



August 6, 2019

Docket ID: **APHIS-2018-0034**

Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

Re: “**Movement of Certain Genetically Engineered Organisms**”

The Weed Science Society of America (WSSA) appreciates the opportunity to provide comments to USDA on its June 6, 2019 Proposed Rule regarding the movement of certain genetically engineered (GE) organisms. WSSA was founded in 1956 as a non-profit professional society that fosters an awareness of weeds and their impact on our environment. Our members include national and international weed scientists in academia, government, and industry who provide science-based information to the public and government policymakers while promoting research, education, and outreach activities.

WSSA commends APHIS for its efforts to improve the regulatory system for agricultural biotechnology and for recognizing the long history of scientific evidence and safety associated with agricultural biotechnology and plant breeding. WSSA is supportive of science-based regulations for genetically engineered crops, and we congratulate APHIS on its proposed revision to CFR 7 Part 340, which rightly focuses on the plant pest risks posed by the GE organisms as opposed to the methods used to develop them. WSSA also appreciates the position APHIS has taken on products of newer breeding techniques like genome editing, and its recognition of the similarity of products derived from these techniques to products produced using conventional plant breeding.

The proposed rule contains a number of improvements over the Agency’s January 2017 proposal to revise Part 340. Specifically, WSSA recommended that APHIS avoid incorporating noxious weed risk assessments into 7 C.F.R. Part 340, which are duplicative of assessments conducted under 7 C.F.R. Part 360. Accordingly, WSSA is pleased to see that APHIS, in its most recent proposal, amended its approach with respect to its noxious weed authority to prevent unnecessary regulatory duplication. WSSA is also pleased to see that APHIS’s most recent proposal clarifies the regulatory status of a product before it undergoes the newly proposed regulatory status review process and the move away from event-by-event regulation.

Confirmation Process under Proposed Section 340.1(d)

In addition to providing specific exemption criteria, APHIS has proposed Section 340.1(d), under which a developer could voluntarily seek confirmation from APHIS that a GE plant fits

one of the categories identified in proposed Section 340.1(b) or is a product with a plant-trait-mechanism of action combination that APHIS has already evaluated and determined poses no plant pest risk, under proposed Section 340.1(c).

WSSA encourages APHIS to include in the final rule a process by which a developer is required to notify the Agency of a GE plant which the developer has determined meets one of the proposed exemptions before that GE plant enters the market. WSSA hopes that APHIS will implement guidance that achieves transparency without limiting innovation in potential new weed management options.

WSSA also recommends that USDA and other agencies enter into a Memorandum of Understanding recognizing the notification process at USDA. A mandatory notification process and website posting will have the additional benefit of providing public notice and transparency about new products intended for placement on the market.

Synchronous Decisions with the EPA on Herbicide Resistant GE Plants

WSSA appreciates APHIS's awareness that the asynchronous timing of the deregulation of a herbicide-resistant crop cultivar and the associated herbicide registration has led to some scenarios where growers are tempted to illegally apply unregistered herbicide formulations. WSSA agrees with APHIS that the primary issue of concern with asynchronous approvals between the USDA and EPA has not been the illegal use of herbicides during the field testing of herbicide-resistant crops by developers, but instead it's the illegal use of a herbicide by growers on a herbicide-tolerant crop cultivar that has been deregulated by APHIS and is commercially available before the commercial availability of the herbicide designed for those crops.

WSSA strongly encourages APHIS to work with the EPA to explore solutions to better coordinate the commercial availability of seed for herbicide-resistant crops concomitant with the registration of herbicides intended to be used on those crops. In light of the challenges associated with the asynchronous regulatory actions on the part of APHIS and EPA, WSSA will continue to support robust Extension outreach and education programs that promote herbicide stewardship for growers and applicators. We will also continue to work with APHIS and EPA to provide the best science-based information available to help ensure a safe and affordable food supply while protecting the environment.

WSSA appreciates the opportunity to provide comments on APHIS' proposed rule and welcomes the opportunity to partner with APHIS in assessing GE plants for potential weediness that may pose a potential plant pest risk to the environment.

Sincerely,



Dr. Larry Steckel
President
Weed Science Society of America