



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Biotechnology
Regulatory
Services

4700 River Road
Riverdale, MD
20737

January 6, 2014

Richard Shank, Ph.D.
Senior Vice President, Regulatory and Government Affairs
14111 Scottslawn Road
Marysville, Ohio 43041

Re: APHIS confirmation of the regulatory status of tall fescue genetically engineered without genetic material from plant pests.

Dear Dr. Shank:

This letter is in response to your April 5, 2013 letter requesting APHIS' confirmation on the regulatory status of tall fescue, *Festuca arundinacea*, transformed with biolistics to include genetic material from various plant species.

APHIS regulations for genetically engineered (GE) organisms are codified at 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests." Under the provisions of these regulations at §340.1, a GE organism is deemed a regulated article if it has been genetically engineered from a donor organism, recipient organism, or vector or vector agent listed in §340.2, and the listed organism meets the definition of "plant pest" or is an unclassified organism and/or an organism whose classification is unknown, or if the Administrator determines that the GE organism is a plant pest or has reason to believe it is a plant pest.

APHIS has evaluated the description of the GE tall fescue that you intend to field test. No plant pests, unclassified organisms, or organisms whose classification is unknown are being used in the genetic engineering of this variety of GE tall fescue. APHIS has no reason to believe this variety of GE tall fescue is a plant pest. Therefore, APHIS does not consider this GE tall fescue described in your letter dated April 5, 2013 to be regulated under 7 CFR part 340. Tall fescue is not listed as a Federal noxious weed according to 7 CFR part 360, and APHIS has no reason to believe that the genetic engineering of this tall fescue plant would increase the weediness of tall fescue. Please be advised that the importation of the GE tall fescue would be subject to APHIS Plant Protection and Quarantine (PPQ) permit and/ or quarantine requirements. Please contact PPQ at (877) 770-5990 for additional assistance regarding these requirements.

As stated in previous responses, please be advised that genetically engineered plants may still be subject to other applicable regulatory authorities such as EPA and FDA. APHIS is committed to protecting plant health and encourages responsible stewardship of the introduction of GE plants. We appreciate our continued conversations regarding your management plans for your GE turf grass products as well as your outreach to interested parties regarding your GE turfgrass research.

Sincerely,

Michael Firko
Deputy Administrator, Acting
Biotechnology Regulatory Services

