

UNDERSTANDING MONSANTO'S TECHNOLOGY USE GUIDE

Liability for the spread of Monsanto's genetically modified (GM) seeds is a serious threat to all farmers, whether they grow GM seeds or not. Patents afford Monsanto ownership of its GM seeds even after a farmer purchases and plants the seeds. To protect its patent rights, Monsanto enforces a "limited use license" called a Technology Agreement. This contract subjects farmers to invasions of their private property and personal records, and shields Monsanto from liability associated with contamination events and market rejection involving GM crops.

Because Roundup Ready (RR) alfalfa is a perennial crop, farmers face even greater challenges in containing the GM trait. Below is a list of obligations and legal limitations farmers accept when signing Monsanto's Technology Agreement.²

- ❑ Farmers accept all the terms of the Technology Agreement by signing it or simply opening a bag of Monsanto's seed. Farmers have no opportunity or rights to negotiate the terms of the contract.
- ❑ Farmers who sign the Technology Agreement waive all of their rights under the Federal Privacy Act.
- ❑ Farmers may be required to settle all legal disputes concerning Monsanto in St. Louis, Missouri (Monsanto's headquarters), regardless of where they live.
- ❑ Farmers cannot save any seed grown from Monsanto's seeds or provide any seed to others.

² Thanks to Farmers' Legal Action Group and Rural Advancement Foundation International for this overview of Monsanto's Technology Agreement, which is drawn from their Farmers' Guide to GMOs, available at www.rafiusa.org/pubs/Farmers_Guide_to_GMOs.pdf

- ❑ Farmers must allow Monsanto full access to their records, including USDA, Farm Service Agency (FSA), and Risk Management Agency (RMA) records, and invoices for all seed and chemical purchases, and allow Monsanto to copy any relevant receipts and documents.
- ❑ There is no time limit to this contract—Monsanto can review a farmer's documents, fields, and crops even after the farmer has stopped growing Monsanto's seeds.
- ❑ Monsanto will not honor any warranties if the farmer does not use the company's chemicals with its GM seeds.
- ❑ All Monsanto cotton seed disputes are resolved through binding arbitration.
- ❑ If farmers are caught violating the contract, Monsanto will seek to collect damages and attorneys' fees and costs from farmers.
- ❑ Farmers accept all liability and responsibility for keeping GM crops out of markets, elevators, or other farmers' fields that do not want or allow GM crops.

