



United States
Department of
Agriculture

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Animal and
Plant Health
Inspection
Service

ADMINISTRATIVE ORDER

Biotechnology
Regulatory
Services

4700 River Road
Unit 147
Riverdale, MD
20737-1236

On May 3, 2007, the United States District Court for the Northern District of California issued a permanent injunction which regulates the production of Roundup Ready alfalfa. This permanent injunction supplements a preliminary injunction order issued March 12, 2007, which vacated USDA's June 2005, decision to deregulate Roundup Ready alfalfa. Therefore, Roundup Ready alfalfa is a regulated article pursuant to the Plant Protection Act (7 U.S.C. § 7701 *et seq.*) and the regulations at 7 CFR part 340.

To comply with the permanent injunction, USDA is issuing this Administrative Order specifying mandatory production practices that must be implemented by Roundup Ready alfalfa producers.

You are receiving this Administrative Order because we have reason to believe that you possess, grow, sell, or distribute Roundup Ready alfalfa.

In accordance with sections 411, 412, and 414 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714), you must implement and abide by the production practices specified in this order.

If you believe that any violation of this administrative order has occurred, please contact USDA-APHIS Biotechnology Regulatory Services at 301-734-5690 within 24 hours of discovery.

For additional information on this matter, please visit the USDA website at: <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>.

Thomas Sim IV, Director
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Roundup Ready Alfalfa Production Requirements

The permanent injunction allowed the planting of Roundup Ready alfalfa until March 30, 2007, and directed APHIS to issue this Administrative Order governing such planting. The requirements specified below therefore apply to all Roundup Ready alfalfa planted between June 14, 2005 and March 30, 2007 and will remain in effect for as long as Roundup Ready alfalfa is a regulated article under 7 CFR Part 340. Under the permanent injunction, no Roundup Ready alfalfa may be planted after March 30, 2007, except pursuant to an approved permit as per 7 CFR 340.4.

1. Pollinators. Pollinators shall not be added to Roundup Ready alfalfa fields grown only for hay production.

2. Equipment Cleaning Procedures. Cleaning of harvest equipment is addressed in this order.

Option 1. Dedicated Equipment.

If all equipment used is dedicated exclusively for the production of Roundup Ready alfalfa hay or seed, then no cleaning of equipment will be required. However, this equipment must be marked with a sign or label stating “This equipment shall be used only with Roundup Ready alfalfa”.

Option 2. Cleaning Equipment.

If equipment is used for both Roundup Ready and non-Roundup Ready alfalfa, then all equipment used in Roundup Ready alfalfa fields shall be cleaned while it is in the Roundup Ready alfalfa field prior to use in the non-Roundup Ready alfalfa field. Equipment may be moved between Roundup Ready alfalfa fields without cleaning.

A. Forage Harvesting and Processing.

1. Choppers (Haylage making). There are no internal parts to clean.
 - a. Mowing and/or conditioning equipment: sweep, blow with forced air, or wash exterior parts clean.
 - b. Raking and/or merging equipment: sweep, blow with forced air, or wash exterior parts clean.
 - b. Chopper: sweep, blow with forced air, or wash exterior parts clean.

2. Balers (Haymaking).
 - a. Mowing and/or conditioner equipment: sweep, blow with forced air, or wash exterior parts clean.
 - b. Raking and/or merging equipment: sweep, blow with forced air, or wash exterior parts clean.
 - c. Balers: Clean baler of Roundup Ready alfalfa.
 - 1). Square balers. After baling Roundup Ready alfalfa, make at least three bales of non-Roundup Ready alfalfa in a non-Roundup Ready alfalfa field. These bales shall be removed from the non-Roundup Ready field/stack and marked, handled, and stored with Roundup Ready alfalfa or destroyed. Sweep, blow with forced air, or wash exterior parts of machine. Baler may then be used for non-Roundup Ready alfalfa.
 - 2). Round balers. Round balers require only surface cleaning by sweeping, blowing with forced air, or washing since no residual material remains in the baler.

OR

2). Use Roundup Ready baler in entire non-Roundup Ready field exclusively. Handle bales made as regulated material, i.e., mark and segregate from unregulated alfalfa.

3. Pickup-Wagons/Harrow beds and stacking equipment: sweep, blow with forced air, or wash platform and surface clean after movement of Roundup Ready alfalfa.

Sweepings: All sweepings shall be left in the Roundup Ready alfalfa field or on the farm of the Roundup Ready alfalfa field.

B. Seed Harvesting Equipment. Clean all harvesting equipment including combines, headers, and all supporting equipment including tractors, trucks and equipment trailers. Equipment must be cleaned and as free of soil, plant parts, seeds, and other physical debris as possible. Steam cleaning, pressure washing, sweeping, or the use of forced air may be required for effective removal of seeds, soil, and physical debris from equipment. This equipment shall be cleaned in the field in which the seed was grown.

1. Combine.
 - a. Remove the header.
 - b. Open hopper doors at the bottom of the combine and allow all of the remaining seed to fall out.

- c. Remove all debris from the:
- 1). Feeder house,
 - 2). Cylinder/rotor,
 - 3). Concave,
 - 4). Augers,
 - 5). Grain traps,
 - 6). Tailings return trap,
 - 7). Rock trap,
 - 8). Sieves,
 - 9). Cleaning fan,
 - 10). Frame,
 - 11). Tires and tire rims,
 - 12). Spreaders and choppers,
 - 13). Header,
 - 14). Final Drives, and
 - 15). Radiators and air filters.

2. Other field equipment. Any other forage equipment used in the seed harvesting process must be cleaned as specified in the Forage Harvesting and Processing section above.

3. Seed Conditioning Equipment. All seed conditioning equipment must be cleaned following the conditioning of Roundup Ready alfalfa seed. The equipment must be opened as fully as possible and cleaned to remove debris. All debris must be collected and disposed of in a manner to prevent dissemination of Roundup Ready alfalfa seed that may be present.

C. Transportation. Any trucks, wagons, or other transporters used to move Roundup Ready alfalfa to a storage site must be swept clean after unloading before being used for transport of non-Roundup Ready alfalfa. Flatbed trucks used to haul Roundup Ready alfalfa hay must be covered with secured tarpaulin if viable seed is present in the hay. Buyers must be notified if hay purchased contains Roundup Ready-alfalfa and that hay or haylage must be used for feed purposes only. End user may co-mingle Roundup Ready and non-Roundup Ready hay and/or silage for animal feed if desired.

Sweepings: All sweepings shall be left at the final unloading destination.

D. Storage. Hay and Haylage may be transported to silos or other contained areas for storage. If hay or haylage is stacked or stored other than on the field where it is produced, it must be segregated from non-regulated hay or haylage. Stacks must be identified as Roundup Ready material.

3. Identification of Roundup Ready Alfalfa Hay and Seed.

A. Hay.

All bales of Roundup Ready alfalfa that leave the farm on which it was produced must be identified by a bale tag securely attached to the binding twine or wire and marked "Roundup Ready Alfalfa".

B. Seed.

1. All Roundup Ready alfalfa seed must be harvested, handled, transported, and stored in a manner to prevent physical mixing with non-Roundup Ready alfalfa seed.
2. All storage containers (silos, bins, bags, etc.) must be labeled "Roundup Ready Alfalfa".
3. Bags of Roundup Ready alfalfa seed must be segregated from non-Roundup Ready alfalfa seed.