

## Questions and Answers: Environmental Impact Statement on GE Sugar Beets

### Q. Why is USDA doing an environmental impact statement (EIS) for genetically engineered (GE) sugar beets?

A. In March 2005, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) made a determination that the sugar beet line Monsanto/KWS SAAT AG, designated as event H7-1, was no longer a regulated article under agency regulations governing the introduction of GE organisms. The sugar beets were genetically engineered to be tolerant to the Monsanto herbicide glyphosate, also known as Roundup®, making them Roundup Ready® (RR) sugar beets. APHIS made the determination to deregulate the RR sugar beets after making a determination that the RR sugar beets did not pose a plant pest risk under the Plant Protection Act (PPA) and after conducting an environmental assessment (EA) and issuing a finding of no significant impact pursuant to the National Environmental Policy Act (NEPA).

On January 23, 2008, the Center for Food Safety, the Sierra Club, and two organic seed groups filed a lawsuit challenging APHIS' decision to deregulate the RR sugar beet. On September 21, 2009, a U.S. District Court ruled that the EA APHIS prepared failed to consider certain environmental and economic impacts of a nonregulated RR sugar beet as required by NEPA. The court stated that APHIS is required to prepare an EIS. The litigation is currently proceeding. However, APHIS is being responsive to the court and is developing the EIS.

### Q. What is an EIS?

A. An EIS, as with an EA, is required for certain Government actions in order to comply with NEPA. An EIS is a detailed and comprehensive environmental analysis prepared when proposed Government actions have the potential to significantly impact the environment. An EIS for deregulation petitions evaluates the environmental impacts of GE organisms and, as part of the document, APHIS must present

and assess reasonable alternative courses of action for these potential impacts.

### Q. How is an EIS different from an EA?

A. The EIS process encompasses all the steps required for an EA plus several additional steps. These steps may include the following:

- determining if the action is new or similar to past actions that have completed an environmental analysis process;
- conducting an internal scoping process;
- defining purpose and need;
- identifying reasonable alternatives, including a No Action alternative;
- identifying potential issues to be addressed and pertinent governmental regulations and policies;
- conducting public scoping, to include a scoping notice; and
- holding public meetings once the draft EIS is published.

APHIS may also specify actions that would mitigate any impacts of the biotechnology product under consideration for deregulation. It is important to note that finding a significant environmental impact does not mean that deregulation cannot occur. NEPA requires only that the agency make an informed decision after analysis of the potential environmental impacts in the EIS.

### Q. Why did APHIS not do an EIS in 2005, when the original petition for deregulation was submitted?

A. Using the authorities granted to APHIS and in keeping with the requirements of NEPA, APHIS examined the environmental effects of potentially deregulating the RR sugar beets. The best publicly available scientific information, data provided by Monsanto, and expert advice was used. APHIS decided that an EA met the NEPA requirements, and that an EIS was not necessary. Once the EA was drafted, public comment was sought before APHIS used the gathered data to determine that RR sugar beets did not pose a plant pest risk.

APHIS works to protect U.S. agriculture and the environment using a rigorous and science-based regulatory framework that allows for the safe development and use of plants derived through biotechnology. APHIS has more than 20 years of experience regulating these organisms to ensure that they do not pose a risk to plants.

**Q. If the court ordered APHIS to do the EIS in 2009, why has the EIS not started already?**

**A.** The court directed APHIS to complete an EIS for RR sugar beets at the same time APHIS was heavily involved in developing another EIS on RR alfalfa. This EIS, a 1,476 page document, was published in December 2009. Beginning in 2010, APHIS conducted public meetings on the RR alfalfa draft EIS and performed assessments of the 135,000 comments received during the comment period. APHIS is preparing to develop the final EIS.

With the majority of the work on the other EIS completed, APHIS is now able to devote its resources and expertise to the development of the RR sugar beet draft EIS.

**Q. How long will the EIS process take?**

**A.** The EIS process can be complicated. Many detailed steps must be followed to complete an EIS.

APHIS has already started the scoping process, which it estimates could be completed in August 2010.

APHIS estimates that it will take approximately 8 to 9 months to complete the draft EIS, which could be completed in May 2011. Once the draft EIS is published, there will be at least a 45-day public comment period, which will include public meetings.

After the comment period ends, all the comments received will need to be indexed and evaluated.

APHIS will then prepare responses and complete additional environmental analysis and evaluation as necessary and appropriate to prepare and complete the final EIS. APHIS estimates that the preparation and publication of the final EIS will take approximately 11 months and therefore could be completed by April 30, 2012.

**Q. Were RR sugar beets planted between the initial deregulation and the court filing challenging the decision to deregulate the product?**

**A.** Yes. Since RR sugar beets were deregulated in 2005 and approved to be grown for food and feed, they have been widely commercialized in the United States.

In the 2009/10 crop year, RR varieties accounted for about 95 percent of planted area, up from about 60 percent in 2008/09. Sugar beets are grown in 11 States, in 5 regions of the United States. Two of the regions are East of the Mississippi River, while the three other areas are in the Great Plains and far West.

RR sugar beets have been approved for feed, food, and cultivation in Canada and Japan. RR sugar beets have been approved for feed and food use in the European Union, Mexico, South Korea, Australia, New Zealand, Columbia, Russia, China, Singapore, and the Philippines.

**Q. What is the status of planted RR sugar beets while the court case is proceeding?**

**A.** On March 16, 2010, the U.S. District Court for the Northern District of California denied the January 19, 2010, motion by the plaintiffs' for a preliminary injunction to halt the further planting, cultivation, processing or other use of RR sugar beets or RR sugar beet seeds, including the flowering of any RR sugar beet seed crop until an EIS was completed. In the denial, the court found that because of the dramatic economic impact an injunction would have and because of the plaintiffs' long delay in seeking the injunction, a preliminary injunction was not warranted. The case has been in the remedial phase, with a hearing on remedies scheduled for July 2010 in California.

**Q. What is APHIS' Role in Biotechnology?**

**A.** Under the plant pest authority of the Plant Protection Act, APHIS regulates the field release, interstate movement, and importation of plants, insects, and microorganisms derived from biotechnology, for which there is reason to believe might pose a plant pest risk. APHIS regulates through a science-based regulatory framework that utilizes a permitting and notification process. These regulations are contained in 7 C.F.R. Part 340.

---

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.