

**Congress of the United States**  
**Washington, DC 20515**

September 1, 2010



The Honorable Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Secretary Vilsack:

We write today to express our concerns regarding U.S. District Judge Jeffrey White's August 13<sup>th</sup> ruling to revoke the production of Round-Up Ready sugar beets. The proposed disruption in additional planting would be devastating to the sugar beet farms across Michigan and the United States.

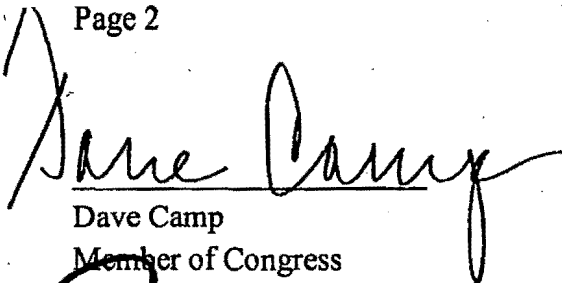
Over the past few weeks, members have been contacted by sugar beet growers across the state expressing their strong concerns about this revocation and the adverse effects it will have on their farms. Michigan Sugar Company, a grower owned cooperative, is the sole source for the processing of sugar beets in Michigan. With that in mind, this ruling delivers a serious blow to these growers as sugar beets are the key crop their farms produce and these family farms have also invested significant dollars in their shares of ownership of the processing plants themselves. Given the investments made by these farmers in equipment, planting of beets and shares of ownership, swift movement on a resolution to allow growers to proceed with planting sugar beets is vital.

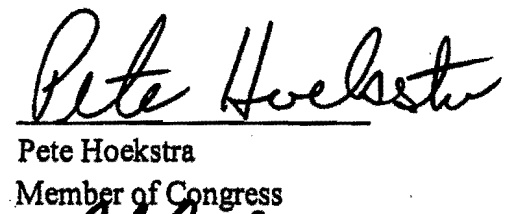
On behalf of Members of the Michigan delegation and the sugar beet farmers across Michigan, we ask that the USDA use all available resources to develop measures that will assure seed can be developed and planted without the loss of a growing season that would devastate America's sugar industry. We look forward to working with you as you address this issue moving forward.

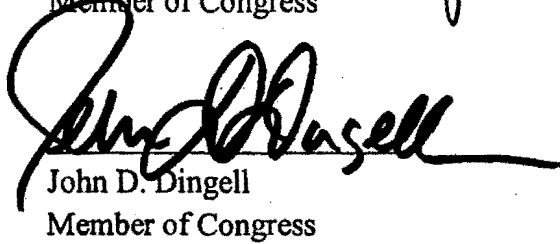
Sincerely,

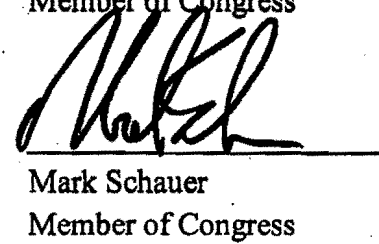
Dale E. Kildee  
Member of Congress

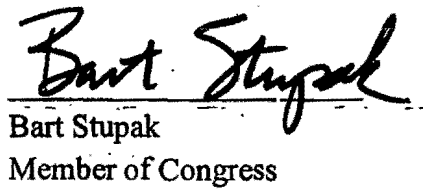
Candice S. Miller  
Member of Congress

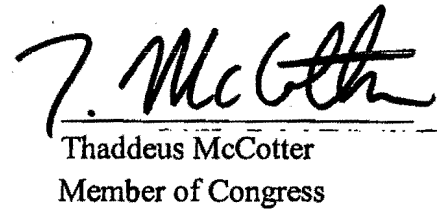
  
Dave Camp  
Member of Congress

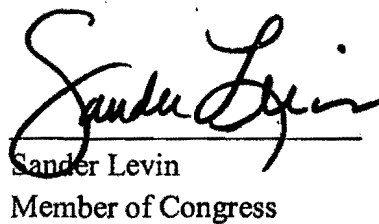
  
Pete Hoekstra  
Member of Congress

  
John D. Dingell  
Member of Congress

  
Mark Schauer  
Member of Congress

  
Bart Stupak  
Member of Congress

  
Thaddeus McCotter  
Member of Congress

  
Sander Levin  
Member of Congress



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

4700 River Road  
Riverdale, MD  
20737

NOV 17 2009

(b)(6)

Dear (b)(6)

Thank you for your letter to Secretary Thomas J. Vilsack regarding the use of genetically engineered (GE) crops.

We appreciate learning your views on genetic engineering. Under the authority of the Plant Protection Act, our Agency of the U.S. Department of Agriculture (USDA) regulates the introduction—meaning the importation, interstate movement, and field testing—of GE organisms that may pose a plant health risk. Our Agency's Biotechnology Regulatory Services (BRS) staff works in partnership with the U.S. Food and Drug Administration (FDA) and the U.S. Environmental Protection Agency (EPA) to ensure that the development, testing, and use of the products of biotechnology occur in a manner that is safe for plant and animal health, human health, and the environment. FDA has primary responsibility for ensuring the safety of food and animal feed and the proper labeling and safety of all plant-derived foods and feeds, including those developed through genetic engineering. EPA is responsible for ensuring that any type of pesticide engineered and used in living plants can be safely consumed and safely used in the environment.

For your reference, we have enclosed a copy of BRS' publication Ensuring Safety in the Development of Genetically Engineered Organisms, which describes our regulatory framework for the safe development and introduction of GE organisms. After completing field trials, researchers and developers can petition our Agency to grant nonregulated status to GE organisms that have been demonstrated not to represent a plant pest risk to U.S. agriculture or the environment. The process of granting nonregulated status includes a thorough assessment of the environmental impact of the GE organism. Before we grant a GE plant nonregulated status, our Agency's officials must determine that it is just as safe for agriculture and the environment as traditionally bred crop varieties. BRS has published a factsheet titled USDA's Biotechnology Deregulation Process that explains how GE organisms may be granted nonregulated status; we enclose that publication as well. After a petition for deregulated status has been approved, BRS no longer has authority over the item as it has been judged to pose no risk to plants.



**APHIS** *Safeguarding American Agriculture*

APHIS is an agency of USDA's Marketing and Regulatory Programs

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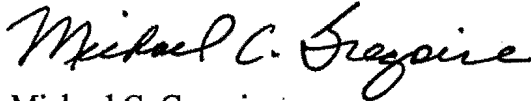
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Page 2

If you have Internet access, we encourage you to visit USDA's Agricultural Biotechnology Web page, which contains links to a wealth of information about GE crops, including how they are used, their benefits, safety considerations, and the regulatory role of the Federal Government, among many other topics. To access the page, first navigate to USDA's home page at <http://www.usda.gov>. Click on the Agriculture link on the left-hand side of the home page to load USDA's Agriculture Web page. Once the page loads, click on the Biotechnology link on the right-hand side to open USDA's Agricultural Biotechnology Web page. We suggest you click on the Frequently Asked Questions on Biotechnology link to access information that addresses a number of concerns that you raise.

You can find more information about our biotechnology regulatory mission and activities on our Agency's Web site at <http://www.aphis.usda.gov/biotechnology>. We also suggest that you visit the United States Regulatory Agencies Unified Biotechnology Web site at <http://usbiotechreg.nbio.gov> to learn more about how USDA coordinates the regulation of biotechnology with the FDA and the EPA. This Web site describes the regulatory roles of each agency and also provides a number of links to additional biotechnology-related Federal Web sites.

Sincerely,



Michael C. Gregoire  
Deputy Administrator  
Biotechnology Regulatory Services

2 Enclosures



(b)(6)

October 30, 2009

Tom Vilsack, Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Secretary Vilsack,

My name is (b)(6) Genetic engineering is the future of our world. We will have to use it to our advantage, whether we like it or not. We should research and perfect all of the processes that we can right now, so when we have to use them, we can perform them flawlessly. If we use genetic engineering on foods and crops, we would be opening up whole new worlds of possibilities. You should let our country use genetic engineering on crops.

Genetic engineering has countless numbers of positives. For example, genetic engineering on foods would create much needed jobs in these tough economic times. Genetic engineering on crops would also help nourish people with insufficient amounts of nutrients without the use of injections or treatment. It is projected that in 2021, we will have more than double our current population. To meet the needs of these people's hunger, we will have to farm more, grow things faster, make them healthier, and make them be larger. Genetic engineering would be a major benefit to our society.

As with all things, there is a negative side to genetic engineering. Since genetic engineering on plants has not been adequately tested, so we do not know the long term effects of it. The genetic engineering of crops may also lead to a "super-weed" of sorts, which would be herbicide resistant. If we use genetic engineering on crops, the original versions of crops may be destroyed. Genetic engineering has an opposition with many good points.

Genetic engineering should be used, but it should be used carefully. We know that genetic engineering is not perfected, but with more testing, we could perfect it. When we do decide to use genetic engineering, we do not have to use all plants. Also, if we genetically modify foods, we will be healthier beings. Genetic engineering would help us in tremendous ways.

Genetic engineering has many more positives than negatives. The negative effects of genetic engineering can not even be proved, they are not based on evidence like the positives of it are. The genetic engineering of crops will give us an enormous benefit over the coming years where the world's population will skyrocket. Many people would use genetic engineering, the only thing holding them back are their moral and religious drawbacks. This is ridiculous, because in the Bible, God tells his disciples that humans have dominion over the land, plants, and animals, and what we do with them. Because of these reasons and many more, you should let our country use genetic engineering on crops. It would benefit the human race significantly. I am anxiously awaiting your reply.

Sincerely Yours,

(b)(6)



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Lloyd Doggett  
U.S. House of Representatives  
201 Cannon House Office Building  
Washington, D.C. 20515-4325

JUL 16 2010

Dear Congressman Doggett:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the typed name of the Secretary.

Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA-APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted - amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles - far beyond the recommended 900 foot isolation distances.

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The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,


  
PATRICK LEAHY  
United States Senator

  
PETER DEFAZIO  
Member of Congress

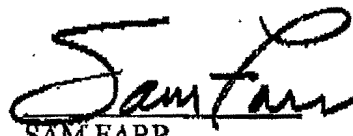
  
BERNIE SANDERS  
United States Senator


  
RUSSELL D. FEINGOLD  
United States Senator


  
RON WYDEN  
United States Senator

  
JON TESTER  
United States Senator

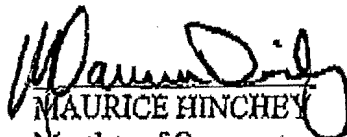
  
SHERROD BROWN  
United States Senator

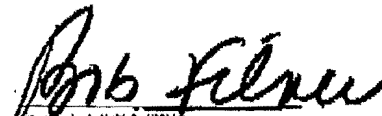
  
SAM FARR  
Member of Congress


  
EARL BLUMENAUER  
Member of Congress

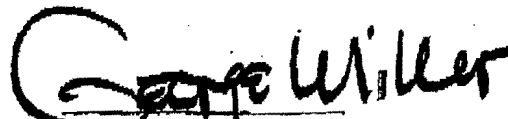
  
DAVID OBEY  
Member of Congress

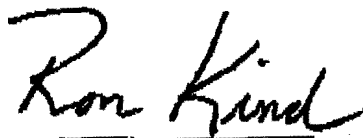



  
MAURICE HINCHEY  
Member of Congress


  
BOB FILNER  
Member of Congress

  
TAMMY BALDWIN  
Member of Congress

  
GEORGE MILLER  
Member of Congress


  
RON KIND  
Member of Congress

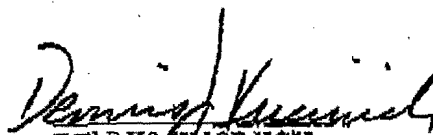
  
BARBARA LEE  
Member of Congress


  
ROSA DELAURO  
Member of Congress


  
BARNEY FRANK  
Member of Congress


  
PETER WELCH  
Member of Congress

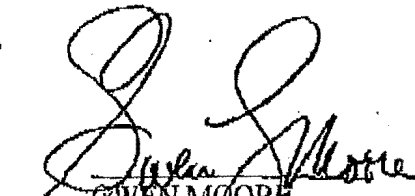
  
LOUISE SLAUGHTER  
Member of Congress


  
DENNIS KUCINICH  
Member of Congress


  
RAUL GRIJALVA  
Member of Congress


  
NORMAN DICKS  
Member of Congress

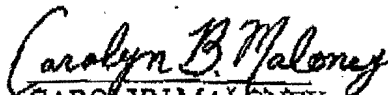
  
LYNN WOOLSEY  
Member of Congress

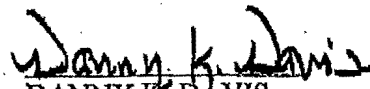
  
GWEN MOORE  
Member of Congress


  
FERROL NADLER  
Member of Congress


  
NITA LOWEY  
Member of Congress

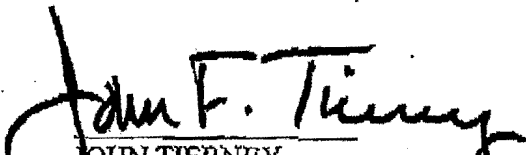
  
JOHN OLVER  
Member of Congress


  
CAROLYN MALONEY  
Member of Congress

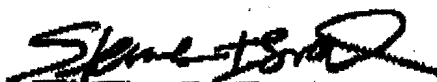
  
DANNY K. DAVIS  
Member of Congress

  
RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress

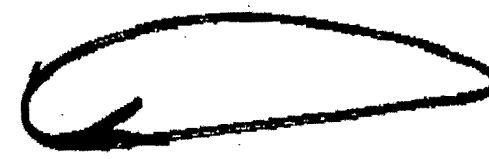
  
JOHN TIERNEY  
Member of Congress

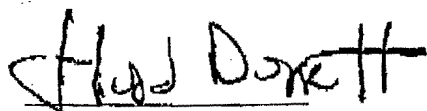
  
KEITH ELLISON  
Member of Congress

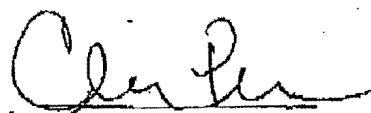
  
STEVE ISRAEL  
Member of Congress


  
STEVEN ROTHMAN  
Member of Congress

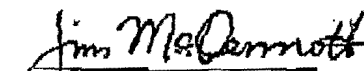
  
JOHN HALL  
Member of Congress

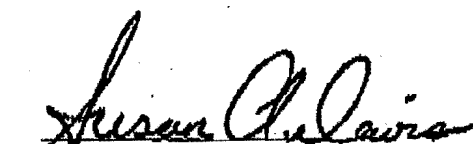
  
DAVID WU  
Member of Congress


  
LLOYD DOGETT  
Member of Congress

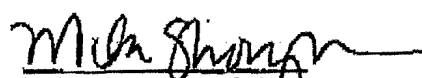
  
CHELLIE PINGREE  
Member of Congress

  
RICK LARSEN  
Member of Congress

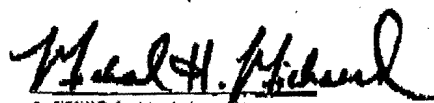
  
JIM MCDERMOTT  
Member of Congress

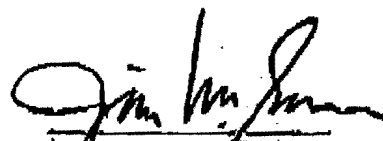
  
SUSAN DAVIS  
Member of Congress

  
STEVE COHEN  
Member of Congress


  
MIKE THOMPSON  
Member of Congress

  
MICHAEL ARCURI  
Member of Congress


  
MIKE MICHAUD  
Member of Congress

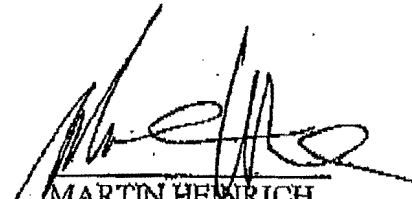
  
JAMES MCGOVERN  
Member of Congress

  
BETTY SUTTON  
Member of Congress

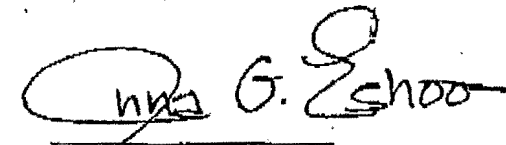
  
JAY INSLEE  
Member of Congress

  
BEN RAY LUJAN  
Member of Congress


  
JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



FAX COVER SHEET

OFFICE OF REP. PETER DEFAZIO

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / secretary Vilsack

FROM: Rep. DeFazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

SEP 28 2010

The Honorable John D. Dingell  
U.S. House of Representatives  
2328 Rayburn House Office Building  
Washington, D.C. 20515-2215

Dear Dear Congressman Dingell:

Thank you for your letter of September 1, 2010, concerning the status of Roundup Ready (RR) sugar beets.

I understand the concerns that you, your Congressional colleagues, and sugar beet producers have expressed regarding the August 13, 2010, ruling by the U.S. District Court for the Northern District of California, which vacated the U.S. Department of Agriculture's (USDA) 2005 decision to deregulate RR sugar beets. As you know, in accordance with the Court's ruling, all RR sugar beets planted after August 13, 2010, are again considered to be regulated articles under the Plant Protection Act.

USDA's Animal and Plant Health Inspection Service (APHIS) recently received permit applications from four seed producers to use RR sugar beet seed for seed-to-steckling production (stecklings are young plants that are pulled up prior to the flowering stage). APHIS officials issued those permits on September 3, 2010, with the specification that the stecklings not be permitted to flower. However, on September 9, 2010, USDA received notice of a lawsuit challenging our decision to issue the permits authorizing production of RR sugar beet stecklings. The new lawsuit was filed by the Center for Food Safety, the Sierra Club, and two organic seed groups—the same plaintiffs who filed suit against USDA in January 2008, challenging our decision to deregulate RR sugar beets. USDA officials are working closely with U.S. Department of Justice attorneys to defend against this new litigation challenge.

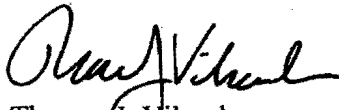
APHIS has also received, and is currently evaluating, a request for partial deregulation of RR sugar beets. In connection with this evaluation, APHIS officials are developing an appropriate environmental analysis that will be made available for public comment. This analysis will inform the agency's decisionmaking concerning any requests to authorize future RR sugar beet seed and root crop plantings under a combination of permits, administrative orders, or other regulatory measures. Any regulatory measures taken would include mitigations consistent with those proposed to the Court as interim measures while work continues to complete an environmental impact statement for the petition for determination of nonregulated status for RR sugar beets.

The Honorable John D. Dingell  
Page 2

Because the litigation is ongoing, I cannot comment further at this time. However, I appreciate your interest and concern regarding this matter.

Thank you again for your letter. A similar response is being sent to your colleagues.

Sincerely,



Thomas J. Vilsack  
Secretary



**Congress of the United States**  
**Washington, DC 20515**

September 1, 2010

The Honorable Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Secretary Vilsack:

We write today to express our concerns regarding U.S. District Judge Jeffrey White's August 13<sup>th</sup> ruling to revoke the production of Round-Up Ready sugar beets. The proposed disruption in additional planting would be devastating to the sugar beet farms across Michigan and the United States.

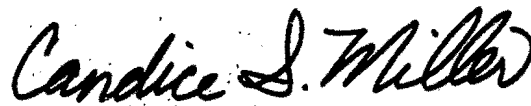
Over the past few weeks, members have been contacted by sugar beet growers across the state expressing their strong concerns about this revocation and the adverse effects it will have on their farms. Michigan Sugar Company, a grower owned cooperative, is the sole source for the processing of sugar beets in Michigan. With that in mind, this ruling delivers a serious blow to these growers as sugar beets are the key crop their farms produce and these family farms have also invested significant dollars in their shares of ownership of the processing plants themselves. Given the investments made by these farmers in equipment, planting of beets and shares of ownership, swift movement on a resolution to allow growers to proceed with planting sugar beets is vital.

On behalf of Members of the Michigan delegation and the sugar beet farmers across Michigan, we ask that the USDA use all available resources to develop measures that will assure seed can be developed and planted without the loss of a growing season that would devastate America's sugar industry. We look forward to working with you as you address this issue moving forward.

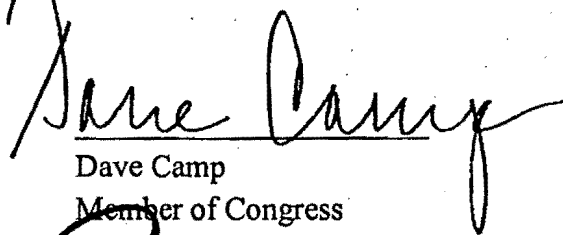
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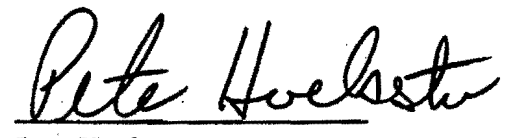


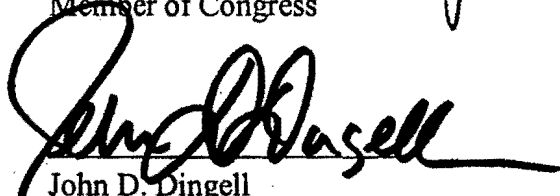
Dale E. Kildee  
Member of Congress

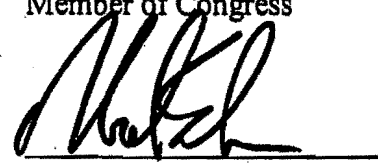



Candice S. Miller  
Member of Congress


  
Dave Camp  
Member of Congress

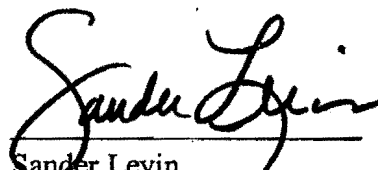
  
Pete Hoekstra  
Member of Congress

  
John D. Dingell  
Member of Congress

  
Mark Schauer  
Member of Congress

  
Bart Stupak  
Member of Congress

  
Thaddeus McCotter  
Member of Congress

  
Sander Levin  
Member of Congress



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Norman Dicks  
U.S. House of Representatives  
2467 Rayburn House Office Building  
Washington, D.C. 20515-4706

JUL 1 6 2010

Dear Congressman Dicks:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the printed name and title.

Thomas J. Vilsack  
Secretary

**Congress of the United States**  
Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA-APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted - amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles - far beyond the recommended 900 foot isolation distances.

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No. 0023 P. 31

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

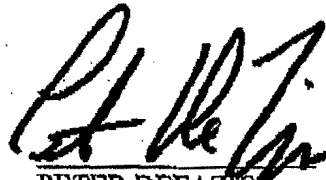
We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,


  
PATRICK LEAHY  
United States Senator

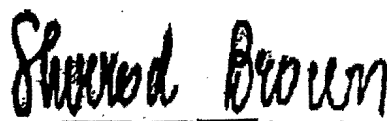
  
PETER DEFAZIO  
Member of Congress

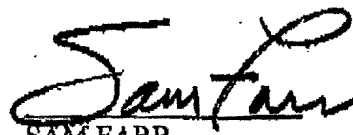
  
BERNIE SANDERS  
United States Senator


  
RUSSELL D. FEINGOLD  
United States Senator

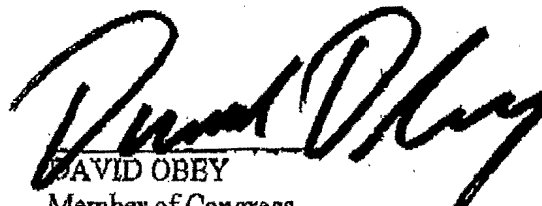
  
RON WYDEN  
United States Senator

  
JON TESTER  
United States Senator

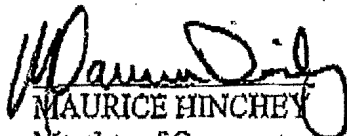
  
SHERROD BROWN  
United States Senator

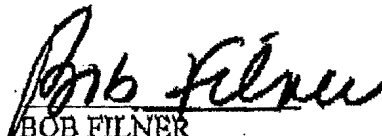
  
SAM FARR  
Member of Congress


  
EARL BLUMENAUER  
Member of Congress

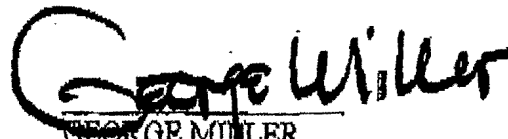
  
DAVID OBEY  
Member of Congress

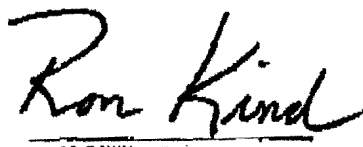



  
MAURICE HINCHEY  
Member of Congress


  
BOB FILNER  
Member of Congress

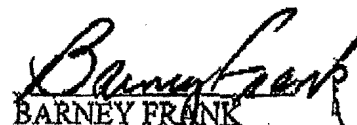
  
TAMMY BALDWIN  
Member of Congress


  
GEORGE MILLER  
Member of Congress

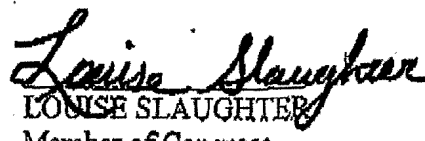
  
RON KIND  
Member of Congress

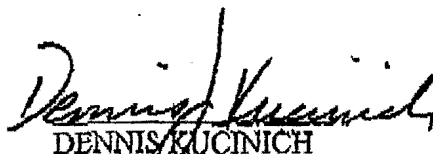
  
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Member of Congress

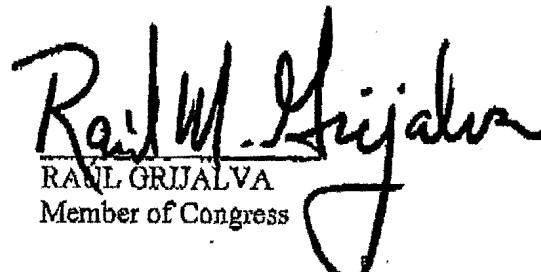
  
ROSA DELAURO  
Member of Congress


  
BARNEY FRANK  
Member of Congress


  
PETER WELCH  
Member of Congress

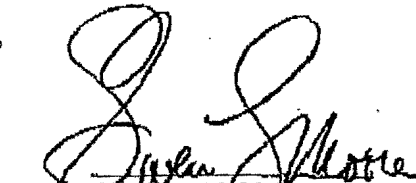
  
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Member of Congress


  
DENNIS KUCINICH  
Member of Congress


  
RAUL GRIJALVA  
Member of Congress


  
NORMAN DICKS  
Member of Congress


  
LYNN WOOLSEY  
Member of Congress

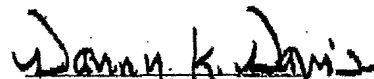
  
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Member of Congress


  
JERROLD NADLER  
Member of Congress


  
NITA LOWEY  
Member of Congress

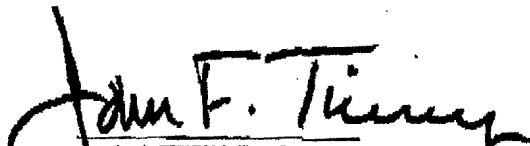
  
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Member of Congress

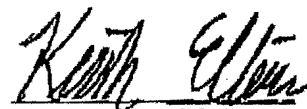
  
CAROLYN MALONEY  
Member of Congress


  
DANNY K. DAVIS  
Member of Congress

  
RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress

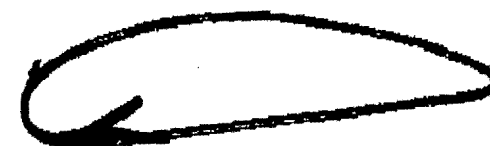
  
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Member of Congress

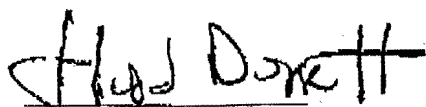
  
KEITH ELLISON  
Member of Congress

  
STEVE ISRAEL  
Member of Congress

  
STEVEN ROTHMAN  
Member of Congress

  
JOHN HALL  
Member of Congress

  
DAVID WU  
Member of Congress



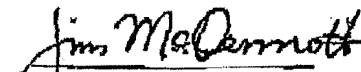
LLOYD DOGETT  
Member of Congress



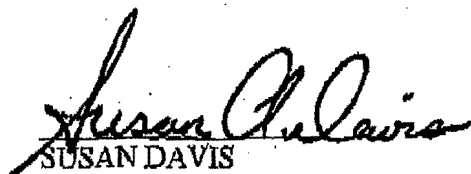
CHELLIE PINGREE  
Member of Congress



RICK LARSEN  
Member of Congress



JIM MCDERMOTT  
Member of Congress



SUSAN DAVIS  
Member of Congress



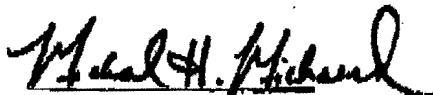
STEVE COHEN  
Member of Congress



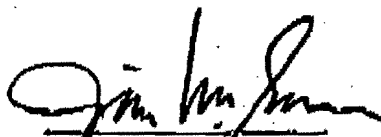
MIKE THOMPSON  
Member of Congress



MICHAEL ARCURI  
Member of Congress



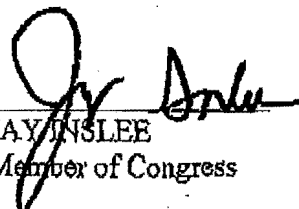
MIKE MICHAUD  
Member of Congress



JAMES MCGOVERN  
Member of Congress



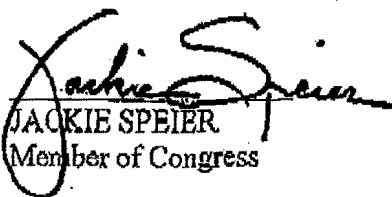
BETTY SUTTON  
Member of Congress




JAY INSLEE  
Member of Congress



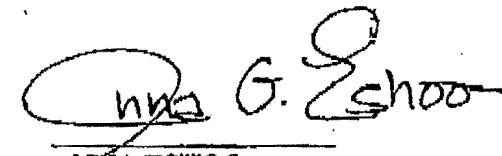
BEN RAY LUJAN  
Member of Congress



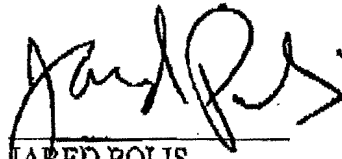
JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



Jun. 23, 2010 11:53AM

No. 0025 P. 1)



FAX COVER SHEET

OFFICE OF REP. PETER DEFazio

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Rosa DeLauro  
U.S. House of Representatives  
2413 Rayburn House Office Building  
Washington, D.C. 20515-0703

JUL 1 6 2010

Dear Congressman DeLauro:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

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Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

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Thomas J. Vilsack  
Secretary

**Congress of the United States**  
Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

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The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.



The Honorable Thomas Vilsack  
June 21, 2010  
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There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

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Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

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Sincerely,


  
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United States Senator

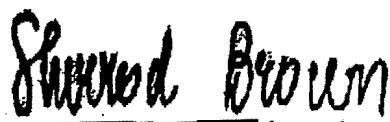
  
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Member of Congress

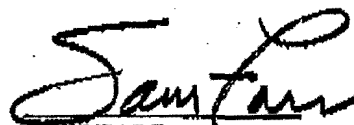
  
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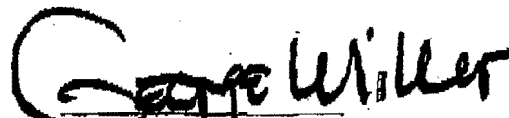
  
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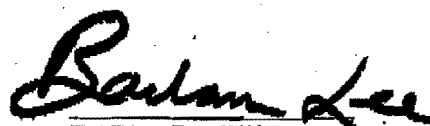
  
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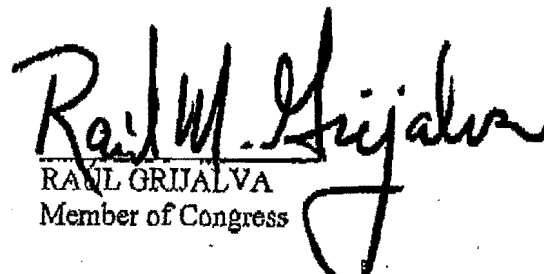
  
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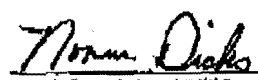
  
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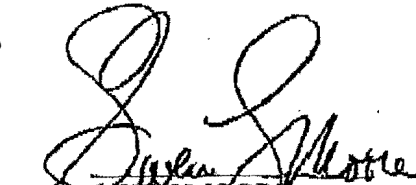
  
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Member of Congress

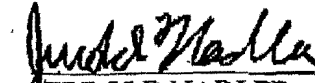
  
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NORMAN DICKS  
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LYNN WOOLSEY  
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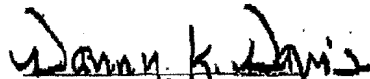
  
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JERROLD NADLER  
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NITA LOWEY  
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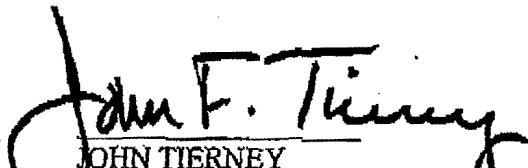
  
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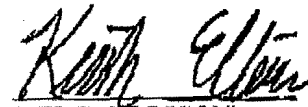
  
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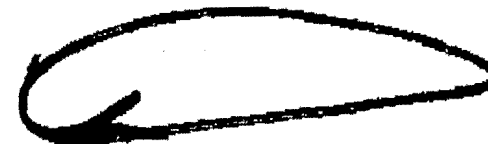
  
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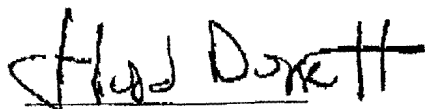
  
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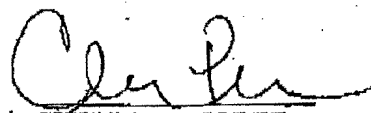
  
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STEVEN ROTHMAN  
Member of Congress


  
JOHN HALL  
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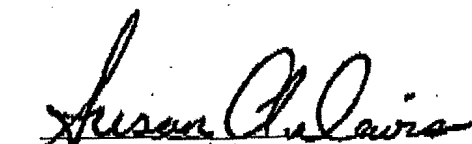
  
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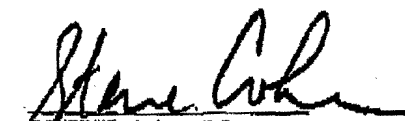
  
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CHELLIE PINGREE  
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RICK LARSEN  
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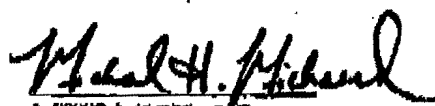
  
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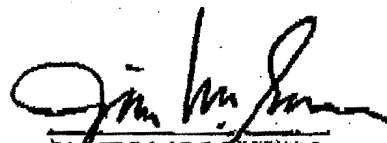
  
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STEVE COHEN  
Member of Congress


  
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MICHAEL ARCURI  
Member of Congress

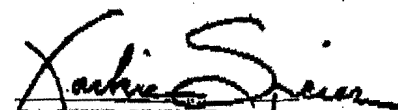
  
MIKE MICHAUD  
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JAMES MCGOVERN  
Member of Congress

  
BETTY SUTTON  
Member of Congress

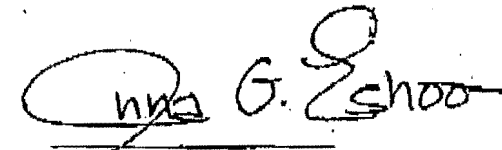
  
JAY INSLEE  
Member of Congress

  
BEN RAY LUJAN  
Member of Congress


  
JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



FAX COVER SHEET

OFFICE OF REP. PETER DEFAZIO

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Peter DeFazio  
U.S. House of Representatives  
2134 Rayburn House Office Building  
Washington, D.C. 20515-3704

JUL 16 2010

Dear Congressman DeFazio:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the typed name of the Secretary.

Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

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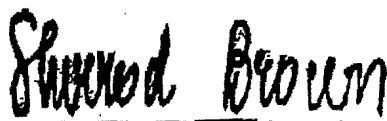
  
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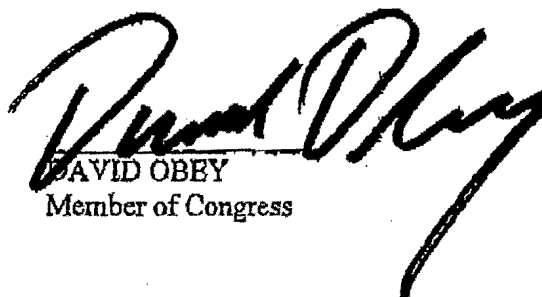
  
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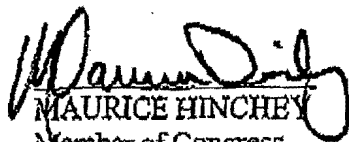
  
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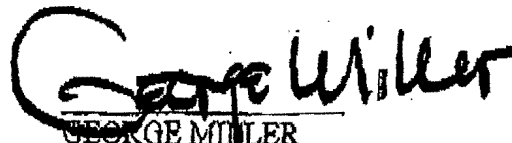
  
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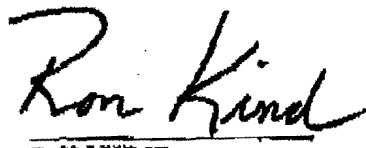
  
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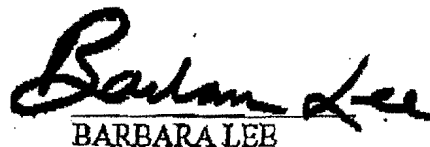
  
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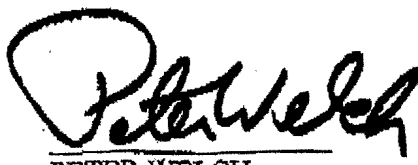
  
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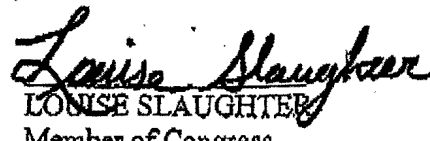
  
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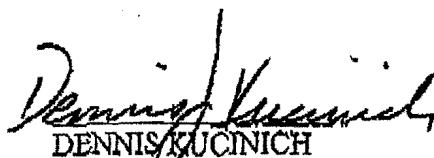
  
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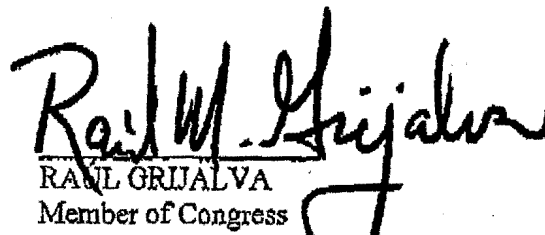
  
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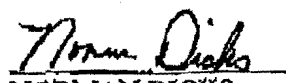
  
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 Member of Congress

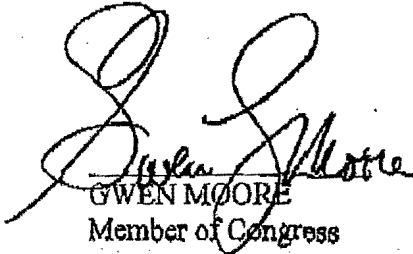
  
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 DENNIS KUCINICH  
 Member of Congress

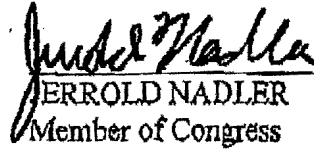
  
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 Member of Congress

  
 NORMAN DICKS  
 Member of Congress

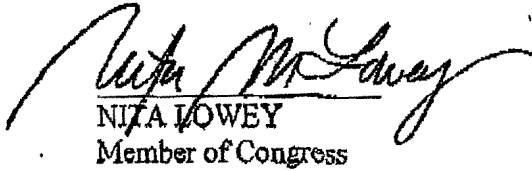
  
 LYNN WOOLSEY  
 Member of Congress



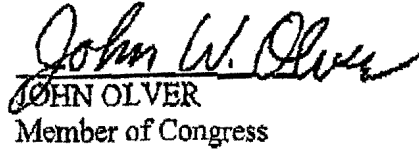
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Member of Congress



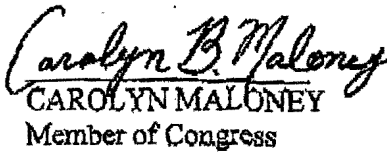
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Member of Congress



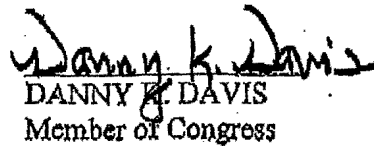
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Member of Congress



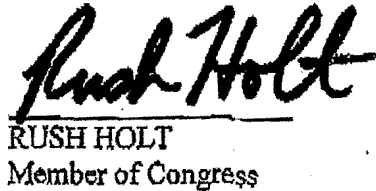
JOHN OLVER  
Member of Congress



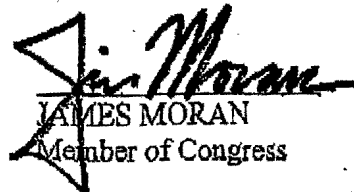
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Member of Congress



DANNY K. DAVIS  
Member of Congress



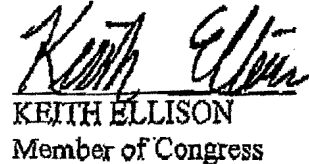
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Member of Congress




JAMES MORAN  
Member of Congress



JOHN TIERNEY  
Member of Congress



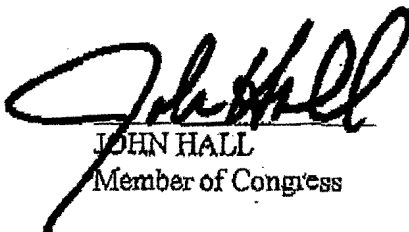
KEITH ELLISON  
Member of Congress



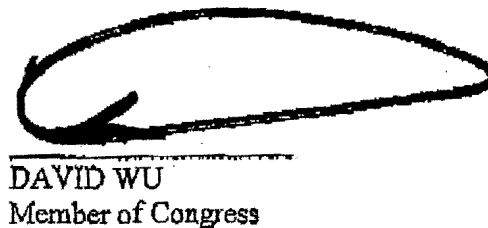
STEVE ISRAEL  
Member of Congress



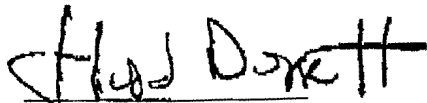
STEVEN ROTHMAN  
Member of Congress




JOHN HALL  
Member of Congress



DAVID WU  
Member of Congress



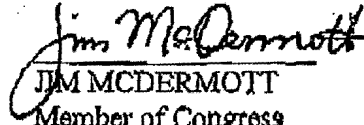
LLOYD DOGGETT  
Member of Congress



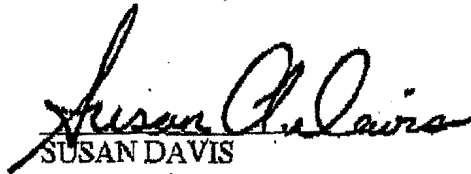
CHELLIE PINGREE  
Member of Congress



RICK LARSEN  
Member of Congress



JIM MCDERMOTT  
Member of Congress



SUSAN DAVIS  
Member of Congress



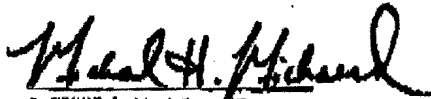
STEVE COHEN  
Member of Congress



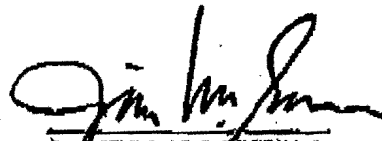
MIKE THOMPSON  
Member of Congress



MICHAEL ARCURI  
Member of Congress



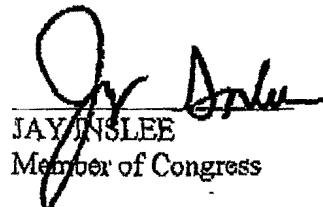
MIKE MICHAUD  
Member of Congress



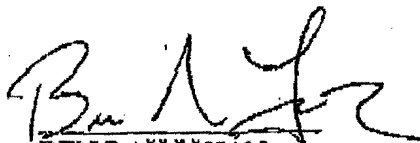
JAMES MCGOVERN  
Member of Congress



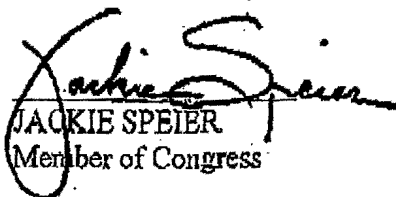
BETTY SUTTON  
Member of Congress



JAY INSLEE  
Member of Congress

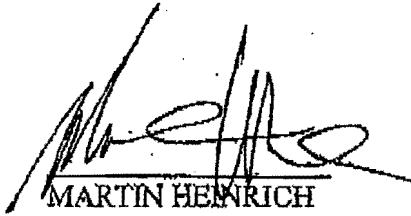


BEN RAY LUJAN  
Member of Congress



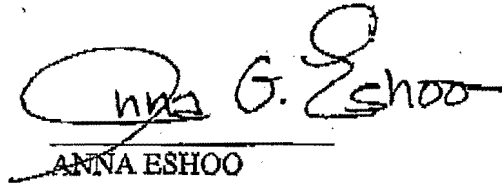
JACKIE SPEIER  
Member of Congress





MARTIN HEINRICH

Member of Congress



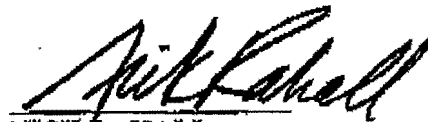
ANNA ESHOO

Member of Congress



JARED POLIS

Member of Congress



NICK RAHALL

Member of Congress



FAX COVER SHEET

OFFICE OF REP. PETER DEFAZIO

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. DeFazio / Senator Leahy

PAGES (including cover): 9

COMMENTS: included is a letter from 66  
members of House and Senate asking  
USDA to keep rules on GE alfalfa



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

1400 Independence  
Avenue, SW

Washington, DC  
20250

MAY 11 2010

(b)(6)

Dear (b)(6)

Senator Merkley requested that we respond directly to the concerns you sent him regarding genetically engineered (GE) alfalfa.

We appreciate learning your views. We assure you that the U.S. Department of Agriculture (USDA) is strongly committed to supporting all forms of agriculture to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms from the smallest to the largest. To meet these critical goals, all types of agriculture must be able to coexist and thrive. Accordingly, under the leadership of Secretary Thomas J. Vilsack, USDA is pursuing policies that promote the coexistence of biotechnology-derived, conventional, and organic crops. We strive to ensure that our regulatory oversight is effective and science-based, that we are keeping pace with the latest scientific developments, and that we do so transparently. USDA advocates the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century.

Under the authority of the Plant Protection Act, our Agency of USDA regulates the introduction—meaning the importation, interstate movement, and environmental release—of certain GE organisms that may pose a risk to plant health. Accordingly, we must emphasize that our role in regulating biotechnology is limited to oversight of these GE organisms only, and to safeguarding plant health, as part of a Federal oversight partnership that includes our Agency, the U.S. Food and Drug Administration (FDA), and the U.S. Environmental Protection Agency (EPA). FDA has primary responsibility for ensuring the safety of human food and animal feed, as well as proper labeling and safety of all plant-derived foods and feeds. EPA regulates pesticides, including crops with plant-incorporated protectants (pesticides intended to be produced and used in a living plant) to ensure public safety; that agency also regulates pesticide residue on food and animal feed. You may obtain more information about this partnership by visiting the United States Regulatory Agencies Unified Biotechnology Web site at <http://usbiotechreg.nbii.gov>.

Our Agency of USDA recently prepared a draft environmental impact statement (EIS) for two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International and published a notice in the Federal Register



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FOIA11-316001301

Page 2

announcing the document's availability for public comment. The draft EIS can be found on our Web site at <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>. In light of the importance of this issue to producers and other members of the public, we extended the original 60-day public comment period until March 3, 2010. To obtain more feedback during the comment period, our Agency also scheduled four public meetings on this subject. Our officials are giving the comments received, a number of which expressed views similar to yours, all due consideration as we proceed. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of the record of decision. In addition, our Agency will continue to provide updates on major activities related to the EIS through its Web site and public announcements. Please be assured that we are committed to ensuring that the final EIS is complete and scientifically sound.

Again, we appreciate learning your views. We hope this information is useful.

Sincerely,

A handwritten signature in black ink that reads "Kevin Smea" followed by a stylized flourish or initials.

Cindy J. Smith  
Administrator

JEFF MERKLEY  
OREGON

6300552

United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
ENVIRONMENT AND  
PUBLIC WORKS  
HEALTH, EDUCATION,  
LABOR, AND PENSIONS  
BANKING, HOUSING,  
AND URBAN AFFAIRS  
BUDGET

April 16, 2010

Secretary Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
212A Whitten Building  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Vilsack,

I am writing on behalf of several of my constituents from Oregon.

I would appreciate it if you would review the enclosed information and respond directly to my constituents listed below:

(b)(6)

107 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-3753  
FAX (202) 228-3997

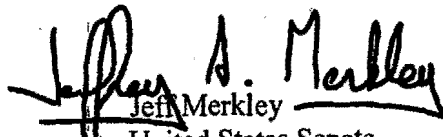
121 S.W. SALMON STREET  
PORTLAND, OR 97204  
(503) 326-3386  
FAX (503) 326-2900

FOIA11-316001303

(b)(6)

Thank you for your attention to this matter.

All my best,

  
Jeff Merkley  
United States Senate

JM/ks  
Enclosure

Dear Senator Merkley,

I urge you to call Agriculture Secretary Vilsack and ask him to deny USDA approval of Monsanto's GE alfalfa. I am strongly opposed to this action and deeply disturbed to see that business interests are favored over the personal and environmental safety of the people of our country.

Monsanto wants to sell its genetically engineered (GE) alfalfa and wants the USDA to approve its permit application, but consumers, farmers, dairies, and food companies don't want GE alfalfa plants and seeds released into the environment.

USDA's Draft Environmental Impact Statement (DEIS) admits that if GE alfalfa is approved:

- \* GE Contamination of non-GE and organic alfalfa crops will occur
- \* GE contamination will economically impact small and family farmers
- \* Foreign export markets will be at risk due to rejection of GE contaminated products
- \* Farmers will be forced to use more toxic herbicides to remove old stands of alfalfa

Yet, unbelievably, USDA has decided that these impacts are insignificant! And, USDA intends to approve Monsanto's Roundup-Ready™ GE alfalfa anyway.

I DO NOT support the deregulation of GE alfalfa, for the following reasons:

- \* GE contamination of non-GE and organic crops would be inevitable
- \* I will not buy products that are GE-contaminated
- \* Alfalfa is a major food source for livestock and GE alfalfa would destroy the integrity of organic dairy products
- \* I support the rights of farmers to grow the crops of their choice, and consumers to buy the products of their choice, and GE contamination makes that impossible
- \* GE crops increase pesticide use, harming human health and the environment

Again, I urge you to oppose to this action for the safety of the people of our country.

Thank you,



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Susan Davis  
U.S. House of Representatives  
1526 Longworth House Office Building  
Washington, D.C. 20515-0553

JUL 16 2010

Dear Congresswoman Davis:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the typed name of the Secretary.

Thomas J. Vilsack  
Secretary



**Congress of the United States**  
Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA- APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted—amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 ½ miles—far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,


  
PATRICK LEAHY  
United States Senator

  
PETER DEFAZIO  
Member of Congress

  
BERNIE SANDERS  
United States Senator


  
RUSSELL D. FEINGOLD  
United States Senator


  
RON WYDEN  
United States Senator


  
RON TESTER  
United States Senator

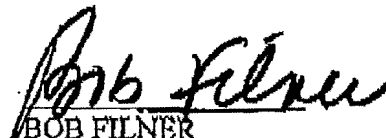
  
SHERROD BROWN  
United States Senator


  
SAM FARR  
Member of Congress

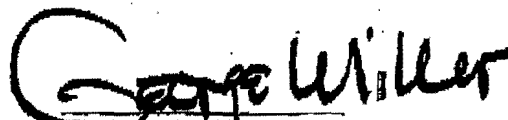
  
EARL BLUMENAUER  
Member of Congress


  
DAVID OBEY  
Member of Congress

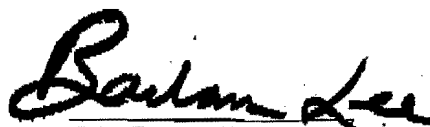
  
MAURICE HINCHEY  
Member of Congress


  
BOB FILNER  
Member of Congress


  
TAMMY BALDWIN  
Member of Congress

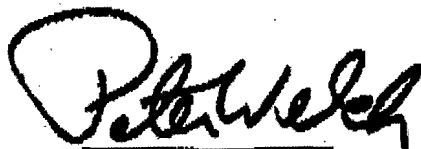
  
GEORGE MILLER  
Member of Congress


  
RON KIND  
Member of Congress

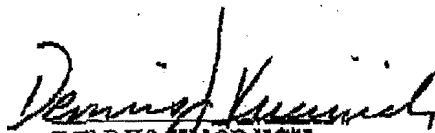
  
BARBARA LEE  
Member of Congress

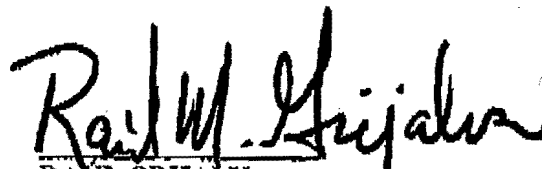
  
ROSA DELAURO  
Member of Congress


  
BARNEY FRANK  
Member of Congress


  
PETER WELCH  
Member of Congress

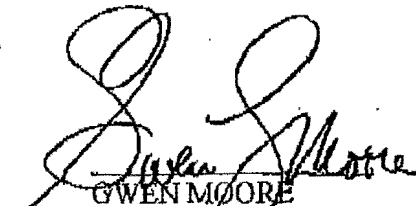
  
LOUISE SLAUGHTER  
Member of Congress


  
DENNIS KUCINICH  
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NORMAN DICKS  
Member of Congress

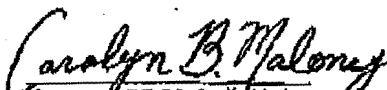
  
LYNN WOOLSEY  
Member of Congress

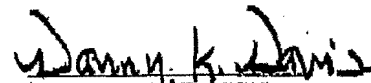
  
GWEN MOORE  
Member of Congress


  
JERROLD NADLER  
Member of Congress


  
NITA LOWEY  
Member of Congress

  
JOHN OLVER  
Member of Congress

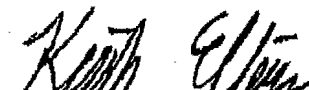
  
CAROLYN MALONEY  
Member of Congress

  
DANNY K. DAVIS  
Member of Congress

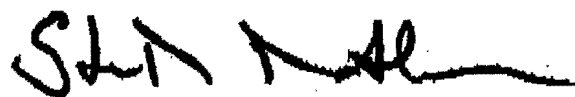
  
RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress


  
JOHN TIERNEY  
Member of Congress

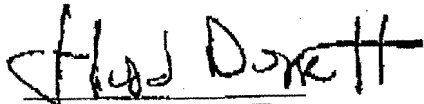
  
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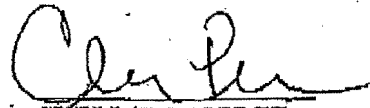
  
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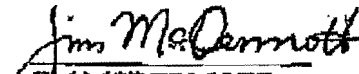
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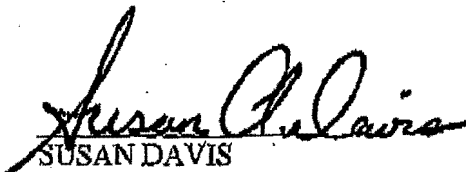
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RICK LARSEN  
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JIM MCDERMOTT  
Member of Congress



SUSAN DAVIS  
Member of Congress



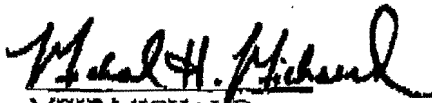
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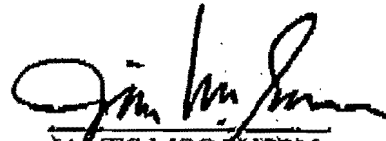
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MICHAEL ARCURI  
Member of Congress



MIKE MICHAUD  
Member of Congress



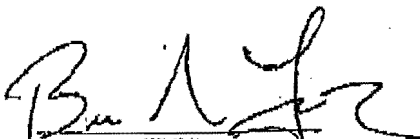
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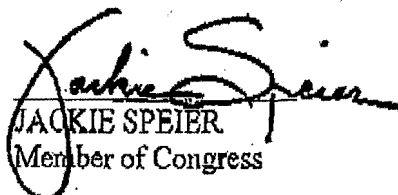
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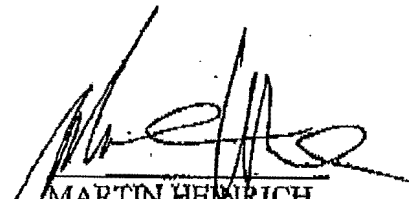
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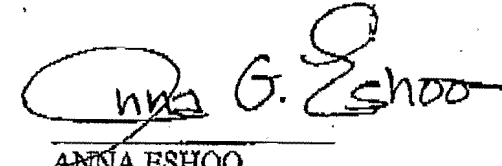
BEN RAY LUJAN  
Member of Congress




JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress





Jun. 23, 2010 11:53AM

No. 0025 P. 1



FAX COVER SHEET

OFFICE OF REP. PETER DEFazio

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Danny K. Davis  
U.S. House of Representatives  
2159 Rayburn House Office Building  
Washington, D.C. 20515-1307

JUL 16 2010

Dear Congressman Davis:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the typed name and title.

Thomas J. Vilsack  
Secretary

100-2011-2010 11/12/2010 No. 0025 P. 2

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA-APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,

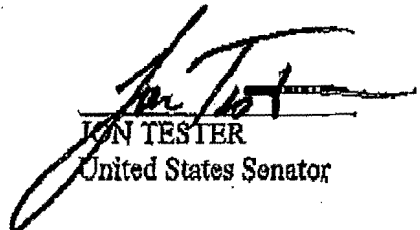
  
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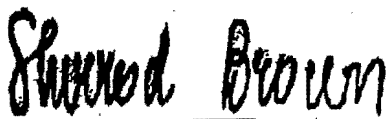
  
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Member of Congress

  
BERNIE SANDERS  
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RUSSELL D. FEINGOLD  
United States Senator

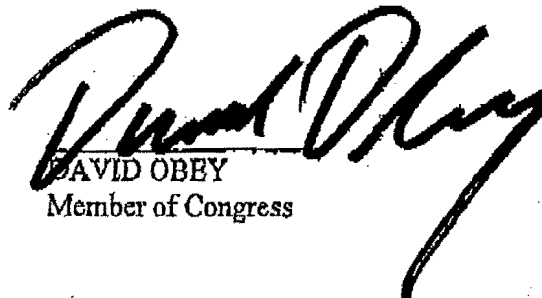
  
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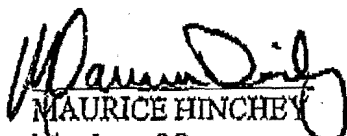
  
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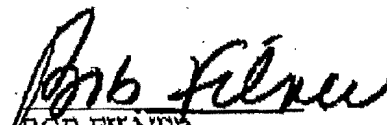
  
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SAM FARR  
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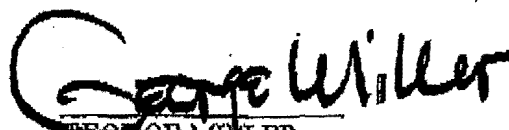
  
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DAVID OBEY  
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MAURICE HINCHEY  
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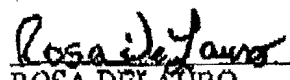
  
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TAMMY BALDWIN  
Member of Congress

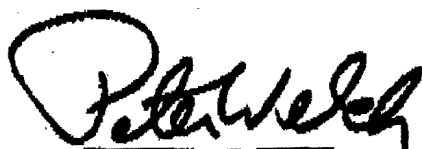
  
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RON KIND  
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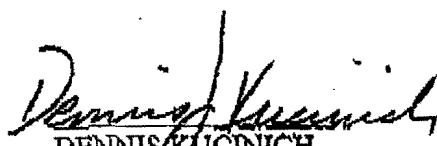
  
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ROSA DELAURO  
Member of Congress

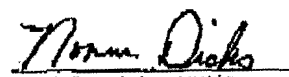
  
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PETER WELCH  
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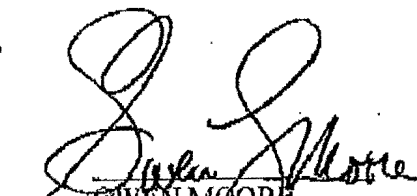
  
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DENNIS KUCINICH  
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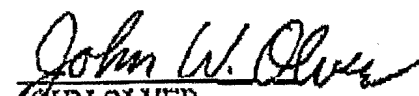
  
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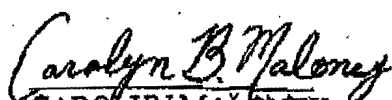
  
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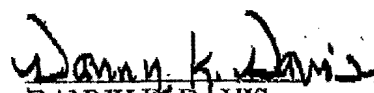
  
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FERROL NADLER  
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NITA LOWEY  
Member of Congress

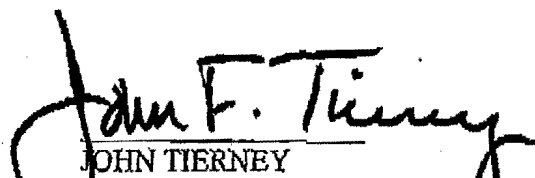
  
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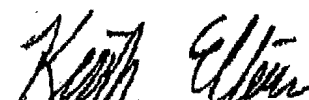
  
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DANNY K. DAVIS  
Member of Congress

  
RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress

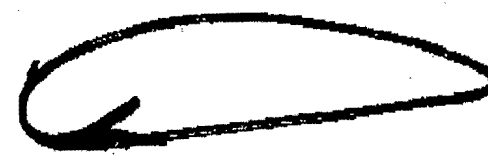
  
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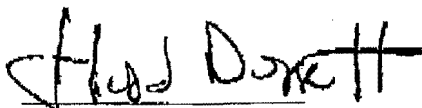
  
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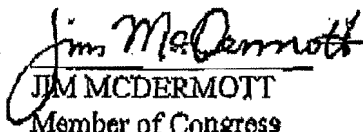
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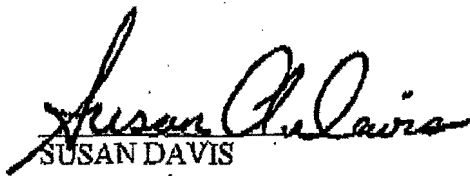
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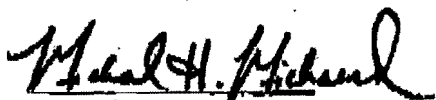
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Member of Congress



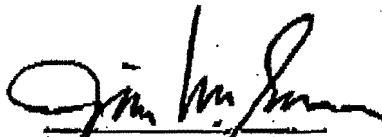
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MICHAEL ARCURI  
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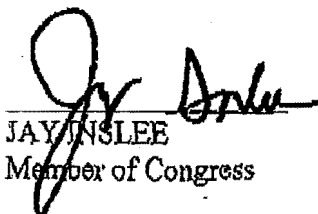
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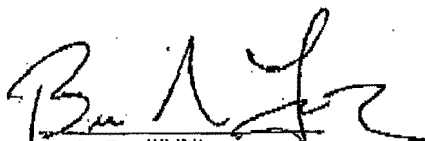
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Member of Congress



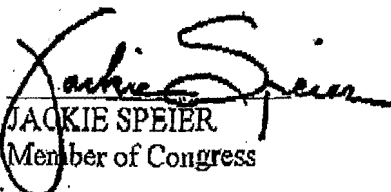
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Member of Congress



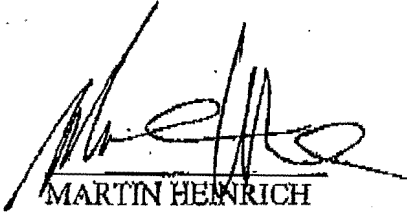
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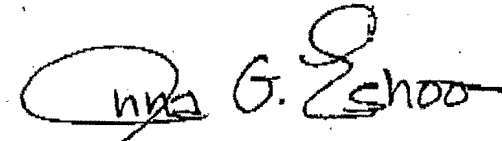
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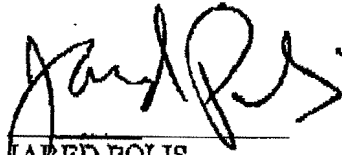
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Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



Jun. 23. 2010 11:53AM

No. 0025 P. 1



FAX COVER SHEET

OFFICE OF REP. PETER DEFAZIO

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66  
members of House and Senate asking  
USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

JAN 19 2010

The Honorable Sam Graves  
U.S. House of Representatives  
1415 Longworth House Office Building  
Washington, D.C. 20515-2506

Dear Congressman Graves:

Thank you for your letter of December 1, 2009, regarding the status of the U.S. Department of Agriculture's (USDA) development of a draft environmental impact statement (EIS) for two lines of genetically engineered alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International.

We recognize the importance of this issue to U.S. dairy farmers and alfalfa producers, and we are committed to supporting them to the fullest extent. Accordingly, our Animal and Plant Health Inspection Service (APHIS) announced the availability of a draft EIS on December 14, 2009. Preliminarily, APHIS concluded that there would be no significant impact on the human environment due to granting nonregulated status to Roundup Ready alfalfa. The document is available online at: <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>. The draft EIS was published in the December 18, 2009, edition of the Federal Register. The public will have 60 days from that date to provide comments on the draft. To obtain additional feedback during the comment period, APHIS is scheduling four public meetings—one in Nevada, two in Nebraska, and one in the Washington, D.C., area. The dates and locations will be published in the Federal Register, posted on APHIS' Web site, and announced in a future press release.

While we recognize concerns about the time involved in publishing the draft, we believe it was important to ensure that the court-ordered EIS was thorough with respect to points raised by the court and the plaintiffs. It is also essential that the EIS be prepared in compliance with all applicable Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA). After the public comment period closes, we will carefully review the comments received; develop a final EIS, which we will announce in the Federal Register; and issue a record of decision. The NEPA requires that the final EIS be published and made available for public inspection 30 days before publication of the record of decision. In the meantime, USDA will continue to provide updates on major activities related to the EIS through APHIS' Web site, stakeholder newsletters, and public announcements.

We recognize the impact of the timing of this process on dairy and alfalfa producers, and we assure you that we are committed to moving forward as expeditiously as possible. I am sending a similar letter to Congressman Blunt.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the name of the Secretary.

Thomas J. Vilsack  
Secretary

An Equal Opportunity Employer

**ROY BLUNT**  
MEMBER OF CONGRESS  
7th District, Missouri

2229 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-6536  
FAX: (202) 225-8604

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

COMMITTEE ON  
ENERGY AND COMMERCE  
DEPUTY RANKING MEMBER  
  
SUBCOMMITTEE ON HEALTH  
  
SUBCOMMITTEE ON  
ENERGY AND ENVIRONMENT  
  
SUBCOMMITTEE ON  
COMMUNICATIONS, TECHNOLOGY,  
AND THE INTERNET  
  
HOUSE PERMANENT SELECT  
COMMITTEE ON INTELLIGENCE

December 1, 2009

The Honorable Tom Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250

The Honorable Kathleen Merrigan  
Deputy Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250

Dear Secretary Vilsack and Deputy Secretary Merrigan:

As Members of Congress representing Missouri dairy farmers, we recognize and commend USDA for the efforts implemented this year in response to the severe financial stress being faced by America's dairy industry. Though the crisis persists, the assistance provided by USDA has provided urgently needed relief and has helped many of our farmers stay in business.

While most of the focus has been on ways to increase milk prices and provide dairy farmers with additional revenues, we also are concerned about how to help dairy farmers avoid being squeezed by low prices and high costs in the future. With that in mind, one of the best strategies that farmers can adopt is to reduce operating costs. Skyrocketing feed prices remain one of the most significant factors driving up production costs, while decreasing profits. American agriculture has an enviable track record of innovation and adoption of new technology that helps farmers reduce costs and survive in an intensely competitive market.

Recently, the National Association of State Departments of Agriculture adopted a resolution in regard to Roundup Ready alfalfa, which is a technological innovation still under environmental review by USDA, despite being approved by USDA in 2005. Many dairy farmers and alfalfa growers planted Roundup Ready alfalfa in 2006, and they now have nearly three years experience with the crop. In 2007, a federal judge ruled that USDA should have prepared a full Environmental Impact Statement (EIS) on Roundup Ready alfalfa. As a direct result, further sales of the variety were suspended until the completion of the EIS. However, existing strands of Roundup Ready alfalfa were not affected by the ruling.

According to survey data and individual testimonials by those farmers, they have experienced a tremendous financial benefit through the use of Roundup Ready alfalfa. The additional

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JOPLIN, MISSOURI 64801  
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production efficiency from it has resulted in reduced production costs, higher yields, and higher feed value. Those farmers have quantified the benefit to be in the range of \$100 per acre.

Roundup Ready alfalfa is considered a safe, effective, and well-accepted trait that delivers proven benefits to farmers. Dairy farmers, many of whom grow alfalfa hay for their own dairy cows, are eager to have access to this technology.

When ordered to conduct the EIS, USDA told the judge that it would take 18-24 months. However, 30 months later the draft EIS still has not been published for public comment. On behalf of America's dairy farmers, we urge you to make the review of Roundup Ready alfalfa a priority for USDA and that you provide the Animal and Plant Health Inspection Service with the resources needed to complete the process in time for the 2010 planting season. This is just one particular step that we can take to help bring down feed costs and provide our nation's dairy farms with an additional form of relief.

Sincere regards,

  
Roy Blunt (MO-07)

  
Sam Graves (MO-06)

**ROY BLUNT**  
MEMBER OF CONGRESS  
7TH DISTRICT, MISSOURI

2225 HAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-6536  
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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

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ENERGY AND COMMERCE  
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SUBCOMMITTEE ON  
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**Fax Cover Sheet**

To: Dept. of Agriculture

Date: 12/1/2009

Fax Number: 202.720.8077

Total Pages: 3

From: Fax Number (202) 225-5604  
Phone Number (202) 225-6536

☒ Congressman Roy Blunt

☐ Amy Poe

☐ Burson Snyder

☐ Brian Diffell

☐ Richard Eddings

☐ Kristina Weger

☐ Eric Gustafson

☐ Meggie Lyzenga

☐ Tom Brandt

☐ Jack McCann

☐ \_\_\_\_\_

**Message:**

Please see attached letter for Secretary Vilsack  
and Deputy Secretary Merrigan

NOTICE: This fax is intended for the exclusive use of the person(s) named above. If you have received this transmission in error, please notify the sender, so it may be forwarded to the appropriate address.

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United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

MAY 04 2010

(b)(6)



Biotechnology Industry Organization  
1201 Maryland Avenue, SW., Suite 900  
Washington, D.C. 20024-2149

Dear (b)(6)

Thank you for your letter of April 1, 2010, on behalf of the Biotechnology Industry Organization regarding Environmental Impact Statements (EIS) and the process of granting nonregulated status for genetically engineered (GE) plants.

I, too, was pleased that we had the opportunity to meet recently to discuss improving the efficiency of the biotechnology regulatory process. Such improvements are directly related to the U.S. Department of Agriculture's (USDA) objective of ensuring that the United States leads the world in sustainable crop production and biotech crop exports. To that end, as you know, I approved a reorganization of USDA's Animal and Plant Health Inspection Service (APHIS) Biotechnology Regulatory Services (BRS) to improve overall performance of the regulatory process. This reorganization includes the establishment of a new National Environmental Policy Act (NEPA) team that will be devoted to preparing high quality and defensible environmental documents to better inform our regulatory decisions.

In making an informed decision of potential environmental impacts, BRS officials use the best available scientific information, data, and expert advice to determine whether an environmental assessment (EA) or an EIS is the appropriate course of action. We recognize that whenever the potential impacts on the environment require preparation of an EIS rather than an EA, the regulatory process becomes more costly and difficult to navigate for all parties concerned. In addition, any plan to automatically require the development of an EIS in response to every petition for nonregulated status would be inconsistent with the sustainable policies and principles established under NEPA. Accordingly, please be assured that APHIS officials will continue to prepare the appropriate level of NEPA analysis for each regulatory action on a case-by-case basis, in accordance with the Council for Environmental Quality NEPA implementing regulations and the USDA and APHIS NEPA implementing regulations and procedures.



Page 2

Again, thank you for writing, and I appreciate learning the views of your organization on this issue. I look forward to continued dialogue on this and other matters of importance to the agricultural community. Please be assured that USDA remains committed to adhering to longstanding NEPA regulations and procedures when evaluating petitions to grant nonregulated status on GE plants.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over the printed name.

Thomas J. Vilsack  
Secretary

April 1, 2010

James C. Greenwood  
President & CEO

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250

Dear Secretary Vilsack,

On behalf of BIO's Food and Agriculture Section Governing Board, thank you for meeting with us to discuss the role of agricultural biotechnology in helping to feed, fuel and clothe the world's growing population. We greatly appreciate the open and frank discussion we had on improving the efficiency of the regulatory process for genetically engineered plants. For agricultural biotechnology to continue to provide the overwhelming benefits to farmers, consumers and the environment, it is critical that the Department rigorously defend its science-based regulatory decisions and provide legally defensible Environmental Assessments (EAs).

We are very concerned with the possibility of a significant policy change to require an Environmental Impact Statement (EIS) for the deregulation of genetically engineered plant, adding years to the current review process and resulting in withholding products of benefit to farmers in the United States and around the world.

With 19 deregulation petitions pending with more on the way, requiring an EIS for each product would amount to a de facto moratorium on commercialization and would send an unprecedented message that USDA believes that these products do have an environmental impact, when in fact most do not. Any suggestion by USDA that biotechnology plants as a category are likely to cause significant adverse effects on the quality of the human environment (i.e., require an EIS) would make approvals by other trading partners virtually impossible; disadvantage American producers; and undercut positions consistently taken by the State Department, AID, USTR, OSTP, and, most importantly, USDA itself. Suggesting that the mere presence of pollen or a gene from a plant derived through modern biotechnology has a significant environmental impact, or calling for zero tolerance for these products would conflict with the Coordinated Framework for Regulation of Biotechnology in place since 1986 and the conclusions of the National Academy of Sciences and other worldwide scientific bodies.

We suggest that such a policy shift is a major over-reaction to the current judicial decisions and one that can be managed successfully through more thorough EAs. There has been a significant improvement in the quality of EAs prepared in the last two years, allowing APHIS to assess the significance of any potential environmental effects and take the "hard look" NEPA requires. For the vast majority of genetically engineered plants, these EAs can address the necessary environmental issues associated with deregulation.

We would welcome the opportunity for a further dialogue on these critical issues, thank you again for your attention to this critical matter.

Sincerely,

(b)(6)



Enclosure

cc: John Holdren, OSTP  
Ron Kirk, USTR  
Nancy Sutley, CEQ  
Ed Avalos, Under Secretary  
Jim Miller, Under Secretary



# REGULATION OF AGRICULTURAL BIOTECHNOLOGY AND THE NATIONAL ENVIRONMENTAL POLICY ACT

## Background

As many as three U.S. federal agencies (USDA, FDA, EPA) regulate genetically engineered plants. In the case of USDA, prior to deregulating plant products and as required by the National Environmental Policy Act (NEPA), USDA prepares an environmental assessment (EA) to identify whether there is the potential for significant impacts on the human environment. A draft EA is released for public comment before it is finalized by the agency. If the EA concludes there is no significant impact, no further environmental review is necessary. If the EA concludes that there is the potential for significant environmental impacts, then the agency is to undertake a full Environmental Impact Statement (EIS). The agency prepares a draft EIS for public comment prior to finalizing it. The process of drafting, receiving public comment and finalizing an EIS can take two to three years or more.

Petitioners for deregulation submit extensive environmental impact data to USDA, which is used by USDA to inform its environmental review. However, USDA has lost court cases on the adequacy of EAs associated with two specific product deregulations (glyphosate-tolerant alfalfa and glyphosate-tolerant sugarbeets). In both cases, the court found that the EAs did not take the "hard look" that NEPA requires.

## Environmental Assessments and Environmental Impact Statements

The Biotechnology Industry Organization (BIO) is very concerned with the possibility of a significant policy change to require EISs for the deregulation of all genetically engineered plants. Such a broad-based decision would go against everything that the President has sought to achieve: science-based decisions, expanding agricultural exports, and achieving global food security and energy independence.

- In the United States, more than 158 million acres of genetically engineered crops were planted in 2009, up from 154 million acres planted in 2008. According to the USDA, this figure includes 91 percent of U.S. soybean acreage, 88 percent of U.S. cotton, and 85 percent of U.S. corn production. For these commodities, genetically engineered crops are the "norm".
- All genetically engineered crops on the market today are visually indistinguishable from conventionally bred crops, and the harvest from those crops is identical in terms of health, safety, nutrition and usage. These crops are planted, cultivated, harvested and used exactly the same as other crops, except that they are bred to require fewer pesticides or to tolerate the application of herbicides.
- Commercialization of a biotech crop is not comparable to building a dam or a highway that will drastically change the surrounding environment. Deregulation of these crops allows growers to produce more high-quality crops and farmland continuing to be used as farmland.

- Since the adoption of genetically engineered crops began in the mid-1990s, no adverse environmental effects have been associated with these crops that fall outside the normal environmental effects associated with agricultural production.
- The herbicides used on these crops are also used in association with other crop production and weed control and are strictly regulated by EPA.
- The use of genetically engineered plants has been associated with more environmentally beneficial methods of agricultural production, such as no-till and reduced tillage cultivation, reduced plowing, and increased yield.
- While some consumers expect, and some neighboring growers may demand, a "zero tolerance" for pollen flow from genetically engineered crops, that position is inconsistent with the widespread commercial use of genetically engineered crops. Gene flow is a fact of biology, is recognized in the standards set by the Federal Seed Act and all other seed purity standards, and is not a significant impact on the human environment. Similarly, any fear or concern that some may associate with the use or consumption of genetically engineered plants is not the appropriate subject of NEPA analysis.
- For decades, seed producers and growers have developed and implemented practical measures that address gene flow and allow crops bearing different traits to be successfully cultivated, often on adjoining fields, whether such traits were introduced by conventional means or genetic engineering (e.g., conventional corn varieties including popcorn, waxy corn, yellow corn, white corn, blue corn, and Indian corn).
- The deregulation process has slowed to approximately three years. Requiring an EIS for all deregulations could add another two to three years to every deregulation.
- The two to three year delay associated with a requirement of an EIS for deregulation of every genetically engineered plant would essentially preclude the development of these plants by academics, research institutions and small companies.
- Even for larger corporate developers, requiring an EIS would seriously impact the development of new products because the investment may not justify the cost and timelines.
- Deciding that all genetically engineered plant deregulation decisions must be supported by an EIS would send a very clear message that USDA believes that these products as a class may have an environmental impact, when in fact most do not. Any suggestion by USDA that biotech plants as a category are likely to cause significant adverse effects on the quality of the human environment (i.e., require an EIS) would:
  - make approvals by the EU and other trading partners virtually impossible;
  - allow China and Brazil to surpass the United States as world leaders in agricultural biotechnology;

- disadvantage American farmers and others in the food, feed, fiber and biofuel sectors;
  - undermine the Administration's goals for energy independence and food security;
  - conflict with the Federal Government's science-based biotechnology policy in place since 1986; and,
  - undercut positions consistently taken by the State Department, AID, USTR, OSTP and, most importantly, USDA itself.
- Requiring the preparation of an EIS rather than an EA is no guarantee of success when a decision is challenged. Hundreds of EIS's have been thrown out by the courts over the years.
  - Suggesting that the mere presence of pollen or a gene from a plant derived through modern biotechnology has a significant environmental impact, or calling for zero tolerance for these products would conflict with the Coordinated Framework for Regulation of Biotechnology in place since 1986 and the conclusions of the National Academy of Sciences and other worldwide scientific bodies, and would render impossible the adoption of plant products of biotechnology into commodity production agriculture
  - Whether any Federal action will have a significant effect on the environment – the applicable trigger for conducting an EIS – is a fact-based decision that must be made on a case-by-case basis.
  - USDA does need to address judicial decisions. Significant improvements in the quality of EAs prepared in the last two years, however, have been made allowing APHIS to assess the significance of any potential environmental effects and take the "hard look" NEPA requires. For the vast majority of genetically engineered plants, these EAs can address the necessary environmental issues associated with deregulation.

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Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250





"Westbrook, JaChea"  
<JaChea.Westbrook@osec.usda.gov>

04/20/2010 08:04 AM

To Colleen.Yates@aphis.usda.gov

cc

bcc

Subject RE: APHIS Request tracking adjustment- 6284661, Greenwood

Colleen,

Your request is done!-j

Have A Great Day!!

**From:** Colleen.Yates@aphis.usda.gov [mailto:Colleen.Yates@aphis.usda.gov]

**Sent:** Tuesday, April 20, 2010 7:20 AM

**To:** Luna, Ericka -USDA; Westbrook, JaChea

**Subject:** Re: APHIS Request tracking adjustment- 6284661, (b)(6)

Hi Ladies: Just wanted to make sure you got this previous e-mail---see below? Thanks

Colleen Yates/MD/APHIS/USDA

04/15/2010 02:59 PM

To JaChea Westbrook/WTSGE2K/US, Ericka Luna/USDA/US

cc Felicia D Stepney/MD/APHIS/USDA@USDA

Subject APHIS Request tracking adjustment- 6284661 (b)(6)

Pls. adjust tracking for 6284661, (b)(6) for "Final" in APHIS.

This will use cleared & similar language as 6282975, (b)(6)

Thanks



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Raul Grijalva  
U.S. House of Representatives  
1440 Longworth House Office Building  
Washington, D.C. 20515-0307

JUL 1 6 2010

Dear Congressman Grijalva:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Vilsack", is written over the typed name and title.

Thomas J. Vilsack  
Secretary

Congress of the United States  
Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA-APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.


Sincerely,

  
PATRICK LEAHY  
United States Senator

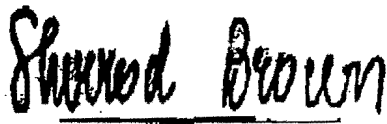
  
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Member of Congress

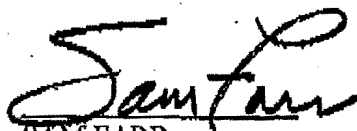
  
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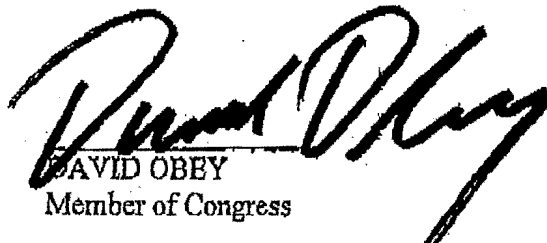
  
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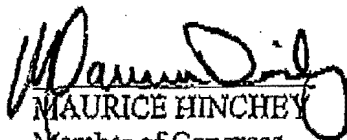
  
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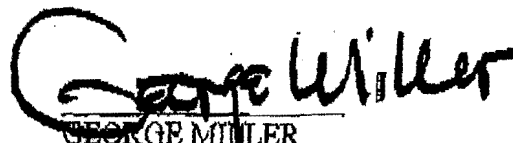
  
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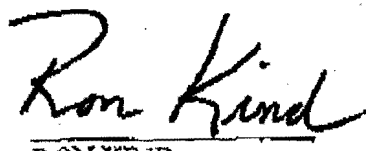
  
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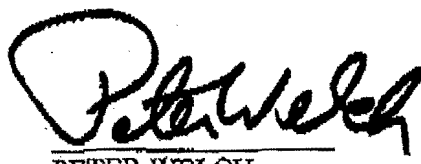
  
GEORGE MILLER  
Member of Congress

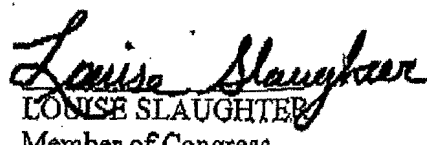
  
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Member of Congress

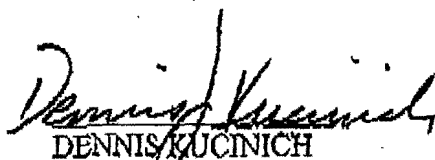
  
BARBARA LEE  
Member of Congress

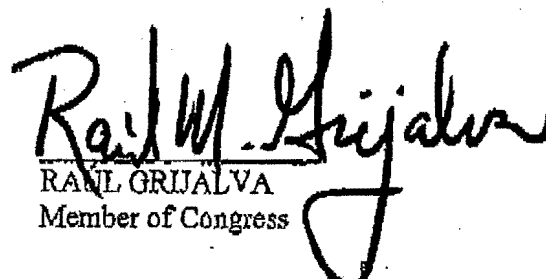
  
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PETER WELCH  
Member of Congress

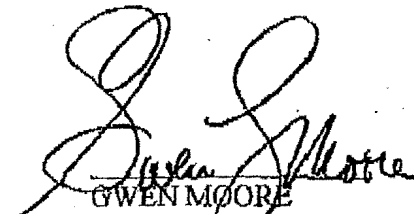
  
LOUISE SLAUGHTER  
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DENNIS KUCINICH  
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RAUL GRIJALVA  
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NORMAN DICKS  
Member of Congress

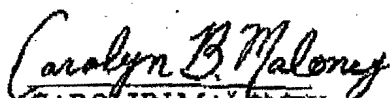
  
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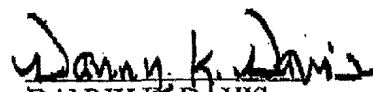
  
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Member of Congress


  
JERROLD NADLER  
Member of Congress


  
NITA LOWEY  
Member of Congress

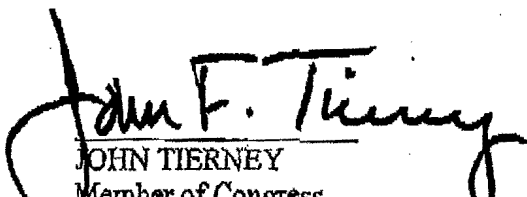
  
JOHN OLVER  
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CAROLYN MALONEY  
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DANNY K. DAVIS  
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RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress

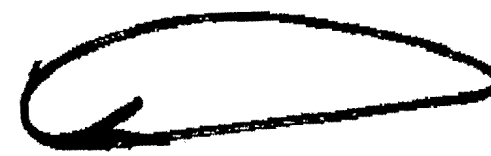
  
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KEITH ELLISON  
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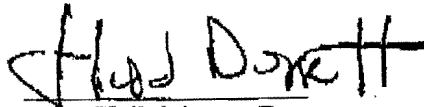
  
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STEVEN ROTHMAN  
Member of Congress

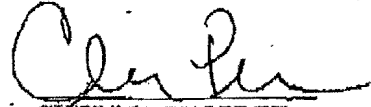
  
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Member of Congress

  
DAVID WU  
Member of Congress





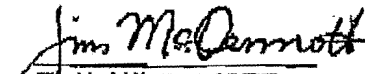
LLOYD DOGETT  
Member of Congress



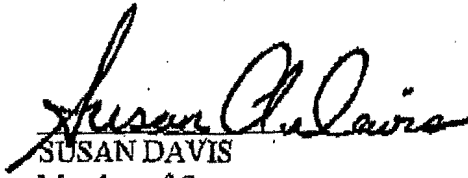
CHELLIE PINGREE  
Member of Congress



RICK LARSEN  
Member of Congress



JIM MCDERMOTT  
Member of Congress



SUSAN DAVIS  
Member of Congress



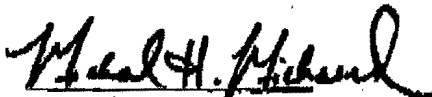
STEVE COHEN  
Member of Congress



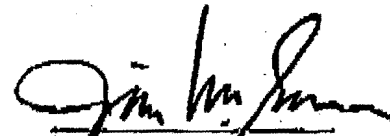
MIKE THOMPSON  
Member of Congress



MICHAEL ARCURI  
Member of Congress



MIKE MICHAUD  
Member of Congress



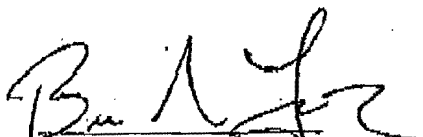
JAMES MCGOVERN  
Member of Congress



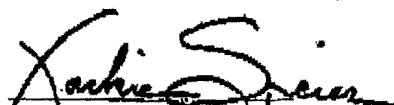
BETTY SUTTON  
Member of Congress




JAY INSLEE  
Member of Congress



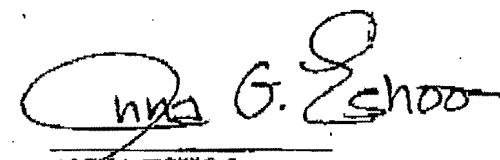
BEN RAY LUJAN  
Member of Congress



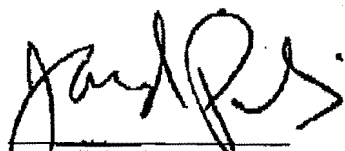
JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



Jun. 23. 2010 11:53AM

No. 0025 P. 1)



FAX COVER SHEET

OFFICE OF REP. PETER DEFAZIO

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0632

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DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. DeFazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

AUG 17 2010

The Honorable Sam Graves  
U.S. House of Representatives  
1415 Longworth House Office Building  
Washington, D.C. 20515-2506

Dear Congressman Graves:

Thank you for your letter of July 16, 2010, regarding the status of the petition to deregulate two lines of Roundup Ready (RR) alfalfa developed by Monsanto Company and Forage Genetics International.

I recognize the importance of this issue to you and your Congressional colleagues, as well as to farmers and other concerned individuals across the country. The U.S. Department of Agriculture (USDA) supports the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century. It is my conviction that USDA must support all forms of agriculture—conventional, organic, and genetically engineered (GE)—in order to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

Before making any decisions regarding interim actions related to the deregulation of RR alfalfa, USDA is reviewing the recent Supreme Court ruling and awaiting the outcome of further proceedings in the Ninth Circuit Court following the remand from the Supreme Court. Currently, USDA is focusing its efforts on completion of the environmental impact statement (EIS) for the RR alfalfa lines. As part of that process, USDA officials are reviewing the many thousands of comments we received on the draft EIS. Once that review is complete, USDA intends to develop a final EIS and issue a record of decision. The process, however, will not be completed in time for the fall planting season.

I assure you that USDA remains committed to thorough, science-based evaluation of petitions to grant nonregulated status for RR alfalfa and other GE plants. We are sending a similar response to your colleagues who also signed the letter.

Sincerely,

A handwritten signature in black ink, reading "Thomas J. Vilsack", is written over a horizontal line.

Thomas J. Vilsack  
Secretary



Lynn Jenkins, CPA  
United States Congresswoman, Kansas 2<sup>nd</sup> District

FAX TRANSMISSION COVER SHEET

To: Sec. Tom Vilsack From: Rep. Lynn Jenkins

Fax: 202-225-7986

Phone: 202-225-6601

Date: July 16, 2010 Time: 4:30 p.m.

Number of pages (including cover sheet): 7

Message:

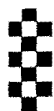
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Fax Transmission From: Lynn Jenkins, U.S. Congresswoman

Fax: 202-225-7986

Phone: 202-225-6601

Address: 130 Cannon HOB, Washington, DC 20515



Congress of the United States  
Washington, DC 20515

July 16, 2010

The Honorable Thomas Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Dear Secretary Vilsack:

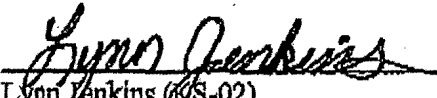
We write to request your assistance with respect to the Department of Agriculture's ongoing review and approval of Roundup Ready alfalfa (RRA). We appreciate your Department's efforts to-date in responding to the 9<sup>th</sup> Circuit Court's ruling in 2007. In light of the Supreme Court's recent 7-1 decision to strike down the injunction issued in that ruling, we request that you issue an interim permit to allow the use of RRA for the fall 2010 planting season while the Animal and Plant Health Inspection Service completes its final Environmental Impact Study (EIS).

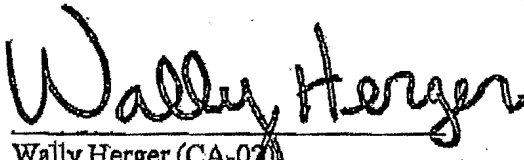
RRA dramatically reduces the need for chemical application and other high-cost methods of weed control, thus increasing efficiency and significantly lowering operating costs. The efficiencies of RRA led to higher yields and higher field quality that resulted in an annual revenue increase of approximately \$100 per acre. Further, RRA not only helps increase farmers' revenue, but it also is a risk mitigation tool to help producers keep their harvest from being discounted due to quality issues. While the 9<sup>th</sup> Circuit's decision placed an injunction on further planting of RRA pending the completion of an EIS, the Court did allow for the continued harvest of RRA hay and seed for acres already planted and for that seed to be placed in controlled storage. It has been estimated that farmers have lost more than \$250 million in revenue from not being able to utilize RRA during the EIS process, and they will face significant additional losses if they are not allowed to plant their inventoried seed during the fall 2010 planting season.

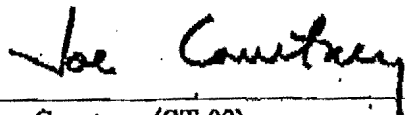
The June 21, 2010, Supreme Court opinion stated that the ruling of the 9<sup>th</sup> Circuit was "a drastic and extraordinary remedy, which should not be granted as a matter of course" and that a "permanent injunction is not now needed to guard against any present or imminent risk of likely irreparable harm." According to the conclusions drawn in your agency's draft EIS there is "no significant impact on the human environment due to granting nonregulated status to Roundup Ready alfalfa." For these reasons, we request that you issue a partial deregulation to allow farmers to plant their inventoried RRA seed this fall while your agency finalizes the EIS.

Thank you for your continued assistance and attention on this important issue. We look forward to your response.

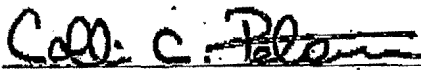
Sincerely,

  
Lynn Jenkins (KS-02)  
Member of Congress

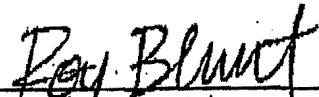
  
Wally Herger (CA-02)  
Member of Congress



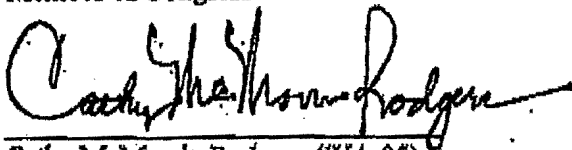
Joe Courtney (CT-02)  
Member of Congress



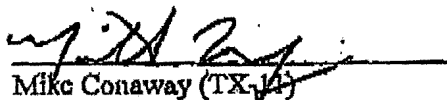
Collin Peterson (MN-07)  
Member of Congress



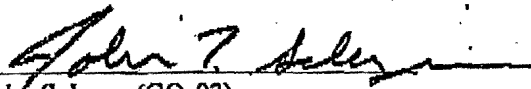
Roy Blunt (MO-07)  
Member of Congress




Cathy McMorris-Rodgers (WA-05)  
Member of Congress



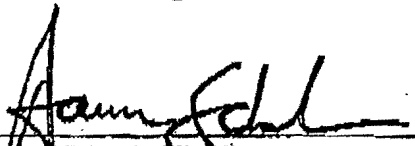
Mike Conaway (TX-11)  
Member of Congress



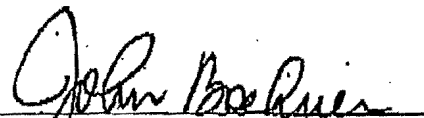
John Salazar (CO-03)  
Member of Congress



Jerry Moran (KS-01)  
Member of Congress




Aaron Schock (IL-08)  
Member of Congress



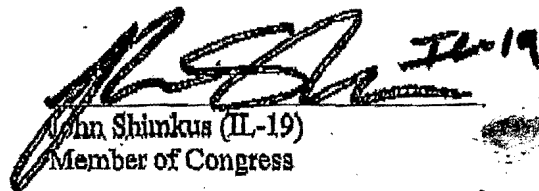
John Boehner (OH-08)  
Member of Congress



Frank Lucas (OK-03)  
Member of Congress



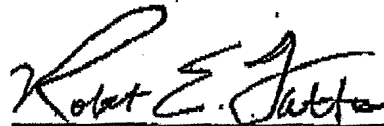
Mike McIntyre (NC-07)  
Member of Congress



John Shimkus (IL-19)  
Member of Congress



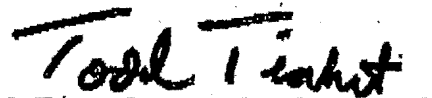
Glenn Thompson (PA-05)  
Member of Congress



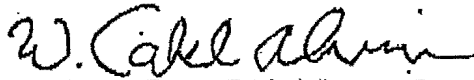
Bob Latta (OH-05)  
Member of Congress



Bob Goodlatte (VA-06)  
Member of Congress



Todd Tiahrt (KS-04)  
Member of Congress



Todd Akin (MO-02)  
Member of Congress



Sam Graves (MO-06)  
Member of Congress



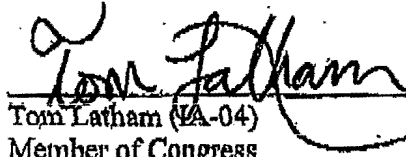
Doug Lamborn (CO-05)  
Member of Congress



Devin Nunes (CA-21)  
Member of Congress



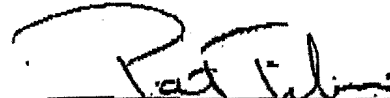
Phil Hare (IL-17)  
Member of Congress



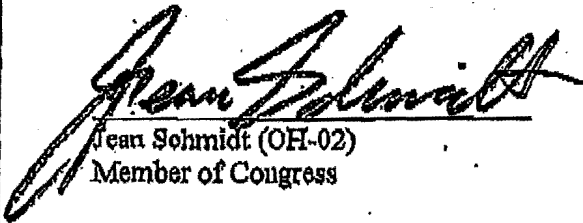
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Member of Congress



Harry Teague (NM-02)  
Member of Congress



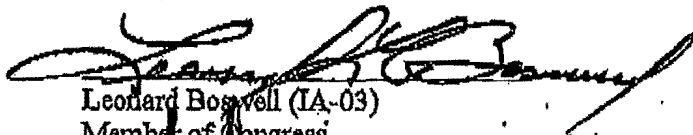
Patrick Tiberi (OH-12)  
Member of Congress



Jean Schmidt (OH-02)  
Member of Congress



Tim Holden (PA-17)  
Member of Congress



Leonard Boswell (IA-03)  
Member of Congress



Randy Neugebauer (TX-19)  
Member of Congress



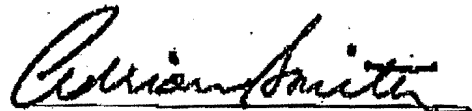
Jim Costa (CA-20)  
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Jo Ann Emerson (MO-08)  
Member of Congress

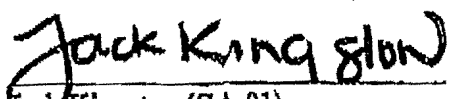


Mike Coffman (CO-06)  
Member of Congress

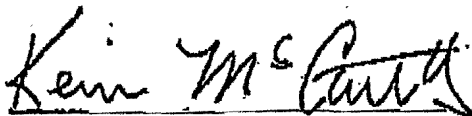


Adrian Smith (NE-03)  
Member of Congress

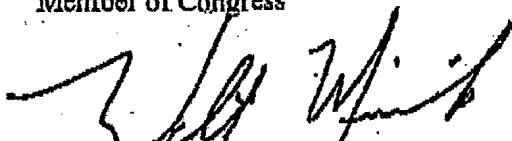




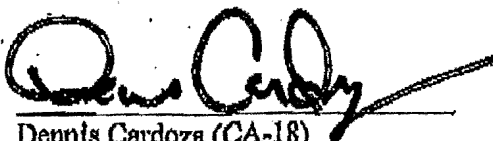
Jack Kingston (GA-01)  
Member of Congress



Kevin McCarthy (CA-22)  
Member of Congress



Walt Minnick (ID-01)  
Member of Congress



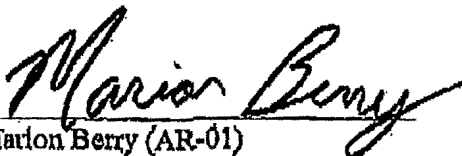
Dennis Cardoza (CA-18)  
Member of Congress



Mike Simpson (ID-02)  
Member of Congress



Michelle Bachmann (MN-06)  
Member of Congress



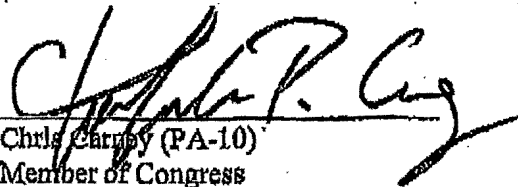
Marlon Berry (AR-01)  
Member of Congress



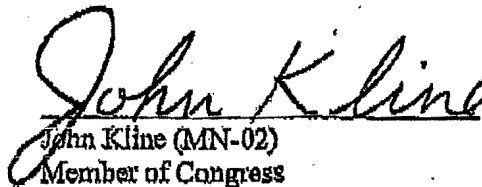
John Boozman (AR-03)  
Member of Congress



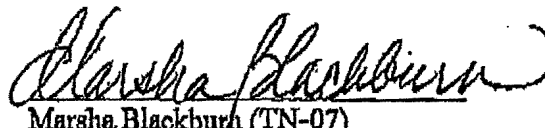
Greg Walden (OR-02)  
Member of Congress



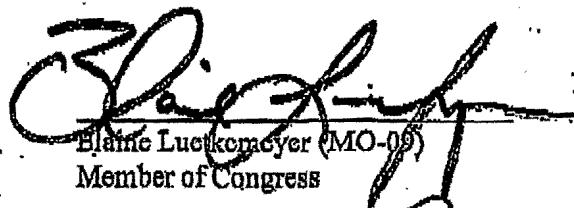
Chris Carney (PA-10)  
Member of Congress



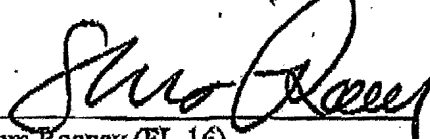
John Kline (MN-02)  
Member of Congress



Marsha Blackburn (TN-07)  
Member of Congress



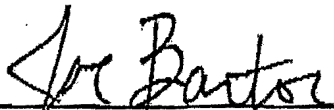
Elaine Luetkeneyer (MO-09)  
Member of Congress



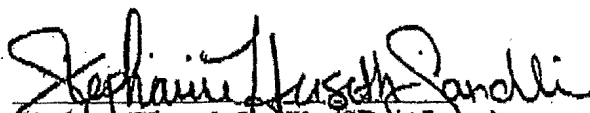
Tom Rooney (FL-16)  
Member of Congress



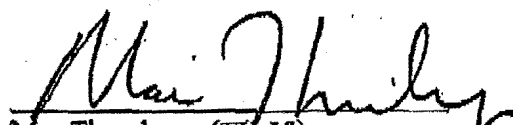
Steve Austin (OH-07)  
Member of Congress

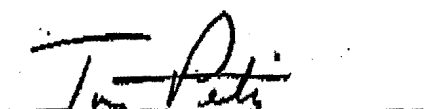



Joe Barton (TX-06)  
Member of Congress

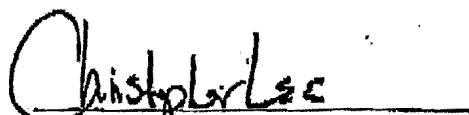
  
Stephanie Herseth Sandlin (SD-At Large)  
Member of Congress

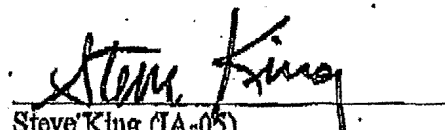
  
Scott Murphy (NY-20)  
Member of Congress

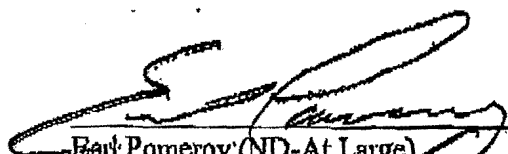
  
Mac Thornberry (TX-13)  
Member of Congress


  
Tom Petri (WI-06)  
Member of Congress

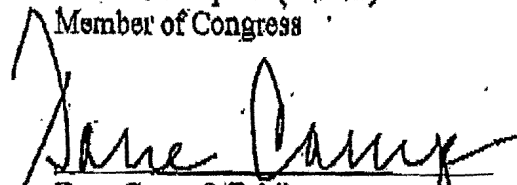
  
Erik Paulsen (MN-03)  
Member of Congress


  
Chris Lee (NY-26)  
Member of Congress

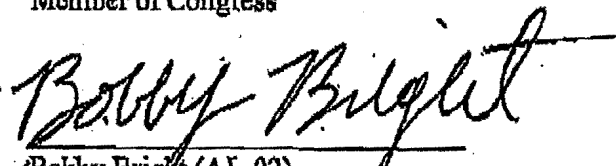
  
Steve King (IA-05)  
Member of Congress

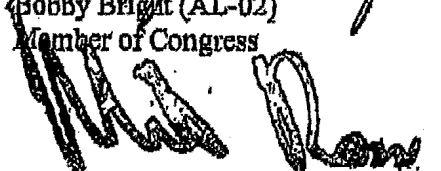
  
Earl Pomeroy (ND-At Large)  
Member of Congress

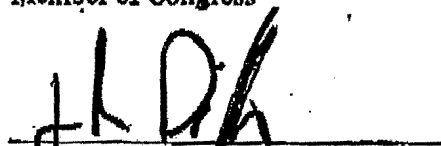
  
Bennie Thompson (MS-02)  
Member of Congress

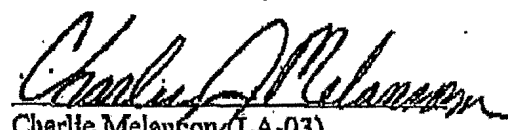
  
Dave Camp (MI-04)  
Member of Congress

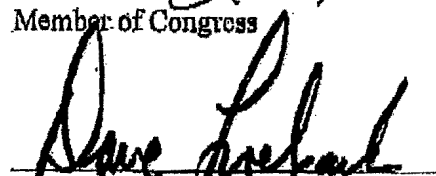
  
Phil Roe (TN-01)  
Member of Congress

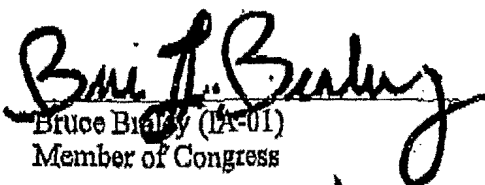
  
Bobby Bright (AL-02)  
Member of Congress

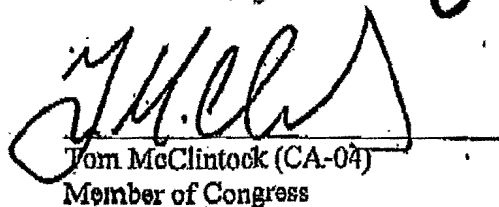
  
Mike Ross (AR-04)  
Member of Congress

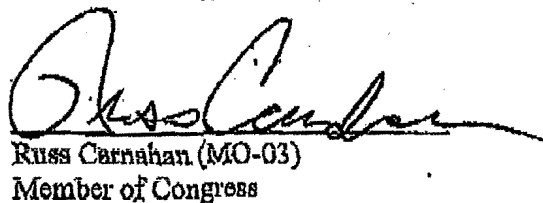
  
Joe Pitts (PA-16)  
Member of Congress

  
Charlie Melancon (LA-03)  
Member of Congress

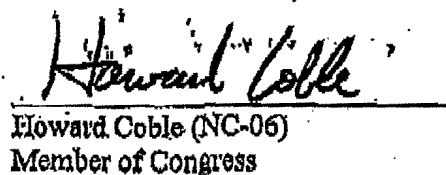
  
David Loebsack (IA-02)  
Member of Congress

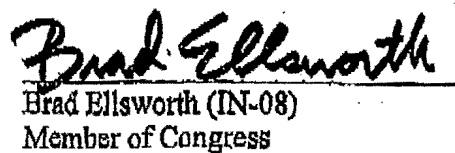
  
Bruce Bisky (TX-01)  
Member of Congress

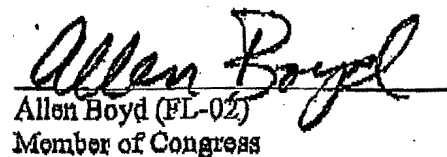
  
Tom McClintock (CA-04)  
Member of Congress

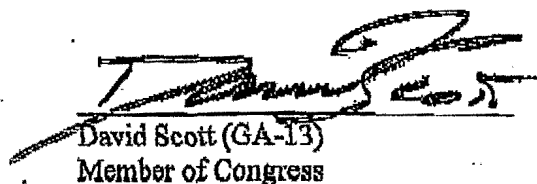
  
Russ Carnahan (MO-03)  
Member of Congress

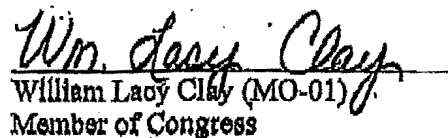
  
Larry Kissell (NC-08)  
Member of Congress

  
Howard Coble (NC-06)  
Member of Congress

  
Brad Ellsworth (IN-08)  
Member of Congress

  
Allen Boyd (FL-02)  
Member of Congress

  
David Scott (GA-13)  
Member of Congress

  
William Lacy Clay (MO-01)  
Member of Congress



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

OCT 21 2009

The Honorable Charles E. Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510-1501

Dear Senator Grassley:

Thank you for your letter of September 17, 2009, on behalf of the Board of Directors of the Corn Refiners Association regarding Syngenta Seeds, Inc.'s request to the U.S. Department of Agriculture (USDA) to deregulate genetically engineered corn developed to produce the alpha-amylase enzyme.

I recognize your constituents' interest in this matter and appreciate your forwarding their letter. On October 6, 2009, we responded directly to a similar letter from Mr. J. Pat Mohan of the Corn Refiners Association. A copy of that response is enclosed.

USDA is committed to working with its Federal partners to ensure that the development, testing, and use of the products of biotechnology occur in a manner that is safe for plant and animal health, human health, and the environment. On June 4, 2009, USDA's Animal and Plant Health Inspection Service (APHIS) published a Federal Register notice regarding Syngenta's petition. The notice announced the reopening of the public comment period to allow interested persons additional time to prepare and submit comments on the petition, the environmental assessment, and USDA's revised plant pest risk assessment. That period closed on July 6, 2009, and APHIS officials are carefully reviewing the comments received during both the original and reopened comment periods, including those of your constituents.

I assure you that we will take into account all of the public comments received during the comment periods, and that USDA's regulatory decisions will continue to be based on sound science.

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the printed name of the Secretary.

Thomas J. Vilsack  
Secretary

Enclosure



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

OCT - 6 2009

(b)(6)

Corn Refiners Association  
Tate & Lyle Americas  
1701 Pennsylvania Avenue, NW., Suite 950  
Washington, D.C. 20006-5805

Dear (b)(6)

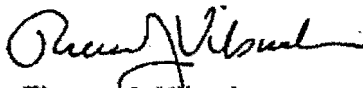
Thank you for your letter of September 16, 2009, regarding a petition that Syngenta Seeds, Inc., submitted to the U.S. Department of Agriculture (USDA) requesting the deregulation of genetically engineered (GE) corn developed to produce the alpha-amylase enzyme.

I appreciate you sharing your views on this matter. USDA is committed to working with its Federal partners to ensure that the development, testing, and use of the products of biotechnology occur in a manner that is safe for plant and animal health, human health, and the environment.

I have asked officials with USDA's Animal and Plant Health Inspection Service (APHIS) to respond to your concerns in more detail (enclosed).

Please share this information with the other members who signed the letter. Thank you again for writing.

Sincerely,

  
Thomas J. Vilsack  
Secretary

Enclosure

As requested by Secretary Thomas J. Vilsack, the following provides further information concerning Syngenta Seeds, Inc.'s, petition for deregulation of GE corn developed to produce the alpha-amylase enzyme.

In November 2008, our Agency published a notice in the Federal Register (Docket No. APHIS-2007-0016-0001) announcing the availability of the petition and a draft environmental assessment (EA) for public comment. We solicited comments on the petition, the draft EA, and whether the GE corn is likely to pose a plant pest risk. We received more than 13,000 comments by the close of the 60-day comment period, which ended on January 20, 2009. A number of commenters expressed views similar to yours.

We published a second Federal Register notice (Docket No. APHIS-2007-0016-0223) regarding the petition on June 4, 2009, that reopened the public comment period to allow interested persons additional time to prepare and submit comments on the petition, EA, and our revised plant pest risk assessment. That period closed on July 6, 2009, and we received 52 new comments. We are carefully reviewing the comments received on both notices, which will inform our final decision on the petition.

We will take into account the public comments we received on this petition during the comment periods, and we assure you that our regulatory decisions will continue to be based on sound science.

REPLY TO:

- ☐ 135 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1501  
(202) 224-3744  
e-mail: grassley.senate.gov/contact.cfm
- ☐ 721 FEDERAL BUILDING  
210 WALNUT STREET  
DES MOINES, IA 50309-2140  
(515) 288-1145
- ☐ 150 1ST AVENUE NE  
SUITE 325  
CEDAR RAPIDS, IA 52401  
(319) 363-6832

# United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

September 17, 2009

REPLY TO:

- ☐ 103 FEDERAL COURTHOUSE BUILDING  
320 6TH STREET  
SIOUX CITY, IA 51101-1244  
(712) 233-1860
- ☐ 210 WATERLOO BUILDING  
531 COMMERCIAL STREET  
WATERLOO, IA 50701-5497  
(319) 232-6657
- ☐ 131 WEST 3RD STREET  
SUITE 180  
DAVENPORT, IA 52801-1419  
(563) 322-4331
- ☐ 307 FEDERAL BUILDING  
8 SOUTH 6TH STREET  
COUNCIL BLUFFS, IA 51501-4204  
(712) 322-7103

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave. SW  
Washington, DC 20250

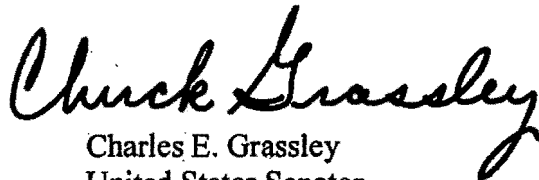
Dear Secretary Vilsack,

Enclosed please find a communication from Iowa constituent companies and the Corn Refiners Association regarding the deregulation of Syngenta seed corn event 3272.

They have requested that the U.S. Department of Agriculture consider the adverse impacts of this event on the corn wet milling industry prior to deregulation.

Thank you for your attention to their comments and request.

Sincerely,

  
Charles E. Grassley  
United States Senator

RANKING MEMBER,  
FINANCE

Committee Assignments:  
BUDGET  
JUDICIARY  
AGRICULTURE

CO-CHAIRMAN,  
INTERNATIONAL NARCOTICS  
CONTROL CAUCUS

September 16, 2009

The Honorable Chuck Grassley  
U.S. Senate  
135 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Grassley:

As the members of the Board of Directors of the Corn Refiners Association, we are writing to express our serious concerns regarding the potential deregulation of Syngenta Seeds Corn Event 3272 ("Event 3272") by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). We respectfully seek your assistance in urging USDA to consider the adverse impact of this event on U.S. corn wet milling operations prior to deregulation and to determine what regulatory requirements should be imposed to best mitigate against these risks.

Our industry manufactures starches, sweeteners, corn oil, bio-products (including ethanol), and animal feed ingredients. We supply high-quality specialty starches for food and industrial applications. We are concerned that Event 3272 could jeopardize our ability to deliver these high-end starches and believe that USDA should conduct a more thorough evaluation of the potential for misdirection of this corn into unintended markets and ensure that all appropriate safeguards are first put in place to prevent serious harm from occurring.

Event 3272 was developed by Syngenta to enhance the dry milling ethanol industry's ability to accelerate the conversion of starch produced from corn to sugar. Unfortunately for the corn wet milling industry, this accelerated conversion of starch to sugar provided by Event 3272's alpha-amylase gene encoding, if introduced by misdirection, has the potential to destroy our industry's ability to produce high-value starch products.

The amylase enzyme breaks down starch, potentially rendering domestically-produced specialty starch products unusable by our customers. If not properly addressed before deregulation, misdirection of Event 3272 could result in the perverse situation of our customers sourcing specialty starches from offshore producers, whose farmer-suppliers grow corn without the enzyme present. In short, we could be transferring value-added U.S. jobs to our foreign competitors.

In its Environmental Assessment, the Agency failed to consider that a large proportion of the fields where Event 3272 will eventually be grown are co-located with the same fields where corn is cultivated for corn wet milling operations. The same types of handling and marketing systems in use today are not adequate to prevent cross-contamination and misdirection of Event 3272 to such unintended destinations as corn wet milling. For this reason we believe the adverse consequences from misdirection are virtually guaranteed.

The corn wet milling industry will be the first industry to bear the brunt of the misdirection of Event 3272. Additional fallout could occur for consumer confidence in the U.S. biotechnology regulatory structure and for U.S. exports of grain shipments and processed products containing corn to foreign destinations. For the U.S. corn wet milling industry, the impact on our ability to produce high-quality starches for the U.S. and global markets will be devastating. For over 100 years, our industry has



provided jobs and economic activity in rural economies across the United States. Unfortunately, Syngenta failed to take into account the impact this event will have on corn wet milling operations in Iowa. More disconcerting, APHIS appears poised to deregulate this event without considering these serious ramifications.

Because of the devastating effect that deregulation of Event 3272 could have on our corn wet mill operations in Iowa, we respectfully request that you urge USDA Secretary Tom Vilsack to require that APHIS consider the potential impacts of this event on U.S. corn wet milling operations prior to deregulation and determine what regulatory requirements should be imposed to best mitigate such risks if Event 3272 is deregulated.

Thank you in advance for your consideration. Please do not hesitate to contact Audrae Erickson, President of the Corn Refiners Association, at (202) 331-1634, if you have questions regarding this matter.

Sincerely,

(b)(6)

(b)(6) Corn Refiners Association  
Tate & Lyle Americas

(b)(6)

Archer Daniels Midland Company

(b)(6)

Cargill Corn Milling  
Cargill, Incorporated

(b)(6)

(b)(6) Corn Refiners Association  
Global Corn  
Archer Daniels Midland Company

(b)(6)

Business Unit Leader, Cargill Corn Milling  
Cargill, Incorporated

(b)(6)

(b)(6) North American Division  
Corn Products International, Inc.

(b)(6)

(b)(6)

**Business Management**

**Corn Products International, Inc.**

(b)(6)

**National Starch LLC**

(b)(6)

(b)(6)

**Global Strategy Development,**

**Natural Polymers Group**

**National Starch LLC**

(b)(6)

**Penford Products Co.**

(b)(6)

(b)(6)

**Sales and Marketing**

**Penford Products Co.**

(b)(6)

**Roquette America, Inc.**

(b)(6)

(b)(6)

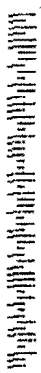
**Specialty Operations**

**Roquette America, Inc.**

(b)(6)

**Tate & Lyle Americas**

WASHINGTON, DC  
OFFICIAL BUS



Chuck Granley  
U.S.

POSTNET

Secretary Tom Vilsack  
U.S. Dept of Agriculture  
1400 Independence Ave SW  
Washington, DC 20250





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

JAN 19 2010

The Honorable Charles E. Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510-1501

Dear Senator Grassley:

Thank you for your letter of December 1, 2009, regarding the Department of Agriculture's (USDA) development of a draft environmental impact statement (EIS) for two lines of genetically engineered alfalfa (Roundup Ready alfalfa) developed by the Monsanto Company and Forage Genetics International.

We recognize the importance of this issue to U.S. dairy farmers and alfalfa producers, and we are committed to supporting them to the fullest extent. Accordingly, our Animal and Plant Health Inspection Service (APHIS) announced the availability of a draft EIS on December 14, 2009. Preliminarily, APHIS concluded that there would be no significant impact on the human environment due to granting nonregulated status to Roundup Ready alfalfa. The document is available online at: <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>. The draft EIS was published in the December 18, 2009, edition of the Federal Register. The public will have 60 days from that date to provide comments on the draft. To obtain additional feedback during the comment period, APHIS is scheduling four public meetings—one in Nevada, two in Nebraska, and one in the Washington, D.C., area. The dates and locations will be published in the Federal Register, posted on APHIS' Web site, and announced in a future press release.

While we recognize concerns about the time involved in publishing the draft, we believe it was important to ensure that the court-ordered EIS was thorough with respect to points raised by the court and the plaintiffs. It is also essential that the EIS be prepared in compliance with all applicable Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA). After the public comment period closes, we will carefully review the comments received; develop a final EIS, which we will announce in the Federal Register; and issue a record of decision. The NEPA requires that the final EIS be published and made available for public inspection 30 days before publication of the record of decision. In the meantime, USDA will continue to provide updates on major activities related to the EIS through APHIS' Web site, stakeholder newsletters, and public announcements.

We recognize the impact of the timing of this process on dairy and alfalfa producers, and we assure you that we are committed to moving forward as expeditiously as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over a horizontal line.

Thomas J. Vilsack  
Secretary



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

DEC 08 2009

The Honorable Bob Goodlatte  
U.S. House of Representatives  
2240 Rayburn House Office Building  
Washington, D.C. 20515-4606

Dear Congressman Goodlatte:

Thank you for your letter of November 4, 2009, regarding the U.S. Department of Agriculture's (USDA) draft environmental impact statement (EIS) for two lines of genetically engineered alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International.

I assure you that completing the draft EIS and moving forward with the final review process remains a high priority for USDA. We recognize the impact of the timing of this process on dairy producers as well as alfalfa farmers. At the same time, we believe it is important to ensure that the court-ordered EIS is thorough with respect to points raised by the court and the plaintiffs. It is also essential that the EIS be prepared in compliance with all applicable Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA). To fulfill our obligations under the Act, we are preparing an EIS that allows us to make an informed decision using an objective and comprehensive approach to reviewing in-depth scientific analysis, expert agency comment, and public input. In the process of preparing a document of this scope, there are many factors that can affect the timing, including the complexity of the issues that arise in the process of analysis.

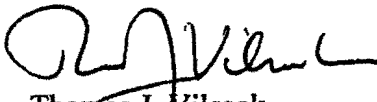
Currently, we anticipate publishing a draft EIS by the end of this year, and we will announce its availability for public comment in a Federal Register notice. At that time, stakeholders will be able to access the document on the Animal and Plant Health Inspection Service's (APHIS) Web site at [www.aphis.usda.gov/biotechnology/brs\\_main.shtml](http://www.aphis.usda.gov/biotechnology/brs_main.shtml) and will have a minimum of 60 days to provide comments. After the public comment period closes, we will carefully review the comments received and develop a final EIS. We will announce the availability of the final EIS in the Federal Register; and issue a record of decision. Under the NEPA, the final EIS must be published and available for public inspection 30 days before publication of the record of decision. In the meantime, USDA will continue to provide updates on major activities related to the EIS through APHIS' Web site, stakeholder newsletters, and public announcements.

The Honorable Bob Goodlatte  
Page 2

I understand that our Nation's dairy producers have an important stake in the outcome of this process, and I recognize the many economic challenges they face today. USDA is committed to promoting their success, and we are currently reviewing Federal dairy policy to determine what changes are needed to reduce price volatility and enhance farmer profitability. The Dairy Industry Advisory Committee—which we established in August 2009, and will include small and large farmers and farmer organizations, as well as other groups from across the industry—will study these issues and offer suggestions on ways USDA can best address the industry's needs. To support producers, USDA is providing Milk Income Loss Contract payments, donating surplus products to food banks and other feeding programs, and using the Dairy Export Incentive Program to promote dairy exports. We are also continuing our support of dairy producers through the Dairy Product Price Support Program and a variety of initiatives within our Farm Service Agency and Food and Nutrition Service.

Again, I assure you that we are moving forward with the EIS process as expeditiously as possible. I am sending a similar letter to the other Members of Congress.

Sincerely,



Thomas J. Vilsack  
Secretary

# **Congress of the United States**

**Washington, DC 20515**

**November 04, 2009**

**Thomas Vilsack, Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250**

**Kathleen Merrigan, Deputy Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250**

**Secretary Vilsack and Deputy Secretary Merrigan:**

As Members of Congress representing various regions of our nation's dairy farmers, we recognize and commend USDA for the efforts implemented this year in response to the severe financial stress being faced by America's dairy industry. Though the crisis persists, the assistance provided by USDA has provided urgently needed relief and has helped thousands of farmers stay in business.

While most of the focus has been on ways to increase milk prices and provide dairy farmers with additional revenues, we also are concerned about how to help dairy farmers avoid being squeezed by low prices and high costs in the future. With that in mind, one of the best strategies that farmers can adopt is to reduce operating costs. Skyrocketing feed prices remains one of the most significant factors driving up production costs, while decreasing profits. American agriculture has an enviable track record of innovation and adoption of new technology that helps farmers reduce costs and survive in an intensely competitive market.

Recently, the National Association of State Departments of Agriculture adopted a resolution in regard to Roundup Ready alfalfa, which is a technological innovation still under environmental review by USDA, despite being approved by USDA in 2005. Many dairy farmers and alfalfa growers planted Roundup Ready alfalfa in 2006, and they now have nearly three years experience with the crop. In 2007, a federal judge ruled that USDA should have prepared a full Environmental Impact Statement (EIS) on Roundup Ready alfalfa. As a direct result, further sales of the variety were suspended until the completion of the EIS. However, existing stands of Roundup Ready alfalfa were not affected by the ruling.

According to survey data and individual testimonials by those farmers, they have experienced a tremendous financial benefit through the use of Roundup Ready alfalfa. The additional production efficiency from it has resulted in reduced production costs, higher yields, and higher feed value. Those farmers have quantified the benefit to be in the range of \$100 per acre.

Roundup Ready alfalfa is considered a safe, effective, and well-accepted trait that delivers proven benefits to farmers. And dairy farmers, many of whom grow alfalfa hay for their own dairy cows, are eager to have access to this technology.

When ordered to conduct the EIS, USDA told the judge that it would take 18-24 months. 30 months later, the draft EIS still has not been published for public comment. On behalf of America's dairy farmers, we urge you to make the review of Roundup Ready alfalfa a priority for USDA and that you provide the Animal and Plant Health Inspection Service with the resources needed to complete the process in time the 2010 planting season. This is just one particular step that we can take to help bring down feed costs and provide our nation's dairy farms with an additional form of relief.

Sincerely,

Glenn Thompson

Glenn "GT" Thompson (PA-05)

Joe Courtney

Joe Courtney (CT-02)

Congressional Dairy Caucus Co-Chair

Leonard L. Boswell

Leonard Boswell (IA-03)

Cathy McMorris Rodgers

Cathy McMorris Rodgers (WA-05)

Joseph Pitts

Joseph Pitts (PA-16)

Tim Holden

Tim Holden (PA-17)

Michael Conaway

Michael Conaway (TX-11)

Bob Goodlatte

Bob Goodlatte (VA-17)

Wally Herger

Wally Herger (CA-02)

Chris Carney

Chris Carney (PA-10)

Steve Austria

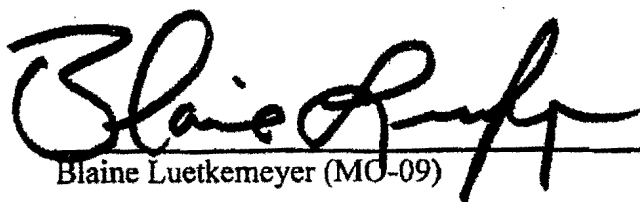
Steve Austria (OH-07)

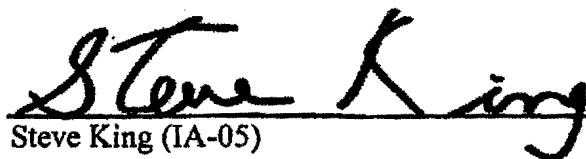
Devin Nunes

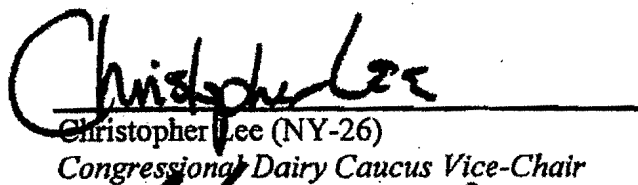
Devin Nunes (CA-21)

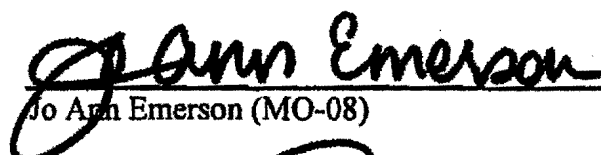
Congressional Dairy Caucus Co-Chair

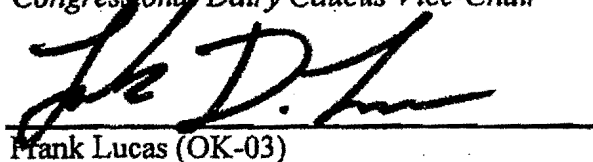


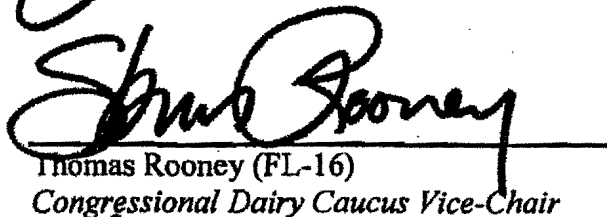
  
Blaine Luetkemeyer (MO-09)

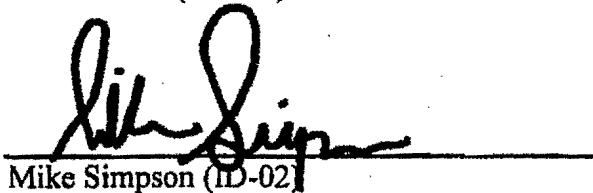
  
Steve King (IA-05)

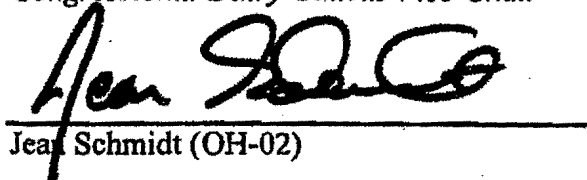
  
Christopher Lee (NY-26)  
*Congressional Dairy Caucus Vice-Chair*

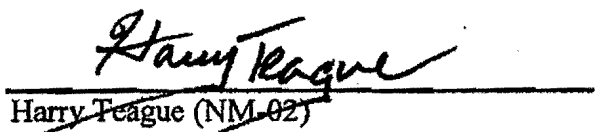
  
Jo Ann Emerson (MO-08)

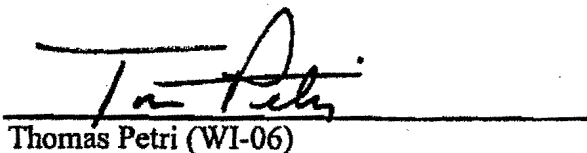
  
Frank Lucas (OK-03)

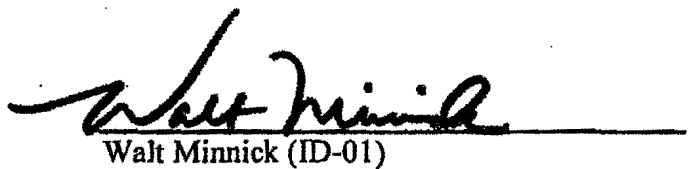
  
Thomas Rooney (FL-16)  
*Congressional Dairy Caucus Vice-Chair*

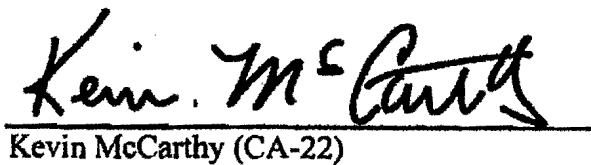
  
Mike Simpson (ID-02)

  
Jean Schmidt (OH-02)

  
Harry Teague (NM-02)

  
Thomas Petri (WI-06)

  
Walt Minnick (ID-01)

  
Kevin McCarthy (CA-22)



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

AUG 17 2010

The Honorable Bob Goodlatte  
U.S. House of Representatives  
2240 Rayburn House Office Building  
Washington, D.C. 20515-4606

Dear Congressman Goodlatte:

Thank you for your letter of July 16, 2010, regarding the status of the petition to deregulate two lines of Roundup Ready (RR) alfalfa developed by Monsanto Company and Forage Genetics International.

I recognize the importance of this issue to you and your Congressional colleagues, as well as to farmers and other concerned individuals across the country. The U.S. Department of Agriculture (USDA) supports the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century. It is my conviction that USDA must support all forms of agriculture—conventional, organic, and genetically engineered (GE)—in order to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

Before making any decisions regarding interim actions related to the deregulation of RR alfalfa, USDA is reviewing the recent Supreme Court ruling and awaiting the outcome of further proceedings in the Ninth Circuit Court following the remand from the Supreme Court. Currently, USDA is focusing its efforts on completion of the environmental impact statement (EIS) for the RR alfalfa lines. As part of that process, USDA officials are reviewing the many thousands of comments we received on the draft EIS. Once that review is complete, USDA intends to develop a final EIS and issue a record of decision. The process, however, will not be completed in time for the fall planting season.

I assure you that USDA remains committed to thorough, science-based evaluation of petitions to grant nonregulated status for RR alfalfa and other GE plants. We are sending a similar response to your colleagues who also signed the letter.

Sincerely,

A handwritten signature in dark ink, reading "Tom J. Vilsack", is positioned above the typed name of the Secretary.

Thomas J. Vilsack  
Secretary



Lynn Jenkins, CPA  
United States Congresswoman, Kansas 2<sup>nd</sup> District

FAX TRANSMISSION COVER SHEET

To: Sec. Tom Vilsack From: Rep. Lynn Jenkins

Fax: 202-225-7986

Phone: 202-225-6601

Date: July 16, 2010 Time: 4:30 p.m.

Number of pages (including cover sheet): 7

Message:

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Fax Transmission From: Lynn Jenkins, U.S. Congresswoman

Fax: 202-225-7986

Phone: 202-225-6601

Address: 130 Cannon HOB, Washington, DC 20515

**Congress of the United States**  
**Washington, DC 20515**

July 16, 2010

The Honorable Thomas Vilsack  
 Secretary  
 U.S. Department of Agriculture  
 1400 Independence Ave, SW  
 Washington, DC 20250

Dear Secretary Vilsack:


We write to request your assistance with respect to the Department of Agriculture's ongoing review and approval of Roundup Ready alfalfa (RRA). We appreciate your Department's efforts to-date in responding to the 9<sup>th</sup> Circuit Court's ruling in 2007. In light of the Supreme Court's recent 7-1 decision to strike down the injunction issued in that ruling, we request that you issue an interim permit to allow the use of RRA for the fall 2010 planting season while the Animal and Plant Health Inspection Service completes its final Environmental Impact Study (EIS).

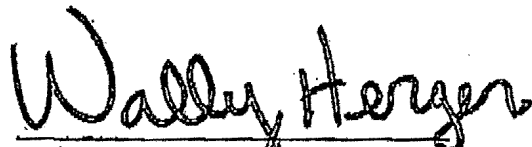
RRA dramatically reduces the need for chemical application and other high-cost methods of weed control, thus increasing efficiency and significantly lowering operating costs. The efficiencies of RRA led to higher yields and higher field quality that resulted in an annual revenue increase of approximately \$100 per acre. Further, RRA not only helps increase farmers' revenue, but it also is a risk mitigation tool to help producers keep their harvest from being discounted due to quality issues. While the 9<sup>th</sup> Circuit's decision placed an injunction on further planting of RRA pending the completion of an EIS, the Court did allow for the continued harvest of RRA hay and seed for acres already planted and for that seed to be placed in controlled storage. It has been estimated that farmers have lost more than \$250 million in revenue from not being able to utilize RRA during the EIS process, and they will face significant additional losses if they are not allowed to plant their inventoried seed during the fall 2010 planting season.

The June 21, 2010, Supreme Court opinion stated that the ruling of the 9<sup>th</sup> Circuit was "a drastic and extraordinary remedy, which should not be granted as a matter of course" and that a "permanent injunction is not now needed to guard against any present or imminent risk of likely irreparable harm." According to the conclusions drawn in your agency's draft EIS there is "no significant impact on the human environment due to granting nonregulated status to Roundup Ready alfalfa." For these reasons, we request that you issue a partial deregulation to allow farmers to plant their inventoried RRA seed this fall while your agency finalizes the EIS.

Thank you for your continued assistance and attention on this important issue. We look forward to your response.

Sincerely,

  
 Lynn Jenkins (KS-02)  
 Member of Congress

  
 Wally Herger (CA-02)  
 Member of Congress

Joe Courtney

Joe Courtney (CT-02)  
Member of Congress

Collin C. Peterson

Collin Peterson (MN-07)  
Member of Congress

Roy Blunt

Roy Blunt (MO-07)  
Member of Congress

Cathy McMorris-Rodgers

Cathy McMorris-Rodgers (WA-05)  
Member of Congress

Mike Conaway

Mike Conaway (TX-11)  
Member of Congress

John Salazar

John Salazar (CO-03)  
Member of Congress

Jerry Moran

Jerry Moran (KS-01)  
Member of Congress

Aaron Schock

Aaron Schock (IL-08)  
Member of Congress

John Boehner

John Boehner (OH-08)  
Member of Congress

Frank D. Lucas

Frank Lucas (OK-03)  
Member of Congress

Mike McIntyre

Mike McIntyre (NC-07)  
Member of Congress

John Shimkus Jan 19

John Shimkus (IL-19)  
Member of Congress

Glenn G.T. Thompson

Glenn Thompson (PA-05)  
Member of Congress

Robert E. Latta

Bob Latta (OH-05)  
Member of Congress

Bob Goodlatte

Bob Goodlatte (VA-06)  
Member of Congress

Todd Tiahrt

Todd Tiahrt (KS-04)  
Member of Congress



Todd Akin (MO-02)  
Member of Congress



Sam Graves (MO-06)  
Member of Congress



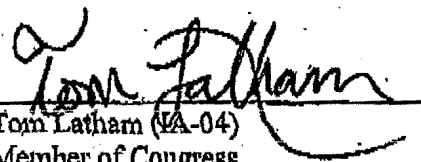
Doug Lamborn (CO-05)  
Member of Congress



Devin Nunes (CA-21)  
Member of Congress



Phil Hare (IL-17)  
Member of Congress



Tom Latham (VA-04)  
Member of Congress



Harry Teague (NM-02)  
Member of Congress



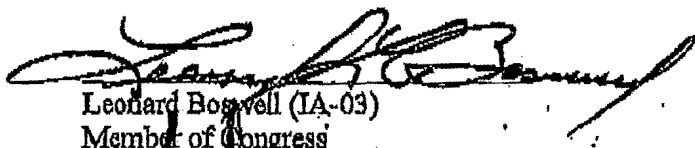
Patrick Tiberi (OH-12)  
Member of Congress



Jean Schmidt (OH-02)  
Member of Congress



Tim Holden (PA-17)  
Member of Congress



Leonard Boswell (IA-03)  
Member of Congress



Randy Neugebauer (TX-19)  
Member of Congress



Jim Costa (CA-20)  
Member of Congress



Jo Ann Emerson (MO-08)  
Member of Congress



Mike Coffman (CO-06)  
Member of Congress



Adrian Smith (NE-03)  
Member of Congress

Jack Kingston

Jack Kingston (GA-01)  
Member of Congress

Kevin McCarthy

Kevin McCarthy (CA-22)  
Member of Congress

Walt Minnick

Walt Minnick (ID-01)  
Member of Congress

Dennis Cardoza

Dennis Cardoza (CA-18)  
Member of Congress

Mike Simpson

Mike Simpson (ID-02)  
Member of Congress

Michelle Bachmann

Michelle Bachmann (MN-06)  
Member of Congress

Marlon Berry

Marlon Berry (AR-01)  
Member of Congress

John Boozman

John Boozman (AR-03)  
Member of Congress

Greg Walden

Greg Walden (OR-02)  
Member of Congress

Chris Carney

Chris Carney (PA-10)  
Member of Congress

John Kline

John Kline (MN-02)  
Member of Congress

Marsha Blackburn

Marsha Blackburn (TN-07)  
Member of Congress

Blaine Luetkemeyer

Blaine Luetkemeyer (MO-06)  
Member of Congress

Tom Rooney

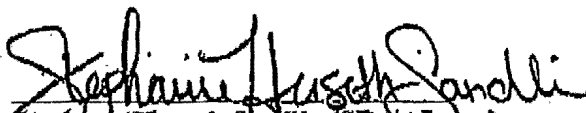
Tom Rooney (FL-16)  
Member of Congress

Steve Austin

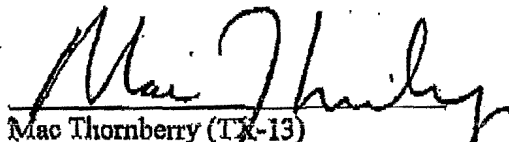
Steve Austin (OH-07)  
Member of Congress

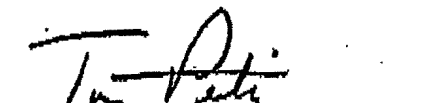
Joe Barton

Joe Barton (TX-06)  
Member of Congress


  
Stephanie Herseth Sandlin (SD-At Large)  
Member of Congress

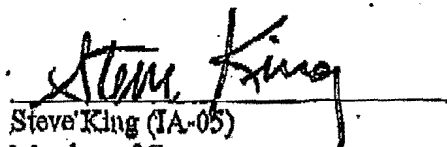
  
Scott Murphy (NY-20)  
Member of Congress

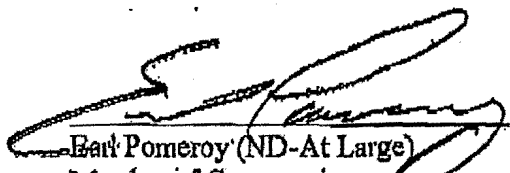
  
Mac Thornberry (TX-13)  
Member of Congress


  
Tom Petri (WI-06)  
Member of Congress

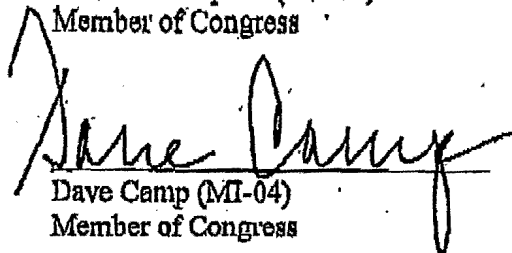
  
Erik Paulsen (MN-03)  
Member of Congress

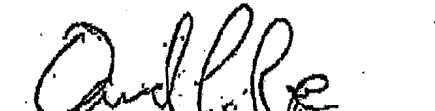
  
Chris Lee (NY-26)  
Member of Congress

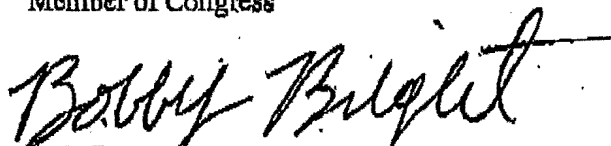
  
Steve King (IA-05)  
Member of Congress


  
Earl Pomeroy (ND-At Large)  
Member of Congress

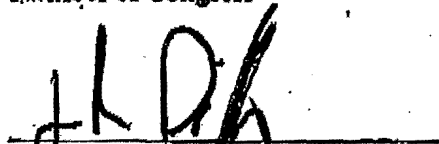
  
Bennie Thompson (MS-02)  
Member of Congress


  
Dave Camp (MI-04)  
Member of Congress

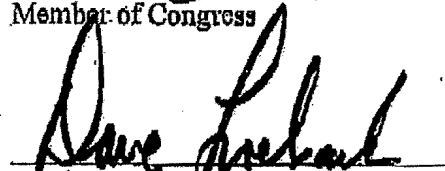
  
Phil Roe (TN-01)  
Member of Congress

  
Bobby Bright (AL-02)  
Member of Congress

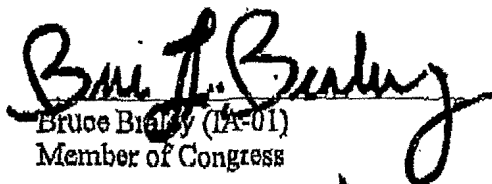
  
Mike Ross (AR-04)  
Member of Congress

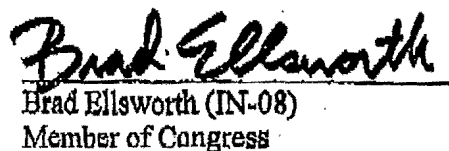
  
Joe Pitts (PA-16)  
Member of Congress

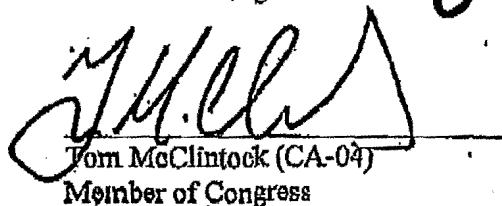
  
Charlie Melancon (LA-03)  
Member of Congress

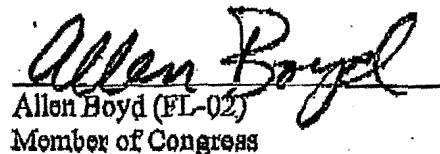
  
David Loebsack (IA-02)  
Member of Congress

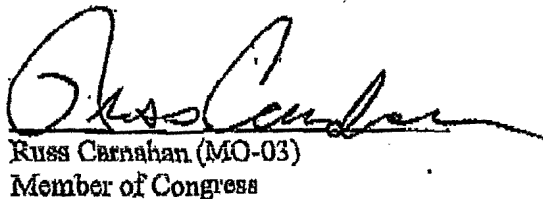


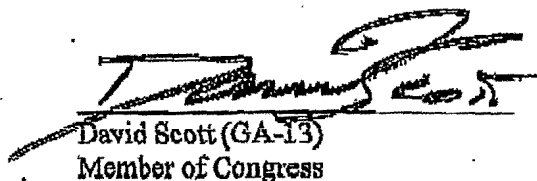
  
Bruce Braboy (IA-01)  
Member of Congress

  
Brad Ellsworth (IN-08)  
Member of Congress

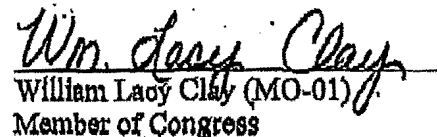
  
Tom McClintock (CA-04)  
Member of Congress

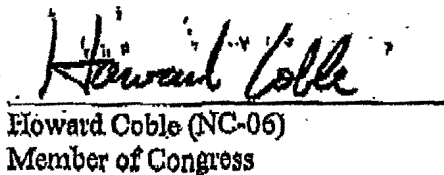
  
Allen Boyd (FL-02)  
Member of Congress

  
Russ Carnahan (MO-03)  
Member of Congress

  
David Scott (GA-13)  
Member of Congress

  
Larry Kissell (NC-08)  
Member of Congress

  
William Lacy Clay (MO-01)  
Member of Congress

  
Howard Coble (NC-06)  
Member of Congress



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

1400 Independence  
Avenue, SW

Washington, DC  
20250

MAY 11 2010

(b)(6)

Dear (b)(6)

Senator Merkley requested that we respond directly to the concerns you sent him regarding genetically engineered (GE) alfalfa.

We appreciate learning your views. We assure you that the U.S. Department of Agriculture (USDA) is strongly committed to supporting all forms of agriculture to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms from the smallest to the largest. To meet these critical goals, all types of agriculture must be able to coexist and thrive. Accordingly, under the leadership of Secretary Thomas J. Vilsack, USDA is pursuing policies that promote the coexistence of biotechnology-derived, conventional, and organic crops. We strive to ensure that our regulatory oversight is effective and science-based, that we are keeping pace with the latest scientific developments, and that we do so transparently. USDA advocates the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century.

Under the authority of the Plant Protection Act, our Agency of USDA regulates the introduction—meaning the importation, interstate movement, and environmental release—of certain GE organisms that may pose a risk to plant health. Accordingly, we must emphasize that our role in regulating biotechnology is limited to oversight of these GE organisms only, and to safeguarding plant health, as part of a Federal oversight partnership that includes our Agency, the U.S. Food and Drug Administration (FDA), and the U.S. Environmental Protection Agency (EPA). FDA has primary responsibility for ensuring the safety of human food and animal feed, as well as proper labeling and safety of all plant-derived foods and feeds. EPA regulates pesticides, including crops with plant-incorporated protectants (pesticides intended to be produced and used in a living plant) to ensure public safety; that agency also regulates pesticide residue on food and animal feed. You may obtain more information about this partnership by visiting the United States Regulatory Agencies Unified Biotechnology Web site at <http://usbiotechreg.nbio.gov>.

Our Agency of USDA recently prepared a draft environmental impact statement (EIS) for two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International and published a notice in the Federal Register



*Safeguarding American Agriculture*  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

FOIA11-316001380

announcing the document's availability for public comment. The draft EIS can be found on our Web site at <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>. In light of the importance of this issue to producers and other members of the public, we extended the original 60-day public comment period until March 3, 2010. To obtain more feedback during the comment period, our Agency also scheduled four public meetings on this subject. Our officials are giving the comments received, a number of which expressed views similar to yours, all due consideration as we proceed. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of the record of decision. In addition, our Agency will continue to provide updates on major activities related to the EIS through its Web site and public announcements. Please be assured that we are committed to ensuring that the final EIS is complete and scientifically sound.

Again, we appreciate learning your views. We hope this information is useful.

Sincerely,



Cindy J. Smith  
Administrator

JEFF MERKLEY  
OREGON

6300552

United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
ENVIRONMENT AND  
PUBLIC WORKS  
HEALTH, EDUCATION,  
LABOR, AND PENSIONS  
BANKING, HOUSING,  
AND URBAN AFFAIRS  
BUDGET

April 16, 2010

Secretary Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
212A Whitten Building  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Vilsack,

I am writing on behalf of several of my constituents from Oregon.

I would appreciate it if you would review the enclosed information and respond directly to my constituents listed below:

(b)(6)

107 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-3753  
FAX (202) 228-3997


121 S.W. SALMON STREET  
PORTLAND, OR 97204  
(503) 326-3386  
FAX (503) 326-2900

FOIA11-316001382

(b)(6)

Thank you for your attention to this matter.

All my best,

  
Jeff Merkley  
United States Senate

JM/ks  
Enclosure

Dear Senator Merkley,

I urge you to call Agriculture Secretary Vilsack and ask him to deny USDA approval of Monsanto's GE alfalfa. I am strongly opposed to this action and deeply disturbed to see that business interests are favored over the personal and environmental safety of the people of our country.

Monsanto wants to sell its genetically engineered (GE) alfalfa and wants the USDA to approve its permit application, but consumers, farmers, dairies, and food companies don't want GE alfalfa plants and seeds released into the environment.

USDA's Draft Environmental Impact Statement (DEIS) admits that if GE alfalfa is approved:

- \* GE Contamination of non-GE and organic alfalfa crops will occur
- \* GE contamination will economically impact small and family farmers
- \* Foreign export markets will be at risk due to rejection of GE contaminated products
- \* Farmers will be forced to use more toxic herbicides to remove old stands of alfalfa

Yet, unbelievably, USDA has decided that these impacts are insignificant! And, USDA intends to approve Monsanto's Roundup-Ready™ GE alfalfa anyway.

I DO NOT support the deregulation of GE alfalfa, for the following reasons:

- \* GE contamination of non-GE and organic crops would be inevitable
- \* I will not buy products that are GE-contaminated
- \* Alfalfa is a major food source for livestock and GE alfalfa would destroy the integrity of organic dairy products
- \* I support the rights of farmers to grow the crops of their choice, and consumers to buy the products of their choice, and GE contamination makes that impossible
- \* GE crops increase pesticide use, harming human health and the environment

Again, I urge you to oppose to this action for the safety of the people of our country.

Thank you,



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Barney Frank  
U.S. House of Representatives  
2252 Rayburn House Office Building  
Washington, D.C. 20515-2104

JUL 1 6 2010

Dear Congressman Frank:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over the printed name and title.

Thomas J. Vilsack  
Secretary

**Congress of the United States**  
Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA- APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 ½ miles -- far beyond the recommended 900 foot isolation distances.



The Honorable Thomas Vilsack

June 21, 2010

Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

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The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

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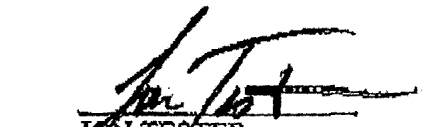
  
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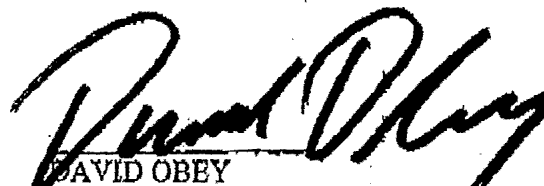
  
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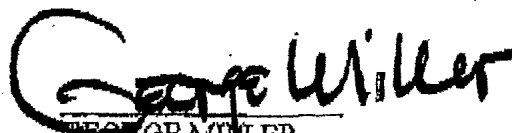
  
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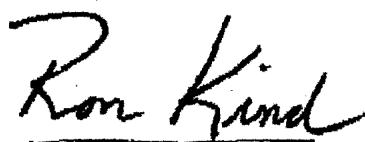
  
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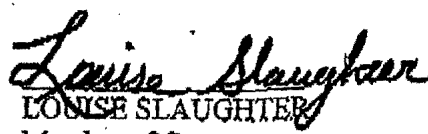
  
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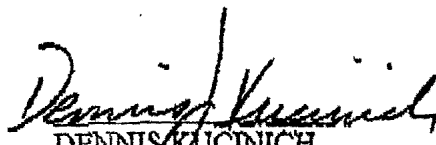
  
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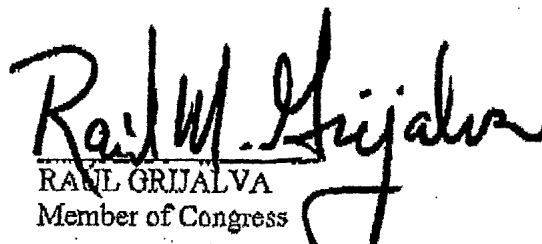
  
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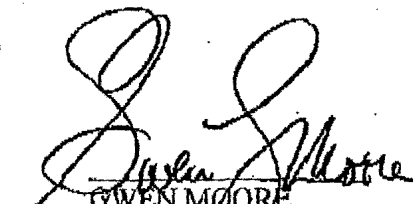
  
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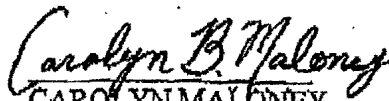
  
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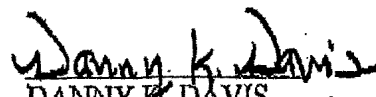
  
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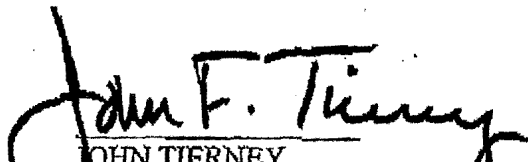
  
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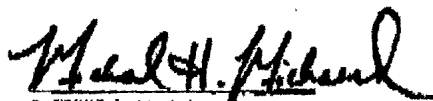
  
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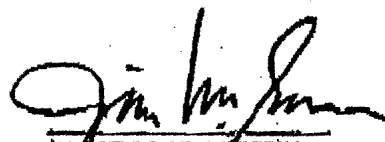
  
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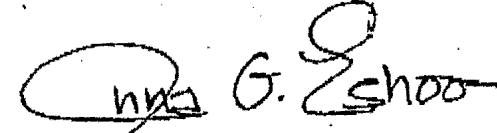
  
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ANNA ESHOO  
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NICK RAHALL  
Member of Congress



FAX COVER SHEET

OFFICE OF REP. PETER DEFazio

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Bob Filner  
U.S. House of Representatives  
2428 Rayburn House Office Building  
Washington, D.C. 20515-0551

JUL 1 6 2010

Dear Congressman Filner:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Vilsack", is written over the typed name and title.

Thomas J. Vilsack  
Secretary

**Congress of the United States**  
Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA-APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

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The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

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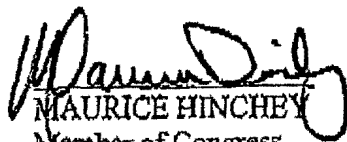
  
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SAM FARR  
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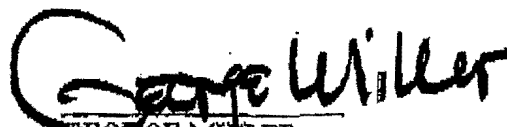
  
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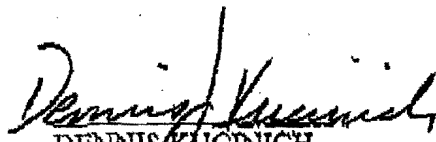
  
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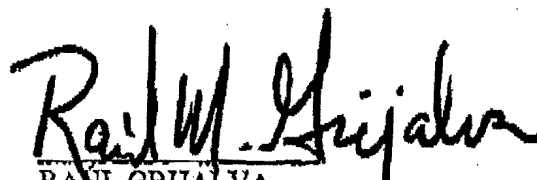
  
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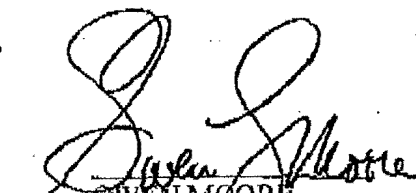
  
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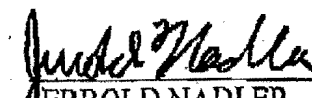
  
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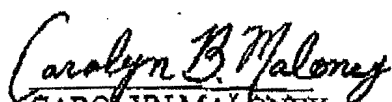
  
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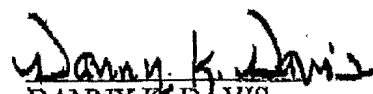
  
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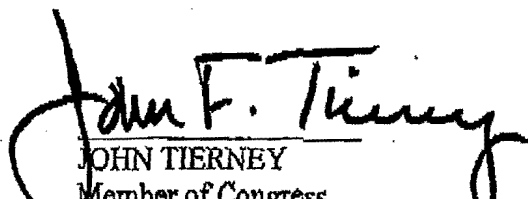
  
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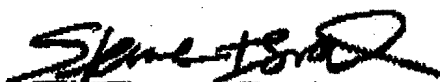
  
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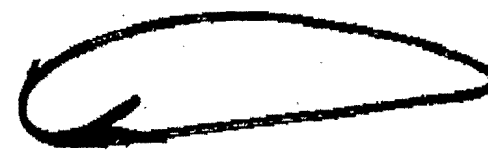
  
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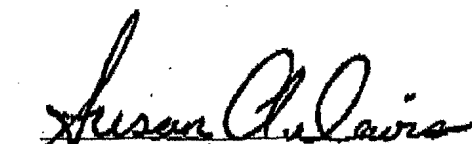
  
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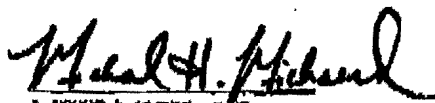
  
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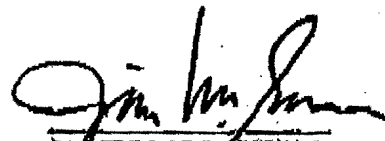
  
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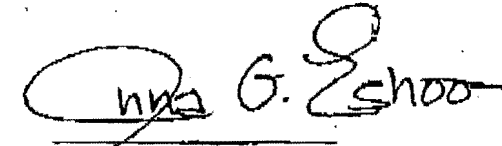
  
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FAX COVER SHEET

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WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Russell D. Feingold  
United States Senate  
506 Hart Senate Office Building  
Washington, D.C. 20510-4904

JUL 16 2010

Dear Senator Feingold:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

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Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

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Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

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The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

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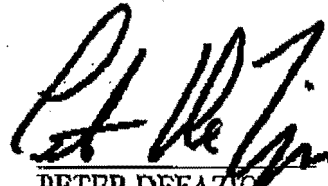
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United States Senator

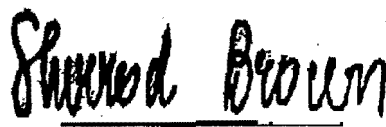
  
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Member of Congress

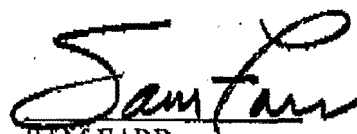
  
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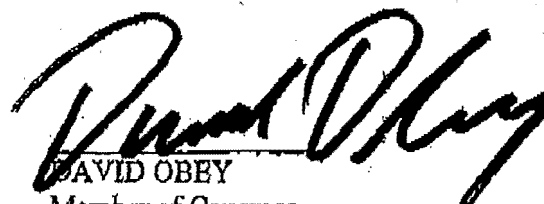
  
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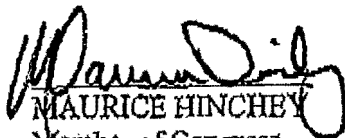
  
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United States Senator


  
SHERROD BROWN  
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SAM FARR  
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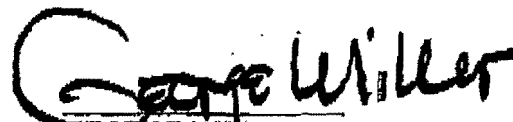
  
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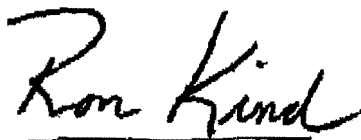
  
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MAURICE HINCHEY  
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RON KIND  
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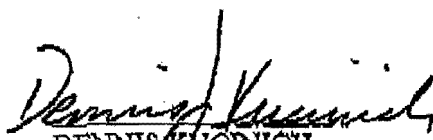
  
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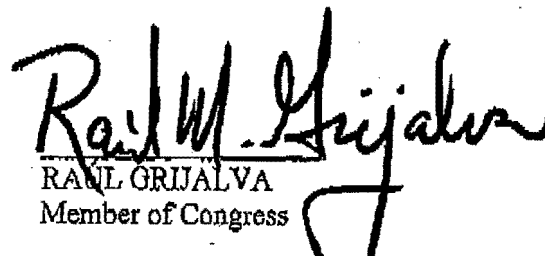
  
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Member of Congress


  
BARNEY FRANK  
Member of Congress

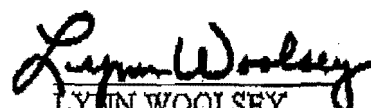
  
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Member of Congress

  
LOUISE SLAUGHTER  
Member of Congress

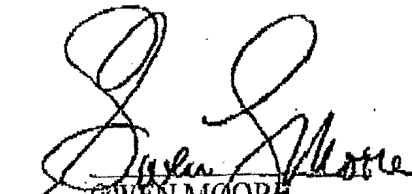
  
DENNIS KUCINICH  
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RAUL GRIJALVA  
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NORMAN DICKS  
Member of Congress


  
LYNN WOOLSEY  
Member of Congress




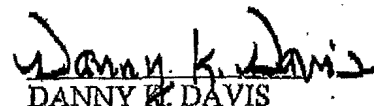
  
GWEN MOORE  
Member of Congress


  
JERROLD NADLER  
Member of Congress


  
NITA LOWEY  
Member of Congress

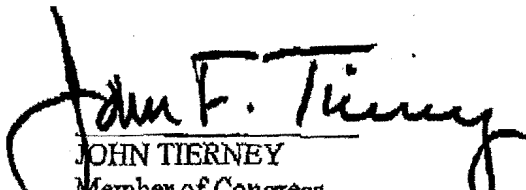
  
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Member of Congress


  
CAROLYN MALONEY  
Member of Congress

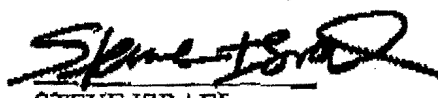
  
DANNY K. DAVIS  
Member of Congress


  
RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress

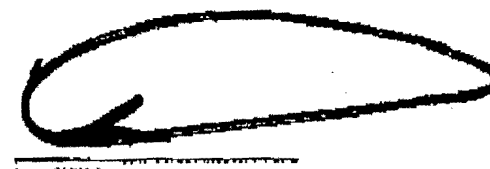
  
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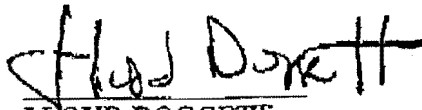
  
KEITH ELLISON  
Member of Congress

  
STEVE ISRAEL  
Member of Congress

  
STEVEN ROTHMAN  
Member of Congress

  
JOHN HALL  
Member of Congress

  
DAVID WU  
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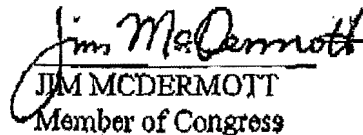
LLOYD DOGGETT  
Member of Congress



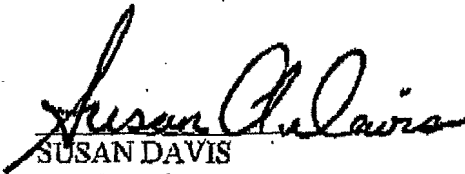
CHELLIE PINGREE  
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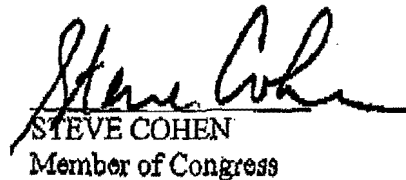
RICK LARSEN  
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JIM MCDERMOTT  
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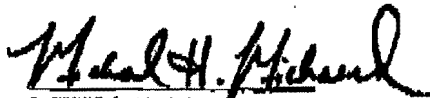
STEVE COHEN  
Member of Congress



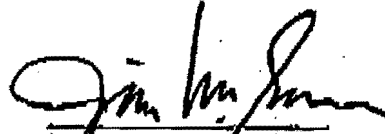
MIKE THOMPSON  
Member of Congress



MICHAEL ARCURI  
Member of Congress



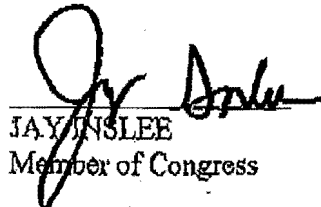
MIKE MICHAUD  
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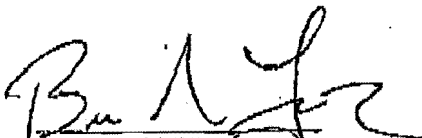
JAMES MCGOVERN  
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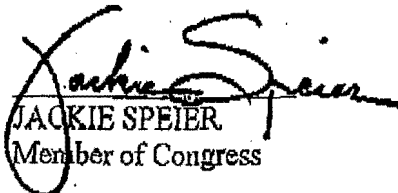
BETTY SUTTON  
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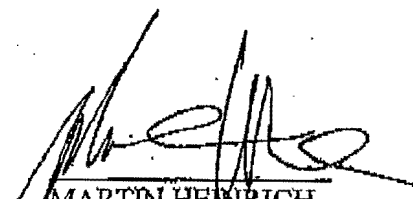
JAY INSLEE  
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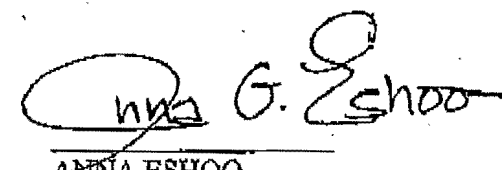
BEN RAY LUJAN  
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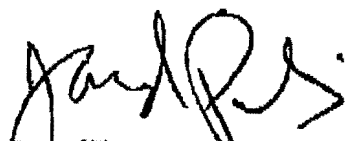
JACKIE SPEIER  
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MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



Jun. 23. 2010 11:53AM

No. 0025 P. 1



FAX COVER SHEET

OFFICE OF REP. PETER DEFAZIO

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0632

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DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66  
members of House and Senate asking  
USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Sam Farr  
U.S. House of Representatives  
1126 Longworth House Office Building  
Washington, D.C. 20515-0517

JUL 16 2010

Dear Congressman Farr:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Vilsack", is written over the typed name and title.

Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

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Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

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June 21, 2010  
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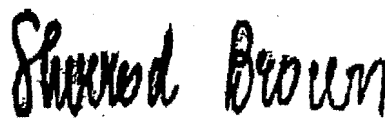
  
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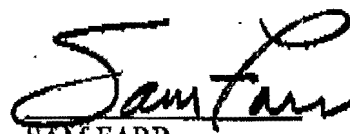
  
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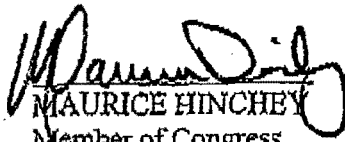
  
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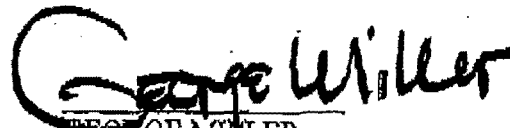
  
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RON KIND  
Member of Congress

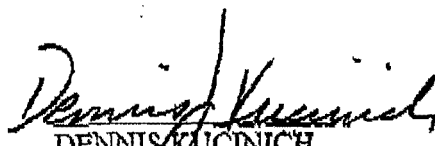
  
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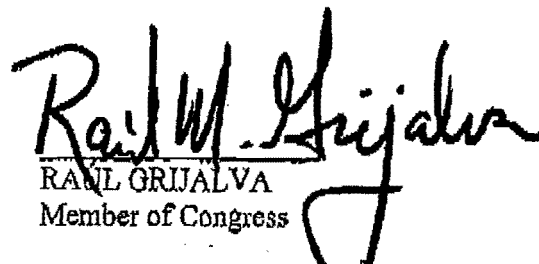
  
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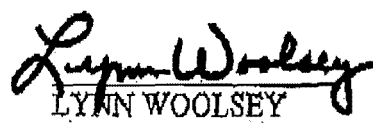
  
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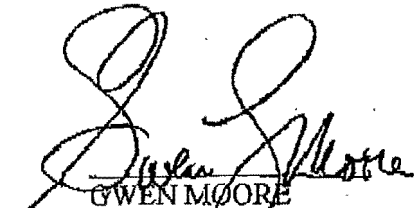
  
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DENNIS KUCINICH  
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RAUL GRIJALVA  
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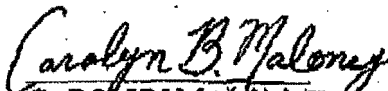
  
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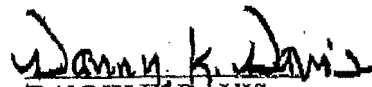
  
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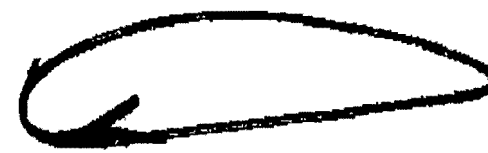
  
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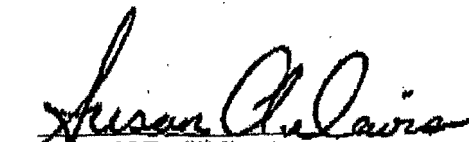
  
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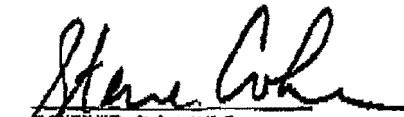
  
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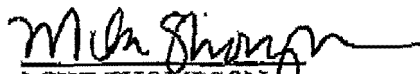
  
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Member of Congress

  
RICK LARSEN  
Member of Congress

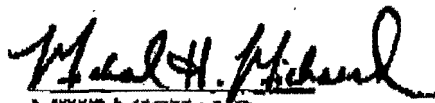
  
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Member of Congress

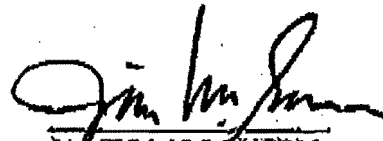
  
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STEVE COHEN  
Member of Congress


  
MIKE THOMPSON  
Member of Congress

  
MICHAEL ARCURI  
Member of Congress

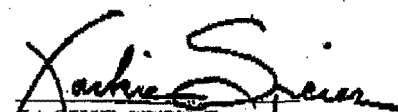
  
MIKE MICHAUD  
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JAMES MCGOVERN  
Member of Congress

  
BETTY SUTTON  
Member of Congress

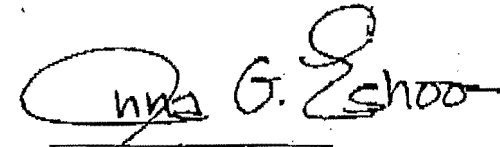
  
JAY INSLEE  
Member of Congress

  
BEN RAY LUJAN  
Member of Congress


  
JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



Jun. 23. 2010 11:53AM

No. 0025 P. 1



FAX COVER SHEET

OFFICE OF REP. PETER DEFazio

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

MAR 03 2010

(b)(6)

Cornucopia Institute  
Post Office Box 126  
Cornucopia, Wisconsin 54827

Dear (b)(6)

Thank you for your letter of January 18, 2010, requesting that the U.S. Department of Agriculture (USDA) extend the comment period on the draft environmental impact statement (EIS) evaluating the potential environmental effects of deregulating genetically engineered alfalfa resistant to the herbicide glyphosate (also known as Roundup Ready alfalfa).

After carefully considering the Cornucopia Institute's request, USDA officials recently decided to extend the public comment period on the draft EIS an additional 15 days. The extended comment period closed on March 3, 2010. Although I understand that you would have preferred an additional 30-day extension to the comment period, we believe that the 15-day extension balances the need for stakeholders to have sufficient time to prepare and submit comments with the need to allow USDA officials adequate time to carefully review the comments. In addition, our officials must take into account the need for the policy evaluation process to move forward as efficiently and expeditiously as possible. We believe in this case that the 15-day extension of the comment period is sufficient to meet these needs.

Please be assured that our officials will give your comments careful consideration as we proceed. I welcome your input on this important issue and assure you that the protection of our agricultural resources continues to be our highest priority.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over a horizontal line.

Thomas J. Vilsack  
Secretary



**C O R N U C O P I A**  
**I N S T I T U T E**

January 18, 2010

Tom Vilsack, Secretary  
United States Department of Agriculture  
1400 Independence Ave SW  
Whitten Building, Suite 200A  
Washington, DC 20250

Dear Mr. Vilsack –

The Cornucopia Institute is formally requesting that the USDA, through the Animal, Plant and Health Inspection Service (APHIS), extend the public comment period on the Genetically-Engineered Glyphosate-Tolerant Alfalfa Environmental Impact Statement [Docket No. APHIS-2007-0044].

We are asking that comment period be extended by an additional 30 days, and to a total of 90 days, rather than the 60 day comment period as noticed in the Federal Register announcement of the rule proposal.

There are compelling reasons supporting a longer public comment period, including:

- The Environmental Impact Statement (EIS) was released on Friday, December 18, 2009. The one paragraph announcement of the release (bundled within the EPA's announcement of nearly a dozen other EIS's) coincided with the busy holiday period at the end of the year, and made awareness and review of this important document difficult during this timeframe.
- The Cornucopia Institute has been a plaintiff in the federal court case that stipulated the requirement by APHIS to conduct an EIS on genetically-modified Round-up Ready alfalfa. Given the timing of the release of the document, Cornucopia's legal counsel was unable to provide an adequate review of the lengthy and complex 1476 page document until January 14, 2010.
- The development of an EIS on genetically-modified Round-up Ready alfalfa marks the first of its kind for a genetically-modified crop. It is essential that practices be employed, allowing for a full and thorough analysis of the data in this document, to establish the best standards for review of similar documents in the future.



- The majority of Cornucopia's 3000 members are organic family farmers, many of them engaged in various facets of organic livestock agriculture. Nearly 30% of Cornucopia's members lack email communication ability, including a sizable percentage who are members of the old order Amish communities. Communicating the details of the EIS with these farmers, who are directly impacted by the approval of genetically-modified Round-up Ready alfalfa, and allowing them to have meaningful input into the EIS would greatly benefit from the requested 30 day extension of the public comment period. Many of these same farmers will by necessity only be alerted to and able to respond through standard mail.

For all of these reasons, The Cornucopia Institute respectfully requests that the USDA and APHIS to extend by 30 days the public comment period on the Genetically-Engineered-Glyphosate-Tolerant-Alfalfa-Environmental-Impact-Statement. This would provide an end date of March 16, 2010 for public comment.

An expedited response to this request would be greatly appreciated because of the lead time, and expense, required, as a small public charity, to communicate with our membership and other organic livestock producers/alfalfa growers.

Sincerely,

(b)(6)

cc: Mr. Sid Able, APHIS



CORNUCOPIA  
INSTITUTE

P.O. Box 126

Cornucopia, Wisconsin 54827

EAU CLAIRE WI 547

19 JAN 2010 PM 11



Tom Vilsack, Secretary  
United States Department of Agriculture  
1400 Independence Ave SW  
Whitten Building, Suite 200A  
Washington, DC 20250

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ADMINISTRATIVE, USDA





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

AUG 12 2010

(b)(6)

Montana Agricultural Business Association  
Post Office Box 7325  
Helena, Montana 59604

Dear (b)(6)

Thank you for your letter of July 13, 2010, on behalf of the Montana Agricultural Business Association regarding the status of the petition to deregulate two lines of Roundup Ready (RR) alfalfa developed by Monsanto Company and Forage Genetics International.

I recognize the importance of this issue to you and your Association's members, as well as to other farmers and concerned individuals across the country. The U.S. Department of Agriculture (USDA) supports the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century. It is my conviction that USDA must support all forms of agriculture—conventional, organic, and genetically engineered (GE)—in order to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

Before making any decisions regarding interim actions related to the deregulation of RR alfalfa, USDA is reviewing the recent Supreme Court ruling and awaiting the outcome of further proceedings in the Ninth Circuit Court following the remand from the Supreme Court. Currently, USDA is focusing its efforts on completion of the environmental impact statement (EIS) for the RR alfalfa lines. As part of that process, USDA officials are reviewing the many thousands of comments we received on the draft EIS. Once that review is complete, USDA intends to develop a final EIS and issue a record of decision. The process, however, will not be completed in time for the fall planting season.

I assure you that USDA remains committed to thorough, science-based evaluation of petitions to grant nonregulated status for RR alfalfa and other GE plants.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over a circular official seal.

Thomas J. Vilsack  
Secretary



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Anna Eshoo  
U.S. House of Representatives  
205 Cannon House Office Building  
Washington, D.C. 20515-0515

JUL 1 6 2010

Dear Congresswoman Eshoo:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, which appears to read "Tom Vilsack", is positioned above the typed name of the Secretary.

Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA- APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.


We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,


  
PATRICK LEAHY  
United States Senator

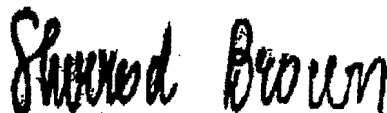
  
PETER DEFAZIO  
Member of Congress

  
BERNIE SANDERS  
United States Senator


  
RUSSELL D. FEINGOLD  
United States Senator


  
RON WYDEN  
United States Senator

  
JON TESTER  
United States Senator

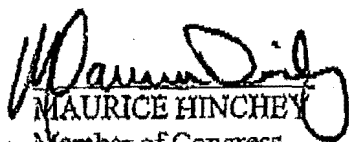
  
SHERROD BROWN  
United States Senator


  
SAM FARR  
Member of Congress


  
EARL BLUMENAUER  
Member of Congress

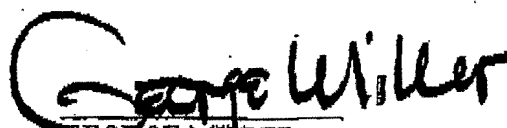
  
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Member of Congress




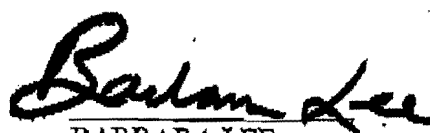
  
MAURICE HINCHEY  
Member of Congress


  
BOB FILNER  
Member of Congress


  
TAMMY BALDWIN  
Member of Congress

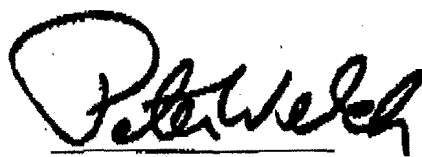
  
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RON KIND  
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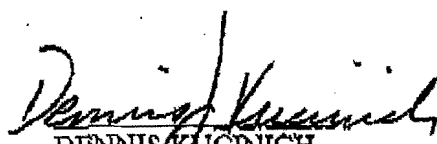
  
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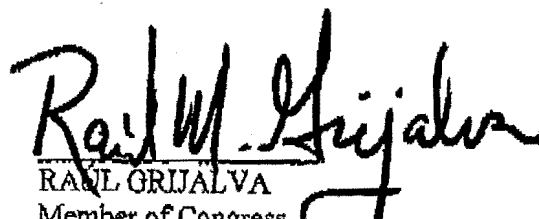
  
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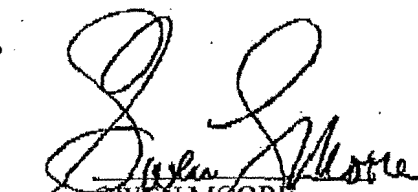
  
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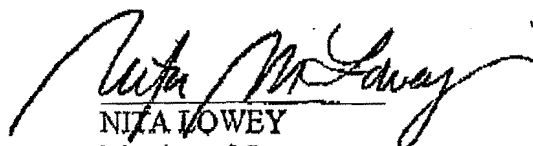
  
RAUL GRIJALVA  
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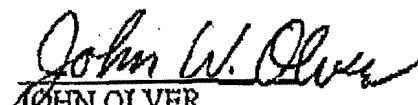
  
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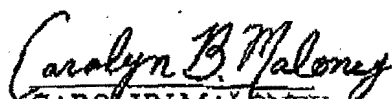
  
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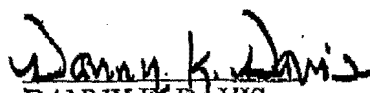
  
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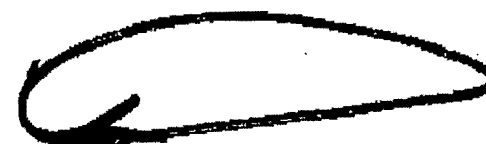
  
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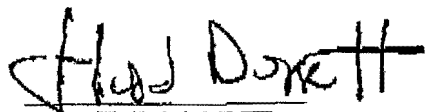
  
KEITH ELLISON  
Member of Congress

  
STEVE ISRAEL  
Member of Congress

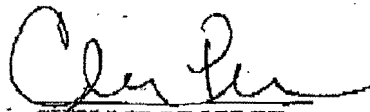
  
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JOHN HALL  
Member of Congress

  
DAVID WU  
Member of Congress



LLOYD DOGETT  
Member of Congress



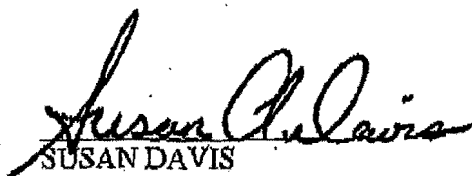
CHELLIE PINGREE  
Member of Congress



RICK LARSEN  
Member of Congress



JIM MCDERMOTT  
Member of Congress



SUSAN DAVIS  
Member of Congress



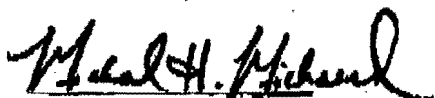
STEVE COHEN  
Member of Congress



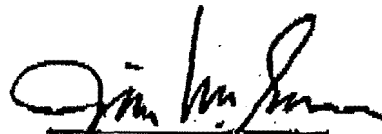
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MICHAEL ARCURI  
Member of Congress



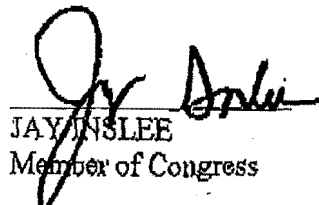
MIKE MICHAUD  
Member of Congress



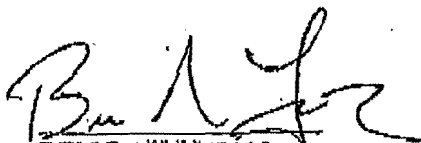
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Member of Congress



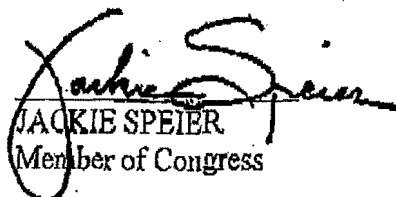
BETTY SUTTON  
Member of Congress




JAY INSLEE  
Member of Congress



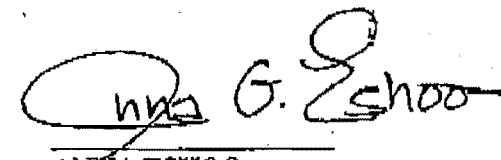
BEN RAY LUJAN  
Member of Congress



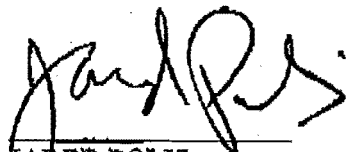
JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



Jun. 23. 2010 11:53AM

No. 0025 P. 1



FAX COVER SHEET  
OFFICE OF REP. PETER DEFazio  
2134 RAYBURN HOB  
WASHINGTON, DC 20515  
PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010  
TO: USDA leg. Affairs / Secretary Vilsack  
FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66  
members of House and Senate asking  
USDA to keep rules on GE alfalfa



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

DEC 08 2009

The Honorable Jo Ann Emerson  
U.S. House of Representatives  
2440 Rayburn House Office Building  
Washington, D.C. 20515-2508

Dear Congresswoman Emerson:

Thank you for your letter of November 4, 2009, regarding the U.S. Department of Agriculture's (USDA) draft environmental impact statement (EIS) for two lines of genetically engineered alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International.

I assure you that completing the draft EIS and moving forward with the final review process remains a high priority for USDA. We recognize the impact of the timing of this process on dairy producers as well as alfalfa farmers. At the same time, we believe it is important to ensure that the court-ordered EIS is thorough with respect to points raised by the court and the plaintiffs. It is also essential that the EIS be prepared in compliance with all applicable Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA). To fulfill our obligations under the Act, we are preparing an EIS that allows us to make an informed decision using an objective and comprehensive approach to reviewing in-depth scientific analysis, expert agency comment, and public input. In the process of preparing a document of this scope, there are many factors that can affect the timing, including the complexity of the issues that arise in the process of analysis.

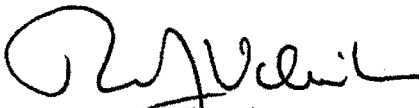
Currently, we anticipate publishing a draft EIS by the end of this year, and we will announce its availability for public comment in a Federal Register notice. At that time, stakeholders will be able to access the document on the Animal and Plant Health Inspection Service's (APHIS) Web site at [www.aphis.usda.gov/biotechnology/brs\\_main.shtml](http://www.aphis.usda.gov/biotechnology/brs_main.shtml) and will have a minimum of 60 days to provide comments. After the public comment period closes, we will carefully review the comments received and develop a final EIS. We will announce the availability of the final EIS in the Federal Register; and issue a record of decision. Under the NEPA, the final EIS must be published and available for public inspection 30 days before publication of the record of decision. In the meantime, USDA will continue to provide updates on major activities related to the EIS through APHIS' Web site, stakeholder newsletters, and public announcements.

The Honorable Jo Ann Emerson  
Page 2

I understand that our Nation's dairy producers have an important stake in the outcome of this process, and I recognize the many economic challenges they face today. USDA is committed to promoting their success, and we are currently reviewing Federal dairy policy to determine what changes are needed to reduce price volatility and enhance farmer profitability. The Dairy Industry Advisory Committee—which we established in August 2009, and will include small and large farmers and farmer organizations, as well as other groups from across the industry—will study these issues and offer suggestions on ways USDA can best address the industry's needs. To support producers, USDA is providing Milk Income Loss Contract payments, donating surplus products to food banks and other feeding programs, and using the Dairy Export Incentive Program to promote dairy exports. We are also continuing our support of dairy producers through the Dairy Product Price Support Program and a variety of initiatives within our Farm Service Agency and Food and Nutrition Service.

Again, I assure you that we are moving forward with the EIS process as expeditiously as possible. I am sending a similar letter to the other Members of Congress.

Sincerely,



Thomas J. Vilsack  
Secretary

# **Congress of the United States**

**Washington, DC 20515**

**November 04, 2009**

**Thomas Vilsack, Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250**

**Kathleen Merrigan, Deputy Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250**

**Secretary Vilsack and Deputy Secretary Merrigan:**

As Members of Congress representing various regions of our nation's dairy farmers, we recognize and commend USDA for the efforts implemented this year in response to the severe financial stress being faced by America's dairy industry. Though the crisis persists, the assistance provided by USDA has provided urgently needed relief and has helped thousands of farmers stay in business.

While most of the focus has been on ways to increase milk prices and provide dairy farmers with additional revenues, we also are concerned about how to help dairy farmers avoid being squeezed by low prices and high costs in the future. With that in mind, one of the best strategies that farmers can adopt is to reduce operating costs. Skyrocketing feed prices remains one of the most significant factors driving up production costs, while decreasing profits. American agriculture has an enviable track record of innovation and adoption of new technology that helps farmers reduce costs and survive in an intensely competitive market.

Recently, the National Association of State Departments of Agriculture adopted a resolution in regard to Roundup Ready alfalfa, which is a technological innovation still under environmental review by USDA, despite being approved by USDA in 2005. Many dairy farmers and alfalfa growers planted Roundup Ready alfalfa in 2006, and they now have nearly three years experience with the crop. In 2007, a federal judge ruled that USDA should have prepared a full Environmental Impact Statement (EIS) on Roundup Ready alfalfa. As a direct result, further sales of the variety were suspended until the completion of the EIS. However, existing stands of Roundup Ready alfalfa were not affected by the ruling.

According to survey data and individual testimonials by those farmers, they have experienced a tremendous financial benefit through the use of Roundup Ready alfalfa. The additional production efficiency from it has resulted in reduced production costs, higher yields, and higher feed value. Those farmers have quantified the benefit to be in the range of \$100 per acre.

Roundup Ready alfalfa is considered a safe, effective, and well-accepted trait that delivers proven benefits to farmers. And dairy farmers, many of whom grow alfalfa hay for their own dairy cows, are eager to have access to this technology.



When ordered to conduct the EIS, USDA told the judge that it would take 18-24 months. 30 months later, the draft EIS still has not been published for public comment. On behalf of America's dairy farmers, we urge you to make the review of Roundup Ready alfalfa a priority for USDA and that you provide the Animal and Plant Health Inspection Service with the resources needed to complete the process in time the 2010 planting season. This is just one particular step that we can take to help bring down feed costs and provide our nation's dairy farms with an additional form of relief.

Sincerely,

Glenn Thompson

Glenn "GT" Thompson (PA-05)

Joe Courtney

Joe Courtney (CT-02)

Congressional Dairy Caucus Co-Chair

Leonard L. Boswell

Leonard Boswell (IA-03)

Cathy McMorris Rodgers

Cathy McMorris Rodgers (WA-05)

Joe Pitts

Joseph Pitts (PA-16)

Tim Holden

Tim Holden (PA-17)

Michael Conaway

Michael Conaway (TX-11)

Bob Goodlatte

Bob Goodlatte (VA-17)

Wally Herger

Wally Herger (CA-02)

Chris Carney

Chris Carney (PA-10)

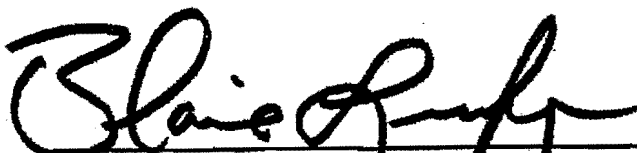
Steve Austria

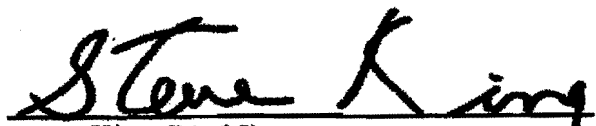
Steve Austria (OH-07)


Devin Nunes


Devin Nunes (CA-21)


Congressional Dairy Caucus Co-Chair


  
Blaine Luetkemeyer (MO-09)

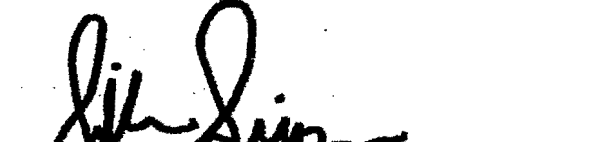
  
Steve King (IA-05)

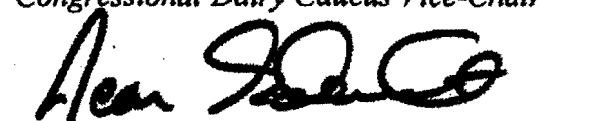
  
Christopher Lee (NY-26)  
*Congressional Dairy Caucus Vice-Chair*


  
Jo Ann Emerson (MO-08)


  
Frank Lucas (OK-03)


  
Thomas Rooney (FL-16)  
*Congressional Dairy Caucus Vice-Chair*

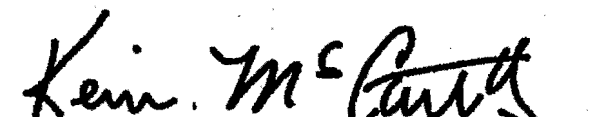
  
Mike Simpson (ID-02)

  
Jean Schmidt (OH-02)

  
Harry Teague (NM-02)

  
Thomas Petri (WI-06)

  
Walt Minnick (ID-01)

  
Kevin McCarthy (CA-22)



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

AUG 17 2010

The Honorable Jo Ann Emerson  
U.S. House of Representatives  
2440 Rayburn House Office Building  
Washington, D.C. 20515-2508

Dear Congresswoman Emerson:

Thank you for your letter of July 16, 2010, regarding the status of the petition to deregulate two lines of Roundup Ready (RR) alfalfa developed by Monsanto Company and Forage Genetics International.

I recognize the importance of this issue to you and your Congressional colleagues, as well as to farmers and other concerned individuals across the country. The U.S. Department of Agriculture (USDA) supports the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century. It is my conviction that USDA must support all forms of agriculture—conventional, organic, and genetically engineered (GE)—in order to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

Before making any decisions regarding interim actions related to the deregulation of RR alfalfa, USDA is reviewing the recent Supreme Court ruling and awaiting the outcome of further proceedings in the Ninth Circuit Court following the remand from the Supreme Court. Currently, USDA is focusing its efforts on completion of the environmental impact statement (EIS) for the RR alfalfa lines. As part of that process, USDA officials are reviewing the many thousands of comments we received on the draft EIS. Once that review is complete, USDA intends to develop a final EIS and issue a record of decision. The process, however, will not be completed in time for the fall planting season.

I assure you that USDA remains committed to thorough, science-based evaluation of petitions to grant nonregulated status for RR alfalfa and other GE plants. We are sending a similar response to your colleagues who also signed the letter.

Sincerely,

A handwritten signature in black ink, reading "Thomas J. Vilsack". The signature is fluid and cursive, with the first name "Thomas" and last name "Vilsack" clearly legible.

Thomas J. Vilsack  
Secretary



Lynn Jenkins, CPA  
United States Congresswoman, Kansas 2<sup>nd</sup> District

FAX TRANSMISSION COVER SHEET

To: Sec. Tom Vilsack From: Rep. Lynn Jenkins

Fax: 202-225-7986

Phone: 202-225-6601

Date: July 16, 2010 Time: 4:30 p.m.

Number of pages (including cover sheet): 7

Message:

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Fax Transmission From: Lynn Jenkins, U.S. Congresswoman

Fax: 202-225-7986

Phone: 202-225-6601

Address: 130 Cannon HOB, Washington, DC 20515

**Congress of the United States**  
**Washington, DC 20515**

July 16, 2010

The Honorable Thomas Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Dear Secretary Vilsack:

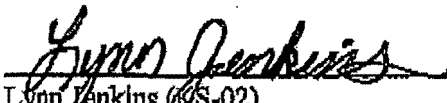
We write to request your assistance with respect to the Department of Agriculture's ongoing review and approval of Roundup Ready alfalfa (RRA). We appreciate your Department's efforts to-date in responding to the 9<sup>th</sup> Circuit Court's ruling in 2007. In light of the Supreme Court's recent 7-1 decision to strike down the injunction issued in that ruling, we request that you issue an interim permit to allow the use of RRA for the fall 2010 planting season while the Animal and Plant Health Inspection Service completes its final Environmental Impact Study (EIS).

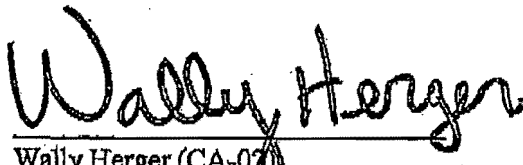
RRA dramatically reduces the need for chemical application and other high-cost methods of weed control, thus increasing efficiency and significantly lowering operating costs. The efficiencies of RRA led to higher yields and higher field quality that resulted in an annual revenue increase of approximately \$100 per acre. Further, RRA not only helps increase farmers' revenue, but it also is a risk mitigation tool to help producers keep their harvest from being discounted due to quality issues. While the 9<sup>th</sup> Circuit's decision placed an injunction on further planting of RRA pending the completion of an EIS, the Court did allow for the continued harvest of RRA hay and seed for acres already planted and for that seed to be placed in controlled storage. It has been estimated that farmers have lost more than \$250 million in revenue from not being able to utilize RRA during the EIS process, and they will face significant additional losses if they are not allowed to plant their inventoried seed during the fall 2010 planting season.

The June 21, 2010, Supreme Court opinion stated that the ruling of the 9<sup>th</sup> Circuit was "a drastic and extraordinary remedy, which should not be granted as a matter of course" and that a "permanent injunction is not now needed to guard against any present or imminent risk of likely irreparable harm." According to the conclusions drawn in your agency's draft EIS there is "no significant impact on the human environment due to granting nonregulated status to Roundup Ready alfalfa." For these reasons, we request that you issue a partial deregulation to allow farmers to plant their inventoried RRA seed this fall while your agency finalizes the EIS.

Thank you for your continued assistance and attention on this important issue. We look forward to your response.

Sincerely,

  
Lynn Jenkins (KS-02)  
Member of Congress

  
Wally Herger (CA-02)  
Member of Congress

Joe Courtney

Joe Courtney (CT-02)  
Member of Congress

John Boehner

John Boehner (OH-08)  
Member of Congress

Collin C. Peterson

Collin Peterson (MN-07)  
Member of Congress

Frank D. Lucas

Frank Lucas (OK-03)  
Member of Congress

Roy Blunt

Roy Blunt (MO-07)  
Member of Congress

Mike McIntyre

Mike McIntyre (NC-07)  
Member of Congress

Cathy McMorris-Rodgers

Cathy McMorris-Rodgers (WA-05)  
Member of Congress

John Shimkus Jan 19

John Shimkus (IL-19)  
Member of Congress

Mike Conaway

Mike Conaway (TX-11)  
Member of Congress

Glenn G.T. Thompson

Glenn Thompson (PA-05)  
Member of Congress

John Salazar

John Salazar (CO-03)  
Member of Congress

Robert E. Latta

Bob Latta (OH-05)  
Member of Congress

Jerry Moran

Jerry Moran (KS-01)  
Member of Congress

Bob Goodlatte

Bob Goodlatte (VA-06)  
Member of Congress

Aaron Schock

Aaron Schock (IL-18)  
Member of Congress

Todd Tiahrt

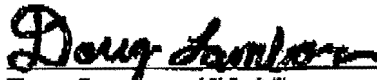
Todd Tiahrt (KS-04)  
Member of Congress



Todd Akin (MO-02)  
Member of Congress



Sam Graves (MO-06)  
Member of Congress



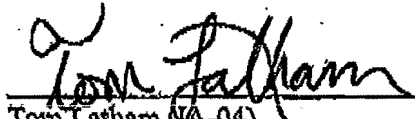
Doug Lamborn (CO-05)  
Member of Congress



Devin Nunes (CA-21)  
Member of Congress



Phil Hare (IL-17)  
Member of Congress



Tom Latham (VA-04)  
Member of Congress



Harry Teague (NM-02)  
Member of Congress



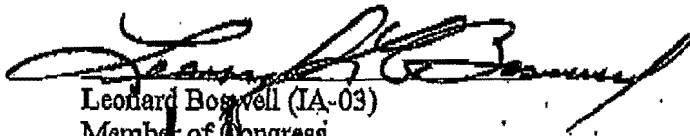
Patrick Tiberi (OH-12)  
Member of Congress



Jean Schmidt (OH-02)  
Member of Congress



Tim Holden (PA-17)  
Member of Congress



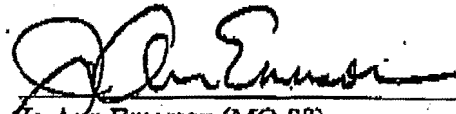
Leonard Boswell (IA-03)  
Member of Congress



Randy Neugebauer (TX-19)  
Member of Congress



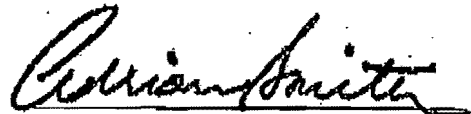
Jim Costa (CA-20)  
Member of Congress



Jo Ann Emerson (MO-08)  
Member of Congress



Mike Coffman (CO-06)  
Member of Congress



Adrian Smith (NE-03)  
Member of Congress

*Jack Kingston*

Jack Kingston (GA-01)  
Member of Congress

*Greg Walden*

Greg Walden (OR-02)  
Member of Congress

*Kevin McCarthy*

Kevin McCarthy (CA-22)  
Member of Congress

*Chris Carney*

Chris Carney (PA-10)  
Member of Congress

*Walt Minnick*

Walt Minnick (ID-01)  
Member of Congress

*John Kline*

John Kline (MN-02)  
Member of Congress

*Dennis Cardoza*

Dennis Cardoza (CA-18)  
Member of Congress

*Marsha Blackburn*

Marsha Blackburn (TN-07)  
Member of Congress

*Mike Simpson*

Mike Simpson (ID-02)  
Member of Congress

*Blaine Luetkemeyer*

Blaine Luetkemeyer (MO-05)  
Member of Congress

*Michelle Bachmann*

Michelle Bachmann (MN-06)  
Member of Congress

*Tom Rooney*

Tom Rooney (FL-16)  
Member of Congress

*Marion Berry*

Marion Berry (AR-01)  
Member of Congress

*Steve Austin*

Steve Austin (OH-07)  
Member of Congress

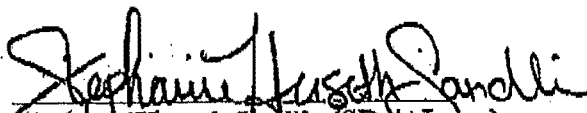
*John Boozman*


John Boozman (AR-03)  
Member of Congress

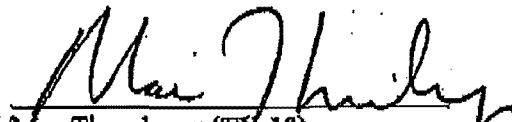
*Joe Barton*


Joe Barton (TX-06)  
Member of Congress




  
Stephanie Herseth Sandlin (SD-At Large)  
Member of Congress

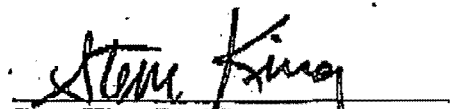
  
Scott Murphy (NY-20)  
Member of Congress

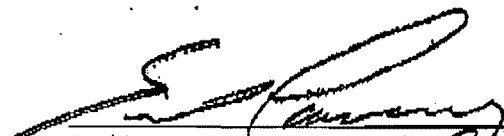
  
Mac Thornberry (TX-13)  
Member of Congress


  
Tom Petri (WI-06)  
Member of Congress

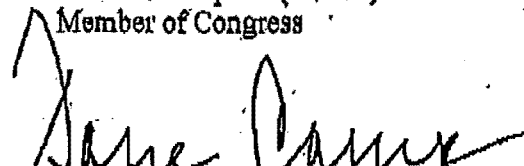
  
Erik Paulsen (MN-03)  
Member of Congress


  
Chris Lee (NY-26)  
Member of Congress

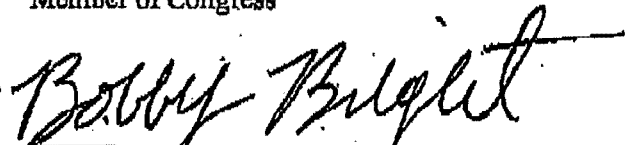
  
Steve King (IA-05)  
Member of Congress


  
Earl Pomeroy (ND-At Large)  
Member of Congress


  
Bennie Thompson (MS-02)  
Member of Congress


  
Dave Camp (MI-04)  
Member of Congress

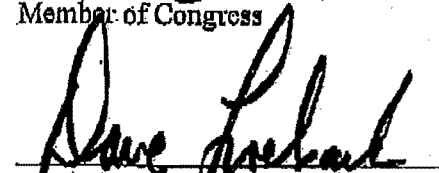
  
Phil Roe (TN-01)  
Member of Congress

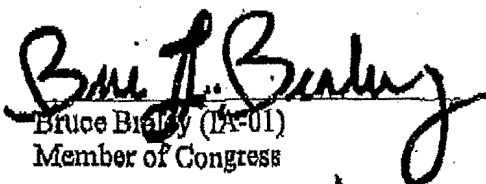
  
Bobby Bright (AL-02)  
Member of Congress

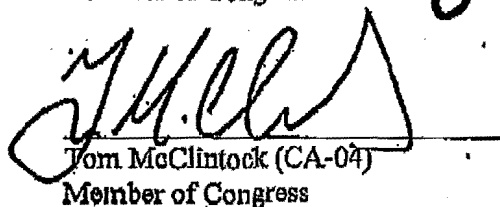
  
Mike Ross (AR-04)  
Member of Congress

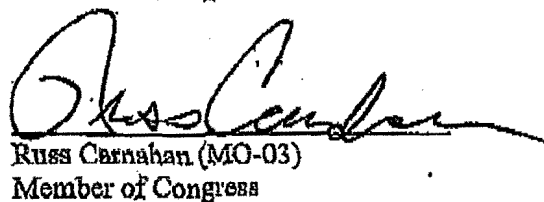
  
Joe Pitts (PA-16)  
Member of Congress

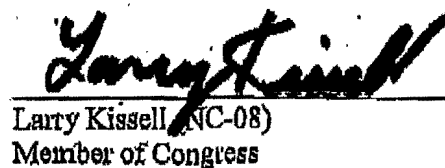
  
Charlie Melancon (LA-03)  
Member of Congress

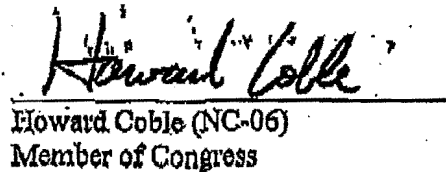
  
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Member of Congress

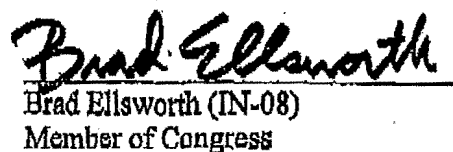
  
Bruce Braboy (TX-01)  
Member of Congress

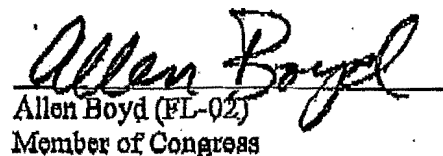
  
Tom McClintock (CA-04)  
Member of Congress

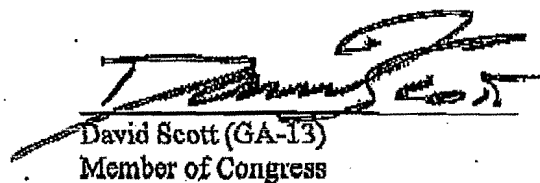
  
Russ Carnahan (MO-03)  
Member of Congress

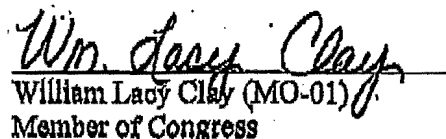
  
Larry Kissell (NC-08)  
Member of Congress

  
Howard Coble (NC-06)  
Member of Congress

  
Brad Ellsworth (IN-08)  
Member of Congress

  
Allen Boyd (FL-02)  
Member of Congress

  
David Scott (GA-13)  
Member of Congress

  
William Lacy Clay (MO-01)  
Member of Congress



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

OCT 19 2009

The Honorable Brad Ellsworth  
U.S. House of Representatives  
513 Cannon House Office Building  
Washington, D.C. 20515-1408

Dear Congressman Ellsworth:

Thank you for your letter of October 2, 2009, regarding a petition that Syngenta Seeds, Inc., submitted to the U.S. Department of Agriculture (USDA) requesting the deregulation of genetically engineered (GE) corn developed to produce the alpha-amylase enzyme.

I appreciate you sharing your views on this matter. USDA is committed to working with its Federal partners to ensure that the development, testing, and use of the products of biotechnology occur in a manner that is safe for plant and animal health, human health, and the environment.

I asked officials with USDA's Animal and Plant Health Inspection Service (APHIS) to review your correspondence, and I have enclosed the information that agency specialists provided in response.

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the printed name of the Secretary.

Thomas J. Vilsack  
Secretary

Enclosure

**Animal and Plant Health Inspection Service**  
**Response to Congressman Brad Ellsworth**  
October 14, 2009

As requested by Secretary Thomas J. Vilsack, the following provides further information concerning Syngenta Seeds, Inc.'s, petition for deregulation of genetically engineered (GE) corn developed to produce the alpha-amylase enzyme.

In November 2008, our Agency published a notice in the Federal Register (Docket No. APHIS-2007-0016-0001) announcing the availability of the petition and a draft environmental assessment (EA) for public comment. We solicited comments on the petition, the draft EA, and whether the GE corn is likely to pose a plant pest risk. We received more than 13,000 comments by the close of the 60-day comment period, which ended on January 20, 2009. A number of commenters expressed views similar to yours.

We published a second Federal Register notice (Docket No. APHIS-2007-0016-0223) regarding the petition on June 4, 2009, that reopened the public comment period to allow interested persons additional time to prepare and submit comments on the petition, EA, and our revised plant pest risk assessment. That period closed on July 6, 2009, and we received 52 new comments. We are carefully reviewing the comments received on both notices, which will inform our final decision on the petition.

We will take into account the public comments we received on this petition during the comment periods, and we assure you that our regulatory decisions will continue to be based on sound science.



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1408**

COMMITTEES:  
**ARMED SERVICES**  
SEAPOWERS AND EXPEDITIONARY FORCES  
TERRORISM, UNCONVENTIONAL THREATS,  
AND CAPABILITIES  
**AGRICULTURE**  
CONSERVATION, CREDIT, ENERGY,  
AND RESEARCH  
GENERAL FARM COMMODITIES AND  
RISK MANAGEMENT  
**SMALL BUSINESS**  
CONTRACTING AND TECHNOLOGY  
INVESTIGATIONS AND OVERSIGHT

October 2, 2009


The Honorable Tom Vilsack  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, D.C. 20250

Dear Secretary Vilsack,

I want to bring to your attention concerns of several corn refiners about the potential deregulation of a new seed trait by the Animal and Plant Health Inspection Service (APHIS). Corn refiners have contacted me to share their fears that Syngenta Seeds Corn Event 3272 has the potential to damage corn wet milling production if it accidentally contaminates wet milling corn supplies.

As you may know, Event 3272 corn may have the potential to severely damage corn starches produced through wet milling. And while it is highly unlikely any business or individual would intentionally process Event 3272 corn at a wet milling facility, we should be certain that safeguards are in place to prevent unintended delivery and processing of this corn at the wrong facility. I hope APHIS will thoroughly examine the potential for accidental comingling of Event 3272 corn with grains meant for wet milling or accidental delivery of Event 3272 corn to a wet milling facility. These potential scenarios deserve to be carefully considered and addressed as a part of any decision APHIS makes regarding the potential deregulation of Event 3272.

I appreciate your consideration of these issues and concerns, and if you have any questions, please feel free to contact my office. I look forward to continuing to work together to strengthen American agriculture.

Sincerely,  
  
Brad Ellsworth



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

AUG 17 2010

The Honorable Brad Ellsworth  
U.S. House of Representatives  
513 Cannon House Office Building  
Washington, D.C. 20515-1408

Dear Congressman Ellsworth:

Thank you for your letter of July 16, 2010, regarding the status of the petition to deregulate two lines of Roundup Ready (RR) alfalfa developed by Monsanto Company and Forage Genetics International.

I recognize the importance of this issue to you and your Congressional colleagues, as well as to farmers and other concerned individuals across the country. The U.S. Department of Agriculture (USDA) supports the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century. It is my conviction that USDA must support all forms of agriculture—conventional, organic, and genetically engineered (GE)—in order to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

Before making any decisions regarding interim actions related to the deregulation of RR alfalfa, USDA is reviewing the recent Supreme Court ruling and awaiting the outcome of further proceedings in the Ninth Circuit Court following the remand from the Supreme Court. Currently, USDA is focusing its efforts on completion of the environmental impact statement (EIS) for the RR alfalfa lines. As part of that process, USDA officials are reviewing the many thousands of comments we received on the draft EIS. Once that review is complete, USDA intends to develop a final EIS and issue a record of decision. The process, however, will not be completed in time for the fall planting season.

I assure you that USDA remains committed to thorough, science-based evaluation of petitions to grant nonregulated status for RR alfalfa and other GE plants. We are sending a similar response to your colleagues who also signed the letter.

Sincerely,

A handwritten signature in black ink, reading "Thomas J. Vilsack", is written over a horizontal line.

Thomas J. Vilsack  
Secretary



Lynn Jenkins, CPA  
United States Congresswoman, Kansas 2<sup>nd</sup> District

**FAX TRANSMISSION COVER SHEET**

To: Sec. Tom Vilsack From: Rep. Lynn Jenkins

Fax: 202-225-7986

Phone: 202-225-6601

Date: July 16, 2010 Time: 4:30 p.m.

Number of pages (including cover sheet): 7

Message:

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Fax Transmission From: Lynn Jenkins, U.S. Congresswoman

Fax: 202-225-7986

Phone: 202-225-6601

Address: 130 Cannon HOB, Washington, DC 20515

**Congress of the United States**  
**Washington, DC 20515**

July 16, 2010

The Honorable Thomas Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Dear Secretary Vilsack:


We write to request your assistance with respect to the Department of Agriculture's ongoing review and approval of Roundup Ready alfalfa (RRA). We appreciate your Department's efforts to-date in responding to the 9<sup>th</sup> Circuit Court's ruling in 2007. In light of the Supreme Court's recent 7-1 decision to strike down the injunction issued in that ruling, we request that you issue an interim permit to allow the use of RRA for the fall 2010 planting season while the Animal and Plant Health Inspection Service completes its final Environmental Impact Study (EIS).

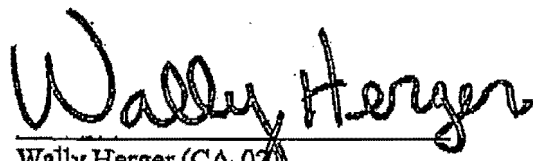
RRA dramatically reduces the need for chemical application and other high-cost methods of weed control, thus increasing efficiency and significantly lowering operating costs. The efficiencies of RRA led to higher yields and higher field quality that resulted in an annual revenue increase of approximately \$100 per acre. Further, RRA not only helps increase farmers' revenue, but it also is a risk mitigation tool to help producers keep their harvest from being discounted due to quality issues. While the 9<sup>th</sup> Circuit's decision placed an injunction on further planting of RRA pending the completion of an EIS, the Court did allow for the continued harvest of RRA hay and seed for acres already planted and for that seed to be placed in controlled storage. It has been estimated that farmers have lost more than \$250 million in revenue from not being able to utilize RRA during the EIS process, and they will face significant additional losses if they are not allowed to plant their inventoried seed during the fall 2010 planting season.

The June 21, 2010, Supreme Court opinion stated that the ruling of the 9<sup>th</sup> Circuit was "a drastic and extraordinary remedy, which should not be granted as a matter of course" and that a "permanent injunction is not now needed to guard against any present or imminent risk of likely irreparable harm." According to the conclusions drawn in your agency's draft EIS there is "no significant impact on the human environment due to granting nonregulated status to Roundup Ready alfalfa." For these reasons, we request that you issue a partial deregulation to allow farmers to plant their inventoried RRA seed this fall while your agency finalizes the EIS.

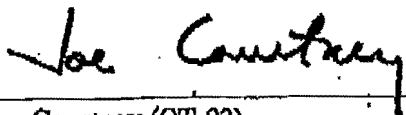
Thank you for your continued assistance and attention on this important issue. We look forward to your response.

Sincerely,

  
Lynn Jenkins (KS-02)  
Member of Congress

  
Wally Herger (CA-07)  
Member of Congress

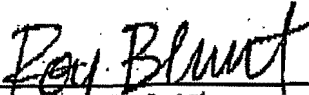


16-JUL-2010 04:33 PM OFFICE OF REP. DENNIS T. ROSEN  


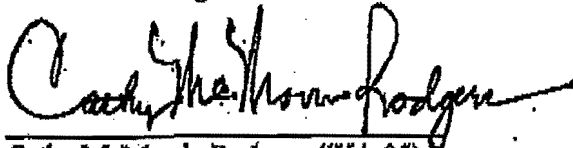
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Member of Congress



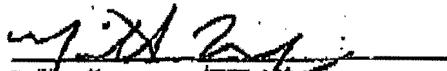
Collin Peterson (MN-07)  
Member of Congress



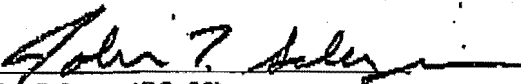
Roy Blunt (MO-07)  
Member of Congress




Cathy McMorris-Rodgers (WA-05)  
Member of Congress



Mike Conaway (TX-11)  
Member of Congress



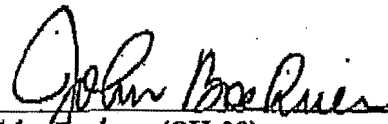
John Salazar (CO-03)  
Member of Congress



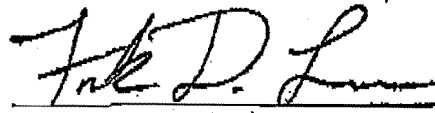
Jerry Moran (KS-01)  
Member of Congress



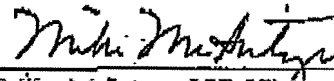
Aaron Schock (IL-08)  
Member of Congress



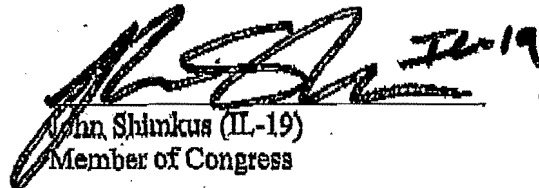
John Boehner (OH-08)  
Member of Congress



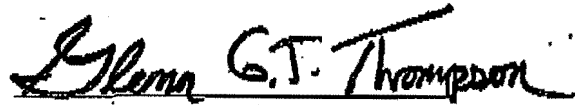
Frank Lucas (OK-03)  
Member of Congress



Mike McIntyre (NC-07)  
Member of Congress



John Shimkus (IL-19)  
Member of Congress



Glenn Thompson (PA-05)  
Member of Congress



Bob Latta (OH-05)  
Member of Congress



Bob Goodlatte (VA-06)  
Member of Congress



Todd Tiahrt (KS-04)  
Member of Congress



Todd Akin (MO-02)  
Member of Congress



Sam Graves (MO-06)  
Member of Congress



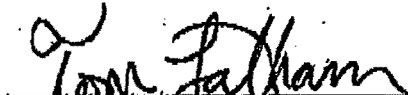
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Member of Congress



Devin Nunes (CA-21)  
Member of Congress



Phil Hare (IL-17)  
Member of Congress



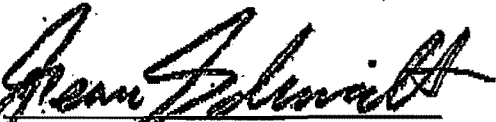
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Member of Congress



Harry Teague (NM-02)  
Member of Congress



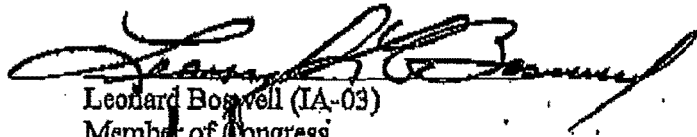
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Member of Congress



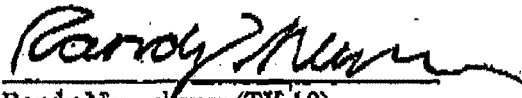
Jean Schmidt (OH-02)  
Member of Congress



Tim Holden (PA-17)  
Member of Congress



Leonard Boswell (IA-03)  
Member of Congress



Randy Neugebauer (TX-19)  
Member of Congress



Jim Costa (CA-20)  
Member of Congress



Jo Ann Emerson (MO-08)  
Member of Congress



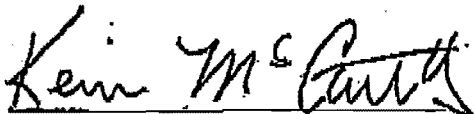
Milka Coffman (CO-06)  
Member of Congress



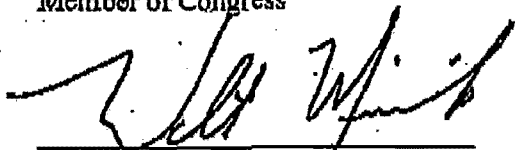
Adrian Smith (NE-03)  
Member of Congress



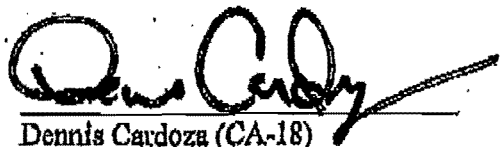
Jack Kingston (GA-01)  
Member of Congress



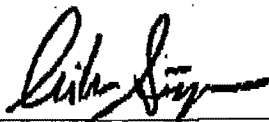
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Member of Congress



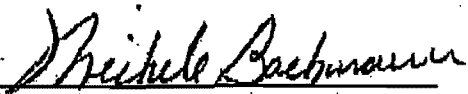
Walt Minnick (ID-01)  
Member of Congress



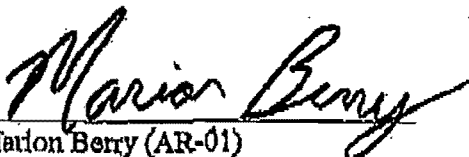
Dennis Cardoza (CA-18)  
Member of Congress



Mike Simpson (ID-02)  
Member of Congress



Michelle Bachmann (MN-06)  
Member of Congress



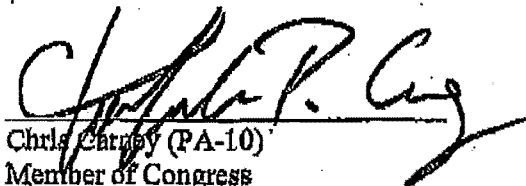
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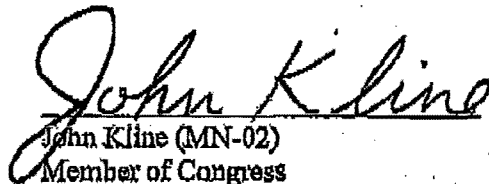
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Member of Congress



Greg Walden (OR-02)  
Member of Congress



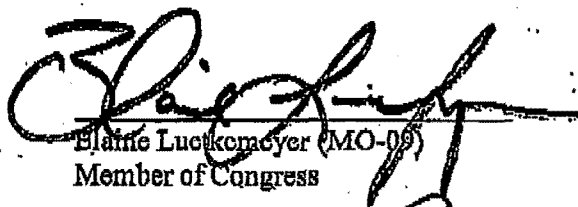
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Member of Congress



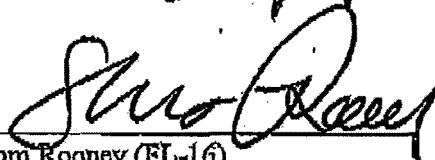
John Kline (MN-02)  
Member of Congress



Marsha Blackburn (TN-07)  
Member of Congress



Blaine Luetkemeyer (MO-09)  
Member of Congress




Tom Rooney (FL-16)  
Member of Congress




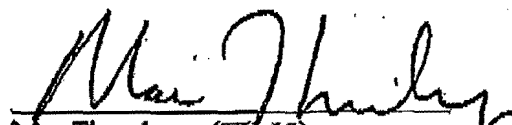
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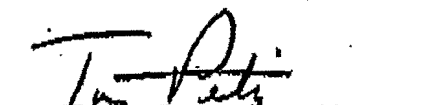



Joe Barton (TX-06)  
Member of Congress

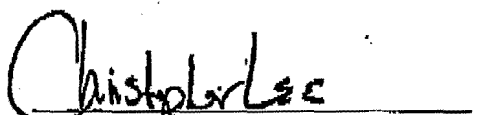
  
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 Member of Congress

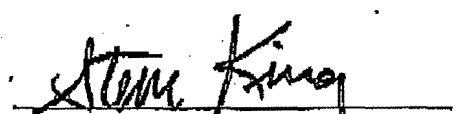
  
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 Member of Congress

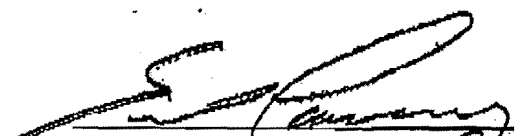
  
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 Tom Petri (WI-06)  
 Member of Congress

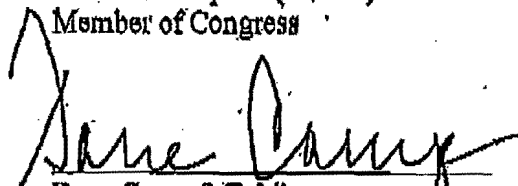
  
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 Chris Lee (NY-26)  
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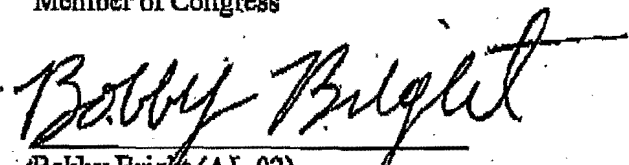
  
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 Earl Pomeroy (ND-At Large)  
 Member of Congress

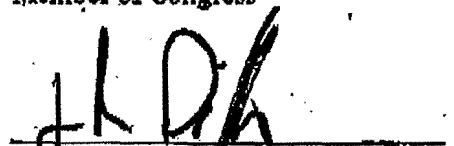
  
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 Member of Congress

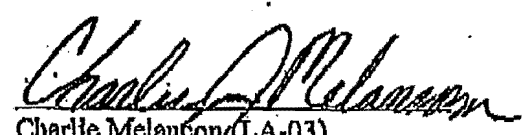
  
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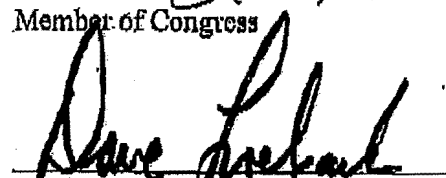
  
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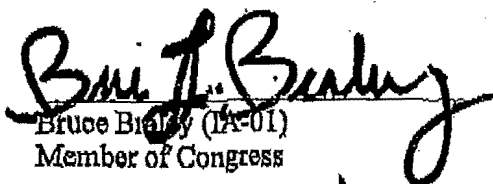
  
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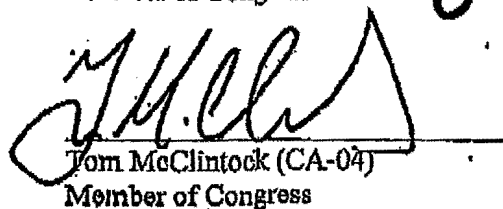
  
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 Member of Congress

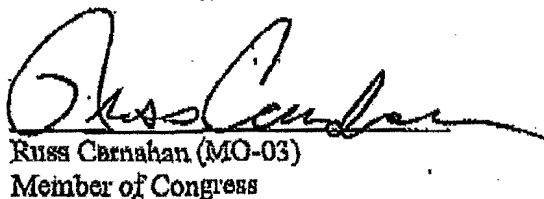
  
 Joe Pitts (PA-16)  
 Member of Congress

  
 Charlie Melancon (LA-03)  
 Member of Congress

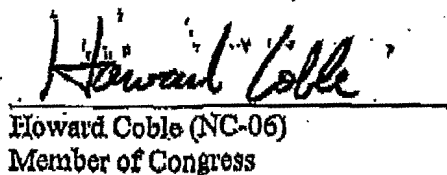
  
 David Loebsack (IA-02)  
 Member of Congress

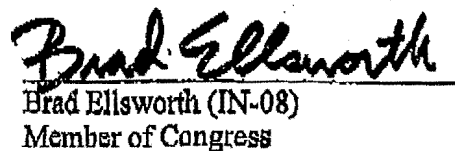
  
Bruce Biele (IA-01)  
Member of Congress

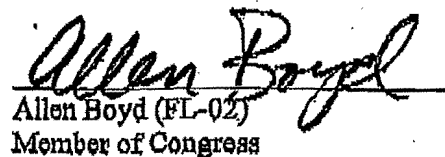
  
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Member of Congress

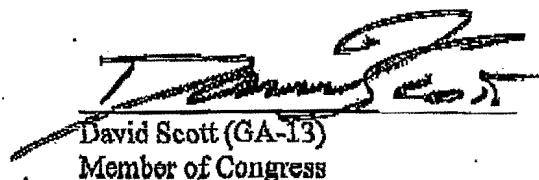
  
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Member of Congress

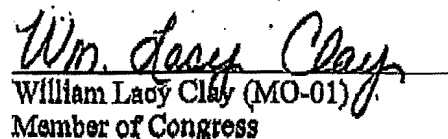
  
Larry Kissell (NC-08)  
Member of Congress

  
Howard Coble (NC-06)  
Member of Congress

  
Brad Ellsworth (IN-08)  
Member of Congress

  
Allen Boyd (FL-02)  
Member of Congress

  
David Scott (GA-13)  
Member of Congress

  
William Lacy Clay (MO-01)  
Member of Congress



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Keith Ellison  
U.S. House of Representatives  
1122 Longworth House Office Building  
Washington, D.C. 20515-2305

JUL 16 2010

Dear Congressman Ellison:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA- APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.



The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 4 of 4

We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,

  
PATRICK LEAHY  
United States Senator

  
PETER DEFAZIO  
Member of Congress

  
BERNIE SANDERS  
United States Senator


  
RUSSELL D. FEINGOLD  
United States Senator

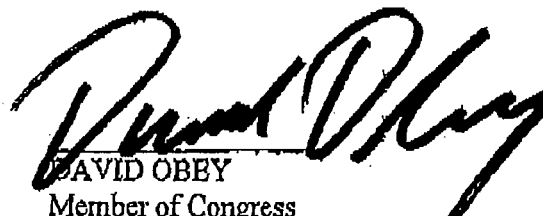
  
RON WYDEN  
United States Senator

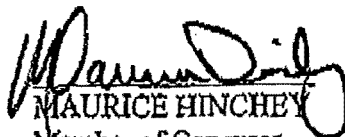
  
JON TESTER  
United States Senator

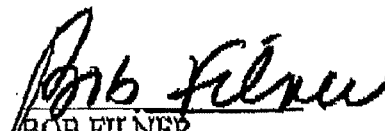
  
SHERROD BROWN  
United States Senator


  
SAM FARR  
Member of Congress

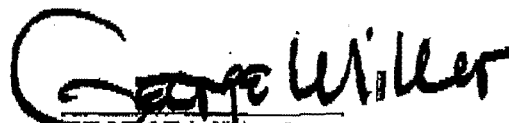
  
EARL BLUMENAUER  
Member of Congress

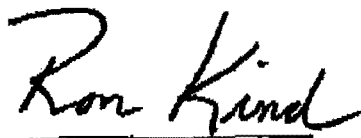
  
DAVID OBEY  
Member of Congress

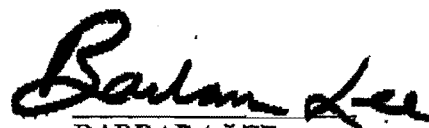
  
MAURICE HINCHEY  
Member of Congress

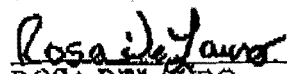
  
BOB FILNER  
Member of Congress

  
TAMMY BALDWIN  
Member of Congress

  
GEORGE MILLER  
Member of Congress


  
RON KIND  
Member of Congress

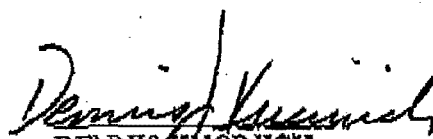
  
BARBARA LEE  
Member of Congress

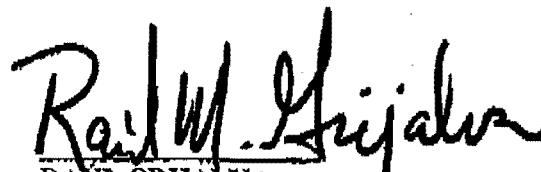
  
ROSA DELAURO  
Member of Congress

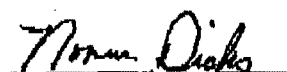
  
BARNEY FRANK  
Member of Congress


  
PETER WELCH  
Member of Congress

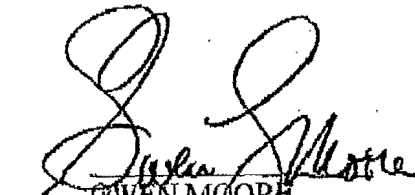
  
LOUISE SLAUGHTER  
Member of Congress


  
DENNIS KUCINICH  
Member of Congress


  
RAUL GRIJALVA  
Member of Congress


  
NORMAN DICKS  
Member of Congress


  
LYNN WOOLSEY  
Member of Congress

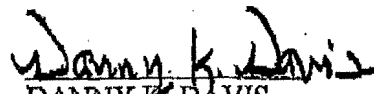
  
GWEN MOORE  
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JERROLD NADLER  
Member of Congress


  
NITA LOWEY  
Member of Congress

  
JOHN OLVER  
Member of Congress


  
CAROLYN MALONEY  
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DANNY K. DAVIS  
Member of Congress

  
RUSH HOLT  
Member of Congress


  
JAMES MORAN  
Member of Congress


  
JOHN TIERNEY  
Member of Congress

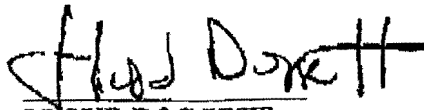
  
KEITH ELLISON  
Member of Congress

  
STEVE ISRAEL  
Member of Congress


  
STEVEN ROTHMAN  
Member of Congress

  
JOHN HALL  
Member of Congress

  
DAVID WU  
Member of Congress



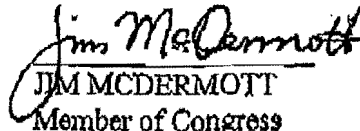
LLOYD DOGETT  
Member of Congress



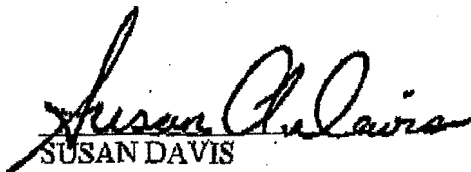
CHELLIE PINGREE  
Member of Congress



RICK LARSEN  
Member of Congress



JIM MCDERMOTT  
Member of Congress



SUSAN DAVIS  
Member of Congress



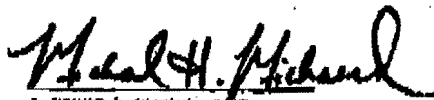
STEVE COHEN  
Member of Congress



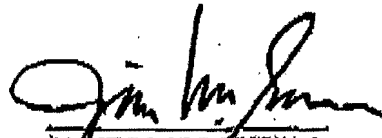
MIKE THOMPSON  
Member of Congress



MICHAEL ARCURI  
Member of Congress



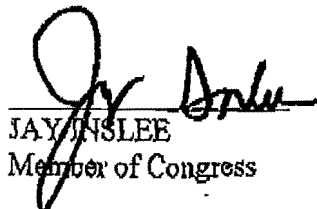
MIKE MICHAUD  
Member of Congress



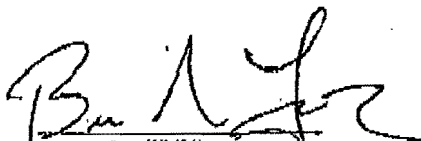
JAMES MCGOVERN  
Member of Congress



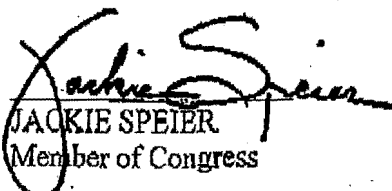
BETTY SUTTON  
Member of Congress



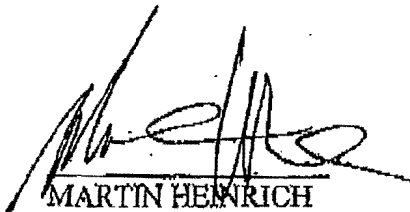
JAY INSLEE  
Member of Congress



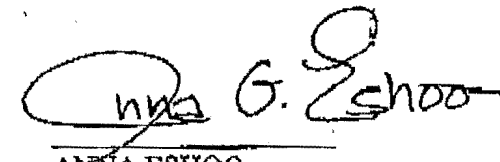
BEN RAY LUJAN  
Member of Congress




JACKIE SPEIER  
Member of Congress



MARTIN HEINRICH  
Member of Congress



ANNA ESHOO  
Member of Congress



JARED POLIS  
Member of Congress



NICK RAHALL  
Member of Congress



FAX COVER SHEET

OFFICE OF REP. PETER DEFazio

2134 RAYBURN HOB

WASHINGTON, DC 20515

PHONE: (202) 225-6416 / FAX: (202) 225-0032

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DATE: June 22, 2010

TO: USDA leg. Affairs / Secretary Vilsack

FROM: Rep. Defazio / Senator Leahy

PAGES (including cover): 9

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COMMENTS: included is a letter from 66 members of House and Senate asking USDA to keep rules on GE alfalfa



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

4700 River Road  
Riverdale, MD  
20737

APR 1 - 2010

(b)(6)

Dear (b)(6)

Thank you for your letter of March 17, 2010, to Secretary Thomas J. Vilsack regarding genetically engineered (GE) crops.

The U.S. Department of Agriculture (USDA) is strongly committed to supporting all forms of agriculture to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms from the smallest to the largest. To meet these critical goals, all types of agriculture must be able to coexist and thrive. Accordingly, under the leadership of Secretary Vilsack, USDA is pursuing policies that promote the coexistence of biotechnology-derived, conventional, and organic crops. We strive to ensure that our regulatory oversight is effective and science-based, that we are keeping pace with the latest scientific developments, and that we do so transparently. USDA advocates the safe and appropriate use of science and technology, including biotechnology, to help meet the agricultural challenges and consumer needs of the 21st century.

Under the authority of the Plant Protection Act, our Agency of USDA regulates the introduction—meaning the importation, interstate movement, and environmental release—of certain GE organisms that may pose a risk to plant health. Accordingly, we must emphasize that our role in regulating biotechnology is limited to oversight of these GE organisms only, and to safeguarding plant health, as part of a Federal oversight partnership that includes our Agency, the U.S. Food and Drug Administration (FDA), and the U.S. Environmental Protection Agency (EPA). FDA has primary responsibility for ensuring the safety of human food and animal feed, as well as proper labeling and safety of all plant-derived foods and feeds. EPA regulates pesticides, including crops with plant-incorporated protectants (pesticides intended to be produced and used in a living plant) to ensure public safety; that agency also regulates pesticide residue on food and animal feed. You may obtain more information about this partnership by visiting the United States Regulatory Agencies Unified Biotechnology Web site at <http://usbiotechreg.nbii.gov>.



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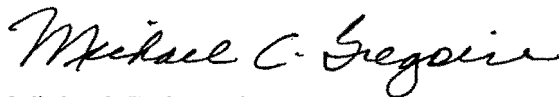


Page 2

With regard to GE alfalfa, our Agency recently published a draft environmental impact statement (EIS) for two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. We published a notice in the Federal Register announcing the document's availability for public comment. The draft EIS can be found on our Web site at <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>. As you may know, in light of the importance of this issue to producers and other members of the public, we extended the original 60-day public comment period until March 3, 2010. To obtain more feedback during the comment period, our Agency also scheduled four public meetings on this subject. The last meeting in this series took place at our Agency's headquarters in Riverdale, Maryland, on February 24, 2010. Our officials are giving the comments received, a number of which expressed views similar to yours, all due consideration as we proceed. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of the record of decision. In addition, our Agency will continue to provide updates on major activities related to the EIS through its Web site and public announcements. Please be assured that we are committed to ensuring that the final EIS is complete and scientifically sound.

Again, we appreciate learning your views. We hope this information is useful.

Sincerely,



Michael C. Gregoire  
Deputy Administrator  
Biotechnology Regulatory Services

(b)(6)

March 17, 2010

Secretary of Agriculture Vilsack  
U. S. Dept. Of Agriculture  
1400 Independence Ave. S. W.  
Washington, D. C. 20250

Dear Secretary Vilsack:

I have a farm background and am quite concerned about the large chemical companies that wish to expand their chemical use, which I consider poisons, on the land. Some of the reasons are:

1. GE contamination of non GE and organic crops would be inevitable whether by the wind, by plane or other methods.
2. Alfalfa is a major food source for livestock and GE alfalfa would destroy the integrity of organic dairy products.
3. I support the rights of farmers to grow crops of their choice and GE contamination makes that impossible.
4. GE crops increase pesticide use, harming human health and the environment.
5. Since I have been hospitalized in the past for chemical exposure, I refuse to buy any GE contaminated products.

Since you have come from the great state of Iowa, next door to the great state of Wisconsin, I am asking you to seriously consider the effects chemicals have on humans, animals, birds, and the environment.

Thank you and awaiting your reply.

Sincerely,

(b)(6)



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

APR 11 2010

(b)(6)

National Organic Coalition  
3540 Route 52  
Pine Bush, New York 12566

Dear (b)(6)

Thank you for your letter of March 9, 2010, enclosing a copy of the National Organic Coalition's comments on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (EIS) for two lines of genetically engineered alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International.

I appreciate your organization's comments, which have been included in USDA's official record. Currently, our officials are carefully reviewing all the comments we have received pertaining to this matter. Based on that review, we will develop a final EIS and issue a record of decision on the regulatory status of the Roundup Ready alfalfa lines. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of the record of decision. In addition, USDA's Animal and Plant Health Inspection Service will continue to provide updates on major activities related to the EIS through its Web site and public announcements.

Thank you again for your letter. Your comments will taken into account as we proceed. We are committed to ensuring that the final EIS is complete and scientifically sound.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the typed name of the Secretary.

Thomas J. Vilsack  
Secretary



# National Organic Coalition

**3540 Route 52, Pine Bush, NY 12566**

**845-744-2304; email: [Liana@NationalOrganicCoalition.org](mailto:Liana@NationalOrganicCoalition.org)**

March 9, 2010

Thomas Vilsack, Secretary  
US Department of Agriculture  
1400 Independence Ave. SW, Suite 200A  
Washington, DC 20250

RE: Deregulation of GE Alfalfa  
Docket No. APHIS-2007-0044

Secretary Vilsack:

Enclosed is a copy of the submission by the National Organic Coalition to APHIS regarding the DEIS recommending the deregulation of Genetically Engineered Alfalfa. This letter includes substantive objections to deregulation, as well as over 300 signatures from organizations, businesses, and farmers, including 100 signators and a statement from Canadian farmers and producers who would be affected by deregulation.

We would be happy to set up a meeting to discuss this issue with you.

Thank you,

Sincerely,

(b)(6)



# National Organic Coalition

3540 Route 52, Pine Bush, NY 12566

845-744-2304; email: [Liana@NationalOrganicCoalition.org](mailto:Liana@NationalOrganicCoalition.org)

3 March 2010

## SUBMITTED ELECTRONICALLY

Regulatory Analysis and Development, PPD

APHIS, Station 3A-03.8

4700 River Road Unit 118

Riverdale, MD 20737-1238

**RE: Comments on the Draft Environmental Impact Statement (EIS) Recommending the Deregulation of Genetically Engineered Alfalfa**  
Docket No. APHIS-2007-0044

cc: USDA Secretary, Tom Vilsack  
USDA Undersecretary, Kathleen Merrigan  
USDA Deputy Administrator, National Organic Program, Miles McEvoy

On behalf of the undersigned members of the organic and environmental community, we are writing to express our serious concerns about the damage to the integrity of organic and to organic markets that would result from the U.S. Department of Agriculture's (USDA) approval of Genetically Engineered, Roundup Ready Alfalfa (GE alfalfa). Despite its mission to protect *all* agriculture, the USDA has unfortunately and fundamentally failed to account for the foreseeable significant harm from this proposed action on organic — the fastest growing sector of U.S. agriculture.

USDA's proposed deregulation of GE alfalfa will have far-reaching consequences for the future of organic farmers, consumers, and the entire organic industry. Protecting organic alfalfa is particularly important, given its central role as the main source of forage for the organic livestock and dairy industries. Since this is the first analysis of its kind to be conducted by USDA on any GE crop, we are alarmed at the future prospect of USDA approaching all impact assessments of GE contamination on the organic foods sector in an equally dismissive manner. This EIS process affords USDA an important opportunity to develop and implement an effective strategy to prevent further GE contamination of the organic seed and food supply and it is imperative that the USDA get it right.

Another troubling aspect of the draft EIS is the USDA's complete failure to acknowledge the need for companies responsible for GE contamination to be held liable for their actions and for mandatory enforcement actions to be taken against liable parties. This indefensible position is absolutely unacceptable, and so is the stated assumption that liability for GE contamination should be borne solely by organic and non-GE conventional farmers. In short, it puts the future viability of the entire organic industry at risk.

We, the representatives of environmental, sustainable agriculture, farmer, consumer, food safety, and seed organizations as well as major organic food producing and retail companies, are writing to explain how USDA's proposed deregulation of GE alfalfa will significantly harm our industry, our markets, and undermine consumer confidence in the USDA certified organic label. Based upon our critical assessment of the draft EIS, we urge you to: 1) deny the commercial approval of GE alfalfa because no evidence exists that this novel technology can be contained or that USDA can protect farmers and markets from contamination and, 2) correct the egregious errors and faulty assumptions that underpin your analysis of the impact of GE contamination on organic and non-GE crops and markets for any future GE permit requests.

### **Organic Consumers Do Not Want And Will Reject GE Contaminated Food**

USDA claims that there is no evidence that consumers care about contamination of organic alfalfa and foods derived from Monsanto's GE alfalfa. We know better. The prohibition of genetic engineering is a fundamental tenet of the Organic Standard. In fact, USDA's failure to exclude GE crops from the first version of the Organic Rule was one of the main reasons why 275,000 people submitted comments to USDA in 1997 — at the time, the largest outpouring of public participation in the history of U.S. administrative procedure. Consumers *care deeply* about organic integrity and GE agriculture is fundamentally at odds with organic. Consumers have established an implied zero tolerance for GE material in organic products, and this is reinforced by polling data showing that consumers buy organic food to avoid GE ingredients. A public opinion poll of organic consumers has shown that more than 75% of consumers believe that they are purchasing products without GE ingredients when they buy organic.<sup>1</sup> Another poll of "Consumer Attitudes and Behavior, Five Years Later & Into the Future," found that one of the top five reasons people buy organic is to avoid genetically modified products.<sup>2</sup> The organic industry risks losing its credibility and markets if the USDA allows GE material to make its way into organic products.

In the DEIS, USDA also claims that consumers will not reject GE contamination of organic alfalfa if the contamination is unintentional or if the GE material is not transmitted to the end milk or meat product. Again, we strongly disagree. The Organic Standard requires that livestock feed fed to animals to produce meat, milk, eggs, and other animal products must be 100 percent organic. Protecting organic alfalfa, the main source of feed for the organic meat and dairy industry, is crucial to the health and survival of this important sector of U.S. agriculture. In a declaration to the U.S. District Court on the economic impacts of GE alfalfa, a dairy farmer disclosed that if his alfalfa forage were contaminated with RR genes, he would not be able to obtain organic or non-GE certification. Because he owns an organic dairy and food business,



and because he is enrolled in a non-GE labeling and verification program, GE contamination would have a devastating impact on his business.<sup>3</sup>

In the legal ruling that required USDA to draft an EIS, the Court found that to “farmers and consumers organic means not genetically engineered, even if the farmer did not intend for his [or her] crop to be so engineered.” As the Court aptly concluded, whether or not the end product is impacted is not the issue. Farmers’ fundamental right to sow the crop of their choice is eliminated when a crop becomes contaminated with transgenes and so is the public’s ability to support organic farming, feed, and food production with their purchasing dollars. These are both interrelated and major concerns to the organic sector. Public trust in the integrity of the organic label is essential for the continued vitality of the organic foods industry and we have no doubt that consumers will reject GE contamination of organic food no matter how or why it occurs and at all stages of organic food production.

### **USDA’s Analysis Is Fundamentally Flawed**

Although USDA says it supports “coexistence” of all types of agriculture, USDA does not account for or adequately assess the direct and indirect impacts of GE contamination on either domestic<sup>4</sup> or export<sup>5</sup> food markets. The Agency’s draft EIS fails to even consider any future scenarios that would include regulatory and/or statutory protections from GE contamination for organic and conventional farmers and exporters, leaving the organic industry and consumers of organic foods with no protections from GE contamination whatsoever.

Research has shown that transgenes cannot be recalled once released into the environment.<sup>6</sup> Acknowledgement of this simple yet important fact has been omitted from USDA’s draft EIS and so has an assessment of what measures, if any, can be taken to fully protect organic and conventional agriculture from contamination, market losses, and a farmer’s right to sow the crop of their choice, provided that it does not impinge upon the rights of others.

### **Harm To Small And/Or Organic Farmers And Businesses Is Significant**

USDA concludes that GE alfalfa will cause production to shift to larger farms (that can afford built-in isolation distances) and to conventional growers who are not threatened by GE contamination, but it erroneously concludes that these economic shifts are not significant. This is simply not the case. For example, CROPP Cooperative is comprised of 1,404 organic farmers located in 36 states, 1,084 of which are organic dairies and 220 of which are organic meat or pork producers. They market nationally and internationally under the brand names Organic Valley and Organic Prairie. With annual sales of \$523 million, they are the number one selling organic brand in the Natural Food Retail Channel. In a court declaration on the economic impacts of GE alfalfa, Organic Valley’s CEO, George Siemon states: “If Roundup Ready alfalfa is permitted to be sold commercially, and this causes contamination of certified organic alfalfa stands, or seed stock, this will devastate the organic farmers who market their milk through CROPP Cooperative.”<sup>7</sup> The same situation holds true for all other organic dairies and meat producers across the country.

Small and family farms are the backbone and future of American agriculture and they must be protected from being pushed out of business by GE agriculture. In many communities, they provide the freshest food available to local residents. Such farms also serve as the gateway for new generations of farmers to grow our nation's food and they offer opportunities for young people to remain in rural communities, actively contributing to local economies and the cultural fabric of rural America. Moreover, small and family organic farms provide multiple benefits to the communities in which they are located including: healthy food, healthy work environment, economic opportunities for existing and emerging local businesses, and a farming system that improves the quality of the environment for present and future generations.

### **Monsanto Does Not Protect Farmers From Contamination**

USDA claims that "best practice" requirements contained in Monsanto's seed contracts are sufficient to prevent GE contamination and the EIS asserts that there is no evidence to the contrary. This is simply not true. The Agency itself acknowledges that GE contamination may occur and it includes studies that show how honey bees can cross-pollinate at distances over 6 miles. Alkali bees cross-pollinate at 4-5 miles.<sup>8</sup> All of those distances are much further than those included in Monsanto's "best practices."

In cases where GE crops were approved in the past, contamination of organic and conventional seeds and crops has been widespread and this has been documented around the world.<sup>9</sup> A recent study of GE contamination described 39 cases of contamination in 2007 alone, and more than 200 within the last decade.<sup>10</sup> Harm incurred by organic farmers and food companies from GE contamination include: lost markets, lost sales, lower prices, negative publicity, withdrawal of organic certification, expensive testing and prevention measures, and product recalls, among other things.<sup>11</sup> In at least one case — canola — pervasive GE contamination eliminated an entire organic sector in Canada. According to an article in the journal *Nature Biotechnology*: "[T]he introduction of GE herbicide-tolerant canola in Western Canada destroyed the growing, albeit limited, market for organic canola."<sup>12</sup>

In another instance, the alfalfa seed fields of Dairyland Seed Company, Inc., a major alfalfa seed producer, were contaminated at eleven out of sixteen sites at distances up to 1.5 miles. This contamination occurred despite the required 900 foot isolation distance. The seed fields of Cal/West Seeds, a farmer (seed grower) owned cooperative and major alfalfa seed exporter, were contaminated in a California foundation seed field and in a Wyoming seed field.<sup>13</sup>

The extent to which conventional and organic seed has been contaminated by GE material is unknown because it has not been comprehensively examined. Even so, studies indicate that GE contaminated conventional seeds, which at times are used by organic producers (i.e., corn, soybeans, canola) are pervasively contaminated with GE material. A 2008 US Government Accountability Office (GAO) Report documents six events of GE crops contaminating the food and feed supply:



- \* 2000 StarLink Corn incident, causing \$26 to \$288 million in economic damages;
- \* 2002 Prodigene Corn incident where a GE corn designed to create a pig vaccine protein contaminated non-GE corn;
- \* 2004 Syngenta Bt Corn never approved for commercial use was illegally sold for several years and planted on 37,000 acres;
- \* 2006 Event 32 Corn incident where 72,000 acres were planted with an unapproved GE pesticidal corn; and
- \* 2006 Liberty Link Rice 601 and 604 episodes where unapproved GE rice contaminated export rice stocks.

These contamination events are not isolated incidents as many biotechnology proponents argue. Instead, as the GAO explains, “the ease with which genetic material from crops can be spread makes future releases likely,”<sup>14</sup> contaminating the seed supply and supplanting all forms of non-GE agriculture.

#### **USDA Claims To Support “Coexistence,” But Places Entire Burden on Organic Farmers**

USDA does not provide adequate protections from GE seed contamination. Therefore, approving GE alfalfa based on the DEIS would set a dangerous precedent that would undermine the integrity of the organic seed supply for all crops for which there are GE counterparts. Moreover, the entire burden for protecting the integrity of organic products rests on the shoulders of organic and non-GE farmers whose practices not only have been the mainstay of U.S. agriculture but also have successfully fed our nation and contributed to the global food supply for centuries. Since the current regulatory framework for GE crops fails to prevent contamination or to duly assign liability to technology owners, and since it does not require segregation of GE and non-GE crops it, by default, puts our entire food system at the mercy of this new and experimental GE technology. Thus, contrary to USDA claims of supporting “co-existence,” the EIS allows GE to trump rather than to “co-exist” with proven agricultural technologies that continue to feed the world.

USDA argues that non-GE farmers simply need to change their planting and harvesting practices to “avoid simultaneous flowering” with the GE alfalfa planted in a neighbor’s field. This is an unreasonable expectation, particularly since it allows and supports the supplanting of existing agricultural technologies with the novel GE technology. Farmers plant their crops to best take advantage of local conditions and, therefore, forcing non-GE farmers to alter their planting and management practices in response to nearby GE alfalfa is an unreasonable expectation and that is likely to cause undue economic hardship. Furthermore, because alfalfa is a perennial crop that is typically replanted only every 3 to 5 years, neighbors may plant GE alfalfa in years following the planting of nearby non-GE alfalfa, removing the viability of planning to prevent GE contamination for organic and other non-GE farmers.

The DEIS puts the burden on existing non-GE and organic farmers to “disallow or remove commercial beekeepers’ hives” anywhere near their alfalfa field.<sup>15</sup> This is an unreasonable expectation, particularly since the burden for preventing contamination should rest with the

growers and owners of this novel GE variety, and not with those who have been planting conventional and organic varieties for centuries. USDA has completely ignored farmers' desire – and right – to grow GE-free seed and raise GE-free agricultural products. This proposed, required practice also does not account for the pollination from native bee species or feral honey bees, which may be responsible for considerable GE contamination.

USDA dismisses the potential for GE alfalfa to cross-pollinate with feral alfalfa or for GE alfalfa volunteers to escape and establish feral populations.<sup>16</sup> In both cases, this feral GE alfalfa can serve as a bridge for transferring the RR trait back to conventional or organic alfalfa years later. The agency states that if such feral RR alfalfa does arise, it can be controlled with non-glyphosate herbicide, a tool that is unlikely to be available to organic farmers whose desire and ability to use herbicides is strictly limited in the Organic Rule. This USDA recommendation also ignores the common existence of feral alfalfa on sites outside the control of farmers — such as roadsides — where it is unclear that such actions would be taken and who would be responsible.

If GE alfalfa is approved, the burden of protecting organic seeds would rest with the organic seed producer, according to the DEIS. There is no mandatory regulation, inspection or enforcement of Monsanto's so called "best practices" for growers and patent holders of GE alfalfa seeds. USDA dismisses any cause for concern about GE seed contamination<sup>17</sup> without presenting any concrete evidence to support the claim. To the contrary, USDA specifically states that it does not have economic data or related information to demonstrate the full range of economic ramifications to organic producers from market losses and increased production costs for protecting the integrity of organic crops and seeds from GE gene flow.<sup>18</sup>

### **GE Alfalfa Will Increase Pesticide Use To The Detriment Of Human Health And The Environment**

Although USDA acknowledges that the introduction of RR alfalfa will increase the use of the herbicide, Roundup, it claims that the increase would be insignificant and that Roundup would replace other, more toxic herbicides. They are wrong and evidence exists to the contrary.

The majority of GE crops grown today are RR and their widespread introduction on farms has vastly increased Roundup use, fostering an epidemic of Roundup-resistant weeds. To kill Roundup-resistant weeds requires higher doses of Roundup, often in combination with other even more toxic herbicides. Over the past 13 years, the planting of RR crops has *significantly* increased overall herbicide use on corn, soybeans and cotton - by 383 million pounds.<sup>19</sup> The wholesale deregulation of RR alfalfa would only make matters worse by substantially increasing Roundup's use across the country.

As USDA's own studies show, the great majority of alfalfa is currently grown without the use of any herbicides at all.<sup>20</sup> Therefore, the planting of RR alfalfa would increase Roundup applications and exacerbate the resistant weed epidemic without displacing the use of other herbicides. It would also add a new toxic, Roundup herbicide burden to an environment where it that burden is currently non-existent.

Roundup has been associated with increased rates of several cancers in pesticide applicators (e.g. non-Hodgkin's and multiple myeloma),<sup>21</sup> and it is highly toxic to frogs at field-relevant concentrations.<sup>22</sup> The Environmental Protection Agency (EPA) is currently re-assessing the safety of glyphosate, the active ingredient in Roundup, for the first time in over 15 years. USDA should wait for this new EPA assessment before it considers approving RR alfalfa.

USDA also has failed to assess the foreseeable impacts on organic farmers from pesticide drift that would result from the dramatic increase in Roundup used on Monsanto's RR alfalfa. This situation could cause the decertification of organic crops and impart serious economic losses for organic farmers.

## **Conclusion**

Organic agriculture provides multiple benefits to society at this critical moment when solutions to address the global and economic crisis are so desperately needed. Notable benefits of organic include: the production of healthy, nutritious, and abundant food; economic opportunities for family, small-scale, and young farmers; increasing contributions to local and regional economies; increases in U.S. exports; and enhancements to environmental quality, climate change mitigation, biodiversity conservation, and the life opportunities of future generations. Moreover, organic is the fastest growing sector of U.S. agriculture, and it has continued to steadily increase by 15% and 20% annually for over a decade.<sup>23</sup> To risk tainting organic with GE contamination is irresponsible government policy, particularly in light of USDA Secretary Vilsack's recent commitment to allocate \$234.5 million to "help promote American food and agriculture products overseas" as a way to better our economy.<sup>24</sup>

In Europe, Japan, and elsewhere, GE contamination is prohibited not only because of strict EU regulations but also because of widespread consumer rejection of GE agriculture and food. Consumers in the U.S. do not want to eat GE food either. In fact, there has not been one U.S. consumer survey that demonstrates a strong consumer demand for GE food. On the contrary, existing polling data suggests that the opposite is true.

## **We Strongly Urge USDA To:**

- Deny the commercial approval of GE alfalfa because no evidence exists that this novel technology can be contained or that USDA can protect farmers and markets from contamination, and
- Correct the egregious errors and faulty assumptions that underpin USDA's analysis of the impact of GE contamination on organic and non-GE crops and markets for any future GE permit requests.

Representatives of the undersigned letter would be happy to meet with you to discuss what constitutes true protections for all aspects of the organic supply chain. There is no more opportune time for the U.S. government to both publicly acknowledge the benefits of organic

and commit to the adoption of concrete policies that ensure organic remains a protected sector of our economy in perpetuity.

Sincerely,

(b)(6) National Organic Coalition,  
(b)(6) Ph.D.Center for Food Safety

### Organizations

Accredited Certifiers Association, (b)(6)  
AllergyKids Foundation, (b)(6)  
Alternative Energy Resources Organization (AERO), (b)(6)  
American Beekeeping Federation Inc., (b)(6)  
Amy's Kitchen, Inc., (b)(6)  
Angelica Kitchen, (b)(6)  
Annie's Inc., (b)(6)  
Antietam Valley Animal Hospital, (b)(6)  
Arid Crop Seed Cache, (b)(6)  
As You Sow, (b)(6)  
Bee's Needs, (b)(6)  
Beyond Factory Farming, (b)(6)  
Beyond Pesticides, (b)(6)  
California Certified Organic Farmers (CCOF), (b)(6)  
Californians for GE-Free Agriculture, (b)(6)  
Californians for Pesticide Reform, (b)(6)  
Carolina Farm Stewardship Association - CFSA, (b)(6)  
Center for Environmental Health, (b)(6)  
Center for Food Safety, (b)(6)  
Church Women United of NYS, (b)(6)  
Citizens for Sanity Com. Inc., (b)(6)  
Claudia's Organic Herbs, (b)(6)  
Clean Production Action, (b)(6)  
Clif Bar, (b)(6)  
Common Ground Organic Supply & Education Center, (b)(6)  
Community Alliance with Family Farmers, (b)(6)  
Corporate Accountability International, (b)(6)  
CounterCorp, (b)(6)  
Court St. Joseph #139 Catholic Daughters of the Americas, (b)(6)  
Crawford Stewardship Project, The Kickapoo Initiative, (b)(6)  
Cuatro Puertas, (b)(6)  
Cumberland Countians for Peace & Justice, (b)(6)  
Dierke's Enterprises, (b)(6)  
Dogwood Alliance, (b)(6)  
Dominique's Sweets, (b)(6)  
Earth Day Network, (b)(6)  
Ecological Farming Association, (b)(6)  
Eden Foods, (b)(6)  
Edmonds Institute, (b)(6)  
Equal Exchange, (b)(6)  
Fantastic Foods  
Farm Aid, (b)(6)  
Farm and Ranch Freedom Alliance FARFA, (b)(6)  
Farm Fresh Rhode Island, (b)(6)  
Farmer Food Share, (b)(6)  
Fedco Seeds, Inc., (b)(6)  
Florida Certified Organic Growers and Consumers, (b)(6)  
Follow Your Heart/Earth Island, (b)(6)  
Food and Water Watch, (b)(6)  
Food First, (b)(6)  
Friends of the Earth, (b)(6)  
Friends of the Earth, US, (b)(6)  
Friends of the Family Farmers, (b)(6)  
GAJA, (b)(6)  
Gallagher Solar Thermal, (b)(6)  
Good Earth Natural Foods, (b)(6)

Gophers Limited, (b)(6)  
Great Eastern Sun Trading Co., (b)(6)  
Green Genes, (b)(6)  
Greenpeace, (b)(6)  
H.O.M.E. Inc., (b)(6)  
Humbolt CAFF Market Development, (b)(6)  
Hungry Hollow Co-op, (b)(6)  
Institute for a Sustainable Future, (b)(6)  
Institute for Responsible Technology, (b)(6)  
International Certification Services Inc., (b)(6)  
Kentucky's Resource for Organic Production Systems (KROPS), (b)(6)  
(b)(6)  
Koyo  
La Montanita Co-op, (b)(6)  
Maine Organic Farmers and Growers Association - MOFGA, (b)(6)  
Michigan Organic Food and Farm Alliance - MOFFA, (b)(6)  
Microfarm Sustainable Research and Education, (b)(6)  
Midwest Organic Services Association (MOSA), (b)(6)  
Midwest Organic Sustainable and Education Services - MOSES, (b)(6)  
Montana Organic Association, (b)(6)  
Moosewood Inc., (b)(6)  
Morrison's Custom Feeds Inc., (b)(6)  
National Bison Association, (b)(6)  
National Cooperative Grocers Association, (b)(6)  
National Family Farm Coalition, (b)(6)  
Nature Horticultural Services, (b)(6)  
Nature's Path/EnviroKidz, (b)(6)  
Network for Environmental & Economic Responsibility, (b)(6)  
New Natives, (b)(6)  
Newman's Own Organic, (b)(6)  
Non-GMO Project, (b)(6)  
Northeast Organic Dairy Producers Alliance, (b)(6)  
Northeast Organic Farming Association NOFA - Interstate, (b)(6)  
Northeast Organic Farming Association NOFA - CT, (b)(6)  
Northeast Organic Farming Association NOFA - MASS., (b)(6)  
Northeast Organic Farming Association NOFA - NY, (b)(6)  
Northeast Organic Farming Association NOFA - NJ, (b)(6)  
Northern Utah Organic Group, (b)(6)  
Northwest Florida House Rabbit Resources, (b)(6)  
Northwest Resistance Against Genetic Engineering, (b)(6)  
Oregon Physicians for Social Responsibility, (b)(6)  
Oregon Tilth, (b)(6)  
Organic Baby  
Organic Consumers Association, (b)(6)  
Organic Farmers' Agency for Relationship Marketing, Inc., (b)(6)  
Organic Farming Research Foundation, (b)(6)  
Organic Seed Alliance, (b)(6)  
Organic Valley, (b)(6)  
Pacific Coast Federation of Fishermen's Assoc., (b)(6)  
Partners for the Land & Agricultural Needs or Traditional Peoples (PLANT), (b)(6)  
PCC Natural Markets, (b)(6)  
Pennsylvania Certified Organic, (b)(6)  
Pennypack Farm 7 Education Center, (b)(6)  
People for Environmental Action and Community Health, (b)(6)  
Pesticide Action Network, (b)(6)



Pesticide Watch Education Fund. (b)(6)  
 Provender Alliance (b)(6)  
 Rapunzel  
 Rising Moon  
 Rural Advancement Foundation International RAFI - USA, (b)(6)  
 Rural Coalition, (b)(6)  
 Sal Cassisi Inc., Chester, NY  
 San Francisco Bee-Cause, (b)(6)  
 Save NM Seeds Coalition  
 Scott Consulting Partners (b)(6)  
 Sierra Club Genetic Engineering Action Team, (b)(6)  
 SK Foods International, (b)(6)  
 Springfield Creamery/Nancy's Yogurt (b)(6)  
 Stonyfield Farm, Inc. (b)(6)  
 Sustainable Food Center, (b)(6)  
 Steiner Holistic Medicine, (b)(6)  
 Sustainable Living Systems, (b)(6)  
 Sustainable Strategies, (b)(6)  
 Tasting Awareness (b)(6)  
 Taylor Organics, (b)(6)  
 Teeccino Herbal Coffee, (b)(6)  
 The Cornucopia Institute, (b)(6)  
 The Country Hen, Inc. (b)(6)

The Nature Institute, (b)(6)  
 The Oakland Institute, (b)(6)  
 Tilth Producers of Washington (b)(6)  
 Ukiah Natural Foods Co-op, (b)(6)  
 Union of Concerned Scientists, (b)(6)  
 United Natural Foods, (b)(6)  
 University of Wyoming Cooperative Extension Service, (b)(6)  
 Veritable Vegetable, (b)(6)  
 Verley Family Farm, LLC. (b)(6)  
 Verley's Reprise West, (b)(6)  
 Waggin' Tails Veterinary Services, (b)(6)  
 Washington Sustainable Food and Farming Network, (b)(6)  
 Western Alfalfa Milling Co. Ltd., (b)(6)  
 Western Organic Dairy Producers Alliance, (b)(6)  
 Western Organization of Resource Councils, GM Crops Project, (b)(6)  
 White Mountain Foods (b)(6)  
 Whole Foods Market, (b)(6)  
 Whole Soy & Co./TAN Industries, Inc. (b)(6)  
 Wild Farm Alliance, (b)(6)  
 Winter Sun Farms, New Paltz, NY  
 Wise Solutions, (b)(6)  
 Wittenberg Center for Alternative Resources, (b)(6)  
 Woodstock Farms

### Farms

Acorn Hill Farm, Walker Valley, NY  
 Blue Heron Farm, Rockport, WA  
 Blue Loon Farm, West Salem, OH  
 Bobolink Farm, Westport, NY  
 Bull Brook Farm, Amery, WI  
 Canticle Farm Inc., Allegany, NY  
 Century Farm, Homer, NY  
 Classic Organic Farm & Market, Gaviota, CA  
 Cleary Family Farm, Plainfield, VT  
 Chuck Noble Farms, SD  
 Cornucopia Farm, Brevard, NC  
 Crazy View Farm, Willsall, MT  
 Digg'n' Roots Farm, Milwaukie, OR  
 DWD Longhorns, LLC / SESCO Valley Ranch, Tarpley, TX  
 Earth's Promise Farm, Sandra Corlett  
 Earthwise Farm and Forest, Randolph, VT  
 Field Day Farms, Bazeman, MT  
 Frosty Morning Farm, Truxton, NY  
 Gardens/Minifarms Network, Lubbock, TX  
 Greensward Nursery, Aptos, CA  
 Jill's Garden, Victor, MT  
 Kern Family Farm, North Fork, CA  
 Knollcrest Farm, Almond, NY  
 Lange Farms, Platteville, WI  
 Lightning Tree Farm, Millbrook, NY  
 Live Earth Farm, Watsonville, CA

Miami Valley Organic Farms, Pleasant Hill, OH  
 Molino Creek Farming Collective, Davenport, CA  
 Mountain Blue Farm, Jaffrey, NH  
 Neptune Farm, LLC, Salem, NJ  
 Nick's Organic Farm, LLC, Buckeystown, MD  
 North Frontier Farms, Lewistown, MT  
 North Slope Farm, Pleasant Mount, PA  
 Organic Farmer & Seed Industry Professional, Sebastopol, CA  
 Radiance Dairy, Fairfield, IA  
 Sabo Ranch, Harrison, MT  
 Santa Cruz Farm, Espanola, NM  
 Schock Farms, Ashley, ND  
 Second Chance Farm & Longfellow's Creamery, LLC, Avon, ME  
 Stuczynski Farms / Stuczynski Soils & Design, Amherst, WI  
 Suzy's Old Field Farm, Oneonta, AL  
 T.O. Cattle Co., LLC, San Juan Bautista, CA  
 The Old Solar Farm, Oxford, CT  
 TLC Ranch, Aromas, CA  
 Tower Hill Farm LLC, Sodus, MI  
 Troyer's Organic Produce, Union City, PA  
 Twin Oaks Dairy, LLC, Truxton, NY  
 Wendel's Farm & Nursery, Lake Panasoffkee, FL  
 Wild Orchard Farm, Essex, NY  
 Williams Family Sustainable Farming, Woodland, CA  
 Wiscoy Organic Produce, Winona, MN  
 Wolf Creek Organics, Ree Heights, SD

"On behalf of the undersigned members of the Canadian farming, organic food and environmental community, we are writing to express our serious concerns about damage to organic integrity and to organic markets that would result from USDA's proposed approval of Genetically Engineered, Roundup Ready Alfalfa (GE alfalfa). We support the analysis detailed in this letter. All of the concerns expressed by our U.S. colleagues are concerns of ours. GE pollen does not respect national boundaries and GE alfalfa hay could be legally exported to Canada. For these reasons we respectfully request that USDA deny the application to deregulate GE alfalfa."

Lucy Sharratt,  
Canadian Biotechnology Action Network (CBAN)

AFEAS (Association féminine d'éducation et d'action sociale),  
Quebec  
Alberta Organic Producers Association  
Alternatives Journal, Ontario  
AppleGate School, Ontario  
AmiEs de la terre de Québec  
Arbutus Ridge Farms, BC  
Artesian Acres Inc., Alberta  
L'Association Agriculture Biologique Gaspésie  
Avenue BIO de l'Est, Quebec  
BC Food Systems Network  
Be the Change Group, Ontario  
Befriending the Earth (BTE), Ontario  
Beyond Factory Farming  
Canadian Biotechnology Action Network (CBAN)  
Canadian Organic Certification Co-operative Ltd.  
Canadian Organic Growers  
CEED Centre Society (Community Education on the Environment  
and Development), BC  
Club d'encadrement technique (CET) l'Envol-lait biologique,  
Quebec  
COABC, Certified Organic Associations of British Columbia BC  
Cobble Hill Farmers Institute, BC  
Commission scolaire des Trois-lois, Quebec  
Creston Valley Food Action Coalition, BC  
Eatmore Sprouts and Greens Ltd., BC  
Ecocert Canada  
Ecological Farmers Association of Ontario  
Farm Folk/City Folk, BC  
Ferme St. Joseph, Quebec  
Field Gate Organics Inc. Ontario  
Fleur de mil Un pays inc., Quebec  
Food Action Committee, Ecology Action Centre, Nova Scotia  
Future of Food in the Kootenays Working Group, BC  
Garderie les petits bricoleurs, Quebec  
Genesis Food, Quebec  
Greenpeace Canada  
HANS - Health Action Network Society, BC  
Harbour House Hotel Organic Farm, BC  
International Organic Inspectors Association  
Island Natural Growers, BC  
Jalava Consulting, Ontario  
John Zuelzer & Son Canada Ltd., BC  
JUST Community Market Co-operative Ltd., Manitoba  
Kalamalka Orchards, BC  
Keystone Grain Ltd, Manitoba  
Kootenay Country Store Cooperative, BC  
Kootenay Food Strategy Society (KFSS), BC  
Kootenay Organic Growers Society (KOGS), BC  
La Grande Ruche, Quebec  
La Voil du Tai Chi et Qigong, Quebec  
Les Fermes Longpres Ltée., Quebec  
Les Miels Bizz Bizz, Quebec

Les Miels du Suroct, Quebec  
Lillooet Food Matters, BC  
Local Food Plus, Ontario  
Mapleton Organic Dairy, Ontario  
Manitoba Forage Council  
MCS Global (Multiple Chemical Sensitivity)  
Mum's Sprouting Seeds Ltd, SK  
National Farmers Union  
National Farmers Union - Ontario (Bruce Local)  
Nature's Path  
NE Sask OCIA Chapter #3  
New Brunswick Partners in Agriculture  
Northwest Organic Producers Inc. Saskatchewan  
OCIA #5 Marysburg/Loehr Organic Project Saskatchewan  
OCIA Canada - Head Office  
OCIA New Brunswick (Ch 1)  
Organic Council of Nova Scotia  
Organic Council of Ontario  
Organic Food Council of Manitoba  
Organic Materials Review Institute  
Organic Meadow Co-operative Inc. Ontario  
Organic Producers Association of Manitoba  
Organic Trade Association in Canada  
Patri-semences, Quebec  
Pitt Polder Preservation Society, BC  
POCIC-OCIA Chapter 6 Saskatchewan  
Power Seed Inc., Ontario  
Quality Assurance International  
RealFood, Red Willow, Alberta  
Robertson - Stow Farms Ltd., Manitoba  
Rolling Acres Farm, Saskatchewan  
Les Ruchers du Québec inc  
Saltspringers for Safe Food, BC  
Sask Organic Certification Association Inc  
Saskatchewan Organic Directorate  
Ship's Point Ventures Ltd., BC  
Source Acres Bison, Saskatchewan  
Southwest Sask OCIA Chapter #8  
Spruce Acres Bison, Ontario  
Steep Hill Food Cooperative, Saskatchewan  
Stop the Hogs Coalition, Saskatchewan  
Terra Sativa, terre de cultures inc., Quebec  
The Big Carrot Natural Food Market, Toronto, Ontario  
The Community Farm Store, BC  
The Stone Store Natural Foods, Guelph, Ontario  
Thompson Watershed Coalition, BC  
Toronto Farmers Market Network  
Trinity Bellwoods Farmers Market/Friends of Trinity Bellwoods  
Park  
Union des consommateurs, Quebec  
Union Paysanne, Quebec  
West Kootenay Plants, BC  
Western Alfalfa Milling Co. Ltd., Saskatchewan

<sup>1</sup> Organic Community Comments to APHIS, *Proposed Rule and Programmatic Environmental Impact Statement for the Introduction of Genetically Engineered Organisms*, APHIS Docket 2008-002, June 29, 2009.

<sup>2</sup> The Hartman Group. (2006) "Consumer Attitudes & Behavior, Five Years Later & Into the Future."

<sup>3</sup> Straus, Albert. (April 6, 2007) *Declaration of Albert Straus in Support of Plaintiffs Permanent Injunction*, The United States District Court for the Northern District of California, San Francisco Division, Case No. C06-175 CRB.

<sup>4</sup> Domestic sales of organic food sales are estimated at \$23 million annually (2008), according to the Organic Trade Association (OTA), [http://www.ota.com/pics/documents/01a\\_OTAExecutiveSummary.pdf](http://www.ota.com/pics/documents/01a_OTAExecutiveSummary.pdf) (accessed 28 January 2010).

<sup>5</sup> Organic exports are estimated at \$125 million to \$250 million annually, according to USDA's Economic Research Service (September 2009), <http://www.ers.usda.gov/briefing/organic/trade.htm>, (accessed 28 January 2010).

<sup>6</sup> Marvier, Michelle & Rene C. Van Acker. (2005) "Can Transgenes be kept on a Leash?" *Front Ecol Environ*, 3, 2: 96-106. Altieri, M. A. (2005) "The Myth of Coexistence: Why Transgenic Crops are not Compatible with Agroecologically Based Systems of Production.", *Bulletin of Science, Technology & Society*, 25, 4: 366.

<sup>7</sup> Siemon, George. (April 6, 2007) *Declaration of Albert Straus in Support of Plaintiffs Permanent Injunction*, The United States District Court for the Northern District of California, San Francisco Division, Case No. C06-175 CRB. P. 3.

<sup>8</sup> United States Department of Agriculture. Glyphosate-Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status. Draft Environmental Impact Statement—November 2009, p. 95.

<sup>9</sup> See, e.g., New Study Finds GM Genes in Wild Mexican Maize, *New Scientist*, Feb. 21, 2009; Rex Dalton (2008) Modified genes spread to local maize: findings reignite debate over genetically modified crops, *Nature*, 456 (7219), 2000, at 149; The Institute for Nutrition and Food Technology (INTA), Chile enters the list of countries contaminated with GMOs: A report from INTA has detected transgenic contamination of maize in the fields of central Chile, Oct. 22, 2008; Graeme Smith, Illegal GM Crops Found In Scotland, *Herald*, Sept. 13, 2008; Elizabeth Rosenthal, Questions on Biotech Crops with No Clear Answers, *N.Y. Times*, June 6, 2006; Gene Flow underscores growing concern over biotech crops, *Associated Press*, Sept. 22, 2004; Andrew Pollack, Can Biotech Crops be Good Neighbors?, *N.Y. Times*, Sept. 26, 2004; Lyle F. Friesen et al., Evidence of contamination of pedigreed canola (*Brassica napus*) seedlots in Western Canada with genetically engineered herbicide resistance traits, 95 *Agron. J.*, 1342-1347 (2003); Simon Jeffery, Rogue genes: An unauthorised strain of GM crops has been found across England and Scotland. *Guardian*, Aug. 16, 2002; Alex Roslin, Modified Pollen hits organic farms: Genetically altered strains spread by wind, *Toronto Star*, Sept. 30, 2002; Fred Pearce, The Great Mexican Maize Scandal, *New Scientist* 2347, June 15, 2002.

<sup>10</sup> Greenpeace International. GM Contamination Register Report 2007, February 28, 2008. <http://www.greenpeace.org/international/press/reports/gm-contamination-register-2007> (accessed 10 Feb. 2010).

<sup>11</sup> See, e.g., K.L. Hewett, The Economic Impacts of GM Contamination Incidents on the Organic Sector, 16th IFOAM Organic World Congress, Modena, Italy, June 16-20, 2008.

<sup>12</sup> Smyth et al. (2002) Liabilities and Economics of Transgenic Crops, 20 *Nature Biotechnology*, June 2002, at 537-541.

<sup>13</sup> Letter from Steven A. Strachota, President, Dairyland Seed Co., Inc. to Gregory H. Lowry, Executive Vice President, Idaho Crop Improvement Association, Inc., November 1, 2006.

<sup>14</sup> *Id.*

<sup>15</sup> DEIS at p. 102.

<sup>16</sup> DEIS at p. 98-99.

<sup>17</sup> *Id.* at 133.

<sup>18</sup> *Id.* at 132.

<sup>19</sup> <http://truefoodnow.org/2009/11/17/new-report-reveals-dramatic-rise-in-pesticide-use-on-genetically-engineered-crops-due-to-the-spread-of-resistant-weeds/>

<sup>20</sup> United States Department of Agriculture. Glyphosate-Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status. Draft Environmental Impact Statement—November 2009. Appendix J, J-25, EIS pp. 34 & 43.

<sup>21</sup> Hardell, L., & Eriksson, M. (1999) "A Case-Controlled Study of Non-Hodgkin's Lymphoma and Exposure to Pesticides," *Cancer*, 85(6), 1353-1360; Hardell L, Eriksson M, & Nordstrom M. (2002) "Exposure to pesticides as risk factor for non-Hodgkin's lymphoma and hairy cell leukemia: pooled analysis of two Swedish case-control studies," *Leuk Lymphoma*, 43(5), 1043-1049; De Roos, et al. (2003). "Integrative assessment of multiple pesticides

as risk factors for non-Hodgkin's lymphoma among men," *Occup Environ Med*, 60(9); De Roos, A. J. D., Blair, A., Rusiecki, J. A., Hoppin, J. A., Svec, M., Dosemeci, M., Sandler, D. P., & Alavanja, MC .2005. Cancer Incidence among Glyphosate-Exposed Pesticide Applicators in the Agricultural Health Study. *Environmental Health Perspectives*, 113(1), 49-54.

<sup>22</sup> Relyea, R.A. (2005a) "The lethal impact of Roundup on aquatic and terrestrial amphibians," *Ecological Applications* 15(4): 1118-1124; Relyea et al (2005) "Pesticides and amphibians: The importance of community context," *Ecological Adaptations* 15: 1125-1134; Relyea, R.A. (2005b) "The lethal impacts of Roundup and predatory stress on six species of North American tadpoles," *Archives of Environmental Contamination and Toxicology* 48: 351-57.

<sup>23</sup> Domestic sales of organic food sales are estimated at \$23 million annually (2008), according to the Organic Trade Association (OTA), [http://www.ota.com/pics/documents/01a\\_OTAExecutiveSummary.pdf](http://www.ota.com/pics/documents/01a_OTAExecutiveSummary.pdf) (accessed 28 January 2010).

<sup>24</sup> United States Department of Agriculture. (Jan. 26, 2010) "Agriculture Secretary Tom Vilsack Announces Millions to Promote U.S. Food and Agricultural Exports," Washington, DC, Press Release No. 003310. <http://www.usda.gov/wps/portal/usdahome> (accessed 28 Jan. 2010).



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Thomas Vilsack, Secretary  
US Department of Agriculture  
1400 Independence Ave. SW  
Suite 200A  
Washington DC 20250



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

The Honorable Rush Holt  
U.S. House of Representatives  
1214 Longworth House Office Building  
Washington, D.C. 20515-3012

JUL 16 2010

Dear Congressman Holt:

Thank you for your letter of June 21, 2010, cosigned by your colleagues, commenting on the U.S. Department of Agriculture's (USDA) draft environmental impact statement (DEIS) for genetically engineered (GE) alfalfa.

I appreciate the concerns that you, your congressional colleagues, dairy and alfalfa farmers, and many other individuals across the country have expressed about a broad range of issues associated with the possible deregulation of two lines of GE alfalfa (Roundup Ready alfalfa) developed by Monsanto Company and Forage Genetics International. Please be assured that these concerns are being evaluated and will be addressed in USDA's final environmental impact statement (EIS). It is my conviction that USDA support all forms of agriculture—conventional, organic, and biotechnology (genetically modified) to meet the Nation's and the world's need for food security, energy production, carbon offsets, and the economic sustainability of farms.

USDA makes it a priority to engage stakeholders and the public in its decisionmaking processes, and we encourage participation throughout the petition process. Accordingly, USDA published a notice in the Federal Register announcing the DEIS' availability for public comment on December 18, 2009, and extended the comment period beyond its original 60 days until March 3, 2010. To obtain more feedback and to encourage dialogue between stakeholders during the comment period, USDA also held four public meetings on this subject. Under the National Environmental Policy Act, the final EIS must be published and available for public inspection 30 days before publication of any record of decision. Completing the final EIS and ensuring that it is an accurate, scientifically sound document are high priorities for USDA.

Thank you again for your thoughtful comments. I assure you of USDA's commitment to supporting all forms of agriculture to meet the Nation's and the world's needs, and to ensuring that our regulatory oversight is effective and science-based. A similar letter is being sent to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", is written over the typed name and title.

Thomas J. Vilsack  
Secretary

# Congress of the United States

Washington, DC 20510

June 21, 2010

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Vilsack:

We have serious concerns regarding the Draft Environmental Impact Statement (DEIS) for genetically engineered (GE) alfalfa. We have concluded that USDA's preliminary finding of "No Significant Impact" cannot be justified and we call on you to correct the serious deficiencies in the DEIS and to deny the request for deregulated GE alfalfa.

In the DEIS, USDA-APHIS concludes that contamination of non-GE alfalfa is highly unlikely, and if it does occur, the impacts would be inconsequential. That conclusion is based on the fact that the alfalfa is typically harvested prior to maturity, negating the potential of cross-pollination and contamination. Even if harvest occurs after maturity, APHIS contends that the required isolation distances will insure that the contamination is contained. These conclusions are not supported by the evidence or the science.

The DEIS acknowledges that gene flow contamination will likely occur and goes on to elaborate on the conditions which increase that possibility: proximity of fields, pest management strategies, feral alfalfa corridors, movement of honey bees and overstocking of pollinators. The DEIS further acknowledges that honey bees, the primary pollinators of alfalfa, travel distances far in excess of the required isolation distances. While APHIS maintains that contamination is unlikely, they contradict their own conclusion by determining that glyphosate tolerant alfalfa deregulation will lead to a shift to larger farms as alfalfa producers seek more land to avoid contamination.

During the two years that GE alfalfa was permitted to be grown commercially, approximately 200,000 acres of Roundup Ready alfalfa were planted -- amounting to less than 1% of the total alfalfa acres in the U.S. Cal/West Seeds, a major alfalfa seed exporter, reported that 12% of 200+ lots and all 6 of its research lots had tested positive for GE alfalfa in 2008 and that preliminary data indicated that 30% of 10 seed stock lots had tested positive in 2009. Additionally, Dairyland Seed Company, a major alfalfa seed producer and exporter, reported contamination of 11-16 sites at distances of up to 1 1/2 miles -- far beyond the recommended 900 foot isolation distances.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 2 of 4

We believe that GE contamination will occur and it will result in significant economic harm to both the alfalfa seed and forage export markets and to the organic dairy industry. APHIS has ignored the potential economic harm, concluding that GE sensitivity was too speculative while blaming farmers and the organic industry for its failure to provide evidence of consumer resistance and consequent economic loss.

There is nothing speculative regarding the loss of foreign alfalfa seed and forage markets. According to the Foreign Agriculture Service at USDA, the alfalfa forage exports in 2007 amounted to \$159 million to GE sensitive markets in Japan, Korea and Taiwan. Saudi Arabia, the largest importer of alfalfa seed, banned the import and/or use of GE seeds in 2004. Saudi Arabia imported \$38 million of U.S. alfalfa seeds in 2007. Based on those figures, alfalfa producers could lose at least \$197 million annually in alfalfa seed and forage exports as a result of GE alfalfa deregulation.

Today, U.S. exports of biotech corn and soybeans, as well as other agriculture products that contain or may have been contaminated with biotech ingredients continue to face a wide array of trade barriers. Several U.S. trading partners have employed restrictive measures or imposed bans on some U.S. agricultural products over health and environmental safety concerns related to biotechnology.

We believe that organic dairy producers will also suffer significant economic losses as a result of GE alfalfa deregulation. APHIS contends that organic certification is process-based and contamination would not impact certification. This conclusion is contradicted by organic industry leaders. The CROPP Cooperative processes and markets organic dairy and meat products for 941 producers in 28 states under the "Organic Valley" brand, which in 2007 had annual sales of \$333 million and a growth rate of 38% between 2005-2007. George Siemans, CROPP Cooperative CEO, has stated that if GE alfalfa results in the contamination of certified organic alfalfa stands or seed stock, it will devastate the organic farmers who market their milk as organic. Albert Straus of the Straus Family Creamery in Marshall California has stated that contamination of alfalfa forage would result in the widespread loss of organic and non-GE certifications and have a devastating impact on organic dairy producers and their ability to acquire organic forage. Organic feed is already expensive and in short supply in this country, if organic alfalfa becomes contaminated by GE alfalfa, it would greatly compound the feed shortage and increase the operating costs for organic dairy farms. This comes just as organic dairy producers are proving that they can be competitive with conventional production and are finding ways to further reduce their operating costs.

The Honorable Thomas Vilsack  
June 21, 2010  
Page 3 of 4

Consumers today respect and rely on what the USDA certified organic seal represents, which includes no GE contamination. If the USDA organic seal no longer represents a GE-free product, the integrity of the entire organic industry in this country will be compromised and consumers may no longer choose organic products. The organic dairy industry is now at approximately \$1.4 billion in sales and according to USDA's 2008 Organic Production Survey, farm sales of organic fluid milk were \$750 million. If farmers are unable to source adequate organic feed, they will not be able to produce organic milk.

The DEIS analysis fails to consider the need for GE alfalfa. Herbicides are used on only 7% of the alfalfa acreage in the country as "companion crops" in alfalfa fields are commonly utilized by dairy and beef producers for weed control and nutritional balance in livestock diets. The potential development of herbicide tolerance is minimized and dismissed. We believe that other significant environmental impacts are overlooked, ignored or minimized in the DEIS analysis. Neither impact was given any significance by APHIS, and should be reconsidered.

USDA has taken an impermissibly narrow view of its regulatory authority. The National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) provide a robust regulatory framework that ensures the protection of the environment and the vital economic interests of U.S. farmers. NEPA requires a hard look at the environmental consequences of federal actions and mandates that all reasonably foreseeable environmental impacts be addressed. The PPA grants you with broad authority to protect the agriculture, environment and economy of the U.S.

Congress enacted legislation in the 2008 Farm Bill to provide the USDA Secretary with added authority to ensure that GE contamination was minimized or prevented after rice producers lost an estimated \$1.25 billion as a result of a contamination event. The USDA has failed to adopt regulations implementing these statutory mandates. APHIS cannot run away from its regulatory responsibilities to protect farmers from environmental and economic harm that are the direct result of GE contamination in the promotion of agricultural biotechnologies.

We believe that the broad regulatory authority available to you has been ignored, in order to justify deregulation of a biotech crop that has limited utility to anyone except the manufacturer. You have spoken often about USDA having a role to help all farmers, both conventional and organic, and how organic agriculture helps to support local and regional food systems. How you respond to this DEIS, the first of its kind involving agricultural biotech and a perennial crop, and the 200,000 comments that USDA has received will demonstrate whether you truly want to do everything you can to support all farmers. USDA must do a better job to help organic operators coexist with those who chose other farming alternatives.

The Honorable Thomas Vilsack  
June 21, 2010  
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We request that you fully review the facts, law, and science in this case and take the "no action" alternative to maintain the regulated status for GE alfalfa. As the 200,000 comments indicate, there is significant concern that the risks to alfalfa producers and the U.S. agricultural are too great and benefits too few to allow deregulation.

Sincerely,

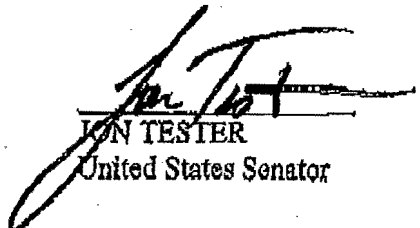
  
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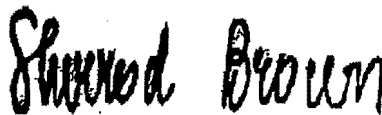
  
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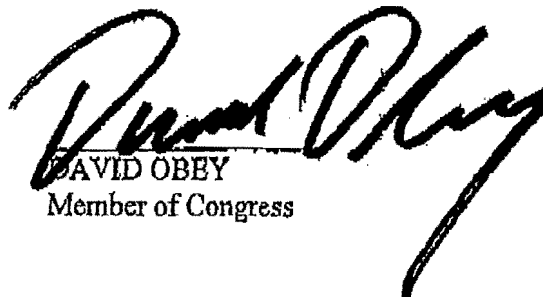
  
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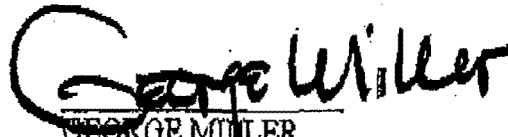
  
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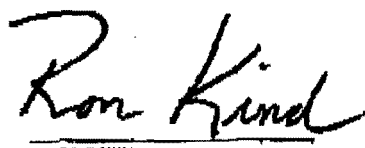
  
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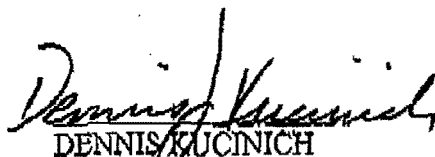
  
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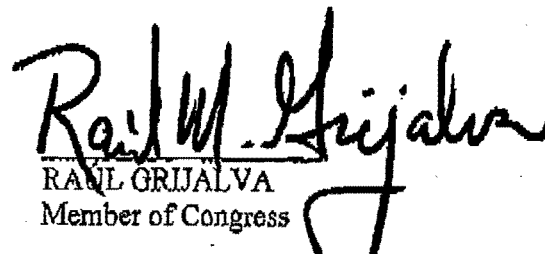
  
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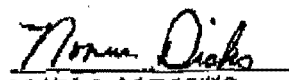
  
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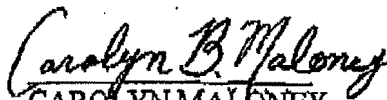
  
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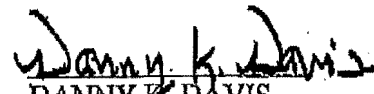
  
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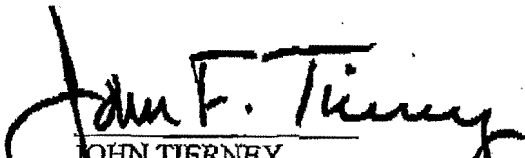
  
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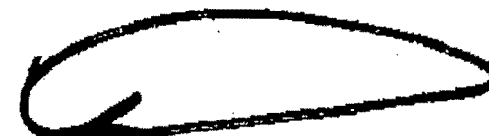
  
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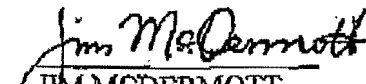
  
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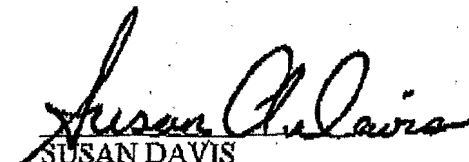



  
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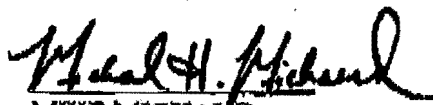
  
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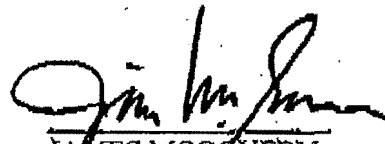
  
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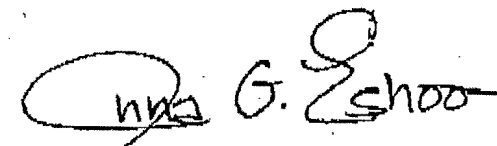
  
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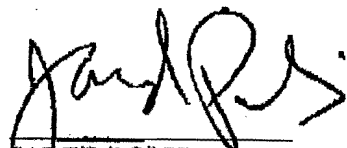
  
JACKIE SPEIER  
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