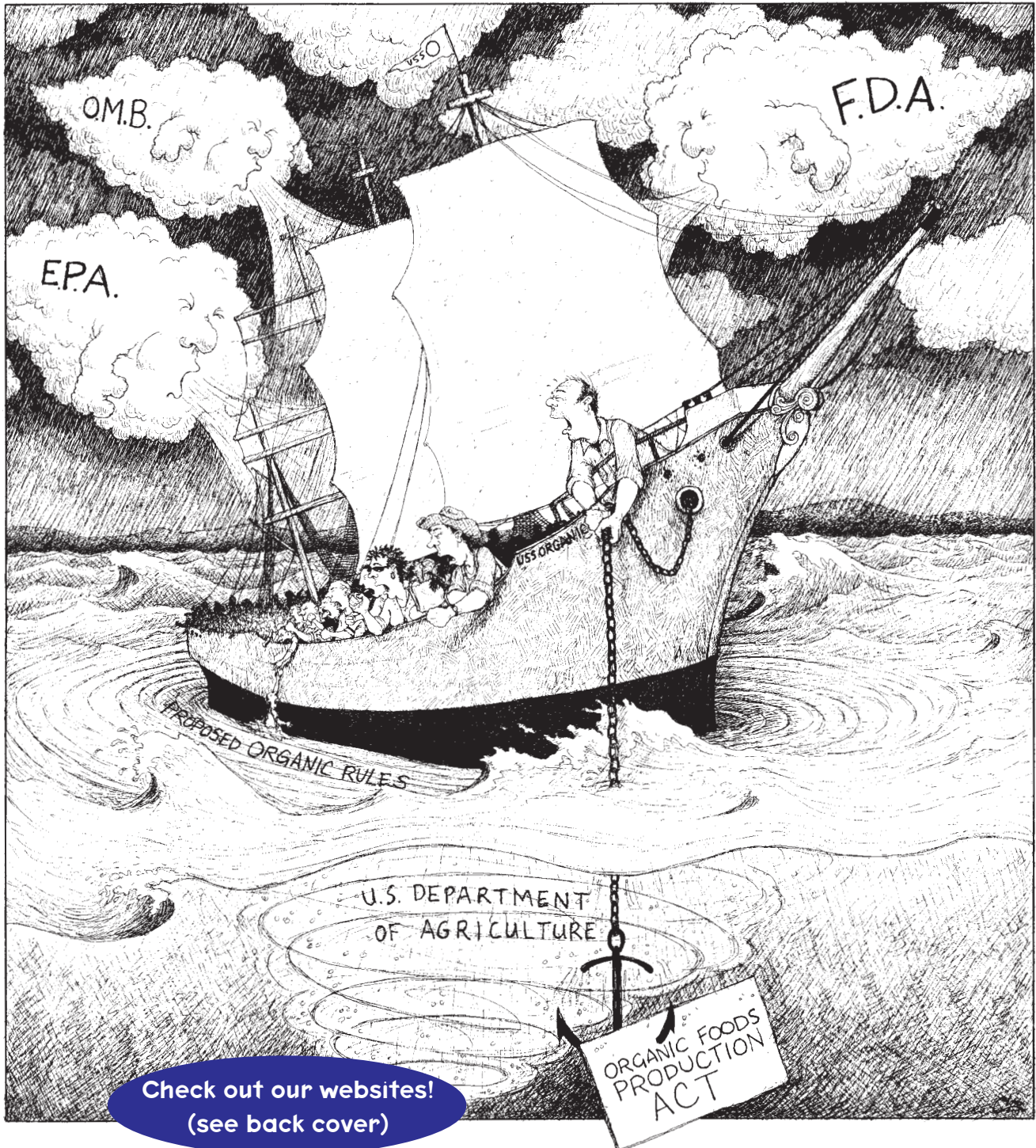


Pesticides and You

News from the National Coalition Against the Misuse of Pesticides (NCAMP)



Check out our websites!
(see back cover)

The Mouse That Roared ■ Undermining Organic ■ Proposals That Violate the Law Have Deep Roots ■ From Where We Stand: The views of farmers, consumers, environmentalists, scientists, and the chemically sensitive ■ Building a Public Record that Counts

A Call for Action to Protect Organic

USDA organic proposal blurs lines between organic and conventional food production

Organic agriculture supports a commitment to environmental stewardship, clean food and a safe work place. It offers a clear alternative to chemical intensive agriculture, now dependent on nearly 1 billion pounds of pesticides annually.

When USDA released its proposal to carry out the *Organic Foods Production Act of 1990* in December, 1997, it sent shock waves through the environmental, consumer and organic agriculture community because of its outright rejection of some of the very standards that embraced environmental safety, worker protection and food safety. USDA's proposed standards are nothing short of wrong. They would have the effect of blurring the distinction between organic and conventional farm practices. USDA's proposal is supported by a culture within the Department that promotes chemical-intensive agricultural practices, tends to minimize concerns about safety and has, for the most part, ignored the development of organic food production, now a \$3.5 billion industry. A study produced by the Organic Farming Research Foundation in 1997 found that USDA offers very little research support for organic amidst a budget of hundreds of millions of dollars that currently support chemical-intensive approaches. With some very important and notable exceptions, the cooperative extension service might as well be a branch of the chemical industry.

When USDA proposed consideration of irradiation, genetically modified organisms and the use of sewage sludge in organic agriculture, the Department showed its cultural insensitivity to the organic world. And while the major media picked up on these most obvious blunders, or some think diversions, other central concerns about synthetic materials, organic feed, pesticide drift and background contamination were not exposed for the serious attack on organic that they are.

When NCAMP, farmers and people in the organic industry sat down to write the *Organic Foods Production Act* in the late 1980's, we felt we were helping to give the organic approach the recognition and support it deserved as a viable, productive and profitable sector of the agricultural economy. We thought we were protecting the legacy of those who had developed practices and standards to respond to a marketplace filled with people who rejected the polluting practices of conventional agriculture. Finally, we were codifying a higher standard than the EPA regulatory standards that govern pesticide use and resulting residues on food.

USDA, in its proposed rule, has ignored this and more, violating its legal responsibility under *the Organic Foods Production Act*. If successful, it will destroy the legacy of organic agriculture. We cannot let this happen. This newsletter is intended to provide background and a guide to commenting on the organic standards by April 30, 1998 in an effort to

urge USDA to withdraw the proposal, rewrite it entirely and then resubmit it for public comment again. It will take concerted public involvement and large number of comments to reach this goal. Thanks for pitching in.

— Jay Feldman, Executive Director, NCAMP

Fifty years of work by traditional farmers of the '40s and '50s, rebels of the '60s and '70s, and innovative and conventional farmers of the '80s and the '90s are embodied in the *Organic Foods Production Act of 1990* (OFPA). Many organic farmers and consumers have been involved in encouraging open dialogue on the quality of our common lands, waters and health. OFPA symbolizes a consensus of the most intelligent analysis, instincts and intuitions of what is beneficial for our nation's food security and environmental future. The hopes of small- to moderate-size farmers, small businesses, and consumers to see a market-driven label for quality food and fiber embodied in consistent and specific criteria of farming, processing and handling is found in the *Organic Foods Production Act*.

Foremost in our concern is for the consumer to have the choice to buy food and fiber grown or processed without using synthetic substances. Organic represents

pure and unadulterated food and fiber to both organic farmers and customers. The USDA proposed organic rule as written would take OFPA, an outstanding act of Congress, and destroy its meaning to organic farmers and customers alike.

USDA has proposed an organic rule with a large number of inconsistencies with the *Organic Foods Production Act*, including standards of organic farming and handling. USDA in the proposed rule has usurped the authority of the National Organic Standards Board, a stakeholder representative body established by Congress to review and establish acceptable materials in organic agriculture. And USDA has structured unreasonable costs for their accreditation services to the organic community.

USDA has been directed by Congress to implement OFPA with rules that are consistent with *the Organic Foods Production Act* and the principles of organic farming and handling. Certified organic farmers, handlers and interested consumers are the guardians of those principles. OFPA is the greatest opportunity we as a national community have, with trust and clear identify, to institute a labeling choice that represents pure and unadulterated food in the near future. It may take public advocacy to our state governments and congressional representatives through our businesses, community, labor, farming and religious organizations to secure our objectives. Now is the time to speak up for a National Organic Program that meets our highest expectations.

— Eric Kindberg, Organic Farmers Marketing Association

***The USDA proposal would have
the effect of blurring the distinction
between organic and conventional...***

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The Mouse That Roared

Steve Sprinkel

What is it about the National Organic Program that has Dan Glickman so up-tight?

The week that the U.S. Department of Agriculture (USDA) released the proposed national rules to govern organic food production and labeling, the USDA Secretary was dancing all around the subject of defining quality food. For the past half a year, he and the Clinton Administration have been rather busy putting out “Initiatives to Nuke Chicken and Save Us From E-Coli,” and proposals to “Teach Them Folks Down Below the Rio Grande a Thing or Two About Hygiene.”

The Agriculture Secretary wanted to sit on a fence when he said that having federal standards for organic food production shouldn't imply that there is anything wrong with conventionally raised food. It's just about giving consumers a choice. He kind of ripped his pants getting off that fence though, since the standards proposed by USDA on organics are a real embarrassment.

The short of it is that the proposed rule released on December 15, 1997 is the means to implement the *Organic Foods Production Act*, a piece of legislation passed in 1990. It sounds like it was eight years ago, but it is really only seven. And pay you no mind that in the Act itself the Secretary of Agriculture was to have the program up and running by October 1, 1993.

Since USDA took so long in getting this program into shape, one would expect that the result would be impressive. Unfortunately, we have not only been hauled all the way back to a circumstance reminiscent of 1989, when various definitions ascribed to organically produced products caused some but not great concern, but we have also had irradiation, transgenic modification, and the burdensome criteria of an agency not even under USDA, the U.S. Environmental Protection Agency (EPA), thrown onto the wagon as it left the gate.

Prudence might indicate that the foot soldiers on the USDA staff are not wholly responsible for the debacle made of the National Organic Program. The Office of Management and Budget, the FDA, Health and Human Services and other denizens of the D.C. labyrinth have left their fingerprints at the crime scene, in addition to EPA.

The Rule is at Variance with the Act

But this rule is not going to fly and here is why: by law, the proposed rule must be in accordance with the letter and the spirit of the original Act of Congress that authorized the program. The rule is at variance with the Act because:

- the National List Procedure governing materials and substances approved for use in organic farming, handling and processing has not been followed;
- the USDA National Organic Program staff has usurped the

power and authority of the National Organic Standards Board, overruling its decisions, and;

- the spirit of the Act has been compromised throughout by imposing criteria based on agronomic and “sustainable” doctrines, as well as the Environmental Protection Agency.

The *Organic Foods Production Act*, and organic farming itself are a response to the failure of the EPA and other regulatory bodies like, the Occupational Safety and Health Administration (OSHA), the Food and Drug Administration (FDA), and the Food Safety Inspection Service (FSIS) to address agricultural pollution on-farm and in the manufacture and application of farm chemicals.



Organic farm with diversified cropping on contour strips. Welsh Family Farm, Lansing, Iowa.

The *Organic Foods Production Act of 1990* is *The Mouse That Roared*. When USDA finally attempted to implement the little thing, when they really started to figure out what organic farming implies about conventional agriculture and food safety, there was no recourse but to set a trap for it by creating an implementation procedure that would kill it.

Two avenues remain open to organic farmers, consumers and environmentalists. One is to call for the U.S. House of Representatives to use the *Regulatory Flexibility Act* as the tool to reject the proposed rule on the National Organic Program. The result should be that an entirely new staff should be brought on to compose a new proposed rule that the organic stakeholder community can support and that will therefore be in accordance with the *Organic Foods Production Act*.

The other avenue, is to address the stillborn rule as it is written

The Organic Farmers Marketing Association and NCAMP in a side by side comparison of the Proposed National Organic

Program Rule with the *Organic Foods Production Act (OFPA) of 1990* have identified the following issues.

- The USDA is proposing to usurp the authority of the National Organic Standards Board (NOSB). The NOSB is the public part of the public/private partnership designated in OFPA to be the gatekeeper in reviewing of the four classes of substances that can be used on organic farms and in the processing of foods labeled and sold as organically produced.
- In doing so, USDA staff have repudiated testimony by farmers and consumers and ignored the official votes of the NOSB when making recommendations to the Secretary of Agriculture on approved and prohibited substances.
- Contrary to the NOSB recommendations, USDA has proposed to allow synthetic substances, sewage sludge, synthetic fertilizers, pesticides, and environmentally deleterious cotton defoliants. And with cynical, unjustified, and almost curious motive, USDA has devised a novel and unwarranted criteria to accept what they define as “incidental additives,” all of which contribute to allowing illegitimate substances which were never recommended by the NOSB to the Secretary of Agriculture for use in organic production, and were actually opposed officially. It is as if the intervening seven years of work evaporated.
- This criteria also allows the use of synthetic substances, ingredients, processing aids, food additives, enzymes, irradiation and genetically modified and transgenic organisms in processed organic foods, choosing to call them, once again, “incidental additives,” when OFPA strictly forbids the use of such substances and materials nor for them to contact and be part of processed organic food products.
- And in great and hurtful deference to EPA, USDA has chosen to not review the synthetic inert ingredients used in botanical pesticides applied, as necessary, on organic crops. Inert ingredients compose usually as much as 95% of the formulation in a pesticide and are chemicals that are considered “non-active,” or not designed for the same use as the chemical listed as the active ingredient on the label. Organic farmers and consumers want to know the entire constituency of products approved for use on organic farms.
- Having not found a loophole through which synthetic agriculture would be acceptable in organic farming, USDA made its own. Or, in USDA’s own words: “No distinctions should be made between organically and non-organically produced products in terms of quality, appearance, or safety.”

Glad that they made that clear?

- Regarding the raising of livestock for organic milk and dairy, eggs and meats, USDA is proposing standards that are contrary to OFPA and inconsistent with organic farming and handling. USDA is proposing the following, contrary to OFPA, for organic livestock: synthetic substances, including antibiotics, therapeutic medicines and paracitides be



Bill Welsh, organic farmer and member of the National Organic Standards Board, standing in his organic corn and barley field.

allowed for all types of livestock with normal FDA withdrawal times; that every existing dairy farm can convert to organic farming by simply feeding organic feed for 30 days; that synthetic substances like amino acids and reprocessed protein may be fed to dairy, poultry and livestock labeled and sold as organically produced, and that high-concentration confinement feeding of livestock is acceptable. Consumers of organic products don’t want to eat food produced in that fashion.

- Most alarmingly, USDA proposes that livestock can be fed up to 20% non-organic feed, which will be an avenue for feed and concentrates from genetically modified organisms (GMOs) to enter the organic production stream. It is a commonly held doctrine in traditional organic farming that animals have to be fed completely organic feed from birth.

All of the above eviscerates the idealism of the *Organic Foods Production Act* and, if implemented, does nothing to distinguish organically produced products from those that are produced conventionally, which of course may have been the intent of USDA. It The USDA’s pathetic history in implementing OFPA is a measure of how little our democracy can do in the face of pressure brought by the seamless relationship between government and big business.

Turning back the clock on 15 years of steady, rational improvement in the public sector and at the state level, USDA brazenly now wants the public to comment on what has already been largely decided upon.

In short, USDA’s entire effort on the National Organic Program is a disaster. The community will reply and respond, running the procedural gauntlet according to regulatory requirements, citing dockets, providing substantiating research documents, and civilly contradicting the faulted language. We deserve much better than this. And we’re going to get it too.

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Undermining Organic

How the proposed USDA organic standards will hurt farmers, consumers and the environment

Claire Cummings

Just about everything we care about: our land, air, water, food, personal health, social justice, and even democracy, is affected by an action currently being taken by the federal government. For the last thirty years, the organic farming movement has grown and matured, producing food in ways that are more ecologically and socially sound than conventional farming. Now, the U.S. Department of Agriculture (USDA) has proposed regulations for the organic industry that would destroy all that we have created. And the way this was done was an undemocratic and unpleasant surprise to those who worked hard to formulate acceptable federal standards, not to mention the thousands of small farmers who developed the standards and practices that built the organic industry, literally from the ground up.

What does the word “organic” mean to you?

The new proposed regulations would redefine “organic” to include toxic sludge, genetically engineered organisms, and irradiated food. By demeaning the term, it would effectively prohibit the use of the word “organic” on labels for foods produced under stricter guidelines. The high standards already set in California by its organic foods law would be superseded by the new federal law. These ecological practices, the health of the land, the hope of the consumer are all jeopardized.

The USDA proposed organic rule is a misappropriation of the word “organic” and the value that it has come to mean to the consumer.

The new law changes the qualifying requirements and raises the costs of registering as an organic producer and will put hundreds of small farmers and many third party certifiers out of business. Public confidence will be jeopardized because people will not be able to rely on organic labels as meaning what they have come to expect, a pure product, grown or prepared with concern for the highest level of safety. For instance, instead of requiring livestock feed to be 100% organic feed, the new regulations would allow 20% non-organic feed, confinement operations and liberal drug use (only for the livestock, of course, not the producer.)



Pheromone traps used in organic orchard for pest control.

What is your favorite issue? Democracy and freedom of expression? These new regulations were not produced by the National Organic Standards Board (NOSB) that was created by Congress to do this work. In 1992, USDA appointed the members to this advisory board to write these rules. The NOSB met for years, did its job, and made a complete set of recommendations to the USDA that were acceptable to many growers, processors and consumers. USDA ignored the work of the NOSB and promulgated its own set of rules instead.

Who is behind these substandard rules?

Clearly, the beneficiaries would be the agribusiness conglomerates who would not have to adhere to the high standards that were developed by the organic industry. The losers, as usual, would be the organic farmers and the consumers who care about how food is produced. Why would the agribusiness interests care about organics? Because it is not a marginal market anymore. The U.S. organic industry is worth \$4 billion in annual sales and is growing at over 20% a year. In a press release last year, Swissair announced that “the trend towards organically grown foods is increasing across the globe,” and by the year 2000 Swissair will ensure that 90% of the products they use to prepare meals are organically grown and even their coffee will be fair trade coffee. Must be something good going on. And this re-writing of the rules amounts to nothing less than a hostile takeover of the success of the organic industry by industrialized agriculture interests, hoping to cash in on the trend.

There must be a story here, about how the interests that stand to gain, whoever they are, were able to re-write the rules

that were already drafted by the NOSB, and get the USDA to promulgate them, in the face of all the contributions already made by the organic industry and the expectations of the American public. This is a misappropriation of the word “organic” and the value that it has come to mean to the consumer. It is an abuse of the public’s trust in nation’s organic farmers. It may even be a theft of the organic industry’s ownership of the word organic, a “takings” by the government of the intellectual property of the leaders who developed the

Polluting farming practices and poor labor conditions are cheaper and are more likely to occur if corporations are allowed to continue taking over our food production.

meaning of the word “organic,” organizations like California Certified Organic Farmers, the Organic Trade Association, and the Organic Farming Research Foundation.

USDA staff defend their rule making procedure. They say that this is just a proposal, not set in stone, and point to the “public process” of comment that is now being conducted. First, it should be pointed out to the USDA that the experts who worked on these rules, the NOSB, took six years to do their work. The rules are hundreds of pages of technical material. The NOSB recommendations were then ignored, and an entirely new set of rules were proposed, by USDA, as a nasty surprise for all of us.

What is the public supposed to do, write a third version of their own?

The timing of the comment period would be a joke, if it were not such a serious matter. The public, not even having the resources or the expertise of the NOSB members, are supposed to review hundreds of pages of complicated regulations, and in less than 90 days, read and respond to the USDA’s version of these enormously complex and technical regulations. Even the comment process itself is highly complex, requiring citations to specific rule sections to be considered. This is democracy at work? Appoint a committee, ignore its recommendations, dump a load of bureaucratic sludge on the public and expect us to dig our way out?

And how did it happen that the NOSB proposals were dumped?

Who wrote the new rules? USDA is avoiding the public outcry that would result if this story gets told. They have made it very difficult to get informed and they do not want to hear from us. California is the largest agricultural state in the nation and home to most of the growing organic industry. USDA has scheduled no hearings on the rules in California. And the

State of California is going along with the gag. California farmers and the public were given only one month to comment to the State Department of Food and Agriculture about these rules and how they should respond to USDA.

Why are these regulations being shoved down our throats?

As a former USDA attorney, having witnessed the rule making process myself, I have little confidence that the agency will pay attention to the public. As my friend, and superb organic farmer Janet Brown says, even a dog knows the difference between being tripped over and being kicked on purpose. But does the public recognize a denial of due process here? Even if the timing were better, will the USDA listen? I doubt it. Does anyone know of a federal agency rule making process where the public has been able to stop the process? The agency is forcing the public to comment on rules that are so fundamentally flawed that no good outcome is possible. The public comment period is only playing the game on their turf, according to their rules, but we absolutely have to respond. These rules must not be allowed to stand, and the process for drafting any new ones must stand up to public scrutiny. Small changes to a bad law at the last minute are not a remedy for this wholesale theft of the public’s confidence in organics, but what choice do we have? We deserve an accountable, transparent process.

Care about international trade?

The new rules declare that their major purpose is to encourage agricultural exports. But the new standards are actually



Interplanting with marigolds, an organic technique integrating plants for pest prevention.



Organic farms use farm generated compost to enhance the soil's biological activity.

lower than those of some of our trading partners in Europe and Japan. So is this a stealth attempt to use the World Trade Organization to reduce the standards in other countries and create a new lower common denominator, one more friendly to agribusiness? The GATT rules on agriculture are up for renewal. Instead of being a world leader in setting high standards in food health and safety, the United States is continuing to push for the interests of industrialized agriculture.

Care about social justice issues?

Labor and employment practices by agribusiness, health problems related to pesticides by farm labor and the security of the small family farmer are related issues. If corporate farms continue their take over of our food supply, then these businesses and their giant trading corporate partners can set the price of basic food commodities, dictate the wages and working conditions of farm workers and put family farms out of business through the consolidation of land holdings and economies of scale. Polluting farming practices and poor labor conditions are cheaper and are more likely to occur if corporations are allowed to continue taking over our food production. Preserving the family and small scale farm that can employ alternative methods and that can produce food for local consumption ensures food safety and is more environmentally sound than industrialized farming methods, and the organic industry is made up of primarily small sized producers. We have not fully addressed the issues of sustainability within the growing organic industry, but that question may become moot if these laws are passed. Lower standards will allow for a greater take over of organic farming by agribusiness and put the small producer out of work and off the land.

Care about personal or public health?

A recent report by the California Department of Pesticide Regulation stated that, in 1995, the last year studied, pesticide related illnesses are up 20%, overall. That figure is admittedly low, since so little pesticide illness is reported or verified. The largest component of this rise in illnesses is the use

of agricultural chemicals. The report stated that the number of farm illnesses related to pesticide use increased 46%. Isn't one of the major reasons the consumer is buying more organic food, particularly the fastest growing segment of the industry, organic dairy products, due to concern about health? Why would we want to lower those standards and risk losing the trust that we have created in the public, a sophisticated consumer market that has been willing to pay higher prices for food that they know has been produced in a healthy way with pure ingredients?

Our food is so plentiful and the earth is so generous, we have come to take it for granted. These days, almost half of our food is purchased already processed and consumed outside the home, mostly at fast food restaurants. If we care about food, it is often about price or purity; we want our food to be cheap and safe. But as the price we pay for food steadily declines, along with it we are losing our interest in how it is produced. This disconnection, on a spiritual and social level, with the source of our nourishment, must be our greatest loss. We can continue to abdicate responsibility for our food supply or we can take it back. Now. Begin by telling USDA to withdraw these rules and start over.

Claire Cummings is an attorney, former farmer, writer, activist and serves on the Board of Directors of Food First and Community Alliance with Family Farmers, sits on the Marin Food Policy Council, and is a commentator on food and farming on KPFA Radio. She can be reached at P.O. Box 5124, Mill Valley, California 94942 or at cummings@igc.apc.org, 415-491-1948 (voice), 415-491-1240 (fax).



Rich organic soils in organic corn field.

Proposals That Violate the Law Have Deep Roots

Stick to the Organic Foods Production Act; It's good and it's sound.

Eric Kindberg

When it comes to proposing implementation of the *Organic Foods Production Act* (OFPA), proposals that violate the law have been floating around the U.S. Department of Agriculture since the National Organic Standards Board (NOSB) was put in place in 1992. The appointment process of NOSB members itself has been the subject of concern among those interested in a National Organic Program that conforms to the spirit and letter of the act.

President Bush's Agriculture Secretary appointed the original NOSB contrary to the U.S. Senate Committee Report language. The Report read, "Prior to full implementation of the organic standards in September 1992, the Committee recommends that the Secretary appoint farmers who have operated organic farms under existing state or private standards. Such farmers will have the insight and knowledge necessary to guide the Secretary in implementing the title."

Instead of appointing experienced farmers as an interim Board, many special interests and those with contacts in the Republican administration were selected and seated. Of the 13 original appointees, only two certified organic farmers were placed on the original Board and one of them was a consumer representative. As appointees' terms were completed, many new appointees have been selected based on a criteria of who one knows (Democratic Party supporter) or what economic clout one has, rather than documented experience regarding the matters the Board is responsible to handle. This situation is symptomatic of government administration run by politics, not criteria and qualifications.

The whole issue is really who should have the right to define what is organic. Should it be organic movement participants exclusively? Do engineers ask truck drivers to design bridges?

The NOSB recommendations to the Secretary of Agriculture, in violation of OFPA, include:

- allowing the use of synthetic substances in "organically produced" processed foods as processing aids, food additives, enzymes, colorings, flavorings and ingredients.
- allowing active synthetic substances in organic crop production.
- categorical allowance of synthetic inert substances in organic crop production without proper OFPA evaluation.
- allowing active synthetic substances in the feed of "organically produced" meat, eggs and dairy products not permitted for consideration under OFPA.
- categorically allowing active synthetic substances as medical treatment and parasiticides in livestock and selling the livestock products as "organically produced" eggs and dairy products.
- allowing only 3 months of "organically produced" feed to be fed to dairy animals used to produce milk or milk products labeled "organically produced."
- allowing non-certified processors to handle, package, process or store "organically produced" products.
- allowing confinement of mammalian livestock and poultry without access to pasture.
- allowing non-disclosure to the public of certification documents and residue testing on specific farms and handling operations producing "organically produced" food and fiber products mandated under OFPA.
- not providing a usable, clear and transparent National List petition, review, evaluation criteria and process.
- allowing organic ingredients to be substituted with conventional ingredients when certified organic ingredients are "not commercially available."
- not providing an outline for the development of organic farm plans that reflects the fundamental and existing organic farming practices and systems such as legume based rotations and organic matter enhancement.

On the other hand, other NOSB recommendations on the Accreditation/Certification process and requirements, potential pesticide drift, mixed organic/conventional farming, the organic handling operation and wild crop plans and the initial livestock recommendations (changed by participation of a new NOSB member at the last minute) contributed excellent, well-analyzed proposals for the organic community and the Secretary to consider.

A reading of the record indicates that USDA did indeed go much further in violation of OFPA than the NOSB. However, in many cases, the basis for the USDA's deviations from OFPA are the NOSB recommendations or non-recommendation.

In effect, USDA in the proposed rule has carried to an extreme many of the violations that were first introduced by the NOSB. For the USDA National Organic Program to be trusted by organic farmers and consumers, surgical changes are now in order in the proposed organic rule and the criteria for selection of NOSB members. The organic community needs to make absolutely clear to USDA who should define "organic" within the context of OFPA. The NOSB should be made up exclusively of certified organic farmers, handlers and active and informed organic consumers to fulfill the stakeholder representation required by OFPA.

Eric Kindberg is a certified organic grower and founding member of the Organic Farmers Marketing Association, living in Fairfield, Iowa. He can be reached at POB 2407, Fairfield, IA 52556 or erorganic@aol.com.

The views of farmers, consumers, environmentalists, scientists, and the chemically sensitive.

On Consumer Confidence

JOHN GEAR

This is a letter sent to USDA about the proposed organic standards.

I am writing to express my strongest disapproval of the proposed organic food rules. While I am reluctant to cast aspersions on rule makers' motives, the proposed standards make it next to impossible not to wonder about the goals of whoever drafted them. My wife and I honestly feel that these standards will have the effect of destroying organic farming in the United States. They certainly would, if adopted, destroy any confidence in the word "organic."

As a small businessman, I know that the rulemaking process does not operate according to the ideals of reason and fairness as taught in Sunday school. But, aside from the recent telecommunications "reform," I can think of no other instance in which the failings of the regulatory process are so vividly apparent.

An objective reading of these standards convinces me that they will do nothing to advance safe food, organic farming, or the economy of small farmers. Instead, if adopted, they will only give evidence that the regulatory process is totally corrupt, and if wealthy agribusiness interests call the tune, the USDA dances.

Please communicate to each and every person who will recommend adoption of or revisions to these standards the deep disgust with which this veteran views them in their current form. As proposed, they are best described as an attempt



Consumers are buying organic food in record numbers with the industry growing to \$3.5 billion in 1997.

to destroy real organic farming in the United States and impose an ersatz organic standard that the big food interests find congenial. If these standards are adopted, then whenever we see the word "organic" we will truly know that Orwell's 1984 has come true.

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On Farming Organic

STEVE GILMAN

Now that analysts have been able to study and digest the long awaited National Organic Program (NOP) Rules issued by the Department of Agriculture in mid-December, we're finding loopholes big enough to drive a chemical fertilizer truck through. There is just no way that USDA's proposed allowance of genetically modified organisms (GMOs), food irradiation, sewage sludge, synthetic substances, chemical seed treatments, antibiotics, livestock and poultry confinement operations, as well as food processing additives, colorings, enzymes and synthetic ingredients — for starters, can remotely be considered "Organic." In fact, the 600-page document is loaded throughout with enough exceptions, exemptions, additions and allowances so that almost any farming, processing, and handling operation could

rather easily qualify for being labeled "Organic" in the marketplace. Maybe that's the point.

The final NOP Rules were mandated by the *Organic Foods Production Act* (OFPA) passed by Congress back in 1990. The law relegated the primary task of determining the definition of organic along with the allowable products, practices and procedures to a newly created National Organic Standards Board (NOSB), comprised of representative sectors of the industry including fruit, vegetable and livestock farmers, processors, handlers and consumer groups. The NOSB was charged with the task of being the gatekeeper for determining the substances allowable to be used through the creation of a National List of acceptable and prohibited products and practices. After an exhaustive process over a period of years

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— of researching and gathering information, reviewing and reworking present day standards, and holding marathon meetings and hearings around the country, the results — which under OFPA is legally determined to be organic — were presented to USDA to become finalized in the NOP Rules.

The good news is that in the proceedings of carrying out the process the country's existing 40 plus state and private certifying organizations around the country largely standardized themselves in accordance with NOSB's definitions. They had ample incentive to do so — under OFPA the existing certifying organizations would themselves have to become certified by USDA in order to remain in business.

The bad news is that USDA has scrapped the bulk of the NOSB's work and has rewritten the NOP Rules according to their own predilections. That this action has widely overstepped the mandates of the original OFPA law and has pulled a bureaucratic end run around the clear intent of Congress is seen by some as merely Washington business as usual.

An appropriate analogy is the recent "Made in the USA" truth in labeling debacle where some special interests tried to get the Federal Trade Commission to increase the allowable content of foreign manufactured materials in U.S. products to still qualify for the "Made in the USA" logo and label. The ensuing explosive reaction from a large and previously unlikely coalition of business and labor and the grass roots public sent shock waves throughout Washington and the integrity of the "Made in the USA" label was resoundingly saved.

Organic advocates see many parallels in the proposed gutting of the organic standards. USDA's action affects far more than those in the industry, however. Consumers automatically forfeit their freedom of choice in the marketplace, personal health advocates suffer the loss of their major alternative, parents lose control over the content of their children's food, environmentalists give over an ecologically positive form of agriculture and the true organic farmers get the ground pulled out from underneath them.

As it is now, the agribusiness corporations have enforced a virtual no-labeling policy. Products in the marketplace like milk produced from cows injected with bovine growth hormone or potatoes containing transgenic Bt, a biopesticide, are not labeled as such or even identified. Today, a "Certified Organic" label means such substances are not used in the production of the organic foods you buy — tomorrow is another story.

Although organic food is one of the fastest growing segments of the U.S. agricultural economy (over 20% a year since 1990) the repeated foot-dragging by USDA has already accounted for considerable economic losses in the industry. The NOP rules were due back in October of 1993. Year after year their promised publication eventually took on the nature of a sick joke to farm-



Dairy cows grazing on organic pastures, mixed grasses, forbs, and legumes.

ers who were uncomfortable with the wisdom of willingly turning Organic over to the machinations of government and potential meddling by special interests.

As Secretary of Agriculture Dan Glickman pointed out at the press conference for the unveiling of the rules, "One, unified standard could clear the path and unleash even stronger growth in the organic industry. National standards would clear a similar hurdle on the international front. ...Greater income for small farmers and ranchers, stronger imports, one high consistent standard for consumers — clearly we have a lot to gain from this rule." The combination of USDA's delayed implementation, however and now the issuing of a bogus set of rules has instead dealt the industry a major blow.

In addition, all along the NOSB and the existing certifying groups have been very concerned about the fee structures that could be charged by USDA to administer the program. The danger is that excessive fees would quickly put the smaller certifiers out of business and that thousands of small scale farmers would also become disenfranchised. Unfortunately, these worst nightmares are now the reality in the proposed NOP rules. Many of the smaller, grassroots certification programs operate on shoestring budgets and rely on considerable dedicated volunteer labor and assistance. The pricey USDA monitoring provisions are incredibly bloated and burdensome in comparison.

Organic farmers are inured to being treated like an unwanted stepchild by the USDA. An Organic Farming Research Foundation study a year ago conducted a thorough search of all publicly funded USDA research projects and identified only 1/2 of 1% of them as having any content or relevance for organic practitioners. The tremendous growth of organic from a \$78 million industry in 1980, for example, to \$3.5 billion last year is now becoming harder to benignly neglect. That this growth is being led by consumers is something no politician can af-

The views of farmers, consumers, environmentalists, scientists, and the chemically sensitive.

ford to overlook.

As a real, certified organic vegetable farmer, I've been dealing with some of the same area restaurants for some 22 years now. Since 1990, we have served a Community Supported Agriculture (CSA) project where 60 some local families are shareholders in the farm's production. People know us and they know the farm. If "Organic" as a true and viable label gets trashed, we'll still get by fine on our own well-earned

reputation. However, there are a lot of urban dwellers and others who live at the far end of the food chain who are totally dependent on what the market provides and it is USDA's legal purpose and bounded duty to act responsibly in all our names.

Steve Gilman is the coordinator of CSA Farm Network, Ruckytucks Farm, 130 Ruckytucks Road, Stillwater, NY 12170, 518/ 583-4613, e-mail: sgilman@netheaven.com

On the Environment: A View from the Sierra Club

TERRY SHISTAR

As the first hearings on the U.S. Department of Agriculture's long-awaited organic standards begin, environmentalists join organic growers and consumers in protesting the proposed rules. Sierra Club Executive Director Carl Pope states, "It is outrageous that USDA would propose regulations so inconsistent with the authorizing legislation, totally ignoring the recommendations of the National Organic Standards Board, which was created under the *Organic Foods Production Act* for the purpose of building a consensus. The proposed USDA organic standards are so seriously and thoroughly flawed that they must be withdrawn and completely rewritten. If the proposed rules are adopted, consumers who depend on organic products will lose all faith in the 'organic' label, which will threaten the existence of the \$3.5 billion organic industry."

Pope called upon Sierra Club members and other environmentalists and consumers nationwide to flood USDA with comments. "The proposed rule is a long technical document, and USDA is asking for detailed comments," he said. "But all they need to know is that the organic standards must reflect what the public understands 'organic' to be. This understanding is embodied in the *Organic Foods Production Act* and the recommendations of the National Organic Standards Board. The USDA proposed rule is so deeply flawed that it must be withdrawn and rewritten because of serious flaws stated below:

- The rule should adhere to the National Organic Standards Board National List. The club says that sections 205.20-205.28 of the rule ignore NOSB recommendations, usurps the authority granted to it by Congress, and changes definitions to give USDA broad latitude to loosen the standards on what materials are allowed in organic production.
- The rule should eliminate inappropriate materials allowed



Organic is diversified agriculture.

in sections 205.2-205.3, 205.7-205.9, 205.13, 205.16-205.17, 205.20, 205.22, 205.26, 205.28 of the rule. The USDA proposal conflicts with current practice, consumer expectations, and international trade. In particular, there is no place in organic agriculture for genetically engineered organisms, irradiation, sewage sludge, inerts not proven to be safe, and various materials allowed under superfluous categories of allowed materials and contamination.

- The rule should require higher standards for livestock than in proposed sections 205.13-205.15, 205.22, 205.24, as did the NOSB recommendations. In particular, animals must have access to outdoors, refeeding of animal parts and manure should be prohibited, antibiotic-treated animals should be removed from the organic stream, and all livestock feed should be organically grown.
- The rule should not price small farmers and small-scale

certifiers out of business. USDA proposes in sections 205.421-205.424 a regressive flat fee structure for certification and registration. This means that small-scale certifiers, farmers, and processors will pay a disproportionate share. Instead, a sliding fee system should be adopted to reduce the impact on small operators.

- USDA should stay out of eco-label business. The business of the organic standards is to define “organic.” USDA should do a good job with that and not try to control all information about inputs. The rule should not, as proposed

in Section 205.103, prohibit use of terms such as “pesticide free,” “antibiotic free,” “no antibiotics or hormones.” It is particularly outrageous that USDA should propose to prohibit such terms while allowing synthetic pesticides and antibiotics in organic agriculture.

Terry Shistar, the secretary of NCAMP's board of directors, is an active member in the national Sierra Club, serving on the Hazardous Materials Committee. She works from 809 E 661 Diagonal Road, Lawrence Kansas 66047, 785-748-0950, tshistar@falcon.cc.ukans.edu.

On Science of Genetic Engineering

R.H. Richardson, Ph.D.

This is taken from testimony of R. H. Richardson, Ph.D, professor of Zoology, University of Texas at Austin on the proposed national organic standards in Austin, Texas on February 12, 1998.

For twenty years the standards of organic food production have evolved among producers and have been accepted as a mark of safety and quality by consumers throughout the United States and beyond. The *Organic Foods Production Act of 1990* was passed with the National Organic Standards Board serving as the gatekeeper for the accepted procedures of producers, codified in Texas and elsewhere, and understood by consumers. The proposed rule published in December extensively modify the intent of both the Act and the recommendations of the NOSB.

As a geneticist with three degrees from Land Grant Universities with concentrations in plant and soil science, plant breeding, genetics and experimental statistics, I speak from the perspective of a scientist regarding the use of genetically modified organisms (GMO's) as presently used in breeding technology. That is, genetically modified organisms have had genes inserted or modified by molecular transfers of DNA outside the process of sexual reproduction of the organisms. While this definition includes induced mutations, those have not been very effective and have developed no commercial interests. I will focus my attention on the more recently developed molecular techniques employing DNA, the genetic material, with in vitro (non-living) stages of gene transfer.

In the broad sense all domesticated plants and animals are genetically modified by humans for human purposes. The science of plant and animal genetics is much more recently developed, largely in this century. The technology of modifying the genetic architecture of plants and animals has exponentially become more efficient in certain ways, but simulta-



Mixed cropping for pest control, diversity in the marketplace and soil fertility.

neously has become much more narrowly focused in the nature of changes and the study of their broader effects. Extensive testing of selected lines in a variety of situations was the hallmark of the crop improvement programs of the 1930's, 40's, 50's, 60's and 70's. Specialized crops were extensively produced for industrial agriculture, and to a certain degree, specialized breeds of animals were produced. Beginning in the 1980's and accelerating in the 90's, highly efficient molecular and cellular techniques were developed whereby individual genes could be extracted from one species, and transferred to members of the same or a different species, or studied in a non-living condition. From an experimental science perspective, this was one of the greatest advances in this cen-

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Open air, sunshine and pasture for organic pigs and kids.

ture, and maybe in the history of biology.

From the perspective of food production, however, this powerful tool of gene identification and manipulation plays a very different role. The reasons may be categorized as follows:

Higher organisms have extremely complex genetic systems, with many genes comprising the elements of the systems. The interplay among the biochemical products of genes and the regulation of the genes in producing a multitude of biochemical products are poorly known outside the few systems that have been studied. Most of these genes have been studied in non-living states, and the few that have been studied in living systems are so far only fleeting glimpses of an entire genetic system. One does not understand symphonic music by learning to play a kazoo, much less know how to compose a symphony. In science we create models from those systems, but simple models are unreliable when we create sweeping generalizations. These models have existed only a few years. And,

while they represent tremendous advances in our understanding of these systems, and encourage us to speculate ambitiously about the nature of life and its origins and functions, rampant speculation cannot be considered to be knowledge, and it is irresponsible to represent claims of knowledge as fact.

Organic producers are much more conservative, and in my opinion their prudence is rational, based on observations of pest resistance breakdown in corn, hormone mimicry of certain pesticides, ecological effects of non-target species in biocontrol. Examples of the unknown features of the present genetic models include the multitude of effects of EACH GENE in the total SYSTEM of biochemical, developmental, and ecological dimensions of life. The science of genetics began this century when genes were first identified and modern genetics recognized as a basic tenet the ubiquitous complex interactions among genes and the interactions in their coded information. No gene controls only one feature of an organism, whether simple viruses or complex plants and animals. Furthermore, the ecosystem is equally complex and comprised of vast arrays of interactions among the species and individuals in each species. To assume that a change in a single gene has only the intended effect is naïve, and irresponsible. While the courts offer recourse to damage, the potential dangers may be difficult to prove and become manifest in breadth. I believe that the present situation with the tobacco industry could be a model for the future for many of the GMO's as presently conceived and being implemented. Organic production as presently conducted is taking the more prudent path and the path needs to remain clearly differentiated.

R.H. Richardson, Ph.D Professor, can be reached at the Zoology Department, University of Texas, Patterson Laboratory, Austin, TX 78712, 512-471-4128, e-mail. d.richardson@mail.utexas.edu

On the Chemically Sensitive

SUSAN PITMAN

This is the testimony of Susan Pitman for the Chemical Connection:

A Public Health Network of Texans Sensitive to Chemicals at the U.S. Department of Agriculture Public Health on the proposed national organic standards, in Austin, Texas on February 12, 1998.

If the national rules are adopted as proposed, "organic" food will no longer be organic enough to meet our needs or worth the extra money we are willing to pay for it.

An essential element in recovery from chemical sensitivity is a diet of food grown naturally in healthy soil without syn-

thetic or high tech inputs or processes. More and more people with other chronic disabling diseases including cancer, alzheimers, heart disease, and AIDS are joining us in appreciating the benefits of choosing this kind of food. Currently, we are all able to identify the food that helps us so much with

a fair degree of confidence by the organic label.

“Organic” is not about compromise to encourage less toxic farming practices or to open the lucrative organic market to more growers who cannot meet the currently accepted standards. Organic is about building healthy soil for healthy food for healthy people. Organic food is not about deciding if you’ll allow synthetic non-organic products and practices that you may personally feel are innocuous or “necessary.” Organic food is about offering people a high standard of purity and a clearly more healthful and healing choice so that they have the freedom to decide for themselves the risks they want to take and the benefits they want to achieve through food.

We need rules that give us a meaningful choice at the grocery store; rules that keep “organic” organic and

- prohibit irradiation, genetically engineered organisms, and sewage sludge;
- are true to the intent and terms of the *Organic Food Production Act of 1990*;
- follow the recommendations of the National Organic Standards Board; and,
- adhere to the high standards that we already have in the Texas Organic Program.

Specific problem areas in the proposed rules are detailed below.

Subpart F – Additional Regulatory Functions

205.401 (c) State Programs

Preemption

We oppose preemption of local (or state) control, even at the discretion of the Secretary. It is the appropriate role of the Federal government to set minimum standards but the states and local governments should always be freely allowed the choice of making rules more protective of the public health so that they can deal with local problems in ways that make the most sense in local situations in a timely manner.

It is a violation of public trust to come up with standards that do not even meet the accepted definition of “organic” in the public perception and then make it difficult for states to develop and implement more protective rules. If states want to keep out inferior food that is labeled organic, they should be able to do so, especially if the national standards do not meet the standards of the commonly accepted definition of organic.

The conditions [(c)1-4] which the states must meet to make more restrictive requirements will effectively deny states the ability to rectify the problems contained in this proposed rule.

Sections 205.22 and Section 205.26

Genetically Engineered Organisms

We oppose genetically engineered organisms. Genetic engi-

neering may offer positive benefits in some circumstances but it does not belong in food labeled organic because the gene splitting and combining process does not happen in nature without man’s intervention. It is yet unclear how mixing genes between species will ultimately affect the health of the soil upon which the whole concept of organic growing is based. People should have the right to choose whether or not they eat genetically engineered food. In the absence of labeling requirements for genetically engineered foods, it is appropriate that the organic label provide the consumer this choice.

Section 205.17

Irradiation

We oppose irradiation. The dangers of food borne pathogens are managed naturally in organically grown foods and should remain so. There are too many questions about the safety and quality of nutrition of foods that have been irradiated. Irradiation can be used to increase self-life. Fruits and vegetables lose valuable nutrients the longer they go from field to consumption so, if nothing else, irradiation would tend to create a deceptive appearance of nutritional quality which may or may not exist if the food was irradiated.

Section 205.7

Sludge/Biosolids.

We oppose the use of sewage sludge and biosolids on organically grown foods. Human waste products have never been considered appropriate for organic food fertilization due to the human pathogens it carries. Sludge and biosolids are likely to contain toxic substances, especially heavy metals, which are taken up by plants and concentrate through the food chain. The proposed rules contradict the *Organic Foods Production Act of 1990*, which it seeks to implement.

Susan Pitman is the network coordinator of The Chemical Connection, A Public Health Network of Texans Sensitive to Chemical. The Chemical Connection is a ten year old non-profit association of Texans which works to bring the collective knowledge and experience of chemically sensitive people to the Texas State Legislature and regulatory agencies to help mold more effective public policy. Achievements have included passage of state laws and regulations that require posting and notification for pesticide use, Less Toxic Pest Control (IPM) in Schools, and Guidelines for Indoor Air Quality in Schools. Susan Pitman can be reached at 310 Thomas Oaks Dr., Wimberley, TX 78676, 512-847-9245, P. O. Box 26152, Austin, TX 78755, 512-338-1108 (voice), 512-338-1190 (fax), hesolutions@earthlink.net, http://www.austin360.com/greenzone/vanguard.

Building a Public Record that Counts

How to have impact that really makes a difference

Richard Lance Christie

My views on how to respond effectively to the proposed National Organic Rule are based on some thirty years experience as a bureaucrat and as an activist outside of government. I drafted legislation and regulations for public hearing and adoption in both federal and state government. (I then “went straight” and now grow organic food.) I have more recently participated in public hearing processes from the activist side of the fence. The strategy that maximizes our likelihood of good outcomes is to lay down a solid evidentiary record, no matter what the U.S. Department of Agriculture (USDA) does after the public hearing process closes on April 30, 1998. This needs to have two components:



On organic farms, integrated livestock with pasture rejuvenate soils.

Indicate Unacceptable Language; Provide Acceptable Language

First, the various organizations and individuals involved with organic agriculture need to turn in excruciatingly detailed line-by-line critiques.

From long experience, I find the format that works best is to take the language you wish to see altered, and alter it. I use legislative draft format, striking out existing language which is objectionable, redlining new language I supply, and leaving the balance of the regulatory text in standard font. The

The strategy that maximizes our likelihood of good outcomes is to lay down a solid evidentiary record, no matter what the U.S. Department of Agriculture (USDA) does after the public hearing process closes on April 30, 1998.

goal here is that no bureaucrat has to think or interpret to arrive at the desired language; they only have to decide to adopt the language change I specify. For each language change, I provide an explanation of why the old language doesn't satisfy OFPA authorizing legislation, isn't feasible, is not clear,

or whatever, and/or why the new language I provide does satisfy OFPA, is feasible or consistent, clarifies, etc. In summary, provide the change you desire verbatim, then explain why the USDA needs to decide to adopt that change in the regulatory language.

Massive Public Response Needed

The second component of the campaign is getting massive response from consumers, correctly addressed and with docket numbers, etc., so the USDA cannot exclude them from the docket record. The thrust of these letters needs to be testimony from consumers that the thing about an organic label which gives them confidence and choice is that substances and processes that have not been tested by and integrated into the natural scheme of things by evolution are not used or present in “organic” food. They wish to have an organic label which permits them to choose to avoid toxic metals and chemical contamination possibility; prions, other pathogens, antibiotic residues, possible hormone disruptors, etc., in meat; oddly broken protein chains in irradiated food; and to support agriculture which builds the soil and does not burden the environment with fugitive chemicals and erosion.

Genetically engineered organisms, municipal sludge toxics, animal cannibalism, and irradiation are all things which the organic label should enable consumers to avoid if they choose to. Proponents of these things can argue their case for the safety or desirability of these things in the public dialogue,



Organic certification stretches from the farm through handling, packaging, processing and storing to the retail sales counter.

and people will decide as they see fit. We need to have hundreds of people making this point, because the authorizing legislation and USDA Secretary Dan Glickman identify consumer confidence and choice as the basic *raison d'être* for having national organic labeling rules.

It doesn't matter if the USDA functionaries who constructed the draft rule monster are just ignorant and inept, or are savvy but inclined to be handmaidens of the special interests behind irradiation, factory farming, chemical inputs, genetic engineering, et al. The same solid evidentiary record which is most likely to educate, persuade (or scare) USDA bureaucrats into revising the regulations per our input is the same solid evidentiary record which will persuade a judge that the draft rule does not reflect the Congressional direction in OFPA if USDA refuses to make acceptable changes. From the government side of the



Legumes, the basis of organic crop and livestock farming.

fence, I know that the technicians like me who put regulations together were often under orders from policymakers to warp regulations to accommodate special interests. If, during the public hearing process, the evidentiary record made it clear that the draft regulations would be subject to successful suit in court, then the bureaucracy had an excuse to offer the special interests and their political bagmen as to why the Department has to produce honest regulations. The most corrupt hack has survival sense to realize that he does not want to find himself in court having his regulations thrown out, and having the legislature jumping his department for incompetence and insubordination. It is useful to communicate to these folks that, if they don't come around and fix the rule to be consistent with the NOSB's recommendations, they are going to be enjoined, likely to lose in court, and be hauled before

Congress to explain why they've managed to waste 5 years and \$3 million coming up with regulations that ignore the intent of Congress. The draft rule is so badly and overtly out of compli-

The draft rule is so badly and overtly out of compliance with the authorizing legislation

ance with the authorizing legislation that it is possible to guarantee this outcome if the USDA doesn't amend the rule back into compliance with the Organic Food Production Act (OFPA) and NOSB's recommendations.

For those folks who are inclined to agitate for cleaning house at the USDA, repealing OFPA, etc., all I can say is "Go for it!" Effective public interest advocacy campaigns have many different parties working on different aspects of the whole. What I wish to emphasize is the foundation of success in this campaign is laying down a solid evidentiary record in the public comments sent in. With it, we are almost certain to avoid being stuck with ruinous "organic" rules. Without it, we might well find ourselves being "rolled."

Richard Lance Christie is president of the board of trustees of the Association for the Tree of Life. He can be reached at P.O. Box 1366, Moab, UT 84532, 435-259-5095 or e-mail: atl@lasal.net.

Tell it to the Fed: USDA Asks for Specific Comments

Although input is encouraged on the entire rule.

In the Preamble portion of the USDA National Organic Program proposed rule, the USDA staff specifically request that the public comment on the following issues:

1. We are soliciting public comment and scientific and technical data in regard to the minimum time which must pass before a crop raised for human consumption on land to which raw manure has been applied may be harvested.
2. We also would like to obtain public comment and scientific and technical data as to whether there are any situations where composted manure would have essentially the same characteristics as raw manure, thus necessitating special measures to ensure the safety of the food.
3. Public comment is invited with respect to the use of GEOs or their products in a system of organic farming and handling. The USDA specifically invites comments on whether the use of GEOs or their products in organic farming and handling should be permitted, prohibited, or allowed on a case-by-case basis. Comments should detail the basis for the commenter's recommendations, including the agricultural, technical, or scientific factors involved. Comments should also identify the criteria that should be applied to case-by-case determinations.
4. We note, however, that toxins derived from genetically engineered microorganisms are included in this document as a separate listing on the proposed National List of active synthetic substances allowed for use in crop production, as set forth in section 205.22(d) of subpart B. We have included toxins derived from genetically engineered bacteria on the proposed National List primarily so that we can receive comment on the proper classification of these substances, and on whether they should be allowed, prohibited, or approved on a case-by-case basis.
5. We are requesting public comment as to the conditions under which non-organic mammalian livestock may be used as organic slaughter stock. For example, we would like public comment as to whether specific conditions, such as commercial unavailability of organic livestock or an emergency situation, should be a prerequisite for allowing mammalian livestock of non-organic origin to be designated as organic slaughter stock and, if so, what these conditions should be. We also request comment as to whether we should provide for the use of mammalian livestock of non-organic origin in the production of organic meat.
6. We are requesting public comment as to conditions under which non-organic feed may be used. For example, we would like public comment as to whether specific conditions, such as commercial unavailability of organic feed, regional environmental factors, or an unanticipated situation, should be a prerequisite for allowing non-organic feed and, if so, what these conditions should be. We also request comment as to whether we should provide for the use of feed of non-organic origin in the production of organic livestock on certified organic farms.
7. We are requesting public comment as to the conditions under which animals may be maintained so as to restrict the available space for movement or access to outdoors. Examples of site-specific conditions which might serve as a basis for maintaining animals under conditions that restrict the available space for movement or access to outdoors are: emergency or unanticipated circumstances and site-specific soil, climate, animal health, or other environmental factors. We also request comment as to whether we should allow practices that restrict the available space for movement or access to outdoors.
8. Public comment suggested that the health of organic livestock might benefit from receiving antibiotics. We would like to solicit public comment on the use of animal drugs in the production of organic livestock, including organic slaughter stock.
9. We are requesting public comment as to the conditions under which incidental additives may be used. For example, we would like public comment as to whether specific conditions, such as the inefficacy or unavailability of mechanical or biological methods, should be a prerequisite for using an incidental additive and, if so, what these conditions should be. We also request comment as to whether handlers who handle only products sold, labeled, or represented as made with certain organic ingredients should be exempted from the restriction of using incidental additives only if necessary.
10. Public comment is invited with respect to the compatibility of the use of ionizing radiation with a system of organic farming and handling. The USDA also invites comments on whether there are effective alternatives to ionizing radiation, such as sanitary practices, heat pasteurization and incidental additives, that are compatible with a system of organic farming and handling, and, if so, how they are compatible. Additionally, we are soliciting comment as to whether the use of ionizing radiation is considered an essential standard industry practice, or good manufacturing practice, in the processing of any agricultural product: for example, in the sanitary handling of herbs and spices.
11. We are requesting comments to assess the extent to which biosolids may be used in organic production. The USDA

specifically invites comments on whether the use of biosolids (municipal sludge) should be permitted or prohibited in organic production. The USDA also invites comments on the classification of biosolids as a synthetic rather than a non-synthetic substance. Comments should detail the basis for the commenter's recommendation, including the agricultural, policy, technical, or scientific factors.

12. We have included chymosin on the proposed National List so as to solicit public comment. Chymosin is an enzyme that occurs naturally in animals and currently is being produced through genetically engineered microorganism in quantities suitable for cheese production. The NOSB recommended that chymosin not be included on the proposed National List of non-agricultural substances because it is derived from a genetically engineered microorganism.
13. We request comment on the design of the USDA seal and its use as proposed in this subpart as to whether the proposed design will readily identify an organic product as one that meets the requirements of the National Organic Program. In particular, we would like to receive examples of alternative designs for the USDA seal that would be effective in allowing consumers to readily identify that an organic product meets the requirements of the organic program. We would appreciate it if any alternative designs submitted are accompanied by an explanation about how the alternative design suggested would more effectively make organic products readily identifiable as being produced under the National Organic Program than the proposed design for the USDA seal. In addition, we would like comments from all interested persons as to whether the proposed design for the USDA seal would create any burdens for its use.
14. We request comment on our proposal to allow a statement of the percentage of organic ingredients on a product package and on our proposal to prohibit its use on the principal display panel and in the ingredients statement.
15. We request comment from the public as to what terms or phrases, other than organic or made with certain organic ingredients, they believe could directly or indirectly imply that a product was organically produced and handled and the rationale for the allowance of their use. Examples of terms or phrases which we consider may imply directly



Organic produce.

or indirectly that a product is organically produced and handled and about which we specifically request comment include: “produced without synthetic pesticides;” “produced without synthetic fertilizers;” “raised without synthetic chemicals;” “pesticide-free farm;” “no drugs or growth hormones used;” “raised without antibiotics;” “raised without hormones;” “no growth stimulants administered;” “ecologically produced;” “sustainably harvested;” and “humanely raised.”

16. We are proposing here to allow only the identification of the certifying agent that certified the operation that produced or handled the finished product. We believe that allowance of the use of multiple identification of certifying agents who certify any operation involved in the production or handling of the product would be unwieldy and confusing to the consumer. We invite comments on this issue.
17. We request comment as to whether only those substances included on the National List of active synthetic substances allowed for use in organic crop production, as set forth in section 205.22, should be permitted to be used to control pests in certified handling facilities. Additionally, if the use of synthetic substances in structural pest control should not be restricted solely to those synthetic substances included on the National List of active synthetic substances, we request comment as to whether handlers should be required to use synthetic substances included on the National List of active synthetic substances (or a non-synthetic biological or botanical substance) before the use of synthetic substances not included on the National List.

See What Some Members of Congress Are Saying About the Proposed Rule

Make sure that your elected members of Congress speak out and take action

Statement of U.S. Representative Peter DeFazio (D-OR) before the USDA hearing on the proposed organic rule in Seattle, WA, February 26, 1998.

As the House author of the legislation mandating national organic food standards, I would like to comment on a particular aspect of the Department of Agriculture's (USDA) proposed organic standards rule. I will be submitting further comments on the proposed rule.

I am extremely concerned with the USDA's interpretation of the authority granted to the Secretary of Agriculture to determine the National List of allowed synthetic materials. The USDA's interpretation of Section 6516 (d), Procedure for Establishing National List, threatens the integrity of a national organic label and discourages public comments. It is my understanding that the USDA has interpreted this section as giving the Secretary the authority to add items to the National List rejected by the National Organic Standards Board (NOSB). The law was never meant to grant the Secretary this authority.

The intent of the law was to give the NOSB sole authority to place items on the National List. The Secretary is granted the authority to remove items from the NOSB's proposed national list. However, the Secretary was not given the authority to add items to the National List because it

would completely undermine the authority of the NOSB. In fact, the fear of the Secretary being granted too much power over the National List was the reason part two of the procedure for establishing a National List was added. Section 6516 (d) (2) states, "The Secretary may not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the Proposed National List or the Proposed Amendments to the National List." If the title of part two, "No Additions," was not clear enough, surely the explanation removes any doubt.

Public input was a major factor contributing to the suc-

cess of the organic industry. The *Organic Food Production Act (OFPA) of 1990* was based on the historical practices of the organic industry. A national organic label was meant to be developed as a public/private partnership with minimal influence by the Secretary. It is not much of a partnership if the Secretary can undo all of the input of citizens by adding items to the National List that the public has already rejected. This interpretation says to the public, "comment all you want, in the end the national organic label will be whatever the Secretary wants it to be." I cannot think of a better way to destroy the organic industry than to ignore the input of the organic growers and consumers, as this interpretation clearly does.

If the USDA continues to stand by this interpretation, it is very likely that it will be challenged in the courts. It would be ironic if the organic industry has to go to court to protect the

national label from abuses by the Secretary. The possibility of deceit, fraud and abuse of organic labels was one of the main reasons the industry sought a federal law requiring a uniform national label.

The USDA's interpretation of the law threatens the future

of the organic food industry. Even if the current administration has the best intentions toward the organic industry, future administrations may not. Unfortunately, even this administration has used this authority to add items to the list that the public has already rejected.

Failure to address this problem now will render any other changes to the proposed rule worthless. The USDA's interpretation of the power yielded to the Secretary can easily undo any changes to the proposed rule that the public demands. I sincerely hope the USDA will keep the future of the national organic label where it belongs, in the hands of the people.

The USDA's interpretation of the law threatens the future of the organic food industry.

Statement of U.S. Representative Frank Pallone, Jr. (D-NJ) before the USDA hearing on the proposed organic rule in New Brunswick, NJ, March 5, 1998.

My message is simple: START OVER!

It is my understanding that after years of meetings by the National Organic Standards Board (NOSB), the U.S. Department of Agriculture (USDA) has finally issued a proposed rule for a National Organic Program (NOP). Unfortunately, the USDA's proposed rule subverts the intent of the *Organic Foods Production Act of 1990*, as amended (7 U.S.C. 6501 *et seq.*) and deviates far from the recommendations of the NOSB.

As comments from mothers, farmers, and retailers at previous hearings have illustrated, the proposed rule is off the mark. It is unconscionable to claim that foods subject to irradiation, municipal sewage sludge and genetic engineering are organic. Furthermore, a proposed rule that would prevent product differentiation above and beyond the proposed rule would deal a blow to the consumer's right-to-know. The proposed rule should be re-written, re-submitted and re-heard with a new public comment period.

Background

As you know, Congress passed the *Organic Foods Production Act of 1990 (OFPA)* with the intent to clearly establish a more uniform standard for organic food labeling. OFPA was designed to prevent consumer confusion of what is or is not an organic food. In addition, OFPA was enacted to establish a list of substances that would be considered organic to provide consumers with consistent, truthful and useful dietary information.

Since OFPA's passage, an advisory board, the NOSB, was created to examine these questions and present recommendations to the Secretary of Agriculture. After more than a dozen meetings, the NOSB provided its initial recommendations to the Secretary in 1994. Thereafter, additional recommendations have been presented by the NOSB. On December 16, 1997, the Secretary, through the Agricultural Marketing Service (AMS), published a proposed rule and is now seeking public comment on the same.

What is Organic?

Determining what should be labeled organic goes to the crux of the problem with these proposed rules. Already, you have received public comments expressing outrage over the proposed rule from hearings in Texas, Iowa and Washington (the State). This hearing represents the final of the four and I expect continued unanimity from those testifying today in the charge to throw out the proposed rule in its current form.

It is my understanding that the proposed rule would allow foods to be labeled organic even if subject of irradiation, municipal sewage sludge and genetic engineering. Most consumers would not consider these types of foods organic. While these processes may have merit for our overall food supply, it

is misleading to consider labeling such foods as organic. This is about having an informed consumer.

Will the average American consider food that has been exposed to ionizing radiation that is the equivalent of receiving 30 million chest X-rays to be organic?

Will the average American consider food that has been subject to genetically engineered organisms to be organic, particularly when the European Union prohibits the use of genetically engineered organisms for their organic foods?

Will the average American consider food that has been manipulated by municipal sewage sludge that may contain over 60,000 toxic chemical compounds to be organic?

The answer to these three questions is a resounding, "NO!" The goal is to create a more standardized definition of what is and is not organic. It is to give consumers confidence in the foods that they buy. If a food is labeled organic the consumer will likely not believe that one of the processes outlined above could be included in the definition. The proposed rule needs to be re-written to avoid confusing consumers.

Guaranteeing a Consumer's Right-to-Know

The second issue that I want to discuss is what many call "eco-labels." If the proposed rule is adopted without modification, then labels that would inform consumers above and beyond what is termed organic would be prohibited. It is my understanding that products now in the market can provide information about production methods, such as "raised without antibiotics" or "raised without hormones." Once organic is defined with a uniform standard, organic farmers and retailers should be permitted to provide additional truthful labels above and beyond what is deemed organic to better inform the consumer.

Let me be clear. I am not advocating that the USDA allow fly-by-nights to label their foods as organic outside of the uniform standard that is finally adopted. I am advocating that once a food is deemed organic by the USDA, the farmer or retailer should be able to provide additional information to the consumer. If food that has been irradiated is included in the definition of organic, farmers should be able to affix a label that indicates whether or not their food has been ionized by radiation. This will only better inform consumers of their options. The proposed rule needs to be re-written to address this concern.

The proposed rule for a National organic Program needs to be reexamined. There is a need to have a uniform standard for organic foods, but the current approach is unacceptable. Consumers expect not only consistent labeling of organic foods, but expect honesty in what is considered organic. It should be re-written, re-submitted and re-heard with a new public comment period.

A Report from the Front Lines

USDA hearings across the country generate public outrage.

Steve Sprinkel

The following is a reprint from Acres, USA, appearing under the title "USDA Underestimates Organic Community Response to the National Organic Program, U.S. Congress Now Seen As Major Play in Rescue Operation."

Now, seventy days into the public comment period on the USDA Proposed Rule on the National Program (ending on April 30th), the U.S. Congress is making preliminary inquiries on the issue of organic standards.

A "rogue wave" of public outcry, unforeseen from the USDA wheelhouse, now threatens to swamp the proposed rule, as consensus builds for a withdrawal, revision and resubmittal of a new proposed rule.

In rapid response to concerns of consumers, environmentalists and organic farmers, Austin, Texas Congressman Lloyd Doggett was among the first to raise his concern that the proposed rule is not in conformance to the *Organic Foods Production Act*. Representatives Sam Farr of central California and Ron Kind of Wisconsin, and the Senate author of the act, Patrick Leahy of Vermont, oppose the new definitions and criteria of the proposed rule that fatally flaw USDA's attempt to dilute the strength of national standards for organic farming and handling.

At formal USDA hearings in Austin, Ames and Seattle, 100% of the testimony given was strongly in opposition to the proposals. In sometimes heated and angry attacks on the integrity of USDA personnel, consumers in particular gave stirring and eloquent support for traditional principles of organic farming, organic food processing and organic handling.

Sierra Club Lonestar Chapter spokesman Neil Carman reported that "never in nearly twenty years experience in regulatory review and rulemaking have I ever seen anything that comes close to the quality of public testimony on the National Organic Program (NOP). Consumers have gotten 'beyond the sludge' and are responding with knowledgeable articulation on the details, and those details are where we find the most severe violations of the organic label."

At the Austin hearing, it was gratifying to see that National Organic Standards Board (NOSB) Chairman Robert Anderson of Walnut Acres in Pennsylvania, NOSB Crops Committee Chairman Steve Pavich, and NOSB member

Margaret Wittenberg of Whole Foods Markets attended voluntarily and added their perspectives. Tom O'Brien, special assistant to Agriculture Marketing Service (AMS) Director Enrique Figueroa, was also in attendance, which is a measure of USDA's recognition that the NOP was causing some major waves. Eileen Stommes, the AMS administrator to whom all the public comment is addressed officially attended all three hearings held up to this date. She must be incredibly resilient, because some of the criticism she has had to weather has been deafening.

Steve McCargar of Oneota Co-op of Decorah, Iowa said it best in Ames: "The stakes are high, and the Department should listen carefully to the people who have created, monitored and regulated this growth industry with little or no help from the federal government up until now." McCargar identified that the "problems with the rule...are directly related to the specific language or limitations imposed in the *Organic Foods Production Act*. Chiefly among those concerns is the USDA's "authority to establish and change the rules (through) new definitions, categories and exemptions not envisioned in OFPA."

"Live up to the spirit and letter of the law. Failing that, get ready for a battle, for it will surely come." McCargar concluded, to an ovation from the crowd.

There were some significant differences between Ames and Austin. In Texas, 80% of respondents were consumers and environmentalists, while in Iowa, more organic producers were in attendance than any other stakeholder sector. The results were largely the same. The battle McCargar alluded to has already become a siege that lobbyists and the synthetic chemical manufacturing sector may be hard pressed to escape from. But it will take an immense amount of public pressure to rescue the OFPA.

The broadly based organic stakeholder community created an innovative and multi-faceted campaign early in the Comment Period that is now breaking on the government's shore like an El Nino charged storm wave. The Pure Food Campaign had specially-built green "ballot boxes" sent to hundreds of natural food coops and independent grocery stores so that folks could obtain some basic information and write to Pure Food Campaign for more. National organic and natural foods retailers Whole Foods Markets and Wild Oats have published thousands of flyers on the NOP

"Hi-Hi, Hi-Ho, Organic Standards Have to Go"



Certified organic farmers and consumers enjoy getting together.

now distributed at their stores.

National radio hosts like Jim Hightower and Susan Powter have been hammering the proposed rule frequently. The Associated Press ran a story on the Austin hearing that was published in newspapers coast to coast. European and Asian newsmedia have given great attention to the issue as well. One key factor in getting news coverage has been the creativity of Greenpeace. An organic advocate and Citizens For Health founder Craig Winters wrote recently after the Seattle hearing:

“At first I was a little concerned. There were only about 100 people in the room at that time and only two protest signs. After all, Seattle is a very progressive city and Washington State is quite positive on alternative medicine. Shortly thereafter, things started changing for the positive in a wonderful way. Jennifer Hillman of Greenpeace arrived at 11:00 dressed as Fishberry, Greenspace’s anti-mascot for genetic engineering. My eyes lit up as I saw about 75 people with lots of protest signs. Fishberry was soon joined by several others costumed as fruits and vegetables. There was a person ingeniously garbed as a “bunch of purple grapes,” complete with a gas mask. There was the Puget Consumers’ Co-op Carrot, and five other fruit costumes. It was quite a sight to behold.

The crowd continued to grow to close to 100 people. Finally we started our march with the local television channels filming the excitement. To the beat of conga drums, we walked around the Seattle Center. Someone finally started to chant “Hi-Hi, Hi-Ho, Organic Standards Have to Go.” We continued this chant until we reached the out-

side court area where the USDA meeting was taking place. There was a PA system and podium set up outside and four people, including myself, spoke for about ten minutes. Again the cameras were rolling. Then everyone in the audience threw mock versions of the proposed rules into a large garbage can. Next we began our march into the meeting room, again chanting with conga drums beating. I cannot express the incredible energy in the room as 100 chanting activists with signs and conga drums entered. The over 100 people already in

the room stood up and gave a standing ovation to the new participants. Now the room had over two hundred people with dozens of signs, human fruit, and folks in Fishberry T-shirts. We quieted down after a few minutes and the speakers continued to give their presentations.

Overall, the energy was great and I am sure the USDA got the message loud and clear. A statement one of the USDA representatives made was cause for optimism. He stated pretty definitively that the USDA would re-submit new proposed rules for additional comments. In other words, rather than the USDA taking in all the comments and then issuing final rules, they will issue new proposed rules, receive comments again on those, and then issue final rules. So, on that level, there is reason for optimism.”

But that will not happen unless the effort reaches many more than the approximately 12,000 respondents who have already written to USDA.

Utilizing telecommunications technology on the Internet and the World Wide Web, the organic community has made available detailed analysis via websites created by the Organic Trade Association, Organic Farmers Marketing Association, California Certified Organic Farmers and others. A new organization called the Save Organic Foundation has links to most of the websites providing information on the NOP at <http://www.saveorganic.org>. Those who don’t have access to computer technology may have a neighbor who does. If not, make use of such systems at your local public library, and ask a librarian for some assistance. You may make another convert in that librarian while you are at it.

It is Time for Action [BY APRIL 30, 1998]

What would the world be like with USDA's rule?

Let's suppose USDA's proposed organic rule became law.

We would be buying:

Certified "organic" vegetables, fruits, nuts, grains, beans, seeds and fiber that would be:

- possibly treated with antibiotics to control bacterial infections;
- possibly treated with toxins derived from genetically modified bacteria to control leaf eating caterpillars;
- possibly treated with synthetic substances as production aids, synergists, emulsifiers or adjuvants and/or a number of synthetic pesticides not allowed for use in organic farming under OFPA;
- possibly be treated with acceptable natural based pesticides that could be laced with synthetic inert ingredients that are classified by EPA as potentially carcinogenic or inerts that have never been fully tested;
- possibly defoliated with active synthetic substances used in conventional cotton production; and,
- possibly treated with synthetic fertilizers if organically produced inputs are not "commercially available."

Certified "organic" dairy, eggs, meat and poultry that would be:

- possibly treated with any kind of synthetic antibiotics, parasiticides, medicines;
- possibly produced with synthetic amino acids, genetically modified "roundup ready" soybeans or corn and/or pesticide treated feed in 20% of the ration;
- possibly produced with synthetic feed additives;
- possibly treated with synthetic pesticides;
- possibly treated with pesticides laced with synthetic inert ingredients that are classified by EPA as potentially carcinogenic or inerts that have never been fully tested;
- possibly raised in confinement with no access to the outdoors, sunlight or fresh air, with out adequate space for movement;
- possibly fed organically produced feed for only 3 months prior to being to producing "organic" milk or dairy products;
- possibly fed conventional feeds, medicines or feed additives if organically produced products are not "commercially available;" and,
- possibly produced with reprocessed animal protein.

Certified "organic" processed food that would be:

- possibly processed with synthetic food additives, colorings, flavorings, enzymes and/or ingredients;
- possibly treated with synthetic processing aids, "extrane-

ous additives," "incidental additives" or "unintentional additives;"

- possibly composed of genetically modified organisms or derivatives of GMOs that are used as enzymes, food additives, processing aids, supplements or ingredients;
- possibly composed of conventionally produced ingredients because the processor claimed that some ingredients were not "commercially available;" and,
- possibly processed, packaged or stored by an uncertified handler if a processor services three or less businesses.

When we went out to an "organic" restaurant or wanted to bring some "organic" food to take home from the supermarket or local deli, we:

- possibly would be buying food labeled "organic" but mixed with conventional food products, conventional or synthetic food additives, preservatives or processing aids.

We as organic farmers and consumers have heard enough. It is time take effective and concerted action.

The *Organic Foods Production Act of 1990* prohibits all of the above practices. If we as consumers want a choice for pure and unadulterated food, we must voice our concern and take appropriate action to inform our Senators and U.S. Representatives on the absolute need for implementing the National Organic Program according to the *Organic Foods Production Act*.

Please remove, fill out the attached public comment form, attach a stamp and send it to USDA. Then please join us in the national campaign by taking direct action to immediately contact your elected members of the U.S. Senate and House of Representatives with the two following requests:

- Withdraw the proposed organic rule and demand a new rule consistent with the *Organic Foods Production Act* and submit for public review and comment by October 1, 1998; and,
- Conduct a Congressional hearing on how \$3 million, 5 years and tens of thousands of volunteer organic farmer, handler, certifier and consumer hours have resulted in a proposed organic rule that is in stark violation of an act of Congress.

Write your two U.S. Senators at U.S. Senate, Washington, D.C. 20510 and your U.S. Representative at U.S. House of Representatives, Washington, D.C. 20515.

Also consider calling Congress at 202-225-3121 and ask for your Senators and Representative.

ORGANIC FOODS AND FARMING IN PERIL

Exercise Your Right For Pure And Unadulterated Food

This public comment work sheet on the Proposed Rule allows you to make a direct comment to the Department of Agriculture on many important issues. Just take the time to read the "How the USDA's Proposed Rule Contradicts the Organic Foods Production Act (OFPA)" and circle your response on the right. Complete the back, sign and print your name and return address and send to USDA by April 30, 1998. We encourage you to make extra copies for both your House and Senate representatives. Fold with the USDA address out, affix stamp and mail. Or slip this work-sheet into your own envelope. With completing and sending this work-sheet you will have made clear to the USDA your position on these issues. Email comments may be sent by contacting www.ams.usda.gov/nop.

Please reproduce and circulate. Comments also may be sent by fax to (202) 690-4632.

Contacts:

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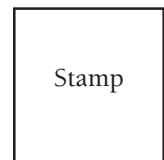
Visit our websites at <http://www.iquest.net/ofma/> and <http://www.ncamp.org> for more detailed information on all organics.

Docket: TMD-94-00-2	How the USDA's Proposed Rule Contradicts the Organic Foods Production Act (OFPA) of 1990:	Circle whether the section of the Proposed Rule is:
National List: Sec. 205.22(c)(9), 205.22(c)(5) and 205.13(a)(3), 205.22(c)(6), (c)(11), (c)(1), (d), 205.22(c)(10) and 205.7(c)(2), (iii), 205.22(g), 205.24(b)(c) and (f)	Violates OFPA Section 2105, Section 2118(b), (c)(1)(A) and (B)(i). The Proposal allows for the use of categories of active synthetic substances in organic farming like Piperonyl butoxide (a toxic synergist), amino acids used as growth promoters, antibiotics, boric acid and acetic acid used as pesticides, genetically modified substances (GMOs), high soluble synthetic substance to correct a nutrient deficiency, a cation balancing agent like potassium sulfate, cotton defoliants, pest control substances for livestock, nutrients and dietary supplements and feed additives, all synthetic substances that cannot be considered for use under the National List Procedures. (OFPA does not allow consideration of such substances for use in organic crop or livestock farming.)	Unacceptable Acceptable
National List: Sec. 205.14(b) and (b)(1) and (2), 205.22(c)(3), 205.22(f), 205.24(d)	Violates OFPA Section 2118(b). The Proposal allows categorical use in organic farming and livestock production of active synthetic substances like vitamins and minerals, animal drugs and parasiticides, without itemizing by specific use or application as required by OFPA. (OFPA mandates itemization of such possibly allowed substances by specific use or application.)	Unacceptable Acceptable
National List: Sec. 205.20(b)(3)(ii)	Violates OFPA Section 2118(b), (c)(1) and (A) and (B)(ii). The Proposal does not provide for the review, evaluation and inclusion on the National List of synthetic inert substances. The Proposed Rule allows synthetic inert ingredients to be used on organic farms without review for toxicological concern. (OFPA mandates all synthetic inert substances used in organic farming be reviewed, evaluated and included on the National List.)	Unacceptable Acceptable
National List: Sec. 205.2, 205.17(a), and 205.26	Violates OFPA Section 2105 and 2107(b)(1)(C) and 2111(a) and (a)(1) through (4), Section 2118 (b), (c)(1) and (A) and (B)(iii). The Proposal allows for synthetic food additives, processing aids, enzymes and ingredients (incidental additives) in processed foods labeled and sold as organic. (OFPA mandates no synthetic substances may be added during food processing.)	Unacceptable Acceptable
National List: Sec. 205.26	Violates OFPA Section 2105 and 2107(b)(1)(C) and 2111(a) and (a)(1) through (4), Section 2118 (b), (c)(1) and (A) and (B)(iii). The Proposal allows for genetically modified organisms (GMOs) in processed food labeled and sold as organic. (The NOSB recommended no GMOs.)	Unacceptable Acceptable
Definitions: Sec. 205.2 defined, 205.3(b)(2), 205.7(c) 205.17(a), sec, 205.13(a)(3), 205.7(b)(4) 205.28(a)(4)(i) 205.20(b)(2), 205.16(2)(iii)	Violates OFPA. The Proposed Rule creates new definitions, categories, criteria and exceptions that would allow wide use of synthetic substances in organic farming and processing of organic foods. The new terms defined in the Proposed Rule that are meant to circumvent OFPA are: "non-synthetic," "incidental additive" "synthetic amino acid additives," "non-active residue", "non-agricultural ingredient", "non-organic agricultural ingredient or product", "active ingredient in any input other than pesticide formulations", "inert ingredient in any input other than pesticide formulations". The use of these and terms in the Supplementary Information of "inconsequential additives", "extraneous additives" and "unintentional additives" as acceptable in organic farming and handling indicates the Department does not support existing organic farming, processing and handling standards.	Unacceptable Acceptable
National List: Sec. 205.22, 205.24 and 205.26	Violates the authority and role mandated by OFPA, Section 2104(c) and 2118(d)(1) and (2), 2119(a), (k), (1) and (2), (L). The Department usurped the National Organic Standards Board's responsibilities and powers to limit USDA consideration of allowed and prohibited substances for inclusion on the National List by adding never considered active synthetic substances in farming and by adding NOSB rejected substances like "ionizing radiation," "biosolids" (sewage sludge) and GMOs to the Proposed National List.	Unacceptable Acceptable
National List: Sec. 205.14(b), (b)(1) and (b)(2), 205.24(d)	Violates OFPA Section 2118(b), (c)(1)(A) and (B)(i). The Proposal allows the use of any kind of synthetic medicines, antibiotics and parasiticides on meat producing animals, poultry and dairy animals from birth and through all stages of growth that are not itemized on the Proposed National List for specific use or application. (OFPA mandates that only specific synthetic substances may be considered for use on livestock, itemized by specific use or application..)	Unacceptable Acceptable

Livestock: Sec. 205.13(a)(1) and (a)(1)(i)	Violates OFPA Section 2110(a), (c)(1), (e)(1) and (2). The Proposal allows the feeding of 20% non-organically produced feed to livestock raised for "organically produced" meat, dairy and egg production. Such feed could be from GMO plant material or their derivatives. (OFPA mandates 100% organically produced feed for livestock products labeled and sold as "organic.")	Unacceptable Acceptable
Livestock: Sec.205.13(a)(1)(iii)	Violates OFPA Section 2110(e)(2). The Proposal allows feeding dairy animals organically produced feed for only 3 months prior to producing milk and dairy products labeled and sold as organic. (OFPA mandates 12 months of organically produced feed before selling organic milk.)	Unacceptable Acceptable
Livestock: Sec. 205.15(b)	Violates OFPA Section 2110(d)(2), (h). The Proposal allows for perpetual and intensive confinement of organically raised livestock. Such confinement does not allow adequate space for movement and access to the outdoors. (The NOSB recommended the opposite.)	Unacceptable Acceptable
Labeling: Sec. 205.16, 205.26, 205.28(c)(3)	Violates OFPA Section 2106(c)(1) and (2). The Proposal does not provide an exemption from certification requirements of the Act when using the term "made with (certain) organic ingredients." (OFPA mandates such an exemption.)	Unacceptable Acceptable
Certification: Sec. 205.201(a)	Violates OFPA Section 2106(a)(1)(A) and (B), 2107(a)(1)(A) and (B) and (2) and (5). The Proposal provides an exemption from certification for handling operations that contract to process, package and store certified organic products that work for no more than three certified operations. (OFPA mandates every "organic" handling operation must be certified.)	Unacceptable Acceptable
Certification: Sec. 205.202(b)(2) and (3)	Violates OFPA Section 2103(10), Section 2106(a)(1)(A) and (B), 2107(a)(1)(A) and (B) and (2) and (5). The Proposal provides an exemption from certification for restaurants and retail establishments, that process products and sell those products as "organically produced." (OFPA mandates every "organic" handling operation must be certified.)	Unacceptable Acceptable
Definition: Sec. 205.2	Violates OFPA Section 2103(4) and (5), 2104(d). The Proposal creates a new category of certification, the "certified facility." By allowing buildings to be certified rather than "farms," perpetual and intensive livestock confinement will be allowed in organic farm production. (OFPA calls for certifying all participating farms and handling operations, not "facilities.")	Unacceptable Acceptable
National List: Sec. 205.28	Violates OFPA Section 2103(12), 2105(1), (2), 2118 and 2119. The Proposal does not review active synthetic substances in conformance to OFPA; does not include the class of synthetic inert substances on the National List contradictory to OFPA's mandate; does not conform to the OFPA mandate to only allow the use of non-synthetic, but not organically produced substances in up to 5% of processed organic foods, if they are petitioned and included on the National List.	Unacceptable Acceptable
Compliance: Sec. 205.430(a)	Violates Section 2105. The Proposal relies on costly residue testing for synthetic substances rather than conforming to OFPA which utilizes a system of farming that prohibits any use of synthetic substances that are not properly placed on the National List. The Proposal allows organic crops subject to synthetic pesticide drift from neighboring farms to be sold as "organically produced."	Unacceptable Acceptable
Fees: Sec. 205.421, 205.422	Violates OFPA Section 2107(a)(10). The Proposal discourages and does not promote organic family farming and small businesses by proposing to charge unreasonable and excessive fees either forcing the price of organic products higher or the certified farm or handling operation to pay more out of net profit. (OFPA mandates "reasonable fees" for all participants in the Program.)	Unacceptable Acceptable

Signature: _____ Date: _____

Print name and address below.



Eileen S. Stommes, Deputy Administrator
 USDA-AMS-TM-NOP
 Room 4007-So
 Ag Stop 0275
 P.O. Box 96456, Washington, DC 20090-6456



Your support will help to

Save Organic!

Keep Organic Farming and Food Organic

In the last month of the public comment period, please consider a donation to the National Coalition Against the Misuse of Pesticides and the Organic Farmers Marketing Association. With your support, we will widely distribute the information in this special report, generate thousands of public comments, push to get the Congress to support our position and begin a Congressional investigation, and help focus media attention on the full range of issues regarding unacceptable synthetic chemicals in organic food production and processing, as proposed by the USDA.

Your donation **TODAY**
will help us to protect organic tomorrow.

YES I WANT TO HELP!

\$1,000 \$500 \$250 \$50 \$25 \$_____ other

With your donation of \$50 or more, you will become a member of the National Coalition Against the Misuse of Pesticides and the Organic Farmers Marketing Association, if you are not already. You will receive the quarterly news magazine *Pesticides and You* and updates and be a part of supporting these important organizations. Thanks for your support.

Method of payment:

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Please write your check to: The National Coalition Against the Misuse of Pesticides
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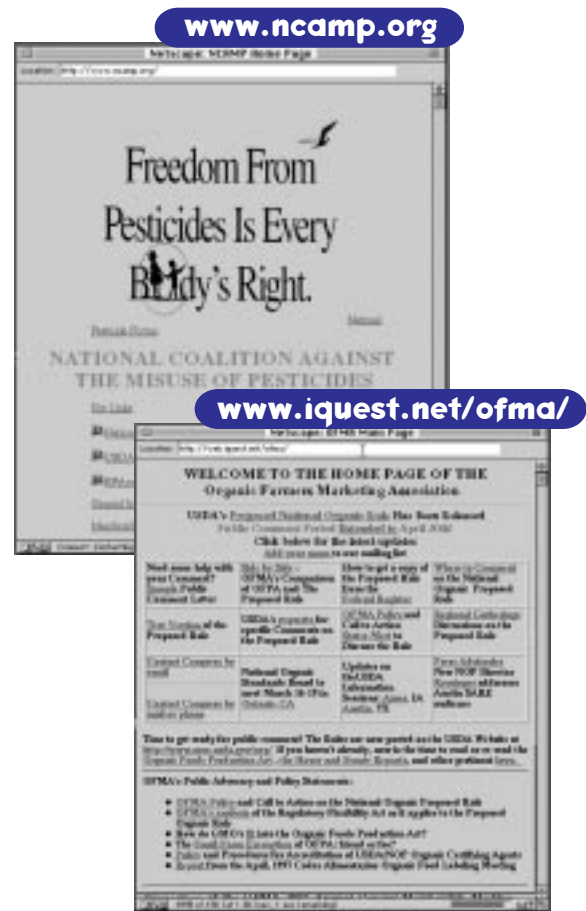
Keep Organic Farming and Food Organic

To keep *organic food and farming organic*, you and everyone you know who care about a clean environment and safe food should contact the U.S. Department of Agriculture to object to its proposed organic rule. Use the 2-page mailer inside this newsletter to mail in your position. It is important to be section specific, as the mailer is.

Use our websites to get more information. The Organic Farmers Marketing Association can be reached at www.iquest.net/ofma/ and the National Coalition Against the Misuse of Pesticides (NCAMP) is at www.ncamp.org.

You can also tell it to the Fed over the web. Get to USDA at www.ams.usda.gov/nop. There you can read the proposal in detail and submit your comments by April 30, 1998.

Tell your elected U.S. representatives what you think and ask that they do the following: i) advocate that the proposed organic rule be withdrawn, rewritten and resubmitted for public comment by Oct. 1, 1998; ii) call for a congressional investigation of how often \$3 million spend, 5 years and thousands of hours of public input, USDA issues a proposed rule that violates the *Organic Foods Production Act*.



Check out our websites!

Pesticides and You

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