



# National Organic Coalition

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National Organic Standards Board:

The National Organic Coalition, (NOC) is a national alliance of organizations representing farmers, environmentalists, other organic industry members, and consumers concerned about the integrity of national organic standards. The goal of the coalition is to assure that organic integrity is maintained, that consumers' confidence is preserved and that policies are fair, equitable and encourage diversity of participation and access.

NOC would like to thank the Board for its ongoing long hard work in reviewing materials and issues pertinent to the integrity of the organic label. We would also like to take this opportunity to thank in particular the out-going members of the Board for devoting so much of your time during the past 5 years to the work of this board: Rigoberto Delgado, Hue Karreman, Gerald Davis, Julie Weismann, and Bea James.

Finally, we welcome long-time colleague, Miles McEvoy to the leadership of the National Organic Program. Good Luck Miles!

## **I. Animal Welfare**

NOC appreciates the proposal from the Livestock Committee regarding Animal welfare issues – strengthening animal welfare standards in organic will certainly lead to increased consistency in implementation, as well as increased consumer confidence in the label. However, for several reasons, we concur with the Accredited Certifiers Association and others in asking that voting on this recommendation be tabled, and be considered a discussion document.

1. There are several topics in this document that may overlap with the Proposed Pasture Rule, so it is incumbent on the NOSB to wait until that Rule is promulgated before proposing revisions in such topics as stocking rates or livestock living conditions.
2. This recommendation differs significantly from the March 2009 document; more time is needed to review both these proposals as well as their differences.
3. Major changes in this proposal with regards to poultry management require significant input and discussion with stakeholders before the NOSB finalizes its recommendation. We also refer the Board to the “ACA proposal for an Organic Poultry Production Guidance Document” for background.

## **II. GMO Vaccines**

We believe that detailed, specific review of classes of vaccines or individual vaccines, with associate TAP reviews and real public input is the necessary process for GMO vaccines to be acceptable for organic production. We support comments from former NOSB chair Jim Riddle, and agree that a Technical Advisory Panel Review is needed, according to OFPA sections 2119(k)(3) and 2119(m).

As stated in the NOP Final Rule and in the Preamble to the Final Rule, genetically modified, or GMO vaccines can be petitioned, undergo a TAP review, be considered by the NOSB, be the subject of public comments, and be added to the National List through the rulemaking process. If there are specific GMO vaccines or classes of vaccines that are compatible with organic production, and which meet the evaluation criteria as stated in the Organic Foods Production Act (OFPA) in section 2119(m), then they should be considered following technical review, with transparent and inclusive rulemaking.

However, the NOSB has not convened a TAP to provide scientific evaluation of this class of substances, or an accurate assessment of the actual state of availability and alternatives to GMO vaccines.

In addition, the recommendation does not show that the Board has addressed OFPA criteria 2119(m) which are required when evaluating substances to be allowed in organic production.” We would like to see specific responses to each of these:

- 1) the potential for detrimental chemical interactions with other allowed substances;
- 2) the toxicity, mode of action, breakdown products, contaminants, persistence, and concentration in the environment;
- 3) the probability of environmental contamination during manufacture, use, misuse, or disposal;
- 4) possible effects on human health;
- 5) effects on the agroecosystem, including soil organisms, crops, and livestock;
- 6) available alternatives; and

7) compatibility with organic production.

We concur again with Mr. Riddle in his conclusion that the NOSB should “step back, follow established policies and procedures as stated in OFPA, and amend the LC recommendation to call for a TAP review of GMO vaccines to determine if they are compatible with organic principles and standards.”

### **III. Nanotechnology**

NOC does not support the use of nanotechnology in organic, in any form, now or in the future. We agree with comments from the Center for Food Safety and others supporting the Materials Committee recommendation. We refer the Board to the Canadian standards for some clearer definitions of nanotechnology, and as a guide to harmonization with their standards.

We also invite further discussion as to the size of nano-particles. In keeping with the precautionary principle, we suggest the increase in size scale to 1-300 ppm (from 1-100 ppm) as there is increasing evidence that some particles in the higher range also exhibit nano behavior characteristics. See comments from the CFS on size.

While nanotech materials are in fact “synthetic,” according to the OFPA definition, we do not support case by case review as the minority opinion recommends, and agree with others that the minority opinion should be stricken from the record and not included in NOSB recommendation. We believe the minority opinion is a dangerous idea in that it would keep the door open for nanotechnology and create a future in which proponents could petition for inclusion of nano on the National List if nanomaterials, food, and food packaging become more and more prevalent. Yet, like genetic engineering, irradiation, and sewage sludge, nanotechnology is antithetical to the organic standard.

### **IV. Retail Certification**

The guidance recommendation is an important first step in reaching clarity on retail certification issues. This recommendation raises some good questions that need to be resolved, and we feel that a guidance in this area is the best vehicle towards consistency in certification of retail establishments.

### **V. Cosmetics & Personal Care Products**

NOC believes that cosmetics and personal care products are among the most flagrant category of several consumer products making false and uncertified organic claims on their products. We agree with the NOSB that it is time that the USDA take action in both clarification and enforcement of such violations of the law. In fact, while we agree with most of the discussion in this recommendation, we would like to reiterate our previous observation that currently, USDA has the ability to and should enforce against any products mislabeled organic. Therefore, any cosmetics and personal care products that can certify to current agricultural standards can be

labeled organic; if they do not meet current NOP organic food standards, they should not be permitted to be labeled organic .

We are not convinced that given the many materials, livestock and food processing issues facing NOSB, it is the highest priority for standards for personal care to be developed at this time. We also feel that standards development in the areas of apiculture and pet foods should come before personal care.

## **VI. TAP Reviews**

NOC considers outside review by a Technical Advisory Panel to be an essential part of the materials petition process. In order for NOSB to make an accurate and unbiased assessment of petitioned substances, they must get independent technical information prior to making decisions about materials to go on the National List. In addition, the petitions and the TAP reviews should be posted for the public to reference prior to the close of the comment period. The TAP process is not a substitute for the NOSB's judgment, but adds to the body of information available to them from unbiased sources.

NOC has considered independent TAP reviews to be such a priority that we have requested additional funds be allocated for NOP for this purpose in the past several years' annual appropriations budgets. Congress provided \$6.967 million for the NOP for Fiscal Year 2010, up significantly from the \$3.867 million appropriated for FY 2009. As part this process, the Senate included the following report language regarding the NOP funding:

*“The Committee encourages the agency to fund independent and comprehensive scientific reviews of substances and materials proposed for use in organic agriculture, prior to their consideration by the National Organic Standards Board, as required by the Organic Foods Production Act [OFPA].”*

We request once again, that the NOSB seek the TAP reviews that are required by OFPA, have been funded by Congress and will aid you in building consensus and continued support from the organic community.

## **VII. List 4 Inerts**

We thank the Board for continuing to work on this important topic. We recognize that many questions exist as to how the review of inerts will proceed, and that this discussion paper is the beginning of a process to resolve these issues. NOP regulations must be amended to reflect the changes made to inert classifications, and do so in a manner consistent with the *Organic Foods Production Act* (OPFA), and the criteria set forth in OFPA. In current thinking at the EPA and elsewhere, we understand that the distinction between active or inert ingredients is becoming less meaningful; therefore the organic label may need to take the lead in the listing all product ingredients.

However, NOC has not yet taken a position on exactly how the NOP should proceed with inerts, and looks forward to further discussions by the NOSB and the public as well as assistance from

incoming board member Jay Feldman who has experience in this matter, and in working with the EPA. We urge members of the NOSB and NOP staff to meet with the EPA inerts program staff to discuss solutions.

Whatever system is adopted may require a longer timeline for compliance, as the process of notification, reformulation, and petitioning new substances is very lengthy, and it will be important not to disrupt organic crop production.

### **VIII. Classification of Materials**

NOC applauds the work of both the NOSB and the long slog of the Material Working Group in finally laying out basic principles and definitions of synthetic and non-synthetics, as well as a decision-making matrix for first determining whether a material is synthetic or non-synthetic and then determining whether a non-synthetic is agricultural. We agree, as we have stated before, that annotations are useful, and sometimes necessary in clarifying which forms of a substance are reviewed and approved, and we are very pleased to see the proposal to bring back the practice of first voting whether a substance is synthetic or not.

We agree that a case-by-case review of some classes of micro-organisms may be needed, and support the change in definition of nonagricultural substance.

Kudos again for this important and very necessary piece of work.

Sincerely,



Liana Hoodes, Policy Organizer

***National Organic Coalition:***

- Beyond Pesticides
- Center for Food Safety
- Equal Exchange
- Food & Water Watch
- Maine Organic Farmers and Gardeners Association
- Midwest Organic and Sustainable Education Services
- National Cooperative Grocers Association
- Northeast Organic Dairy Producers Alliance
- Northeast Organic Farming Association, Interstate Council
- Rural Advancement Foundation International, USA
- Union of Concerned Scientists