MONTANA

OVERVIEW

SNAPSHOT OF MONTANA AGRICULTURE:
- Value to Montana’s economy: $676,189,000
- Share of total U.S. agricultural production: 0.88%
- Share of total U.S. agricultural exports: 0.5%
- Top five commodities: Cattle and calves, wheat, hay, barley, and sugar beets
- One of top five producers nationally for the following major field crops: Wheat and barley

Status of Biotech Field Trial Activity

122 distinct APHIS notifications submitted (115 acknowledged; 7 denied/withdrawn/void; 16 currently in effect)

18 distinct APHIS permit applications submitted (14 issued; 4 denied/withdrawn/void; none currently in effect)

No APHIS permit applications submitted for crops engineered to produce compounds for pharmaceutical production

No APHIS notifications or permit applications submitted for crops engineered to produce compounds for industrial applications

Most APHIS notifications and permit applications submitted for biotech varieties of wheat

Other crops include: alfalfa, barley, beets, corn, creeping bentgrass, potatoes, and rapeseed
Biotech Activity and Legislative Status

Biotech Activity and Interest
Because wheat is such an important crop in Montana’s agricultural economy, the primary focus of biotechnology discussions within Montana has been on market acceptance of biotech wheat and the impact of possible commercialization of biotech wheat on markets for conventional wheat varieties in light of the possibility of cross-contamination. This issue is discussed more fully in Section IV (“Legislating Restrictions on Biotech Crops on Economic and Social Grounds: Roundup Ready® Wheat”).

In response to Monsanto’s proposed commercialization of its herbicide-resistant (Roundup Ready) biotech wheat, the Montana legislature considered numerous bills on the subject, including bills to place a moratorium on the planting of biotech wheat; create task forces to study the potential market effects in Montana of growing biotech wheat or other crops; study liability concerns, methods of segregating biotech wheat during production and harvesting, and development of various wheat traits beneficial to consumers or producers; require biotech seed manufacturers to provide instructions for the safe use of their products and to assume liability for their products; require companies that want to plant commercial biotech wheat to pay a $10 million bond to a new Wheat Bond Board; and require the Montana Department of Agriculture to create a certification and monitoring program for biotech wheat that involves public notification and a registry.

Ultimately, a joint resolution addressing biotech wheat and barley passed during the 2003 legislative session. The resolution emphasizes the importance to Montana of access to international wheat markets and recommends that biotech wheat and barley not be introduced for commercial production until the market for such products is ensured. The resolution calls for continued research in crop characteristics that would appeal to the needs of consumers as well as be economically beneficial for producers. The resolution also recommends researching methods for reducing cross-contamination during growth as well as through the mixing of harvested grains (SJ8). 494

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494 Montana State Legislature 2003(c).
Regulatory Legislation
Notwithstanding these acute economic concerns about the impact of biotech wheat, Montana has not adopted its own regulatory statute or permitting program for biotech crops. The director of the Montana Department of Agriculture, Ralph Peck, testified in 2003 before the Montana legislature that the nation needs one legal framework for biotech crops and foods in order for Montana to be able to compete in national and world markets, and that the federal government is in the best position to analyze, approve, and regulate biotech crops.495

Nonregulatory Legislation
The Montana Department of Agriculture works to support its wheat and barley growers through the Wheat and Barley Committee, a producer-funded and directed checkoff organization whose mission is “to protect and foster the health, prosperity, and general welfare of this industry by encouraging and promoting intensive, scientific, and practical research into all phases of the wheat and barley culture and production, marketing, and end-use and, further, to aid in the development of markets for wheat and barley grown in Montana.” The committee funds projects at Montana State University, including projects investigating agricultural biotechnology.496 Montana also funds research and commercialization of biotech crops through a board housed within the Montana Department of Commerce, which the legislature created in 1999.497 Montana passed an anti-crop-destruction law in 2001, which holds individuals who damage crop research facilities liable for direct or consequential damages as well as court costs (HB 387).498

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495 Zellar 2004.
496 Montana Wheat and Barley Committee n.d.
497 Montana Department of Commerce n.d.
498 Pew Initiative on Food and Biotechnology 2004[c].
### RELEVANT STATUTORY AUTHORITY

<table>
<thead>
<tr>
<th>Biotech-Specific Regulatory Statutes</th>
<th>Other Potential Statutory Authority Over Biotech Field Trials</th>
<th>Other Potential Statutory Authority Over PIPs</th>
<th>Other Potential Statutory Authority Over Biotech Food Safety</th>
</tr>
</thead>
</table>

### AGENCIES WITH CURRENT OR POTENTIAL BIOTECH ROLES

<table>
<thead>
<tr>
<th>Biotech-Specific</th>
<th>Plant Health</th>
<th>Pesticides</th>
<th>Food Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Montana Department of Agriculture – Agricultural Sciences Division, Field Service Bureau</td>
<td>Montana Department of Agriculture – Agricultural Sciences Division, Technical Service Bureau, Licensing, Registrations and Auditing</td>
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### RESOURCES

Montana Department of Agriculture budget: FY 04 $14,411,968  
Budget for plant health protection: FY 04 $633,168  
Narrative description of budget for biotech crops and foods component: Time spent reviewing APHIS permits and conducting inspections equates to less than 5% of one FTE.