growers Association, National Alfalfa & Forage Alliance, National Association of Wheat Growers, National Corn Growers Association, and the National Cotton Council of America.

The provision, Section 735 of the bill, assures farmers that the crops they plant could continue to be grown, subject to appropriate interim conditions, while disputes about the sufficiency of federal paperwork are resolved. This protects farmers by providing them with the assurance that once they have adopted an approved product, their ability to plant and harvest their crop will not be unnecessarily jeopardized.

Anti-biotechnology organizations have repeatedly used procedural lawsuits as a tactic to try to overturn science-based decisions by the USDA, disrupt the regulatory process, and jeopardize the ability of farmers to use approved biotechnology that is safe and beneficial. Those same groups have publicly stated that they intend to continue to use the court system to block the commercialization of products.

In the days before and after President Obama signed the bill, numerous myths about it were offered in the mainstream news media by activists opposing the Farmer Assurance Provision. In fact, according to the farm groups:

- Section 735 does not protect USDA or any biotech company from litigation or any court action related to the review of USDA’s approval of a biotech trait. Section 735 explicitly, and only temporarily, protects farmers who plant biotech traits in reliance on USDA review and approval.
- The Secretary of Agriculture already has emergency authority to remove an approved biotech trait from the market at any time if a risk to human or plant health is discovered. This authority is unaffected by the Farmer Assurance Provision.
- The provision does not restrict the right to challenge USDA’s determination that a product does not present a plant pest risk, nor does it prevent judicial review of that question or procedural matters related to an agency’s determination.