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Plant Protection Division
Animal and Plant Health Inspection Service
United States Department of Agriculture
4700 River Road Unit 147
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Re: Docket No. APHIS–2010–0047

Dear Dr. Stankiewicz Gabel:

Please accept the following comments on the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) *Draft Environmental Impact Statement-October 2011, Glyphosate Tolerant H7-1Sugar Beets Request for Nonregulated Status.* Our organizations have a strong interest in the availability of new technology to enhance the sustainability, productivity and competitiveness of U.S. agriculture. As such, **we strongly support APHIS's "Preferred Alternative" (Alternative 2) to fully deregulate H7-1 sugar beets** in the draft Environmental Impact Statement (EIS). Full deregulation of H7-1 sugar beets, which has been thoroughly reviewed and determined to be safe, is the appropriate regulatory decision and will demonstrate the U.S. government's commitment to sound science, and safety and risk-based regulatory principles. In the remainder of our comments, we stress the impact the agency's regulatory decision will have on all of production agriculture.

The conclusions in the draft EIS reaffirms previous findings in the March 17, 2005 (docket # 04-075-2) Environmental Assessment (EA) and confirms APHIS's commitment to science-based regulation in the interest of agriculture producers, business and consumers. The draft EIS prepared by APHIS is a comprehensive evaluation of issues related to growing and processing glyphosate-tolerant sugar beets. Importantly, a full EIS was required by a court mandate, not as a result of any environmental safety issue associated with commercialization of the product, but rather by a procedural requirement under the National Environmental Policy Act (NEPA). Now, after six years of rapid adoption and safe use of H7-1 sugar beets, the original APHIS decision is confirmed by the evidence in the draft EIS. The draft EIS reaffirms conclusions from the 2005 and 2010 Plant Pest Risk Assessment and EAs for H7-1 sugar beets. Despite the burden of repeated legal challenges by opponents of the technology, we appreciate the agency's continued commitment to sound and predictable science-based regulation of plant biotechnology.

The draft EIS appropriately acknowledges the effectiveness of voluntary, contractual arrangements for managing commercial risks. Full deregulation will remove mandatory geographic and stewardship restrictions required under interim partial deregulation. However,

APHIS's evaluation notably highlights that the agency anticipates that both the seed and root growers will continue to be subject to well established grower-processor contractual restrictions and traditional and closely followed stewardship practices. The sugar industry has demonstrated its ability to implement proper stewardship protocols throughout the regulatory review and approval process for H7-1 sugar beets. Voluntary and contractual requirements for seed and root crop management were put in place when H7-1 sugar beets were originally deregulated in 2005 and have proved appropriate and effective in managing commercial risks.

Future improvements in the sustainability, productivity and competitiveness of U.S. agriculture depend on innovation made possible through science-based regulation of real environmental risk. As we have seen, a lengthy and unpredictable regulatory process, followed by – or coupled with – a lengthy and unpredictable litigation process, creates direct costs through compliance and legal defense and indirect costs through uncertainty for farmers and businesses, reduced investment and innovation, and opportunity cost from a lack of access to safe and beneficial technology. It is unfortunate that the court-mandated reviews of H7-1 sugar beet deregulation have increased these costs and hampered the agency's ability to make timely and predictable regulatory decisions that provide the certainty and clear signals developers and growers need to take advantage of these important new technologies.

APHIS's action also has international implications for the global regulatory environment and the ability to meet the food, fiber and fuel demands and environmental challenges of the 21st century. Full deregulation of H7-1 sugar beets sets an important precedent for the regulation of crops derived from modern biotechnology, bolsters APHIS's international reputation and signals to trading partners a commitment to sound regulatory policy. This will help discourage a "precautionary approach" in other countries, encourage greater market access and promote trade. This is particularly crucial given global demand for land, water and environmental resources needed to produce adequate supplies of food, feed, fiber and renewable fuels. Biotechnology is one of many tools that can effectively address problems of plant disease, pests and environmental stress and is essential for a strong and sustainable agricultural industry. It is important that farmers have access to the tools necessary to respond to food security and environmental challenges for a growing population.

Finally, it is our view that **a full EIS is not warranted for most new biotechnology-derived products.** We support APHIS's longstanding policy of conducting an EA for new product deregulation when the agency has sufficient experience with a trait and finds no significant environmental impact. While we appreciate that some novel traits may require additional scrutiny, completing an EIS on every new trait is inconsistent with safety and risk-based principles and would have the consequence of unjustifiably increasing regulatory cost, reducing product innovation, damaging the global reputation of our regulatory framework, and reducing efficiency and productivity of U.S. agriculture.

We hope that implementing continued improvements in APHIS procedures and finalizing proposed revisions to 7 CFR Part 340 rules will help ensure EAs of new biotechnology-derived products are timely, rigorous, in compliance with NEPA procedural requirements and can withstand legal scrutiny. We pledge to work closely with USDA and other policy makers to find solutions that allow APHIS and other regulatory agencies to make efficient science-based decisions to improve access to new, safe and environmentally sound crop technologies.

We appreciate the opportunity to provide these comments.

Sincerely,

Agriculture Retailers Association
American Farm Bureau Federation
American Seed Trade Association
American Soybean Association
American Sugarbeet Growers Association
Biotechnology Industry Organization
CropLife America
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives