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USDA Seeks Public Review and Comment on Draft Environmental Impact Statement for Herbicide-Resistant Corn and Soybeans

WASHINGTON, Jan. 03, 2014—The U.S. Department of Agriculture’s (USDA’s) Animal and Plant Health Inspection Service (APHIS) released today its Draft Environmental Impact Statement (DEIS) as part of its review to determine whether to deregulate genetically engineered (GE) corn and soybean plants that are resistant to several herbicides, including one known as 2,4-D. APHIS is performing an assessment of these GE plants, while the Environmental Protection Agency (EPA) is conducting a concurrent review of the related herbicides. APHIS’ DEIS will be available for public review and comment for 45 days from the date of publication in the Federal Register.

Once APHIS receives a petition for regulatory review of certain GE plants, as it has from Dow AgroSciences, it conducts two required analyses before it makes its regulatory determination on whether or not the newly developed GE plants should be deregulated. First, under the Plant Protection Act (PPA), APHIS determines if the GE plants pose a “plant pest risk” to agricultural crops or other plants or plant products. The PPA defines a “plant pest” as organisms such as insects, bacteria, or fungi that can injure or damage plants or plant products. If the proposed GE plants do not pose a “plant pest risk,” APHIS must then move forward with the deregulation of those GE plant varieties. APHIS’s preliminary plant pest assessment of these three new GE plants finds that they do not pose such a plant pest risk. However, before making its final regulatory decision, APHIS, pursuant to the National Environmental Policy Act (NEPA), must also evaluate the potential impacts to the environment that may result from its regulatory decision. The NEPA review can take the form of an Environmental Assessment (EA) or, in this case, a more rigorous Environmental Impact Statement (EIS).

In 2011 and 2012 APHIS made available for public review and comment Dow’s request for deregulation of these GE plants, as well as the preliminary plant pest risk and EAs it prepared in response to that request. Earlier this year, following its review of public comments received, APHIS announced it was electing to continue its environmental analysis and prepare an EIS to better inform the decision-making process.

The DEIS considers four alternatives: keep all the GE corn and soybean plants under PPA regulation; deregulate the GE corn plant only; deregulate the two GE soybean plants only; or deregulate both the GE corn and soybean plants. Under NEPA, APHIS is required to designate in

the DEIS which of these options is its preferred course of action. Based on APHIS's PPA regulatory authority and its preliminary finding that the GE corn and soybean plants do not pose a plant pest risk to agricultural crops or other plants in the United States, the option to deregulate all three GE plants is APHIS's preferred alternative. While ensuring an analysis of the potential environmental impacts of its regulatory decision, NEPA does not provide APHIS with any additional regulatory authority to address potential environmental impacts beyond that provided by the PPA.

Concurrent with the APHIS regulatory process, the Environmental Protection Agency (EPA) is conducting risk assessments to decide upon the approval of the proposed new uses of 2,4-D herbicide. This analysis includes a thorough review of any potential human health and environmental risks associated with the application of 2,4-D to the GE corn and soybean plants, such as additional use of the herbicide and potential off-site movement of 2,4-D to other crops or areas. EPA will make available its proposed regulatory decision in the coming months for public review and comment. After consideration of public comments, EPA will then make its final regulatory decision in coordination with APHIS's final regulatory decision regarding these plants.

APHIS encourages public input on its DEIS and will host a virtual public meeting to receive comments. APHIS will consider all public comments submitted during the comment period before finalizing the DEIS and plant pest risk assessment and then, based on these, making its final regulatory decision on Dow AgroSciences' deregulation request.

Dow AgroSciences' GE corn and soybean plants are the first developed to be resistant to 2,4-D and are intended to provide farmers with new plants to help address the problem of weeds that have developed resistance to other herbicides.

APHIS anticipates that EPA will publish a notice that APHIS's DEIS is available for public review in the Federal Register on January 10, 2014. A copy of the DEIS provided to EPA can be reviewed at: <http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0042>.

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