

UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C.

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ADVISORY COMMITTEE ON :  
BIOTECHNOLOGY AND 21ST CENTURY :  
AGRICULTURE :  
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A meeting in the above-entitled matter was held on  
March 14, 2016, commencing at 9:02 a.m. at 1400 Independence  
Avenue S.W., Jamie L. Whitten Building, Room 107-A  
Washington, D.C. 20250.

Russell C. Redding, Committee Chair

Michael G. Schechtman, Executive Secretary

**DEPOSITION SERVICES, INC.**  
12321 Middlebrook Road, Suite 210  
Germantown, Maryland 20874  
Tel: (301) 881-3344 Fax: (301) 881-3338  
info@depositionservices.com www.DepositionServices.com

APPEARANCES

Russell Redding, Chair

Michael Schechtman, Executive Secretary

Committee Members:

Mary-Howell Martens

David Johnson

Paul Anderson

Alan Kemper

Lynn Clarkson

Gregory Jaffe

Leon Corzine

Latresia Wilson

Barry Bushue

Kelly Rogers

Angela Olsen

Ron Carleton

Laura Batcha

Douglas Goehring

Rita Nalubola

Charles Benbrook

Isaura Andaluz

Betsy Rakola

USDA Officials:

Michael Gregoire

Gary Woodward

Non-USDA Officials:

Patty Lovera

Presentations:

Catherine Greene

Roger Noonan

Barbara Glenn

P R O C E E D I N G

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MR. SCHECHTMAN: Good morning, everyone.

UNIDENTIFIED MALE: Good morning.

UNIDENTIFIED MALE: Good morning.

UNIDENTIFIED MALE: Are we going to have a meeting?

MR. SCHECHTMAN: Yes.

UNIDENTIFIED MALE: Good morning, Michael.

MR. SCHECHTMAN: If everyone could take their seats, please. So these microphones do amplify.

UNIDENTIFIED MALE: It sounds like it, yeah.

THE REPORTER: The ones she brought in do, yes, but the ones that are flat are just for recording.

MR. SCHECHTMAN: Oh, ah.

THE REPORTER: There are two sets.

MR. SCHECHTMAN: Ah, two sets. Okay. This is the seventh meeting of the U.S. Department of Agriculture's Advisory Committee on Biotechnology and 21st Century Agriculture, or AC21, the seventh meeting since the Secretary of Agriculture brought back the AC21 in 2011.

My name is Michael Schechtman, and I'm the executive secretary and designated federal official for the AC21. I'd like to welcome you all to this meeting and to Washington, D.C., if you've come from out of town. I would like to welcome our committee members, 16 out of 21 of whom

1 are scheduled to be here today, as well as several ex  
2 officio members -- I know there's some problem with the  
3 Metro this morning, so some people may be coming in later --  
4 and also to welcome the members of the public who have come  
5 here today to listen to our proceedings and perhaps to  
6 provide statements for the committee later this afternoon.  
7 Again, thank you all for coming.

8           I will note at this point that one of our members,  
9 Mr. Michael Funk, who is the chief executive officer of  
10 United Natural Foods, has elected to retire from this  
11 committee because of work commitments. He did so, noting  
12 that he has the confidence -- he has confidence that the  
13 committee retains a good balance of perspectives among its  
14 members. USDA thanks him for his service, and we will all  
15 miss him here.

16           I also welcome our chairman, Mr. Russell Redding,  
17 who is now Pennsylvania's Secretary of Agriculture, from  
18 whom you will hear in a little bit.

19           I would also like to note that we are scheduled to  
20 have one new ex officio member on the AC21, Dr. Ritu  
21 Nalubola from the Office of the Commissioner, U.S. Food and  
22 Drug Administration. I'll welcome her now, though I see she  
23 may be stuck on the Metro as well, and also welcome two  
24 other ex officio members, who I suspect may be coming in  
25 later as well, from the Environmental Protection Agency and

1 the National Institute of Standards and Technology. Our  
2 member from Office of the U.S. Trade Representative is out  
3 of the country at the moment.

4 I will also note that unfortunately our  
5 representative from the Secretary's office, Mr. Doug  
6 McKalip, who is senior advisor to the Secretary, who's  
7 helping to guide the AC21's efforts and who attended our  
8 last meeting, he's on official travel out of the country and  
9 unable to attend these two days. However, he's given me  
10 some remarks to deliver, and I will come to those in due  
11 course. In addition, you will note that the Secretary of  
12 Agriculture is not on our agenda this time. He, too, is out  
13 of the country on a trade mission.

14 I'll also note that we have with us, at least for  
15 a while this morning, Mr. Michael Gregoire, who's the  
16 associate administrator of the USDA's Animal and Plant  
17 Health Inspection Service. Welcome, Michael.

18 MR. GREGOIRE: Thank you.

19 MR. SCHECHTMAN: For this meeting we also have  
20 Ms. Betsy Rakola, who's an organic policy advisor at the  
21 Agricultural Marketing Service, who's helping our process a  
22 great deal by taking notes for most of the meeting, and she  
23 will also be providing one of the brief updates this  
24 morning. Thank you so much, Betsy.

25 MS. RAKOLA: Welcome.

1           MR. SCHECHTMAN: We will, as always, have a very  
2 full agenda. So we ask that when the meeting is in session,  
3 conversations need to be limited to those between members.  
4 The public will be invited to participate by providing  
5 comments to the committee and USDA this afternoon between  
6 3:15 and 5:00. I think we have a few individuals signed up  
7 to provide comments at this, at this meeting.

8           Members of the public who've preregistered to  
9 provide comments, please be sure you've signed up on the  
10 comment list so we can call you in order. In addition, some  
11 members of the public submitted comments electronically  
12 before this meeting, and we've prepared a notebook of those  
13 comments. AC21 members and other members of the public can  
14 peruse the notebook at your leisure at the documents table  
15 outside, over the next two days. Please don't remove it  
16 from the table, however.

17           We'll be preparing the minutes of this meeting,  
18 and a computer transcript of the meeting will also be  
19 available within a few weeks. We hope to get the minutes  
20 and all meeting announcements up on the web. The website,  
21 as I've told this committee many times before, the address  
22 is pretty long, but the website can be accessed by going to  
23 the main USDA website at [www.USDA.gov](http://www.USDA.gov), clicking on Topics on  
24 the top left, then Biotechnology, then the name of this  
25 committee.

1           For any members of the press who may be in  
2 attendance, you're welcome to speak to whomever you wish  
3 during the breaks of our meeting and before or after the  
4 meeting itself. We ask that you not conduct any interviews  
5 or request comments from members while the AC21 is actually  
6 in session. Mr. Redding, our chair, and I will be available  
7 for questions and comments at the end of each day at the  
8 meeting.

9           I'd also like to request that all members of the  
10 AC21, as well as all members of the audience and the press,  
11 please shut off your cell phones and beepers while in the  
12 room. They interfere with the microphones and with our  
13 recording of the meeting in order to be able to produce the  
14 publicly available transcript.

15           Bathrooms are located on either side of the  
16 enclosed courtyard, outside and to the left. I apologize  
17 for this relatively tight space for our meeting. This time  
18 this is the best space that was available for our two days.

19           One other important housekeeping matter, members  
20 and ex officio members, you have tent cards in front of your  
21 places. Please turn them on end when you wish to be  
22 recognized. Also, for the transcript, please identify  
23 yourself when called upon to speak.

24           Just outside the meeting room, there are tables  
25 with documents on them. Please take only one copy of



1 documents if you need them. We don't want to run out early.  
2 Among the handouts is the detailed meeting agenda. Please  
3 note there are breaks scheduled this morning and afternoon.

4 I'd like to repeat, we are planning for a period  
5 of up to one and three-quarters hours for public comments,  
6 from 3:15 to 5:00 this afternoon. We want to be responsive  
7 to the needs of the public, and we'll see, as the meeting  
8 progresses, how we need to structure that time.

9 Members of the public, if you've preregistered to  
10 make a comment and you've not signed in already, please do  
11 so at the sign-in table so we can plan the comment period  
12 and have in order to call the names. You'll have five timed  
13 minutes to provide your comments. For each member of the  
14 public who speaks during the public comment period, I'll  
15 need a hard copy of your remarks and an electronic copy so  
16 that we can post your remarks on the committee website.

17 Let me remind the committee and members of the  
18 public of the AC21's overall mandate and its specific charge  
19 for the current work. Under its charter the AC21 mandate  
20 is, quote, examining the long-term impacts of biotechnology  
21 on the U.S. food and agriculture system and USDA and  
22 providing guidance to USDA on pressing individual issues  
23 identified by the Office of the Secretary related to the  
24 application of biotechnology and agriculture.

25 The committee in its last effort addressed the

1 issue of potential compensation for economic damage to  
2 farmers caused by unattended presence of GE material and how  
3 to bolster coexistence more generally among different ag  
4 production methods. This resulted, in November 2012, in an  
5 important report entitled Enhancing Coexistence: A Report  
6 of the AC21 to the Secretary of Agriculture, which contained  
7 a large number of significant and interlocking  
8 recommendations among which was that USDA should incentivize  
9 the development of joint coexistence plans among neighboring  
10 farmers.

11           Since that time our Office of General Counsel has  
12 informed us that we lack the legal authority to provide such  
13 incentives, but the Office of the Secretary has followed up  
14 on the spirit of that particular recommendation with the  
15 following new charge, which was announced to the committee  
16 at the committee's December 2015 meeting, and that charge  
17 was: Is there an approach by which farmers could be  
18 encouraged to work with their neighbors to develop joint  
19 coexistence plans at the state or local level and, if so,  
20 how might the federal government assist in that process?  
21 This is what the committee is now in the process of  
22 considering.

23           Now, as has been true of all the past AC21  
24 meetings, we have a lot we need to accomplish in this  
25 meeting over the next two days. For this meeting, in

1 addition to a series of fairly brief updates we'll start off  
2 with this morning, there are three objectives: first, to  
3 consider the work of the three ad hoc subgroups on their  
4 analyses relevant to the new AC21 charge -- those are the  
5 Guidance Document subgroup, the Models and Incentives  
6 subgroup, and the Venues and Conveners subgroup -- second,  
7 to listen to presentations from outside experts on topics  
8 relevant to the work of the AC21 -- we will have speakers  
9 this afternoon from the National Association of Conservation  
10 Districts and the National Association of State Departments  
11 of Agriculture -- and, finally, to continue overall  
12 discussions on the committee charge and planning subsequent  
13 work; that is, figuring out how to be sure that members have  
14 articulated the path forward and your specific  
15 recommendations that can be captured in the report and an  
16 associated guidance document.

17           Welcome, Ritu.

18           MS. NALUBOLA: Thank you. I'm sorry.

19           MR. SCHECHTMAN: Let me emphasize -- oh, that's,  
20 for everyone, that is Ritu Nalubola, who is the new ex  
21 officio member from the U.S. Food and Drug Administration.

22           Let me emphasize, as I did at our last meeting in  
23 December, that there's a very limited amount of time for  
24 this committee to complete its work during this  
25 administration. So members will need to work both

1 cooperatively and efficiently to articulate the main  
2 consensus messages that will be contained in the final  
3 reports, and of course, we'll be encouraging you to do so.

4           For this meeting we have lots of documents, some  
5 of which are old and familiar, but the new ones of which I  
6 hope all committee members will have received before you  
7 left home for the meeting. They're also provided to the  
8 public on the document table outside, and they are the  
9 Federal Register notice announcing this meeting; the meeting  
10 agenda; package of biographies of all current members; the  
11 AC21 Charter; the AC21 Bylaws and Operating Procedures; the  
12 previous report produced by the AC21 entitled Enhancing  
13 Coexistence: A Report to the Secretary of Agriculture; the  
14 meeting summary from the December 14th through 15th, 2015,  
15 plenary session of the AC21; a package of meeting summaries  
16 from all of the conference calls held intersessionally for  
17 the three subgroups -- each had two meetings, so the package  
18 contains six summaries; one document containing copies of  
19 two proposed outlines for a potential guidance document  
20 developed by Angela Olsen and Lynn Clarkson on this  
21 committee, which are under discussion by the Guidance  
22 Document subgroup; then copies of the North Dakota  
23 Pollinator Plan, kindly provided by North Dakota Agriculture  
24 Commissioner Doug Goehring -- we'll thank Doug now; he  
25 indicated he is not going to be in until later this morning,

1 and I should just note, we may have to jigger around the  
2 morning schedule just a little bit to accommodate his  
3 remarks in the subgroup update session -- then a notice of  
4 intent to prepare an environmental impact statement for new  
5 proposed biotechnology regulations published in the Federal  
6 Register by USDA's Animal and Plant Health Inspection  
7 Service, or APHIS, on February 5th of this year, which will  
8 be briefly discussed this morning; and, finally, a new  
9 report developed by USDA's Economic Research Service  
10 entitled Economic Issues in the Coexistence of Organic,  
11 Genetically Engineered, and Non-GE Crops, which was alluded  
12 to but not yet released at the, at the time of our last  
13 meeting.

14           In addition, we have two other documents from  
15 members, not specifically requested either at the last  
16 plenary or in subgroup discussions, and they are, one, a  
17 proposal from Commissioner Goehring for an outline or format  
18 for coexistence discussions, which may fit in some of the  
19 topics for discussion tomorrow; and, second, a draft  
20 coexistence policy under consideration by the National Corn  
21 Growers Association, which was kindly provided to the  
22 committee by Leon Corzine.

23           I'd like to welcome to our discussions this  
24 morning the deputy undersecretary for Marketing and  
25 Regulatory Programs, Gary Woodward. I wasn't sure you were

1 coming today. We didn't have a spot for you, but welcome.

2 MR. WOODWARD: That's fair. I know Ron so -- I  
3 know Ron, so he won't mind me stealing his seat. He  
4 actually was my boss at one point in time.

5 MR. SCHECHTMAN: I'll need you to talk into this  
6 mic later, but that's okay.

7 Let me now speak briefly -- oh, actually, first,  
8 I'll mention that everyone, all committee members should  
9 have at their place a schedule information gathering sheet  
10 for the month of October. There were some concerns -- there  
11 were some concerns about the meeting that we had scheduled  
12 in September, so we wanted to see if October might be any  
13 better. We are limited. November will be too late for our  
14 last meeting, and we couldn't find anything in August. So  
15 we're just checking to see whether September or October is  
16 better. We'll choose the one that appeals for everyone,  
17 appeals -- or inconveniences the fewest number of folks and  
18 for which we can get meeting space, et cetera.

19 So now let me speak briefly about the agenda.  
20 During this morning's session, once I stop talking, we'll  
21 continue with the introductory remarks of Secretary Redding  
22 and then address a few topics by way of background:  
23 regulatory developments at USDA and the ongoing work on the  
24 coordinated framework modernization process, an update on a  
25 new conservation option offered by USDA's Farm Service

1 Agency, and brief discussion of a new study on coexistence  
2 from the Economic Research Service that I mentioned a moment  
3 or two ago.

4           After our morning break, we'll have report outs  
5 from our three subgroups. I believe that Lynn Clarkson,  
6 Doug Goehring, when he arrives, and Leon Corzine will be  
7 speaking about each of these -- each of their group's work.  
8 Then we'll have a brief discussion, trying to get a little  
9 clarity around the various types of coexistence discussions  
10 that are being envisioned, I think, in the plenary and  
11 subgroups, broad educational discussions as well as more  
12 specific farmer-to farmer discussions and others and the  
13 relationships between these different kinds of discussions.

14           Then, following lunch, we'll have two  
15 presentations from outside experts -- first, Mr. Roger  
16 Noonan, who is vice chair for the Northeast Region of the  
17 National Association of Conservation Districts as well as a  
18 New Hampshire organic farmer, who will speak to the  
19 committee about cooperative local processes and conservation  
20 management. And then Dr. Barb Glenn, who is CEO of the  
21 National Association of State Departments of Agriculture, or  
22 NASDA, will tell us about NASDA's involvements in similar  
23 cooperative processes and perhaps how they can engage in the  
24 future on coexistence.

25           We have, as always, a good chunk of time set aside

1 for comments -- in this case, one and three-quarters hours  
2 -- and whatever time is not used up in comments, we will  
3 reclaim and use for further discussions about the charge.

4           Tomorrow we'll start with a recap of today's  
5 discussions followed by what is envisioned as a fairly loose  
6 agenda designed to move the discussions forward on some key  
7 issues -- on the potential scope of farmer-to-farmer  
8 discussions, on developing a specific cooperative model for  
9 coexistence discussions, on what should be contained in the  
10 proposed guidance document, on eliciting support and  
11 participation for local coexistence processes, on future  
12 work for any or all of the subgroups and how their work  
13 overlaps, and on getting the report and guidance document  
14 written. We'll fit those topics in somehow tomorrow, though  
15 conceivably we'll hop back and forth between them. We  
16 anticipate being able to wrap up tomorrow no later than  
17 3:45.

18           Now, before I turn the microphone over to  
19 Secretary Redding, I'd like to read to you a few remarks  
20 from Doug McKalip from the Secretary's office. This is  
21 Mr. McKalip's statement:

22           Thank you all for your work on the committee. It  
23 is very much appreciated and very important to the future of  
24 U.S. agriculture. I regret missing the meeting this week.  
25 I'm on international travel in New Zealand, presenting on



1 the intersection of agriculture and forestry technology with  
2 sustainability and development of a bioeconomy.

3 I'm pleased with the committee work on state-local  
4 partnerships on coexistence and particularly excited about  
5 the presentations during the program by NASDA and NACD. In  
6 particular, conservation districts at the local level play  
7 an important role in setting local priorities and helping to  
8 steer conservation activities. I hope you will find  
9 interaction with NACD valuable and that it can help to forge  
10 a strong relationship with locally led conservation  
11 processes.

12 While you're in town, you will undoubtedly be  
13 hearing about the GMO labeling debate in Congress. USDA is  
14 very much encouraging providing consumers with additional  
15 information about their food without stigmatizing any  
16 technology. We are hopeful that a compromise can be reached  
17 that will lead toward enactment of the bill. Recently the  
18 Secretary has made comments signaling support from mandatory  
19 disclosures, using a variety of tools including smart codes.  
20 We believe that multiple tools can be useful for disclosure  
21 and establish one national system.

22 Thank you again for all your work. I and the  
23 Secretary's office are looking forward to learning about the  
24 results of your meeting and are working with you to follow  
25 up on next steps.

1           Those were the remarks of Mr. McKalip. Now it is  
2 my great pleasure to welcome back to his chair role the  
3 Secretary of Agriculture from the State of Pennsylvania, the  
4 Honorable Russell Redding. I know this is a very busy week  
5 for you. Russell, your current -- our current situation,  
6 your current situation, and your thoughts moving forward.

7           MR. REDDING: Dr. Schechtman, thank you, and to  
8 the committee, good morning and, again, thank you for  
9 returning to the task, returning to the work of AC21. I  
10 very much appreciate the commitment. This is not an easy  
11 sort of time of year to pull away. So thanks to each of you  
12 for being here and appreciate the work on coexistence.

13           Happy National Ag Week, by the way. It's good to  
14 be with you here in D.C. at the USDA during this week. We  
15 celebrate agriculture, as we should do all year, but we  
16 certainly take a moment this week to recognize the good work  
17 of ag across the country. We've got a number of events back  
18 in Pennsylvania that look forward to participating.

19           Coexistence, as our work demonstrates, embodies so  
20 many fundamentals to the business of agriculture -- as we  
21 have noted, that farmer-consumer choice, I mean, the  
22 science, markets, policy issues, responsibility, and  
23 certainly change. Our Enhancing Coexistence report outlined  
24 a comprehensive approach to our work as agricultural  
25 stakeholders, building on the previous work of AC21

1 committees but also recognizing that the landscape has  
2 changed and is certainly more complex.

3           While it would have been easy for the USDA and  
4 Secretary Vilsack to simply let the production agriculture  
5 system discussions play out and farmers and consumers,  
6 trading partners, and allied industries struggle with the  
7 conversation of technology and choice alone, they have  
8 instead engaged us to help find solutions. Their confidence  
9 in us, in this committee, is very much appreciated.

10           As I have done several times in preparation for  
11 AC21 meetings, I went back and reviewed the signing  
12 statements where each of us qualified support for the  
13 committee's recommendations. The one recurring theme that  
14 was about the prevention of the problem of unintended  
15 presence, was preferred over waiting to respond to a  
16 problem. This theme is at the center of our current charge  
17 and the three subcommittee deliberations.

18           I want to applaud the work groups who have taken  
19 time to inform our charge and moving our actions from one of  
20 aspiration to, to practical. This is a phrase that I have  
21 used many times in many of the issues that I've been  
22 involved with, is that we know, much like other things in  
23 life, there is a tension between the aspirational and the  
24 practical, and we've got to find a way through the  
25 aspiration for what we want the ag sector to look like, and

1 we've stated that in our, in our report, but converting that  
2 now to the practical is where we find ourselves in the  
3 current charge.

4           Our collective challenge is designing a guidance  
5 document that strengthens diversity in agriculture and helps  
6 to strengthen the culture of the entire ag sector that moves  
7 from one of I have to do something to I want to do  
8 something, and that is an important transition. It's not  
9 about a mandate. It's about agriculture adopting the  
10 everyday best management of practices that allow the choice  
11 in the marketplace and the choice at the farm level to  
12 occur.

13           Coupled with the substantive changes underway at  
14 the USDA, some of which we heard about at the last meeting  
15 and others on today's agenda, I believe we are adding  
16 significant value to and changing the narrative about  
17 coexistence. As one example, at the recent NASDA, the  
18 National Association of State Departments of Agriculture  
19 meeting, midwinter policy meeting, Dr. Schechtman and I,  
20 along with Laura in a separate presentation, updated the  
21 secretaries and commissioners of agriculture on AC21 and our  
22 work on coexistence.

23           The new NASDA policy on biotechnology now  
24 considers coexistence. The best part, it was not something  
25 that Michael or Laura or I recommended. This came from the

1 observation of other secretaries and commissioners around  
2 the table. They said they believe that that policy needed  
3 to reflect the work of the USDA and this committee on  
4 coexistence -- a sign that our work is noticed and valued.

5           Finally, since scheduling this meeting,  
6 Pennsylvania's House, House and Senate Agriculture  
7 Committees have scheduled a joint hearing on the impacts to  
8 agriculture without a fully enacted 2015-16 state budget.  
9 Tomorrow morning this hearing will occur at 9:00 a.m. As a  
10 result, I will be returning to Pennsylvania tonight to  
11 testify with the goal of returning tomorrow afternoon for  
12 the committee's work here, to make sure that as we move  
13 forward in the coming months, that Dr. Schechtman and I, as  
14 we work on drafting, that I have the benefit of  
15 understanding the exchange and dialogue and the context for  
16 the work of this committee and the reporting out from our  
17 three work groups. So I apologize in advance that I will  
18 miss tomorrow morning, but hopefully that hearing will be  
19 done in time for me to return.

20           So I'll end where I began and that's with a simple  
21 thank you to the Secretary, to the USDA team, and to each of  
22 you as AC21 members for your good work and staying involved  
23 in this conversation about coexistence and how we, as  
24 agriculture leaders, ensure that the diversity that we enjoy  
25 today in production agriculture in the marketplace continues

1 to grow, so thank you.

2 MR. SCHECHTMAN: Thank you. Now we will have two  
3 brief updates on biotechnology regulatory developments since  
4 the last meeting, the first of which will be from Michael  
5 Gregoire, associate administrator of APHIS.

6 MR. GREGOIRE: Thank you, Michael. Good morning,  
7 everybody. I'm happy to provide you with an update again  
8 today. When I spoke to you at your meeting back in  
9 December, I talked about some developments in terms of the  
10 oversight of regulated field trials, I talked about  
11 switching wheat field trials from notification to permit,  
12 and talked a little bit about the process of updating our  
13 biotechnology regulations.

14 So with respect to the wheat permits, wheat trials  
15 are now done under permit, and the Agency has issued seven  
16 permits for wheat field trials for spring planting. And we  
17 would expect to get some more permit requests during the  
18 summer months for fall wheat planting, but that, that has  
19 been implemented.

20 Also, in February we published some new guidance  
21 on the extension procedure. The extension procedure is a  
22 feature in our biotechnology regulations that provides a  
23 mechanism for the Agency to extend nonregulated status to a  
24 GE plant that the Agency determines is similar to one that  
25 has previously been deregulated. So some, some clarifying

1 guidance was put out on that, and that procedure does still  
2 provide for public input in that process, so the Agency does  
3 a similarity analysis to explain scientifically how the  
4 organism in question is similar to one that's previously  
5 been deregulated, and we may fall back on an existing  
6 environmental analysis if it was done rather recently, and  
7 if it's an older one, it may be updated. So that guidance  
8 was put out in February as well.

9           With respect to changes to our biotechnology  
10 regulations, again, our biotechnology regulations date back  
11 to 1987. So it's been more than two decades since they have  
12 been, been updated. There have been some minor changes  
13 along the way. In March of 2015, USDA withdrew the  
14 outstanding 2008 proposed rule to amend the regulations and  
15 basically started the process over again.

16           We had some webinars and comment period during  
17 which we had 221,000 comments, and on February 5th of this  
18 year, we published a 30-day public notice, or public comment  
19 period on the notice of intent to prepare a programmatic  
20 environmental impact statement that will inform the proposed  
21 rule when it comes out. So a draft environmental impact  
22 statement will accompany a proposed rule when that is  
23 published.

24           We got many, many requests from a variety of  
25 stakeholder groups to extend the comment period on the

1 notice of intent, and we did in fact extend the comment  
2 period by an additional 45 days. So that comment period is  
3 open now and runs through April 21st, 2016, and we will very  
4 carefully review and consider all of the comments that are  
5 received during the comment period on the notice of intent.

6           Some of the key things in that notice of intent  
7 for the EIS, the Agency identifies four alternatives that  
8 may be analyzed in the EIS and asks for public comment on,  
9 on those alternatives and whether any other alternatives  
10 ought to be considered.

11           One of the alternatives is a no-action  
12 alternative, which would basically leave the regulations as  
13 they are right now. A second alternative would create a  
14 regulatory review criteria for a system in which the Agency  
15 would analyze a GE organism first and then, based on that  
16 analysis of the plant pest and noxious weed risk, the Agency  
17 would determine whether or not it should be subject to  
18 regulation and, if it were subject to regulation, then the  
19 regulation would be handled through a permitting process,  
20 much like it is now. There's some new terms that are used  
21 in the NOI that we ask for public input on.

22           So you have the no-action alternative, and then  
23 you have this kind of analyze first and regulate, if  
24 appropriate, as a second alternative. Then there are two  
25 other alternatives that kind of are bookends. A third



1 alternative would increase the scope of what's regulated.  
2 So it would capture more products of biotechnology, and that  
3 regulation would be, again, handled through permit. And  
4 then the fourth alternative would eliminate altogether  
5 separate biotechnology regulations in APHIS, and we would  
6 just use the existing plant pest and noxious weed  
7 regulations that the Agency has in place.

8           So those are the four alternatives that we propose  
9 to analyze in the EIS, and again, we ask for comments on  
10 those. And the notice also has a number of different  
11 questions that are posed to the public on some of the  
12 definitions that are used, on what sort of impacts would be  
13 analyzed in the EIS, and so on.

14           In Alternative 2 we talk about this approach of  
15 analyzing first and then regulating if there's a  
16 demonstrated plant pest or noxious weed risk. That would be  
17 based on a risk assessment that APHIS performs, and we have  
18 developed a new weed risk assessment model that is currently  
19 being peer-reviewed through USDA's Office of Risk Assessment  
20 and Cost-Benefit Analysis. And so that weed risk assessment  
21 model would also be made available to the public at the same  
22 time the EIS and the proposed rule is published.

23           So that's a very quick snapshot of where we are  
24 with this. Again, the NOI is open for public comment  
25 through April 21st. If there's not copies out there, we

1 could arrange to have --

2 MR. SCHECHTMAN: It's out there.

3 MR. GREGOIRE: It's out there. Okay. Very good.

4 So with that, Michael --

5 MR. SCHECHTMAN: Okay. I think what we'll do is  
6 we'll give you the other regulatory update and then see if  
7 there are any questions.

8 So I'll give you a quick update on what has been  
9 happening in the White House-led effort to modernize the  
10 coordinated framework for the regulation of biotechnology.  
11 You'll recall that this effort was initiated by a White  
12 House memo in July of 2015. The memo called for the  
13 establishment of a biotechnology working group under the  
14 Emerging Technologies Interagency Policy Coordination  
15 Committee and including representatives from the Executive  
16 Office of the President, EPA, FDA, and USDA.

17 The group has three tasks -- first, update the  
18 coordinated framework to clarify the current roles and  
19 responsibilities of the agencies that regulate the products  
20 of biotechnology; second, develop a long-term strategy to  
21 ensure that the federal regulatory system is well prepared  
22 for the future products of biotechnology; and, third,  
23 commission an external independent analysis of the future  
24 landscape of biotechnology products. The White House memo  
25 also affirmed the existing scientific principles on which

1 the original coordinated framework is based.

2           The first task has been to work diligently on the  
3 description of the current roles and responsibilities to  
4 clarify that information for the public. The long-term  
5 strategy, the second task, is something that will take a  
6 little longer, and for the third task, the National Research  
7 Council of The National Academy of Sciences has been  
8 commissioned for the analysis of the future landscape of  
9 biotechnology products. I understand that the NRC is nearly  
10 done with choosing the members of the, the panel that will  
11 perform that analysis.

12           Last November the first of three public meetings  
13 was held on the coordinated framework update process at an  
14 FDA facility in the Maryland suburbs of Washington, D.C.  
15 The discussions were very general and focused on the process  
16 of the update.

17           Last week at an EPA facility in Dallas, Texas, a  
18 second public meeting was held. At that meeting the focus  
19 of discussions was a series of eight case studies prepared  
20 by the regulatory agencies, illustrating the regulatory  
21 pathways for a diverse series of GE organisms. In addition,  
22 a detailed table, still very much a draft document, was  
23 provided to the public, describing how a broad range of  
24 actual or potential GE products and organisms would be  
25 regulated under current statutes and regulations.

1           That table, probably with some edits, along with  
2 accompanying text, will be published for comment in the  
3 Federal Register later this year. To find those two  
4 documents, the table and the case studies, there is a March  
5 7th White House blog that provides links to both of the case  
6 studies, as -- but both the case studies and the draft  
7 table, and they've also been uploaded on regulations.gov.

8           And I will finally note that a third public  
9 meeting is scheduled for March 30th at the University of  
10 California, Davis, which will be hosted by USDA. I  
11 anticipate there'll be more focus, more focus at that  
12 meeting on issues related to the long-term strategy.

13           That's the update. Now we can open it up for  
14 questions for either of us here.

15           MR. REDDING: Yeah, Laura.

16           MS. BATCHA: Are we on here or --

17           MR. GREGOIRE: You have to use the stand mics.

18           MS. BATCHA: Strategically placed far enough away  
19 from me that I can think twice before I speak, so I  
20 appreciate that. I have what I think are three questions  
21 about the part 340 --

22           MR. GREGOIRE: Uh-huh.

23           MS. BATCHA: -- work, but I first wanted to just,  
24 to our chair Russell Redding, amazing commitment. I can't  
25 believe you're even here with us with what you have going on

1 tomorrow morning with the hearing and you'll be back. So --

2 MR. REDDING: Yes. Thank you.

3 MS. BATCHA: -- for me, I thank you tremendously  
4 for that.

5 So on the, on the part 340, I know we've had some,  
6 some discussions, and I'm wondering if you have any updates  
7 or if you can provide comment on current thinking from APHIS  
8 on the two issues related to -- so you have first  
9 established perhaps the best use of the regulatory bandwidth  
10 is not to re-review traits with crop types that have already  
11 been commercialized; rather, use the bandwidth for new  
12 technologies, new combinations of traits and crops. Do you  
13 have any updates for us on current thinking about how  
14 stacked traits come into play so that the crop type and the  
15 trait and the crop type and the trait have been deregulated  
16 but then you stack them and that hasn't been reviewed?

17 And then my second question is around current  
18 thinking around review of new technologies, specifically  
19 gene editing and gene deletion. I've heard a tremendous  
20 amount of conversation about that lately, and I'm just  
21 wondering whether or not -- how you're viewing the purview  
22 on those processes.

23 My third question is around definitions, and since  
24 Mr. McKalip brought up the labeling issue, one of the sort  
25 of real challenge points in the discussions around a path

1 forward on this has been the issue of definitions and, when  
2 you establish a definition for what would need to be  
3 labeled, whether or not that be mandatory or voluntary. By  
4 default, the other side of that border on the definition is  
5 what could potentially be labeled as not genetically  
6 engineered. So you have a boundary there.

7           So there have been a lot of discussions about how  
8 important that definition becomes because it creates a  
9 market for -- a de facto market for non-GMO that may be  
10 inconsistent with either the organic definitions or the  
11 current marketplace for non-GMO.

12           So could APHIS conceive of definitions that were  
13 exclusively related to labeling that wouldn't impact your  
14 thinking around regulatory review? Do those definitions  
15 have to be common? And the question of gene editing and  
16 gene deletion plays into that definitions question as well.

17           MR. GREGOIRE: Okay.

18           MS. BATCHA: Thank you.

19           MR. GREGOIRE: Thank you for your questions. So,  
20 Laura, the first question of stacks, your question is about  
21 the extension procedure and how it is in -- I don't know  
22 that I can do this justice. Let me just explain what I  
23 think the answer is, and I'll go back and check, and if I  
24 give you the wrong answer, we'll --

25           MR. SCHECHTMAN: We'll get it to you.

1 MS. BATCHA: Okay. Great.

2 MR. GREGOIRE: -- get a correct answer to you.

3 But my understanding is if you take two events that have  
4 been deregulated by the Agency and put them together, that  
5 would still be covered, that would be covered by -- they  
6 don't have to go through a new review process.

7 Okay. With respect to gene editing, gene  
8 deletion, new plant breeding technologies, that's really  
9 still an open question that the Agency is wrestling with,  
10 and there are some specific questions in the NOI around this  
11 issue. In Alternative 2 in the NOI, there is a preliminary  
12 definition of biotechnology and products of biotechnology  
13 for which we ask for public comment on, and then also under  
14 Alternative 2, we ask for public input on whether in --  
15 which technologies should potentially be exempted from this  
16 consultation process that the Agency would undertake under  
17 Alternative 2, whether it be sort of a pre-decisional  
18 consultation about whether or not the organism should be  
19 regulated.

20 So there's some questions in the NOI about that as  
21 well, and these questions about gene editing, gene deletion,  
22 new plant breeding technologies is really a regulatory issue  
23 that a lot of governments around the world are wrestling  
24 with right now, as you probably know.

25 And I think your third question was about labeling

1 and the definitions that are used of genetic engineering in  
2 some of the legislation that is up on the Hill. I think  
3 there's a potential for there to be different definitions of  
4 this. The definition that I have seen in the Senate bill  
5 that is being considered did not amend -- the Plant  
6 Protection Act, which is what we operate under, there's no  
7 definition of biotechnology or genetic engineering.

8           The House bill, the House labeling would have  
9 amended the Plant Protection Act and basically have us sort  
10 of enforcing the Food and Drug Administration's consultation  
11 process by not allowing GE products into commerce until that  
12 consultation process has, had been completed. I don't  
13 recall if that version of the bill defined biotechnology or  
14 bioengineering. It may have. The Senate version does have  
15 a definition as well, but it doesn't do anything to the  
16 Plant Protection Act.

17           So under the Senate version of the bill, there's  
18 no role per se for APHIS in the labeling administration, and  
19 so I think it would be possible under that version that  
20 there might be different definitions used for different  
21 purposes across the government.

22           MS. BATCHA: Thank you. I appreciate that.

23           MR. GREGOIRE: Uh-huh.

24           MR. REDDING: Laura, could you expound just a  
25 little bit just so I'm clear --



1 MR. SCHECHTMAN: Hold on. Hold on.

2 MR. REDDING: Sorry, expound a little bit just on,  
3 on your -- it sounds like you had sort of a very specific  
4 question there about sort of definitions and what was  
5 captured in definition and what would not be, not be  
6 captured by that definition. Can you just explain that a  
7 little bit, please?

8 MS. BATCHA: Sure, and with the recognition this  
9 is a little off topic from our mandate, but at the  
10 indulgence of the chair, I'll follow the thread a little  
11 bit.

12 So as I understand it, when you defined  
13 bioengineering for the purpose of labeling, if the law  
14 includes a definition of what needs to be labeled, by  
15 default everything else could conceivably carry a  
16 non-bioengineered claim in the marketplace. So where you  
17 set that definition impacts what the future of both presence  
18 labeling and absence labeling looks like in the marketplace.

19 As I understand the current attempts at  
20 definitions in the Senate, it's based on, I think, the  
21 existing technologies primarily, and when you write a  
22 definition that's fairly strictly constructed, it doesn't  
23 necessarily accommodate what might be in the future.

24 So I think some of the concerns would be that you  
25 flip over and you look at the organic standards, for

1 example, which encompasses a non-GMO program, amongst other  
2 attributes. We have a much more narrowly constructed  
3 definition of what is prohibited from the perspective of  
4 GMOs. So then you could conceivably have in the marketplace  
5 what would be required or voluntarily encouraged to be  
6 labeled further presence; then you would have the zone in  
7 between, which it was unclear whether or not -- it might not  
8 need to be labeled but, for the purposes of the public,  
9 might still be viewed as genetically engineered and, for the  
10 purposes of the organic standard, would still be viewed as  
11 genetically engineered, and then you go here.

12           And so it's just a concern we have about  
13 attempting to clarify the marketplace in a way that would  
14 cloud the marketplace even more from the perspective of the  
15 consumer understanding what's happening and a level playing  
16 field --

17           MR. REDDING: Uh-huh.

18           MS. BATCHA: -- in the marketplace.

19           MR. REDDING: Thank you.

20           MS. BATCHA: Make sense?

21           MR. REDDING: Yes.

22           MR. SCHECHTMAN: Okay. This is a little off  
23 topic.

24           MR. REDDING: Yeah, Lynn.

25           MR. CLARKSON: Michael, at the bottom of page 5 in

1 this material that somehow or other I was presented --

2 MR. SCHECHTMAN: Oh, there are two Michaels. It's  
3 hard to --

4 MR. CLARKSON: Sorry about that. You have --

5 MR. SCHECHTMAN: Is --

6 MR. CLARKSON: -- the final sentence that I'm very  
7 pleased to see there, and it refers to considerations of  
8 socioeconomic considerations, to include potential impacts  
9 on regulated GE crop plants, on domestic economic  
10 environment, international trade, and coexistence among all  
11 farms and U.S. agriculture. I regard that as good to see, I  
12 regard that as controversial, and I want to know how solid  
13 your footing is on that particular part of your statement.

14 MR. GREGOIRE: Okay. Is -- so you're referring to  
15 the NOI, right?

16 MR. CLARKSON: I believe I am.

17 MR. GREGOIRE: Page 5. Let me just read what  
18 you're referring to here.

19 MS. MARTENS: Could you read it out loud again,  
20 Lynn?

21 MR. GREGOIRE: Yeah.

22 MR. CLARKSON: Sure. The final sentence in the --  
23 it starts out with, under the provisions of the National  
24 Environmental Policy Act of '69 --

25 MR. GREGOIRE: Oh, okay.

1           MR. CLARKSON: -- and then closes out by saying  
2 one of the considerations in the statement should be about  
3 socioeconomic considerations, to include potential impacts  
4 on regulated GE crops, on the domestic --

5           MR. GREGOIRE: Uh-huh.

6           MR. CLARKSON: -- economic environment --

7           MR. GREGOIRE: Right.

8           MR. CLARKSON: -- international trade, and  
9 coexistence. And since I approach much of this from a  
10 market standpoint, that is a key consideration of mine and  
11 players like me in the industry. I'm pleased to see it. I  
12 don't think it's always been there, and I'm curious to know  
13 what the foundation is and whether you're comfortable with  
14 that foundation of a socioeconomic consideration, not just  
15 safety considerations. So this is a broader definition of  
16 the environment I'd like to see.

17           MR. GREGOIRE: Uh-huh. So what this refers to,  
18 this section of the NOI is explaining what environmental  
19 impacts we will analyze pursuant to the National  
20 Environmental Policy Act. So we would look at -- for each  
21 of the four alternatives, or whatever the alternatives turn  
22 out to be in the EIS, for each one of those, we would look  
23 at things like impacts on soil, air, water, things like  
24 that, as well as the socioeconomic impacts of those four  
25 alternatives.

1           That's what this is explaining that we would do,  
2 and that is actually something we have examined in  
3 environmental impact statements that we have prepared in the  
4 Agency. So, for example, it would look at the impacts, the  
5 socioeconomic impacts of drift, trade, and things of that  
6 nature. So that is something that we typically do look at  
7 in EISs.

8           MR. CLARKSON: And is that something that might  
9 come into consideration, or the synchronicity with which  
10 trading partners are accepting new trades?

11           MR. GREGOIRE: Well, I think that issue would be  
12 examined, but I'm not sure I exactly understand your, your  
13 question.

14           MR. CLARKSON: It really goes to disruption in  
15 trade that we've all seen between the United States and  
16 China over the past --

17           MR. GREGOIRE: Uh-huh, yes.

18           MR. CLARKSON: -- five years and to see perhaps  
19 more government involvement in making sure that before we  
20 put something out throughout the U.S. production system,  
21 that all of our significant trading partners are included in  
22 approving that trade.

23           MR. GREGOIRE: Uh-huh. We certainly have that  
24 input, especially from the green trade groups. This has  
25 been and remains a really tough issue to deal with.

1 Secretary Vilsack is personally engaged in working with  
2 China and other trading partners to better synchronize the  
3 approvals across the globe so we don't run into the kinds of  
4 trade issues that we often have.

5 MR. CLARKSON: Thank you.

6 MR. GREGOIRE: Okay.

7 MR. REDDING: Leon.

8 MR. CORZINE: I don't know if this is really a  
9 question, but the thing that Lynn addressed is, it is  
10 important, and a lot of us around here have worked on that  
11 synchronization around the world, as you know, but it is  
12 also a fine line because you get countries that are so  
13 unpredictable that they basically would stop technology if  
14 you, if you consider that too far. So it's not -- it is  
15 like other things: it is not a black-and-white. For  
16 example, China will be -- has become a major market  
17 sometimes, and then they put up technical barriers to trade  
18 when they don't want our products.

19 So it is good that you have that in there, but you  
20 had that in there in the past, as I understand. But it's  
21 just like, you know, you can get into a big-time debate and,  
22 as you analyze, and actually slow down the process, because  
23 we, you know, we've had that happen with some commodities  
24 before when somebody made the decision that technology, you  
25 need worldwide approval before it is brought to

1 commercialization or you basically stop the research, you  
2 stop everything, as you know.

3           So good luck with that part, I guess, as you work  
4 through it, and I hope what happens is we don't get to a  
5 point that you really slow down or almost stop our own  
6 regulatory process because of that one line. Okay. Thank  
7 you.

8           MR. REDDING: Angela.

9           MS. OLSEN: My -- wow, this is a loud mic.

10          THE REPORTER: Just move it back.

11          MS. OLSEN: Just move it back? All right. Thank  
12 you. My question is actually for our chair, and that is  
13 that -- and, again, we're all committed to delivering for  
14 the Secretary with this charge -- and so you referenced a  
15 meeting that you and Laura had with the Secretary, and I was  
16 wondering, before we get too far into our discussions today,  
17 if there was anything that might, that would be important  
18 takeaways for the rest of us to be aware of in terms of the  
19 Secretary's thoughts.

20                I wasn't aware of the meeting. So just is there  
21 anything that would be important for all of us to be aware  
22 of that will help inform our discussion, to make sure we're  
23 delivering what he's, you know, what he's expecting and  
24 would be helpful to the Agency?

25           MR. REDDING: Yeah, Laura, thank you. Yeah, I

1 should have been clear. The meeting that we attended was  
2 the National Association of the State Departments of  
3 Agriculture policy meeting here in D.C. but no personal  
4 meeting with the Secretary.

5 MS. OLSEN: Sorry, I was confused about that.  
6 Thank you.

7 MR. REDDING: Chuck.

8 MR. BENBROOK: Yes. The process that's going on  
9 now to review the coordinated framework is, you know,  
10 certainly long overdue and, hopefully, will lay the  
11 groundwork for some long-needed changes in the, you know,  
12 when we have a new administration next year. And, of  
13 course, we're also in a political era when trade deals are  
14 getting a lot of heat in the political process, and it's  
15 hard to say how our markets are going to evolve in the  
16 period that lies ahead.

17 And so we have a situation now, it's my  
18 understanding that over 30 technologies involving gene  
19 silencing have been deregulated by USDA without any further  
20 consideration because they don't involve the insertion of  
21 any foreign DNA into the, into the target organism, and I  
22 understand the logic and the scientific basis for that  
23 judgment under the Plant Pest Act and the statutes that the  
24 Department of Agriculture has to work under, but I, you  
25 know, I can't help but wonder what impact that, that action



1 by USDA under the statutes the Department is responsible for  
2 administering impacts how the discussion will unfold in FDA  
3 and EPA and, in fact, across the whole federal government,  
4 which is, through this process of revisiting the coordinated  
5 framework, trying to come up with a more science-based and  
6 harmonized treatment of agricultural biotechnology in  
7 general.

8           So my question for Michael is, within the  
9 executive branch committee that you have working on this,  
10 how are you going to prevent further -- you know, kind of  
11 building on what Laura said -- further confusion, you know,  
12 in the industry, the consumers, scientists, buyers abroad on  
13 what the position of the U.S. government is vis-à-vis  
14 agricultural biotechnology regulation if different agencies  
15 are kind of going off in different directions and there  
16 really isn't a logical consistency to -- even the definition  
17 of what, what a genetically engineered organism is?

18           I mean, I, I see real potential for the problems  
19 that arise from the fact that the U.S. has never modernized  
20 its legislative foundation for biotech regulation. I think  
21 the problems can get far worse fairly quickly with this new  
22 generation of technology if, if we don't get our act, our  
23 collective act together. So could you speak to, are the,  
24 are the three major agencies, are you, are you confident  
25 that you're going to wind up at the same place at the end of

1 this process and is that one of the goals?

2 MR. SCHECHTMAN: It's a complicated question, and  
3 in part, it's complicated because what the focus has been  
4 thus far has been on much more clearly articulating what the  
5 current road map is for, for products. The next step in  
6 this process is really going to be setting out a road map  
7 for how we will look at all of the big-picture questions  
8 that may exist. You know, among them are consistency and  
9 cooperation and outreach to the public so that there isn't  
10 confusion, but that is a process that is just beginning to  
11 be undertaken, and what is going to happen through this  
12 administration is going to be essentially developing a road  
13 map for future administrations to analyze all of those  
14 questions.

15 You know, we want to get a plan together to be  
16 able to address all of the big-picture issues, consistency,  
17 et cetera, thinking towards what the developments in science  
18 are going to be in the new years, coordination, helping to  
19 not address -- or to minimize duplication between agencies,  
20 working together, making it more obvious that agencies are  
21 working together and doing things in a coordinated way. We  
22 have to develop a plan for doing those things, but that's,  
23 that's still in very, very early stages, but we're certainly  
24 very aware of the fact that these are the kinds of things  
25 that need to be looked at.

1 Do you want to add anything, Ritu --

2 MS. NALUBOLA: Sure.

3 MR. SCHECHTMAN: -- since she's another member of  
4 this, of this group?

5 MS. NALUBOLA: No, I will -- think only one point  
6 to add, and that's that as part of the July memorandum that,  
7 that had instructions for the three agencies, one of the  
8 aspects has to do with an independent external analysis of  
9 the future products of biotechnology and how prepared  
10 agencies are with respect to providing the appropriate  
11 oversight. And the first such independent analysis has been  
12 commissioned to the National Academies of Sciences, and that  
13 study is -- they did announce that study. So whatever the  
14 results are of that analysis, are -- it's intended that  
15 those results would inform the thinking of the agencies as  
16 we develop this long-term strategy.

17 So I think, you know, I just wanted to mention  
18 that NAS is also looking at this issue, but it's -- and then  
19 we also received a lot of public comment on these newer  
20 technologies. So it's definitely part of the discussion,  
21 and it will become part of the effort going forward.

22 MR. SCHECHTMAN: Okay. Good. Onward.

23 MR. BENBROOK: If I might, just one, one quick  
24 follow-up. You know, many of us around this table have  
25 followed the evolution of this industry and its applications

1 for a long time, and it is patently obvious that the rate of  
2 change in technological development and potential products  
3 entering into the marketplace, from genetically engineered  
4 mosquitoes to Lord knows what else, is, is picking up pace  
5 at a considerable rate while the ability of governments,  
6 both national governments and international bodies, to deal  
7 with it is not getting any quicker.

8           And I think the scope of exposure to U.S.  
9 agriculture and companies that are dependent on export  
10 markets for incapability with what's going on in other parts  
11 of the world, I think the, the odds are that the problems  
12 are going to get substantially more serious and, and in,  
13 within the next few years. And I just, I think somehow the  
14 message has to get across to the U.S. Congress and the  
15 executive branch agencies that you don't have five years to  
16 talk about this, you know, unless, unless you want to sort  
17 of throw the dice and see, see happens.

18           I really think that the international market  
19 consequences of not dealing with the, the incapability, in  
20 many ways, between what we do from a regulatory point of  
21 view and even a definitional point of view in the U.S.  
22 relative to the rest of the world is, is, it's going to be  
23 such a bigger issue than really anything else before this  
24 committee.

25           So I'm -- I hope that this, this review of the

1 coordinated framework, I hope it does more than just tee up  
2 some issues, although that's perhaps all it can hope to do.

3 MR. SCHECHTMAN: I will just respond and say that  
4 the international implications of all of the regulatory  
5 actions and definitions under existing laws are things that  
6 the government is keenly aware of, and we've been involved  
7 in a variety of different international forums discussing  
8 these things.

9 I think the fact is that every country under its  
10 national laws is going to have its own definition and its  
11 own policies. The hope for a harmonized definition all over  
12 the world or a harmonized approach is a distant one at this  
13 point, and the question is how we work through all of these  
14 things, recognizing that different governments have  
15 different approaches, work at different rates of speed, have  
16 different considerations that, that they may hold important.  
17 But certainly the government is very heavily involved in  
18 trying to work in a range of international forums on this  
19 issue.

20 I don't know that we can continue to talk about  
21 this a whole lot here. It is a little bit off the subject,  
22 though it's a clearly very, very important -- very, very,  
23 important topic which, which has been brought up.

24 MR. REDDING: Mary-Howell, then Isaura.

25 MS. MARTENS: I don't think this is off topic. In

1 recent years I've not been completely impressed by the  
2 ability of Congress to understand and act on complex and  
3 nuanced ideas. And so I'm wondering, and maybe you can  
4 help, these two labeling bills that are up in either house,  
5 are they crafted in such a way that take into account new  
6 and emerging technologies or are they stuck in a definition  
7 of what is getting to be archaic and therefore will allow  
8 things to drop through the cracks as the new emerging  
9 technologies become more prevalent?

10 MR. GREGOIRE: I think the -- and I'm trying to  
11 recall -- the Senate bill, I think, defines bioengineered  
12 products as products that are developed through recombinant  
13 DNA technology and that couldn't otherwise be developed  
14 through conventional breeding. I think that is what the  
15 definition is.

16 MS. MARTENS: So CRISPR would not fall under that?

17 MR. SCHECHTMAN: No.

18 MR. GREGOIRE: I don't think so, but -- I don't  
19 believe so.

20 MS. MARTENS: Big crack. Big crack.

21 MR. GREGOIRE: I think it's a fairly narrow  
22 definition in the Senate bill.

23 MR. REDDING: Isaura, then Alan. We'll take those  
24 two; then we'll have to move on.

25 MS. ANDALUZ: I wanted to address this --

1 MR. SCHECHTMAN: Mic, please.

2 MS. ANDALUZ: Oh, is it on? Okay. I really  
3 wanted to address this more whenever Doug was here, but at  
4 our first meeting, Doug passed out the North Dakota Plan for  
5 Management Pollinators, and their main thing here was saying  
6 that, you know, NASDA points to the scientific review of the  
7 2007 National Academy of Sciences report Status of  
8 Pollinators in North America and the joint USDA-EPA report  
9 National Stakeholders Conference on Honey Bee Health, and  
10 they found all these different things, and one of the main  
11 causes of the collapsed bees, they're saying, is the Varroa  
12 mite.

13 And so what I wanted to point out here is just  
14 that even if it's the National Academy of Sciences -- I  
15 mean, first of all, this report was 2007; we're now in 2016.  
16 I didn't pull this report, but I find that version to be  
17 very old, and as a beekeeper all my life -- well, not all my  
18 life, half my life, 25 years -- you know, the Varroa mite is  
19 not, is not an issue for us. There's lots of information, I  
20 mean, proven information. Some of it was from USDA where we  
21 had bred, you know, bees that are resistant to Varroa mite.

22 So I'm saying that what I'm concerned with here,  
23 too, with all of these issues is that cherry-picking  
24 scientific information that's, you know, that's appropriate  
25 -- that they want to put in certain documents like this that

1 are not really valid, I mean, that there's more information  
2 out there that's being ignored.

3 MR. REDDING: Michael, any comment?

4 MR. SCHECHTMAN: (No audible response.)

5 MR. REDDING: Okay. All right. Thank you. Alan.

6 MR. KEMPER: Thank you, Mr. Chair, and I think  
7 Doug will be here this afternoon to address some of your  
8 thoughts too. That'd be good.

9 Mr. Chair, I'd just ask for us to get back on to  
10 the topic, and I would suggest, I would love to discuss more  
11 about GMO labeling and what's going on on the Hill but maybe  
12 we can hold that until a later time when there's more time  
13 in the end of the day or tomorrow. Thank you.

14 MR. REDDING: Okay. Thank you. All right.  
15 Michael and Michael, thanks, yeah, appreciate it. We'll  
16 have an update now from Betsy Rakola, an organic policy  
17 advisor at Ag Marketing Service, on FSA Conservation Reserve  
18 Program allotments --

19 THE REPORTER: Microphone, please.

20 MR. REDDING: Sorry. Okay. Yeah, just moving  
21 along with the agenda, I appreciate Betsy being here to give  
22 us an update on the Farm Service Agency Conservation Reserve  
23 Program allotments for organic producers. Betsy, welcome.

24 MS. RAKOLA: Thank you, and good morning,  
25 everyone. I wanted to share with you a new initiative that



1 the Farm Service Agency has rolled out relating to the  
2 Conservation Reserve Program. Some of you may be familiar  
3 with CRP. It's often known as a program that takes land out  
4 of production entirely, that would retire a farm from  
5 production. There is a piece of the CRP, though, that can  
6 be used to retire pieces of land, and in this case they're  
7 looking specifically at buffer zones.

8           So what the Farm Service Agency has done is to set  
9 a goal to try to enroll 20,000 acres on organic land or land  
10 that is immediately adjacent to organic land, and this land  
11 could be in really any practice that is eligible for what's  
12 called the Continuous Conservation Reserve Program. So  
13 there are a number of practices that are eligible under that  
14 initiative; however, the FSA has recognized that buffer  
15 zones are, of course, required in the organic regulations  
16 and that by offering these conservation incentives, they may  
17 be able to make a good fit with the existing program  
18 authorities.

19           So a little bit of detail on that -- all of the  
20 current continuous practices will be eligible. So those are  
21 practices which have high conservation benefits, like  
22 pollinator or wildlife habitat, shelterbelts, those sorts of  
23 things. The enhancements generally have cost share to  
24 support implementation. The amount of cost share that's  
25 available depends on the specific practice, but it's usually

1 at about 50 percent of the cost of implementation.

2 So this, of course, is a program where  
3 conservation is the goal, and it is a voluntary program, but  
4 I did want to mention it because I know that similar topics  
5 have come up before in front of this committee.

6 MR. REDDING: Laura.

7 MS. BATCHA: Betsy, I want to just first thank you  
8 and all the team at USDA for putting this program together  
9 and getting the program out. I think it's, it's creative  
10 and it's a, it's an important step forward, and I have a, I  
11 have a couple thoughts and then a question for you.

12 I know you all announced it, I think, officially  
13 two weeks ago, and we had our crop and livestock special  
14 sort of field day in Michigan last week with a poultry  
15 operation, current organic farmers primarily on the feed  
16 side and non-organic farmers interested in transitioning to  
17 organic, and Nate was able to walk folks through this new  
18 program -- tremendously well received. So I think sort of  
19 the first reaction that we're beginning to hear is, is  
20 strongly positive.

21 I think two things are on my mind. I'm struck by  
22 a little bit -- we have a little bit of a lag in people  
23 actually understanding that, that the announcement has been  
24 made, and I think there's a lot more work to be done about  
25 how to roll out that program. And one of the questions that

1 we have -- and we've been trying to model it a little bit --  
2 that I think might be helpful, particularly as we look at  
3 what value this program could potentially play in  
4 incentivizing joint coexistence plans -- because, notably,  
5 adjacent lands are covered as well as the organic lands; so  
6 conceivably neighbors with buffers on both sides of a border  
7 could be participating in this CRP program and not only cost  
8 share to put the buffers in but perpetual payments for  
9 maintaining the buffers, so I think it's, it's a tremendous  
10 opportunity -- I think it would be helpful to have some  
11 models about what those payments might look like.

12 I know it's so hard to get to a model because no  
13 one farm and no one farm's neighbor, it's never replicable,  
14 but either by region, maybe by crop type, average farm size,  
15 but something to dimensionalize the economics of this, I  
16 think, would be helpful in terms of being able to understand  
17 and promote its utility as an incentive for the joint plans.

18 MS. RAKOLA: Sure. Yeah, I can take that back to  
19 the Farm Service Agency, but I like the idea.

20 MR. REDDING: Yes, Alan.

21 MR. KEMPER: Okay. This is an unusual day, I  
22 agree with Laura, and so I --

23 MS. BATCHA: It's happened once before.

24 MR. KEMPER: So, Betsy, you can always tell  
25 there's various opinions around the table, but I will

1 compliment, I will compliment your agency in coming up with  
2 this. As long as it's voluntary, conservation and buffer  
3 strips are well needed out in American agriculture, and  
4 whether that's organic or GMO farmers or conventional, it's  
5 a tool that provides a great way to save the environment.

6           A couple questions, so I don't mean -- you may or  
7 may not know; you probably do. Is there a minimum size to  
8 that particular area, one? Two is, since it is a CRP  
9 program, there would be contractual sign-ups for certain  
10 amount of time periods or is there an ongoing, forever  
11 easement that you can go and buy into forever for that land?  
12 And so those are just some of the thoughts. First of all,  
13 good job, and I think it'd be well placed in American  
14 agriculture. Thank you.

15           MS. RAKOLA: Sure, and I will give all of the  
16 credit to my Farm Service Agency colleagues; in particular,  
17 Brad Pfaff, who is our newly installed deputy administrator  
18 of Farm Programs who really was the driver behind this.

19           I don't know the answer to the minimum size. I  
20 don't believe so, but I'm not sure the answer to that. And  
21 as far as the contractual sign-ups, since this is a part of  
22 the continuous program, the enrollment is year-round and a  
23 farmer could enroll at any time. My understanding is that  
24 the contracts are about 10 to 15 years, similar to existing,  
25 you know.

1 MR. KEMPER: Thank you.

2 MS. RAKOLA: Sure.

3 MR. REDDING: Other thoughts, comments? Yeah,  
4 sorry, Leon.

5 MR. CORZINE: A couple questions I have on other  
6 requirements -- you mentioned that it would be cost share in  
7 the distances. Would the other requirements be, are they  
8 set up to be like the other CRP buffer strip programs? For  
9 example, we have one place where they come out and do an  
10 analysis and the 30-foot didn't -- 30 or 60 feet did not  
11 qualify because of the slope. We had to go quite a distance  
12 or -- if we were going to get in the program. So a question  
13 whether those type of things still apply, because buffer  
14 strip programs, as others have mentioned, I think is a good  
15 program.

16 But this is an initiative for, you said, 20,000  
17 acres, I think. So is that organic only, because in our  
18 discussions we talked about IP, which is more than organic?  
19 So is this program going to be eligible for someone that is  
20 growing other IP products, such as, I don't know, a specific  
21 product for a specific purpose or seed production or those  
22 kind of things, because it seems like if you're going to --  
23 if it's going to be for one IP product, it should probably  
24 be for others? So is that the way it is now, or do you see  
25 that in the future?

1 MS. RAKOLA: Sure. As far as the other  
2 requirements, there isn't really any new authority or any  
3 difference in how the program would be applied on the  
4 organic land versus non-organic land. So my assumption is  
5 that whatever requirements there were for the buffers, like  
6 the ones that you mentioned, would apply in this instance as  
7 well.

8 As far as other IP products, I don't know that  
9 that's been specifically considered. I will say that if the  
10 20,000 ceiling isn't hit on organic land, they would  
11 certainly look at using those acres on other land. So it  
12 doesn't necessarily preclude others from, from  
13 participating. They're trying to do some outreach to let  
14 organic farmers know, but can certainly talk about whether  
15 an initiative that would reach other IP producers might be  
16 warranted.

17 MR. CORZINE: Okay. Thank you. Just to clarify,  
18 though, so it isn't just if -- if it's an organic farmer,  
19 that isn't the only qualifier; you --

20 MS. RAKOLA: No.

21 MR. CORZINE: -- still have to meet the other  
22 regulations as well?

23 MS. RAKOLA: Sure, yes.

24 MR. CORZINE: Thank you.

25 MR. KEMPER: Betsy, I just hope you look into that

1 because that would give us a lot of chances for buffering IP  
2 products around various farmsteads also. So I think as long  
3 as it's voluntary, as long as there's enhancements to help  
4 get into the right legumes or whatever for that buffer, and  
5 as long as it's open to everybody to be able to be used for  
6 sensitive IP and organic crops --

7 MS. RAKOLA: Uh-huh.

8 MR. KEMPER: -- or pharmaceutical crops type  
9 things, I think it would be really great. Thank you.

10 MS. RAKOLA: Great. I'll share that with the FSA.

11 MR. REDDING: Isaura.

12 MS. ANDALUZ: Just I don't know about how the  
13 buffers work. So you just put -- you set land aside? Do  
14 you have to do anything to the land, or it just sits there,  
15 or how does this work?

16 MS. RAKOLA: I don't know the details, but I do  
17 know that conservation enhancements are a part of it. It's  
18 not just setting the land aside.

19 MS. ANDALUZ: So you have to do something.

20 MR. KEMPER: So, in other words, when we do it,  
21 you have a certain variety of grasses, legumes, and others  
22 that you have to not only plant, but you have to maintain.  
23 You can't -- not let it have noxious weeds on it or anything  
24 like that. So there's a prescription basically on what we  
25 do. It's --

1 MS. ANDALUZ: Okay.

2 MR. KEMPER: -- very good for the environment.

3 MS. BATCHA: Including hedgerows as well --

4 MS. RAKOLA: Yeah.

5 MR. KEMPER: Yeah. Yeah.

6 MS. RAKOLA: Hedgerows, agroforestry,  
7 shelterbelts, yes.

8 MR. REDDING: Yeah, I like the opportunity that  
9 folks who are organic or adjacent to organic can  
10 participate. I mean, this really goes at the heart of what  
11 we talked about, you know, in our report and facilitate that  
12 conversation between production systems. So I appreciate  
13 FSA taking this step to, to, again, make sort of an  
14 intentional effort to enroll lands that would fit this  
15 buffer and the CRP program, so thank you.

16 Other questions, comments?

17 (No audible response.)

18 MR. REDDING: Okay. Alan, you're --

19 MR. KEMPER: Oh, sorry.

20 MR. REDDING: -- you're done? Okay. All right.

21 Betsy, thank you. Catherine Greene, Economic Research  
22 Service, ERS report on coexistence, which I believe folks  
23 have or have picked up a copy. I know it was sent out to  
24 us. So, Catherine, welcome, thank you.

25 MS. GREENE: Thank you. All right. So it sounds



1 like you all have a copy of the report itself. What I'm  
2 going to do today in our short amount of time is just give  
3 you an overview of what we have in the report and show you a  
4 couple of pictures from the report.

5           Basically, it's a modest report. We don't have a  
6 ton of data, but using the data that we do have, we tried to  
7 say how big are the GE-differentiated sectors, pull it all  
8 together, kind of synthesize what's out there and how GE,  
9 non-GE conventional, and organic fit in the landscape; also,  
10 what are the strategies being used to maintain coexistence,  
11 and what are USDA survey findings, which I think we talked  
12 about the last time we were here -- again, our modest amount  
13 of information.

14           All right. I'll try this. Okay. So this is what  
15 I remember last time. It was not, it was not working that  
16 well.

17           MR. SCHECHTMAN: Try swiping your hand across.

18           MS. GREENE: Oh, let me try again.

19           MS. BATCHA: Oh, this is so funny.

20           MS. GREENE: No. I --

21           MR. SCHECHTMAN: While you do that, I'll work on  
22 the side and see if I can get it to do anything.

23           MS. GREENE: All right. I do not have the  
24 technique.

25           UNIDENTIFIED FEMALE: Ooh, that looks good.

1 UNIDENTIFIED FEMALE: Wow.

2 MS. GREENE: Awesome. Thank you, Michael. You're  
3 the weather person.

4 MR. SCHECHTMAN: Flatter phones. Who knows?  
5 Yeah, I'll stay here.

6 MS. GREENE: Thank you. So the first picture, do  
7 we, do we have any data on what's being sold for  
8 non-genetically engineered conventional products? Yes, a  
9 little bit. So organic we've got a lot of data. It's a \$39  
10 billion market in the United States, 12 percent growth last  
11 year. Industry puts it at about 12 percent growth for the  
12 next few years.

13 Non-GE conventional are products that are being  
14 verified by a private sector group. Most of you are  
15 familiar with this group, the one with the butterfly. For  
16 risky products, the ones that have GE counterparts, they  
17 require testing, and in recent years manufacturers and  
18 processors have required organic producers to also, even  
19 though they are completely non-GE under USDA organic, to  
20 also get this non-GE verified seal and, you know, pay for  
21 all the, everything that goes into getting yet another  
22 verification.

23 So you're also going to see the USDA organic and a  
24 Non-GMO Project verified seal together on many organic  
25 products in the grocery store. About half of the non-GE

1 verified products also have a non-GE seal, but again, the  
2 organic market is much, much bigger than that currently.

3           Uh-oh. Let's pick up where I left off. Okay.  
4 Michael, I'm not good at this. Okay. Thank you again. On  
5 the production side, for the five field crops that were  
6 genetically engineered in 2014, most of them are mostly  
7 genetically engineered -- field corn, soybeans, cotton,  
8 canola -- with just a little bit of red bars for non-GE  
9 production, and you can't even see organic showing up under  
10 Acreage because it's that tiny. It's 0.2 percent of the  
11 corn acreage in the United States and 0.2 percent of the,  
12 0.3, I'm sorry, 0.3 percent of the corn and 0.2 percent of  
13 the soybeans.

14           Alfalfa, you can see actually a little green bar  
15 of organic showing up for alfalfa because it's, has an order  
16 of magnitude higher or adoption level than corn and  
17 soybeans. Then you see really bigger, much bigger bars for  
18 sweet corn and squash. The green bars are organic, and then  
19 the red bars are the non-GE.

20           Again, most, most vegetables and fruits grown in  
21 the United States are either non-GE or are organic, mostly,  
22 mostly non-GE. Overall, less than, less than half of one  
23 percent of the fruit and vegetable acreage in the United  
24 States is genetically engineered. It's really just these  
25 three crops currently and not much more.

1           And, again, I think someone else pointed out  
2 earlier, the non-genetically engineered acreage of, let's  
3 say, field corn and soybeans is much, much higher than the  
4 organic acreage of field corn and soybeans. We only have  
5 one point of data on how much of that acreage, non-GE  
6 acreage, is going into markets for identity-preserved  
7 non-genetically engineered products, and that one point of  
8 data was from our 2012 soybean survey, and we -- and  
9 producers that were growing non-GE, 60 percent of them told  
10 us they were taking it into an IP non-GE market.

11           Next slide. Thank you.

12           MR. SCHECHTMAN: I think you can probably do this  
13 now.

14           MS. GREENE: I'll try, I'll try, I'll try the next  
15 one.

16           What practice -- again, you all are such a  
17 knowledgeable group; you all probably know everything I'm  
18 saying -- what practices help maintain coexistence?  
19 Obviously the practices that are, that organic and non-GE  
20 producers are taking. There are also some collective  
21 efforts. Purdue is one. They expanded their, their field  
22 watch, which is a registry that helps people know where  
23 pesticides are being sprayed. They expanded that to  
24 genetically engineered crop planting so that people would  
25 have an idea of where those crops are growing. Plant

1 breeders, I know you all have heard discussion about the  
2 pollen-exclusion varieties; obviously they cost more.  
3 Several county governments exploring GE crop prohibition.  
4 So you're probably aware that there are several counties in  
5 the United States that have banned production, and that's  
6 gone in and out of courts in terms of its legality. And,  
7 finally, the, the one that maybe not everybody is aware of  
8 in here is that alfalfa hay producers in the Imperial Valley  
9 in California -- it's the largest alfalfa exporting region  
10 in the United States -- apparently worked out a deal with GE  
11 alfalfa seed manufacturers so that that seed wasn't sold in  
12 the Imperial Valley of California, because the growers  
13 there, the conventional alfalfa growers were really worried  
14 about their export markets.

15           I don't have the touch. I just don't have it.  
16 Okay. This is -- you all talked about field buffers  
17 earlier, and that's obviously a huge strategy that the  
18 organic and the non-GE producers are using to maintain  
19 coexistence. For organic producers it's required. If  
20 you're an IP non-GE conventional producer, you're probably  
21 also required by contract, or you may well be, not everybody  
22 is, to use a field buffer.

23           For the crops that outcross, we have a little bit  
24 of data on another major strategy that's used for  
25 outcrossing crops, and that is, planting late, delaying

1 planting. So we had an oversample of organic producers in  
2 our 2010 USDA corn survey, and we compared the planting  
3 dates in eight states for organic producers and for  
4 conventional producers. And you can see that across the  
5 eight states where organic corn was being grown, producers  
6 were planting anywhere from two to four weeks later than  
7 their conventional counterparts, which can be a very  
8 effective strategy for preventing cross-pollination.

9 My understanding is that in, I believe it's in the  
10 cool wet years, you can still have an overlap of pollination  
11 which makes the strategy rather ineffective, but I guess in  
12 many years this does work really well. And, of course, the  
13 downside for the producers using this strategy is that it  
14 may lower yield because of delays; you're not planting in  
15 that optimal time frame.

16 And then this is -- I talked about this the last  
17 time I came to the committee meeting. These are the results  
18 from the USDA National Organic Survey. If you hone in on  
19 the certified organic producers, which were the vast  
20 majority of them, and look at the farmer -- and look at the  
21 states, the 20 states where farmers said they had a  
22 cross-pollination issue, not, I'm sorry, an economic loss  
23 from unintended presence of GE, one percent of the farmers  
24 in those 20 states reported an economic loss. It was a lot  
25 higher in states like Illinois, Nebraska, and Oklahoma; six

1 to seven percent of those farmers reported having an  
2 economic loss. And it was a lot lower in states like  
3 California, but also Indiana, Maine, and Minnesota had -- a  
4 much smaller percentage of them reported a loss. Again, we  
5 talked about that earlier, the \$70,000 per farm, way higher  
6 in some states. There were some outliers, and also, the one  
7 other thing is NASS collected data on earlier time periods,  
8 and these numbers are much, much higher than in earlier time  
9 periods.

10           The big disadvantage of this data is that NAS was  
11 not able to break out commodity-level reporting, and that's  
12 where it's really going to be meaningful because there  
13 aren't, there aren't that many crops genetically engineered.  
14 So it's just those crops that are even, have this potential.

15           The USDA 2010 corn survey, we also asked them in  
16 that survey, the organic producers, whether they had ever  
17 experienced an economic loss, and one percent of the  
18 producers with food-grade corn told us that they had ever,  
19 at any time in the past, ever experienced an economic loss  
20 due to the unintended presence of GE, and two percent of the  
21 feed-grain producers -- feed-grade corn producers told us  
22 they'd ever experienced a loss, so higher numbers likely at  
23 the commodity sector level.

24           MR. KEMPER: May I ask a question on that?

25           MS. GREENE: Yeah.

1 MR. KEMPER: Just, just a quick question --

2 MS. GREENE: Okay. Sure.

3 MR. KEMPER: -- because it says that two percent  
4 of the feed-grade corn rejected. That's different than an  
5 economic loss.

6 MS. GREENE: I apologize for writing that down  
7 incorrectly.

8 MR. KEMPER: Okay. Thank you.

9 MS. GREENE: That's my, that is my typo, sorry.

10 MR. KEMPER: No, that's fine. Thank you.

11 MR. SCHECHTMAN: Did you ask about economic losses  
12 in 2010?

13 MS. GREENE: We, we didn't phrase it as, precisely  
14 as it was phrased in 2010. We actually asked them if they'd  
15 had a load rejected, shipments rejected. So it's --

16 MR. KEMPER: That's a major difference.

17 MS. GREENE: It's a major confidence.

18 MS. ANDALUZ: It's still a loss, though. I mean,  
19 it's not, it's not --

20 MS. GREENE: It's, what we were trying to get at  
21 with the, asking them whether they had, asking them their  
22 specific, whether they'd had an economic loss -- yeah,  
23 that's right, they could have not had; they could have sold  
24 it for an organic price somewhere else, potentially.

25 It's --



1           MR. KEMPER: Well, they could sell it for  
2 commercial corn.

3           MS. GREENE: Yeah, and then the economic loss --  
4 and, again, the economic loss --

5           MR. KEMPER: That doesn't mean it was rejected.

6           MR. SCHECHTMAN: Al, could you use the microphone,  
7 please?

8           MR. KEMPER: Oh, that's fine.

9           MS. GREENE: Well, it was -- okay. It was  
10 rejected by their buyer as organic corn. Does that clarify?

11          MR. KEMPER: It just basically didn't meet the  
12 contract they were growing under. So they violated their  
13 contract. So the buyer was forced to reject the seller's  
14 load, is what you're saying --

15          MS. GREENE: That's right. It tested over the --

16          MR. KEMPER: -- but it had not -- but it did take  
17 an economic lowering but not a true rejection of the load  
18 because they had an opportunity to sell to the market that  
19 load.

20          MS. GREENE: Right. So they may have had to go to  
21 a different buyer, they may have incurred transportation  
22 costs to get to a different buyer, and so forth.

23          MR. KEMPER: Thank you.

24          MS. GREENE: Yeah.

25          MS. ANDALUZ: But, Alan, I do know of cases --

1 MR. SCHECHTMAN: Could you --

2 MS. ANDALUZ: But, Alan, I do know of cases where  
3 the growers, the -- when they take a load and it's rejected,  
4 they don't get it back and it's dumped, and so they -- it's  
5 not sold. So that is a loss.

6 MS. GREENE: Yeah. It's, it's a range of  
7 possibilities that happen, and that's why we've improved the  
8 question, and that's how we're asking the question going  
9 forward: economic loss.

10 Yeah, so you can probably sense that data, data  
11 limitations are a major limitation in trying to really say  
12 what's happening with this market. I mean, for instance, we  
13 don't even know -- we know that non-GE conventional corn and  
14 soybean producers get price premiums for their crop. USDA  
15 started publishing a report in September of 2015, publishing  
16 those premiums. We don't know whether, whether there are  
17 premiums at the retail level. That's -- so that's a gap.

18 USDA currently is tracking only planted acreage,  
19 GE and non-GE acreage for three crops: corn, soybeans, and  
20 cotton. So the numbers that I showed you in the graph  
21 earlier on planted acreage for GE, non-GE conventional,  
22 organic, those numbers are coming from other sources,  
23 possibly not as reliable as USDA. So, you know, that's,  
24 that's a major -- major, major data gap.

25 Also, I guess one of our conclusions from the

1 report was because the structure of organic agriculture is  
2 different than conventional. With organic we've got five,  
3 10 percent of many fruits and vegetables -- sometimes even  
4 more than 10 percent -- under organic production in  
5 comparison with the big field crops, which are currently the  
6 genetically engineered crops. So fruit and vegetable  
7 producers are not having to take coexistence -- they're not  
8 having to pay for coexistence measures currently; they're  
9 not having to go through verification processes currently  
10 because the crops don't have GE counterparts, and that can  
11 change if, if genetic engineering -- if genetic engineering  
12 becomes popular for fruits and vegetables.

13           So that's it. There's a lot more detail in the  
14 report.

15           MR. REDDING: Yeah, Laura.

16           MS. GREENE: This is the link for the report.  
17 This is the link for the topic, the Organic topic page, and  
18 this is the link for the ERS Biotech topic page.

19           MS. BATCHA: First, Cathy, thanks for pressing on  
20 in the pursuit of data for us to be able to consider as we,  
21 as we have these conversations. It's helpful. I want to  
22 just touch on a couple of the data points that you presented  
23 just for clarification from my perspective.

24           I think on that slide where you showed the private  
25 sector non-GMO verified product in the marketplace and the

1 percent that's organic, just so that folks in the room have  
2 a shared understanding, within that group of products that  
3 fall under the non-GMO verification, they do verify products  
4 as non-GMO for which there is no genetically engineered  
5 counterpart. So that's a distorting figure. So that's not  
6 all truly non-GMO with a counterpart. So it could be  
7 non-GMO verification on wheat berries, for example, right?  
8 So just so that we understand that.

9           On the fruit and vegetable production and the  
10 acreage base there in terms of being larger as a percent of  
11 the total acre production and the cost of coexistence, I  
12 just want to clarify, it's certainly not for the scope of  
13 this conversation, but those growers have their own unique  
14 challenges in a different type of coexistence in the field.  
15 So they do maintain buffers. They have to maintain programs  
16 to prevent pesticide drift. There is actually an action  
17 level, and they're getting standards for pesticide residues  
18 above five percent of the EPA tolerance. In that case it  
19 does deem the product non-certifiable. So they, they, they  
20 have their own challenges. It's just not related to genetic  
21 drift. It's primarily related to pesticide drift.

22           And then I think the other thing that I will note  
23 is -- and you've got it in Table 2 on 17 -- but your GATS  
24 data is from 2014 on the imports on corn and soy and the low  
25 development in terms of acreage in the United States, and I

1 think that's sort of -- that's, that's a huge piece of this  
2 puzzle. So I thank you for including the data, but  
3 encourage us to be aware of what's happening in the 2015  
4 data, and now I think those numbers are skyrocketing in  
5 terms of --

6 MS. MARTENS: Yeah.

7 MS. BATCHA: -- the percentage of imported corn,  
8 particularly coming -- Mary-Howell is sort of nodding as I'm  
9 talking -- but we're seeing a huge influx, particularly from  
10 countries where the presumption is there's less pressure on  
11 coexistence and from other markets. But, you know, the, the  
12 default sort of response to some of these challenges -- not  
13 only this, but many, you know, this is a piece of it -- is  
14 the product is coming in overseas rather than being able to  
15 be grown domestically.

16 MS. GREENE: Great point, yeah. All three points  
17 are well-taken, yes. In fact, for the non-GE project  
18 verified, we did look at the categories. We didn't publish  
19 the numbers, but it's across all product categories. I  
20 mean, it's still a fairly modest number of products, but  
21 it's across every category.

22 MR. REDDING: Leon.

23 MR. CORZINE: Catherine, thank you for, for  
24 putting this together because it's a really difficult task,  
25 I understand, to try -- one of the key things that I have

1 that I would, would note and then ask a question is that  
2 really what -- you are looking at economic loss; it really,  
3 it really is what I kind of coin organic-plus contracts  
4 where organic is process-verified, not test-based. So some  
5 have said, okay, we'll give you an extra premium if you, or  
6 the end user, the customer will say, well, we want to test  
7 now, right?

8           So if we're going to get into a test-based, or  
9 first, I guess, how -- the way I understand the organic  
10 standard is, if you are truly just an organic contractor or  
11 organic producer, I don't see how you could be rejected for  
12 GE material if you have followed the process. So then it  
13 comes to the -- and I don't know how you -- it would be a  
14 good thing if you could differentiate somehow in your next  
15 round of questions that you, that you send out, because I  
16 think that would help us in the committee.

17           Now, we can get into, and we do -- we don't do  
18 organic on the farm, but we do identity-preserved things.  
19 Okay? So we can get some rejections or a problem with that,  
20 or what generally happens is it won't be a rejection, it's  
21 just you go back to the next market but, generally, in the  
22 same elevator. Okay? If you're doing non-GE beans, and --  
23 a lot of guys do that without very much segregation, knowing  
24 they're going to get some rejected. So what happens in  
25 practical matter, they just swing around and a lot of times

1 don't even have to weigh a second time; they just unload at  
2 the other dump, but --

3 MS. GREENE: But they just get a lower price  
4 premium, or they don't --

5 MR. CORZINE: Yeah.

6 MS. GREENE: -- they don't get the price premium.

7 MR. CORZINE: Yeah, right. So I guess how do you  
8 differentiate between that? I would submit that you need to  
9 do, or are we reaching the point, do we need to redefine  
10 what is organic? I mean, if you're going to be doing what I  
11 call an organic plus, do you need a test-based and not just  
12 a process-verified system?

13 MS. GREENE: We -- the USDA published the rule in  
14 2000 and included many, many Federal Register pages  
15 discussing the comments that recommended setting a threshold  
16 for GE, and they spent many, many pages saying why they  
17 didn't set a threshold, but that was the end result: USDA  
18 did not include a threshold. Well, most countries in the  
19 world do have a threshold, and most buyers in the United  
20 States, many -- many, many buyers, I don't know how many,  
21 but many, many buyers now have their own private, have set  
22 their own private threshold, typically similar to the one in  
23 Europe, for the unintended presence of GE material.

24 So you're right that it's not in the USDA  
25 generally process-based rule with the exception that Laura

1 mentioned, which is it does have a product-based test for  
2 the amount of pesticide residue, no more than five percent  
3 of the EPA pesticide residue tolerance level.

4 MR. CORZINE: So what we're talking about here,  
5 though, in the coexistence, I think it's relevant that you  
6 make note of that if you can differentiate, or do we take a  
7 look at, at going, or moving away from a process-based into  
8 a test-based if that's where the market is driving it, and  
9 then you also, other IP things; for example, I'm glad you  
10 did the, the non-GE that isn't necessarily organic.

11 I had a question too. If you're going to try and  
12 track what is imported, okay, in a lot of cases, in corn and  
13 other products where things are produced in other countries,  
14 you need to note, a lot of times the value of the dollar --

15 MS. GREENE: Uh-huh.

16 MR. CORZINE: -- makes about as much difference as  
17 anything, whether you use a U.S. product or a product from  
18 Canada, for example. There's a big differentiation now, as  
19 well as Mexico and -- so it is going to get more complex,  
20 not less, but that is, that is a very important element to  
21 include when you look at anything that involves what's being  
22 imported. Okay?

23 MS. GREENE: We -- the trade data that we have for  
24 organic is value-based and that's what I included in the  
25 report. It's also volume-based, and the fact that we're



1 importing 70 percent of our soybeans doesn't, it doesn't  
2 move the needle much if you're looking at volume versus  
3 value.

4 MR. CORZINE: Yeah, I don't mean just to the value  
5 in your data, but, but the amount of volume --

6 MS. GREENE: Uh-huh.

7 MR. CORZINE: -- that comes in is dependent on the  
8 value of the dollar. Okay? See what I mean?

9 MS. GREENE: Yeah. Yeah.

10 MR. CORZINE: Okay. Thank you.

11 MR. REDDING: Mary-Howell.

12 MS. MARTENS: Cathy, two factors play into this,  
13 and this is kind of complicated, but I presented this last  
14 week on -- to a group of organic farmers. The strong dollar  
15 really makes a huge difference. The way organic corn looks  
16 as price-based in Argentina is very different than it does  
17 when it arrives here. The other thing is that three and a  
18 half years ago, rather predictably, organic grain price  
19 peaked at an outrageously high level. Strangely enough,  
20 three and a half years later, there's a lot of certified  
21 organic acreage, especially in the Black Sea area and in  
22 Argentina.

23 One thing that you're going to see this year,  
24 though, the imports of organic corn and soybeans has  
25 skyrocketed, and I am hearing from a number of American

1 producers that as the imports are coming in and the price  
2 has plummeted, too, by about a third of where it was last  
3 year this time, there are, there are buyers who are getting  
4 out of contracts, who are basically reneging on contracts by  
5 applying the GMO filter to reject American products. And  
6 this has never been commonly done, especially in the feed-  
7 grain market, but now it's a way of not paying on expensive  
8 contracts at the expense of American organic farmers.

9 MR. REDDING: Alan and then Laura.

10 MR. KEMPER: And, Mary, hold on. Mary, I have  
11 really a question for you or Catherine. On the -- it always  
12 entices me, because we talk about organic being  
13 process-based and then we talk about Argentina and corn  
14 coming in here that's organic, but who certifies, one, the  
15 process-based that makes them organic down there and then,  
16 two, are they held to a, once they hit our shores, a GM or  
17 GE test for their tainted product possibly, because you're  
18 talking Argentina, the largest GM corn country in the world  
19 next to us -- has to have some tainted corn coming in here.  
20 Give me some thoughts or feedback on that so I can help  
21 understand it. Thank you.

22 MS. MARTENS: Lynn might be the better one than I.  
23 As far as I know, the Argentinean harvest has not started  
24 yet. The biggest impact right now is coming from the Black  
25 Sea area -- Ukraine, Kazakhstan, Turkey, quote/unquote, and

1 other countries over in that area -- and those are largely  
2 certified by European certifiers, which are accredited by  
3 USDA.

4           The Argentinean certifiers are also accredited by  
5 USDA and theoretically are being held to the same standards.  
6 Are they being tested for GE presence when they come to the  
7 shore? I doubt it. They're coming in on large -- not even  
8 in containers anymore. Now they're in large, large holds,  
9 bulk ships, and I kind of doubt that most of them are being,  
10 that are going into the feed market, are being tested. I  
11 don't know about the food market. Maybe Lynn can comment.

12           MR. CLARKSON: Betsy.

13           MR. REDDING: Yeah.

14           MS. RAKOLA: Just to clarify the process, for any  
15 imported organic product, USDA does accredit and oversee all  
16 organic certifiers, whether here or abroad. We currently  
17 have about 50 that are headquartered in the United States,  
18 30 that are headquartered in other countries, and all of  
19 them do follow the same standards, as do their certified  
20 operations.

21           There are also several countries with whom we have  
22 equivalency arrangements. The European Union is one of  
23 those, and so we also oversee their systems, audit their  
24 government officials to make sure that they are applying the  
25 same standards that happen here at home. And, again, as far

1 as the testing that would be happening, since there isn't a  
2 regulatory threshold for the presence of GE traits, that's  
3 dependent on the buyer.

4 MR. KEMPER: Okay. So basically, what USDA is  
5 certifying is the process, not necessarily the purity?

6 MS. RAKOLA: Again, the GE traits are not a part  
7 of the organic regulations, correct.

8 MS. GREENE: I mean, one caveat to that is that --  
9 and this is going to be for U.S. producers and producers in  
10 other countries -- and that is that it's process-based, but  
11 if there is some -- but part of the process is to ensure  
12 that buffers are in place, strategies are in place to  
13 prevent commingling and cross-pollination.

14 MS. RAKOLA: Right, and since Laura mentioned the  
15 pesticide residues, we do require that five percent of all  
16 of the certified operations be tested every year, and that  
17 requirement applies again similarly here in the U.S. as it  
18 does abroad.

19 MR. REDDING: Okay. Thank you. Laura and then  
20 Lynn.

21 MS. BATCHA: Well, maybe, Lynn, you go first  
22 because I think you're responding to a question that's on  
23 the table. So go ahead.

24 MR. CLARKSON: The market filter requires stuff  
25 coming from Argentina and every place else to meet the same

1 standards that we're applying to U.S. production. It has to  
2 meet the .9 standard if the company that it's going to uses  
3 that standard. I would say about half the feeders use a .9  
4 and half the feeders use a classic organic definition. For  
5 processed food, it's almost 100 percent using .9 and some  
6 percentage using a lesser than .9, but cargos coming in from  
7 countries are rejected in the United States have to find a  
8 new home.

9           The Argentines deliver very little corn up here  
10 because of the problem you're pointing out. They can't meet  
11 the GMO-tolerance standard. You'll find the Argentines  
12 delivering more soybeans. Where the corn is coming from is  
13 primarily Eastern Europe, with significant buffer areas, or  
14 increasingly coming from places like India. And so they are  
15 held to the same organic standards by the buyers that I'm  
16 familiar with, which is a fairly broad range of buyers in  
17 the United States, as U.S. production is.

18           And I want to point out that the U.S. buyers went  
19 looking overseas, not for price, just to find enough to fill  
20 orders. Price was a secondary consideration up until  
21 recently. It will probably become a primary consideration,  
22 but the GE or the GMO issue is just the same, no matter  
23 where it comes from.

24           MS. GREENE: ERS has documented chronic price  
25 shortages in a number of articles with the feed grains

1 because of the much faster growing dairy market and much  
2 faster growing poultry markets.

3 MR. REDDING: Laura.

4 MS. BATCHA: Yeah, I'll just be quick. I don't  
5 want to take up too much time with this, but I do want to  
6 concur that I'm hearing the same thing that Mary-Howell is  
7 hearing around thresholds being applied to domestic,  
8 exceeding the .9 percent being a rationale to shift towards  
9 cleaner corn coming from overseas that also happens to have  
10 a lower price.

11 So I'm hearing the same thing in the marketplace  
12 as well, and that GATS data shows sort of Romania came on  
13 strong, and again, I think the sort of experience that we're  
14 hearing from folks involved in the trade is that that  
15 production space has less pressure in terms of the genetic  
16 drift, and then now the pricing has come into play, though,  
17 significantly. So --

18 And then in regards to some of these questions  
19 again around certification and rejections and testing on a  
20 process-based standard, Leon, you asked the question, how  
21 can it be rejected if it's organic? There's a difference  
22 between a load being rejected and losing your, your  
23 certificate for the load. So those two things happen sort  
24 of independently. Sometimes they collide. Sometimes they  
25 don't collide.

1           Any positive residue sample for GMOs or any other  
2 residue, if reported to a certifier, does require an  
3 investigation. So that's where you would go back and you  
4 would look at the production and see whether or not the  
5 buffers were adequate and you would conceivably issue  
6 non-compliances or work with the client to either tighten up  
7 the commingling or expand buffers, et cetera. So there's a,  
8 there is a feedback loop within, within the system that's  
9 triggered by positive tests if reported to the certifiers.

10           MR. REDDING: Great. All right. Thank you.  
11 Let's say thanks to Cathy and her team, appreciate the  
12 report. You know, four years ago or so we were, we were  
13 debating what was the economic loss and those issues. So to  
14 be four years on and now have a, you know, a good report --

15           MS. GREENE: Somewhat.

16           MR. REDDING: -- that begins, no, begins to sort  
17 of frame this, understanding that this is still  
18 self-reported, but you have some basis now to have an  
19 intelligent conversation about what the loss is, and then  
20 what do you do to mitigate that. So thank you for --

21           MS. GREENE: And we do have that question on the  
22 -- oh, I'm sorry. Another good thing, I mean, we are  
23 improving our data. We do have that question on the 2015  
24 National Organic Producer Survey, so more data points.

25           MR. REDDING: Excellent. Thank you. So let's

1 take a 10-minute break, and then we'll reconvene here and  
2 pick up with our subgroup reports. Commissioner, good to  
3 see you.

4 (Whereupon, at 11:00 a.m., a brief recess was  
5 taken.)

6 MR. REDDING: Okay. Let's reconvene. First, a  
7 note of welcome to Doug and Greg and Isaura, officially  
8 welcome. Thank you for being here. Thanks for taking the  
9 time. We'll pick up with the report, reporting out from the  
10 three subgroups, beginning with the Guidance Document  
11 subgroup and Greg Jaffe. Greg, you're going to present  
12 this --

13 MR. JAFFE: Yes.

14 MR. REDDING: -- report? Okay. Thank you.

15 MR. JAFFE: Hello, I -- well, I don't have a  
16 microphone. So I apologize for being late this morning. I  
17 spent an hour and 35 minutes on the, on the Orange line,  
18 normally taking, normally, a 20- to 25-minute ride. So that  
19 was not my -- not the best way to start Monday morning, but  
20 I agreed to give the report out from the Guidance subgroup  
21 of the AC21.

22 So next slide. So just to remind everybody, the  
23 subgroup members are Mary-Howell, Paul, myself, Alan,  
24 Darren, Lynn, and Angela, and we have two calls, one on  
25 January 12th, which was the first call of all the subgroups,



1 and then we had one on the 23rd, which was one of the last  
2 calls of the subgroups. So we sort of book-ended the  
3 process.

4           Next slide. So our charge, which Michael had put  
5 together and we agreed to, was to please draft -- please  
6 develop a draft framework of relevant considerations for  
7 farmers who wish to produce an identity-preserved crop.  
8 What additional general guidance can be offered to aid  
9 farmers in constructively interacting on coexistence-related  
10 issues with neighbors producing identity-preserved crops or  
11 other crops? And we generally agreed to those two  
12 sub-charges, but you'll see in a second, we did have some  
13 discussion about identity preservation and what was the  
14 scope of what we were doing.

15           So next slide. So, as I said, we agreed to the  
16 charge, and we thought it was a, you know, what we needed to  
17 do was draft a guidance document to help farmers get along,  
18 but we had this issue of scope, and I think we decided we  
19 couldn't agree to it and that we would bring it to the  
20 larger group to decide at the next plenary. And it was, you  
21 know, are we just talking about preventing adventitious  
22 presence related to GM or does it include all topics related  
23 to identity preservation and does it include mitigation by  
24 all farmers or are we just talking about mitigation  
25 primarily by the farmer who's producing that

1 identity-preserved crop. So those were -- we had some  
2 discussions on that, and it was agreed that we would bring  
3 that back to the plenary, and I assume that's something  
4 we'll end up discussing today or tomorrow.

5           And we also talked a little bit about the level of  
6 detail, whether it was going to -- and I think we decided it  
7 would generally be generalizable concepts that all, for,  
8 that all could use with local conditions. I think we all  
9 agreed that, that to be too prescriptive wasn't going to be  
10 helpful, because there are always local conditions and there  
11 needs to be flexibility for individual farmers because of  
12 those local conditions. So the idea was we would have  
13 broader concepts in whatever draft document came out of the  
14 group.

15           Next slide. We also talked about that, if  
16 possible, the guidance should contain both a framework and a  
17 decision tree that could be applied by individual farmers;  
18 it should include principles. And so Angela and Lynn agreed  
19 to take, to do an initial draft, and they weren't working  
20 together to do an initial draft; they were each going to do  
21 a separate initial draft and provide those by our second  
22 work group call.

23           The committee also asked USDA to reach out to Nick  
24 Kalaitzandonakes to see what data and information -- what?

25           MR. KEMPER: Good job.

1           MR. JAFFE: To see what, to see what -- I don't  
2 know if I did it correct -- but to see what information he  
3 could add to the subgroup and to the information that I --  
4 and Michael reported out at our second call that he still  
5 had not reached Nick to decide, but I'm going to keep  
6 putting pressure on Michael to get a response on that. And  
7 then --

8           MR. SCHECHTMAN: I'll answer in a minute.

9           MR. JAFFE: Okay. And then we did talk about,  
10 talking to neighbors would be part of our second call. That  
11 was the second part of our charge; so we didn't do that so  
12 much on the first call.

13           So on the second group, next slide, second call,  
14 we reviewed two documents, one that Angela had provided and  
15 one that Lynn had provided, and we just agreed to combine  
16 them, with Lynn's being the primary document and then adding  
17 some of Angela's principles and things into that document.

18           We did have a long discussion on -- and I know all  
19 of you don't have Lynn's document yet; since it was so  
20 draft, I think we decided we wouldn't provide it yet for  
21 this, for this committee at this meeting -- but we did have  
22 a discussion about one of the sections, on the knowledge of  
23 the seed, and that was a lively discussion about the need  
24 for knowing information on GE content of non-GE seed and  
25 certifications and systems around that. And for those of

1 you who were on our committee when we did our first report,  
2 I think that was a big issue, was if you come, come in with  
3 seed that has very little GE content, it's fairly easy to  
4 meet thresholds but, if it has some, some amount of  
5 adventitious presence of GE content in it -- and it's hard  
6 to know that because it isn't identified -- then it may be  
7 very difficult to meet a threshold. So we -- there was a  
8 discussion of that because it was in Lynn's original  
9 document, and so we had a fairly lively discussion on that,  
10 and my guess is we'll come back to that today or tomorrow as  
11 we discuss this subgroup's work.

12           And then the chair, we agreed with Michael that  
13 the system that had worked for the last AC21 report, where  
14 the chair, Russell and Michael drafted documents, was better  
15 than drafting by committee. And so we tasked Michael to  
16 take the two documents from Lynn and Angela, meld them  
17 together, and take in comments from the rest of the group,  
18 the subgroup at this point, to come up with a draft that  
19 would then be presented at future meetings for the plenary  
20 but it would not be available on today's, March 14th and  
21 15th.

22           Next slide. We also had a little bit of  
23 discussion about whether the document should identify  
24 sources of information. We agreed, yes, but we weren't  
25 going to be exhaustive. There was just no way to be

1 exhaustive. And we had, we had some reports from Minnesota  
2 and from Extension and different, different states, and we  
3 said it was good where we could put out some references that  
4 we all thought were respectable and useful references but  
5 that obviously we weren't going to do any sort of exhaustive  
6 search and put those in that. We also, we felt that there  
7 were a couple places where you could add portions of our  
8 AC21 report from the previous report into this, this  
9 guidance document, keeping in mind we may know about that  
10 report but the audience of this document might not know  
11 about those.

12           And then we've ended with a discussion about how,  
13 what do we do about guidance, about neighbors beginning to  
14 discuss the issue of coexistence. And we talked about the  
15 fact, or at least there was some discussion that some  
16 farmers start that with a letter, telling their neighbor  
17 what they're planting, when they're planting it, and asking  
18 them to respond and let them know what -- let that farmer  
19 know what the other farmer is doing so they can have a  
20 discussion to try to minimize coexistence. And so, again,  
21 we decided not to sort of invent the wheel on the letter,  
22 but Lynn and a few other people on the committee agreed to  
23 sort of look for some sample letters that would begin the  
24 discussion, particularly to the -- Illinois Farm Bureau was  
25 going to be contacted by one person, I think that was Lynn,

1 and then somebody else was going to look at the American  
2 Farm Bureau, and I can't remember who agreed to do -- maybe  
3 that was Angela, agreed to do that.

4 So that was it. That was our two discussions and  
5 that's as far as we've gotten so far, and I don't know if  
6 there's anybody else from the committee subgroup who wants  
7 to add additional comments to that.

8 MR. REDDING: Yeah, Angela.

9 MS. OLSEN: Thanks, Greg, and I think you did a  
10 great job reporting out on the discussions that we had  
11 within our group. I did reach out to Farm Bureau, and they  
12 didn't have a prepared document, but I would like to ask  
13 Leon Corzine to talk about a document that was circulated  
14 not only among our group but Michael made it available  
15 outside and circulated to everybody which was a proposal  
16 that NCGA had on some discussion topics that may be helpful  
17 for farmers as they're having discussions with their  
18 neighbors.

19 So, Leon, would you make a few comments about  
20 that? It's relevant to our work group, but I think it's  
21 also relevant to the entire group.

22 MR. CORZINE: Sure. Thanks, Angela. There's a  
23 copy for everybody on the table, I think, right? And it's,  
24 it's draft, and everybody needs to understand it is a draft  
25 in the process when I'm, our biotech committee was meeting

1 and the way the policy works as far as NCGA.

2           Our policy book, there were just a couple  
3 sentences that you could say regarded coexistence, but I had  
4 talked with our committee chair, and I thought, you know, we  
5 need something more, something that actually says  
6 coexistence, so came up with, with what is written here.  
7 And there's some points, and I don't know whether I need --  
8 I don't think it would be useful for me to read them now,  
9 but take a look at them, and -- but you understand it's a  
10 proposed policy, because as we do that, you, you present  
11 policy and it has, our -- actually, our committee is  
12 reviewing it now, and then it would be, like, our summer  
13 meeting. But this kind, I, we thought, would be useful, and  
14 I talked with Michael about that, to have so the committee  
15 can, our committee, can see the direction or that NCGA is  
16 paying attention or taking a look at what we can do.

17           And one thing that is important in the NCGA world  
18 and, I think, probably for us is to continue -- and the  
19 first line is, we support the continued enhancement of  
20 coexistence practices in the production of IP products and  
21 commercial corn -- because it's, what we talk about is, in  
22 this committee, and that's why I keep bringing up, what  
23 we're talking about is more than -- it's organic, but it is  
24 all IP, anything you want to grow IP in a commercial world,  
25 right, where you've got -- a commodity world, I should say,

1 commercial and commodity world. So that is what we were  
2 talking about, and then also promoting the farmer education  
3 and farmer-to-farmer communications, right?

4           And one of the other lines in here is, farmers may  
5 choose to communicate in ways that work best for them and  
6 their operations, and then when evaluating IP production,  
7 what -- and it's kind of what I go through when we look at  
8 various contracts that are available. So, so that is what  
9 this is about.

10           For example, it doesn't pin down -- I think in my  
11 part of the world, we don't send letters, but there might be  
12 a grower or two that, that if you have trouble, maybe they  
13 farm some acreage that is outside of our community, right,  
14 that you might need to make a contact other than  
15 face-to-face, but when -- and so this kind of addresses  
16 that, because I think when we look at that, we have to have  
17 that latitude because it just makes sense the first, first  
18 thing would be talk to your neighbor, right? If you had a  
19 mandate that you're going to send a letter, you would  
20 probably have a negative effect right off the bat with one  
21 of your neighbors. So that's kind of the crux of the NCGA  
22 policy proposal. Thanks.

23           MR. SCHECHTMAN: I want to add just two things --  
24 one, I did provide, just for people's information, the two  
25 drafts that were submitted from Angela and from Lynn. Thank



1 you both, by the way.

2           And then the other thing, just to respond to the  
3 topic about reaching out to Dr. Kalaitzandonakes -- I've had  
4 to do that a lot of times; he used to be on this committee  
5 -- and I spoke with him about a month ago at a meeting in  
6 Europe, and then I had a lengthy conversation with him a  
7 couple of weeks ago at which he promised to send the  
8 document immediately and some other stuff later, and I  
9 haven't received it yet. So as soon as I get information  
10 that he's able to share, I will share it with the committee.

11           MR. JAFFE: Thank you.

12           MR. REDDING: Yeah, thanks. Lynn.

13           UNIDENTIFIED MALE: Good luck.

14           MR. CLARKSON: First of all, a little history on  
15 the reason we request people to -- we suggest to farmers  
16 that they send a letter, letting neighbors know what they  
17 plant. First of all, you're not quite sure who to talk to  
18 anymore with lots of acreage in the Midwest; who owns the  
19 farm, who farms the farm, that changes with some frequency  
20 on cash rental deals; and, because an organic farmer needs  
21 to show his certifier that he's done a good job trying to  
22 work with his neighbors, it's good to have a letter on file,  
23 showing he let them know. And in some cases you'll find out  
24 there's no conflict whatsoever; all issues can be adjusted  
25 by a crop rotation, but unless you communicate, well, you

1 won't know what the neighbor is planting. Secondly, if  
2 there is a problem, then you'll find out whether you're  
3 going to have some cooperation toward coexistence; and,  
4 thirdly, if you find out there's no cooperation, then you'll  
5 have to decide what you're going to do within your own farm  
6 to make it work well.

7           So I think Angela asked American Farm Bureau, and  
8 when you said the committee, is that the Illinois Farm  
9 Bureau or the National Farm Bureau or the Corn Growers?

10           MR. CORZINE: National Corn Growers Association.

11           MR. CLARKSON: Okay. I contacted Tamara Nelsen,  
12 who's, I think, the marketing manager for --

13           MR. CORZINE: Tamara? You said Tamara?

14           MR. SCHECHTMAN: Would you --

15           MR. CLARKSON: Yeah, Tamara, for the Illinois Farm  
16 Bureau, and she was traveling, but that -- so she got back  
17 to me about a week ago but has not provided anything yet.  
18 And we leave it up to -- we make suggestions what people put  
19 in their contact letters, but we don't write the letter for  
20 them and we don't have a form for them to use, and to date,  
21 we haven't had anybody respond negatively to getting a  
22 letter who says: Listen, this is what I'm doing. I'm  
23 trying to do a nice job. I wanted to know what you were  
24 doing. Here's the chemicals I plan on using or not using,  
25 and would you be willing to share with me your crop plan for

1 next year? So it works out pretty well.

2 MR. REDDING: Yeah, just a reminder, we'll have  
3 some time right after lunch for further discussion on each  
4 of the subgroup reports here, but any other clarifying  
5 questions or comments for Greg? Laura, did you have a  
6 question? I'm sorry, Angela.

7 MS. OLSEN: I had a clarifying remark.

8 MR. REDDING: Yeah, please.

9 MS. OLSEN: So, Lynn, I did reach out to Farm  
10 Bureau, and they, they don't -- they're not aware of letters  
11 being sent, but also, they didn't have sort of the  
12 discussion topics, and so that's why the NCGA document was  
13 circulated among our group. So Farm Bureau didn't have  
14 anything when I had reached out.

15 And then, Michael, thank you for circulating the  
16 drafts that Lynn did and that I did. And just for  
17 everybody's visibility, we did, as Greg said, have a lively  
18 discussion about the drafts, and so what you're not seeing  
19 are the redlines that we sent in as well. So -- and I know  
20 it would be difficult for everybody to see all the redlines  
21 -- but those aren't, it's not a simple merging of the two  
22 documents. There's a lot of discussion on each of those  
23 points. Thank you.

24 MR. REDDING: Thank you.

25 MS. BATCHA: My question was just --

1 MR. SCHECHTMAN: Microphone, please, Laura.

2 MS. BATCHA: -- just clarifying for me, because as  
3 I was preparing for the meeting, going through my in-box, I  
4 found the notes from the two sessions of the subgroup, but I  
5 didn't find the documents from Lynn and Angela. So did you  
6 e-mail those to us? Are they available here or --

7 MR. SCHECHTMAN: They, I --

8 UNIDENTIFIED MALE: They're here.

9 MS. BATCHA: They are here? So I'll just grab  
10 them out on the table. That's fine. I just want to have a  
11 chance to familiarize myself. Thank you.

12 MR. REDDING: Okay. Greg, thank you, and the work  
13 group, thanks for your good work. Models and Incentives  
14 subgroup, Commissioner Goehring.

15 MR. GOEHRING: Good morning. The Models and  
16 Incentives -- and maybe I should ask Michael right away --  
17 oh, okay. I thought you were going to pull up a  
18 presentation I knew nothing about. So --

19 All right. The Models and Incentives group had  
20 two meetings, two conference calls. One was January 25th.  
21 The other one was February 8th. Unfortunately, something  
22 slipped through the cracks and I was not aware of the  
23 January 25th meeting, but I did have a chance to go through  
24 the material and try to glean some information from it. So  
25 what I would do is ask my colleagues, if there's any place

1 that I misrepresent or miss, certainly speak up and let me  
2 know.

3           Also, I will tell you, for the most part, when  
4 looking through it, it looks like our second meeting was  
5 probably more of an extension of that first meeting and  
6 really got into it, because what I could identify in here  
7 was discussions started concerning incentives and the  
8 discussion about mandatory versus voluntary. I think there  
9 was a great deal of talk about how voluntary would probably  
10 work much better, and the fact that there probably isn't a  
11 law to support that, unless you have a state law, you'd  
12 probably run into some issues. There was also some  
13 discussion about maybe looking at NRCS to see if there's  
14 approved practices in mitigation efforts.

15           Also, a discussion ensued concerning mediation  
16 programs and state departments of agriculture. Many of  
17 those mediation programs are set up right now to resolve  
18 disputes. For the most part, they work between creditors  
19 and -- or, I should say, farmers and financial institutions,  
20 but creditors can also be included.

21           There is some farmer-to-farmer work that's defined  
22 and outlined by USDA. Beyond that, I know that states have  
23 modified some of their programs. You have to get approval  
24 and authority in the state law; then you can do things like  
25 farmer to consumer, farmer to supplier on products or

1 services. You can also look at landowner issues, maybe with  
2 things such as transmission lines, with electric companies,  
3 pipeline companies, royalties on mining of minerals, timber,  
4 and oil and gas. I know that some have done that. So I  
5 just throw that out just as a side note, that if any of  
6 those discussions carry on any further, that's certainly a  
7 place we can go with that.

8           Also looking at assistance from extension and  
9 land-grant universities and discussion about joint  
10 coexistence plans and possible seed testing.

11           The second meeting -- which did seem like that  
12 extension of that first meeting, for the most part -- I will  
13 say that we started out with a great deal of discussion  
14 about the pollinator plan that states are utilizing and have  
15 put into effect very well. In principle, instead of the  
16 who, what, when and why, they start with why, who and what  
17 and look at a lot of best management practices. I'll tell  
18 you that when that particular document was created, it was  
19 general in nature when you look at best management practices  
20 so that any one state could just pick up the document,  
21 change the title, change the state's name, and most of those  
22 things would certainly apply.

23           Also, mapping, we talked a great deal about  
24 mapping systems. I only know of two mapping systems in the  
25 country to date that are pretty complex, extensive in

1 nature. We happen to have one in our state, and so does  
2 Purdue. That's not to say that others may exist, but I'm  
3 aware of those. Those are mapping systems that give you the  
4 ability to put in geographical coordinates, and you can then  
5 identify if there are beehives in that spot, is there  
6 vineyards there, or is there organic production. That's how  
7 we utilize ours. It works, works very good, and we can talk  
8 about that later if you want to go into more detail.

9           Also it was talked about, concerning models,  
10 grower opportunity zones. Right now there are some, a model  
11 out there that looks at alfalfa coexistence, and in those  
12 particular regions or areas, you have to have 80 percent of  
13 the farmers in the area sign on and vote for it. There has  
14 to be that, that high of approval, which -- then it's also  
15 duly noted that even though 80 percent would have to have  
16 that approval rating and it has to be required, 20 percent  
17 don't have a choice after that when it comes to crops or  
18 production practices.

19           The other question that came up was about the  
20 Brassica -- rapeseed/canola -- issue, and Barry probably can  
21 expand on this more. I did have a conversation with  
22 Director Coba out of Oregon, because what was requested by  
23 our group was to get information on the agreement. I did  
24 send an e-mail after my conversation. I couldn't find it  
25 yesterday in my e-mails, but virtually once it got started,

1 it got shut down based off from litigation; looks like a  
2 moratorium, lawsuits were in place. To date, no agreement  
3 exists. There's nothing to grab. They said they have  
4 something, but they're not sharing it.

5           They did talk about a private entity out there,  
6 and that was the reason I wanted to grab the, grab the  
7 e-mail. It talked about a nonprofit organization that does  
8 some mapping and does an agreement plan, but you have to pay  
9 to belong, to get into the system and -- although I didn't  
10 think that seemed very viable, to go and pay just to get  
11 some information, because from what I understand about the  
12 actual nonprofit organization's model, it already exists in  
13 some other ways and some other forms, and maybe even Barry  
14 can, can elaborate on that a little bit.

15           Director Coba also indicated, I believe it's 2018  
16 before all the studies are done. They go through this  
17 process before they would even be moving forward with  
18 something. So she did encourage us to do something. They  
19 really want what we have so that they can put it on the  
20 table and say, please, we already had a group that has given  
21 this a lot of thought and they believe that this may be a  
22 good way to move forward.

23           We also talked about incentives with respect to,  
24 it's a wolf-livestock coexistent efforts that are taking  
25 place in Arizona and I believe it's -- Nevada? New Mexico?



1 MR. JOHNSON: New Mexico.

2 MR. GOEHRING: New Mexico, and that is a  
3 public-private partnership, so to speak, but there are funds  
4 that are used to then incentivize farmers, livestock owners  
5 who are being affected, impacted, and then they would  
6 receive money from this, this group to house, let wolves  
7 reside on their property. So, interesting, that's where the  
8 compensation comes from.

9 We also talked about the EPA watershed model, and  
10 I know we had some conversation about it. I am familiar  
11 with the EPA's watershed models, and as long as we're not  
12 talking about the models themselves and just the format, I  
13 would be fine with that, but their models are flat. It's  
14 all about data, how much data you put into the system, how  
15 you're going to use that data, how that data is going to  
16 kick information out, but the nine-point plan was certainly  
17 something on the table, and I believe David might have  
18 actually sent something. I thought I saw something when I  
19 was printing off some materials. I didn't get a chance to  
20 get through that, but I'm sure we can talk about it at the  
21 next meeting if we don't talk about it now.

22 With that, I would conclude but I would invite my  
23 colleagues to fill in any gaps or anything that's been  
24 misrepresented. Thank you.

25 MR. REDDING: Questions or comments for

1 Commissioner?

2 MR. SCHECHTMAN: I'll just make one.

3 MR. REDDING: Yeah, please.

4 MR. SCHECHTMAN: Oh, thank you. Thank you, Doug.  
5 I will just make one comment, and that was just one thing  
6 that I thought I heard as a conclusion in the last meeting,  
7 which was that the subgroup members felt that none of the  
8 existing models that they looked at was going to precisely  
9 fit what we needed here but that they probably each offered  
10 something that might be worthwhile in figuring out what the  
11 model for this kind of cooperation would be.

12 MR. GOEHRING: You are so correct, Michael, and I  
13 apologize. We are probably going to have to build something  
14 from scratch, because just like every model that exists out  
15 there has a singular purpose, this one is broad in nature  
16 and there's a lot of issues and -- great point. We're  
17 probably going to have to build best management practices  
18 around the concept in which we're trying to address, so  
19 thank you.

20 MR. REDDING: Great, thank you. Thank you.  
21 Again, we'll have time for discussion, more detailed  
22 discussion. So our third group, Venues and Conveners  
23 subgroup, Leon.

24 MR. CORZINE: Thank you, Russell. I'm not real  
25 sure why I volunteered to do this. Maybe it was so I was

1 sure I'd have a chance to maybe say something. We had our  
2 -- our first meeting was delayed. We had a bit of an  
3 attendance problem and didn't have enough, everybody  
4 represented. So we basically scuttled the first meeting and  
5 then had a second. Latresia and Michael and I, I think,  
6 were the, and maybe Diane, were the only ones on all the  
7 calls we had. So, Latresia, if I miss something, why --  
8 fill me in, or go ahead and fill in.

9 MS. WILSON: Okay.

10 MR. CORZINE: Our group, it was kind of like, what  
11 do we do? It was almost like we served at the pleasure of  
12 the other committees because, since ours were just to come  
13 up with venues and conveners -- I'll read the two points  
14 that were our charge: What potential state or local bodies,  
15 organizations, or structures might be utilized in different  
16 localities to bring together growers for a development of  
17 joint coexistent plans for the resolution of local  
18 coexistence issues? And then, how might it be decided which  
19 organization is most appropriate in each locality?

20 Our discussion was around how diverse we are in  
21 our individual states but especially across the country and  
22 what crops we might be trying to grow; so, and then the --  
23 then what you get into is what organizations do you have in  
24 each area, and it's different. You know, some state  
25 departments of agriculture are appropriate. Some state

1 departments of agriculture, like mine, there's no budget to  
2 do anything, and so they don't want to step in. They might  
3 have a little bit of guidance, but -- but anyway, so that  
4 gives you an idea of the breadth of what we had to do.

5           So what we ended up doing was going through on  
6 different scenarios what might be the group or an  
7 organization that we could -- that could be utilized. So we  
8 kind of came up with what became, really, almost a laundry  
9 list on everything from the state departments of  
10 agriculture, crop improvement associations, because they  
11 have, already have some things in regards to buffer  
12 distances and those kind of things, to community-supported  
13 agriculture, to chamber of commerce.

14           And we haven't talked about chambers of commerce,  
15 but you know, in our discussions and, I think, the  
16 discussions of our committee, what's appropriate is, I mean,  
17 we kind of, we talk more about organics, but it's, as I've  
18 always mentioned, it's any identity-preserved product, okay,  
19 whether it be something that is brand-new, for example, that  
20 might be -- maybe a Frito-Lay wants something new; they're  
21 in our area -- with food-grade stuff that might want to come  
22 into my county. So they would want, since it would be,  
23 could be a community development-type thing, that a chamber  
24 of commerce maybe should be one that, that would coordinate  
25 the first meeting of whatever that product would be. Now,

1 they don't have any expertise probably in what we're doing,  
2 but you needed an independent convener, if you will, and it  
3 would be a high degree of interest because you could create  
4 jobs or create economic opportunity for the area.

5           So the chamber would definitely be one that you  
6 would want to include and all the way to who your -- the  
7 other end of that spectrum might be, like I mentioned, the  
8 crop improvement associations that know more of the detail.  
9 Then you have people that would, or organizations that might  
10 be on each side of an issue. So you had -- we decided we  
11 needed to recognize that. So I don't want to read through  
12 all these because I think that would be a waste of time, but  
13 you can go -- so that's where we got to on our first  
14 meeting.

15           Our second meeting -- and Michael, as he does,  
16 always is helpful to go ahead and coordinate or organize the  
17 list, if you will -- our second meeting, it's like, all  
18 right, what do we do here with, now we've got this list? So  
19 you had to make -- we decided to categorize those into  
20 classifications. For example, we had five categories -- and  
21 if you get a copy, at the bottom actually tells you what  
22 each of those numbers means -- and the five categories are  
23 the initiator that might call the meeting, gets everyone  
24 there, like my chamber example, or maybe it would be a corn  
25 growers association or soybeans or Organic Trade Association

1 or someone that, that is exploring. Okay?

2           And then you have -- next, you have a neutral or  
3 trusted host/convener, and the neutral part was important,  
4 to bring different perspectives together, because in our  
5 discussion we talked about there would be certain things  
6 that if just one group that we called Category 3, subgroup  
7 host/convener to gather information and perspective among  
8 like-minded stakeholders, if you wanted to bring everybody  
9 together in a community, it had to be somebody neutral. If  
10 it was, if it was a corn growers association, maybe there'd  
11 be an element would not want to attend, and the other end of  
12 that spectrum, Organic Trade Association, it's like, you  
13 know, there would be certain farmers would not want or feel  
14 a need to attend, right? So you've got those -- we broke  
15 those into two different groups: ones that would not be  
16 neutral and those that would be.

17           And then next, No. 4, the technical experts,  
18 because you've got to bring them together and then to get  
19 down to the technical part as far as answering questions as  
20 to what it's going to take to grow whatever IP product it  
21 is.

22           And then five was the facilitation and process  
23 specialists. So there are those organizations that can  
24 specialize that are in agriculture, and you know, that could  
25 be your state Department of Agriculture; it could be your

1 land-grant university.

2           So those things are listed, and we went through,  
3 then, our list of possible organizations and went to what  
4 their roles could be, and we felt like that was about as far  
5 as we could go. We all agreed that, you know, it really  
6 depended on the other two reports and as you look through  
7 those, because we thought ours was, our charge was to kind  
8 of get that list together and where they might be  
9 appropriate, and that's where we stopped. Latresia?

10           MS. WILSON: I agree.

11           MR. CORZINE: Okay.

12           MR. REDDING: Okay. Leon, thank you. Laura.

13           MS. BATCHA: I think this is just -- Laura Batcha  
14 -- primarily a comment back to my subgroup, which is Models  
15 and Incentives, in hearing Leon present. We might add, to  
16 our hit list of things to sort of work through, potential  
17 incentives and ask some questions to USDA about programs  
18 that fund convening, and I don't think we really have that  
19 sort of identified as a, as a unique thing to think about.

20           In terms of incentives, I mean, there are all  
21 kinds of grant programs that provide funds for people, to  
22 pull people together for conferences and meetings,  
23 et cetera. We might just do a little scour to see if there  
24 aren't some existing programs that can push some money out  
25 to states and local/regional groups if they, you know, sort

1 of met requirements for this type of convening. I don't  
2 think we have that on our incentives list.

3 MR. GOEHRING: Yeah, we didn't. Well, it would be  
4 very -- be very easy to find some of those groups. I know  
5 that there's even some you can be a bit creative and send in  
6 a request and they'll be really good about doing extension  
7 and outreach type of work.

8 MR. REDDING: Leon.

9 MR. CORZINE: I would just add -- and, Laura,  
10 maybe it helps, maybe not -- that we kind of left the  
11 funding part out of it. We did have a short discussion  
12 probably with -- for example, if you, you went to somebody  
13 like a chamber of commerce or if you went to a Walmart, that  
14 those people would do it without fundings, the initial  
15 phase, because there's going to be an incentive or that's  
16 kind of why a chamber of commerce exists. A Walmart might  
17 have an interest in some specialty product, right, or a  
18 Frito-Lay, so they would initiate with their own funds. So  
19 -- but other than that, Latresia, I don't think we really  
20 had any financial discussion.

21 MS. BATCHA: So we should pick that up and put  
22 that in our discussions, regarding incentives.

23 MR. REDDING: If you would put what in? What  
24 would you add to your subgroup?

25 MS. WILSON: Well, I think, Laura, we left it out



1 intentionally because we didn't feel that -- we felt that  
2 there would be so many different mechanisms of achieving  
3 that, and we kind of left it out, like Leon said, but --

4 MS. BATCHA: Well, as we look at models and  
5 incentives, I think, you know, we've -- the work area of  
6 incentives has been a little bit allusive for us, but it  
7 really has focused on incentives for the growers to enter  
8 into the plans, correct, and we haven't looked really at  
9 incentives for people to engage in the convening activity,  
10 and I just think we could move that over to the subgroup,  
11 pick up some of the stuff you guys have started on.

12 MR. SCHECHTMAN: I will just make one response.  
13 There had been a particular suggestion that was made in  
14 subgroup about the possibility of some market improvement  
15 program funds, and I did investigate that particular  
16 possibility, and I'm told that that is really restricted  
17 much more towards research activity. So it's not  
18 appropriate for that, but we can certainly look, look  
19 further. There are a zillion USDA programs that I know  
20 nothing about still.

21 MR. REDDING: Lynn.

22 MR. CLARKSON: I would like to provide some  
23 information and ask for input from others that might be  
24 certainly more familiar than I am with this, but there's an  
25 association called the AOSCA, the American Association of

1 Seed Certifying Agencies, and I think there are state  
2 agencies in roughly 45 of the U.S. states, I can be somewhat  
3 wrong, and several foreign countries.

4           As the number of seed companies has dwindled,  
5 AOSCA has been, all their agencies, their state agencies  
6 have been looking for more things to do, and in the State of  
7 Illinois, they're really associated with helping people do  
8 testing for seed purity, product purity. They have the  
9 right kind of staff in terms of researchers, market-focused  
10 people, folks who go to farms and make tests. And, in  
11 general, Leon and Alan might sort of think of the Illinois  
12 Crop Improvement Association as part public, part private,  
13 part university, which is also public.

14           So you have a broad reach, and I think they're  
15 regarded as neutral parties, at least I regard the ones that  
16 I know certainly as neutral parties, and I think they would  
17 have an incentive to find something else to do, and this  
18 sort of falls in the field of purity, identity preservation.  
19 So that would be an organization, I think, would be worthy  
20 of a close look.

21           Now, how do you gentlemen view the local agencies?  
22 I really don't have much familiarity with Indiana or Oregon  
23 or other states.

24           MR. CORZINE: We talked about that a little bit,  
25 Lynn, in our committee, and that's why we included -- we had

1 a couple other terms and then put everything together as we  
2 tried to shorten our list -- crop improvement associations.  
3 I think I maybe even mentioned the Illinois Crop Improvement  
4 Association because I think they're held in pretty high  
5 regard across the board and yet their amount of work has  
6 probably dwindled over the years, some of it around how much  
7 need there is on most farms for that purity that needs to be  
8 checked, but I used to utilize them myself. So, yeah, we're  
9 including those, especially in this category when you get to  
10 the technical part of what it takes.

11 MR. REDDING: Just for clarification, though, I  
12 mean, there's a difference between the crop improvement  
13 associations and the seed, seed trade associations, and I  
14 know how, our Department of Ag and what we're being tasked  
15 to do, and it's very different than what a crop improvement  
16 association would do. So are we talking about two different  
17 things?

18 MR. CLARKSON: This is Lynn Clarkson. I suspect  
19 we are --

20 MR. REDDING: Okay.

21 MR. CLARKSON: -- but in Illinois I tend to  
22 identify the two, the crop improvement association and the  
23 seed certifying. In my mind, it's one and the same. Leon,  
24 am I misperceiving it?

25 MR. CORZINE: The only thing, Lynn, was, you know,

1 as far as in people's mind, you talk about the American Seed  
2 Trade Association are the companies that belong, are tech  
3 providers, are seed companies. Illinois Crop Insurance, or  
4 Crop Improvement Association, as Lynn described, is  
5 different, and it's, it's kind of a mix of public-private  
6 with some extension connection, more land-grant university  
7 connection, and they do some -- I'm not sure what they do  
8 in, on the research arm, but I think they do a little bit of  
9 that, too, but a lot of testing and verifying. So that'd be  
10 different than the American Seed Trade Association.

11 MR. SCHECHTMAN: And, and different from AOSCA --  
12 and different from AOSCA as well.

13 MR. CORZINE: I'm not sure. They might be part of  
14 AOSCA.

15 MR. CLARKSON: Michael, let me add a little  
16 history here -- and I don't know this is definitive, by any  
17 means -- but back in 1993 and before, genetically modified  
18 crops were really a flaming issue. We had Japanese clients  
19 come to the United States and ask us what organization they  
20 could work with to develop a standard, and we led them over  
21 to the University of Illinois and to Champaign and  
22 introduced them to the Illinois Crop Improvement  
23 Association. They hammered out a standard. They hired the  
24 crop improvement association to do testing on farms. The  
25 Illinois Crop Improvement Association took the standard,

1 went to the AOSCA national meeting, and that standard became  
2 a national standard. So anybody that wanted verifications,  
3 certifications could get the same standard applied in any  
4 state where there was active, in my mind, crop improvement  
5 association.

6           So I really don't understand the mesh between crop  
7 improvements and seed certifying agencies, but in Illinois I  
8 just go to the same place for both.

9           MR. REDDING: Okay. Good. Mary-Howell, Chuck,  
10 and then Doug.

11           MS. MARTENS: The problem is going to be available  
12 staff. In New York we have the New York State Seed Lab  
13 that's under Ag and Markets, and they have three employees  
14 that do germ and purity. Ag and Markets has some seed  
15 inspectors, but they're spread extremely thin because now  
16 they're charged with doing greenhouse, vetting plants, and  
17 forestry of some sort, so not much staff there that's  
18 available.

19           Our seed improvement association is at Cornell,  
20 and they have two full-time staff and some student interns,  
21 and the only farmers that really have any contact with them  
22 are those of us who grow blue-tag certified seed. So it's  
23 -- as their tasks have declined, their staff has declined,  
24 and I think that there's going to be not a whole lot of  
25 available people power to do this kind of thing there.

1 MR. REDDING: Chuck.

2 MR. BENBROOK: Yes. First, a point of  
3 information, the Non-GMO Project, which, as we all know,  
4 play a pretty substantial role in all of this, have  
5 struggled for several years in their standards document  
6 about how to deal with seed and seed purity, and they have  
7 recently decided to establish a seed purity working group to  
8 come back with recommendations on what role a seed purity  
9 standard might play in meeting the overall non-GMO standard.  
10 And the push behind this is organic livestock farmers don't  
11 want to pay for testing every batch of corn silage and every  
12 batch of soybeans that get fed to organic livestock, and  
13 they really want to see that if a producer buys clean seed,  
14 that that, that satisfies the requirement.

15 And if you think -- if you sort of extrapolate  
16 from this, this dynamic going on within the non-GMO world  
17 and organic world, the cost of living with a coexistence  
18 system and standards is going to go up substantially if it  
19 depends on testing end-product foods. The farther back the  
20 value chain we can go in putting in place a system to  
21 confirm adherence to some standard, potentially the costs of  
22 that system could go down, and Lynn and Dave and I have had  
23 this conversation on and off since AC21 started.

24 Given that we know that whatever percent GM  
25 presence is in a seed, it's not, probably not going to go

1 down in the harvest from a crop from that seed, and there's,  
2 you know, if .9 percent is the operational international  
3 market standard -- which I think it's fair to assume that  
4 we've moved a long way towards that just since AC21 was  
5 reestablished; not all countries use .9, but it's certainly  
6 a de facto global standard -- perhaps we, you know, in terms  
7 of models of how to deal with this, if we could develop some  
8 thresholds for adventitious presence in seed that would  
9 under most circumstances not be exceeded in the harvest from  
10 that, we might be able to build a system where most of the  
11 burden of complying with standards would fall at the seed  
12 level, where I would, I would guess it would, the overall  
13 cost of the system would be much, much lower.

14           But in order for that to happen, two things, two  
15 pieces of information would need to be routinely available  
16 to farmers that are planting for Lynn Clarkson's grain  
17 company. They would need to know, what is the level of  
18 adventitious presence in this non-GE corn seed that I  
19 purchased and, secondly -- I don't know this, but perhaps  
20 around the table some people do -- at what level of seed  
21 production do the seed companies actually know what the  
22 level of adventitious presence is in a given lot of seed?

23           And so the bottom-line question is, is the seed  
24 industry producing enough low-level presence non-GE seed to  
25 meet the market demand, because if it is -- and I suspect it

1 is -- if there was a way to get that seed to the people  
2 growing for IP markets and have that, that satisfy  
3 requirements, it would really provide the most efficient and  
4 lowest cost -- you know, it wouldn't solve all the problems,  
5 but it would certainly solve a lot of them.

6           So I would, I would urge all, you know, the  
7 various working groups to ask at, you know, to what extent  
8 can we solve much of this problem by assuring that, that  
9 clean or, at least, very low-level seed is available to  
10 producers selling into IP markets.

11           MR. REDDING: Yeah, comments, Doug?

12           MR. GOEHRING: Thank you, Mr. Chairman. Doug  
13 Goehring. This is just a follow-up to the conversation  
14 about the crop improvement associations and some of the  
15 inner workings out there. When you look at some of the  
16 structure that exists in some of the states, you could have  
17 something like the seed commission -- in some states they  
18 exist -- you have the land-grant universities, and you have  
19 the agriculture departments.

20           Most of the crop improvement association are the  
21 farmers themselves that -- to your point, Lynn, there was  
22 the standards that were developed -- these are the guys that  
23 make sure they're implemented because they're working with  
24 the foundation seed, they're working to register it, and  
25 they're working to certify it, and they have to make sure



1 that those purity standards are met.

2           And to that end, I know on the Northern Plains, a  
3 lot of their work is going to be surrounded and dealing with  
4 the cereals, the pulses, the oilseeds, and the Brassicas.  
5 Beyond that, when it comes to, like, corn, that generally  
6 ends up being because you have the land-grant universities  
7 or the private industry that's doing it. They just fall  
8 under the authority of the ag departments or the seed  
9 commissions to make sure that they're meeting those  
10 standards.

11           So I was just going to add a little bit just to  
12 show that there is some difference, because you have two  
13 different groups of people -- one that's actually doing the  
14 boots on the ground; the other one is doing the testing and  
15 making sure that they're fulfilling that end of it. Thank  
16 you.

17           MR. REDDING: Doug, if I could ask, when you  
18 reported out on the Models and Incentives subgroup, you  
19 mentioned seed testing, right, had been a point of  
20 discussion within your group? Right? Was that in line with  
21 what Chuck is laying out in terms of the seed purity and the  
22 adventitious presence, or was that something different?

23           MR. GOEHRING: My apologies, Mr. Chairman, but  
24 that was in the first meeting that I ended up missing --

25           MR. REDDING: Okay.

1           MR. GOEHRING: -- and I just pulled that from the,  
2 gleaned that from the notes. So --

3           MR. REDDING: Okay.

4           MR. GOEHRING: -- I would have to defer to my  
5 colleagues.

6           MR. REDDING: Oh, okay.

7           MR. SLOCUM: Russell, that was a discussion.

8           MR. REDDING: That was a discussion. Okay. All  
9 right. So that gives us some context then for --

10          MR. SLOCUM: Right.

11          MR. REDDING: -- coming back to that point, Chuck.  
12 Thanks. Isaura and then Angela.

13          MS. ANDALUZ: I sit on the board of the Organic  
14 Seed Growers Trade Association, and Chuck, there is not  
15 enough seed. And part of the problem is the same problem  
16 we're having here, is that where do we plant -- where do we  
17 grow out the foundation seed in order to increase quantity  
18 of seed available, and also, breeding the new varieties that  
19 the organic growers want, and the problem is finding a plant  
20 where we're not at risk of being contaminated.

21                 So it's a huge issue, and our members, they test,  
22 they do go out and they test seed because, if they were to  
23 sell contaminated seed, they'd lose their business, and  
24 it's, it's a challenge.

25          MR. REDDING: Angela and then Mary-Howell.

1           MS. OLSEN: So I wanted to respond to a few of the  
2 comments that, and questions, that have been raised. So  
3 seed companies, by law, we're required to put the seed  
4 purity on the bag, and that's under the Federal Seed Act.  
5 And so, of course, we all, we all do that, and that's a  
6 contract. If we say a certain purity is on the bag and you  
7 buy that bag, that's what's in the bag, and again, it's a  
8 contract when you buy the bag.

9           With regards to seed, it doesn't inform the rest  
10 of our conversation, which is, well, what happens on the  
11 farm afterwards? In our first round of AC21 meetings, we  
12 heard from several speakers that talked about different  
13 mitigation measures on farm, and that's part of what we  
14 talked about in our working group as well, cleaning out the  
15 combines, knowing what your neighbor is planting. There's a  
16 lot of very good and proactive steps that farmers can take  
17 and do take for IP -- in IP practices. So I wouldn't want  
18 to, to ignore those conversations because, again, there is a  
19 lot that happens after the bag of seed leaves the seed  
20 company.

21           And we saw losses this morning, and the economic  
22 losses in the report, I believe, were about .67 percent, and  
23 there's a lot we don't know about it. There's points Laura  
24 brought up. There's points, we don't know what contracts  
25 folks have entered into because it's not just organic; as

1 Lynn said, it's organic plus. So, you know, again, we're  
2 looking at these small losses, which doesn't mean we don't  
3 look at them, but we're looking at a very, very small  
4 number, and I wouldn't, again, wouldn't want to ignore what  
5 happens on farm as well.

6           The last point about available seed, ASTA has  
7 convened some meetings on this. I know Andy LaVigne has  
8 spoken to us about this in Raleigh, in other meetings, and  
9 according to the work that ASTA's done, there is enough  
10 available seed; it's the planning. So if somebody wants  
11 untreated conventional seed, for example, they need to work  
12 with seed producers, yeah, at least a year in advance,  
13 because seed producers aren't going to have conventional  
14 untreated seed and keep that on the shelf if there isn't  
15 going to be a market or if they don't know that there's a  
16 market for it. You know, they're going to use their  
17 business models. So, again, I think ASTA's done a lot of  
18 good work in this area, and as we heard from Andy, according  
19 to ASTA, there is enough seed; it's more of a planning  
20 exercise that needs to happen.

21           So, again, these are just some points that I  
22 wanted to point out and interested in others' reactions as  
23 well.

24           MR. REDDING: Mary-Howell, Alan, and then Laura.

25           MS. MARTENS: As far as I understand seed law --

1 and I am, I do spend a fair amount of time on this -- the  
2 purity data that's required on a seed tag is the percent  
3 inert material, the percent other crop material, and the  
4 percent weed seeds. It is not required to have percent GE  
5 presence. So you're right, Angela, in that there's purity  
6 information on the seed tag, but the particular data that a  
7 farmer growing non-GE crops is not required by law on a seed  
8 tag, and therefore it may not be there; in fact, in all  
9 likelihood, it's not.

10 I think, as a committee, what we need is more  
11 information about what information is on a seed tag and how  
12 accurate it is, whether it has ever been tested on a  
13 third-party basis, whether it's something that a seed  
14 company can actually just choose to put on or not choose to  
15 put on, and then if it is ever verified to be accurate,  
16 because I don't think we know that. I don't think any of us  
17 knows that for organic seed or for non-GE seed; that that is  
18 information that is really critical, because yes,  
19 contamination can come from several sources -- pollen drift  
20 being one, contamination of equipment being another.

21 But the, the -- what Chuck said was really  
22 important, and that is, the farther back in the pipeline we  
23 get and put some filters back farther in the pipeline, the  
24 more accurate and more less expensive control is going to  
25 be. Seed companies need to be able to tell farmers buying

1 their seed routinely what the percent GE presence is in  
2 non-GE seed and have some, and farmers have some guarantee  
3 that the information on the seed tag has been tested in some  
4 authentic, credible way to be, to be accurate.

5 MR. REDDING: Thank you. Angela.

6 MS. OLSEN: We spent some time talking about this  
7 in our committee as well, and my recommendation, then, is  
8 to, you know, work with reputable seed companies. We have  
9 to stand behind our products.

10 But in terms of the GE presence, Lynn brought up,  
11 I thought, a very helpful point on our, within our subgroup,  
12 which is that there are seed companies out there that do  
13 provide that information. I think it's a business model,  
14 and if somebody feels strongly that they want seed and they  
15 want to know not only the purity standards but they also  
16 want to then know what GE content is in there, there are  
17 companies that do that and they put that on their bags. I'm  
18 not, I don't know which companies those are, but Lynn  
19 brought that up, and I think that's an interesting business  
20 model for the seed companies. I think that's a great niche  
21 market for seed companies that want to enter into that kind  
22 of market.

23 So apparently, that model is out there. You know,  
24 not all seed companies are going to follow that model, but  
25 you know, that is out there if one wants to purchase seed

1 and they want that additional information. You know, folks  
2 can also test their seed after they buy it.

3 MS. MARTENS: Does your company sell non-GE seed?

4 MR. SCHECHTMAN: Mary-Howell, would you use the  
5 mic so we get it on tape?

6 MS. MARTENS: Just follow-up, does your seed  
7 company sell non-GE seed?

8 MS. OLSEN: We sell conventional untreated seed.

9 MS. MARTENS: Is it non-GE?

10 MS. OLSEN: It depends on how one defines non-GE.

11 So --

12 MS. MARTENS: Okay. Okay.

13 MS. OLSEN: -- again, it depends on the  
14 definition: What is non-GE?

15 MS. BATCHA: And does it have -- sorry.

16 MR. REDDING: Wait. So Alan and then --

17 MS. OLSEN: I don't want to get off topic for our  
18 charge, but --

19 MR. KEMPER: Just to help Mary, at least Beck's  
20 Hybrids, Beck's Seed Company, fifth largest in the U.S.,  
21 sells GE, conventional, and organic. So they have  
22 protocols, or should have protocols on that. So we need  
23 maybe to reach out to some of those companies, Mary, and see  
24 how they can keep it.

25 MS. MARTENS: How they test --

1 MR. KEMPER: Yeah. Thank you.

2 MR. REDDING: Yeah, thanks.

3 MS. MARTENS: -- and how they label.

4 MS. BATCHA: Who is this?

5 UNIDENTIFIED MALE: Beck's.

6 UNIDENTIFIED MALE: Beck's.

7 MR. CORZINE: Beck's Seed.

8 MR. REDDING: Lynn.

9 MR. CLARKSON: Are you finished?

10 MR. KEMPER: Yeah. I'm sorry.

11 MR. CLARKSON: Thanks. Lynn Clarkson. Going back  
12 to the very first meeting that this AC21 committee had a few  
13 years ago, Leon and I had different perceptions where GMO --  
14 excuse me, I fall back into the contamination world --  
15 adventitious presence came from, and at that time I was of  
16 the fairly firm impression that most of the, most of the  
17 adventitious presence in corn came from cross-pollination  
18 because we have lots of contracts scattered over the Midwest  
19 buying for GMO-sensitive markets and we could watch the  
20 harvests and, since every load is tested, we would see the  
21 test results showing a diminution as you moved into the  
22 field. And, if a farmer were doing a 160-acre field, his  
23 end rows and his, his areas impacted by adventitious  
24 presence would blend down to where we had less than a  
25 rejection level, and so we were seeing levels at maybe .4 or



1 .5 percent, certainly acceptable with a .9 threshold.

2           Since then things have changed out in the field so  
3 that I am now agreeing with Leon that most of the  
4 adventitious presence is coming from seed, because we  
5 monitor what we see from our scale test results and we no  
6 longer see ourselves dropping to acceptable levels at many  
7 times.

8           Okay. Another point that Angela and I -- we may  
9 actually agree on this; we just come at it from different  
10 directions. The largest supply of non-GMO seed in the  
11 United States comes from a company that tries to meet the  
12 standards that are active in the non-GMO world, but when you  
13 ask what do you mean when you sell me something you  
14 represent is non-GMO, the normal response is, oh, please  
15 don't ask, and you say, well, I have to ask. They say,  
16 well, we think our average is .4 -- and, by the way, I think  
17 the industry could live at .4 or .5 -- to which the next  
18 question is, what's the range of GMO presence in seed that  
19 you are selling to farmers who are asking for non-GMO, and  
20 that runs from non-detectable, which is wonderful, to five  
21 percent. And the third question is, how do I know which bag  
22 I got, and the answer to that is, I'm really sorry to tell  
23 you, we can't tell you, we don't have tight enough inventory  
24 control for a really huge market.

25           And what those of us who are wanting to know by

1 either a label on the bag or a guarantee, we are asking for  
2 a tighter degree of purity than the industry has ever  
3 supported, and this is difficult. Most people assume that  
4 we can go out and get a representative sample or a seed  
5 company can get a representative sample. That, in itself,  
6 is a huge undertaking, a huge challenge: How do I get a  
7 representative sample? And my company samples lots of  
8 things, and I will never look you in the eye and tell you  
9 any one test we do is really accurate. If you, if you let  
10 us do 100 tests, I'll tell you our average is probably right  
11 on the money, but it's really difficult to get the  
12 representative sample to test.

13           So there are some companies now starting to sell,  
14 guaranteed on the bag, tolerance numbers for seed. I think  
15 there's one, who I'll leave unnamed, but coming from an area  
16 that's close to Alan that is providing .5 percent, I can  
17 guarantee, I believe -- could be .4, but I think it's .5 --  
18 and they charge something extra for that. I don't know  
19 whether the extra is for the production of the seed or for  
20 the testing, and they're getting the representative sample,  
21 so you can do that.

22           So while I would like to see seed companies put it  
23 on the label, the real point is I want the farmer to know.  
24 So where do you transfer the testing burden? If the you  
25 transfer the testing burden to the farmer, it is very

1 awkward to do, and it would be much more comfortable if the  
2 farmers can find seed companies who will.

3           So part of a guidance document, I think, for  
4 coexistence would be to tell the farmer it's pretty darn  
5 important to have some guarantee of the purity of seed,  
6 because if you're starting out with .6, .7, it's probably  
7 going to go way beyond the contract standards. So --

8           MR. KEMPER: Just a quick comment, I think at our  
9 last AC21 group, we recognized that. I mean, that was one  
10 of the planks in the first three or four paragraphs because  
11 somehow that's still implanted in my memory.

12           MR. REDDING: Alan, for having it as part of a  
13 guidance document that --

14           MR. KEMPER: It was even in our last, the report  
15 to the Secretary.

16           MR. REDDING: Yeah, the previous report, right,  
17 but was the point that producers should ask the question  
18 of --

19           MR. KEMPER: That point was not made.

20           MR. REDDING: No. No. But just aware of or --

21           MR. KEMPER: Seed purity problem.

22           MR. REDDING: Seed purity problem, right. Okay.

23 Leon.

24           MR. CORZINE: Well, I'll admit, I think Lynn and  
25 Alan's memories are probably both better than mine to go

1 back that far, but what I, what I think we have to be  
2 careful of here -- I agree with the comment that if a  
3 producer is going to, to get into an IP contract, that you  
4 need to know things that maybe a commodity producer does  
5 not, and what we have to really be careful of is we -- it  
6 would be, it would be a disservice to agriculture if you  
7 required everybody to tighten up their standards, because  
8 you're going to raise your cost. So we've got the Seed Act,  
9 we've got, we've got things in place, and there's a range,  
10 and you know, that range may be, you know, I have both in  
11 the same bag, the whole refuge-in-the-bag thing, right?

12           So you don't want to raise the cost for me just  
13 because something Mary-Howell is growing, she needs a  
14 tighter purity, and then I think, then, economics drive it.  
15 If you need more seed, there will be a company, step up to  
16 the plate. And should the seed be more expensive? Yeah, it  
17 should be, and if a company -- whatever company chooses to  
18 meet the standard or to meet that market, that's fine,  
19 that's what they do, but I don't think USDA or anybody else  
20 should force all companies to reach a standard that is not  
21 needed in the commercial world. So -- and I, and I feel  
22 very strongly about that point, and it doesn't matter if it  
23 -- name your company -- who it is, but don't force all  
24 companies, because it's a, it's economics, folks.

25           If there is demand, you'll be able to find the

1 demand, and maybe, you know, it's, yeah, it's going to ebb  
2 and flow, and Angela touched on it: you can't produce  
3 something and have it on the shelf and not knowing whether  
4 you're going to be able to sell it, because you put a lot of  
5 extra cost into that. Now, if Lynn's market changes and he  
6 needs this more, maybe, you know -- those things work out.  
7 It is the same on whether I'm going to grow corn or soybeans  
8 or if I'm going to do seed production or not seed  
9 production. You know, all of those things you have to sort  
10 out, and actually, you do need to plan about a year ahead  
11 on, in general, what you're going to do with that.

12 MR. REDDING: But I think for, you know, the  
13 committee, I mean, it's helpful, you know, to go back to the  
14 report that we authored and look at the context, right,  
15 because we touched on these themes and the responsibility,  
16 and for coexistence to work, there's not a single entity  
17 within the, within the system, if you will, that is  
18 responsible. It really is a shared responsibility from, you  
19 know, the technology firms, you know, the supply chain,  
20 farmers, et cetera, right, and I don't want to miss that  
21 point, because I think you get into it with this seed purity  
22 question, of -- no one's sort of exempt from this  
23 responsibility. We all have a responsibility to make that  
24 work, and putting that in proper context, as we enter this  
25 next set of guidance document discussions and -- just be

1 thinking about that, right, because I find, you know, our  
2 work, what we struggled with, and we went in and out of  
3 these conversations with the adventitious presence and how  
4 to present that, represent it, the issue of thresholds,  
5 right, and had a very spirited debate, but I think it's all,  
6 it sort of helps to enrich the context by which we want to  
7 provide some guidance in our next, for our next report.

8           So I just mention that to say, as I look at and  
9 hear the discussion, I can find points of reference here in  
10 our document that would legitimize, I mean, some inclusion  
11 of some of these points for, for our report here. We talked  
12 about --

13           MR. CORZINE: Can I clarify --

14           MR. REDDING: Sure.

15           MR. CORZINE: -- Mr. Chairman? It's Leon again.

16 In saying what I said, I don't want folks to think that  
17 purity isn't important to the, in the commodity world,  
18 because -- but what is important to me is more genetic  
19 purity and what's coming there, because we can tell a  
20 difference and I pay more for seed from a company that I,  
21 that I believe has better genetic purity. There are some  
22 companies that will sell basically a Walmart-style, very low  
23 cost, but you know what? You see a difference in the field,  
24 and a lot of it is the genetic purity and the research and  
25 the work that has gone into.

1           So I think we can take a look at that as an  
2 example, too, where a farmer will pay more where it's -- for  
3 whatever is more important with that bag of seed, depending  
4 on what type of market you're reaching.

5           MR. REDDING: Yeah. Good. Thank you.  
6 Mary-Howell and then Laura and Alan, and then we'll break  
7 for lunch.

8           MR. SCHECHTMAN: Isaura.

9           MR. REDDING: Isaura, are you, are you back up?

10          MS. ANDALUZ: I'm back up.

11          UNIDENTIFIED MALE: Dave's been up forever.

12          MR. REDDING: Oh, Dave's been up. So --

13          MS. MARTENS: You know, Dave's ahead of me,  
14 really. So --

15          MR. REDDING: Okay. So, Dave, and then we'll work  
16 back. Dave, please. Here.

17          MR. JOHNSON: Thank you.

18          MR. REDDING: Sorry.

19          MR. JOHNSON: So we've been struggling with AOSCA  
20 and seed certification and crop improvement. So one way to  
21 kind of look at AOSCA is, for example, in the alfalfa world,  
22 we submit review board applications to a variety of review  
23 board typically in December. They're reviewed in January,  
24 and essentially, before anything is even considered for  
25 certification at the state level, a review board has looked

1 at the variety, a description of the variety, the  
2 performance of that variety, the genetic background of that  
3 variety, and so one of the things that's also on the tag is  
4 what Leon is just hitting at, which is the variety, the  
5 genetics behind it. And so, you know, the variety is  
6 stated, and if, and if it's the Walmart version that Leon  
7 mentions, it would say: Variety not stated.

8           So other things that also can be included on the  
9 tag, just for clarification, is percent hard seed. For  
10 example, in alfalfa, you know, the legume seed, they can  
11 have a very hard seed coat, and so we may report what the  
12 hard seed is. It doesn't mean that it won't germinate once  
13 it's exposed to soil but that it's included, and also, very  
14 important is percent germination, you know, and when that  
15 germination date was conducted. So there's some different  
16 things in it.

17           So I think it's really important, when we think  
18 about seed certification, certified, you know, foundation,  
19 registered, commercial, is the genetics that are in that  
20 bag. That's, that's most important, and the companies are  
21 standing behind what that variety is, and that's, in a corn  
22 hybrid, that's very important; in a soybean variety, that's  
23 very important; in all, in all the crops, it's very  
24 important. So I just wanted to add that clarification.

25           MR. REDDING: Good. Thank you. Mary-Howell.



1           MS. MARTENS: Through our business, I buy and  
2 resell organic seed that comes from two, three major  
3 companies that sell both organic and non-GE seed. I'm going  
4 to send out e-mails to them at lunchtime and ask them if  
5 they can provide data on the number of samples they take per  
6 lot and also the percent GE presence, on average, for each  
7 variety of non-GE and organic seed they sell and whether  
8 they have it tested in-house or whether they have it, they  
9 send it out, send the samples out, which I think is also  
10 critical.

11           So hopefully by tomorrow I'll have some of that  
12 data so that we can actually start getting a picture, a  
13 visual of what is being sold in this country as non-GE seed,  
14 as far as percent. I think that we need that information in  
15 order to craft a guidance document. We need to know where  
16 we're starting from before we can start adding on different  
17 layers of protection.

18           The other thing, Dave -- and this goes back to the  
19 Walmart brand -- is that seed also can be -- the germ is  
20 sort of an alive or dead rating, but vigor is also seriously  
21 critical as far as things grow, and I think an awful lot of  
22 the second- and third-string seed companies, there's so much  
23 horse trading behind the scenes of the seed companies  
24 selling to each other that then sell to each other and get  
25 relabeled and get renumbered, but a lot of that has to do

1 with vigor, where you see lesser things. It's not  
2 necessarily genetic purity.

3 But hopefully I can get information about what the  
4 actual numbers are in GE, non-GE, and organic seed lots  
5 being sold in 2016 to farmers in the United States, and then  
6 from there, you know, anything -- any other thing that  
7 happens in the course of the 2016 season that adds  
8 additional levels of adventitious presence is going to be on  
9 top of wherever we start at.

10 So where we start at is really, you know, our base  
11 point as far as can we meet a certain standard. The  
12 guidance documents are going to be only useful, especially  
13 when we're talking farmer to farmer, if we can start at a  
14 level that is below Lynn's threshold. If we can't start  
15 there with where we are in 2016, then we really have got --  
16 the rest of it is irrelevant because then, then we're  
17 already above the threshold where we have to be.

18 MR. REDDING: As to a final comment and then we'll  
19 reconvene this topic, okay, but it clearly --

20 MR. KEMPER: But it pertains to -- yeah, okay.

21 MR. REDDING: Pardon me?

22 MR. SCHECHTMAN: Yeah. Yeah.

23 MR. KEMPER: Go ahead, you're the chair, if you  
24 want.

25 MR. SCHECHTMAN: Final round.

1 MR. REDDING: Yeah. Yeah.

2 MR. SCHECHTMAN: Just the comments that are up  
3 now.

4 MR. REDDING: Yeah, final comments for what's up;  
5 then we'll, we'll keep moving. So, Laura.

6 MS. BATCHA: Yeah, thanks. This is Laura Batcha.  
7 So as I'm following the conversation, I'm really, I'm  
8 thinking about this idea that I think Leon brought up about,  
9 you know, sort of the market taking care of it and there  
10 being supply and demand. I think in order for us to have  
11 confidence that the free market can take care of it, there  
12 has to be access to information on all sides. That's, like,  
13 a foundation of, of free markets working, is that there's  
14 information available in order for those choices to be made  
15 and for the market to direct itself in an orderly way.

16 So I think that's sort of at the, at the basis of  
17 this idea of access to the information, and I think one of  
18 the things that we were discussing in our subgroup is what  
19 other ways to incentivize -- and I say that in quotes  
20 because I mean it in its most liberal sense -- access to  
21 this information so that going into the best management  
22 practices, there's starting knowledge.

23 So I think, you know, maybe there's, there's a  
24 time when you can get there where there could be agreed-upon  
25 thresholds and confidence that the marketplace could meet

1 them and everything, but I think the first real step is to  
2 try to find some way to incentivize or loosen up access to  
3 this information so that people know what they're going in  
4 with. And otherwise, you know, as I hear Mary-Howell talk  
5 about it, all those efforts on the farm become potentially  
6 futile if you don't have transparency in the beginning, and  
7 I also don't think that it fosters good relationships  
8 between the neighbors, if that's what we're talking about,  
9 because you could end up in a situation where you have  
10 friction between farmers that has nothing to do with  
11 anything anybody's doing on either side of the fence.

12 MR. REDDING: Okay. Thank you. Alan, and then  
13 Jerry will have the last word.

14 MR. KEMPER: Thank you, Mr. Chairman. It seems  
15 like we circle and circle and circle and circle. I don't  
16 want to, I don't want to say it's us against them or them  
17 against us. I think what Mary is saying on the seed purity  
18 relates to GE, conventional, and organic seed, and if  
19 there's a need for that purity there, a higher stance, then  
20 so be it. It's a caveat, it's a sentence, it's a paragraph  
21 in our final document because coexistence is not about that.  
22 Economic contracts are about that. Premiums are about that.

23 So my takeaway this morning, Mr. Chair, my one  
24 takeaway is what Betsy's done with Farm Service and AMS on  
25 some of the enhancements there. I think that can be one of

1 the good tangible items for a coexistence document. Thank  
2 you, Mr. Chair.

3 MR. REDDING: Thank you. Jerry.

4 MR. SLOCUM: And, Mr. Chairman, I agree entirely  
5 with Alan. I think we've spent enough time on seed purity.  
6 We recognized it in our first document. I think we  
7 recognized it the first time AC21 met how many years ago,  
8 Michael, and it's enough to say that, as ASTA says, first  
9 the seed, and I think while it has everything to do with  
10 coexistence, quite frankly it has almost nothing to do with  
11 the coexistence document we're trying to write now. It just  
12 -- in the preamble it should say that the producer should  
13 plant seed that will allow them to participate in a non-GE  
14 market, if that's what they choose to do, and then leave  
15 that burden to some other advisory committee as to how we  
16 get to that point. Thank you, sir.

17 MR. REDDING: Okay. Thank you. Good discussion  
18 this morning. Thank you. You'll see the agenda. We did  
19 not get to the 12:00-12:30 discussion around the two types  
20 of potential interactions. We're just going to shift that  
21 to later in the day. So we'll have, we'll take time for  
22 lunch here through 1:45 and then reconvene with the two  
23 presentations we've got this afternoon.

24 MR. SCHECHTMAN: And then after public comment,  
25 we'll --

1           MR. REDDING: Yeah, and then I think right after  
2 the public comments this afternoon, we've got some  
3 additional time there to pick up with our 12:00-12:30  
4 planned discussion. Okay? Any final comment? Otherwise --  
5 I'm assuming folks are eating here. Is that an option?

6           MR. SCHECHTMAN: I don't know that we should eat  
7 in this room, but I will take people across to the  
8 cafeteria, across the way, or else you can go to the  
9 cafeteria immediately below here. There's many more choices  
10 if you go across the way, but you need to have someone with  
11 a USDA badge who will escort you in and out.

12           UNIDENTIFIED FEMALE: Are you leading us?

13           MR. SCHECHTMAN: I will lead you astray, but I  
14 won't buy for you.

15           MR. REDDING: Okay. Thank you.

16           (Whereupon, at 12:36 p.m., a luncheon recess was  
17 taken.)

18           MR. REDDING: Okay. Good afternoon, everybody.  
19 Let's reconvene. We have two presentations here in the  
20 heart of the afternoon, and then we'll pick up with our  
21 discussion of the morning as well as the presentation about  
22 the one that we had deferred from 12:00 to 12:30, but  
23 pleased to welcome Roger Noonan, the National Association of  
24 Conservation Districts, with us this afternoon to present  
25 the districts' sort of role on the cooperative local

1 processes in conservation management, and then we'll have  
2 some discussion with you as well. Okay? Roger, welcome.

3 MR. NOONAN: Thank you, Mr. Chairman. Thank you,  
4 Mr. Chairman. Good morning, or good afternoon, rather. I  
5 flew in this morning from New Hampshire, where I am a  
6 district supervisor at my local conservation board and a  
7 certified organic vegetable farmer. NACD is having their  
8 legislative fly-in this week, so I was tapped as it.

9 So, first, thank you very much, first, for the job  
10 you're doing. I also participate in a federal advisory  
11 committee with EPA, Mr. Ron Carleton over here, so I  
12 understand the sacrifice you're all making.

13 So just a little bit -- in this context of  
14 coexistence, as a farmer, the first -- and as an organic  
15 farmer in a state that, when I started organic farming, I  
16 was the odd man out -- and going to the conservation  
17 district meetings, meeting with other farmers, working with  
18 other farmers helped them understand my practices and my  
19 resource concerns and needs and vice versa, and I think we  
20 have a much healthier agricultural community because of it.

21 So a little bit about the districts, as I figure  
22 out my -- the national association is the, a nonprofit of  
23 all the conservation districts, the state associations and  
24 the individual districts across the country. So for our  
25 commissioners of agriculture here, I would urge you to

1 support your districts because they are subdivisions of  
2 government and funding is always a challenge for our  
3 districts, as I'm sure many of you know.

4           The concept is that conservation decisions should  
5 be made at the local level. Those working the land, using  
6 that land, the stakeholders in and around the community  
7 understand best what the resource concerns are, and that's  
8 why we say locally led conservation. We work hand in hand  
9 with NRCS and EPA, as well, through 319 and other programs.

10           NACD's mission is to serve the conservation  
11 districts. We have a board structure, executive committee.  
12 I'm also the Northeast Region vice chair as well as a county  
13 district supervisor on a board of five. So there's a fairly  
14 large footprint of stakeholders involved in the districts --  
15 3,000 districts, 17,000 public officials; plus, when you  
16 hold a local work group meeting, you may pull in anywhere  
17 from another 10 to 40 farmers in the community.

18           We've already covered that. I'm not quite sure  
19 I'm getting this high-tech stuff here. Conservation  
20 assistance is our primary job -- helping farmers find the  
21 resources they need, providing some technical assistance.  
22 Some of our states that have more robust districts, they may  
23 actually do conservation planning, they may have technical  
24 service providers, but what I really -- and, of course, then  
25 there's this whole suite of NRCS programs. And NRCS -- no



1 offense to our agencies of USDA -- but, as a farmer, is my  
2 favorite agency. They help me address my natural resource  
3 concerns. They're helping me mitigate water quality issues  
4 I've got to deal with because of the Food Safety  
5 Modernization Act or the Clean Water Act or keeping  
6 pollinator habitat, improving pollinator habitat. I don't  
7 live in an area where, for me personally, coexistence issues  
8 with biotech is a problem for me, but I certainly get around  
9 the country quite a bit in my various roles.

10           There we go. I'll get that figured out. Here's  
11 the key, I think, to what I'm here to talk about, is the  
12 local work group process. They're establishing the Farm  
13 Bill, and basically, the core takeaway from our local work  
14 group is we developed the ranking questions for EQIP,  
15 Environmental Quality Incentives Program, and the  
16 Conservation Stewardship Program to inform the state  
17 technical committee which then creates, you know, those --  
18 you got your national ranking questions, state, and local.

19           But within that local work group, we also in the  
20 district, we developed a natural resource plan for our  
21 district: What are the resource concerns? And they exceed,  
22 oftentimes, agricultural issues. Our urban districts that  
23 don't see a lot of ag may be talking about stormwater  
24 erosion. Up my way, in the northeast, we increasingly talk  
25 about how do we even keep these farms in business, these

1 small farms that are working in the periphery of the urban  
2 areas.

3           So things that may not be germane in North Dakota  
4 or Oklahoma, like farm, you know, protecting farmland from  
5 development, are vitally issue, and part of that, of course,  
6 is keeping the farms economically viable, so a lot of work  
7 on local foods, helping create food hubs, and stuff like --  
8 issues like that.

9           So here's where you bring a diverse group to the  
10 table to talk about the issues. So I'll pick on North  
11 Dakota because I can see the Secretary right there. Where  
12 you've got the most, second-most certified organic acres in  
13 the country, in one of the largest ag-producing states or  
14 regions in the world is a great opportunity to bring those  
15 farmers together, and I don't want to just single out  
16 organic because we're seeing an increasing amount of  
17 non-GMO, identity-preserved, whatever you want to call it.  
18 And I think when you start seeing more of your neighbor  
19 that's been farming the same way as you suddenly shift to  
20 another market, that's probably what's going to advance the  
21 issues of coexistence more than the organic, you know, that  
22 sort of divide there, when you've got the same people around  
23 the table, because when I started out as organic farming, I  
24 was not the most popular guy at the extension meetings  
25 simply because it was different and nobody understood it.

1 Twenty years later, with the growth of the markets, they  
2 understand it. So --

3 I don't know if I have another slide here. Of  
4 course, soil health is another thing that we are striving to  
5 promote with National Association of Conservation Districts.  
6 What are the mechanisms in the soil health that can address  
7 some of these coexistence issues? Well, cover crop rotation  
8 is a big part of soil health, and I don't want to presuppose  
9 that we can put a bunch of farmers around a room of all  
10 different kinds of production practices and say, okay, well,  
11 you're going to grow Roundup Ready corn and I'm going to do  
12 non-GMO corn, you put your cover crop rotation here. I'm  
13 not going to go that far, but at least if we get people in  
14 the room talking and we start having that conversation  
15 farmer to farmer, facilitate a conversation, maybe we can  
16 see where some of those practices can serve.

17 And I know that there was a -- I'll just go back  
18 to the programs, back. You know, there's a whole host of  
19 programs -- EQIP, CSP, I think Betsy Rakola already talked  
20 about the Conservation Reserve Program -- that we can use to  
21 put in pollinator buffers, wooded buffers, riparian habitat,  
22 wild land, multiple benefits from given practices.

23 I was talking to a farmer in Iowa because, I said,  
24 look, I'm going to talk to this committee, I wouldn't  
25 recognize a bag of GMO corn if it hit me upside the head, so

1 what are your concerns? And so we talked about buffers. He  
2 says, well, look, corn can, puts me five miles, you're going  
3 to have to put a wooded buffer in, and I said, well, why  
4 don't you guys put more wooded buffers in? Well, then we've  
5 lost, you know, 100 feet of shade on either side of that  
6 wooded buffer and, if I'm in area that doesn't have a lot of  
7 water, it's sucking up a lot of the water. So then Betsy  
8 showed me something on switchgrass.

9           So there are things that are happening out there,  
10 corn sorghum, or sorghum is another potential one. I'm not  
11 an expert. I'm a farmer and we look for solutions that  
12 work, that are affordable, make our life easy, and I  
13 probably learn more from other farmers than I do from  
14 anybody else, and that's why I would really say that  
15 bolstering our local work group process, supporting our  
16 districts to start facilitating these conversations at the  
17 grassroots level is probably a really good place to start,  
18 and that's, that's all I know.

19           MR. REDDING: Yeah, Roger, thank you. Questions?  
20 Comments? Yeah, Isaura and then Ron.

21           MS. ANDALUZ: Thank you for saying that. It is  
22 five miles' buffer you need --

23           MR. SCHECHTMAN: Would you --

24           MR. REDDING: You have to use the microphone,  
25 sorry.

1 MS. ANDALUZ: It is five miles' buffer you need to  
2 keep the corn pure. Thank you.

3 MR. NOONAN: I didn't, I didn't say I was an  
4 expert. That was anecdotal. I want to just be clear, I'm  
5 not an expert on this issue.

6 MS. ANDALUZ: But the other farmer said that.

7 MR. NOONAN: He did.

8 MR. REDDING: Ron.

9 MR. CARLETON: Thank you, Mr. Chairman, and Roger,  
10 thank you, and you mentioned the Section 319 money from EPA,  
11 which is -- about 50 percent of all that money makes it to  
12 the conservation districts. So it gets, gets to the ground,  
13 helps with the adoption and implementation of conservation  
14 measures, and we'll look forward to continue working with  
15 NACD on these issues.

16 MR. NOONAN: Thank you, Ron.

17 MR. REDDING: Laura and Lynn.

18 MS. BATCHA: Do you want me to go before Lynn?

19 MR. REDDING: Sure.

20 MS. BATCHA: Hey, Roger, thanks for coming, good  
21 to see you.

22 MR. NOONAN: Nice to see you.

23 MS. BATCHA: I don't have questions about gene  
24 flow. I have questions about how the conservation districts  
25 work --

1 MR. NOONAN: Thank you.

2 MS. BATCHA: -- because I'm not that familiar with  
3 it. So do you have a sense nationally sort of, you know,  
4 how much acreage are you capturing in terms of regular  
5 participation in the types of things that the Conservation  
6 District -- you know, the reach in terms of engagement?

7 MR. NOONAN: That's a great question because, I  
8 mean, every county has, across the country -- there are over  
9 3,000 districts. So the percentage, are you saying, of the  
10 total agricultural acres, aggregate acres in the states, how  
11 many --

12 MS. BATCHA: Yeah.

13 MR. NOONAN: -- representative farmers are showing  
14 up? That's a great question. I don't know the answer to  
15 that, but I can tell you in New Hampshire -- which we have  
16 a, a very, there's probably corners of a county in North  
17 Dakota or any other big square state that exceed our total  
18 state -- we have very high participation.

19 MS. BATCHA: Okay. And then I have a follow-on  
20 question, because one of the things in our charge, we're  
21 looking at state- and local-organized ways that we can  
22 promote and create some incentives for farmers to enter into  
23 these joint coexistence plans, as we have a group working on  
24 what those best management practices look like, but one of  
25 the things Betsy walked us through this morning was the

1 program on buffers for organic farms and adjacent lands for  
2 perpetual buffers. So we think that's interesting. I think  
3 the group agreed. And then the other area we're looking at  
4 is convening and how to maybe incentivize convening.

5           So help me understand -- I'm not familiar with  
6 Section 319 money -- and what kind of, what kind of funding  
7 does NACDS get to pull together these local work groups and  
8 how does that all work?

9           MR. NOONAN: Well, NACD gets a fair amount of its  
10 funding -- I should say, the districts themselves -- through  
11 cooperative agreements with NRCS. Those cooperative  
12 agreements are either to promote Farm Bill programs or to  
13 address natural resource concerns. I don't think this issue  
14 is elevated to the natural resource concern level. That's  
15 not to say the districts, you know -- if the USDA said,  
16 well, we're going to present a cooperative agreement to an  
17 entity to add this element in to working with the  
18 agricultural community, that's possible, but I don't know  
19 that, unless you've already determined that this is a  
20 natural resource concern, that it rises to that level. So  
21 that's a question for folks at NRCS.

22           And the 319 money -- and, Ron, feel free to  
23 correct me if I'm wrong -- that's to basically address  
24 issues in a nonpoint source plan within the state. So it's  
25 very important additional funding for our districts. And to

1 the point just in general of NRCS, as we increase the need  
2 for services of NRCS or its partners, we need to increase  
3 the appropriation, and I know very well -- and, again, I'm  
4 picking on North Dakota again because I work with so many  
5 people from North Dakota -- there's a backlog of even  
6 wetland, basic wetland delineations because NRCS doesn't  
7 have the conservation technical assistance allocation to get  
8 out there and deploy enough people. Small state like mine,  
9 we do okay. Big ag-producing state -- North Dakota, South  
10 Dakota, Iowa -- it can be challenging.

11 MR. REDDING: Doug.

12 MR. GOEHRING: Roger, as a former district  
13 supervisor myself, thank you for your work, because I know  
14 what our supervisors do across the nation is almost a  
15 thankless job most of the time --

16 MR. NOONAN: Uh-huh.

17 MR. GOEHRING: -- so I appreciate that. The one  
18 thing I would share with you is please don't dismiss or  
19 discount yourself. You guys really are the experts. All  
20 these farmers are the experts. They're one of our greatest  
21 resources to tap. They know agriculture intimately. They  
22 know their operations, their land, their soil, their region,  
23 their area, and they bring so much to the table, and I  
24 appreciate that because we have a lot of people out there  
25 trying to tell us how to farm.



1 MR. NOONAN: Thank you, Doug.

2 MR. SCHECHTMAN: Roger, thank you again for, for  
3 coming. I wonder if you could just speak a little bit more  
4 about what the meetings are like -- who runs them, who sets  
5 the agenda, how groups are notified that meetings are going  
6 to happen and encouraged to attend, any of those sorts of  
7 things?

8 MR. NOONAN: Yeah. Well, the local work groups  
9 are, since the districts are, they're subject to public  
10 meeting law, public, you know, due notice, typically -- I'll  
11 speak to how we do it. We have our board of supervisors,  
12 which is an appointed body politic, puts together an agenda.  
13 We have -- statutorily we are required to invite certain  
14 things. We try to get an FSA person there. We try, we get  
15 Extension there. And then we generally reach out to, you  
16 know, the local farm bureau, the local organic group,  
17 whatever other, the New Hampshire Fruit and Vegetable/Berry,  
18 somebody from Department of Ag. We'll reach out to all the  
19 interested parties as well as the full mailing list that we  
20 have, and that mailing list is, you know, it can be someone  
21 that brought trees or spring bulbs. We generally -- and, of  
22 course, public postings and newspapers. Probably working  
23 through your farm groups is the best way to get, or your  
24 grower associations, is the best way to get to the farmer,  
25 and Extension is also a great partner because typically most

1 farmers, that's their go-to place for information.

2           It's facilitated -- I facilitate ours because I'm  
3 comfortable getting the microphone and standing up in front  
4 of people, where a lot of other farmers aren't, but I've had  
5 a lot of practice. But some bigger states, I think Oklahoma  
6 or Texas, you know, where these seats are actually  
7 competitively run for, it's a much bigger process. No one's  
8 running for district supervisor in any of the states I work  
9 in.

10           MR. REDDING: Leon.

11           MR. CORZINE: Leon Corzine. Roger, thanks for  
12 being here, answering these questions. I farm in central  
13 Illinois. Question is -- you talk about your local work  
14 group meetings -- what precipitates a meeting or what  
15 triggers? Are they on a calendar basis, you meet just every  
16 so often because, or are there different, different events  
17 come up or different situations that you tend to -- that  
18 then you will convene a meeting to address the issues?

19           MR. NOONAN: That's a great question. We are  
20 usually triggered by the Farm Bill programs getting  
21 deployed. So we need to establish ranking criteria for EQIP  
22 for the upcoming season. Now NRCS has to shift towards sort  
23 of a rolling application process. We used to do two  
24 meetings a year, right? We'd do a, sort of late  
25 winter/pre-spring meeting, and then we'd follow up in the

1 fall with another one, and we had, quite frankly, low  
2 attendance on either end. So now, because of the rolling  
3 application process, we only need to establish that ranking  
4 criteria once or just doing one meeting. And it varies  
5 across the country. I'm speaking from my personal  
6 experience. There's 3,000 districts. There's probably  
7 3,000 different ways of doing it, but that's the beauty of  
8 the locally led process.

9           We do have, if you look at the NRCS Field Office  
10 Technical Guide that sort of spells out the roles and  
11 responsibilities of the districts and the local work group  
12 and the NCRS, that does provide some of that boilerplate of  
13 who you should invite and how you should run the meeting.

14           MR. CORZINE: Okay. Thanks.

15           MR. REDDING: Other thoughts?

16           (No audible response.)

17           MR. REDDING: Roger, if I could ask you -- and  
18 this is both in your capacity as a conservation district  
19 leader as well as a producer -- you know, we've had this  
20 question raised by our previous work and recommendations,  
21 and our charge specifically now is looking at what we can do  
22 to encourage development of joint coexistence plans.

23           So as a person who sort of sees both roles, right,  
24 the services out but also the need for at the producer,  
25 producer level, the question is, would you see the district

1 sort of being a good model, model to use to help facilitate  
2 those planned development, that planned development? And  
3 Part 2 is, what would you want to see in terms of content  
4 around some type of joint plan if you were developing one?

5 MR. NOONAN: Well, that's a great question. I  
6 wouldn't put too much more on our plate at NACD right now,  
7 but I think the, the framework is there to assist in  
8 developing that. Any time you get a -- I mean, the world we  
9 live in now is, if I'm an organic farmer, I'm going to hang  
10 out with organic farmers and I'm going to be in organic  
11 groups; and, if I'm a conventional farmer, I'm going to hang  
12 out with the conventional guys and I'm not going to talk to  
13 you. You know, we just don't. That's just the way -- our  
14 society is so polarized. When you get into some of these  
15 big ag-producing states, I mean, I would, I would hope that  
16 people will just be able to get in that room and tough it  
17 out, because when you're in the minority, it's going to be  
18 tough, and I found that.

19 So on a personal note, that's -- even in the  
20 standard conservation district world, just trying to get  
21 people with different ideas to the table, and we had a guy  
22 talk about permaculture once, and everybody in the room was  
23 just like, what on earth is he talking about, but he kept  
24 coming back. And, you know, God bless him for sticking it  
25 out, because there was just a lot of eye-rolling. That's

1 just the world we live in.

2           And farmers, you know, we don't -- we tell it like  
3 it is. So if we don't agree with you, we're going to let  
4 you know. And when you get to this issue, which has so much  
5 economic impact, potentially, to the various types of  
6 agriculture we do, I think you can get into some really  
7 heated arguments, debates. I bet you've had a few here.

8           So how you navigate the path through our local  
9 work group process, it would certainly put some fresh blood  
10 into our organization. I think it would be a good thing. I  
11 would, I would be willing to bet that it is probably the  
12 existing framework for that you just bring into those  
13 conversations. No sense in reinventing the wheel.

14           MR. REDDING: Alan.

15           MR. KEMPER: Well, I appreciate you being here,  
16 and yes, we've had some nice discussions, debates in this  
17 room, and I think your conservation -- you know, I'm from  
18 Indiana, the smallest state west of the Appalachians in  
19 geographic size, but we have a lot of farmers there with a  
20 lot of various opinions too. So, you know, I think there is  
21 a lot on the plate of NACD --

22           MR. NOONAN: Yeah.

23           MR. KEMPER: -- you're doing a great job. I,  
24 Mr. Chairman, I'd like to say they can facilitate that and  
25 all the district superintendents are equally trained in

1 arbitration, but I don't think they are, but it's a good  
2 starting point. Maybe some places are working up, because  
3 here's the deal: 20 percent of today's farmers next year  
4 will not be there --

5 MR. NOONAN: Right.

6 MR. KEMPER: -- due to the economic climate. One  
7 out of seven, going down my road, will not be there.

8 MR. NOONAN: Uh-huh.

9 MR. KEMPER: So to put them into a discussion on  
10 how, frankly, coexistence will work could be a little bit  
11 troublesome at times. And so I think it's one nice tool we  
12 can use in our tool chest for guidance, some guidelines, but  
13 you know, there'll be others also. Thank you.

14 MR. REDDING: Yeah. Yeah, the, just for Roger,  
15 the part -- what we're working through right now is sort of  
16 what entities are out there. So we've got this inventory,  
17 right, and start looking at the skills that they have in the  
18 intersection of the work each of those entities has to do,  
19 is doing, and where can we borrow that, right, for this task  
20 of these joint plans.

21 And we heard this morning, you know, about the,  
22 the buffers and the Conservation Reserve, and I think for  
23 all of us here, what's interesting with this, with this  
24 charge is that there's not a single component to the  
25 guidance document, right? It's partly a conservation

1 discussion. It's partly a technology one. There's  
2 certainly some interface issues just on general foreign  
3 policy locally and some governance pieces. So trying to  
4 figure out what is out there and where can we borrow that  
5 expertise to address this issue of, one, encouraging -- and  
6 it may be simply encouraging or raising the awareness of the  
7 need for, in some cases, joint coexistence plans -- and  
8 then, secondly, the actual facilitation, and we've had a  
9 work group sort of look at different tasks within the,  
10 within that sort of assignment, but just trying to figure  
11 out where the district fit in it. Long term, I think if you  
12 went around the room here, you would find that folks see the  
13 conservation role in maybe a different, number of different  
14 ways that could help facilitate that coexistence. So that  
15 was sort of the basis of the --

16 MR. NOONAN: Yeah, and I hope I, I didn't give the  
17 impression that we, that the districts should facilitate  
18 this debate at the grassroots level, but address the  
19 concerns. So if I gave that impression, I apologize. That  
20 is a pretty heavy lift. But what we can do is, when we get  
21 the guy that's doing the IP corn, they can get in the same  
22 room and they can start learning about, okay, what are the  
23 tools available to me. And maybe, maybe it's the first time  
24 they're having the conversation over the, you know, over the  
25 fence, so to speak, about what they're doing, because, you

1 know, we have so many guys now in our big areas that, you  
2 know, aren't even living, you know, they're not on the  
3 homestead, you know, farming the section. They're, you  
4 know, maybe 100 miles away in some cases. I've been to some  
5 pretty big farms out west.

6 MR. REDDING: Good. Yes, Doug.

7 MR. GOEHRING: Thank you, Mr. Chairman. Roger, if  
8 there was some type of format that was developed, I could  
9 envision, though, NACD, all those local districts where  
10 they're active, where they're knowledgeable enough, where  
11 they want to get engaged, as being that third party. I  
12 mean, in all of our discussions -- and I know there was, one  
13 of the subcommittees on venues and conveners certainly  
14 identified a lot of those, and you know, and some ag  
15 departments across the nation could certainly step up; some,  
16 probably not. Same way with soil conservation districts and  
17 probably Extension -- in some states, in some counties would  
18 work; others, not.

19 So you guys wouldn't be opposed to being one of  
20 those entities out there, where it fits, to be a  
21 facilitator?

22 MR. NOONAN: I'm sure our board and leadership  
23 would take a real close look at that and certainly be  
24 willing to also disseminate information. You know, I think  
25 this is something that anyone that's having a -- well,



1 again, I don't want to frame it as a resource concern, but  
2 if you're a farmer and this is a concern, you're going to --  
3 you may go to the conservation district, you know, which is  
4 often collocated within NRCS: I need to put in a buffer, my  
5 neighbor's got an issue with this, or I've got an issue with  
6 my neighbor, what are the tools available?

7           So the more information the districts can  
8 disseminate to other farmers, producers, or other interested  
9 parties in the community, the better off we're all going to  
10 be.

11           MR. GOEHRING: And I think we're to the -- you  
12 know, we're coming around or trying to meet that goal and  
13 that mission of developing a format, an outline in which  
14 those questions could be asked, and actually, in many  
15 respects, between your land-grant universities and between  
16 what Soil Conservation District and NRCS can bring to the  
17 table, you can bring the science behind it, just say, you  
18 know what, if you're on the prevailing wind side, you're  
19 going to have to take in these precautions, you're going to  
20 have to do this, you're going to have to be careful on some  
21 of these types of tillage methods and --

22           MR. NOONAN: Yeah.

23           MR. GOEHRING: -- what system you're going to put  
24 in place. So --

25           MR. NOONAN: And I think if you --

1 MR. GOEHRING: -- I think it works good.

2 MR. NOONAN: -- when you look at these buffers or  
3 whatever, or these practices we use, having these  
4 multifunctional benefits, whether it's pollinator or  
5 riparian, you know, it, it -- then it becomes a win-win for  
6 everybody involved, as long as they can harvest the cover  
7 crop. So there's a lot of work to do, you know, with FSA  
8 requirements and other things like that as well, but thank  
9 you.

10 MR. REDDING: Alan.

11 MR. KEMPER: This is why I love to run around with  
12 Commissioner Doug -- he always comes up with some good  
13 ideas. And this could be a real weird day because I think  
14 Laura and I might be agreeing on another subject --

15 MS. BATCHA: Twice. This could be twice.

16 MR. KEMPER: -- because NACD has a definite place  
17 in this, and trying, Mr. Chairman, to -- Mr. Chairman, even  
18 though you're smirking a lot, trying to work towards a  
19 solution for our task forces was for farmers out on Rural  
20 Route 2.

21 In conjunction with NACD, if you include the  
22 extension and a couple others, I still think there's a great  
23 format for a private applicator's license to have time  
24 blocks in that. When you have to have a private applicator  
25 spraying permit, you have to have so much continuing head,

1 and in that format you can have definitely time blocks on  
2 coexistence.

3           You know, I think I beat that drum a little bit on  
4 the last one, but this is definitely a place where, if you  
5 had NACD, Extension, and a couple others in that same room,  
6 it's not farmers just versus soil. So it's actually working  
7 as a team, working as a coexistence, because my 150  
8 neighbors that I farm around that my farm actually touches  
9 will always be on the opposite side -- they might be on the  
10 opposite side of the table, but they won't be in the plan  
11 with me, so to speak. So we need to have some type of a  
12 vehicle to learn how to have a dialogue. Thank you.

13           MR. REDDING: Thank you. Good thoughts. Any  
14 others?

15           (No audible response.)

16           MR. REDDING: Okay. If not, Roger, thank you.

17           MR. NOONAN: Thank you.

18           MR. REDDING: Thanks for being here and informing  
19 the discussion, very helpful.

20           MR. NOONAN: Appreciate it.

21           MR. REDDING: Great. Thank you. Let's give him a  
22 round of applause. Thank you.

23           MS. BATCHA: Michael, can you share the  
24 presentation with us, just so the subgroups have it to --

25           MR. SCHECHTMAN: Yes. I will share all the

1 presentations.

2 MS. BATCH: Okay. Thank you.

3 MR. REDDING: Okay. Thank you. Pleased to  
4 welcome Dr. Barbara Glenn, CEO of NASDA, with us today to  
5 have a similar conversation about the state departments of  
6 agriculture and engagement on the coexistence.

7 Barbara, I had shared from the midwinter policy  
8 meeting the discussion around biotechnology and the  
9 discussion --

10 MS. GLENN: Right.

11 MR. REDDING: -- that ensued thereafter the  
12 presentation that Michael and I made about the AC21, and the  
13 perspective from one of -- several members, but one  
14 particularly, who's not at this table, but she was  
15 encouraging us in that biotechnology policy to include the  
16 coexistence discussion, which was very nice that it was sort  
17 of precipitated by one of our state departments of  
18 agriculture secretaries or commissioners. So, so --

19 MS. GLENN: Yeah, that was --

20 MR. REDDING: Yeah.

21 MS. GLENN: -- that was a strong time, wasn't it?

22 MR. SCHECHTMAN: Hold on. Hold on.

23 MR. REDDING: Yeah.

24 MS. GLENN: It's always great when everybody comes  
25 together on the, the most important point. So this is a

1 real pleasure to speak to AC21. I've worked with this  
2 committee for many years, and we won't go, get into all  
3 that, but it's also particularly professionally rewarding  
4 because I have two of my members here, experts on what I'm  
5 about to talk about. So it'll be good, Doug, to have you  
6 chime in, and Russell as well. So I look forward to that.

7           We provided public comments, as NASDA, the last  
8 time you met, and we urged USDA to consider a unique project  
9 that we're working on that might be a good model for you.  
10 So it's this, the concept of the State Managed Pollinator  
11 Protection Plans, and with that, I'll just talk for a little  
12 bit our mission and policies, how that sort of dovetails  
13 with the things you're challenged with as the committee,  
14 talk about the plans a little bit, and then just end on the  
15 concept of, is this a model for you to consider?

16           So we'll move right, right into -- I wanted to  
17 share our mission statement with you. We're really excited  
18 because we have a new strategic plan, we have a new mission,  
19 we have new momentum, and we're, we're moving forward as the  
20 National Association of State Departments of Agriculture. I  
21 think the key here is we're talking about forging  
22 partnerships, we're going to continue to create consensus,  
23 and we're going to have sound policy outcomes. And the  
24 commissioners, secretaries, and directors work between the  
25 state government and the federal government, and it's a very

1 unique place to be, and there's plenty to do.

2           Our members are, all 50 of them, and then in the  
3 four territories, obviously chief ag official, but I think a  
4 real powerful place is that we're co-regulators with the  
5 federal government, and they also promote agriculture. So  
6 it's a really good, I think, blend of responsibilities for  
7 modern agriculture. And this -- in regards to what you talk  
8 about, these are areas of responsibility that they, they  
9 have, and I know you're all familiar with those, but take  
10 food safety, or FSMA, biotech, organic certification, seed  
11 control, a lot around pesticide approvals, certification and  
12 training, and then even apiary inspections.

13           And, as NASDA, we focus on the concept of  
14 federalism, that it's a responsibility of the federal  
15 government to consult with the states and to bring us in  
16 before we regulate. So the concept is educate before you  
17 regulate, and we talk about this a lot with the White House  
18 and with our colleagues in the agencies and then as a main  
19 leader in that area with regards to EPA. We also talk  
20 about, at the end of the day, not only your rules need to be  
21 right, but we need resources. So this is the world, I  
22 think, that our members live in.

23           These are the policies that indeed we do have on  
24 record. I won't go into them, but I just wanted you to know  
25 that as NASDA, we deal with, and the members approve,

1 policies on, on many issues. So we have formalized policies  
2 on these areas that I -- and these are the same ones I just  
3 mentioned to you, and then ending in this one: domestic bee  
4 health. At our last meeting, our annual meeting, we had an  
5 action item for the need for additional resources to develop  
6 State Managed Pollinator Protection Plans. So it's very  
7 much top of mind.

8 I did want to share with you that last Thursday  
9 and Friday there was a very successful symposium, and it was  
10 all about MP3s -- again, State Managed Pollinator Protection  
11 Plans, so the three Ps. We had over 100 stakeholders there.  
12 We were very pleased to co-host this with the Honey Bee  
13 Health Coalition, USDA, and EPA, and this was just a great  
14 convening of over, well over 100 folks. It was opened by  
15 Director McKinney of Indiana and Jim Jones of EPA and a  
16 leader in the tribal space, and then we talked about MP3 101  
17 in a series of breakouts and then we had MP3-Evaluation for  
18 Success. So it was a very, very good convening. You'll  
19 probably hear more about that in the future.

20 I did want to mention to you, then, around all  
21 that our members do and are responsible for, NASDA actually  
22 has 22 active affiliate groups, and these are the state --  
23 the technical leaders within their departments who do this  
24 regulatory step. So one that's very active in pollinator  
25 health is the AAPCO, the American Association of Pesticide

1 Control Officials. I mentioned the Apiary Inspectors. We  
2 have Seed Control Officials; this one, Structural Pest  
3 Control Regulatory Official. So that's just a few of the 22  
4 that is part of the NASDA family.

5           So in May of 2015, based on a pollinator task  
6 force appointed by the President, there was a strategy  
7 released: the National Strategy to Promote the Health of  
8 Honey Bees and Other Pollinators. And, indeed, a major part  
9 of this was the importance of mitigating the effects of  
10 pesticides on bees as being a high priority for the federal  
11 government, as both bee pollination and insect control are  
12 essential to the success of ag.

13           So this particular document is very robust.  
14 There's a lot of -- there are three major goals. There's a  
15 lot of information, and in the appendices are plans from  
16 every Cabinet-level department on how they're going to  
17 improve and enhance pollinator health. So, you know, this  
18 expands to the Department of Energy, Department of  
19 Transportation, ones that we don't -- we do think about but  
20 maybe not every day.

21           So the bottom line is that apiculture is  
22 agriculture. We're synergistic. We got this symbiotic  
23 relationship. We know it's important, dollar-wise. We also  
24 know that honeybee health is very complex, and it's been  
25 shown by many that it's -- there are many factors affecting



1 honeybee health. So when we talk about trying to improve  
2 health, there's, there's lots of opportunity to do so, and  
3 it includes pesticide exposure but also parasites and  
4 disease -- one called the Varroa mite is one of the major  
5 parasites; I'm sure you've all, maybe you've heard about it  
6 -- but genetic diversity in bees, just like in cattle, we  
7 need to improve their nutrition and share information. So  
8 that's a little bit of the background for this.

9           So what is an MP3? I think you've been informed  
10 about this, but I thought I would just summarize a little  
11 bit for you. This, indeed, is a set of recommendations and  
12 practices. It's for the protection of managed pollinators,  
13 and it's meant to allow crop production to thrive as well as  
14 beekeeping to thrive.

15           So the definition of managed pollinators in this  
16 rubric is any species managed by humans for different  
17 services -- pollination service, production of honey,  
18 beeswax, and other products or, it's vague, for some other  
19 purpose. So there are a lot of purposes, and therefore  
20 there are a lot of different bees that fall, fall into these  
21 plans.

22           The purpose is to mitigate the risk of pesticides  
23 to bees and other managed pollinators while supporting the  
24 use of crop protection tools that are important to modern  
25 ag. It's a systematic and comprehensive method to cooperate

1 and communicate in a timely manner, and then they are  
2 developed through open communication among a diverse set of  
3 stakeholders, and this is what's happening in many states.  
4 So we're talking from farm to table, basically -- the  
5 beekeepers, the growers, landowners, pesticide applicators,  
6 pest control operators, and it might even include other  
7 neighbors and participants in the community as well.

8           The expectations are that, you know, first we're  
9 going to try to mitigate risk of pesticides to pollinators;  
10 it establishes clear expectations among those stakeholders  
11 when those applications are made near managed pollinators;  
12 and by defining these, it opens communication, builds  
13 relationships, increases mutual understanding, I boldly say  
14 ensures peaceful coexistence, but I think it does, I think  
15 agriculture is working there, allows parties to operate  
16 successfully.

17           The elements -- I should share with you, I'll stop  
18 for one minute, there are guidance documents. This has  
19 become -- a lot of work has occurred through AAPCO, the  
20 Pesticide Control Official group, and so there are guidance  
21 documents on what is an MP3, what are the elements, and then  
22 there's one that just came out last week on the metrics for  
23 success.

24           But anyway, first and foremost is a public  
25 stakeholder participation process, where you're engaging

1 people in conversation; increasing awareness of where  
2 managed pollinators are. It's a method for growers and  
3 applicators to identify and contact beekeepers prior to  
4 application. That's a component of it, including BMPs,  
5 public outreach, a mechanism for measuring that  
6 effectiveness, as I just mentioned.

7           And it also includes all of these things --  
8 communication with crop advisors, ag extension service,  
9 things that Roger referenced. Crop-specific or  
10 site-specific plans are being developed. It teaches you how  
11 to formalize an agreement between the beekeeper, crop  
12 producer, and property owners. There's the ability to deal  
13 with the unknown hives or ones that aren't invited or even  
14 to have a registry for the ones that you do know where they  
15 are. Different states are doing that. And then I again  
16 mention publicizing the state plan to increase all that  
17 communication and encourage participation and then the  
18 process to periodically review.

19           So this is just some of the inside baseball of  
20 what's happening with respect to states. Seven have  
21 completed plans, and I have to call out Doug because North  
22 Dakota, I think, was first, set the pace, kind of the gold  
23 standard. I know you have a PowerPoint in your materials  
24 about that. Indeed, that's all true. He's not just telling  
25 you that to win you over, but --

1           So we have the -- the five in the middle were the  
2 first ones, North Dakota, Mississippi, Georgia, Florida, and  
3 Colorado, and then nine are now in final review, and it  
4 keeps, keeps going. We've got a lot of activity, 20 states  
5 in development, including, Russell, your state, and to be  
6 developed, I think there's about 12 in that list, and then  
7 these states for now have decided they won't, won't develop  
8 a plan because they have corollary activity in that area.

9           So, so there is indeed a lot of attention being  
10 paid to this. I will reiterate that based on the White  
11 House plan and strategy that came out, both USDA and EPA in  
12 that plan, as well as the White House, asserted support for  
13 State Managed Pollinator Protection Plans. So we started at  
14 the very top, and then there's support for that. In  
15 addition, EPA is calling out, in addition to their support  
16 -- this is a voluntary process -- they're calling out for,  
17 okay, what's the metric for success, because we're trying  
18 to, you know, alleviate the race to regulation, certainly  
19 with respect to mitigating pesticide exposure.

20           So the kinds of groups that are invited early on  
21 to maybe a stakeholder summit or on the governor's task  
22 force, every state has sort of a different way that they  
23 enter into this, but it does include all of the folks  
24 involved in production agriculture but also includes the  
25 general public, homeowners, and gardeners. This is a, you

1 know, a complex system here under beekeepers. The  
2 commercial and hobbyist beekeepers are different, and so --  
3 but they've been invited. I do know from last week, I saw  
4 that many of the state regulatory agencies are involved.  
5 They reached out to utilities, highways, transportation  
6 groups. Anyone involved in understanding the native  
7 pollinators and trying to enhance forage and nutrition, they  
8 come as well.

9           The purpose -- again, minimize risk of pesticides.  
10 So the kinds of BMPs in this space that we've looked at, or  
11 I'll just note, are -- the notifications and communication  
12 guidelines are outlined; where are the hives; a lot with  
13 respect to crop protection, adopting IPM; there's in some  
14 states a bee-incident reporting mechanism, and so forth. It  
15 ends with, always with communication. These plans are  
16 focused on improving and enhancing communication.

17           And, again, in some of the states, they pull in  
18 forage and habitat, which is the -- where they might be able  
19 to address some native pollinator concerns. And so some of  
20 those states include this in their MP3, and these include  
21 all kinds of partnerships and collaborative projects, and  
22 they bring the stakeholders to the table to talk about  
23 those. You notice they even go to, you know, home gardens  
24 and native wildflower spaces and things like that. So --  
25 not every state has this.

1           But in terms of measuring success, last week the  
2 first view of this draft guidance on metrics was presented  
3 to the group. There was a robust discussion. There were a  
4 lot of people in the room. We think that early metrics  
5 include change in behavior, making sure there's knowledge,  
6 change in behavior, and then making sure there's  
7 communication, and those are, those are the, really, the  
8 low-hanging fruit.

9           If you move on to mitigating pesticide exposure,  
10 there's discussion about, for example, measuring residues  
11 and pollen, but we don't want to go, necessarily go there  
12 because that becomes a larger changed step where you have to  
13 know, okay, what's the baseline, what are the practices  
14 each, each beekeeper is using and each grower is using; so  
15 it gets more complicated, but I think these are the main  
16 ones.

17           So these states have done surveys, and Hawaii and  
18 Wisconsin are even doing a survey before their MP3  
19 development -- so a lot more work to be done on metrics, but  
20 a lot has been done. You can spend a lot of time reading  
21 about what we're doing around pollinator health.

22           So I think the bottom line is this is a voluntary  
23 program, and the strength of it is it's flexible. It's  
24 about state and local needs. It's state-driven. It's  
25 stakeholder-driven. Every state is pulling together a very

1 diverse group, and therefore communication is critical and  
2 key. Several people said last week it's communicate,  
3 communicate, communicate until you're blue in the face.  
4 That's a direct quote. So --

5           Every state plan is different. The states  
6 actually have to decide on their plan. We don't think this  
7 could work from a mandate at the top, and it allows us to  
8 address the diversity of ag. In many of the states, the  
9 state Department of Ag is a key leader and partner, and  
10 again, it avoids the race to regulate by the federal  
11 government.

12           In summary, I think it can be a model for many  
13 challenges in agriculture. We started to think about this a  
14 little bit, but I want to thank AC21 for pulling us out here  
15 to think about it a little bit more. The foundation of this  
16 model really is what's good about agriculture and  
17 apiculture. When we have an issue, if we get neighbors  
18 together and we're honest brokers and we talk it through,  
19 agriculture works, and so we find those solutions. I think  
20 that's really the foundation, and it is about consensus,  
21 communication, collaboration, and we hope we're moving  
22 toward peaceful coexistence.

23           I think I've got a few, couple resources here, in  
24 addition. I think Michael knows where all of those things  
25 are. So, so that really concludes my remarks. I'd love to

1 hear what Doug and Russell can add to what I forgot and what  
2 you think really makes it work.

3 MR. REDDING: Doug, please.

4 MR. GOEHRING: Thanks, Barbara. You did a great  
5 job kind of pulling it all together and laying it out there  
6 for us. The only comment I'd make, going back, when we held  
7 the very first stakeholder meetings, the one thing that I  
8 was really surprised about and afterwards wanted to see more  
9 of it, because I think it just, it was a lightbulb going on,  
10 was the public part of it. We put all of those stakeholders  
11 in the meeting, but the home gardeners, the moms showed up,  
12 the other vast amounts of public interest, and I think they  
13 were blown away.

14 They had a preconceived notion of what they  
15 thought should happen, but when you put everybody in the  
16 room, even with all the tension -- and eventually, after  
17 about three and half hours, it settled down -- a lot of them  
18 said, I had no idea that it was this complex but yet this  
19 simple. But it needed to have all the stakeholders involved  
20 to get it to kind of put in a format that could then develop  
21 some best management practices and work through it.

22 So that would be my biggest comment out of that  
23 whole entire process, is I love the fact that the public was  
24 exposed to something and all of a sudden they found out it  
25 was a little bit different than what they thought.



1 MS. GLENN: Yeah. So knowledge base goes up and  
2 then awarenesses change somewhat, yeah. That's good.

3 MR. REDDING: Yeah, Ron.

4 MR. CARLETON: Thank you, Mr. Chair. It was a  
5 great presentation, Barbara, and having been a deputy  
6 commissioner of ag in a state, in Colorado, that developed  
7 one of these early on, I think it's extremely important and  
8 it is a good model, but could you, for those states that are  
9 in the process, talk a little bit about what you're hearing  
10 with regard to some of the challenges that they, they see,  
11 some of the issues that they're having to deal with? I  
12 think that would be very useful.

13 MS. GLENN: So I think one challenge is getting  
14 all the stakeholders to come; however, when the secretary,  
15 commissioner, director of ag invites, they do come. They're  
16 also publicly announced. I saw a lot of -- I didn't see  
17 that as a major challenge.

18 Some of the states were challenged around, I would  
19 -- I guess I'll bunch it as political aspects with respect  
20 to the topic. One state had a large contingent of  
21 legislators present in the afternoon part of a meeting, and  
22 that was not necessarily productive. It had a different  
23 level of type of productivity, let me just say it that way  
24 to be fair. So that was one thing that was raised up.

25 I think that, in general, what I heard last week I

1 was really amazed at, that there's a high level of  
2 confidence in what they're doing. I will share with you  
3 that different states do different things. I mentioned the  
4 concept of starting with a task force or just an  
5 invitational summit meeting. Some of them have kind of  
6 drafted -- from that, they draft a plan and then they put it  
7 out for public comment. Some of them draft a plan and they  
8 put it to an advisory committee that's representing a  
9 diversity of voices, and then they put it out for public  
10 comment. So each state is unique in how they feel they need  
11 to roll this out.

12           One state, my state, Maryland, they used the  
13 Keystone Center to facilitate their effort, and those of you  
14 that work with that group, you know that that was a good  
15 step. So I saw that. So, in general, there was a lot of  
16 optimism last week. It was really quite amazing, yes.

17           MR. REDDING: Mary-Howell.

18           MS. MARTENS: As a farmer, I really appreciate  
19 knowing about this because I didn't know it was so  
20 coordinated, and it's such an important topic, and I'm glad  
21 that it's being addressed like this. However, as with  
22 pollen, one farmer cannot necessarily know where his bees go  
23 or her bees go. You cannot guarantee that what you do on  
24 your farm stays on your farm.

25           What do your members do if there are bad players

1 in the neighborhood, if people do things they should not do,  
2 if people do things that are not respectful of their  
3 neighbors? Is there any kind of enforcement? Is there any  
4 kind of structure to deal with those who are uncooperative?

5 MS. GLENN: Okay. That's a great question because  
6 that flies in the face that we want to coexist, doesn't it?  
7 So I think, first of all, many states -- I'm going to ask  
8 Doug to address this -- but we have bee-incident reporting  
9 mechanisms that the state departments are involved in. So  
10 that's, like, Step 1. Any comment on that, Doug?

11 MR. GOEHRING: Yeah. Through our process -- and  
12 I'd say probably quite a few states have this, at least any  
13 of those that have, have the pesticide programs -- so you  
14 would, you would then levy a complaint, and it would be  
15 investigated. Now, generally speaking, most everybody  
16 thinks that it might have to do with pesticides. So you're  
17 going to go out there and look for pesticide residues,  
18 you're going to collect the bees, and you're going to have  
19 them tested --

20 MS. GLENN: Uh-huh.

21 MR. GOEHRING: -- and you're also -- and this has  
22 been the tricky area because there was, how do I say this  
23 nicely, but what happened is there was a faction of society  
24 that glommed on to this issue and the beekeepers loved it  
25 because they had somebody champion their cause. The problem

1 was, as you get deeper into it, all of a sudden, and because  
2 they were anti-pesticide, all of a sudden they realized that  
3 the beekeepers might be subject to this, too, because they  
4 also use a pesticide to control Varroa mites, other fungi,  
5 bacteria, and diseases, and the brakes went on, but you  
6 know, it was already out of the shoot.

7           So that became an issue of trying to sit down with  
8 the beekeepers and talk about the fact, when we do an  
9 investigation, we have to look at everything, because there,  
10 in some cases, some products that were being used that may  
11 not be labeled for those hives in that state or that region  
12 and that was a problem. So it was trying to work through  
13 and manage that part.

14           Now, to that end, bees are probably a little bit  
15 different than maybe what you're referring to because, if  
16 you have something moving, as you're talking about, you have  
17 pollen moving. Bees move also. So if you're within a  
18 certain area, the label is the law when you use a pesticide,  
19 and if it says do not apply when bees are foraging, well,  
20 there's also opportunities to address that on the other  
21 side, which is, if you know that bees don't generally fly or  
22 are very active below a certain temperature, such as 50  
23 degrees or 55 degrees, you can then apply that pesticide to  
24 that area where bees will forage. Most often you're not  
25 going to have an issue with any bee harm.

1           But it is, it's a lot of things you have to work  
2 through with the producer, and you also try to communicate  
3 after you find what those results are. Well, in most cases,  
4 unless they call back, you don't go and report to the person  
5 that filed the complaint. Your job is to enforce law, and  
6 that's state law and it's also federal law, through a  
7 cooperator's agreement.

8           MS. GLENN: Yes. So, Mary, I might just also  
9 comment that at the conference there was a big call for even  
10 beekeepers to report incidents. So it goes -- you know,  
11 it's a, it's a robust conversation, because the concept was  
12 the state departments have a process to, to oversee that, to  
13 provide fact-based information, and if we don't have that  
14 data, we don't know, you know, we're not learning any type  
15 of concept.

16           So that was a big callout that -- because  
17 beekeepers don't. I mean, beekeeping is hard, and they lose  
18 bees for different reasons, and some of those losses aren't  
19 due to pesticide exposure, they're due to something else,  
20 and it's so complex, I think it becomes difficult, but  
21 that's the responsibility of the state department. So  
22 that's a foundation there that can quantify, you know, at  
23 least from sampling, what might be happening, yeah.

24           MR. REDDING: Doug, do you have a follow-up to  
25 that, and then Angela, please.

1           MR. GOEHRING: Yeah, I do. I was going to also  
2 say that, Barb, you're exactly right. One of the biggest  
3 things that we found was the probably number one problem was  
4 foraging. It's nutrition. A strong healthy bee, just like  
5 a strong healthy child, can endure quite a bit, but it  
6 really has to do more with more habitat being provided,  
7 making sure that we're doing some things that are just  
8 commonsense ways of -- putting hive placement out there next  
9 to forage, next to water but out of certain activities in an  
10 area, even residential activities.

11           MS. GLENN: Yeah. I think everybody wants to do  
12 good, you know. That was the sentiment last week as well.  
13 The farmers want to do the right thing. The beekeepers want  
14 to do the right thing. So this, this is a movement here.  
15 We're providing these plans. It's, it's exciting to watch.

16           MR. REDDING: Angela and then Isaura.

17           MS. OLSEN: Barb, thank you so much for this  
18 presentation. I think this is a really interesting model to  
19 learn more about, really enjoyed it, and was wondering  
20 whether you could comment to Michael's question, of our last  
21 speaker as well, more on the process? How does this happen?  
22 How do you decide -- we heard there's diverse stakeholders  
23 that come in, even the public -- how do you decide who gets  
24 invited? How do you bring them together? How do you set up  
25 that conversation to have these, these good coexistence

1 conversations? Could you just talk a little bit on a high  
2 level about the process?

3 MS. GLENN: Yeah, and I'm going to rely on Doug  
4 and Russell again on this, but the -- when there are  
5 publicly announced meetings of this kind, that if -- that's  
6 the first thing you do, a kickoff meeting, and state  
7 departments of ag that are in the lead, they're very keen on  
8 developing that robust list of folks. Again, it goes to  
9 other state agencies. You know, the utilities people are  
10 thrilled. The highway people are thrilled. So you -- and  
11 then you have the local honeybee keepers, the hobbyists, and  
12 everybody in between.

13 It's, it's a convening, and I think it's -- what I  
14 see, I think the invitation coming from one of the leaders  
15 in the state that's respected is the, is the first start,  
16 and they want to be there. And you should know that in some  
17 states the Farm Bureau has been the convener, and so -- not  
18 in, not in as many states as the commissioner, secretary, or  
19 director of agriculture, but that has worked, that model has  
20 worked as well. So it could be any flavor in between. You  
21 could have co-conveners. You could have it hosted at the  
22 Department of Ag. It's just a situation where they, they  
23 want to participate.

24 The first thing I've seen on most agendas in an  
25 event of that kind is to provide knowledge. So there's,

1 there's an update on the status of the, you know, what is an  
2 MP3, there's maybe an update on the factors affecting bee  
3 health, something that's robust with respect to the status,  
4 and then they go into breakout groups and talk about  
5 different issues that they think need to be a part of the  
6 plan. So --

7 I will also share with you that there is a massive  
8 amount of information, lessons learned in this model  
9 already, and we've only been, you know, we've been -- Doug's  
10 been doing it for years -- but I think the big aggregate of  
11 states have been doing it for just maybe 18 months or  
12 something like that. So I think you could find the issue of  
13 coexistence between methods of agricultural production, you  
14 can see yourself in some of these documents. It might be  
15 interesting to you.

16 MR. REDDING: Laura.

17 MR. SCHECHTMAN: Isaura.

18 MR. REDDING: Oh, I'm sorry. Isaura and then  
19 Laura.

20 MS. ANDALUZ: This is a very complex issue. I've  
21 been a beekeeper for about 25 years, and there are different  
22 levels of things that are happening. One of the things I  
23 would like to know is what about the other pollinators in  
24 these areas that can't be moved, the ones that are there or  
25 that used to be there -- I mean, for example, I've seen,



1 just where I live, like, in the rural areas and also, like,  
2 semi-rural areas, that, like, the bumblebees, the mason  
3 bees, leaf-cutters, I mean, they're all, like, disappearing,  
4 and last year was the first time, since I've been doing,  
5 keeping bees, that I had no bees at all. I mean, they've --  
6 the last five years they've been killed off systematically.  
7 Actually, one year, the first year I lost them I happened to  
8 go out there, and I actually filmed them as they died in my  
9 hands. You know, there's tons of bees just dead.

10 I went to the local Lowe's. They had a huge  
11 end-aisle display with Bayer, Bayer products, you know, that  
12 -- for household use, and that's what's also happening here,  
13 that the other target audience should be the pesticide  
14 manufacturer, because, you know, I ask the people, what are  
15 you using these things for? Oh, to kill spiders, to kill  
16 aphids. There's a little, little bird that comes to the  
17 rosebushes to eat the aphids. So, I mean, those products  
18 should not be sold to, to the, to the general public like  
19 that because they're being used for other things that  
20 they're not supposed to be used for and you're increasing  
21 the problem for the pollinators.

22 The other thing, there are a lot of -- I mean,  
23 commercial beekeepers do a lot of things that are really  
24 wrong. I mean, you know, the model of the beehive, the  
25 Langstroth beehive, after they harvest the honey, they want

1 to keep the wax for the next year, right? So it brings wax  
2 moth, which is part of the normal system, but because they  
3 want to keep these wax moths, you know, preserved for the  
4 next year, they put paradichlorobenzene in there. That's  
5 carcinogenic. So right there it starts to weaken the bees.

6           Then we do have genetic-resistant Varroa -- bees  
7 that are resistant to Varroa mites. It's taken time. When  
8 -- New Mexico developed them, like, 15 years ago, and we  
9 crossed them with the Russian bees, and they've been doing  
10 great. But what happens is, when you put, when the people  
11 put those miticide strips into the beehives, you know, for  
12 the ones that aren't resistant to it, they leave those in  
13 there and you end up with a box that has, like, you know, I  
14 don't know how many, you know, miticide things in there and  
15 it poisons the bees and the honey, and this has actually  
16 happened, like, in California a lot. Or they also have the  
17 hives where they're not -- they're cracked and they're  
18 broken.

19           So, I mean, the, the beekeepers that are keeping  
20 bees really are more like bee pimps. You know, they really  
21 don't care about the bees, and they're just taking them from  
22 field to field. So there are many problems where they're  
23 compromising the health of the bees, and then when they are  
24 exposed to these, you know, neonicotinoids or even to  
25 Roundup -- that was another thing. We had a beekeeper that

1 took bees to an organic almond production farm in  
2 California, and the bees started dying. He saw the guys  
3 were spraying Roundup at the perimeter of the farm because  
4 they're transitioning to organic, and all the bees died.  
5 So --

6 We also have a major beekeeper in New Mexico who  
7 basically, they're leaving the farm this year because they,  
8 all the bees have been dying every year. I had enough hives  
9 except they've all been dying, and what's happened is that a  
10 guy moved in next door, put in GE alfalfa, and he sprays  
11 when he's supposed to be spraying, when the alfalfa is not  
12 in bloom, but there's a lot of wild mustard and other things  
13 all around there, and the bees are dying. And so, I mean,  
14 these are things that have to be looked at.

15 I don't know how to control it, because I don't  
16 think coexistence would work at this level because you  
17 basically cannot spray any time there's something in bloom.  
18 The thing is that we still have what you don't want, what  
19 you said you don't want to speak about, is the residual  
20 impact of this. Since these are systemic pesticides, the  
21 bees are constantly exposed to that. Thank you.

22 MS. GLENN: Well, thank you for your comment. I  
23 think she just justified the complexity of what we're trying  
24 to do here in our coexistence planning. I would say that  
25 I'm impressed by the fact that both growers, applicators,

1 and beekeepers are all looking at new ways to -- new BMPs.  
2 They're open to talking about a lot of different things.

3           A couple of the states last week said, there's no  
4 way we're going to just relegate ourselves to spraying at  
5 night, but there were others that were considering adjusting  
6 practices that are even outside the label on the crop  
7 protection product. And why are they doing that? They're  
8 doing that because they're part of a conversation here and  
9 they're trying to, they're trying to work together and  
10 they're listening to the beekeepers. So it's a two-way  
11 street. I think, similarly, the beekeepers are, you know,  
12 interested in adjusting any practices that they have:  
13 instead of dropping bees here, you know, can you drop them  
14 over here?

15           So it's an educated conversation, but yes,  
16 everybody has a lot of passion, and I think each state is,  
17 in their own way, just tries to bring everybody up at the  
18 same sort of knowledge base. I mean, they agree to  
19 disagree. We find new ways of working together. Like I  
20 mentioned, some have adopted drift watch for their -- like a  
21 bee registry, location of bees. Others have not and will  
22 not. So it's -- every state puts the flexibility into it  
23 that they need, and they definitely want to keep  
24 communicating.

25           So even every challenge you threw up against the

1 wall there, we have to communicate on these things, and  
2 that's what we're trying to do here, and I -- so far, so  
3 good. So --

4 MR. REDDING: Laura and --

5 MS. GLENN: -- thank you, though, good comment,  
6 yeah.

7 MR. REDDING: Yeah. Laura, Doug, and then Chuck.

8 MS. BATCHA: Thanks. This is a question, I think,  
9 for Barbara and maybe Doug, since you've completed your  
10 plan, and Russell, you're in the plan; you might want to  
11 chime in as well. I'm on the subgroup where we're looking  
12 at models and incentives, and what you've walked us through  
13 is really helpful in terms of the model. We're challenged  
14 by the, you know, loosely defined incentives, you know, what  
15 motivates the sort of buy-in on this. And so -- and I'm  
16 hearing this. I'm hearing two things, and so let me know if  
17 I'm off track and then what else might have incentivized the  
18 program.

19 So at the state level, state departments of  
20 agriculture incentivize because you want to avoid  
21 regulation; you want to get ahead of it before there's an  
22 imposed federal regulation, which is a legitimate incentive,  
23 right? That's motivating. And at the participant level,  
24 the stakeholders, is it primarily just the motivation,  
25 awareness, and education and getting involved? Is there

1 more to it than that? So I just -- that's sort of what I'm  
2 gleaning. I'd love to hear your thoughts.

3 MR. GOEHRING: Actually, you, you hit it on it,  
4 Laura, a little bit. What motivates people to show up? And  
5 -- or incentivizes -- and I'll tell you one of the biggest  
6 things where you'll get the ag community's attention is a  
7 threat, but it cannot be well unfounded or misrepresented.  
8 So in this situation, when you start talking about what the  
9 threat is, it is the threat of looming regulations or the  
10 loss of certain crop protection products.

11 Now, the rest of your stakeholders, some are  
12 applying crop protection products. It's going to affect  
13 their livelihood. You have crop protection companies, I  
14 know -- Isaura brought that up, you know: did they show up,  
15 or they should show up. They were actually there. I think  
16 almost every major company came to North Dakota and had that  
17 conversation. They listened to all the conversation. They  
18 never once said one thing, which was good. They needed to  
19 sit in the background and listen to all of the conversation.  
20 That helped immensely.

21 I believe the other thing that happens in all this  
22 is you have to have -- whoever's going to be involved in  
23 facilitating this meeting, they have to be intimate with the  
24 industry and, I believe, they have to be unbiased. Even as  
25 a farmer, I know what my role is serving the public. I will

1 protect agriculture, but I'll also just let people talk and  
2 then let's talk through it.

3           So when you come back to issues like, like you had  
4 mentioned about genetic diversity or seeing problems that  
5 exist out there or bees dying in your hand, you can say  
6 those things and they're anecdotal but you can't take them  
7 as gospel until somebody, somebody picks up those bees and  
8 then tests them and find out exactly what's going on,  
9 because that adds credibility.

10           MS. ANDALUZ: I tried to do that, Doug --

11           MR. GOEHRING: Yeah.

12           MS. ANDALUZ: -- because our state said bring  
13 them --

14           MR. SCHECHTMAN: Isaura, please use the mic.

15           MS. ANDALUZ: I tried that, because, because we  
16 had been meeting with the people in the state and they said,  
17 okay, you know, bring the bees whenever there's a bee  
18 die-off, because we'd had all these bee die-offs.

19           So I called the extension like I was supposed to,  
20 and they said, well, we can't help you, we can just give you  
21 a list of people to call. So I took this list; I called all  
22 the people on the list. Two places told me, well, you have  
23 to tell me exactly what it is that you want us to test for  
24 and it has to be whichever neonicotinoid you think it is and  
25 it's \$250 for each test.

1           Then, actually, when AC21 was going on, in August  
2 I went back one day after our meeting here, and I had, like,  
3 25 bumblebees, a very rare type of bumblebee I've never seen  
4 before there, all dead all along the back. I picked them  
5 all up, and I put them in the freezer. I probably threw  
6 them away last year -- I should have kept them -- because I  
7 couldn't find anyone that could test them for me and, if it  
8 was going to test them, it was going to be very, very  
9 expensive.

10           MR. GOEHRING: Because, generally, the --

11           MS. ANDALUZ: So, I mean, if you do that, you have  
12 to have some kind of a clinic or something that you, the  
13 state, would come in and do the testing, because, I mean,  
14 people can't afford it.

15           MR. GOEHRING: Well, most of them actually do, and  
16 generally, if you had call the departments or land-grant  
17 universities, they'd be interested. But I will tell you,  
18 you can't go touch them; you can't mess with them. You find  
19 them, you leave them lay, and they have to be collected.

20           MS. ANDALUZ: There are plenty of them laying on  
21 the ground.

22           MR. GOEHRING: Yeah. And I wasn't picking on you.

23           MS. ANDALUZ: I know it.

24           MR. GOEHRING: I was saying, in general, I dealt  
25 with this, and this is what comes up in the conversation.



1 So you have to, you have to create an atmosphere where  
2 people feel like they can vent, but you also have to be able  
3 to push back a bit and bring some logic and an approach and  
4 techniques and a system into, into being that people can  
5 relate to and that helps a lot.

6           So, to that degree, I think it's -- not all ag  
7 departments, as I said earlier, can probably do it because  
8 there's some where they are appointed, and that's a  
9 challenge because those governors may not want their  
10 commissioner, director, or secretary involved in this  
11 conversation because it's controversial and the last thing  
12 they want to do is wear that or have to answer to that  
13 during the next campaign. So it's best if they just stay  
14 out of it. There's others where they're given a lot more  
15 latitude and liberty. I know like -- like, Russell has a  
16 lot more liberty to do some things and step out and do some  
17 things. So he's in a better position, but not all of our  
18 colleagues are.

19           MR. REDDING: It's good to know that's the view --  
20 good to know that's the view from North Dakota, yeah. Thank  
21 you. Looks different out there.

22           MR. GOEHRING: So -- I don't have to answer to the  
23 governor.

24           MR. REDDING: Yeah. Right.

25           MR. GOEHRING: But -- and it kind of went back to

1 answering two questions, and touching a little bit on what  
2 Barb was saying, yeah, you have to find a way that will  
3 entice people to the table.

4 I built this format, and it's kind of the outline  
5 of what we did when we started this whole process. So in  
6 the same way, it was a way to just frame the conversation,  
7 outline it. If you're going to move forward, you take this  
8 document into every community or into a state and you let  
9 them start working on it; you let them start filling in the  
10 blanks. And it's amazing when you get all the stakeholders  
11 around the table, those that are living, doing it, breathing  
12 it and will be affected by it, they will develop the  
13 solutions, and not everybody will always agree, but it will  
14 work fairly well.

15 MR. REDDING: Chuck and then Michael.

16 MR. BENBROOK: I am struck by the commonality and  
17 the challenges of reversing the steady and long-term decline  
18 in pollinator health and dealing with some of the unwelcomed  
19 consequences of planting genetically engineered crops. I  
20 think the solutions to the model -- if we can come up with a  
21 model to solve one, it'll really help us in solving the  
22 other. So I think this was a -- whoever had the idea of  
23 picking pollinator health and how we're dealing with it as  
24 a, as a case study or model for our AC21, I think, was wise  
25 in doing so.

1           Fortunately, science is really moving very fast in  
2 the area of bee health. There are pollinator problems  
3 worldwide. There are scientific teams all over the world  
4 that are working on this. Many of them are, in fact, quite  
5 far ahead of the U.S. in understanding what is going on with  
6 pollinator health in general. It's a very complicated  
7 picture, as many people have said. It's not one thing.  
8 It's not just pesticides. It not just the nicotinyls. It's  
9 not just poor nutrition. It's -- or habitat loss -- it's a  
10 combination of many things, but science is moving very fast.

11           And, Isaura, it's almost never going to be  
12 effective for you to pick up dead bees by your farm because  
13 the vast majority of what's impairing overall pollinator  
14 health, it's not measurable. It's subacute and very  
15 low-level effects from pesticides and other things on bee  
16 health that don't just kill them outright, where you can,  
17 like, measure something and correlate that with a bee kill,  
18 no. Sure, there's some instances where you're going to have  
19 sort of a point source bee kill, and you can correlate that  
20 and show cause and effect, but that's really rare in terms  
21 of the overall decline in pollinator species.

22           And so, you know, I think managing our way out of  
23 this generic decline in pollinators is going to force  
24 reconsideration of many aspects of agricultural systems, and  
25 if we continue to intensify our need and our major row crops

1 on different pesticide chemistries and more toxins and GE  
2 crops, in general, we're not going to make progress. I  
3 mean, there's just, there's a load of toxins out there in  
4 many of our ag systems that are not compatible with bee  
5 health.

6           But just as a point of information for folks and  
7 you folks in NASDA, so I'm part of the IPM PRiME team. We  
8 have been working for three years on our pollinator index.  
9 It's now in the model and will be publicly available, and  
10 it's really the first sort of modern pollinator risk index  
11 that's very sophisticated. It's by active ingredient and  
12 also takes into account when and how a pesticide is applied,  
13 the crop, and a number of other factors, and it is going to  
14 be very helpful because one of the problems is a lot of  
15 farmers will stop using Pesticide X and, you know, stop  
16 using a nicotinyln and spray spinosad without knowing that  
17 spinosad is almost as toxic as the meta-corporate (phonetic  
18 sp.).

19           So there are, there's this new tool coming out  
20 and, I think, some really profound new insights; so -- and  
21 I, you know, I think most of the important insights are  
22 coming from Europe, where there is a much higher public  
23 investment and much more openness to try to understand this  
24 global problem with pollinators, whereas in the U.S. that's,  
25 it's just not been a topic that there's been a lot of

1 investment and public research on. So I hope things, I hope  
2 things will start to get better quicker for our pollinators  
3 because, boy, it's really getting serious in a lot of parts  
4 of the world.

5 MR. REDDING: Thank you. Michael and then Leon.

6 MR. SCHECHTMAN: Do you want to respond first? Go  
7 ahead.

8 MR. CORZINE: Sure, Michael. Thank you. Just a  
9 quick comment, I think we're getting off target. I think  
10 for the record we need to note we're not talking about MP3s  
11 -- I mean, I don't want to discount the pollinator issue,  
12 but we aren't here to solve that. We're here -- and we  
13 aren't accepting or saying that genetically engineered  
14 products have anything to do with it -- we are discussing  
15 MP3 because that's a model that we might use in the  
16 mitigation and discussion around coexistence, and I think  
17 that, that's important to state that for the record. Thank  
18 you.

19 MR. REDDING: Yeah, thanks. Michael.

20 MR. SCHECHTMAN: Thank you, and Barb --

21 MS. GLENN: Yeah.

22 MR. SCHECHTMAN: -- thank you very much for the  
23 presentation. The question that I had was in fact partly  
24 touched on by what Commissioner Goehring said a minute or  
25 two ago, but I wouldn't want to let you leave without

1 talking a little bit about the possible role of state  
2 departments of agriculture in some of the processes we might  
3 be thinking about initiating at the local level. I think  
4 Doug certainly made the point that commissioners of  
5 agriculture are under different constraints in different  
6 states and may be more or less able to take this on, but I'd  
7 sort of like to hear from the, from the head organization  
8 what you think about all of that.

9 MS. GLENN: Well, that's a great question,  
10 Michael. I think that our commissioners, secretaries, and  
11 directors are there to facilitate agriculture, to advance  
12 agriculture. They do so through regulatory responsibilities  
13 and through promotional activities, but outreach and  
14 education is a key aspect of what they do. They are boots  
15 on the ground in the locale, in the state. They're trusted.  
16 They're respected.

17 So NASDA can play a role. I'm not sure which part  
18 of the recipe it is, but I'm certain NASDA supports all  
19 methods of agricultural production. We have policy on  
20 organics. We have policy on biotech. We -- that's the role  
21 that we play to advance agriculture for the farming families  
22 in the United States.

23 So let's continue to talk, but I think that  
24 NASDA's members would entertain being very active in this  
25 regard if there's a way forward, Russell. So thanks,

1 Michael.

2 MR. SCHECHTMAN: Thank you.

3 MR. REDDING: Final thoughts?

4 (No audible response.)

5 MR. REDDING: I mean, as I, as I look at the, the  
6 MP3, there's sort of two levels. One is the -- at the macro  
7 level, it is about engagement --

8 MS. GLENN: Uh-huh.

9 MR. REDDING: -- right? And so we look at the,  
10 this issue of the bee health as sort of the call to action,  
11 and we can transfer something around. This coexistence and  
12 the interface between different production systems is sort  
13 of that call to action, right?

14 At the micro level, the plans get down to the more  
15 formalized agreements, right? So I don't know what the  
16 North Dakota plan has in it, but I've looked at a few where  
17 you're talking about more of a formal agreement between  
18 parties, even if it's on notification, education, outreach,  
19 plan, sort of conservation practices that would improve the  
20 habitat or nutrition, but you end up with very specific sort  
21 of actions. So I see that as a piece here that can be  
22 transferred to our discussion, right?

23 Top line, engage. Bottom line, there's going to  
24 be some very specific actions that would be expected that  
25 maybe, that maybe take the form of the, some agreements

1 between parties, between -- at a minimum, between producers  
2 potentially, right, and as we've heard today, potentially  
3 between facilitated parties, where it's a conservation  
4 district, could be a Department of Ag, could be a  
5 cooperative extension, could be chambers, whatever.

6           So I see those two as sort of the bookends for  
7 what would be a benefit for us to look at this MP3 as a  
8 potential model, because I think it's got enough sort of  
9 variability in it to address sort of individual states or  
10 needs but it's also one that gives some definition to what,  
11 what is working and been tested but also allows for states  
12 or parties to sort of define the boundaries a little bit,  
13 which I think would be important here, right, and the, and  
14 the opportunity with the development of that plan to then  
15 sort of manage the plan, which is a piece we haven't spent a  
16 lot of time talking about, but once the plan is developed,  
17 the expectation is you manage the plan.

18           MS. GLENN: Uh-huh.

19           MR. REDDING: So there's going to be a continuance  
20 here that I think, again, would be borrowed for, could be  
21 borrowed for our work around coexistence, is there's not a  
22 -- it's not an once conversation or one plan. It now, it's  
23 there and you keep sort of modifying that and bringing folks  
24 to the table.

25           The piece that has impressed me with the MP3 in



1 Pennsylvania are the number of folks who want to be in the  
2 conversation, right? It's really been interesting to me to  
3 watch, and it's not, it's not always who you think it would  
4 be. You expect those who are at the farm level, production,  
5 the chemical side, but we've got township supervisors, I  
6 mean, who were in it. We've got master gardeners who were  
7 in the conversation, folks -- yeah, they're bringing in so  
8 many different sort of perspectives that it really is a  
9 really interesting conversation to manage, but there's a  
10 shared sort of vision for protecting that bee health. So,  
11 again, I would borrow that for, potentially borrowed that  
12 for our work here with coexistence.

13 So final comments?

14 (No audible response.)

15 MR. REDDING: Barbara, thank you. It's --

16 MS. GLENN: Thank you very much.

17 MR. REDDING: -- a pleasure to see you. Thanks  
18 for your leadership with NASDA. I know Doug and I very much  
19 appreciate your enthusiasm, energy, and the perspective you  
20 bring to NASDA. Great job.

21 MS. GLENN: Thanks very much.

22 MR. REDDING: Thank you, appreciate it. Let's  
23 take a 10-minute break, and then we'll pick up with public  
24 comments when we return. Okay? Thank you.

25 (Whereupon, at 3:12 p.m., a brief recess was

1 taken.)

2 MR. REDDING: Let's reconvene. We're going to  
3 begin with our public comment period, but before I introduce  
4 that, I just would ask all of our committee members to  
5 please be thinking about the availability for -- your  
6 availability for October. We started the day, I believe,  
7 with a calendar for October. Please indicate the dates that  
8 you're not available for October and return that to -- yes,  
9 if you have a form, we'll send them up here to Michael.  
10 Okay?

11 All right. Now is the scheduled period for public  
12 comment, as provided for under the Federal Advisory  
13 Committee Act. Each person who has signed up will be given  
14 no more than five minutes to speak at the microphone, which  
15 Michael has. Please provide Dr. Schechtman with an  
16 electronic copy of your remarks, please. We intend to post  
17 the text of your remarks on the committee website.

18 I'd like to note the committee members, or to the  
19 committee members, that this is a time to receive comments  
20 from the public and this is an important and mandatory  
21 function of this committee. It is not, however, intended as  
22 a dialogue with the commenters. There was some discussion  
23 of this possibility at the previous plenary session, but  
24 USDA has decided that it is not -- that it's the dialogue  
25 between the range of members appointed by the Secretary that

1 is most essential to this effort, and time for the dialogue  
2 members is most critical. So there will not be a  
3 back-and-forth with members of the public on these meetings.

4 We have one commenter, Patty Lovera, from Food &  
5 Water Watch. Patty, you're welcome to come here to the  
6 table.

7 MS. LOVERA: Hi, everybody. My name is Patty  
8 Lovera. I'm the assistant director of Food & Water Watch  
9 and, I guess, the only commenter, which is, in part, because  
10 it's quite a week here in Washington on these particular  
11 issues, actually. So I think a lot of other advocacy groups  
12 are still incredibly interested in this but there is just a  
13 lot going on, particularly in the Senate this week. So  
14 everyone's pretty tied up.

15 I just had a couple of thoughts. Food & Water  
16 Watch has been here before. We've submitted comments to  
17 lots of, lots of the different meetings and comment periods  
18 and things like that. So I just had a few, few thoughts to  
19 offer, which I will later type up and send in  
20 electronically, because it's been that kind of day.

21 I do want to just reiterate from the conversations  
22 that we've had with lots of folks, especially in the organic  
23 sector, the continuing skepticism, at least in the organic  
24 community, about the potential for dialogue to solve this  
25 problem and worries about an overreliance on dialogue alone

1 to solve this problem.

2           So Food & Water Watch worked with OFARM a couple  
3 of years ago to do a survey of organic grain growers, and we  
4 asked about, you know, cost prevention, cost of  
5 contamination, and we also asked by nonmonetary cost, and  
6 this was what came up, this sense that it's -- these  
7 conversations are not happening and that there's tension,  
8 was not the word many folks used. They gave examples, and  
9 the examples were not pleasant. So I'm happy to re-share  
10 that file. We submitted it earlier in the process, but  
11 there is that real concern that if all that comes out of  
12 this process is a reliance on dialogue, that's not going to  
13 do it for a lot of the organic folks that we talked to.

14           And then specifically for the stuff you're talking  
15 about at this meeting today, checking out the guidance  
16 document, I was intrigued by the document -- I think it's  
17 the Lynn Clarkson document -- in particular, the Knowledge  
18 of the Seed portion that he had and that concept of  
19 disclosure of, you know, presence of a trait or any  
20 knowledge about distance the trait can travel, and that just  
21 seems like the bare minimum to give seed buyers in this  
22 situation who are experiencing testing on the back end when  
23 they're finished. To enter into that transaction without  
24 that information and then know that more and more and more  
25 of them are going to be tested when they sell, this seems

1 like the bare minimum information we can provide folks in  
2 the IP or organic sector. So that just seems like something  
3 that has to be done.

4           Similarly, I was intrigued by his, his mention of,  
5 you know, the appropriateness of USDA requiring test kits to  
6 be available when the seed is available, when a new trait is  
7 available. We have this conversation in lots of other parts  
8 of the food system about how you, you know -- and in other  
9 parts of the economy as well -- when you have a new  
10 substance and it's being put out there, if you can't look  
11 for it, should you put it out there?

12           So that to us seems entirely appropriate that USDA  
13 should require that, and it does seem an opportune time to  
14 have this conversation. As USDA says, they're looking at  
15 their 340 regulations and things like should they do a  
16 conflict analysis. This all seems like part of what USDA  
17 should be doing, at a minimum, when they allow new traits  
18 onto the market.

19           So, you know, we've had a lot of conversations --  
20 you-all have had a lot of conversations here through this  
21 process about data, often about lack of data. And so  
22 something that would start to provide a little more data to  
23 people having to enter these transactions seems like an  
24 obvious thing to do and it seems overdue, so we don't lose  
25 more time having this conversation in an abstract fashion.

1 So we were really intrigued by that point and, and urge you  
2 to really consider it. I'll leave it at that.

3 MR. REDDING: Okay. Thank you.

4 MS. BATCHA: Thanks, Patty.

5 MR. REDDING: Any other public commenters that we  
6 didn't have registered? Just make sure we've got --

7 (No audible response.)

8 MR. REDDING: Okay. All right. So let's pick up  
9 with the discussion that we had deferred from 12:00 to  
10 12:30. Michael, if you don't mind sort of framing that up.  
11 Okay.

12 MR. SCHECHTMAN: Okay. Thanks to our public  
13 commenter, and thanks to the committee for your perseverance  
14 in sticking it out this whole day. We'll be switching gears  
15 now and, you know, starting to talk about a number of  
16 different aspects of all of the overlapping discussions on  
17 the charge and trying to figure out how to put all of those  
18 things together and get a clearer understanding of what the  
19 committee's desires and recommendations are. So there are  
20 going to be, throughout the rest of the discussions today  
21 and tomorrow, a number of topics, trying to tease out some  
22 particular aspects from what is in fact a large, overlapping  
23 sort of thing.

24 So the first one is this: In the discussions in  
25 the previous plenary, as well as in the working groups,

1 there were, by my count, probably at least four different  
2 types of coexistence discussions that were alluded to. One  
3 was the type about discussing potential new  
4 identity-preserved opportunities that may offer some  
5 production challenges and how a local area might want to  
6 address those things. One is general local education about  
7 how to produce IP crops and/or talk with your neighbors.  
8 One is perhaps a general discussion on resolution of issues  
9 of concern in a particular region, and another one is  
10 providing a specific venue for farmer-to-farmer discussions.

11           So there are all four of these things, and they're  
12 not, they don't necessarily divide so evenly, but we need to  
13 get some clarity as to whether the committee is in fact  
14 thinking that all four of these are topics that you want to  
15 provide guidance on -- is it all four or is it some subset  
16 of these, what's the relationship between these four  
17 different types of activities, is there advice that you  
18 might want to give to localities that may be, that may be  
19 considering one or the other of these different types of  
20 conversations and, for all of these, is the guidance  
21 document that we're talking about envisioned to be a general  
22 feature of these discussions or some of them -- so just  
23 wanting to kind of tease out these different types of  
24 discussions and what people think about their relationship  
25 and what localities might be doing with them.

1 MS. BATCHA: Could you go through the hit list of  
2 the four again?

3 MR. SCHECHTMAN: Sure.

4 MS. BATCHA: The coffee pot got taken away and I'm  
5 a little slow, my apologies.

6 MR. SCHECHTMAN: Okay. So the list of four are  
7 potential new, new product opportunities, perhaps new  
8 identity-preserved product opportunities that may offer some  
9 production challenges. The second one is general local  
10 education about how to produce IP crops, the importance of  
11 coexistence, how to talk with your neighbors.

12 MR. GOEHRING: I need you to slow down. You --

13 MR. SCHECHTMAN: Sorry.

14 MR. GOEHRING: -- had way too much coffee,  
15 Michael.

16 MS. BATCHA: The rest of us are slow.

17 MS. RAKOLA: I'm glad it's not just me.

18 MR. SCHECHTMAN: Okay. First one, new IP  
19 opportunities that may also offer production challenges; the  
20 second one, the general local education about the importance  
21 of coexistence, how to produce IP crops, how to talk with  
22 your neighbors; the third one -- sorry, I'll wait. I'll  
23 wait until heads come up. The third one, resolution of  
24 issues of concern in a particular area, and the fourth is  
25 providing a specific venue for farmer-to-farmer



1 conversations, recognizing that these things overlap and  
2 just trying to get the sense of the committee of what you  
3 think about all of these. Thank you.

4 MR. REDDING: Yeah, Alan.

5 MR. KEMPER: Mr. Chairman, just a question or a  
6 suggestion, either way you want to take it. I think those  
7 are four good points, Michael, first of all, but as the  
8 chair and as this group, do we actually put together a  
9 narrative report to the Secretary, listing some of the  
10 thoughts, processes, and things we go through, and then  
11 offer, Michael, maybe one or two guidance documents on one  
12 or two of these subjects? I mean, that way we have a kind  
13 of full report, and maybe I'm missing it. Maybe that's all,  
14 Michael, I assume, but, but put together how we reached all  
15 this and then offer up a couple of guidance documents on a  
16 couple of these? Thank you, Michael.

17 MR. SCHECHTMAN: Well, we have a part on the  
18 agenda tomorrow to talk about the one guidance document that  
19 we've talked about and the relationship of that guidance  
20 document to the report. Whether there are going to be more  
21 guidance documents, I would like to think that if there are  
22 going to be more, it would be as a result of splitting  
23 something and not trying to take on a whole new task,  
24 because we have a lot to do in a short period of time.

25 MR. REDDING: How about reaction to these four,

1 right, because I look at them and read them and, you know,  
2 they could go different directions, right, depending on what  
3 you want to do, and the question is the relationship back  
4 to, to the charge, right? So, Laura.

5 MS. BATCHA: Sure. This is Laura. This is my, my  
6 first reaction in trying to relate back to the charge and  
7 how the work of the guidance documents could either plug  
8 into each of them or be modified for different circumstances  
9 sort of at the, at the level of detail: I think -- my  
10 recollection of our conversation about the new IP products  
11 and the opportunities and challenges in production when  
12 they're brought to market was that we had some discussion  
13 that I recall at the last meeting about encouraging those  
14 best management practices to be brought to the table at the  
15 time those products are brought to the table and that kind  
16 of thing. So I'm a little bit fuzzy on actually what, what  
17 that whole piece is and how it relates to our charge of all  
18 the four things you laid out. So I would look for some  
19 reminders and clarifications from the group.

20 I think the second and fourth thing you identified  
21 are stuff that I think we're working on already in terms of  
22 the local education, and that's about bringing forward those  
23 guidance documents and the role that the state might play  
24 versus other local conveners. And I think my assumption is  
25 that we're working towards a template that then we could

1 encourage adoption, I like.

2           Outside of the pollinator model, I like the model  
3 of looking at NASDA as a partner there because, if we have a  
4 template and then we have some potential endorsement from  
5 the states to, you know, support that kind of thing and then  
6 sort of bring out general statements at the state level,  
7 supporting it, I think, might create a little bit of an  
8 opening for the conversation to happen without sort of an  
9 active role, the part of the state Department of Agriculture  
10 getting in the middle of resolution of issues, et cetera, at  
11 the state level.

12           And then providing the specific venue for these  
13 discussions -- I think, you know, we've looked at a few  
14 things, but certainly that's, that's part of what we're  
15 talking about and that's where you need sort of  
16 on-the-ground incentives to get people to, I think,  
17 participate in those discussions. So I think we have that  
18 all underway.

19           I have questions as to whether or not we have any  
20 work in process around the issue of resolution of issues  
21 when they come up through this process of joint coexistence  
22 plans. I don't think we've spent much time talking about  
23 what happens when they don't work and is there a role for  
24 the committee in any kind of suggestions around resolution,  
25 and that -- I'm not sure it's on the agenda of any of our

1 subgroups.

2 MR. REDDING: Thank you. Mary-Howell.

3 MS. MARTENS: I wasn't aware we were talking about  
4 No. 1, but I do think it's important to think about No. 1,  
5 and that goes back to my question to Mr. Gregoire this  
6 morning. There are these bills in front of Congress this  
7 week about labeling that, it sounds like from his answer to  
8 me, fairly narrowly define what GMO is and may allow some of  
9 the newer technologies or newer products to fall through the  
10 cracks and not get defined and therefore not fall under  
11 regulations in any way.

12 Whatever our guidance document we craft is and  
13 whatever it says, we need to do it in such a way that is  
14 suitable, adaptable, and practical for not just where we are  
15 today in products but also where we're likely to be in five  
16 years. So we need to think ahead to issues like the amylase  
17 gene that Lynn has talked about repeatedly or gene silencing  
18 techniques or editing techniques that might not be  
19 detectable in the same ways. We need to think about putting  
20 together a document that doesn't become archaic as soon as  
21 we write it so that it is useful for a longer period of  
22 time.

23 As far as resolution, that is a really good  
24 question that we have not talked a lot about, because the  
25 assumption around the table is, as soon as neighbors sit

1 down with each other and talk, everybody's going to be just  
2 great buddies and hunky-dory and all that -- ain't  
3 necessarily so, folks. It is really important to realize  
4 that especially with low commodity grain prices right now,  
5 there may be some resentment of the non-GE growers, and the  
6 fact that they're getting more money for their crops might  
7 make for less cooperation.

8           So it isn't something that we, or it's within our  
9 realm of ability to deal with here. That, that is not  
10 something that, I think, any of us want to get into, but it  
11 is important to recognize that just getting farmers to sit  
12 down side by side does not necessarily spell cooperation.

13           MR. REDDING: Thank you. Doug.

14           MR. GOEHRING: Thank you, Mr. Chairman. Doug  
15 Goehring. Interesting how these questions are posed. The  
16 first one actually might get answered if you develop the  
17 best management practices, because likely, whatever new  
18 identity-preserved crop would come online would probably  
19 fall into one of those best management practices. But with  
20 that being said, I think the other thing is to realize and  
21 understand that when you develop the format, it's kind of a  
22 living, breathing document. In other words, every  
23 community, every area is going to change it, modify it  
24 because there's going to be parts to that that they need to  
25 address that maybe another community, another state, other

1 climates don't really need to.

2           I think 2 and 4, I believe, if I'm reading it  
3 right -- and I was trying to write this down -- probably are  
4 very similar, you know, whether you're talking about a venue  
5 for farmers to talk, neighbors to talk to each other. I  
6 think the, some of the toughest questions in there -- and I  
7 don't know if it's as much about a statement as who's going  
8 to do it, and I think that's left up to every community,  
9 every state to identify who is the likely candidate that's  
10 going to have the credibility, probably approach it and, as  
11 I was stating earlier, to be a bit unbiased but intimate  
12 with the, with the industry to address some of those  
13 concerns when they come up.

14           In some cases, understanding that if there is an  
15 outlandish claim made by whoever it is, if it goes  
16 unanswered, sometimes that's perceived as agreeable, simply  
17 based on the fact that it went unchallenged, and you just  
18 need someone to say, well, maybe we need to take a look at  
19 it this way, let's consider this, this, and this, depends on  
20 the question, depends on the situation.

21           And then, I think, overall, the tough question is,  
22 why are we doing this, and I think it comes down to not just  
23 addressing the issue about because we're trying to create  
24 coexistence, because there's tension out there. I can give  
25 you one that I believe would bring a lot of farmers to the

1 table that aren't even involved in identity production, and  
2 maybe let's talk about ways of putting mitigation strategies  
3 in place to prevent soil-borne pathogens from moving, plant  
4 pathogens from moving, noxious weeds. Now, I'm not trying  
5 to offend anybody in the organic community. What I'm saying  
6 is a lot of them believe this is an issue that they have to  
7 deal with, too, but it gets them to the table and it gets  
8 everybody thinking in the same manner and the same way, same  
9 form, and then they want to step up and be a part of  
10 something or at least have a conversation; it opens the  
11 door.

12           So it's going to be a little bit about messaging,  
13 but while you have them all captured, you have this captive  
14 audience, it's the ability, also, to talk about, here are  
15 some of the concerns that we need to consider, you're  
16 concerned about this, they're concerned about that, and it's  
17 a good way to get more engagement and more people to the  
18 table.

19           And then I think that the resolution of concerns,  
20 much of what you pointed out, I think that's where you  
21 develop that format of best management practices, what are  
22 things to consider and why, because it'll, it'll start to  
23 mitigate some issues, it'll provide some resolution in some  
24 areas, not all cases, not all times, still takes some  
25 commonsense application too. If the wind is blowing 100

1 miles an hour, you don't go out and spray. Now, I  
2 exaggerated, but prevailing winds, you know where they're  
3 going 87 percent of the time in our state. So think about  
4 what you're doing upwind and think about how you're going to  
5 manage and what type of system you have in place.

6           So I just made those comments based on the  
7 questions you threw out.

8           MR. SCHECHTMAN: Thank you.

9           MR. REDDING: Yeah, Michael.

10           MR. SCHECHTMAN: I'll just add this quickly,  
11 Chuck, just for one quick clarification, because the topic  
12 of the -- the first item about the new IP opportunities, and  
13 I just wanted to provide a little context for where that was  
14 coming from.

15           So in the guidance document discussions, I believe  
16 it was Leon who raised this, that, you know, in these days  
17 of -- particularly in these days of lower commodity prices,  
18 farmers may be looking for value-added opportunities and it  
19 may be that a large company will want, for example, to be  
20 able to grow a new variety, identity-preserved -- I'm  
21 paraphrasing you here, Leon; tell me if I do anything wrong.

22           MR. CORZINE: So far, so good.

23           MR. SCHECHTMAN: And they may want to come to a  
24 particular area and say, we might be interested in  
25 contracting with a bunch of farmers here to do this, but in



1 order for us to do this, we need to be able to have all of  
2 this, all of these practices in place to ensure that we get  
3 what we want. So this is a new economic opportunity,  
4 perhaps, for a bunch of growers, but we would need to  
5 discuss it in this context, and again, it's same principle  
6 as any other bit of coexistence. It might be initiated in a  
7 different, in a different place. So that's where that was  
8 coming from. Did I get that right, Leon?

9 MR. CORZINE: Very good.

10 MR. SCHECHTMAN: Thank you.

11 MR. REDDING: Chuck.

12 MR. BENBROOK: Well, a couple, couple  
13 observations. This report that we do later this year will  
14 sort of end our opportunity to give advice to the Secretary  
15 and to USDA and, for all practical purposes, will bring this  
16 current AC21 to an end. It's certainly possible a new  
17 administration may keep it going and refresh the membership,  
18 but if history be a judge, it would probably be a new  
19 committee and a new charge. So if we have something to say  
20 about coexistence, you know, this is our last, last  
21 opportunity.

22 I'm, I'm struck by how the important coexistent  
23 issues have changed just since we were originally brought to  
24 the table. I think the, the issues and tensions and  
25 struggles over agriculture biotechnology are really defining

1 how large segments of the public think about American  
2 agriculture now, and I don't think all of those thoughts are  
3 good and healthy and positive, and I also don't think they  
4 reflect what's going on in the totality of American  
5 agriculture, by any means.

6           And, you know, I think the economic ramifications  
7 of that are growing and will continue to grow, and you know,  
8 we're, we're one, we're one episode of something, you know,  
9 that -- you know, none of us can imagine what is going to  
10 happen that could rapidly turn public attitudes about GE  
11 agriculture, but if you look at, if you look at how rapidly  
12 global attitudes about glyphosate have changed in the last  
13 six months since the IARC decision, I mean, it is -- just  
14 kind of takes your breath away.

15           So I think this -- I would hope that in our final  
16 report we have the courage to talk about how much bigger the  
17 coexistent challenge has become in, you know, the end of  
18 2016 and compared to when we were first brought together and  
19 how the economic consequences of how the country deals with  
20 this moving forward are already significant and may get  
21 bigger. And, you know, I'm quite certain we're not going to  
22 come up with any magic formula, but I do think a clear  
23 statement of the heightened stakes around our deliberations  
24 would be a useful thing to share with people.

25           In terms of these four areas, you know, No. 2 and

1 No. 4, new venues for farmers to interact and general  
2 education, there's, you know, there's a lot going on in that  
3 arena. And, you know, I think that when people want to get  
4 together, there are opportunities to do that, and frankly, I  
5 can't imagine us saying anything that's going to  
6 substantially change the status quo in those two areas, but  
7 I do think 1 and 3 offer some chance for us to say some  
8 things that could be really constructive.

9           I mean, for example, with No. 1 there's two or  
10 three biotechnologies that are, have just been approved or  
11 are about to be approved that, like the amylase corn, are  
12 going to raise wholly new issues about segregation and  
13 impacts if the traits get into the product channels. So  
14 perhaps we could take a case study of one of these new  
15 technologies and really say, here's how it -- given what  
16 we've learned from trying to do this in the past and it not  
17 always working, here's how, here's how we think it could  
18 work to bring one of these new technologies on -- so kind of  
19 trying to draw from lessons of the past and lay out a  
20 framework for introducing one of these new technologies.

21           And then in terms of the resolution of issues of  
22 concern, you know, I think we have talked a lot about the  
23 importance of seed purity, but you know, I continue to think  
24 it's a very important issue. And in the long run, it may be  
25 -- putting some investment into seed purity may reduce the

1 overall cost of dealing with coexistent issues,  
2 internationally and otherwise.

3           So, I'd, you know, I'd like to see some more  
4 discussion about that and also about the threshold. It  
5 seems to me that it would be time for the USDA to say, well,  
6 by gosh, there's a .9 percent international standard out  
7 there and we're going to run our business in this country to  
8 make sure all farmers who want to ship into those markets  
9 can meet it. I mean, I don't, I don't -- I wouldn't regard  
10 that as a particularly radical statement at this point, but  
11 I think it would be helpful because it would give, it would  
12 give everybody something to shoot for, and without that  
13 standard, I think it's, it's difficult.

14           The last point I'd make is I see more and more of  
15 agriculture going away from general commodity markets and  
16 more to contracts, and that's going to open up new  
17 possibilities for building things like coexistence, best  
18 management practices into contracts. And I think we had --  
19 we had some talk in our earlier meeting about coming out  
20 with some suggested, you know, sort of standard contract  
21 provisions if you wanted to do that. I know you talked  
22 about that before, Doug, about how, you know, it could be  
23 valuable to, for the Department to put out some standard  
24 language for dealing with -- the typical kind of contract  
25 provisions about segregation and testing and thresholds and

1 seed and on down the line. So I'd hope we could return to  
2 that in our final report when it comes down the line.

3 MR. REDDING: Thank you. Latresia.

4 MS. WILSON: I agree on a lot of the comments that  
5 were made earlier, and in reference to these four examples  
6 here, I, I think for Question 1, like Doug said, that once  
7 we've developed a framework, we can probably put in  
8 examples, maybe go through one of the new IPs that have come  
9 on board and run it through what we've developed and put  
10 that in as an example.

11 Also, in terms of 3, as Laura put forth, that --  
12 and Mary -- in terms of that, not all will be happy with  
13 just discussion; we should give good alternatives: if it  
14 doesn't work, what are the other options and what things --  
15 I think that would be very helpful in the document also. So  
16 pretty much concur what everyone said but maybe we need to  
17 expand on 1 and 3.

18 MR. REDDING: Yeah, thank you. Angela and then  
19 Alan.

20 MS. OLSEN: In reflecting on these four that, that  
21 Michael read off to us, we've had so much discussion about 2  
22 and 4. I think that's something that we really can all get  
23 around. I wouldn't want to dismiss 2 and 4. I think there  
24 is so much good work. I'm really energized by these models,  
25 by the two speakers today and on the pollinator model. It

1 just seems that there are some interesting models that we  
2 could look at and write a good framework. It would have to  
3 be addressed on a local level. Every geography is  
4 different. Every crop is different. Local challenges, even  
5 within the same state, even within the, within the same  
6 farm, can be different.

7           So I think that we could produce something really  
8 nice and nice framework that then could be executed at the  
9 local level, and I want to make sure that we don't do away  
10 with that thinking and that opportunity, because I do see  
11 that as a nice opportunity. And I was inspired. Like, I  
12 don't know a lot about the MP3 model in terms of the process  
13 that they used. I want to read more about it. Of course  
14 I'm aware of it, but I'm really interested in knowing more  
15 about the process they used. It sounds as if it's been a  
16 great forum to bring people together, and again, I just, I  
17 think we -- I don't want to do away with 2 and 4 because I  
18 think that could be a very nice deliverable for the  
19 Secretary as well.

20           MR. REDDING: Thank you. Alan.

21           MR. KEMPER: I'm in the sense of agreement with  
22 everybody today. This is really a rare day. Take it when  
23 you can get it, Mr. Chair.

24           MR. REDDING: I think we're going to stop -- I  
25 think we're going to stop for the day right here.

1           MR. KEMPER: But I would agree with Latresia that  
2 the -- I think, really, we can put our hands around the  
3 general discussion, how we get there, through NASDA or  
4 through Soil Conservation or the National Association of  
5 Conservation Districts.

6           I look, though, a little differently than Chuck  
7 because I really think you got to go then to the  
8 farmer-to-farmer discussion, particularly with today's  
9 economic climate, economic climate. You're going to have  
10 difficulty there regardless. So we need to get there if  
11 you're going to go there. And it's not only farmer to  
12 farmer. As your charge says, it farmer to neighbor. So we  
13 need to keep that in there.

14           And then 3 is to come back, new opportunities for  
15 IP; fourth, resolution of the issue will either be done by  
16 arbitration or litigation. So we can footnote that, but  
17 very seldom will you work it out yourself without having  
18 some type of mediator in the process with that.

19           We can mention then, too, seed purity, and we have  
20 statistics, Lynn, that we can put on the table for you, but  
21 I think we need to just put that in the preface or somewhere  
22 else. Thank you.

23           MR. SCHECHTMAN: Would you repeat that last  
24 comment again?

25           MR. KEMPER: On the seed purity, as well as a

1 couple other issues, we can either put it in the opening  
2 statements or something, recognizing that --

3 MR. SCHECHTMAN: Thank you.

4 MR. KEMPER: -- and the environmental issues.  
5 Thank you.

6 MR. REDDING: Okay. Chuck.

7 MR. BENBROOK: I want to stipulate a little  
8 discussion, a little discussion with my, my neighbor and  
9 friend Barry Bushue from Oregon. I'm a proud member of the  
10 Farm Bureau, Barry, and we read the Capital Press and  
11 followed all the things that have been going on in Oregon in  
12 the last few years, and I'd really be interested, Barry, in  
13 your sense, you know, representing and being much more in  
14 touch with sort of the broader ag community in Oregon, how  
15 you feel about the coexistent challenges and sort of the  
16 state of dealing with them in Oregon in coming into the  
17 summer of 2016 compared to when we started. And, you know,  
18 do you feel that, that things have calmed down and Oregon is  
19 dealing with the issues and the tensions that exist in the  
20 state about GE crops and all of these coexistence issues  
21 more effectively and more capably now than a few years ago,  
22 or how do you feel about that?

23 I'm just, I'm just curious because, I mean, I have  
24 my observations but, you know, I live way, way over on the  
25 other side of the state, down, and I'm not in the middle of



1 the, you know, where all the action is on the west side.

2 MR. REDDING: Yeah, Barry, please.

3 MR. BUSHUE: I've been holding my piece for --  
4 I've been holding my piece most of the day because I find  
5 some of this absolutely fascinating and I find some of it  
6 particularly frustrating for many of the reasons Chuck  
7 brought up.

8 The -- Oregon, unfortunately, is oftentimes,  
9 because of the Californians that moved up there -- I always  
10 blame California -- has found itself in, in a, kind of a  
11 public, public fishbowl around this very issue. I would say  
12 just, just very frankly, as I always am, that it's driven by  
13 three things. Some of the challenges are driven totally by  
14 ideology, some of them are driven by market, and some of  
15 them are driven by, by lack of communication sometimes  
16 between farmers.

17 And before I go there, Mary-Howell, I just wanted  
18 to mention that while -- I guess you're not always going to  
19 get resolution. I mean, we have to recognize that there are  
20 people that are not -- we are not going to get resolution to  
21 all the problems we're trying to face here. It's just not  
22 going to happen. I don't care if you mandate it. I don't  
23 care if you make it legal. I don't care if you force people  
24 into a corner to do the kind of things that some, some folks  
25 want them to do. You're not always going to get resolution.

1 And I'm kind of like Alan -- I absolutely believe it has to  
2 start with farmer to farmer.

3 And with all due respect, Lynn, the way to do it  
4 is not to send somebody a letter, demanding that you tell  
5 them what you're going to do on your farm in the next year.  
6 I don't, I just, I don't see that going anywhere. As a  
7 grower, if somebody sent me a letter and didn't have the  
8 courtesy to come visit me face-to-face, I would have a real  
9 challenge with that.

10 I think that you, that the situation is such that  
11 you owe it to your neighbors -- and I was a little -- I  
12 thought it was interesting. I don't know about Illinois, I  
13 don't farm there, but every one of my neighbors knows  
14 exactly who owns what, who's farming what, what they're  
15 growing, where they're growing it, why they're growing it,  
16 but that doesn't mean they're necessarily going to share  
17 that in some kind of a legal document. And to assume that  
18 most growers don't know who their neighbors are and who's  
19 farming what, I think, is -- I think that may be  
20 particularly -- maybe, maybe Illinois that doesn't happen,  
21 but I think in the rest of the nation it does.

22 But getting back to Chuck, I think one of the  
23 challenges that, that has happened in Oregon is, one, I  
24 think it's truly a lack of real appreciation for the value  
25 of the diversity of agriculture that Oregon has. I think

1 there's only two states with greater diversity, and that's  
2 California and Florida, because we can't do rice and citrus,  
3 and it's one of the things that we have been so incredibly  
4 proud of. On the board of directors of Oregon Farm Bureau,  
5 we have organic growers, we have GE growers, we have growers  
6 that do both, we have IP growers, we have seed producers.  
7 We have the gamut of almost every kind of agriculture, and  
8 we embrace them all.

9           Maybe in terms of coexistence, one of the greatest  
10 challenges we face as an organization is the legalization of  
11 marijuana. We actually found ourselves in the hot-bird seat  
12 in trying to, Oregon Farm Bureau, trying to negotiate rules  
13 and parameters and structure around which marijuana could be  
14 grown legally in Oregon. We actually have gained quite a  
15 few new members, and they all pay in cash, God bless them.  
16 And, you know, so I mean -- so as an organization, we're  
17 used to the kind of challenge.

18           So I guess I would say at the outset I don't know  
19 that the challenges of coexistence are any greater now than  
20 they were five years ago or 10 years ago, but I don't think  
21 they've lessened any either, by any stretch. Somebody  
22 mentioned canola here earlier. Canola was -- the whole  
23 canola issue was purely market-driven. It was a group of  
24 folks that had had great economic success in producing seed.  
25 They chose not to come to the table to try and actually

1 negotiate coexistence. They made pretenses at it, but in  
2 the end they found a friendly legislator, and the legislator  
3 mandated what you will and what you will not grow, and I  
4 think that is a huge tragedy for a state in which a  
5 legislature, for which there are two farmers, actually  
6 mandate what you can and can't grow on your farm. What a,  
7 what a tremendously negative blow to a tremendous industry.

8           As to the GMO ban in Jackson County, it was an  
9 ideological thing. I was there. I spent probably two solid  
10 months of my life there trying to make sure that, once again  
11 -- and one group of farmers couldn't ban together to  
12 determine what their neighbors can and cannot do. The exact  
13 antithesis of coexistence happened in Jackson County. Most  
14 of it, most of it came as a result of they found out that  
15 Syngenta, a multinational horrible corporation, was growing  
16 seed stock there, and that's what drove it. It became  
17 almost an occupy-type thing, not based on agriculture, not  
18 based on anything other than pure ideology.

19           A lot of growers suffered as a result of it. A  
20 lot of them -- and this is a huge, huge county with a huge  
21 geographical area. It may have been one thing if there'd  
22 been discussions about coexistence in the area where most of  
23 the seed production and organic production was happening,  
24 but that wasn't the case. It was countywide, and there's  
25 people 30, 40, 50 miles away that were punished because of a

1 handful of people. Again, I'm just being brutally honest  
2 and brutally frank from my own perspective here.

3           We actually passed a seed preemption bill in the  
4 State of Oregon. I think one of our greatest challenges in  
5 agriculture is with a lot of, lot of discussion about local,  
6 but I fear tremendously local entities, local  
7 municipalities, local governments taking control of what  
8 happens in the agricultural industry in their local area.  
9 And one of the things that the legislature did do, as a  
10 result of the screwup they made earlier, was to pass a seed  
11 preemption bill, which stopped counties from determining  
12 what can and can't be grown at the county level because of  
13 the lack of resources, the lack of expertise, the lack of  
14 technical knowledge, which should be housed in the  
15 Department of Agriculture or with USDA. So that happened,  
16 but it's challenged. It was challenged this legislative  
17 session. It will be challenged in the next legislative  
18 session.

19           So we're no, we're no strangers to, to challenges  
20 in terms of coexistence. I think that coexistence is  
21 critical. There's a lot of challenges with it, but I really  
22 believe that if farmers, for the most part, are allowed to  
23 make those decisions, talking face-to-face with one another,  
24 that the majority of these issues will go away. Now, I'm  
25 not saying it's as simple as that, Mary-Howell. I'm really

1 not, but I do believe that, that the start is to be honest  
2 with your neighbor about what your needs are, and I'm not so  
3 sure that everybody is that honest, on either side of the  
4 coin, be it a GE grower, an IP grower, an organic grower, or  
5 whatever. So --

6           My farm is very diverse. My son is a lot more  
7 energetic and a whole lot smarter than I am. We're  
8 transitioning part of our, part of our farm to organic as I  
9 speak. We'll plant our first crop, maybe not this spring;  
10 we might wait until next spring, depending upon when he  
11 actually comes back to do the work. I'm too damn tired to  
12 do it, but -- so, I mean, my point is it benefits us all if  
13 people recognize that all forms of agriculture are  
14 important, and I'm not sure that everybody does that. So  
15 sorry for the lecture.

16           MR. REDDING: Good insights. Lynn.

17           MR. CLARKSON: My battery is out. Lynn Clarkson.  
18 Barry, let me try to clarify something with you. When we  
19 suggest people send out letters, there's no mandatory  
20 anything hooked with that. We're trying to find out what  
21 people's plans are, and they may change their plans,  
22 ultimately.

23           Secondly, I believe Alan just said he had  
24 something like 150 neighbors. I'd be delighted for Alan to  
25 have a conversation with 150 neighbors at about two hours

1 each, which I don't see happening.

2           And my roots into Illinois agriculture go back an  
3 entire lifetime to a couple of generations, and I often  
4 don't know who the neighbor is because we're in one of the  
5 hotbeds of cash rental in the world, and that's flexible and  
6 it's normally done on an annual contract and that can change  
7 a lot. So we don't know those things. The point is that  
8 there should be communication, and we found that some  
9 neighbors like to have something in writing, saying, what,  
10 what did Alan tell me the other day, so they can go back and  
11 refer to that.

12           Second thing is, we regard this whole conversation  
13 as market-driven, and markets come from ideology, from all  
14 sorts of place. Alan is talking about the economic pressure  
15 on farmers scattered around the country this year. I think  
16 Alan is suggesting 20 percent. Alan, was that it, 20  
17 percent of the farmers, you think, are not going to be there  
18 on your road?

19           MR. KEMPER: (No audible response.)

20           MR. CLARKSON: We can go down that road and we can  
21 find tremendously different results, not based on the  
22 quality of farmer, but based on the markets they're serving.  
23 So in some places you're going to have people losing 200  
24 bucks an acre and their neighbor can be netting \$1,000 an  
25 acre based on the market he chooses. And those of us who

1 are someplace in the middle, trying to serve markets, are  
2 going to find what we need to satisfy that market, whether  
3 it's in the Ukraine or India or domestically, and we -- some  
4 of us would much rather find it here.

5           So the first of the points that you drew out,  
6 Michael, about new IP products and the challenges, I think  
7 everything else is subsumed in that. So I would just try  
8 and lay that out, because organic, non-GMO, no pesticide  
9 residue from Roundup, from glyphosate, all of those are  
10 markets that are in play today and all I know that's going  
11 to be available tomorrow is there'll be differences. I  
12 don't know what they'll be, but they'll all be subsets of  
13 what we're talking about, which I think Mary-Howell brought  
14 up. We want something that'll last more than just this  
15 particular topic or conversation, is how you make the  
16 distinctions.

17           The Secretary talked about the future of U.S.  
18 agriculture being diversity, and I think that's the case.  
19 We often talk about how the United States feeds all the  
20 world. Well, we don't -- we no longer have a pajority  
21 (phonetic sp.) position at feeding the world on soybeans,  
22 and we're about to pass the, over 50 percent to other  
23 countries on that too. So some of us see the future in  
24 having a really good IP system.

25           One anecdote -- my company got a phone call from



1 one of the major soybean processors in India a few weeks  
2 ago, saying he wanted us to quote on delivering to him in  
3 India. Well, why? You got plenty of people right around  
4 you, New Delhi. He said, I do not trust the Indian  
5 regulatory system or the diversity being honest in the  
6 country of India. I think that's where the future  
7 attraction of U.S. ag lies, in a better respect for  
8 diversity, which comes right back to coexistence, but Barry,  
9 I didn't mean to suggest we were doing anything mandatory to  
10 the neighbors with a letter.

11 MR. BUSHUE: Thanks, Lynn.

12 MR. REDDING: Let's see. Did you have a comment  
13 to, Lynn, Al?

14 MR. KEMPER: Just one comment --

15 MR. REDDING: And then we'll go to Doug.

16 MR. KEMPER: -- for Lynn. Lynn -- is that okay if  
17 I --

18 MR. REDDING: Yes, please, yeah.

19 MR. KEMPER: I agree with you, communication is  
20 key. I do not ask my neighbors for their economic numbers  
21 or what products they're using because I think there's a  
22 comparative economic advantage for them or for me, but I do  
23 send out letters to a lot of my neighbors because I grow  
24 LibertyLink soybeans, which has a specialty herbicide that's  
25 got to be put on it, just to let them know, you know, where

1 kind of -- watch the property lines and such with that.

2 I want to come back just for one quick second to  
3 Doug's comments that, you know, it's time to get a document.  
4 I agree with Mary and others, it's time to get a document  
5 out of the USDA and from this group about coexistence,  
6 because I'll give you one example why it could be terrible  
7 in the next couple years if something happens.

8 Right after 9/11 came a lot of President's  
9 directives down, and PD-9, if you would remember Secretary  
10 of Ag's, you probably know him, but it was called Asian rust  
11 in soybeans, and with that, all you need is something  
12 catastrophic like that coming across the Midwest up from the  
13 Gulf of Mexico one time and you better have a lot of working  
14 documents on coexistence, because everybody's going to be  
15 talking to everybody on how we're going to work with that.  
16 Thank you.

17 MR. REDDING: Thank you. Doug and then Barry.

18 MR. GOEHRING: Thank you, Mr. Chairman. Barry  
19 brought up something that I think is important to keep in  
20 mind, and I didn't think about it in the, in the way in  
21 which our conversations were developing when we talked about  
22 local, but I believe we need to make sure that when we  
23 outline this document, we frame it up so that we create the  
24 boundaries, so that the discussion stays within these  
25 boundaries and people don't venture off and try to do things

1 that would be harmful, because to the conversation that's  
2 taken place around here, we are so blessed in the United  
3 States. We have choices and we need to embrace that.

4           And, Lynn, you're right, in our state we, we trade  
5 with 83 other countries in the world, and we try to stay in  
6 touch with them, visit them, take companies over. And the  
7 regulatory environment or the lack of is a concern, but  
8 corruption is such a bigger deal, and when it comes to food  
9 safety, food security, they trust U.S. products. They do at  
10 that. We deliver quality, we have the respect, and we're  
11 very honest. I mean, they really do perceive us that way,  
12 and I believe we really are.

13           We have a lot to build off from. I believe if we  
14 develop this outline, this format, we create the boundaries,  
15 we deliver a product to the state that then can -- that they  
16 can go out and have the farmer-to-farmer talks, they can  
17 have those conversations, they can have those public  
18 meetings, and I believe it'll be enlightening, it'll raise  
19 awareness, and it'll bring us to a point where the majority  
20 are going to be engaged in the process. But Barry's right,  
21 not everybody's going to do it.

22           I got one county in my state that absolutely hates  
23 bees. So guess what?

24           MR. BUSHUE: Hates what?

25           MR. GOEHRING: Bees.

1 UNIDENTIFIED MALE: Bees.

2 MR. GOEHRING: Despise them to the nth degree. I  
3 got county commissioners, township officers. They can't  
4 stand it. So we had to create out of that pollinator plan  
5 an addendum to it, which making it a living, breathing thing  
6 is, guys, you got to think about consequences and you have  
7 to think about the fact that you're a guest on the land, but  
8 when you have a drought, what do you do for your livestock?  
9 We provide water.

10 When they had a drought in that particular area,  
11 those bees started going to swimming pools, they started  
12 going to places where they'd never go before, and they  
13 became an issue and it irritated them to the nth degree, to  
14 the point that they tried to kick bees out of their county,  
15 and we had to remind them, state law does not give you the  
16 authority to do that; it's private property.

17 So it's -- yeah, that made me think about that.  
18 All the successes we had, that was one, and it's still a  
19 problem. Thank you.

20 MR. REDDING: Thank you. Barry and then Leon.

21 MR. BUSHUE: Yeah, I think I -- they opened up --  
22 Chuck opened the box and now it's --

23 MR. BENBROOK: You've been awful quiet, Barry.

24 MR. BUSHUE: Well, I just -- and I've said this  
25 before, much to --

1 UNIDENTIFIED MALE: You got to turn it on.

2 MR. BUSHUE: Oh.

3 MR. REDDING: Just press the button.

4 MR. SCHECHTMAN: No, on the side.

5 UNIDENTIFIED MALE: I think it's on. I saw a red  
6 light.

7 MR. BUSHUE: I've said this before, much to the  
8 disdain of some of you, but I hope in this whole  
9 conversation that the concept that these -- that the choices  
10 we make as farmers are business and market choices, and  
11 sometimes we have to accept the responsibility of the  
12 outcome of those choices.

13 I've lost money on lots of crops. I've lost --  
14 I've made money on lots of crops, but most of them were all  
15 made by my choice, and I've never expected my neighbor to  
16 offset those costs. I've never expected my neighbors to do  
17 things that would impact their ability to farm, to surmount  
18 or to support my business choices.

19 And many of the concepts were talked about here,  
20 and I hate to pile on Lynn, but he's talking about organic  
21 plus. He's right. Those are market choices that you make.  
22 If you decide that those are no longer profitable or that  
23 you can no longer meet the requirements of the market, then  
24 you have two choices: you either quit or you change, you  
25 change your market choices.

1           Now, folks like Lynn probably don't have the same  
2 ability that I do because of where I live and the market  
3 choices I have, because he doesn't have the population, but  
4 sometimes I just hope it's not lost in this document that as  
5 a committee, or at least some members of the committee  
6 recognize that some of these things are not always going to  
7 be accomplishable and that people can't expect other folks  
8 to, to, what's the word I'm looking for, to accept the  
9 responsibility for someone else's market choices and the way  
10 in which they want to farm.

11           I support all ways of farming. Like I say, we've,  
12 we've gone to bat for the organic community in the Oregon  
13 legislature; we've gone to bat for the GE community. We  
14 are, we're equal hell-raisers where it comes to, where it  
15 comes to all types of farming, but somewhere along the line  
16 people have to accept responsibility for the choices they  
17 make when they enter into this very, very frustrating, very  
18 challenging industry. So --

19           MR. REDDING: Leon and then Mary-Howell.

20           MR. CORZINE: Leon, that just lost his microphone  
21 too.

22           MR. REDDING: Yeah, I think they're all --

23           MR. CORZINE: They're all dying.

24           MR. REDDING: -- out of power. Can we pass the --

25           UNIDENTIFIED FEMALE: I think we have a good one

1 here.

2 MR. SCHECHTMAN: Here.

3 MR. REDDING: You still have one?

4 MR. BUSHUE: I'm closer.

5 MR. REDDING: All right.

6 MR. BUSHUE: Did you play baseball?

7 MR. SCHECHTMAN: That will be definitely a reason  
8 to stop the meeting --

9 MR. CORZINE: We'll try this.

10 MR. SCHECHTMAN: -- when our mics --

11 MR. CORZINE: Yeah, maybe it's telling us we need  
12 to close, Michael. A couple things, and I think I agree  
13 with most of what's been said around the table, and I think  
14 one thing that was stated, it's really, I think, a real  
15 positive for the USDA and for U.S. regulatory system that  
16 India trusts us and they don't trust themselves. And I've  
17 traveled around the world some and seen that even if --  
18 there are a lot of European countries that I visited with  
19 their regulators and their governments, and the graft and  
20 the corruption in a lot of these countries is amazing.

21 I know I've got friends who tried to invest in  
22 other, other -- finished that one.

23 MR. BUSHUE: Actually, Michael's got a little  
24 switch underneath the table.

25 MR. CORZINE: I think that's it. We're going to

1 have all of these turned off in a minute. I'm going to keep  
2 trying.

3           So -- but my point is, we do have the best  
4 regulatory system, and we don't need to be reverting back to  
5 some of those that really are not very accurate, not very  
6 manageable. So -- but that being said doesn't mean we can't  
7 continue to improve it. It's kind of like coexistence. We  
8 have coexistence. We want to continue to enhance  
9 coexistence and make it better, because I do think what  
10 we're looking at -- and Alan has touched on it and others  
11 have -- that we're going to have new IP product  
12 opportunities and probably more people searching for them  
13 with where we are with the ag environment.

14           So what I see as what we're doing, we need to get  
15 to, to these points -- I mean, we can discuss ideology and  
16 not get anything done, or we can go ahead and make sure  
17 there's a pathway provided. And maybe a newer opportunity  
18 in parts of rural America is an organic opportunity, because  
19 organic is not grown everywhere; maybe it could be.

20           But I think part of that, too, is to help folks  
21 understand. I really get a little uneasy that we inside the  
22 Beltway are going to tell -- we're going to educate farmers  
23 on how to farm. I think we better get over that inside the  
24 Beltway but to offer suggestions and help on what it takes  
25 to do these IP products. I think that's the whole thing,



1 and some of the issues around organic plus is people don't  
2 know what they're really signing in many cases.

3           So I think those are things that we really need  
4 with our charge here, and the farmer-to-farmer discussions,  
5 that we need to figure out how we can do these  
6 farmer-to-farmer discussions. Now, Lynn, we can do an ILL,  
7 INI, or something like that, but in my part of Illinois,  
8 which isn't very far from yours, we don't pass letters, but  
9 I could see that as being a next step. We don't have -- I  
10 know all but one of my neighbors. Okay? So -- and I have  
11 some organic neighbors, and we make it work without letters.  
12 Now, there could be some things that, maybe a new  
13 technology, they want a letter, right? But I still think  
14 that where you can, you need the face-to-face or the call.  
15 I see the letter as being secondary.

16           So that's just a detail, but I do think that it's  
17 important that we consider what products might be coming and  
18 to help producers and communities, how do you deal with it  
19 and what -- still a thing to me is, what triggers it? What  
20 we come up with doesn't mean that I'm going to go talk to  
21 every one of my farmers unless there's a trigger, right, a  
22 new product or something that's going on, because I think --  
23 where in this, if we think we're going to come up with  
24 something and every farmer in the country is going to use  
25 this and go talk to every other farmer -- because we talk

1 anyway. There's a coffee shop klatch that I try to stay out  
2 of, actually, but there are things, and we don't need to be  
3 telling farmers how to talk.

4           Now, can we provide some guidance on some of these  
5 specific things? Yes, but the general, we need to educate  
6 -- I mean, actually, some of these things I take offense to.  
7 I'm not a kid. I've got a business. I've got -- and my  
8 business happens to also be somewhat of a lifestyle, right?  
9 And I think we have to remember that, that we aren't smarter  
10 than those guys out on the tractors. Okay?

11           I mean, even things like, okay, maybe we need to  
12 put it down. Do you think I don't know how to clean out a  
13 combine? And if I'm growing -- I've grown some very  
14 specific IP products, and it's who I'm growing with, who I  
15 sign the contract with that helps -- we sit down with them  
16 and we decide, is it, can we do it, is it monetarily worth  
17 it, and if there's some specific things we aren't used to,  
18 they help us do it. And I think those simple things can't  
19 get lost as we, as we go through and try and come up with  
20 some of these, and I'll stop for now before this battery  
21 goes dead.

22           MR. REDDING: Mary-Howell. Last word on this and  
23 then we'll do a wrap.

24           MS. MARTENS: Last word on this, mostly to Barry,  
25 but it does refer back to what Leon's been saying. I think

1 it's important to remember that it's not as important if we  
2 think we're being a good neighbor. What's more important is  
3 if our neighbors think we're being good neighbors. And I'm  
4 hoping that some of this document will stimulate some  
5 self-searching to say, am I doing anything on my farm that  
6 negatively impacts my neighbors? You know, that, that  
7 really is an important shift in the conversation, not  
8 neighbors going to each other and saying, you are doing  
9 something negative, but me saying to myself, am I doing  
10 something on my farm that is going to possibly negatively  
11 impact my neighbor?

12           And I think that's an important shift in the  
13 conversation because, yes, organic farmers, it matters to  
14 us, but it would be really nice if our neighbors already  
15 thought it through and said, you know, is my pollen going to  
16 bother you, is it going to affect your crop in a way that  
17 isn't good for you, does it matter, would you want me to do  
18 something different, because again, it isn't what we think  
19 we're doing; it's our neighbors, if our neighbors think we  
20 are being good neighbors. That's the lens we need to be  
21 trying to put into place.

22           MR. REDDING: Jerry.

23           MR. SCHECHTMAN: Jerry, could you pass that mic  
24 since we're -- no, the other one.

25           UNIDENTIFIED FEMALE: The one in front.

1 MR. BUSHUE: The one that works?

2 MS. OLSEN: The only one that works.

3 MR. BUSHUE: Yeah, for a minute or two.

4 MR. REDDING: Barry, did you have another comment?

5 Your card is up. Did you want to --

6 MR. BUSHUE: Oh, I'm sorry --

7 MR. REDDING: Sorry.

8 MR. BUSHUE: -- no. No, I just --

9 MR. REDDING: Okay.

10 MR. BUSHUE: -- didn't put it down.

11 MR. REDDING: Okay. Good. Great conversation.

12 MR. BENBROOK: Are we wrapping up now?

13 MR. REDDING: Yeah, I think so. I mean, I think

14 we're at a point where we've put a lot of information on the

15 table today and, you know, planted some seeds here to think

16 a little bit tonight about, both in terms of approach from

17 conservation districts and NASDA, and then the exchange in

18 the last couple of hours has actually been really helpful.

19 I think it's, you know, would be important for us

20 to sort of pause, right, and really come back to the

21 question of our charge, because I think it really -- there's

22 a lot of things you can do, and Chuck, I think you're going

23 to end up in this sort of report somehow of having some

24 things that are unresolved but very critical and link back

25 to the context for the document that we produced in 2012,

1 and we'll have to restate, I think, some of that to get at  
2 issues like the seed purity. I mean, I don't, I don't know  
3 of any sort of future that doesn't have an intelligent  
4 conversation attached to it about seed purity in  
5 agriculture. You've got to get at that point, right?  
6 You've got to have some discussions about, what is that?  
7 And if that takes you to a tolerance question, if that takes  
8 you places, then I think we sort of, we have to talk about  
9 that.

10           There's the issue of resolution embedded in this  
11 four-point document. We really haven't spent a lot of time  
12 about resolution. I'm not sure we can get that sort of  
13 identified for this report. Don't know that, maybe I'm  
14 prejudging that, but will have to be in the unresolved  
15 column something about resolution. How do you resolve a  
16 problem once you identify a problem, right, and we really  
17 haven't spent a lot of time; we make an assumption of what  
18 that looks like.

19           But I think if we get back to the charge of, you  
20 know, is there an approach by which farmers could be  
21 encouraged, I mean, if you look at the wording of our  
22 charge, I mean, there's some things in there that I think  
23 would speak to -- there's no substitute for communication,  
24 right? And maybe it takes a written form, maybe it doesn't,  
25 but I think, you know, what I heard this morning was that

1 was an option, it is an approach, it may not work  
2 everywhere, but the point was that it still is a form of  
3 communication, right?

4           So I guess I would just ask everybody overnight to  
5 think about the charge, keep that in front of you, look at  
6 the models that have been discussed today just by two  
7 examples, but also the ad hoc work groups' feedback, you  
8 know, the report out we had this morning and what would that  
9 look like, number one; and then, also, just if you were  
10 writing the report, what is it that you would want to see as  
11 an outcome of this, this charge; I mean, what would you see  
12 being the most helpful, content-wise. Make an outline,  
13 right, of the things that you would want to see in this  
14 document. That'll be very helpful, I think, to guide our  
15 conversations.

16           Are they -- you know, not always are they, barring  
17 the pollinator plan, are they, you know, some of the more  
18 specific relationship points that are embedded in that, in  
19 that model, but I would just ask you to, to do that because  
20 that'll be helpful for Michael and I when we get down to  
21 actually drafting what to do with all of this conversation.

22           MR. SCHECHTMAN: Right.

23           MR. REDDING: This is where I sweat a little bit  
24 just because you can go a lot of different ways with this,  
25 but I believe the work of the last -- in the last report, a

1 lot of great, you know, substance and context and, you know,  
2 had an approach there with the signing statements. It  
3 really helped get some resolution, but would ask you here to  
4 be thinking about that charge and then also think about the  
5 outline for the document. Okay?

6 MR. SCHECHTMAN: Great. I don't think I have  
7 anything to add to that at this point. We will -- I mean, I  
8 think -- actually, I will add one thing. We talked a lot  
9 about a couple of different models today -- we had two  
10 presentations -- and would be particularly interested in  
11 your thoughts of how the two different models, what we might  
12 adapt from them that might be useful in the sort of overall  
13 structure that we might offer states or localities to think  
14 about if they're going to be engaging in one or another of  
15 these different kinds of conversations or one that starts as  
16 one of them and turns into another one, but whatever it  
17 actually is.

18 So just sort of thinking how we can tease out what  
19 the most useful parts of the models we've heard are, and  
20 we'll have more discussion tomorrow on a number of very  
21 specific issues, very -- particularly, what, what the  
22 guidance document is going to look like, what its  
23 relationship is to the rest, to the report, is it an  
24 appendix, is it something else, what folks think about what  
25 kinds of incentives might exist if we don't have particular

1 monetary ones we can offer, again, how do we bring people to  
2 the table.

3           We've heard Commissioner Goehring talk about some  
4 of that but certainly want to hear other ideas about what's  
5 going to bring people to the table. Is it, is it merely  
6 having the state Department of Agriculture say, this is  
7 important, or are there other things we need to do and  
8 what's in our, the realm of our possibility to do it. So I  
9 think those are some of the things that'll be on the table  
10 for tomorrow.

11           MS. BATCHA: If you could shoot us those  
12 presentations tonight, Michael, it might help us do some  
13 work overnight, if we have to relook at them, if possible.

14           MR. SCHECHTMAN: Well, it's good thing that the  
15 meeting is here because I can go back to my office and  
16 actually do that.

17           MS. OLSEN: Michael, I had a -- no, I was going to  
18 make the same suggestion, and then I also was wondering, in  
19 terms of, there's the -- Lynn, if we're going to talk  
20 about --

21           MR. SCHECHTMAN: Can you hear her?

22           UNIDENTIFIED MALE: Uh-huh.

23           UNIDENTIFIED MALE: Yeah.

24           MR. SCHECHTMAN: I just want to check because  
25 there's no, no microphone.



1           MS. OLSEN:  So we have the, the guidance -- we're  
2 going to have the guidance discussion tomorrow of the  
3 guidance document.  If we're going to have a substantive  
4 discussion about it, there's Lynn's document, there's my  
5 document, and then there's the redline document that I sent  
6 in, and Paul also had produced a document.

7           So it may be helpful -- because, again, it's not  
8 just a merging of the two documents -- so if we're going to  
9 have a substantive discussion, I'm wondering whether that  
10 also may be helpful for everybody to have.  I leave it to  
11 you, Michael.  I just, I'm trying to think how we can, you  
12 know, continue to move the discussion.

13           MR. SCHECHTMAN:  Yeah, I'll explain.  The reason  
14 why I didn't do that is because the charge was, from the,  
15 from the work group, was to take into account all the  
16 comments that were heard and to combine them and edit them  
17 in a way that managed to deal with all that.  I wanted to  
18 have gotten that accomplished before we went to some  
19 discussions that would probably take a whole lot of time,  
20 and I didn't want to send a revised version out before the  
21 subcommittee had had a chance to look at it.  So that's why  
22 I didn't go through that process.

23           I'm not sure -- I mean, I think the issue that  
24 you're flagging is, is largely around the seed issue, and I  
25 want to -- I was hoping that rather than spend a lot of time

1 again revisiting that issue, you gave us a chance to sort of  
2 work on an appropriate way to address it before -- given  
3 that the committee's time is so, is so short.

4 MS. OLSEN: Yeah. It was more of a --

5 MR. KEMPER: But we really would, Mr. Chair,  
6 appreciate the redline. It has some philosophical  
7 differences, and as a member, I'm requesting it.

8 MR. REDDING: So for my benefit, just where did  
9 the redline comments come from?

10 MR. SCHECHTMAN: Okay. So the comments that we're  
11 talking about are comments that were provided by Angela, and  
12 also Paul, I believe, submitted a suggested reorganization.  
13 I can certainly -- I will go back to the office and copy  
14 those now and get them to folks for tomorrow.

15 MS. OLSEN: And, Michael, it was more a process  
16 question, because I thought, if we're going to discuss them  
17 substantively tomorrow, I thought people could have that  
18 benefit. If we're not discussing them substantively, then  
19 -- and I agree, that's kind of where we landed with our  
20 subgroup. So I leave it to you. I just, again, if we're  
21 going to have the substantive discussion tomorrow, then I  
22 thought people might benefit from them.

23 MR. SCHECHTMAN: I didn't think we were going to  
24 resolve the issue of what was going to be said about seed  
25 tomorrow before there was any general framework that went

1 out. I'm happy to distribute the documents, and I'll go  
2 back and copy them.

3 MS. OLSEN: Yeah. It's completely up to you,  
4 because it's more than seed. I think that there was more,  
5 yeah.

6 MR. SCHECHTMAN: It is more than seed, but --

7 MR. JAFFE: I think those documents aren't ready  
8 yet for prime time, and so getting more copies of more  
9 different drafts, I'm afraid that we're going to start  
10 discussing specific lines and specific wordings, and I think  
11 we're not at that stage yet in the subgroup, let alone in  
12 the plenary, to do it. So --

13 MS. OLSEN: And that's a valid point too. I just,  
14 based on what you were saying, I thought we were discussing  
15 the substance tomorrow, but if we're not, then I'm good.

16 MR. KEMPER: So if you're trying to hold the  
17 documents from the group, please tell us. Otherwise, I'm  
18 asking as a member, Mr. Chairman, disperse them.

19 MR. SCHECHTMAN: As I said, I'm happy, I'm happy  
20 to distribute them. I didn't necessarily want there to be  
21 discussion on documents that were not going to be the final  
22 pieces, but I'm happy to -- but I'm happy to make copies of  
23 the documents, and I will, I will do that tonight.

24 MS. MARTENS: I think there's an important process  
25 question here. Does the subcommittee have the

1 responsibility to bring the final document for discussion,  
2 or are we going to get a lot of input from the whole  
3 committee before we get to that point? How much is the  
4 subcommittee being trusted to take this to more or less  
5 completion before we get torn to pieces, threads?

6 MR. SCHECHTMAN: Okay. Well, we'll talk more  
7 about process tomorrow, but let me talk about subcommittees.  
8 Subcommittees, since they do not meet in public session,  
9 cannot make decisions. They can bring information to the  
10 full committee for its consideration. So --

11 MS. BATCHA: But they're not -- subcommittees are  
12 not, like, necessarily recommending something to the group?

13 MR. SCHECHTMAN: I mean, they can.

14 MS. BATCHA: They can, but they can't make a  
15 decision?

16 MR. SCHECHTMAN: They can't make decisions. It's  
17 the full committee that makes all decisions and does so in a  
18 public process.

19 As I said, I'm happy to make copies of those  
20 documents and bring them. I don't think we necessarily want  
21 to have a lengthy discussion around some of those points in  
22 the meeting tomorrow. We have a lot of other things on, but  
23 certainly, there's a placeholder that is reserved for that  
24 issue that will come up again, I have a sneaking feeling,  
25 when we move further down the, down the process.

1           MR. REDDING: Yeah, just a reminder, I'll try to  
2 be back tomorrow afternoon for the wrap-up. I plan to be,  
3 to reach out to Mike, Michael, and just check in before I  
4 leave Harrisburg, to come back after testifying, but  
5 hopefully, I'll be able to get here and hear the wrap-up.  
6 So --

7           MR. KEMPER: Mr. Chair, just --

8           MR. REDDING: Yes, sir.

9           MR. KEMPER: -- a procedural question. With all  
10 due respect to our great staff Michael at USDA, will he be  
11 chairing or can we appoint an assistant chair or have you?

12           MR. REDDING: Yeah, Michael will chair tomorrow.

13           MR. KEMPER: Okay. Okay. It's hard to take notes  
14 and chair at the same time. I didn't know.

15           MR. REDDING: Yeah.

16           MR. KEMPER: Okay. That's fine.

17           MR. REDDING: Okay?

18           MR. KEMPER: Okay, as long as Betsy's here, I  
19 guess.

20           MR. REDDING: All right.

21           MR. SCHECHTMAN: Except for a short period  
22 tomorrow --

23           MR. KEMPER: Okay.

24           MR. SCHECHTMAN: -- I'll be frantically taking  
25 notes as well.

1 MR. KEMPER: Okay. Thank you.

2 MR. REDDING: Okay. Any reminder for dinner?

3 MR. SCHECHTMAN: As soon as we're off the  
4 record --

5 MR. REDDING: Okay.

6 MR. SCHECHTMAN: -- if there are no further  
7 remarks, dinner for those who can make it -- yes, sir.

8 (Whereupon, at 4:45 p.m., the meeting was  
9 adjourned.)

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Wendy Campos, Transcriber

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