

**Determination of Nonregulated Status for Syngenta Seeds Event 3272 Corn
(Alpha-amylase and phosphomannose isomerase corn)**

In response to petition 05-280-01p from Syngenta Seeds, Inc., the Animal and Plant Inspection Service (APHIS) of the United States Department of Agriculture (USDA) has determined that Event 3272 corn and progeny derived from it are unlikely to pose a plant pest risk and are no longer to be considered regulated articles under APHIS' Biotechnology Regulations (Title 7 of Code of Federal Regulations (CFR), part 340). Since APHIS has determined that Event 3272 corn is unlikely to pose a plant pest risk, APHIS will approve the petition for nonregulated status of Event 3272 corn. Therefore, APHIS approved permits or acknowledged notifications that were previously required for environmental release, interstate movement, or importation of Event 3272 corn and its progeny are no longer required. Importation of Event 3272 seeds and other propagative material will still be subject to APHIS foreign quarantine notices in 7 CFR part 319 and Federal Seed Act regulations in 7 CFR part 201.

This determination for Event 3272 is based on APHIS' analysis of field and laboratory data submitted by Syngenta, references provided in the petition, peer-reviewed publications, and other relevant information as described in the Plant Pest Risk Assessment (PPRA) for Event 3272 corn. The Final Environmental Assessment (EA), the Finding of No Significant Impacts (FONSI), and the Response to Public Comments on the Draft Environmental Assessment (EA) indicate and confirm that Event 3272 corn is unlikely to pose a plant pest risk.

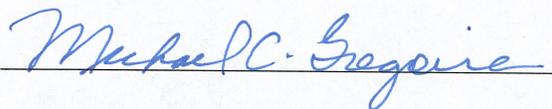
The Plant Pest Risk Assessment conducted on Event 3272 corn concluded that it is no more a plant pest than conventional corn cultivars, it does not pose a plant pest risk, and it should be granted nonregulated status for the following reasons: (1) the disarmed *Agrobacterium* plant transformation vector used to introduce the genetic material into Event 3272 corn was eliminated and neither the transformation vector nor the introduced genetic material can cause or promote disease, damage or injury to plants; (2) it exhibits no characteristics that would cause it to be weedier or more difficult to control as a weed than the non-genetically engineered corn hybrids evaluated or any other cultivated corn; (3) gene introgression from Event 3272 corn into wild relatives in the United States and its territories is extremely unlikely and is not likely to increase the weediness potential of any resulting progeny nor adversely affect the genetic diversity of related plants any more than would cultivation of traditional or other specialty corn varieties; (4) agronomic performance, disease and insect susceptibility, and overall compositional profiles of Event 3272 corn are similar to those of its non-genetically engineered corn counterparts and/or other corn cultivars grown in the U.S., and therefore no direct or indirect plant pest effects on raw or processed plant commodities are expected; and (5) horizontal gene transfer is unlikely to occur between Event 3272 corn and soil bacteria.

Finally, with respect to plant pest risk, the Event 3272 corn and the alpha-amylase enzyme produced by Event 3272 corn are not and cannot be a living stage(s) of any article similar to or allied with any of the articles specified in subparagraphs (A) through (G) of 7 U.S.C. 7702(14) in the Plant Protection Act of 2000 (PPA), and thus do not fall

within the statutory definition of a plant pest as listed in subparagraph (H) of the PPA's plant pest definition.

In addition to our finding that Event 3272 corn is unlikely to pose a plant pest risk, APHIS has completed a Final EA and FONSI for this action and has determined that granting nonregulated status to Event 3272 corn and its progeny would have no significant impacts, individually or collectively, on the quality of the human environment and will have no effect on federally listed threatened or endangered species, species proposed for listing, or their designated or proposed critical habitats (http://www.aphis.usda.gov/brs/not_reg.html). APHIS also concludes in its PPRA that new varieties derived from Event 3272 corn are unlikely to exhibit new plant pest properties that are substantially different from the ones observed for Event 3272 corn, or those observed for other corn varieties not considered regulated articles under 7 CFR part 340. The commercial cultivation of Event 3272 corn as a specialty corn for ethanol production is unlikely to change agricultural or land use practices for conventional, specialty, or organic corn production (such as pest and weed control, soil conservation, irrigation, crop rotations, etc.) in such a way as to have a significant adverse effect on plants, plant cultivation, plant health, or plant biodiversity.

Based on my full and complete review and consideration of all of the scientific and environmental data, analyses, information, and conclusions of the PPRA, the Final EA, the agency's Response to Public Comments received in reference to the Draft EA, the FONSI, and my knowledge and experience as the Deputy Administrator of APHIS Biotechnology Regulatory Service, I have determined and decided that this determination to approve nonregulated status for Event 3272 corn is the most scientifically sound and appropriate regulatory decision.



Michael C. Gregoire
Deputy Administrator
Biotechnology Regulatory Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture



Date