



June 19, 2017

U.S. Department of Agriculture
Regulatory Analysis and Development, PPD, APHIS
Station 3A-03.8
4700 River Road Unit 118,
Riverdale, MD 20737-1238

Re: Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms Proposed Rule (Docket No. APHIS-2015-0057)

Dear Secretary Perdue:

The undersigned fifty-seven farmer, consumer, public health, environmental, public interest, and otherwise affected organizations and businesses submit this letter on the U.S. Department of Agriculture (USDA)'s proposed new regulations for genetically engineered (GE) organisms.

USDA has proposed to overhaul its regulations for GE organisms, first established in 1987. USDA first contemplated a regulatory update in 2004, and recognized in 2008 that new regulations were necessary to effectively regulate GE organisms under its statutory authority. While reform is long overdue and urgently needed, the new proposed rules do not address the substantial harms to farmers, the general public, and the environment caused by GE crops.

First, the highly controversial nature of genetic engineering has spurred strong consumer demand for non-GE foods. Thus, many international markets and domestic food companies actively source non-GE crops, test their supplies for GE content, and reject shipments that test positive. Such GE contamination episodes have cost U.S. agriculture literally billions of dollars in lost sales and markets. Farmers seeking to grow non-GE crops sometimes find it difficult to access uncontaminated seed stocks. Some GE contamination may also pose food safety risks (as with pharmaceutical crops) or reduce food quality (as with biofuels corn).

Second, the vast majority of GE crops are engineered to withstand direct application of certain weed-killing pesticides. These herbicide-resistant (HR) crops increase farmers' dependence on and use of herbicides. This in turn threatens the health of farmers and the general public; damages neighboring crops due to herbicide drift; and harms the environment, including threatened and endangered species.

Third, massive herbicide use with HR crops also fosters rapid emergence of resistant weeds. This spurs a toxic spiral of increasing herbicide use, introduction of new GE crops resistant to additional herbicides, and further resistance.

In addition to these known and now well-established harms, new GE organisms that are now being developed create significant new types of risks. These include GE trees and grasses, GE crops grown for biofuels use, and cosmetically-modified GE apples and potatoes.

This rules revision process offers an ideal opportunity to address these harms and risks. Unfortunately, the proposed rules do not implement USDA's robust authority in needed ways, and are so weak they would make a bad situation even worse:

Currently, most experimental GE crops can only be grown in field trials under USDA permits that require measures to prevent escape and GE contamination of neighboring commercial crops. Under USDA's proposed rules, only some kinds of novel GE crops would be regulated. GE crops similar to previously approved varieties would be entirely exempted. Developers could grow them with no oversight or approval. This would dramatically increase the frequency, extent and costs of GE contamination episodes.

We strongly urge USDA to reject this proposal and instead regulate all experimental GE crops, as recommended by the National Academy of Sciences. USDA should also tighten contamination prevention standards to reduce GE contamination to the greatest extent possible, as required by the 2008 Farm Bill and USDA's own Inspector General.

Currently, experimental GE crops are first grown for years in regulated field trials. To commercialize a GE crop, a developer must petition USDA with considerable information, including data gathered during field trials, and explain why it believes the crop should no longer be regulated. If USDA agrees, the GE plant is granted "non-regulated status," and can be grown commercially. Under the proposed rules, this process would be eliminated. Instead, only some kinds of novel GE plants would require USDA review, and this review process would be a superficial "upfront" assessment without the benefit of years of field trial data.

We strongly urge USDA to reject "upfront" reviews and instead retain the current deregulation process, which should be strengthened to address GE crops' known and foreseeable future harms.

USDA has also proposed to end its current regulation of most GE crops engineered to produce experimental pharmaceuticals or industrial compounds, despite acknowledging the threats they pose. This is unacceptable. Regulation is particularly urgent for this class of crops because some may pose food safety risks or degrade food quality if they contaminate food-grade crops, and no other federal agency is regulating them.

We urge USDA to strictly regulate GE crops that produce experimental pharmaceutical or industrial compounds, as USDA itself proposed to do over a decade ago.

USDA has proposed new definitional loopholes, exempting GE crops from regulation based on the speculative supposition that something similar to them could have been developed using traditional or other mutagenic breeding methods. These loopholes are not scientifically justified, and worse still, they are deceptive, as they give the public the false impression that "GE organisms" are being regulated, when in fact the majority will not be.

We urge USDA to eliminate these definition loophole provisions in the proposed rules.

In sum, USDA has ample authority from Congress to address the broad classes of agricultural and environmental harms caused by GE crops and their cultivation, including GE contamination, the rapid evolution of herbicide-resistant weeds, crop damage from herbicide drift, and broader harm from increased herbicide use. The fact that USDA has not acted to mitigate these harms is not due to legal constraints, but rather political considerations. That must change, to protect farmers, agricultural businesses, commodity

markets, the environment, and the American public. USDA must carefully assess the impacts of cultivating GE crops, and use its authority to either reject commercialization petitions, or grant them only with adequate safeguards in place to mitigate their harms, as the evidence warrants. We call on USDA to formulate a new alternative that incorporates the recommendations made in this letter.

Signatories:

Center for Food Safety	Illinois Right to Know GMO
Agents of Change	Institute for Agriculture and Trade Policy
Alaska Trollers Association	Institute for Responsible Technology
Beyond Pesticides	International Center for Technology Assessment
Cultivate Oregon	Ka Ohana O Na Pua
Daniel Long Hoffman	Kiss the Ground
Dr. Ray Seidler, former team leader and senior research scientist U.S. Environmental Protection Agency GMO Biosafety Program	Lansing Urban Farm Project
Earth Open Source Institute	Linda Coolen
Earthjustice	Michigan Land Trustees
Eva Novotny	National Family Farm Coalition
Fair World Project	National Organic Coalition
Fearless Fund	Nature's Path Foods Inc.
Food & Water Watch	Northeast Organic Dairy Producers Alliance
Friends of the Earth	Northeast Organic Farming Association of New York
Friends of the Earth Australia	Oregonians for Safe Farms and Families
Foundation Earth	Oregonians for Safe Farms and Family
Global Justice Ecology Project	Organic Consumers Association
GMO Free California	Organic Seed Growers and Trade Association
GMO Free Josephine County	Organically Grown Company
GMWatch	Pesticide Action Network North America
	Peacework Organic CSA

Physicians Coalition for Responsible Agriculture on Maui

Red Frog Compost Teas

Senator Maralyn Chase, Washington State Legislature

Sierra Club

Straus Family Creamery

Sustainable Hawaii Agriculture for Environment

The Bioscience Resource Project

The Call of the Land - Farms of Tomorrow

The Center for Biological Diversity

The Cornucopia Institute

The Organic & Non-GMO Report

Thrive Market

Vani Hari, Food Babe

We Are One

West Virginia Food & Farm Coalition

Wood Prairie Family Farm