

**American Farm Bureau Federation, American Soybean Association,
American Sugarbeet Growers Association, National Alfalfa & Forage Alliance,
National Association of Wheat Growers, National Corn Growers Association,
National Cotton Council of America**

FOR IMMEDIATE RELEASE

Ag Groups: Farmer Assurance Provision Important for Agriculture

ST. LOUIS, April 10, 2013 – An appropriations bill signed March 27 by President Barack Obama has an important section that farmers need to fully understand, according to a coalition of farm organizations that supported its passage. Known as the Farmer Assurance Provision, it was designed to mitigate the effects of repeated and future procedural lawsuits from anti-biotechnology activists aimed at driving the technology out of the marketplace – including technology that has already gone through a stringent regulatory review process.

Among those supporting the provision are the American Farm Bureau Federation, American Soybean Association, American Sugarbeet Growers Association, National Alfalfa & Forage Alliance, National Association of Wheat Growers, National Corn Growers Association and the National Cotton Council of America.

The provision, Section 735 of the law, assures farmers that the crops they plant could continue to be grown, subject to appropriate interim conditions, while disputes about the sufficiency of federal paperwork are resolved. This protects farmers by providing them with the assurance that once they have adopted an approved product, their ability to plant and harvest their crop will not be unnecessarily jeopardized.

“The National Corn Growers Association supports this provision because it’s important that farmers who grow previously deregulated crops are not penalized when activists find a sympathetic judge,” said NCGA President Pam Johnson, an Iowa corn farmer. “It’s important we’re allowed to keep our crops in the ground until these attacks are resolved.”

“Farm Bureau fully supports the assurance provision because it preserves the freedom and certainty that farmers need to plant the crops of their choice,” said AFBF President Bob Stallman. “This measure provides certainty that a planted crop will also be a harvested crop. With the uncertainties of weather, markets and global economics, it is good to have a law in place that farmers can count on.”

“Section 735 is called the ‘Farmer Assurance Provision’ for a reason. It’s because the provision establishes certainty that the rules in place when we plant our crops are the same ones in place when we go to harvest them,” said Danny Murphy, a soybean farmer from Canton, Miss., and president of the American Soybean Association. “Without the provision in place, opponents of biotech have been able to use procedural, non-science based lawsuits to move the goalposts on farmers who depend on biotech innovations to grow more while using less.”

“Agriculture is an extremely risky business, and it makes no sense to potentially jeopardize producers’ livelihoods by putting them in the position of not being able to harvest their crops because of a lawsuit,” said National Association of Wheat Growers President Bing Von Bergen, a farmer from Montana. “The Farmer Assurance Provision that is included in the continuing resolution prevents that from happening.”

Anti-biotechnology organizations have repeatedly used procedural lawsuits as a tactic to try to overturn science-based decisions by the USDA, disrupt the regulatory process and jeopardize the ability of farmers to use approved biotechnology that is safe and beneficial. Those same groups have publicly stated that they intend to continue to use the court system to block the commercialization of products.

In the days before and after President Obama signed the bill, numerous myths about the Farmer Assurance Provision were offered in the mainstream news media and online by activists. The key facts under the law are as follows:

- Section 735 does not protect USDA or any biotech company from litigation or any court action related to the review of USDA’s approval of a biotech trait. Section 735 explicitly, and only temporarily, protects farmers who plant biotech traits in reliance on USDA review and approval.
- The Secretary of Agriculture already has emergency authority to remove an approved biotech trait from the market at any time if a risk to human or plant health is discovered. This authority is unaffected by the Farmer Assurance Provision.
- The provision does not restrict the right to challenge USDA’s determination that a product does not present a plant pest risk, nor does it prevent judicial review of that question or procedural matters related to an agency’s determination.

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