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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEERTSON FARMS INC., et al.,

No. C 06-01075 CRB

Plaintiffs,

JUDGMENT

v.

MIKE JOHANNNS, et al.,

Defendants, and

MONSANTO COMPANY, et al.,

Intervenors-Defendants.

The Court having granted plaintiffs’ motion for summary judgment on their NEPA claims by Memorandum and Order dated February 13, 2007, and having dismissed plaintiffs’ remaining claims, judgment is entered in favor of plaintiffs and against the federal defendants on the NEPA claims.

The federal defendants’ June 14, 2005 Determination of Nonregulated Status for Alfalfa Genetically Engineered for Tolerance to the Herbicide Glyphosate is VACATED. Before granting Monsanto’s deregulation petition, even in part, the federal defendants shall prepare an environmental impact statement (“EIS”). Until the federal defendants prepare the EIS and decide the deregulation petition, no Roundup Ready alfalfa, known as J101 and J163, may be planted. This injunction does not apply to the permit process for regulated

1 articles administered by the Animal and Plant Health Inspection Service (“APHIS”).

2 Roundup Ready alfalfa planted before March 30, 2007 may be grown, harvested and
3 sold subject to the following conditions. In particular, within 45 days of this Judgment, the
4 federal defendants shall issue an administrative order imposing the following requirements:

- 5 I. Pollinators shall not be added to Roundup Ready alfalfa fields grown only for
6 hay production.
- 7 II. Farm equipment used in Roundup Ready alfalfa production shall be properly
8 cleaned after use.
- 9 A. Cleaning procedures for harvesters, tractors and tillage equipment shall
10 be submitted to and approved by APHIS prior to implementation.
- 11 B. Cleaning procedures shall be designed to minimize the risk of Roundup
12 Ready alfalfa seed and hay movement from authorized production sites.
- 13 C. All equipment shall be cleaned in accordance with the approved
14 procedures before it leaves the farm on which it came in contact with
15 Roundup Ready alfalfa.
- 16 III. Roundup Ready alfalfa shall be handled and clearly identified to minimize
17 commingling after harvest. Immediately after harvest, growers or seed
18 producers shall store Roundup Ready alfalfa in specifically designated and
19 clearly labeled containers.

20 Monsanto, Forage Genetics and APHIS shall work together to ensure that all Roundup
21 Ready alfalfa farmers are aware of the above requirements.

22 Within 30 days of the judgment, Forage Genetics shall provide APHIS with GPS or
23 plat mats identifying the location of all Roundup Ready alfalfa seed production acreage as
24 well as the field size and GPS locations of Roundup Ready alfalfa hay fields for the 17
25 Western states in which Forage Genetics collects such information. APHIS shall make such
26 information publicly available as soon as practicable, including, but not limited to, making
27 such information available on the appropriate government website. Forage Genetics shall
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1 also use its best efforts to obtain field size and GPS locations of Roundup Ready alfalfa in
2 the remaining states and provide such information to APHIS for public disclosure.

3 The parties shall jointly submit a written status report within 60 days of the date of
4 this Judgment to update the Court on defendants' compliance with the injunction.

5 **IT IS SO ORDERED.**

6 Dated: May 3, 2007



7 CHARLES R. BREYER
8 UNITED STATES DISTRICT JUDGE

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