



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Biotechnology
Regulatory
Services

4700 River Road
Riverdale, MD
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May 08, 2012

Richard Shank, Ph.D.
Senior Vice President, Regulatory and Government Affairs
Scotts Miracle-Gro Company
14111 Scottslawn Road
Marysville, Ohio 43041

Re: APHIS confirmation of the regulatory status of Kentucky bluegrass genetically engineered without genetic material from plant pests.

Dear Dr. Shank:

This letter is in response to your January 31, 2012 letter requesting APHIS' confirmation on the regulatory status of Kentucky bluegrass, *Poa pratensis*, transformed with biolistics to include genetic material from various plant species.

APHIS regulations for genetically engineered organisms 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 at §340.1, a GE organism is deemed a regulated article if it has been genetically engineered from a donor organism, recipient organism, or vector or vector agent listed in §340.2, and the listed organism meets the definition of "plant pest" or 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.

APHIS has evaluated the description of the GE Kentucky bluegrass that you intend to field test. APHIS has determined that Kentucky bluegrass itself is not a plant pest, no organisms used as sources of the genetic material being used to create the GE Kentucky bluegrass are plant pests, and the methods being used to genetically engineer this particular plant do not involve plant pests.

No plant pests, unclassified organisms, or organisms whose classification is unknown are being used to genetically engineer this variety of GE Kentucky bluegrass. In addition, APHIS has no reason to believe this variety of GE Kentucky bluegrass is a plant pest. Therefore, APHIS does not consider this GE Kentucky bluegrass described in your letter dated January 31, 2012 to be regulated under 7 CFR part 340.

Please be advised that genetically engineered plants may still be subject to other applicable regulatory authorities such as EPA and FDA.

Sincerely,

Michael C. Gregoire
Deputy Administrator
Biotechnology Regulatory Services



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