

## Questions and Answers: Determination of Nonregulated Status for Roundup Ready (RR) Sugar Beets

The Animal and Plant Health Inspection Service (APHIS) has made available two decisionmaking documents related to the regulation of a variety of sugar beets that has been genetically engineered to be resistant to the herbicide commercially known as Roundup. These are commonly known as RR sugar beets.

The first is the agency's regulatory determination of nonregulated status for RR sugar beets. This determination, based on a thorough plant pest risk assessment prepared by APHIS, finds RR sugar beets are not likely to pose a plant pest risk to agricultural crops or other plants or plant products. Therefore, APHIS is approving the petition to deregulate RR sugar beets.

The second document is the agency's Record of Decision, which selects the second alternative evaluated as part of its final Environmental Impact Statement (EIS) prepared to examine the potential environmental impacts resulting from a determination on the petition to grant nonregulated status for RR sugar beets. Based on its final plant pest risk assessment, the analysis in the final EIS, and public comments on both the draft and final EIS, APHIS is selecting Alternative 2 in the final EIS—determination of nonregulated status for RR sugar beets. These documents are available online at <http://www.aphis.usda.gov/biotechnology/news.shtml>.

APHIS' determination of nonregulated status for RR sugar beets and its Record of Decision for the final EIS will become effective upon publication of their Notice of Availability in the Federal Register.

**Q: How did APHIS make the determination of nonregulated status for Roundup Ready® Sugar Beet (RR sugar beet)?**

**A:** APHIS made a determination of nonregulated status after conducting an environmental impact

statement (EIS) and plant pest risk assessment (PPRA), and carefully considering approximately 25,000 public comments. APHIS published a draft EIS and PPRA on October 11, 2011, and sought public comment for 60 days, holding three public meetings across the U.S. In June 2012, APHIS published the final EIS and final PPRA for RR sugar beets. Through this process and the Agency's analyses, APHIS concluded that, from a plant pest standpoint, RR sugar beets are as safe as traditionally bred sugar beets. After making the final EIS and PPRA available for 30 days, APHIS announced its record of decision for the EIS and determination of nonregulated status for RR sugar beet.

**Q: What does this decision mean to farmers?**

**A:** With this decision, farmers and distributors can freely move and plant RR sugar beet without further regulatory oversight from APHIS. In February 2011, APHIS announced its determination to partially deregulate RR sugar beet on an interim basis with the requirement that root crop growers enter into a compliance agreement that outlines mandatory requirements for how the root crop could be grown and that the seed crop had to be grown under regulatory permits. This regulatory oversight is no longer required now that APHIS has made the determination of nonregulated status for RR sugar beet.

**Q. What is APHIS' assessment prepared under the Plant Protection Act?**

**A.** Under the Plant Protection Act, the law that gives USDA authority to protect plant health in the United States, as well as APHIS' regulations, when responding to a petition for a determination of nonregulated status, the Agency is specifically required to evaluate if the RR sugar beet variety is a plant pest to agricultural crops or other plants or plant products. The Act defines a plant pest as living organisms, such as bacteria, fungi, or insects that can cause harm to agricultural crops or other plants or plant products. In accordance with this Act, APHIS evaluated potential plant pest risk associated with RR sugar beet in its PPRA.

**Q. What does APHIS' final plant pest risk assessment for RR sugar beet conclude?**

**A.** APHIS' final PPRA finds that RR sugar beets are not likely to pose a plant pest risk to agricultural

crops or other plant or plant products in the United States. As a result of this finding, APHIS made a determination of nonregulated status for RR sugar beet.

**Q. What are APHIS' analyses prepared under NEPA?**

**A.** While APHIS' plant pest risk assessment is specifically focused on the plant pest risk associated with RR sugar beet, the Agency's final EIS comprehensively evaluates the potential environmental impacts of three alternatives for the Agency's decision on whether or not to approve nonregulated status for RR sugar beets. The three alternatives APHIS evaluated in the final EIS were to maintain the regulated status of RR sugar beet; to determine that nonregulated status was appropriate for RR sugar beet; or to continue regulation of RR sugar beet with regulatory conditions in place as required by the interim partial deregulation.

**Q. What other issues did APHIS' final EIS for GE sugar beet evaluate?**

**A.** In the final EIS, APHIS evaluated a host of environmental concerns and issues that have been raised regarding the production of RR sugar beet. These include gene flow between RR sugar beet and non-GE sugar beet, table beet, Swiss chard, and wild beet varieties. APHIS also analyzed the implications for herbicide use and tillage, and impacts on weed development and on non-target organisms, such as amphibians. APHIS likewise analyzed RR sugar beets' effect, if any, on federally listed threatened and endangered species and their designated critical habitat. The Agency also analyzed the potential environmental impacts of its decision on public health and worker safety.

**Q. What does the final EIS for RR sugar beet do?**

**A.** The final EIS is helpful in informing APHIS regarding any potential environmental impacts before the Agency makes its final regulatory determination under the Plant Protection Act. However, in regards to any potential environmental impacts evaluated in the final EIS, NEPA does not provide APHIS any additional regulatory authority to address those impacts beyond what the Plant Protection Act provides.

**Q. Why did APHIS select alternative 2 as its preferred alternative in the final EIS?**

**A.** In the final EIS, APHIS selected alternative 2, determination of nonregulated status for RR sugar beet, as the Agency's preferred alternative because it is consistent with the Agency's determination in the final PPRA that RR sugar beets do not pose a plant pest risk.

**Q. What does APHIS' Record of Decision (ROD) do?**

**A.** In its ROD, APHIS is announcing the agency's environmental decision on the petition for nonregulated status for RR sugar beets in light of the environmental analyses in the final EIS. The ROD selected the second alternative analyzed in the final EIS.

**Q. Why did APHIS prepare a final EIS for RR sugar beet?**

**A.** APHIS began work on its EIS for RR sugar beet in response to a U.S. District Court decision in 2009 which ordered APHIS to complete an EIS before making a determination on the petition for nonregulated status for RR sugar beet.

Specifically, in March 2005, APHIS made a determination that the RR sugar beet variety did not pose a plant pest risk and thus should no longer be a regulated article under agency regulations governing the introduction of GE organisms.

On January 23, 2008, the Center for Food Safety, the Sierra Club, and two organic seed groups filed a lawsuit challenging APHIS' determination of nonregulated status for RR sugar beet. On September 21, 2009, a U.S. District Court ruled that the Environmental Assessment that APHIS prepared in connection with its regulatory determination failed to consider certain environmental and economic impacts resulting from nonregulated RR sugar beet as required by NEPA. The court ruled that APHIS was required to prepare an EIS before issuing its final determination on whether RR sugar beet should have nonregulated status.

**Q. Where can I find APHIS' analyses and decisionmaking documents?**

**A.** APHIS' analyses, final PPRA, final EIS, ROD, and its determination of nonregulated status can be viewed at: <http://www.aphis.usda.gov/biotechnology/news.shtml>.

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