

December 15, 2009

Legal Policy Section
Antitrust Division
U.S. Department of Justice
450 5th Street, NW. Suite 11700
Washington, DC 20001

To whom it may concern:

My family has been in the farming and seed dealer business in the Louisiana area for almost 42 years. It was started in 1968 by my father and I have been working full-time since I graduated from Louisiana State University in 1978. I currently oversee the seed and chemical marketing and purchasing. We process mostly rice and wheat and are a retailer for Monsanto, Syngenta and Pioneer brands of seeds.

I would like to take the opportunity to express my views about the competition in the agriculture sector in my area before the public workshops are held by the Department of Justice and the Department of Agriculture. I thank you in advance for your time and consideration.

Farmers have many decisions to make, and I think it's fair to say that experience of the previous years crop makes up most of farmer's decision-making for the upcoming crop year. A smaller amount of their decisions are based on the two years prior. Varieties and brands that performed well are most likely ordered for next year. Those that performed or yielded poorly are not re-ordered. The rest of the decision-making is drawn on finding new innovations and by visiting other farms who have new product comparison field trials. Some of the larger farmers hire paid consultants to recommend seed choices, while some dealers offer a consultant service as part of their "complete service offering".

Farmers also have more choices of seeds and variable prices today than ever before, and there are many factors that go into their choices. Since the introduction of biotech seeds, farmers are producing higher yields and benefiting from different traits available in seeds. Farmers today are making seed choices and chemical program choices at the same time, whereas they used to make those decisions at two different times. Individual growers determine which germplasm and trait value best suits their needs. The important thing to remember is that they can always decide to buy non-trait offering seeds at a lower price, but most are willing to pay the higher price, after determining which system better suits their needs and has more value to them.

But keep in mind, there is "brand" competition in the market and some different and some similar trait offerings by the different brands. There are at least four brands in any

market. There are several brands to choose from in corn, soybeans, grain sorghum, as well as wheat in my area. Most growers plant at least two brands on their farm.

The research investments provided by private companies far exceeds that of publicly funded research programs and combined they both benefit the producer and eventually the consumer. It is vital for the U.S. government to recognize the benefits of protecting intellectual property rights, the Plant Variety Protection Act, and the right to collect royalties for successful development and marketing of “seed with traits” products. With those protections and Returns On Investment we will continue to advance the crop yields and value and we will also reduce the pesticide load in the environment and the U.S. population will continue to have the safest and most affordable food supply in the world.

Thank you again for considering my opinion in the public forum, and your understanding of these important issues.

Yours truly,

Michael K. Hensgens
1110 West Mill Street
Crowley, LA 70526