

We, the undersigned, after openly and diligently participating in the process outlined in the NCR SARE Grant "Aiding in the Coexistence of Sustainable and Biotech Agriculture by Minimizing Contamination" for which NDSU is the Major Participating Institution, withdraw our support for and continued participation in the project.

We will not allow our participation in any way to be used as an endorsement of the Best Management Practices produced or any other materials developed as part of this endeavor.

It is clear after initial voting on proposed BMP's that the Coexistence Working Group cannot reach consensus on meaningful recommendations for accomplishing the stated goals and outcomes of the grant as written.

The grant proposal was mailed to participants August 16, 2002 as well as offered to anyone needing another copy at the first meeting of the Working Group. Additionally a document outlining the history of the grant proposal and the grant objectives along with the ground rules was presented on September 25, 2002. The goals and objectives were clearly outlined in the grant and were presented on several occasions. In addition, numerous documented discussions took place on the need for BMPs to be directed to all groups represented. Members of the biotechnology industry, NDSU representatives and others have claimed ignorance of these objectives. They claimed to be under the understanding that the group was brought together to develop "practices" for farmers to implement and nothing else. The Project Coordinator and members of the organic community were accused of "springing" protocols and policies on the group. Yet the list of issues that everyone in the group agreed to address at the first two meetings of the group included: germ plasm purity, seed certification standards, and controls on research-- issues that involve state and regulatory agencies' protocols and policies.

In spite of the stated objectives and documented discussions, on December 16, 2003, the following disclaimer was added to all BMP's, rendering them meaningless.

"This BMP, developed by the CWG, is not intended to advocate the development or implementation of legislative or regulatory policies. This BMP may not represent the opinions of every member of the group. The dissenting opinion is represented in the Minority Report."

This statement exemplifies the failure of these constituencies to work in good faith to achieve the goals of this project or to take the project seriously.

The above disclaimer statement further fails to support the intention of the grant to encourage the target audiences to adopt and implement these BMPs:

The target audience for the passed BMPs is: producers of IP and organic products; the transgenic industry; land-grant and regulatory agencies (Research and Extension, ND Dept. of Ag, Foundation Seed stocks programs & ND State Seed Dept.; other states. {Grant proposal page 1}

Again and again the goal of this project to promote the coexistence of all agricultural systems has been publicly touted. However, none of the BMPs approved to this point will aid in this coexistence. The group has not even come to a consensus as to how such a coexistence is possible.

Repeatedly statements have been made by the biotechnology industry and GMO producers that it is the responsibility of the IP and organic producers to maintain and

insure purity of their crops, fields and seed sources. University, industry and seed regulatory agency representatives have stonewalled taking any share of the responsibility for liability of or costs of the segregation and testing steps needed to maintain separate systems. Once again the BMPs proposed shift the responsibility exclusively to the non-adopter of the novel technology. Repeatedly references to GMO producers have been removed from BMPs, or BMPs directed at the users of transgenics have been defeated by a coalition of university and industry representatives.

Further, the “passed BMPs” have failed to address the overall objectives of this project:

Objective 1: Implementation of practices, protocols and policies to insure purity and accessibility of genetic resource base. [Grant proposal page 1]

Objective 2: Implementation of practices, protocol and policies to insure integrity and marketability within the food system. [Grant proposal page 1]

Further, the group has profoundly failed to address the need for genetic integrity in seed stocks. On the key issue of seed certification standards, the group passed a BMP entitled, "SCS5: Do not set seed certification standards for the presence of transgenic materials in non-transgenic seed".

1. This is not a Best Management Practice, Protocol or Policy. It is a non-recommendation.
2. Seed standards are a recognized system of identity preservation and segregation. Without standards, there is no segregation. Without a strict segregation system in place, there will be no coexistence.

We find it shocking that this is the best the professional minds of this group can achieve to address this critical coexistence issue.

There has been a consistent refusal to acknowledge or to accept as valid scientific data presented by the organic organizations and producers even when the data has been peer reviewed and published in respected scientific journals (i.e., "Intraspecific Gene Flow in bread Wheat as Affected by Reproductive Biology and Pollination Ecology of Wheat Flowers" , J.G. Waines and S.G. Hegde, published in *Crop Science* 43: 451-463 (2003), and gene flow studies done by René Van Acker, Anita Brule Babel, Martin Entz, et. al., University of Manitoba).

The BMPs passed by this group have done little or nothing to address the objectives of this project and will be of no benefit to the stake holders which we represent. We consider this project to have failed.

Signed: