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18 February 2004

Ms. Cindy Smith
Deputy Director
USDA/APHIS
Biotechnology Regulatory Services
4700 River Road, Unit 147
Riverdale, MD 20737

Dear Cindy:

On March 11, 2003, several state government representatives, the Dakota Resource Council, Northern Plains Resource Council, Northern Plains Sustainable Agriculture Society and others filed a legal petition with APHIS concerning the agency's deregulation consideration of genetically engineered herbicide tolerant wheat. On behalf of the petitioners, I am writing to submit several additional documents in support of the petition and for inclusion in the administrative record accompanying the petition.

First, I am attaching a list of organizations that have chosen to endorse the March 11, 2003, petition as petitioning organizations. As you can see, the list represents a diverse set of farming and non-profit organizations that will be significantly impacted by any USDA decision allowing genetically engineered wheat to be deregulated. Accompanying this addendum to the petition are copies of letters from Senator Conrad (D-ND) and Representative Pomeroy (D-ND) requesting that USDA carefully evaluate the impacts associated with commercializing Monsanto's genetically engineered, glyphosate resistant wheat and a letter from the North Dakota Farmers Union requesting that a full EIS be undertaken in conjunction with any decision on the Monsanto wheat deregulation petition.

Second, I have also included a number of documents that supplement the scientific information cited and provided in the March 11, 2003, petition. This material includes:

(1) Van Acker, et al., "An Environmental Safety Assessment of Roundup Ready Wheat: Risks for Direct Seeding Systems in Western Canada," June 2003 (discussing the serious environmental and economic impacts commercial release of Roundup Ready wheat will have on Canadian wheat farming) ;

(2) Fernandez, et al., "Identification of Crop Production Factors Associated with the Development of Fusarium Head Blight in Spring Wheat in Southeast Saskatchewan," December 2003 (discussing the relationship of higher Fusarium head blight levels associated with the application of glyphosate formulations);

(3) Bresnahan, et al., "Glyphosate Applied Preharvest Induces Shikimic Acid Accumulation in Hard Red Spring Wheat (*Triticum aestivum*)," *J. Agric. Food Chem.* 51:4004 (2003) (discussing changes in the shikimic acid levels caused by applications of glyphosate); and

(4) Ziska, et al., "Future Atmospheric Carbon Dioxide May Increase Tolerance to Glyphosate," *Weed Science* 47:608 (1999) (discussing the role global warming will have on weed resistance to glyphosate).

(5) Benbrook, "Impacts of Genetically Engineered Crops on Pesticide Use in the United States: The First Eight Years," (2003) (discussing increased use of pesticides associated with the introduction of herbicide tolerant crops).

Third, on behalf of several of the petitioners we would like to express our dissatisfaction in the agency's delay in publicly releasing the letter (and any attached information) sent to Monsanto finding their petition for deregulated status for genetically engineered wheat deficient. This matter was discussed at our meeting on June 26, 2003, and is the subject of a Center for Food Safety FOIA request dated July 31, 2003. See USDA/APHIS FOIA No. 03-784 (attached). The release of this information would assist in the agency's goal of securing a more transparent dialogue among all stakeholders concerning its biotechnology actions. Furthermore, the delay of releasing such material under FOIA is inexcusable especially given the extremely narrow and specific scope of the FOIA request. Petitioners request that this information be released to the Center for Food Safety immediately.

The Petitioners reiterate their position that the scope and magnitude of the environmental and economic impacts associated with the decision to deregulate this product necessitate that BRS undertake a full environmental impact statement prior to any decision on Monsanto's deregulation petition. We look forward to continuing our discussion with you and the agency over this matter and appreciate your careful consideration of this matter.

On behalf of the Petitioners, sincerely,

Joseph Mendelson III
Legal Director

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