

MS/GMO Comments

Confidential Business Information

Terry Shistar of Beyond Pesticides supports the proposal of the Materials Subcommittee to eliminate confidential business information (CBI) in petitions for additions or subtractions from the National List.

Gwendolyn Wyard of the Organic Trade Association says, "OTA cannot support a recommendation that does not include protections for confidential business information in petitions. Therefore, we respectfully request that the Board consider our proposed resolution that would allow NOSB access to necessary information, but adequately protects a petitioner's confidential business information. ...A robust and accredited Technical Review process would allow for appropriate review while protecting confidentiality interests. Technical Review contractors do have access to CBI – and working in concert with NOP, they can engage in the needed analysis. Technical Review contractors can work with petitioners to fully understand their process, and get any additional questions answered, without confidentiality concerns. Then, they can pass along to NOSB members their generic analysis, ensuring that NOSB members have the needed information to make their determinations, while maintaining no breach of petitioners' confidentiality."

NOC supports the proposed elimination of CBI in petitions. In addition, "To ensure transparency under the NOP's new sunset policy it is necessary that all petitions that contained information that was redacted as CBI during their prior review be updated as they enter the sunset process."

Susan Brown supports eliminating the provision for CBI in materials petitions.

Allan Peterson says, "The public's right to be able to assess health risks is paramount and outweighs business claims of potential damage if they are completely forthcoming. Too often the claim of "proprietary" has been used as a mask for deflecting public scrutiny."

Zareb Herman of Hain-Celestial opposes the recommendation of the MS because businesses must protect trade secrets and proprietary processes.

John Ashby of California Natural Products supports OTA comments and says, "To have protections for the CBI of companies doing business in the organic world is required or Organics will just be ignored by large segments of the food world."

Frances Dunham says, "If public disclosure of materials and processes is restricted by claims of proprietary information, the buying public cannot have complete confidence in "USDA Organic." Transparency is a critical component in the public's demand for organic food."

Petition Procedures

Terry Shistar of Beyond Pesticides supports the Materials Subcommittee recommendation for revising the procedures for petitions and technical review. Besides incorporating the changes of the CBI recommendation, they are necessary to incorporate the policy on ancillary ingredients adopted in April. Additional clarifications of the procedures are helpful.

NOC “strongly supports the Materials Subcommittee’s statement, *“Only single substances may be petitioned for evaluation: formulated products cannot appear on the National List.”* Further, we assert that this principle must be reinforced and implemented at each and every step in the materials review process.”

Allan Peterson supports the Materials Subcommittee recommendation for revising the procedures for petitions and technical review. Besides incorporating the changes of the CBI recommendation, they are necessary to incorporate the policy on ancillary ingredients adopted in April. Additional clarifications of the procedures are helpful.

GMO/Seed Purity

Summary

All 53 commenters expressed concerns about GMOs.

10 (including BP, NOC, NOFA, OPWC, OSA, FWW, OSGATA) said that USDA should support a polluter-pays compensation fund for GMO contamination.

7 (including BP, NOC, NOFA, OSGATA, OSA, CROPP) said that the NOSB should advise the secretary regarding prevention and/or mitigation of contamination of organic farms with GMOs.

1. **JoAnne Friedman** says, “Please protect organic seed integrity from GMO seeds.”
2. **Terry Shistar of Beyond Pesticides** agrees with the subcommittee “that prevention of contamination with genetically engineered (GE) organisms is important to maintaining organic integrity. We also agree about the importance of GE-free seeds as a basic requirement for organic production. It is a tremendous challenge to maintain high quality organic seeds free from GE contamination. The subcommittee has issued two discussion documents and a report. It is now time to recommend some action. This problem originates outside of organic production, affects agriculture beyond organic, and must be addressed by USDA at the highest level.”
3. **Nora Guadalajara** says, “first, we need to ELIMINATE gmos thus removing the need for labeling. secondly, organic farms/farmers should have fees, etc to verify their status waived while meeting "organic" criteria.”
4. **Brenda Gaines** says, “Genetically modified seeds and plants, with their pesticide partners are a threat to organic gardening/ farming. Pesticide drift, overspray. pollution of creeks and water tables make it impossible to avoid the chemical poisons.”
5. **NOC** “believes that one of the primary objectives of NOSB work is to inform the Secretary of issues relating to the implementation of the Organic Law, and therefore, NOSB work on Seed Purity should always be cast in the larger framework of GMO contamination in organic.” “Many if not most of the issues around Seed Purity are directly related to policies of the US federal government and activities of the agricultural sector beyond organic. Therefore, NOC impresses upon you the imperative to frame your recommendations on Seed Purity as a subset of the larger question of organic “purity” (i.e., organic integrity) which is threatened by other policies of the same Agency that is tasked with implementing the organic law.”It is “precisely [the NOSB] role to advise the Secretary to address the larger issues, especially when the viability of organic is at risk.”

6. **Nancy Meiselman** urges "the USDA to reject Dow's proposal to introduce Genetically Modified crops with the 2,4-D pesticide. This is a potential environmental and health disaster. We already know that 2,4-D is the active ingredient in Agent Orange which causes deadly and horrific health issues. Please do not allow this to happen."
7. **Thomas Libbey** says, "PLEASE stop killing us with GMO's!"
8. **Jantina Eshleman** says, "I demand clean, organic, non-GMO altered food, period!"
9. **C.Jane Hunnicutt** urges the NOSB to "give us a powerful guard and the people can and will feed themselves."
10. **Patricia Lang** says, "I do not want to unknowingly eat GMO's, at the very least those foods containing GMO's should be labeled. I would prefer that GMO's were banned until or whenever it can be shown that they do not have a cause and effect on human health both in the near term and for future generations."
11. **Rosalind Kaplan** is "outraged and disgusted by the FDA, USDA, congress and Obama's failure to protect the US food supply from the unknown threat of GM food."
12. **Paige Gaydos** wants to be able to buy truly organic food without GMOs.
13. **Audie Sisson** says, "Keep GMO AWAY FROM ME!!!!!!!"
14. **James Herndon** says, "Be advised, consumers do not want GMOs. Consumers demand that organic food is in no way compromised."
15. **Maria Bertrand-Severi** says, "We Americans have every right to know what is in our food. LABEL GMO'S."
16. **Theresa Johnson** says, "We want to eat food that is healthy, and GMO free. Also, we want labels on GMO food."
17. **H Masih** says, "We do NOT want any GMO food. If there is GMO food, please have it labeled. Let ME make the choice! And I do not want the big companies messing with my food in any way. IMPROVE ORGANIC STANDARDS! Having clean and healthy food should be a RIGHT, not something that any govt or company can give to us or take from us at will."
18. **Cathy Davis** says, "I suffered from migraines my whole life UNTIL I stopped eating anything with GMO's. Totally organic. No more migraines. How's that for a cure?"
19. **Kelly Anonymous** says, "I want GMO labeling on my food. I also want less GMO in my food."
20. **Gregory Garnant** says, "It is critically important that organic standards remain in place without any changes that would make them achievable by using any kind of chemical or GMO. In addition, the standards should ensure that people who use GMOs near organic farms and affect the organic output should be the ones held responsible for any patent infringement or damage to the organic crop that prevents it from being sold. In addition, any proposal by a large agricultural firm or group of firms should be taken with a large helping of salt as it will undoubtedly be designed to water down organic standards to make it easier to monocrop and use pesticides and herbicides."
21. **Lisa Petersen** says, "The rest of the world is making the rules for food more stringent which in many cases means outlawing GMO. The USA should absolutely protect its residents as the other countries do and keep the standards for Organic as they are. If people don't want to eat organic, that's fine but those of us who do should be able to count on the content and quality of our food!"
22. **Sara Stover** says, "Please leave our organics alone. We the people need to know that there are still foods available that are safe."

23. **Betty J. Van Wicklen** says, "Continue to keep all GMO and pesticides/herbicides from anything labeled 'organic.' Help organic farmers to keep their fields and crops free of contamination by clamping down on GMO seed, chemical fertilizer, pesticide and herbicide contamination from adjacent farming operations. It is unfair to contaminate an organic farmers land and crops -- thereby risking his/her very livelihood -- by choosing to protect the biotech industries' patents over the small farmer anywhere."
24. **Brandy DeFalco** says, "Please hold corporations accountable and enforce labeling! Get GMO's out of our food supplies period? But at least stop the cross contamination, the protection against suits from farmers, give the people transparency and choices!"
25. **Coralie Jacobson** says, "Strengthen laws to protect organic crops from gmo contamination. Set fines for gmo crops drifting over and contaminating organic non gmo crops. Please encourage labeling of gmos."
26. **Tracy Hendershott** says, "As a long-time healthcare worker, it makes sense to me that we need to avoid any harmful chemicals in the production of our food from the formation of seed to the mature plant and fruit to its delivery to consumers. This would include but not be limited to any cross-contamination of pesticides, herbicides and GMO crops and their seeds from nearby farms. Creating crops through genetic engineering to tolerate more herbicides will cause more illness and mortality for people and wildlife. The amount of herbicide applied to our current crops has increased greatly with GMO."
27. **Brian Lehmann** says, "I am appalled by the subcommittee's apparent lack of understanding of the current state of testing for prohibited substances within the National Organic Program. The report acknowledges GE is an excluded method, but in citing Relevant areas in the Rule, refers only to testing for cause, which has been part of the standards since 2002. This completely ignores a minimum testing requirement for prohibited substances in a 5% annualized sample of certifications, effective 1.1.2013. ... [T]he announcement includes any prohibited substance, including genetic engineering. ...The report cites a concern that if seed purity testing were implemented immediately, availability of seed, especially organic, would certainly decrease. But the report also cites the provision for use of non-organic seed when organic varieties are not commercially available. So if sufficient seed for organic production exists now, why would implementation of testing tax the supply? One must therefore wonder if there is not reason to believe excluded methods are already being employed....Therefore it is completely unreasonable in my opinion for the GMO Ad Hoc Subcommittee not to put forth its recommendation for inception of testing for purity of seed used in organic now, at this time. Further delay only invites further catastrophe for organic agriculture. Please leave the discussion for seed purity testing open until the subcommittee has a recommendation ready for USDA."
28. **Allan Peterson** says, "The prevention of contamination with genetically engineered (GE) organisms is paramount to maintaining organic integrity. The NOSB has the authority and responsibility to recommend action to USDA concerning circumstances that affect organic agriculture. USDA must act to prevent contamination of organic and other non-GE seeds with GE genes. USDA should propose and support a compensation plan funded by patent holders of GMO seeds."
29. **Steve Gilman** of the NOFA Interstate Council says, "So called "co-existence," as the solution being advocated USDA, does not prevent GMO contamination. Instead, it is a recipe to

perpetuate contamination without providing recourse to those contaminated—namely organic and IP growers. Liability for damages, both social and economic, including the restitution of the organic system which has been contaminated, must rest with the patent holder (and some would also argue the GMO user as well). It is the duty of the National Organic Program (NOP) to work with the USDA to ensure that organic is a protected form of agriculture because USDA's mission is to ensure fair farming for all. GMO contamination of organic preclude that from happening. The NOSB should be encouraged to call upon the NOP take a more proactive role in advocating for GMO contamination prevention measures to be mandated by USDA to ensure organic integrity. Until mandatory GMO contamination prevention measures are in place that can ensure the prevention of GMO contamination, CFS calls for a moratorium on the approval/deregulation of any new GMO crops. Feel free to do the same."

30. **Natalie Reitman-White of the Organic Produce Wholesalers Coalition (OPWC)** agrees with the NOSB Materials Subcommittee that preventing contamination of organic crops by genetically engineered (GE) organisms is critically important to maintaining organic integrity and that GE-free seeds are a basic requirement for organic production. OPWC says the onus of solving the problems with GE contamination should not fall on organic producers, who have been doing more than their fair share to prevent contamination. OPWC believes that the root of organic growers' problems with GE contamination is the lack of sufficiently rigorous oversight of GE crops by the USDA. OPWC agrees with comments from the Organic Seeds Alliance (OSA) that any standard for seed purity must fit within the larger context of preventing GE contamination within the entire chain of organic production. We think the primary focus of NOSB recommendations should be on requiring the USDA to uphold its obligation to protect organic producers by preventing GE contamination, and if contamination does occur, establishing a compensation model for organic farmers, handlers and processors based on "polluter pays" principle. OPWC also agrees with OSA that it is premature to implement a universal standard for genetic purity in seed without first gathering the data needed to fully understand when and how the many varieties of organic seed needed by farmers can be produced reliably.
31. **William Henriques** says, "We have the right to know whether our foods contain Genetically modified organisms. Please stop this push to make this information secret to us."
32. **Chad Phillips** says, "Its our right to know if the food we are buying is gmo!"
33. **Brad Pribyl** says, "As for The GMO makers, Pesticide makers, Chemical makers. GO find your own planet, water & dirt, leave the seeds a seed. Seems as though someone has FED our Elected Leaders the GREED SEED."
34. **Heather Griswold** says, "I do not wish to consume GMOs ...Please keep organic food organic--when I read a label that says "organic" I want to be secure in my knowledge that it truly is."
35. **Patty Kennedy** says that "consuming Organic is the only way to assure our foods aren't full of harmful, impossible to wash off pesticides and untested genetically engineered foods.... job is to protect Americans, not partner with GE giants to promote GMOs that have NOT lived up to their claims of higher yields and less pesticide use."
36. **Charlotte Hagen** says, "People who choose to eat organic need to know that the label means exactly that."

37. **Susan Ludwig** blames her son's allergies on GMO foods. "Allergies have skyrocketed since gmo's started being used in the 90's.... BAN GMO'S."
38. **Angela Davis** says, "Please keep truth in labeling. I would like it if you make sure that GMOs cannot be called organic."
39. **Anthony Gallagher** says, "We have the RIGHT to Know if it is GMO. Organic is very IMPORTANT to most of us. It has to be about Health and NOT Money. You are there to protect us and listen to us NOT big business."
40. **Terri Bays** warns of an uprising if politicians fail to listen to citizen concerns about GMOs.
41. **Kim Hunter** says, "GMO rips up my gut. After almost 20 years of progressively horrifying "Food Allergies", stumbling on independent GMO studies and simply switching our staples to Non-GMO varieties healed me in less than a week.... Please keep the standard of GMO-free and organic labeling to the highest standards."
42. **Annette Carson** says, "If it's harmful to my health I have a right to know about it. LABEL GMO'S!!!!"
43. **Katie Villamena** is a mother of four who relies on the organic label to provide her children with food free of unknown chemicals, hormones and/or antibiotics. She asks what we know about GMO carryover in inputs, and says Organic should stay ORGANIC."
44. **Lou Kyle** says, "It is utterly ridiculous that organic producers have to spend extra and jump through hoops to label their product, we need to see labeling from the industry that uses GMO crops and pesticides, not the other way around. All food that is organic should require no labels and we should not have to bow to the industry that is not selling a natural product."
45. **Greg Fed** says, "Genetically modified food is unfit for human consumption and other countries agree. I am against gmos, please at the very least label them."
46. **Robert O'Leary** is interested in meaningful food choices for his son and says we need integrity in organic food.
47. **Terri Cash** says, "Weakening the Certified GMO Free process by letting non-GMO producers certify their products will only lead to a huge turning away from your certified products and a backlash of people going the coop route for GMO free and organic foods."
48. **Carolyn Sullivan** says, "Keep big business and GMOs out of organic food. Several of my family members already suffer from health issues due to what the big agri-businesses have done to our foods. We live in an urban area and cannot grow our own food. It is up to you to preserve the integrity of organic foods."
49. **Food and Water Watch** urges the board members to always put the issue of organic seed purity in the larger framework of GMO contamination in organic agriculture, and to communicate the board's concerns about the threat of contamination to the long-term viability of the organic sector to the USDA. We are concerned that developing a seed purity recommendation in the absence of a larger contamination prevention framework is incomplete. For your reference on the issue of how the issue of contamination is already impacting organic growers, we have attached the results of a survey conducted by Food & Water Watch and the Organic Farmers' Agency for Relationship Marketing of organic grain producers in 17 states. The survey results reveal that the risks and the effects of GMO contamination have unfairly burdened organic and non-GMO farmers with extra work, longer hours and financial insecurity, which has led to a general skepticism of coexistence

amongst the organic community. Some even expressed the feeling that their chosen method of production is being seriously threatened.

50. **CCOF** believes that for GMO and non-GMO crops to coexist, there must be a shared responsibility for gene containment. While the responsibility must not rest solely on the part of organic producers (we believe the agency and users of GMO technology must be proactive in preventing genetic contamination), organic producers must do their part and they would benefit from more guidance on practices and standards for organic seed. CCOF believes that **a genetic purity standard for seed is an important tool for verifying compliance with the excluded methods process standard, much as residue testing is a useful tool for assessing pesticide contamination.** CCOF says, “Perhaps more importantly, when contamination does occur, a seed purity standard will help organic producers articulate the economic losses that occur through unwanted presence of engineered genes.... We don’t believe that it is practical or desirable to wait until a compensation mechanism from companies manufacturing transgenic crops is in place before implementing a genetic seed purity standard.”
51. **Lowell Rheinheimer of CROPP** agrees with the conclusion that a seed purity standard can be consistent with a process-based standard. “The NOP, as a part of the USDA, has the responsibility to spearhead the conversation. We all have a moral obligation to control that which we can and to ensure clean seed for generations to come. We support the SC statement that change can only happen by speaking out.
52. **Organic Seed Growers and Trade Association (OSGATA)** supports the NOSB's work towards a seed purity standard to ensure the continued availability of genetically pure organic seed. OSGATA favors the "non-detect" or "none found in the sample" language to be utilized in testing for genetic purity in seed. **OSGATA's policy on Genetic Engineering, approved by our membership, states that contamination of organic seed by GE seed constitutes irreparable harm to the organic seed industry by undermining the integrity of organic seed: any detectable level is unacceptable.** NOSB must continue “to work with stakeholders within the organic seed community to establish appropriate testing protocols. Importantly, required seed testing and seed purity protocols applied to organic seed must also be applied to conventional seed as it is also used by organic farmers. If testing of conventional seed utilized within the organic sector is not required, or is less stringent, then contamination of organic will remain imminent. Organic growers need to have full access to all existing crop varieties, whether seed is available as certified organic or conventional.

Please see OSGATA's peer reviewed manual, *Protecting Organic Seed Integrity: The Organic Farmer's Handbook to GE Avoidance and Testing*, for additional research on testing protocols, contamination avoidance methods and technologies, rejection levels for adventitious presence, and evidence of contamination currently being found in the field.

[T]he onus for contamination of organic seed by GE seed belongs to the patent holders and that they need to be held accountable for their pollution of organic systems. Organic farmers must not bear the entire economic burden of testing, crop loss from GE contamination, and buffer withdrawals on their side of the fence. As the owner of the pollution, the patent holders must bear these costs.

However, OSGATA disagrees with the NOSB's conclusion that holding patent holders financially accountable for the costs of contamination, as well as logistically responsible for contamination avoidance, is outside the scope of the NOP and USDA. The USDA's statutory responsibility is to work on behalf of the welfare of all farmers within the U.S. This includes organic farmers. USDA must task APHIS with fairness and justice to organic farmers. USDA and APHIS must require that the associated costs of contamination, i.e. genetic testing and preventative measures for avoidance, be borne by biotech patent holders.

53. Organic Seed Alliance (OSA) recommends the collection of comprehensive contamination data to help identify the best recommendations moving forward, including potential policy solutions. “The subcommittee report seems to provide false assurances that addressing seed purity will solve the problem of GMO contamination in organic products, including loads being rejected by the organic supply chain.... Other routes of contamination, and prevention practices across the supply chain, should not be left out of this discussion.” OSA agrees that access to appropriate seed, especially breeding material, is important. “The subcommittee should establish the protection and expansion of organic seed availability and genetic diversity as a priority in its research recommendations for USDA. Increasing the availability of high-quality organic seed is also a component of organic integrity.... The subcommittee should include the potential impacts of a genetic purity standard on farmers who save seed in their research recommendations for USDA. This includes impacts at the international level, where farmer-saved seed in organic systems is more restricted. We encourage the subcommittee to further explore the role farmer-saved seed plays in this discussion, and stress the importance of not restricting the practice of seed saving in any way. We urge the subcommittee to include in its research recommendations for USDA a cost analysis that looks at financial burdens that could be placed on different organic stakeholders in the process of implementing and enforcing a seed purity standard.... The NOSB should use its advisory role to the Secretary to press for much needed changes to the regulatory framework governing GMOs. USDA should update its regulations to strengthen its oversight of GE crops given frequent contamination events and evidence that “coexistence” between GMO and non-GMO production systems is not a reality. Organic operations should not have to shoulder the entire burden of contamination prevention. Therefore, the NOSB should call for mandated contamination prevention practices on the part of users and owners of GE products. There should also be a moratorium on new GMO approvals at least until these changes are implemented.

Research Priorities

1. **Allan Peterson** supports the currently proposed and the new priorities suggested by the Materials Subcommittee. Information gained by studies all of these areas could be of critical importance in finding alternatives and best practices to protect organic food production.
2. **Frances Dunham** supports the research priorities proposed by the MS in 2012 and research into Organic Aquaculture, Aquatic Biodiversity, Herd Health, Pastured Poultry and Salmonella, Commercial Availability Assessments, Consumer Demand, Fate of Genetically Engineered Plant Material in Compost, and Reduction of Genetically Modified Content of Breeding Lines.

3. **Jessica Shade of The Organic Center** supports the list of Research Priorities, requests that citrus greening and effective organic compliant materials to control invasive pests be added to the priorities, and requests that NOSB support organic representation on USDA research boards.
4. **Susan Brown** supports the research priorities proposed by the MS in 2012 and research into Organic Aquaculture, Aquatic Biodiversity, Herd Health, Pastured Poultry and Salmonella, Commercial Availability Assessments, Consumer Demand, Fate of Genetically Engineered Plant Material in Compost, and Reduction of Genetically Modified Content of Breeding Lines.
5. **NOC** believes that one of the primary objectives of NOSB work is to inform the Secretary, and therefore, this work on Research Priorities should be sent by the entire NOSB directly to the Secretary, with appropriate USDA agencies copied at the end of the letter. Copies of this letter could then be sent to any interested party such as private foundations or funders. We do not believe that it is sufficient for the results of the NOSB's decision on Research Priorities simply to be conveyed to funders such as NIFA, ARS, NRCS and private foundations by the Board Chair. Overall, NOC agrees with the priorities identified by the MS.
6. **Natalie Reitman-White of OPWC** advocates that one of the NOSB Research Priorities be support of an analysis of the impacts of the decisions on both antibiotics in the marketplace. It could explore questions such as: What alternative management practices and materials did growers employ? To what extent were these alternatives successful in managing fire blight under different levels of disease pressure? Did some organic orchardists decide to drop organic certification due to the change in policies related to the use of antibiotics? Was the organic marketplace impacted by a shift in suppliers (e.g. more overseas), varieties, and/or pricing? What was the economic impact to organic growers, distributors, processors and retailers? How were consumers impacted by organic apple and pear availability and pricing?
7. **Food and Water Watch** is disturbed by the description of the need for research and the tone of the description of the research being requested. Rather than assign researchers the goal of proving that consumer stakeholders to the NOSB process are somehow inaccurate or misleading, it would be more appropriate for the request to highlight the need for more data about consumer expectations of organic. Given the fact that the organic standards serve as a marketing program, it is appropriate to do market research and assess what consumers understand organic to be and assess whether current organic standards meet those expectations. But goal of this research should be to assess how organic can be more credible to consumers in the marketplace and identify gaps between consumer expectation and the actual standards – not undermining longtime stakeholders in the organic community.
8. **Organic Seed Alliance (OSA)** recommends the following research questions and data collection priorities be added to the subcommittee's list of research recommendations for USDA. We also recommend this data be made fully available to the public, including the data collection methods.
 - What is the state of contamination in seed? This research should help us answer the following questions: How contaminated is at-risk seed? Do we understand the extent of the problem at the seed level, including contamination levels by crop type, the frequency of

contamination, and presence in breeding lines, foundation seed, and commercial seed? How much of the at-risk seed commercially sold and planted in organic systems could meet the non-detect standard described in the subcommittee's report? What's the availability of high-quality breeding lines in at-risk crops? Of these lines, are there adequate choices available to meet organic seed production needs (especially untreated parent lines for hybrid corn)? Of these available lines, how many currently meet the genetic purity standard? And of these lines, how many meet the diverse and regional demands of organic seed production across the U.S.? Are there gaps in availability? Are public germplasm collections that house at-risk crops contaminated?

- What is the state of contamination in crops? The subcommittee's report notes the "lack of data on where the problem actually exists." We fully appreciate that seed is a critical link in the production chain and must meet organic consumer and producers' expectations. But another important question for which we have no answer is: How much contamination happens outside of seed production? In other words, after seed is sown, how much contamination can be attributed to the other routes of contamination, including drift during crop production and commingling at the handling stage? Contamination data focused on the crop production stage will inform discussions and help prioritize policy recommendations. Furthermore, understanding how isolation distances and other preventative measures differ between current practices in seed production versus crop production would be helpful.
- Can we meet the current and projected organic seed production needs of at-risk crops *and* enforce a genetic purity standard? If we cannot meet these needs at this time, what is a reasonable timeline for meeting organic seed production needs with the added requirement of a genetic purity standard?
- Given the findings above, can we meet market demand without narrowing uniformity in our fields? Can we meet market demand without concentrating ownership and management of seed into the hands of a few major suppliers? In other words, do the findings above suggest any barriers for seed companies who supply or are interested in supplying organic seed that has a GMO counterpart?
- Do these findings indicate more or less organic seed will be available after a genetic purity standard is implemented? Will the organic seed available include the best available germplasm?

Sunset Policy

1. **NOC** believes that the new USDA/NOP sunset policy violates OFPA, because it does not subject all materials to the required review, careful analysis, and public debate as a prerequisite for allowing a material to be relisted through the sunset process. The sunset process is intended to hold the materials under sunset review and relisting to the same standards that are used to allow them on the National List through the petition process. That ensures that upon sunset, synthetic chemicals are not only reviewed prior to relisting, but they are recommended with the same two-thirds vote of the Board that allowed them on the list in the first place. The two-thirds vote is critical to public trust in the label because it ensures that most key sectors of the organic community are in alignment with the

recommendation and that it meets the standards of OFPA. It is that high standard and level of consensus that gives the organic standard setting process and ultimately the label the integrity that consumers trust and will increasingly come to trust in the long-term.

Application of the new (September 2013) USDA/NOP sunset policy would impede the full review and relisting required by the law (OFPA), which is relied on by the organic community (during sunset review every 5 years) to take into account all new information concerning health, environmental, and essentiality issues. **We therefore ask members of the NOSB to compel full review by the entire Board: analysis, public debate, and vote by the entire Board for all materials at sunset.** Means available to you to accomplish this include voting to de-list in subcommittee and using the petition process to attach a 5-year expiration annotation to a listed material.

2. Steve Gilman of NOFA Interstate Council says, “NOFA fully supports all of the comments submitted by NOC, with a special emphasis on NOC’s comments on USDA’s changes to Sunset Policy. NOFA is deeply concerned that these top-down changes from USDA serve to perpetuate materials on the National List by not subjecting them to the full, automatic review called for by the Organic Foods Production Act (OFPA) and thereby weakens organic integrity in the marketplace. **NOFA asks the NOSB to work vigorously with USDA/NOP to reinstate a sunset policy that is fully compliant with OFPA.**”

Susan Brown says, “I am a concerned grandmother and Organic products are crucial to me because of chemical sensitivities and health concerns. Maintaining the integrity of 'Organic' is absolutely necessary. It is critical that technical reviews (TRs) and checklists are published to facilitate public comment at the meeting prior to a voting meeting. Of the seven sunset materials being reviewed at this meeting, new TRs have been received for sulfurous acid, sodium carbonate peroxyhydrate, and aqueous potassium silicate, but not for gellan gum, tragacanth gum, marsala, or sherry. Checklists have not been published for any of the materials. Please rectify. Assuming that the CBI policy passes, this data should be disclosed, and it should be disclosed in a manner that allows public comment on it to be considered “timely.” Anything you do pass must have a 5-year expiration date to sunset materials.

NOP-NOSB Collaboration

Terry Shistar of Beyond Pesticides addresses recent USDA actions that usurp and deny the authority of the NOSB granted to it under the Organic Foods Production Act (OFPA). We believe these actions endanger public trust in the organic label. We urge the NOSB to: not abdicate its responsibilities under OFPA; support motions to delist sunset materials in subcommittee; support a motion on every petition to add an annotation calling for an expiration date in 5 years; and disclose interests fully on every issue, and ask others to do so.