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Halt on all biotech permits sought

By Tara Godvin
Associated Press

The attorney for groups challenging federal authorization of test plantings of drug-producing crops has asked a federal judge to impose a nationwide moratorium on the permits.

Earthjustice and other environmental groups oppose the test because they fear genetically altered crops could contaminate other farm products and harm the environment.

U.S. District Judge Michael Seabright already ruled last week that federal agriculture officials violated environmental laws in permitting four companies to plant corn or sugar cane genetically modified to produce experimental drugs on Kauai, Maui, Molokai and Oahu between 2001 and 2003.

None of the crops is currently being planted in Hawaii.

Yesterday's hearing focused on two remaining counts in the case requesting that the government's system for issuing permits for such crops be reviewed with an eye to whether it violates environmental laws.

As part of that discussion, Earthjustice attorney Paul Achitoff also asked Seabright to issue an injunction putting a nationwide stop to the federal government issuing any more permits for testing in open fields until the review is complete.

Earthjustice represents plaintiffs in the case, which include the Center for Food Safety, the Hawaii environmentalist group KAHEA, Friends of the Earth, Inc., and Pesticide Action Network North America.

Greg Page, the attorney representing the government in the case, said Achitoff's request for a nationwide ruling is inappropriate in the Hawaii-focused case. A ruling in favor of the wide-ranging reviews could also lead to a flood of people filing lawsuits when they simply disagree with government policies, he said.

Achitoff said recent cases of genetically modified varieties of grass and long-grain rice being found in the wild illustrate the potential for failure of containment policies and for harm to the environment. As a result, Japan has suspended imports of U.S. long-grain rice.

He noted that there are still a handful of permits relevant to the case for sites across the country listed on the Web site of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service.

"It should be nationwide because the programs are nationwide," Achitoff said.

The service has already begun a review of the potential environmental impact of its policies.

But Achitoff said after the hearing that the review is limited only to the regulations the service has recently updated. Seabright's previous order was also focused on procedural violations in issuing specific permits for

crops planted in Hawaii.

What the two remaining counts seek is a closer look at the system that grants the permits and the risks that such projects share, he said.

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