

USDA Office of Inspector General Hotline
PO Box 23399
Washington, DC 20026

1 July 2024

To Whom It May Concern,

On August 19, 2020 a notice was posted in the Federal Register of a petition to the Animal and Plant Health Inspection Service (APHIS) by the State University of New York College of Environmental Science and Forestry (ESF) for a determination of nonregulated status for blight-resistant Darling 58 American chestnut trees.

The Darling 58 American Chestnut is a genetically engineered tree, which SUNY ESF claims to be blight resistant. If deregulated it would be the first genetically engineered plant to be released into the wild with the intention of pollinating its wild relatives and freely spreading. Thousands of comments regarding the risks known and unknown from such a potentially dangerous and irreversible experiment were made to the USDA during its comment period on the petition.

Originally, The American Chestnut Foundation (TACF) was a prominent supporter of the petition as well as a partner with ESF in research on the tree. TACF was a vigorous public promoter of the Darling 58 American Chestnut as it saw the tree as a potential solution to fortifying the natural population of American Chestnuts devastated by the *Cryphonectria parasitica* blight which began in the early 1900s.

According to media reports, on December 8th, 2023 TACF announced it was withdrawing support “for several pending regulatory petitions that would authorize distribution of transgenic Darling 58 trees outside permitted research plots”. The stunning turnaround was reportedly based on poor performance of the Darling line of GE American chestnuts when it came to blight resistance and growth, as well as high rates of mortality. On their [website](#), TACF states that the GE trees did not grow as expected probably due to metabolic costs resulting from the OXO gene being “on all the time”. Opponents of deregulating the Darling 58 had predicted such complications during the comment period, but the additional announcement by TACF that trees and pollen provided to them by ESF for field research were in fact not Darling 58 trees was completely unexpected.

According to public statements, TACF no longer supports the petition to deregulate the Darling 58 based upon performance problems with the Darling line, but has also reportedly been more vocal about what it has characterized as a lack of forthrightness about the error and data. According to a June 8 2024 story in New York Magazine "[The Problem with Darling 58](#)", a third party Thomas Klak, an environmental-science professor at the University of New England in Portland, Maine, informed TACF that the trees being used in research plots were not Darling 58, but Darling 54, an earlier iteration, with the OXO gene inserted on a different chromosome, causing the deletion of more than 1,000 base pairs, and was likely responsible for the high mortality rates and lack of blight resistance among the trees.

As stated in the article, TACF President Pitt stated, “To this day, we’ve never heard anything directly from ESF,” says Pitt, the American Chestnut Foundation’s president. If Tan and Klak hadn’t shared their findings, Pitt wonders if ESF ever would have “told us, told the public, told anyone.” “As a nonprofit organization, we can’t hide things from our members or the public. If we wouldn’t have brought this out, we would be complicit with a cover-up.”

The article also reports, “The scientists at [TACF] raised their concerns with [ESF American Chestnut Project Director Andy] Newhouse and ESF and pushed for the lab’s newest research about the performance of Darling 58. What information they received felt incomplete, and some began to wonder if ESF was hiding something. ‘We have weekly science calls they’ve been on since 2019,’ says Sara Fern Fitzsimmons, the foundation’s chief conservation officer. ‘There’s a history of not being transparent with data. I look back through the reports they compiled for us for the grants we gave them, and everything’s awesome: It’s cherry-picking the good and not letting on that anything was amiss at all.’”

Adding to this troubling lack of transparency is the fact that ESF was reportedly involved in discussions with American Castanea, Inc., a for-profit startup, regarding an exclusive license to sell the Darling 58 American chestnuts—a deal that would have allegedly meant millions of dollars in revenue for both parties. With TACF's public revelations of the problems with the Darling 58, this deal has been terminated.

New York Magazine reports that ESF, on the other hand, insists there is nothing wrong with Darling 58 or Darling 54 and is “forging ahead with deregulation efforts.”

Given the unparalleled nature of this petition which would allow for the release of a genetically engineered tree into the wild, we are requesting that the USDA Office of Inspector General investigate circumstances surrounding the petition. Given public statements from TACF casting doubt on the veracity of ESF we believe that such an investigation into whether information was given to the USDA in a timely fashion or if ESF was failing to act in good faith or possibly in violation of rules, regulations or law is warranted by the Office of Inspector General USDA.

Given the gravity of the implications of ESF's research we ask that USDA OIG investigate and take any action available to it to prohibit future petitions by ESF if in fact it has been culpable in any fraud, deception or conflict of interest as recent statements by TACF leadership seem to allude.

We also continue to call for a denial of the petition to deregulate the Darling 58/54 American Chestnut.

Note: A summary of this information was submitted online to the USDA OIG Hotline on 1 July 2024.

Sincerely,



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Cc: The Honorable Phyllis K Fong