

Roundup Ready Alfalfa Questions and Answers

- **Why is APHIS developing an Environmental Impact Statement (EIS) for Roundup Ready Alfalfa?**

In 2005, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) deregulated alfalfa genetically engineered (GE) by Monsanto and Forage Genetics to resist the herbicide Roundup (RR alfalfa). In 2006, the Center for Food Safety, along with several other nonprofit organizations and alfalfa growers filed a lawsuit challenging the APHIS decision. In 2007, a Federal District Court in California vacated APHIS' 2005 decision to deregulate RR alfalfa and ordered APHIS to prepare an Environmental Impact Statement (EIS) because the deregulation may have had significant environmental impacts.

- **What is the difference between an environmental assessment (EA) and an EIS?**

As part of its review process for nonregulated status, APHIS' Biotechnology Regulatory Services (BRS) program prepares either an EA or an EIS according to National Environmental Policy Act (NEPA) guidelines. NEPA guides Federal agencies on integrating environmental and public considerations into their decisionmaking processes. As required under NEPA, an EA is a public document that analyzes whether potential significant impacts on the environment may result from the agency's action. If, after preparing an EA, an agency determines that a proposed action does not have the potential to *significantly* impact the environment; it will prepare a finding of no significant impact. If the agency determines that the proposed action has the potential to *significantly* impact the environment, then it will prepare an EIS. As with an EA, an EIS is required for certain Government actions in order to comply with NEPA. An EIS involves a comprehensive environmental analysis of the proposal, including potential impacts of the proposed action on the environment, alternative courses of action, and mitigation measures for reducing impacts.

- **Why didn't APHIS conduct an EIS before it granted nonregulated status?**

As part of its review process for nonregulated status, APHIS prepares either an EA or an EIS according to NEPA guidelines. APHIS conducted an EA as part of its analysis of the 2003 RR alfalfa petition for nonregulated status and issued a finding of no significant impact. APHIS concluded that an EIS was not needed because the environmental impacts were *not significant*.

- **What will the GE alfalfa EIS analyze and determine?**

The draft EIS for alfalfa genetically engineered to be resistant to the herbicide glyphosate, known commercially as Roundup, addresses two aspects of NEPA implementation—the analysis and consideration of potential impacts of the proposed Federal action and consideration for the range of alternatives.

APHIS considered two alternatives in the draft EIS: to grant nonregulated status to the two RR alfalfa lines, or to maintain the status of regulated articles. APHIS analyzed these two alternatives with regard to their potential impacts on gene flow between the RR alfalfa and non-GE alfalfa, on weed development, on wildlife species, and on species with special status. The draft EIS also analyzes the alternatives with regard to their impact on herbicide use, plant species, socioeconomics (including conventional and organic alfalfa markets, dairy and beef markets, and trade), human health and safety, land use and production practices, and the physical environment (including soil, climate and air quality, and water).

Based on the impact analyses in the draft EIS, APHIS has preliminarily concluded that there is no significant impact on the human environment due to granting nonregulated status to RR alfalfa.

APHIS will consider this scientific analysis and the comments the agency receives during the 60-day comment period before issuing a record of decision on the matter.

- **Will RR alfalfa be deregulated again?**

A future decision regarding the deregulation of RR alfalfa will be issued only after the completion of the EIS process. After the 60-day public comment period closes, APHIS will carefully review the comments received; develop a final EIS, which we will publish in the *Federal Register*; and issue a record of decision for the petition to grant non-regulated status to the RR alfalfa lines. Only after the completion of these steps will APHIS issue a record of decision.

- **What does this mean to alfalfa producers?**

As a result of the lawsuit, several actions have been taken by the court, impacting alfalfa producers. The judge's decision to vacate USDA's decision to deregulate RR alfalfa brought the alfalfa back under USDA authority as a regulated article. The alfalfa that was already planted in the ground does not have to be removed, but the judge provided specific instruction on how growers and distributors must store the GE alfalfa, label containers, and clean equipment. Additionally, the judge prohibited any future planting or sale of the alfalfa seed. Completing the EIS is a high priority for USDA, and we are mindful of the impacts that the timing of our process could have on alfalfa producers.

- **Will the judge's decision in the case mean that APHIS will have to conduct an EIS for every petition for deregulation?**

The judge did not issue a ruling regarding NEPA requirements for future petitions for deregulation. APHIS is committed to protecting the environment and we take compliance with environmental regulations very seriously. As part of the review process for petitions for nonregulated status, APHIS' BRS conducts a thorough review process in accordance with NEPA. APHIS will continue to conduct thorough reviews and issue decisions based on sound science.

- **What took so long to complete the EIS?**

First, it is essential that APHIS base the draft EIS (and subsequently the final EIS) on sound science. In addition, there are many factors affecting completion of a document as complex as an EIS. Such factors include competing demands for resources and the complexity of the issues that arise in the process of analysis. Completing the EIS remains a high priority for APHIS, and we are mindful of the impacts that the timing of our process has on alfalfa producers.

- **How can the public play a role in the decisionmaking process?**

APHIS values feedback from its stakeholders and the public and places a high priority on transparency. The first opportunity for public comment on RR alfalfa was in January 2008, when APHIS issued a Scoping Notice of Intent.

Currently, APHIS is accepting public comments on the draft EIS until February 16, 2010. After the 60-day public comment period closes, we will carefully review the comments received. We will take into account all public comments we receive throughout this process and ensure that our regulatory decision is based on sound science.

APHIS will hold four public meetings to gather public comments on the EIS. These meetings will take place in conjunction with the Western Alfalfa Seed Conference in Las Vegas, NV, the week of January 17, 2010; the Mid-America Alfalfa Expo in Kearney, NE, the week of February 2, 2010; and the Nebraska Sustainable Agriculture Society Annual Healthy Farms/Rural Advantage Conference in Lincoln, NE, the week of February 2, 2010. A public meeting will also be held in the Washington DC, area the week of February 8, 2010.

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