

Questions and Answers: APHIS' Notice of Intent to Prepare an Environmental Impact Statement for Freeze Tolerant Eucalyptus Lines

APHIS received a petition from ArborGen Inc., seeking a determination of nonregulated status for Eucalyptus lines designated 427 and 435, which have been genetically engineered (GE) to be more tolerant of cold conditions. We are making available for public comment the ArborGen Inc. petition and are soliciting comments on whether these GE eucalyptus lines are likely to pose a plant pest risk. In addition, APHIS has issued a notice of intent to prepare an Environmental Impact Statement (EIS) in support of the Agency's decision-making regarding the petition for nonregulated status.

Q: What is the benefit of adding a Freeze Tolerant GE trait?

A: Eucalyptus is often a preferred hardwood for pulp and paper production as well as for biofuels. It is one of the fastest growing hardwood trees in the world. The acreage where it can be planted in the southeast is significantly limited by cold temperatures. Expanding the range of where it can be grown will allow producers to use a preferred, very fast growing hardwood.

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

A: In accordance with the National Environmental Policy Act (NEPA), the 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 the NOI, a 60-day public comment period begins. During this period, APHIS will receive comments that the Agency will then consider in the development of a draft EIS.

A second public comment period will follow the publication of the draft EIS and those comments will be considered in the development by APHIS of a final EIS. Following publication of the final EIS, APHIS will issue a record of decision for the EIS and announce the Agency's determination regarding the petition for nonregulated status.

Q: Why is APHIS preparing an EIS?

A: The cultivation of freeze tolerant eucalyptus (FTE) may potentially impact a wide scope of environmental values, including alteration in susceptibility of FTE to disease or insects, alteration in weediness characteristics, potential impacts on soil hydrology and water resources, potential impacts on fire incidence, ecology, forestry practices or land use, and potential direct or indirect effects on human health, wildlife and their habitats. Preparation of an EIS will enable APHIS to evaluate these and other issues related to the Agency's decision-making regarding the petition for nonregulated status. APHIS has limited knowledge and data for unrestricted planting of FTE throughout the United States (as opposed to limited planting under permit). These changes in scope from limited permits to unrestricted planting will be addressed with an expanded analysis of the potential environmental impacts of the large-scale FTE planting.

Q: Will APHIS prepare any other assessment of the GE eucalyptus tree in addition to the EIS?

A: Yes. Under the Plant Protection Act, the law that gives USDA authority to protect plant health in the United States, as well as APHIS' regulations, when responding to a petition for a determination of nonregulated status, the Agency is specifically required to evaluate if the GE eucalyptus tree 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 potential plant pest risk associated with the GE eucalyptus tree in a plant pest risk assessment.

Q: How will preparing an EIS assist APHIS in its decision-making regarding the petition of non-regulated status?

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: What alternatives will APHIS consider when conducting the EIS?

A: APHIS is requesting comment to further delineate reasonable and appropriate alternatives. APHIS will consider at least two alternatives, a “no action” and an “approve the petition request” alternative. Under the “no action” alternative, the two FTE lines would continue to be regulated and permits and notifications acknowledged by APHIS would be required for the environmental release and interstate movement of the FTE trees. Under the “approve the petition request” alternative, the FTE trees would no longer be regulated by APHIS.

Q: Has APHIS prepared previous assessments for this GE eucalyptus tree?

A: Yes. APHIS has conducted three separate environmental assessments on actions related to permitting confined field releases of the GE eucalyptus tree. As one example, while the GE tree has been grown outdoors under APHIS regulation, the developer requested that APHIS allow the tree on the field test site to flower. Before allowing this to happen, APHIS evaluated any potential risk of spread of the GE tree pollen to other susceptible trees. The Agency found a low likelihood of this happening and approved this request. In each case, APHIS announced the availability of the environmental assessment in the *Federal Register* and received and carefully considered public comments. These notices were published on April 20, 2007, June 3, 2009, and February 10, 2012. In each case, APHIS concluded that the GE eucalyptus trees would not pose a plant pest risk and that issuing permits for the field releases would not significantly affect the quality of the human environment.

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

A: Yes. APHIS will be hosting two virtual, online meetings during the comment period in order to further delineate the scope of alternatives and environmental impacts to be analyzed in the EIS. APHIS will announce the dates and times of these meetings and how to participate at <http://aphisvirtualmeetings.com>.

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