



BEYOND PESTICIDES

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September 22, 2017

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

Re. CACS: Excluded Operations in the Supply Chain Proposal

These comments to the National Organic Standards Board (NOSB) on its Fall 2017 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 reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

Beyond Pesticides generally supports the goal of strengthening audit trails of organic products by further clarifying what operations are excluded from certification. However, the assumption that packaged goods will maintain their organic integrity under conventional handling is flawed.

The premise of the CACS proposal is that certification should be required at every point in the chain of custody where the integrity of the organic product is at risk from conventional handling. The CACS proposes the following to meet that end:

The NOSB recommends the NOP make the following change to Guidance document NOP 5031:

1. Revise to make clear that exemption only applies to packaged and labeled product:

An operation is excluded from certification if:

- It only handles organic products that are enclosed in a package or container;
- The products remain in the same package or container for the entire period handled; and
- *The package or container is labeled as "organic". When labeled as "organic", products must also contain the "certified organic by" certifier statement and name the handler and ingredient list (if applicable).*
- It does not process organic products.

2. Revise to make clear that unlabeled, unenclosed produce handlers in a non-retail environment must be certified.
3. Provide additional examples of operations that need to be certified and those excluded. An example of a template that can be expanded upon is provided in Attachment A.
4. Provide additional training to certifiers and certified handlers on proper ways to verify that organic certification documents of purchased products match products as labeled when purchased from a non-certified operation. Certifiers should be trained on how to audit to this requirement.
5. Provide additional guidance to certified handlers and certifiers on proper audit trail documentation for purchases of unpackaged, unlabeled product from certified operations. Such documentation must be sufficient to connect sale, receipt, and integrity of unlabeled product. Certifiers should be trained on how to audit to this requirement.
6. Include in the accreditation audit of certifiers a verification that this policy is properly interpreted by the certifier.

Unfortunately, products that are enclosed in a package or container and remain in that package or container can still be fumigated in conventional warehouses and other facilities.¹ Fumigants used in such facilities penetrate packaging and reach the food inside.² Fumigants are highly toxic poisons, and their contact with organic food compromises the organic integrity of the product.

The Office of Inspector General (OIG) finds, “Controls over organic products fumigated at U.S. ports of entry were inadequate,” continuing, “Imported agricultural products, whether organic or conventional, are sometimes fumigated at U.S. ports of entry to prevent prohibited pests from entering the United States. AMS has not established and implemented controls at U.S. ports of entry to identify, track, and ensure that treated organic products are not sold, labeled, or represented as organic. As a result, U.S. consumers of organic products have reduced assurance that foreign agricultural products maintain their organic integrity from farm to table.”³

The OIG’s findings relate to imports, but there are other places along the supply chain that organic packaged goods could be fumigated while in transit or storage. Therefore, we suggest that this proposal be revised to eliminate the exclusion in #1.

¹ Allahvaisi, S.O.M.A.Y.E., Pourmirza, A.A. and Safaralizade, M.H., 2010. Control of *Callosobruchus maculatus* (coleoptera: bruchidae) in Industry of Packaging Foodstuffs. *Rom J Biol-zool*, 55, pp.167-176.

² Brown, W.B. and Heuser, S.G., 1953. Behaviour of fumigants during vacuum fumigation. I.—Penetration of methyl bromide into boxes of dates. *Journal of the Science of Food and Agriculture*, 4(1), pp.48-57. Allahvaisi, S., Pourmirza, A.A. and Safaralizade, M.H., 2010. The study on polymers permeability for foodstuffs packaging by some serious species of stored pest insects and phosphine gas. *Journal of Agriculture Technology*, 6, pp.747-759.

³ USDA Office of Inspector General, 2017. National Organic Program –International Trade Arrangements and Agreements. Audit 01601-0001-21.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is written in a cursive style with a prominent flourish at the end.

Terry Shistar, Ph.D.
Board of Directors