



SUPPLEMENTAL PERMIT CONDITIONS
For Release of Tobacco
USDA-APHIS- BRS Permit 05-053-01r

I. Compliance with Regulations

1. Any regulated article introduced not in compliance with the requirements of 7 Code of Federal Regulation Part 340 or any standard or supplemental permit conditions, shall be subject to the immediate application of such remedial measures or safeguards as an inspector determines necessary, to prevent the introduction of such plant pests. The responsible party may be subject to fines or penalties as authorized by the Plant Protection Act (7 U.S.C. 7701-7772).
2. This Permit (APHIS form 2000) does not eliminate the permittee's legal responsibility to obtain all necessary Federal and State approvals, including: (A) for the use of any non-genetically engineered plant pest or pathogens as challenge inoculum; (B) plants, plant parts or seeds which are under existing Federal or State quarantine or restricted use; (C) experimental use of unregistered chemicals; and (D) food, feed, pharmacological, biologic, or industrial use of regulated articles or their products and co-mingled plant material. In the latter case, depending on the use, reviews by APHIS, the U.S. Food and Drug Administration, or the U.S. Environmental Protection Agency may be necessary.
3. The procedures, processes, and safeguards used to prevent escape, dissemination, and persistence of the regulated article as described in the permit application, in APHIS-approved Standard Operating Procedures (SOPs) and, in the supplemental permit conditions must be strictly followed. The permittee must maintain records sufficient to verify compliance with these procedures, including information regarding who performed the activity. Persons performing such activities shall have received training as described in a training program submitted to and approved by APHIS. These records are subject to examination by APHIS. APHIS, BRS must be notified of any proposed changes to the protocol referenced in the permit application.

II. Reporting Unauthorized Releases and Unintended Effects

1. According to the regulation in 7 CFR § 340.4(f)(10)(i), APHIS shall be notified orally immediately upon discovery and notified in writing within 24 hours in the event of any accidental or unauthorized release of the regulated article.
 - For immediate oral notification, contact APHIS/BRS Compliance Staff at (301) 734-5690 and ask to speak to a Compliance and Inspection staff member.
 - In the event of an emergency and you are unable to reach the BRS Compliance Staff at the above number, you may call:

Supplemental Permit Conditions
Permit 05-053-01r

The APHIS/BRS Regional Biotechnology Coordinator assigned to the state, where the field test occurs

For Western Region, contact Ralph Stoaks by phone at (970) 494-7573 or e-mail ralph.d.stoaks@aphis.usda.gov

For Eastern Region, contact (Currently Roger L. Holman) by phone at (919) 855-7336 or e-mail Roger.L.Holman@aphis.usda.gov

Or

The APHIS/PPQ Regional Biotechnology Coordinator assigned to the state where the field test occurs

For Western Region, contact Stuart Kuehn by phone at (970) 494-7563 or e-mail stuart.w.kuehn@aphis.usda.gov

For Eastern Region, contact Roger L. Holman by phone at (919) 855-7336 or e-mail Roger.L.Holman@aphis.usda.gov

Or

The APHIS State Plant Health Director Mike Madryga by phone at (502) 228- 8224 or by e-mail at Michael.b.madryga@aphis.usda.gov

2. According to the regulation in 7 CFR § 340.4(f)(10)(ii), APHIS shall be notified in writing as soon as possible but within 5 working days if the regulated article or associated host organism is found to have characteristics substantially different from those listed in the permit application or suffers any unusual occurrence (excessive mortality or morbidity, or unanticipated effect on non-target organisms).
3. Written notification should be sent by one of the following means:

By e-mail:

BRSCompliance@aphis.usda.gov

By mail:

Biotechnology Regulatory Services (BRS)
Compliance and Inspection Branch
USDA/APHIS
4700 River Rd. Unit 147
Riverdale, MD 20737

III. Perimeter Fallow Zone

1. To ensure that transgenic plants are not inadvertently commingled with plants to be used for food or feed, a perimeter fallow zone of at least 50 ft. must be maintained around the transgenic test site in which no crops are grown to be harvested or used for food or feed.
2. The permitted border rows of non-transgenic plants that are the same as, or sexually-compatible with, the regulated article are considered part of the field test. The perimeter fallow zone shall start outside the border rows.
3. The perimeter fallow zone shall be managed in a way that allows detection and destruction of volunteer plants that are the same as, or sexually compatible with, the transgenic plants.

IV. Dedicated Planting and Harvesting

1. To ensure that the regulated article is not inadvertently removed from the site, planting and harvesting equipment must be dedicated for use in the permitted test site(s) from the time of planting through the end of harvesting.
2. After harvest, you will not be required to obtain APHIS authorization to use this equipment on APHIS -permitted sites (same sites or different sites) planted with same transgenic crop, with the target protein(s) authorized under this permit, in subsequent growing seasons under an extension of this permit or a different permit.
3. Authorization is required from APHIS before this planting and harvesting equipment can be used on sites planted to crops not included under this permit. The permittee must notify APHIS/BRS and the State Regulatory Official at least 21 calendar days in advance of cleaning this equipment for this purpose so that APHIS may schedule an inspection to ensure that the equipment has been cleaned appropriately.

V. Cleaning of Equipment

1. To minimize the risk of seed movement and commingling, equipment used for planting and harvesting, as well as other field equipment (e.g. tractors and tillage attachments, such as disks, plows, harrows, and subsoilers) used at any time from the time of planting through the post-harvest monitoring period must be cleaned in accordance with procedures submitted to and approved by APHIS before they are moved off of the test site.
2. Equipment used to transport seeds or harvested material must be cleaned prior to loading and after transportation to the authorized site in accordance with procedures submitted to and approved by APHIS.

3. Seed cleaning and drying must be performed in accordance with the procedures submitted to and approved by APHIS to confine the plant material and minimize the risk of seed loss, spillage, or commingling.

VI. Use of Dedicated Storage Facilities

1. Dedicated facilities (locked or secured buildings, bins, or areas, posted as restricted to authorized personnel only) must be used for storage of equipment and regulated articles for the duration of the field test.
2. Before returning these facilities to general use, they must be cleaned in accordance with procedures submitted to and approved by APHIS. **The permittee must notify** APHIS/BRS and the State Regulatory Official at least 21 calendar days in advance to allow for APHIS to schedule an inspection to ensure that the facilities have been cleaned appropriately.

VII. Post Harvest Monitoring

The field test site including the perimeter fallow zone must be monitored for the presence of volunteer tobacco plants for **12 months** after termination of the field test. Viable plant material should not remain at the test site following termination.

VIII. Post Harvest Land Use Restrictions

1. Production of food and feed crops at the field test site and the perimeter fallow zone is restricted during the growing season that follows harvest or termination of the field test.
2. Permission must be obtained from APHIS/BRS prior to planting any food or feed crop at the field test site and perimeter fallow zone during the post-harvest monitoring period. Requests for such permission are not encouraged and will not be granted in cases where there is a reasonable potential for plant material derived from, or originating from, the regulated articles to become mixed with the proposed food or feed crop during harvesting.

IX. Inspections

1. APHIS Biotechnology Regulatory Services (BRS) and/or an APHIS/PPQ Regional Biotechnologist, APHIS/BRS Regional Biotechnology Coordinator or APHIS State Plant Health Director may conduct inspections of the test site, facilities, and/or records at any time.
2. APHIS may invite the FDA or State Regulatory Officials to participate in these inspections.
3. Inspections will likely correspond to the beginning of the field test, mid-season or during flowering, at and/or following harvest, and during the post-harvest monitoring period.
4. Inspections will include examination of records that verify compliance with regulations and SOPs.

X. Reports and Notices

Send notices and all reports (CBI and CBI deleted or non CBI copies) to BRS by e-mail, mail, or fax.

BRS E-mail:

BRSCompliance@aphis.usda.gov

BRS Mail:

Biotechnology Regulatory Services (BRS)
Compliance and Inspection Branch
USDA/APHIS
4700 River Rd. Unit 147
Riverdale, MD 20737

BRS Fax:

Compliance and Inspection Branch
(301) 734-8669

In addition, fax the CBI deleted or non CBI version of the pre-planting and pre-harvest (termination) notices to the State Regulatory Official, Dr. John Obrycki at fax number (859) 257-3807

Contact information for State Officials

http://www.aphis.usda.gov/brs/lt_sta.html

**Supplemental Permit Conditions
Permit 05-053-01r**

1. Pre-Planting Notice

At least 7 calendar days before planting, submit a Pre-Planting notice that includes the following information for each field test site:

- i. Provide APHIS with the contact information for each field test site.
- ii. Indicate if planting and harvesting equipment will be moved between authorized field test sites.
- iii. A map that clearly identifies the site location to facilitate any inspections by USDA personnel.
- iv. The planned number of acres for each gene construct.
- v. The planned planting date

2. Planting Report

Within 28 calendar days after planting, submit a planting report that includes the following information for each field test site:

- i. A map of the site, with sufficient information to locate it, that includes: the state, county, address, GPS coordinates for each corner of the plot (inclusive of the border rows of any sexually compatible plants);
- ii. The location and the approximate number and/or acres of transgenic plants which were actually planted at the test site for each of the target proteins;
- iii. The total acreage of the test plot (exclude border rows, if any);
- iv. The distance from the genetically engineered plants to the nearest plants of the same crop which will be used for human consumption (i.e. smoking or chewing) or seed production. A survey should be done within the distance specified in the permit.
- v. The actual planting date.

3. Pre-Harvest/ Termination Notice

At least 21 calendar days prior to the anticipated harvest/termination, submit a Termination Notice indicating the planned date of harvest/termination and the contact information for each field test site.

4. Field Test Report

Within 6 months after the end of the field test (final harvest or crop destruct), the permittee is required to submit a field test report. Field test reports shall include:

- i. APHIS reference number
- ii. Methods of observation.
- iii. Resulting data including data requested by APHIS in section XII "Additional data requirement" of this supplemental permit condition.
- iv. Analysis of all deleterious effects on plants, non-target organisms, or the environment.

5. Monitoring Report

Within 3 months after the end of the monitoring period, submit a volunteer monitoring report. The report must include:

- i. Dates when the field site and perimeter fallow zone were inspected for volunteers.
- ii. Number of volunteers observed.

- iii. Any actions taken to remove or destroy volunteers.

XI. Additional Data Requirements

The applicant should provide the following additional field data:

Permitee must quantify the amount of antibody binding activity in stems, leaves and roots at midgrowth, and at harvest

XII. Distance to Tobacco Plants

The tobacco field test will be grown at an isolation distance of at least 1320 feet from the nearest regulated tobacco and any non-regulated tobacco and at least 2,640 feet from any flowering tobacco. All tobacco between the 1,320 foot and the 2,640 foot distance will be topped and will not be used for seed production. The closest tobacco that will be allowed to openly flower and produce seed is over 1 mile from the field test. One field that is 0.9 miles from the field test will be allowed to flower, the only seed that will be saved will come from plants that are bagged to prevent outcrossing.