

Court rules biotech firms may be responsible if GMO crops disrupt export market

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Biotech developers may have a “duty of reasonable care” to ensure new genetically engineered crops don’t disrupt export markets. That legal duty may extend beyond the obligation to win clearance from U.S. regulators for a crop’s commercialization, U.S. District Judge John Lungstrom has ruled in a controversial lawsuit over a transgenic corn variety developed by Syngenta.

The lawsuit comes in reaction to Syngenta selling the new corn traits to U.S. growers before they’d been granted approval in China, which resulted in that country rejecting many U.S. corn shipments.

Farmers filed lawsuits against the company seeking compensation for the resulting drop in corn prices allegedly caused by the export disruption, with the cases getting consolidated in Kansas federal court.

The implication that biotech companies have a duty to protect export markets is significant, but the ruling still leaves that standard ambiguous, said Drew Kershen, an agricultural biotechnology law professor at the University of Oklahoma.

“It’s not clear to me how strong that duty is going to be,” Kershen said.

Supporters of biotechnology fear the lawsuit’s progress will prompt biotech developers to rethink commercializing genetically engineered crops, even if the USDA signs off on them.

Critics of biotechnology say the ruling shows that current USDA regulations are insufficient to protect farmers from negative market consequences caused by genetically engineered crops.

“This disruption to the market has caused significant harm to them,” said George Kimbrell, attorney with the Center for Food Safety, which has opposed several USDA deregulations of genetically modified organisms.

Lungstrom’s ruling abides by the traditional legal principle that your property cannot be allowed to harm the property of another, Kimbrell said.

Read full, original post: [Biotech developers may have duty to prevent export disruptions](#)