

August 13, 2002

By Fax and Regular Mail

Ms. Christine T. Whitman
Administrator
United States Environmental Protection Agency
1101A
USEPA Headquarters
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Whitman:

On August 5, 2002, the Environmental Protection Agency's ("EPA") Region 9 office sent enforcement letters to Pioneer Hi-Bred and Mycogen Seeds for violations of experimental use permits issued under the Federal Insecticide, Rodenticide, and Fungicide Act's ("FIFRA") regulations for crops genetically engineered ("GE") to contain pesticidal substances. The Center for Science in the Public Interest ("CSPI")¹ commends EPA for using its inspection and enforcement resources to inspect those field test plots and proceed with enforcement actions for the significant violations uncovered. It is distressing that those biotechnology companies could not meet containment and isolation conditions that they themselves originally proposed to EPA to ensure that their experiments would have no effect on humans or the environment.

The results of EPA's two inspections as well as the previous Starlink incident (where Aventis did not abide by EPA's conditional registration) show that biotechnology companies cannot be trusted to meet their obligations under FIFRA. To protect humans and the environment and deter future violations of permit conditions, CSPI urges EPA to inspect all GE-crop field trials as well as to randomly and regularly inspect commercial plantings of registered GE-crops.

The inspections by Region 9 also raise questions about the likelihood that commercial farmers are implementing properly the insect resistance management ("IRM") plans currently required for registered Bt corn and cotton crops. If the biotech companies themselves can't meet isolation distance and buffer zone requirements for small controlled experiments, can the public count on commercial farmers to comply with similar requirements that prevent insects from becoming resistant to those crops? Therefore, for current and future Bt crops (including the Bt-

¹ CSPI is a nonprofit education and advocacy organization that focuses on improving the safety and nutritional quality of our food supply and on reducing the damage caused by alcoholic beverages. CSPI seeks to promote health through educating the public about nutrition and alcohol; 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 800,000 member-subscribers to its Nutrition Action Healthletter and by foundation grants. CSPI receives no funding from industry or the federal government.

corn-rootworm crops currently under review at EPA), EPA should establish strong enforcement and compliance programs to ensure that all conditions imposed to protect human health and the environment (including IRM) – and indeed, the viability of agricultural biotechnology – are actually met by both biotech companies and commercial farmers.

Although CSPI believes the currently registered GE-crops are safe to eat and provide benefits to farmers and the environment, those benefits will disappear if food-safety, environmental problems, or insect resistance arise from permit and registration violations. Therefore, CSPI urges EPA to make this issue a priority and devote sufficient enforcement and compliance resources to ensure the safe growing of GE-crops.

Sincerely,

Gregory Jaffe
Director, Biotechnology Project