



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

MAR - 3 2010

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Ms Cindy Eck  
Biotechnology Regulatory Services  
USDA/APHIS  
4700 River Road, Unit 147  
Riverdale, MD 20737-1236

Dear Ms. Eck:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the U.S. Department of Agriculture, Animal Plant Health Inspection Service's (APHIS) draft environmental impact statement for "*Glyphosate-Tolerant Alfalfa Events (GT) J101 and J163: Request for Nonregulated Status.*"

APHIS prepared this draft environmental impact statement (EIS) to comply with an order from the U.S. District Court for the Northern District of California to prepare an EIS before deciding whether to grant nonregulated status to genetically engineered (GE) alfalfa lines J101 and J103. Two alternatives were examined: Alternative (1), No Action, to maintain the status of GT alfalfa lines J101 and J103 as regulated articles under 7 CFR Part 340; and Alternative (2), to deregulate GE alfalfa lines J101 and J103 as regulated articles under 7 CFR Part 340. The draft EIS identified Alternative 2 as the preferred alternative.

EPA has no objection with an APHIS determination to deregulate GE alfalfa lines J101 and J103. Therefore, in accordance with EPA's procedures, we have rated the draft EIS as a Lack of Objections (LO) which indicates that we have no concerns regarding an APHIS determination to deregulate GE alfalfa lines J101 and J103.

However, we suggest that clarification be provided to the Surface Water discussion on page 90 regarding the statement that glyphosate and its metabolite aminomethyphosphonate can be removed through standard water purification and disinfection processes such as ozonation and chlorination. EPA recommends that this discussion be expanded to include impacts glyphosate and aminomethyphosphonate may have to drinking water quality in areas where the level of treatment of drinking water does not include ozonation and chlorination.

We appreciate the opportunity to review this draft EIS. If you have any questions, please contact me at (202) 564-5400 or Arthur Totten, the staff contact for this review at (202) 564-7164.

Sincerely,

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

Susan E. Bromm

Director

Office of Federal Activities