



NFU Farmers tell Australia about Canada's resistance to GE Wheat

Genetically Engineered (GE) wheat is being tested in field trials in Australia, and it may be approved for market there in just a few years. Australian citizens' groups wanted to raise awareness about this threat, so they invited the NFU to participate in a 10-day farmer tour on the topic in February. Matt Gehl from Saskatchewan and Peter Eggars from Alberta went on behalf of the NFU. They spoke to Australian farmers, farm organizations, government representatives and citizens groups about our farmers' experiences. They had stops in Sydney, Canberra, Horsham and Perth. The tour was coordinated by the Network for Concerned Farmers, MADGE, Food Watch, Organic Federation of Australia, Crop Watch, the GE-Free Alliance, Gene Ethics, and Greenpeace.

The *Union Farmer* recently interviewed them.

UF: *Why did you go to Australia?*

MG: The organizers wanted us to share some tales of experience of both defeating Monsanto on GE wheat and also what we've learned with over 16 years of growing GE canola in Canada, because there is a distinct lack of awareness about what is going on in Australia with GE wheat.

UF: *What did you learn about the GE Wheat issue while there?*

MG: There were five open field trials last year. Our friends Down Under are having a real difficult time getting information about what exactly was being tested, where these trials were taking place, what scale the trials were. The majority of Australians did not know anything was going on about GE wheat. We also learned that the biotech industry wants to introduce GE wheat into in Australia, Canada and the United States at the same time, in effect, to deny our customers any choice in the matter.

PE: Greenpeace Australia had information that indicated GE wheat would be happening there by 2015, but other groups were thinking it would be 6 to 10 years away. It looks like the appetite for it isn't that great, but you don't know how that would play out.

UF: *What types of genetic modification they are working on?*

MG: That's part and parcel of the problem. All of that was deemed "commercial in confidence," so none of that information was released.

PE: The talk is always about Roundup Ready. But the supporters of GE wheat seem to be sold on the goods that there would possibly be drought tolerance in it, or ability to grow in saline conditions. We don't know if that is actually in the application. But so far we know that none of those things have ever come to pass. To have something drought tolerant involves more than just one gene, and there are people who say is not possible to create drought tolerance by genetic engineering. But to sell it to the consumer they say we're going to have better nutrition, we're going to combat disease or whatever, and then for farmers they say that it will grow in certain conditions and the yield will be improved. But like I said, none of those things has ever been done – that's talk from industry to promote their issue. So far, it's all about herbicide tolerance. *(continued on page 2...)*

UF: *What kind of questions and responses did you get from farmers?*

PE: There had been a study by Grain Growers Ltd in Australia and it indicated much the same as the CWB study in 2004 did. A clear majority of Australian customers said they would not buy GE wheat. Some of the customers said they might in the future. The “might” comes from if all wheat is GE they might have to buy that. If it isn’t they would look somewhere else. Or the “might” could mean that they might buy it if the price was cheap enough. We can’t say what the “might” means. But definitely I can tell you that it would be at a discount price.

MG: The majority of the states in Australia lifted their moratoriums on growing GE canola just in the past 3 or 4 years. They haven’t seen an extremely rapid uptake, so we had people asking us why is it so popular amongst your neighbours? Why is there millions of acres of GE canola grown in Canada? That was a question we had to field constantly. Here, GE canola does provide weed control in zero till, but the majority of Australians that we met had glyphosate-resistant rye grass in their fields so the benefit of being able to just spray with Roundup was not there. Their worst weed has already developed resistance to it naturally. We heard this everywhere, from all corners. Even the few people we met with that were sitting in the pro-GE corner had to admit that fact that they do have a problem with glyphosate resistant weeds.

PE: They are currently getting a \$40 to \$60 price premium for non-GE canola. Unlike here, the whole seed supply in Australia is not contaminated. It looks like some people have tried GE canola and they realized there isn’t anything in there for them. The whole event is playing out entirely differently in Australian than it did in Canada. I talked to a young agrologist in New South Wales who said in his customer base there was only one farmer who had grown RR Canola. One of the event organizers in Horsham said that he had hauled canola for somebody at harvest time and he said the local elevator had received 13,000 tonnes of non-GE canola and only 700 tonnes of GE canola.

These were the kinds of things we pointed out in our presentations because GE wheat is not there yet, but we assume that the discounts on wheat will be higher because wheat is more associated in our mind with food and eating than canola is.

UF: *How did your meetings with government people go?*

PE: The ones we met with were generally on line with us. Australia has proportional representation. And they have an elected Senate. The Green Party and Labour (like our NDP) were with us. But the federal government is Labour, and we’re not sure where they stand. We met a federal senator, Bill Heffernan, who is a farmer himself. He put a bill forward in December calling for no patenting on genes whatsoever in Australia.

MG: We met with state and federal politicians in New South Wales, a federal senator in Canberra and with state members of Parliament in Western Australia. Some of them said it’s very hard for them to come out strongly on GE issues in an election campaign because their opponents can turn that around and say you’re not anti-GE, you’re anti-farmer. And for a lot of them, that’s political suicide, to allow yourself to be labelled anti-farmer.

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Photo: Matt Gehl (left) and Peter Eggers (middle) with Australian farmer Vaughn Maroske (right).

- Photo credit: Gregor Heard from [The Land](#) newspaper

(NFU Farmers tell Australia about Canada's resistance to GE wheat, from page 2)

UF: *What kind of questions and responses did you get from the general public?*

MG: The urban audience was certainly a lot more concerned about the food safety side of things. Canola, corn, soy and cotton only go into our foods indirectly, so it's a lot more difficult to make the connection between GE crops and what you're actually eating and feeding to your family. With wheat, it is impossible to escape the food connection. It is our daily bread.

PE: Certainly the public who comes to these meetings are educated in the field and already have their ideas. There's concern, they were completely with us.

MG: Peter and I would make the connection of why GE wheat isn't good for farm economies, or for farmers in general, to allow the urban folks to make the connections between "I don't want to eat this GE wheat or feed it to my friends and family" and "it's not good for the Australian farm economy." To me that was our tour's biggest strength -- making the connection between the urban and rural populations.

UF: *What can we in Canada learn from your tour?*

PE: I have a feeling that we will be dealing with GE wheat here very soon here.

MG: The battle there is relatively the same as what we fought eight years ago, and it's going to be coming back again to Canada. The data we had in 2004 from the Wheat Board and the data that the Australian Grain Growers put out last year shows the majority of our customers don't want GE wheat, especially the premium markets -- European and North Asian markets -- which historically pay higher value for the products that they buy.

UF: *What made biggest impact on you?*

MG: I've got to give Australian farmers a massive amount of credit for slogging through what they've been going through for the last decade or 15 years in terms of weather. The stories you hear from people whose entire farms were completely flooded out, or had ten years of drought. They're dealing with some very harsh conditions down there.

PE: Australian farmers are not as gullible about these technologies. Financially they are absolutely stressed -- that is clear. They are maybe not as trusting as to what corporations and agencies tell them, and so make a little better decisions. The Australian farmer is not as Americanized. Also the price difference for non-GE canola plays a large part in how farmers view the technology.

—nfu—

Email addresses wanted!

We try to keep you informed between issues of the Union Farmer by sending email, including NFU op eds, press releases, and notices of upcoming events. But many of the email addresses we have on file are quite old and are no longer valid, so we get a large number of "bounced" messages. If you have not received any email from the NFU in 2012, please send a message with "Email address" in the subject line to nfu@nfu.ca with your full name, your province and your email address. We promise not to send you spam!

Thanks!

UPOV '91 Plant Breeders Rights regime building blocks are being moved into position

The Canadian Food Inspection Agency's web page *Frequently Asked Questions: The Impact of the International Union for the Protection of New Varieties of Plants (UPOV) Conventions on Plant Breeders' Rights in Canada* was most recently updated in October 2011. It includes the question "Why is the federal government considering revising the existing Canadian Plant Breeders' Rights Act to conform to the 1991 UPOV Convention?" While there is currently no legislation before Parliament dealing with plant breeders rights, there are signals that the government may well be considering amendments to the existing Act.

Canada's current Plant Breeders Rights (PBR) regime is based on UPOV '78. The UPOV '91 framework was created in 1991 but many countries have not adopted it. UPOV '91 extends the duration plant breeders' protection and royalty periods from the current 15 years to 20 years or more, extinguishes farmers' automatic right to save and re-use seed, empowers seed companies to collect royalties at elevators and seed cleaners -- not only on farmer-saved seed but on the *whole crop* grown from such seed as well, and allows the patenting of seeds protected under Plant Breeders' Rights. UPOV '91 would also expand the scope and the duration of seed companies' power to demand payment from farmers -- making seed much more expensive and even requiring royalty payments from farmers when they use their crop for livestock feed and when they cut hay from forage crops that are grown from PBR-protected seed.

In the first leaked draft of CETA the European Union called for Canada to adopt UPOV'91. The NFU raised the alarm, and in subsequent drafts there is no mention of UPOV '91. Since CETA is being negotiated behind closed doors, and because agricultural issues are among the most contentious still under negotiation, there is the possibility that Canada will concede on UPOV '91 in order to obtain some other concession from the EU.

One of the measures included in Bill C-18 (the "Marketing Freedom" Act to end the CWB single desk) is an amendment to Section 55 of the Canada Grain Act which brings seed cleaning mills, feed mills and feed plants under the authority of that Act. This change compels these enterprises to keep records and requires them to allow inspection of their books and facilities. This measure will provide a mechanism for enforcing UPOV '91-authorized royalty payments by farmers to PBR-protected seed owners.

At the Crop Protection Show in January in Saskatoon a spokesperson from Bayer Crop Science said that Canada should adopt UPOV '91 in order to attract private investment and encourage innovation, particularly in wheat breeding. He also said that public-private partnerships would allow private companies and publicly funded breeding programs to share information, genetic material and plant breeding expertise. Bayer isn't alone in this demand.

The Canadian Seed Trade Association (CSTA), an industry lobby group that includes companies such as Bayer, Dow, Monsanto and Cargill, calls for amending Canada's Plant Breeders Rights law to conform with UPOV '91. Their public relations campaign tries to make the case that private investment in seed breeding is necessary in order to feed the world's growing population -- and that investment depends on there being a return on investment in the form of royalties. The CSTA's charts show that investment in patented genetically engineered seed breeding far exceeds investment in public varieties such as cereals. There is a dual message here -- CSTA is not only calling for UPOV '91 but also for increased genetic manipulation and corporate control of wheat.

The NFU and allied groups and citizens successfully fought the introduction of UPOV '91 in 2005. We may have to reboot that campaign soon.

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Class Action Lawsuit: Fundamental Charter Freedoms versus the “Marketing Freedom Act”

Expropriation without compensation. If the Canadian government dared to take over a US-based company, there is no way it would do so without paying fair market price for it. And you can guarantee that the company would still take full advantage of NAFTA Chapter 11 and sue the government for lost future profits due to no longer being able to do business in Canada. In the CETA agreement that the federal government is negotiating, it specifically forbids the expropriation or nationalization of an entity and if it does take place the compensation is to be most generous.

Yet December 15, 2011 by passing Bill C-18, the “Marketing Freedom for Grain Farmers Act”, the federal government took over control of the Canadian Wheat Board, ended the CWB’s single-desk authority, and embarked on a course of action to sell or dissolve the remaining business – *without any mention of compensation for farmers*. As soon as the bill was passed the ten farmer-elected director positions were eliminated and the \$5 billion plus business was taken over by five government-appointed directors. The legislation allows the appointees to run the CWB as a voluntary marketing agency for up to five years while it prepares the CWB for privatization or dissolution. All the assets – buildings, rail cars, equipment, files, information, highly trained staff and its interest in two Great Lakes freighters – together worth billions of dollars – were taken from the tens of thousands of prairie farmers whose grain was the source of this wealth.

Farmers are not just standing by and watching.

On February 15, 2012 a class action lawsuit was launched. The action aims to restore the Canadian Wheat Board and to recover damages that farmers have suffered as a result of the federal government’s actions to dismantle the Board. The lawsuit also alleges that the federal government has broken the law by passing legislation that will dismantle the Canadian Wheat Board, and by denying farmers their statutory and constitutionally-protected rights. Representative plaintiffs for this action are Andrew Dennis (MB), Harold Bell (BC), Nathan Macklin (AB) and Ian McCreary (SK); and the lawyers involved are Steven Shrybman, Louis Sokolov and Anders Bruun.

The class action is brought on behalf of all grain producers, or their estates, who sold grain through the Canadian Wheat Board on or after January 1, 2006, and who were entitled to be included in the voters list in respect of the election of Directors of the Canadian Wheat Board at any time since that date. Class counsel will seek to have the lawsuit certified as a class action. If the case is certified by the court, all persons who fit the class definition will automatically be included in the class unless they choose to opt out.

The Statement of Claim lays out the grounds for the legal action. It says that Bill C-18 was introduced unlawfully because a farmer vote was not held first, as was required under section 47.1 of the CWB Act. In addition, it was introduced contrary to promises of such a vote that were made by Minister Ritz during the 2011 federal election campaign.

It also claims that Bill C-18 violates farmers’ right to freedom of association under the Canadian Charter of Rights and Freedoms by abolishing the democratic governance structure of the Canadian Wheat Board. In addition, the claim also states that without the democratic governance structure and the statutory protections such as section 47.1 of the CWB Act, farmers cannot exercise their fundamental freedom of association to make collective decisions respecting the marketing of their grain.

Bill C-18 also infringes on farmers Charter right to freedom of expression, says the statement of claim. By participating in CWB director elections farmers had the right to express their views by electing a majority of the Board’s directors, by giving the directors a mandate to voice their views and concerns, and through the right to vote on any proposal to expand or diminish the single desk. Now, these means of expression have been taken away.

The Statement of Claim describes the nature of the losses and harm done to farmers as a result of actions by the federal government as represented by the minister of Agriculture. These include diminishment of the price premium for grain, the loss of savings in transportation, distribution and other services, and the diminishment or destruction of the CWB’s tangible

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and intangible assets. Compensation for these losses would be over \$17 billion when lost future profits to producers are taken into account.

The National Farmers Union is supportive of this legal action. NFU research and documentation has been important in laying out and describing the magnitude of losses farmers will incur with the end of the single desk for this case. The NFU has long defended the CWB and our work has retained it in spite of this government's and others' attempts to undermine it. This is another chapter in the NFU's fight to keep the CWB as a farmer controlled single desk marketer. Former NFU President Stewart Wells is our representative on the Friends of the Canadian Wheat Board. You can make a donation to help cover the legal costs through the NFU. Indicate that your donation is for the CWB court case.

We are also encouraging farmers to register with the action. By registering, the Friends of the CWB will be able

to notify you of any developments in the case. It also helps the case by demonstrating that a large number of farmers are actively interested in the success of the action. Please encourage other farmers you know to register as well.

To register, go to the website below and click on the "Register and Support" tab on the left of the screen. If you do not use the internet you can phone the NFU office to register or send a letter to Friends of the Canadian Wheat Board, Box 545, Swift Current, S9H 3W4. Include your complete contact information, and whether you are a grain producer, sold grain through the CWB after January 1, 2006 and whether you were entitled to be included in the voters list in respect of the election of Directors of the Canadian Wheat Board at any time since January 1, 2006.

For more detailed information about the action, including the complete Statement of Claim and a Question and Answer page, please go to <http://www.cwbclassaction.ca/>

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Preserving farmland? Preserving farmers? Are the two connected?

- by Ann Slater

In February, I attended the 2012 Farmland Preservation Forum, hosted by the Ontario Farmland Trust, and early in the day it became clear that there is a disconnect between protecting farmland and protecting farmers.

The forum started with a theoretical discussion of how much farmland would be required to attain food self-sufficiency in Ontario by 2036. Based on present crop acreage, the research presented showed that significantly more land would be needed for fruit and vegetable production and that there would be an excess of land devoted to grains and oilseeds. This data is not surprising - farm and agricultural policies in Ontario have been leading us down a path of larger farms, fewer farmers and more exports. Grains and oilseeds are more suitable for production on large farms, require less labour per acre and are major export crops. Nowhere in the discussion of the research was there any mention of the need for more labour (more farmers?) if Ontario was to become more self-sufficient in fruit and vegetable production.

The panel discussion which followed had representatives from the Ontario Federation of Agriculture (OFA) and the Christian Farmers Federation of Ontario (CFFO), a municipal planner from Clarington, NFU

member Pat Learmonth on behalf of Kawartha Farm Stewardship Collaborative and Carl Cosack, from the North Dufferin Agricultural and Community Taskforce (who also spoke at the NFU Convention in November). The panel brought forward the various conflicts that create challenges in efforts to protect farmland such as urban and non-urban sprawl, the push to develop farmland to create more jobs, the conflicts between various land use policies, and the regulatory overload faced by farmers. However the comment that caught my attention was the suggestion by Nathan Stevens from the CFFO that one of the problems we face is the increasing lack of large blocks of land suitable for efficient production.

Part way through the morning it became clear to me that it is quite possible to protect farmland while farms get larger and larger and farmers become fewer and fewer. I was able to raise the issue of should we not also be concerned with saving farmers along with the farmland? The answer from the panel was that farms are getting larger and that we need to accept the reality of fewer farmers. However, by raising the issue, I did plant a seed in the mind of many forum attendees and thus brought another dimension to the day's discussion.

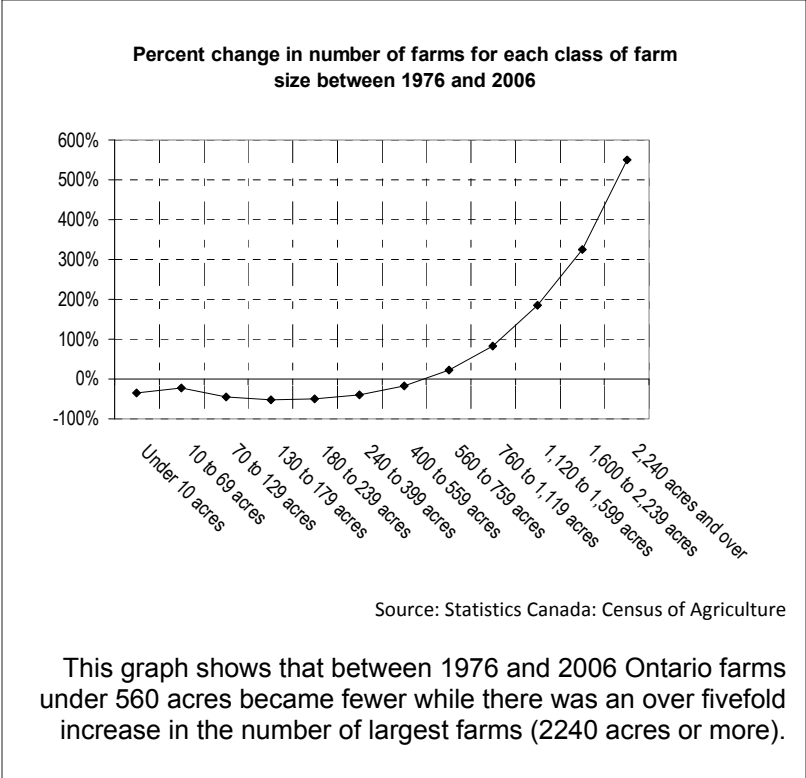
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I was also reminded of the importance of having other “like minds” willing and able to speak up in public forums. A long-time organic farmer challenged the assumption that we should just accept the reality of fewer farms. This farmer is looking at options for his farmland once he retires. He would like to make his farm available to new, young farmers who want to grow food for local, direct-to-eater markets. His farm could provide land for several such farms, but present severance policies and policies related to second dwellings make this option unrealistic since these farmers would not be able to live on their farms.

Farmland is a finite resource and it is disappearing in Ontario. Farmers are also disappearing, and as farms become larger, fewer farmers will be needed to run those farms. Farmers and farm organizations have supported the severance policies that are in place across much of rural Ontario in the hope that by preventing the break up of farms into smaller farms or into residential lots, farmland will be protected. The NFU has strong policies around preserving farmland and keeping it in the control of those who work the land. We are also committed to preserving family farms. But how well are we connecting the need to preserve farmland and farmers at the same time? As was noted during the panel discussion, the farm population is declining and farmers need to speak for the land in our own communities and at the provincial level. I would suggest as NFU members we need to link the discussion of preserving farmland to the discussion of preserving farmers, and how do both in our communities and in our respective provinces.

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[Graph originally published in Farms, Farmers and Agriculture in Ontario: an overview of the situation in 2011 by the National Farmers Union, May 2011]



Mark your calendars!

Region 5 Convention
July 14, 2012 – 1:00 PM to 5:00 PM
Onanole & District Drop-in Centre, Onanole, MB
\$10.00 per person

Please bring written Policy Resolutions for consideration. Elections will be held for two National Board directors; and for representatives on the Women's Advisory, Youth Advisory, and International Program Committee. Nominations for the Grassroots Award will also be held.

The program will feature: NFU President Terry Boehm speaking on seed and grain issues, including UPOV '91, the CGC, amendments to the Canada Grain Act and Bill C-18. Peter Eggars, Board member from Region 8 will present on GE wheat issues and the loss of the AWB single desk, based on his recent speaking tour to Australia. John Sandborn, former elected CWB director has been invited to speak on the CWB court cases. Hon. Ron Kostyshyn, Minister of Agriculture, Food, and Rural Initiatives has also been invited.

There will be a potluck barbeque following the meeting. Bring your own utensils and lawn chairs.

NFU brings economic insights to organic conference

- by Ann Slater

The theme of the 2012 Toronto Canadian Organic Growers Conference was *Your Food, Your Choice, The Value of Organic*. A workshop on 'Deconstructing Organic Prices' featured a Toronto based social justice activist, an organic produce grower/packer/shipper and the National Farmers Union.

On behalf of the NFU, I highlighted some of the research in our 2011, 'Farms, Farmers and Agriculture in Ontario' brief. The graphs from the brief provided background on the broader farm landscape in Ontario - one which is moving towards larger and larger farms, is focused on increasing exports, and leaves little money in the pockets of farmers at the end of the day. I asked whether or not our agriculture policies are helping to create the farm and food system we want as growers and eaters of organic food.

Cathy Gulkin describes herself as a life long social justice activist – as a child her parents sent her to the grocery store with instructions on which oranges to buy and which to boycott. More recently she has been involved in boycotts through the Palestine Solidarity BDS (Boycott, Divestment & Sanctions) movement. In her experience, boycotts are a good means of consumer education but require a long time in order to be effective. Cathy suggested that a better way to promote organic food is for consumers to make themselves more aware of the cost agriculture can have on our environment and our health. With that awareness, consumers can actively push for health, environmental, farm and food policies that make organic food more available to more people. She urged us all to use our power as consumers to choose what food we buy, and where and who we buy it from.

The Pfenning Organic Farm from Baden in Waterloo County, belongs to NFU members and is a well-known supplier of organic produce in Ontario. Along with growing their own produce, Pfenning work with a network of other organic farmers in southwestern Ontario to pack and ship produce to a variety of stores and wholesalers in Ontario -- from small health food stores to large chain supermarkets. During the workshop Wolfgang Pfenning spoke about communication – both the lack of it from larger chains when farmers shipments are turned away at the unloading dock because cheaper produce was found elsewhere and the value Pfenning place on regular communication with their network of farmers to both maintain good relationships and to ship quality produce.

Wolfgang noted that large supermarkets employ very few people, and therefore, need very exacting specifications, specs that go way beyond Canada #1. He also said that the specs for produce have increased significantly over the last four to five years, requiring Pfenning to work more closely with growers to meet buyers' requirements. As to prices, Wolfgang suggested prices for organic produce are likely to increase for consumers, but growers are not likely to see any increase in the prices they receive. He also spoke of the ethics held by some of the smaller retailers and health food stores they work with and the respect those outlets have for farmers.

This workshop was a good opportunity for me to bring some awareness of the information in our Ontario brief to the organic community and to consumers. Based on the discussion with the audience, the NFU has a role to play in drawing attention to the place of farmers at the bottom of the food value chain, including the organic food chain. In general, the organic community supports the production and purchase of organic food, wherever it is sold and whoever grows it, but they are open to thinking beyond 'organic'. By connecting and working with the organic community, the NFU can raise questions around how farmers are treated within the value chain, and point out that their treatment can be quite different depending on who the other players are. We can encourage organic eaters to use their food dollars to support retailers, distributors and suppliers that treat farmers with respect.

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