May 11, 2015

By Electronic Submission
Docket No. APHIS-2013-0047
Regulatory Analysis and Development, PPD
APHIS
Riverdale, MD 20737-1238

Re: Comments to Docket No. APHIS-2013-0047 Regarding USDA’s Activities on Coexistence.

Although the Center for Science in the Public Interest (CSPI) was not able to participate in person at the Coexistence Workshop at North Carolina State University, CSPI believes coexistence is a critical issue for the long-term success of farmers and agriculture in the United States. CSPI supports USDA making this subject a policy priority and applauds many of the actions that USDA has done to foster coexistence in the past two years. However, CSPI believes USDA needs more action in this area if different production systems are to truly coexist.

The following are some constructive comments addressing the actions identified in the USDA document entitled, “New Proposed USDA Activities in Response to Recommendations from the USDA Advisory Committee on Biotechnology and 21st Century Agriculture” (AC21):

1. CSPI supports USDA developing a Coexistence Education and Outreach Strategy and agrees that the strategy should be “for all producers to understand and accept responsibility for both the biological and social consequences of their cropping practices.” However, it is important that USDA make clear that all farmers and all different farming systems need to be involved if coexistence is to be achieved in the United States. While it would be great if the strategy can reach its objectives through voluntary solutions, CSPI hopes that USDA will not limit itself to voluntary measures. If mandatory or government-regulated solutions are the best method for achieving coexistence, those should also be part of USDA’s strategy.

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1 CSPI is a nonprofit education and advocacy organization that focuses on improving the safety and nutritional quality of our food supply. CSPI seeks to promote health through educating the public about nutrition; it represents citizens’ interests before legislative, regulatory, and judicial bodies; and it works to ensure advances in science are used for the public good. CSPI is supported by the 850,000 member-subscribers to its Nutrition Action Healthletter and by foundation grants. CSPI receives no funding from industry or the federal government.
2. CSPI is pleased that USDA has taken steps to include coexistence in the deregulation process at APHIS. Both the proposed Conflict Analysis (CA) and Coexistence Plan (CP) could provide excellent information for any new GE crop where there will be farmers growing both that variety and also non-GE varieties. If USDA can obtain a CA and CP from a GE seed developer through a voluntary program (with appropriate incentives), that would be a cost-effective way for USDA to obtain that analysis. However, if GE seed developers do not step forward and conduct a CA and CP, USDA should conduct such an analysis themselves and release its results simultaneously when it decides to grant non-regulated status to the GE variety. It is critical that those documents, independent of who writes them, contain best practices that both GE and non-GE farmers can carry out to support coexistence and limit unintended impacts on neighboring farmers.²

3. To the extent that the CA and CP identify actions that can be taken by farmers growing the GE crop variety, USDA should ensure that those actions are memorialized in any seed contracts or stewardship agreements between the GE developer and a farmer growing that GE seed. Farmers will take such coexistence measures much more seriously if they are a requirement of purchasing and planting the GE variety.

4. CSPI supports the USDA’s use of conservation programs to promote coexistence as a secondary benefit. While CSPI understands that the goals of such programs are primarily about conservation, there may be instances where the conservation activities can also be designed to help farmers with different production methods coexist. USDA should pursue the localized, pilot-scale project to use the conservation program to support coexistence. If successful, USDA should then broaden the program to larger geographic areas.

5. While CSPI appreciates the actions being proposed by the Economic Research Service (ERS) and the National Agricultural Statistics Service (NASS) to study the economic impacts and implications of coexistence, those activities will not provide the evidence and data that the AC21 thought was needed. USDA needs to greatly expand the research it conducts in several ways. First, it need to determine the extent of economic impacts not just on organic farmers but also on farmers supplying non-GE markets. Second, data should be collected not only from farmers but others in the food chain who may have additional information about both economic impacts as well as methods and procedures to eliminate those impacts. Third, USDA needs to collect information from organic and non-GE farmers who have been successful at preventing negative economic impacts from the unintended presence of GE. Those farmers could provide evidence on what they do on their farms that successfully prevents unintended GE presence that causes economic impacts.

² To mandate the requirement of a CA and CP, USDA should consider using its authority under the noxious weed provisions of the Plant Protection Act. That authority is broad enough to address impacts to agriculture from the use of a GE crop and could address coexistence issues.
(for example, using buffer rows or planting large fields that dilute any unintended presence). Through detailed data collection from all different types of farms and food chain companies, USDA will be able to present a better picture of the economic impacts of the unintended presence of GE material as well as what actions can be taken to avoid such impacts. It is disappointing that two years after getting the AC21 report and listening to the heated conversations that occurred between AC21 members about the extent of the economic impact of unintended presence, USDA has not designed and carried out more studies that would collect and analyze relevant data to answer the many outstanding questions.

In conclusion, USDA has a mandate to promote all forms of U.S. agriculture. With the many different agricultural production methods that now exist, USDA needs to send a clear message across the country that coexistence is critically important. Coexistence actions involving GE crops should start when USDA grants non-regulated status to a GE crop variety and should continue throughout the food production system. Everyone needs to be involved in minimizing the impact of one production method on another, including the GE seed developer, seed companies, grain handlers, and both GE and non-GE farmers.

I would welcome the opportunity to meet with USDA staff to discuss the issues addressed in this letter. In the interim, if there are any questions about the content of this letter, please let me know and I would be happy to answer them.

Sincerely,

[Signature]
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