

Public Comments to the USDA Advisory Committee on Biotechnology and 21st Century Agriculture

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August 30, 2011

Good Afternoon. My name is Colin O'Neil and I am the Regulatory Policy Analyst for the Center for Food Safety, a non-profit public interest group that supports sustainable agriculture.

We thank Secretary Vilsack and the USDA for convening this advisory committee today and look forward to participating in future AC21 public meetings.

The committee's task is no small one. Agricultural biotechnology presents many challenges, paramount among them finding ways to achieve true "co-existence" of organic, conventional and biotech agriculture. As you may know, the Center for Food Safety has been at the forefront of efforts in this area. For years, we have engaged in numerous USDA rulemaking procedures. We have repeatedly urged the Department to address the problem of gene flow from genetically engineered to organic/conventional crops with appropriate regulation. Unfortunately, our concerns have gone completely unaddressed, compelling us to take legal action against USDA on several occasions.

No one likes lawsuits, including us. They consume time and resources better spent on finding solutions. We sincerely hope that this committee will find truly effective ones. Yet please consider this. Without our lawsuits, this very co-existence discussion you are embarking upon would likely not be taking place. And the urgent need for this discussion is suggested by lawsuits of another sort. Most recently, rice farmers underwent five years of litigation to recover hundreds of millions of dollars in losses they suffered thanks to improperly regulated field trials of experimental GE rice LibertyLink 601. A decade ago, regulatory breakdown with StarLink corn had similar consequences for Midwestern corn growers. Many other lesser transgenic contamination incidents have hurt organic and conventional farmers.

So as you discuss the costs and difficulties of co-existence measures, please remember that *lack* of appropriate regulation has tremendous costs as well, costs borne by hardworking American farmers.

We would like to raise several key concerns for your co-existence deliberations. First, co-existence measures must be designed to work consistently under real-world production conditions, not just in carefully controlled field trials. Unpredictable weather, time and resource constraints can all lead to deviation from "best management practices." Thus, co-existence measures must be *redundant*, and designed with ample margins of safety, to account for the unpredictable realities of real-world production agriculture. Second, enforcement of co-existence measures cannot be left to the seed firm, but rather must be the responsibility of USDA or some independent third party. One can obviously not expect or rely upon a seed firm to enforce contractual co-existence measures on its farmer-customers. Third, effective co-existence measures are impossible without consequences for non-compliance. That means biotech companies and growers must bear liability for failure to follow prescribed gene-containment measures. At present, conventional and organic growers are bearing the *entire* burden of protecting their crops from transgenic contamination, or suffering the consequences if they don't. It's long past time that biotech firms and growers take responsibility for the impacts of their decision to market and grow GE crops.

An illustration of the inadequacy of the current regime is provided by Roundup Ready alfalfa. Please refer to the handout I've provided. Despite very limited cultivation of this crop and court-ordered gene containment measures, the Roundup Ready trait has been detected over 60 times in conventional alfalfa seed lots or feral alfalfa.

While we understand that you have been asked to focus on "co-existence" we urge the committee to address other serious challenges raised by biotech agriculture. For instance, the unregulated cultivation of Roundup Ready crops has triggered an epidemic of glyphosate-resistant weeds. As you can see in the handout I've provided, glyphosate-resistant weeds have expanded six-fold over just the past four years, from 2, 4 to roughly 14 million acres. Weed scientists are unanimous that glyphosate use with Roundup Ready crops is to blame. Resistant weeds lead to increased herbicide use, more soil-eroding tillage and even hand-weeding, and sharply increased weed control costs. The biotech industry has proposed to counter glyphosate-resistant weeds with new crops resistant to older, more toxic herbicides, such as 2,4-D and dicamba. These so-called "solutions" will dramatically increase use of and farmer exposure to these toxic herbicides, and lead to still further weed resistance. Another serious problem with herbicide-resistant crops and discussion of "co-existence" is herbicide drift injury to neighbors' crops. USDA must work with EPA to implement mandatory, integrated weed resistance management programs for herbicide-resistant crops. Such programs should emphasize non-chemical weed control measures, such as cover crops. EPA's mostly successful insect-resistance management plans for Bt crops demonstrates that a regulatory approach can in fact be effective.

The committee's expertise is also needed to inform USDA's proposed revision of biotech crop regulations. The USDA originally intended to implement its new "noxious weed" authority under the Plant Protection Act to strengthen regulation of GE crops. However, the outgoing Bush Administration's proposed rule would instead dramatically weaken regulation of GE crops. CFS and 21 other groups recently sent six major recommendations for the final rule to Secretary Vilsack. In particular, it is vital that USDA make the use of genetic engineering the trigger for regulation, so that all GE crops are reviewed by USDA. We also recommend mandatory measures to mitigate gene flow from commercial GE crops, and rejection of the proposal to legalize contamination of non-GE crops with unapproved, experimental GE crops grown in field trials.

Another important role we would like to see AC21 play is to clear up prevalent misconceptions about biotech crops. For instance, a common claim one often hears is that Roundup Ready crops lead to increased use of conservation tillage, and thus to decreased soil erosion. Yet data from USDA's Natural Resources Conservation Service would seem to contradict this claim. As shown on one of your handouts, soil erosion declined substantially from 1982 to 1997, yet declined very little in the following decade, when there was massive adoption of Roundup Ready crops. This suggests that Roundup Ready technology has not driven any significant increase in the use of conservation tillage, as often claimed.

Finally, we note that an increasing number of growers are finding it difficult if not impossible to access *high-quality* non-GE seeds. USDA should increase funding for public-sector breeding programs to ensure that farmers who wish to grow conventional and organic crops have access to high-quality seed.

Thank you.