

December 1, 2001

Senator Dianne Feinstein
One Post Street, Suite 2450
San Francisco, CA 94104

Dear Senator Feinstein:

This letter is to comment on behalf of the American Phytopathological Society upon your planned legislation on anti-bioterrorism. This proposed legislation deals with toxins produced by microorganisms such as mycotoxins produced by several plant infecting fungi.

The American Phytopathological Society (APS), founded in 1909 is the premier educational, professional, and scientific society dedicated to the promotion of plant health and plant disease control for the common good. The society represents more than 5,000 microbiologists, including scientists and science administrators in academic, industrial and government institutions working in a variety of areas, including applied and environmental plant pathology, food, horticultural and forestry sciences, and biotechnology. These scientists conduct basic and applied research on mycotoxins ranging from field surveys for the fungi to molecular pathways of toxin production.

The concerns raised by what we have heard about the proposed legislation deal with registration of laboratories that maintain mycotoxins, registration of all equipment that could be used to manipulate hazardous biological agents and prohibiting access to these substances by all non-resident aliens.

There are many university, state and commercial laboratories that conduct research on mycotoxins or that test for the presence of mycotoxins in food or feed. These laboratories must maintain small stocks of mycotoxins for standards or other research comparisons. Lab certification would be required of all these laboratories and overly stringent requirements might increase costs of operation of the laboratories of force them to close. Many of these laboratories test grain at farm and elevator sites. Farmers cannot afford additional costs with the low prices they are paid for commodities.

Registration of equipment that could produce mycotoxins would be a laborious exercise. Most biological laboratories have equipment that could be used to produce mycotoxins. Registration of all biological laboratories and all equipment such as glassware used to grow fungi would be a humongous task requiring a whole new federal group to maintain the documentation. There might be certain large-scale production units that should be registered, but there would be little advantage to registration of all laboratory equipment that could be used to produce mycotoxins.

University research thrives due to a diversity of graduate students, staff and faculty. It is extremely rewarding to work with students from different backgrounds who approach a problem in different ways. This intellectual stimulation is what drives a university program. Non-resident aliens are an integral part of this mix of students, post-docs, staff and faculty that make university research so innovative and productive. Restricting certain laboratories as off-limits to certain students would drastically interfere with research freedom on campus.

Sincerely,
Noel Keen, President, APS
Plant Pathology Department
University of California, Riverside