

January 5, 2011  
Dr. John P. Holdren, Director  
Office of Science and Technology Policy Executive Office of the President  
725 17th Street Room 5228 Washington, DC 20502

Dear Dr. Holdren:

RE: Glyphosate-Tolerant (GT) Alfalfa Events J101 and J163: Request for Nonregulated Status

Final Environmental Impact Statement (FEIS)-December 2010

The following organizations wish to express our strong objection to the United States Department of Agriculture's (USDA) use of the final environmental impact statement (EIS) for a biotechnology-derived crop, glyphosate-tolerant (GT) alfalfa, to establish far-reaching policy changes for agricultural "coexistence." These policy changes have the potential to adversely impact all producers of agricultural biotech crops, as well as the integrity of the American agriculture system.

USDA's authority to regulate and deregulate biotechnology-derived crops comes from the Plant Protection Act (PPA), which requires the secretary to base regulatory decisions on sound science (7 U.S.C. 7701(4), 7711(c) (3)). In the EIS for GT alfalfa, after numerous reviews for plant pest risk, human health and environmental safety, USDA's Animal and Plant Health Inspection Service (APHIS) states its conclusion that GT alfalfa does not pose a plant pest risk. It is therefore inconsistent for USDA to use motives beyond science to impose conditions on this crop. Adopting the conditions included under Alternative 3 would undermine the U.S. government's science-based regulatory process established in 1986 under the *Coordinated Framework for Regulation of Biotechnology*<sup>[1]</sup> and the public's trust in the integrity of the scientific process that the president directed all executive branch agencies to uphold.<sup>[2]</sup> Most recently, OSTP reiterated its commitment to scientific integrity in the White House "*Memorandum for the Heads of Executive Departments and Agencies*", December 17, 2010.

Unprecedented conditions under consideration would be imposed on alfalfa growers by the USDA in the name of coexistence. These conditions include: isolation distances, geographic planting restrictions, limitations on harvest periods and equipment usage, seed bag labeling, seed coloration, and the listing of seed production field locations on a national data base. These conditions, combined with broader policy statements in the EIS, would set a dangerous precedent for the continued safe development, availability, and marketability of new biotechnology tools.

In addition to impacting domestic agriculture, these conditions would have a far reaching impact on the integrity of American trade agreements. The United States Trade Representative, the Foreign Agricultural Service and other agencies, have relied on the U.S. science-based regulatory process to reach bilateral trade agreements with countries that import commodities and products from American farmers. This strong commitment to science by the United States has led to successful challenges of non-tariff barriers against our exports. If USDA moves forward with injecting non-science-based criteria into the regulatory process it will undermine our international trade efforts. Broad policy changes related to how USDA makes regulatory decisions on new biotechnology crops should not be implemented by an EIS for any specific crop.

We are very supportive of alfalfa growers having the choice to plant GT alfalfa. The best way to ensure choice is through a deregulation process that is based strictly on science. Through multiple public statements, including the meeting organized by USDA on December 20, 2010, the alfalfa industry has

documented how it has worked with grower groups, academics, and state seed certifying officials to implement stewardship measures that will allow conventional, organic, and GT alfalfa growers to manage their multiple cropping systems. This industry-driven process should be allowed to continue without interference by unscientific regulatory restrictions.

Our organizations will continue to engage with USDA in a comprehensive discussion of “coexistence” policy, but new and precedent-setting agricultural biotechnology policy, that impacts all American agriculture, should not be included as part of a specific product deregulation. It is imperative that USDA’s policy making activities adhere to a science-based regulatory process that respects the positions taken by the U.S. government for products of biotechnology for the past 25 years. Thank you for your careful attention to this matter.

Sincerely,

American Farm Bureau Federation  
American Soybean Association  
National Cotton Council  
National Association of Wheat Growers  
National Council of Farmer Cooperatives  
USA Rice Federation

[1] *See generally* 51 Fed. Reg. 23,302

[2] Memorandum to the Heads of Executive Departments and Agencies, March 9, 2009, *Scientific Integrity*