



# BEYOND PESTICIDES

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September 6, 2016

Michael Schechtman  
Designated Federal Official  
Office of the Deputy Secretary, USDA  
202B Jamie L. Whitten Federal Building, 12th and Independence Avenue SW.  
Washington, DC 20250

Re. [81 FR 55170], U.S. Department of Agriculture, Notice of the Advisory Committee on Biotechnology and 21<sup>st</sup> Century Agriculture Meeting

Dear Mr. Schechtman,

I am speaking on behalf of Beyond Pesticides to reiterate our previous statement and comment on the draft report underway by the agency's Advisory Committee on Biotechnology and 21st Century Agriculture (AC21). Beyond Pesticides, founded in 1981 as a national, grassroots membership organization, seeks to advance improved protections from pesticides and organic land management strategies that eliminate a reliance on toxic pesticides. Our membership and network span the 50 states and groups around the world.

We appreciate USDA's service and time spent addressing agricultural issues related to coexistence of genetically engineered (GE) and non-GE crop production, and providing stakeholders the opportunity to provide input on this critical issue. We expect that the outcome of the AC21 meetings and reports will result in substantive and meaningful actions that protect the quality, purity, and economic viability of farmers' non-GE crops. We support a community-based approach facilitated by USDA that includes education and collaborative action, but urge that the outcome of this approach is carefully monitored and evaluated to determine its effectiveness in protecting non-GE farmers.

In the updated charge to the AC21, USDA requested responses to the question of how the federal government can assist in the process by which farmers could be encouraged to work with their neighbors to develop joint coexistence plans at the state or local level. This information is useful in educating producers and strengthening a community-based approach, but fails to inform on how to take action if contamination does occur. And while this work to promote coexistence is helpful, it ultimately does not hold any party responsible for causing financial harm to non-GE farmers. Therefore, lacking a discussion or plan to ensure the prevention of GE contamination of farm resources, the federal government should assist

farmers with information in exercising their right to litigate in order to protect their farms, soil, and food production from any genetic drift, resulting residues and loss of crop value.

The draft report discusses the challenges associated with emerging agricultural technologies and how these are all manageable through continuous dialogue and coordination at the local level. This statement and the entire draft report fails to offer substantial coexistence actions and instead places the burden upon the farmers whose livelihoods depend upon the production of certified organic and identity preserved crops.

Contamination and drift are important considerations on organic farms, whether it be from pesticides or genetic material. A 2014 study released by Food and Water Watch and the Organic Farmers' Agency for Relationship and Marketing (OFARM) found that one-third of organic farmers have experienced GE contamination on their farm due to the nearby planting of GE crops.

In the spirit of fairness, equity, respect, and the protection of property and crops, AC21 must seek to advance a set of standards in its framework that ensure that growers of GE crops assume primary responsibility for the movement of GE material onto neighboring properties.

While we understand that USDA may want to find a non-regulatory solution to the problem of genetic drift, it should be stated that the agency has the statutory authority, through partial deregulation of crops under the Plant Protection Act, to require monitoring and the creation of buffer zones where there is the potential for genetic drift that is injurious to organic or identify-preserved crops.

AC21 should also recognize that farmers of deregulated GE crops are also continually injured by GE cropping systems that by manufacturer direction require the use of or incorporate toxic chemicals contributing to weed resistance and damaged soil ecosystems services, resulting in harm to the long-term productivity and profitability of the crop. We urge AC21 to advocate that USDA in facilitating a communications plan provides farmers full information on drift, resistance problems, and ecosystem effects of GE crops, so that they take measures to ensure that they and their non-GE crop neighbors are protected. Ultimately, though, USDA should not be addressing "coexistence" as though organic farmers must also accept the final economic responsibility regarding genetic drift.

We would like to see AC21 do its job and include in the framework language that, when genetic drift occurs, the responsibility for corrective action is squarely placed on the user of the polluting technology, not the affected party.

Thank you for your time and consideration of these comments.

Sincerely,

Carla Curle  
Science Program Associate