



# PEER

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## Public Employees for Environmental Responsibility

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National Organic Standards Board  
Spring 2013 Meeting  
Portland, OR

### **Tetracycline Petition:**

Public Employees for Environmental Responsibility (PEER) is a national nonprofit organization, based in Washington, D.C. with field offices throughout the United States. PEER is a national alliance of local, state, and federal scientists, law enforcement officers, land managers and other professionals dedicated to upholding environmental laws and values. In response to requests from our members, PEER has become involved in advocacy concerning environmental pollution from pharmaceutical drugs and the resulting development of antibiotic-resistant disease-causing bacteria. PEER and its members are also concerned with upholding the integrity of the USDA organic label. PEER strongly opposes the petition to continue the use of tetracycline to control fire blight in apples and pears.

1. The use of antibiotics in organic production is incompatible with organic agriculture.

Allowance of the use of antibiotics in apple and pear production is likely to undermine consumer confidence in the organic label, especially given the heavily advertised prohibition on the use of antibiotics in organic livestock production. Consumers would simply not be able to understand or accept the use of antibiotics in fruit production when the lack of antibiotics has come to be viewed as an essential attribute of organic livestock production. Most consumers do not know of this allowance and would likely be shocked if they found out.

2. The use of antibiotics in fruit production presents significant adverse impacts to human health and the environment, precluding their inclusion on the National List.

Resistance to medically important antibiotics like tetracycline is a serious and growing public health problem recognized by the FDA, the CDC and the medical profession. It is the subject of litigation and congressional legislation. There can be no doubt that spraying tetracycline in orchards poses a significant risk of contributing to antibiotic resistance through selection and horizontal gene transfer. Also, the fact that a residue tolerance level for tree fruit has been established means that people are likely ingesting low doses of antibiotics when they eat treated fruit. Such low sub-therapeutic levels can actually be of more concern than larger doses in terms of encouraging the development of resistant bacteria, and in any event is certainly not what consumers expect when they purchase organic fruit.

Even if the scale of the impact is much smaller than that from antibiotic use in non-organic livestock production, or from biocides such as triclosan, nothing in OFPA allows materials to be added to or remain on the National List which harm to human health and the environment, merely because non-organic production and products cause even greater harm.

3. There is no justification under OFPA for repeatedly extending a phase-out period for a material which has been found to be ineligible for continuance on the National List.

Ever since tetracycline was first included on the National List in 1995, concerns were expressed, and there was an annotation for re-review in 2 years (which, however, did not occur). In 2008, the listing was amended to terminate in 2012. In 2011, the sunset date was extended to 2014. The annotation stated in part: “The NOSB expects that members of the industry will collaborate and coordinate efforts in preparing for the eventual removal of this material from the National List . . .”. Now, the majority of the Crops Subcommittee has recommended extending the date to 2016.

This history illustrates two important facts. The first is that the NOSB has had concerns about the use of tetracycline in organic production since 1995, and at least since 2008 has expressed a clear intent to end its use in organic production. Presumably, this intent is based on the fact that the Board does not consider the material to meet OFPA’s criteria for inclusion on the National List. There is nothing in OFPA which permits a substance to remain on the National List for many years after it has been determined not to be eligible. In this case the period would extend at least eight years, from 2008, when the annotation first included a termination date, to 2016 under the current proposal. And there would be nothing to prevent another petition and a further extension after that. Even if a short phase out period can be justified to allow growers who depend on a listed material to transition, this situation amounts to allowing the long-term use of a substance found to pose health risks and to be incompatible with organic production.

The majority of the Crops Committee fails to confront the contradiction between determining that the use of a material in organic production should be ended and its position that its use should be extended. The majority claims that tetracycline actually meets the criteria for inclusion on the National List, contradicting the Board’s repeated conclusion that its use must end, presumably because it does not meet those criteria. It appears that the real reason for the proposed extension is the perceived (but not quantified) economic impact on organic growers who use tetracycline, but that the Crops Subcommittee majority is unwilling to say so, because it knows that reason would not justify additional continued use.

This leads to the second fact, which is that organic apple and pear growers have been on notice since 1995 that the NOSB had questions about tetracycline use in organic production, and have been on notice since 2008 that it would be removed from the National List. In short, growers have had more than enough time to adjust their practices. The fact that they may have failed to do so, and that there may not be an equally effective, magic bullet-type substitute for the use of tetracycline, in no way supports the continued use of a substance found to be incompatible with organic principles. Inclusion on the National List requires that a substance meet all three criteria of health and environment, essentiality, and compatibility with a system of organic agriculture. The purported unavailability of a substitute cannot override the need to meet these criteria.

For all of these reasons, PEER asks that the Board reject the petition and retain the current 2014 date for removing tetracycline from the National List.

Respectfully submitted,

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