

New Jersey's First Genetically Modified Organism Legislation Tailored to Helping Farmers

Regulation to expand New Jersey's oversight and liability set towards biotechnology and genetically engineered crops

Tag Words: GMOs; Genetically modified; Legislation; Regulations; New Jersey Farmers

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Summary

Farmers around the United States have been facing physical and financial problems on their farms due to genetically modified crop contamination. GMO crop seeds and pollen drift from GMO farms to non-GMO farms and lead to cross contamination. These contaminations lead to the destruction of non-GMO crops; the results can be as severe as physical disfigurements to entire harvest failure. Aside from the loss of these crops, non-GMO farmers still face lawsuits brought forth by GMO producing biotechnology corporations. These local farmers are being sued for growing patented products, despite the contamination cause being natural wind drift. California has recently adopted new regulations in order to protect their local farmers from these unethical patent infringement cases. Using California as a model, New Jersey must follow suit and institute legislation that protect its own farmers. A proposal for such action has been drafted and sent to local organizations as well as to New Jersey legislators. In addition to a detailed letter about the issue at hand, a model for legislation was included so it may be reviewed and used as a base for New Jersey legislators. An alliance between New Jersey farmers, agricultural organizations and constituents can garner the support needed to sway legislators into drafting New Jersey's first legislation at protecting farmers from genetically engineered crop threats. (RH)

Video Link

New Jersey, Farmers, and Genetically Engineered Crops

<http://www.youtube.com/watch?v=ua0B6RPsD1M>

New Jersey Farmers Suffering from GMO crop Contamination

3.1 GMO Introduction

Genetically modified organisms (GMOs) are organisms, including plants and animals, which have been altered by recombinant DNA. This means that new genes were inserted into

these organisms in order to alter specific traits. These genes may come from different animals, plants, bacteria, or other organisms and can be inserted into the plants and animals that are targeted to be altered. The reasons behind genetically modifying, or genetically engineering, foods can vary greatly. Some popular purposes in crop production are to improve visual and textural characteristics and to protect against pests (10).

Although these genetic modifications sound somewhat beneficial, they also have numerous negative effects on the products as well as those consuming it. Consumers have a negative opinion of genetically modified foods for these very reasons. There are currently many questionable health risks related to the consumption of genetically modified foods that are still being studied and researched today. For the most part, they are still considered safe for consumption (8).

In the United States, there are three separate organizations that work on genetically modified organism regulation. These consist of the United States Department of Agriculture (USDA), the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA). The division of jurisdiction is as follows; USDA focuses mainly on the use of pesticides, the EPA works with the planting and selling of genetically modified seeds, and the FDA works with factors related to the actual genetically modified food and plant products. Although each agency covers a specific topic related to these genetically modified foods, federal regulation is not comprehensive. This may seem to be a disadvantage, but state and local regulations do have the option of being implemented in order to create stricter regulations on these products (3).

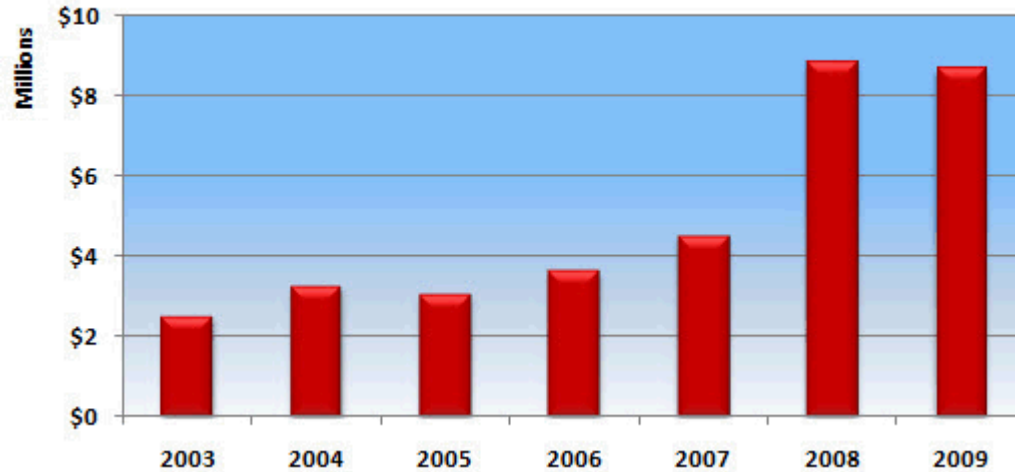
3.2 Why Action is Required

In theory, growing genetically modified crops does not seem to be an issue. Farms that choose to use these crops may, and those that prefer organic farming methods can use their own seed. However, the separation of these two products is not as easy to achieve. In many cases, and the numbers are still increasing rapidly, organic farmers have found genetically modified crops growing on their land that they did not plant.

Throughout the United States, there have been numerous farmers who have been sued because patented crops were found growing on their land. Although they did not plant these crops, seeds or pollen contaminated their farms and led to the growth of these products. Many of these GM companies, such as Monsanto, file lawsuits for even finding trace amounts of transgenic contamination. These expensive lawsuits are extremely damaging for the small, family farms and can even lead to the loss of their farms due to bankruptcy (3).

The issue for the farmers is not only the lawsuits, but the destruction of their crop. After being contaminated by the companies' genetically modified crops, their products no longer qualify as organic. This destruction can be seen from chemical pesticides and from the genetically modified crop seeds and pollen. These genetically modified traits can also spread and contaminate the rest of the farmers' crops. This can destroy the entire year's crops and even prevent the farm from the ability to grow organic crops for years to come. This issue expands beyond the threatening lawsuits to the protection of these organic and family farms (2).

Annual Lobbying By Monsanto Co.



As indicated in the graph above, Monsanto has been investing more and more into the controversy of genetically modified organisms. In order to continue profiting, they have been working to cover up the negative light towards genetically modified products. This investment includes lobbying for lax laws regarding genetically modified crop production and distribution. However, this would only increase the issue at hand and can potentially lead to contamination of organic products throughout the United States (19).

3.3 The Issue at Hand

In this huge controversy, California is taking a stand to protect their local farmers. Over the past several years, many farms have discovered outrageous amounts of genetically modified contaminations on their farms. These contaminations, as previously explained, have led to severe loss in products and profit for these farms. Some of these include contamination of organic soybeans and rice grown by local farms in California (20).

California Seed and Plant Lab tested samples from these farms in order to discover the presence and amount of contamination in the farm's products. Some soybean samples found 20% of the crops tested to have been genetically contaminated. One farm owner, Mary Jo Rablin, reported that she lost \$100,000 due to these GMO contaminations and had to shut down all production for a month to find a solution to the issue at hand (6).

California rice crops have also had a similar finding. The long grain rice grown were already genetically modified and stored separately. Despite these efforts, genetically modified rice was found to be contaminated with these strains over 1,600 miles away from the GM rice storage facilities. These contaminations have led to many issues in selling and exporting these contaminated products and are hurting the companies that have been faced with this contamination (13).

California CloverLeaf Farms, another local farming company, is also fighting back against these GMO contaminations. California CloverLeaf Farms is a producer of organic milk,

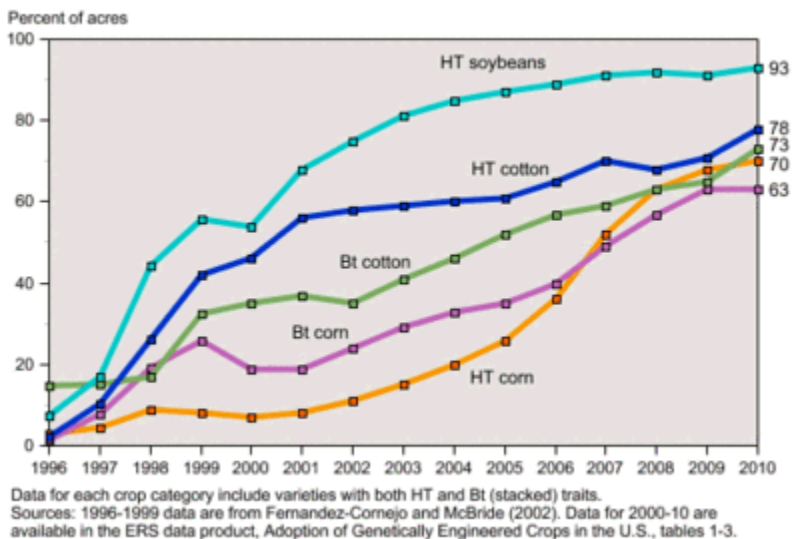
but has faced contamination from GMOs, particularly from the pesticides used. CloverLeaf is one of 60 farms that are currently suing Monsanto for contaminating their organic products. These companies are being represented by the Public Patent Foundation in their suit against Monsanto (13).

These GMO contaminations are not simply restricted to California. These issues can be seen throughout the United States and their negative effects are just as devastating. In fact, New Jersey is currently suffering from these contaminations that are harming the local farmers and causing many to lose their crops as well as their companies (20).

New Jersey blueberry farmers have recently filed a lawsuit against Novartis Crop Protection Inc. Despite their company name, Novartis has led to the destruction of many blueberry farms throughout New Jersey. One of their pesticides was found to have spread to local organic blueberry farms and have mixed with the organic crops. This led to a destruction of the physical qualities of the plants and even killed off some of the blueberry crops. New Jersey is known as the third largest producer of blueberries and has a value of over 90 million dollars for the state. This destruction of these farms is hurting the local farmers, as well as the state's profit from these crop productions. These farms need to be protected from contamination, and call for regulation from the local government (2).

California's movement in aiding its local farmers and preserving its organic crops may be one of the first of its kind, but it cannot just stop there. New Jersey is suffering from similar ailments and needs to take action in order to protect its farms.

Rapid growth in adoption of genetically engineered crops continues in the U.S.



At present, in the United States, approximately 85% of corn crops and 90% of soybeans are genetically modified. These numbers, including those of other crops, are continuing to grow. This leaves a small percentage of organic crops on the market and available for consumers. Not only is there a limited amount of organic crops, but these organic crops are being contaminated by GMOs and destroying entire harvests. Genetically modified crops are infecting other farms,

and they need to be properly controlled. Despite current regulations, GM companies do not have an incentive to help prevent the contamination of their genetically modified crops to local farms. Without a reason for them to control their GM crops, these contaminations will continue to spread and destroy organic farms throughout the United States (21).

3.4 Current Federal Regulation and Oversight Defined

(AW) To this date, no federal laws have been passed to definitively establish regulation over genetically engineered crops. However, since 1986 the responsibility for genetically engineered crops and food has been split between the USDA, EPA, and FDA (18). Now, to understand why current legislation surrounding GMO's is weak and why states must act individually to create their own regulating units let us explore just how the three agencies function in regards to their oversight powers;

The United States Department of Agriculture (USDA)

There are three general modules to the USDA oversight process;

1. Notification: The USDA requires that all new field test trials of genetically engineered (GE) crops be notified to them. Any research group seeking to field test a new GE variety must file a notice of intent and submits additionally summary data after field trials are complete. A simple record of these notifications is all the USDA must gather; it does not pursue any monitoring or verification of the test data submitted.
2. Permit: Certain experimental GE varieties require a USDA permit. These varieties include largely noxious weeds and genes that contain unknown functions and exhibit toxic, infectious or pharmaceutical properties. With these riskier substances, the USDA displays greater regulating authority and verification.
3. Deregulation: After a GE crop is believed ready to be manufactured on a commercialized scale, the producer applies to enter into the state of deregulation; essentially a plea from a biotech corporation asking for the USDA to sign off on the product. Here the USDA overlooks project data and results but does not necessarily undergo its own investigation. Follow up testing of any kind can no longer be undergone by the agency after entering the deregulated state. Regulation of the product ceases as far as the USDA is concerned.

Deficiencies in the USDA:

The jurisdiction of the USDA is severely limited to plants classified as noxious weeds. Other GE variations do not find themselves to fall under the agency's jurisdiction and as such are not even listed on the federal registry for noxious weeds, even if the GE variety exhibits potential dangers.

The review process has one primary shortcoming. The passage of crops into the deregulated state is lacking scientific peer review and public input. Summary data from field tests given by biotech firms is accepted as true and complete. Even the USDA's own Inspector General has gone on record to state that "weaknesses in APHIS regulations and internal management controls increase the risk that regulated genetically engineered organisms will inadvertently persist in the environment before they are deemed safe to grow without regulation"

(14). Even more troubling is that USDA inspectors have discovered that companies typically only list their official business addresses when notifying the USDA of trial periods; failure to specify the exact locations of field trials translate to difficulty in the analysis of GE unauthorized use or unintended dispersal. Moreover, USDA oversight does not reprimand companies for the unauthorized discharge of regulated GMO's. The regulating agency lacks the "vigor" necessary to keep the biotech industry from properly testing and acknowledging faults.

3.5 Environmental Protection Agency & Federal Drug Agency Oversight;

The EPA has authority over genetically engineered plants that are pesticides; in particular plants that have been marked by the family of toxin proteins derived from the bacteria *Bacillus thuringiensis*. The EPA does not manage aspects of GE plants that do not include or incorporate pesticides. In addition, due to a lack of well-defined oversight power, the EPA does not require an approved laboratory test of data that is submitted by biotech companies. As such, studies for particular toxins are not carried out in a method that would sufficiently determine long term health effects. The EPA does not run many experiments by themselves but rather use company data to scale health effects, which can prove biased.

Although the FDA is usually pegged as a rigorous agency that inspects and ensures food safety there responsibility towards GE crops isn't quite as demanding. Under the; Food, Drug, and Cosmetic Act, GE crops are only held liable to a voluntary consultation where biotech companies can consult the FDA about their intended products. There are no definitive requirements or obligations that a firm must fulfill before the FDA deems the product safe. (14) In essence, the FDA just ensures companies are reminded that they are responsible for ensuring crops entering the market are safe.

3.6 Identifying a Niche for Action and a Model of Success

Due to a lack of sufficient oversight, state jurisdictions should exercise their right to monitor and regulate genetically engineered crops and food.

Federal and state regulation towards GMO's is particularly weak due to the mighty political power giant biotech industry (such as Monsanto and DuPont) hold through lobbying. Due to the overpowering nature of biotech conglomerates, it would be unfitting to go into a head to head battle for a fuller set of stricter federal and state GMO regulation. Although it may be argued that someday that time must come, that battle is not for today, especially considering all the hardships the nation and states face. We can however start change by implementing smaller scale problem-solutions in an attempt to gather momentum against the current GMO regulating standard.

The chief issue today is with relation to unethical patent disputes which farmers are exposed to as a result of improper oversight, regulation, and rules by the government. Biotechnology companies have used their political might to sue farmers for factors that are unpredictable, such as unintentional GE crop dispersal.

A landmark piece of legislation was signed in California, in 2008, to help protect Californian farmers from such liability. The Bill, AB 541, was sponsored by the coming together of agriculture organizations, farmers, and food businesses. It's passage marked California's first bill with regards to creating a regulating standard towards genetically engineered crops.

AB541 safeguards California farmers from what can be deemed the unavoidable – the drift of GE seed onto their farmland and the succeeding contamination of their organic or non- GE crops. As it stands today in New Jersey, farmers with crops that became contaminated by patented seeds have become the target of difficult lawsuits brought forth by the biotech patent holders, primarily Monsanto. Even if the GE crop contamination caused harm to the farmer, the environment, or to consumers, there is no liability protection given under such circumstance. Monsanto has argued that with or without intent, the farmer's yield would have increased as a result of their "superior" seed entering their lands and compensation to them is as such fittingly just. Monsanto wins such lawsuits due to the enormous power and money standing behind them. The damage done to farmer is of little concern. AB 541 provided that much needed protection to farmers and established a mandatory crop sampling protocol to level the playing field in investigating alleged patent violations.

New Jersey farmers have been victims to companies such as Monsanto when it comes to patent infringement and crop destruction cases. New Jersey lacks legislation that would ensure proper and just oversight of the biotech industry and its relation with farmers. In today's current political environment, New Jersey only fosters biotech industry research and development but does not facilitate or foster a regulated setting. There are currently seven principal statutes relating to the biotech industry in New Jersey, they are as follows (15);

N.J. Stat. §§ 52:9X-1 to 13 (2007)	State Funding. Establishes the Commission on Science and Technology to encourage the development of the biotechnology and high technology industries in New Jersey.
N.J. Stat. § 34:1B-7.42a (2007)	State Funding. Provides tax exemptions for qualified technology and biotechnology businesses, to be determined by the New Jersey Emerging Technology and Biotechnology Financial Assistance Program.
N.J. Stat. § 18A:64J-15 to 21 (2007)	State Funding. Establishes Biotechnology center to promote biotechnology grants and research in New Jersey.
N.J. Stat. § 40:8C-2 (2007)	Regulation. Prohibits local governments from regulating biotechnology.
N.J. Rev. Stat. § 2C:38-3	Definition. Defines "biological agent" as a biological product that may be engineered as a result of biotechnology, among other things.
N.J. Rev. Stat. § 47:1A-1.7 (2001)	Regulation. Access to biotechnology trade secrets by state and local agencies available only as allowed by federal law
Chapter No. 14 (2004)	State Funding. Authorizes the issuance of special indebtedness to finance vital state facilities for health care and biotechnology research

There are four statutes that aid in the funding of biotechnology through the state and no statutes declaring regulations upon the biotech industry, especially not with regards to regulation

of seed and its dispersal. This is worrisome as the state endorses the biotech industry and exhibits no signs of promoting a fair and impartial industry where farmers or even consumers are addressed.

To contrast, California has a much more progressive conception of handling biotechnology. In turn leading it to implement many more pieces of oversight specific legislations (15);

Cal. Food & Agricultural Code §§ 491 to 492 (2007)	State Oversight. Legislative findings that with the burgeoning field of biotechnology comes a need for the public to be informed about the benefits and potential risks of the technology. Establishes the Food Biotechnology Task Force.
Cal. Food & Agricultural Code § 2272 (2007)	State Oversight. Allows for the County Agricultural Commissioner to include supplemental information on biotechnology in the annual report on the condition of agriculture.
Cal. Food & Agricultural Code § 12798 (2007)	State Funding. Establishes competitive grant programs to fund pest management research, including biotechnological research.
Cal. Food & Agricultural Code § 52300 to 52306 (2009)	State Oversight. Legislature to clarify the role and responsibility of the Department of Food and Agriculture in the oversight of regulated agricultural biotechnology, including the regulation of seed.
Cal. Food & Agricultural Code § 52100 (2007)	Destruction. Any person who intentionally destroys test or research crop is liable for up to twice the market value of the crops.
Cal. Unemployment and Ins. Code § 9700 - 9702 (2007)	State Support. Sets forth legislative findings and declarations that the San Diego biotechnology industry increasingly needs more biotechnology professionals of all levels that are familiar with industry-like conditions for basic, applied, and transitional research, training, and production; states legislative findings that the San Diego Multiuse Biotechnology Training Center is being created to serve as an anchor for the growth of biotechnology enterprise.
Cal. Penal Code § 11417 (2002)	Destruction. Considers acts against agricultural biotechnology an act of terrorism.
Cal. Fish and Game Code § 15007 (2007)	Regulation. Makes it illegal to spawn, cultivate, or incubate any transgenic fish in the state controlled waters of the Pacific Ocean.

Notable is the legislation which establishes the Department of Food and Agriculture, which possess oversight powers in regulating agricultural biotechnology, including seeds. This authority demonstrates important in safeguarding farmers. Under Section 52301 and 52302 of the Californian Food and Agricultural Code, the following is designated behavior (16);

52301. “(a) Before a person or his or her agent holding a patent on a genetically engineered plant, may enter upon any land farmed by another for the purpose of obtaining crop samples to determine whether breach of contract or patent infringement has occurred, the person holding the patent or his or her agent shall do all of the following:

(1) Notify the farmer in writing of the allegation that breach of contract or patent infringement

has occurred and request permission to enter upon the farmer's land.

(2) Provide a copy of that notification to the secretary.

(3) Obtain the written permission of the farmer.

(4) Provide notice to the farmer of the following procedures which shall be applicable as provided:

(A) If the farmer withholds permission, the person holding a patent may petition the superior court in the county in which the alleged breach of contract or patent infringement has occurred for an order granting permission to enter upon the farmer's land.

(B) If the person holding a patent believes that the crop from which samples are to be taken may be subject to intentional damage or destruction, the person may seek a protective order from the superior court. The protective order shall be crafted to minimize interruption or interference with normal farming practices, including harvest and tillage.

(C) The procedures described in Section 52302.

(b) The farmer shall grant or deny access in writing within 10 days of receipt of a request to enter the land pursuant to subdivision “

52302. “If requested by either party, the secretary or his or her designee shall be present for the sampling, provide for the collection of samples, or conduct any other aspect of the sampling or analysis process as requested. The secretary shall designate an employee or enter into an agreement with an employee or agent of the State of California or a third party unaffiliated with either party to carry out the specified sampling activity as provided in regulations adopted pursuant to Article 2 (commencing with Section 52251) of Division 18. The patent holder shall pay the fee charged by the department under regulations adopted pursuant to that article. The farmer or the agent of the farmer and the person holding the patent may be present at any collection of samples conducted pursuant to this article, and each shall be notified of the time and location of the sample taking at least 24 hours in advance. “(16)

In California, explicit detail is given into how interactions between farmers and patent holders are to be conducted from the start of potential problems. This sets forth an even playing field for both parties. Administrative rules establish a controlled environment. In New Jersey such order is missing and biotech companies more often than not investigate on hunches for patent infringement by themselves without the government as a 3rd party witness.

In addition, a key component of the California Code explicitly protects the farmer in the event of alleged patent infringement and unintentional crop contamination. Section 52305 states (16);

52305. A farmer shall not be liable based on the presence or possession of a patented genetically engineered plant on real property owned or occupied by the farmer when the farmer did not knowingly buy or otherwise knowingly acquire the genetically engineered plant, the farmer acted in good faith and without knowledge of the genetically engineered nature of the plant, and when the genetically engineered plant is detected at a de minimis level.

The authority of a court to determine the presence of de minimis levels of a genetically engineered plant is intended solely for the purpose of assisting in adjudicating claims relating to

the possession or use of a patented genetically engineered plant in which the seed labeler, patent holder, or licensee, has rights. Nothing in this section is intended to do any of the following:

(a) Establish, or be used as the basis for establishing, an acceptable level at which a patented genetically engineered plant may be present.

(b) Be used to alter or limit liabilities or remedies for personal injury or wrongful death.

(c) Be used outside or beyond the scope or context of a legal dispute regarding genetically engineered plants.

Together AB 451 administrative rules and stricter general regulation laws have given Californian farmers protected liability and pronounce procedural rules. The service project presented attempts to create legislation that mimics this achievement and will guide New Jersey into the direction of successfully protecting New Jersey farmers.

The Proposal for New Jersey

4.1 General Plan Foundation

(AW) Using both the precedent of AB451 and California's philosophy toward genetically modified crop oversight as a model, the New Jersey proposal stands primarily to extend protection to the farmers via the implementation of greater administrative rule sets towards farmer- biotech patent infringement and the extension of new administrative oversight power to the NJ Department of Agriculture in order to regulate seed dispersal and general agricultural biotechnology affairs. The legislation seeks to give farmers a firm set of rights where they not only have protection from patent infringement lawsuits due to cross contamination but also to establish a precedent of compensation for economic losses due to such contamination.

The precedent of AB451 as mentioned previously is best expressed by Section 52305 of the California Food and Agricultural Code where in the first paragraph the farmer is protected from unintentional crop contamination. Section 52305 again explicitly declares that;

“A farmer shall not be liable based on the presence or possession of a patented genetically engineered plant on real property owned or occupied by the farmer when the farmer did not knowingly buy or otherwise knowingly acquire the genetically engineered plant, the farmer acted in good faith and without knowledge of the genetically engineered nature of the plant, and when the genetically engineered plant is detected at a de minimis level.” (16)

This simple paragraph, is the key legislation that gives AB451 it protective powers and a similarly worded piece of legislation in New Jersey can have equivalent effect in protecting New Jersey farmers from unethical patent infringement lawsuits. This element along with a similar administrative rule set will help prevent alleged patent infringements from ever reaching trial due to government diligence and will also cease wrongly assessed patent infringement accusation from ever seeing unjust return.

The expansion of the New Jersey's Department of Agriculture oversight powers is intended to supplement these administrative rules by ensuring the government is with watchful eye monitoring seed dispersal. Proper monitoring of seed dispersal can help determine problem areas in the state where potential cross contamination is likely. With such knowledge the state is

better able to assess unjust patent infringement claims while protecting patent holders and their respective rights. Although New Jersey should empower its protection of farmers, it is not in the interest of the state to neglect biotech patent holders and disincentivize industrial growth of biotechnology in the state.

4.2 Targets for gathering political legislative support

To maximize potential success the legislation must be supported by local farmers, businesses, and organizations. Including but not limited to;

1. Genesis Farms
2. Indian Brand Farms
3. Jersey Fresh Farmers
4. Network of Concerned Farmers
5. Beyond Pesticides
6. The Non- GM Project

Such supporters, especially through independent farmers help reinforce the sentiment and problem that this unique legislative niche is targeted for. Having farmer organization behind the legislation also ensures that a wider scope of constituents is exposed to the proposal, so they too may stand behind it.

(Heller)

All of the local farms and organizations targeted have been personally affected by these GMOs or have shown an interest in the specific topic area. Indian Brand Farms, for example, is currently going through a lawsuit with Novartis for the destruction of their blueberry crops in Hammonton, New Jersey. Along with the other local farmers, these use non-GM crops and are trying to avoid contamination by other corporations.

The Network of Concerned Farmers is an organization that is currently lobbying to protect non-GMO farmers from the liabilities they face when GMO crops contaminate their fields. They are making the public aware of the economic loss faced by these non-GMO farmers and the abuse of these patents from GMO companies. Their organization is already working towards connecting non-GMO farmers in their efforts to save non-GMO farms (6).

The Non-GMO Project is an organization working towards protecting the availability of non-GMO products. While it works towards this goal, the Non-GMO Project also works to educate consumers about GMO products and how they affect the consumers. The Non –GMO Project is also working with other groups and organizations to decrease the risks of GMO contamination of non-GMO products (1).

Targeted Legislators with their respective areas (17)

1. Agriculture and Natural Resources Key Committee Members
 - a. Albano, Nelson (Chair)
 - b. Riley, Celeste (Vice- Chair)
2. Regulatory Oversight and Gaming Key Committee Members

- a. Burzichelli, John (Chair)
 - b. Oujano, Annette (Vice-Chair)
3. Assemblyman Upendra Chivukula; Deputy Speaker

The selected farmers, organizations, and legislatures are all fit to best sponsor and push for the proposed legislation. Although a more formal legislative action plan must be presented to the respective parties, this draft is strictly for identifying the problem, and exploring a solution that has been proven to work and can work in New Jersey. Legislators and respective supporters should not view this proposal as a final rigid proposal but rather as a tentative call to action.

4.3 Taking Action

(RH) The regulation proposed was modeled after the Californian Food and Agriculture codes, sections 52301, 52302, and 52305 as previously described. Along with this formatted piece of regulation, a letter has been written that addresses the issues at hand and how these issues are directly affecting New Jersey farmers and consumers. In order to gain as much support as possible for these regulations, local organizations that work to protect non-GMO farms have been contacted through email.

Once the organizations review the letter and regulation, they have been asked to reply with any questions or comments on the process. These organizations are then asked to use these regulations, which have already been formatted for them, and continue gaining support for them. By working with a larger organization, it is easier and more effective to reach more organizations and more supporters. In order to successfully enforce these regulations, legislators must see that there is large support for them.

After gaining support from numerous organizations, the next step is also outlined to be taken by the non-GMO organizations. Legislators who serve as committee members for Agriculture and Natural Resources and Regulatory Oversight and Gaming as well as Assemblyman Upendra Chivukula, the Deputy Speaker will be contacted by the organizations. With the preformatted regulation and letter to the legislators, all of these organizations can contact the legislators in order to show their support for and request for enforcement of the regulations described.

Letter Template Sent to Organizations

Non-GMO Project Headquarters:
1200 Harris Avenue, Suite #305
Bellingham, WA 98225

877.358.9240

info@nongmoproject.org

To the Non-GMO Project Headquarters,

There is a rising issue throughout the United States regarding Genetically Modified crop contamination. As you may be well aware, the contamination of non-GMO crops has been increasingly detrimental to our local farmers. Not only are their crops being destroyed, but they are facing lawsuits and financial harassments because of these uncontrolled contaminations. This is not only harming the farmers, but it is also hurting the consumers as well. The loss of these non-GMO products are decreasing the availability for consumer choice for organic and non-GMO products. Your organization's mission is to continue to ensure that consumers are provided with non-GMO choices so that they are able to make their own decisions on their food supply. In order to protect the consumers and our own choices, the first step is to protect our farmers.

In order to accomplish this, our non-GMO farmers need protection from GMO corporations who are taking over and spreading the GMO seeds and pollen. This contamination has lead to local farms losing crops and business because of failed harvests and bankruptcy. To prevent these farms from bankruptcy, regulations are necessary to prevent these farmers from the unfair lawsuits from GMO corporations. California has recently implemented new legislation to prevent these unprecedented lawsuits from harming local farmers that have been contaminated by GMO products.

Although California has taken a step in the right direction, it is now time for other states to follow suit. New Jersey has been facing many of the same issues that caused this legislation to pass in California. New Jersey farmers are seeing an increasing amount of GMO contaminations and lawsuits because of them. This lack of regulation must be ended.

Working together in numbers, a greater impact can be made to encourage legislators to enforce these regulations. Attached is a copy of the Proposal for New Jersey Regulation. It is modeled after California's successful legislation, AB451 that protects New Jersey farmers from these unethical lawsuits regarding these patent infringement lawsuits. Please review the attached copy and help to protect our farmers by supporting this cause and contacting further organizations and legislators with the New Jersey Proposal.

Sincerely,

Rebecca Heller

with Dr. Julia Fagan, Ph.D

fagan@rci.rutgers.edu

Organizations/individuals to receive similar letter;

1. Julie Newman
julie@non-gm-farmers.com
phone 08 9871 1562 or 0427 711644
P.O. Box 6, Newdegate, 6355, WA

2. Northeast Organic Farmers Association
New Jersey 334 River Road
Hillsborough, NJ 08844
P: 908-371-1111
F: 908-371-1441

3. Non-GMO Project Headquarters:
1200 Harris Avenue, Suite #305
Bellingham, WA 98225
877.358.9240
info@nongmoproject.org

Letter Template sent to Legislators

Aleksander Wojdyga

Nelson Albano
21 North Main St.
Cape May Court House, NJ 08210

December 2, 2011

Dear Assemblyman Albano

I am writing to ask you to support and sponsor a new piece of legislation for New Jersey. The massive adoption of biotechnology, in particular genetically engineered crops over recent years has left many negative externalities to be displaced upon New Jersey farmers. Although federal regulation exists to monitor genetically modified crops and their release, there is no established rule set with regards to patent infringement and protecting farmers. States have the right to amend their solutions to such issues.

Numerous lawsuits have been brought forward against New Jersey farmers- who have had the drift of genetically engineer pollen or seed onto their land and the subsequent contamination of their non GE crops. This conduct is unethical and needs to be addressed immediately. The purpose of this bill proposal is to fix the wrong. New Jersey's title as a progressive state must be validated. With support from local farmers and agricultural organization let us usher in the state's first piece of legislation tailored specifically to safeguarding farmers.

Enclosed you will find a paper where details of the problems stated above are expanded upon and where a model of success, the California Bill AB541, is presented and recommended as a base for New Jersey to follow. Please do not hesitate to contact me if you're interested to learn more. You may contact the project overseer Julie Fagan Ph. D at Fagan@rci.rutgers.edu

Thank you for your time and hopefully support.

Sincerely,

Aleksander Wojdyga

Legislators/Committees to receive similar letter;

1. Agriculture and Natural Resources Committee via
Nelson Albano (Chair)
21 North Main St.
Cape May Court House, NJ 08210
(609) 465 - 0700

2. Regulatory Oversight and Gaming Committee via
John Burzichelli (Chair)
935 Kings Highway
Suite 400
West Deptford, NJ 08086
(856) 339 - 0808

3. Appropriations and Economic Development Committee via
Upendra J. Chivukula
888 Easton Ave
Somerset, NJ 08873
(732) 247 - 3999

References

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Letters to the Editor

Time to take action against genetically modified crops contaminating local farms

Sent to The Trentonian

By Rebecca Heller

Although consumers may not be aware of the types of products they are consuming, more and more of these products are actually genetically modified. These foods are altered in order to change specific characteristics to make them resistant to pests or change physical traits. Although they may look more appealing, they are also leading to many other adverse affects. With the increasing use of GMO crops and products, New Jersey needs to enforce an increase in regulations.

New Jersey farmers are facing a tremendous amount of issues due to the lack of GMO crop regulation. These GMO seeds and pollen are spreading to their land and contaminating their organic and non-GMO crops. These contaminations can actually harm non-GMO crops by creating physical abnormalities or even by killing off the original crops that were planted.

Despite the devastation of these contaminations, farmers can even be sued while having their own crops destroyed. If these GMO crops are found growing on their land, even if it was caused by a stray seed, the farmers can be charged for using these patented products without paying for them. Not only can this destroy the entire harvest, but this type of financial devastation can lead to bankruptcy on many farms. Not only have these GMO corporations led to destruction of local farmers' crops, but they have actually taken action to sue these farmers.

A recent lawsuit, Indian Brand Farms Inc. v. Novartis Crop Protection Inc. is one example of the harm that these GMOs are causing. The blueberry crop on Indian Brand Farms was contaminated because of Novartis pesticides which led to the physical destruction of their blueberry harvest. Although these farmers took action on their own behalf, New Jersey should already have had regulations in place to protect these farmers from this contamination from occurring in the first place.

There have been numerous trends moving towards locally grown foods, but if we do not protect our local farmers we will not be able to enjoy these fresh produce. New Jersey must set into place a regulation to protect farmers from these unfair lawsuits and to make sure that the companies that are the source of these contaminations take responsibility for them.

California has recently taken steps to help protect their local farmers who have been attacked by these lawsuits and whose crops have been destroyed. They are taking steps to enforce GMO crop regulation and to prevent farmers from being sued over these specific cases.

New Jersey now, needs to take a stand. We need to protect our farmers from these GMO corporations and protect our own local food supply from their contaminations. Looking toward California for our reference, New Jersey must put these regulations into place to help protect out local farmers and our food.

New Jersey's First Genetically Modified Organism Legislation Tailored to Helping Farmers

Sent to The Times of Trenton

By Aleksander Wojdyga

Genetically modified organism oversight powers are divided among three federal agencies; the U.S Department of Agriculture (USDA), the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA). Although the oversight is organized it fails in protecting farmers and the general public. As a result, states must act to amend their own GMO legislations.

New Jersey has passed seven biotech industry statues; none address the concerns of farmers, they are instead tailored to administrative definitions and state funding rules. New Jersey must follow states such as California in adopting legislation tailored to aiding farmers and leveling the biotech industry playing field by expanding oversight and liability powers.

Lawsuits have been brought against New Jersey farmers who have had the drift of GE pollen or seed onto their land and the subsequent contamination of their non GE crop. This conduct is unethical and needs to be addressed.

California's legislation piece, AB541, established basic protections for farmers by instituting new administrative codes of conduct. Leveling biotechnology rules ensures farmers, consumers, and companies coexist without particular dominance over legal or ethical boundaries. In the coming weeks a proposal for New Jersey to address the issue will be put forward and should not be overlooked.