



# NEWS RELEASE

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## **USDA CONCLUDES GENETICALLY ENGINEERED CREEPING BENTGRASS INVESTIGATION**

### ***USDA Assesses The Scotts Company, LLC \$500,000 Civil Penalty***

WASHINGTON, Nov. 26, 2007--The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has concluded an investigation into alleged compliance infractions by The Scotts Company, LLC. The investigation related to regulated genetically engineered glyphosate-tolerant creeping bentgrass. Under today's settlement agreement, Scotts has agreed to pay a civil penalty of \$500,000 which is the maximum penalty allowed by the Plant Protection Act of 2000. This is a severe civil penalty and underscores USDA's strong commitment to compliance with its regulations.

"USDA takes compliance with its biotechnology regulations very seriously," said Bruce Knight, under secretary for marketing and regulatory programs. "Compliance is, and will always be, our highest priority and we will continue our rigorous oversight of regulated genetically engineered plants."

APHIS entered into this settlement agreement with Scotts to resolve allegations that the company failed to comply with performance standards and permit conditions for field trials of glyphosate-tolerant creeping bentgrass and improperly moved genetically engineered grass seed. Scotts already has implemented measures to comply with performance standards and permit conditions related to these allegations.

In addition, APHIS alleges that Scotts failed to conduct a 2003 Oregon field trial in a manner which ensured that neither glyphosate-tolerant creeping bentgrass nor its offspring would persist in the environment. Scotts currently is taking monitoring and mitigation actions in Oregon to locate and remove the regulated genetically engineered material that was accidentally released during the 2003 field trial. These actions were required by APHIS beginning in 2004 to address past allegations that Scotts failed to notify APHIS of the 2003 accidental release. The current allegations address the ongoing persistence in the environment related to the accidental release of the regulated genetically engineered glyphosate-tolerant creeping bentgrass.

Also, as part of the 2007 settlement agreement, within one year Scotts will conduct three public workshops for other potential developers of genetically engineered plants and other interested parties. These workshops will focus on best management practices and technical guidance on the identification and prompt resolution of biotechnology compliance incidents.

Best management practices will be a major focus of APHIS' biotechnology quality management system which is scheduled for implementation in spring 2008. APHIS will encourage all genetically engineered developers--including universities, small businesses and large companies--to participate in the biotechnology quality management system. The goal of the voluntary program is to help developers establish policies and quality control practices that proactively address potential issues before they materialize.

Creeping bentgrass is a perennial grass used largely for golf course greens, tees and fairways. Scotts' creeping bent grass is genetically engineered to be tolerant to the herbicide glyphosate. Scotts field tested glyphosate-tolerant creeping bentgrass, under APHIS authorization, in various locations across the United States.

APHIS oversees the development and introduction through importation, interstate movement and environmental release of genetically engineered organisms. USDA is committed to ensuring safety in the oversight of field tests and movements involving regulated genetically engineered organisms.

Additional information about the Biotechnology Quality Management System is available at <http://www.aphis.usda.gov/>.

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