



THE UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SECTION

In the Matter of: )  
)  
LMOs AND INVASIVE SPECIES, )  
PUBLIC MEETING )

Training Rooms 1 and 2  
Second Floor  
U.S. Department of Agriculture  
4700 River Road  
Riverdale, Maryland 20737

Thursday,  
March 8, 2001

The hearing in the above-entitled matter was  
convened, pursuant to notice, at 10:02 a.m.

APPEARANCES:

USDA Panel:

ANISSA CRAGHEAD, Moderator

DR. CATHLEEN ENRIGHT  
Director, Biotechnology, APHIS/PPQ/PIM

NARCY KLAG  
Director, International Standards Management  
APHIS/PPQ/PIM

JOHN GREIFER  
Director, Trade Support Team, APHIS

Speakers:

BETH BURROWS  
Edmonds Institute

KIRK MILLER  
North American Export Grain Association

Heritage Reporting Corporation  
(202) 628-4888

## APPEARANCES (CONTINUED):

Speakers (Continued):

KELLY REID  
Greenpeace

JANE RISSLER  
Union of Concerned Scientists

Also Appearing:

DR. PAUL PFEIFFER  
State Department  
Bureau of Oceans, Environment and Science

MARK POWELL  
USDA, Office of Chief Economists/Office of Risk  
Assessment and Cost Benefit Analysis



1 under the North American Plant Protection Organization.  
2 John and Nancy coordinate the development of U.S. Government  
3 positions for a range of IPPC issues and are here to answer  
4 questions related to IPPC in general.

5 The purpose of today's meeting is to provide you  
6 with background on the issues of living genetically-modified  
7 organisms and invasive species as they pertain to the IPPC  
8 and to give interested persons an opportunity to present  
9 their views on the recommendation for the development of two  
10 separate IPPC standards: One for living, genetically-  
11 modified organisms and another for invasive species.

12 Notice of today's meeting was published in the  
13 Federal Register on February 20th, 2001. Extra copies of  
14 the notice are at the registration table which is right over  
15 there in the corner. The format for today's meeting will be  
16 as follows: After I complete my remarks on the procedural  
17 aspects of the meeting, Dr. Enright will provide you with  
18 background information of issues of living, genetically-  
19 modified organisms and invasive species under the IPPC.

20 After Dr. Enright's presentation, persons who have  
21 registered to speak will be given an opportunity to speak in  
22 the order that they registered. After each speaker  
23 completes his or her remarks, panelists will have the  
24 opportunity to provide clarification or additional  
25 background information if needed and if appropriate to the

1 topic of this meeting.

2 If time permits, persons who have not registered  
3 will be given an opportunity to speak, as well, once all  
4 registered persons have been heard. Today's meeting is  
5 scheduled to end at 11:30 a.m. Should registered speakers'  
6 presentations take us over the 11:30 conclusion time, we  
7 will remain longer to accommodate their presentations.

8 Alternately, we may conclude before 11:30 a.m. if  
9 all persons who have registered to speak have been heard and  
10 there are no other persons who wish to speak. Seven people  
11 have registered to speak at today's meeting. Therefore, I  
12 ask that registered speakers please limit their time to  
13 around five minutes for their presentations.

14 All comments made here today are being recorded  
15 and will be transcribed. The Court Reporter for today is  
16 Ms. Marcia Logan who is associated with the Heritage  
17 Reporting Corporation in Washington, D.C. Detailed  
18 information on obtaining a copy of the transcript for  
19 today's meeting is available at the registration table.

20 As the moderator, I will call each person who has  
21 registered to speak. When you are called, please come up to  
22 the table and sit here and give your remarks into the mike  
23 so that Marcia can hear them. Before beginning, please  
24 state and spell your last name for the benefit of the Court  
25 Reporter. In addition, please say who you represent.

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1           If you read a prepared statement and have an extra  
2 copy with you, I would appreciate it if you would give me  
3 that extra copy at either the beginning or the end of your  
4 presentation. Any oral statement presented or written  
5 statement submitted at today's meeting will become part of  
6 the public record.

7           If an individual's comments do not relate to the  
8 stated purpose of today's meeting which is to present  
9 comments or questions on the recommendation for IPPC  
10 standards for living, genetically-modified organisms and  
11 invasive species, I will ask the speaker to focus his or her  
12 comments accordingly. In addition, I hope that everyone  
13 will show respect to speakers and give speakers your full  
14 attention.

15           Finally, I ask that before you leave today, please  
16 take a minute to complete a brief survey concerning the  
17 quality of this meeting. We need your feedback on things  
18 such as the format for the meeting, the accommodations and  
19 the other aspects of the meeting so that we can determine if  
20 the way we conducted this meeting has been satisfactory to  
21 you.

22           Copies of the survey are available at the  
23 registration table. If you don't have time to fill out the  
24 survey this morning, please take a copy of it with you and  
25 fax it to me when you get a chance. My fax number is on the

1 survey. Otherwise, we would really appreciate it if you  
2 could take a minute to fill it out this morning and then  
3 just leave your completed survey on the registration table  
4 and we will pick them up at the end.

5 After Dr. Enright's presentation, I will call the  
6 first registered speaker. Cathy.

7 DR. ENRIGHT: Thanks, Anissa. Last June, an IPPC  
8 working group was convened to consider how best to address  
9 IPPC responsibility regarding the plant pest concerns  
10 associated with LMOs and invasive species. The working  
11 group focused on four areas: The clarification of the role  
12 of the IPPC, the need for standards, capacity-building, and  
13 IPPC communication with the convention of biological  
14 diversity, or the CBD.

15 Today after providing an introduction, I will  
16 touch upon each of these areas, but focus primarily on the  
17 working group's views on the role of the IPPC and its  
18 recommendations for the development of two standards, one to  
19 address the plant pest risks associated with LMOs and one to  
20 address the environmental impacts of quarantine pests  
21 including quarantine pests that are invasive. I will then  
22 describe our views and next steps.

23 By way of introduction, the IPPC working group was  
24 established in response to requests made by a number of IPPC  
25 members at their October 1999 meeting. The requests were



1 for further guidance on addressing plant pest concerns  
2 associated with LMOs and invasive species. As you may know,  
3 the IPPC which came into force in 1952 and which the U.S.  
4 joined in 1972 is aimed at protecting plant health by  
5 promoting international cooperation to prevent the spread  
6 and introduction of plant pests and to promote appropriate  
7 measures for their control.

8 The member country focus on LMOs and invasive  
9 species stemmed largely from heightened global interest in  
10 these two areas. You will recall in October of 1999, the  
11 CBDs Cartagena protocol on biosafety was under negotiation.  
12 The Global Invasive Species Program or GISP, was developing  
13 its global plan of action. And the Convention on Biological  
14 Diversity had identified invasive species as a priority in  
15 its work plan.

16 IPPC member countries saw the need to clarify the  
17 role of the IPPC with regard to LMOs and with regard to  
18 invasive species. In addition, while several members have  
19 considerable experience in addressing LMOs and invasive  
20 species, many members felt ill-equipped to address these  
21 issues.

22 As reflected in its report, the June 2000 working  
23 group agreed on the need for further guidance under the IPPC  
24 on LMOs and on invasive species. With regard to LMOs, the  
25 working group first clarified the role of the IPPC by noting

1 that plant pest risks associated with LMOs fall within the  
2 scope of the IPPC consistent with the IPPC mandate to  
3 protect plant health.

4 The working group also agreed that plant pest risk  
5 analysis and management systems established under the IPPC  
6 are certainly appropriate for assessing and managing plant  
7 pest risks that may be presented by LMOs. Finally, the  
8 working group recommended the development of a standard to  
9 specifically address those plant pest risks associated with  
10 LMOs that are not adequately addressed within existing IPPC  
11 risk analysis standards.

12 With regard to the issue of invasive species, the  
13 working group clarified the relationship between invasive  
14 species and quarantine plant pests which are defined and  
15 regulated under the IPPC. The working group determined that  
16 a species with the potential to become invasive should be  
17 considered a quarantine pest if it may directly or  
18 indirectly affect plant health and if it is absent from the  
19 region in question or, if present, it is limited in  
20 distribution and is subject to official control.

21 The working group also made clear that as  
22 quarantined pests, such invasive species would be subject to  
23 measures according to IPPC provisions and standards.  
24 Finally, on the issue of quarantined pests generally and  
25 invasive species specifically, the working group identified

1 the need for a standard to address the environmental impacts  
2 of quarantined pests including quarantined pests that are  
3 invasive.

4 The environmental focus stems from a lack of  
5 clarity outside the IPPC regarding its responsibility to  
6 address environmental impacts and a lack of capacity within  
7 the IPPC to respond and address environmental impacts --  
8 respond to and address environmental impacts. Within the  
9 IPPC, the understanding of plant protection has been and  
10 continues to be broad, encompassing the protection of both  
11 cultivated and non-cultivated plants and natural flora from  
12 direct and indirect injury by plant pests.

13 Historically, however, the primary application of  
14 phyto-sanitary measures under the IPPC has been the  
15 identification, assessment and management of plant pests in  
16 cultivated settings such as agriculture, horticulture and  
17 forestry, largely for the assessment of economic  
18 consequences.

19 The result which is not new to discussions within  
20 the IPPC has been confusion as to the responsibility of the  
21 IPPC with regard to the protection of natural ecosystems.  
22 In addition, guidance specific to the environment in current  
23 or draft IPPC standards is extremely limited. And member  
24 countries are simply seeking more explicit systems for the  
25 assessment of environment consequences presented, for

1 example, by quarantined pests including those that are  
2 invasive.

3 On the issue of capacity-building, the working  
4 group identified the need for capacity-building,  
5 particularly in developing countries and recommended the  
6 development of a program to specifically address plant pest  
7 risk assessment and management needs.

8 With regard to communication with the CBD, the  
9 working group acknowledged the importance of such  
10 communication and has initiated -- has now initiated a  
11 dialogue with the CBD to ensure that as each organization  
12 proceeds to address LMOs and to address invasive species,  
13 the areas of common interest are adequately covered.

14 As an aside and an update, with regard to LMOs,  
15 the CBD's Cartagena protocol on biosafety has been completed  
16 and has entered the implementation phase. With regard to  
17 invasive species, the CBD has drafted interim guiding  
18 principles for combatting invasive species and, working with  
19 GISP, will begin to develop a work plan in March.

20 In terms of U.S. Government views on the working  
21 group report, we agree with the recommendations. The  
22 development of an LMO standard and an environmental impact  
23 standard for quarantined pests will help to address the  
24 expressed needs of IPPC member countries and will certainly  
25 help to clarify the responsibility of the IPPC in these

1 areas.

2 The IPPC's strength in responding to contemporary  
3 phyto-sanitary issues such as LMOs and invasive species is  
4 in its development of concrete, regulatory procedures and  
5 standards. As a result, the recommended standards and  
6 associated capacity-building programs will help countries  
7 make better informed phyto-sanitary decisions and will help  
8 promote a common approach to the identification, assessment  
9 and control of plant pest risks associated with LMOs and  
10 with quarantined pests including invasive species.

11 These standards will also lead to greater  
12 transparency within the IPPC regarding the application of  
13 procedures for identifying any potential plant pest risks  
14 and the measures taken to control them.

15 Regarding next steps, the adoption of the working  
16 group's report is just one of the items on the agenda for  
17 the April IPPC meeting. If adopted, the activities outlined  
18 in the report will be prioritized in the IPPC 2001-2002 work  
19 plan. Depending on the ranking, working groups for the  
20 development of the two standards could be convened in late  
21 summer or early fall this year.

22 We have begun to address these issues at the  
23 regional level with Canada and Mexico under the North  
24 American Plant Protection Organization, or NAPPO. Our  
25 intention is to complete an internal review of each of these

1 draft efforts and then to begin an iterative process with  
2 the public to give those interested an opportunity to  
3 comment on their content.

4 The process of standards development under the  
5 IPPC is years long. Therefore, we envision several  
6 opportunities beginning with today's meeting for public  
7 comment. Your comments will help us to prepare for the  
8 April meeting of the IPPC, will help us to gauge your  
9 interest in these issues and help us to -- and help to  
10 inform our approach to standards development. Anissa, I  
11 will stop there.

12 MS. CRAGHEAD: Great. The first registered  
13 speaker is Ms. Beth Burrows.

14 MS. BURROWS: Before Ms. Beth Burrows speaks, she  
15 wonders if she could ask any questions that were on the  
16 previous presentation.

17 MS. CRAGHEAD: Sure.

18 MS. BURROWS: In several places --

19 DR. ENRIGHT: Maybe, Beth, do you want to come up  
20 to the -- thanks.

21 MS. BURROWS: I hope my questions will not be part  
22 of my presentation timing, however.

23 MS. CRAGHEAD: No.

24 MS. BURROWS: In several places, you mentioned --  
25 you said such things as many members felt ill-equipped,

1 members called upon the body for clarification and so forth.  
2 How does one find out which members called for this?

3 MR. GREIFER: I'm not sure that the FAO record  
4 from the meeting in '99 -- in October '99 would have  
5 captured all the members. The -- I was part of the team  
6 that was there. And some of the members that I recall from  
7 my own personal memory is India was prominent. I think  
8 Thailand may have been part of that group that also  
9 expressed, Bangladesh. And what was the -- and I think  
10 there were two others. They may have been South American  
11 countries.

12 MS. BURROWS: Thank you. I do have a copy. But I  
13 will hold off giving it to you so that you can pay wrapped  
14 attention. My name is Beth Burrows, B-E-T-H B-U-R-R-O-W-S.  
15 I am the president and director of a small public interest  
16 group named the Edmonds Institute. I speak today, however,  
17 on behalf of the following organizations: My own, the  
18 Edmonds Institute, the Sierra Club, Pesticide Action Network  
19 of North America, the International Center for Technology  
20 Assessment, the Center for Food Safety, the Council for  
21 Responsible Genetics, ACERCA, the Campaign to Label  
22 Genetically-engineered Foods, Ground Score, Fish Berries,  
23 Washington Biotechnology Action Council, the 49th Parallel  
24 Biotechnology Consortium, Mothers for Natural Law, and the  
25 Institute for Social Ecology.

1           I left my office a day ago. There might have been  
2 others who asked me to be added to this list. I apologize  
3 to them if I have missed their names.

4           I want to thank you for the opportunity to present  
5 our views here today. Collectively, the civil society  
6 organizations whose names I have mentioned have carefully  
7 followed the process leading up to the finalization of the  
8 Cartagena protocol on biosafety.

9           After many years of deliberation, the Cartagena  
10 biosafety protocol was deemed by many, many nations the  
11 principal international instrument for the regulation of  
12 trans-boundary movements of LMOs. The protocol has been  
13 signed by over 60 countries to date with governmental  
14 deliberations and ratifications proceeding at a pace to  
15 ensure that the protocol enters into force by the next  
16 conference of the parties to the convention on biological  
17 diversity in April 2002.

18           International meetings have already been held and  
19 are scheduled to be held to ensure the protocol's timely  
20 implementation. The United States was present at all such  
21 meetings. And its representatives on many occasions  
22 professed a willingness to comply with the spirit of the  
23 protocol. Hence, it is with some surprise that we note the  
24 efforts by our own government to side-step the international  
25 commitments outlined in the protocol by rushing to create a



1 shadow set of standards in the IPPC.

2           The IPPC is not the appropriate forum to deal with  
3 the risks of genetically-engineered plants unless it is the  
4 intention of the United States to quarantine all LMOs at the  
5 border. The international community was absolutely clear  
6 about what was the proper venue for risk assessment during  
7 the negotiations that led to the Cartagena biosafety  
8 protocol.

9           Negotiators considered this exact question and  
10 agreed that IPPC was not adequate to regulate trans-boundary  
11 movements of LMOs. To create at this point some of the same  
12 procedures within the IPPC as may fall under the scope of  
13 the protocol would be to create international confusion,  
14 potential further delay in the establishment of appropriate  
15 rules for the shipment of genetically-engineered organisms  
16 and an unnecessarily duplicative, regulatory bureaucracy  
17 with all the extra cost, red tape, personnel training and  
18 overlapping mandates that such a move ensures.

19           Moreover, the creation of such a bureaucracy would  
20 multiply the amount and duration of rancor in the  
21 international arena over the products of genetic  
22 engineering. We think the administration must know that  
23 such political maneuvering will be seen as a cynical United  
24 States attempt to gain control of an arena in which the  
25 risks of genetic engineering are likely to be judged less

1 carefully than under the protocol.

2 It would also be seen as an extremely transparent  
3 move by the U.S. to co-opt the judgement of the majority of  
4 countries in the world. Such perception would only heighten  
5 the already prevalent suspicion that we are a country that  
6 is desperate to force our products onto global markets no  
7 matter the cost to capacity-building, democracy, safety or  
8 mutual respect among nations.

9 This is clearly undesirable and an unnecessary  
10 waste of money and good will for all concerned, most  
11 certainly for the U.S. taxpayer and the U.S. farmer. We  
12 strongly urge USDA APHIS and this administration to  
13 recommend that IPPC consider the Cartagena biosafety  
14 protocol as the proper venue for addressing all matters  
15 related to the trans-boundary movement of LMOs.

16 And that statement is signed by a variety of  
17 people representing the organizations that I mentioned  
18 earlier. I won't read their names. I do have a few copies  
19 of that statement. Thank you.

20 MS. CRAGHEAD: Thank you very much for your  
21 comments.

22 DR. ENRIGHT: Sure. If I can clarify about some  
23 of the remarks that I made that may speak to you some of the  
24 remarks that you made, just for clarity's sake. We have had  
25 this discussion in the U.S., the potential for overlap with

1 regard to the scope of the CBD and the scope of the IPPC.  
2 This discussion came after the October 1999 meeting at the  
3 IPPC and it also followed the decision to establish a  
4 working group to develop recommendations.

5           And our view is that it is not an either-or  
6 situation and that the activities that may be sought or  
7 developed under each of the organizations are not at odds  
8 with one another. There are common areas of interest  
9 between the CBD and the IPPC. But there are distinctions in  
10 focus and there are distinctions in mechanisms available.

11           Under their -- under the IPPC, the effort will  
12 focus due to its mandate specifically on the protection of  
13 plant health, life and resources, primarily we would  
14 understand through the development of specific risk  
15 assessment and management criteria. We are not viewing the  
16 development of these standards to be a consent procedure,  
17 but rather to employ the existing mechanisms within the IPPC  
18 for assessment, management and prevention.

19           The members of the IPPC also recognize -- and this  
20 was a sentiment common to developing countries -- that many  
21 of the activities related to LMOs and those related to  
22 invasive species that are going on under the IPPC, the  
23 implementation of those activities are going to fall in many  
24 instances on the shoulders of the National Plant Protection  
25 Organizations that are -- that exist under the IPPC. And

1 the officials in those National Plant Protection  
2 Organizations from several countries have expressed  
3 confusion as to how they are going to implement these  
4 additional activities.

5 So we don't look at the activity under the IPPC as  
6 an alternative to the activities that are under the CBD, but  
7 look at it as a way to help those that are addressing plant  
8 pest risks associated with LMOs, to help them to better  
9 address those associated plant pest risks.

10 MS. BURROWS: I don't know if I can ask a question  
11 or not. I don't want to take any more time --

12 MS. CRAGHEAD: I think that it is probably  
13 appropriate for you to ask a question if you have one.

14 MS. BURROWS: You said those officials have  
15 expressed confusion. I now speak for the Edmonds Institute.  
16 My mandate for the other groups was fulfilled. You say  
17 those officials have expressed confusion. One of our  
18 confusions is that we are talking about different officials.  
19 In the case of IPPC, it is our perception that the officials  
20 addressed tend to be in the Department of Agriculture in  
21 countries.

22 The officials that we are concerned with in the  
23 CBD tend to be in the Departments of Environment, variously  
24 named around the world. Our concern is that we believe that  
25 those who reside in Departments of Environment are more

1 competent to assess risks to just the very things that you  
2 named, health, life and resources. And so I would not be  
3 surprised if there was confusion among the ministers of  
4 agriculture on risk assessment. But I would be if there was  
5 among the ministers of environment.

6 And I would hope that the United States is not  
7 going to set up -- or help to set up two competing systems  
8 or if certainly not in the United States, but in other  
9 places because this -- we are really talking about different  
10 people. And many of those developing countries do not have  
11 the money to set up two systems, let alone -- some of them  
12 don't have the money for one, as you know.

13 MS. CRAGHEAD: Well, thank you again for your  
14 comments. Our second registered speaker is Kirk Miller. Is  
15 Mr. Miller here? Thanks.

16 MR. MILLER: Good morning, everyone. I have a few  
17 copies here for the -- I can leave a statement to leave with  
18 the secretary after the meeting.

19 MS. CRAGHEAD: Okay.

20 MR. MILLER: I am commenting this morning on  
21 behalf of the North American Export Grain Association which  
22 is comprised of grain and oil seed exporters and interested  
23 parties whose purpose is to promote and sustain the  
24 development of commercial grain and oil seed exports in the  
25 United States.

1           The organization was chartered in 1912 and  
2           incorporated in 1920. NAEGA is a not-for-profit  
3           organization. Its members are privately and publicly-owned  
4           companies and cooperatives. And we appreciate the  
5           opportunity to attend and participate in this meeting today  
6           on the topic of living and modified organisms and invasive  
7           species.

8           My name is W. Kirk Miller. And I am the Director  
9           of International Programs and Regulatory Affairs for NAEGA.  
10          Now, my comments today are focused in three general areas.  
11          First of all, support for APHIS's historical role as a  
12          guardian against the invasion of adverse pests affecting  
13          both domesticated and wild flora and fauna and its more  
14          recently added role in regulating the development and  
15          commercialization of products derived from biotechnology;  
16          and secondly, support for the International Plant Protection  
17          Convention and the regional plant protection organizations,  
18          NAPPO in particular, and their involvement in setting  
19          standards and providing coordinated regulatory guidance on  
20          living modified organisms and invasive species including the  
21          LMOs.

22          And thirdly, and continued support for the WTO-SPS  
23          agreement as a way to address sanitary and phyto-sanitary  
24          matters including plant risk associated with LMOs and/or  
25          products derived from biotechnology and quarantined pests

1 that are invasive.

2           Regarding support for APHIS's historical role,  
3 APHIS is part of the network of federal agencies with food  
4 safety responsibilities. APHIS's primary role in this  
5 network is to protect U.S. agriculture from plant and animal  
6 pests and diseases. The agency effectively implements  
7 federal laws pertaining to animal and plant health,  
8 international sanitary and phyto-sanitary regulations and  
9 regulation of veterinary biological and vaccines, control  
10 and eradication of introduced pests and diseases and humane  
11 treatment of animals.

12           APHIS also conducts research and operational  
13 activities to reduce bird, rodent and predator damage to  
14 crops and livestock. And APHIS programs are implemented  
15 through cooperative activities with other federal agencies,  
16 state and foreign governments and producers. APHIS also  
17 plays an important role in regulating biotechnology by  
18 ensuring that bio-engineered plants do not harm the  
19 environment.

20           NAEGA believes that as a result of revisions to  
21 the Plant Protection Act in 2000, APHIS has a clear mandate  
22 to protect plant health and establish regulations related to  
23 plant pest concerns that may be due to LMOs and/or products  
24 that are brought in by biotechnology. If after further  
25 review the agency finds that statutory authority is not

1 adequate to address the issues -- these issues, the agency  
2 should work with stakeholders and Congress to amend the law.  
3 The risk analysis and management systems currently used for  
4 protecting agriculture are appropriate for assessing and  
5 management threats to both wild flora and fauna posed by  
6 biotechnology.

7           And regarding support for the International Plant  
8 Protection Convention, the International Plant Protection  
9 Convention is an international agreement that was  
10 established in 1951 with the objective of helping to reduce  
11 the spread of injurious plant pests and diseases worldwide.  
12 The purpose of the convention is to secure a common and  
13 effective action to prevent the spread and introduction of  
14 pests of plants and plant products and to promote  
15 appropriate measures for their control.

16           The role of IPPC now includes establishing  
17 international phyto-sanitary standards, promoting the  
18 harmonization of plant quarantine activities, facilitating  
19 the dissemination of phyto-sanitary information and  
20 providing plant health assistance to developing countries.  
21 And recently, we think as a result of the adoption of the  
22 Plant Protection Act and APHIS's involvement in that, we  
23 also think by extension, the IPPC is now involved in  
24 regulating LMOs.

25           In the last round of more lateral trade talks, the



1 World Trade Organization recognized and established a  
2 process to utilize the IPPC in addressing trade disputes  
3 rooted in plant pest matters. The IPPC definition of a pest  
4 is any species, strain or biotype of plant, animal or  
5 pathogenic agent injurious to plant or -- plants or plant  
6 products.

7 The coverage of the IPPC definition of plant pest  
8 includes weeds and other species that have indirect effects  
9 on plants. Therefore, the scope of the convention applies  
10 to the protection of wild flora resulting in an important  
11 contribution to the conservation of biological diversity.  
12 The IPPC provides for rights and obligations supported by a  
13 system of standards and procedures for identifying pests  
14 that threaten plant health, assessing the risk and  
15 determining measures to be used to assess and manage those  
16 risks.

17 The IPPC mandate to protect plant health is broad  
18 enough to include plant pest concerns that may be presented  
19 by LMOs and products of modern biotechnology. And the IPPC  
20 risk analysis and management systems are appropriate and  
21 relevant for assessing and managing risk to both cultivated  
22 and wild flora and plant products due to LMOs.

23 Under the IPPC network, national mechanisms and  
24 institutional structures exist which form a basis for  
25 developing practical approaches in managing risk associated

1 with LMOs. NAEGA supports recommendations from the June  
2 2000 working group of the Interim Commission on Phyto-  
3 sanitary Measures regarding the development of supplementary  
4 standards to specifically address phyto-sanitary measures  
5 regarding LMOs and/or products of modern biotechnology.

6 APHIS through the IPPC and the North American  
7 Plant Protection Organization should assert authority over  
8 the regulation of invasive plant pests and/or those that may  
9 be used as biological control agents. In this regard, APHIS  
10 should take the lead in coordinating upcoming IPPC and NAPPO  
11 decisions within the U.S. Government and undertake other  
12 measures to engender public confidence in these actions.

13 Finally, in regard for support for the WTO-SPS  
14 agreement, the WTO-SPS agreement contains many references to  
15 risk assessment and the obligation of countries to base  
16 their sanitary and phyto-sanitary measures on sound,  
17 scientific risk assessments, evidence and principles. In  
18 accordance with the SPS agreement, WTO members must also  
19 take into account the objective of minimizing negative trade  
20 effects when determining their appropriate level of  
21 protection.

22 The same non-trade distorting concepts should  
23 apply to the U.S. regulation of LMOs and invasive species so  
24 that action on these matters provides appropriate  
25 protection, but not impose unjustified or unwarranted

1 barriers to commerce or invite retaliation against U.S.  
2 exports.

3 NAEGA encourages APHIS to coordinate its  
4 activities in this regard with other branches of the U.S.  
5 Government to enhance the agency's impact and results.  
6 APHIS needs to address these issues in such a manner that  
7 will engender public support and prevent unnecessary  
8 barriers to domestic or international commerce.

9 NAEGA applauds APHIS for conducting this meeting.  
10 And we look forward to working with the agency to address  
11 these substantive matters. Thank you.

12 MS. CRAGHEAD: Thank you for your comments. The  
13 third registered speaker is Gary Martin.

14 MR. MILLER: Gary is not going to be here today.

15 MS. CRAGHEAD: Gary is not here today? Great. We  
16 will go on to Val Giddings who is not here, also. And  
17 Matthew Lyons. Do you want to say anything?

18 MR. LYONS: Thank you. I have no prepared  
19 remarks.

20 MS. CRAGHEAD: Okay. On to number 6. Michael  
21 Dobres? Am I saying that appropriately? Michael Dobres  
22 with NovaFlora? No? All right. And our last registered  
23 speaker is Charles Margulis.

24 MS. REID: I am here on his behalf.

25 MS. CRAGHEAD: Okay. Great.

1 MS. REID: On behalf of Greenpeace USA, thank you  
2 for the opportunity to present our views here today.  
3 Greenpeace's supporters in the U.S. and abroad are devoted  
4 to protecting the environment from threats to the  
5 biodiversity -- to biodiversity.

6 MS. CRAGHEAD: May I interrupt you and ask you to  
7 tell us who you are?

8 MS. REID: Oh, I'm sorry.

9 MS. CRAGHEAD: That's okay.

10 MS. REID: I am Kelly Reid. I also work for  
11 Greenpeace.

12 MS. CRAGHEAD: Sorry about that. Thanks.

13 MS. REID: That's okay. This is my first time.

14 MS. CRAGHEAD: Okay.

15 MS. REID: We have been involved as official  
16 observers to the development and implementation of the  
17 Cartagena protocol since the first discussions about an  
18 international instrument on biosafety took place in 1995 in  
19 Madrid.

20 The protocol is the culmination of many years of  
21 hard work by diplomats and others around the world to  
22 protect biodiversity from the threat of genetically-  
23 engineered organisms referred to in the protocol and  
24 hereafter as living modified organisms, or LMOs. We view  
25 this current U.S. initiative to develop an alternative

1 standard-setting process on LMOs within the IPC with extreme  
2 dismay.

3 This initiative threatens to negate the enormous  
4 effort undertaken by the international community to finalize  
5 the Cartagena protocol. The suggestion that the IPPC should  
6 be the body to devise international rules and regulations on  
7 the trans-boundary movement of LMOs was debated early on in  
8 the negotiations of the Cartagena protocol.

9 Precisely because the IPPC is so narrow in scope  
10 and because the risks posed by LMOs go far beyond the  
11 definition of pest as defined in the IPPC, the countries  
12 involved in the protocol negotiations explicitly decided  
13 that the convention was an inadequate forum for the broader  
14 risks to the environment posed by LMOs.

15 The protocol was, thus, developed as a more  
16 comprehensive regime for the regulation of LMOs. Thus, it  
17 seems odd and disingenuous for the U.S. to be considering  
18 now a reversion to a less comprehensive treaty. We question  
19 the need for the U.S. Government to invest time and energy  
20 in such a task.

21 Already U.S. insensitivity to international  
22 opinion on trade in genetically-engineered crops has bruised  
23 relationships with trading partners and cost U.S. farmers  
24 markets both to the east and to the west. To use another  
25 international instrument to force more unwanted products on

1 these and other countries would only exacerbate the current  
2 conflicts.

3           Indeed, at the last meeting of the  
4 Intergovernmental Committee on the Cartagena protocol, the  
5 E.U. and Norway already expressed concern about this  
6 initiative within the IPPC and asked for a review of these  
7 efforts at the next meeting of the Intergovernmental  
8 Committee in October 2001. Given the strong statements made  
9 by these countries that the IPPC was not the appropriate  
10 forum for standards setting, it would seem prudent for the  
11 U.S. to reconsider this initiative.

12           The U.S. should instead spend its diplomatic  
13 efforts mending relationships bruised by its current and  
14 political stance on LMOs rather than causing further damage  
15 to our markets and our international trading relations.  
16 That's it.

17           MS. CRAGHEAD: Thank you very much. That is the  
18 end of my list of registered speakers. Is anyone else  
19 interested in speaking? Please come --

20           MS. RISSLER: May I?

21           MS. CRAGHEAD: Certainly.

22           MS. RISSLER: Thank you very much. I am Jane  
23 Rissler, R-I-S-S-L-E-R, with the Union of Concerned  
24 Scientists. UCS is a nonprofit, public interest group that  
25 has been working in the area of biotechnology regulation for

1 some years. Our focus is primarily in the United States.

2 I don't have a statement today. I am -- I want to  
3 ask some questions because I am trying to understand what  
4 this process is as far as the U.S. Government is concerned.  
5 And so I would like to ask what -- was the U.S. -- I am  
6 following up on Ms. Burrows' question about the member  
7 countries that asked for this investigation or this  
8 clarification. Was the U.S. directly or indirectly  
9 operating through other countries or one of the countries  
10 requesting this IPPC involvement?

11 MR. GREIFER: No.

12 MS. RISSLER: So the U.S. has not played a  
13 leadership role in having the IPPC be involved in the GMO  
14 issue.

15 MR. GREIFER: We were very surprised by the  
16 statements made by a number of these developing countries in  
17 this area. It was almost -- it took us by complete surprise  
18 that there should be this call among some quarantine  
19 officials from various countries asking for guidance in the  
20 forum that they usually get for other plant quarantine pest  
21 issues.

22 And so the -- I guess in their minds that the  
23 procedures and the guidance that is available through IPPC  
24 for pest risk analysis, that the question in their minds was  
25 is there adequate -- are these adequate procedures for

1 evaluating the phyto-sanitary aspects of both GMO products  
2 and evasive. So I can categorically and unambiguously tell  
3 you that there was no effort on our part to influence their  
4 raising those questions and concerns.

5 MS. RISSLER: Does the U.S. now see this as an  
6 opportunity to undermine the biosafety protocol?

7 DR. ENRIGHT: I will answer that.

8 MS. RISSLER: Okay.

9 DR. ENRIGHT: No. That is not the -- that is not  
10 the impetus here. The impetus here is a recognition that  
11 even though many ministries of environment are working on  
12 these issues outside of the IPPC, the responsibility to  
13 implement these activities is going to fall on the National  
14 Plant Protection Organizations in many of these countries,  
15 particularly in the western hemisphere.

16 So it is my understanding that the request for  
17 further guidance was concomitant with that recognition. And  
18 the guidance is in order to -- the guidance that they are  
19 requesting is to be able to specifically address the plant  
20 pest risk concerns that may be associated with LMOs or  
21 invasive species in regards to plant health, to actually be  
22 able to provide in a standard specific assessment criteria  
23 so that these countries, these National Plant Protection  
24 Organization officials when making these decisions whether  
25 they do so in order to implement the IPPC or in order to



1 implement activities external to the IPPC, it is so that  
2 they make better informed phyto-sanitary decisions.

3 MS. RISSLER: I noted -- thank you. I noted that  
4 your role, Dr. Enright, is coordinating among U.S. agencies.  
5 I am trying to understand what agencies are involved and  
6 what this coordination is and from whence cometh the impetus  
7 to take this on as a seemingly important APHIS initiative.

8 DR. ENRIGHT: Do you want me to address the first  
9 --

10 MS. RISSLER: Yes, first. What is being -- who is  
11 being coordinated? What agencies are being coordinated in  
12 this effort?

13 DR. ENRIGHT: I can address that. That is one of  
14 my roles here in APHIS. It is USDA, Department of Commerce,  
15 Customs, Interior, FDA, EPA, USTR -- have I left anyone out  
16 -- State Department, of course. I am trying to think if I  
17 have left anyone out.

18 MR. GREIFER: Within the Department, of course,  
19 the Forest Service --

20 DR. ENRIGHT: Right. Fish and Wildlife from  
21 Interior.

22 MS. RISSLER: So this is a big deal.

23 MR. GREIFER: Invasive Species Council.

24 DR. ENRIGHT: It is a big deal because it is my  
25 way of operating to have the process be inclusive rather

1 than to be exclusive. I would rather have criticism at the  
2 beginning. I would rather be able to craft a position and a  
3 direction that all of the agencies can agree with. I just -  
4 - it is my personal way of operating and I think it makes  
5 for good governance.

6 MS. RISSLER: And to whom do you report on this?

7 DR. ENRIGHT: I report to John Greifer. I report  
8 to my boss, Dr. Ellen Green, to John Payne here in  
9 Riverdale.

10 MS. RISSLER: All right. This is helpful. I am  
11 just trying to understand how important this is and how big  
12 an effort it is going to be and how threatening it is going  
13 to be.

14 MR. GREIFER: Can I add one thing about the -- and  
15 it goes back to a question asked earlier about the need out  
16 there that has been expressed. That the working group that  
17 met in June of last year was a rather large -- it was an  
18 open-ended working group. And it was a rather large number  
19 -- you know, more -- 35 countries' governments showed up.  
20 And it is a lot larger than most types of working groups of  
21 that sort.

22 And the working group report, which I hope you  
23 have a copy of, is basically a consensus report. There  
24 wasn't in it anyone dissenting from considering that within  
25 the scope of the IPCC, that anything that could harbor a

1 pest of quarantine concern, that anything, anything whether  
2 it is a truck, whether it is a conventional plant or  
3 commodity, food commodity or whether it is a GMO/LMO  
4 product, it should -- it would be a dereliction of duty and  
5 responsibility by the IPPC to be not looking at anything  
6 that could present a phyto-sanitary risk.

7 And it was in that context that countries decided  
8 that at a minimum, they need to explore this. As a result,  
9 the group of 35 countries met in June and agreed that, in  
10 fact, there is some responsibility, some role here to look  
11 at -- to develop. So if you do not have a copy of the  
12 report --

13 MS. CRAGHEAD: There is one on the registration  
14 table.

15 MS. RISSLER: You do hear -- you do hear the  
16 concern though about the threat to the biosafety concern.  
17 You do hear that at this meeting, that there is concern  
18 about threats to the biosafety protocol.

19 MR. GREIFER: Absolutely, loud and clear.

20 MS. CRAGHEAD: Thanks very much for your questions  
21 and comments.

22 MS. RISSLER: Thank you.

23 MS. CRAGHEAD: One more?

24 MS. BURROWS: I think I have a big voice. There  
25 is no need for me to get in front of the room. Just a

1 clarification again. I am impressed by the fact that the  
2 United States so quickly responded to a call for help on  
3 looking at specific risks engendered by LMOs. And your  
4 comment by this help was not forthcoming in terms of funds  
5 for capacity-building within the biosafety protocol or maybe  
6 this is the beginning of that.

7 MS. CRAGHEAD: I'm not sure that is in the scope  
8 of the meeting. Is it?

9 DR. ENRIGHT: Oh, I can answer that.

10 MS. CRAGHEAD: Okay.

11 DR. ENRIGHT: Sure. I will answer that, Beth,  
12 based on my experience with the biosafety protocol. The  
13 language that is in the article on capacity-building in the  
14 biosafety protocol is much narrower than U.S. proposed  
15 language. And we were surprised at how other countries  
16 disapproved the willingness to support capacity-building  
17 within the text of the protocol.

18 That said, in the protocol's implementation, I  
19 think that the U.S. has been extremely proactive in helping  
20 to get the implementation stage activities off the ground.

21 MS. BURROWS: Do you include generosity in the  
22 phrase proactive?

23 DR. ENRIGHT: State Department says I can say  
24 generosity, yes. Yes.

25 MS. BURROWS: I would be interested in the figures

1 because I really feel I --

2 DR. ENRIGHT: I will turn to Dr. Paul Pfeiffer  
3 from the State Department's Bureau of Oceans, Environment  
4 and Science for that.

5 DR. PFEIFFER: Thanks, Cathy. Paul Pfeiffer with  
6 the State Department.

7 DR. ENRIGHT: Oh, Paul, can you -- thanks.

8 DR. PFEIFFER: Sorry. Hi. I am Paul Pfeiffer  
9 with the Department of State. I am the working level lead  
10 on the biosafety protocol since Cathy has been gone and  
11 moved over to USDA. I am not sure what you consider  
12 generous, Beth. But we are actually working with the  
13 Commission on Biological Diversity. We are giving them  
14 about \$360,000.00 to implement the biosafety clearinghouse  
15 which is the information database.

16 It is sort of the backbone I think of the  
17 information sharing that the protocol is going to entail.  
18 The country is going to put up their domestic regs., their  
19 domestically -- their final decisions on product approvals  
20 back home. And it is also a way that is going to facilitate  
21 this advance informed agreement sharing of information.

22 So -- and we have been also trying to play helpful  
23 roles at the -- it was the first IPPC meeting which is the  
24 Intergovernmental Committee for the Cartagena protocol. We  
25 went there and participated in -- as a full government. And

1 I am assuming that it wasn't as productive on capacity-  
2 building as I had hoped actually. That during that full  
3 week, what they decided to do was to hold two more meetings  
4 which are going to be held this June in Cuba. And plans are  
5 for the U.S. Government to participate in those, as well.

6 MS. BURROWS: Fine. I will be interested to know  
7 the budget for capacity-building in IPPC vis-a-vis risk  
8 assessment of genetically-modified organisms. I -- just for  
9 the record, \$360,000.00 for a biosafety clearinghouse from  
10 the single largest nation doing genetic engineering in the  
11 world does not seem generous.

12 DR. PFEIFFER: It is a -- they estimate it will  
13 cost about \$500,000.00. And I think the U.K. has actually  
14 given up some to it already. So hopefully we will get there  
15 in the next year. There is a pilot phase that --

16 MS. BURROWS: A clearinghouse isn't the only --

17 DR. PFEIFFER: Right.

18 MS. BURROWS: -- thing necessary for capacity-  
19 building.

20 DR. PFEIFFER: Yes. And what we have been trying  
21 to do is work with the developing countries. And this is  
22 what we tried to do in France. Was to get them to come to  
23 us and say, okay, these are our capacity-building  
24 priorities. Unfortunately, as I said, in France, we didn't  
25 get there.

1           Hopefully, after June, we will get there. And  
2 then there is going to be an IPPC-II meeting in October in  
3 Montreal. Basically, the developed country approach. Both  
4 the E.U. and U.S. has kind of been, okay, we need you to set  
5 the priorities as the developing countries and then we will  
6 come back and work with you. So we have really been  
7 hesitant to come out and say this is the capacity-building  
8 that needs to be done.

9           MS. CRAGHEAD: Thanks very much. I appreciate  
10 that. Is -- does anyone else want to speak today? I have a  
11 gentleman in the back. Hi. Come on up, please.

12           MR. POWELL: I wanted to make a brief comment in  
13 response to --

14           MS. CRAGHEAD: Will you tell us who you are?  
15 Thanks.

16           MR. POWELL: My name is Mark Powell. I am with  
17 the USDA Office of Chief Economists in the Office of Risk  
18 Assessment and Cost Benefit Analysis. And I just wanted to  
19 make a brief comment as a point of clarification for  
20 participants today that may not be familiar with -- that may  
21 be more familiar with other domestic agencies.

22           And that is that the role that Cathy is playing  
23 and that APHIS is playing in this process is not unique to  
24 the IPPC. There are other offices within USDA and other  
25 domestic agencies that are charged with coordinating U.S.

1 policy on international matters.

2 For example, the Kodex Alimentarius Secretariat is  
3 housed in USDA's Food Safety and Inspection Service. But  
4 its responsibility, its charge is for coordinating U.S.  
5 policy on food safety matters across agencies. And so I  
6 just wanted to put to rest any notion for those that might  
7 be unfamiliar with those sorts of processes that this is not  
8 novel or unique to this instance. Thank you.

9 MS. CRAGHEAD: Thanks very much for your comment.

10 MS. NATSOULAS: I just have a question.

11 MS. CRAGHEAD: Will you tell us who you are?

12 MS. NATSOULAS: My name is Andrianna Natsoulas and  
13 I am with Greenpeace. Thanks.

14 MS. CRAGHEAD: Thank you.

15 MS. NATSOULAS: I have two questions,  
16 clarifications. My name is Andrianna Natsoulas and I am a  
17 contractor with Greenpeace. I have heard the list of  
18 agencies that you named who are involved. I am wondering  
19 two things. One, will genetically-engineered fish standards  
20 be included in this program that you are working on now?  
21 And secondly, will you also be addressing evasive species  
22 associated with imports of seafood products, for example,  
23 shrimp and the white spot virus?

24 MR. GREIFER: The scope of the convention is  
25 limited to plant health. And so things that may present



1 either an impact on animal health or human health are  
2 outside the scope of the convention. But if it is a -- some  
3 kind of organism, whether it is -- that travels via water  
4 that can be shown to have an impact on plant health, then it  
5 would presumably be within the scope.

6 MS. NATSOULAS: Okay. So, for example, the white  
7 spot virus, the FDA has found that it does survive within  
8 the water that the shrimp are frozen in and then imported  
9 into the U.S. And the virus itself has been found to be  
10 alive in the water. So if that water goes into the ground  
11 and affects plant life through ground water, would that be  
12 included in these standards?

13 MR. GREIFER: That would -- well, the standards  
14 are going to be more process-oriented. They will not be  
15 specific. But the -- presumably, if it can be demonstrated  
16 that there is something that would harm plant health in some  
17 way, then it would come within the scope.

18 MS. NATSOULAS: So there is a possibility.

19 MR. GREIFER: Yes. And so it would just be the --  
20 it would be then the basis for being able to demonstrate  
21 that it would be the basis for being able to adopt a phyto-  
22 sanitary response -- a phyto-sanitary measure to respond to  
23 it. But we -- I think it is really important that people  
24 understand that the IPPC is really limited to plant health.  
25 Animal health is -- would be -- animal health issues and

1 standards would be covered by the Office of International  
2 Zootics.

3 MS. NATSOULAS: Okay.

4 MR. GREIFER: And food safety, of course, is  
5 Kodex.

6 MS. NATSOULAS: Thank you.

7 MS. CRAGHEAD: Thanks very much for your question.  
8 Anyone else? No one? Well, thanks a lot for coming today.  
9 We appreciated all of your comments and your interest in  
10 this. And the meeting is adjourned. Have a good afternoon.

11 (Whereupon, at 11:05 a.m. on Thursday, March 8,  
12 2001, the hearing in the above-entitled matter was  
13 adjourned.)

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