



Dear Members of the Obama Transition Team,

On behalf of the Farmer to Farmer Campaign on Genetic Engineering, we request your support to ensure that substantial revisions are made to the proposed agricultural biotechnology rules (**APHIS-2008-0023**) prior to their implementation.

The proposed rules fail to comply with congressional mandates contained in Title X, Section 10204 of the 2007 Farm Bill and refuse to adopt the recommendations of a 2005 Office of Inspector General Audit. A recent GAO study conducted at the request of Senators Harkin and Chambliss points to further shortcomings in the existing regulatory framework that are not considered in the proposed rules.

The proposed rules are fatally flawed for their failure to adequately protect farmer interests. Farmers need assurances that the regulatory programs implemented eliminate the potential for future contamination events similar to the \$1.25 billion disaster experienced by rice producers in 2006 and that deregulation does not result in significant market loss.

The proposed rules contemplate a virtual deregulation of the agricultural biotechnology industry. Wholesale exemptions are provided to genetically engineering crops with which APHIS has “considerable experience.” Conditional exemptions provide an alternative permitting process enabling revisions to permits without public notice or comment. The adoption of the “low level presence” policy sanctions contamination.

Under the proposed rules, regulatory authority is not even triggered by the process of genetic engineering but rather by the determination of whether the technology poses a “plant pest risk.” APHIS allows that initial determination to be made by the developer resulting in a clear abdication of regulatory authority.

APHIS adamantly refuses to consider economic impacts to farmers in the deregulation decision-making process as mandated by the National Environmental Policy Act (NEPA) and reaffirmed in Geertson Seed Farms v. Johanns and which is required under the Noxious Weed provisions of the Plant Protection Act (PPA) at 7 U.S.C. 7701 that APHIS specifically incorporated under its scope of authority in the proposed rules.

These rules substantially increase the chance of contamination resulting in significant economic harm to farmers and have the potential to seriously damage U.S. farmers competitively in the global marketplace. We request that any further action on APHIS-2008-0023 be postponed until a comprehensive analysis is conducted that assesses the risk of contamination, market loss potential and the consequent economic impact to farmers under the proposed regulatory system. This analysis should have been conducted and published in the EIS process and made available to the public prior to the publication of the proposed rules.

Thank you for your consideration and support. Farmers have been effectively disenfranchised throughout the EIS and rulemaking processes and we remain hopeful that change is coming.

A more comprehensive analysis of our concerns was contained in Comments submitted on this docket and signed by nine U.S. farm organizations. Those comments are attached. Should you have any questions in this regard, please don't hesitate to contact me at your convenience at (877) 968-3276 or via email at [bwenzel2@aol.com](mailto:bwenzel2@aol.com).

Sincerely,

Bill Wenzel  
National Director