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Animal and  
Plant Health  
Inspection  
Service

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Services

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## SUPPLEMENTAL ADMINISTRATIVE ORDER

On May 3, 2007, the United States District Court for the Northern District of California issued a permanent injunction which regulates the production of Roundup Ready alfalfa. This permanent injunction supplements a preliminary injunction order issued March 12, 2007, which vacated USDA's June 2005, decision to deregulate Roundup Ready alfalfa. Therefore, Roundup Ready alfalfa is a regulated article pursuant to the Plant Protection Act (7 U.S.C. § 7701 *et seq.*) and the regulations contained in 7 CFR part 340.

To comply with the permanent injunction, USDA issued an Administrative Order on July 12, 2007 specifying certain practices addressing pollinators, equipment cleaning practices, and shipping and labeling requirements.

USDA is issuing this Administrative Order to provide additional options for the production, shipping, and labeling requirements for Roundup Ready alfalfa that implements the Court's permanent injunction.

This order which clarifies and replaces the July 12, 2007 Administrative Order, specifies mandatory practices that must be implemented by Roundup Ready alfalfa producers.

You are receiving this Administrative Order because we have reason to believe that you possess, grow, sell, or distribute Roundup Ready alfalfa.

In accordance with sections 411, 412, and 414 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714), you must implement and abide by the production practices specified in this order.

If you believe that any violation of this administrative order has occurred, please contact USDA-APHIS Biotechnology Regulatory Services at 301-734-5690 within 24 hours of discovery.

For additional information on this matter, please visit the USDA website at: [http://www.aphis.usda.gov/biotechnology/current\\_initiatives.shtml#alfalfa](http://www.aphis.usda.gov/biotechnology/current_initiatives.shtml#alfalfa).

Thomas Sim IV, Director  
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## Roundup Ready Alfalfa Production Requirements

The permanent injunction allowed the planting of Roundup Ready alfalfa until March 30, 2007 and directed APHIS to issue this Administrative Order governing such planting. The requirements specified below apply to all Roundup Ready alfalfa planted between June 14, 2005 and March 30, 2007 and will remain in effect for as long as Roundup Ready alfalfa is a regulated article under 7 CFR Part 340. Under the permanent injunction, no Roundup Ready alfalfa may be planted after March 30, 2007, except pursuant to an approved permit as per 7 CFR 340.4.

### **Definitions:**

1. Haylage. Forage harvested and fermented anaerobically and stored under anaerobic conditions.

**1. Pollinators.** Pollinators shall not be added to Roundup Ready alfalfa fields grown only for hay production.

**2. Equipment Cleaning Procedures.** Cleaning of harvest equipment is addressed in this order.

Option 1. Dedicated Equipment.

If all equipment is dedicated exclusively for the production of Roundup Ready alfalfa hay or seed, then no cleaning of equipment will be required. However, this equipment must be marked with a sign or label stating "This equipment shall be used only with Roundup Ready alfalfa".

Option 2. Cleaning Equipment.

If all Roundup Ready alfalfa hay and haylage is fed on the farm on which it is produced, and the equipment remains exclusively on that farm, no cleaning of equipment will be required.

If equipment is used for both Roundup Ready and non-Roundup Ready alfalfa, then all equipment used in Roundup Ready alfalfa fields shall be cleaned while it is in the Roundup Ready alfalfa field or while on the same farm prior to use in the non-Roundup Ready alfalfa field. Equipment may be moved between Roundup Ready alfalfa fields without cleaning.

A. Forage Harvesting and Processing.

1. Choppers (Haylage making). There are no internal parts to clean.
  - a. Mowing and/or conditioning equipment: sweep, blow with forced air, or wash exterior parts clean.
  - b. Raking and/or merging equipment: sweep, blow with forced air, or wash exterior parts clean.
  - c. Chopper: sweep, blow with forced air, or wash exterior parts clean.

2. Balers (Haymaking).

- a. Mowing and/or conditioning equipment: sweep, blow with forced air, or wash exterior parts clean.
- b. Raking and/or merging equipment: sweep, blow with forced air, or wash exterior parts clean.
- c. Balers: Clean baler of Roundup Ready alfalfa.
  - 1). Small square balers. After baling Roundup Ready alfalfa, make at least three bales of non-Roundup Ready alfalfa in a non-Roundup Ready alfalfa field. These bales shall be removed from the non-Roundup Ready alfalfa field/stack and marked, handled, and stored with Roundup Ready alfalfa or destroyed. Sweep, blow with forced air, or wash exterior parts of machine. Baler may then be used for non-Roundup Ready alfalfa.
  - 2). Large square balers.
    - a). Balers equipped with an ejection system. After baling Roundup Ready alfalfa, eject any remaining material from the baler and leave in the Roundup Ready alfalfa field. Make at least one bale from a non-Roundup Ready alfalfa field. This bale shall be removed from the non-Roundup Ready alfalfa field/stack and marked, handled, and stored with Roundup Ready alfalfa or destroyed. Sweep, blow with forced air, or wash exterior parts of machine. Baler may then be used for non-Roundup Ready alfalfa.
    - b). Balers not equipped with an ejection system. After baling Roundup Ready alfalfa, make at least two bales of non-Roundup Ready alfalfa in a non-Roundup Ready alfalfa field. These bales shall be removed from the non-Roundup Ready alfalfa field/stack and marked, handled, and stored with Roundup Ready alfalfa or destroyed. Sweep, blow with forced air, or wash exterior parts of

machine. Baler may then be used for non-Roundup Ready alfalfa.

3). Round balers. When moving from a Roundup Ready alfalfa field to a non-Roundup Ready alfalfa field, leave any material remaining in the baler in the Roundup Ready alfalfa field. Surface clean the equipment by sweeping, blowing with forced air, or washing since no residual material remains in the baler.

**OR**

4). Use Roundup Ready baler in entire non-Roundup Ready field exclusively. Handle bales made as regulated material, i.e., mark and segregate from unregulated alfalfa.

3. Pickup-Wagons/Harrow beds and stacking equipment: sweep, blow with forced air, or wash platform and surface clean after movement of Roundup Ready alfalfa.

Sweepings: All sweepings shall be left in the Roundup Ready alfalfa field or on the farm of the Roundup Ready alfalfa field.

B. Seed Harvesting Equipment. Clean all harvesting equipment including combines, headers, and all supporting equipment including tractors, trucks, and equipment trailers. Equipment must be cleaned and as free as possible of soil, plant parts, seeds, and other physical debris. Steam cleaning, pressure washing, sweeping, or the use of forced air may be required for effective removal of seeds, soil, and physical debris from equipment. This equipment shall be cleaned in the field in which the seed was grown.

1. Combine.

- a. Remove the header.
- b. Open hopper doors at the bottom of the combine and allow all of the remaining seed to fall out.
- c. Remove all debris from the:
  - 1). Feeder house,
  - 2). Cylinder/rotor,
  - 3). Concave,
  - 4). Augers,
  - 5). Grain traps,
  - 6). Tailings return trap,
  - 7). Rock trap,
  - 8). Sieves,

- 9). Cleaning fan,
- 10). Frame,
- 11). Tires and tire rims,
- 12). Spreaders and choppers,
- 13). Header,
- 14). Final Drives, and
- 15). Radiators and air filters.

2. Other field equipment. Any other forage equipment used in the seed harvesting process must be cleaned as specified in the Forage Harvesting and Processing section above.

3. Seed Conditioning Equipment. All seed conditioning equipment must be cleaned following the conditioning of Roundup Ready alfalfa seed. The equipment must be opened as fully as possible and cleaned to remove debris. All debris must be collected and disposed of in a manner to prevent dissemination of Roundup Ready alfalfa seed that may be present.

C. Transportation. Any trucks, wagons, or other transporters used to move Roundup Ready alfalfa to a storage site must be swept clean after unloading before being used for transport of non-Roundup Ready alfalfa. Flatbed trucks used to haul Roundup Ready alfalfa hay must be covered with a secured tarpaulin if viable seed is present in the hay.

Sweepings: All sweepings shall be left at the final unloading destination.

### **3. Identification of Roundup Ready Alfalfa Hay and Seed.**

The provisions of this section apply to all persons and businesses that sell or re-sell Roundup Ready alfalfa.

A. Commingling of Hay – For use on farms on which the hay is produced and/or for use by end-users.

1. Commingling of Roundup Ready and non-Roundup Ready hay and/or haylage is allowed for animal feed if desired.

B. Commingling of Hay – Commingling of Roundup Ready alfalfa hay with non-Roundup Ready alfalfa hay by businesses that sell or re-sell the product.

1. Commingling of Roundup Ready alfalfa hay and/or haylage is prohibited unless the hay and/or haylage is clearly labeled and identified as containing Roundup Ready alfalfa. Buyers must be notified if hay purchased contains Roundup Ready alfalfa and that hay or haylage must be used for feed purposes only.

C. Segregation and identification of hay and seed by all persons and businesses that sell or re-sell Roundup Ready alfalfa.

1. Storage.

(1) Roundup Ready alfalfa hay or haylage for sale or re-sale must be segregated from non-regulated hay or haylage and must be clearly labeled with a sign measuring no less than 8.5 x 11 inches in size and marked "Roundup Ready Alfalfa".

**OR**

(2) Roundup Ready and/or commingled alfalfa hay or haylage stored in silos or other contained areas must be clearly labeled with a sign measuring no less than 8.5 x 11 inches in size and marked "Roundup Ready Alfalfa."

2. Labeling and identification for transportation. All Roundup Ready and/or commingled alfalfa that leaves the farm on which it was produced or leaves a re-seller's location must be clearly labeled by one of the following methods:

a. Lot identification and documentation. Any vehicle transporting Roundup Ready and/or commingled alfalfa hay under the provisions of this order shall carry the following identification and documentation information:

- 1) Roundup Ready alfalfa designation.
- 2) Name, signature, and address of buyer.
- 3) Name, signature, and address of seller.
- 4) Name and address of hauler.
- 5) Lot number.
- 6) Unit count (number of bales).
- 7) Weight.
- 8) Scale & ticket number.
- 9) Shipment date.

and

Must be transported by a vehicle bearing a sign no less than 8.5 x 11 inches in size and marked "Roundup Ready Alfalfa".

**OR**

b. Each bale of Roundup Ready and/or commingled hay must bear a tag securely attached to the binding twine or wire marked "Roundup Ready alfalfa".

D. Seed.

1. All Roundup Ready alfalfa seed must be harvested, handled, transported, and stored in a manner to prevent physical mixing with non-Roundup Ready alfalfa seed.
2. All storage containers (silos, bins, bags, etc.) must be labeled "Roundup Ready Alfalfa".
3. Bags of Roundup Ready alfalfa seed must be segregated from non-Roundup Ready alfalfa seed.