



## GM In the Dock

*US courts step in where safety regulators fail*

### Briefing I in a series: Courts check spread of GM alfalfa and beet

July 2010

Since GM crops were introduced regulators have been accused, including by the USDA Inspector General, of failing to protect people, the environment and the economy from the dangers of the technology.<sup>i</sup>

The public is routinely assured that GM food and crops are “substantially equivalent” to their conventionally bred counterparts and that biotech companies and products have been rigorously examined for safety during authorisations.

Along side these assurances runs an argument that the EU’s reluctance to embrace the technology is both missing out on its benefits and holding back developing countries in acquiring the technology.

Recent developments in the US courts highlight the flaws in all of these arguments. Judges are taking regulators to task for not doing their job. Juries are ordering biotech companies to pay millions in compensation and punitive damages to farmers in the first of thousands of pending cases over just one contamination incident. The US Department of Justice has opened an anti-trust investigation of, among other things, Monsanto’s practices.

This briefing highlights the details of legal cases showing US regulators failed farmers and the wider public in approving GM alfalfa and GM sugar beet and exposes how far the industry will go to protect itself against the public interest. These cases demonstrate why a number of EU member states are right to question the GM industry about the safety of its products and demand strict, enforceable liability measures are in place to hold them to account for any damage they cause.

#### **Case 1) GM Alfalfa**

In 2005 the USDA’s Animal and Plant Health Inspection Service (APHIS) deregulated two lines of Monsanto’s Roundup Ready GM alfalfa and commercial growing began.<sup>ii</sup>

In 2006 the Center for Food Safety launched a case against the USDA on behalf of a coalition of civil society organisations and farmers who wished to retain the choice to plant non-GM alfalfa.

In May 2007 they won their case. The Judge ruled the USDA violated national environmental laws by approving GM alfalfa without a full Environmental Impact Statement and by failing to address the problem of Roundup-resistant “superweeds” that might result.<sup>iii</sup>

Alfalfa, the first perennial crop to be genetically engineered, is the fourth most widely grown crop in the US and a critical source of dairy forage. It is open-pollinated by bees, which creates a risk of contamination of other crops by cross-pollination for several miles. This is a particular threat to organic farmers, but also threatens the market for all alfalfa exports.<sup>iv</sup> Superweeds resistant to herbicides now affect 130 weed types in 40 US states, including types from 13 species that are no longer controlled by glyphosate (Roundup).<sup>v</sup> The problem is rapidly spreading and is threatening the economic viability of GM farmers in North and South America.<sup>vi</sup>

Monsanto appealed against the 2007 judgment.

In September 2008 the US 9<sup>th</sup> Circuit Court of Appeals upheld the 2007 court injunction ruling that APHIS must review the environmental effects of Monsanto’s GM Roundup Ready alfalfa and issue a full Environmental Impact Statement before seeds could be sold or cultivated.<sup>vii</sup> Significantly, the Appeal Court also agreed that planting GM alfalfa could result in potentially irreversible harm to organic and conventional varieties of crops, damage to the environment, and economic harm to farmers:

“The district court finally considered the public interest, the fourth factor in the framework for injunctive relief. The court, while recognizing that agricultural biotechnology has social value, held that it would be in the public interest to enjoin the expanded use of Roundup Ready alfalfa before its impact was studied, because failing to do so could potentially eliminate the availability of non-genetically engineered alfalfa... APHIS did not take the requisite ‘hard look’ at the impact of any form of deregulation on the environment.”<sup>viii</sup>

**GM Freeze** 50 South Yorkshire Buildings, Silkstone Common, Barnsley S75 4RJ

**Tel:** 0845 217 8992 **Email:** [enquiry@gmfreeze.org](mailto:enquiry@gmfreeze.org) **Web:** [www.gmfreeze.org](http://www.gmfreeze.org)

The court permitted farmers who had already planted to continue with their crop, but halted any further planting until the Environmental Impact Assessment had been done (the first draft was completed in December 2009).<sup>ix</sup>

Monsanto and Forage Genetics (the intended growers) argued that the ruling disregarded their financial losses, but the court concluded that the harm to growers and consumers who wanted non-GM alfalfa outweighed any financial hardship for the companies.<sup>x</sup>

Monsanto's petition to rehear was denied in full.<sup>xi</sup>

The Centre for Food Safety said the case:

"...puts on notice the government and creators of this technology – Monsanto in particular – that if it wants to bring [GM] crops into the American agricultural system, it must do its work to show that farmers and consumers will be protected and non-GM crops won't be affected...If you lose organic alfalfa, you lose organic cheese....the court rightly dismissed Monsanto's claims that their bottom line should come before the rights of the public and America's farmers. This ruling is a turning point in the regulation of biotech crops in this country."<sup>xii</sup>

The Center for Food Safety won another appeal lodged by Monsanto in 2009, but in October 2009 Monsanto petitioned the US Supreme Court to hear further arguments.

The US Government opposed that request<sup>xiii</sup>, but in January 2010 the US Supreme Court decided to hear its first case about GM crops. At that time the Center for Food Safety said:

"That Monsanto has pushed this case all the way to the Supreme Court, even though USDA's court-ordered analysis is now complete, and the US government actively opposed further litigation in this matter, underscores the great lengths that Monsanto will go to further its mission of patent control of our food system and selling more pesticides."<sup>xiv</sup>

The first oral arguments were heard by the Supreme Court on 27 April 2010.<sup>xv</sup>

In June 2010 The Supreme Court ruled that the lower court had overstepped its authority in issuing the injunction on planting GM alfalfa, but that it was in any case unnecessary because it is still a regulated crop and therefore illegal to sell or plant – so the ban on planting is still in place. The injunction was described as "overkill" because the lower federal court determination that USDA violated the National Environmental Policy Act and other environmental laws when it approved Roundup Ready alfalfa still stands.

Significantly, the Court opinion supported the argument that GM gene flow is a serious environmental and economic threat. This means that genetic contamination from GMOs can still be considered harm under the law, both from an environmental and economic perspective.<sup>xvi</sup>

The USDA will need to complete a proper environmental safety assessment of GM alfalfa before it can be deregulated and planted. With some 200,000 submissions to consider, APHIS says they are aiming for a decision in Spring 2011.

## **Case 2) GM Sugar beet**

In 2005 the APHIS also deregulated Monsanto's Roundup Ready GM sugar beet and commercial growing began.<sup>xvii</sup> The APHIS environmental assessment of GM sugar beets found there would be "no significant impact" from their cultivation and that a full Environmental Impact Statement was not needed in order to approve them for use.<sup>xviii</sup>

Sugar beets are grown on over 1 million acres in the US and produce about half the country's sugar. GM sugar beets were rapidly taken up by growers enticed with promises of reduced costs for weed control – within two years it made up an estimated 95% of the US crop.<sup>xix</sup>

The US Government backed the decision. In March 2009 a Federal judge asked the Obama administration if it would stand by the assessment, and it was confirmed there would be no change.<sup>xx</sup>

Then in April 2009 the USDA declined a request from 82 organisations to review its deregulation of GM

sugar beet.<sup>xxi</sup> Campaigners argued that, despite the first crop having been harvested in the autumn of 2008, Monsanto should have been required to prepare an Environmental Impact Statement before cultivation proceeded. This is a potentially significant omission, as sugar beet are wind pollinated, and EPA increased the permitted glyphosate levels in sugar beet by 5,000% at Monsanto's request at the time GM sugar beet was authorised.<sup>xxii</sup> Monsanto said this is "at a maximum EPA safe tolerance level" and that processing beet to sugar removes the residues. A USDA spokesperson said, "USDA has a rigorous science-based regulatory system and has adhered to our authorities and implementation of National Environmental Policy Act statutes. We stand by our decision."<sup>xxiii</sup> However it is important to note that the levels of permitted glyphosate residues in dried sugar beet pulp fed to cattle also increased 125%.<sup>xxiv</sup>

In May 2009 GM beet specklings (tiny, viable growing roots) were found in a batch of compost being sold at a garden centre, virtually guaranteeing their spread to gardens, allotments and beyond.<sup>xxv</sup>

A lawsuit was launched after organic seed farmer Frank Morton's failure to convince his local growers' association to stop a nearby farm producing GM beet seed for fear of contamination of his crops: "They told me if you don't like it you can sue USDA. So we did."<sup>xxvi</sup> Morton argued he was effectively being taxed US\$300 on every batch of seed he produces because he now must test for GM presence.<sup>xxvii</sup>

In September 2009 the Federal judge who had queried US policy on GM sugar beet ruled that US Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) violated the National Environmental Policy Act when it deregulated GM sugar beet, so the approval was unlawful.<sup>xxviii</sup> The judge ruled that:

- APHIS failed to analyze the impacts of biological contamination on the related crops.
- There was "no support in the record" for APHIS' conclusion that conventional sugar beets would remain available for farmers and consumers if the GM beet was grown.
- The APHIS's decision that there would be no impacts from the GM beet was "unreasonable."
- Due to the likelihood of windborn contamination of neighbouring farms, "the potential elimination of a farmer's choice to grow non-genetically engineered crops, or a consumer's choice to eat non-genetically engineered food, is an action that potentially eliminates or reduces the availability of a particular plant has a significant effect on the human environment"<sup>xxix</sup>
- The USDA gave only a " cursory" thought to "the effects of gene transmission on conventional farmers" and did not examine whether voluntary buffer zones for pollen would stop the spread of GM beet.<sup>xxx</sup>

Many sought a ban on planting GM sugar beet on the grounds that since the approval was unlawful the right to plant commercial was effectively revoked, but a court ruling on remedies for that unlawful approval has yet to be handed down, so planting was not halted.<sup>xxxi</sup>

Meanwhile Monsanto is said to have made about US\$46 million last year from GM sugar beet seed.<sup>xxxii</sup>

In March 2010 the judge denied a temporary injunction on planting GM sugar beet, which effectively guarantees this year's crop will be GM. The judge found a ban would cause economic damage to farmers and sugar processors that outweighed harm to others – for now.<sup>xxxiii</sup>

The judge also said:

"The parties should not assume that the Court's decision to deny a preliminary injunction is indicative of its views on a permanent injunction pending the full environmental review that APHIS is required to do. While the environmental review is pending, the Court is inclined to order the Intervenor-Defendants to take all efforts...to use conventional [non-GE] seed...In light of Plaintiff showing of irreparable harm to the environment, the Court is troubled by maintaining the status quo...while APHIS conducts the environmental review that should have occurred before the sugar beets were deregulated."<sup>xxxiv</sup>

A full Environmental Impact Statement could take years to prepare because it must examine:

- Crop Management practices for all beet regimes (organic, conventional and GM RR) \*Potential impacts on food and feed,
- Weed control practices in sugar beet systems,
- Potential for gene flow from GM RR sugar beet to other plant species,
- Economic and social impacts on organic and conventional farmers of sugar beets and other related crops, and

- Potential impacts on health.<sup>xxxv</sup>

The hearing on a permanent injunction was scheduled for July, but has been postponed.<sup>xxxvi</sup>

### Case 3) Tables hard to turn

Concern is mounting about the future of these cases following President Obama's nomination of Elena Kagan as a Supreme Court Justice. In her current role as Solicitor General she submitted a two briefs to the Supreme Court supporting Monsanto's position, apparently on behalf of the US Government. She is listed in Court documents as acting as attorney for "Federal Respondents in support of Petitioners" – the petitioners in this case are Monsanto.<sup>xxxvii</sup>

Her April 2010 reply brief to the court argues: "The District Court erred in refusing to defer to APHIS's scientific expertise, and the Court of Appeals likewise erred in upholding the District Court's overly broad injunction."

It concludes:

"For the foregoing reasons and those stated in our ongoing brief, the judgment of the court of appeals should be reversed, and the case should be remanded with instruction to vacate the permanent injunction entered by the district court."<sup>xxxviii</sup>

While the case will proceed before she takes up any confirmed position as a Justice, it may go on afterwards, and the beet case may well end up before her if it proceeds to the Supreme Court. Also of note in the alfalfa case is that Justice Stephen Breyer is reported to have recused himself (stepped down) from the alfalfa case because his brother is the judge in the lower court involved.<sup>xxxix</sup> Justice Clarence Thomas (an ex Monsanto lawyer who was influential as a judge in facilitating seed patenting) will continue to preside over this, and presumably future, cases.<sup>xi</sup>

GM crops can and do contaminate farms where it is unwanted, and Monsanto's has frequently taken court action against farmers for possession of such "unauthorised" crops. Not surprisingly, farmers are trying to find ways to protect themselves with the law before they find they are on the wrong side of it.

Earlier this year news emerged that the New Mexico Food and Seed Sovereignty Alliance, a coalition of traditional farmers and Native American groups, had found support, including from Governor Bill Richardson, for a Senate Bill (The Farmer Protection Act<sup>xi</sup>) to protect themselves and others from liability if their fields are contaminated with GM.

The Bill tried to relieve farmers of the burden of having to establish buffer zones around their fields to protect from GM contamination. It also offered protection from damages and legal fees for farmers contaminated by GM and established ground rules by which GM patent holders might inspect fields. It aimed to protect heritage varieties, bred to be adapted to specific areas, from contamination and to protect the developers from liability for patent infringement if they are contaminated. A similar Bill was passed in the state of Vermont in 2005.

Sadly campaigners fears that lobbyists would kill the Bill in Committee were well founded.<sup>xii</sup> The Bill failed by one vote to pass through the Conservation Committee. The Conservation Committee is Chaired by a politician who introduced a 2008 Bill to give US\$1 million in public funds to developing a GM chilli.<sup>xiii</sup>

### Notes

<sup>i</sup> "However, the EFSA GMO panel has failed to conduct a rigorous assessment of the data provided by companies and, in most cases, has even ignored some of the EU legal requirements on risk evaluation of GMOs." [www.greenpeace.org/raw/content/eu-unit/press-centre/policy-papers-briefings/EFSA-RA.pdf](http://www.greenpeace.org/raw/content/eu-unit/press-centre/policy-papers-briefings/EFSA-RA.pdf) and US Department of Agriculture Office of Inspector General, *Audit Report: Animal and Plant Health Inspection Service Controls Over Issuance of Genetically Engineered Organism Release Permits*, (Dec. 2005), available at [www.usda.gov/oig/webdocs/50601-08-TE.pdf](http://www.usda.gov/oig/webdocs/50601-08-TE.pdf) and Rebecca Bratspies, *Some Thoughts On the American Approach to Regulating Genetically Modified Organisms*, 16 Kan.J.Law & Public Policy 393, 415-18 (2007).

and <http://gmo-journal.com/index.php/2010/01/28/internal-report-finds-usdas-failure-to-effectively-regulate-gmos/> and [www.non-gmoreport.com/articles/feb10/usda\\_gm\\_alfalfa\\_threatens\\_organic\\_industry.php](http://www.non-gmoreport.com/articles/feb10/usda_gm_alfalfa_threatens_organic_industry.php)

<sup>ii</sup> See [www.aphis.usda.gov/biotechnology/alfalfa.shtml](http://www.aphis.usda.gov/biotechnology/alfalfa.shtml).

<sup>iii</sup> See [www.martenlaw.com/newsletter/20070502-crop-planting-injunction](http://www.martenlaw.com/newsletter/20070502-crop-planting-injunction)

<sup>iv</sup> "US alfalfa exports total nearly \$480 million per year, with about 75% headed to Japan." See [www.non-gmoreport.com/articles/mar07/GE\\_alfalfa.php](http://www.non-gmoreport.com/articles/mar07/GE_alfalfa.php).

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- <sup>v</sup> See [www.reuters.com/article/idUSN2623528420100226?type=marketsNews](http://www.reuters.com/article/idUSN2623528420100226?type=marketsNews) and [www.weedscience.org/summary/UniqueCountry.asp?IstCountryID=45](http://www.weedscience.org/summary/UniqueCountry.asp?IstCountryID=45).
- <sup>vi</sup> See [www.gmfreeze.org/uploads/resistance\\_full\\_Briefing\\_final.pdf](http://www.gmfreeze.org/uploads/resistance_full_Briefing_final.pdf).
- <sup>vii</sup> See [www.ca9.uscourts.gov/datastore/opinions/2008/09/02/0716458.pdf](http://www.ca9.uscourts.gov/datastore/opinions/2008/09/02/0716458.pdf).
- <sup>viii</sup> See [www.ca9.uscourts.gov/datastore/opinions/2008/09/02/0716458.pdf](http://www.ca9.uscourts.gov/datastore/opinions/2008/09/02/0716458.pdf).
- <sup>ix</sup> See <http://truefoodnow.org/2010/01/15/supreme-court-to-hear-first-genetically-engineered-crop-case/>.
- <sup>x</sup> See [www.centerforfoodsafety.org/AlfalfaPR9\\_2\\_08.cfm](http://www.centerforfoodsafety.org/AlfalfaPR9_2_08.cfm).
- <sup>xi</sup> See <http://usfoodpolicy.blogspot.com/2009/06/court-rules-ge-alfalfa-can-result-in.html>.
- <sup>xii</sup> See [www.sciam.com/blog/60-second-science/post.cfm?id=court-just-says-no--again---to-gen-2008-09-02](http://www.sciam.com/blog/60-second-science/post.cfm?id=court-just-says-no--again---to-gen-2008-09-02).
- <sup>xiii</sup> See [www.foodnavigator-usa.com/Legislation/Monsanto-case-against-alfalfa-ban-reaches-the-Supreme-Court](http://www.foodnavigator-usa.com/Legislation/Monsanto-case-against-alfalfa-ban-reaches-the-Supreme-Court) and <http://truefoodnow.org/2010/04/27/center-for-food-safety-presents-arguments-before-supreme-court-on-biotech-alfalfa/>.
- <sup>xiv</sup> See <http://truefoodnow.org/2010/01/15/supreme-court-to-hear-first-genetically-engineered-crop-case/>.
- <sup>xv</sup> See [www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/09-475.pdf](http://www.supremecourt.gov/oral_arguments/argument_transcripts/09-475.pdf).
- <sup>xvi</sup> Centre for Food safety at [www.huffingtonpost.com/andrew-kimbrell/supreme-court-case-a-defe\\_b\\_620087.html](http://www.huffingtonpost.com/andrew-kimbrell/supreme-court-case-a-defe_b_620087.html) and <http://truefoodnow.org/2010/06/21/update-on-supreme-court-decision/#more-1225> and [www.supremecourt.gov/opinions/09pdf/09-475.pdf](http://www.supremecourt.gov/opinions/09pdf/09-475.pdf)
- <sup>xvii</sup> See [www.aphis.usda.gov/brs/fedregister/BRS\\_20050317a.pdf](http://www.aphis.usda.gov/brs/fedregister/BRS_20050317a.pdf).
- <sup>xviii</sup> See <http://cera-gmc.org/docs/decdocs/05-209-001.pdf> and [www.aphis.usda.gov/brs/fedregister/BRS\\_20050317a.pdf](http://www.aphis.usda.gov/brs/fedregister/BRS_20050317a.pdf).
- <sup>xix</sup> See [www.nytimes.com/2009/09/23/business/23beet.html](http://www.nytimes.com/2009/09/23/business/23beet.html) and [www.nytimes.com/aponline/2010/03/01/us/AP-US-Food-and-Farm-Biotech-Beets.html?\\_r=1](http://www.nytimes.com/aponline/2010/03/01/us/AP-US-Food-and-Farm-Biotech-Beets.html?_r=1).
- <sup>xx</sup> See [www.nytimes.com/2009/09/23/business/23beet.html](http://www.nytimes.com/2009/09/23/business/23beet.html).
- <sup>xxi</sup> See [www.foodnavigator-usa.com/Legislation/Obama-administration-upholds-GM-sugarbeet-deregulation](http://www.foodnavigator-usa.com/Legislation/Obama-administration-upholds-GM-sugarbeet-deregulation).
- <sup>xxii</sup> See <http://truefoodnow.org/2009/02/12/companies-vow-to-reject-genetically-modified-beet-sugar/>.
- <sup>xxiii</sup> See [www.foodnavigator-usa.com/Legislation/Obama-administration-upholds-GM-sugarbeet-deregulation](http://www.foodnavigator-usa.com/Legislation/Obama-administration-upholds-GM-sugarbeet-deregulation).
- <sup>xxiv</sup> See [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1999\\_register&docid=99-9317-filed.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1999_register&docid=99-9317-filed.pdf).
- <sup>xxv</sup> See [www.nytimes.com/aponline/2010/03/01/us/AP-US-Food-and-Farm-Biotech-Beets.html?\\_r=1](http://www.nytimes.com/aponline/2010/03/01/us/AP-US-Food-and-Farm-Biotech-Beets.html?_r=1).
- <sup>xxvi</sup> See [www.nytimes.com/aponline/2010/03/01/us/AP-US-Food-and-Farm-Biotech-Beets.html?\\_r=1](http://www.nytimes.com/aponline/2010/03/01/us/AP-US-Food-and-Farm-Biotech-Beets.html?_r=1).
- <sup>xxvii</sup> See [www.nytimes.com/gwire/2009/10/08/08greenwire-courts-force-us-reckoning-with-dominance-of-gm-43684.html?pagewanted=all](http://www.nytimes.com/gwire/2009/10/08/08greenwire-courts-force-us-reckoning-with-dominance-of-gm-43684.html?pagewanted=all).
- <sup>xxviii</sup> See [www.commondreams.org/newswire/2009/09/22-20](http://www.commondreams.org/newswire/2009/09/22-20).
- <sup>xxix</sup> See [www.commondreams.org/newswire/2009/09/22-20](http://www.commondreams.org/newswire/2009/09/22-20).
- <sup>xxx</sup> See [www.nytimes.com/gwire/2009/10/08/08greenwire-courts-force-us-reckoning-with-dominance-of-gm-43684.html?pagewanted=all](http://www.nytimes.com/gwire/2009/10/08/08greenwire-courts-force-us-reckoning-with-dominance-of-gm-43684.html?pagewanted=all).
- <sup>xxxi</sup> See [www.nytimes.com/2009/09/23/business/23beet.html](http://www.nytimes.com/2009/09/23/business/23beet.html).
- <sup>xxxii</sup> See [www.businessweek.com/news/2010-03-16/judge-won-t-bar-modified-beet-planting-immediately-update2-.html](http://www.businessweek.com/news/2010-03-16/judge-won-t-bar-modified-beet-planting-immediately-update2-.html).
- <sup>xxxiii</sup> See [www.businessweek.com/news/2010-03-16/judge-won-t-bar-modified-beet-planting-immediately-update2-.html](http://www.businessweek.com/news/2010-03-16/judge-won-t-bar-modified-beet-planting-immediately-update2-.html).
- <sup>xxxiv</sup> See <http://truefoodnow.org/2010/03/16/court-rules-in-gmo-sugar-beet-case/>.
- <sup>xxxv</sup> See <http://edocket.access.gpo.gov/2010/2010-12997.htm>.
- <sup>xxxvi</sup> See [www.businessweek.com/news/2010-03-16/judge-won-t-bar-modified-beet-planting-immediately-update2-.html](http://www.businessweek.com/news/2010-03-16/judge-won-t-bar-modified-beet-planting-immediately-update2-.html).
- <sup>xxxvii</sup> See [www.supremecourt.gov/Search.aspx?FileName=/docketfiles/09-475.htm](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/09-475.htm).
- <sup>xxxviii</sup> See [www.monsanto.com/pdf/federal\\_government\\_reply\\_brief\\_rra\\_case\\_20apr2010.pdf](http://www.monsanto.com/pdf/federal_government_reply_brief_rra_case_20apr2010.pdf)
- <sup>xxxix</sup> See [www.supremecourt.gov/Search.aspx?FileName=/docketfiles/09-475.htm](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/09-475.htm).
- <sup>xl</sup> See <http://lawyersusaonline.com/dcdicta/2010/04/28/breyer-recused-in-monsanto-critics-ask-why-didnt-thomas/> and <http://iowaindependent.com/32870/justice-with-past-monsanto-ties-should-recuse-himself-environmentalists-say>
- <sup>xli</sup> See [www.nmlegis.gov/Sessions/10%20Regular/bills/senate/SB0303ICS.html](http://www.nmlegis.gov/Sessions/10%20Regular/bills/senate/SB0303ICS.html).
- <sup>xlii</sup> See [http://newfarm.rodaleinstitute.org/news/2005/0405/040505/vt\\_bill.shtml](http://newfarm.rodaleinstitute.org/news/2005/0405/040505/vt_bill.shtml) and [www.gmfreenm.com/](http://www.gmfreenm.com/).
- <sup>xliiii</sup> See [www.cvnm.org/News-Events/cvnm-News.html](http://www.cvnm.org/News-Events/cvnm-News.html) and [www.sfreeper.com/2010/02/11/eco-woes/](http://www.sfreeper.com/2010/02/11/eco-woes/) and <http://legis.state.nm.us/Sessions/08%20Regular/bills/senate/SB0060.pdf>.