



National Organic Coalition

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December 6, 2010

Docket No. APHIS-2010-0047

Regulatory Analysis and Development
PPD, APHIS, Station 3A03.8, 4700
River Road Unit 118, Riverdale, MD
207371238.

RE: Docket No. APHIS-2010-0047

The National Organic Coalition strongly opposes USDA's proposal to allow the commercial planting and sale of genetically engineered, "Roundup Ready" sugar beets before the agency has completed the court-ordered review of that crop's impacts (Docket No. APHIS-2010-0047).

USDA's proposal violates the spirit, intent, and letter of the National Environmental Policy Act which is meant to ensure that agencies analyze potential environmental and socioeconomic impacts of an action before it is taken. It is the USDA's duty and legal mandate to act in the nation's best interest. Conversely, it is irresponsible government practice to allow the commercial planting of Roundup Ready sugar beets under another name, such as "field trials," in order to circumvent the law. Instead, it is the Agency's responsibility to carefully evaluate whether the commercial planting of such a crop is in the nation's overall best interest, taking into account the impacts on all stakeholders, including the natural environment. The USDA's proposal also violates the law because it allows commercialization under provisions meant only for research, in an effort to unlawfully mask their commercial approval decision.

Consumers, are harmed by the loss of their right to choose non-GE foods . Farmers are also harmed when inevitable contamination from genetically engineered crops occur and they are prevented from planting non-GE and organic crops. The increase in GE contamination (or perception of contamination) of non-GE and organic crops forces US food producers to source their product ingredients overseas from farmers that grow in regions that are not subject to GMO contamination, of which there are many. Thus, the US competitive advantage in organic is eliminated, even despite the US's strong (gold standard) organic regulatory and certification system. And, this competitive advantage is strengthened in other countries without such stringent standards as a result of the weak controls on GE crops in the US. That is why the National Organic Coalition supports the adoption of an agriculture policy framework that emphasizes *GE Contamination Prevention* as the best approach for minimizing the environmental, human health, and socioeconomic impacts of GE agriculture (see attached white paper).

USDA has proposed an unprecedented scheme for allowing the planting of GE sugar beets, prior to finalizing the court-mandated EIS, with measures it claims will ensure that harm such as transgenic contamination will not happen. But, those measures have never been analyzed by our government or independent research scientists, for any biotech crop. These are the very same measures that the Federal Court refused to adopt in August of this year. Such measures must not be adopted now, particularly in the absence of a full EIS, complete with supporting data, to analyze their efficacy in preventing harm to non-GE and organic farmers and the environment.

Additionally, USDA's track record of overseeing biotech crops in field trials is weak at best, as numerous government reports have concluded (GAO 2008, USDA IG 2005). The failings of USDA's field trial oversight have led to dozens of contamination episodes and billions of dollars in lost markets and businesses, such as was the case with genetically engineered rice and corn. USDA's actions belie its rhetoric of concern for non-GE crop growers and continue to undermine the Agency's credibility in the mind of the public. A case in point is USDA's refusal to publicly disclose a major contamination episode that came to light just a few weeks ago when GE bentgrass was discovered to have contaminated at least 20 square miles in eastern Oregon. GE bentgrass is *not* commercially approved and the contamination is believed to have spread across state lines, from a field trial that ended more than five years ago.

Recognizing USDA's lax field trial supervision and evaluation, Congress required the Agency to improve its oversight of field trials in the 2008 farm bill, an order that has been largely ignored. Now, USDA is claiming that its system of field trials is sufficient to contain an entire industry across the United States. This illegal practice of masking an approval for commercialization under the guise of a field trial must not be allowed.

Companies claiming economic harm from the failure to plant biotech beets in 2011 - Monsanto, Syngenta, and other agro-chemical giants - have not disclosed or allowed independent verification of what conventional seed stock they have on hand to plant if they are prohibited from planting biotech beets for an undetermined period of time. Any claims of economic harm to them are speculative and a result of their own gambling, since these companies have known since 2008 that they should plan to revert to planting conventional beets because it was likely biotech sugar beets would again be illegal.

Biotech industry claims of economic harm, and the "sugar-supply doomsday scenario" that the USDA has been touting in the press calls into serious question USDA's responsibility for ensuring our nation's food security. USDA alone, has created this vulnerability by allowing biodiversity in public plant and animal breeding to languish, on the verge of extinction. . How can USDA be in charge of public stewardship of our natural resources and nation's food supply when it claims that there are no longer enough conventional sugar beet varieties available for our farmers to meet our nation's food needs?

USDA has disregarded basic principles of fairness, farmer and consumer choice, food security, environmental stewardship, and public health protection as well as governmental transparency in its ongoing proposals to deregulate GE products. Our attached paper: *GMO Contamination Prevention, What Will it Take?* provides a solid basis for opening discussions about how to

preserve the foundation of US agriculture, embodied in organic and conventional farming systems, that has fed our nation and beyond for centuries.

The planting of biotech sugar beets at this time is illegal. Their commercialization in the absence of a full EIS, as required by law, threatens the environment due to the risk of transgenic contamination of organic and non-GE crops, the creation of resistant "super weeds" from the overuse of Roundup, and the impacts of Roundup on biodiversity and protected species.

The National Organic Coalition insists that USDA not be allowed to circumvent environmental law and the opinion of the U.S. courts, or ignore farmer choice and public opinion. This proposal presented in Docket No. APHIS-2010-0047 is illegal and must not be approved.

Sincerely,

A handwritten signature in black ink that reads "Liana Hoodes". The signature is written in a cursive, flowing style.

Liana Hoodes, Director