



Earth Ethics Series

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THE TOXIC LEGACY OF GMOs

Abstract from a talk by Percy Schmeiser at the Gaia Foundation
by Stephen Frank

Percy and Louise Schmeiser's lives turned into a nightmare one day in 1998 when they discovered genetically modified (GM) rapeseed, which they had never planted, growing on their farm in Saskatchewan, Western Canada. Until the GM rapeseed appeared on their land, Percy and Louise were seed developers and seed savers in rapeseed; like hundreds of thousands of farmers around the world they used their seed from year to year. They realised immediately that possibly all the varieties of rapeseed that they had developed over the previous fifty years were now contaminated with what turned out to be Monsanto's GM variety.

What followed was almost more shocking: Monsanto laid a patent infringement lawsuit against them which stated the Schmeisers were using Monsanto's GM rapeseed without a licence and that they had therefore violated Monsanto's patent on a gene. However, Percy and Louise stood up to Monsanto by saying that their seed supply – the result of fifty years of research – was now contaminated with genetically modified organisms (GMOs) and there was instead a liability issue: Monsanto should pay for the damages.

In Canada, patent laws come under federal jurisdiction. The judge ruled in Monsanto's favour in spite of the fact that the Schmeisers had not bought the GM seed and there was no evidence to suggest that they had. They subsequently discovered it was their neighbour who had planted the Monsanto GM rapeseed

in 1996 and within the first year, 1997, it had already cross-pollinated with their seeds, primarily by seeds blowing from his field into theirs. But, the judge ruled, it didn't matter how a farm was contaminated with the GMOs – wind, bees and pollen, transporation by a farmer - through patent law they become Monsanto's property. He further ruled that their 1998 profits from the 1030 acres they had seeded with their own stock should all go to Monsanto; that they were not allowed to use their own seeds or plants again and that all their research and development of the previous fifty years had to be handed over to Monsanto. It made no difference how much - or how little - of their crop was contaminated. Ownership of the crop, according to patent law, reverted to Monsanto.

Granted leave to appeal by the Federal Court, the three judges on the Federal Court of Appeal upheld the original decisions. The Schmeisers had now lost twice, having also spent over \$300,000 over the four years of the two trials. One avenue remained - the Supreme Court of Canada, if it would even hear the case. Percy and Louise took out extra mortgages on their land and gambled everything they owned on the slim chance that the Supreme Court would hear their case. They made leave to appeal, and the Supreme Court ruled to hear it!

But before the case came to the Supreme Court, Percy Schmeiser explained that Monsanto sued them for \$1million because it wanted all its legal bills, costs and fees to be paid

up to that point in time. In addition, he reported, Monsanto tried to have their house and all their primary equipment siezed to stop them mortgaging their land to get the money to fight them. However, this time the Supreme Court did not rule against the Schmeisers. Even though the judges ruled that Monsanto's patent on the gene was valid, they ruled that the Schmeisers did not have to pay Monsanto anything because they did not benefit by being contaminated. They also ruled that wherever that particular gene arises, in whatever higher life form and by whatever means, Monsanto owns and controls that life form. However, because of the complexity of the issues involved, the Supreme Court referred the issue to Canada's parliament to bring in new laws to protect life and to protect farmers' rights. These issues are now on the order paper in the House of Commons in Ottawa, but have yet to be addressed.

Because of the Supreme Court's ruling the Schmeisers worked on the premise that if you own and control a life form and you put it into an environment where you cannot control what that life form does, then there is a possible liability issue. With that in mind, Percy and Louise watched their fields very closely after the Supreme Court decision and this time it was the Schmeisers who took Monsanto to court when rapeseed plants appeared in one of their fields. This was a field in which they were doing research into mustard plants and in which no rapeseed had been grown in years. After proving that the

rapeseed contained Monsanto's gene they ended up suing Monsanto in a Small Claims Court for the cost of cleaning up the field. The choice of the Small Claims Court was a stroke of genius by the Schmeisers: Monsanto's lawyers would have run rings around any higher court over a number of years, but here they were obliged to respond directly to the judge's summons. Under the glare of the media spotlight, Monsanto paid the paltry sum of \$640 Canadian Dollars (plus \$20 court costs) which is what the Schmeisers paid their neighbours to help them clean the field. And even though the sum was negligible, it was a great victory, not only for the Schmeisers, but for farmers all over the world: a precedent was set whereby a corporation paid for the clean-up cost in a liability issue.

When GMOs are introduced you cannot contain seeds or pollen flowing in the wind, no matter from how far away. As a result, there is no such thing as containment as cross-pollination with natural plants occurs everywhere on the wind's path. It is just not possible to have GMO farmers existing alongside conventional or organic farmers. For example, Canada now no longer has any pure soya or rapeseed. All stocks have been contaminated with GMOs, not only with Monsanto's genes, but also with the genes from the other

companies that produce GM plants - Bayer, Sengenta, etc. In turn, these different GM plants have cross-pollinated with each other, producing superweeds that contain genes from more than one company. These superweeds are very difficult to control and are spreading though the whole country into the wheat and barley fields, into the towns, onto the sides of the roads, into the cemeteries and onto the golf courses. Because rapeseed is from the brassica family, cross pollination to other brassicas - like mustard and radish - is also occurring, increasing the number of crops organic farmers can no longer raise. Percy foresees that GMOs could destroy the organic farmers of Canada. He warned that if we introduce GMOs into England and Europe, they could wipe out organic farmers here too.

One of the early advertisements for GM crops was the use of fewer chemicals. Percy told us that today far more chemicals are used and some of Monsanto's chemicals are four times stronger than they were. Some contain 70% Agent Orange, the powerful herbicide sprayed across South Vietnam during the war that subsequently was held responsible for the increased incidents of various types of cancer and genetic defects. Other early ads claimed GM crops would give increased yields, be more nutritious, be able to feed the hungry

world. Quoting from the Canadian Department of Agriculture, Percy said the yields of GM rapeseed have declined by at least 10%, and those of soya by at least 15%.

Quite apart from the court cases, Percy Schmeiser told us that they, along with other farmers across Canada, have experienced ongoing harassment, intimidation and extortion at the hands of Monsanto's 'gene police' - many of them former police officers now working for Monsanto. His experience is that Monsanto is breaking down the social fabric amongst farmers and a climate of fear prevails. Monsanto has developed not only the terminator gene (when the seed becomes a plant all the seeds from that plant are sterile and the farmer cannot use those seeds the following year), but also the "cheater" gene (the plant will not produce a seed until you spray a chemical on it), and the "zombie" gene (the seed will not germinate until you spray a chemical on it). Percy believes that by using these genes and by buying up seed companies wherever it can all over the world, Monsanto is trying to gain control of all the seeds and through them the food supplies everywhere. He considers these genes to be the greatest assault on life that we've ever seen on this planet.

Percy Schmeiser was Mayor of his home town of Bruno from 1963-82. In 2000 he received the Mahatma Gandhi Award for working for the good of mankind in a non-violent way. Percy and Louise Schmeiser were named winners of the Swedish Right Livelihood Award in 2007. Percy Schmeiser is also a member of the International Commission on the Future of Food and was a core member in the drafting of the Manifesto on the Future of Seed which has had a worldwide impact.

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