

In the Words of Arthur Harvey

The farmer who stood up for organic responds to criticism

Eds. Note. In response to criticism that has been lodged at Arthur Harvey, the Maine organic blueberry farmer and processor who sued the U.S. Department of Agriculture for its failure to lawfully implement the federal organic law, we reprint here excerpts of Mr. Harvey's "Reply" in his own words. For a full text of his comments and to read a critical account of his actions and that of the public interest community, please see www.beyondpesticides.org or contact Beyond Pesticides.

■ **The effect of the court ruling would "remove the organic label from up to 90% of current organic processed products."**

[S]uppose we re-phrase it to "up to 90% of organic products contain synthetic ingredients that have no natural substitutes." I don't think that could be true, and if it has any degree of truth, then consumers are being hoodwinked wholesale, because they are not being told what goes into their "organic" products.

In my own blueberry and apple products, four out of nine are affected. Two blueberry jams with organic sugar will probably be re-labeled "made with organic blueberries" unless the sugar manufacturers eliminate the synthetic processing aids. Two other products were formerly thickened with the synthetic form of pectin, but we have switched to using organic apple pectin and pulp. This actually costs less than the synthetic. It also expands the market for organic cider producers who used to discard their pomace.

■ **The 'made with organic ingredients' label allows "almost any non-organic agricultural ingredients, commercially available in organic form or not, to be used in up to 30% of the product."**

[Critics] might do well to read the organic regulation at 205.105: "To be sold or labeled as '100 percent organic', 'organic', or 'made with organic (specified ingredients or food group(s))', the product must be produced and handled without the use of: (a) Synthetic substances and ingredients, except as provided in 205.601 or 205.603; . . . (e) Excluded methods. . . ; (f) Ionizing radiation. . . ; and (g) Sewage sludge."

If the [USDA National Organic Program] NOP would get busy and implement this more fully, the "made with" label might deserve more respect than it currently gets from some of the captains of industry.

■ **Switching some products to the 'made with organic' label "translates into a diminished market for a bunch of those organic minor ingredients – why buy expensive organic blueberries for that 'made with' pancake mix if you don't have to?"**

Consider the pancake mix labeled "made with organic flour" at \$2 a box, competing with another brand labeled "made with organic flour and organic blueberries" at \$2.50. Or, Stonyfield raspberry yogurt labeled "made with organic milk" at 79 cents,

next to Horizon yogurt labeled "made with organic milk and organic raspberries" at 89 cents. I don't think any of these brands would even try to market the cheaper label.

■ **"Changing the rules (which were extensively publicly vetted) through a lawsuit is a decidedly undemocratic approach."**

This one takes my breath away. Do we not live in a nation of laws, passed by the Congress and protected by the courts against abuses by the executive? [D]oes anyone seriously propose that the OTA rider, which tries to rip the heart out of an act of Congress that was developed through many hearings and debates in both houses, is somehow more democratic?

■ **"This is the crux of the debate that was raging in the organic community when the [Organic Foods Production Act] OFPA was being drafted. As [the critics] argued then, and believe now more strongly than ever, the distinction between 'synthetic' (bad) and 'natural' (good) is the wrong place to hang the whole definition of what is organic."**

But that distinction is exactly what OFPA is built upon, starting with [Section] 6504: "To be sold or labeled as an organically produced agricultural product under this chapter, an agricultural product shall (1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this chapter". . .

■ **"One accusation made is that the amendment would allow hundreds of synthetic substances, known to the cognoscenti as 'food contact substances,' to be used in organic processing. . . such as sanitizers and boiler chemicals. . . having the NOSB spend its time reviewing each of these materials, which are already scrutinized by FDA, would be pointless."**

"[F]ood contact substances" is not a term of "cognoscenti" (whoever they might be) – it is used by the Food and Drug Administration (FDA) to describe their list of chemicals allowed in processing and packaging without being mentioned on the food labels. [I]f consumers want to know about them, they can dig through the list of 300+ and try to figure out which ones might be in their food.

FDA reviewed all these chemicals, but not for consistency with organic standards. The issue is chemicals . . . which certainly violate OFPA 6510(a), which says: "shall not. . . use any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives or fumigants." Or, 6510(b): "use any bag or container that had been previously in contact with any substance in such a manner as to compromise the organic quality of such product." Funny thing, though – this part of OFPA was never translated into detailed regulations.

Read more Arthur Harvey in his own words, go to www.restoreorganiclaw.org.