

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
December 14, 2015, commencing at 9:02 a.m. at the United
States Access Board Conference Room, 1331 F Street, NW,
Suite 800, Washington, D.C. 20004-1111.

Russell C. Redding, Committee Chair

Michael G. Schechtman, Executive Secretary

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APPEARANCES

Russell Redding, Chair

Michael Schechtman, Executive Secretary

Douglas McKalip, Guest Speaker

Andrew Tobin, Guest Speaker

Committee Members:

Jerome Slocum

Mary-Howell Martens

David Johnson

Isaura Andaluz

Keith Kisling

Paul Anderson

Julia Doherty

Michael Funk

Jill Schroeder

Alan Kemper

Lynn Clarkson

Josephine (Josette) Lewis

Gregory Jaffe

Leon Corzine

Melissa Hughes

Latresia Wilson

Barry Bushue

Kelly Rogers

Angela Olsen

Ron Carleton

Laura Batcha

Douglas Goehring

P R O C E E D I N G

1
2 MR. SCHECHTMAN: Good morning, everyone. This is
3 the sixth meeting of the U.S. Department of Agriculture's
4 Advisory Committee on Biotechnology and 21st Century
5 Agriculture, or AC21, since the Secretary of Agriculture
6 brought back the AC21 in 2011. It has been nearly three and
7 a half years since our last meeting. After the last AC21
8 meeting on August 27th and 28th, 2012 USDA has been busy
9 implementing many of the recommendations you provided to the
10 Department in your November 2012 report to the Secretary on
11 enhancing coexistence. But we'll speak more about that a
12 little later.

13 My name is Michael Schechtman and I'm the
14 Executive Secretary and Designated Federal Official for the
15 AC21. I'd like to welcome you all to this meeting and to
16 Washington, D.C. if you've come here from out of town. I'd
17 like to welcome specifically our committee members, I
18 believe 20 of whom should be here today and I'd also like to
19 welcome all members of the public who've come here today to
20 listen to our proceedings and perhaps to provide statements
21 for the committee later this afternoon. Thank you all for
22 coming in this busy holiday season. I'm glad that Congress
23 has extended the deadline on its work on the federal budget
24 so we can all be here today, though we weren't sure up until
25 pretty late and that I hope that all your travels went

1 smoothly.

2 I will note that one of our long-serving members,
3 Dr. Daryl Buss, formerly of the University of Wisconsin, has
4 elected to retire from this committee just as he did earlier
5 from his academic post at the University there. USDA thanks
6 him for his service and we will all miss him here. I also
7 welcome our Chairman, Mr. Russell Redding who is now
8 Pennsylvania's Secretary of Agriculture from whom you will
9 hear more in a few moments. I'd also like to note that we
10 have three new ex-officio members on the AC21, Ms. Julia
11 Doherty from the Office of the U.S. Trade Representative,
12 Mr. Ron Carleton from the Environmental Protection Agency,
13 and Dr. Kelly Rogers from the National Institute of
14 Standards and Technology of the Department of Commerce. We
15 will all benefit from their expertise and perspectives.
16 Welcome, Julia, Ron, and Kelly.

17 I'd also like to note for you that we have a new
18 person from the Secretary's office who is following these
19 proceedings and helping to guide our efforts and who will be
20 attending our meetings as much as he can and he will
21 participate in some of our discussions over the next two
22 days. He is Mr. Doug McKalip, Senior Advisor to the
23 Secretary. Welcome, Doug. Oh, and for this meeting we will
24 have Dr. Jill Schroeder from USDA's Agricultural and
25 Research Service, Office of Pest Management Policy here to

1 help us along by taking notes throughout the meeting. Thank
2 you so much, Jill. What I would like to do, interrupt my
3 remarks just very briefly since we haven't met in some time
4 and just allow members to introduce themselves, say their
5 affiliation, two sentences at the most for each person so we
6 can just go around quickly, please. Start here.

7 MR. SLOCUM: I'm Jerry Slocum. I'm from
8 Coldwater, Mississippi. I am a farmer for the --

9 MR. SCHECHTMAN: Would you please use the
10 microphones? Thank you very much.

11 MR. SLOCUM: I'm Jerry Slocum. I'm from
12 Coldwater, Mississippi --

13 MR. SCHECHTMAN: They may not be on, there's a
14 button on --

15 MR. SLOCUM: It's blinking.

16 MR. SCHECHTMAN: I know, well, un-blink it. Push
17 it and then try it again.

18 MR. SLOCUM: Third time. I'm Jerry Slocum, I'm
19 from Coldwater, Mississippi and I farm soybeans and soft red
20 winter wheat and corn and I am here on behalf of the United
21 Soybean Group.

22 MS. MARTENS: Thank you for breaking it in for me.
23 I'm Mary-Howell Martens. I'm an organic grain farmer from
24 upstate New York, Penn Yan, New York. I also own and
25 operate Lakeview Organic Grain, an animal feed and seed

1 business.

2 MR. JOHNSON: Hi, I'm David Johnson. I'm from La
3 Crosse, Wisconsin. I'm a plant breeder formerly with
4 Cal/West Alforex-Dow AgroScience and currently with the
5 Johnson Group.

6 MS. ANDALUZ: Isaura Andaluz with Cuatro Puertas
7 in Albuquerque, Mexico and I work in projects doing seed
8 development of heirloom and drought tolerant seeds.

9 MR. KISLING: Keith Kisling from Oklahoma, glad to
10 be here to the committee again. I'm a retired wheat,
11 cattle, alfalfa producer. Kind of nice to be retired,
12 however the last five nights I've been in five different
13 beds trying to travel around, all with the same wife by the
14 way. Glad to be here.

15 MR. ANDERSON: Paul Anderson, I'm with the Donald
16 Danforth Plant Science Center in St. Louis, Missouri. I
17 primarily work on improving food security crops in east and
18 west Africa.

19 MS. DOHERTY: Good morning, everyone, I'm Julia
20 Doherty with the Office of the U.S. Trade Representative.

21 MR. FUNK: Hello, I'm Michael Funk, I'm the
22 chairman and co-founder of the United Natural Foods, the
23 country's largest wholesale distributor of natural and
24 organic foods. Thanks to Michael to get us back together.

25 MS. SCHROEDER: I'm Jill Schroeder, Michael's

1 colleague and I have a request for all of you. If you make
2 a comment would you please state your name clearly so that I
3 can get them into the notes? Thank you.

4 MR. KEMPER: Thank you. I'm Alan Kemper and Mr.
5 Chairman, you must have put the mic that's not working at my
6 place for a reason. Corn and soybean farmer from Indiana.
7 Thank you.

8 MR. GREGOIRE: Lessons learned.

9 MS. CLARKSON: My name is Lynn Clarkson, I'm
10 president of a grain company in Illinois, we handle
11 primarily corn and soybeans and those are divided into just
12 about every distinction that's discussed at this table,
13 organic, non-GMO and GMO.

14 MS. LEWIS: I'm Josette Lewis, formerly with
15 Arcadia Bio last time we met and now with the World Food
16 Center at UC-Davis.

17 MR. JAFFE: I'm Greg Jaffe, I'm the director of
18 the biotechnology project at the Center for Science and
19 Public Interest, a nonprofit consumer organization here in
20 Washington, D.C.

21 MR. CORZINE: Good morning, I'm Leon Corzine, a
22 central Illinois corn, soybean and a few angus cow family
23 farmer with my son and my wife which allows me to come enjoy
24 time with you all. And I'm also a past president of the
25 National Corn Growers Association.

1 MS. HUGHES: Good morning, I'm Missy Hughes. I am
2 general counsel for Organic Valley, the nation's largest
3 organic farmer-owned cooperative and I'm also president of
4 the Organic Trade Association.

5 MS. WILSON: Good morning, I'm Dr. Latresia
6 Wilson. I am still an emergency room doctor but I'm also,
7 have a few Brangus cattle and vice president of the Florida
8 Black Farmers and Agriculturalist Association.

9 MR. BUSHUE: I'm Barry Bushue. I farm near
10 Portland Oregon and I'm representing the American Farm
11 Bureau Federation.

12 MS. ROGERS: Kelly Rogers, and as Michael said,
13 I'm a new member of the committee and I work for the
14 National Institutes of Standards and Technology which is in
15 the Department of Commerce.

16 MS. OLSEN: Hi, Angela Olsen, senior advisor and
17 associate general counsel at DuPont Pioneer.

18 MR. CARLETON: Ron Carleton, I am the counselor to
19 the EPA administrator for agricultural privacy and prior to
20 that I served as Deputy Commissioner of Agriculture in
21 Colorado.

22 MS. BATCHA: I'm Laura Batcha with the Organic
23 Trade Association. I'm the executive director and CEO.
24 Glad to be here.

25 MR. MCKALIP: Good morning, I'm Doug McKalip, I'm

1 senior policy advisor to the Secretary of Agriculture at
2 USDA. Welcome, everyone.

3 MR. SCHECHTMAN: And just so you know, on my left
4 is Mike Gregoire, the Associate Administrator of the Animal
5 and Plant Health Inspection Service and he'll be speaking a
6 little bit later. Okay, so we have a very full agenda for
7 this meeting so we ask that when the meeting is in session
8 conversations need to be limited to those between members.
9 The public will be invited to participate by providing
10 comments to the committee and USDA this afternoon between
11 3:15 and 5:00 p.m. I think we have a few individuals signed
12 up to provide comments at this meeting. Members of the
13 public who have pre-registered to provide comments, please
14 be sure you have signed up on the comment list so we can
15 call you in order. At least one member of the public has
16 submitted comments electronically before this meeting and we
17 have prepared a notebook of all those comments.

18 AC21 members and other members of the public, you
19 can peruse the notebook at your leisure at the document
20 table at the back of the room over the next two days.
21 Please don't remove it from the table. We'll be preparing
22 minutes of this meeting and a computer transcript of the
23 meeting will also be available within a few weeks. We hope
24 to get the minutes and all the meeting announcements up on
25 the web. The web address for this committee, the AC21, is

1 pretty long so I won't read it out to you. But I can tell
2 you how to get there more easily. If you go to the main
3 USDA website at www.USDA.gov, click on topics and then click
4 on biotechnology. You will then see a link to the committee
5 name which will get you there.

6 For members of the press, you're welcome to speak
7 to whoever you wish during the breaks of our meeting and
8 before or after the meeting itself. We ask that you not
9 conduct any interviews or request comments from members
10 while the AC21 is actually in session. Mr. Redding, our
11 Chair, and I will be available for questions and comments at
12 the end of each day of the meeting. I'd also like to
13 request that all members of the AC21 as well as all members
14 of the audience and the press please shut off your cell
15 phones while you're in the room, something I haven't done
16 yet. They interfere with the microphones and with the
17 recording of our meeting in order to produce a publicly
18 available transcript.

19 Bathrooms for everyone's information are located
20 outside of this room on the other side of the elevator, one
21 to the left and one to the right. One other important
22 housekeeping matter. Members and ex-officio members, you
23 each have tent cards in front of your place. Please turn
24 them on end when you wish to be recognized. Also, for the
25 transcript please identify yourself when called on to speak.

1 At the back of the room there's a table with documents.
2 Please take only one copy of each document so that we make
3 sure that we don't run out. Among the handouts is the
4 detailed meeting agenda. Please note that there are breaks
5 scheduled this morning and afternoon. If there are any
6 additional documents that were brought by any AC21 members
7 for distribution please be sure and provide me copies of
8 those.

9 For each member of the public who speaks during
10 the public comment period I will need a hard copy of your
11 remarks and an electronic copy so that we can post them on
12 the committee website. I'd like to repeat again that we're
13 planning for a period of one and three quarters hours for
14 public comment from 3:15 to 5:00 p.m. today. We want to be
15 responsive to the needs of the public and we will see as the
16 meeting progresses how we need to structure that time.
17 Again, members of the public, if you've preregistered and
18 did not sign in already please do so at the sign-in table so
19 we can plan the comment period and develop an order to call
20 the names. You will have five timed minutes to provide your
21 comments.

22 As has been true of the past AC21 meetings we have
23 a lot that we need to accomplish at this meeting over the
24 next two days. For this first meeting back after our long
25 break we have four objectives. First, to review the AC21

1 purpose history and operational process and member
2 responsibilities. This will include noting our overall
3 charge and the committee charter, the approach set out in
4 bylaws, listening to some remarks from the Chair about his
5 approach and his goals for the meeting and remarks from the
6 Office of Ethics about the responsibilities of members,
7 special government employees and representatives, especially
8 important for you to consider in this upcoming election
9 season. We may have another election specific seminar from
10 the Office of Ethics at a future meeting.

11 Second objective, to update committee members on
12 regulator developments and initiatives on biotechnology
13 derived agricultural products. This will include discussion
14 of the White House led initiative to modernize the
15 coordinated framework for the regulation of biotechnology.
16 USDA plans to update its biotech regulations as well as a
17 few brief updates on regulatory developments from outside
18 USDA.

19 Third objective, to update committee members on
20 USDA activities to support coexistence consistent with the
21 AC21 recommendations. We will have both, we have both
22 summary documents as well as a discussion panel and we will
23 talk about the stakeholders' workshop on coexistence we held
24 in Raleigh, North Carolina in March of this year as well.

25 Finally, to outline a new task for committee

1 deliberations and develop a plan for developing it. Mr.
2 McKalip and I will be discussing the new charge with you
3 later today. USDA Secretary of Agriculture Tom Vilsack will
4 be here tomorrow afternoon to follow-up on his vision for
5 your upcoming efforts. But let me note, at this point, that
6 we recognize that we will have a very limited amount of time
7 for this committee to complete additional work during this
8 administration. So we are looking to you for an efficient
9 approach that will enable you to complete your work in only
10 a couple meetings after this one.

11 Now, for documents, for this meeting we have a set
12 of nine documents, some of which are old and familiar but a
13 few of which are new and most of which you will have
14 received before you left home for the meeting. These are
15 also provided to the public on the document table in the
16 back. They are the Federal Register notice announcing this
17 meeting, the updated meeting agenda, biographies of current
18 members, the committee charter, the committee bylaws and
19 operating procedures, the previous report produced by this
20 committee entitled Enhancing Coexistence, a Report to the
21 Secretary of Agriculture, a document summarizing USDA's main
22 efforts to address the report's recommendations and support
23 coexistence which members received via e-mail, a shorter
24 list of some of the key, tangible accomplishments brought
25 about by your recommendations, a PowerPoint presentation

1 that will be given in the panel discussing those
2 accomplishments, and finally a memorandum from the White
3 House directing federal agencies to undertake the effort to
4 modernize the coordinated framework.

5 Let me now speak briefly about the agenda. During
6 this morning's session we will continue with the
7 introductory remarks of Secretary Redding and Mr. McKalip
8 and then address three topics, regulatory developments at
9 USDA, regulatory developments outside USDA, and the actions
10 USDA has taken in response to your earlier report. Then
11 following lunch there will be a refresher session on ethical
12 requirements for AC21 members followed by a session when Mr.
13 McKalip will offer you the new charge for the committee from
14 the secretary and he and I will discuss it with you. And
15 then after a coffee break we'll have the public comment
16 period. We will as always have a -- we do as always have a
17 good chunk of time set aside for the public comments and
18 whatever time is not used for those comments we will reclaim
19 with further discussion about the charge.

20 Then tomorrow we'll have a recap of today's
21 discussions followed by a mostly free-flowing agenda
22 designed to address what you may wish for a work plan and
23 what additional information you may need from us to
24 accomplish it. I say mostly because again, a key feature of
25 tomorrow's session will be the remarks from Secretary

1 Vilsack in the afternoon about the current situation and his
2 current expectations for your work. Owing to his schedule,
3 he couldn't be here today and we've had to adapt somewhat.
4 However, as he has consistently been throughout your
5 previous deliberations and in the intervening years since
6 you have last met the Secretary remains committed to
7 furthering the goal of coexistence. We anticipate being
8 able to wrap up tomorrow afternoon no later than 3:45.

9 After Secretary Redding and Mr. McKalip deliver
10 their opening remarks I'll return to speak briefly in this
11 session to remind you and also inform the other attendees
12 here today about the committee's charter and bylaws and
13 operating procedures. But first, it's my great pleasure to
14 welcome back to his Chair role as Secretary of Agriculture
15 from the State of Pennsylvania, the Honorable Russell
16 Redding.

17 MR. REDDING: Dr. Schechtman, thank you, and good
18 morning everybody. It's great to see you. You have
19 changed. Just slightly, if not, I know many roles have
20 changed so thank you for continuing to serve on AC21. Part
21 of the discussion with Dr. Schechtman in remaining in Chair
22 was also ensuring that the committee that we had started
23 this journey on continued, it was not going to be a new
24 committee. So thank you for all for staying involved and
25 welcome to Doug McKalip for joining us. And having worked

1 with Doug on several issues across the last couple of years
2 very impressed with his work and perspective around
3 production agriculture and the USDA in the issues of both
4 coexistence but also just the work in production agriculture
5 generally and its good public service. So, Doug, welcome,
6 thank you.

7 I do want to say thanks again for remaining
8 involved both in AC21, your work both to the Department of
9 Agriculture and production agriculture is very much
10 appreciated. While it's been several years since we've had
11 the committee together I will say that much has happened
12 since the issuance of our report November 19th, 2012, the
13 report was to Secretary Vilsack. We'll hear about the
14 progress on that over the next two days. I believe it's
15 fair to say that while we were all challenged by the three-
16 point charge Secretary Vilsack gave us and wondered whether
17 our time and talent would produce any measurable advances in
18 the conversation and actions on coexistence I would say that
19 I think we can all be proud of the report and the
20 recommendations, particularly around efforts to bolster the
21 purity of USDA germplasm, risk management research and the
22 new territory of using conservation programs to facilitate
23 coexistence.

24 Since our last meeting I went back to review and
25 reread the signing statements where each member had a chance

1 to qualify their support for the recommendations and several
2 themes emerged as I looked at those signing statements. One
3 was the, the prevention of the unintended presence of
4 problem was certainly preferred over trying to wait for
5 resolution or look for a response. Two, each of the, each
6 of you had stated that the conversation that we had started
7 must continue. And you also noted that you wanted to stay
8 involved in this conversation and engaged in the task that
9 was set forth. So, here we are. We begin a new session
10 with renewed confidence knowing that we can function as a
11 diverse committee with deeply held views on the future of
12 American agriculture just as the strength of agriculture is
13 our diversity so is our diversity as a committee our
14 strength. Protecting, actually encouraging diversity in
15 agriculture production is a shared goal for us. We also
16 know that the diversity brings with it interface issues on
17 the land, landscape, in the marketplace, both domestically
18 and internationally, and most importantly at the consumer
19 level.

20 I'm sure our work again will be spirited but we
21 all have the objective of making sure we are creating an
22 environment that makes those investing in agriculture stay
23 and brings a new generation into agriculture. What we
24 advise and how we advise the Secretary of the USDA during
25 our deliberations will help determine this environment. And

1 my choice of the word environment is intentional. It is
2 comprehensive. It includes production agriculture,
3 business, markets, policy, societal issues and the physical
4 environment. No small task for sure. But I look forward to
5 working with you and I'm confident that this group is
6 focused on achieving this environment. I look forward to
7 hearing the updates from the USDA receiving our new charge.

8 I'll end where I began with a simple thank you to
9 each of you for being involved, staying in this conversation
10 that is at times challenging. We know. And certainly the
11 last three years have demonstrated both the value of the
12 committee and the work but also it demonstrates the need to
13 have this conversation continue. It has not gotten any
14 easier. Each day we read of the complexity of agriculture
15 and the interface issues. I would hope that this group,
16 having demonstrated in the past our ability to mentor the
17 behavior that we want, to mentor the conversation that we
18 know must occur in agriculture is most important to us. So
19 I look forward to the work of the next year of continuing
20 the conversation and welcome, again, Doug McKalip to the
21 committee.

22 MR. MCKALIP: Thank you, Chairman Redding. Thank
23 you, Dr. Schechtman. And welcome and thank you all for
24 being here. I think I probably haven't seen most of you in
25 person since last March when we had the workshop. I had a

1 chance to talk to and e-mail back and forth with a lot of
2 you over the course of the last eight months or so. But
3 it's great to see everybody back in person around the table.
4 I wanted to do just a really quick exercise and the good
5 news is you don't have to use your microphone for it. But
6 you've each introduced yourselves. I want on the count of
7 three for each of you to say your first name and we're just
8 going to do it all together. Okay? One, two, three. Okay.
9 I have no idea what I just heard. We'll try it one more
10 time. One, two, three. Okay. Now, on the count of three,
11 I want everyone to say agriculture. One, two, three. That
12 was pretty clear. I can hear that. It's all together
13 saying the same message, same word. I think that for me
14 that's really one of the key attributes and assets of AC21.
15 The issues surrounding biotech and the future of agriculture
16 are very difficult. They're very technical, there are a lot
17 of moving parts to them, there are a lot of competing
18 voices, organizations and I think a lot of noise rather than
19 signal into this area. And I think that one of the key
20 assets of AC21 is the ability to bring clarity, to come
21 together with very clear recommendations, very clear
22 messages and those messages and recommendations have had a
23 very important impact on policy and work, especially of USDA
24 but I think throughout the executive branch.

25 Secretary Vilsack has been preparing for this

1 meeting, you know, is just reviewing the actions and I think
2 he expects a lot of his Department to follow-up on and work
3 on the things that this committee recommends. And just
4 looking at a few of them really quickly, you know, and as
5 you all said agriculture it was very clear to me that you
6 all, regardless of organization, background affiliation, are
7 all here to help support agriculture in one form or another.
8 It may be to ensure a health and abundant supply of food to
9 help ensure that we're able to feed nine billion people in
10 the future, it may be a mixture that we're even more
11 sustainable than we currently are as a food production
12 system, to meet new market possibilities out there in terms
13 of specialty crops, organic crops, new consumer interests
14 that may be emerging, to capitalize on those markets and
15 make sure that we're competitive and to reach new cutting
16 edge science and achievements that can be had through
17 technology and innovation and just essentially ensure that
18 the future of agriculture is everything it possibly can be.

19 We have taken the recommendations as a Department
20 that AC21 has put forward and put those into action.
21 Everything starts with seeds so I'll just quickly mention
22 that one. As you all have asked USDA to look at its own
23 germplasm and its own seed stock to ensure that it is in
24 fact what we believe it is or say it is. USDA has put into
25 motion and you'll be hearing from Dr. Redding a little bit

1 later this morning about the specific activities to review
2 our own germplasm to the degree certainly possible to know
3 that it is what in fact is on the label and the category.

4 Using conservation programs to help with
5 coexistence. In my 21-year career with USDA I spent about
6 16 at NRCS. And there is really I think some great work
7 happening. NRCS published a new organic handbook this year
8 which I think for the first time makes very clear references
9 to unintended presence and the ability to help farmers use
10 conservation programs that might traditionally be targeted
11 toward water quality, air quality or wildlife habitat, those
12 types of resource concerns and see if there are practices
13 that are compatible with limiting gene flow and unintended
14 presence that NRCS will work on that with producers at the
15 local level as well. That's incredibly important.

16 Gathering data. This year for the first time we
17 included survey data and the organic survey on losses that
18 were experienced by farmers due to unintended presence. And
19 that data certainly is helping guide us and know the scope,
20 magnitude and location of where losses have occurred.

21 Crop insurance, and you'll be hearing from Brandon
22 Willis with Risk Management a little bit later today. We
23 can probably have just an hour discussion on crop insurance.
24 I think it's pretty amazing the strides and work that's
25 happened there, everything from eliminating the surcharge

1 for organic, changing the price list, offering whole farm
2 revenue protection for organic farmers. All this has
3 resulted in I think a 25 percent increase of organic
4 producers. There's certainly a lot more to do but I'm
5 pretty excited about what's happened so far, just within the
6 crop insurance program alone.

7 Research, we'll be hearing a lot about that as
8 well. I think just amazing strides in our research
9 community in this area. There's certainly more to do there
10 as well as we get our new foundation up and operational that
11 was authorized in the 2012 Farm Bill. And then I stated
12 with seed, I'll end with seed. Some of the innovative work
13 that's happened, I want to give a shout out to the American
14 Seed Trade Association for a lot of the work they've been
15 doing on making sure that we've got varietal availability
16 that helps in the areas of coexistence.

17 So that's really just a few areas of
18 accomplishment that AC21 had recommended to USDA that our
19 Department has taken very seriously the implementation work
20 and will continue to focus our agency's resources and
21 mission areas on ensuring that we meet the expectations and
22 the recommendations that came out of this committee. So
23 you've got a tremendous body of work to build upon I think
24 for this mandate that we'll be talking about over the next
25 few days, a tremendous body of work to build upon and I

1 think a lot of folks within the executive branch and in this
2 town are looking to AC21 to see where the next steps will
3 come from and what those new recommendations to us will be.

4 As we do that I would just encourage that we start
5 afresh. We've got a lot of new faces around the table, new
6 members as well and it's important I think to take a fresh
7 approach as always. When I signed in downstairs at the
8 concierge desk I walked up and put my pen down, I started to
9 write 12 and I looked at the line above me, /15. And
10 Michael will tell you all that I get kind of confused
11 sometimes about dates and meetings and I was pretty sure
12 this meeting was going to start on the 14th. And I realized
13 that someone about 10 visitors before me had arrived and
14 wrote 12/14 and that was replicated I think 10 times on the
15 sheet because the person just wrote what was on the line
16 above them and I almost did the same thing. So, I think
17 it's that human nature of sort of taking, you know, what
18 the, the last line of the paper was and sort of duplicating
19 it. This committee never does that and has taken a very
20 fresh approach to issues of coexistence and I would just
21 encourage the team to continue to take the fresh approach.
22 As I mentioned, this is a very difficult topic, it's one
23 where there's a lot of noise and voices out there and it's
24 sometimes easy to renew the battle that you heard last on
25 the radio or on the Hill or wherever. And I think the

1 strength of AC21 has been the ability to speak with that one
2 clear voice to set the stage for where agriculture will
3 really be in the 21st century. So, again, I thank you all
4 for being here. I look forward to visiting with you a lot
5 over the course of the next two days. And with that, I'll
6 turn it back over to Dr. Schechtman.

7 MR. SCHECHTMAN: Thank you. Now, I'd like to
8 return just briefly for benefit of members of the public and
9 to remind committee members of course about AC21's overall
10 mandate under its charter as well as some key points from
11 our bylaws and operating procedures and past practice.
12 First, a reminder about the overall mandate to the committee
13 under the charter. Under the charter the AC21 is charged
14 with examining the long-term impacts of biotechnology on the
15 U.S. food and agriculture system and USDA and providing
16 guidance to USDA on pressing individual issues identified by
17 the Office of the Secretary related to the application of
18 biotechnology and agriculture. Under the second half of
19 that broad umbrella, the committee did its recent work on
20 coexistence and will be continuing its work here and over
21 the next few days.

22 How does the committee operate? Just a few
23 points. Under the bylaws which are on the back table, AC21
24 members first agree to operate in good-faith on all aspects
25 of your discussions. I think you all know, know how we've

1 operated and will continue that way. The committee operates
2 through open meetings unless there's a compelling reason not
3 to do so as provided for under the Federal Advisory
4 Committee act. We have never invoked any such reason to
5 close a meeting of the AC21 in the history of the committee.
6 The committee may utilize sub-committees which do not make
7 decisions for the committee but may prepare information for
8 the whole committee to consider in open session. The
9 committee seeks to operate via consensus though members may
10 call for votes on specific issues if they so choose.

11 Now, to quote more specifically from the bylaws,
12 quote, the AC21 will seek to operate via consensus in
13 recommendations made to the Secretary of Agriculture within
14 the constraints of fixed time periods allotted for work on
15 designated issues. Therefore, if consensus on specific
16 substantive proposals is not possible the AC21 will make
17 every effort in any recommendations or findings provided to
18 the Secretary to articulate both the areas of agreement and
19 disagreement and the reasons why differences continue to
20 exist. If it is required that the AC21 report to the
21 Secretary by a fixed date, recommendations or findings on
22 which it has not been possible to achieve full consensus a
23 report shall consist of those elements upon which there has
24 been consensus plus an accurate description of non-consensus
25 recommendations and the points of disagreement within those

1 recommendations developed jointly by the AC21 Chairman or
2 Chairwoman and the Executive Secretary. Committee members
3 will be given the opportunity to confirm and/or improve the
4 accuracy of the draft report. AC21 members shall be
5 afforded the opportunity to provide to the Secretary in
6 parallel and in a timely manner any comments on the accuracy
7 of such a report.

8 Restating this in terms of the work products that
9 we've done thus far, reports of this committee are drafted
10 by the Chair and me in a manner that attempts to incorporate
11 the views of committee members from committee discussions.
12 When a report is produced members will have the opportunity
13 to make factual corrections and then will be asked to decide
14 whether they will join in consensus in supporting the
15 report. Members may choose either to join in consensus or
16 not. In either instance they may choose to provide
17 additional comments to go along with their choice. Mr.
18 Redding referred to those as assigning statements. All such
19 comments get appended to the final report. That was the
20 approach which was successfully employed for our earlier
21 report. We can revisit how we will incorporate this into
22 our planning and discussions tomorrow. The last thing I
23 want to mention is at the break, at the coffee break we will
24 have calendars that are put, that will be put out at all
25 members' places to fill out so that we can get your idea, an

1 idea of your availability for subsequent meetings. Please
2 fill them out today or at the latest by noon tomorrow so
3 that we can compile all of that and begin to plan earlier
4 rather than later when our next meetings will take place.
5 Thank you. Any questions? Greg?

6 MR. JAFFE: How many meetings are budgeted for the
7 AC21 for this year?

8 MR. SCHECHTMAN: Budget is a funny word --

9 MR. JAFFE: Okay.

10 MR. SCHECHTMAN: -- just at the moment.

11 MR. JAFFE: How many are planned or what do you
12 anticipate?

13 MR. SCHECHTMAN: Beyond this meeting, two or at
14 most three.

15 MR. JAFFE: For this fiscal year? Until the end
16 of September?

17 MR. SCHECHTMAN: That is all that -- beyond that
18 we can't say anything.

19 MR. JAFFE: Okay.

20 MR. SCHECHTMAN: Anything else? Okay. If not --
21 okay, the next, I'm sorry, we've gotten a little behind on
22 our schedule. But the next item on our agenda are, is
23 updates on biotechnology regulatory developments at USDA
24 since the last meeting. And I'll turn it over to Michael
25 Gregoire, the associated administrator of USDA's Animal

1 Plant Health Inspection Service.

2 MR. GREGOIRE: Thank you, Michael. And good
3 morning, everybody, and thanks for the opportunity. Thanks
4 for the opportunity to update you today on regulatory
5 developments that have occurred since your last meeting in
6 August 2012. Basically I want to cover three areas today in
7 my remarks. One is petitions for non-regulated status.
8 Number two is oversight over regulated field trials. And
9 number three is updates to our biotechnology regulations.

10 So, starting off with petitions for non-regulated
11 status. In 2012 we announced a major process improvement
12 effort with respect to reviewing and making decisions on
13 petitions for non-regulated status. The goal of that
14 process improvement initiative was to improve the timeliness
15 of our regulatory decisions on these petitions without
16 sacrificing the thoroughness or quality of the analysis that
17 we do and also providing the public with an additional
18 opportunity for public input into that process. So, those
19 changes were implemented. They were announced in a Federal
20 Register notice that year. At the time we had 23 petitions
21 before the Agency. Today we have just three. All of the 23
22 -- or 22 of the 23 that we had before us at that time have
23 all been decided upon. The only one that remains from that
24 backlog at that time is a petition for a freeze-tolerant
25 eucalyptus for which we're developing an environmental

1 impact statement and currently in consultation with the Fish
2 and Wildlife Service with that.

3 Since your last meeting in August 2012 we made 27
4 determinations of non-regulated status. When we announced
5 the changes the average time to make decisions on these was
6 taking over three years. We have that now down to about 18
7 months and I feel like those that are coming in now we can
8 get done in 13 to 15 months. And again, in the new process
9 we have provided an additional opportunity for public input.
10 So that is when we have a petition, once we've deemed it
11 complete we make it available to the public to provide us
12 input before we start our analyses.

13 Among those 27 petitions that we granted over the
14 last three years the ones that garnered the greatest public
15 interest were petitions for 2,4-D and dicamba-tolerant corn,
16 soybeans and cotton. Those were all informed by an
17 environmental impact statements that the Agency prepared.
18 The other one where there was a good deal of public interest
19 was a non-browning apple that we granted non-regulated
20 status for. It was the first apple, GE apple that we had
21 approved. And I'll also just mention that in a Cohort 2014
22 EPA and USDA announced collaborative measures to address
23 herbicide weed-resistance issues.

24 All right. Let me now turn to the oversight of
25 regulated field trials. This is an aspect of our regulatory

1 program that's very important to the agency. The objective
2 of those regulations is to ensure the regulated field trials
3 are confined in that the material is accounted for. We have
4 put additional resources into this oversight over the last
5 few years. We're doing more inspections now than we did
6 back then and we have, we're hiring dedicated staff in the
7 biotechnology regulatory services unit who are basically
8 devoted fulltime to this effort. Prior to that, we used
9 field people from our plant protection and quarantine
10 organization who are trained to do these inspections but
11 many of them only did a few a year, you can only do a few a
12 year if you don't have the expertise and experience to do it
13 as well as having a dedicated staff. So we're hiring folks
14 to focus on this fulltime. They'll be geographically
15 dispersed around the country and they will be doing most of
16 the field trial inspections for us.

17 In October of this year the Office of the
18 Inspector General completed and published a review of a
19 regulatory oversight of field trials. It was basically kind
20 of a re-look or revisiting of an audit that they did back in
21 2005. In that audit they had made 28 different
22 recommendations for us, 25 of which were implemented. The
23 three that weren't all went to updating our regulations
24 which I'll talk about momentarily. But they made
25 recommendations in October. Their report and the Agency

1 response to it is available on the USDA website. We can
2 provide that link to members if you want to look at the
3 details of that. We agree with the recommendations that
4 they have made and we're in the process now of reaching a
5 final management decision on all of those recommendations
6 with them and we anticipate implementing all of those
7 recommendations of the next year.

8 Another thing we're doing is developing a new
9 electronic system in APHIS that is going to replace our
10 legacy ePermit (phonetic sp.) system which is used not just
11 to issue permits for field trials but to manage our
12 inspection activity and reporting and so on. So that new
13 system will give us better capability for tracking and
14 maintaining accountability. In May of 2013 we announced an
15 investigation of a GE wheat find in Oregon and we issued a
16 final report on that back in September of 2014. It was in
17 an area where there had been no previous field trials. The
18 report of investigation which was very, very exhaustive, we
19 could not trace the source of that find to any particular
20 activity or event. There was extensive testing done,
21 monitoring of the wheat seed and wheat supply by APHIS
22 estates in the industry and there were no other incidents
23 found related, related to that. And then we had a second
24 situation in Montana which the investigation is wrapping up
25 now. This is a location where there had been previous field

1 trials of GE wheat. And our report of investigation in that
2 incident in Montana we expect to release early next year.

3 On Friday last week we announced that we are
4 bringing GE wheat field trials under the permit process in
5 APHIS as opposed to the notification process. The Agency
6 put out a statement last Friday on that. Turning now to an
7 update of our, of our regulations. Our regulations were
8 first put into place back in 1987 and there's been a few
9 modifications of those along the way. We feel like those
10 regulations have been effective in ensuring that the
11 introduction of GE plants in the environment is safe for
12 U.S. plant health.

13 Nevertheless, those regulations are now 20 -- what
14 is that, 28 years old. And certainly the science has
15 changed. It is changing very rapidly and new technology is
16 evolving very fast. So we believe it's time to update our
17 regulations. In addition, in the intervening years Congress
18 passed the Plant Protection Act which consolidated some of
19 the different statutes that we operate under in APHIS. And
20 as I said, the Inspector General's Office has recommended
21 that we revise and update our regulations and a forthcoming
22 GAO audit I think will recommend that we update our
23 regulations as well. We're currently at a stage in the
24 process where we are getting public input and stakeholder
25 input about what the new regulatory system ought to look

1 like. We, our staff has done a lot of presentations with
2 different groups. Last month at our annual stakeholder
3 meeting we covered the subject. So we're still in that
4 process of gathering stakeholder and public input. When we
5 withdrew the 2008 proposed rule back in February we also
6 held a webinar and took public comments. And I don't
7 remember the exact number but it was tens of thousands of
8 comments and suggestions that we got.

9 So, there will be continued opportunities for
10 public and stakeholder input on what the new rule should
11 look like. The next formal thing will be a notice of intent
12 to prepare an environmental impact statement that will
13 inform the development of the new rule. The notice of
14 intent for an EIS is basically a scoping document where we
15 ask the public what issues that we should analyze related to
16 a new rule, what alternatives we should consider as well.
17 And so I expect that that NOI will be published early in the
18 new year. So look for that. So anyway, that was just a
19 very quick update on those three areas on developments since
20 your last meeting in August 2012. I'd be happy to take your
21 questions at this point.

22 MR. SCHECHTMAN: Greg?

23 MR. JAFFE: Mike, one of the things that came out
24 of our coexistence report was to do voluntary conflict
25 analysis and coexistence plans that would come along with a

1 petition for non-regulated status. So, I was curious if you
2 could update us on whether that voluntary policy has been
3 implemented, whether any of the 27 petitions that you talked
4 about that were granted had a voluntary conflict analysis or
5 a coexistence plan with it, what response you've gotten from
6 developers or people who've come in for petitions that now
7 might be in the pipeline about whether they're doing those
8 or not.

9 MR. GREGOIRE: Uh-huh. Okay, we haven't
10 implemented that specific recommendation. Most petitions
11 for non-regulated status that are submitted to us are
12 accompanied by an environmental report that helps inform the
13 development of the NEPA analysis that we do and the NEPA
14 analysis, and often these environmental reports do include
15 some aspects of coexistence or that is the impacts of drift
16 and things of that nature. We haven't implemented that
17 specific recommendation. I think we're going to be talking
18 about the specific follow-up actions later this morning.

19 MR. SCHECHTMAN: Let me just --

20 MR. JAFFE: Can I just --

21 MR. GREGOIRE: Go ahead, Michael.

22 MR. SCHECHTMAN: Actually, I'll mention it when we
23 get to that session.

24 MR. JAFFE: So, can I just follow-up for a second?
25 Because I don't think it was a recommendation of our report

1 as much as the conflict analysis, those were things that
2 were announced by the Secretary as things that you guys were
3 going to do as a response to the report. So, I guess, so
4 what you're telling me is it hasn't been implemented yet and
5 nobody's done it yet. One other question I have is I know
6 that now APHIS has started a new policy with extensions for
7 non-regulated status as opposed to everybody needing to file
8 a petition and start from scratch. And I wonder if this
9 policy on conflict analysis will extend not just to
10 petitions for non-regulated statuses but also these
11 extension decisions that are being made.

12 MR. GREGOIRE: Well, first back to the voluntary
13 coexistence analysis. We presented that at the coexistence
14 conference last spring as one of the possible things that
15 USDA would undertake. The purpose of which was to get input
16 on that at the conference and following the conference. And
17 I'd say the feedback on that was lukewarm. And with respect
18 to the extension process, just for everyone's benefit, the
19 extension process is a process by which we can extend non-
20 regulated status to a GE plant that is similar to one that
21 we have already deregulated. And so we have, at our
22 November stakeholder meeting announced some new guidance on
23 the use of extensions which I think we'll be publishing on
24 our website very shortly.

25 MR. JAFFE: Thank you.

1 MR. REDDING: Yeah, Lynn?

2 MR. CLARKSON: Lynn Clarkson. Over the past three
3 years the markets of the United States have drawn in,
4 especially corn and soybeans, for an increasing number of
5 countries, including several countries that have their own
6 GMO development or biotech development. And those are now
7 arriving in small shipload units in addition to arriving in
8 containers. What does the U.S. do to protect itself against
9 getting unregulated, untested, unmonitored genetic events
10 coming in in such loads?

11 MR. GREGOIRE: Uh-huh. We do an annual
12 vulnerability assessment with help from the foreign ag
13 service to basically monitor and keep abreast of GE products
14 that are being developed in other countries. And then we do
15 outreach efforts with those countries to help them
16 understand what the U.S. regulatory system requirements are.
17 And so that's our primary strategy for dealing with imports.

18 MR. REDDING: Keith?

19 MR. KISLING: Keith Kisling. Michael, I'm the
20 wheat representative on the committee probably since I was
21 past chairman of U.S. wheat and I'd like to tell you that
22 nobody really likes added regulations. However, the
23 requirement to have a permit now I think is probably a good
24 idea for testing and the reason for that being I think we
25 got a little sloppy on some of our testing that was

1 happening and it was showing up around. We don't want that
2 to happen as long as we don't have a commercially released
3 wheat at the present time, we want to keep that status of
4 non-GMO wheat in the world and so I commend you for that.

5 MR. GREGOIRE: Okay. Thank you.

6 MR. REDDING: Yeah, please, Laura.

7 MS. BATCHA: Laura Batcha. I, I have three
8 questions and I don't have the agenda in front of me so I
9 apologize if you want to defer me to another point in the
10 discussion. So, on the petitions for non-regulated status,
11 it may not be an appropriate discussion for this committee
12 but I am noting the ability on the part of USDA to use these
13 sort of streamlined processes to accelerate the reviews and
14 deal with your backlog of the 27 petitions. And it struck
15 me because we have a similar backlog at NOP within AMS on
16 our regulatory development for organic and we've had a
17 pretty poor track record of bringing forward final
18 regulations based on our national organic standards board
19 consensus recommendations to USDA on advancements to the
20 standards. And so I'm interested in learning the approaches
21 that APHIS may have used to streamline these processes
22 because we seem to be bogged down in a system that is
23 taking, we did an analysis this last fall, on average 12
24 years to complete a final regulation from a time of a
25 consensus recommendation coming out of our governing FACA

1 board. So we have to find a way to improve that process.
2 So we could maybe parking lot that but I am really
3 interested in any techniques that USDA used to address this
4 problem because I think we could use that brainpower on the
5 organic side.

6 My question on the oversight of the regulated
7 field trials, we also welcomed the permit process
8 announcement on the wheat on Friday and when the incidents
9 happened back in May of 2013 one of the requests that we
10 made to the Department because in our view USDA rightly
11 identified sensitive overseas markets and collaborated
12 directly with those governments to release the standards and
13 the methodology to test for the presence of these traits in
14 order to help calm the markets about how widespread those
15 finds were and the impact to trade. Domestically our market
16 for organic products is what I'm speaking about specifically
17 but for non-GMO products it's not different. It's a
18 domestic market but it also has that same sensitivity to
19 presence. We made an official request to have those
20 standards and methods released so that domestic markets
21 could test for the presence so that if in fact they were
22 limited as was communicated and as was appeared to see how
23 it played out in terms of international trade that there
24 would be the ability to test and reassure the domestic
25 market as well and that was not made available. And I note

1 that in the TPP Agreement reached by the Administration in
2 the biotech annex there's a non-binding agreement amongst
3 parties to release this same type of standards and
4 methodology in unapproved trait finds. So again I ask you
5 in, in your oversight of the regulated field trials to
6 consider making those methodologies and testing standards
7 available to domestic markets similarly as to foreign
8 governments.

9 And then I think my third question, and you could
10 give me an update on that, work on the regulated field
11 trials, that may have been addressed already and I'm not
12 aware of it. The third area is on the review of the
13 regulations in the plant pest act in part 340 and you and I
14 have had conversations about this, Michael, and we've
15 provided comment. And I think specifically wanting to
16 continue to have the conversation about the interpretation
17 of USDA's authority regarding consideration of economic and
18 environmental impacts in that review. And I know we've had
19 a discussion about bringing in the noxious weed authority in
20 addition to that, into the plant pest determination and how
21 narrowly or broadly you can view noxious weeds. So I guess,
22 you know, my understanding as I think we're probably not
23 making progress against what we've identified as, as our
24 goals in that review of the regulation. But I'd love to
25 know whether or not in USDA's assessment there have ever

1 been alternative views of the authority that would
2 accommodate environmental and economic considerations.

3 MR. GREGOIRE: Okay. Well, let me say something
4 about each one of those three. First of all, with respect
5 to regulation updates, I'd say in defense of my, in empathy
6 with my colleagues at the ag marketing service, rulemaking
7 is really difficult to do. The changes that I described to
8 the petition process are all sort of internal process
9 changes that we made under the existing regulation. So that
10 didn't require a regulatory change and we've been at, trying
11 to change the biotech regs for more than seven years.

12 With respect to the testing standards and
13 methodology following the wheat incident, I don't know all
14 the particulars of that other than that we rely on the ag
15 marketing service and grain inspection packers and stockyard
16 agency to help us when we have a regulatory incident like
17 that and need testing.

18 MR. KEMPER: Mr. Chairman, can he speak up or we
19 get the mic a little louder? We're both having difficulty
20 down here. Thank you.

21 MR. GREGOIRE: Okay. On the testing, we use the
22 services of other agencies to help us when we have a
23 regulatory incident like the GE wheat. But, you know, we
24 take note of what your recommendation and suggestion is
25 there. With respect to the noxious weed authority, it is

1 our current thinking that we would use the noxious weed
2 authority in the regulations but not for managing economic
3 impacts. Our thinking is that we would use that noxious
4 weed authority consistent with how the Agency has used it
5 historically. That is for weeds that are invasive and
6 difficult to control and cause severe physical harm or
7 damage to other plants or plant products. But it is a very
8 important issue in terms of I think it's one of the key
9 issues in terms of the new rule. That particular question
10 on the noxious weed authority is one of the top policy
11 decisions that will need to be made on the new rule.

12 MS. BATCHA: Thank you.

13 MR. REDDING: Okay, thank you. Certainly some
14 topics that I'm sure will be themes of some of the updates
15 here later this morning and this afternoon. So thank you
16 for the questions. Let's pick up with the agenda. Michael,
17 thank you first of all. We'll pick up with the White House
18 Initiative discussion, Michael and Doug.

19 MR. SCHECHTMAN: Thank you. In this session we'll
20 provide you with some updates about the latest efforts on
21 the part of the U.S. government more broadly to update the
22 overall framework employed for the oversight of genetically
23 engineered products in this country and also mention a few
24 other significant developments, again for your information,
25 that have taken place outside of USDA. As Russell has

1 indicated, I'll start and Doug will follow up with some
2 other updates.

3 Now, I want to stress that each of these topics
4 could begin potentially lengthy conversations themselves but
5 the session is being provided for your information only.
6 These topics are not part of your charge and there are other
7 venues for detailed discussion of the pros and cons of these
8 things. First, the White House coordinated framework -- the
9 coordinated framework update. I'll start with a little
10 background.

11 As you heard a couple of minutes ago, in 1986 the
12 White House Office of Science and Technology Policy issued
13 the coordinated framework for the regulation of
14 biotechnology. It was the result of an interagency working
15 group which sought to achieve a balance between regulation
16 adequate to ensure health and environmental safety while
17 maintaining sufficient regulatory flexibility to avoid
18 impeding the growth of an infant industry. That was a
19 quote.

20 Some of the key features were that the agencies
21 were to work together in an integrated and coordinated
22 fashion and together should cover the full range of plants,
23 animals and microorganisms derived through the new genetic
24 engineering techniques. Second, where regulatory oversight
25 or review for a particular product was to be performed by

1 more than one agency coordinated reviews should occur.
2 Third, reviews conducted by each of the regulatory agencies
3 were intended to be of comparable rigor. And fourth, it was
4 determined that existing legal authorities were adequate to
5 regulate these products and existing laws were to be used.
6 And other those laws roles were articulated for USDA, FDA,
7 and EPA.

8 A fundamental principal for the U.S. approach,
9 articulated in a 1992 update, was that the process of
10 modification is independent of the safety of the organism.
11 Although the new biotechnology processes can be used to
12 produce risky organisms so can traditional techniques. It
13 is the characteristics of the organism, the environment and
14 the application that determine risk or lack thereof of the
15 introduction, not the technique used to produce the
16 organism. Again, that was a lengthy quote.

17 So, regulations began to be put in place in the
18 1980s but the overall framework has not been changed since
19 the early '90s, has not been updated since the early '90s.
20 That changed with a July 2nd, 2015 memo from the Executive
21 Office of the President to EPA, FDA, and USDA outlining a
22 new task; that of modernizing the regulatory system for
23 biotech products. Its stated objectives are to ensure
24 public confidence in the regulatory system and to prevent
25 unnecessary barriers to future innovation and

1 competitiveness by improving the transparency, coordination,
2 predictability and efficiency of the regulation of
3 biotechnology products while continuing to protect health
4 and the environment. So, the effort is intended to maintain
5 high standards that are based on the best available science
6 and that deliver appropriate health and environmental
7 protection, to establish transparent, coordinated,
8 predictable and efficient regulatory practices across
9 agencies with overlapping jurisdictions, and to promote
10 public confidence in the oversight of the products of
11 biotechnology through clear and transparent public
12 engagement.

13 Accordingly, the memo called for the establishment
14 of a biotechnology working group under the emerging
15 technologies interagency policy coordination committee
16 including representatives from the Executive Office of the
17 President, EPA, FDA, and USDA. The group is to have three
18 tasks, to update the coordinated framework to clarify the
19 current roles and responsibilities of agencies that regulate
20 the products of biotechnology, to development a long-term
21 strategy to ensure that the federal regulatory system is
22 well-prepared for the future products of biotechnology, and
23 to commission an independent, external analysis of the
24 future landscape of biotechnology products. For each of
25 these I'll describe them briefly. There are more complete

1 descriptions of the tasks that can be found in the actual
2 memo which has been distributed to committee members and the
3 public on the table.

4 The main objectives for the task of updating the
5 coordinated framework are to clarify which biotechnology
6 products are within the authority and responsibility of each
7 agency, to clarify the roles that each agency plays for
8 different biotechnology product areas, particularly for
9 those product areas that fall within the responsibility of
10 multiple agencies, and how those roles relate to each other,
11 to clarify a standard mechanism for communication and as
12 appropriate coordination among agencies while they perform
13 their respective regulatory functions and for identifying
14 agency designees responsible for this coordination function,
15 and clarifying the mechanism and timeline for regularly
16 reviewing and updating as appropriate the coordinated
17 framework to minimize delays, support innovation, protect
18 health and the environment and promote the public trust in
19 the regulatory systems for biotechnology products.

20 In terms of the long-term strategy the objectives
21 are to improve transparency, specifically which includes
22 working with stakeholders to identify barriers to
23 innovation, collaborating to inform efforts, increase
24 transparency, streamline processes, reduce costs and
25 response times and ensure the protection of health of the

1 environment, coordinating on development of tools and
2 mechanisms for assisting small businesses, initiating
3 development of a user-friendly set of tools for presenting
4 the regulatory agency's authorities, practices and bases for
5 decision making to the public and updating these tools and
6 practices regularly to ensure optimal transparency and
7 proactively engaging with the public to discuss how the
8 federal government uses a risk-based scientifically sound
9 approach to regulating the products of biotechnology and
10 clearly communicate to the public which types of products
11 are regulated, which types of products are not regulated and
12 why.

13 And finally for the external, independent analysis
14 of the future landscape of biotech products the overall task
15 is to perform a review to help inform future policy making
16 which will identify any potential new risks and/or risk
17 assessment frameworks and also identify any areas in which
18 the risks or lack of risks related to the products of
19 biotechnology are already well understood. The White House
20 -- so that's a whole lot of words. The White House memo
21 indicated that one year hence would be the completion date.
22 The biotechnology working group was formed and the first
23 thing it did was issue a request for information from the
24 public with comments due by November 13th of this past, of
25 this year. The request was for data and information

1 including case studies that can assist in the development of
2 the proposed update to the coordinated framework, to clarify
3 the current roles and responsibilities of the EPA, FDA, and
4 EPA, and the development of a long-term strategy consistent
5 with the objectives described in the memo.

6 So, the ETIPC biotech working group received and
7 is currently reviewing 902 comments in response to the
8 request for information. As I said, that review is ongoing.
9 A large fraction of the comments appear to discuss issues
10 more closely aligned with the long-term strategy document
11 rather than the update to the coordinated framework, the
12 clarification of what is happening now. Three public meets
13 are to be held in conjunction with this process. The first
14 one was held on October 30th, 2015 in the D.C. area and the
15 other two will be held over the next several months.

16 The coordinated framework update will be published
17 for public comment before finalization. But let me just
18 make two important points about this process. First, the
19 White House memo affirmed the existing principles on which
20 the coordinated framework is based. So nothing that the
21 working group does is likely to change the overall approach.
22 Second, the first thing that you and other members of the
23 public can expect to see emerging from this effort is a
24 clarification of the existing practices of federal agencies.
25 That will be particularly important because there has been,

1 as the years have passed, some lack of clarity for some
2 types of organisms as to who regulates what. So this effort
3 should significantly help for stakeholders and the public in
4 this regard. That's all I'd like to say about the White
5 House initiative.

6 Now I will just mention briefly a few other
7 updates from outside USDA. Again, these are briefly just
8 for your information on the chance that you haven't heard
9 these as yet. First, I will start with a few updates from
10 the Food and Drug Administration and then Doug McKalip will
11 talk about some other topics as well. The FDA has provided
12 me with the statement that you will hear now. For each of
13 the following announcement from them I have the web
14 addresses for the relevant documents on a sheet here at my
15 desk and I'll provide them to committee members or members
16 of the public who wish to look at them at the break but I'm
17 not going to read them out for reasons of time.

18 On November 19th of this year the Food and Drug
19 Administration approved an application related to
20 AquAdvantage salmon, a genetically engineered Atlantic
21 salmon that reaches a growth milestone important to the
22 aquaculture industry more quickly than its non-GE
23 counterparts. AquAdvantage salmon raised for food use are a
24 triploid, all-female population. The agency determined that
25 the recombinant DNA construct imparting the faster growth

1 trait was safe for the animal and that the edible products
2 from AquAdvantage salmon were safe to eat and that the
3 AquAdvantage salmon did indeed reach that growth marker more
4 rapidly. The Agency also prepared a comprehensive draft
5 environmental assessment that was issued for a 120-day
6 comment period and that was issued in final form at the
7 approval indicating that the approval would not have a
8 significant impact on the environment of the United States.
9 Under the conditions of the approved application,
10 AquAdvantage salmon may only be bred at the highly
11 physically contained broodstock facility on Prince Edward
12 Island and then shipped to the Panamanian highlands where
13 the triploid, all-female, eyed eggs are hatched and salmon
14 raised to market size in highly physically contained
15 facilities, harvested and processed.

16 In addition, the Agency released two guidance
17 documents for the labeling of food that has or has not been
18 derived from GE plants to help food manufacturers -- excuse
19 me, two guidance documents related to biotechnology in food.
20 The first of these is a final guidance document for the
21 labeling of food that has or has not been derived from GE
22 plants to help food manufacturers who wish to voluntarily
23 make that distinction on food labels. The Agency also
24 released a draft guidance on the voluntary labeling of food
25 that has or has not been derived from genetically engineered

1 Atlantic salmon to which, again, a link, and I can provide a
2 link for that. The docket for public comments for that last
3 one will be open for 60 days starting on November 24th of
4 this year.

5 My final announcement from FDA is that on December
6 8th FDA approved Kanuma or sebelipase alpha as the first
7 treatment for patients with a rare disease known as
8 lysosomal acid lipase deficiency. The action involved
9 approvals from two FDA centers. FDA's center for veterinary
10 medicine approved an application for a recombinant DNA
11 construct in chickens that are genetically engineered to
12 produce a recombinant form of human lysosomal acid lipase
13 protean in their egg whites. FDA's center for drug
14 evaluation and research approved the human therapeutic
15 biologic Kanuma which is purified from these egg whites
16 based on its safety and efficacy in humans with this enzyme
17 deficiency. That concludes the statements from the Food and
18 Drug Administration. Now I'll pass it along to Doug to talk
19 about some additional updates.

20 MR. MCKALIP: Thank you, Dr. Schechtman. I'm
21 going to cover labeling real briefly here. And essentially
22 for sake of clarity there are four trains on the track on
23 labeling, three of which are puffing smoke and moving down
24 the track, the fourth one has reached the end of the line
25 and I'll try and be real brief in summarizing those. First,

1 about three weeks ago FDA finalized guidance on voluntary
2 labeling of genetically engineered foods. This is guidance
3 that had been under review and development for many, many
4 years, certainly throughout this administration. It was
5 finalized and published. Folks should take a look at it. I
6 think one interesting part of it was with respect to the
7 terminology GMO. FDA, while expressing certainly not a
8 preference for that terminology, stated that it wouldn't
9 take enforcement action against a company that would choose
10 to use a non-GMO claim on packaging assuming all the other
11 requirements are met. That's something that had been out
12 there I think for discussion and debate. FDA does not have
13 prior label approval, similar to USDA, so the question of
14 whether a company that used GMO or not was something I think
15 had been dangling out there for quite some time.

16 The second train moving down the track is the USDA
17 process verified program which we'll hear Dr. Morris from
18 AMS discuss in a little bit more detail later this morning.
19 It gives companies a tool if they choose to make a claim
20 regarding GMO or non-GMO status or GE of a food they can do
21 that working through the process verified program and get
22 the USDA process verified shield associated with that claim.
23 So, since we last got together in March for the workshop the
24 first non-GE process verified program was submitted and
25 approved by SunOpta, a grain company. So that is a new tool

1 on labeling that hadn't existed prior to the last time that
2 we got together as a group.

3 The third train moving down the track although it
4 may be perhaps a little more slowly and with less certainty
5 is working happening on Capitol Hill with respect to
6 providing statutory authority and guidance on labeling of
7 foods. This is somewhat in response to the various state
8 ballot and state law initiatives that have taken place
9 including the Vermont law which was enacted and will take
10 effect in July of 2016. There are a few other states as
11 well, Connecticut and Maine have passed statutes although
12 those require adjacent states to also enact a law for them
13 to take effect. But Congress has been working on
14 legislation that would speak to this. I think the question
15 that Congress is trying to answer is whether there is a role
16 for the federal government to either set some uniformity or
17 a single program that companies would work from rather than
18 multiple state initiatives. The House passed a bill this
19 summer. The Senate is currently looking at the question. I
20 think there was a considerable possibility that something
21 would appear in the appropriations act. I think by all
22 accounts that looks rather uncertain at this time. Although
23 Congress does still have another week to complete that
24 legislation it's certainly something we'll be monitoring
25 very closely.

1 The last of the trains which is the one that has
2 reached I think the end of the line for lack of a better
3 term is regarding petitions to the executive branch to
4 utilize existing authority to create a mandatory labeling
5 program. The federal government had received at least four
6 citizen's petitions over the course of this administration.
7 Those were responded to on November the 19th and each of
8 those petitions was denied by the FDA. The petition
9 responses were signed by the associate commissioner for
10 policy at FDA. They're each about 18 pages long. If you'd
11 like we can furnish copies for you as well, actually 21
12 pages if you include the footnotes as well. But they
13 provide a pretty detailed response as to why the executive
14 branch doesn't believe either that mandatory labeling is
15 legal or in adherence with existing statutory authority that
16 the executive branch possesses or not feasible. So that
17 would be something interesting I think for folks to take a
18 look at if you'd like to.

19 The reason for this, I think, quick update was to
20 state that with respect to the question of mandatory
21 labeling and the executive branch using existing authority,
22 that isn't something that we would view as a discussion ripe
23 for progress for AC21. So, as we discuss the upcoming
24 mission and mandate of AC21, labeling will not be part of
25 that simply because of limited time and what we try to focus

1 on to actually have implementable results for the executive
2 branch. We don't feel that labeling is one area that we can
3 actually effect change from this committee. So that would
4 not be part of our discussion going forward. So, that's a
5 quick update, not to say labeling isn't an interesting topic
6 for debate and certainly interesting conversation but just
7 not one that we think we can bring an actual deliverable for
8 the executive branch from that topic. So, Dr. Schechtman?

9 MR. SCHECHTMAN: Thank you. We're running a few
10 minutes late but we have time for a question or two if
11 anyone has.

12 MR. REDDING: Yeah, Laura?

13 MS. BATCHA: Mine's very brief and narrow, I
14 promise. Doug, on the FDA final labeling guidance in terms
15 of the clarification about not preference, the GMO acronym
16 and non-GMO acronym but no enforcement, have you all taken a
17 step back yet and looked at how that might influence or
18 alter FSIS's current thinking on label approvals?

19 MR. MCKALIP: Yes. That is a discussion that's
20 ongoing now that FDA has completed the release of their
21 guidance. We have circled back with FSIS and they are
22 looking at their meat poultry labeling regulations and
23 guidance to see what interplay there is there. So, yes,
24 that is a discussion underway.

25 MS. BATCHA: That's posted?

1 MR. MCKALIP: Yeah.

2 MR. REDDING: Greg?

3 MR. JAFFE: Michael, on the OSDP July 2nd memo the
4 third item they talked about was a study of new GE or new
5 technologies that are out there, DNA editing and so forth.
6 And I thought they were going to announce an NAS panel or
7 something to do that. It's been almost four months and I
8 was curious if you have any idea about if or when they're
9 going to make that announcement or if that's still going
10 forward.

11 MR. SCHECHTMAN: That is indeed still going
12 forward. It takes a little bit of time for the money to be
13 gathered to be able to be transferred to the academy and the
14 academy to be willing to do these things. So, we expect
15 that that process will happen fairly soon. I know the
16 academy is quite anxious to be, to be getting started. And
17 I think they're in the planning stage of getting that
18 process going. Okay, break?

19 MR. REDDING: Yeah.

20 MR. SCHECHTMAN: Let's take a 10-minute break and
21 then we'll return with the next panel.

22 (Off the record.)

23 (On the record.)

24 MR. SCHECHTMAN: Welcome back. In this next
25 session I and other USDA staff who've moved a little further

1 away from you here will speak to you about the actions the
2 Department has taken to implement the recommendations you
3 gave us in the 2012 report. For members of the public, the
4 report again is included among the documents made available.
5 As we go through this panel I will introduce each speaker as
6 it is his or her turn to speak. Can you hear okay on the
7 recording? Okay.

8 We won't be presenting every single thing we've
9 done. This is just to give you an idea of the range of
10 efforts USDA has undertaken on your recommendations, not
11 even quite everything listed in the document. But our
12 efforts have all been serious efforts, some perhaps more
13 successful than others, but we've worked hard to implement
14 the AC21's recommendations. This session will talk about
15 direct responses to your recommendations as well as some
16 additional things USDA has done in the general spirit of
17 fostering coexistence. You already heard mention of a few
18 of the key actions from USDA from Mr. McKalip. In this
19 session we'll go into more detail about a larger list.
20 There are a lot of items to cover, again, drawing from the
21 document summary of main USDA activities initiated in
22 response to the November 2012 AC21 report, again, which is
23 on the table. Some items will receive just brief mention
24 and others may get discussed in a bit more detail.

25 Some of your recommendations in different sections

1 were overlapping so sometimes we've arbitrarily chosen under
2 which heading we'll do, we'll report on some of the actions.
3 What we'll do is go through all of these items and then open
4 up for questions. We'll talk about the four theme areas in
5 the report, compensation mechanisms, stewardship and
6 outreach, research, and seed quality. First, in the area of
7 potential compensation mechanisms to address economic damage
8 to farmers caused by unintended GE presence. There were a
9 series of fairly complex recommendations in the report in
10 this area and they were all linked together. One major
11 statement in the report was that there was not consensus
12 among AC21 members that there was adequate information that
13 documented such losses, information that would justify
14 establishing a compensation mechanism. There was not
15 consensus at the time of our last work. Consequently, one
16 recommendation was that USDA should gather such information
17 and having that information the Secretary would determine
18 based on that information whether establishing such a
19 mechanism was appropriate.

20 As part of the overall package of recommendations
21 the committee recommended that if such a program were to be
22 established an insurance-type mechanism should be considered
23 and it first should be tested using a pilot program. USDA
24 has made initial efforts to gather this type of data about
25 economic losses over the past year and we will talk about

1 that date when we get to the research section of this panel.
2 In another examination, though, of the overall issue around
3 economics of coexistence we have also delved further into an
4 analysis of that and Catherine Greene, an agricultural
5 economist with the Economic Research Service, will speak
6 about what ERS has done. Cathy?

7 MS. GREENE: Okay. Thanks, Michael. I'm actually
8 going to not say a whole lot today about the report because
9 we don't have it published yet. We are, we've been through
10 external clearance and we are hoping to have it published in
11 the next several months. We are planning to have it
12 published in the next several months although we can never
13 guarantee anything like that. The report itself examines,
14 I'm just going to briefly say, the report itself examines
15 the markets for GE differentiated production, the production
16 systems themselves and to some degree the interplay between
17 the GE differentiated markets and the GE differentiated
18 production systems as well as a little bit on the practices
19 used to avoid, if you're -- the practices used by organic
20 and non-GE producers to avoid GE presence in their crops and
21 we also examined, to the extent that we have data, the
22 economic losses. So that's, really it's an overview, it's a
23 synthesis and it's still sort of preliminary since we're
24 still gathering data.

25 MR. SCHECHTMAN: Thank you. Further in the area

1 of compensation mechanisms, let me note one additional area
2 of AC21 recommendations and some challenges posed for USDA.
3 That other area was the recommendation that USDA develop a
4 set of mechanisms to incentivize the development of joint
5 coexistence plans among neighboring farmers that might be
6 producing their crops using different production methods.
7 So, there are these two important areas, compensation and
8 joint coexistence plans. I need to note for you that our
9 office of general counsel has informed us that we do not
10 have, at this time, the legal authority to implement either
11 a crop-insurance-like compensation mechanism, nor to
12 establish USDA programs to directly incentivize the
13 development of joint coexistence plans. So, those central
14 recommendations may need to wait for future congressional
15 action. We'll have more to say about some of this later in
16 the meeting though. There were other important
17 recommendations in this section about insurance and
18 information available to farmers. So next we'll have Mr.
19 Brandon Willis who is the administrator of the risk
20 management agency speak about USDA actions to improve crop
21 insurance options for farms not growing commodity crops.
22 Brandon?

23 MR. WILLIS: Thank you very much. We've taken
24 quite a few actions over the course of the last two years to
25 try to address the issues that producers have brought to us,

1 the disincentive organic producers purchasing crop
2 insurance. We've done it in two major ways. First of all,
3 we've tried to fix, address some of the hurdles that we had
4 in our current policies. We've tried to change the existing
5 policies we have out there. We've also developed a new
6 policy that works for all sorts of producers but it has some
7 key components that work very well for organic producers.

8 Some of the changes that we made to our current
9 policies to make them work better, in 2014 we eliminated a
10 five percent surcharge. Organic producers historically had
11 paid five percent higher for the premium than the other
12 producers. That was eliminated in 2014. Another issue that
13 producers also asked for was additional prices that reflect
14 what they actually receive in the market, organic prices.
15 In 2011, if you were an organic producer we had four crops
16 where if you grew that crop and you lost your crop in a
17 natural disaster you would be compensated at a price more
18 reflective of the organic market. That was the first year
19 we did that, 2011. This last year we added nearly just
20 under 30 additional crops at organic prices. So today we're
21 up around 56 different crops that if you produce those crops
22 organically and you lose your crop in a natural disaster or
23 some other event you will be compensated at a market price
24 more applicable to what you would have received in the
25 market.

1 The other thing we did, it's called the, it has
2 kind of a chemical name but it's a very simple concept, the
3 contract price addendum. Basically some of the crops that
4 we would like to offer a contract or we'd like to offer an
5 insurance price that reflects organic market we simply don't
6 have the data available. In those cases those producers if
7 they have a contract that has a price in it can talk to
8 their crop insurance agent and oftentimes they'll be able to
9 receive perhaps a contract price or something in between the
10 contract price and what the market has. We started, I
11 believe, the first year was last year, 2014, with about 60-
12 something crops. This year we're at 73 crops. The latest
13 information I had is around 10 percent of the policies
14 utilize that new option. So, we have kind of a multi-prong
15 approach trying to address that specific issue.

16 In addition, we developed a policy called the
17 whole farm revenue protection insurance. It was available
18 last year for the first time. It had about 1,200 policies
19 were sold and this works very well because instead of
20 looking at a crop by crop and you insuring every crop you
21 insure all your revenue from your farm together. We tried
22 to take some of the good aspects of a previous policy called
23 AGR, AGR-Lite. This is something that the Chairman knows a
24 lot about. We tried to take some of the good aspects of
25 that program, tried to address some of the areas where

1 people didn't feel things were working like they should.
2 And last year was the first year. We had some listening
3 sessions, we talked to producers all across the United
4 States and we made further changes this year. Why this
5 works well for organic producers is because oftentimes
6 they're receiving more per acre or a higher price than their
7 counterparts are and the whole farm is based upon the
8 individual's actual historical revenue. So, it helps on the
9 revenue side, it also helps, we simply don't have crop
10 insurance policies, whether you're conventional or organic,
11 for many different crops, especially if you don't have many
12 grown in a county. Whole farm, that doesn't matter, you're
13 aggregating all your revenue. So it benefits on the revenue
14 side. It also benefits if a crop insurance policy simply
15 isn't available.

16 Moving forward, we'll continue to I think listen
17 to people on whole farm. This is not a static process. This
18 is a process we'll continually listen to people and make
19 changes. That policy for the first time ever is available
20 in every county in the United States, Alaska, Hawaii are
21 included. It's not just lower 48. On the pricing side of
22 things we will continue to expand there as we can. Thanks.

23 MR. SCHECHTMAN: Thank you. Thank you, Brandon.
24 Finally, for this section, one additional action USDA has
25 taken to help non-GE farmers get a better grip on market

1 pricing to help in their contracts et cetera, et cetera.
2 I'll turn to Dr. Craig Morris, Deputy Administrator of the
3 Agricultural Marketing Service.

4 MR. MORRIS: Thank you. Starting on September 2nd
5 we began publishing out of our Greeley, Colorado market news
6 office a weekly report for food and feed grade corn and
7 soybeans that are non-GE. That comes out every Wednesday.
8 The most recent report would've been December 9th. It's for
9 a variety of different pricing mechanisms. It is a
10 voluntary report so it benefits from voluntary
11 participation. We've seen the depth of that report increase
12 over time as typically new volunteer reports do. And we've
13 also stated our intent that if additional commodities would
14 be beneficial to the industry we could add those to it as
15 well. It's covered through existing appropriations for a
16 voluntary market news program. So if, one, you're not
17 familiar with the report please let me know, I'll make sure
18 that you can see it. But two, if there's interest in any
19 modifications to the report or anything like that we can do
20 it. It's not under our, what we call mandatory price
21 reporting program which are much more rooted in regulation,
22 through voluntary we have the opportunity to provide a
23 variety of services that could be beneficial. Thank you.

24 MR. SCHECHTMAN: Thank you, Craig. Now, we'll
25 turn to the AC21 recommendations on stewardship and

1 outreach. The major thrust of these recommendations was
2 that USDA should spearhead a stewardship and outreach effort
3 on coexistence and its importance working in conjunction
4 with a broad range of stakeholders and also that USDA should
5 develop a package of mechanisms that foster stewardship and
6 help mitigate economic risks and foster communication and
7 collaboration including things like best practices toolkits.
8 That is my paraphrase of what was a very long
9 recommendation.

10 One of the first actions USDA took in response to
11 all of this was to seek public input through the Federal
12 Register on how to foster communication and collaboration to
13 strengthen coexistence. We published a notice in November
14 of 2013 seeking input and received over 4,000 comments,
15 relatively few of which directly responded to the request
16 for information. Rather, most raised broad issues about the
17 use of GE crops, the potential for coexistence to work as a
18 general matter or the balance of equities among the
19 different types of agriculture producers. A smaller number
20 were just generally supportive of GE crops.

21 Of the relative few commenters who did provide
22 specific responses to what was asked a frequent theme was
23 the need to gather additional information in a range of
24 areas. The document provided gives more detail about the
25 comments that USDA received. In general though I can say

1 that USDA did not receive the response that we had hoped for
2 from that information request. So, after some deliberation
3 we decided to continue to broader discussion on
4 communication and collaboration in a different way, by
5 holding a stakeholder workshop to which all committee
6 members were invited. It was an invitation-only workshop
7 which was held on the campus of North Carolina State
8 University in Raleigh, North Carolina on March 12th and
9 13th, 2015. At the workshop, USDA focused on activities
10 either completed or under development or contemplated in
11 response to the AC21 recommendations and we solicited
12 comments from participants and members of the public in
13 following weeks. USDA listened carefully to the views
14 offered at the workshop.

15 I should say that we generally got positive
16 feedback about the proposals we offered, many of which we're
17 talking about here, but the meeting was not without
18 controversy. We received some criticism for having an
19 invitation-only meeting and at the meeting there were a few
20 presentations from some eminent non-USDA scientists who
21 offered some strongly voiced opinions that were
22 controversial. We did not screen those presentations prior
23 to the meeting. Following the workshop, we again solicited
24 formal comments from participants and the public about our
25 proposals. We got 475 responses to that request for comment

1 with most comments, again, opposing the growing production
2 and marketing of GE products and/or questioning whether
3 agriculture coexistence is even possible. But relatively
4 few comments directly addressed the policy proposals.

5 Several of the topics we will be reporting on here
6 did receive report among those comments that were directly
7 responsive. For example, work that you'll hear on assuring
8 the purity of germplasm resources and work on a range of
9 scientific research projects. There was relatively little
10 support for USDA proposals on development of an overall
11 outreach and education strategy on coexistence, on
12 development of farmer toolkits and for a new USDA website on
13 coexistence. There was a little support for the conflict
14 analyses that were alluded to earlier but some of those who
15 supported it felt that those should be mandatory.

16 The Secretary's office has taken all this input
17 into account in moving forward and in deciding to start up
18 this committee again. I should note that the website on
19 coexistence that we announced at the time of the
20 stakeholder's workshop is accessible online. It contains
21 background information, very general fact sheets on
22 coexistence and on different methods of production and on
23 best practices for production of different types of crops.
24 Again, what's provided there is very, very general
25 information and USDA welcomes input that would refine these

1 materials or additional items that may be useful to farmers
2 as they address any coexistence challenges they may face.
3 The website is www.USDA.gov/coexistence. So, not hard to
4 find.

5 There are at least two other relevant pieces of
6 information USDA has gathered or developed in this area that
7 are worth mentioning. First, in response to a specific part
8 of one of your recommendations, there are some informational
9 materials that were provided at the Raleigh workshop
10 regarding voluntary and outcome based strategies for
11 facilitating production of identity preserved products. So,
12 there was a document which includes discussion of tools such
13 as pinning maps, grower zones, screenable markers, pollen
14 excluding traits and procedures used in the organic industry
15 to prevent comingling and unintended presence. Second,
16 there are now some discussion documents developed by the
17 National Organic Standards Board related to so-called
18 excluded methods of which genetic engineering is one. Betsy
19 Rakola, USDA's organic policy advisor, will discuss those.
20 Betsy? You want that one or this one?

21 MS. RAKOLA: I can take this one. Thank you,
22 Michael. So, the National Organic Standards Board -- oh,
23 was it not on? Okay, it's green? All right. Thank you,
24 Michael. So, the National Organic Standards Board has had
25 discussion documents in place for some time now. They are

1 still discussion documents, they have not gotten to the
2 point of becoming recommendations for policy action to the
3 USDA. Once the -- if and when the National Organic
4 Standards Board does decide to make a policy recommendation
5 to the USDA that is the point at which we could decide
6 whether or not to take action on those and whether we would
7 propose a modification to the organic regulations as they
8 exist.

9 So, the National Organic Standards Board hasn't
10 been able to make very quick progress on this because they
11 have had other priorities, specifically looking at the very
12 heavy workload of the 2017 Sunset Process to review a good
13 number of the substances that are currently on the national
14 list. We hope that they will be able to make some progress
15 in the future that will provide some recommendations that we
16 can act on. But the document is available for public view
17 and the Board continues its work on that and we're very
18 interested in any comments. I know that the Board is
19 interested in receiving feedback from the public on this
20 since it is a difficult question, particularly in the light
21 of all of the emerging technologies that are coming out now.
22 But I think the discussion going on within the NOSB is very
23 similar to the one that is going on within APHIS in trying
24 to modernize the definition of excluded methods in a way
25 that will remain relevant and flexible as technologies

1 continue to change and emerge over time.

2 MR. SCHECHTMAN: Thank you, Betsy. As another
3 stewardship tool for identity preserved producers USDA is
4 offering, and this was alluded to earlier, USDA's
5 agriculture marketing service has now made available the use
6 of its process verified program to verify non-GE crops and
7 process. Dr. Craig Morris will again speak to this subject.

8 MR. MORRIS: For some time AMS has offered the
9 USDA process verified program as a way that sellers, buyers,
10 or third-parties can ensure that products conform to
11 standards through, one, the manufacturing system adopting
12 very robust quality management systems and then having those
13 quality management systems audited by highly trained USDA
14 employees. In the last year or so we've seen relatively
15 parabolic growth in that program for a variety of different
16 marketing claims. The one that we announced back in May was
17 the initiation of the non-GE, GMO program with SunOpta.
18 Subsequent to that we've had a number of other companies
19 with a range of other products trying to avail themselves of
20 that service. This week we're auditing a soy milk facility
21 that manufactures a co-packed product for a major retailer
22 and we have a number of other commodities, canned corn,
23 yogurt, processing aides for a dairy product manufacturer, a
24 variety of other more retail-focused products that will be
25 coming out in early 2016. So that program is, since SunOpta

1 obviously started with their food and feed grain, corn and
2 soybeans has grown for us considerably. And so our auditors
3 are working with the industry to bring those new products
4 under that marketing program online.

5 MR. SCHECHTMAN: Thank you, Craig. Finally, in
6 this area there was a recommendation about the potential use
7 of USDA conservation programs where appropriate in promoting
8 coexistence. John Englert, National Program Leader at
9 USDA's National Resources Conservation Service, will now
10 discuss that briefly. John?

11 MS. ENGLERT: Okay. Thank you, Michael. I want
12 to talk just for a moment or two about kind of what we can't
13 do but then talk about what some possibilities are within
14 the, within NRCS to use conservation buffers for
15 coexistence. NRCS has statutory authority to address
16 natural resource concerns such as soil erosion, water and
17 air quality, wildlife habitat. We've determined that we
18 don't have the authority to use our NRCS programs to address
19 genetic and gene flow issues. So, that's kind of, that's
20 set in our statutory authority.

21 Secondly, with all the interest in using
22 conservation buffers as a means to specifically restrict
23 pollen movement, we've done a cursory look at some of the
24 science behind using buffers for this purpose and there's a
25 lot of variability and use of buffers specifically for

1 restricting pollen movement is complicated by a lot of
2 different factors, topography, local climate, crop types,
3 buffered vegetation and design. So, when we look at what's
4 available within our standards for NRCS conservation buffers
5 we don't have design requirements for restricting pollen
6 movement.

7 So, just to reiterate again, so NRCS is limited in
8 its authority and the available science to use conservation
9 buffers as a primary means for coexistence is challenging.
10 So, this does not mean that we can't use buffers to support
11 coexistence. Certainly producers are already using buffers
12 to reduce pollen transport. It just means that NRCS can't
13 provide incentives for using buffers solely for the purpose
14 of coexistence. We can use conservation buffers, or
15 producers can use conservation buffers and NRCS programs to
16 address other resource concerns such as soil erosion,
17 wildlife habitat, things like that, realizing that there are
18 additional benefits for coexistence. So, again, it would be
19 a secondary benefit that a producer could obtain if there
20 are authorized natural resource concerns for NRCS to
21 incentivize use of that buffer.

22 And just a caution which I think is fairly
23 straightforward though is that there's no guarantee that the
24 NRCS conservation buffers are going to be no effective under
25 level of effectiveness for, for controlling pollen

1 transport. So, you know, I guess good and bad on that and
2 we're, you know, still open to using conservation buffers
3 for authorized purposes.

4 One other item which might be of interest to this
5 group is the new NRCS organic farming handbook which was
6 released last month. It's available on the web if you
7 search NRCS organic farming handbook. It's got a big, long
8 URL so easiest way is just to search for it. There's
9 certainly information related to using buffers for pesticide
10 and pesticide buffering and pollen transport but it's in
11 very general terms consistent with what I just talked about.
12 But in addition to the use of buffers there's a lot of other
13 information on NRCS conservation practices which can benefit
14 organic farming.

15 MR. SCHECHTMAN: Thank you, John. Next we'll turn
16 to the research area of USDA's recommendations and related
17 efforts and we will start with the efforts that I eluded to
18 earlier to gather data on economic losses by farmers due to
19 the unintended presence of genetically engineered material
20 in their crops. Again, Catherine Greene from the Economic
21 Research Service will speak about this topic.

22 MR. GREENE: Thank you. All right, so USDA added
23 a question last year on the National Organic Producers
24 Survey asking farmers whether or not they had experienced an
25 economic loss due to the presence of GE traits in their

1 crops and it was a fairly open-ended question, have you
2 experienced loss and when and USDA's national ag statistics
3 service published findings in a PDF online earlier this year
4 and they broke out the findings by time period, the most
5 recent being 2010 through -- I'm sorry, 2010 through 2014.
6 Actually, it may be 2000 -- yes, 2011 through 2014. They
7 also published several earlier time periods which had very
8 little, showed very little economic losses.

9 So, I'm going to tell you in general what those
10 losses were and in the way that we can kind of generalize
11 and then say what the limitations of the data are. In
12 general, 20, farmers in 20 states reported losses in 2010
13 through -- 2011 through 2014 and if you look at the
14 percentage of all farmers and all certified organic farmers
15 in the United States who experienced a loss that number I
16 believe is 0.65 percent. If you look at -- the 0.65 percent
17 is for all farmers, certified and exempt, it's 0.69 percent
18 for all certified organic farmers in the United States. So,
19 if you look at it as a percentage of all farmers in the --
20 all organic farmers in the U.S. it's not a huge number.

21 If you try to start honing in on, well, who are,
22 where are there states where you might experience a loss and
23 because those are the states that are growing GE, those are
24 the states that are growing organic crops or -- I'm sorry,
25 we just look at organic crops. Organic crops with GE

1 counterparts. The farmers in the 20 states, it's about one
2 percent, just over one percent of all farmers in those 20
3 states experienced an economic loss. Then if you drill down
4 to the percentage of farmers in those 20 states that
5 experienced a loss you saw higher losses for some of those
6 states. I think three states in particular had six to seven
7 percent of their farmers experiencing an economic loss
8 during the period of 2011 through 2014.

9 Most of the states were more in the one -- most of
10 those 20 states were more in the one to two percent range
11 and California which doesn't grow many crops, doesn't have a
12 focus on the crops with a GE counterpart only had a 0.2
13 percent number for the number of farmers experiencing a
14 loss. Illinois, for example, was one of the states that had
15 a six to seven percent loss which again, Illinois is one of
16 the states that grows a lot of crops that have a GE
17 counterpart. So those are kind of the general findings.

18 Now I'm going to say what the limitations of the
19 data are. The limitations of the data are that they, the
20 data, we could not report losses by commodity and that's a
21 serious limitation given that there are only nine crops in
22 the United States that have a GE counterpart. So those are
23 the crops that you would see the economic losses with.
24 Another limitation of the data is that these are losses for
25 organic producers in the United States. It doesn't, they

1 are not estimates for losses to conventional, non-GE
2 producers who are growing identity preserved, non-GE crops
3 and who are also subject to economic testing when they take
4 their crops to be processed. And then one other
5 characteristic of that data is that we ask the question just
6 on economic losses so again it's just if they had crops
7 testing positive for traits and not any of the costs take to
8 avoid GE presence while they're producing the crops. I
9 think that kind of covers it.

10 MR. SCHECHTMAN: Thank you, Cathy. I'll just add
11 one thing that we are anticipating additional follow-up
12 research in this area.

13 MS. GREENE: Yes.

14 MR. SCHECHTMAN: And now we'll switch and go onto
15 some biological science topics. First to work on research
16 relating to crop stewardship and gene flow risk assessment.
17 I'll turn to Dr. Shing Kowk, national program leader at the
18 National Institute of Food and Agriculture. Shing?

19 MR. KWOK: Can you hear me? Can everybody hear me
20 now?

21 MR. SCHECHTMAN: Yes.

22 MR. KWOK: The Biotech Risk Assessment Grants
23 program or BRAG for short is a competitive grants program
24 that we administer through USDA National Institute of Food
25 and Agriculture and the Agricultural Research Service to

1 specifically look at environmental effects of biotech
2 organisms in the field. These organisms could be animals,
3 insects, plants or microbial systems. And the priorities,
4 the research priorities related to gene flow and coexistence
5 have been on our request for applications for competitive
6 proposals since 2013 and these priorities have been vetted
7 through all three regulatory agencies, namely USDA
8 Biological, Biotechnology Regulatory Service, the
9 Environmental Protection Agency and the Food and Drug
10 Administration. So we make sure that our research
11 priorities are in full alignment with the needs that they
12 have and to get them the information, the science-based
13 information that they need to make the decisions they need
14 to make regarding biotech organisms.

15 Since 2013 the priorities related to gene flow and
16 coexistence have focused on areas of assessment of efficacy
17 of existing techniques and how you can mitigate unintended
18 effects of GE organisms. Also, we also fund research
19 related to novel, development of novel techniques related to
20 mitigating GE traits in a non-GE production system. So,
21 from 2013 to 2015 we probably spent somewhere in the area of
22 about \$3 million in this area, roughly six projects with one
23 conference which I'll talk shortly a little about. This \$3
24 million budget is roughly about 25 percent of the total
25 budget in that timeframe of 2013 to 2015. In the area of

1 gene flow and coexistence we funded three projects that are
2 specifically focused on developing male sterility
3 techniques, pollen flow, pollen confinement or containing
4 trans genes within the plastids of plants. We funded
5 projects that also relate to looking at the impact of GE
6 traits on insect migrations for crops that are related to
7 pollen flow and insects. We've also looked at, funded a
8 project on control of seed dormancy and reducing fitness of
9 GE plants in the environment as well as a novel approach to
10 detecting GE organisms in the field, relatively low cost and
11 quick method to do that.

12 In addition to these research projects we've also
13 funded a conference that was held with the National Academy
14 of Sciences. This was part of an 18-month study that the
15 National Research Council was having related to GE crops,
16 past experiences and future perspectives. That full report
17 I believe will be available early 2016. So, the BRAG
18 program funded a portion of that full study. It was a
19 workshop on comparing the environmental effects of
20 genetically and non-genetically crop production systems.
21 So, that's it.

22 MR. SCHECHTMAN: Thank you, Dr. Kwok. Next,
23 research on landscape level gene flow in alfalfa relevant to
24 coexistence in alfalfa production. We'll have Dr. Jack
25 Okamoto, national program leader at the Agriculture Research

1 Service speak about these efforts.

2 MR. OKAMURO: Right here?

3 MR. SCHECHTMAN: Right there. You were a little
4 behind me.

5 MR. OKAMURO: I was hidden. Thank you, Michael.
6 So, as Dr. Kwok mentioned, NIFA has provided funding for
7 priority research in this area, Agriculture Research Service
8 has provided funding for research in this area as well as
9 the Office of the Secretary. So one of the early projects
10 that we launched was on conducting research on landscape
11 level gene flow in alfalfa. I have to express our
12 appreciation to the National Alliance for -- sorry, the
13 National Alfalfa & Forage Alliance Group for their support.
14 We receive a lot of support from industry to generate the
15 data which is beginning to come out and be published right
16 now.

17 So, USDA scientists have ongoing research projects
18 to examine the movement of the Roundup Ready herbicide
19 resistance trait in alfalfa in the field. We had three
20 project objectives, one to assess the role of feral alfalfa
21 in transgene transmission in the field, to determine the
22 impact of pollinator behaviors on pollen mediated gene flow
23 and three to analyze the flow of transgenes from Roundup
24 Ready alfalfa seed production fields to conventional fields.
25 So, a number of these objectives, they have been written up,

1 they have been submitted for publication. One that has been
2 accepted will come out in 2016, another is in review and the
3 third is in preparation. In addition to this, so, you know,
4 how do we communicate with the stakeholder-relevant parties,
5 we've kept stakeholders appraised of progress on these
6 objectives through meetings of alfalfa stakeholders
7 throughout the last year.

8 Okay, so on feral alfalfa management the results
9 confirm that genetically engineered alfalfa is dispersed in
10 the environment. The data suggests that eradicating feral
11 alfalfa along roadsides, minimizing seed spillage would be
12 effective strategies for mitigating transgene dispersal.
13 And this report is in review. Scientists analyzed 4,600
14 locations in three states, three counties. They detected
15 feral alfalfa in about 400 of those and 26 of those 400 had
16 transgenes in them.

17 On pollinated mediated gene flow, USDA scientists
18 analyzed the inadvertent carry-over of GE alfalfa pollen in
19 honeybee hives and in leaf-cutter bee domiciles. The, I
20 think what was the most important, what was done was to
21 compare the adventitious presence in the pollen versus what
22 is measured in the seeds that are harvested, seed production
23 from seed production fields. And although the rates in the
24 seeds from the seed production fields were remarkably low
25 there was transgenic pollen detected in the hives in the

1 domiciles of the leaf-cutter bees. So, the explanation for
2 that remains to be determined and studied. But that will be
3 coming out in the, in a paper in 2016 in Apidologie is the
4 journal.

5 And finally on field to field transgene
6 transmission, to better understand how landscape effects
7 gene flow from transgenic to conventional alfalfa seed
8 production fields the USDA scientists have been collecting
9 seeds from different zones in 24 commercial seed production
10 fields and alfalfa production fields. And that report is,
11 the manuscript is still in development, so, but as I said
12 before the preliminary data had been shared with the
13 industry for their consideration. So, there will be updates
14 following on that. That's what I have.

15 MR. SCHECHTMAN: Thank you, Jack. And I will pass
16 the microphone back to you again almost immediately to talk
17 about basic research on corn pollen germination to limit
18 unwanted transmission of corn genes.

19 MR. OKAMURO: Yes. Okay, this one is shorter.
20 So, USDA scientists have taken a genetic approach to
21 addressing this issue. There are three genes that we are
22 focusing on that can be utilized to mitigate the germination
23 of pollen on corn plants. The genes are called GA1, GA2,
24 and TCB and they've been introduced into -- well, 21 new
25 lines have been developed for evaluation in the field and

1 those field evaluations will go on in 2016. So, still a
2 research in process.

3 MR. SCHECHTMAN: Thank you, Jack. The fourth main
4 area of the AC21 report was the topic of seed quality. And
5 we will now first address the major recommendations that the
6 committee made in terms of the maintenance of the purity of
7 USDA's germplasm banks. Dr. Peter Bretting, national
8 program leader at the Agriculture Research Service, will
9 speak about USDA's efforts. Peter?

10 MR. BRETTING: Can everyone hear me? Yeah?
11 Great. Well thanks very much, Michael. This group made
12 specific recommendations regarding the need for revised best
13 management practices to monitor and maintain the purity of
14 publicly held germplasm. And I'll paraphrase some of what
15 you said. The focus, the scope is on plant species with
16 commercially available or new genetically engineered
17 varieties to market. And the focus you placed on was having
18 plans, plans to monitor and maintain the purity and to have
19 appropriate best management practices to do so.

20 Specific items you mentioned, determine the
21 presence of plants with genetically engineered traits in
22 publicly held germplasm stocks, conduct ongoing monitoring
23 of unintended presence and have a plan to respond when
24 unintended presence of genetically engineered traits does
25 occur. So, in response to this and recognizing the evolving

1 landscape in plant breeding and genetic resources we
2 conducted an update and a revision of our current best
3 management practices. All of our gene banks and our
4 breeding projects have BMPs in place for ensuring trueness
5 to type. But when you're talking about genetically
6 engineered traits there are additional aspects have to be
7 taken into account. And our scope initially was on five of
8 the major crops that have substantial acreages of
9 deregulated traits. And those are alfalfa, cotton, maize or
10 corn, soybeans and sugar beets.

11 So that was the focus and I'm not going to go
12 through the BMPs and procedures and practices in detail but
13 I'll just mention the five major elements. The first quite
14 naturally is having the best management practices, make sure
15 they're well-documented, reviewed and accessible. Really,
16 if you don't have the BMPs in place all the other steps are
17 just essentially doing a diagnosis of what went wrong. So,
18 this is something we've tried to stress with our scientists.
19 Testing for trueness to type and purity at critical control
20 points. Mandatory testing of new varieties or enhanced
21 germplasm prior to formal release. If and when unintended
22 presence of genetically engineered traits occurs, guidelines
23 on how you mitigate those effects. And finally,
24 communication strategies to let people know what we're doing
25 as an agency to maintain trueness to type and also for

1 handling any future occurrences of unintended presence of
2 genetically engineered traits.

3 So, these updated procedures and practices have
4 been reviewed internally within our agency by more than 40
5 reviewers and by numerous external reviewers, at last count
6 more than 50, including the National Genetic Resources
7 Advisory Council. And they've also been provided as a
8 courtesy to members of the AC21. I might also mention that
9 these were written by gene bank curators and personnel and
10 by breeders. So we wanted to have them take the lead in
11 this because they would have to take the lead in adhering to
12 them and making sure they worked. So, that's, those are my
13 comments, Michael.

14 MR. SCHECHTMAN: Okay. Next we will very briefly
15 touch on a recommendation regarding USDA's support for the
16 Organic Seed Finder Database. Betsy Rakola will again say a
17 few words here.

18 MS. RAKOLA: Thank you. We had provided a brief
19 update on the contract that we had issued to support the
20 Organic Seed Finder Database during the stakeholder session
21 in March so we just wanted to provide a status update here
22 today. The Agriculture Marketing Service did support AOSCA
23 and the Organic Seed Alliance in supporting the continued
24 development of that database and through that contract we
25 received a couple of reports and a draft fact sheet from

1 them. In addition, the Organic Seed Alliance and AOSCA held
2 a webinar that's now recorded and available on eOrganic
3 talking about the requirements for the use of organic seeds
4 under the regulations and how to use the Organic Seed Finder
5 Database. They had over 100 people join in so we were very
6 pleased with the attendance and the reach that that had. We
7 are currently looking at the information in the reports and
8 the fact sheet and pending departmental clearance we hope to
9 be able to share more information on that in 2016. AMS also
10 continues to engage with the seed industry more generally.
11 We participated in June in the American Seed Trade
12 Association's annual meeting talking to their committee
13 about the state of the organic seed industry and what USDA
14 is doing to support the sector and we look forward to
15 continue to working with our stakeholders to support the
16 further development of organic seeds.

17 MR. SCHECHTMAN: Thank you, again, Betsy. Next,
18 to the recommendations the AC21 made regarding, work with
19 the seed industry regarding the quality and availability of
20 seed. USDA has had discussions with the leadership at the
21 American Seed Trade Association about this issue and the
22 head of ASTA, Andrew Lavigne, spoke at the stakeholder's
23 workshop in March on this issue. Among other things, he
24 noted the challenges for seedsmen to accurately forecast
25 total annual commercial grain production and demand for

1 particular types of seed and that seed production for
2 relatively small markets requires advanced planning.
3 According to Mr. Lavigne, seed for specialized markets such
4 as organic production is not produced absent specific, known
5 demand. For such organic and non-GE markets and
6 particularly for those crops for which most of the overall
7 demand is for GE varieties rather than for organic or non-GE
8 seed, ASTA has indicated that it is imperative that growers
9 talk with seed producers well in advance of signing
10 production contracts, at least a year ahead of planting,
11 preferably longer.

12 On another line, ASTA also indicated at that time
13 that it has efforts underway to develop a process to
14 facilitate the licensing of elite germplasm for further
15 breeding for non-GE markets. This effort, which is in line
16 with one of the committee's recommendations, could bolster
17 the availability of diverse, high-quality seed for non-GE
18 producers. I hope to be able to update you next time on
19 progress on that.

20 Now, finally, the AC21 made one other very
21 specific recommendation that we will discuss here and that
22 was that USDA task another advisory committee, the National
23 Genetic Resources Advisory Council, with developing, quote,
24 a plan in conjunction with the seed industry for ongoing
25 evaluation of the pool of commercially available non-GE and

1 organic seed varieties and identifying of market needs for
2 producers serving GE sensitive markets. Secretary Vilsack
3 did indeed task the NGRAC with this charge and they have
4 developed a report about which you will hear now. There is
5 a PowerPoint presentation that was included in the meeting
6 documents which you should now all have that will now be
7 discussed by Dr. Bretting who, in addition to his other
8 hats, serves as an ex-officio member on the NGRAC. Peter,
9 once again, and thank you.

10 MS. BATCH: Anybody else need one? Three, four,
11 five, six, seven --

12 MR. BRETTING: Thank you, Michael. I'll wait for
13 the PowerPoint paper to be circulated. But first, I send
14 greetings and apologies from Manjit Misra who is the Chair
15 of the NGRAC. Manjit is the Director of the Seed Science
16 Center at Iowa State University and in that capacity he
17 travels tremendously widely, internationally, and he's on a
18 plane right now en route, I'm not really sure where, I saw
19 him in Chicago last week and he asked me to present this on
20 his behalf. I'm not as an engaging speaker as him. So, but
21 if you do know him just think of Manjit speaking.

22 So, the first slide has a list of the very
23 diverse, hardworking group of the NGRAC, the actual members.
24 And this is a federal advisory committee that was
25 established in the Farm Bill of 1990 to advise the Secretary

1 of Agriculture and the director of the National Genetic
2 Sources Program on the activities, policy, operation of what
3 USDA's genetic resource program includes. So, it's not
4 limited to simply plants. It deals with plants, livestock,
5 insects, aquaculture species, microbes. But since it was
6 rejuvenated in 2012, 2013 it's been charged by the Secretary
7 really to focus on coexistence. And on slide three and some
8 of you actually have a fourth updated slide, that's what
9 the, the council has done in certainly the first four of its
10 meetings. It's focused on the recommendations that you
11 provided, focused on developing that plan and approach for
12 having commercially available non-GE materials.

13 In its last meeting which was just about a month
14 ago in Baton Rouge having more or less completed the
15 coexistence task it began to pivot and to focus on
16 livestock, aquaculture, insect genetic resources and also
17 the genetic resources and needs of tribal nations. We have
18 one of the members of the council is from the Tulalip Tribe
19 in Washington which has, plays an important role in tribal
20 nations in that.

21 So, going to slide five, a bit about the approach,
22 the council examined issues at all stages of germplasm
23 development, all the way from the relatively unimproved,
24 highly variable materials in gene banks through the whole
25 breeding process, characterizing and evaluating it and then

1 finally into the latter stages where breeder seeds are made
2 available to seed producers and the harvests are provided to
3 processors and consumers. The council focused on eight
4 major crops, the five that I mentioned plus three
5 additional, canola, squash and papaya. And this is a
6 starting point, similar issues apply to, will apply to
7 future genetically engineered traits and crops.

8 So, starting on slide seven are the
9 recommendations from the final report of the NGRAC. The
10 first area that was addressed was evaluating the pool of
11 commercially available non-genetically engineered and
12 organic seed varieties. Three recommendations, the first is
13 really providing information about what's available. The
14 second is increasing the availability, USDA working with
15 plant breeders and other providers of organic and non-
16 genetically engineered germplasm. And then the third, a
17 study of just what is coming out of the breeding pipeline in
18 terms of inbred lines or varieties at public universities to
19 see whether it's delivering what the market and the consumer
20 needs. And the council also suggested there be an
21 assessment of the impact of the Bayh-Dole Act on public
22 sector capacity.

23 The, going over to slide nine, the second area was
24 identifying market needs for producers that serve
25 genetically engineered sensitive markets. The council

1 requested that the USDA conduct an ongoing economic
2 assessment of non-genetically engineered and organic seed
3 markets that would enable those interested to understand the
4 value and plan investment opportunities in the seed sector.
5 The idea with more information, capital and support can be
6 more efficiently applied. And the level of granularity is
7 identifying the crop, identified by crop for each of those
8 affected by the traits and focusing on the region involved,
9 the acreage, the maturity with some of these crops, the
10 maturity groups are really important for adaptation. The
11 third area is ensuring that diverse and high-quality
12 commercial seed supply exists to meet the needs of all
13 farmers.

14 The first, the recommendation there involves
15 regular meetings with appropriate representation on
16 extending trait stewardship so it will encompass prevention
17 and mitigation of adventitious presence, same as unintended
18 presence, in genetically engineered breeding programs and
19 gene banks. So this, an intersection of course with what I
20 spoke to earlier. And the recommendation six is focusing on
21 the need for relatively inexpensive and yet effective assays
22 for genetically engineered traits. If you've been involved
23 in testing for traits the expense can be substantial
24 depending on specific traits and what level of tolerance you
25 are interested in.

1 Continuing in this area three, diverse and high-
2 quality seed supply, the council encouraged the Department
3 to devote additional resources to essentially knowing what's
4 in our gene banks and facilitating joint public, private
5 sector efforts to do that. And this is certainly a major,
6 already a major thrust of our national plant and germplasm
7 system. It was pointed out that partnerships with tribal
8 nations to assess genetic resources they have under their
9 control would be welcome also.

10 Continuing in this area of diverse and high-
11 quality seed supplies, the council wanted us to identify
12 gaps in our collections, gaps in information, gaps in
13 genetic diversity, taxonomic, eco-geographical gaps and
14 where those existed to the extent possible make additional
15 collections and add information. And this is a main thrust
16 of our national plant germplasm system already. So it was
17 good to see that validated by their recommendations.

18 Recommendation nine which is on slide 12,
19 communicating to state seed foundations and to ASTA,
20 American Seed Trade Foundation, excuse me, Association, the
21 importance and need for inbred lines and foundation seeds
22 that are not treated by chemicals that are prohibited by the
23 national organic program. Apparently this is quite an
24 important need for this segment of the market. And so those
25 are the nine recommendations from the council. The last

1 slide is simply those of us that try to provide some support
2 to the council. And we're fortunate to have a staff to help
3 out with this. So, with that I'll turn it over to Michael,
4 and I think questions are the next point.

5 MR. SCHECHTMAN: Thank you, again, Dr. Bretting.
6 That's a very comprehensive report and I expect that once
7 it's officially, it's a report that members should be able
8 to receive at some point in the not so distant future. So,
9 there you have the high points of the things that USDA has
10 done in response to the committee's recommendations. The
11 work has involved a very substantial number of USDA
12 agencies. With that, we have about 20, 25 minutes left for
13 this session. We can open this time up for questions.

14 MR. KEMPER: Thank you very much, Mr. Chairman.

15 MR. SCHECHTMAN: Please announce your name too for
16 the transcribers.

17 MR. KEMPER: Alan Kemper. Thanks to everybody at
18 USDA and other agencies for responding and putting together
19 all the answers to some of the questions that we have. I
20 have numerous questions but I'm going to just ask one right
21 now. Brandon, a little bit on the crop insurance, how do
22 they sign up? Is it similar for the whole farm insurance
23 like 75 percent or 80 percent or 85 and then how do they
24 base their source of economic loss or gain on it? Is it off
25 of a 1040F or something? Could you just expound, expand on

1 that? Thank you.

2 MR. WILLIS: Yeah, I believe for whole farm they
3 can purchase between 50 and 85 percent very similar to a
4 normal crop insurance policy. They do use tax records to
5 determine the income as well. So --

6 MR. KEMPER: Okay.

7 MR. WILLIS: -- one of the issues, once in a while
8 there's a group or two that whole farm's not going to work
9 for them if they have, they're not completely honest on
10 their taxes.

11 MR. KEMPER: Okay. Thank you.

12 MR. SCHECHTMAN: Angela? Oh, sorry, sorry,
13 Josette Lewis, please.

14 MS. LEWIS: Josette Lewis. I have a question for
15 Catherine Greene just to clarify my understanding of the
16 difference between the work you've done to date and the
17 forthcoming work. The newer report that will come out
18 sometime, I think it's next -- well, you don't actually say
19 when it's going to come out but the new work is looking much
20 more broadly than just the losses to organic producers.
21 You're looking at costs in terms of compliance and you're
22 also looking at conventional and non-GE and not just organic
23 sets, sort of the key differences between the past, the past
24 survey and then the forthcoming research.

25 MS. GREENE: That's right. We take a very broad

1 view of all three GE differentiated production systems and
2 markets. We look broadly at the economic issues, we look
3 broadly at the evidence and the findings to the extent that
4 we have data or to the extent that studies have been
5 published. There are still a lot of gaps. But, yes, we do
6 address to some degree the costs for taking avoidance
7 strategies and so forth.

8 MS. LEWIS: Maybe just a follow-up question. Do
9 you have plans through the farm survey process both with the
10 organics and with non-organics to continue collecting data
11 and if you could speak a little bit to that?

12 MS. GREENE: Yes, we do. So, we don't have
13 someone from NAS here today but NAS has several annual
14 surveys planed primarily in conjunction with risk management
15 agency to survey national organic producers in 2016 and 2017
16 and is just completing a 2015 survey. So, we indeed will
17 have a lot more information on organic production via those
18 surveys. And my agency, the Economic Research Service, has
19 an ongoing survey program as well, the agriculture resources
20 management survey, that we use to collect all of our farm
21 financial data for all U.S. producers, make estimates of
22 farm income, we also use it to make estimates of cost of
23 production and returns in various major commodity sectors.
24 So, we are over-sampling those sectors periodically with
25 large over-samples of organic producers for a statistical

1 reliability and we reflect a little of that data in our, the
2 report that's coming out hopefully in a couple of months.
3 And we also have broken out a little bit of the non-GE
4 conventional information on non-GE conventional producers
5 based on that data as well. One downside of our ARM survey
6 is that we're now only collecting commodity specific data
7 every six, seven years and sometimes a little longer than
8 that. So, in order to come back around to corn and soybeans
9 and other crops that have major GE counterparts it takes a
10 while.

11 MR. SCHECHTMAN: Angela?

12 MS. OLSEN: Thank you, Angela Olsen. My question
13 also is for Dr. Greene. And first, really first a thank you
14 and then a question. As an AC21 group we've often, many of
15 us at the table have asked for data and so thank you so much
16 for collecting that data on losses. And my question is sort
17 of a deeper cut and it could be that there's a collateral
18 survey or data that you've collected or it could be that
19 it's in the next cut. But just curious so that we can
20 really put it in perspective. I was wondering whether any
21 information on the kinds of contracts that were entered
22 into, in other words was it zero percent AP LLP, .1 percent,
23 .5 percent. The reason I'm asking is at the table Lynn
24 often refers to this as organic plus. So there's the
25 organic and then there's entering into a specific contract

1 for a particular specification. And I was wondering with
2 this data that you collected, I know it was a very broad
3 question on losses, was there a deeper cut or was there a
4 companion survey or something to put it into perspective to
5 understand what kind of contract were these folks entering
6 into as well. Again, just so that we've all got the context
7 as we're looking at the data. Which again, thank you so
8 much for doing that.

9 MS. GREENE: Are you asking specifically about
10 economic losses and the survey that we just had, got data
11 for in 2014?

12 MS. OLSEN: Yes, I'm asking about that but to the,
13 and thank you for that clarification --

14 MS. GREENE: Yeah.

15 MS. OLSEN: -- question. You know, and/or to the
16 extent is it going to be in sort of the next cut. But I was
17 specifically asking about the report that did just come out
18 on the actual, on the losses.

19 MS. GREENE: So, the report that just came out on
20 actual losses, again, as I mentioned we weren't even able to
21 report by commodity. The organic sector is a very thin,
22 small sector still and it's basically every commodity spread
23 out across every state. So, asking very specific questions
24 about a limited number of crops that have GE counterparts
25 that may be experiencing economic losses, it's sort of not

1 surprising that we're not getting enough data to overcome
2 the confidentiality requirements that we have for reporting
3 that data. I think the questions that you're asking are
4 much more, a much more granular level of what producers are
5 actually having, what levels of GE traits producers actually
6 are expected to meet in, with the contracts that they're
7 entering into, is that right?

8 MS. OLSEN: It was just, just again, another cut
9 of the data is really what I was asking. If there's, we
10 have the data of the losses --

11 MS. GREENE: Right.

12 MS. OLSEN: -- and it was just more that deeper
13 cut of there were losses but what were they tied to, was
14 somebody entering, you know, a commodity obviously would
15 be --

16 MS. GREENE: Right.

17 MS. OLSEN: -- very helpful but then also were
18 they entering into a contract that was zero percent AP LLP
19 or .1 percent as a group so that we can put that in context
20 or was it .9. Again, it's just more I guess, you know,
21 originally I was a scientist before becoming a lawyer --

22 MS. GREENE: Okay.

23 MS. OLSEN: -- so I just look for data and was
24 just curious.

25 MS. GREENE: We did not ask that level of detail.

1 MS. OLSEN: Okay. Thank you.

2 MR. SCHECHTMAN: Okay. I think David was next.

3 Is your card still up, Alan?

4 MR. KEMPER: Yeah.

5 MR. SCHECHTMAN: Okay.

6 MR. KEMPER: It's up again.

7 MR. SCHECHTMAN: Okay, okay. David, then you,
8 then Lynn. Please. I'm sorry, Isaura, sorry, sorry.

9 MS. ANDALUZ: Okay, this question is for Brandon.
10 So, for example, I mean, we haven't, you know, just looking
11 at crop insurance as a compensation mechanism, so my
12 question is, you know, I'm not sure what the qualifications
13 are for someone to offer crop insurance. But for example
14 right now, you know, we have Monsanto who now offers crop
15 insurance as of 2012. So I'm just wondering that, you know,
16 in this, what we're looking at here is the person who, you
17 know, sells a product that contaminates it is now also
18 selling insurance that's supposed to prevent us, to
19 compensate us. I'm just wondering if you were going to be
20 thinking about how to define who would be able to sell crop
21 insurance or not.

22 MR. WILLIS: As far as who sells, we have I
23 believe at the current time around 17 companies. When we
24 decide who can sell, who can't see we look mostly to
25 financial. In other words, they have a really bad year, do

1 they have the capability to make sure that the farmer gets
2 paid and do they have the infrastructure. That, it's
3 obviously a more detailed process than that but those are
4 the things we look at. There's been quite a bit of movement
5 quite frankly in the industry with some people coming one
6 year and going in a few just because of the last few years
7 have been a little difficult on crop insurance companies
8 with some prices and some droughts. But we focus more on
9 the economics of it to make sure the farmers get the
10 insurance they need.

11 MR. KEMPER: Mr. Chairman, may I help Brandon
12 address that just a little bit? As a producer we have a
13 choice of various insurance companies to insure our crop
14 insurance with. Those have to be approved by RMA as the
15 contracted type carrier for that product. Mine particularly
16 I changed but this year I'm with Great America crop
17 insurance. And so the producers actually have a choice and
18 I didn't realize a biochemical corporation had an insurance
19 like a Monsanto like she said. So maybe I'm correct and
20 maybe Monsanto does offer it but I didn't know that.

21 MR. WILLIS: A few years ago they were involved in
22 one capacity, yeah, yeah. John Deere has been the same way,
23 they're no longer involved.

24 MR. KEMPER: Right.

25 MR. WILLIS: But that's what I was alluding to,

1 some of have come and some have gone in the recent past as
2 well.

3 MR. KEMPER: Right. Thank you, Mr. Chairman.

4 MS. ANDALUZ: So, Climate Corp is no longer
5 selling?

6 MR. WILLIS: Climate Corp has been purchased, my
7 recollection -- and I apologize --

8 MS. ANDALUZ: No, that's all right.

9 MR. WILLIS: -- because there have been a lot of
10 movements.

11 MS. ANDALUZ: Right. So I'm just asking, so
12 Climate Corp is no longer selling crop insurance?

13 MR. WILLIS: I believe they've been purchased by a
14 company in the recent past.

15 MS. ANDALUZ: Yeah, they were purchased by
16 Monsanto. Monsanto purchased --

17 MR. WILLIS: No, no --

18 MS. ANDALUZ: -- Climate Corp.

19 MR. WILLIS: -- there's been a lot of developments
20 since then.

21 MS. ANDALUZ: They've been purchased by someone
22 else again? Okay.

23 MR. SCHECHTMAN: Okay. Next question, back to --
24 someone else there that I don't see?

25 MR. KEMPER: Okay. Just another question on the

1 survey. First of all, that's for doing that. But it sounds
2 like not only we do not know what crop was raised or
3 surveying or suffering a loss, we don't even know what
4 percent of economic loss on that producer? Basically the
5 organic producer just checked yes, they had a loss, or no
6 they didn't, is that, my understanding correct?

7 MS. GREENE: Actually, they did report the amount
8 of economic loss.

9 MR. KEMPER: Okay.

10 MS. GREENE: And again, the only thing we can
11 calculate based on the data we're able to publish is a very
12 general number which sort of dilutes the impact on the
13 producers that are actually experiencing the economic loss.

14 MR. KEMPER: Okay.

15 MS. GREENE: So, I mean, from the economic losses
16 that are reported that number is online.

17 MR. KEMPER: Thank you.

18 MS. GREENE: Okay, and I'll just kind of express
19 it one more time why we can't report the crop-specific
20 information. The surveys that USDA collected, the producer
21 surveys that USDA administers, everyone that uses those
22 surveys has to sign a memorandum of understanding that we
23 won't release any, won't release any data that could
24 potentially identify a producer and with serious penalties
25 if something like that happens. And for, again, for this

1 really thin, really spread out, really small market, every
2 state, every commodity but still not that many producers,
3 for a really specific question like economic losses due to
4 unintended GE presence, there aren't going to be that many
5 growers making those responses and we just didn't, we
6 couldn't overcome the confidentiality requirements.

7 MS. RAKOLA: And just to briefly add to that, NAS
8 is very aware of the difficulties when they do have to
9 suppress so much data and so they did actively look at ways
10 of making some tweaks to their methodology for the upcoming
11 survey in the hopes that they will be able to publish more
12 information publicly and that there will be less that they
13 have to suppress in order to protect the confidentiality of
14 the respondents.

15 MR. REDDING: Leon?

16 MR. CORZINE: Leon Corzine. Dr. Greene, still to
17 you, I really appreciate your efforts. I understand the
18 difficulty. I mean, this is a big hill to climb to try and
19 gather information, the confidentiality that everybody on
20 the farm likes to maintain, tough. So we appreciate that.
21 But as you further vet that out I think we'll get things
22 that are probably even more useful and as you develop the
23 next survey a question I had or a suggestion, if you are
24 going to try to get information on and include what cost a
25 person incurs besides what, going beyond what a threshold of

1 a particular contract might be, that along with those costs
2 should be something on what was the purity level. I think
3 that would be important because, for example in our own
4 case, when we look at identity preserved contracts and we do
5 a number of those with different levels depending on the
6 seed purity that's needed for seed production or white corn
7 or food grade contracts varies a lot the added costs that I
8 incur on what that purity level is that I'm guaranteeing.
9 For example, some seed contracts I talk to my neighbors and
10 see what they're producing, on how much of a setback I have
11 to have, you know, those kinds of things if you're going to
12 be able to get something meaningful on what those costs are
13 I think you would really need to also have in that survey
14 what those purity levels that, of the contracts the
15 producers are trying to achieve. Okay? Thank you.

16 MS. GREENE: Okay, thank you. That's a great
17 suggestion.

18 MR. REDDING: David?

19 MR. JOHNSON: David Johnson. I guess my question
20 would be probably best for Peter or maybe for Michael. And
21 I guess I'm trying to understand when we have petitions that
22 go to non-regulated status. At what point is the assay, the
23 genetic assay, made available to the industry or the public?
24 At least in the case of alfalfa I know there was a new
25 petition approved in the fall of 2014 but others in the

1 industry or the public didn't have access to the assay that
2 would be used to detect for that trait. So I'm trying to
3 understand how BMPs can be in place especially when you're
4 working through notification and permits that are generally
5 done several years prior to non-regulated status. And I'm
6 wondering if there's regulatory authority to have that in
7 the petition or how that all really shakes out in the end.
8 Because that becomes an important issue on developing all of
9 this.

10 MR. SCHECHTMAN: That's a really good question and
11 I think that has evolved over time. I don't want to give
12 you an incorrect answer, so let me see if I can report back
13 to you tomorrow on that question and get you the more
14 specific information about the current state of affairs on
15 tests. I believe they need to exist. The question
16 regarding availability, I'm not sure that that is anything
17 that is, that there's a general practice on wide
18 availability for that. I think that's market demand but let
19 me get information for you on that.

20 MR. REDDING: Laura, then Lynn.

21 MS. BATCHA: Thanks, Russell. I just want to
22 follow-up on some of my colleagues' questions to you, Cathy,
23 on the survey. And again, I appreciate the work you guys
24 have done and I know how challenging it is to collect the
25 data. I think I have some specifics but before I go into

1 that I do want to just take a step back and acknowledge that
2 this was one of the places we got really bogged down as a
3 committee last go around and it's almost déjà vu to begin
4 that discussion again -- is that better? To begin that
5 discussion again day one reconvening. The place that we got
6 hung up when we went to draft that final report, at least in
7 my recollection, as a participant was on this. I think we
8 all came to a common understanding that genes were flowing
9 and presence was there but we broke down as to whether or
10 not economic losses were happening as a result of that in
11 terms of developing a consensus view. And that was that if
12 losses are happening clause from the Secretary's original
13 mandate to us.

14 So, you know, I do want to acknowledge that USDA
15 has gone back, asked a question in what is their, arguably
16 their premier vehicle for collecting farm data and
17 determined that in fact losses are happening. So, we can
18 get bogged down in the details quite a bit of this but I
19 want to, at least from my view that's what's transpired
20 since we've last gathered and so I think that if losses are
21 happening question for me at least USDA has brought data to
22 the table that now the questions are about, in what form,
23 how much, how much matters, these other kinds of questions.
24 I think the commodity specific question, you've heard it
25 from everybody, I think that's going to be so important

1 going forward.

2 And my understanding of the survey, correct me if
3 I'm wrong, I think the question on losses sort of came later
4 after sort of the filling out of the rest of the form on a
5 commodity by commodity basis so that question wasn't
6 imbedded in the track that got you on the commodity
7 questions in terms of volume, yield, et cetera in the
8 survey. And so I'm sure NAS is looking at that but there's
9 only a handful of crops with counterparts. And so if those
10 questions around losses are made as an imbedded question
11 when you're in the commodity itself that may resolve it
12 because there is enough data to produce and share
13 information about volumes and values of those comparable
14 commodities in most states without them being zeroed out
15 because of the confidentiality. So, I encourage you guys to
16 look at that.

17 And then my last point about it was the aggregated
18 number was over \$6 million, I think high \$6 millions,
19 nearing \$7 million in terms of what was reported. The
20 survey asked for sort of a look back so it was like a time
21 series but it was one set of questions at one time and that
22 number was considerably lower when people were reporting
23 before the 2011, 2014 series. So that's notable to me. And
24 I think, Cathy, you probably know the figure but the per
25 farm average was what for farms that reported loss?

1 MS. GREENE: About \$70,000.

2 MS. BATCHA: Okay.

3 MR. REDDING: Laura, anything else?

4 MS. BATCHA: (No audible response.)

5 MR. REDDING: No? Len?

6 MR. CORZINE: The comment and question are focused
7 on Craig. First of all, merchandisers that work for my
8 company tell me that your voluntary price reporting has
9 become the standard for unbiased pricing information and
10 price discovery is difficult within markets. I'm curious,
11 though my company cooperates and volunteers for that
12 program, do you ask us what we mean when we define what
13 we'll pay for organic crops and non-GE crops because there
14 are differences in the price we'll pay at different levels
15 of adventitious presence.

16 MR. MORRIS: Yes. In the voluntary reporting
17 program the reporters are a bit more of an artist than they
18 are a scientist. And what they're trying to do is to make
19 sure that they're reporting like products in those various
20 categories of the report. That's why we have, we've got
21 different grower bids, grower spots, different points in the
22 marketplace. If we're seeing too much variability around
23 the price, the price spread is too wide, often that is, it
24 indicates to us that we're not necessarily cutting that as
25 discretely as we can. So, help us understand if you feel as

1 though a lot of the data that you are reporting is finding
2 its way into a report with too wide of a spread and then we
3 can begin to cut that data a little thinner. Because we do
4 recognize that any time we start a new report and we've done
5 it and we've had grass-fed beef and some of these real niche
6 commodities, when we start it's a really wide open report
7 and over time we're able to find that specificity to really
8 report things that are really not only unique to the
9 commodity but as you had pointed out the testing thresholds,
10 locations, those sorts of things. We just need more
11 participants in the report because we hold ourselves to
12 essentially the same guidelines the ARS was talking about
13 earlier.

14 MR. REDDING: Mary-Howell?

15 MS. MARTENS: Mary-Howell Martens. Okay, as an
16 organic grain producer I do want to thank all of you for
17 putting as much effort and attention into our needs as
18 organic farmers. I realize we're still a niche market, a
19 small market, and it is refreshing and impressive and
20 inspiring to see USDA doing so much for a relatively small
21 market. So, you know, this is coming from the heart, thank
22 you. Especially the market pricing information, I use it, I
23 report in every other week and I also use it to help set my
24 prices. So, you are providing a useful service. My
25 question is, on the alfalfa research that you're doing as

1 far as gene spread out of the alfalfa, the GE alfalfa, seems
2 to me that with good science this could be used as a model
3 system to assess the risks for other, how fast, where the
4 spread is being detected, but also to determine where
5 control points are where it could be stopped for similar
6 models in the future. I feel like one of the things that
7 kind of crept up on everybody was the spread of Round-Up
8 resistant weeds which could've been predicted just based on
9 reasonable models of evolution. Is this information on the
10 alfalfa, spread of genes and the impact on non-GE alfalfa
11 populations, fields going to be put together in such a form
12 that it could be used as a predictive model?

13 MR. OKAMURO: So, thank you for the question. In
14 terms of models there, in the last report that I mentioned
15 there are models that are described in terms of maintaining
16 distances between seed production fields for genetically
17 engineered and conventional and organic based on the data
18 that's been accumulated. So that will be published. And as
19 I said, continuously through this process we've been sharing
20 it with the industry, the information that has been
21 collected. I think there are, and as the research will show
22 there are mitigating factors determining on the populations
23 of pollinators for example which are affecting the degree of
24 gene flow. Some simple solutions for example in terms of
25 feral alfalfa is the use of herbicides to control weeds

1 along the highways. So, the reason these haven't been
2 eliminated is because the herbicide that's being used is
3 Round-Up to eliminate weeds along the highways. And so if
4 different herbicides were used then the feral situation
5 would be cleaned up. So, there's some very practical
6 solutions that could be implemented.

7 MR. REDDING: Alan?

8 MR. KEMPER: I just want to publicly thank John
9 and NRCS for getting back with us on what programs are
10 allowed and not allowed for coexistence. And I heard a
11 couple things that producers, you didn't say it but what I
12 heard was producers need to get on the ball and have
13 Congress authorize some possible programs that would help
14 NRCS make coexistence a better thing. So thank you.

15 MR. REDDING: Michael?

16 MR. FUNK: Yeah, this is again comments for Cathy
17 who seems to be one of the most popular members up there.
18 And also responding to Laura's point that the economic
19 losses were a huge issue when we last were together. And
20 I'd just like to make the point that I think the information
21 that you're collecting, while it's really helpful, it's
22 understating the problem in many ways because as probably
23 most people know the organic standard is a process-based
24 standard and the incidence of, you know, AP presence of GE
25 material doesn't exclude one from selling them to the

1 organic market. So, if someone doesn't create an economic
2 loss just because they have some AP. Now, the change in the
3 market is that more and more people are demanding testing to
4 at least a .9 percent is the general. And so I'm aware of a
5 number of let's say corn growers primarily who have not been
6 able to hit, they're organic corn growers, have not been
7 able to hit a .9 percent standard but yet are still able to
8 sell into the organic market and to other, you know, other
9 channels and therefore not losing any, not having any
10 economic loss. But it doesn't really identify that the
11 problem is still there, right. They're not able to grow and
12 hit a .9 in this example. And more and more of the future
13 looks like additional testing is going to be required. So,
14 I think the losses could potentially be much greater as we
15 see more testing. Thank you.

16 MS. GREENE: Yeah, that's an accurate assessment.

17 MR. REDDING: Barry?

18 MR. BUSHUE: Is that on? Yeah. I'm just curious,
19 how do losses reported by -- I guess this is for Catherine.
20 How do the losses reported by organic growers compare with
21 losses reported in other reports by IP growers or does any
22 of that data exist?

23 MS. GREENE: I'm trying to turn my mic off. Okay,
24 so we have not collected that data to date, although we do
25 plan to ask those questions directed toward the IP, non-GE

1 market, again in our kind of infrequent commodity surveys.
2 So, hopefully we will have some USDA data eventually if not
3 sooner that can answer that question directly. I'm aware of
4 basically one study in the United States done by an
5 economist at the University of Missouri who I believe made a
6 -- well, I don't believe, I know that Dr. Kalaitzandonakes
7 made a presentation -- okay, I butchered his name.

8 MR. SCHECHTMAN: Dr. K.

9 MS. GREENE: Dr. K made a presentation at the AC21
10 meeting in March and he did present some of that data.
11 Unfortunately I don't believe he has published that data.
12 So, I can't cite it or give you a good, give you a good link
13 for checking it out. What I recall from his presentation of
14 that data in March is that he broke out IP growers growing
15 quality traits, non-GE conventional producers growing for IP
16 markets, both producers that were growing IP quality traits
17 and producers that were growing non-GE traits for the GE
18 differentiated market. And at the lower levels the number
19 of producers that were non-GE, non-GE economic losses that
20 had experienced non-GE economic losses were similar to the
21 IP producers that were growing quality traits, about I
22 believe it was one to two percent. Then if you ask, and
23 then he asked apparently whether they had had two or more or
24 three or more and -- two or three or more and for those
25 upper levels of experiencing economic losses multiple times

1 I think the non-GE IP producers did have more rejections
2 multiple times than the GE quality trait producers.

3 MR. REDDING: Isaura?

4 MS. ANDALUZ: Well, I asked about that study
5 because I was at that conference because some of the numbers
6 just didn't quite make sense to me. And that survey, what
7 it is is he used several surveys. It wasn't just one survey
8 so those numbers really need to be looked at really clearly
9 to see if the information really is what it reflected.
10 Because it was two, it was at least two independent surveys.

11 MS. GREENE: Yeah, I totally agree and again, I
12 conversed with Dr. K after the workshop and he was, he had
13 not published this data. As far as I know there's not
14 imminent plans to publish it and he couldn't give me
15 findings that were publishable for the report.

16 MR. REDDING: Final call. Barry, you have another
17 question?

18 MR. BUSHUE: Oops.

19 MR. REDDING: Keith? Okay. Let's -- Michael?

20 MR. SCHECHTMAN: I'm going to ask a question after
21 we get off of, out of the official --

22 MR. REDDING: Okay.

23 MR. SCHECHTMAN: -- if you want a, if you want a
24 break I'll ask a question.

25 MR. REDDING: Yes. Let's say thanks to the panel.

1 Just an observation, you know, when we were together each of
2 the points addressed in terms of recommendation I think have
3 been touched on here today and I think we can certainly
4 appreciate the complexity of the issue and the challenges.
5 But think of the conversation we were having previously
6 where there really was some question about what was being
7 done, right, and I think we can look at each of the
8 recommendations and each of the representatives today and
9 really be thankful that we were engaged in the conversation.
10 While you always want more please know where we started,
11 right. And I think now you can at least have an intelligent
12 conversation about some of these points that before were
13 simply questions raised and some wonderment around what was
14 actually being done at the federal level. So, very pleased
15 to have the exchange today. One interesting point, and this
16 is sort of in contrast, if you go back to the March
17 stakeholder meeting and some of the opportunities that we
18 have provided for public comment around education and
19 communication is that there hasn't been and maybe wasn't a
20 lot of support for some of the education outreach directly
21 to farms which I find sort of interesting just because that
22 was a point that we had led with in our report three years
23 ago. And three years on that there is still a need for
24 that. As I listen to the conversation today there is a need
25 for that direct engagement and some of it may be in

1 understanding some of what is presently being done,
2 certainly by recommendation and work. So I guess I just put
3 that down as a marker is that as we continue the work of a
4 committee and certainly to the USDA is just keep
5 underscoring that outreach directly to the farm agribusiness
6 and the supply chain system, right, the technology providers
7 as well as consumers about what is being done at the federal
8 level. So, again, thank you to each of you for the good
9 work. I appreciate that. Michael?

10 MR. SCHECHTMAN: Okay. So, that will conclude our
11 morning. And once we're off of official taping of the
12 session I just have a question for the folks that are around
13 the table of who would like, who is planning to go out to
14 dinner this evening with us so I can get a number for the
15 restaurant. Can I have a show of hands? Okay. Thank you
16 all very much. And we will break until 1:30 and we will be
17 back. Try to be back promptly at that point. Thank you.

18 (Off the record.)

19 (On the record.)

20 MR. REDDING: Okay, good afternoon. Welcome back.
21 Thank you again for being here, pleased with the morning
22 conversation and exchange that we had. We were into some of
23 those conversations that brought back some flashback
24 memories of conversations of three years ago but good
25 conversations. So thank you very much. And again just to

1 note the USDA's good work over the last three years and that
2 was demonstrated in the last six months but particularly in
3 the last couple of hours where we had a chance to really get
4 into some detail and I know there will be some, as reported,
5 additional reporting out here as we go forward in some other
6 sessions. So thank you. Just to note to welcome the
7 Commissioner, welcome from North Dakota, good to see you,
8 good to see you, Doug. Thanks for being here. I think the
9 one person we're missing is Marty. So, any --

10 MR. SCHECHTMAN: He indicated that he's ill.

11 MR. REDDING: Oh, okay, so --

12 MR. SCHECHTMAN: Yeah, I just got a message.

13 MR. REDDING: Okay, got it. All right, because he
14 had noted that he would be here. So, okay, with that I
15 think we're going to pick up on the afternoon session,
16 right? Okay. Do you want to do the introductions?

17 MR. SCHECHTMAN: Good afternoon again, everyone.
18 We're going to pick up on the agenda right on time to start
19 off at least. And our first topic will be a review of
20 ethical requirements and standards for the AC21. And we
21 will have Mr. Andrew Tobin who is the Deputy Director of the
22 USDA Office of Ethics will be speaking to us.

23 MR. TOBIN: Do I need a mic?

24 MR. SCHECHTMAN: You need a mic but these are
25 wireless mics so you can grab one if you want.

1 MR. TOBIN: How about now? All right, perfect.
2 My name is Andrew Tobin. I'm the Deputy Director of the
3 USDA Ethics Office. I'm here today just to sort of give you
4 a 20,000-foot view of the ethics rules. You folks are here
5 for a very short time with us. I know you have a very
6 important mission. I can tell because I walked in and saw
7 Doug today. So if Doug's here that means it's got to be
8 fairly important. But stop me if you have any questions as
9 we go. Like I said, this will be pretty brief. I just want
10 to give you sort of a lay of the land of how the ethics rule
11 work, both for full-time federal employees like myself and
12 then special government employees and representatives. And
13 I understand most of this body is composed of
14 representatives. So, but like I said as we go if you have
15 any questions please let me know.

16 We're a fairly small office of about 20 that's
17 charged with servicing the entire Department from the
18 Secretary on down. We review all financial disclosure
19 reports, provide advice, do training like this. So we have
20 sort of a varied mission. It's great to have a chance to
21 sit in front of you and talk to you about these things
22 today. So, first we'll start with what is a federal
23 advisory committee. It could be established either by
24 statute or by order of the President or an Agency official.
25 In this particular case it was created I believe by statute

1 and the Secretary's reauthorized it. But the idea here is
2 that we want to obtain advice, recommendations and other
3 perspectives from folks that we don't have within the
4 federal community. So the idea is that we have a specific
5 set of issues, you folks are here to tell us about what you
6 think and help us guide, help guide us to provide programs
7 in a better to you.

8 Here's why I'm here specifically. So, in 2004 the
9 Government Accountability Office which is sort of the
10 watchdog for the legislative branch that reviews executive
11 branch programs issued a report providing guidance for
12 agency ethics offices regarding advisory committees. And
13 basically they went through each department and found that
14 the procedures with regard to federal advisory committees
15 were lacking. They weren't getting ethics advice on time,
16 they didn't know who their designated agency ethics official
17 was, and they didn't understand how to appropriately apply
18 the ethics rules. So the reason I'm here today is to sort
19 of give you, like I said, a brief overview, give you a point
20 of contact if you have any questions as you go, just sort of
21 be here as a resource. And at USDA DAEO is my boss Stuart
22 Bender, the Director of the USDA Office of Ethics.

23 Here's a little bit of background. So, prior to
24 1962 there was no separate designation for representatives,
25 SGEs. But during the Kennedy administration they basically

1 found that there was a need to bring in perspectives from
2 the outside to draw in experts that we couldn't retain
3 either because they weren't willing to come work as federal
4 employees or might otherwise have a bias. So the idea was
5 to sort of bring in folks from the outside. And in 1962
6 they sort of created this tripartite division of folks and
7 advisory committees. So, there's basically three different
8 options for folks that are sitting on advisory committees.
9 First one are the full-time federal employees like Doug and
10 myself and Michael. Second are representatives and these
11 folks are not considered to be employees at all. You're
12 essentially here to provide your perspective and the
13 perspective of an outside organization on an issue that
14 matters to us here at USDA. The third is sort of a hybrid.
15 Special government employees, they are sort of a halfway
16 point between full-time feds and representatives. So they
17 have sort of a hybrid application of the rules which we'll
18 talk about in a second.

19 Full-time feds I think everyone's fairly aware of.
20 These are folks that work more than 130 days in the year, so
21 more than 50 percent of the working days in the calendar
22 year. We are all compensated for our service by the federal
23 government and therefore we are subject to a number of
24 criminal conflict of interest statutes from bribery,
25 representation, conflicts of interest, post-employment dual

1 compensation, all those kinds of things. We are also
2 subject to a myriad of rules for executive branch employees,
3 the standards of ethical conduct. They cover things like
4 gifts, attendance to outside events, political activity,
5 those types of things.

6 A representative is not considered to be a federal
7 employee. You folks are not compensated by the federal
8 government for your service beyond travel expenses. You
9 represent the specific interest of an outside group or an
10 outside industry. Essentially we expect you to speak on
11 their behalf, you're appointed for that reason. To give you
12 an example of a group, you could be here to speak on behalf
13 of maybe a biotech industry, labor union, consumers, any of
14 those kinds of things. Although the vast majority of
15 representatives we have on advisory committees are
16 considered to be experts in their field they're not
17 necessarily appointed for that reason as representatives.
18 As representatives we don't expect you to speak on your own
19 behalf from an unbiased perspective. We want you to present
20 the perspective of the group that you're here to represent.
21 So it's sort of a just little bit of distinction there is
22 that although you do have the educational qualifications and
23 the background to be considered experts you're not
24 necessarily here for that purpose. We expect you to provide
25 sort of a biased opinion.

1 And here's why that's important. So first we want
2 to have the outside perspective we talked about before a
3 minute ago. In many cases you folks are the sort of people
4 on the ground who can help us understand how our programs
5 are affecting folks in the field. You can tell us how we
6 might be able to deliver services better, that kind of
7 thing. The reason you're here too is just so we can hear
8 directly from you. And what the ultimate goal of helping us
9 improve the way that we're delivering services and help us
10 drive our policy forward in the best direction.
11 Representatives, like I said, because you are not considered
12 to be federal employees you are not subject to the criminal
13 conflict of interest statutes. You're also not subject to
14 the standards of ethical conduct. But you should be aware
15 that because your names are out there, because you're here
16 today, because you're working on such important issues that
17 you are sort of in the public eye and therefore you need to
18 be careful of how your actions appear to an unbiased member
19 of the public. So just kind of keep those things in mind as
20 you go that even though you're not subject to the same rules
21 I am you should be aware of how the appearance of your work
22 here and the information you provide is going to be
23 perceived.

24 If you're a representative you should fully and
25 immediately disclose to Michael any potential conflict of

1 interest you have. Although it's not required we may
2 recommend your recusal or disqualification if a particular
3 matter involves someone close to you. So, including your
4 spouse, your minor child, a business partner if you have an
5 outside business, that kind of thing. And that's really
6 more applicable for some advisory boards that have actual
7 grant making responsibilities and review responsibilities.
8 Because when you can see you have, when you have an action
9 you're going to take that's going to have a direct and
10 predictable effect on an outside party, an individual, you
11 can see how that would be a problem. You folks are working
12 on sort of more broad based policy issues. So I don't
13 expect any of these things to be a problem for you. But
14 like I said, it's always good to bring it up in case you
15 serve on advisory committees in the future to have maybe a
16 more narrow calling. An example there would be say a
17 business owner should disqualify herself from serving on a
18 committee that reviews grant applications if her own company
19 or firm has submitted a grant. So, again, even though this
20 conflict of interest regulations won't apply to you directly
21 you can see how the appearance of that will be negative and
22 that it could call the entire, call your participation into
23 question. So those are representatives.

24 A special government employee is, like I said,
25 that sort of hybrid category. It's any officer or employee

1 of the United States who's retained as needed, appointed or
2 employed to perform without compensation for not to exceed
3 130 days during any 365-day period. So, essentially you are
4 below that 50 percent threshold and you are here to provide
5 your expert perspective and your independent advice. So, an
6 SGE, unlike a representative, is here to say, I believe
7 this, I have examined this particular issue and here's my
8 guidance. A representative is here to speak sort of on
9 behalf of the entire group. A SGE is here to speak on his
10 or her on behalf as an expert. As far as specifics, you
11 work on a temporary basis not to exceed 130 days of service
12 in any 365-day period. Unlike representatives, SGEs are
13 under the supervision of federal employees, full-time
14 federal employees while they're acting as SGEs. And under
15 August 2014 guidance from the Office of Budget at the White
16 House these folks are not to be federally registered
17 lobbyists. That's one of the big focuses of the Obama
18 administration has been on limiting the influence of
19 lobbyists in the executive branch. Each political appointee
20 is subject to the ethics pledge which is very focused on
21 lobbyists and their influence and this is just one more
22 extension of that is in the federal advisory board
23 appointment process.

24 Special government employees are required to
25 submit the OGE 450 Confidential Financial Disclosure Report.

1 So this is a confidential report meaning it's only reviewed
2 by our office. And basically what it does is disclose your
3 outside employment relationships, your stock holdings, any
4 sort of third-party involvement you may have from a
5 financial interest perspective. They're all required to
6 receive annual ethics training and they're subject to the
7 ethics laws and regulations while they're acting as SGEs.
8 So basically because they're expected to have employment
9 both here and in the outside they're only subject to the
10 federal ethics rules when they're actually on-duty
11 performing duties as an SGE unlike us full-fledged federal
12 employees who have the rules follow us when we leave at
13 night.

14 Here is sort of the basic idea, is that if you're
15 an SGE, if a matter comes before the committee that involves
16 your financial interests or the financial interest of
17 someone close to you, so again we're talking about your
18 spouse, minor children, any organization where you're a
19 board member, officer, that kind of thing, you should not
20 work on it. Essentially what we're looking for when we
21 review those financial disclosure reports for more than
22 15,000 people at USDA is any potential overlap between your
23 financial interests and your official duties here at USDA
24 and your case on the advisory committee. Here the
25 relationships, your sort of inner circle are considered to

1 be yours. So it's not just your own stock portfolio, it's
2 also that of your spouse, your minor child, your employer on
3 the outside or your perspective employer if you're
4 negotiating for employment with an outside organization,
5 your general partner and any organization where you are an
6 officer, trustee, or general partner. So essentially where
7 you are a fiduciary for an outside organization their
8 interests are considered to be yours and you need to be
9 careful working on matters that affect them while you are
10 wearing your SGE hat for lack of a better word.

11 Here's the matters that count. Like I said, I
12 don't think you folks will be working on too, too many of
13 these things. But we're talking about sort of matters where
14 you can identify who is going to be directly affected by
15 your work on that matter. So, if you're working on a grant
16 or loan application you can clearly see that the applicant
17 is the one that's going to be affected there. Contracts,
18 you're talking about the parties that are entering into the
19 contract. Litigation, anyone who is on that sort of
20 plaintiff, defendant side. Any judicial proceedings,
21 request for rulings determinations. So you folks again are
22 working on sort of the broad-based policy issues and helping
23 us to sort of guide us forward in how we move policy-wise.
24 So you're not going to be working on these kind of matters
25 so I don't think you are really much of any cause for

1 concern.

2 But just sort of look at a couple examples before
3 we move on. Jim is a member of the National Urban and
4 Community Forestry Advisory Counsel, NUCFAC, that's actually
5 an advisory counsel for the Forest Service. His wife is the
6 president of City Leaves Incorporated. So let's say City
7 Leaves submits an application for a creative and innovated
8 project program grant which NUCFAC administers. So, can Jim
9 evaluate and score the City Leaves application as a special
10 government employee on that particular advisory committee?
11 The answer is no because his work could directly affect his
12 spouse and his spouse's employer. He should recuse himself
13 from looking at that particular application. We would
14 advise him he probably shouldn't review any grants under
15 that particular program because any action he takes that
16 could affect competing organizations would affect his wife's
17 company.

18 Here's the second basic, if you work on a matter
19 as an SGE you are then barred from representing any other
20 party back to the federal government for as long as that
21 matter exists. So let's say Jim, the NUCFAC member in the
22 prior example, and his fellow council members awarded a \$1
23 million grant to Arbor, Incorporated in 2012. In 2013
24 Arbor's CEO contacts Jim and asks him if he'd be willing to
25 contact a Forest Service district ranger to increase the

1 size of the grant. So, should Jim do that? So, first
2 question is, did he work on this matter as a special
3 government employee. The answer is yes. Therefore, he's
4 restricted from contacting any federal employee on behalf of
5 an outside party with regard to that matter he worked on
6 personally and therefore he should not contact the Forest
7 Service district ranger. Again, these are matters that
8 would be sort of more narrow than the stuff you're working
9 on here so I wouldn't worry about it too, too much.

10 Gifts, federal advisory committee board members
11 can obviously accept gifts that are not offered as a result
12 of their board membership. You're not required to reject
13 holiday gifts because of your status as a board member.
14 But, any gift that's specifically offered to you by an
15 outside source for your service on the federal advisory
16 committee would call your actions into question and should
17 generally be rejected. If anyone offers you a gift based on
18 your advisory committee status please get in touch me with,
19 we're happy to review it for you. But, anything that's
20 offered because of your private position, your life away
21 from your USDA work is not going to be a problem.

22 The other thing that may come up for you folks is
23 that you cannot receive additional compensation for
24 teaching, speaking, or writing that relates to your official
25 duties. That essentially means that if someone asks you to

1 come give a speech about your work on this particular
2 committee you can give that speech, you cannot receive
3 additional compensation for it because essentially you're
4 already being compensated by the government for your service
5 here. But again, anything you're doing that is completely
6 separate from USDA is not going to be a problem. But again,
7 if anyone has questions about that happy to review them or
8 if you get speaking invitations related to this please get
9 in touch with us. We're happy to move forward there.

10 Here's what we consider to be relates to official
11 duties. We're talking about your duties as a board member,
12 anything that draws on any non-public information that you
13 may acquire in the course of your duties here. If there's
14 indicia that the invitation was offered based on your board
15 service or if the invitation is from a source that would be
16 substantially affected by the performance of your official
17 duties here, which again I don't think is going to be an
18 issue either.

19 Here's the upshot. You folks are here to provide
20 your perspective and your expertise on the matter that's
21 very near and dear to the Secretary's heart I know and is
22 very important for the future of agriculture. So, don't let
23 an ethical problem derail the good work you're doing here.
24 If you have any questions here's how you get in touch with
25 me. I'm happy to walk you through any questions you may

1 have. Like I said, you folks are not an advisory committee
2 that sort of sets off any alarm bells for our office
3 because, again, you're working on sort of the broad-based
4 policy issues. But, I do appreciate Michael letting me come
5 through and say hello to everyone. Does anyone have any
6 questions before I -- go ahead.

7 MS. MARTENS: Just one question. Since we were
8 here before three years ago there's been a rather large data
9 leak at the Department, probably foreign espionage of some
10 sort. And our identities were part of that. What are you
11 doing now to protect us better?

12 MR. TOBIN: I specifically am not doing anything
13 different. Our CIO's office I know how really upgraded the
14 access to our computer systems. I know everyone basically
15 has to use their PIV card now to access any computer
16 department-wide which was not in place before. My
17 understanding was that OPM was breached, I'm not sure about
18 USDA. It's a little bit outside of my preview, but as the
19 sort of repository of all that information they were
20 affected.

21 MS. BATCHA: I got a notice, just yesterday.

22 MR. TOBIN: Yeah, essentially anyone who's had
23 their background looked into was affected by that breach
24 including Michael and I, Doug, and you know, all the, so
25 we're as concerned about it as you are. Anyone else have

1 anything? All right. Thank you very much.

2 MR. SCHECHTMAN: That was this mic, right?

3 MR. TOBIN: Yeah.

4 MR. SCHECHTMAN: Yeah, I think I broke this one.

5 MR. TOBIN: Well, that one works.

6 MR. SCHECHTMAN: Okay. Thank you very much.

7 Okay, so ready to get onto the next topic. Any questions
8 about anything before we move on to the new charge? Okay.
9 Let me turn then to Doug McKalip to talk about the
10 Secretary's thoughts for where we're going.

11 MR. MCKALIP: Thank you, Dr. Schechtman. I'm
12 going to switch gears and hopefully this will help to
13 trigger us for the next day and a half over discussions of
14 the future direction, mandate, and charge for the AC21
15 committee. I think probably the best thing I can do is to
16 be as brief as possible because any time without direction I
17 think too many words tends to be actually more confusing.
18 So I'm going to try to be very succinct and I'll turn it
19 back over to Michael to discuss some sort of key questions
20 for us to think about as a group this afternoon and
21 tomorrow.

22 Just an observation, I think a lot of the work
23 from this morning was very clear in terms of what AC21 has
24 accomplished so far and what USDA has done as a result of
25 that work. And a lot of it has been sort of federal

1 actions, whether it be, you know, reviewing the germplasm,
2 changing the crop insurance program, looking differently at
3 how conservation programs can be applied or the research
4 initiatives, data gathering, ag marketing, you name it. But
5 we haven't really talked about the really most critical link
6 and that is at the farmer level, at the farm, in between
7 farmers. And Secretary Redding had mentioned just a little
8 bit ago how important, you know, communication and outreach
9 has been to discussions AC21 has had so far. But there's a
10 bit of a gap maybe in sort of how that translates down to
11 the farmer level on farms. And so we have been thinking a
12 fair amount about this and you'll hear from Secretary
13 Vilsack tomorrow afternoon about this in greater detail as
14 well. But have been thinking about that shared
15 responsibility among farmers, between farmers, among all of
16 us and farmer communication was very central to the report
17 that AC21 had issued.

18 So looking at that, I think our thought process
19 there has been that this really gets into an area that goes
20 well beyond what we would be able to sit here, next year, as
21 USDA and present and say, you know, mission accomplished.
22 Instead, it requires a lot of work to take place at varying
23 levels, whether it be state, local, NGO, that conversation,
24 that communication about farmers exists at certainly a much
25 broader level than just USDA. And there's only so much that

1 USDA even could do if we wanted to within existing
2 authorities that we have. So, we are very interested in
3 looking at the conversation of how joint coexistence plans
4 can be developed at the local level, how state and local
5 entities of government and non-government can play a role in
6 that process, and what the federal government could do to
7 facilitate and to help be an enabler of that process.
8 Because again, I think there's only so much reach we've got
9 with farmers and between farmers but with the state and
10 local contacts that are out there, the relationships that
11 exist, there is a tremendous capacity and potential to help
12 develop that farmer to farmer coexistence planning and work
13 between folks at the local level.

14 So, we think this is a really important question
15 to look at, for the AC21 to address and to come up with
16 recommendations and ideas for us. And I think, you know,
17 the idea here is to help preserve and insure diversity among
18 agriculture, to help ensure that every farmer out there is
19 able to meet their production needs, their market needs to
20 be able to develop the type of crop and be successful in a
21 market place that they are after. So, with that, again, I
22 wanted to be as brief as possible, hopefully not to say too
23 much. I think the concept at least as USDA has thought
24 about it and the Secretary has is fairly straight forward.
25 It's something that we're hoping that, you know, within a

1 year's time we can have deliverables and very clear guidance
2 to come back for us on. And with that I'll turn it back
3 over to Dr. Schechtman who's developed a series of questions
4 that we're hoping can help be a guide post for our
5 discussion this afternoon and into tomorrow as well.

6 MR. SCHECHTMAN: I'll start off by just passing
7 out statements of what this charge is. So, I'll just read
8 or you'll have the statement in front of you in a minute.
9 But basically we're asking, is there an approach by which
10 farmers can be encouraged to work with their neighbors to
11 develop joint coexistence plans at the state or local level
12 and how can USDA, how can the federal government assist in
13 that process.

14 So this is a charge that is not talking about
15 where we started before, a program for assessing damages and
16 collecting them but about encouraging cooperation. We're
17 talking sort of in the primary instance about incentives,
18 educational tools or programs but if you want to in addition
19 you could conceivably include tools or models for states or
20 localities to use in resolving disputes or sets of preferred
21 practices. But we want to be focusing this, again, more on
22 the state or local level. So here are some, a few suggested
23 things that you might think about in figuring out how to
24 address this.

25 What tools or incentives do states or localities

1 already have at their disposal to encourage neighbors to
2 work together. Are there existing programs or models that
3 states or localities could build off of. Might this entail
4 some general public outreach or some type of program that
5 might be established at one local level or another with
6 incentives. Would you want to make any sorts of
7 recommendation as to what types of officials or other local
8 folks might be involved in any of these conversations. Is
9 there a need for some types of general discussions that
10 might be set up on this topic that state or local officials
11 might mediate. Is there any useful role for state or local
12 officials in dissemination of coexistence best practices.
13 Is there some particular kind of structure that states or
14 localities might be encouraged to set up to aid in their
15 efforts. Should these discussions involve anyone down-
16 stream from local farmers in any way, for example, for
17 information purposes. And then of course what role might
18 USDA have in helping whatever approaches you recommend
19 succeed. And what tools might USDA bring to aid states and
20 localities in putting these programs into place.

21 So that's sort of a general set of questions.
22 Tomorrow, later on in the meeting we'll ask you to consider
23 what other information you might need from us as you
24 continue on your deliberations about this and whether you
25 think it might be useful to set up any working groups to

1 gather any of this information for the next meeting. And
2 perhaps by the end of this meeting you might also might
3 think about what form you might envision your
4 recommendations taking, is this going to be a full report, a
5 brief set of recommendations, this is entirely up to folks
6 in this room. So that's just sort of the brief description
7 of what we would like the committee to consider. How do we
8 get more work together by farmers at the local level to
9 address these issues. And with that, we'll open it up to
10 questions or thoughts.

11 MR. REDDING: Alan?

12 MR. KEMPER: Michael, Alan Kemper. I
13 appreciate --

14 COURT REPORTER: Your mic is not on.

15 MR. CORZINE: You need green. Think John Deere.

16 MR. KEMPER: Oh, I can't think John Deere.

17 MS. LEWIS: Just touch it once.

18 MR. KEMPER: There we go, thank you. And first of
19 all, I can't think John Deere, we're all Case IH on our
20 farm. With that -- so, sidebar on that one. I appreciate
21 the charge, Michael, and the word coexistence has now picked
22 up a whole new definition in agriculture in the last 12
23 months. Due to the financial crunch and crop crunch that
24 has gone on in agriculture as we go into the '15, and '16,
25 and '17 crop years the coexistence between organic and

1 conventional and GE is one thing but the coexistence just
2 between modern agriculture is another. You have a lot of
3 young farmers scraping the barrel to find financing over the
4 next two or three years. You have gentlemen retiring trying
5 to do a transition and get coexistence. So I just want this
6 group to be cognizant. Sometimes inside the Potomac, inside
7 the Beltway you don't really understand what's going on out
8 in rural route 2. And this coexistence thing is going to
9 have two or three definitions as we go forward over the next
10 couple years due to the crop conditions and the oversupply
11 of crops in the U.S. Thank you.

12 MR. REDDING: Angela and then Ron.

13 MS. OLSEN: Mine I think will be easy. There are
14 just two process questions. First, Michael, you read a
15 series of helpful questions. I was furiously taking notes
16 as you were doing them. Is that something you plan to hand
17 out as well, is the first process question. And the second
18 is in terms of coexistence, we know how we define
19 coexistence in our 2012 report. Is this new charge,
20 coexistence of all forms of agriculture or is organic and GE
21 or again is it open to all forms? I think I heard it's
22 open, it's all forms of agriculture but I want to be very
23 sure about that before we take on the charge. Just a
24 scoping question.

25 MR. SCHECHTMAN: Yes, we haven't changed the

1 definition. So it's the same. And with regard to your
2 first question, I do have that list of questions in my
3 briefcase on a separate sheet and I'll pass them out as well
4 and put some up front.

5 MS. OLSEN: Just back to the, is it all forms of
6 agriculture or is it, I'm sorry to ask the question again,
7 but just to be very clear, this charge is not just GE and
8 organic or is it all forms of agriculture?

9 MR. SCHECHTMAN: Correct, it is not just GE and
10 organic.

11 MS. OLSEN: Thank you, Michael.

12 MR. REDDING: Ron?

13 MR. CARLETON: Thank you, Mr. Chair. And when I
14 think about existing models or ways of potentially getting
15 at this or taking a look at I'm thinking of something that I
16 know the Chair may be familiar with and others that we have
17 at EPA with regard to promoting state-managed pollinator
18 plants. The idea being that you're bringing a diverse group
19 of folks that should have some common interests to try to
20 improve communication and outreach, in this particular case,
21 bee keepers, pesticide applicators, producers, local
22 communities, you know, the state, a variety of folks who the
23 idea is to bring them together to develop some opportunities
24 and some ways to facilitate communication on this particular
25 issue. So that's the first thing that strikes me when I

1 hear this is how similar that is, especially if you're
2 looking at a, sort of a locally managed I guess approach.
3 So I just make that as an observation at this point.

4 MR. REDDING: Ron, good point, we'll come back to
5 that just in terms of the requirements I think for states
6 and what we're being asked to do. So that's a good
7 suggestion, thank you. Mary-Howell?

8 MS. MARTENS: Just thinking about our
9 neighborhood, to be honest I think there's relatively little
10 the federal government can do. However, there is something
11 that since the federal government is in the business of
12 allocating money I think this is really important, it came
13 up before, and I think that I still didn't get a good sense
14 that that was one of the things that has been addressed in
15 the past three years, especially based on what the NRCS man
16 said. Do we have good feedback on whether the, quote, best
17 management practices achieve the goal of preventing gene
18 flow from one farm to another. Do we have the genetic
19 studies, do we have the data to show whether these best
20 management practices are effective.

21 MR. MCKALIP: I think that's an excellent point.
22 And certainly the research that is happening on alfalfa that
23 was outlined earlier will help us further there. We
24 actually, through the National Advisory Forestry Committee
25 that we have at USDA, put a fellow this summer just full-

1 time on literature review on gene flow reduction based upon
2 windbreaks and shelterbelts. And that process yielded a
3 very positive result just in terms of feedback of it
4 certainly doesn't exacerbate gene flow and clearly a tree
5 line, shelterbelts, and windbreaks do have moderate
6 effectiveness in reducing pollen movement. There's
7 certainly a lot more data we need to collect in that regard.
8 It would help inform the best management practices and the
9 conservation handbook that NRCS utilizes to then fund EQIP
10 projects and so forth, easement programs and the like. But
11 I think I've just maybe stated a little differently than it
12 was in our panel discussion, it's very important that the
13 national handbook that NRCS does now includes unintended
14 presence because I think it's an important tool for farmers
15 that are looking for ways to limit gene flow to utilize
16 those conservation practices that can be cost shared even in
17 some cases up to 90 percent to install those practices.
18 NRCS will always want to see a connection to another natural
19 resource concern, whether it be water quality, wildlife
20 habitat, air quality. I think that's pretty easy to make
21 that connection even if your primary objective is to limit
22 gene flow. So, it's going to be up to us I think to market
23 and sell that and drive the demand for it. I've never --
24 well actually let me restate this. It's going to be
25 difficult to have the program be marketed for that purpose

1 and as others have stated earlier, having Congress step in
2 at some point, that's a question that I think will be out
3 there. Should clear authority on gene flow be written into
4 the conservation programs. That's a question I don't know
5 that we can answer around this table. But I think with what
6 we do have we have a real opportunity and that is to
7 encourage producers to look at these practices and whether
8 it's on the limiting gene flow coming in or limiting it
9 going out I think there's certainly an opportunity here that
10 we didn't even have six months ago when we were at the
11 workshop. I think a lot of progress has happened. We just
12 need to keep it moving in that direction.

13 MR. REDDING: Maybe -- oh, you've got a question?
14 Because I'm just going to plant for Lynn and Leon the
15 question of private contracts certainly is a piece of this,
16 right, because there's already things happening in the
17 marketplace that offer some producer, you know, assurances
18 and agribusiness assurances so I just ask you to be thinking
19 about what of is currently the practice in the field could
20 be pulled into this conversation here for us in terms of
21 models. But, Isaura, do you have a question?

22 MS. ANDALUZ: No, I'm just going to, I mean, this
23 is not going to work in New Mexico.

24 COURT REPORTER: Your mic's not on.

25 MS. ANDALUZ: Okay. Is it on? Okay. This is not

1 going to work in New Mexico because Monsanto flat out told
2 us that they couldn't tell us where the GE crops were
3 planted. I mean, this is something we've been dealing with
4 for a long time. We've met with them several times. And
5 then there was also coexistence meeting right before we had
6 finished our project here New Mexico State Department of Ag
7 had a coexistence meeting. And I thought, maybe it's
8 related to this. So, again, it was the same thing like what
9 happened in March, no one knew who was invited, it was
10 invitation only, we went to this meeting, it was Monsanto
11 and DOW was there, all their attorneys were there, the
12 lobbyists were there. And in New Mexico, you know, you have
13 NMSU developing the genetic chili we've been fighting
14 against and we tried to find a way that they would let us
15 know where the test plots were planted so we could protect
16 our farmers, right. So what happened now, they passed a law
17 where we couldn't call our chili New Mexico. Well, we don't
18 call our chili New Mexico. Now they passed a law where we
19 can't call our chili's unless it's -- even by their varietal
20 names because they reference a geographic area unless we
21 register with Department of Ag. I mean, so it's like, you
22 know, every time that we try and work something with the
23 state, you know, or Monsanto, you know, they came in and the
24 same lobbyists for the bios and for Monsanto is also private
25 counsel to our new governor. So I don't see how there's

1 anything that we could do in New Mexico that would improve
2 this coexistence.

3 MR. REDDING: But this is between producer and
4 producer, right. So, you're going to have --

5 MS. ANDALUZ: This project, they can't, if David
6 is growing GE corn and I'm here next to him, David, Monsanto
7 does not allow those people to tell us what they're
8 planting. We know because we know what the crop looks like,
9 right, but they're not allow to talk to us. You'll have to
10 talk to the biotechs about that. I mean, that's a huge
11 problem we have.

12 MR. REDDING: Yeah, and that may be the case.
13 That wasn't my understanding. I mean, I think it's to
14 individual producers have that responsibility or can talk
15 but not, maybe not companies disclosing what individual
16 producers are producing. But I think in this discussion
17 here, what could be done between producers, okay, assuming
18 they can talk to each other and are encouraged to talk to
19 each other what could be done in terms of conservation
20 practices potentially between these producers. Leon?

21 MR. CORZINE: Leon Corzine. Thank you, Mr.
22 Chairman. A couple things. Rather than reinvent the wheel,
23 we have a lot going on farmer to farmer in the countryside
24 already and we talk a lot about corn but also soy and we
25 have been, like I've mentioned, involved in seed production

1 which is very tight. And a lot of times it requires us
2 talking to the neighbor to see what he's going to grow
3 because it's going to affect the type of buffer strip that I
4 need, what he's going to have next to me or across the road
5 or down the road. Anything I've been involved in, and we've
6 grown regulated products, it's not a deal that we are, have
7 to be so secretive that we can't talk about, hey we're
8 growing this product. And I don't see that it's necessary
9 that you get specific with what product, it's just how much
10 of a, how much of a tolerance are you under so what kind of
11 practices do you need to use. And I, I think as far as best
12 management practices there is a list when I signed a
13 contract what I am required to do.

14 And so I would expect or I'm fairly confident
15 there's a lot of data out there as far as what these best
16 management practices do because this really isn't new. Seed
17 production, for example, maybe that's an earlier one, I
18 think it's a good example, has been going on for a long,
19 long time. And I guarantee you, the seed industry, and it
20 doesn't matter, I mean, everybody wants to pick on Monsanto
21 but it doesn't matter if them or it's Pioneer or if it's
22 Beck's or you name them, right, if it's a regional or if
23 it's a local seed company, they've got a darn good idea what
24 kind of purity they're going to get for the BMPs that they
25 request. So, some of this, to answer these questions it

1 seems to me would just be a matter of data gathering, you
2 know. And I don't think there's anything that secretive
3 about that. And so that's kind of where I am on that one.

4 And because we pick out what we want, what we
5 think will work and it gets, economics definitely get into
6 it. And that's why I asked the question of Dr. Greene on
7 the survey is if you're going to request, as some have, that
8 costs to meet the contractual obligation is going to be
9 included you need to know what that contractual obligation
10 is, you know, because we have some things that may have to
11 be grown under .2 percent, right. It's a lot different than
12 if we're growing five percent or 10 percent. So that's the
13 point in all of that.

14 On another matter, I actually wanted to raise the
15 question, I have concerns on broadening the scope of NRCS
16 too much because there's a limited amount of funds, there's
17 a limited amount of sign up times and land that's available
18 and we get involved in some of that. It's not just there's
19 a huge pile of money and hey this is something that we can
20 do for convenience. We actually had some buffer strip
21 things that should've been there but part of it because of
22 funding didn't qualify. And there you're talking about
23 water quality and things that are really, really known,
24 okay. So I think anything we go to messing around too much
25 with NRCS programs we can cause a lot of unintended

1 consequences in that. Thank you.

2 MR. REDDING: Yeah, thanks. All right, Lynn?

3 MR. CLARKSON: Alan, which one of these things
4 have got a green light?

5 MR. KEMPER: John Deere?

6 MR. CLARKSON: Lynn Clarkson. The real life
7 tolerances that we deal with and functionality are down to
8 one part, well, one hundredth of one percent. And while
9 green companies hesitate to take a in loco parentis attitude
10 toward farmers, we'd rather tell them what the goal is and
11 let them deal with it themselves, it would be considerably
12 more efficient if we knew where challenging crops were being
13 planted. And while farmers do talk to each other the timing
14 is often not well placed for good purchase decisions or
15 production decisions. And in the part of the world that I
16 work in mostly which is Illinois there are some absolutely
17 outstanding county offices of the USDA that it would be very
18 helpful for buyers and other producers to see on a map of
19 the county where certain things were being raised.

20 Now, to sort of split the load with Monsanto I'll
21 pass it over to Syngenta and then we get into high-amylase
22 corn which is perfectly legal to raise. And that's the one
23 that gives the American Food Corn Processing industry
24 absolute fits. And we're going to see more of that and my
25 company wants to stay at least a mile away from any planting

1 of that corn. And originally it was very difficult to find
2 where that was. At the encouragement of the American Seed
3 Trade Association it is now easier for us to find where
4 these plantings are, that would be helpful. From a buyer's
5 standpoint if we saw that there was an area of a county
6 perhaps backed up against a river so you've got a protective
7 barrier for transfer, would we offer a premium to a bunch of
8 people in that area to get it? We probably would because we
9 would have to reject things and we don't like to reject. We
10 would like to receive 100 percent of what we're contracting
11 for. So, we would be delighted if county offices would
12 offer a map, not mandatory necessarily but voluntary, so
13 farmers could say what they were raising. It would be
14 helpful to us in knowing where to contract.

15 MR. REDDING: Latresia? Thanks.

16 MS. WILSON: Latresia Wilson. I guess my
17 questioning goes along with what has been said. But what
18 resources are available? Are we able to, the existing
19 programs and resources, are they available in answering
20 those questions? Are those the kind of things, you know, as
21 what we're looking for?

22 MR. MCKALIP: Yeah. I think it's really part of
23 what we're asking here is that if we are to have more local
24 conversations farmer to farmer, local governments, state
25 governments playing a role in this and I would suspect that

1 there will be, you know, state resources that are part of
2 this as well as some local, what can the federal government
3 do to facilitate that. And so that's really part of what
4 we're looking for feedback. We don't expect you to have the
5 answer today but that'll be something we're really
6 interested in getting the AC21's thoughts on is is there a
7 federal program that could be used in a different way than
8 it is today. Maybe there's a trade-off for that. Maybe
9 you're, you know, want to divert resources from what it's
10 already working on. Or is there a new federal program that
11 needs to be, you know, tailored to that purpose.

12 But I just want to get back to, and I think we had
13 President Kennedy's picture up here during the ethics thing.
14 We're really interested in what can happen locally because,
15 again, we feel like the most valuable work on the farmer to
16 farmer piece is it will happen locally. There could be some
17 federal resources that are part of that but interested in
18 what can happen at the local and state level in this regard.

19 MR. REDDING: Thanks. Laura?

20 MS. BATCHA: Laura Batcha. I first want to
21 acknowledge, Doug, you made it right in time for the state
22 and local conversation so welcome. I haven't gotten to say
23 hello to you yet. I think on this topic it's hard to even
24 get started on because, you know, it's sort of a big idea.
25 And so for me I'm really looking forward to learning from

1 the folks around the table and from some experts that we
2 bring in about models at the state and local level. So I
3 think at least early on in our process those sort of case
4 studies would be really helpful for me. I'm interested in
5 learning more about the sort of internal workings of the
6 state level pollinator programs, et cetera.

7 But a few things that came to mind for me first on
8 this is I will sort of reiterate my support for the idea
9 that Mary-Howell raised which is the way I think about it is
10 if we want to think about what's the best way to deliver
11 tools for coexistence plans we have to have some confidence
12 that that curriculum is sound and will produce the intended
13 outcome through those best management practices. So, I know
14 we talked about that last time. But that's sort of a
15 starting place for me that if a lot of energy is going to be
16 put into delivering this type of information that we know
17 that there will be some impact from it.

18 Assuming that that's taken care of, I am really
19 interested in the idea of integrating these best management
20 practices into the NRCS handbook, not to distract from the
21 core objectives of NRCS in terms of water quality and
22 conservation, but as a way to create a cross-reference for
23 farmers to see, you know, the additional benefits and help
24 guide people to make choices. So I'm initially supportive
25 of that idea.

1 And then right away when you started working
2 through this concept I was thinking about our conversation
3 at lunch, Lynn, and the whole idea of diversity and having
4 successful relationships in any kind of diverse environment,
5 it's always helpful to know who's amongst you, right. I
6 think that's for me a real starting place to focus on ways
7 that USDA could potentially facilitate, whether it's
8 voluntary using technology, whatever it is, this idea of
9 mapping what's going on amongst your neighbors. So just so
10 that you have some guidance as to who to even talk to and
11 what the risks are and different traits are going to have
12 different tolerances and different best management
13 practices. So, what tools do you rely on, so I think a big
14 piece of this at the beginning is creating some kind of
15 system for that information to be shared.

16 MR. REDDING: All right, thank you. Doug?

17 MR. GOEHRING: Thank you, Mr. Chairman.
18 Interesting that probably about several months ago we
19 started working on this to some degree conceptually and it
20 was to help producers look at transitioning, understanding
21 that they may have started out in a certain way, farm their
22 land in a certain way and some of them want to explore doing
23 some things different. In the state of North Dakota we have
24 about 12 different microclimates and regions and it supports
25 about, oh, the production of 50 different commodities

1 commercially across the state. So we have all different
2 types of commodities being produced and all different types
3 of practices all the way from conventional down to no-till.
4 And we have a lot of organic production, we have seed
5 production, we have identity preserved production that goes
6 into Asia more specifically and we have conventional and
7 biotechnology as part of that whole system.

8 But in this concept, visiting with some in
9 extension they wanted support from the ag community to look
10 at can we put a person in place to help producers and/or
11 young producers understand some of the inherent risk and
12 some of the challenges. And that may mean going from a
13 conventional operation into minimum till or no-till or it
14 may mean somebody that wants to transition into organic
15 production needing to know that there are experts we can tap
16 out there but there's also some things within that county,
17 within that township that they may need to know and
18 understand based on the topography, the soil, the climate,
19 and gain a better appreciation and understanding and then
20 try to tap and have access to all those different experts
21 out there. For example, someone like Lynn, maybe they want
22 to go and find somebody that they could, you know, broker
23 their crop through.

24 We started on this and we are preparing to bring
25 this to the legislature probably in about a little over a

1 year. But it seems like it's right along the same lines
2 because we've already put some of these models together or
3 programs and tried to work toward some of this. I did it in
4 another program this last year here where we created the
5 pipeline restoration reclamation program because we have so
6 much in pipelines going in the ground and we have so much
7 disturbance and so many issues and I remember a lot of the
8 town hall meetings that we were putting on there were land
9 owners, farmers and ranchers asking, why don't you just, why
10 don't we just have a law that says you have to reclaim and
11 it has to be as such.

12 Well, the problem was we didn't recognize that
13 everybody had differences and once you go around the room
14 and you start finding out what type of farming practices you
15 have, if it's pasture, range land or whether it's crop land
16 and what type of farming you do it all makes a difference.
17 And there was no way to write law or legislation to meet
18 that. But after we got done that program exists for two
19 reasons. One, to hold those accountable that have put pipe
20 in the ground and try to come to some reasonable solution
21 and secondly, to reclaim or restore. But secondly was the
22 education and communication component of it and that
23 probably has made the biggest difference, giving people the
24 information, the tools, the resources to understand what do
25 they need to look at before they do something. So in many

1 ways I think some of this already probably exists out there
2 and I believe and I'm confident I think with all the people
3 and the resources we have around the table we can probably
4 come up with some stuff that's going to give some
5 flexibility and latitude to do this.

6 MR. REDDING: Good, thank you. Alan?

7 MR. KEMPER: Thank you, Mr. Chairman. The
8 commissioner always speaks so eloquent and then I follow him
9 and do such a poor job. But there's two or three things I
10 want to bring to the tables attention. One is there are
11 various methods to deliver a good, sound system like Mary
12 said. You need to have your facts in order and hopefully a
13 consistent method throughout the country as you deliver it.
14 I mean, you can look at the American Farm Bureau Federation
15 and their young farmers and rancher programs throughout the
16 country could easily facilitate meetings around the various
17 counties. You have to look, and I'm going to come back to
18 this two or three times over the next couple days, that
19 coexistence is really going to have trouble from the next
20 couple years. You talk about NRCS and that's a great, a
21 great system to maybe put information out but they also have
22 created the have and have-nots of American agriculture with
23 their watershed programs where they reward some farmers \$50
24 an acre and a mile away the farm that's competing against
25 him for operational land is not being compensated \$50 for it

1 because he's in a different watershed even though he's got
2 very similar problems in making filtration work for his
3 farm. So you have a little trouble there. Extension always
4 keeps saying, you know, what, they always seem to be looking
5 for a mission but their mission actually is serving American
6 agriculture and they could be the vehicle that would be more
7 like a neutral source to host the meetings than a
8 cattleman's group or a soybeans group where you actually
9 have volunteer farmers leading that that might be competing
10 for cash rent or various farming operations. So we do have
11 some systems.

12 My question also for this group, you have a field
13 watch, drift watch and other vehicles that farmers can use
14 to pinpoint various organic grapes and other things that are
15 very sensitive to chemicals and crop protectants. How do we
16 expand that or how can we make that in all 3,000 counties or
17 whatever across the country? That would be voluntary that
18 could pin where those IP fields are and such. So, just a
19 lot of questions, Mr. Chairman. Thank you.

20 MR. REDDING: You're on the right trail. I mean,
21 I think the objective here was to try to open up the
22 conversation and say you've got a pretty broad, you know,
23 objective and that is, what can we do to encourage, you
24 know, the joint coexistence plans. Which, you know, decode
25 it means encouraging farmers to talk to each other, right,

1 to simply, you know, try to eliminate or at least minimize,
2 I mean, the issue of adventitious presence, right. So
3 you're trying to do that. How do you facilitate that and if
4 there are models around pipeline work and intrigue with it,
5 if there are crop protectant, if there are other systems I
6 think we're trying to just get a good inventory, what is out
7 there. And if it's pollinator or something else, I mean,
8 let's try to sort of pull those together and look at them
9 and say, if the objective is what we've just stated in terms
10 of the farmer to farmer and minimizing those sort of market
11 disruptions what do we do absent a law, right, absent clear
12 authority to encourage that maybe using federal programs but
13 the emphasis here I think is more on sort of local, state,
14 other. So let's keep all of those conversations on the
15 table. That's what we want to hear. Lynn, I think you were
16 up next.

17 MR. CLARKSON: Thank you. Mr. Kemper touched on
18 it and one thing that had come to mind is extension service.
19 And like Alan mentioned, you know, they are kind of looking
20 for a cause. There's been kind of a, a lot of it has been
21 funding issues with the land grants and things around
22 extension service. They've had, they have struggled and
23 loss some of their influence I would say in my part of the
24 world. But it is a mission that I think they could take up
25 and keep it on that, I like your idea, Doug, of the local,

1 state level things because that's where it needs to happen.
2 Even in my state we're really diverse from one end of the
3 state to the other, let alone when you start going across
4 the country. You can't plan something that's going to work
5 in New York for Mary-Howell that's going to work for me in
6 central Illinois that's going to work out in Doug's North
7 Dakota area. So extension services might be a way and you
8 know, with the way things are the land grant universities
9 and extension service are sorely lacking of funding. So,
10 rather than trying to develop something new within USDA
11 maybe just, you know, given a charge or out to those
12 extension services or land grants might be best use of the
13 money as we move forward here. So, that's another thought
14 of mine that came to mind at the moment. Thank you.

15 MR. REDDING: Thanks. Missy and then David.

16 MS. HUGHES: Thank you, Melissa Hughes. Is this
17 still on? Okay. I might be speaking a little bit outside
18 of my realm here but I think that, Michael, you mentioned
19 encouraging cooperation and I think as we go forward and
20 consider this charge we need to think about who all the
21 participants might be at the state and local level. And you
22 know, it comes to mind that as we've done some investigation
23 into how crops are, how crops find a presence in them, I'm
24 trying to think of the right politically correct word to use
25 here, we see a lot of transference of seed in combines and

1 in machinery as it, you know, moves from one farm during
2 another during the harvest season and I think it's really
3 important to think about the different ways that we see the
4 transfer of genetics between crops and it's not just drift,
5 so it's not just going to be that farmer to farmer
6 conversation, you know, when are you planting. It's also
7 going to be a conversation about what are you doing with the
8 combine that was just on your farm. You know, it's my
9 understanding that as a combine leaves a farm and goes to
10 another farm there could be bushels of corn or soy still
11 left in that combine and then that, Leon's shaking his head
12 at me so I must be, whatever it is, it's another place. So
13 where, all along the chain, is the product being handled and
14 adjusting that. And then the other thing is, Alan, if you
15 get the microphone again, I would like you to explain this
16 concept that you're saying of existence, coexistence is
17 really going to struggle over the next couple years. You're
18 putting an outline on it. I'm probably not supposed to ask
19 you a question directly but I'm stuck on that and I want to
20 know what you meant, so.

21 MR. REDDING: Let's come back to that in just a
22 moment. But, Missy, you remind me of something. In the
23 last sort of couple months in Pennsylvania based on the
24 experiences of those poultry producers in Iowa and Minnesota
25 and other states is the level of individual producer

1 engagement around biosecurity on the farms. And it's been
2 very interesting, individual poultry producers asking some
3 very, very detailed questions of folks coming onto the farm
4 that it is not unlike that for this topic, right. You're
5 just engaging to say where have you been, what are you
6 doing. So, there's probably some parallels between that
7 biosecurity individual action but I also say either as a
8 State Department of Agriculture or as a trade association
9 this state has had the same type of engagement where
10 producers are hyper-focused on keeping that virus of course
11 out of Pennsylvania and off their farms. But you could
12 substitute, right, the gene flow and other concerns. So I
13 just put that on the table as a conversation.

14 MR. KEMPER: Mr. Chairman, let me respond to that
15 question here, if you don't mind.

16 MR. REDDING: Sure.

17 MR. KEMPER: Okay. First of all, I want to hit
18 your comment just now.

19 MR. REDDING: Yeah.

20 MR. KEMPER: One of the first things when Homeland
21 Security a few years ago really came into terrorism and all
22 that in the U.S. they said, where are we most vulnerable,
23 and they said American agriculture. And American
24 agriculture at that time had PD-9 which is presidential
25 directive 9 which looked at bioterrorism in agriculture.

1 One of the main places you could do that is bring in Asian
2 rust into the soybean belt and basically wipe out the
3 soybean crop in about four days. So even though the
4 livestock producers are real cognizant of watching it so is
5 all pretty much American agriculture including the cropland.

6 Let me just give you a paragraph or two maybe of
7 helping you on the non-coexistence in the next two years.
8 30 to 50 percent of all farm income being lost over the last
9 12 months because of the lower grain prices and the higher
10 cost of inputs have forced a pressure onto American
11 agriculture that we haven't seen probably since the '84 crop
12 land. When I was in the Senate in '84 during the severe
13 financial credit crunch we had a person come into every
14 Senate office almost every day with a yellow rose saying,
15 that's for another American farmer that committed suicide
16 today. No different from today in American agriculture over
17 the next two years. Coexistence is going to be very hard,
18 just the temperament of American agricultural attitudes will
19 be very hard to get to a positive state when they're taking
20 a 50 percent bath on their net farm income and they're
21 seeing that the cash rents, the land values, the cost of
22 inputs consistent or higher or at least at the same level.
23 So my point is, even though our goal which my goal is the
24 same as yours, it's to get them to talk, having good
25 coexistence, it would've been easier three years ago when

1 the price of commodities and net farm income was at all
2 record levels than it will be over the next couple of years
3 when the prices and the incomes are lower. So, I think
4 we've got two struggles. We've got to get them back to the
5 first level of coexistence before we can take them to the
6 level we think they should be at on coexistence. Thank you,
7 Mr. Chairman.

8 MS. HUGHES: Thank you.

9 MR. REDDING: Yeah, thank you. David?

10 MR. JOHNSON: David Johnson, thank you, Mr.
11 Chairman. Having most of my experience in the alfalfa
12 industry one of the topics I wanted to review was to go back
13 to the --

14 MR. KEMPER: Chairman, we can't hear down here.
15 She's having a hard time recording.

16 MR. JOHNSON: Hello?

17 MR. KEMPER: Yeah, talk right into it.

18 MR. JOHNSON: All right. I'll get right into it.
19 So, coming from the alfalfa industry, one of the things we
20 talked about back in 2012 were grower opportunity zones and
21 so we've had 2013, 2012, 2014, 2015, four production seasons
22 since those were introduced. And to remind you what they
23 were, they were grower opportunity zones set up for alfalfa
24 seed production where farmers would go to county to be all
25 basically GE seed production or all conventional seed

1 production. And so I think there's a lot of data that we
2 could get back from NAFA, the National Alfalfa Forage
3 Alliance, who assimilates data from all of the seed
4 production companies that produce alfalfa, whether that's,
5 you know, DuPont, DOW, or SNW or, you know, Forage Genetics.
6 And we could learn from those because behind all of those
7 they had best management practices and you know, those are
8 available on the NAFA website. And so I think that's a
9 starting point to hear how that experience has gone. It's
10 local. It's typically within a state, typically within a
11 county. Growers talk, they know each other, they know what
12 they're doing for alfalfa seed production and you know,
13 alfalfa's been one of the interesting crops because it's got
14 a lot of funding behind it at ARS. We heard that there was
15 the feral alfalfa study, there was the gene flow study,
16 there was the bee part of it. And as that data becomes
17 available I think we can see how those BMPs are actually
18 working. And so I think at our next meeting or even before
19 then we can ask NAFA to maybe see if they would be willing
20 to put together a report that summarizes how that experience
21 is going. Thank you.

22 MR. REDDING: Good, thanks. Keith?

23 MR. KISLING: Alan, you're exactly -- Keith
24 Kisling. You're exactly right. The reports I'm showing,
25 net farm income for '15 is 38 percent less than it was the

1 year before, 28 percent two years ago. So we're picking up
2 28 percent, 38 percent of less net farm income in the last
3 two years which is really going to hurt. It's going to
4 affect the young farmers. And I've got a young son that
5 just come back this couple years ago and it's going to be
6 tough.

7 But you're asking us what are we thinking, what's
8 the first thing that come to mind when you said, how do we
9 get it to the local people. And ironic enough the very
10 first thing I thought of was extension and our land grant
11 colleges also. And we discussed that in a last meeting and
12 it worked. I'll guarantee you, it worked. I saw a lot of
13 interest of our young producers especially coming out to
14 meetings that are local. At the local meetings we have 77
15 counties in Oklahoma. We've got an outstanding land grant
16 college at Oklahoma State University and they sent people
17 out regularly to put on reports and we heard quite a bit
18 about this, gene flow, pollen flow, talked about it quite a
19 bit even though it doesn't do much on wheat but we do have
20 some other crops that it does affect. So, it was ironic
21 that I thought the very same thing some of those did about
22 extension and land grant colleges. I think that's an
23 excellent way to get it out real quick to the farmers.

24 MR. REDDING: Yeah, I mean, they clearly, they've
25 got a role, a significant role. I guess I would just sort

1 of put a note to this that this is not sort of one party's
2 responsibility, right. There's going to be multiple parties
3 involved, farm bureaus, extension, local organizations of
4 any number of types. So, a lot of folks. But certainly
5 extension's part of that. Mary-Howell?

6 MS. MARTENS: I saw some of the materials that
7 Pennsylvania put out trying to protect against the Bird Flu
8 epidemic reaching Pennsylvania with a fall fly way
9 possibilities. And I thought it was interesting because for
10 one thing it looked like best management practices were
11 being put together without a real clear idea of where the
12 threat was. But, the poultry producers were highly
13 motivated to do something because they're vulnerable,
14 because they stand to lose a great deal of money if indeed
15 the epidemic hits them. The beef producers in the same area
16 who might have some impact on the presence of wild birds are
17 not motivated at all because it doesn't threaten them at
18 all.

19 I think therein lies a lens for us to look at this
20 and that is in every relationship there is going to be
21 someone who is vulnerable and someone who is not. And that
22 is a relationship between people, that is a relationship
23 between, with organizations. I will stand again encouraging
24 the development, as Laura said, a curriculum, something that
25 is neutral, something that is based in fact and does not

1 take sides, does not take, does not make value judgments
2 about what is a good position or a bad position, quote
3 unquote. But has best management practices for preventing
4 contamination, gene flow. But Missy is absolutely right.
5 It isn't just gene flow between, of pollen but there are
6 control points throughout the system where there could be
7 vulnerabilities and these need to be identified not just for
8 corn and soybeans but for peppers, for other things that are
9 maybe not yet genetically modified, both crops, but might be
10 coming into the future.

11 Getting a system put together that is neutral and
12 that is based in fact, based in experience, based in testing
13 that then can be distributed and then taught from I think
14 would be really valuable. Because while I know cooperative
15 extension does have a lot of good people in it I also know
16 that cooperative extension has some pretty ineffective
17 people in it. So, expecting every extension agent to teach
18 to the same level of competence, knowledge and outcome is
19 kind of unlikely unless some good teaching materials are
20 provided to them.

21 MR. REDDING: Yeah. So a good reminder, you know,
22 that when you look at the recommendations from the report,
23 the original set of recommendations, I mean, there were two
24 sort of components. One was around education and outreach,
25 the other was the potential use of USDA, NRCS programs to

1 help facilitate that coexistence. This is a conversation
2 that is not solely about conservation discussion, right.
3 And so thanks for the reminder. But it also gets at that
4 sort of basic requirement of having, you know, elevating the
5 conversation and general awareness but also just the
6 education we need to do. So, that curriculum is a good
7 point. So, Josette?

8 MS. LEWIS: Green light. This is Josette Lewis.
9 In thinking about this challenge of developing a curriculum
10 or definition of best practices it strikes me how complex
11 that is. You have very different crop biologies, very
12 different cultivation and cultural and business practices
13 around different types of farming systems even in the same
14 crop, different contract standards that are out there. And
15 then you have different constituencies for how they define
16 best management practices. And probably different levels of
17 state commitment to different types of agriculture. I mean,
18 I sit in a state that's highly invested in organic
19 agriculture and I'm sure there are other states who are not
20 quite as invested in that.

21 So as you think about to me the key thing being
22 these incentives and this is the place where I see
23 potentially a role for USDA and the federal agencies to
24 spend some energy thinking about it, getting that yes. A
25 lot of that definition of the best management practices I

1 think actually does have to occur at a reasonably local
2 level because of all of these differences. You know, it
3 probably doesn't do California a huge amount of benefit to
4 be focusing on best management practice around corn
5 production, for example, even though we do grow some corn
6 it's not a big crop for us. Whereas Illinois, that might be
7 more important to them and so forth. So, seems to me a lot
8 of the solution is going to be on the incentive side and to
9 make those incentives such that they focus on bringing
10 parties together and bringing them together at a local
11 enough level, whether it's grower organizations and
12 cooperative extension. I mean, allowing a lot of
13 flexibility for the solutions to be driven at the local
14 level because I think that's where the specificity and the
15 buy-in will take place.

16 So, I do think there's a huge opportunity at the
17 federal level to think about that incentivize because, you
18 know, state or local governments may not feel equally
19 compelled. And yet, if we're trying to look for diversity
20 in our system that's a place where the federal government
21 can play a facilitating role. I mean, I think about this
22 like in the context of water management in our own state.
23 The state sets regulation standards but they allow local
24 groups and lots of different types of local groups to come
25 together and decide how they're going to implement those

1 regulations. And then their plans do get reviewed at the
2 state level but our state does not tell local irrigation
3 districts or local municipalities how to manage a lot of the
4 water resources issues. They allow groups to come together
5 and I think that's kind of how I see a potential role for
6 USDA and other federal agencies is to provide a flexible
7 enough incentive program that encourages and provides
8 diversity that occurs at that local level because there's so
9 much difference in what is best management practices. It
10 seems hard for me to wrap my head around kind of a course
11 book that we could develop at a large scale at the federal
12 level or the national level even if it just wasn't federal
13 involved.

14 MR. REDDING: Good point. Doug?

15 MR. GOEHRING: Thank you, Mr. Chairman. There's
16 been some good suggestions made around the room and I, I
17 don't know if there's any one entity that can probably take
18 charge and go out and deliver this. But I went back to
19 thinking about something that Ron said when he talked about
20 the state-developed pollinator plans. One thing that we did
21 when we put those together and we were one of the states
22 that did that right off the bat, we had stakeholder
23 meetings. And we kind of outlined what we believed were
24 some of the best management practices instead of trying to
25 start from square one. We brought the facts to the table

1 then with all the stakeholders, and there were numerous ones
2 there and I'm sure there would be in this situation too, you
3 have a chance to talk about what are the best ways to
4 communicate, what are the best ways to develop more of those
5 best management practices to address things with noxious and
6 invasive weeds and pathogens that are moving based on
7 farming practices and what's happening with wind and water
8 erosion for example. Buffers and we got into biosecurity
9 exactly right.

10 Those were things that when we sat down and
11 started dealing with some issues in our own state and we, we
12 were lucky we weren't Minnesota. We only lost about 17
13 percent of our poultry in the state. But we sat down with
14 those involved that were managing those that had the
15 facilities, those that were going there, those that had any
16 role to play at all to pick up more information and to do a
17 better job. So I would think one of the key things that
18 would come out of all of this would be every state working
19 with extension, the land grants, with the state departments
20 of ag, with the other stakeholders in that state. But I
21 think it's got to be somebody up front, maybe it's NRCS
22 bringing some of this forward too. But somebody has got to
23 have the outline. I think we have the format. The format
24 is going to be you've got to have stakeholder meetings,
25 you've got to have the conversations and you have to talk

1 about what is it that's being considered and let them be
2 part of the solution.

3 MR. REDDING: That's a good point. I mean, the
4 premise here is that we know what our neighbors are doing.
5 I've got five neighbors who farm and I don't want to pretend
6 that I know all of it. I know some of it. I don't know all
7 of it. Two of them are absentee, right. So I think you
8 have to sort of look at who is there and the dynamic and
9 understanding that it's a complicated conversation. But
10 there still has to be, you have to be inquisitive, right.
11 There's got to be some desire to engage. And how do we do
12 that? I think that's some of the hesitancy in knowing based
13 on I think some of the public comment that came in about,
14 you know, the education component just isn't raised to the
15 level of I guess we thought it should based on our set of
16 recommendations. Which again, that's intriguing to me
17 because it comes back to that point of engagement and being
18 able to talk to producers and ask about what they're doing
19 and plan then around that. How do I plan once I know,
20 right. That's easier than simply, you know, not knowing at
21 all what they're doing. So we've got to look at that issue
22 of engagement as well. How do you do that, how do you do
23 that effectively. Barry?

24 MR. BUSHUE: Is that on? Yeah. Barry Bushue. I
25 want to comment on what you just said to start with,

1 Russell. I don't disagree with you but I must be fair and
2 say we've had significant discussion here today about
3 talking to folks and having them put on record what they
4 raise, where they raise it, how they raise it. While that
5 all sounds very good philosophically and I understand it
6 rolls right into what you're talking about, it creates some
7 significant challenges in terms on an individual's farm, not
8 only for our economic viability, our proprietary methods,
9 the markets that we have and we have established and want to
10 protect and maybe most importantly the more recent acts of
11 vandalism on crops in the last three or four years by folks
12 who think it's okay to go onto somebody's farm in the middle
13 of the night and destroy their crops. Those are the kind of
14 things that I would have a real challenge in supporting any
15 type of mandatory means of determining and telling the
16 public what it is I raise and where I raise it.

17 In terms of extension, a lot's been talked about
18 extension. It sounds good philosophically again. We have
19 some great extension agents and it is a method and a local
20 method which works very well. But I would caution that
21 there is as much diversity of opinion, as much passion, as
22 much advocacy for various forms of agriculture within the
23 extension service as there is within this room. And so if
24 we're talking about, you know, presenting a neutral picture
25 I'm not convinced in all areas that you get the neutrality

1 from extension that some of us seem to think that we will
2 get.

3 And lastly, in terms of the curriculum, I tend to
4 agree with where Josette was and I think Mary-Howell brought
5 up a good point philosophically. But in a state like Oregon
6 that has 250 various commodities and geographics and
7 microclimates that range from coastal rain forest to high
8 deserts with less than nine inches of rainfall a year,
9 we've, you know, we've found over, and over, and over again
10 that what works even on one segment of my farm won't work on
11 another segment of my farm and I farm a very small farm.
12 So, I think it creates challenges but I don't think we ought
13 to give up on the discussion. Just pointing out some of
14 the, I don't mean to point out all the negatives but I've
15 just been sitting here listening thinking about responses to
16 some of the things that have been brought up.

17 I was a little, I guess I was a little
18 disappointed in the lack of ability or the lack of desire to
19 follow up on the educational pieces that we had proposed as
20 recommendations. That frankly worries me a little bit. It
21 seems that we're entering an era of folks moving against
22 science, facts, and data. And I mean, that's really what
23 USDA is based on and frankly that's what my farm is based
24 on. If I don't have the data and the facts and the science
25 I'm not very successful. So I guess it's just a

1 disappointment that there was a rejection of education. And
2 I think that ought to frighten us all.

3 MR. REDDING: Okay. Michael?

4 MR. FUNK: Thank you, Michael Funk. I just want
5 to remind the committee as we're talking about, you know,
6 BMPs and pollen drift and you know, talking to our neighbors
7 about what they're planting, in my mind the biggest cause
8 for, you know, genetic pollution is the seed. And you know,
9 we heard this morning from the committee there some of the
10 good efforts that have been happening on the germplasm and
11 trying to get pure seed. But I'm not sure we have good,
12 solid data on this but my sources seem to believe that a
13 majority of the, you know, AP presence that's found in a lot
14 of the non-GE and organic products are from the seed stock.
15 And so continuing to focus on that, and if we knew that
16 that's 70 or 80 percent of the problem I think then it's
17 worth putting 70 or 80 percent of the resources on that as
18 opposed to, you know, thinking that it's pollen drift is the
19 biggest part of the problem. So, I encourage USDA to
20 continue those efforts on the seed and potentially to try
21 and get your arms around the percentage of where the problem
22 is on the AP presence in the various commodities. Thank
23 you.

24 MR. REDDING: Thank you. Alan?

25 MR. KEMPER: I would just like to follow up on

1 Michael's point. I think there's a real concern with all
2 the producers that we have pure seed. I mean, whether it's
3 white corn into the yellow corn seed or yellow corn into a
4 white food corn there is a concern there whether that is
5 organic or conventional or GE. Mr. Chairman, I think there
6 really is three things that we really consistently can
7 possibly agree on. One is that we need a universal,
8 consistent message through the country. We can't have
9 various messages for various entities and stakeholders. Two
10 is that we need a neutral site and a neutral delivery
11 system, somebody that's not necessarily competing with those
12 various stakeholders, i.e. extension works really well in
13 that example. Third, that all stakeholders must be
14 involved. And I mean, not just, it's so easy to talk about
15 the neighbors across the fence or the no more -- we don't
16 have fences, but across the border so to speak. But we also
17 need to have the seed producers, the various industries in
18 there. I'm even thinking of some of the feed manufacturers
19 for livestock. Because a lot of our problems in somewhat of
20 the Midwest have been brought up with seed ingredients, I
21 mean, feed ingredients coming out from other parts of the
22 country, whether that is genetics or whether that is weed
23 seed that's coming across or whatever. So, we need to have
24 all the stakeholders. So those three things I think are
25 somewhat a must in my mind. Thank you.

1 MR. REDDING: Okay, thank you. Angela then Jerry.

2 MS. OLSEN: Great, thank you. I just wanted to
3 respond to two points and then perhaps a provocation back to
4 the education piece. But let me start first with seed
5 producers. I think most people know obviously our business
6 is to make seed. And so we sell bags of seed according to
7 the specs that we say are on the bag. If we represent
8 that's what in there then that's what's in there. And
9 again, it's a contract between us and the folks that are
10 purchasing the seed. So we have certain purity standards
11 and we adhere to those specs.

12 The second point, some of you heard this in
13 Raleigh but not everybody was there so I just want to make
14 sure everybody is there. Really thanks to these great
15 discussions at the table we now, I can speak for ourselves
16 as a company, there are other seed producers that do this as
17 well but again I'm only going to represent what our company
18 is doing. But I think that others in the seed industry have
19 really followed suit here. And that is that we now give
20 materials as part of our agreements on coexistence and
21 that's very public. You can go onto Pioneer.com for example
22 and see those, we have a, and I have a copy here if anybody
23 would like to see it, a section on coexistence and that's
24 part of the contract. So when a grower buys our seed that's
25 part of the contract. There may be some growers in this

1 room who may be familiar with that as well. And that
2 contract is also available on our website on Pioneer.com.
3 So, I do want to thank everybody for the great discussion
4 the first time, you know, and the question about what could
5 the seed producers do. We took that very seriously and as a
6 company, and again, I know many others in the seed industry
7 are doing this as well. We have section on coexistence and
8 talking to your neighbors and that sort of thing. And it's
9 part of the contract that growers sign when they buy seeds.
10 So, just wanted to make sure everybody was aware of that.

11 The third point really is the provocation. And
12 it's not a negative provocation, it's education. I also am
13 perplexed, and I don't know if it was a rejection of the
14 concept or perhaps as an AC21 we were so positive and it was
15 really front and center in our report that perhaps people
16 didn't feel they needed to comment on it because it seems to
17 be such an obvious point this education. So I don't know if
18 it was rejection or if it was just there was an overwhelming
19 support because maybe people agreed with it. But I do want
20 to raise it again because I think particularly now that we
21 know what this charge is, education is going to be a huge
22 part of this, making sure than any solutions are based on
23 fact as we heard today, based on sound policy, making sure
24 that the educational piece is a part of this as well on all
25 sides now that we're looking at coexistence in a broad

1 sense. This isn't just between one type of cropping method
2 and another but looking at all sides, all different cropping
3 methods. Education I think is going to be key. So I don't,
4 I would hope as an AC21 committee or as an AC21 that we
5 don't, we don't reject education because I do feel that it
6 is an important part of these discussions and a positive
7 part of these discussions.

8 MR. REDDING: Yeah. I think we were intentional
9 in our recommendations in leading with education and
10 outreach and I think what I was trying to express was when
11 we looked at the public comments and feedback on the
12 recommendations that AC21 had made specifically around the
13 Federal Registry notice as well as the workshop is that the
14 feedback wasn't, there didn't seem to be a groundswell of
15 support for the toolkit and the outreach and education as
16 there was around seed purity and some of the other
17 recommendations and work of the USDA. Having spent some
18 time with Secretary Vilsack and I think he will also lead
19 with education and outreach. It's still important. But I
20 think just, I was trying to sort of put on the table and to
21 Barry's point I think still it's there. I mean, that really
22 is a cornerstone of our recommendations and I think the work
23 that we need to do going forward. There's got to be
24 parallel tracks but one constant is around this education
25 and raising the awareness. Otherwise I just don't know how

1 you ever sort of have an intelligent conversation about sort
2 of the challenge in the marketplace and any corrective
3 actions you could take or should be taking, right, to
4 address those issues. So let's take one more comment from
5 the committee and then we'll break and then we'll pick up
6 with the conversation after that, please, after the public
7 comment. Jerry?

8 MR. SLOCUM: Jerry Slocum, thank you, Mr.
9 Chairman. It seems to me listening to the discussion about,
10 primarily about education and it's the easiest part to talk
11 about, folks. It's the easiest part for us to agree on and
12 it's the easiest part for us to implement because we've
13 already identified the providers. But education's two
14 components. There's teaching, what we're talking about, and
15 then there's learning. And I'm not certain that the million
16 or so farmers that are out there in this country that are
17 involved in all different aspects of agriculture are
18 terribly interested in learning about this subject. And so
19 they've got to be incentivized. It's easy for a seed
20 producer to have an incentive to want to teach and to want
21 to have a coexistence plan because he's being paid. He gets
22 the incentive, he gets a premium, same with an organic
23 farmer, same with those conventional farmers like me that
24 try to sell a non-GE product. But what about the guy that's
25 just out there trying to raise a conventional crop and sell

1 it to the general marketplace for a cost effectiveness or
2 the guy raising GE crops. What's his incentive?

3 And I think that's the real challenge of the
4 education component. Because he's going to be challenged as
5 Alan has expressed to you. He's going to be challenged just
6 to make a living for the next couple of years, just to make
7 a basic living. And he's going to be competing with a
8 neighbor for land and for resources and for a whole host of
9 things. So, that guy that doesn't have a financial
10 incentive is going to be hard to talk to for a little while
11 and maybe for a long while. So, I think as we talk about
12 this educational component, and it is certainly a, I'm not
13 sure it's the key but it's close to being the key, we've got
14 to figure out a way to incentivize that guy that's not
15 getting a financial incentive to do a coexistence plan.
16 Thank you, Mr. Chairman.

17 MR. REDDING: Yeah, excellent point. So, we will
18 pause here. We're going to take a break. Michael, 10
19 minutes or --

20 MR. SCHECHTMAN: Yeah.

21 MR. REDDING: Yeah, let's take a 10 minute break
22 and then we'll pick up with public comment and then once
23 public comments are finished we'll resume the conversation
24 here. All right, thanks.

25 (Off the record.)

1 (On the record.)

2 MR. REDDING: Let's reconvene, public comments.

3 We have two individuals who had signed up for public

4 comments. At this point we only see one of those

5 individuals so we'll see whether the second shows by the

6 time we're done here. Public comment now, as all of you

7 know, we have reserved time for public comment as provided

8 under the Federal Advisory Committee Act. Each person who

9 has signed up will be given no more than five minutes to

10 speak at the microphone here at the table. We would ask

11 those making public comment to please provide Dr. Schechtman

12 with an electronic copy of your remarks. We intend to post

13 the text of your remarks on the committee website. I'd also

14 like to note to the committee members that this is a time to

15 receive comments from the public and this is an important

16 and mandatory function of the committee. It is not,

17 however, intended to be a dialogue with commenters. There

18 was some discussion of this possibility at the previous

19 plenary session but USDA has decided that this is, the

20 dialogue between the range of members appointed by the

21 Secretary that is most essential to this effort and time for

22 the dialogue among members is most critical. So there will

23 not be a back and forth of the members of the public at

24 these meetings. Our first public comment is from Dr.

25 Margaret Mellon. Dr. Mellon? If you could use the

1 microphone here at the table, please?

2 MS. MELLON: Is there a microphone?

3 MR. REDDING: Yeah, right here.

4 MS. MELLON: I just, I will just take this brief
5 opportunity to say how nice it is -- I'll just take this
6 opportunity to say how nice it is to say all of the people
7 -- I'll pick up the whole thing -- all the people here
8 because I sat on the earlier incarnations of this committee
9 and you know, I'm happy to see it continuing to do its very
10 hard work and there are none of these issues that are easy.
11 I think the only comment I would make today is to the
12 individual sitting almost at the end of the table who made
13 the comment that it is, you know, before you set out in the
14 direction that you now appear to be going which is looking
15 from the federal level and trying to encourage something
16 happening at the local and regional level you want to make
17 sure that that will address a major part of the problem.
18 Will that really reduce the amount of contaminated seed that
19 is out there available for sale?

20 And I can see how important it is to work at that
21 level but it also, just listening to your discussion, seems
22 a very, I mean, there are just lots of opportunities for
23 conversations that may go nowhere for any number of reasons.
24 So I just want to acknowledge the boldness of the idea but
25 from a scientific point of view, if in fact the real problem

1 is contaminated seed then you do have to ask yourself
2 whether this particular approach is the best place to put a
3 large commitment of federal resources. And I think
4 scientifically that is a question worth, you know, trying to
5 answer. More resources put on seed contamination might be
6 better put.

7 And then my other question is simply, I'm not
8 getting a good idea of whether the AC21 is envisioning or
9 has access to a pot of money that could be used to help
10 provide incentives to folks at the local level who may need
11 some encouragement to kind of come together with their
12 neighbors. But I think that's a big part of this pie. If
13 you're talking about incentives where will those, those
14 incentives come from. But that, thank you very much for the
15 opportunity to make comments.

16 MR. REDDING: Great. Thank you. Thank you for
17 being here. The second is from NASDA, is Dudley Hoskins
18 here? I didn't see him earlier so, okay. All right. So
19 they were the two that were preregistered or at least noted
20 their interest in public comment. So, hearing none others,
21 right? Let's resume with the conversation we were having
22 just before break which were great conversations by the way
23 and thank you. It was the intention this afternoon just
24 again, to sort of think broadly about the task and what we
25 could do to address, encourage, incentivize the joint

1 coexistence plans. Alan, you had a thought?

2 MR. KEMPER: Well, my thought was Mary had her
3 little thing up a while ago, so, did you have anything
4 before I had my thought?

5 MS. MARTENS: Gary kind of said what I was about
6 to say before break and that is there's a difference between
7 teaching and learning. And we can probably do something on
8 the teaching level. The learning and the changing behavior
9 level is going to be a little bit more difficult. And
10 therein, I had a question for Angela. You said that your
11 company has a coexistence plan and it's there, you know, in
12 your contracts. But is there a requirement as part of the
13 contract that your seeds, your grain growers must bear 50
14 percent of the responsibility for any potential buffers or
15 other changed planting plans so that they don't impact,
16 negatively impact their neighbors or is it just information
17 that is disseminated?

18 MS. OLSEN: Mr. Chairman, can I respond to that?
19 You're welcome to, I'm happy to show you a copy of the
20 contract and you're welcome to --

21 MS. MARTENS: I will look at it online.

22 MS. OLSEN: -- to look at it but, no, we're not
23 getting into that level of specificity. It's really going
24 back to what we had as the top point out of our AC21 report
25 which is education. So, it's education, it's telling

1 growers that it's important to talk to your neighbors which
2 is something that I know we've spent a lot of time talking
3 about at the AC21 meetings and then the contract. And
4 again, all this, you know, the seed companies, other seed
5 companies have contracts as well but that was an outcome of
6 our last meeting that we said, you know, folks really need
7 to talk over the fence. And we think that's important and
8 we understand that already does occur in the countryside but
9 we wanted to, as seed producers, do something and put that
10 in as part of our contract as well that growers sign. So,
11 no, there's nothing about 50 percent buffers, et cetera.
12 Every crop is different, every grower's trying to meet a
13 different specification for a different contract which is
14 some of what we were talking, you know, we as a group were
15 talking about before. So, it's different for every grower
16 trying to meet different specs. But there are stewardship
17 plans depending on what traits they grow that have to be
18 followed. But you're, it's a very public document and I
19 encourage you to take a look at it.

20 MR. REDDING: Thank you. Lynn? I'm sorry, Leon,
21 Leon.

22 MR. CORZINE: Mary, I may be able to help you with
23 that. Leon Corzine. Our contracts, we bear 100 percent of
24 the buffers whether then we meet it or not. But it's
25 incumbent upon us in the contract --

1 MS. MARTENS: When you say your contracts what do
2 you mean? You and, between you and who?

3 MR. CORZINE: Well, between me and Pioneer DuPont
4 or whatever company I may be growing for or if it happens to
5 be Frito-Lay and it's a food-grade corn. Okay, so our,
6 somebody with white corn, whether it's ADM or Cargill or
7 Tate & Lyle, whoever it may be, that's all part of the
8 contract and that's why I get a premium then for what I
9 grow.

10 MS. MARTENS: I guess that's not my question. In
11 that case, you are the one who would be negatively impacted.
12 What about your neighbors if they were negatively impacted
13 by what you were doing? Are you bearing 50 percent of the
14 responsibility to prevent that negative impact on their
15 farm?

16 MR. CORZINE: No, but we do have a conversation as
17 to what I'm growing and what he's growing.

18 MR. REDDING: Okay. Alan?

19 MR. KEMPER: Thank you, Mr. Chairman. Sometimes
20 it seems like we go in circles of three or four years with
21 this group and I can remember that discussion in 2011. I
22 would like to go forward with this group and talk more about
23 the vision of what your charge was. And as we deliver the
24 various messages to the various stakeholders and as we've
25 mentioned, Mr. Chairman, over the break, there are various

1 methods to do that whether that is through extension or
2 others. But I can think of several other ways to do that.
3 You have the farm managers and rural appraisers who have
4 continuing education, you have the private applicators'
5 licenses like we were talking over break that would have
6 continuing education. You have certified crop consultants
7 that have continuing education. You have commercial
8 pesticide applicators that have commercial, I mean, that
9 have continuing education no different than I do as a
10 realtor. So, as I address that through various methods of
11 their time blocks and usually a two-hour time block it would
12 be very easy to talk a little bit about the coexistence and
13 the future of that in American agriculture. Thank you, Mr.
14 Chairman.

15 MR. REDDING: That's a good point. So maybe being
16 able to work this in back to that curriculum point, you have
17 some venues that are already standing requirements for
18 agriculture to carry certain credentials.

19 MR. KEMPER: My scope is limited. There are
20 probably --

21 MR. REDDING: Yeah.

22 MR. KEMPER: -- so many more.

23 MR. REDDING: Right. Great, that's a good point,
24 great. Laura?

25 MS. BATCHA: Laura Batcha. I thought I would just

1 go back around and address this question about the surprise
2 around the lack of enthusiasm on the education and outreach
3 components of the final recommendation. If my memory
4 services I think my organization was probably one of those
5 more sort of tepid comments around that recommendation. So
6 I thought I'd address that and I think remind us that, you
7 know, as we're surprised by that I think these were
8 discussions that we had all along in our AC21 deliberation
9 so I think, you know, the memory of it having been not
10 discussed then. So I'm just going to remind us.

11 I think the reason we provided those comments and
12 the reason why our priority in terms of enthusiasm hasn't
13 been in that area are for a couple of reasons. One,
14 priorities and I think Michael touched on that. If we
15 believe there are a few key things you have to go after like
16 seed purity, you know, our view has been and I've shared
17 that with the committee, you know, we have to sort of go
18 after those things first and try to put our effort there
19 number one. And number two, enthusiasm around the idea of
20 education and outreach outside of the context of what you're
21 educating about is hard to get behind. So I just wanted to
22 sort of clarify that in terms of the historical conversation
23 and I think we were probably one of the organizations that
24 did weigh in that way in the comments.

25 MR. REDDING: Good, thank you. Keith?

1 MR. KISLING: Mr. Chairman, I don't know if this
2 will help any but I'm going to throw it out. We talked a
3 little about it at break. But this is farmer perspective
4 because that's what I am but I know wheat, I don't know some
5 of the other crops very well, we don't raise those. But for
6 us wheat farmers we have to go in and certify our acres of
7 what we planted, when we planted and what we were going to
8 do with it already. We planted it in September, October, we
9 don't harvest until June. So, we've already told FSA that
10 we're going to plant wheat and we're going to harvest it in
11 June. If we wanted to get out what we're doing they've
12 already got a record of what we're doing. There's not been
13 any gene flow yet. Our neighbors would all know what we
14 have and when it's going to happen. And I don't know if
15 that information -- I asked Mr. Goehring about that, he
16 thought it might not be legal to get it out and that's
17 probably right. But they've already got the information on
18 what we're planning out there. So I don't know if that's
19 helpful or not but it lets you know that we're kind of doing
20 our part to get it out already and they've got a record of
21 it. Thank you, Mr. Chairman.

22 MR. REDDING: Keith, why do you report that? I
23 mean, I guess for everyone's benefit here, is that a
24 requirement under the FSA programs for you as a producer to
25 be part --

1 MR. KISLING: Yes, Mr. Chairman. If you want to
2 be part of the farm program, and there's a lot of benefits
3 to being part of the farm program, then you have to go in
4 and certify your acres early and tell them when you planted
5 it, what you planted and how you're going to handle it.

6 MR. REDDING: Uh-huh.

7 MR. KISLING: That way you're in the system if
8 there's a benefits coming your way because of a short crop
9 then you're a beneficiary to that. So, about everybody goes
10 in and reports their acres early.

11 MR. REDDING: Uh-huh.

12 MR. KISLING: There's a deadline on that. It's
13 after you've planted your wheat.

14 MR. REDDING: Right.

15 MR. KISLING: And I don't know if the other crops
16 are that way but I know that's the way wheat is.

17 MR. REDDING: So, it'd be another point of
18 contact, right. So we're thinking about --

19 MR. KISLING: Yeah.

20 MR. REDDING: -- outreach or, you know --

21 MR. KISLING: I don't know if that helps but if it
22 does, look at it, if it doesn't, that's fine.

23 MR. REDDING: Yeah. That's good. Lynn?

24 MR. CLARKSON: Lynn Clarkson. I'd like to follow
25 up on that point. There's a massive acceptance of cover

1 crops that is important across the Midwest right now. And
2 exactly what you said about filing and I think it might be
3 important to have a filing of intent. Because what I see
4 going in our area is people flying on cover crop in fields
5 that are un-yet harvested and then the neighbor plants his
6 wheat field. And I haven't seen too many flown on seed
7 plantings that were perfectly in a straight line on the edge
8 of the field which means I just gave you cereal rye in your
9 wheat which may result in your rejection if you're raising
10 seed or something else. But the information that you
11 provided, if it could be provided ahead of time, a statement
12 of your intent would let the neighbor who wanted to be
13 helpful not fly on cereal rye right next to you. And we're
14 going to see a lot more of that with cover crops.

15 MR. REDDING: I believe Dudley Hoskins is here
16 from -- Dudley, welcome. If you don't mind, please join us
17 here. We'll just pause for a moment for another public
18 comment. I won't share all the public comment background
19 and just the notice but to remind everyone that this is from
20 the committee's benefit and it's not sort of a Q&A with the
21 public commenters but an opportunity for them to impart up
22 to five minutes their perspective on this issue. So,
23 Dudley, welcome.

24 MR. HOSKINS: Thank you, Mr. Chairman. Is this
25 on? Yeah. And my boss told me, not five minutes, she told

1 me 30 seconds. I said, I'll try to do her best. But my
2 boss, NASDA CEO Dr. Glenn sends her regrets, and by regrets
3 I mean her staff. My name is Dudley Hoskins, I'm fellow
4 policy counsel for NASDA. NASDA is the National Association
5 of State Departments of Agriculture. And before we get into
6 the comments I just wanted, on behalf of Dr. Glenn and
7 NASDA, I wanted to thank Secretary Redding and Commissioner
8 Goehring for your alls' leadership and investment into this
9 committee over the years and everything you all do
10 individually and collectively both for the AC21 and for
11 NASDA in general.

12 So, I guess our, the NASDA comments I say are
13 somewhat timely. I understand the AC21 has an updated
14 charter and it's asking you all to explore ways where
15 farmers can be encouraged to work with their neighbors on
16 coexistence initiatives. And the answer to that question is
17 yes, there absolutely is a way. And Commissioner Goehring
18 knows this better than anybody. But from the NASDA
19 perspective we would like to point you all to what is called
20 a State Managed Pollinator Protection Plan, commonly
21 referred to as an MP3. And Dr. Schechtman, I don't know if
22 it's appropriate now, but I brought some comments, some
23 extra copies of the NASDA comments to the committee and I
24 left them on the desk up there.

25 But in short, you know, an MP3, a State Managed

1 Pollinator Protection Plan is a model that NASDA would
2 recommend the committee consider. That is, it is not driven
3 to a specific mandate or regulatory trigger. It's a vehicle
4 that allows stakeholders to work together to help produce
5 our country's food, fiber and fuel in a collaborative and
6 productive manner. And I don't know how many people here
7 are familiar with honey bee health issues and I'm more
8 familiar with those than I am the coexistence challenges.
9 But I would say on both sides of the ledger there's a lot of
10 complicating factors. The policy issues are one side of it,
11 the people issues are really the real challenges. And we
12 look at some of the MP3s that have been developed and
13 implemented in five states to date, I would say Florida,
14 Mississippi, Colorado, California, and last but not least
15 North Dakota.

16 And what we've seen through the development of the
17 MP3s is we had a commissioner, secretary, director from the
18 state department of ag call on their stakeholders to come
19 together to identify best practices, lessons learned,
20 vehicles for communication and to explore ways to enhance
21 that in a collaborative and non-regulatory approach. And
22 the model has been so successful that just this past May the
23 White House, through their national strategy to promote
24 honey bees and other pollinators referenced the State
25 Managed Pollinator Protection Plans and called out North

1 Dakota as one of the states specifically where this model
2 worked so well that EPA and the White House and USDA's
3 working to expand that approach across all 50 states and
4 four territories.

5 So, I know that's more than 30 seconds and I know
6 we don't have time to get into all the specifics of it but
7 from a NASDA side we would very much encourage this
8 committee to look to that model and to look to the NASDA
9 leaders involved in that process as a resource and as a
10 vehicle to forward informed and workable solutions to what
11 is hopefully not an issue into perpetuity. But with that, I
12 will yield back, Mr. Chairman. I don't know if you wanted
13 to do Q&A or just --

14 MR. REDDING: No.

15 MR. HOSKINS: Okay.

16 MR. SCHECHTMAN: You sent your electronic copies?

17 MR. HOSKINS: Yeah, and I can hand out some hard
18 copies.

19 MR. SCHECHTMAN: No, that's --

20 MR. HOSKINS: Okay.

21 MR. SCHECHTMAN: -- we're good.

22 MR. HOSKINS: All right.

23 MR. REDDING: Dudley, thank you, and please extend
24 our regards to Dr. Glenn. We look forward to reviewing the
25 MP3 comments that has been referenced twice here today as a

1 possible model. So thank you. Okay, further comment? Yes,
2 Alan?

3 MR. KEMPER: Just a further comment, if you would,
4 on lands. This is why, in my opinion, coexistence is so
5 important is the additional avenue of the cover cropping and
6 aerial flying of that on. I mean, it's so important to tell
7 the story on whose ground you're actually supposed to be
8 putting that on with the additional rye or wheat that could
9 be flown on and drifted through. I mean, it'd be worse than
10 a pollen drift to me in some areas. The other thing is,
11 with 7,000 drones, whether fixed wing or rotor being sold
12 within the last 12 months there's going to be a new
13 monitoring on that coexistence ground by everybody. And so
14 it'd be, time is, to me, of the essence to get our story out
15 on coexistence before, you know, before it could all break
16 loose.

17 MR. REDDING: Very good. Thank you. Lynn, just
18 back to, Lynn Clarkson, just back to your comment, Lynn.
19 So, just coming back to your statement --

20 MR. CLARKSON: Sorry about that.

21 MR. REDDING: No, no, that's okay. So, you made a
22 statement about the statement of intent, right. That is,
23 that's not a formal piece, that's just sort of an
24 observation?

25 MR. CLARKSON: Yes.

1 MR. REDDING: Okay.

2 MR. CLARKSON: It's just an observation. I know
3 of no reporting that requires us to put down our intent for
4 insurance purposes or with the Farm Service Administration.
5 But after the fact there's lots of things that we're
6 required to put down. We're not required to put down what
7 particular hybrid or what particular threat might be
8 involved, either pluses or minuses, but the information in
9 general is there and it's recorded as you said. So, if
10 there were a mapping function to help some of us the
11 information is already there, you just need to speed it up.
12 And in my case or in the case of people that are using cover
13 crops frequently planted by air it'd be really nice for us
14 to know what our neighbors were doing in anticipation
15 because we can't see it when we're flying on seed. And it
16 has come as a surprise to quite a few farmers to find out
17 that they seeded the nearby areas of their neighbors' new
18 wheat field.

19 MR. KEMPER: Yeah, or the seeded the wrong field.

20 MR. CLARKSON: I don't mention that one.

21 MR. REDDING: All right. Leon?

22 MR. CORZINE: Thank you. Actually you do file
23 intent or record intent with the crop insurance agency. We
24 actually, before we sign contracts on crop insurance we have
25 to do that prior to planting, actually by March 15th, and we

1 normally plant in April or May. Because you have a
2 prevented plant thing going in. So you do have that venue
3 where it is recorded. The seeding deal, I know of issues
4 once where somebody actually did soybeans by the air a
5 really wet spring and a neighbor had done seed production
6 and they over flew and there was compensation paid by the
7 individual's insurance company in that. So, Lynn Clarkson
8 is right. There's a lot going on, probably clear across the
9 country, but in my part of the world too in cover crops,
10 quite a lot by air but also a lot done prior. And the by
11 air would be the issue that's somewhat problematic but I'm
12 not sure what we do about that. Thank you.

13 MR. REDDING: Yeah, that seems to be a new
14 wrinkle, right, it's just how to manage that from, you know,
15 it respects boundaries but at the same time there's plenty
16 of opportunity there for seed to end up where you don't want
17 it. Yeah, Josette?

18 MS. LEWIS: I just want to come back to a couple
19 of earlier comments that we have to be incentivizing people
20 who actually have a stake in this and that that's key to
21 thinking about how to construct those incentives. Because
22 if I was an organic corn grower in Illinois I might be a
23 little nervous if there was a lot of public disclosure about
24 what I was planting versus my neighbors because I might not
25 get a contract from Lynn if I'm surrounded by a bunch of

1 genetically engineered corn fields because he would see me
2 as a high risk. So, I'd kind of be cutting my nose off to
3 spite my face. And so, you know, we might disclose stuff to
4 the crop insurance people but that doesn't mean we're
5 disclosing it to the public. And so it seems to me again we
6 have to really always look at these models, because I think
7 it is to look at models for how to incentivize people for
8 whom this is a priority and there will -- to incentivize
9 them to be motivated to come to the table. Because it's not
10 going to be a priority for everyone. And I mean, every
11 farmer but also every part of the country, you know, it's
12 going to vary enormously. So I think we have to be thinking
13 about this as creating incentives to get people for whom
14 this is an important issue at the local level, it's not a
15 blanket solution to coexistence at the national level per se
16 at this stage because not everyone's probably going to see
17 that as a high priority. And as one of our public
18 commenters mentioned, maybe it shouldn't be because maybe
19 there are other things that are also higher priority for the
20 federal government to spend money or even state governments
21 to spend money on. So, I think it's always important as we
22 think about these models to come back to, it has to be an
23 incentive that brings the right people to the table who are
24 motivated to at least come to that table. Because it's not
25 an incentive otherwise.

1 MR. MCKALIP: Yeah. There's been a lot of
2 discussion about the planting intentions data that's
3 collected every year and I'm getting less and less
4 comfortable the more this kind of ping ponged around the
5 table. I don't think that USDA is authorized to release any
6 of that data by producer. I think we can aggregate it, we
7 can produce data by county or even by state of what's likely
8 to get planted. But I don't think we're even permitted by
9 state of releasing individuals' info there. So I'll do some
10 research overnight, I'll make sure I have a better answer to
11 that tomorrow morning. I just didn't want us to get too far
12 down that path on planting intentions info if that's
13 something that we clearly can't even go there right now.
14 Maybe there's a way, and this gets back to the local and
15 state thing, maybe there's a role there but I think Congress
16 has spoken to a lot of this data and made sure that we
17 don't, as the federal government, release individuals' info,
18 for good reason.

19 MS. LEWIS: Right. And I think even as we think
20 about, you know, solutions that might work at the local
21 level, it might not be public disclosure of some of this
22 stuff because that's still going to affect market
23 opportunity for a variety of players, so.

24 MR. REDDING: Alan, did you --

25 MR. KEMPER: No, I hope the USDA never releases

1 individual field documents like that because basically
2 you're violating my contract with you as confidentiality and
3 you're making my competitors now much more advantageous of
4 taking my ground away. So I would definitely see you're
5 charged not to release it but to aggregate it and you can
6 release it that way. Lynn and I both agree, if you want to
7 voluntarily do that and somebody else is going to keep that
8 database that's great.

9 MR. MCKALIP: Yeah, I think we're saying the same
10 thing. I just wanted to be clear because the more it was
11 kind of going around the table it started, I thought, to
12 appear like perhaps there was a database at FSA or risk
13 management that you can get into and map it or something. I
14 just wanted to try and put a stake on that and be clear.

15 MR. REDDING: Good. Angela?

16 MS. OLSEN: I wanted to second Josette's point
17 about incentivizing as well. But also two key points that I
18 think, you know, that Barry brought up which is we do want
19 to make sure for our growers that we help them to maintain
20 their competitive position. There is a position, there's
21 the point that Josette brought up about, well maybe someone
22 won't want to enter into a contract. But there's also a
23 competitive position that the growers, they decide to grow
24 certain things on their soil, there are, on their land there
25 are science that goes into it, there is really important

1 business decisions that go into it. So, I want to make sure
2 and honor that as well so we don't put them at a competitive
3 disadvantage. And the vandalism point is very really as
4 well. And so again, it's all a balance. But I want to make
5 sure that as we're thinking about what some of those
6 recommendations are that we, that we balance that as well.
7 Maybe it's, again, maybe it's a third party where
8 information is submitted but I think those are very real
9 points that we need to keep in mind with any solution or any
10 recommendations that we come up with.

11 MR. REDDING: Commissioner?

12 MR. GOEHRING: Thank you, Mr. Chairman. There's
13 been some good points made around the table and I think part
14 of it comes back to some things that Josette has said and
15 Jerry has said and about the incentive aspect about it.
16 It's one thing as a seed producer, an organic producer, an
17 identity preserved producer where you're getting a premium
18 in the market so you have something at stake. But I think
19 Jerry said it really well when he said, what's in it for the
20 conventional producer, the guy that's hanging on by his
21 teeth and he's just trying to farm. Unless there's a threat
22 of something else in all of this there's no reason for them
23 to really pay attention, to learn, to adopt unless he has a
24 real concern with his neighbor which means you have to have
25 a relationship. And then you're concerned about what's

1 happening to them and then you try to do something.

2 We had talked about and Dudley had made mention of
3 it and we talked about it earlier with the State Pollinator
4 Plans. The reason those were so effective with all of the
5 stakeholders is because, and I am not at all suggesting we
6 even go down this road, but the reason that was effective is
7 because there was a fear that EPA may ban use of certain
8 pesticides for agriculture use. That was very effective.
9 And Ron was on the other side of the table at that time
10 working for the Department of Agriculture in Colorado and we
11 remember those conversations. It was easy to get
12 stakeholders there and to have the conversation as much as
13 they disliked what was going on they really were ready to
14 step up and do some things or at least have the conversation
15 and then expose all of the variables that exist when you
16 start talking about, at that time, pollinators. And then
17 there was a realization that came to the forefront about
18 where the public and some of the beekeepers' perceptions
19 were when they saw that, oh yeah, we're guests on the land.
20 And if we fight back we get into this disagreement about how
21 we're going to operate and function and coexist together,
22 there's going to be fallout. And all of a sudden there was
23 this ah-ha moment and things really started to work and
24 click and we came up with a lot of good ideas. Now, in this
25 situation, what do we do. What is the, what is the

1 commonality we're looking for. Because much of it is about
2 mitigation, correct? We're just trying to mitigate risk
3 because there's inherent risk in agriculture.

4 I have so many farmers right now that, and I deal
5 with this from a regulatory side but it has to do with
6 pathogens for example, whether it's plant pathogens, whether
7 it's seed or soil-borne pathogens, maybe it's animal,
8 there's issues out there and it puts you right in the middle
9 of where these things are at. But it gives you the ability
10 to step in and manage it. So I get calls about this. If
11 someone is over-tilling their field all of a sudden the wind
12 blows or the rain, or you get heavy rain I should say,
13 excessive rain and you start to move soil particles, you
14 start to move pathogens onto somebody else's field and then
15 they've got to deal with that or they don't take care of
16 noxious or invasive weeds and all of a sudden the wind blows
17 after they've pollenated and we have seed flying all over
18 the area and because that's regulated it puts you right
19 smack dab in the middle of trying to mitigate or work with
20 those producers to make sure that we don't have issues next
21 year or at least minimize that.

22 I think there are ways to approach this. But
23 again, I think Jerry brought up the best point of all, how
24 do we get a certain element, one part of agriculture that
25 really is getting nothing out of this. So you'd have to

1 build an incentive into this. And what that is, yeah, I
2 probably have a lot of thoughts but I don't think the
3 federal government has that much money either. Thank you.

4 MR. REDDING: Angela, do you have another point or
5 -- okay, yeah. I mean, I think the, what is the incentive.
6 I mean, I don't know, I mean, to me it's in part just being
7 a good producer and understanding that I've got a, I want to
8 protect my interest but I need to respect my neighbor's
9 interest. And how do you do that, right. I mean, that's
10 really what we're talking about in production agriculture.
11 The assumption is we do it now, the reality is that there
12 are things happening that are not intentional but they're
13 happening. And it's only going to get more complicated
14 going forward with planting, you know, options and varietal
15 options and diversification, however you want to describe
16 it. So it's going to get more complicated.

17 So I look at the work that we're doing here really
18 a forecast to say what we know today is a complicated
19 landscape to be, you know, by some factor more so in two
20 years, three years, 10 years. So how do we sort of forecast
21 these conversations and actions of individual producers so
22 that you can protect those marketplaces and to me that's
23 sort of the incentive is I want to stay in this marketplace.
24 And if there's an incentive to stay in that marketplace by
25 the crop that I'm producing, great. But irrespective of

1 that, I want that market protected. And I feel like, you
2 know, this discussion long-term is that we're going to be
3 pushed out of markets, local or otherwise, because of that
4 sort of infraction that I'm not protecting my crop or
5 respecting my neighbor's plan.

6 And I know that sounds, you know, difficult to
7 manage and it is but I think that's sort of what we're asked
8 today to sort of look at. You can get the seed purity
9 question, you can deal with things that we've heard. But at
10 the end of the day it's a personal question that we take, I
11 take, you as producer. How do you manage that? I mean, how
12 do you want to manage that? And if there's incentive in
13 there for marketplace incentive ideally, but I think there's
14 probably just, you know, a community incentive, you know, to
15 keep peace in this valley. How do you protect that, right?
16 I don't have an answer to that but I think that's sort of
17 where we are in trying to construct, you know, a plan, a
18 model play that would guide us there, right, knowing it'll
19 be, it will evolve over time just as the work of the AC21 of
20 the last 15 years has evolved and think about, you know, the
21 level of sophistication in this conversation versus what it
22 was for those who were there. You know, it's come a long
23 way, right, and we've made a lot of adjustments and there's
24 been systems built. But we have still have this one
25 question around the individual action that producers take

1 that is the most central question to protecting that
2 marketplace and for the furtherance of coexistence, the
3 personal action. And I guess that's what we're talking
4 about here. The personal action, if that's incentivized
5 what's the incentive, what is it. Missy? Sorry, Michael.

6 MR. SCHECHTMAN: That's all right.

7 MR. REDDING: Yeah, Missy, then Michael.

8 MS. HUGHES: Melissa Hughes. Russell, I want to
9 jump behind what you're saying but I want to take it to a
10 different level. You're talking about personal action and I
11 really appreciate what you said about the complexity as we
12 move forward in the coming years. And I think that as a
13 group, as a committee we need to look at our own personal
14 actions, each of us, either directly or with one or two
15 degrees of separation represents huge producer groups. And
16 we can choose to stay in our entrenched positions or we can
17 choose to say, okay, you know, we have a unique position
18 that's been offered to us sitting on this committee of
19 recognizing what's going to happen 10 years from now and the
20 complexity that's coming towards us. And we can think, how
21 can we actually help these producers to see that the future
22 is much more complicated, to see that small changes now in
23 both practice and attitude will help make the future much
24 less complicated and much more successful perhaps for their
25 next generation that's coming onto the farm.

1 But I think, you know, if this group wants to sit
2 and think about how it's going to be really hard and there
3 aren't incentives and we're already doing a bunch of stuff
4 so why bother doing more we're just not going to get nearly
5 the success that we could potentially have if as leaders in
6 our individual sectors we were to choose to follow maybe a
7 different course on how to talk to our producers and our
8 constituents about this whole conversation.

9 MR. REDDING: A very good point. Michael?

10 MR. SCHECHTMAN: Yeah, a couple of things I wanted
11 to note. One, a couple of times it was alluded to the idea
12 that USDA might still be able to offer some incentives, that
13 there might be a pot of money somewhere or these sorts of
14 things. You know, we, you know, have looked back over our
15 authority to offer incentives and I think the reason we're
16 coming back to you is because that's something that we're
17 really limited in what we can do and there are not a whole
18 lot of pots of money around as well. So, we're really
19 interested in your creativity as to either how we can help a
20 process that is more likely to be based at a state or local
21 level and also whether there are actual incentives that
22 could be offered at the state or local level that
23 commissions of agriculture or others might be able to bring
24 to bear at the local level that would help bring people into
25 this conversation to make those kinds of small changes that

1 might make a big difference. That's one point.

2 The other is just sort of a following on, a random
3 thought to throw out for folks. And that is that this idea
4 which Doug spoke to a minute ago about the limitations we
5 have on releasing information about intentions and Alan
6 spoke to the real concerns that farmers would have about
7 releasing that information as well. But that is not to say
8 that there's not some sort of technological tool that you
9 and your neighbor might be able to use to address some of
10 this and maybe there are recommendations around technology
11 that we don't have that might be useful to help neighbors do
12 things. Just something else to throw out there for you all
13 to think about.

14 MR. REDDING: Yeah. Commissioner?

15 MR. GOEHRING: Yes, Mr. Chairman. Michael, you
16 brought something up that I forgot to mention earlier. But
17 I believe it's Purdue, did develop DriftWatch which is a
18 mapping system. We also developed our own interactive
19 mapping system which you voluntarily have to go on there and
20 you can put in GPS coordinates, you can go by your legals,
21 and you can identify whether you have beehives there,
22 whether you are an organic producer or if you have a
23 vineyard there. And that's done because we then require
24 pesticide applicators or anybody in that area that would be
25 applying pesticides to then check that map and make sure

1 that you're aware of what's in that vicinity before you
2 spray. And they should be checking anyways but given how
3 busy people are we know sometimes that doesn't happen. But
4 if they don't check it and they do cause harm not only are
5 we not going to be lenient with them, I mean, there's
6 certain conditions where things happen, they did everything
7 by the label, but if they weren't even checking it they're
8 even in more trouble. And it can mean stiffer penalties and
9 fines.

10 MR. REDDING: So that is a, like a
11 hypersensitivity list? Is this for the, somebody sensitive,
12 hypersensitive to pesticides or just producer to producer?

13 MR. GOEHRING: It's for those land owners that
14 may, and farmers, that have certain types of activities on
15 their land. So, maybe they're a beekeeper, maybe they allow
16 a beekeeper to drop hives there. Maybe they have some
17 organic production. Maybe they have something specifically
18 that they want to identify so that everybody's aware in that
19 area that if they're there they need to be cognizant of that
20 and take extra precautions. But that does exist but not a
21 lot of states have it or use it. I know some are using
22 DriftWatch to do some of that too, but I'm not sure --

23 MR. KEMPER: Let me add to what the Commission's
24 statement and on particular with the DriftWatch. It is
25 voluntary and there's a BeeWatch, there's a FieldWatch and

1 it deals with pumpkins and anything that's sensitive or
2 organic. It's voluntary but a lot of us use it also because
3 if we're out there spraying we want to know what the wind
4 drift is. We'll record onto that site what the exact time,
5 date, temperature, the weather location and weather is to
6 help us, protect us from any type of liability situation.
7 But they're both good, but they're a neighbor to neighbor, a
8 voluntary at least in our state and it's DriftWatch. Thank
9 you.

10 MR. GOEHRING: They are voluntary.

11 MR. KEMPER: Yeah. At least it has been.

12 MR. REDDING: Yeah, no, thanks. Lauren?

13 MS. BATCHA: I just have a follow-up question for
14 Doug in terms of participation rates. Do you have any data
15 at this point yet about the rate of participation?

16 MR. GOEHRING: Yes. Mr. Chairman? Laura, it's
17 really high. We, we actually document well over 600,000
18 beehives in the state through that system. All of our
19 vineyards in the state and most of our organic production.
20 But again, it's voluntary so it's just good to know where
21 it's at so that people can be more respectful, cognizant of
22 what's in that area so that they're out spraying in the
23 right conditions and less likely to do harm.

24 MS. BATCHA: And one follow-up if I may, Russell,
25 is that okay? And does it have a, I use this term lightly,

1 a social component so that users in proximity can have like
2 a direct communication through the system or is it all data
3 in and then you pull data out and look at it?

4 MR. GOEHRING: We have like pins so much when you
5 pull up your GoogleMap and it'll pin something. You can put
6 your cursor on that and it will pull up what it is, if it's
7 a bee, if it's organic or if it's a vineyard, and it will
8 also have the contact information of whose field and hives
9 that might be. And then you can contact them and there's a
10 lot more interaction. And especially with the beehives
11 because we actually require that in law that that
12 information's there so that a pesticide applicator can call
13 them and say, hey, I would like to spray there in five days
14 or in two days, can you block, net or move those hives so
15 that we don't have any harm to the bees.

16 MS. BATCHA: Thank you.

17 MR. REDDING: Missy, did you have another
18 question?

19 MS. HUGHES: I'm sorry.

20 MR. REDDING: Okay. Barry?

21 MR. BUSHUE: It might -- Barry Bushue. It might
22 seem a little nebulous I guess but trying to bounce off what
23 Laura was saying and where Doug was coming from. Incentives
24 don't always have to be monetary and they don't always
25 necessarily have to be positive. I mean, I'm thinking of an

1 anecdote. In Oregon Doug talked about wine grapes and years
2 ago there was a real challenge between wheat producers and a
3 newly established wine area regarding 2,4-D. They settled
4 that by merely sitting down around a table and determining
5 that they would notify each other of when they were going to
6 spray and they established a set of times that we normally
7 involved in bud-break for the wines and the wheat guys
8 decided that that was a reasonable expectation and there was
9 no spraying.

10 More recently in the valley there has been a
11 number of challenges and the disincentive proved to be when
12 a small group of wine producers went immediately to the
13 media and damned every other form of agriculture on the face
14 of the earth, obviously that's an exaggeration, but were
15 very, very critical of the industry as a whole and the
16 disincentive for them proved to be that not only did the
17 legislature push back very, very hard against them, so did
18 the agriculture industry and the incentive became that the
19 rest of the industry recognized that you could do this
20 voluntarily without having to throw each other under the
21 bus. As a result of that, there was a lot of work done by
22 our Department of Agriculture and our commissioner to set
23 aside some responsible methods by which people could work
24 together to do that. So, you know, I guess the incentive
25 was recognizing that you don't need to go nuclear on your

1 neighbors. And so I think that was a, that proved to be
2 very successful in the end and these voluntary methods
3 continue to work over and over and over again.

4 MR. REDDING: Well, it sounds like there may be
5 some lessons we can borrow. All right. So, that would be a
6 good state, local action, however that sort of found
7 resolution. Are there other sort of state examples? I
8 mean, things that your states are doing that would maybe
9 have some transferability to the question of coexistence?
10 Mary-Howell?

11 MS. MARTENS: Yes, but not necessarily helpful.

12 MR. REDDING: Then, okay, keep it to yourself.

13 MS. MARTENS: Because Barry reminded me of a
14 nuclear battle we're in the middle of right now, one of our
15 neighbors who is a wine grape producer has been told by
16 extension that Asian lady beetle, which one Asian lady
17 beetle can wreck a whole vat of wine because of its smell,
18 its aroma, is the result of the fact that soybeans are grown
19 in the area. And because we are one of his neighbors, he
20 has been going around and telling all the neighbors that he
21 doesn't think we should be growing soybeans any longer
22 because the stakes are high for him.

23 Had extension had a little bit more restraint and
24 a little bit more practical information about what the real
25 risks are and where these lady beetles are coming from, what

1 the tools are that a wine grape grower can grow, can use to
2 defend themselves rather than just saying, you know, it's
3 the fault of your neighbors because they grow soybeans, I
4 think both the results would have been better for Johannes
5 and also for us. So, again, we come back to some sort of
6 neutral guideline that will take some of the hot-button
7 relationship issues out of it and also give agencies like
8 extension tools to use so that they aren't going out and
9 saying things that can be blown out of proportion. We need
10 to have good information to distribute so that agencies can
11 be more or less on the same page and farmers can hear a
12 coherent message that they can use. Because in this case
13 the bit of information that extension had was probably
14 technically sort of right but it was not being used in a
15 responsible way.

16 MR. REDDING: Okay. Other state experiences,
17 state programs as examples? Josette?

18 MS. LEWIS: Josette Lewis. I don't have a state
19 example other than the previous one I gave on water
20 management in the state of California divesting the decision
21 making down to the local level, even though there's a
22 regulatory requirement at the state level. But it strikes
23 me in thinking about our work plan going forward that
24 getting some state secretaries or commissions of ag in
25 addition to the ones that we have here would be a useful

1 process because ultimately we have very little authority as
2 a regulatory, or as an advisory committee at the USDA. So
3 somehow we have to get them motivated and understanding
4 where their motivations lie. So thinking about which ones
5 might be good ones to seek out, either based on where the
6 problems are most acute on these issues or where there are
7 examples from, you know, the bee management plans, MP3s, or
8 others. That strikes me as an important thing. And then I
9 would also be very interested in examples from different
10 types of grower organizations. Because they play, in my
11 experience, a very important role among their members in
12 educating, and I mean diverse ones. I mean, we have some
13 represented here obviously but looking at some of the
14 diverse examples that grower organizations have used to
15 educate members about best management practices and tools
16 that are available to them strike me as another kind of
17 piece of work that would be useful to hear from as we
18 schedule additional meetings.

19 MR. REDDING: Yeah. Barry?

20 MR. BUSHUE: You know, in all this discussion --
21 Barry Bushue, sorry. In all this discussion about local it
22 does create an opportunity for neighbors to work
23 collaboratively but with all the discussion that's going on
24 certainly in Oregon and I think nationally about local
25 control of a lot of things, taxation, minimum wage, labor

1 regulations, pesticides, GE versus non-GE in that is an
2 inherent challenge to both deal with it locally but not
3 allow or not end up in a situation where each little small
4 local entity has ultimate control over the broader based
5 infrastructure of agriculture. So I would just ask that we
6 kind of maybe keep that in mind because there's a few paths
7 that we could end up in that would not necessarily benefit
8 agriculture as a whole or even our own individual members
9 that we represent as Missy pointed out. So, local is great
10 for neighbor to neighbor. It may not necessary best for
11 local legislative or committee or commission or discussions
12 in terms of county regulatory processes.

13 MR. REDDING: That's a good point, thank you.
14 Laura?

15 MS. BATCHA: This is just a work plan process
16 suggestion as to perhaps we could look at the NASDA annual
17 meeting in September in terms of how our work flow works. I
18 just note that I don't know whether or not we're allowed to
19 co-locate a meeting at another meeting or would be an
20 opportunity for us to hear from stakeholders of all the 50
21 states in terms of the state level agriculture leaders or
22 just noting it as we look at our work plan.

23 MR. SCHECHTMAN: I would just make the point that
24 next September is mighty late in the process and in the
25 remaining time that we have here. I certainly take the

1 point and maybe there are some ways to bring the states here
2 if we can't go to the states if we need to do so by, for
3 reasons of time.

4 MS. BATCHA: I think there's a winter policy
5 meeting as well that comes up. But just some formal
6 engagement there might be helpful.

7 MR. SCHECHTMAN: Yes.

8 MR. MCKALIP: And I'm aware of no prohibition on
9 us, you know, co-locating a meeting essentially where other
10 target rich stakeholders might be there anyway. So --

11 MR. SCHECHTMAN: Only cost.

12 MR. MCKALIP: That's correct, yeah. But we can
13 have those conversations.

14 MS. BATCHA: It jumped out at me because our
15 calendars did go to September, so.

16 MR. BUSHUE: I was thinking the same thing, Laura,
17 I'm saying we've got September on here.

18 MS. BATCHA: Yeah.

19 MR. REDDING: Angela?

20 MS. OLSEN: Angela Olsen. I like Laura's idea, a
21 lot of NASDA. It seems that there may be, and based on the
22 presentation that we heard during public comments too, maybe
23 there is good value in having NASDA come in and speak to us
24 about some of these programs now that the charge is out
25 there and some ideas that NASDA may have as well including

1 the pollinator program but perhaps there's others that would
2 be helpful. Maybe it's NASDA, maybe it's additional groups
3 as well. So, I think there would be a lot of value in that.
4 I like that idea.

5 MR. CARLETON: Just a follow-up on that?

6 MR. REDDING: Yeah, Ron, please.

7 MR. CARLETON: Yeah, just very quickly. That
8 winter policy conference is the first week of February which
9 probably poses problems as far as the group getting
10 together. But the question is, is there some mechanism
11 while you've got 40 to 45 state ag commissioners in town to
12 somehow plug into that and utilize that. So, I just throw
13 that out.

14 MR. REDDING: Yeah, some update to them just on
15 like we had today in some abbreviated form probably is a
16 good thing. Yeah, we could do that but I was thinking sort
17 of the USDA agency just because I think there's some really
18 good work being done that puts in context this question,
19 right, because you'd want to sort of put this at an
20 appropriate spot that we're trying to address the issues of
21 coexistence and that engagement. But it's also understood
22 that you have some other things occurring like, you know,
23 the seed purity question and risk management, et cetera, but
24 a good point, yeah. Maybe even surveying them, I mean, the
25 absence of and given our timelines, you know, there are some

1 things and each state has, you know, some good work being
2 done. The question is, do they see the connection between,
3 you know, what this task is and the coexistence planning and
4 another effort that can be borrowed or at least mirrored
5 potentially around pollinator plans or conservation work,
6 pesticide education, et cetera. But, it is, you know, it's
7 not, it is a unique task with the, in some respects, but not
8 so unique in others, right. I mean, you're really talking
9 about general engagement, raising awareness, very thoughtful
10 approach and intentional actions being taken by producers.
11 So, if we do that around conservation planning, conservation
12 districts do that every day around conservation work. We're
13 doing it in 41 counties in Pennsylvania around the
14 Chesapeake Bay and intentional planning, plan and planting.
15 So there's a lot of areas where I think we could probably
16 look at what we do at the state level that could be borrowed
17 for this task here. I would be also interested in other
18 countries, right. We focused on local and state, you know,
19 but we had a presentation at one of our previous AC21
20 meetings that looked at some international efforts. I don't
21 remember all the detail but there were clearly some local,
22 in their respective countries, around this issue, right,
23 that we shouldn't sort of rush past that. So, Barry is
24 interested in this topic.

25 MR. BUSHUE: No, I was just thinking that since

1 the Secretary's Office here has decided we could relocate,
2 New Zealand has a wonderful opportunity in terms of its seed
3 production and seed protection, IP work that we could all go
4 and study. I think it'd be an awesome idea. We can all
5 agree on that.

6 MR. REDDING: Okay. There were some poster
7 sessions during the March workshop and I have forgotten,
8 took pictures of each of those but they were around the
9 issue of coexistence and one may have been the alfalfa, one
10 was Oregon I think but there were a couple of poster
11 sessions done by researchers. So, we should look at those
12 again just to make sure if there's something we could borrow
13 or is being done in support, again, in this charge on the
14 planting. Okay. Angela?

15 MS. OLSEN: Just another process question. I
16 always like to know sort of the parameters so that we're
17 really delivering to the Secretary's Office. Is, I'm trying
18 to think about, does this include all commodity crops? Does
19 this include colored flowers? You know, when we talk about
20 coexistence, and it could be very, very large, I want to
21 make sure as a group that we're not boiling the ocean and
22 that we're coming back with some really solid
23 recommendations. So, is there any additional guidance that
24 can be given to us, and perhaps that guidance is coming
25 tomorrow, is it specific crops, is it all crops? We know

1 that it's across all cropping, you know, farming methods but
2 does it include colored flowers? And I don't think that, I
3 mean, that's not what we've talked about at the table but I
4 could see that that could come into it. I'm just throwing
5 it out there. How broad or narrow is it so that we're
6 really delivering.

7 MR. MCKALIP: I don't think we've intentionally
8 limited that scope but I think that's a good conversation to
9 have especially as we get into the work plan discussion
10 tomorrow just to make sure that, you know, you use the term
11 boiling the ocean, we don't have a task that is too broad
12 that can't realistically be met given the timeframe. But I
13 don't think we wanted to limit that ourselves. I think that
14 we need to hear from you what's appropriate.

15 MR. REDDING: Okay. Any other sort of clarifying
16 questions that you feel you need based on what you heard
17 today about the charge? So as we enter the next, you know,
18 days' conversation, I mean, our objective tomorrow will be,
19 obviously we'll hear from the Secretary but we want to pick
20 up on this conversation. I just ask you to think about
21 overnight, I mean, the overarching charge that has been laid
22 out. And think of it from your own perspective. You know,
23 what is it that you need to really understand further that
24 would allow you to come back, I think some work in between,
25 but come back to the table, you know, with some guidance to

1 us in furtherance of this task, right. What is it that you
2 need to know, right, that you don't have today. And there's
3 been some really good ideas sort of floated that we need to
4 sort of look at and explore for sure. But just think about
5 that overnight, please, so we can look at both the charge,
6 look at the additional information that's needed if we're
7 going to be meeting two, three times with the objective of
8 wrapping this up within 2016 so we can deliver a product to
9 the Secretary. What is it we need to have in hand, right.
10 So when the work is done and I'm making the assumption that
11 all that we heard today in terms of other recommendations
12 and concurrent actions continue. And we did hear from a
13 number of the USDA staff that, you know, there will be
14 reports and published as well as work continuing and they
15 will report back to us. So, look at this task in
16 complementing that existing work. What else do you need,
17 what do you want to do, right, to make sure that we have,
18 again, as we did the last time I think, you know, our best
19 thinking at the table. There can be some disagreements as
20 to how that is all positioned but I want to make sure we
21 have good, robust conversation about our task here and give
22 to the secretary and to the USDA what we believe to be, you
23 know, the best ideas around how to facilitate that joint
24 coexistence plan, right. So do you feel like you have what
25 you need? You've heard the discussion today, you've got

1 some ideas. Yes? Okay. Michael?

2 MR. SCHECHTMAN: Yeah, I'll just add one thing and
3 that is, have heard mention of a lot of possible sources of
4 information that might be useful. It would be great if the
5 folks around this table, thinking about it tonight or
6 tomorrow, can really distill down the list of things that
7 you think we should be gathering together either as
8 background information for you or in terms of presentations
9 that we can efficiently provide to you so that we don't
10 spend an entire meeting just giving you presentations and
11 you have no time for discussion and moving forward. So we
12 want to figure out the most efficient way to get you what
13 you need so that you can make progress efficiently.

14 MR. REDDING: One point I would make I guess and
15 it came up several times and that was around sort of the,
16 you know, the stakeholders in this conversation as in the
17 previous conversations it's broad. Right, I mean, meaning
18 the tech providers, I mean, the farms, the state, the USDA.
19 I think in our work previously, you know, we had really
20 taken a pretty broad approach. And I would ask the same
21 here as we think about this task is that what, what can the,
22 you know, individual stakeholders do that collectively lead
23 us to, you know, the coexistence plan, right, joint
24 coexistence. Joint could be both between landowners but
25 also joint between industry partners and farm, right. So,

1 think of joint as being broader than just an occupation,
2 right. It really is multiple components could be in a joint
3 plan.

4 And what does that look like? Does that change
5 the conversation at all today if you think about that piece
6 of it. To me the joint, back to Lynn's point about, you
7 know, the more the person that's marketing my product knows
8 about what I'm doing, right, and the protection of that that
9 is a joint plan, right. If there's two landowners, two
10 producers, multiple producers that is also a joint plan.
11 Having some relationship with the person who is, I'm buying
12 the technology from, that is a joint plan. So I'm going to
13 take a very broad approach to what is a joint plan. And
14 this has evolved this afternoon as I was thinking again
15 between producer and producer and I think we even
16 intentionally said that.

17 But I would just ask in this conversation as we
18 look at the responsibilities I think it is much bigger than
19 that. And the joint can be multiple stakeholders in that
20 conversation, right. If you borrow the pollinator plan that
21 is a very different sort of joint plan by stakeholders
22 around that particular issue, right, they're interests. And
23 part of the incentive may be that incentive of where is my
24 joint interest with somebody. Ideally, it is between
25 producers and we'd look at that as a community. The joint

1 in this case may well be the person that I've got an
2 obligation to and/or is providing me a service. That can be
3 part of the plan. That's a little different than where
4 we've been but I think that is within keeping I think what
5 the Secretary's charge of how do you, in furtherance of
6 engagement around this coexistence, in furtherance of and
7 what's the stakeholder group around that. So, be thinking
8 about that if you would, please, overnight. Because it will
9 help guide us I think to where we can look, where we should
10 look around the development of and the facilitation of such
11 a plan.

12 It's part curriculum, it's part education
13 awareness but it's also that level of commitment that I have
14 as a producer to somebody else. But it's also, that is, the
15 reverse of that is true as well. Folks have an obligation
16 to me who are selling product, services, marketing and you
17 can put your own parameters on what that looks like, right,
18 but I think that's part of what we have to think about here
19 in terms of joint coexistence plan. Okay? And any final
20 thought? I mean, I don't want to, you know, run the clock
21 to five if folks are sort of thinking that they know the
22 charge and today, laid that out, you feel like you're
23 briefed on where the recommendations are that we've made and
24 our task for this new session of AC -- it's not new in AC21,
25 it's the same group but it's a new charge. Did you feel

1 that you're comfortable with where we are?

2 MS. MARTENS: Just thinking about efficiency of
3 information. If ideas, if ideas occur to us at night is
4 there a way that we can pass these on to you by e-mail and
5 have you kind of coordinate them tomorrow? I mean, I've
6 got, just as you've been talking I've had a number of things
7 that, of pieces of information I'd like to have. And it'd
8 be nice to make a list of it but probably it'd be more
9 effective if we could start doing it in writing. I was just
10 wondering if that would be a possibility that we all could
11 maybe brainstorm things we don't know in order to make this
12 happen.

13 MR. SCHECHTMAN: I'm not sure how much time we'll
14 have to gather all this together, that's right, if we're
15 enjoying each other's company over dinner. But certainly we
16 can, if people are thinking about all of those things we can
17 sort of start off by, you know, the list, you know, having a
18 collective list-making exercise and seeing --

19 MR. REDDING: We can just see tomorrow morning,
20 that's --

21 MR. SCHECHTMAN: Yeah. Sort of first thing in the
22 morning we can have a collective list making thing. One
23 thing that I would just add to that is I think something
24 that would be very useful for us is really to think about
25 where there are sources of incentives that we may not have

1 thought about. We are, in USDA, somewhat short of direct
2 incentives as we've said. If there are things that are
3 available at the state or local level that might be
4 repurposed for this or that might meet other needs as we
5 heard in the case of the conversation program if there are
6 opportunities for these sort of joint benefits at the state
7 or local level that will be a great thing to know about as
8 well.

9 MR. REDDING: Okay. Final comment? Folks who are
10 joining for dinner, any further instruction?

11 MR. SCHECHTMAN: Once we're off the record.

12 MR. REDDING: Once we're off the record we will
13 get further guidance. Otherwise, thank you again for being
14 here, being reengaged in the AC21 process and serving. It
15 really is important and I think the conversations of the day
16 sort of remind us that we many times think this belongs to,
17 it's somebody else's problem to solve, right. And what the
18 AC21 is doing is really creating a forum for us to think
19 through constructively these big issues of our time, right.
20 It's a challenge to farm, it will continue to be a challenge
21 but we also want to make sure that we don't lose sight that
22 what we said in the original report that it's important to
23 respect, each farmer has a right to choose a system that
24 works for them. And respecting that and protecting that is
25 really the work of this committee and this is another piece

1 of this conversation we want to stay focused on. So, thanks
2 for being at the table and I look forward to the
3 conversation tomorrow. Okay, we stand adjourned.

4 (Whereupon, at 4:39 p.m., the meeting was
5 adjourned.)

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Brandon Fields, Transcriber

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