

U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

July 12, 2013

RE: Discovery of unapproved genetically engineered wheat in Oregon

Dear Secretary Vilsack:

The recent discovery of unapproved genetically engineered (GE) wheat in Oregon underscores the difficulty of containing GE crops and the inadequacy of current U.S. regulation of experimental GE crops. It also reinforces the sensitivity of our export markets, all of which reject GE wheat, and the failure of USDA's GE crop review process to consider potential market risks of new GE plants. On behalf of more than 150 food and agricultural businesses and farmer and consumer organizations we ask that USDA heed this wake-up call to remedy its failure to regulate GE crops. If dramatic changes are not made, uncontrolled GE crops will continue to undermine confidence in the integrity of the U.S. food supply.

The U.S. is the world's biggest exporter of wheat, an \$8 billion business. Market rejection of GE wheat both domestically and abroad is longstanding. Export customers have made it clear that if the U.S. approves GE wheat, they will purchase *all* their wheat from other countries where no GE wheat is grown. Following the discovery of unapproved GE wheat in Oregon, which exports 90 percent of its wheat, Japan and South Korea suspended imports. The European Union has also called for testing. This event provides a mere snapshot of ongoing market sensitivity to GE wheat.

We understand that USDA is still investigating just how GE wheat made its way into a farmer's field. What we do know is that there are many ways contamination happens, such as through cross-pollination, spilled seed, volunteer GE plants sprouting in next year's conventional crop, and shared harvesting, storage, and handling equipment. It can also occur by unwittingly planting tainted seed. Given that this incident occurred with a trait never approved for market, the problem resulted from failures during the experimental stage.

And that's where contamination prevention must begin. Yet, USDA's current policies and oversight are woefully inadequate for preventing and identifying events like the one in Oregon. The majority of experimental trials are conducted under a streamlined notification system that essentially leaves companies to regulate themselves. There are three major problems with USDA's rubber-stamp approach to regulating these trials.

First, USDA does not impose any firm requirements on the company doing the testing. The companies devise the specific procedures by which they will try to "confine" the experimental genetic traits and thereby attempt to reduce effects on surrounding crops and the environment, but USDA fails to assess the adequacy of these procedures. In other words, the companies regulate themselves.

A second problem is that USDA – and the general public – lacks reliable, site-specific information on the field trials themselves. The paucity of information makes it extremely

difficult to adequately monitor these trials and to try to trace back the source of contamination when it occurs, as we're seeing in the Oregon case. The GE wheat event found in Oregon was planted in more than 100 field trials in 16 states, according to USDA. Wheat farmers would never know to take precautions or test for contamination due to the lack of public disclosure of locations and traits planted. And, as the Oregon event showed, appropriate tests are not always readily available. USDA did not have the DNA sequence data necessary for testing and identifying unauthorized releases prior to the discovery.

Third, crop genes move in the environment and cannot be fully contained. USDA promotes the idea of "coexistence," yet routinely approves field trials without even assessing the effectiveness of mitigation practices designed to contain GE seed and prevent contamination of non-GE crops. Current U.S. policy includes neither mandatory contamination prevention measures nor an adequate system for monitoring the success of containment following trials.

Major investigative bodies have also provided critical reviews of USDA's oversight of experimental trials. In 2002, the National Research Council recommended the process for testing and deregulating GE crops "be made significantly more transparent and rigorous" to improve public involvement. In another report, the NRC (2004) detailed major limitations of existing methods for "bioconfinement" and for detection and eradication of GE organisms that escape. And a 2005 audit by USDA's Inspector General concluded the agency's "current regulations, policies, and procedures do not go far enough to ensure the safe introduction of agricultural biotechnology." The report noted that USDA lacks "basic information about the field test sites it approves and is responsible for monitoring, including where and how the crops are being grown, and what becomes of them at the end of the field test."

It's disconcerting, then, that discussions about improvement to USDA's policies and oversight have not taken seriously contamination risks from GE crops at the experimental stage. Last year USDA's Advisory Committee on Biotechnology (AC21) was directed to leave unauthorized GE crops out of their policy discussions and recommendations. This is especially troubling given a 2006 rice contamination event that resulted in market losses to the long-grain rice industry totaling \$1 billion. The Oregon case is but the most recent event to come to public attention.

USDA must fix its rubber-stamp approach to GE crops. Improvements in regulations and oversight must start at the field trial stage, including a transparent investigation into the recent GE wheat event. USDA should:

- **Act immediately to ensure a rigorous and transparent investigation of how the GE wheat event occurred and how prevalent contamination may be.** Farmers deserve to know where GE wheat trials took place, how these crops were disposed of, if containment protocols were in place and followed, and if tests have been conducted to ensure their seed supply is free of GE traits. USDA has been notified of more than 400 experimental trials of GE wheat since 1994.
- **Implement a moratorium on trials.** A moratorium on GE wheat trials is reasonable given the crop's importance. Current GE wheat trials should be terminated.

- **Establish mandatory contamination prevention requirements.** Strong requirements for preventing contamination must include concrete measures of known efficacy (e.g. 1 mile buffer zone for GE corn), as currently required only for certain pharmaceutical and industrial crops. Active monitoring and testing is also necessary to ensure compliance. Before USDA approves a notification or permit for field trials, the agency should require the applicant to submit:
 - Written containment protocols to be carefully reviewed by USDA to ensure their adequacy.
 - Statement of financial responsibility in the event of an unauthorized release of regulated articles.
 - DNA sequences of the gene and transformation event planted in trials, allowing USDA to develop tests for identifying and responding quickly to suspected and confirmed unauthorized releases of GE crops.

- **Disclose to nearby farms the locations of GE crop field trials.** Neighboring farmers should be notified of which GE crop is being planted, how much of it, and where. The lack of basic information means farmers near field trials never know to take their own precautions, or how to test their crops if they knew they needed to. The Oregon farmer found GE wheat in his field purely by accident. We cannot rely on accidental discovery for finding contamination that threatens farmers and the markets they supply. The lack of public disclosure shows our laws and regulations favor the protection of industry trade secrets over the protection of farmers and the markets they supply. For starters, USDA should require global positioning service coordinates for all field trial sites before approving a notification or permit.

- **Evaluate the market risks of new GE crops.** In March 2003, several of the undersigned organizations petitioned USDA to institute a moratorium on the approval of GE wheat until the agency prepared an EIS and analyzed, among other things, the risks GE wheat posed to all U.S. wheat export markets (conventional and organic, not just GE). USDA did not act on that petition, and it has no mechanism for weighing potential market risks against potential benefits of the introduction of GE wheat outside of NEPA, which the agency has not used for this purpose. The market reaction to the Oregon contamination discovery shows that the potential market risks of the introduction of GE wheat are enormous and unavoidable, yet USDA has no policy or process to evaluate that risk, let alone consider the risk in deciding whether or how to approve GE wheat test plots or deregulate GE wheat for commercial cultivation.

The lack of public disclosure of field trial information, coupled with inadequate oversight, means that more events like the one experienced in Oregon are likely. We urge you to protect U.S. farmers and the markets they supply by acting quickly to improve current policies and oversight. Please let us know how we can support you in this effort.

Sincerely,

Food and Farming Organizations

Alternative Energy Resources Organization (Montana)
Beyond Pesticides (National)
Carolina Farm Stewardship Association (North & South Carolina)
CCOF (California)
Center for Food Safety (National)
Community Food and Agriculture Coalition (Montana)
Cuatro Puertas (New Mexico)
Dakota Resource Council (North Dakota)
Dakota Rural Action (South Dakota)
EcoFarm (California)
Family Farm Defenders (Wisconsin)
Farm Aid (National)
Farm and Ranch Freedom Alliance (Texas)
Farms Not Arms (Tennessee)
Florida Certified Organic Growers and Consumers, Inc.
Food and Water Watch (National)
Food Democracy Now! (National)
Friends of Family Farmers (Oregon)
Georgia Organics
Hawaii Public Seed initiative
Idaho Organization of Rural Councils
Institute for Agriculture and Trade Policy
The Land Institute (Kansas)
Maine Organic Farmers and Gardeners Association
Michael Fields Agriculture Institute (Wisconsin)
Midwest Organic and Sustainable Education Services (Wisconsin)
Midwest Organic Dairy Producers Association (Wisconsin)
Missouri Farmers Union
Montana Organic Association
National Cooperative Grocers Association
National Family Farm Coalition
National Organic Coalition
Native Seeds/SEARCH (Arizona)
Non-GMO Project (National)
Northeast Organic Dairy Producers Association
Northeast Organic Farming Association (Interstate Council)
Northeast Organic Farming Association (Massachusetts)
Northeast Organic Farming Association (New York)
Northeast Organic Farming Association (New Hampshire)
Northeast Organic Farming Association (Vermont)
Northern Plains Resource Council (Montana)
Northern Plains Sustainable Agriculture Society (North Dakota)
Organic Farmers' Agency for Relationship Marketing, Inc. (National)
Organic Farming Research Foundation (California)
Oregon Rural Action
Organic Seed Alliance (National)
Organic Seed Growers and Trade Association (National)
Peacework Organic Community Supported Agriculture (New York)

Pesticide Action Network of North America (National)
Powder River Basin Resource Council (Wyoming)
Provender Alliance (Northwest)
Rural Advancement Foundation International (National)
Seed Matters
Slow Food USA (National)
Slow Food USA (Northeast Region)
Slow Food USA (California)
Slow Food USA (Washington and Alaska)
Sustainable Living Systems (Montana)
Virginia Association for Biological Farming
Western Colorado Congress
Western Organization of Resource Councils
Wild Farm Alliance (California)

Food and Farming Companies

Amy's Kitchen: Natural and Organic Foods (International)
Annie's Homegrown (National)
Arid Land Homesteaders League (Arizona)
Ashland Food Co-op (Oregon)
B Bar Ranch (Montana)
Barrio Bread Company (Arizona)
Blossom On Lopez, Inc. (Washington)
Casey Bailey Organic Farm (Montana)
Clif Bar & Company
Cornerstone Farms (California)
Equal Exchange (National)
Fairhaven Organic Flour Mill (Washington)
Food Front Cooperative Grocery (Oregon)
Foley Brothers Brewing (Vermont)
Good Earth Market (Montana)
Good Food Store (Montana)
Grand Central Bakery (Oregon)
Great River Organic Milling (Wisconsin)
Green Willow Grains (Oregon)
Grondin Consulting (Washington)
Heritage Grain Conservancy (Massachusetts)
HOPTLIPS Pizza (Oregon)
Hummingbird Wholesale (Oregon)
Hunger Mountain Cooperative (Vermont)
Independent Natural Food Retailers Association
Kamut International
Kirschenmann Family Farms, Inc. (North Dakota)
Lonesome Stone Milling LLC (Wisconsin)
Looking Back Farms, Inc. (North Carolina)
Mandaamin Institute (Wisconsin)
Mendocino Grain Cooperative (California)

Middlebury Natural Foods Co-op (Vermont)
Mississippi Market Co-op (Minnesota)
Missoula Community Food Cooperative (Montana)
Missouri Grain Project
Montana Flour & Grains (Montana)
Natural Way Mills Trust (Minnesota)
Nature's Organic Grist (Minnesota)
Natures Path (International)
New Frontier Marketing, LLC (Washington)
North Frontier Farms, Inc. (Montana)
Organic Agsystems Consulting (Oregon)
Organic Farming Works LLC (Minnesota)
Organically Grown Company (Oregon)
Pacific Natural Sales, Inc. (Oregon)
Pane d'Amore Bakery (Washington)
Permaculture Research Institute
Phoenix Earth Food Co-op (Ohio)
Pioneer Valley Heritage Grains (Massachusetts)
Prairie Heritage Farm (Montana)
Pure Montana Organics
Real Food Store (Montana)
Royal Blue Organics (Oregon)
Rudi's Organic Bakery, Inc. (National)
Sacramento Natural Foods Co-op (California)
Skagit Valley Food Co-op (Washington)
Stone Mill (North Dakota)
Straus Family Creamery (California)
Sunrise Flour Mill (Minnesota)
Sweet Dreams Organic Bakery & Café (Illinois)
Switchback Brewing Company (Vermont)
Terrapin Farm (Montana)
The Essential Baking Company
The Urban Farm (National)
Third Street Market (Montana)
Thirteen Mile Lamb and Wool Company (Montana)
Timeless Seeds, Inc. (Montana)
United Natural Foods Inc.
Valley Natural Foods (Minnesota)
Vermont Brewers Association (Vermont)
Vilicus Farms (Montana)
Vreseis Ltd (California)
Wild Carrot Herbals (Oregon)
With the Grain (California)

Seed Companies & Seed Producers

A-Frame Farm (Wisconsin)
All Good Things Organic Seeds (California)

Afternoon Zephyr Farm (Oregon)
Adaptive Seeds, Sweet Home (Oregon)
Botanical Interests (Colorado)
Fedco (Maine)
Johnny's Selected Seeds (Maine)
Lakeview Organic Grain (New York)
TomatoFest Organic Heirloom Tomato Seeds (California)
Sow True Seed (North Carolina)
Peaceful Valley Farm & Garden Supply (California)
Redwood Seeds (California)
Restoration Seeds (Oregon)
Sierra Seed Cooperative (California)
Siskiyou Seeds (Oregon)
Southern Exposure Seed Exchange (Virginia)
Stephens Farms (Kansas)
Sustainable Seed Company (California)
The Sprout House (New York)
Wild Garden Seed (Oregon)
Wild Plum Farm (Montana)
Wood Prairie Farm (Maine)

For more information, please contact:

Kristina Hubbard
Organic Seed Alliance
(406) 493-6965
kristina@seedalliance.org