

August 3, 2016

Howard Shelanski
Administrator, Office of Information and Regulatory Affairs
The Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dr. John Holdren
Director, Office of Science and Technology Policy
Executive Office of the President
1650 Pennsylvania Avenue NW
Washington, DC 20504

Dear Mr. Shelanski and Dr. Holdren,

The undersigned farmer and public interest organizations are writing to express our deep disappointment with both the stated goals and the public engagement process led by the White House Office of Science and Technology Policy (OSTP) regarding the proposed modernization of federal regulation of biotechnology known as the Coordinated Framework.

The White House memo, issued on July 2, 2015, outlined a process for “improving the transparency, coordination, predictability and efficiency” of the regulatory system, while “continuing to protect health and the environment.” The stated goals seem to indicate that the Obama Administration is more concerned with speeding up the regulatory process than making it more protective of health, the environment, and the farm economy. Unfortunately, the stated goals fall short of the overhaul that is needed for the regulation of genetically engineered (GE) products.

In the past several years we have witnessed the foreseeable consequences of our overly permissive regulatory framework for GE products and their accompanying pesticides. The spread of “superweeds,” the recent revelations in the scientific community about the health impacts of glyphosate, and the increasing onslaught of herbicide and genetic drift facing non-GE and organic farmers all show that our country’s regulatory oversight of GE products needs a broader, more cautious approach, not just more transparency and clarity of process.

In regards to public engagement, the memo stated that the Working Group (including EPA, USDA and FDA) would carry out its duties by “proactively engaging the public.” However, the process for public engagement has been inexcusably inadequate.

Two-way communication with the public about the federal roles and responsibilities regarding biotechnology processes and products is vital. Release of these products onto the market and into the environment have the potential for real and immediate adverse impacts on public health, farmers’ livelihoods, rural communities and consumers around the country, as we have

seen over the past 20 years. Yet the public engagement and outreach process around the recent series of public meetings has been ad hoc and minimal, suggesting that neither OSTP nor the host agencies have a genuine interest in hearing public concerns.

Initially, EPA told members of the public that no public comment period would be provided at the March 9 meeting in Dallas, TX. Only after repeated requests did EPA amend the agenda to include a brief opportunity for public comment, but the agency did not post the revised agenda online until shortly before the meeting and only allotted 20 minutes for public comment. Similarly, USDA—the host of the March 30 Davis, CA meeting—did not post an agenda with a public comment opportunity until 10 days before the meeting.

These delays in announcing the opportunity for public comment and the lack of meaningful outreach diminished the likelihood that members of the public would know about the meeting, much less have advance time to read relevant documents, prepare comments and make necessary arrangements to travel to the meeting locations. Last-minute changes to allow those who did attend to have the opportunity to comment do not rectify the fundamental problem: few people attended because the message to the public was that the agencies were not interested in their input. This dismissive approach to principles of public engagement continues to erode public trust in OSTP, USDA and EPA.

Several of the undersigned groups wrote to USDA and OSTP on March 22, urging that the Davis meeting be rescheduled to a later date to allow a reasonable period of outreach and publicity. The same groups also urged OSTP and federal agencies to schedule additional public meetings in the Midwest, Northern Plains and South, where many GE crops are planted. To date, these groups have received no reply from either OSTP or USDA.

It remains incomprehensible to us that not one meeting has been scheduled in a location where farmers directly impacted by GE crops live and work. In a March 14 response to an email inquiry by Marcia Ishii-Eiteman, Dr. Barbero explained that, “The agencies did their best to cover multiple regions in the country with the selected locations for the three public meetings.” We fail to understand how the selected locations of Washington, DC, Dallas, TX and Davis, CA could be considered suitable locations for initiating an open conversation with farmers and rural communities affected by GE crop cultivation.

As one Iowa corn farmer said upon hearing that OSTP had scheduled no public meetings in the Midwest, the region with the greatest acreage of GE crops in the country, “This is not what democracy looks like.”

To rectify the failure of its public engagement effort to date, we strongly urge OSTP, EPA, USDA and FDA to commit to the following course of action:

1. The Obama Administration must revise the scope of the Coordinated Framework to give explicit instructions that the purpose is to ensure, first and foremost, the protection of the public good (e.g. health, livelihood, environment and well-being), and that GE

regulations must weigh all potential consequences of new GE crops - including but not limited to genetic contamination, the creation of herbicide-resistant weeds, impacts on how many seed varieties are available to farmers and the health, ecosystem and economic risks posed by increased herbicide use.

2. OSTP and USDA should organize additional public meetings in the Midwest, Northern Plains and Southern regions in states where GE crops are widely grown and where farmers and rural communities are likely to be directly or indirectly impacted by the biotech regulatory system under discussion.
3. The purpose of these meetings should aim not only to “clarify the roles and responsibilities” of the federal agencies, but more importantly to seek public feedback regarding those roles and what a revised regulatory system should include.
4. These meetings should be broadly publicized at least 6 weeks in advance, with sufficient time set aside throughout the day for public comment. In addition, a live-streamed phone-in option for comment should be made available.

In organizing additional public meetings to inform a revised Coordinated Framework, OSTP and federal agencies must create a meaningful opportunity for real public input, not treat public meetings as a task to be checked off a list.

Finally, we urge you to infuse this regulatory review process with something heretofore absent: a deep and clearly stated commitment to overhaul the regulatory framework in order to protect the public interest — public health, farmers’ livelihoods and the environment — rather than to streamline an approval process that benefits the corporate manufacturers of biotechnology products. We demand more transparency, more public meetings and more public input to meet the requirements outlined above. Please contact Patty Lovera at Food & Water Watch, (202) 683-2465 or plovera@fwwatch.org, if you have questions or need more information.

Sincerely,

Beyond Pesticides

Center for Food Safety

Dakota Resource Council

Farm and Ranch Freedom Alliance

Food & Water Watch

Food for Maine's Future

Grand Forks County Citizens Coalition

Missouri Rural Crisis Center

National Family Farm Coalition

National Organic Coalition

Northeast Organic Farming Association – Interstate Council

Northeast Organic Farming Association of Massachusetts

Northeast Organic Farming Association of New Hampshire

Northeast Organic Farming Association of New York

Northeast Organic Farming Association of Rhode Island

Northeast Organic Farming Association of Vermont

Organic Seed Alliance

Pesticide Action Network North America

Powder River Basin Resource Council

Rural Vermont

Texas Organic Farmers & Gardeners Association

South Agassiz Resource Council

Western Colorado Congress

Western Organization of Resource Councils

Cc:

Dr. Robbie Barbero, Office of Science and Technology Policy

Dr. James Kim, Office of Information and Regulatory Affairs, Office of Management and Budget