

From: Arthur Tesla <arthurtesla@yahoo.com>
Sent: Saturday, December 19, 2009 12:50 PM
To: ATR-Agricultural Workshops <agriculturalworkshops@usdoj.gov>
Subject: Fw: Sierra Club Genetic Engineering Website:
Attach: Request for Revisions on GMO Regulation.pdf

--- On **Wed, 7/22/09**, **Mendelsohn.Mike@epamail.epa.gov** <*Mendelsohn.Mike@epamail.epa.gov*> wrote:

From: Mendelsohn.Mike@epamail.epa.gov <Mendelsohn.Mike@epamail.epa.gov>
Subject: Re: SmartStax
To: arthurtesla@yahoo.com
Date: Wednesday, July 22, 2009, 1:41 PM

Mr. Arthur Tesla,

Jim Jones forwarded your e-mail for response by the Office of Pesticide Programs since we reviewed and registered SmartStax. Section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act requires publication in the Federal Register of pesticide applications containing new active ingredients and/or changed use patterns. SmartStax is a new product, but it contains already registered active ingredients and is for use on current use sites, therefore we did not publish a notice of receipt in the Federal Register. Should you have any further questions regarding Smartstax, please feel free to contact me as I am the regulatory action leader for this product at EPA.

Best Regards,

Mike Mendelsohn
Senior Regulatory Specialist
Office of Pesticide Programs/ Biopesticides and Pollution
Prevention Division (7511P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20460
(703) 308-8715
(703) 308-7026 (fax)
<http://www.epa.gov/pesticides/biopesticides>

|Arthur Tesla <arthurtesla@yahoo.com> |

>----

|Jim Jones/DC/USEPA/US@EPA |
|07/22/2009 01:49 AM

Was this ever published in the Federal Register for consumers to comment on?

SmartStax

A new corn seed trait combination developed by Monsanto and a Dow Chemical Co. subsidiary has received registration from the U.S. Environmental Protection Agency

--- On Thu, 8/27/09, Arthur Tesla <arthurtesla@yahoo.com> wrote:

From: Arthur Tesla <arthurtesla@yahoo.com>
Subject: RE: Sierra Club Genetic Engineering Website:
To: "Mike EPA" <Mendelsohn.Mike@epamail.epa.gov>
Date: Thursday, August 27, 2009, 9:04 AM

I appreciate you considering my concerns,
**but Mike, 8 added gene genetically engineered corn is
NEVER going to fly.**

**When you say: some individuals believe that genetically modified crops and food
should be banned completely...**

We need to be clear about this.

**We are talking about many millions of people in the US are opposed to this
dangerous gmo technology. Consider the attached letter opposing gmo sent to
Secretary of Agriculture Vilsack that was signed by these groups:**

Sincerely,

Action Group on Erosion Technology and Concentration (ETC Group)

Alternative Energy Resources Organization

Arid Crop Seed Cache

Arkansas Rice Growers Association

Beyond Pesticides

Californians for GE-Free Agriculture

California Certified Organic Farmers

Carolina Farm Stewardship Association

Center for Environmental Health

Center for Food Safety

CounterCorp

Cuatro Puertas

Dakota Resource Council

Martin Donohoe, MD, FACP, Chief Science Advisor, Campaign for Safe Foods and

Adjunct Associate Professor, School of Community Health, Portland State University

Senior Physician, Internal Medicine, Kaiser Sunnyside Medical Center

Earth Day Network

Ecological Farming Association

Equal Exchange

Family Farm Defenders

Farm Aid

Farm and Ranch Freedom Alliance

Farmer to Farmer Campaign on Genetic Engineering

FedCo Seed Company

Finca Pura Vida Organic Farm

First Alternative Cooperative Grocery

Food and Water Watch

Food First/Institute for Food and Development Policy

Friends of the Earth

Global Justice Ecology Project

GMO Free New Mexico
Greenpeace USA
Greenstar Cooperative Market
Hawai?I SEED
Health Care Without Harm
High Mowing Organic Seeds
International Center for Technology Assessment
Institute for Agriculture and Trade Policy
Institute for Responsible Technology
Institute for Sustainability Education and Ecology
Institute for a Sustainable Future
Know Your Farmer Alliance
Maine Organic Farmers and Gardeners Association
Missouri Rural Crisis Center
Montana Farmers Union
Montana Organic Association
National Cooperative Grocers Association
National Family Farm Coalition
National Organic Coalition
New Mexico Farmers' Marketing Association
The Non-GMO Sourcebook
Northeast Organic Dairy Producers Alliance
Northeast Organic Farming Association (NOFA-VT, NY, NH, MA, RI, CT & NJ)
Northern Plains Resource Council
Northwest Resistance Against Genetic Engineering
The Oakland Institute
Oregon Physicians for Social Responsibility
Oregon Tilth
Organic Consumers Association
Organic Farming Research Foundation
The Organic & Non-GMO Report
Organic Seed Alliance
Organic Seed Growers and Trade Association
Organic Valley Family of Farms
Pacific Coast Federation of Fishermen's Associations
Partnership for Earth Spirituality
PCC Natural Markets
Pesticide Action Network North America
Pesticide Watch
Janisse Ray, Naturalist and award-winning author of Ecology of a Cracker Childhood
Rice Producers of California
River Market Community Co-op
Rodale Institute
Rural Advancement Foundation International ? US (RAFI-USA)
San Francisco Bay Area Physicians for Social Responsibility
Sierra Club
Slow Food Rio Grande

Sustainable Living Systems
Sustain Taos
Union of Concerned Scientists
Welsh Family Organic Farm
Western Organization of Resource Councils
WholeSoy & Co. /TAN Industries, Inc.
Wild Farm Alliance

What part of this don't you understand:

New York Times poll, 53% of Americans won't buy genetically modified food

<http://wcbstv.com/national/CBS.News.New.2.721469.html>

You know consumers...the ones who buy the food...the ones who eat the food. I never heard of a marketing strategy where you try to FORCE on the consumer something they don't want.

Consumers don't want gmo and don't like having gmo forced on us!

We are confronted with the most powerful technology the world has ever known, and it is being rapidly deployed with almost no thought whatsoever to its consequences."

Dr Suzanne Wuerthele, U.S. Environmental Protection Agency (EPA) toxicologist

From the whitehouse website:

President Obama is committed to creating the most open and accessible administration in American history.

(APHIS public meeting on biotechnology regulations, April 30, 2009) Secretary of Agriculture TOM VILSACK:

the Obama Administration, the president has been very clear to his Cabinet members. He wants processes to be transparent.

So, first and foremost, the process has to be transparent and we're here today to reinforce that message, and it also has to be participatory. The president feels very, very strongly about the necessity of trying to get as much input from people who have interests and concerns about issues that involve their lives and their government and that's because he wants to reconnect people with government.

As you sit here today, you may be thinking of yourself as facilitators in a regulatory process, but you are also sort of citizens reconnecting with your government and helping to shape your government, and the president is very anxious to see more of that take place in America because for far too long we've been sort of separate from our government. We've looked at government as something that's the enemy or something that is not to be respected or something that's not to be appreciated. You all are engaged in a process that allows for that reconnection to take place.

(Mike, that's me! I am concerned about this issue and trying to reconnect with the government. For a long time, I have thought of the USDA, FDA and EPA as the enemy, trying to force gmo on

consumers opposed to it. I have considered the government corrupt puppets for Monsanto and agribusiness. I am trying to do something about it. Arthur)

Secretary of Agriculture:

I think it's very instructive in the process that people are engaged in this issue and have very definite opinions about it and your job, that allows folks choices, that allows folks to pursue their dream and their hopes as relates to how land in this country is to be used and how we're to feed our population and how we are to continue to make opportunities to feed the rest of the world.

It's still in the process of open comment. We're still trying to solicit information, still trying to get your thoughts and ideas.

Will there still be a strong desire on the part of folks to know precisely where food's coming from and precisely what it's made of? Absolutely.

In fact, we are in USDA talking about Know Your Food/Know Your Farmer because think consumers in this country are becoming more aware every day of the need for their awareness about what they're consuming, what their families are consuming.

When you say:

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency is tasked with reviewing applications for the registration of pesticides. EPA grants applications when the conditions of FIFRA have been met. The Agency's review process for plant-incorporated protectants (PIPs) requires an assessment of potential risks to human health, non-target organisms, and the environment, the potential for gene flow, and the need for insect resistance management plans.

I say:

The major issue is the gov't is viewing these multi-stack varieties as the independent sum of 8 specific varieties. If each of the 8 varieties is regarded as safe on its own, then what the heck, lets add'em together. This part of the gov't has apparently not heard about drug interactions, or apparently sees no potential for the multiple insertion points, promoters, and gene-termination DNA to talk to each other.?

Charles Benbrook, PhD

By contrast, the Austrian Federal Department for Health does not buy into this "We already know all these traits so everything's hunky dory" line. They state:

"A stacked organism has to be regarded as a new event, even if no new modifications have been introduced. The gene cassette combination is new and only minor conclusions could be drawn from the assessment of the parental lines, since unexpected effects (e.g. synergistic effects of the newly introduced proteins) cannot automatically be excluded. Furthermore, it should not be neglected that two of the parental lines, GM maize MON89034 and GM maize MON88017, have not yet gained authorisation within the European Union.?"

Pests will inevitably develop resistance to the bacteria?it is just a

matter slowing the development of that resistance, says Bruce Tabishnik, head of entomology (the study of insects) at the University of Arizona and one of the most cited experts in insect resistance to Bt toxins used in GE corn.

?Resistance is expected no matter what toxin or combination of toxins is used to control insects,? he said.

?I would go as far as to say it is not a science-based decision,? said David Andow, a professor of insect ecology at the University of Minnesota and internationally recognized biotech expert and advisor to organizations like the U.N.'s FAO, World Bank, and WTO.

Michael Hansen, senior scientist at Consumers Union, a U.S. advocacy group, says he's worried that combining a large number of foreign genes could lead to the creation of allergens or other deleterious substances in food that don't occur when only one gene is involved.

The government's decision to leave the safety testing to the companies is like ?putting the fox in charge of the hen house,? Mr. Hansen said.

So you see Mike, I conclude the conditions of FIFRA have NOT been met and this SHOULD have been published in the Federal Register for the public to comment on. You need public comments to make an informed decision. I conclude what you are doing is absolutely dangerous and you are using the public and environment as guinea pigs..

Canada

Farmer and environmental groups in the Canadian Biotechnology Action Network are warning of several dangerous consequences of Canada's approval of Monsanto and Dow's new eight-trait ?SmartStax? genetically engineered (GE, also called genetic modification or GM) corn, indicating a further weakening of regulations of environmental risk.

The newly approved GE corn is unique in that it stacks eight different GE traits - for herbicide-tolerance (Roundup and glufosinate) and insect-resistance (*Bt*) ? together, traits that have already been individually approved and are available on the market. The new GE corn was developed through a research agreement between Monsanto and Dow AgroSciences.

Normally, the Canadian Food Inspection Agency (CFIA) publishes ?Decision Documents? that summarize approval decisions, but there is no such summary of the decision to approve ?SmartStax?. ?You'd think that a combination of eight GE traits would trigger an environmental assessment but the CFIA has no public record of their evaluation. This seems to confirm that the corn by-passed existing scientific assessment processes that

have already been judged insufficient by the 2001 Royal Society of Canada Panel, said Lucy Sharratt, Coordinator of Canadian Biotechnology Action Network. The CFIA failed to explain their decision not to require environmental risk assessments for SmartStax.

The CFIA also failed to provide a rationale for their decision to reduce environmental stewardship requirements. In approving this corn, the CFIA substantially reduced the actions that farmers are required to take towards the goal of delaying the evolution of

insect resistance to pesticides like *Bt*. (1) The CFIA has reduced the refuge area requirements from 20% to 5% for growing SmartStax corn. Farmers who grow GE insect resistant (*Bt*) corn are required to set aside a 20% refuge areas within one-quarter mile of any *Bt* field. The refuge is an area planted with non-*Bt* corn in order to delay the evolution of insect resistance to *Bt*. Not only has CFIA failed to evaluate the environmental risks of this eight-trait GE corn, it has also dramatically reduced one of its only environmental requirements in the field, said Sharratt.

Insect resistance is inevitable, it's just a matter of time and the reduction of refuge for this new GE corn will simply speed this evolution, said Mic Darier, an Agriculture campaigner for Greenpeace Canada.

The CFIA has stated that it will review its decision to cut the refuge area in 2013 based on information provided by Monsanto and Dow.

It's also extremely disturbing to learn that the CFIA is relying on Monsanto and Dow to monitor the success or failure of reduced environmental stewardship. It's like putting the wolf in charge of the sheep's welfare, said Darier.

We're concerned that the CFIA is abandoning refuges because they foresee *Bt* is already on the verge of resistance, said Maureen Bostock, an organic farmer from Balderson Ontario and Board Member of the Ecological Farmers Association of Ontario. Topical applications of *Bt*, a beneficial microorganism, to insect pests on horticultural crops is a common practice for organic farmers. Organic farmers have warned since the beginning that we could lose this useful tool if insect resistance was to build up. What's the CFIA's basis for reducing the refuge area? Surely our government has considered the consequences for farmers over the long term? asked Bostock.

The CFIA and the US Department of Agriculture approved SmartStax at the same time and both agreed to the newly reduced refuge areas. The synchronized approval of this GE corn by the Canadian and US governments is a dangerous sign of increased harmonization above any other environmental or social considerations, concluded Stuart Trew, trade campaigner at the Council of Canadians.-Canadian Biotechnology Action Network

EXTRACT: Insecticidal Cry proteins produced by GM plants as well as transproteins conferring tolerance to herbicides constitute a sum of new plant constituents possibly interacting within the organism. So far, there is absolutely no scientific knowledge about such new combinations and possibly resulting additive and/or synergistic effects.

SmartStax in Europe

A major scandal is emerging over the lax treatment of SmartStax by regulators, with approvals being rushed through in Canada, the US and Japan, and there are good indications that many regulators in Europe will try to treat what's been described as **one of the most complicated genetically engineered plants ever created** in the same way. The concerns are obviously heightened by the EU food safety authority (EFSA)'s reputation for liking GMOs so much they don't bother to treat them scientifically.

You say:

EPA determined that the relevant statutory and regulatory conditions were met.

I say:

This dangerous new combination should have been published in the Federal Register for consumers to comment on. You were intentionally trying to bypass this much needed process to avoid opposing views!

EPA previously concluded that there is a reasonable certainty that no harm will result from dietary exposure to the plant-incorporated protectant proteins expressed in SmartStax corn and accordingly established tolerance exemptions.

I have concluded from my research that Smartstax is ABSOLUTELY DANGEROUS and don't want it in my food supply!

EPA has held numerous Science Advisory Panel (SAP) meetings about PIPs in the past.

If I were Monsanto and the biotech industry, I would try to stack SAP with pro-gmo advisors. I'll bet that is what they have done.

Further, the Agency has concluded that no unreasonable adverse environmental effects are expected from their expression in SmartStax corn.

Mike, you are supposed to be protecting the public...not working for Monsanto! I sent you information from scientists, plant geneticists and doctors who say gmo is dangerous.

After all the information I have sent you about the dangers of gmo, how can you make such a claim?

--- On Mon, 8/24/09, Mendelsohn.Mike@epamail.epa.gov <Mendelsohn.Mike@epamail.epa.gov> wrote:

From: Mendelsohn.Mike@epamail.epa.gov <Mendelsohn.Mike@epamail.epa.gov>
Subject: Re: Sierra Club Genetic Engineering Website
To: arthurtesla@yahoo.com
Date: Monday, August 24, 2009, 2:26 PM

Mr. Tesla,

The Agency understands your concerns, and recognizes that some individuals believe that genetically modified crops and food should be banned completely. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency is tasked with reviewing applications for the registration of pesticides. EPA grants applications when the conditions of FIFRA have been met. The Agency's review process for plant-incorporated protectants (PIPs) requires an assessment of potential risks to human health, non-target organisms, and the environment, the potential for gene flow, and the need for insect resistance management plans.

In approving a new conditional registration for SmartStax, EPA determined that the relevant statutory and regulatory conditions were met. EPA previously concluded that there is a reasonable certainty that no harm will result from dietary exposure to the plant-incorporated protectant proteins expressed in SmartStax corn and accordingly established tolerance exemptions. Further, the Agency has concluded that no unreasonable adverse environmental effects are expected from their expression in SmartStax corn. Regarding refuge requirements, EPA agrees with experts in insect resistance management that crops containing PIPs with two or more toxins for a pest (termed a "pyramid") are superior to single toxin

PIPs in reducing the likelihood for pest resistance to develop. Simulation models developed by independent researchers in academia have shown that smaller refuges would be needed for multiple toxin PIPs provided that the toxins have separate insecticidal modes of action (no "cross resistance" would develop) and each toxin is expressed at high levels (?dose?). EPA concluded that the key assumptions of no cross resistance and adequate dose levels have been met for SmartStax and that model simulations with SmartStax and a 5% refuge resulted in greater durability against developing pest resistance than simulations with single toxin PIPs and the current standard of 20% refuge. The SmartStax registration has been approved only for two growing seasons (about two-years), and requires Monsanto/Dow to generate additional data to verify the adequacy of the 5% refuge for resistance management. EPA will reassess the product upon receipt and review of the data, and determine whether to extend the registration beyond two years.

EPA uses a public participation process in registering new pesticide active ingredients and establishing tolerances on food commodities. The public participation process includes an opportunity for the public to comment on a pesticide company's petition for a new active ingredient and the establishment of food tolerances (published in the Federal Register and on EPA's website). EPA considers all public comments in making regulatory decisions. Although SmartStax is a new product, it contains previously registered active ingredients, and the product is used on previously registered use sites. The public process was used to initially register the active ingredients now found in SmartStax, as well as the food use tolerances for those active ingredients. Because the registration of the SmartStax product did not require the registration of a new active ingredient or the establishment or amendment of tolerances, the applicant's request for SmartStax was not published in the Federal Register.

Please be aware that EPA has held numerous Science Advisory Panel (SAP) meetings about PIPs in the past. The SAP is composed of biologists, statisticians, toxicologists and other experts who provide independent scientific advice to the EPA on a wide-range of health and safety issues related to pesticides. SAP meetings are public meetings and anyone can attend and give comments during the meeting or submit comments to the public docket. Information from past SAP meetings about PIPs is available on this webpage:

<http://www.epa.gov/scipoly/sap/tools/atozindex/plant.htm>

Additional information on SmartStax corn is available on EPA's Biopesticide web site and can be found via the following link, <http://www.epa.gov/oppbppd1/biopesticides/pips/smartstax-factsheet.pdf>.

Regards,

Mike Mendelsohn

Senior Regulatory Specialist

From: Arthur Tesla <arthurtesla@yahoo.com>

To: Jim Jones/DC/USEPA/US@EPA

Mendelsohn/DC/USEPA/US@EPA

Cc: Mike

Date: 08/23/2009 08:31 PM

Subject: Sierra Club Genetic Engineering Website

I am Opposed to genetically engineered foods! I personally know 300 people who are Opposed to genetically engineered foods! In California, 5 counties voted to ban growing genetically engineered foods!

The Sierra Club, representing 750,000 members is Opposed to genetically engineered foods! Greenpeace is opposed to genetically engineered foods! Millions of Americans are Opposed to genetically engineered foods!

Europe is Opposed to genetically engineered foods! Japan is Opposed to genetically engineered foods! Other countries are Opposed to genetically engineered foods!

Please do not use genetically engineered foods! Why FORCE on people something they don't want?

One website calls Monsanto the most hated company on Earth!

Another website calls genetically engineered foods the largest food experiment in the history of the

World!

Genetically engineered foods are dangerous tampering with nature! We MUST STOP genetically engineered foods!

Sincerely, Arthur Tesla

<http://www.sierraclub.org/biotech/>

<http://www.greenpeace.org/international/campaigns/genetic-engineering>

<http://www.centerforfoodsafety.org/>

<http://www.organicconsumers.org/gelink.cfm>