

History of ArborGen: the main company responsible for researching and developing GE trees for commercial release in the US and globally.

Company history: ArborGen was founded by Monsanto, International Paper, Westvaco (later MeadWestvaco and now WestNorth), Fletcher Challenge Forests (later Rubicon) in 1999

- The entity that would become ArborGen announced on April 6, 1999 with a press release titled "Fletcher Challenge Forests, International Paper, Monsanto Company and Westvaco Corporation Announce Forestry Biotechnology Joint Venture" "The four companies will contribute \$60 million (US) in total over five years to the joint venture."
 - o According to GE tree scientist Steve Strauss, "The creation of ArborGen in 1999, initially a \$60 million joint venture by Monsanto, Westvaco, International Paper, and Fletcher Challenge, reflects the corporate instinct to minimize the risk of this new field through collaboration and very modest investment. Monsanto's later withdrawal was consistent with its withdrawal from anything not associated with its core agricultural business." (from Strauss, Steven H. "The Bioengineered Forest: Challenges for Science and Society" 2004, Resources for the Future)
 - o See also original press release at <http://globaljusticeecology.org/wp-content/uploads/Arborgen-original-PR-1999.pdf>

ArborGen GE Eucalyptus background: While native only to Australia, Eucalyptus trees are the number one plantation tree globally. With the exception of plantations in southern Florida and eucalyptus that have naturalized throughout coastal and southern California, however, the US is too cold for eucalyptus plantations. ArborGen seeks to change that through a freeze tolerant GE eucalyptus that they claim can survive down to 16° Fahrenheit

GE Eucalyptus Lawsuit: After the USDA announced the approval of ArborGen test plots of GE eucalyptus trees spanning seven states and including more than a quarter of a million trees, an alliance of organizations (Center for Food Safety, Global Justice Ecology Project, Center for Biological Diversity, Sierra Club and Dogwood Alliance) sued USDA in 2010; court decision in October 2011 <http://globaljusticeecology.org/resources-and-background-information-pertaining-to-ge-eucalyptus-lawsuit/>

- *Biomass & Thermal Magazine* reported in 29 April 2011 that lawsuits like the one involving the genetically engineered eucalyptus tree test plots have become a hindrance to biomass development, as they discourage investment.
 - o "Obviously, the litigious environment we have seen in the past couple years is representing a tremendous deterrent to investment in [biotechnology], especially on the biomass side, where a lot of them are start-up companies. It's making it very hard to get investments and to see their way through what could be five and 10 years in development of a product, if when you finally do get to a point where you're close to commercialization, you're going to have to deal with litigation. It is creating a huge barrier."
<http://biomassmagazine.com/articles/5474/genetic-engineering-hang-up>

ArborGen IPO Cancelled: Shortly after this article came out, On 11 May 2011, ArborGen canceled plans to go public on the NASDAQ. Rubicon reported that this decision had a knock-on effect that dramatically impacted the value of their stock, which has yet to recover, leading to alarms among stockholders about Rubicon's ongoing involvement with ArborGen.

<http://www.eenews.net/eenewspm/stories/1059948906/search?keyword=Tree+developer>
<https://www.nzx.com/files/attachments/146953.pdf>

ArborGen Senior Staff Replaced: In March 2012, ArborGen's Board of Directors replaced their senior management, choosing a new CEO/President and Vice President.

New ArborGen GE Eucalyptus Petition Filed: A new ArborGen deregulation petition was filed for a freeze tolerant GE eucalyptus in January 2011 http://globaljusticeecology.org/wp-content/uploads/Eucalyptus-Petition-to-Deregule-11_01901p1.pdf. It was released by USDA APHIS to the public for comments in early 2013 in preparation for a draft EIS <http://www.regulations.gov/-!documentDetail;D=APHIS-2012-0030-0001>. Public comments were overwhelmingly opposed to the GE eucalyptus, at the rate of approximately 1,000 to 1.

- Draft EIS has never been issued. Last we heard it was being reviewed by the USFWS back in November 2015.

USDA Greenlights ArborGen GE Loblolly pine: In January 2015 the USDA posted a letter on their website giving ArborGen permission to pursue commercial release of GE Loblolly pines with no environmental review, government oversight or public input. Following this announcement, ArborGen refused to reveal the status of these GE pines.

- A letter dated 28 August 2014 from Michael Firko, Assistant Director of the US Department of Agriculture's Biotechnology Regulatory Services, to GE tree company ArborGen, agreed with ArborGen's position that their GE loblolly pine did not need to be regulated.
http://www.aphis.usda.gov/biotechnology/downloads/reg_loi/brs_resp_arborgen_loblolly_pine.pdf

On September 28th, Global Justice Ecology Project organized a protest at ArborGen's World Headquarters in Ridgeville, SC to demand the company divulge its plans for these GE Loblolly pines. Two arrests were made* during the protest while activists attempted to deliver petitions to ArborGen's CEO representing 269,000 people who signed on to reject GE trees in 2015. In the face of a jury trial, charges were dropped on 2 December.

Following the action, ArborGen made their first public statement about their GE loblolly pines in a local paper. They claimed that since the USDA posted the letter on the website, the company had "moved on to other things."

* Global Justice Ecology Project Executive Director Anne Petermann, and GJEP GE Trees Campaigner Ruddy Turnstone were arrested for trespass.

<http://www.journalscene.com/article/20150930/SJ01/151009944/1059/SJ01>

ArborGen Found Guilty of "Defrauding" Employees: In 2010 - 9 employees of ArborGen sued the company, its founders, key executives and Board members for defrauding them out of millions of dollars. On 22 December 2015 the judge found in favor of the plaintiffs and fined ArborGen \$53.5 million for using "trickery and deceit" "with an intent to defraud."
http://globaljusticeecology.org/wp-content/uploads/ArborGen_workers-compensation-suit_decision1.pdf

- A story about the case appeared in the *New Zealand Herald* (where ArborGen co-founder and co-defendant Rubicon is based) on 10 January, and Rubicon stocks tumbled 15% on 11 January.