

February 28, 2001

Mr. Richard Hardy, GIPSA, USDA  
1400 Independence Avenue, SW, Rm. 0757-S  
Washington, D.C. 20250-3650

Dear Mr. Hardy:

In response to the notice published December 18, 2000, in the Federal Register, the American Phytopathological Society (APS) would like to comment on the proposed rule on the Identity Preservation and Product Segregation Procedures for Agricultural Products of Modern Biotechnology - USDA Agricultural Marketing Service (AMS) and the Grain Inspection, Packers and Stockyards Administration (GIPSA)[Docket Number FGIS-2000-001a; Federal Register 65:p 71272,2000].

The American Phytopathological Society (APS), founded in 1909, is the premier educational, professional and scientific society dedicated to the promotion of the 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 science, and biotechnology, including basic and applied research on producing transgenic plants resistant to pathogens and abiotic stresses. We offer the following comments on the advance notice of proposed rulemaking.

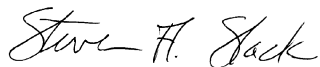
Producers and consumers are now considering setting up standards upon which to base identity preservation for the marketplace. However, as with national organic standards, which took many years in the making, it may be prudent that the USDA act as mediator in guiding the standards. The standards should be enforceable either by industry or USDA. An accreditation mechanism is needed, although not necessarily through federal government action. In addition, the USDA should work with FDA as it determines what may be the appropriate labeling for foods derived through biotechnology. The USDA must take into account both importers and exporters to facilitate the marketing of U.S. products. In conjunction with the FDA, the USDA should to determine the appropriate parameters to employ in evaluating evidence of genetic modification by biotechnology of products which require segregation and whether to use EU standards, those based on organic food standards or others.

Since there is considerable uncertainty regarding methodology, and considerable financial impacts of false negatives and false positives for producers, shippers, and both exporters and importers, the USDA should support publicly funded development of transparent methods development that can be adopted by industry. Such publicly reviewed methods should garner more consumer support than if the methods were solely based on recommendations from the private sector. This should assure the necessary flexibility in any certification and standardization processes.

The USDA must also determine whether products that do not directly have detectable evidence of genetic modification by biotechnology, such as oils and meats, must be segregated. If there is no detectable evidence that such products differ in any substantive manner from conventional products, there is no justification for segregating these materials.

The APS welcomes any opportunity to assist the USDA in accomplishing its mission of marketing foods in an evolving marketplace.

Sincerely,

A handwritten signature in cursive script that reads "Steve A. Slack".

Steven A. Slack  
President, APS