



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

Mr. Andrew Kimbrell, Executive Director
Mr. Joseph Mendelson, III; Legal Director
International Center for Technology Assessment and
Center for Food Safety
660 Pennsylvania Ave., SE Suite 302
Washington, DC 20003

JUL 8 2010

Dear Messrs. Kimbrell and Mendelson:

Subject: APHIS' response to petition regarding glyphosate-tolerant Kentucky bluegrass

This letter responds to the July 18, 2002 petition from the International Center for Technology Assessment (ICTA) and the Center for Food Safety requesting that APHIS list genetically engineered (GE) glyphosate-tolerant Kentucky bluegrass (*Poa pratensis*) as a Federal noxious weed under APHIS' noxious weed regulations, 7 C.F.R. Part 360.

The PPA defines noxious weed as "any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, and the natural resources of the United States, the public health, or the environment." Generally, plants listed and regulated as Federal noxious weeds are likely to be aggressively invasive, have significant negative impacts, and are extremely difficult to manage or control once established. Currently, APHIS does not regulate Kentucky bluegrass as a Federal noxious weed.

In accordance with the 2007 court decision, the Agency conducted a weed risk assessment (WRA) to compare the weed risk of herbicide-tolerant and non herbicide-tolerant Kentucky bluegrass; APHIS used a science-based model to evaluate the plant's potential to become established, spread, and cause adverse impact. Our analysis concluded that both varieties of Kentucky bluegrass meet the definition of a noxious weed. Further, we concluded that the only distinction between the two types is glyphosate tolerance. This suggests that in the environment, herbicide-tolerant and non herbicide-tolerant Kentucky bluegrass will behave the same with the exception of their response to glyphosate treatment. As such, any decision to regulate GE Kentucky bluegrass as a Federal noxious weed would obligate us to do the same for both types of Kentucky bluegrass.

Although the assessment identified Kentucky bluegrass as a noxious weed, it is effectively managed through the use of standard practices used for overall weed management.. Management options include the measured use of animals (for grazing), mowing, mechanical removal, and prescribed burns; the last of these options is renowned for the many benefits it affords to prairie, pasture, and rangeland systems that go well beyond the benefits derived from Kentucky bluegrass management alone. In certain instances, herbicides may be used to control Kentucky bluegrass, and several registered herbicides are available.



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Messrs. Andrew Kimbrell and Joseph Mendelson

Page 2

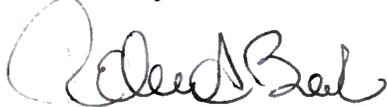
In addition to the WRA, APHIS conducted a review of the petition which included information on mitigative measures to further inform the Agency's decision on whether APHIS should regulate glyphosate-tolerant Kentucky bluegrass as a Federal noxious weed. Our findings from both assessments indicate that glyphosate-tolerant Kentucky bluegrass does not pose a level of harm that would warrant its designation as a Federal noxious weed. For these reasons, APHIS is denying the ICTA and Center for Food Safety request to list and regulate glyphosate-tolerant Kentucky bluegrass pursuant to 7 C.F.R. Part 360.

We will continue to evaluate whether the other GE turf grass (creeping bentgrass) you identified in your petition warrants Federal noxious weed listing. We will respond when this work is complete.

Our assessments are enclosed for your reference. You may also view these documents on the APHIS website at <http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/riskassessments.shtml>.

Should you have any questions, please call Alan Tasker, our noxious weeds national program manager, at 301-734-5708, or write to him at <Alan.V.Tasker@aphis.usda.gov>.

Sincerely,



Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

avt/mlo/dtk

Enclosures: Weed Risk Assessments for Non-herbicide Resistant and Herbicide Resistant
Types of *Poa pratensis* L., Kentucky Bluegrass

Review of Petition to Add Genetically Engineered Glyphosate-tolerant
Kentucky Bluegrass to the Federal Noxious Weed Regulations