KANSAS RURAL CENTER – EASTERN KANSAS CHAPTER OCIA
FARMER TO FARMER CAMPAIGN ON GENETIC ENGINEERING

March 30, 2007

Docket No. APHIS-2007-0006
Regulatory Analysis and Development
PPD APHIS Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

To Whom It May Concern:

Please be advised that the farm group signatories of this letter are **opposed** to final USDA approval of the aforementioned Docket relating to Ventria Biosciences' request to plant up to 3200 acres in pharmaceutical rice in Kansas.

The Kansas Rural Center (KRC) was established in 1979 to strengthen independent family farms and rural communities. KRC promotes sustainable farming practices as a means to increase farming opportunities while protecting the environment and natural resource base. KRC is concerned with safe and local/regional food systems and increased partnership between rural and urban people.

The Eastern Kansas Chapter of the OCIA was formed in 1989 and currently consists of 22 members who reside and farm in eastern Kansas. The Eastern Kansas Chapter is an affiliate of OCIA International - a nonprofit, member-owned agricultural organization, which is an accredited world leader in providing certification services to organic farmers, processors and handlers in North, Central and South America. OCIA has more than 2500 members worldwide.

The Farmer to Farmer Campaign on Genetic Engineering was formed in 1999 to provide a national voice for farmers on agricultural biotechnology issues. The Farmer to Farmer Campaign is comprised of 34 farm group affiliates from across the USA.

Ventria's proposal to plant 3200 acres of pharmaceutical producing rice in Kansas represents the nation's largest experiment involving a genetically engineered drug-producing food crop. A planting of this size is clearly commercial production and not merely a filed trial. As such, the USDA should exercise exceptional care in protecting farmer interests prior to approving a Petition that potentially puts all farmers in Kansas at risk.

The Environmental Assessment (EA) providing the basis for preliminary USDA approval for Ventria to plant pharmaceutical rice in Kansas rested solely on the fact that there could be no "significant environmental impact" since rice was not grown in the State making contamination impossible.

The EA totally ignored the fact, and failed to assess, that federal regulations prohibit commingling of pharmaceutical crops with other crops and foods. These regulations effectively establish a "zero tolerance" for the presence of any drug-producing crop in any foods and/or crops. These regulations are totally appropriate given the potential impact on farmers, rural economies and the food industry.

Given the environmental and economic disasters associated with StarLink and ProdiGene, the USDA saw fit to propose on January 23, 2004, that an Environmental Impact Statement (EIS) be conducted (Docket No. 03-031-2) to determine how more stringent regulations could be put in place to adequately protect their constituencies (i.e. farmers, rural economies and the food industry). Rather than conduct the EIS, the USDA has abandoned that process and their constituents, and has pursued an agenda that has disgraced the Agency.

Federal courts have had to intervene to require the USDA to do their job. Most recently, the Federal District Judge – Northern California ordered the USDA to conduct an EIS on the environmental and socio-economic impacts relating to the commercialization of genetically engineered alfalfa citing numerous problems in USDA's assessment process. The USDA decision to allow that commercialization has now been vacated at tremendous cost to farmers and rural economies.

This is not the only example of the USDA turning a "blind eye" to the constituencies that by law they are required to protect. In recent months, we have seen contamination events significantly impact the rice industry. Unapproved GE rice varieties have contaminated rice crops in the South costing rice producers more than $150 million in futures contracts and led to the withdrawal of commercialization Clearfield 131 rice.

Clearly, there is a need for the USDA to be more cautious prior to approving drug-producing food crops. Your credibility is on the line and the EA conducted in conjunction with is deficient on a number of bases:

- No consideration of the potential contamination of other food crops by drug-producing crops. In 2002, ProdiGene allowed corn seed containing a pig vaccine to mix with soybeans in a Nebraska grain elevator, contaminating 500,000 bushels at a cost of more than $2 million. While Ventria's proposal calls for a separate mill used exclusively for its pharmaceutical rice, that mill is more than 11 miles from the proposed growing sites. Anyone familiar with agriculture knows that grain cannot be totally contained in the harvesting, transportation and milling processes. Contamination of nearby fields in not implausible but was not even considered by the USDA.

- Contamination could also result through the seed mixing in fields planted in corn, soybeans and winter wheat planted around Ventria's sites. Nothing in the EA discusses how these crops would be harvested, what machinery would be used, how that machinery would be cleaned, whether the crops would be sent to nearby mills and/or destroyed – much less what measures would be implemented to ensure that contamination would not occur. Since the EA notes that these crops will be grown

in adjacent fields with a "fallow zone" of only 50 feet, these concerns must be addressed.

- Rice seeds are extremely light and can be transported great distances by wind. Kansas frequently experiences high winds and tornadoes. In Iowa, 155 acres of corn when it was feared that that windborne pollen from a ProdiGene bio-corn site may have contaminated nearby fields. According to the National Climatic Data Center, Geary County, where Ventria's rice is to be grown, has experienced 5 tornadoes since 2001. While windborne cross pollination is not likely to occur, the potential for seeds to commingle with other crops as a result of high winds is not unlikely, and, again, the USDA failed to consider this potential in the EA.

- The Smokey Hill River is less than a mile from one proposed site and the Kansas River is 3-4 miles away from other proposed sites. The USDA concludes that since the area is "not prone" to flooding, no significant potential for contamination exists. Clearly a more thorough analysis is required.

Given USDA's poor track record in conducting thorough EAs which fail to take a "hard look" at all potential environmental and socio-economic impacts (Judge Breyer – GE Alfalfa lawsuit); that the EA in this Docket does not even consider the impact of a commercial planting of drug-producing crops on Kansas farmers, the rural economies that they support and the food that they produce; nor, the obvious environmental impacts which were never considered, we respectfully request that the final approval for this Docket be denied until a full EIS can be conducted.

Sincerely,

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Kansas Rural Center

Jackie Keller, Chapter Administrator
Eastern Kansas Chapter - OCIA

William H. Wenzel, National Director
Farmer to Farmer Campaign on Genetic Engineering