

# Beans and big business land N.J. farmer in court

**Monsanto is going after growers who reuse its seeds' technology.**

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Trouble came knocking early at farmer Scott Good's door in August.

"They showed up at my door 6 o'clock in the morning. They flipped a badge out," said Good, a Burlington County soybean grower. "It wasn't polite what they were saying. They acted like FBI."

The two men were private investigators. They had been watching him. Monsanto, the St. Louis agribusiness giant, had sent them. They wanted to know about his beans.

Under advice of his lawyer, Good finally told them: The beans had been grown from seed saved from the previous harvest, a practice that goes back to the beginning of farming. But those unassuming, pea-sized yellow beans were high-tech Monsanto beans.

Good, 42, is now the target of a federal lawsuit he fears could break him financially. It is one of about two dozen pending suits, not to mention hundreds of complaints, pursued by Monsanto about alleged misuse of its genetically altered cotton, canola, corn and soybean seeds.

The case against Good involves such highfalutin legalese as violation of intellectual property rights, patent infringement, and seed piracy.

Beyond the courtroom, interested observers say such cases threaten the very culture of rural agriculture and even touch on issues of global trade.

Others question Monsanto's playing legal hardball with farmers when they're hurting.

"Why take him into federal court the first time?" asked **Timothy Annin**, Good's Mount Holly attorney. "I think it's to name him - to let the rest of the farming community know what could happen to them."

Farmers from Kentucky to Canada who have paid hefty penalties already know.

In one landmark case, Percy Schmeiser, a Saskatchewan farmer, was ordered to pay Monsanto nearly 20,000 Canadian dollars over bioengineered canola he didn't even plant. Pollen from nearby farms blew onto his fields. He's appealing.

Monsanto argues that it is only taking reasonable steps to protect the technology it has created.

"Not only do we feel we have an obligation to the other farmers" who abide by the rules, spokeswoman Lori Fisher said, "but we've obviously invested a lot of money into this technology."

It all starts with the seed.

About six years ago, Monsanto came out with Roundup Ready, a seed brand bioengineered to tolerate the company's Roundup weed killer. Spray a field with Roundup, and everything but the Roundup Ready plants will be toast. Hundreds of companies sell seed produced with the Monsanto technology, which Monsanto gets paid for. Nearly 70 percent of U.S. soybeans are Roundup Ready, and the brand is popular in Burlington County, the state's soybean leader.

Technology, though, has a price. Roundup Ready seed costs several dollars more a bag than conventional seed. Plus, Monsanto maintains that its patents bar saving harvested seed for future use. Farmers have been asked to sign technology agreements that list the prohibitions.

But how does a big company in St. Louis get wind of what's growing in Vincentown?

"The same way we find out about most of these," Monsanto's Fisher said. "We find out from anonymous tips from people in the area."

Indeed, Monsanto maintains a toll-free tipline and hires private investigators to check out the reports.

Some agricultural experts question the tactics.

"It's not in the typical culture of rural communities to do 1-800 to turn in your neighbor. You're talking about someone who's going to pull your tractor out of a ditch," said Michael Sligh of Rural Advancement

Foundation International, a farm advocacy group. "That's a big cultural shift."

Whoever dropped the dime on Good, the farmer contends that he didn't knowingly do anything wrong. He said he never signed a technology agreement - something Monsanto acknowledged in court papers. Further, Good said he was not told he couldn't replant when he bought the seed from a local salesman for Pioneer, a major seed seller.

The salesman could not be reached for comment. Company spokesman Doyle Karr said that Pioneer did not make farmers sign agreements, but that customers were supposed to sign invoices that advise patent restrictions. The company could not locate Good's invoice.

Good contends that he didn't know about the restrictions when he planted the approximately 1,800 acres he leases. He said he had learned about the no-replant rule only later, after the seed was in the ground.

Still, when the private eyes came around, "yeah, I was scared," Good said.

Gary Woodend, a Medford lawyer whom Good contacted, said that they had offered to hand over Good's entire 2001 crop, but that Monsanto had said no. The company asked for \$175,000, Woodend said, then \$125,000.

Woodend doesn't believe Monsanto wanted to settle.

"I think their real motive," he said, "is to try to make an example out of him and put him out of business."

Monsanto's Fisher denied such motives.

"If people are willing and able to settle, I can't think of any case we've settled where the person wasn't able to continue to farm," he said.

Still, these are hard times for soybean farmers, with prices at near-record lows, poor weather in recent years, and increasing global competition, particularly from South America. Many South Jersey soybean growers have had to turn to other crops or other income, or have left farming despite federal subsidies.

"Farmers are becoming common peasants," complained John Pew, 80, a longtime South Jersey farmer.

Pew, for one, said he was aware of the use restrictions; they're printed on the bags of seed he buys. And Pew doesn't like somebody else not paying for what he has to.

But while most farmers are willing to pay for technology, Pew said, "they're legally stealing off of us. . . . It's too much. The tech fee is sort of a monopoly. It shouldn't be as high as it is."

What also sticks in his craw - and the American Soybean Association's - is that Roundup Ready is sold to Argentine competitors at a fraction of the U.S. cost.

What's more, U.S. patent laws don't apply in Argentina. Seed can be saved, and a black-market trade has spread to Brazil.

But that's all big stuff. Good, the son of a farmer, is worried about the lawsuit. Between low prices, droughts, loans and other costs, he said he hasn't been able to make it by farming alone. Winter and summer, he drives a truck cross-country.

He said that he'd rather be home, rather be farming, but that he doesn't know how long he can.

"It's getting too expensive," Good said. "You can't buy the beans, spray them and stay ahead. What you're doing is farming and making Monsanto rich."

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**Illustration/Photo:** SHARON GEKOSKI-KIMMEL / Inquirer Suburban Staff

The suit against Scott Good of Vincentown, Burlington County, is one of several filed by Monsanto over the use of its bioengineered seeds. Good says he did not know he was not supposed to replant them.