

From: Gene Wirtz <gwirtz@wildwestriv.com>
Sent: Thursday, December 31, 2009 11:11 PM
To: ATR-Agricultural Workshops <agriculturalworkshops@usdoj.gov>
Cc: Mark Trechock <mark@drcinfo.com>
Subject: Comments - Seed Industry Concentration

I am a farmer near Underwood in McLean County, North Dakota, and have been farming since 1978. I currently farm about 2300 acres. My plantings this year included spring wheat, flax, lentils, and oil sunflowers. Last year I also planted green field peas and expect to do that next year as well.

I used to include canola in my rotation of crop plantings. I planted canola in 1997, 1998 and 1999. Canola was a beneficial crop within my rotation because it was a broad leaf crop which allowed me to use different grass herbicides and also break up different disease and insect cycle problems.

Concentration in the seed industry has put an end to any further plantings of canola on my farm. The principal reason is that it is now virtually impossible to purchase canola seed that is not a Roundup Ready variety or contaminated by a Roundup Ready variety.

There are several reasons why I will never plant canola or a Roundup Ready variety of any crop.

1. **Volunteer control.** I use Roundup to control weeds that affect many of my crops. Those crops include flax, peas and lentils as a pre-harvest burndown and also spring wheat post-harvest burndown for the control of Canada thistle and quack grass. However, I would not be able to use Roundup to control any volunteer Roundup Ready canola plants since they are resistant to Roundup. Instead, I would have to use a different herbicide or combination of herbicides to control Roundup Ready canola volunteers. This would entail additional expense for me in the purchase of additional herbicides and the time involved in application. It could also quite possibly result in an increase in overall herbicide applications on my farm, thereby undermining my goal of holding the application of pesticides to my soil to the minimum. In effect, the concentration of the canola seed industry, and the dominance of Roundup Ready varieties of canola, has turned canola into just another weed.

2. **Weed resistance.** Concentration in the seed industry, and the dominance of Roundup Ready systems for corn and soybeans, which are also grown in my area, as well as canola, have led to greater and greater problems for farmers because many weeds are becoming resistant to Roundup. Mares tail is one weed that comes to mind as well as Canada thistle and quack grass. This problem of weed resistance can only increase with every year that Roundup Ready crops are planted. This increase of weed resistance presents the same problems of cost, labor and greater intensity of herbicide applications mentioned above.

3. **Risk of prosecution.** Planting Roundup Ready canola (or other Roundup Ready crops) also entails the risk of prosecution. Monsanto has a history of treating the volunteers from the previous year's crop the same as if they were planted with saved seed in violation of the farmer's contract. A contract with Monsanto allows Monsanto representatives to enter a farmer's field and take samples of plants and seeds for the purpose of establishing contract violations. If I am accused of a contract violation, I must either settle with Monsanto or face prosecution. Under the contract, any court trial would be held in St. Louis, Missouri, where the company has its headquarters. This type of control seems unfair to me, but I am not aware of a court that has ruled against it. Fighting prosecution of this nature would be beyond my means. This threat of prosecution does not seem worth the risk, and since obtaining non-Roundup Ready canola seed is not possible at the present, I have reluctantly made the decision not to plant canola at all. In other words, market concentration has effectively restricted my planting options. Incidentally, the dominance of Roundup Ready crops also carries risks for farmers who have never had a contract with Monsanto, since the company also has a history of treating volunteers from another farmer's field into mine as a patent violation on my part. If we had any level of competition in the canola seed industry, this type of intimidation could not be undertaken.

Thanks for the opportunity to share my concerns.

Gene Wirtz
3423 3rd Street NW
Underwood, ND 58576