OVERVIEW

SNAPSHOT OF NORTH DAKOTA AGRICULTURE:

- Value to North Dakota’s economy: $1,456,450,000
- Share of total U.S. agricultural production: 1.89%
- Share of total U.S. agricultural exports: 3.63%
- Top five commodities: Wheat, cattle and calves, soybeans, sugar beets, and sunflowers
- One of top five producers nationally for the following major field crops: Wheat, barley, oats, and dry edible beans
- 74% of soybean acres planted with biotech seed

Status of Biotech Field Trial Activity

219 distinct APHIS notifications submitted (207 acknowledged; 9 denied/withdrawn/void; 20 currently in effect)

67 distinct APHIS permit applications submitted (59 issued; 8 denied/withdrawn/void; 3 currently in effect)

1 APHIS permit issued for a variety of safflower engineered to produce compounds for pharmaceutical production

2 APHIS permits issued for varieties of corn and safflower engineered to produce compounds for industrial applications

11 crops total for which APHIS notifications and/or permit applications were submitted, including alfalfa, barley, beets, corn, cotton, potatoes, rape-seed, safflower, soybeans, sunflowers, and wheat
Biotech Activity and Legislative Status

*Biotech Activity and Interest*
Agriculture is North Dakota’s largest industry, comprising 37% of the state’s economy when ag-related business is included. North Dakota also has the second largest acreage of organic cropland, behind California. Because wheat production makes up a large portion of agricultural production in North Dakota, the biotech debate in the state has focused primarily on biotech wheat.

In 2003, the North Dakota commissioner of agriculture, Roger Johnson, met with anti-biotech delegates from Japan, the leading export market for North Dakota wheat. The delegates provided Commissioner Johnson with a petition signed by 414 Japanese organizations and companies asking the state to reject commercialization of biotech wheat and indicating they would stop buying North Dakota wheat if biotech wheat is commercialized in the state. Commissioner Johnson urged the delegation to begin considering the national and international policies that would be needed to guide the introduction of biotech wheat into the world marketplace. He also indicated that consumer demands, as well as sound science, have to be taken into consideration when North Dakota makes its decisions about how to proceed on the issue of biotech wheat.

In testimony provided earlier in 2003 by Jeff Olson, program manager at the North Dakota Department of Agriculture on behalf of Commissioner Johnson, the importance of ensuring regulatory and market acceptance of biotech wheat before allowing commercialization was also stressed. Mr. Olson further indicated that “it is the wheat industry whose interests should dominate with respect to commercialization of new transgenic wheat events” and the industry should be given the authority to determine if and when commercialization occurs. The North Dakota Farm Bureau, for its part, changed its stance on the commercialization of biotech wheat in 2002, adopting a cautious approach rather than pushing for a moratorium. For more on the debate about biotech wheat in North Dakota and other Northern Plains states, see “Legislating Restrictions on Biotech Crops on Economic and Social Grounds: Roundup Ready® Wheat” in Section IV.

*Regulatory Legislation*
North Dakota has no specific statutory authority to regulate biotech crops and foods. A ballot measure to provide such authority specifically with respect to wheat is being developed, however, with the active involvement of a former secretary of state and state senator in North Dakota, Jim Kusler.

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512 North Dakota Department of Agriculture n.d.
514 North Dakota Department of Agriculture 2004.
515 Johnson 2003.
This initiative would require public hearings, consultations with experts, and the North Dakota commissioner of agriculture’s approval before biotech wheat could be planted in the state. The measure would give the commissioner the power to veto plantings and is focused on the issue of market acceptance. Although it is uncertain what the outcome of the measure will be, Commissioner Johnson has stated that the measure “certainly is one of the different alternatives that the public ought to be considering.”

The legislature has passed bills that encourage the legislative council to study and report back to the legislature on risks to health, the environment, and the food supply posed by biotech crops (HB1338), and that, in anticipation of the possible commercialization of biotech wheat, direct the North Dakota commissioner of agriculture to provide for inspecting, analyzing, and verifying the genetic identity of seeds and crops. The latter law also directs the commissioner to devise identifying labels for seeds and crops (SB2235). The goal of the legislation is to provide a certifying service for nonbiotech seed that could be used as a marketing tool. According to the state seed commissioner, Ken Bertsch, establishing “this program will give [North Dakota] enough time to be out ahead of any kind of genetically modified wheat,” and the state has achieved its goal if the program “produces additional profit for farmers.”

Other legislative attempts aimed specifically at regulation of biotech wheat were defeated. One would have required a certificate to sell biotech wheat seed in North Dakota. Another would have created a Transgenic Wheat Board to monitor scientific, legislative, and regulatory efforts toward biotech wheat at state, federal, and international levels; gauge market acceptance for biotech wheat in national and international markets; evaluate whether any new state or federal legislation would be needed for the production of any commercialized biotech wheat in North Dakota; and recommend any of the needed legislation or state regulations.

**Nonregulatory Legislation**

In contrast to a number of other states, North Dakota has not established economic incentives and other programs to promote biotech development, though it passed a resolution in 2001 urging North Dakota State University to host a center for biotech research (HCR3031). It also passed an anti-crop-destruction bill in 2001, making individuals who damage or destroy crops or livestock liable for double the cost of damage incurred (SB2280).

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518 North Dakota Legislative Assembly n.d.(d).
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>
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</thead>
</table>

AGENCIES WITH CURRENT AND POTENTIAL BIOTECH ROLES

<table>
<thead>
<tr>
<th>Biotech-Specific</th>
<th>Plant Health</th>
<th>Pesticides</th>
<th>Food Safety</th>
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</thead>
<tbody>
<tr>
<td>None</td>
<td>North Dakota Department of Agriculture – Plant Industries Program Area</td>
<td>North Dakota Department of Agriculture – Plant Industries Program Area, Pesticide Registration Program, and Pesticide Enforcement &amp; Compliance Assistance Program</td>
<td>North Dakota Department of Agriculture</td>
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<td>North Dakota Department of Health – Food &amp; Lodging Division</td>
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RESOURCES

North Dakota Department of Agriculture budget: $6,800,000
Budget for plant health protection: $159,000
Narrative description of budget for biotech crops and foods component: About 15% of one FTE is devoted to biotech activities, which translates into about $11,000 annually in salary and operating expenditures.