

From: Andy Lavigne [mailto:alavigne@amseed.org]
Sent: Wednesday, December 30, 2009 6:44 PM
To: ATR-Agricultural Workshops
Cc: Kushner, Gary Jay
Subject: Comments for USDOJ/USDA Public Workshops on Competition in American Agriculture
Importance: High

To Whom It May Concern:

Attached, please find comments from the American Seed Trade Association regarding the upcoming Joint Public Workshop Series on "Competition in Agriculture" - FR Doc. 2009-20671. Should you have any questions regarding these comments, please do not hesitate to contact me at the information listed below.

Sincerely,

Andrew W. LaVigne
President and CEO
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AMERICAN SEED TRADE ASSOCIATION



December 31, 2009

Legal Policy Section
Antitrust Division
U.S. Department of Justice
450 5th Street, NW
Suite 11700
Washington, DC 20001

FROM: The American Seed Trade Association

RE: Antitrust Division, U.S. Department of Justice and the U.S. Department of Agriculture's Joint Public Workshop Series on "Competition in Agriculture" - FR Doc. 2009-20671

To Whom It May Concern:

The American Seed Trade Association (ASTA) appreciates the opportunity to provide input into the US DOJ/USDA joint review process exploring competition and regulatory issues in the U.S. agriculture industry. As we understand the current review and hearing process, outlined in the announcement of the workshops and during the recent USDOJ/USDA public hearing on December 16th, the Departments are seeking input and recommendations for the upcoming hearings and are seeking comments regarding the current state of the agriculture industry with respect to competition and regulatory issues.

ASTA is developing comments to be submitted for the record, however our comments will not be finalized by December 31, 2009. In the meantime, we would like to provide preliminary input to help shape the agenda for the hearing process to ensure a robust and thorough discussion regarding seed related matters. Specifically, we appreciate the opportunity to recommend for your consideration a few experts with extensive knowledge of the seed industry for participation as panelists in the workshops.

ASTA is a voluntary, nonprofit national trade association representing approximately 740 members involved in seed production and distribution, plant breeding, and related industries in North America. Founded in 1883, ASTA's mission is to enhance the development and movement of quality seed worldwide. Many ASTA members are research-intensive companies engaged in the discovery, development, and marketing of enhanced seed - *i.e.*, seed that has been modified to express certain beneficial or desirable traits.

In addition, our membership is extremely diverse. We represent all manner of seed produced for planting, from conventional, to biotech, to organic. Our members research, develop, produce and distribute all varieties of seeds – including grasses, forages, flowers, vegetables, row crops, and cereals, to name just a few.

Today's seed industry is driven by innovation and new breeding methods that were not conceived of just two decades ago. The industry is a dynamic and thriving science-based industry that will exceed an estimated \$12 billion market value in 2009. As research and development help discover new methods for breeding, trait identification, genetic make up and other key areas for improving seed varieties, the costs of bringing new varieties and traits to the marketplace becomes increasingly more expensive.

As the Departments move through the process of evaluating the current U.S. seed market, especially related to corn, soybeans and cotton, it is imperative that participants in the process be carefully selected so their contribution is meaningful and balanced. We urge you to choose participants that will provide input into the structure of the industry, are uniquely familiar with the inner workings of the industry, and understand the technological innovations that have evolved over the last twenty plus years.

We will be informing our membership about the opportunity to testify and/or participate in this review process, and we anticipate that you will receive input from many seed companies. In addition, we would recommend the Departments contact the following people and institutions to request their participation in the process. These individuals possess extensive experience with and understanding of the U.S. seed industry and we believe would provide sound input into the review process. Our recommendations are:

Dr. Dermott Hayes
Pioneer Chair in Agribusiness
Iowa State University
568 Heady Hall
Ames, IA 50011-1070
515-294-6185
dhayes@iastate.edu

Dr. Nicholas Kalaitzandonakes
Department of Agricultural Economics
125A Mumford Hall
University of Missouri-Columbia
Columbia MO 65211
573-882-0143
kalaitzandonakesn@missouri.edu

Purdue University
Department of Agricultural Economics
403 West State Street,
West Lafayette, IN 47907-2056
765-494-4191

We realize you also will receive other recommendations for participants in the hearing process. ASTA feels strongly that experts, such as those listed above, will provide balanced, academic and science-based input into the process. Should these experts not be included in the process, we hope the Departments will select others with comparable knowledge and qualifications. The industry will continue to look for qualified candidates to provide input to the review process and will forward those names as they arise.

Our complete comments will be submitted by the middle of January 2010 through the notified process. In addition, we stand ready to assist the Departments in anyway necessary to ensure a thorough and accurate understanding of the seed industry. If we can be of any assistance in the process, please do not hesitate to contact us. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "A. W. LaVigne". The signature is written in a cursive, flowing style.

Andrew W. LaVigne
President and CEO
American Seed Trade Association

cc: Philip J. Weiser
Deputy Assistant Attorney General for International, Policy and Appellate Matters
U.S. Department of Justice

Doug O'Brien,
Chief of Staff to Deputy Secretary
U.S. Department of Agriculture