



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Biotechnology
Regulatory
Services

4700 River Road
Riverdale, MD
20737

Mr. Craig Richael and Ms. Tracy A. Rood
Simplot Plant Sciences
5369 W. Irving St.
Boise, ID 83706

Re: Confirmation that low PPO5 potatoes are not a regulated article

Dear Mr. Richael and Ms. Rood:

Thank you for your letter dated November 11, 2016 inquiring whether or not the potato product described in your letter is a regulated article. Your letter describes low PPO5 potatoes that have reduced black spot, a condition that is caused when potatoes are bruised or damaged.

The Plant Protection Act (PPA) of 2000 gives USDA the authority to oversee the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds to protect the agriculture, environment, and economy of the United States. The APHIS mission is to protect the health and value of American agriculture and natural resources.

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

In your November 11, 2016 letter, you describe your potato plant (low PPO5, reduced black spot) as having a knockout gene. The plant was developed by introducing a TALEN[®] reagent into potato by *Agrobacterium*-mediated transformation followed by transient expression of the TALEN[®] reagent to achieve the *PPO5* gene knockout. Polymerase Chain Reaction techniques, Southern Blots and T7 endonuclease I assays were used to screen regenerated potato plants to confirm that no DNA from the TALEN[®] reagent or *Agrobacterium* remained in plants selected for your reduced black spot potato. The TALEN[®] reagent and certain other genetic sequences used in the

development of the potato plants were derived from plant pests but no genetic material was inserted into the final potato plant genome. The final potato products (potato plants) contain only the genetic material present in the original potato plants and a small deletion in the original *PPO5* gene.

Based on the information cited in your letter, APHIS has determined that this low PPO5 potato does not contain any introduced genetic material. Therefore, consistent with previous responses to similar letters of inquiry, APHIS does not consider the low PPO5 potato as described in your November 11, 2016 letter to be regulated pursuant to 7 CFR part 340. Additionally, potato is not listed as a Federal noxious weed pursuant to 7 CFR part 360, and APHIS has no reason to believe that the genetic alteration of your low PPO5 (reduced black spot) potato would increase the weediness of potato.

Please be advised that the importation of low PPO5 potato seeds, tubers or plants, like all other potatoes, will be subject to APHIS Plant Protection and Quarantine (PPQ), permit and/or quarantine requirements. For further information, should you plan to import these potato seeds, tubers or plants, you may contact Shailaja Rabindran at 301-851-2167 or contact PPQ general number for such inquiries at (877) 770-5990.

Please be advised that your low PPO5 potato variety, while not regulated by APHIS under 7 CFR part 340 may still be subject to other regulatory authorities such as FDA or EPA.

GE potato plants from this transformation that retain inserted genetic material may be considered regulated pursuant to 7 CFR part 340. Furthermore, should you become aware at any time of any issues that may affect the Agency's conclusion regarding this inquiry, you must immediately notify the Agency in writing of the nature of the issue. We hope you appreciate our commitment to plant health and support for the responsible stewardship for the introduction of GE plants.

Sincerely,



Michael J. Firko, Ph.D.
APHIS Deputy Administrator
Biotechnology Regulatory Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture



Date