

Richard Shank, Ph.D.
Senior Vice President
Regulatory and Governmental Affairs

April 5, 2013

Michael C. Gregoire
Deputy Administrator, Biotechnology Regulatory Services
4700 River Road, Unit 98
Riverdale, MD 20737

Re: Enhanced Turfgrass Quality Tall Fescue

Dear Mr. Gregoire:

The USDA has previously concurred that the Scotts Miracle-Gro Company's (Scotts) genetically modified glyphosate tolerant Kentucky bluegrass (*Poa pratensis*) is not a "regulated article" and therefore not subject to the regulations in 7 C.F.R. Part 340. This letter is to inform you that Scotts is planning to begin field trials on another genetically modified turfgrass product that is glyphosate tolerant and has enhanced turfgrass quality using the same transformation methods previously described. Scotts intends to begin field trials on its Enhanced Turfgrass Quality tall fescue.

I. Enhanced Turfgrass Quality Tall Fescue (*Festuca arundinacea*)

Transformation of tall fescue is stably integrated using purified trait DNA transferred by biolistics. DNA transfer does not involve *Agrobacterium* transformation or any other plant pest regulated under the Plant Protection Act. The genetically enhanced material is expressing plant sourced genes that result in a turfgrass with glyphosate tolerance and a shorter, thicker and darker green turfgrass stand.

Donor Genetic Elements:

Glyphosate Tolerance:

- CBI

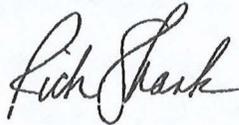
Enhanced Turfgrass Quality:

- CBI

II. Recipient Tall Fescue (*Festuca arundinacea*)

Tall fescue is not a federal noxious weed. It is listed as an agricultural seed (7 C.F.R. Part 361) and is commonly grown on both home and government lawns, used for roadside cover and pastures. Tall fescue is a C3 grass and a native of Europe. It is adapted for growth in the northern portion of the United States that includes the transition zone and the southern half of Canada. It is not common in the Gulf states or in desert regions of the Southwest.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Shank". The signature is written in a cursive, flowing style.

Richard Shank, Ph.D.
Senior Vice President, Regulatory and Government Affairs