



BEYOND PESTICIDES

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March 27, 2014

National Organic Standards Board
Spring 2014 Meeting
San Antonio, TX

Re. HS Sunset for Marsala and Sherry

These comments are submitted on behalf of Beyond Pesticides. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

Beyond Pesticides opposes the relisting of marsala and sherry on §205.606, made from chemical-intensive grape production. Non-organic grape production involves the use of many toxic chemicals. There is no evidence of essentiality. Furthermore, under the new sunset policy announced by the NOP, unless the Handling Subcommittee proposes not to relist marsala and sherry, they will not be reviewed and considered by the full board as required by OFPA.

According to the Agricultural Market Service's (AMS) September 16, 2013 Federal Register notice, this NOSB meeting may be the last chance for public input on substantive matters affecting board and public consideration of sunset recommendations that will be voted on at a subsequent (presumably the next) NOSB meeting. Since AMS has cited new substantive information brought to a sunset voting meeting as "untimely," it is critical that technical reviews (TRs) and checklists are published to facilitate public comment at the meeting prior to a voting meeting. In the case of marsala and sherry, no TRs have ever been requested, and the checklists have not been completed.

The Beyond Pesticides website, in our *Eating with a Conscience* database, lists 124 toxic pesticides allowed for use in nonorganic grape production, none of which are used in organic production.¹ Of these, 36 are acutely toxic, creating a hazardous environment for farmworkers; 109 are linked to chronic health problems (such as cancer); 19 contaminate streams or groundwater; and 99 are poisonous to wildlife. Grapes are dependent on pollinators, and there are 31 pesticides used on grapes that are considered toxic to honey bees and other insect pollinators. Thus, given the reliance on chemical-intensive and hazardous grape production, marsala and sherry fail the human health and environmental impact criterion.

¹ <http://www.beyondpesticides.org/organicfood/conscience/navigation.php?foodid=19>

In the Handling Subcommittee notes, we see the following:

- Sherry (TF) – An extensive review of this substance failed to uncover a demand for this item. Numerous attempts to contact the original petitioner have been futile and the group discussed their inclination to delist Sherry based on this. Additionally, the lead reviewer found information that Sherry can be produced organically, but had a hard time finding specific information about this. The group will consider the public comment which will be incorporated into their decision for the spring 2014 vote.
- Marsala (CBe) – The review for marsala resulted in the same determination as for sherry; there were no organic products found containing sherry and there was a lack of demand.

Thus, the two cooking wines fail the essentiality criterion as well.

The NOP announcement concerning sunset allows for only one kind of recommendation to come out of the subcommittee –a recommendation against relisting the sunset substance. Even if the subcommittee believes that marsala or sherry should be relisted, it does not have the authority to act on behalf of the full Board. If it does not recommend against relisting, the HS would be acting without adequate transparency and public input. Therefore, the Handling Subcommittee must propose that they not be relisted.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.
Board of Directors