



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

AUG 5 2008

David A. Bergsten
Biological Scientist
Policy and Program Development
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 49
Riverdale, MD 20737-1238

Dear Mr. Bergsten:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Animal and Plant Health Inspection Service's (APHIS) draft environmental impact statement (DEIS), entitled the *Use of Genetically Engineered Fruit Fly and Pink Bollworm in APHIS Plant Pest Control Programs*.

APHIS is proposing further development of genetically engineered fruit fly species and pink bollworm for use in various applications of the sterile insect technique (SIT) to agency invasive plant pest control programs, and has prepared the DEIS to evaluate the environmental impacts associated with using genetically engineered insects in invasive plant pest control programs against fruit fly species of the family tephritidae and pink bollworm. This technology is under consideration for application to SIT used in preventive area-wide release programs, suppression programs, and emergency eradication programs. The DEIS states that there is an impending need for the development of more efficient, lower cost, and effective methods for control and eradication of pink bollworm and the invasive fruit fly species because of the continuing and increasing frequency of detection of invasive insects. Based on our review of the DEIS, EPA has identified a few issues that warrant further consideration.

Tephritid flies are not as well established in the U.S. or its territories; however, pink bollworm has been established in the southwestern U.S. for many years. Presumably, some insects, birds, bats and rodents have come to rely on this insect for at least part of their diet. We suggest, therefore, that the FEIS discuss the potential impact on predators if the pink bollworm is eradicated as a result of this project.

The DEIS analyzed three alternatives: 1) No Action; 2) Expansion of Existing Programs; and 3) Integration of Genetically Engineered Insects into Programs (Preferred Alternative).

We suggest that the discussion of the No Action and the Expansion of Existing Programs alternatives be expanded to address potential use of preventive-based measures, such as: 1) increased controls on, and inspection of, imported agricultural products; and 2) improvement of environmental safeguards in trade agreements.

In conclusion, EPA has no significant environmental concerns about this proposed action. Accordingly, we have rated the DEIS as "Lack of Objections (LO). (see enclosed "Summary of Rating Definitions").

We appreciate the opportunity to review this Draft EIS, and will continue to work with APHIS to resolve these issues in preparation of the Final EIS. If you have any questions, please contact me at (202) 564-2400, or have your staff contact Arthur Totten at (202) 564-7164.

Sincerely,

A handwritten signature in black ink that reads "Susan E. Bromm". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Susan E. Bromm
Acting Director
Office of Federal Activities

Enclosure

EPA's Criteria for Sec. 309 Review of Impact Statements

Rating Environmental Impacts:

LO--Lack of Objections

EC--Environmental Concerns--Impacts identified that should be avoided. Mitigation measures may be required.

EO--Environmental Objections--Significant impacts identified. Corrective measures may require substantial changes to the proposed action or consideration of another alternative, including any that was either previously unaddressed or eliminated from the study, or the no-action alternative). Reasons can include:

- o violation of a federal environmental standard;
- o violation of the federal agency's own environmental standard;
- o violation of an EPA policy declaration;
- o potential for significant environmental degradation; or,
- o precedent-setting for future actions that collectively could result in significant environmental impacts.

EU--Environmentally Unsatisfactory--Impacts identified are so severe that the action must not proceed as proposed. If these deficiencies are not corrected in the final EIS, EPA may refer the EIS to CEQ

Reasons, in addition to impacts identified, can include:

- o substantial violation of a federal environmental standard;
- o severity, duration, or geographical extent of impacts that warrants special attention; or,
- o national importance, due to threat to national environmental resources or policies.

Rating Adequacy of the Impact Statement:

1 (Adequate)--No further information is required for review.

2 (Insufficient Information)--Either more information is needed for review, or other alternatives should be evaluated. The identified additional information or analysis should be included in the final EIS.

3 (Inadequate)--Seriously lacking in information or analysis to address potentially significant environmental impacts. The draft EIS does not meet NEPA and/or Section 309 requirements. If not revised or supplemented and provided again as a draft EIS for public comment, EPA may refer the EIS to CEQ.