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September, 2024

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

September, 2024

Docket ID # AMS-NOP-24-0023

Re. MS: Induced mutagenesis DD

These comments to the National Organic Standards Board (NOSB) on its Fall 2024 agenda are submitted on behalf of Beyond Pesticides. Founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers, and farmworkers, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

Beyond Pesticides thanks the Materials Subcommittee (MS) for its clear structuring of the conversation around induced mutagenesis (IM), by clarifying existing definitions and previous NOSB recommendations as they pertain to IM and excluded methods in general.

In particular, it is helpful that the MS highlights that the definition of excluded method refers to **means, not results** that are “not possible under natural conditions or processes and are not considered compatible with organic production.” This is particularly pertinent in considering induced mutations, since mutations may be produced under natural conditions, using natural processes. Critically, excluded methods are contrasted with classical or traditional plant breeding, which “does not exclude the use of genetic or genomic information to more accurately assess phenotypes, however the emphasis must be on whole plant selection.”

The MS looks at the criteria that define excluded methods in NOP regulations: “

They must:

1. be methods used to genetically modify organisms or influence their growth and development,
2. use means that are not possible under natural conditions or processes, and
3. use means that are not considered compatible with organic production.

We agree with the MS analysis showing that IM meets each of these criteria. However, the MS appears reluctant to classify IM as an excluded method because “it has been documented that organic growers in the US currently use cultivars developed using induced mutagenesis.” While this may be true, it is not clear to us from the discussion document or the TR whether, or to what extent, organic production is **reliant** on cultivars developed using IM. This missing information may be critical to deciding whether certain varieties might be “grandfathered in.”

In addition, the MS points out another difficulty: “If IM is classed as an excluded method, the question arises as to whether and how the many plant varieties produced using it can be identified.” We agree with the MS that the TR provides a starting point in identifying databases that can be used. The TR authors “did not find a comprehensive database that connects plant history with varieties that are specifically used in organic production,” and finds, “Identifying whether any given variety was produced from induced mutagenesis and used in organic production would be a laborious process.” We suggest that constructing a database that is as comprehensive as possible from those at hand could provide a reference that can be used for regulatory purposes.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.
Board of Directors

DRAFT