

Congress of the United States
Washington, DC 20515

December 18, 2012

The Honorable Herb Kohl
Chairman, Subcommittee on Agriculture,
Rural Development, FDA, and Related Agencies
Senate Committee on Appropriations
184 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Roy Blunt
Ranking Member, Subcommittee on Agriculture,
Rural Development, FDA, and Related Agencies
Senate Committee on Appropriations
184 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Jack Kingston
Chairman, Subcommittee on Agriculture,
Rural Development, FDA, and Related Agencies
House Committee on Appropriations
2362-A Rayburn House Office Building
Washington, D.C. 20515

The Honorable Sam Farr
Ranking Member, Subcommittee on Agriculture,
Rural Development, FDA, and Related Agencies
House Committee on Appropriations
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Kohl, Ranking Member Blunt, Chairman Kingston and Ranking Member Farr:

As you and your staffs negotiate FY2013 Agriculture Appropriations for possible inclusion in an omnibus bill, we write to express our strong opposition to a House provision that would dramatically weaken the ability of the U.S. Department of Agriculture (USDA) and the judicial branch to protect our nation's agricultural sector. This provision has not received floor debate in either chamber, nor is it based on any previous legislation. It raises multiple jurisdictional and unprecedented separation of powers concerns. As outlined below, we strongly request that any negotiations on FY2013 appropriations exclude Section 733 from H.R. 5973, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2013.

In recent years, U.S. federal courts have ruled that USDA approvals of several genetically engineered (GE) crops violated the law and required further study of their significant economic, health and environmental impacts. They then sensibly ordered interim use restrictions to mitigate any potential harms, pending further USDA analysis.

Section 733 is specifically intended to allow the regulated industry to force the unrestricted use of certain GE crops, even if a federal court concluded that their approval was unlawful and could cause harm to agricultural interests and the environment. It would prohibit courts from imposing interim use restrictions, instead forcing USDA to immediately allow the continued planting and commercialization of an unlawfully approved GE crop upon industry request.

More fundamentally, judicial review and the power of the court to issue equitable relief are essential elements of law, providing a critical and impartial check on decisions that may negatively impact farmer's livelihoods, exports markets, public health, and the environment. With such a provision in place, USDA would be ill-equipped and, potentially, incapable of avoiding costly and far-reaching

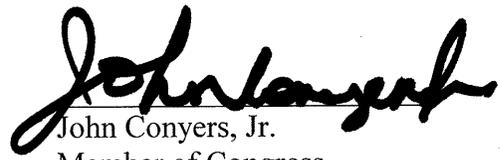
disruptions of the domestic and export supply chain, which can cost American farmers, exporters and food manufacturers billions of dollars in losses. This could undermine the confidence of export partners in the scientific integrity of U.S. regulation of agricultural biotechnology and could create uncertainty about the ability of the U.S. supply chain to meet international standards.

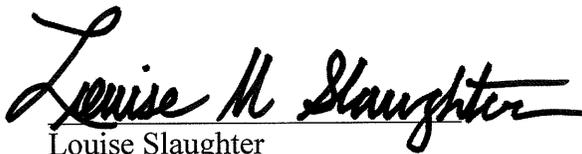
Resolution of such an unprecedented issue with far-reaching prospective effects must require a comprehensive, rigorous and lengthy legislative review. Any consideration of significant changes should be the subject of congressional hearings by the Judiciary and Agriculture Committees, where proposed revisions could be discussed in an open and transparent process and could be dealt with under normal order. A FY2013 omnibus bill is the antithesis of an appropriate vehicle in which to consider, without even discussing, such fundamental changes to federal law governing agricultural biotechnology and the future of the U.S. food supply.

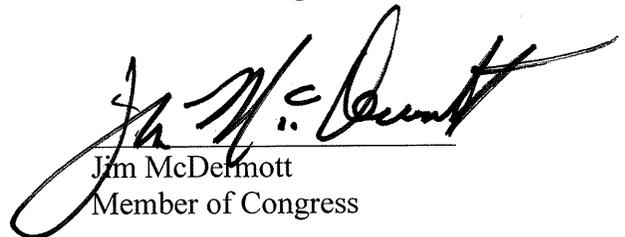
Inclusion of Section 733 would set a dangerous precedent, hampering the ability of the USDA and federal courts to protect our nation's agricultural sector, specifically addressing risks to farmers, the environment, consumers and export markets. We thank you for your consideration of this important matter.

Sincerely,


Peter DeFazio
Member of Congress

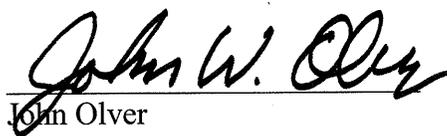

John Conyers, Jr.
Member of Congress

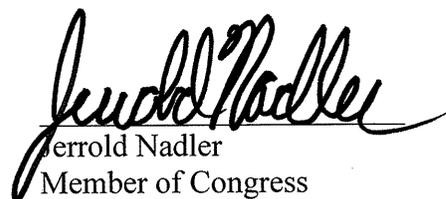

Louise Slaughter
Member of Congress


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Henry Waxman
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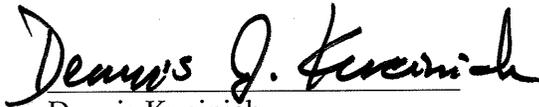
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Member of Congress



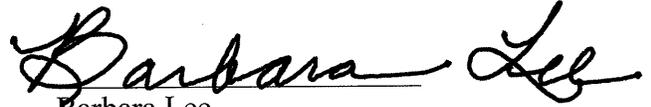
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Member of Congress



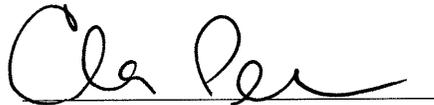
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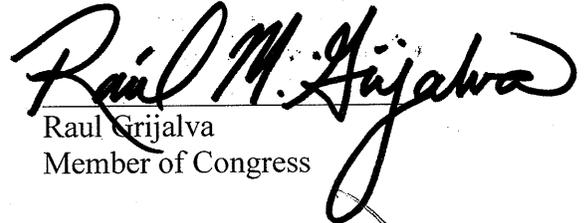
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Peter Welch
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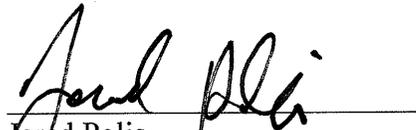
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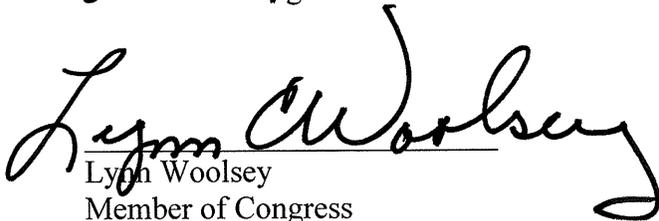
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Member of Congress



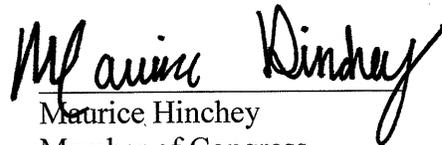
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Maurice Hinchey
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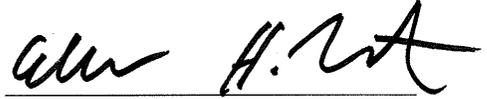
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Member of Congress



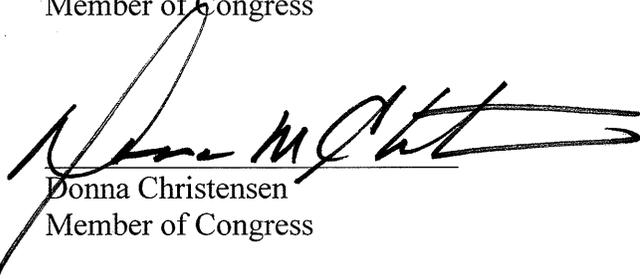
Jackie Speier
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Suzanne Bonamici
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Eleanor Holmes Norton
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Donna Christensen
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