

July 10, 2012

The Honorable Frank Lucas
Committee on Agriculture, Chair
U.S. House of Representatives
1301 Longworth HOB
Washington, D.C. 20515

The Honorable Collin Peterson
Committee on Agriculture, Ranking Member
U.S. House of Representatives
1301 Longworth HOB
Washington, D.C. 20515

Organizations and Businesses Join to Oppose Stripping of USDA's Biotech Regulations in House Farm Bill

***Biotech Riders Would Eliminate Meaningful USDA Oversight, Create Backdoor Approvals for the
Controversial 2,4-D Corn and Other GE Crops, and Legalize Levels of Transgenic Pollution***

Dear Chairman Lucas and Ranking Member Peterson:

The undersigned forty food businesses and retailers, and family farm, consumer and environmental groups, representing over one million members across the United States, oppose the changes that have been proposed to the oversight of genetically engineered (GE) crops in Sections 10011-10014 of the House Agriculture Committee's discussion draft of the 2012 Farm Bill. Purposely buried in the voluminous Farm Bill, these significant changes to the Plant Protection Act (PPA) will create serious risks to farmers, the environment and public health by forcing the rushed commercialization of GE crops and eliminating meaningful review of their impacts.

In the past half-dozen years, courts and government reports have sharply criticized USDA's oversight of GE crops as lacking. Numerous courts have held the agency's approvals failed to comply with our environmental laws. In response, rather than responsibly improving its oversight, the industry seeks to instead change the rules. The Farm Bill riders together would eliminate the much needed review of these novel crops, forcing hasty approvals in advancing the chemical industry's interests in selling their products. Most concerning, these riders may:

- Outlaw any review of GE crops' impacts under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), or any other environmental law, or by any agency other than USDA. For example, harm to protected species could occur without any input from our expert wildlife agencies.
- Prohibit other agencies from offering expert input in the review process and instead limit review to solely USDA under the PPA. However, meaningful review would likely be eliminated by this rider, as USDA's analysis of potential harmful impacts is barred from informing any approval decision. The agency is also barred from using its broader statutory authority granted in the PPA of 2000 and instead is limited to its old 1957 Federal Plant Pest Act authority.
- Force the backdoor approval of GE crops, even if USDA has not reviewed and approved them, through unreasonably short deadlines, which, if not met by the agency, would default to immediate approval and commercialization. The provisions would also bar any agency funds from being spent on impacts analysis beyond the riders' narrow and time-forced approval.
- Codify a dangerous national policy of allowing transgenic contamination in crops and foods, risking loss of GE-sensitive domestic and export markets and loss of biodiversity.
- Limit EPA's oversight of biotech crops engineered to produce or contain a pesticide by forcing the agency to choose the least burdensome choice for industry, regardless of environmental consequences.

As you are aware, science and time have shown that GE crops can cause significant harms to agriculture and the environment. These novel crops (the overwhelming majority engineered to be resistant to herbicides, such as Monsanto's Roundup) have dramatically increased overall herbicide use. They have caused an epidemic scourge of resistant superweeds. And they have caused repeated transgenic contamination of non-biotech agriculture and the wild. Federal courts have ruled for farmers, businesses and public interest plaintiffs numerous times, finding that USDA had violated federal law by failing to adequately consider and regulate these potential harms. But rather than address these continued failures, this bill would eviscerate meaningful USDA's review; replacing it with an impotent assessment that cannot inform the agency's decision; permanently cut out any other agencies that might have more expertise (such as the Fish and Wildlife Service); and even prohibit the Department from using any funds to conduct any additional environmental analyses.

To make matters worse, the bill establishes purposely impossible deadlines for USDA to respond to GE crop approval applications. A new one-year deadline to approve or deny an application (with an optional 180-day extension) will put unreasonable pressure on the Department and will undoubtedly impact its willingness to even attempt rigorous risk assessments.

Further, multiple backdoor approvals have been written into this bill that could allow potentially dangerous GE crops to be commercialized without the necessary safety assessments, let alone any limitations. For example, if USDA's initial documentation indicates a crop may not pose a risk, but it is unable to respond to a petition within the timeframe required, the crop would be automatically approved under this law. This backdoor approval will take effect even if USDA has not yet completed the environmental analysis required. A second backdoor approval exists for applications that are currently under review by the USDA and have gone through an initial public comment period. Under this condition, if USDA is unable to approve or deny a crop application – such as Dow's 2,4-D corn, engineered to withstand exposure to one of the herbicides in the Vietnam-era defoliant Agent Orange – within 90 days of the Farm Bill passage, then the crop would be deemed approved. Such a deadline would be impossible to meet given the volume of public and scientific comments the Department receives (for the Dow corn, over 350,000) and the number of applications currently being considered.

Conventional (non-biotech) and organic farmers, as well as grain handlers, grain millers and processors, have suffered substantial losses in the past due to transgenic contamination. If this bill were to become law, the Secretary of Agriculture may be potentially unable to prevent costly contamination episodes, like Starlink corn or Liberty Link rice, which result in market rejection, loss of foreign and domestic markets, and untold millions of dollars in lost revenue to farmers and the food industry.

The riders also compel USDA to establish an extremely controversial national policy for the low-level presence of GE material in crops, which would set for the first time an acceptable level of GE contamination in non-GE crops in the U.S. without recourse. Consumers have consistently rejected allowing GE contamination to occur, and any policy that evades reasonable restrictions will create unknown risks to human health and severely impact our capability to export to vital foreign markets.

Fundamentally, Congress should not attempt to alter the USDA's regulatory framework for GE crops in such a one-sided and non-transparent manner. The new deadlines and diminished review process will make a mockery of USDA's GE crop reviews, transforming it into a façade of 'rubber stamp' approval, at the urging of the chemical industry. The only gain from these measures will be to the profits of the pesticide industry to the detriment of conventional and organic farmers and businesses, as well as the environment.

For the foregoing reasons, we respectfully urge Congress to strike the biotech provisions (Sections 10011-10014) from the House Agriculture Committee's discussion draft of the 2012 Farm Bill.

Respectfully submitted:

Organizations and Businesses

Alliance for Humane Biotechnology
Alliance for Natural Health USA
Beyond Pesticides
Center for Biological Diversity
Center for Environmental Health
Center for Food Safety
Cuatro Puertas
Earthjustice
Eden Foods
Equal Exchange
Farm-to-Consumer Legal Defense Fund
Farm and Ranch Freedom Alliance
Food and Water Watch
Friends of the Earth
Go Wild Campaign
Institute for Responsible Technology
Just Label It
LabelGMOs
Maine Organic Farmers and Gardeners Association
Mangrove Action Project
National Cooperative Grocers Association
National Family Farm Coalition
National Organic Coalition
Northeast Organic Dairy Producers Association
Northeast Organic Farming Association of Connecticut
Northeast Organic Farming Association - Interstate Council
Northwest Atlantic Marine Alliance
Northwest Center for Alternatives to Pesticides
Organic Trade Association
Organic Seed Growers and Trade Association
Pesticide Action Network
Planetary Health, Inc.
Rural Advancement Fund International - USA
Sierra Club
Truth in Labeling Coalition
United Natural Foods, Inc.
Union of Concerned Scientists
Washington Biotechnology Action Council
Weston A. Price Foundation
Wood Prairie Farm

Individuals

Former Congressman Jim Bates
Dr. Jennifer F. Brewer, East Carolina University
Dr. Jack Heinemann, University of Canterbury

CC:

Speaker John Boehner
Minority Leader Nancy Pelosi
U.S. House of Representatives