

1 UNITED STATES DEPARTMENT OF AGRICULTURE:

2 APHIS

3 PUBLIC SCOPING MEETING ON PROPOSED REGULATIONS

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7 Date: Friday, March 13, 2009

8 Time: 9:23 a.m.

9 Location: United State Department of Agriculture

10 4700 River Road

11 Riverdale, MD 20737

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1 P R O C E E D I N G S

2 MICHAEL GREGOIRE: Okay, if everyone could take
3 a seat, I think we'll go ahead and get started. Good morning
4 everybody, I'm Michael Gregoire, the Deputy Administrator of
5 Biotechnology Regulatory Services in APHIS/USDA. I wanted to
6 welcome you to our meeting this morning to talk about the agenda
7 and format for one or more issue specific meetings that we want
8 to have during the month of April to talk about our proposed
9 biotechnology regulations. So we very much appreciate you
10 joining us today on fairly short notice and we look forward to a
11 very productive sort of a day.

12 I thought I would just begin today by reading some
13 excerpts from a memorandum that the President sent to heads of
14 executive departments and agencies the day after his
15 inauguration. The title of this memorandum is "Transparency in
16 Open Government." There are a couple sections in here that I
17 just wanted to read to you because I think it's germane to what
18 we're talking about today and what we're going to be doing in
19 April with the meetings that we envision. So in this particular

20 part of the letter it says, "Government should be participatory.

21 Public engagement enhances the government's effectiveness and

22 improves the quality of its decisions. Knowledge is widely

1 dispersed in society and public officials benefit from having
2 access to that dispersed knowledge. Executive Departments and
3 Agencies should offer Americans increased opportunities to
4 participate in policy making and to provide their government
5 with the benefits of their collective expertise and
6 information." And then there's another section of the letter
7 that says, "Government should be collaborative." And it says
8 that "Executive Departments and Agencies should use innovative
9 tools, methods and systems to cooperate among themselves across
10 all levels of government and with non-profit organizations,
11 businesses and individuals in the private sector. Executive
12 Departments and Agencies should solicit public feedback to
13 assess and improve their level of collaboration and to identify
14 new opportunities for cooperation." So I think what we're doing
15 today and what we envision doing in April are very consistent
16 with that guidance the President has provided to all of us that
17 work for him. And we very much look forward to working with all
18 of you on the process. And the purpose of the meeting today is
19 to really talk about the agenda and format for the meetings that

20 we want to have in April. In a few minutes Dave Heron is going
21 to be talking to you and presenting to you information about the
22 history of the Rule and where we are in the process and so on.

1 But I just wanted to say a few things about the Rule that we
2 first proposed back in October; and that is it has garnered a
3 great deal of interest; that so far, we've received
4 comments from more than 15,500 individuals on the Rule; the issues
5 on the Rule are widely divergent; and the comments that we've
6 received to date raise serious issues about several major
7 provisions of the Rule. So the challenge we have at APHIS is to
8 evaluate all that information and to develop a final Rule that's
9 science based; that's consistent with our regulatory authority
10 and is one that's going to be practical to implement and to
11 operate under. So we want to work with you today to develop and
12 design meetings that are collaborative and are participative,
13 consistent with the principles in that Memorandum from the
14 President. We want to hold those during the month of April.
15 And the approach that we envision for those meetings, that we
16 will be talking about later today is quite different from
17 anything that we've done in reference to public meetings that
18 we've had. So part of our purpose here today is to kind of
19 prepare all of you for a format that we envision that is quite

20 different from what you've seen from us before. What we need
21 from all of you today is to be engaged in this process; we're
22 not mind readers. I'm really not a good mind reader at all, so

1 we're going to work with the information that we hear from you
2 or that is submitted to us in writing so it's really important
3 that if you want things to be a certain way, if you want these
4 meetings to be structured in a certain way, if you want issues
5 discussed at those meetings, that you tell us that's how you
6 want it to be. So, with that as an introduction, I'm going to
7 turn the remarks over to Eva Ring who is one of our facilitators
8 today. Thank you.

9 EVA RING: Thanks Mike. I'd like to reiterate the
10 thanks for your being here and that this is a new approach and
11 we're really excited to have you here. And if I were to say
12 what I would hope the outcome of this meeting would be, would be
13 that all of you are going to design a meeting that is going to
14 be so exiting and it's going to be focused on important issues
15 that you feel people need to talk about that you're going to
16 want to go to that and you're going to know at least, you know,
17 a dozen or so other folks who are going to want to go to that.
18 So that's the outcome that we're hoping to achieve today. It's
19 challenging, but very, very important, so thank you for being

20 here. A few housekeeping things, just so that you feel

21 comfortable here; we work here and we know all of this. The

22 men's room and the ladies room are right outside on either side

1 of the elevator and we're going to ask you to please just self
2 monitor your breaks for anything that you might need, including
3 if you need to make a phone call or something, please feel free
4 to go out. We appreciate phones being on vibrate or turned off
5 if possible. Outside where you came in, you had to pay to get in,
6 when lunch time comes, if we're working through and coming back
7 after lunch, then you have to pay another \$3.00, I hate to tell
8 you this, to come back into the parking lot. I tried
9 negotiating, but I wasn't successful this morning for
10 you. The BRS, we have some BRS employees and managers who are
11 also just here to listen to you. They are not going to be
12 steering a thing. You are the experts here today and they want
13 to listen, but they're also available to you to clarify anything
14 as we work through the process today and they are excited to
15 hear what you come up with today. And they're also all very
16 appreciative. I've enjoyed working with them just to get up to
17 this point knowing how much they are appreciative of your being
18 here to help out here. What I'd like to do now, I got to meet
19 some of you, but I was hoping you wouldn't mind introducing

20 yourself so we all know who we're working with here today and

21 who's on your team to help develop this meeting. So why don't

22 we start over here please.

1 BOB HARRIMAN - Scott's Company; JEFF BARRACK with GMA;
2 NATALIE WEBER with Pioneer/DuPont; ANNIE GUTSCHE Pioneer/DuPont
3 as well; MIKE WACH with BIO; RACHEL LATTIMORE with ARENT FOX
4 representing BIO; RUSS SCNEIDER with Monsanto; WENDELYN JONES
5 Syngenta; STEVE HANSLEY USA Rice Federation; KEITH MENCHEY
6 National Cotton Council; CARLA WEST with the Ag Biotech Planning
7 Committee; MICHAEL SCHECHTMAN USDA.

8 EVA RING: Nice to see you again Michael.

9 GREG JAFFE with the Center for Science in the Public
10 Interest; CHRIS WOZNIAK EPA; BOB EHARD NASDA; BEVERLY
SIMMONS

11 APHIS/BRS; MIKE MENDELSON EPA; BILL WENZEL Farmer to
Farmer

12 Campaign on Genetic Engineering; MICHAEL HANSEN Consumers
13 Union.

14 EVA RING: And then Mike's over here. Did we get
15 everybody? All right, thank you very much. I wanted to point
16 out to you, um, the people at the front tables see that there
17 are these little microphones. We do have, graciously, someone
18 has offered to be our reporter, our transcriber here today, so

19 the transcript of this meeting as well as any other public
20 meeting will be available. I think they'll post it on the
21 website as soon as possible after this meeting. So what, the
22 way that they work, is that everyone here will of course be able

1 to be heard very clearly. I think there's one on your table and
2 there isn't one on these two tables, so they'll be trying to
3 capture your voice with this. When we move into our groups and
4 start reporting out I may ask some of you to sort of try and
5 fill in where the microphones are, but for now, feel comfortable
6 where you are.

7 CARLA WEST: Like, can we hear who's with you
8 back here? Can your folks introduce themselves?

9 EVA RING: I'm sorry. Thank you. Please never
10 hesitate to chime in whenever necessary.

11 RACHEL IADICICCO - APHIS/USDA Public Affairs; Good
12 morning, I'm SID ABEL Assistant Deputy Administrator for BRS;
13 ANDIE HUBERTY Branch Chief with BRS; CLINT NESBITT Chief of
14 Staff with BRS; CARLYNNE COCKRUM Office of General Counsel;
15 JERRY DEPOYSTER APHIS, I work with Eva and I help her to
16 facilitate; GWEN BURNETT State Tribal Liaison; RICK COKER
17 APHIS/BRS Analyst; DAVID HERON APHIS/BRS.

18 EVA RING: Now, did we miss anyone else? Thank
19 you. Everyone on your tables, you'll see that we do have just

20 a brief agenda here. And I'd like to just go over what we're
21 going to be doing today briefly because it's not in very much
22 detail. At your tables, again, reiterating what Mike said, our

1 job today is to ensure that at the April meetings we challenge
2 everybody who comes to those with questions that they can answer
3 that will stimulate discussion about the issues you want to talk
4 about and that you want to hear about. And I think Mike said it
5 just perfectly; that none of us are mind readers, not just Mike.
6 So any light that we can shed on where people are coming from
7 as far as their interests. When you have written comments; when
8 you get a lot of written comments on a Rule, people will
9 advocate certain positions; things that they want or don't want,
10 like or don't like and it's really hard sometimes to
11 understand exactly what it is underneath that, that people are
12 particularly concerned about. And so if today we can come up
13 with a process that will enable people to share more of that, to
14 come up with some more creative solutions, that's what we're
15 hoping for. So how are we going to do this today?
16 First, as Mike said, you're going to be brought up to date
17 where the Rule stands in the Regulatory process; the issues once
18 again, that emerged out of all the comments that did come in,
19 and some of the areas that BRS is still seeking specific

- 20 feedback from folks that given the issues that they identified,
- 21 you'll confirm those are the issues to you and whether there are
- 22 any others that you didn't see in there that you think are also

1 issues. You'll be able to give that feedback to BRS. You
2 should ... you'll also then be asked at your tables to go
3 through a little exercise of trying to craft some questions that
4 you think would help drive the discussion at the public meetings
5 in April and we'll give you some assistance in doing that.
6 After framing... clarifying the issues, coming up with some
7 questions for content, we're going to talk about how would you
8 like to see people interacting then in order to address these
9 questions at the next meeting? What formats have worked for
10 you? I know BRS and other programs at APHIS have tried multiple
11 formats for public meetings. Some are well attended, some are
12 not. Some seem to be very successful with people feeling
13 satisfied, some are not. And then there are other kinds of
14 meetings that are not necessarily public meetings that I'm sure
15 all of you have attended, but you've felt that it was a good
16 forum for discussing issues and we want to hear about those. So
17 I'm hoping that we'll be able to design something that works
18 really well for next month. Finally after we've talked about
19 the issues and the format, we're going to see how this process

20 today worked for you and decide whether we can do more of these

21 kinds of events as well.

22 I posted on your tables, you have some ground rules.

1 These are suggested ground rules for how we're going to
2 participate today. They're also posted up here. I really
3 encourage everybody to participate. This meeting is only as
4 successful as everybody's participation. And the next meeting
5 will only be as successful as everybody's ideas that are shared
6 today. One person speaking at a time; when you're at your
7 tables you may get to a point where everybody wants to jump in
8 to try and focus in on this as well. Explain the reasons behind
9 what you're saying whenever you can. Once again, that whole
10 mind reading thing ... um, if you have a recommendation or
11 question, try and explain what's behind that. There are a lot
12 of words in the biotechnology arena that people may not give the
13 same exact meaning to. If you feel someone's using a definition
14 or calling something, something that's different, you have a
15 different perception of it, try and get clarification on that.
16 The use of specific examples, help; disagree respectfully. I
17 like this one; combining advocacy what you'd like to see with
18 inquiry and asking for peoples reaction to that and getting,
19 seeing where other people are coming from. Share all relevant

20 information. Test any assumptions you have. There are also a
21 lot of assumptions in this arena. And finally, focus on, as I
22 said earlier, what's underneath; interests and concerns, not

1 just on positions. The other day someone gave this great little
2 example to illustrate the difference between an interest and a
3 position telling me that there were two children were in a
4 kitchen arguing over an orange. They both wanted the one orange
5 that was in the refrigerator. And so this parent, you know,
6 finally started, couldn't take it anymore and went next door to
7 a neighbor and borrowed another orange from her neighbor who had
8 just gone to the produce stand and brought it back and said,
9 here, you have an orange and you have an orange. I hope you're
10 both happy. She watches her son who is in culinary school,
11 training to be a chef, take his orange and grate off the outside, the
12 zest, into his recipe and then throw the rest of the orange
13 out. And then she watches her daughter, you know, peel the
14 orange, throw the skin into the trash can and proceed to eat the
15 pieces of the orange. What is that saying? I think she could
16 have probably come up with a lot better solution if she'd known
17 what their real interest was in the orange in the first place.
18 That was a great example to me, of how sometimes you'll jump to
19 a solution that you think meets both needs, however if you'd

20 known what they were both interested in, you could have

21 done it with only one orange. In our case, it's not an orange

22 we're talking about. It's a lot more. A lot more expensive

1 technology we're talking about here so, we may try and come up
2 with solutions that are cost heavy and we can do it in a more
3 economical way or a lot safer way or there are lots of different
4 criteria that we could use if we knew peoples issues to help
5 create a new meaning. All right, so I don't want to waste any
6 more time with ... any questions so far; everybody okay? All
7 right, I'm going to turn it over to Dave Heron. Now Dave is an
8 Assistant Director of the, I think the, Policy Coordination
9 Division in Biotechnology Regulatory Services. I think he's
10 helped to participate in some of the other public meetings that
11 have been held about this regulation and he's going to bring you
12 up to speed.

13 DAVID HERON: Thanks Eva and welcome again. Our
14 reporter has given me one other technical reminder with the
15 microphones. Try not to put anything on top of them or brush
16 any papers across them or she'll have an earache the rest of the
17 day. And obviously don't spill any water on them. So, with
18 that, I'm going to just take a few minutes to give a quick
19 snapshot of how we got to where we are today and that will be

20 where we'll turn it back over to Eva and to Jerry to really get
21 the discussion going among you all. The proposed regulation was
22 put out in, many of you know the proposed regulation inside and

1 out, so this slide is just to refresh our memories in case this
2 has left your every conscious moment, if just for a second.
3 We're trying to realign the regulation with the Act that we're
4 operating under. And that is the Plant Protection Act of 2000.
5 And the two main provisions in that Act address the authority to
6 regulate plant pests and noxious weeds. Now one of the other
7 things in the proposal was a proposal to eliminate the procedure—
8 we use [the] Notification Procedure in addition to the Permitting
9 Procedure—and we proposed to do away with the Notification
10 Procedure and retain the Permitting Procedure. There are some
11 changes that we propose for the Permitting Procedure, including
12 a description of these categories for genetically engineered
13 plants when we're issuing permits for environmental releases.
14 So that was also part of the proposal. There were some
15 provisions, new provisions in the regulation that addressed
16 record keeping and reporting requirements. We also proposed to
17 incorporate the existing policy for the low level presence of
18 regulated articles to put that policy actually in the regulation
19 itself. We proposed a new procedure to allow us to improve

20 conditional exemptions from the requirement for a permit as
21 opposed to going only through Rule making. And we also proposed
22 to clarify the approval for non-regulated status. Now that's a

1 very general snapshot of the main elements of the proposed
2 regulation and we have available if people need it at anytime
3 during the discussions extra copies of the proposed Rule if you
4 want to refer to something. But I think many of you are already
5 very familiar with the proposal; not only these, but some of the
6 fine point on all of these. So, what is our timeline look like?
7 We proposed the Rule and we published it for the public to
8 start the comment period. In October there was a 45 day comment
9 period. We held 3 public meetings during that time, in
10 California, Kansas City, Missouri and here in Riverdale. We
11 received, as Mike said already, comments from over 15,000
12 people. And in January, we then decided to respond to some
13 requests from people. During this initial comment period, we
14 had some people who had said you should have a longer comment
15 period. We were not able to do that. But we decided to reopen
16 it and when we reopened it, we gave it this snapshot of the idea
17 that Mike said earlier, that we had broad interests in 4 main
18 issue areas that seemed to have emerged from these 15,000 people
19 who sent comments to us. And that's what we described in the

20 January proposal. The comment, at the same time, we said we
21 would also have a public meeting, at least one public meeting,
22 before the comment period closed and that's where we are today.

1 And earlier this week you saw that we're extending the comment
2 period further, it's not ending next Tuesday, but it's going to
3 extend beyond the April meeting and 60 days after the last
4 meeting that we'll have in April. Now, the issues that we
5 identified from the comments that we've received so far is
6 described in greater detail in the January Federal Register Notice.

7 But they fall into these 4 main categories here and this will be
8 the part of the substance of your discussions today and Eva and
9 Jerry will be taking you through the discussions on these.

10 But in snapshot form, they are looking at the scope of the
11 regulation and which GE organism should be subject to the
12 regulation.

13 Second issue, was incorporation of the noxious weed
14 provisions of the Plant Protection Act.

15 The third one centered around the issue of eliminating the
16 Notification Procedure and revising the Permitting Procedure.

17 And the fourth issue that we described in the Federal
18 Register Announcement was environmental release permit
19 categories and regulation of GE crops that have been engineered

20 to produce pharmaceutical or industrial compounds. So those are

21 the 4 issues and I imagine that many of you are here today

22 because you have an interest in at least some of these issues.

1 So as I said, here's where we are today. Eva will be
2 talking about these things many times during the rest of the
3 day. We have announced an extension of the comment period, this
4 public meeting, that this will be to discuss the agenda and
5 format that will be used in the April meetings and we'll have a
6 transcript of this meeting that will, can be posting on our
7 website so people who were not able to attend today, they can
8 see some of the discussions that take place.

9 EVA RING: Does everybody know about the website?
10 Just state which one it is.

11 DAVID HERON: The easiest way that I always tell
12 people instead of the actual website; if you go to Google and
13 you put in APHIS and BIOTECHNOLOGY, the one at the top of the
14 page is our website. So you don't have to remember any
15 complicated formulas -- APHIS/BIOLOGY. And if that's too
16 complicated we can write that down. But I don't think... that's
17 enough of this. Okay? So, today we're looking at the
18 agenda, the issues we'll be discussing in April, not only these
19 4 issues, but maybe some others that you identify today; the

20 format that we'll be using in April. As I said, the transcript
21 will be posted after the April meeting there will also be a
22 transcript posted of that meeting and the comment period on the

1 proposed Rule will stay open for 60 days after that April
2 meeting, so people can read that transcript and consider how
3 they want to send in comments to us after that. So with that,
4 that's the quick snapshot to bring us up to speed and I'd like
5 to hand it back to Eva now.

6 EVA RING: Could you do me a favor?

7 DAVID HERON: Sure.

8 EVA RING: Are you able to put it back on the 4
9 issues?

10 DAVID HERON: I think I am.

11 EVA RING: If you aren't ... they're at your table
12 behind your agenda, the Notice is there. Thank you. First of
13 all, we've had some new people join us. The rest of us
14 introduced ourselves. I was hoping you could introduce
15 yourselves as well.

16 JENNIFER SPURGAT Bayer CropScience; TYSON REDPATH
17 Russell & Barron for Frito-Lay; CHRIS HOLDGREVE National Grain
18 and Feed Association.

19 EVA RING: Thank you for joining us. All right, so

20 what I wanted to do ... Dave just summarized for you what BRS

21 has synthesized as the 4 key issues to be addressed at the

22 public meetings in April. Aren't these some great issues? This

1 is just before we work at our tables; I just wanted to ask you
2 this question. Are there any others, in any of your minds that
3 you felt when you read the [proposed] regulation? And this is going to
4 be a big issue and I hope that we can have more discussion about
5 it? Or are there some sub-issues underneath any of these that
6 are so critical you hope the whole group at the meeting in April
7 will address that as well? Just raise your hand ...

8 MICHAEL WACH: I had a different question. Why
9 did the agency think these 4 were the most important and the
10 ones that the Federal Register listed in January?

11 EVA RING: I think definitely there was an analysis
12 done on all the comments and correct me if I'm wrong, please
13 speak up, but I think that those were the areas that we --

14 DAVID HERON: Maybe I went too quickly over this
15 part. These issues, when we read the comments from 15,000
16 people, they were self evident just by sheer volume. These are
17 the ones we saw over and over in the comments. So this is not
18 something that ... this did not take a complicated analysis. It
19 was very easy to see that over and over these were the 4 issues

20 ... so these reflect the comments we've received so far. This

21 is not coming from anything other than just that.

22 RUSS SCNEIDER: Just a point of verification;

1 after you have the April meetings are you going to propose a new
2 Rule, or are you just going to have people comment on the
3 existing one with... based on the discussions that occur.

4 DAVID HERON: The April meetings, then we'll
5 post the transcript, for people to comment during that 60 days
6 that comes after that April meeting, so we're talking the
7 comment period might finally end in June. So maybe we have
8 another 15,000 comments. Maybe we have another 80,000 comments.
9 We don't know.

10 RUSS SCNEIDER: But they're not going to do a new
11 proposal.

12 DAVID HERON: No. That's ... its very clear.
13 We're dealing with one single proposed Rule and that is the one
14 that was published October 9; am I remembering the right number?
15 ... Early October. There's only one proposal on the table;
16 nothing else. Okay? Good question. I give you a gold star,
17 but that would be playing favors. Any other questions about how
18 this fits into the big picture, because the rest is going to be
19 all your discussions.

20 EVA RING: There was a question in the back.

21 MICHAEL HANSEN: Well with this open, do you

22 want us to add now if there's to be other questions besides

1 these 4 or will that be done later?

2 EVA RING: You're going to be coming up with questions
3 that you think should be posed to the participants of the next
4 public meeting. But if there's another issue besides these 4,
5 yes, I want to capture that.

6 MICHAEL HANSEN: All right. Yeah, therefore
7 what we'd like to see is the how you deal with low level
8 presence. That's an important thing because there has been some
9 global agreement on that since the proposal came out that should
10 modify dramatically what the USDA is doing.

11 EVA RING: Thank you; anything else?

12 BILL WENZEL: Well, there were also some issues
13 that were brought out in the context of the recent GAO Report
14 that kind of came subsequent to the proposed regulations and I
15 think they merit some inclusion in this discussion. One was the
16 need for long term monitoring of deregulated GE crops and the
17 other that was important to us and keeps coming up—maybe this is
18 a scope issue—is the need to carefully consider economic
19 impacts in the deregulation decision making process.

- 20 EVA RING: Just for my information, which GAO
21 Report was this? Which GAO Report was this in?
22 BILL WENZEL: It's the one that was published in

1 November of 2008 that was originally requested by Senators
2 Hartman and Chambliss.

3 EVA RING: Thank you.

4 RACHEL IADICICCO: And you know, just as a
5 reminder, if people could identify themselves before they talk
6 and for the court reporter as well.

7 EVA RING: Thank you.

8 BILL WENZEL: Sorry, Bill Wenzel, Farmer to
9 Farmer Campaign on Genetic Engineering.

10 EVA RING: Prior to that we had ...

11 MICHAEL HANSEN: Michael Hansen from
12 Consumers Union.

13 EVA RING: Thank you. Thanks for clarifying that.

14 GREG JAFFE: I'm Greg Jaffe from the Center for
15 Science in the Public Interest. Seems to me one of the issues
16 that's raised in a lot of the public comments and raised by the
17 proposed Rule that, I think, is not dealt with very well is the
18 issues of transparency and public participation. I mean, we're
19 all here at a public meeting today and type in all the comments

20 that come in and I think that it might be useful to have some
21 clarity around with ah, where in the different procedures that
22 the proposed in the Rule there is public participation... whether

1 there isn't and where there is; what documents are accessible,
2 transparency, and those types of things, so. Those are 2 issues
3 that could use some discussion.

4 EVA RING: Thank you. Yes? Please identify
5 yourself.

6 CHRIS HOLDGREVE: Sure, Chris Holdgreve with
7 the National Grain and Feed Association. One issue that we've
8 kind of come up ... a little bit this year, and we think it's going
9 to come up a lot more in the future, is what we call functionally
10 different products; in other words, a corn that is produced
11 through a biotech event that doesn't act like a normal corn when
12 you put it through a wet mill or some sort of milling process.
13 It's actually meant to be more intended for some other use so
14 it's actually considered kind of a functionally different; if it
15 gets into a, you know, the kind of standard use of corn type
16 situation, it won't function the way a normal corn would. I
17 think those, you know, whether it's targeted at ethanol or some
18 other product, probably has a lot of great promise, but, I
19 think, I'm not sure the regulations necessarily, adequately

20 address that. So maybe something ...

21 EVA RING: Any other issues before we start working

22 at our tables? I'll post these so that you have those and these

1 additional issues to consider questions around as you work.
2 Okay, what we're going to do now ... think, remember again about
3 the difference between interest and concerns and positions.
4 Someone in my office was kind enough to help me produce a little
5 deck of cards. You know what, would you mind joining a table.
6 I want us to at least have full tables here. Thank you so much.
7 We have at least 4 here, so I think this will work. All right.
8 A little deck of cards and a little ... help you out here.
9 These are prompting kinds of beginnings of questions that
10 usually help get at people's interests and concerns rather than
11 just what do you like and don't like; what's good and bad; what
12 was right and wrong. I give them to you as helpful tips and
13 what we're going to do is each of you will have ... we're going
14 to move flip charts towards each of your tables that you can use
15 if you'd like. We're also going to have a pad of paper; I think
16 you have on every table that we provided. You have pens. We're
17 going to let you choose how you want to do this. The only thing
18 we're asking you to do is to choose one of you to please report
19 something and one of you be willing to share with the group,

20 which could be the same person or a separate person of what you

21 come up with. And here's what we're going to ask you to do.

22 Looking at the issues up here, the issues that I'm going to post

1 for you on the wall over here that came up this morning. We're
2 going to ask you to, as a group, talk about these issues and
3 draft some questions that you would like BRS to pose to the
4 attendees at the next public meeting that will have them talking
5 about these kinds of issues in a way that if you were there
6 you'd want to have people sharing with you what their insights
7 are behind these, or what their real concerns are, or what their
8 interests are. So you'll see in the cards, for instance, you
9 know, I've just given you some ... these are not all inclusive.
10 There are probably 100 others. I'm just trying to prompt you to
11 think ... you know, instead of it didn't address ... I'll give
12 you just the last example. We didn't address functionally
13 different. You may at your table say, well then maybe at the
14 next meeting we can talk about what concerns you about the fact
15 that that wasn't addressed? What would be the impact of not
16 addressing that? What would be the impact if we did address
17 that? What's the present cause of not addressing that? And
18 you're going to come up with questions; and you can do it
19 however you like. You can go through each issue at a time and

20 come up with questions you think that attendees at the next
21 public meeting should address. You can just say, overall I
22 think for all of these, these are the key questions we should

1 ask everyone. We're not limiting you in how you do this. So
2 that's the assignment. In addition, I'm not sure about this,
3 but I wanted to give you one more opportunity, if there is
4 something, after you do that exercise, which is really the key
5 one, if there are any other things that your still, at your
6 table, confused about, need a little clarification about and
7 something you'd like to just leave for BRS as they continue to
8 work towards this meeting in April, I invite you to do that as
9 well. And you'll see on the yellow cards there's that type of
10 questioning for BRS. I think there's green ones and yellow
11 ones. It got a little more complicated than I wanted it to, but
12 I thought it looked pretty. Does everybody understand what I'm
13 asking you to do here? Please ask any questions if you're not
14 clear. Your table is going to definitely come up with some
15 questions that you're going to propose to the rest of the group
16 here, be asked at the next public meeting and in about half an
17 hour if you'd like to take about 30 minutes to do this. We're
18 going to share with each other what we can come up with and
19 see if this sounds like a good agenda and questions for the next

20 meeting. We apologize for not having a coat closet here as well

21 and if anybody's coat are in the way, the best that we can do is

22 get some chairs from in the back there and if you're willing to

1 claim a chair and put your coat on that, that will help you have
2 more room. So please don't forget to select someone be your
3 recorder; someone who is willing to report out what you come up
4 with; and thank you very much in advance.

5 (Break out into discussion groups)

6 EVA RING: All right, we're going to start
7 our ... we're excited to hear about some of the questions that
8 you've come up with and we're going to start with the table back
9 here. I think they were done first so they get the first honors
10 here. And um, we don't have a flip chart for this table so
11 we're going to have to listen.

12 TYSON REDPATH: I'll stand up by it. I'll have my
13 associates here if I screw something up to help me out. Under
14 scope of ... we have a series of questions that we came up with.
15 First, what GE organism do you want covered under the Rule?
16 What are the differences between those that are covered now; and
17 those that are proposed or those that could be covered under the
18 proposed Rule? What are the advantages and disadvantages to
19 those that are covered now and what the proposed Rule seeks to

20 cover? Is there a scientific justification for covering more or
21 less things of the proposed Rule? Do people think the scope of
22 the regulation is beyond the statutory mandate or perhaps it

1 doesn't cover enough under the statutory mandate? Are there
2 instances where agencies are already adequately covering the
3 same thing; in other words, the same GE organism?

4 Under the issue, #2 is the agency's proposal clear and if
5 not, what clarification is needed? What types of organisms are
6 covered now, that were not previously because of this change in
7 the noxious weed authority? Noxious weeds have been around a
8 while, so very simply put, why now? What is the intent for
9 bringing them forward now? And what do you foresee as the
10 positive and negative impacts, both benefits and consequences,
11 or at least what are people perceiving as the benefits and
12 consequences?

13 Issue #3, what do people see as the advantages and
14 disadvantages of the current system? What do people perceive as
15 the benefits and disadvantages of the proposed system? And is
16 there truly a substance of change? And what are the perceived
17 differences between the two systems and do people foresee a
18 safety impact from these changes. And lastly under #3, do
19 people perceive that there will be a change to the e-permitting

20 process as a result of this change?

21 And finally, issue #4, pharmaceutical plants; how should

22 [plant-made pharmaceuticals] PMP's or [plant-made industrial compounds]
PMIP's be treated in the proposal and does the current

1 proposal treat them appropriately? It may not be the right
2 word, but I think you understand where we're going. And should
3 there be further clarification for the subdivision or
4 delineation of categories 1, 2, 3, 4. Maybe I should have led
5 off with this, but would defining PMP's and PMIP's be helpful
6 for the purposes of this regulation? What are the specific
7 risks and safety concerns that need to be addressed? And
8 finally, would the regulation be improved if each of the
9 categories was further defined? I think we kind of got into
10 that in the other question. That's all we have. Thank you.

11 EVA RING: Any question for this group,
12 clarification or reaction, anything? That was ... thank you
13 very much. I can tell a lot of thought went into those and it
14 made me realize something about the questions; the way you asked
15 them, that I'll just tell the others now. It was in my head. I
16 was sitting there re-crafting some of your questions, so that
17 we'd actually get more specific information from participants.
18 If any question can be answered yes or no, it's not the best
19 question. In about 5 years, could it be answered yes or no, so

20 I was trying to re-craft it to like, you know, well what

21 additional subdivision of categories would be if that's

22 subdivision or you know, what additional changes to permitting

1 should we be looking at? Because you asked, "should there be"
2 or "would this be a good thing" and people could just not really
3 engage. But if you ask, "if it would", what exactly would you
4 see that looking like. That's the way the questions can be
5 really broadened at the next meeting. So, thank you. They were
6 all great, great. All right, any volunteers to report out next?
7 Do you want to go please? Do you have a mic there or not, at
8 your table? Thank you.

9 BILL WENZEL: Initially we struggled a little
10 bit. We were trying to kind of put things into context so that
11 we could figure out exactly, what in asking these questions, how
12 would they be useful for APHIS in moving forward and finalizing
13 the Rule making process and so we struggled a little bit in
14 getting going. And I see that we violated one of the first
15 rules of the facilitator by asking a yes or no question up
16 front.

17 But the first one was; should economics be considered?
18 And we didn't by the way, follow a strict format. We're a
19 pretty disjunctive group. That was one of the primary concerns.

20

21 Going along with one of the, a couple of the questions by

22 the first table is; what characteristics should trigger

1 regulation? And that was in the context of the first issue
2 regarding scope of regulation.

3 This is also kind of a scope of regulation issue is; is
4 the sole source of regulatory authority based on a determination
5 of whether the organism poses a plant pest or noxious weed risk?
6

7 The next question kind of goes to Chris's question and
8 issue up front, of functionality and we're not sure that this is
9 quite the right question. But if genetic engineering changes
10 the functionality of a crop or plant, should it be regulated
11 differently? And we were kind of using the corn/ethanol variety
12 as an example in that question.

13 And then finally; do the harm assessment requirements in
14 the noxious weed provisions regarding other interests in
15 agriculture include consideration of issues such as economic
16 impacts and weed resistance/tolerances. And that was as far as
17 we got.

18 EVA RING: So almost all of them were yes/no. So
19 re-do one of those and not being a yes/no question.

20 BILL WENZEL: Let them go first.

21 EVA RING: If we could give you a yes/no on all of

22 those and then we'd be done with it. But I think they are great

1 areas to explore so ... if genetic engineering could --

2 TYSON REDPATH: Well I think that #5 it would be
3 ... and you probably don't want to do a follow up on us, is what
4 I'm saying, but the follow-up is "how" --

5 EVA RING: "How" would be #5 and then what about
6 #6? Do the harm assessment requirements and --

7 BILL WENZEL: I can go back and re-craft --

8 EVA RING: -- and consideration of issues such as
9 ... so if you want to know what issues should be considered or
10 --

11 BILL WENZEL: Right.

12 EVA RING: Yeah. So because those would be very
13 good once you re-craft them for discussion. Thank you. Any
14 questions, clarification, reactions? All right, very good.
15 Thank you, we have a volunteer.

16 RACHEL LATTIMORE: Our questions don't
17 necessarily follow a specific issue either. But we started off
18 with the removal of the term, the definition regulated article
19 and we were, we have question of, is there a term that could be

20 used when, in the regulations that does not imply that not all

21 GE plants or GE organisms should be regulated de-facto. So

22 that's the term of what's being, the term used for what's being

1 regulated and is there a way that can be done without assuming
2 that all GE plants are regulated.

3 The second question would be; it's a yes or no answer but
4 I'll follow up with one. Will the developer be allowed to
5 decide whether to regulate or should the process be mandatory?
6 And if so, why? I think that follows on some of the other
7 questions regarding characteristics, etcetera.

8 The third question; what scenarios would be appropriate to
9 phase in the new Rules and their coordination with the e-permit
10 system?

11 The next question; how can APHIS coordinate its regulation
12 of GE crops under its noxious weed authority in a way that's
13 consistent with its regulation of potential and actual noxious
14 weeds that are not biotech? Both in regards to a trigger
15 regulation based on physical damage or injury and based on the
16 severity of that injury.

17 And finally, what are aspects of the Notification System
18 that should be continued in the new Rules, whether called
19 notification or called permit?

20 EVA RING: Right now there are no aspects that are

21 being proposed to be continued? Is that it?

22 RACHEL LATTIMORE: Which aspects of the

1 notification process were good, were bad, that should be
2 continued or should not be continued? That's the case and
3 point.

4 EVA RING: Thank you. Any questions, clarification
5 or additional comments about this? I asked you to keep in mind,
6 because for your particular questions, for all of them really,
7 later on when we're all talking about the process, we might need
8 to be in the room at the next meeting to help engage around some
9 of those out of the box sorts of things that you're talking
10 about. Okay, thank you.

11 JEFF BARACH: We had more of a free flowing
12 discussion and not really formulating our thoughts more into
13 questions. But we wanted to get some issues out on the table
14 and perhaps that could be clarified at the next meeting, you
15 know, as a topic of discussion. So that's kind of the way we
16 approached it. One of the things that we talked about was the
17 proposed matrix of, within the proposed Rule which kind of puts
18 the coordinates of persistence of harm together and gives a
19 couple of examples of how this works. But yet there really [were] not

20 enough examples so that people who are interested in figuring
21 out, well where does my particular event fit in that matrix, um,
22 can easily go to it. Some of the things that are obviously

1 missing I think are, discussions about, say, plant-made
2 pharmaceuticals, or plant-made industrial compounds. Where
3 would they fit within the matrix? And, so more examples and a
4 good discussion about that would be appropriate at the next
5 meeting, to help look at that and see its utility.

6 Another issue that we talked about was post
7 monitoring and any effort to impose post monitoring through
8 regulation. Could, should the appropriate, based on the risks
9 of doing that and the benefits; and we said risks; we were
10 really talking, well what is the risk of doing post monitoring?
11 Well it's going to cost something. It's going to take time,
12 it's going to use resources, and someone in the agencies is
13 going to have to follow up on this and someone in the field too.
14 So post monitoring sounds good, but let's do a little bit more
15 in depth analysis before we jump to any conclusion about it.

16 Another issue we talked about is transparency. Often
17 cases under developmental phase of some of the PMP's we see the
18 term [confidential business information] CBI. The whole aspect of
transparency I think is discussed
19 within the proposed Rule, but yet perhaps not enough details.

- 20 So maybe a small group to really flesh out some of the issues
- 21 about transparency instead of just putting CBI, what can be said
- 22 about that protein that would be informative without giving out

1 specific information about it to competitors, for instance. So
2 there could be some more work there.

3 EVA RING: That was a good question that you just
4 posed.

5 JEFF BARACH: Okay.

6 EVA RING: What can be said about it?

7 JEFF BARACH: How can you make the deregulation
8 process more structured and predictable without adding
9 additional burdens? In other words, how do you go from a
10 regulated product to a deregulated product? What is the
11 critical path that takes you there and what is the structure to
12 get you there? It didn't seem like there was enough, in the
13 proposed Rule, enough description about how you get from point A
14 to point B; so more information there. The definition of a
15 noxious weed, we think really is too vague because we are of
16 course taking the definition that's already there and modifying
17 it for a purpose of regulating biotech products. We think that
18 that in itself is a critical issue for the whole discussion of
19 how you regulate it. You could use that definition to, really,

20 to build some structure to that and it needs some more

21 discussion.

22 And the last topic that we talked about was compliance.

1 We're working as a team today and we were working on it for
2 quite a while on modifying existing regulations and proposing
3 new regulations. One element that we see or we have experience
4 with is some of the major problems that have come out with the
5 biotech industry, the Star Links of Bt tests and such as
6 that. What we don't have a lot information on is, what is the
7 compliance history of developers as they go through these
8 processes and we thought that if there was some generalization
9 of what compliance, we're not talking who particularly did what,
10 some generalization of knowledge that can be shared about what
11 the compliance history has been that that can help us to
12 formulate what regulations are appropriate as a basis of, as a
13 benchmarking of what's been done in the past and what could be
14 done. So those were some of the issues that we just came up
15 with.

16 We also concluded with our thoughts that we are working
17 towards a final Rule. Biotechnology in general is changing
18 every day. As soon as the final Rule is published, it will be
19 outdated. So, even though we want to get it as good as we can,

20 we will try and get it as good as we can. We know that there

21 needs to be adjustments with, you know, as biotech advances, so

22 we'll get it, you all will get it as good as you can and then

1 make adjustments to it as need be in the future. These things
2 are always changing. So that was our thoughts.

3 EVA RING: Thank you very much. Any clarification,
4 questions or comments on that presentation? Yes?

5 RUSS SCNEIDER: Jeff, would you explain a little
6 more of what you mean by compliance history and how does... what
7 was the thought process there?

8 JEFF BARACH: Yes. The thought process was that
9 we know that there are within the permits, there are within the
10 permits, the structure built in to ensure that the companies are
11 following the permitting process and complying with what is
12 written down. Okay? So our thought process was that is there
13 anything there that we can put together say that, you know, this
14 is a particular area of issue where non-compliance is observed
15 and that perhaps our, the regulation should really focus more on
16 that particular area. So it's using a generalization of what
17 compliance issues are to help to formulate regulation.

18 RUSS SCNEIDER: Okay, I missed the part - this
19 permitting piece.

20 JEFF BARACH: Yeah.

21 EVA RING: So you might actually want to add

22 a question in your thing about how, if it was, was compliance

1 being used to form the basis for some of the regulations. Or
2 how could it be used. That would be a good question. And what
3 I began to think as you were talking, was about um, it seems
4 that you also have a good focus at your table on people
5 understanding things in more detail, you know, exactly what are
6 you talking about; more specifics. And it could be that you're
7 looking for something at the next meeting as far as
8 recommendations around what kind of further training and
9 clarifying information might need to be provided to have people
10 understand this. Because you sometimes can't get everything in
11 the Rule but, you have a good focus there. I'm hoping that
12 people will understand all of this. Thank you. Okay, let's see
13 who hasn't gone yet. Do we have anything from this table back
14 here or?

15 KEITH MENCHEY: Keith Menchey, with National
16 Cotton Council. We didn't have a great deal to add. Our
17 individual organizations have responded to comments on multiple,
18 and we've done it collectively, I mean; we've pretty much gone
19 over these issues many, many times. I guess within our

20 discussion we kept spilling into a debate of; where does science
21 based risk assessment stop? And where does economics and
22 marketing pickup? And should the two be mingled and should

1 these considerations be part of APHIS's consideration in
2 permitting and deregulation? We have no easy answer to that.
3 Clearly there are differences among the commodity groups and
4 among the tech providers in that answer. But as we discussed,
5 we kept spilling back into that debate, so, that's all we have
6 on that.

7 EVA RING: There's a very high level debate that's
8 taking place in all regulatory agencies, so if you can't solve
9 that, don't feel bad.

10 KEITH MENCHEY: One of the issues did come up was
11 imports and disparity among our trading partners and should we
12 allow unapproved products to come into the United States without
13 some type of reciprocity. Then again, you're spilling over in
14 that discussion into marketing so ...

15 EVA RING: So you're actually are adding something
16 I haven't heard about yet, at the next meeting that addresses
17 international implications of this regulation?

18 KEITH MENCHEY: Yes, but again you're spilling
19 into market considerations and is that the role for --

20 EVA RING: I'm not sure if that's the right thing

21 to do.

22 KEITH MENCHEY: -- a science based risk assessment

1 agency to go into that?

2 EVA RING: Thank you, any comments on that? I
3 would like to thank all of you for this hard work because that
4 ... those were excellent discussions you had at your table.
5 Whether you realize it or not they were very high level, focused
6 and each one in its own way focused on something new and
7 appropriate, so, thank you. Is there anything else? I mean,
8 this part of the meeting that you just heard was the part where
9 we were allowing you to have input into the content and agenda
10 format between the issues that you added and the questions that
11 you'd like people to focus on and I think, you know, speaking
12 for BRS, I think they heard some very good input from this. So
13 the next thing we wanted you to focus on was the process of the
14 meeting. What kind of meeting would you like to come to next
15 month or do you think people would be able to participate in the
16 ways that Mike Gregoire mentioned where its participants are
17 transparent, inclusive, different than it's been in the past.
18 And my colleague Jerry Coursey, was just, he's just going to
19 present to you a few options for meeting formats for your

20 consideration; which is definitely not all inclusive. Yes?

21 GREG JAFFE: I did have other comments about

22 substance and stuff that would be helpful for the meeting. I

1 thought we were going to have other opportunities, I don't know
2 where --

3 EVA RING: Okay, it could be right here before we
4 start the meeting format. I'd rather you make those comments
5 now. There might be some time right at the end, but in case
6 people leave early or something, I'd rather you say it now.

7 GREG JAFFE: Okay, so these are two substantive
8 issues that should be discussed by the information that would be
9 helpful by the participants at the public meetings to have. I
10 think that might bind the discussions. So, one is, um, I think
11 that although the Rule does at some extent having the agency
12 again explain the legal authority, the regulatory authority, and
13 what constrains it, I think would help the discussions, because
14 I think in the comments, what people talk about, people talk
15 about a lot of things that may or may not fall within APHIS's
16 regulatory authority and the constraints that is has. So I
17 think it's important to bring people... to have some sort of
18 presentations or some discussion about that because that is
19 still the bounds upon which this proposed Rule is really based

20 upon. And so I think that's important that the agency gives
21 some input into that or, and re-explains that. At the beginning
22 --

1 EVA RING: We printed a little phrase, but that's,
2 you know --

3 GREG JAFFE: Okay. The other thing is that
4 where I think I would see a lot of benefit is also some case
5 examples. I think that we can talk about the notification
6 process; we can talk about the revisions and the permitting
7 process; and can talk about the scope and these types of things,
8 but I think if there are some additional case examples that the
9 agency could provide that would sort of go through how these
10 things would work through the system that's proposed, that would
11 then give people food for thought. Be it whether it's a
12 pharmaceutical crop, whether it's a Bt corn or cotton or
13 something like that and maybe whether it's taking the last 10
14 products that have been commercialized and showing how they went
15 through, you know, what stages they went through in the current
16 system and what stages they would go through in the proposed
17 system. When I look at the comments that are on the docket I
18 think people are confused and may not understand what is really
19 changing and what is not really changing and by giving some case

20 examples, I think back to 2001, when the Office of Science and
21 Technology Policy put out 5 case studies, and obviously here
22 we're not talking about, those were long extensive documents

1 about different kinds of genetically engineered plants and animals and
2 how they might be regulated. I'm not talking about anything
3 like that. But, I think that, even hearing the comments that we
4 heard around the table here, if you want to have a good public
5 comment discussion I think putting some examples, both some very
6 typical crops that have gone through the system, how would they
7 would fall within this new system; just the average BT corn or
8 cotton or something like that. And also maybe some of them on
9 the margins; some of the harder cases; some of the
10 pharmaceuticals and some of the functional things or some things
11 that might not be yet, to show how they go through the system,
12 to show how they go through the different categories, how they
13 would, what kind of permitting procedure they would have,
14 deregulation procedure, things like that. I think that would
15 help all the participants at these public meetings.

16 EVA RING: I asked everybody, as you hear
17 these kinds of suggestions that you're making, to think about,
18 what would be the best way for people to learn or know about
19 those kinds of things at the next meeting. Would it necessarily

20 having something in writing or could there be some more

21 innovative ways to share some of this?

22 GREG JAFFE: And I wasn't thinking that

1 this is again.

2 EVA RING: Well I'm glad that you're saying
3 them now before we get into meeting format because these --

4 GREG JAFFE: I'm not asking the agency to
5 spend a huge amounts of time on this, but I do think that any
6 discussions you have, have to be bound and within the proposed
7 Rule and the current system; and I think some of this
8 information would help bound peoples thinking and I think then
9 you would get a more productive comment. That's what I have.
10 Sorry about that.

11 EVA RING: Thank you. Did any ... I don't want to
12 um ... yes?

13 BILL WENZEL: Well, I guess I agree with most of
14 it, but in the context of legal authorities clarifying, I think
15 part of what the discussion is, is that there is vast
16 differences of opinion and, you know, how that legal authority
17 is being interpreted and so I... it made me find a ... identify
18 what the agency feels that existing authority means to them or
19 how they interpret it, but I think it's got to clearly be

20 coached in those terms.

21 EVA RING: Thank you. Is there anything else

22 that might help everyone to think about the different kinds of

1 formats at the meeting where we could get at some of these kinds
2 of things; any other ideas? Thank you. I'm going to do a time
3 check just so I know what your time preference is. You're ...
4 Jerry when he presents the meeting formats it might take 10
5 minutes or 15 minutes, correct? And that would take us to, you
6 know, 25 minutes before 12 and then we were going to have an
7 exercise again, at your tables, that would probably take another
8 half hour or so to help to craft what you think this meeting
9 could look like, what formats that he talks about or other ones
10 that you know about would work. I want to know how you all feel
11 about; do you think you'd want to work through all of that
12 before lunch or take a break and come back after lunch and um,
13 it's up to you. It's 11:20 now. We probably, if we work the
14 whole way through it, it would go to about, once you present out
15 all your ideas, 12:30. Would you rather just work through and
16 then it would be done? Is that ... let me see ... is anyone not
17 ... that that would not work for? Okay, great, thank you. All
18 agree, Jerry.
19 JERRY COURSEY: Okay, thanks Eva. As Eva said,

- 20 I'm going to walk through with you a couple of options on
- 21 meeting formats and I think you've experienced most of these and
- 22 when you get back to your group we also want you to come up with

1 some other ideas that you've had; other public meetings that
2 you've gone to that were exceptional and really got at the
3 issues. Again, we're looking for your input, your
4 recommendations, and your opinions. We're not going to be
5 making any decisions here today, but we're certainly taking your
6 considerations seriously.

7 Now we've got some handouts here and Eva if you could help
8 me get these out to the folks. And as I said, there are 4
9 options here and there may be many, many others, but this will
10 get us started. And what I want to do is walk through these
11 with you and maybe look at some of the pros and cons and then
12 your turn to get it. Does everybody have a copy? All right, so
13 they go from the very traditional to the more innovative as you
14 can see. Again, traditional public meetings, I think we've all
15 been through this many, many times. You can read through that,
16 at what that would look like. And the advantages certainly are
17 that people know the routine and can prepare for those and
18 disadvantages are that they would not have the advantages of the
19 table group that we have today. The thinking and idea exchange

20 of other people in the audience, so that is the first one.

21 Second one, is really what you've been doing today; a

22 variation of facilitated table groups. Again, there are

1 different ways to do this; whether in homogeneous groups or
2 heterogeneous groups. That could be a decision point. You self
3 facilitated today. I think that was fine. We can also have
4 agency facilitators who are trained if there are bigger tables.
5 We'll bring facilitators in from the outside. And again, like
6 you did today, it'd be the table groups discuss their own
7 perspectives, key issues, come up with recommendations and often
8 times one of the benefits is that in a discussion you hear other
9 peoples perspectives and it may generate a new idea, a new
10 concern, a new approach. So those are the facilitated table
11 groups. Stop me at any point if you have any questions about
12 any of this or any of these.

13 Okay, the third option is an option I think that BRS has
14 used in the past and it's called station posters and think in
15 your mind about this room here and there would be maybe 7 or 8
16 experts in particular parts of the reg. stations in the
17 different parts of the room. And there would be chairs in front
18 of these people and there would be rounds probably of either 20
19 minutes of 30 minutes and people could self select and go to

20 different rounds and have some intensive discussion with one of
21 the experts or two of the experts on a particular issue. Those
22 discussions would be transcribed. We would call time after 30

1 minutes and move around to another station. Now there are many
2 variations of that, but that is certainly different than the
3 first two. It's called station posters. Has anyone ever done
4 that in a hearing or part of a hearing where they've done that?
5 Okay, so that's sort of an innovation to think about.

6 And the 4th is something that's loosely called group ware.
7 And this is using a basically technology at group table like
8 you're at today. And let's say that at your table you have a
9 computer that was hooked up to a server in the room and one
10 person was tracking the discussion of the table and the
11 information was then sent on to what's called "theme groups" of
12 a team of mutual people, maybe 4 or 5 that would be looking at
13 the data and they would be picking out themes and those themes
14 would then very quickly, probably in 15 or 20 minutes be sent
15 back to table groups and each of the table group members would
16 have key pads where they could vote or weigh in on the certain
17 options, perspectives, issues. So it's basically processing a
18 lot of data very quickly, in real time, organizing it, and
19 getting it back to the table groups and letting people weigh in

20 on prioritizing or voting in some way. There are different
21 organizations out there that in the private sector who are doing
22 this. It's been used in the public sector. That again is an

1 option format. Okay? Now those are 4, there are probably some
2 other ones that we haven't thought of that you have gone
3 through, so what we'd like you to do at the table groups is have
4 a discussion about your own experience and what you think is the
5 right approach for the public meeting in April; maybe a
6 combination of a couple of these. Again, as Eva said earlier
7 you don't have to reach consensus. You may have 2 or 3 options
8 that you want to put out there.

9 EVA RING: Like for #2, I mean, facilitated table
10 groups -- I think Epic Science has used group, groups of tables,
11 focus groups I think is what they were and they had people come
12 in and go through a set of questions with the people at their
13 table and that's another kind of option for #2. And there are
14 --

15 JERRY COURSEY: So that's a variation?

16 EVA RING: Yes.

17 KEITH MENCHEY: Could I make a suggestion for our
18 format that might be able to make this go a little bit faster.
19 I mean we're not a very large group here. I would suggest we

20 just share our thoughts. That way I can hear what's going on at
21 that table as well as this table. Like I said, we're not a very
22 big group here. I think we could just share some thoughts

1 collectively.

2 EVA RING: I leave that up to the group. I mean,
3 some people feel more comfortable sharing ideas at a smaller
4 table than to a large group. Some people sometimes don't offer
5 anything, but I always try and make sure everybody gets a chance
6 to be heard. So would everybody feel comfortable if we did it
7 in full or did you like talking at your table? Let me see any
8 hands of people who would rather just continue to do it like
9 we're going to do it at your table and then present out. Okay,
10 they would prefer ... it looks like there are some people who
11 would like to just talk at their table; they'd feel more
12 comfortable. Is that okay with you?

13 KEITH MENCHEY: I was just thinking about time.

14 EVA RING: We won't spend as much time as we spent
15 on the last one.

16 JERRY COURSEY: Folks, I'm going to suggest that
17 if you don't have any more questions by 20 minutes, and we'll
18 check in with the people, with the groups and see how you're
19 doing and if you're ready to go before that, we'll go. But

20 again, have a good discussion at your table; look at the options
21 on the paper; look at some of the public hearings that you've
22 been in that were very effective. Rick, were you going to show

1 the DVD?

2 RICK COKER: Yes. Do you want to go ahead and
3 do that now?

4 JERRY COURSEY: This is a quick DVD on the group
5 ware option, 2 minutes, 2 1/2 minutes. This gives you a sense
6 of what it might be.

7 RICK COKER: It's not coming up.

8 EVA RING: This is your fault Dave; I heard
9 it coming up before. This would be appropriate if it was a
10 large group. Probably over 60 65 folks would at least have to
11 be there to use this kind of thing you're going to see. This
12 volume ... (DVD Plays, but has technical problems) Maybe we
13 should be getting on and if it comes on we'll all stop and watch
14 it.

15 JERRY COURSEY: Why don't we just go and get
16 started and go to your ... you're in your groups now; start your
17 discussion; again use the paper for resource; and again think of
18 the upcoming session in April and what would be some of your
19 concrete recommendations for how a meeting might look. Yes?

20 JEFF BARACH: One thing I didn't hear you say
21 was what your anticipated audience size would be, because you
22 mentioned size on this group ware thing. What are you all

1 expecting or that may help us to decide which of these --

2 JERRY COURSEY: Does one of the staff want to take
3 care of that?

4 ANDIE HUBERTY: Could you repeat the questions
5 please?

6 JEFF BARACH: The number of people anticipated
7 at the meeting, the number.

8 ANDIE HUBERTY: I think, I mean, we have hopes for
9 how many will come. You know, we didn't even know ... we were
10 unsure as to the interest even in this meeting and we are quite
11 pleased that so many people came, so we're hoping that you go
12 and tell your members and your, you know, contacts in that
13 organization to come in and participate in those meetings.

14 JEFF BARACH: In the past you all have had
15 poster sessions in this room. Any record of how many people
16 showed up at those?

17 ANDIE HUBERTY: Yes, this meeting is more than we
18 have received at any of the other public meetings or poster
19 sessions.

20 EVA RING: What factors, and I encourage all of you
21 at your tables to talk about what factors would make it more,
22 you know, would contribute to having more folks come? What

1 kinds of things could BRS do to encourage more folks to come?
2 So, you know, try and answer that question at your tables. Not
3 ... when we're talking about how could the meeting look?
4 Designing a meeting; part of designing a meeting if any of us
5 have had to do it is figuring out how to get people to come, to
6 want to come and what their roles would be if they came. So I
7 encourage you to talk about that topic. Yes?

8 GREG JAFFE: What is the goal of BRS for the
9 meeting? Because to me that helps play into what the structure
10 of the meeting might be. And now, is this just to get
11 additional comments on these 4 topics; is it trying to have
12 stakeholders explore what's behind their comments to see if
13 they might change their comments or come up with new ideas? In
14 other words, is this a brainstorming session to try and come up
15 with new ideas and new ways to ... new changes in the proposals?
16 Is it trying to meet consensus; is it trying just to hear
17 orally, more depth about the comments? To me, depending upon
18 what the goal is, would very much shape how the meeting would be
19 focused and what would happen at that meeting. So, I have

- 20 trouble choosing among these because I don't have an idea of
- 21 what participants at those meetings are going to be asked to do.
- 22 EVA RING: Thank you for asking for clarification

1 and I'm going to have you answer him.

2 MICHAEL GREGOIRE: Well, there are a few
3 things. One, we'd like to have a deeper level of discussion
4 around these issues. I think it's an opportunity for folks that
5 will be attending the meeting to hear from us in terms of what,
6 not only what we've proposed, but what we were trying to
7 accomplish by what we proposed and to have a discussion around
8 those things. And so it's an opportunity for you to hear from
9 us or for us to hear from participants and for participants to
10 hear from each other. And maybe for us to get a sense of where
11 there are some areas of common interest and where there are not,
12 because as I said, we've got many, many comments and most of the
13 issues we have a wide array of views and so to the extent we can
14 delineate some of these areas more deeply and maybe if there are
15 ways that folks can offer alternatives to what we were trying to
16 get at, that maybe we missed the mark in what we proposed.
17 Those are the kinds of things that we were hoping to get out of
18 the discussions.

19 CARLA WEST: And Mike, are there any parameters

20 in the new transparency dockets that you've received about how

21 many stake holders have to be involved? Is there like, do you

22 ... I may not be asking so well but, how broad does your

1 audience have to be in these kind of public forums for you to
2 feel like you've satisfied your requirements?

3 MICHALE GREGOIRE: We haven't really been
4 given any guidance instruction on numbers, but, I mean,
5 generally we've been encouraged to reach out to a broad array of
6 stake holders. I mean, as a matter of general principle. So,
7 I'm not really sure how many people to expect. We were hoping
8 maybe you could help us understand how many people might be
9 coming from your groups because that will help us design a
10 meeting that, you know, if we're going to have 25 people it may
11 look one particular way, but if we 80 people then we may have to
12 do some things differently. So, to the extent if we have a good
13 sense ahead of time about the numbers of folks that may be
14 participating, I think that would help make the meetings more
15 fruitful too.

16 EVA RING: I would encourage you, you know, to
17 consider that at your tables as well. Who would need to be
18 there in your mind to make it a valuable experience? You could
19 help BRS by addressing that question. We really think that it

20 would be ... it would inform this whole issue if these different
21 groups convened and if you think there's specific stakeholder
22 groups who have not been reached out to or that if they were

1 there it would make it richer, you should include that in your
2 suggestions for the meeting and this format. And you should
3 address your topic as well. So, I think there spent ... the
4 comment as I understand it is going to be extended for another
5 60 days. Is that correct?

6 DAVID HERON: Correct.

7 EVA RING: So, I guess what we're hoping, you know,
8 in answer to your question is one of the purposes is that, you
9 know, if people didn't comment, for instance, because they just
10 didn't understand, you know, some of the significance, or
11 ramification of some of this, they will understand it after they
12 participate in a meeting like this. And there could be some
13 more comments that are more informed on the part of everybody
14 that comments. Or they might of made some comments that were
15 based on that, on some kind of parochial view point that now
16 understanding all the view points, there might be a different
17 sense of what's important to do here. So that's one of the
18 goals that we have.

19 BOB EHART: Are you still headed towards

20 regional meetings or do you have --

21 EVA RING: You're asking me about regional

22 meetings?

1 BOB EHART: Yes.

2 MICHAEL GREGOIRE: Well, we had envisioned
3 there being a significant meeting down in Washington or here.
4 Again, that's one of those things that if folks feel differently
5 we need to know that, but that is our thinking at this point.

6 EVA RING: That's another factor, where you think
7 it should be. We're going to try this again, up here. (DVD is
8 played)

9 JERRY COURSEY: Okay, so as you probably saw from
10 some of the material on the table, this is the meeting that was
11 held in Manhattan in July 2002 to have a public discussion about
12 how the former World Trade Center site would be used and
13 developed. So I think they had over a 1,000 people, maybe close
14 to 1,500 people there. But the technology that we talked about
15 briefly was basically the same. Computers at the table; a
16 theme; a team that is monitoring the discussions at the table;
17 organizing the themes; everybody had a key pad as you could see
18 at the tables, and then beginning to weigh in and monitor their
19 preferences on the issues that were identified. So it's a way

20 to work with a large group of people in a short amount of time

21 to get a sense of the audience where they are in their

22 preferences. All right, how about if you start with your table

1 groups. If you could either write them out in long hand as you
2 did before on a flip chart that would be helpful. Eva and I'll
3 be checking in and let's say 20 minutes right now, if you're
4 done before then, why don't you raise your hand and let us know.
5 And again, as Eva we mentioned at the very end, think about who
6 should be at that meeting, both participants and certainly
7 people from the agency and the USDA.

8 (Break out into discussion groups)

9 JERRY COURSEY: Who's going first?

10 KEITH MENCHEY: We'll go first.

11 JERRY COURSEY: Thank you. Okay.

12 KEITH MENCHEY: We had a discussion, I guess about
13 the purpose of public comments and responsibilities of the
14 participating parties and responsibilities of APHIS and I think
15 we're pretty much agreed that the purpose of the comment period
16 is to provide comments to APHIS and then APHIS takes that
17 information and makes a decision. These kinds of formats are
18 fine but these... we will never come to a consensus. We don't even
19 have consensus among commodity groups, so when you start mixing

20 up with larger groups with other diverse interests, you're going
21 to get even further and further from coming to a consensus. So
22 we kind of feel that these kind of little table things, this is

1 not the right purpose for this. I mean the thing about the
2 community projects that fine, it worked well there. But for the
3 purpose of public commenting on a proposed Rule, we don't think
4 this is the appropriate format because we're just supposed to
5 give you guys information, thoughts, hey did you think about
6 this, well if you do this it's going to effect that, and then
7 you all are supposed to make the decisions. So we would vote for
8 a more traditional kind of format in DC with soda's, coffee and
9 donuts. And if, I mean, I know what the fear of just putting a
10 microphone is up there, there's going to be some groups that are
11 going to want to monopolize and you know, bring numerous people
12 in to make their point. If you want to have a more controlled
13 environment, you might consider having various panels as long as
14 those panels are balanced. Because like I said, even within the
15 commodity groups, we have different opinions on certain issues.
16 But that might be a way for you to control some of the
17 environment in that and make sure that your questions are being
18 answered and you get the right input into what you're trying to
19 find.

20 CARLA WEST: And also in a public format, that
21 gets everybody an opportunity to hear the opinions of the groups
22 that comment.

1 JERRY COURSEY: That's certainly one of the
2 benefits of the traditional public hearing. Now, on the various
3 panels, you're telling me a panel for each issue or various
4 issues or --

5 KEITH MENCHEY: You could handle it in different
6 ways. You could either do it that way or you could have a panel
7 of commodities, a panel of consumer interests and a panel of...
8 and then let them go through the four issues. Because like I
9 said, you've got to be sure, because my friends in Rice don't
10 agree with some of the things that I believe in, so you got to
11 make sure that you understand where that diversity of opinions
12 are coming from so that they're represented. Just a food for
13 thought; the Boston Cream with the chocolate on top are
14 definitely my kind of donuts ...

15 JERRY COURSEY: What kind of soda's would be good?
16 Thank you. Thanks for the input. Okay, another table. Right
17 here and we'll go with you folks after.

18 RACHEL LATTIMORE: We took sort of a hybrid
19 approach and following up of Greg's impression about the

20 purpose; what we heard Mike saying was, because you know, a lot
21 of the folks around here have submitted comments already on this
22 and to Mike's comment that the Agency has remaining questions,

1 we thought that one approach might be to organize around tables
2 that could be homogenous in a certain way, not necessarily, you
3 know, not exclusive, but that might be issue based or you know,
4 these, you know, the commodity folks may disagree if we put the
5 commodity folks at one table, we could go through their issues
6 and ask questions, you know, that you've submitted comments,
7 the agency has questions that they could have before. It may
8 just be the tank providers who care about some of the details
9 that are really, pardon the expression, in the weeds on some of
10 these issues that nobody else is really is that involved with,
11 you know, how containers plastic or metal. There may be other
12 issues, you know, around something like PMP's that there'll be a
13 discrete group of people that care about that issue and so the
14 agencies, the State and other federal agencies, may have
15 specific issues that they want to get into and then the BRS
16 could go from table to table and talk about those issues that,
17 that particular table would be interested in.

18 JERRY COURSEY: All right.

19 EVA RING: So you're reversing the format from BRS

20 experts at tables and you roam around. The BRS folks would roam

21 around to your table experts.

22 RACHEL LATTIMORE: Exactly because we're going

1 to [be] sitting at the table enjoying our Danishes and we don't want
2 to have to get up move around.

3 EVA RING: I see.

4 JERRY COURSEY: So in your view, the tables would
5 be homogenous; industry, States, other federal agencies,
6 organic, whatever.

7 RUSS SCNEIDER: It would be exclusive so that you
8 could go from table to table to hear and having put everyone
9 where you wanted them.

10 JERRY COURSEY: Okay, that's public members to.
11 Is there anything else that you want to add to that?

12 EVA RING: I have one question. Does that mean in
13 that format you wouldn't hear what the other tables, or be
14 interested in what the other tables were saying?

15 RACHEL LATTIMORE: I think that maybe not in
16 real time.

17 EVA RING: Would there be some other thing that
18 could happen, that could be as you see it that would allow for
19 that is all that I'm saying.

20 RACHEL LATTIMORE: Yeah, I think maybe a
21 summary at the end that you know, if Mike and his team had their
22 list of questions, you know, these are specific questions that

1 we had with the tech providers comments about, could the
2 containers be blue instead of orange and we want to ask you
3 that, then that back and forth would be on the record and
4 transcribed. There maybe, you know, maybe the beginning, you
5 know, there are a list of questions we're going to be generally
6 asking the groups and they can prepare for, prepare a response
7 and that preparation would be off the record, but then the
8 actual question and answer with the BRS folks would be on the
9 record and maybe some odds that the end --

10 EVA RING: So you just said another important
11 thing; you can see the questions being communicated to these
12 groups in advance.

13 RACHEL LATTIMORE: I don't know if logistically
14 that could work or maybe at the beginning of the meeting just so
15 folks could go back to comments they prepared and then members
16 could say, oh yes, this is what we meant by... on page 17. Again,
17 going to what's the purpose of this meeting, if it is to answer
18 remaining questions that BRS has about our comments, it provides
19 --

- 20 EVA RING: So that option is, the purpose is that
- 21 Jerry, the purpose is to answer ... for BRS to get clarification
- 22 about different commenter's interests.

1 JERRY COURSEY: All right, thanks.

2 RACHEL LATTIMORE: Oh yeah, and regional, you
3 know, not necessarily to keep it all inside the beltway; if there
4 are academics, a group that I don't see strongly represented
5 today. But maybe having a meeting in California or maybe in the
6 mid-west could allow for their participation. So having these
7 meetings be regional as well.

8 JERRY COURSEY: All right, thank you; over here.

9 JEFF BARACH: Yep, okay. So I think our
10 comments are similar to some of the other groups, but our
11 structure is a little different because we saw a dual purpose
12 for the meeting. First purpose was really to, for the stake
13 holders and the people involved to gain a little more knowledge
14 about the proposed Rule by asking the experts questions and that
15 during the 60 day period afterward, if they needed to modify
16 their comments or put their comments together, that would be the
17 time that they would do it. The other purpose for the meeting
18 was for the agency and the people who are involved is to have
19 questions answered from the first 1500 comments that they got,

20 the main issues and questions that they may have. So that the
21 structure we came up with to meet both of those purposes was the
22 facilitated table group which is second on your list there.

1 And what we thought would be good is for people, as they signed
2 up for the meeting, through email or whatever, to be assigned to
3 different tables so that there's a random distribution of people
4 at each table. And then there would be one agency person who
5 was the so called expert on each of those four issues would
6 visit each table. Going to the table first, talking and giving
7 dialogue and receiving information back and going to the next
8 table so that each table would have the opportunity to talk to
9 an expert about the four different issues and to express their
10 questions as well as receive information. It would be sort of
11 back and forth to each of the people. And as far as the stake
12 holders, who should be there, typical ones the agencies and of
13 course many of the food chain starting with research and
14 companies that are doing development all the way on up to the
15 retailers. And you made a good point Rachel, about academics.
16 We think that academics could play a part here in telling us
17 about the public. So that's it.

18 EVA RING: Any questions for that group?

19 JERRY COURSEY: Okay, good. So mix table groups

20 and the experts would again travel --

21 JEFF BARACH: To each table.

22 JERRY COURSEY: To each table and facilitator

1 would stay at the table --

2 JEFF BARACH: To capture the information, right.

3 JERRY COURSEY: Okay.

4 JEFF BARACH: And then take, as maybe Rachel
5 said, at the end, those 4 experts who captured that information
6 could make a presentation to the whole group.

7 JERRY COURSEY: All right. Are there any questions
8 that anybody else has for the table; clarification? Okay,
9 thanks. This group ... or this group back here?

10 TYSON REDPATH: Sure we'll go. I think we're very
11 close to that last comment; the table groups is something that I
12 think we view as constructive. I think that the experts roaming
13 to each table is good. We just want to make sure that those
14 experts, when they come to the table have very defined topics,
15 so that they can raise the topic, collect view points and then
16 move on. And the only other thought we had is, Greg maybe you
17 want to elaborate on this?

18 GREG JAFFE: Part of this is we think is
19 brainstorming for the agency trying to help you all and so maybe

20 one day, not to extend this out too long, but maybe one day

21 could be brainstorming on the record and the second day might be

22 brainstorming off the record. I think that there's some concern

1 that with the mics turned on maybe there's some thoughts that
2 could be raised, that would not otherwise be raised if the
3 microphones were not on.

4 JERRY COURSEY: All right and this would be
5 brainstorming around some issues in general? Particular issues
6 you're thinking of? Just --

7 GREG JAFFE: Again, part of it depends on what
8 the purpose of the meeting is, but if the goal is to sort of
9 explore what is behind different peoples ... as Rachel said,
10 those having virtually everyone in this room has already
11 submitted comments and I think that the scope of people who will
12 come to meetings in April are also the group of people who have
13 probably already submitted comments and probably will submit
14 additional comments. So the issue isn't getting the comments,
15 isn't getting the opinions. But it's the agency getting behind
16 those opinions and understanding what's really important behind
17 those and for different stake holders to hear those opinions and
18 to see if maybe there's a common ground on that. And some of
19 that, I think, needs to be done on the record, but maybe, I

20 thought of it as a prelude on the first day of the meetings with

21 more brainstorming off the record and the second day as more of

22 an on the record kind of thing. I mean, I do think there's ...

1 if you want to try and get different stake holders and try to
2 get, and the agency to try to explore what is behind the
3 comments and if there are commonalities and if there are ways to
4 move forward people may feel more comfortable doing portions of
5 that. I mean portions of this meeting for example are on the
6 record and portions have been off the record; when we had our
7 internal groups. I think that's a good thing. The one comment
8 I would have about that is I'd prefer even off the record they
9 can still have more of an engagement of the agency so this means
10 that the agency sat back there, we had our small groups and the
11 agency only heard the breakouts. I think it's important for the
12 agency to hear the full breadth of that discussion including the
13 discussion that's off the record; just for informational
14 purposes. And I don't know whether this ... I haven't read
15 whether all this goes with FICA or does it go with all the open
16 records, you know, kinds of rules and things like that, but
17 conceptionally I think that's the best way to do something. And
18 so, as an individual coming to a meeting, I do want whatever I
19 say to be heard by the agency, even if it's in small groups and

20 having just the breakout, I don't think gets the range of issues

21 and the range of comment and things to the agency and so if

22 you're going to bring people together and ask them some

1 discussion I think the you need to capture all of it even if all
2 of it may not be on the record. Individuals or experts from the
3 agency who are listening to the discussion can just get a flavor
4 of it. Again, that's not to say for attribution to one specific
5 group or one. The idea is that it doesn't add
6 attribution to one specific person or to one specific group, but
7 they can get new ideas from that discussion and I think when you
8 only have breakouts that, then you, for some reason breakouts
9 you don't get that same breadth of ideas.

10 JERRY COURSEY: Okay, good point. So today it
11 might have looked like an agency person for each table;
12 listening and getting involved in the discussion and that could
13 be in the future. Good, anything else from the table? Thanks,
14 all right.

15 BILL WENZEL: Well I think that we would
16 probably go along with the table over here with the mixed table
17 idea. I think that makes a lot of sense. We needed to be
18 participatory and I think that's been one of the failures in the
19 past is that people feel that their voice is heard one on one

20 and they kind of lose the dialogue of people who don't feel that
21 their voices are necessarily being heard. So, I think it makes
22 more sense to have this kind of mixed table. I also agree that

1 the idea of mixing those tables up so that you have different
2 interests being represented and there's a dialogue back and
3 forth makes a whole lot of sense. One of the purposes as Mike
4 pointed out was to kind of figure out if there is some kind of
5 common ground, where the only way that's going to happen is to
6 have that kind of dialogue and understanding among people who
7 think they have different ideas, but in reality maybe closer to
8 some common ground than they think. I think one of the things
9 we talked about is, one of the issues, and I don't know if we
10 resolved it, is that in terms of the people being present with
11 the kind of questions you're asking it really implies a high
12 level of sophistication and expertise on the issues and what's
13 going to involve those Rules. So I'm not quite sure what that
14 means in terms of getting stake holders to the tables and how
15 that impacts full participation, but I do think that however
16 it's ah, you are looking at having a group that is pretty
17 knowledgeable around that represents a broad group of interests
18 and it probably, finally, I think this goes along with what
19 somebody else said initially, is that then I think it does make

20 sense to have the questions published in advance so that people
21 can think about them and they can probably discuss them among
22 their groups and then send a representative or two to the

1 meetings and that way you can kind of maximize participation
2 without having to send a ton of people to the meeting. Is there
3 anything else Mike?

4 JERRY COURSEY: All right. Again a lot of common
5 things with some of the other groups; you talked about mixed
6 tables; getting questions out in advance; learning from each
7 other. I think both tables just, in the last two presentations
8 talked about common ground and gaining similar interests that
9 different groups that different parts of the stake holders
10 community have. Okay, thanks. Let me check with everybody
11 else; any other ideas that you want to get up or throw out
12 before we move on? Okay, thank you and again we are
13 transcribing from the mics. I've done a little bit up here and
14 we're taking back there, so I think we got the conversation down
15 pat here. Again, thanks for your work, your creative work.

16 EVA RING: Very good, yeah well, I think we're
17 going to be wrapping up now, but I too appreciate what you just
18 did because there were a lot of just ... I think everyone
19 realized with everyone's presentations just some of the

20 intricacies of trying to figure out what approach would work

21 best when you have sophisticated folks and then you have some

22 that aren't as knowledgeable about all the different

1 implications of everything. And then when you have ... we're
2 not able to necessarily as she was asking in the back, how can
3 you ensure balanced, a balanced group of stake holders are there
4 when it's by the nature of a public meeting you open it up to
5 whoever wants to come. You can't designate only certain ... but
6 there's a lot of challenges in this process and in also what the
7 off the record thing, it also makes me think and not just ... I
8 guess I'm going to be, you know, recorded here but, about other
9 opportunities that some of your organizations might have to host
10 some things that could have off the record and on the record;
11 things versus our process which usually has to be when it's
12 already a Rule out there, on the record. So just put it out
13 there as a thought. This is a leadership type of behavior on
14 the part of BRS to convene everyone to talk among themselves and
15 that kind of behavior can be replicated by any of you to. All
16 right, I'm going to turn it over to Mike.

17 MICHAEL GREGOIRE: Well I just wanted to
18 conclude by again thanking everybody for participating today and
19 coming out on rather short notice. I just wanted to say a few

20 things about what will happen next. I feel like we got some
21 really good input today and the issues that we need to discuss
22 in April and the kinds of questions we should be asking about

1 each of the issues and some really good ideas on the format to.
2 We will shortly be setting dates, times and locations and I
3 promise we will give you more advance notice for the April
4 meetings than we did for this meeting. We really want to give
5 at least two weeks advance notice, so assume, I think we'll be
6 getting a Federal Register Notice out and we'll also use the web
7 and email to let people know the date and location of the
8 meetings; and so that the first communication about that will
9 probably be date, place and location, but not a lot of
10 particulars about the meeting itself. Concurrently we'll be
11 working within BRS on the specific meeting format, the
12 questions, and any supporting materials and so on and then we
13 will post that information on the website. So in terms of
14 meeting dates, I'm looking at about four weeks out from today,
15 so some time in mid April to have those meetings. I would also
16 remind folks that we are accepting written comments and
17 suggestions on the meeting agenda and meeting format and we're
18 accepting those until next Friday, the 20th and people can submit
19 those on regulations.gov or they can email Rick Coker whose

20 email address is in the notice and if it's not there it is or

21 will be on our website. So if you have additional ideas that

22 you think about after you've left here and you want to send

1 those to us, we'll take that into account as well as we plan the
2 meetings. And then we'll also be publishing a transcript of
3 this meeting as well, so that will be available on our website
4 and regulations.gov, but we'll send information out when that's
5 made available. Okay, for my folks, is there anything else that
6 I forgot to say before we end? You're probably thinking, 4
7 weeks huh? Okay, thank you again very much.

8 (Whereupon the USDA/APHIS hearing was concluded)

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1 CERTIFICATE OF COURT REPORTER

2 I, NATALIA KORNILOVA, the officer before whom
3 the foregoing was taken, do hereby certify that the
4 following was taken by me by audio recording and
5 thereafter reduced to typewriting under my
6 direction; that said transcript is a true record of
7 the recording taken by me; that I am neither counsel
8 for, related to, nor employed by any of the parties
9 to the action in which this deposition was taken; and,
10 further, that I am not a relative or employee of any
11 counsel or attorney employed by the parties hereto,
12 nor financially or otherwise interested in the outcome
13 of this action.

14

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16 NATALIA KORNILOVA

17 Notary Public in and for the

18 State of Maryland

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