



U.S. Durum Growers Association

PROMOTING THE PRODUCTION AND MARKETING OF DURUM AND SEMOLINA

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October 1, 2020

Filed Via TrueFiling

The Honorable Tani Gorre Cantil-Sakauye, Chief Justice
And The Honorable Associate Justices
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

Re: Johnson v. Monsanto., No. S264158

Dear Justices:

The United States Durum Growers Association (“USDGA”) writes to respectfully urge the California Supreme Court to accept review on the above-mentioned case from the Court of Appeal, First Appellate District, Division One.

The USDGA is a national organization of durum producers and processors. The association promotes the use of this specialty wheat crop and advocates on issues that affect farmers and the semolina and pasta industry. Its members are durum producers primarily from North Dakota, Montana, Arizona, and other areas, as well as milling and food businesses that rely on durum production.

The Durum Growers believes that the court should review this case, as the use and availability of agronomical pesticides is of vital importance to the production of durum. Specifically, glyphosate is a tool used in pre-harvest desiccant. This is especially important in durum production because this type of wheat has a stringent grading system that relies heavily on the color of the grain. The use of glyphosate helps producers manage this quality consideration. There is a narrow window available for harvest, and glyphosate is a necessary tool used in for the crop’s preparation for harvest.

Consumer confidence is vital to durum’s reputation as a safe crop, and the primary ingredient in pasta and semolina. Much of our members’ grain is safely treated with glyphosate and becomes part of products sold in California. T Decisions calling into question the safety of a widely studied herbicide have an impact on our members and may in effect require warning labels on certain products with glyphosate.

If there is a warning requirement in effect, it is possible thatmillers will require the tracing and testing of crops for glyphosate residue. Such a move would also be cost prohibitive for durum producers and processors who will be unable to recoup the expense. As a result, many buyers will likely prohibit the use of glyphosate and producers will reluctantly choose to quit growing the crop or the quality of the product will deteriorate. Future viability as a durum industry is lessened without the use of glyphosate as a management tool.

Family farms make up a large portion of our membership. These family operations are the backbone of our nation and the primary stewards of the land; they have a vested interest in using farming practices

that do not put consumers in harm's way. Requiring unnecessary and reputation-damaging warnings that run contrary to FIFRA, is something our members have a strong interest in protecting against.

For these reasons, USDGA asks this Court to grant review. We thank the Court for its consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake M. Inman". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Blake Inman, President
United States Durum Growers Association