

Response to; [Release No. 34-98665; File No. SR-NYSE-2023-09]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change to Amend the NYSE Listed Company Manual to Adopt Listing Standards for Natural Asset Companies

Online at; <https://www.sec.gov/comments/sr-nyse-2023-09/srnyse202309.htm>

Sent by email to; rule-comments@sec.gov. in a PDF format on Jan 16th, 2024

I appreciate the opportunity to respond publicly to this proposed rule change.

I ask that you follow me on my multiple-agency research that ultimately warrants a need for you to clarify my listed concerns and allow for public response regarding those concerns once they are addressed and properly showcased, any decision made before these agencies' practices are determined would further complicate the management of the public lands. I urge the comment-researching parties to assist me in getting a resolution to past NEPA conflicts regarding management practices principles before any rule change decisions are made... This rule change request should be governed by the outcome of pending decisions of public land management practices so that the public can have all relevant information on investment vehicles to be used. Biotechnology practices need to have a clear, transparent understanding of how they will be involved in climate change solutions, and that is dependent on the USDA APHIS's decision on genetic engineering, which is currently accepting public comments until Jan 19th.

Here is some of my comment on USDA APHIS "proposed exemption."

Document ID, APHIS-2023-0022-0001

<https://www.regulations.gov/document/APHIS-2023-0022-0001>

Re: Proposed Exemptions: Movement of Organisms Modified or Produced through Genetic Engineering;

Once due on Dec, 15th 2023, then extended to January 12th, 2024, and now ultimate due on Jan 19th, 2024.

due January 19, 2024 (a one-off limited record for the SEC comment)

To whomever It May Concern, I appreciate the ability to comment publicly on this proposed exemption request, and I ask that you follow me on viewpoints warranted by the request. Ultimately, I hope this comment will show the need for a new environmental impact statement addressing biotechnology to meet the requirements of the NEPA Act and publicly show the intent of biotechnology used in climate change.

(Dear reader, I will use "Quotes" that are exactly copied from the links above the statements and underline my notes of concerns... Additionally, I'll reference the "quotes" with my interpretation so that less invested minds can skip the "quotes" for a more simple read and get the idea quickly. furthermore, I will lay record a dramatic sign-off in the closing section ill call firestorm... not available until jan 19th submission... once posted on the document referenced above.

Federal actions regarding "Climate Change" have me certain that there is a Trojan horse at hand

for us, the people. With all the climate change investments, the topic of genetic engineering is rarely a part of the conversation and never to the extent that it currently is engaged. I believe this is part of a plot manifested by the federal government to mute the conversation of genetic engineering and, therefore, roadblock the public view of regulators manipulating regulation changes; in turn, APHIS is making questionable advances outside of public view and contrary to safe science. Additionally, this federal effort to suppress viewpoints violates the 1st amendment. I intend to show that social media companies' search results are withholding the ability to freely converse amongst platform users on the topic of biotechnology and regulatory reform and, furthermore, hiding how it will be used in climate change treatments that the Biden administration is pushing under Executive Order 14081.

<https://www.federalregister.gov/documents/2023/11/14/2023-24937/environmental-justice-strategic-plan-draft-vision-goals-and-objectives>

“Section 1. Policy. It is the policy of my Administration to coordinate a whole-of-government approach to advance biotechnology and biomanufacturing towards innovative solutions in health, climate change, energy, food security, agriculture, supply chain resilience, and national and economic security.”

Let's dive into my concerns in detail.

I'll begin with the Trojan Horse statement because the current approach of the climate change plan and future biotech implementation is precisely that. With these exemptions in place, genetic engineering will flourish in programs that address Climate change with patent-based solutions by closed-door deals with NGOs and state agencies with no oversight and hidden from the public... I say hidden from the public because of actions like this example.

May 26, 2021. You can see in this USDA climate change agreement with South Africa that the plan is to implement biotechnology. But the details are only available in the full report link.(must download if not attached to this comment)

<https://www.climatehubs.usda.gov/hubs/international/topic/south-africa-committed-climate-change-interventions-agricultural-sector>

(File attached) South Africa Committed to Climate Change Interventions in the Agricultural Sector _Pretoria_ South Africa - Republic)

Now, three months after this Climate plan in South Africa agreement was made, back in the United States, In August 2021, the administration released the “USDA climate adaption plan,” A similar plan with only a single mention of “biotechnology” in the 40 pages of exploring climate change solutions. <https://www.sustainability.gov/pdfs/usda-2021-cap.pdf>

My first question is, Why is there different transparency for US citizens?

I will show the needle-in-haystack evasions of transparency APHIS currently uses to disguise the true intent of biotechnology in their attempt to finalize their massive plot with some sort of justification for their actions.

Back in May 2022 to 2025 Climate Change Adaption Plan. Except for the notation of “To be determined.” no solutions are examined...

Genetic engineering is mentioned; however, there is No way of truly understanding the course of action planned and how it dances around in the subject... It leads to their actions being in response to “increased demand.” which I will divulge later in my comment.

https://www.usda.gov/sites/default/files/documents/10_MRP_APHIS_ClimateAdaptationPlan_2022.pdf

“APHIS will develop guidance to clarify the regulatory review process for these modified microbes. Additionally, APHIS may provide regulatory exemptions, when appropriate, for climate-change resilient crops and forest tree species that include simple modifications that could be achieved through conventional breeding.”

But as of April 25th, 2023 – 2027 the newly updated strategic plan from APHIS better shows intentions about biotechnology. With one mention of genetic engineering and 9 mentions of biotechnology... it leaves this reader wondering how far the efforts could go.

https://www.aphis.usda.gov/about_aphis/downloads/aphis-strategic-plan.pdf

“Conduct efficient risk-based permit review and issuance for organisms developed using genetic engineering to ensure they are safely contained or confined during movement or release”

I knew biotechnology had been a thing for a while but never thought it could be released in public lands without public knowledge to this extent. I staked my hope that APHIS-WS strategic plan would be transparent before action if it was used in the public lands... because. Back in 2020, this single mention of Genetic engineering gave me hope that in the APHIS-WS strategic plan, each organism would have an assessment before release.

https://www.aphis.usda.gov/wildlife_damage/downloads/strategic-plan-ws-fy2020-2024.pdf

“Develop environmental risk assessment models to inform regulatory decisions regarding genetically modified organisms containing a gene drive.”

It seems to be a standard process of Aphis to hide details Or effectively alert the public of important biotechnology reform information. I will show multiple circumstances of this tactic throughout this comment.

I have concerns about the EIS (environmental impact statement) used to justify the exemption decisions that will unleash biotechnology in public lands and Agriculture without oversight...

May 2020 Final Programmatic Environmental Impact Statement

<https://www.aphis.usda.gov/biotechnology/340-secure-rule-eis.pdf>

ultimately, Because of this interagency interpretation of this NEPA statement regarding G.E...

“APHIS prepares environmental documentation as part of its obligations under the National Environmental Policy Act of 1969 (NEPA) and the APHIS NEPA implementing regulations at 7 CFR part 372. NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. Section 102 in Title I of the Act requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies are to analyze and

document the potential environmental impacts of, and alternatives to, major federal actions that may significantly affect the environment. These analyses are commonly referred to as Environmental Impact Statements (EIS) and Environmental Assessments (EA). Agencies may also categorically exclude actions which have been found to have no effect on the human environment (40 CFR 1508.4). Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment, and for which, therefore, neither an EA nor an EIS is required.”

We get this reason to NOT complete a NEPA for release of past G.E ;

“Under the Preferred Alternative, there will be actions outside of the Agency’s purview that will not be subject to NEPA. These actions include developer self-determinations that a plant-traitMOA combination meets one of the exemptions (see Section 2.2 of this PEIS) or that the plant-trait-MOA combination is similar to one that has been previously reviewed by APHIS and found to not be subject to regulation under 7 CFR part 340. Letters written to applicants confirming that their self-determination meets the exemption criteria also would not be subject to NEPA.”

This recklessness is possible from past EIS that is supposed to have covered this area of environmental impact from my past comments (see Section 2.2 of this PEIS) However, this approach fails to consider the mass transgenic situation it will cause in the biosphere and from the guidance of 35 people (My public comment says ”withdrawn” Alan with APHIS is looking into it... we don’t know why yet.)

<https://www.regulations.gov/document/APHIS-2018-0034-0001/comment>

Section 2.2 of this EIS was proposed for review change in 2021 from Executive Order 13990 With 82,000 public comments...

<https://www.regulations.gov/docket/CEQ-2023-0003/unified-agenda>

NOTE worthy: This section of another NEPA proposal rule change was an attempt to suppress public recourse...(I wonder if this is talking about me? Are you trying to write me out of history> if the public is interested in learning more about corruption, see my January 19th comment on this docket under the section Firestorm.)

<https://www.federalregister.gov/d/2023-15405/p-123>

NOTE; This is a quoted!!!

“CEQ proposes to delete [40 CFR 1500.3\(b\)](#), including its paragraphs. The process established by the 2020 rule provides that first, an agency must request in its notice of intent (NOI) comments on all relevant information, studies, and analyses on potential alternatives and effects. [40 CFR 1500.3\(b\)\(1\)](#). Second, the agency must summarize all the information it receives in the draft EIS and specifically seek comment on it. [40 CFR 1500.3\(b\)\(2\)](#), [1502.17](#), [1503.1\(a\)\(3\)](#). Third, decision makers must certify in the record of decision (ROD) that they considered all the alternatives, information, and analyses submitted by public commenters. [40 CFR 1500.3\(b\)\(4\)](#), [1505.2\(b\)](#).

Fourth, any comments not submitted within the comment period are considered forfeited as unexhausted. [40 CFR 1500.3\(b\)\(3\)](#), [1505.2\(b\)](#). By adding this exhaustion process, the 2020 rule aimed to limit legal challenges and judicial remedies.^[56]

CEQ proposes to remove this process because it establishes an inappropriately stringent exhaustion requirement for public commenters and agencies. It is unsettled whether CEQ has the authority under NEPA to set out an exhaustion requirement that bars parties from bringing claims on the grounds that an agency's compliance with NEPA violated the APA, pursuant to [5 U.S.C. 702](#). While the 2020 rule correctly identifies instances in which courts have ruled that parties may not raise legal claims based on issues that they themselves did not raise during the comment period,^[57] other courts have sometimes ruled that a plaintiff can bring claims where another party raised an issue in comments or where the agency should have identified an issue on its own. *Pac. Coast Fed'n of Fishermen's Ass'ns v. U.S. Dep't of Interior*, 929 F. Supp. 2d 1039, 1045–46 (E.D. Cal. 2013); *Wyo. Lodging and Rest. Ass'n v. U.S. Dep't of Interior*, 398 F. Supp. 2d 1197, 1210 (D. Wyo. 2005); *see Pub. Citizen*, 541 U.S. at 765 (noting that “[T]he agency bears the primary responsibility to ensure that it complies with NEPA. . . and an EA's or an EIS' flaws might be so obvious that there is no need for a commentator to point them out specifically in order to preserve its ability to challenge a proposed action”). “Because the fundamental question raised by these cases is the availability of a cause of action under the APA, and not a question of interpreting NEPA, CEQ considers this question more appropriate for the courts to determine. Further, nothing in this revision would limit the positions the Federal Government may take regarding whether, based on the facts of a particular case, a particular issue has been forfeited by a party's failure to raise it before the agency, and removing this provision does not suggest that a party should not be held to have forfeited an issue by failing to raise it. By deleting the exhaustion requirements, CEQ does not take the position that plaintiffs may raise new and previously unraised issues in litigation. Rather, CEQ considers this to be a question of general administrative law and therefore the courts to be the proper venue to determine whether any particular claim can proceed.”

Moreover, the exhaustion requirement established in the 2020 rule is at odds with longstanding agency practice. While courts have ruled that agencies are not required to do so, *see, e.g., Pub. Citizen*, 541 U.S. at 764–65 (finding that where a party does not raise an objection in their comments on an EA, the party forfeits any objection to the EA on that ground), agencies have discretion to consider and respond to comments submitted after a comment period ends. The exhaustion requirement established in the 2020 regulations could encourage agencies to disregard important information presented to the agency shortly after a comment period closes, and such a formalistic approach would not advance NEPA's goal of informed decision making.”

July 28th 2023, is in the final rule stages that will, by design allow APHIS to make these decisions.

So that I can continue to show the current lack of transparency in USDA, I must touch on APHIS-WS... (the wildlife side of APHIS that has a stake in public land management.)

Read the strategic plan for 2020 to 2024 of Animal Plant Health Inspection Service- Wildlife Services there is no mention of biotechnology or genetic engineering on their website or strategic plan. However, they share the same biotech ambition as APHIS and lead to the future intentions of biotechnology... the fact that the details are being premeditated and not divulged is concerning.

https://www.aphis.usda.gov/wildlife_damage/downloads/strategic-plan-ws-fy2020-2024.pdf

“Leverage High-impact technologies.” ← I must consider this means biotechnology.

And read the vague APHIS-WS mission statement from their landing page.

“In charting this course, WS must continuously improve and modify wildlife damage management strategies.” ← this likely means biotechnology, right?

-note; it is also said; “Wildlife Services conducts its activities pursuant to Memoranda of Understanding, other agreements and legal authorities, and conducts environmental review processes to comply with the National Environmental Policy Act (NEPA).”

Let's have a moment to be hypothetical on if this proposal passes in regard to climate change solutions used in public lands.

My understanding of this makes me speculate that patented, “Exempted” plants used in the public lands for “restoration.” Could, under your terms find that there has been a spread of this plant Or there have been unintended consequences from this “exempted plant” Well, section 2.2 of the last Environmental impact statement suggests that;

- Add link

-

What could happen if a biotech producer claimed their climate-tolerant trans-genetic product was spreading in public land? Well, if there was a lease on the patent...and it was a legal spread of exempted plants. (compliant to 3.6.1 of the eis) Well I think that this 2023 seed report suggests that it should be compensated... however, I would like to see APHIS reply to this question (page 45'ish) in a public setting.

<https://www.ams.usda.gov/sites/default/files/media/SeedsReport.pdf>

and I get this is a suggestion...

“In the context of plant seeds and other living organisms (e.g., microbes) where the product is easily reproduced, patent protection and the adherence to the Supreme Court’s holdings in Bowman v. Monsanto are important to incentivize the significant investment needed to bring these products to market.” Pivot Bio, Comment on “Competition,”

For real! That seed report says the transgenic patented exempted plant that spreads could be entitled to rights and the public would need to satisfy the terms

Well the EIS says how they will address outbreaks like this;
Add quote

Noteworthy, Federal report for patent extension of seed patent 8-28-2023

<https://www.ers.usda.gov/amber-waves/2023/august/expanded-intellectual-property-protections-for-crop-seeds-increase-innovation-and-market-power-for-companies>

I get that the US is trying to be first in the patent side of biotech...but this is not the way to achieve the goal of innovation with biotech and balancing living more sustainably while addressing climate change. We must set a standard adhered to by quality research and true science and, equally important, the public being involved.

So, let's consider Executive Order 14081 quote...

“We must take concrete steps to reduce biological risks associated with advances in biotechnology.”

List of Reasons to NOT approve this proposal and requests to move forward intertwined with how we got here ... and some records.

By the time this plot of not disclosing biotechnology is discovered, it will have significantly impacted the biosphere. Its going to be too late to decipher what was truly a product of millions of years of nature Vs. Self-determination releases of experimental solutions.

Due to all the recent above-listed components to your proposed exemption request, I feel that now is not the time to push this agenda of deregulation. I would like to see the following requests to be examined and assessed before your determination is reached.

NEPA payout...there are major forces at work regarding the NEPA Act that will play out in court.

The center for Food Safety Lawsuit with APHIS about biotechnology.

Why are my past comments not being addressed?

SEC...<https://www.sec.gov/comments/sr-nyse-2023-09/srnyse202309.htm>

At a minimum, if you take the measurement out of science experiments (with this proposed exemption request), then it is just reckless experiments... We must have a record of release to examine results for proper science to exist.

The history of APHIS efforts before this has been hidden from the public, and we need to re-align the balance of past rouge regulations that regulators are regulating in regard to regulation before moving forward!

I believe that “exemption” rules that APHIS had already done under the “proposed regulation” with NO final rule... (but operates like the rule is in place)

Oct 25, 2021- “Draft Guidance for Requesting a Regulatory Status Review under 7 CFR part 340”

that only 9 people made public comments (it says 11 comments...but I wrote 3... so I figure it 9)

is yet another testament to improper public solicitation, and I ask that my past comment be included in this request of consideration as it addresses concerns that are still relevant.

The comment is filed under “Josh Wilson”

<https://www.regulations.gov/docket/APHIS-2021-0062/comments>

There is a massive cluster of programs with almost no mention of Biotechnology from the government or the NGOs operating in this conservation space. Not all groups are involved in biotech...not all projects are designed for this ingredient. However, most projects will have one

player that is ready to provide genetically edited plant or animal support, and it seems to be led by government introduction.

Furthermore, from my studies on these NGOs, I noticed that most employees and BLM/ NPS people have yet to learn that biotechnology is being implemented in the organization's plan.

These are all current federal links regarding climate change, And I'll note programs like the national seed strategy that this exemption can and will influence.

<https://www.blm.gov/programs/natural-resources/native-plant-communities/national-seed-strategy>

And “restoration projects” with the BLM and NPS like> add link <- not fixing this yet... I got to verify this from that first.

> <https://www.usda.gov/climate-solutions> > 70-advertised projects > Link (FYI, there are some projects here); however, please inspect the other 71 projects in the hub...

<https://www.climatehubs.usda.gov> > Here is one online federal area that houses multiple climate projects associated with biotech or assessments that will call for A future with biotechnology. With NO mention of biotech. A simple look into the Key Partners in most projects will show a biotech partner involved to a high degree... google partner name with “biotechnology.” From the “hub”

> <https://www.climatehubs.usda.gov/hubs/midwest/project/bolstering-extension-climate-hub-partnerships-midwest>

> <https://www.bomfuturo.com.br/en-us/areas-of-expertise/seeds>

And a list of climate change topics and plans with NO mention of biotech solutions... but likely the intent or hold of intent.

>Oct 2021 <https://www.epa.gov/climate-adaptation/climate-adaptation-plans>

>Feb 7, 2022 <https://www.usda.gov/media/press-releases/2022/02/07/usda-invest-1-billion-climate-smart-commodities-expanding-markets>

> <https://www.nifa.usda.gov/topics/science-food>

>Aug 2021 <https://www.sustainability.gov/pdfs/usda-2021-cap.pdf>

“This Action Plan for Climate Adaptation and Resilience outlines how USDA will provide relevant information, tools, and resources to its stakeholders and target programs and activities to increase resilience to climate impacts. USDA will prioritize equity, promote environmental justice through a focus on healthy communities,”

USDA July 2022 Climate Adaptation Plan...There are zero mentions of Genetic Engineering or Biotechnology... (side note: if more people who read this misleading fabrication had a clue of the true intentions of the industry, It could have sparked interest in the reader, and there would have been more involvement in this request for comment... in witch, I will address later.)

https://www.usda.gov/sites/default/files/documents/1_FPAC_NRCS_ClimateAdaptationPlan_2022.pdf

and all of these projects are about climate change.

<https://www.fao.org/climate-smart-agriculture/resources/publications/en/>

So let's get into the 2023 awarded project:

<https://www.nrcs.usda.gov/regional-conservation-partnership-program-2023-awarded-projects>

“more than \$1 billion is being invested to advance partner-driven solutions to conservation on agricultural land through 81 projects.”

An example of one>

Lets do an obvious one; (because its out of the US)

GROWMARK Inc

<https://www.growmark.com>

“partnering” with INDIGO AG

Additionally, on May 23, 2023, the EPA has recently made the following decision regarding exempted genetic engineering.

<https://www.epa.gov/pesticides/epa-finalizes-rule-accelerate-use-plant-incorporated-biotechnologies-protect-against>

and a June 2, 2023, news article on the subject;

<https://www.science.org/content/article/epa-decision-tighten-oversight-gene-edited-crops-draws-mixed-response>

“In a final rule, EPA said that like USDA, it will exempt gene-edited plants from an in-depth review process if the change already exists in a sexually compatible plant. But under its mandate to ensure safety for humans and wildlife, EPA will still require developers to submit data showing that plants that have been gene edited to resist pests—for example, by producing more of a naturally occurring toxic protein—won’t harm other components of the plant’s ecosystem or sicken people.”

However, I spoke with EPA in Jan and confirmed that there was no EIS or NEPA involved with the “exemption” process. They only satisfied the P.I.P (no link because there was no follow-up after our conference)

We need to ensure these investments are met with proper regulations and oversight to ensure their successful implementation, stop corporate handouts, and safeguard human and environmental impacts while allowing the community to exchange and explore conversations about the actions of our government with free will.

Josh Wilson

Byandforthepeople.org

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Please email me directly, josh@pch-world.com

and we can chat!