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USDA Announces Partial Deregulation for Roundup Ready Sugar Beets

WASHINGTON, Feb. 4, 2011 – The U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) is announcing its decision on the petition to partially deregulate sugar beets that have been genetically engineered to be resistant to the herbicide commonly known as Roundup®.

“After conducting an environmental assessment, accepting and reviewing public comments and conducting a plant pest risk assessment, APHIS has determined that the Roundup Ready sugar beet root crop, when grown under APHIS imposed conditions, can be partially deregulated without posing a plant pest risk or having a significant effect on the environment,” said Michael Gregoire, deputy administrator for APHIS’ biotechnology regulatory services. “This partial deregulation is an interim measure until APHIS is able to complete a full environmental impact statement.”

Monsanto Company (Monsanto) and KWS SAAT AG (KWS) requested that APHIS examine whether the agency could deregulate in part to allow the continued cultivation of Roundup Ready® (RR) sugar beets under carefully tailored measures. APHIS conducted an environmental assessment (EA) and published it for public comment in November 2010. The EA evaluated a range of options, including authorizing production of RR sugar beets under strict APHIS permit conditions.

Pursuant to the partial deregulation, growers of RR sugar beet root crop will be required to enter into a compliance agreement that outlines mandatory requirements for how the crop can be grown. If APHIS determines that the mandatory conditions of the partial deregulation set forth in the compliance agreements are not complied with, APHIS has the discretion to revoke, withdraw, or otherwise cancel the conditional partial deregulation for root crop production. Further, APHIS may use the full range of its Plant Protection Act authorities to impose civil and/or criminal penalties and remedial measures, including seizure, quarantine, and/or destruction of root crop that is in violation of the mandatory conditions of the partial deregulation. APHIS has also issued its decision to continue to regulate the seed crop through its permitting process.

In 2005, APHIS granted nonregulated status to RR sugar beets. However, in early 2008, a lawsuit was filed challenging APHIS’ decision. On Sept. 21, 2009, the U.S. District Court for the Northern District of California found that APHIS should have prepared an environmental impact statement (EIS) prior to making a decision to fully deregulate RR sugar beets. On Aug. 13, 2010, the U.S. District Court for the Northern District of California issued a ruling vacating

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APHIS' decision to fully deregulate RR sugar beets and remanded the matter to APHIS. APHIS is currently developing an EIS prior to making any further decision on the petition for a full deregulation of RR sugar beet. APHIS expects to complete the EIS by the end of May 2012.

Notice of this decision will be published later in the *Federal Register*.

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