

2011 SENATE AGRICULTURE

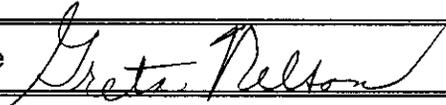
SCR 4018

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SCR 4018
February 18, 2011
14726

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

To rely on sound scientific research to support regulatory decision making with respect to the deregulation of alfalfa and all other similar circumstances.

Minutes:

Attachments: #1

Senator Flakoll; Meeting called to order this 18th day of February 2011, SCR 4018.
Clerk take roll call.

Clerk: Take roll call

Dan Wogsland: Executive Director ND Grain Growers Association; (Attachment #1)
Support SCR 4018

Senator Miller: Was there a ruling just handed down generic alfalfa to go again?

Dan Wogsland: yes, we are seeing some break through and want to make sure there is a clear message sent from the state we need to continue to use the sound science when we are prorogating rules in the USDA.

Senator Luick; What is the trouble that we are having with the European countries....why so many court cases.

Dan Wogsland: A lot of misunderstanding regarding genetic and generic crops as well as non and how can peacefully co-exist. There is a misunderstanding between groups ...that is one of the reasons good and bad information. We need to sift through that. (Example on Twitter how the import duties have gone down in the European because of lack of wheat.) Seeing some shifts in attitudes in the European Union....a lot of dynamics going on. Not a lot of investments in wheat....when those changes come about, let's do it in a proper orderly fashion on sound science.

Senator Klein; Wheat is one of the issues being kicked around...Montana was a leader and then decided to pack and go home. Are we having other companies testing different modified in other countries as Australia?

Dan Wogsland: Making some substantial investments in wheat. When you look over last 10 years....corn yields have gone up 5 bushels per acre, soy bean yield has gone up 3 bushels per year per acre. Due to good conditions. Genetics have made a big difference. Billions of dollars is spent in wheat research and building traits. You wouldn't see that fast an investment in traits if they didn't see the light in the end of the tunnel.

Senator Klein; Traitsdrought resistance

Dan Wogsland: Traits looked at are drought resistance, disease control, consistent quality and supply, nitrogen utilization, good for environment with less fertilizer.

Senator Heckaman: Does that include all crops as listed?

Dan Wogsland: Yes

Senator Terry Wanzek District 29 ResolutionWhen we are dealing with regulations, the development, and introduction of these new product that we use sound science not political science in making decisions.

Senator Flakoll; Oppositions?

Senator Flakoll; Close the hearing. SCR 4018

Senator Flakoll; Committee any amendments for the resolution?

Senator Murphy; Move to adopt of SCR 4018

Senator Miller Second

Senator Miller; Do you think if people will know what the terminology of sound and political science difference?

Senator Murphy; Good to see sound science is being supportednote that the improvement in crops that have happened in the last 100 year....incredible. No way to go back in life to the "before" the improvements have transpired.

Senator Luick I do believe in sound science.....my concern is coming from the contamination. I intend to support this and my concern is not going to waver. Is the possibility loss of foundation seeds through this process? I am fully aware of the necessity of things like this to take place, but the concern is still with the contamination.

Senator Klein; We have come a long way....the producers have shown what these crops can do. We need to move forward and to continue the study.

Senator Miller; Economic and profit abilities that modified crop have brought to NDreports show that ND was over 7 billion dollars. We are able to put out such volume and high quality crops. It is a wonderful tool.

Senator Flakoll; Take roll for a Do Pass SCR 4018 Clerk take roll call vote

Clerk: 7-0-0

Senator Flakoll Motion carries Senator Murphy carry the bill

Senator Flakoll; Adjourned

Date: 2/18/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4018

Senate Agriculture Committee

Legislative Council Amendment Number 11.3083.01000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Murphy Seconded By Senator Miller

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	✓		Senator Heckaman	✓	
Vice-Chair Oley Larsen	✓				
Senator Klein	✓				
Senator Luick	✓				
Senator Miller	✓				
Senator Murphy	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Murphy

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SCR 4018: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the
Eleventh order on the calendar.

2011 HOUSE AGRICULTURE

SCR 4018

2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SCR 4018
March 18, 2011
Job #15677

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A resolution urging the Secretary of the United States Department of Agriculture to rely on sound scientific research to support regulatory decision making with respect to the deregulation of alfalfa and all other similar circumstances.

Minutes:

Dan Wogsland, Executive Director, ND Grain Growers Assn.: (See attached #1)

This resolution asks United States Department of Agriculture, when they are promulgating rules on things such as Round-up Ready alfalfa, etc., to use sound science for the basis of their regulatory efforts.

With the ND Legislature behind this, it makes for good policy and will help with these efforts.

Representative Mueller: We need to use science to do most of what we do. Your comment in your testimony about "protection of the public good", could there be a difference between the public good and sound science?

Dan Wogsland: I would hope that they are one and the same.

Representative Mueller: There may be circumstances where the public good, where the release of a genetically modified crop is economically detrimental to the general public good of that area around in which that crop might be raised. Genetically modified alfalfa might be the perfect thing for one farmer. The guy next to him may be raising alfalfa that is going to cows that make milk and they don't want to see that cross pollination. Science is important but is science good for everyone?

Dan Wogsland: I would hope we can use a scientific basis so that the one using genetically modified alfalfa is protected and the person next to him also. So that we have regulatory efforts in place that are based on science.

Representative Rust: When looking at the third "Whereas", can you explain that?

Dan Wogsland: If we are putting these regulations in place, let's use science in formulating these regulations.

Representative Rust: Are there now geographic restrictions and isolations distances that are part of regulations?

Dan Wogsland: I can't cite them but I believe so.

Julie Ellingson, ND Stockmens' Assn.: We support this bill. We believe sound science is the basis of good policy.

Opposing: None

Chairman Johnson: Closed the hearing.

Representative Headland: Moved Do Pass

Representative Schmidt: Seconded the motion

A Roll Call vote was taken. **Yes: 13, No: 1, Absent: 0,**

DO PASS carries and will be placed on the Fourteenth Order.

Representative Trottier will carry the bill.

Date: 3/18/11

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 4018

House Agriculture Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended
 Rerefer to Appropriations

Motion Made By Representative Headland Seconded By Representative Schmidt

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	X		Tracy Boe	X	
Joyce Kingsbury, Vice Chair	X		Tom Conklin	X	
Wesley Belter	X		Richard Holman	X	
Craig Headland	X		Phillip Mueller		X
David Rust	X				
Mike Schatz	X				
Jim Schmidt	X				
Wayne Trottier	X				
John Wall	X				
Dwight Wrangham	X				

Total Yes 13 No 1

Absent 0

Bill Carrier Representative Trottier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SCR 4018: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

SCR 4018



Your voice for wheat and barley. www.ndgga.com

North Dakota Grain Growers Association Testimony on SCR 4018 Senate Agriculture Committee February 18, 2011

Mr. Chairman, members of the Senate Agriculture Committee, for the record my name is Dan Wogsland, Executive Director of the North Dakota Grain Growers Association. I appear before you today on behalf of NDGGA in support of SCR 4018.

Mr. Chairman, members of the Senate Agriculture Committee, urging the United States Department of Agriculture (USDA) to use sound scientific research in regulatory decision making is a common sense approach to the development and release of genetically engineered crops. The use of sound science by USDA should allow for the orderly release of traits used in the genetic engineering of crops while at the same time should allow for the protection of the public good. Having USDA employ the use of restrictions beyond sound science not only stymies the growth and modernization of traits critical to crop production, it does little to enhance public welfare. It is time that USDA gets beyond the hype and use sound scientific principles in its regulatory processes. This is the purpose of SCR 4018.

Progressive co-existence of genetically and non-genetically crops has existed in North Dakota and across the U.S. for years. The co-existence has been for the most part without geographic restrictions and without undue regulatory burden. Sound science can and will lead to the determination of the proper co-existence regulations which will benefit all concerned.

The agricultural world is abuzz today regarding the events surrounding alfalfa and other genetically engineered crops. As USDA continues to search for its proper regulatory procedures it is imperative that North Dakota weigh in on the issue. Our state leads the nation in the production of 15 different commodities; it is critically important that our voice be heard on this issue. Therefore the North Dakota Grain Growers Association supports SCR 4018 and would urge the Senate Agriculture Committee to give it a Do Pass recommendation.

NDGGA provides a voice for wheat and barley producers on domestic policy issues – such as crop insurance, disaster assistance and the Farm Bill – while serving as a source for agronomic and crop marketing education for its members.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

**MONSANTO CO. ET AL. v. GEERTSON SEED FARMS
ET AL.****CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT**

No. 09–475. Argued April 27, 2010—Decided June 21, 2010

The Plant Protection Act (PPA) provides that the Secretary of the Department of Agriculture may issue regulations “to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.” 7 U. S. C. §7711(a). Pursuant to that grant of authority, the Animal and Plant Health Inspection Service (APHIS) promulgated regulations that presume genetically engineered plants to be “plant pests”—and thus “regulated articles” under the PPA—until APHIS determines otherwise. However, any person may petition APHIS for a determination that a regulated article does not present a plant pest risk and therefore should not be subject to the applicable regulations. APHIS may grant such a petition in whole or in part.

In determining whether to grant nonregulated status to a genetically engineered plant variety, APHIS must comply with the National Environmental Policy Act of 1969 (NEPA), which requires federal agencies “to the fullest extent possible” to prepare a detailed environmental impact statement (EIS) for “every . . . major Federal actio[n] significantly affecting the quality of the human environment.” 42 U. S. C. §4332(2)(C). The agency need not complete an EIS if it finds, based on a shorter statement known as an environmental assessment (EA), that the proposed action will not have a significant environmental impact.

This case involves a challenge to APHIS’s decision to approve the unconditional deregulation of Roundup Ready Alfalfa (RRA), a variety of alfalfa that has been genetically engineered to tolerate the herbicide Roundup. Petitioners are the owner and the licensee of the intellectual property rights to RRA. In response to petitioners’



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