

June 12, 2009

To whom it may concern:

The Biotechnology Industry Organization (BIO) appreciates the opportunity to contribute to the Community Credit Corporation's (CCC's) request for comments (Fed. Reg. 74:22510) to help define the scope of its draft Environmental Impact Statement (EIS) for the Biomass Crop Assistance Program (BCAP).

Background BIO is the world's largest biotechnology organization, providing advocacy, business development, and communications services for more than 1,200 members worldwide. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial, and environmental biotechnology technologies. Corporate members range from entrepreneurial companies developing their first product to Fortune 100 multinationals. We also represent state and regional biotechnology associations, service providers to the industry, and academic centers. BIO members are actively involved in the development, testing, and deployment of biotech-derived crops for energy production.

Several BIO members are developing multi-use crops, with the potential to provide food, feed, and biomass, while other members are developing dedicated biomass crops for bioenergy production. Biotechnology is already playing a role in helping to meet the growing demand for bioenergy through increased yields of corn and soybeans. Biotechnology-derived, dedicated energy crops will also play an important role in sustainable energy production because these crops can grow well in poorer soils and do not require fertilizer or mechanized tillage. BCAP can foster a more rapid development and adoption of all dedicated energy crops, and biotech-derived crops specifically.

Long experience with similar specialty agricultural projects has demonstrated to CCC and the public that these types of projects rarely result in significant environmental impacts; similarly, it is unlikely that any of the BCAP projects will result in significant environmental impacts. However, in recognition of CCC's decision to prepare an EIS as a part of its rulemaking process, BIO respectfully submits the following comments.

Noxious weeds - As defined by BCAP, "eligible crops" do not include plants that have the potential to be invasive or noxious. APHIS is the USDA agency charged with the identification and control of noxious weeds, and APHIS has many years of experience managing noxious weeds at the national level. BIO respectfully reminds CCC that USDA has recently announced its intention to revise its regulations governing noxious weeds

(*Fed. Reg.* 74:27456) and recommends to CCC that the scope of analysis in the EIS include consideration of the current APHIS regulations and any impacts that may result, relative to the implementation of BCAP, from changes in those regulations.

Environmental benefits of biotech-derived biomass crops – BIO requests that the draft EIS provide an analysis of the numerous environmental benefits that will accrue as a result of the growth of biomass crops, especially those derived from biotechnology. These crops can be grown on marginal lands, unsuitable for conventional commodity crops production, and they are being developed with traits that minimize costly inputs from farmers, such as fuel, water, fertilizer, and insecticides, while at the same time increasing crop productivity. Together, these properties ensure high biomass yields while mitigating environmental impacts. BIO also requests the EIS to analyze the beneficial impacts biomass crops have on climate change, through the reduction of greenhouse gas emissions and the sequestration of carbon in the soil, especially by perennial biomass crops.

Direct economic impacts – Many direct beneficial economic benefits, interrelated with environmental impacts, will result from the full implementation of BCAP, and BIO requests that CCC analyze these impacts in the EIS. Sustainable production of bioenergy will expand global energy supplies and contribute to domestic and global energy security. Biomass production will also create economic opportunities in rural and developing regions of the United States while at the same time reducing the need to take land out of food and feed production.

Provisional implementation of BCAP

When Congress created BCAP in 2008, CCC's decision to prepare a programmatic EIS prior to BCAP implementation was not anticipated. BCAP is critical to the development of the cellulosic ethanol industry in time to meet the RFS mandates. A delay of only one to two years in implementation of BCAP would result in a significant and costly delay in the emergence of a more sustainable bioenergy industry. BIO urges CCC to develop BCAP regulations expeditiously, in order to stay on track to meet congressional mandates. Because NEPA processes can require large amounts of time, BIO recommends that CCC implement a provisional version of BCAP, at a scale that would not have significant environmental impact. BIO strongly encourages CCC to allow small-scale projects (e.g., "demonstration-scale" biorefineries, as defined elsewhere in the energy title), since such projects would, because of their modest size, have limited environmental impact, but could have considerable developmental and research value. A provisional program should be short in duration, limited in local acreage for dedicated energy crops (e.g., within a county), and limited in total program acreage.

- We propose that the provisional implementation only be authorized for 2 years. This should be adequate time for completion of the PEIS and final rulemaking. If not, CCC can re-evaluate and potentially re-authorize BCAP after two years.
- We propose that enrolled local acreage within any county be limited to 20,000 acres, or a fixed percentage of total arable, pasture, hay and CRP land area, whichever is less.
- We propose that total enrolled program acreage be limited to 200,000 acres.
- We also propose that the acres under the provisional program implementation not only use the conservation programs required by BCAP legislation, but also have academic or USDA scientists monitoring the performance of the conservation effort at a watershed level.

BIO appreciates the opportunity to provide the perspective of its members on these important issues. If you have any questions related to these comments, please contact me at 202-962-6645.

Sincerely,

A handwritten signature in black ink that reads "Michael Wach". The signature is written in a cursive, flowing style.

Michael Wach

Managing Director, Science and Regulatory Affairs
Food and Agriculture Department
Biotechnology Industry Organization