

Questions and Answers: Notice of Intent To Prepare Environmental Impact Statements for 2,4-D and Dicamba Genetically Engineered Plants Under Consideration for Deregulation

On May 10, 2013, USDA's Animal and Plant Health Inspection Service (APHIS) announced its intent to prepare two separate environmental impact statements (EISs) to inform its decisionmaking regarding the regulatory status of new genetically engineered (GE) corn, soybean, and cotton plants resistant to the herbicides known as 2,4-D and Dicamba. These are the first GE plants developed to be resistant to these herbicides.

Q. What does Notice of Intent (NOI) mean?

A. In accordance with the National Environmental Policy Act (NEPA), an NOI is published in the Federal Register by APHIS and announces APHIS' intention to produce an EIS and the initiation of the EIS process. With publication of each NOI, a 60-day public comment period begins. During this period, APHIS will receive comments that will then be considered in the development of both draft EISs. A second public comment period will follow the publication of each draft EIS, and those comments will be considered in the development of each final EIS. Following publication of each final EIS, APHIS will issue a record of decision, announcing a determination regarding the petition for nonregulated status.

Q. Why has APHIS decided it needs to prepare these EISs?

A. Through its analysis of information submitted by the developers of these products, as well as public comments it has received, APHIS has determined that its regulatory decisions may significantly affect the

quality of the human environment. APHIS therefore believes it necessary under NEPA to prepare these two EISs to further assist the agency in evaluating any potential environmental impacts before we make a final determination regarding their regulatory status.

Q. What are the differences between these EISs?

A. One EIS will review the potential impacts of different regulatory options before APHIS for three GE plants resistant to 2,4-D (one corn and two soybean varieties); the other EIS will review the potential impacts of the different regulatory options before APHIS for two GE plants resistant to Dicamba (one cotton and one soybean variety).

Q. How will preparing the EISs assist APHIS in its decisionmaking?

A. An EIS is helpful in informing APHIS regarding any potential environmental impacts before the agency makes its regulatory determination under the Plant Protection Act. Through an EIS, APHIS can consider regulatory alternatives and their potential environmental impacts, as well as other potential impacts to public health and endangered species. However, in regards to any potential environmental impacts evaluated in the EIS, NEPA does not provide APHIS any additional regulatory authority to address those impacts beyond what the Plant Protection Act provides.

Q. Is APHIS coordinating with the Environmental Protection Agency (EPA)?

A. Yes. EPA is currently performing a complete review of the new uses associated with 2,4-D on GE corn and soybeans and Dicamba on GE soybeans and cotton. APHIS will rely on EPA's assessments to inform its environmental documentation associated with the EISs.

Q. Will APHIS prepare any other assessment of these GE products in addition to the EISs?

A. Yes. The Plant Protection Act gives USDA authority to protect plant health in the United States. In implementing the Act, APHIS' regulations require the agency to evaluate if the GE product is a plant pest to agricultural crops or other plants or plant products. The Act defines a plant pest as living organisms, such as bacteria, fungi, or insects that can cause harm to agricultural crops or other plants or plant products. In accordance with this Act, APHIS will evaluate any potential plant pest risks associated with these

products that are resistant to 2,4-D and Dicamba in its plant pest risk assessments.

Q. What is 2,4-D?

A. 2,4-D is a selective aryloxyalkanoic acid known also as a 'phenoxy herbicide', which has been used since the 1940s as a pre-plant or post-emergent herbicide to control broadleaf (dicot) weeds on a broad range of crop and non-crop sites, including cornfields. EPA has approved 2,4-D herbicide to control broadleaf weeds on a variety of food/feed sites, including field, fruit, and vegetable crops. Currently, 2,4-D is approved for pre-plant and post-emergent application on corn and pre-plant application on soybean.

Q. What is Dicamba?

A. Dicamba is a selective benzoic acid herbicide and is part of the aromatic acids family of herbicides. The herbicide has been approved by EPA since 1967 for use on a wide range of agricultural, industrial, and residential sites. Dicamba provides effective control for more than 95 types of weeds and suppression of over 100 perennial broadleaf and woody plant species.

Q. What are the 2,4-D resistant products that are included in the EIS?

A. Dow AgroSciences (Dow) has filed three petitions asking APHIS to deregulate its GE corn and soybean plants that are resistant to the herbicide 2,4-D:

- Dow Herbicide-Resistant Corn (DAS-40278-9),
- Dow Herbicide-Resistant Soybean (DAS-68416-4), and
- Dow Herbicide-Resistant Soybean (DAS-44406-6).

Q. What are the Dicamba-resistant products that are included in the EIS?

A. Monsanto has filed two petitions asking APHIS to deregulate its GE cotton and soybean plants that are resistant to the herbicide Dicamba:

- Monsanto Double Herbicide-Resistant Cotton (MON 88701) and
- Monsanto Herbicide-Resistant Soybean (MON 87708).

Q. What regulatory documents has APHIS already made available regarding these products?

A. For the 2,4-D-resistant plants, APHIS has previously made available for public review and comments Dow's petitions to the agency to deregulate the three products, along with draft environmental assessments and plant pest risk assessments for two out of the three products. APHIS received approximately 8,200 comments in total on these, including substantial comments regarding the cumulative use of 2,4-D herbicides and development of

herbicide-resistant weeds. Additionally, over 400,000 individuals signed petitions asking APHIS to deny deregulated status to the GE plants resistant to 2,4-D.

For the Dicamba-resistant plants, APHIS previously made available for public review and comment the petition by Monsanto to deregulate its soybean product. The comment period on the petition for the cotton closed on April 29, 2013. To date, APHIS has received more than 500 individual comments and 31,000 form letters regarding these two petitions.

Q. Why have the developers of these GE products created new herbicide-resistant varieties?

A. These products have been developed to provide farmers the flexibility for new applications of these herbicides, while also offering them additional crop planting options.

Q. As APHIS begins its assessments, will the agency convene public meetings to receive comments?

A. Yes. APHIS plans to host upcoming public meetings in support of our preparation of the draft EIS. These meetings will be further publicized by the agency through a Federal Register notice as well as information posted to the APHIS Web site and disseminated to stakeholders.

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