



September 8, 2005

Dear Senator;

On January 26, 2005, the U.S. Court of Appeals (First Circuit) issued its opinion in the case of *Harvey v. Veneman*, holding that several of the USDA's National Organic Program existing regulations are inconsistent with the Organic Foods Production Act (OFPA). In particular, the court found that existing regulations allowing the use of synthetic substances in the handling and processing of products labeled with the USDA "Organic" label and seal are contrary to the intent and language of the OFPA; and that regulations providing two different levels of organic feed requirements during the 12-month transition of dairy animals from conventional to organic production are also inconsistent with the Act.

This ruling has undoubtedly caused some organic processors, handlers and farmers concern as they revisit production and processing practices that had previously been allowed. However, the court ruling has also presented the organic industry with opportunities to respond to consumer demands for preserving strong standards for organic foods, and to further distinguish organic products in the marketplace.

Therefore, the undersigned organizations believe strongly that any disruption caused by the ruling can and should be addressed first through regulatory changes to USDA's organic standards. Further, we have strong objections to immediate efforts to amend the Organic Foods Production Act (OFPA) with a rider to the appropriations bill next week to address the ruling in *Harvey v. Veneman* (now *Harvey v. Johanns*). The market for organic products is driven by strong and growing consumer demand. Consumers have been very clear in their opposition to any weakening of the Act. To attempt to amend OFPA in this way, in the face of that opposition, could jeopardize the strength of the consumer interest in organic products.

The undersigned organizations are largely consumer-owned retail businesses, who have worked for decades to build the organic market and establish consumer trust and understanding of the benefits of organic agriculture. We represent hundreds of thousands of consumers, and hundreds of millions dollars in annual retail sales of natural and organic products.

Thank you for your consideration of this important matter. We look forward to working with you, the organic industry and other Members of Congress in support of regulatory first, and statutory as a last resort, responses to the *Harvey* ruling.

Sincerely,

The National Cooperative Grocers Association
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Arizona

Bisbee Food co-op
Bisbee, AZ

Arkansas

Ozark Natural Foods
Fayetteville, AR

California

Sacramento Natural Foods Cooperative
Sacramento, CA

Ukiah Natural Foods Co-op
Ukiah, CA

Chico Natural Foods Cooperative
Chico, CA

North Coast Cooperative, Inc.
Ukiah, CA

Florida

New Leaf Market
Tallahassee, FL

Georgia

Sevananda Food Co-op
Atlanta, GA

Indiana

Bloomingfoods Market & Deli
Bloomington, IN

Iowa

Wheatsfield Cooperative
Ames, IA

New Pioneer Co-op
Iowa City, IA

Kansas

Community Mercantile
Lawrence, KS

Kentucky

Good Foods Market & Cafe
Lexington, KY

Maine

Rising Tide Natural Foods Cooperative
Damariscotta, ME

Maryland

The Common Market
Frederick, MD

TPSS Co-op
Takoma Park, MD

Massachusetts

River Valley Market
Northampton, MA

Berkshire Co-op Market
Great Barrington, MA

Michigan

Grain Train
Petoskey, MI

Oryana Food Co-op.
Traverse City, MI

Peoples Food Co-op
Ann Arbor, MI

Ypsilanti Food Co-op
Ypsilanti, MI

Minnesota

Whole Foods Co-op
Duluth, MN

Eastside Food Cooperative
Minneapolis, MN

Just Food: Northfield Community Co-op
Northfield, MN

Linden Hills Co-op
Minneapolis, MN

Mississippi Market
St. Paul, MN

River Market Community Co-op.
Stillwater, MN

St. Peter Food Co-op
St. Peter, MN

Seward Co-op Grocery & Deli
Minneapolis, MN

Valley Natural Foods
Burnsville, MN

Cook County Whole Foods Coop
Grand Marais, MN

Wedge Community Co-op
Minneapolis, MN

Lakewinds Natural Foods
Minnetonka, MN

Whole Foods Co-op
Duluth, MN

Mississippi
Rainbow Natural Grocery
Jackson, MS

New Hampshire
Concord Cooperative Market
Concord, NH

New York
Honest Weight Food Co-op
Albany NY

GreenStar Cooperative Market
Ithaca, NY

Syracuse Real Food Cooperative
Syracuse, NY

North Carolina
Hendersonville Community Co-op
Hendersonville, N.C.

Ohio
Phoenix Earth Food Co-op
Toledo, OH

Pennsylvania

East End Food Cooperative
Pittsburgh, PA

Whole Foods Cooperative
Erie, PA

Oregon

Coos Head Food Store
North Bend, OR

Ashland Food Co-op
Ashland, OR

Tennessee

Three Rivers Market, Knoxville's Community Food Co-op
Knoxville, TN

Vermont

City Market
Burlington, VT

Brattleboro Food Co-op
Brattleboro, VT

Middlebury Natural Foods Co-op
Middlebury, VT

Hunger Mountain Co-op
Montpelier, VT

Upper Valley Food Co-op
White River Junction, VT

Virginia

Roanoke Natural Foods
Roanoke, VA

Washington

Americorps VISTA Food and Farming Specialist
Sustainable Connections
Bellingham, WA

The Food Co-op
Port Townsend, WA

Community Food Co-op
Bellingham, WA

Uprising Organics Farm
Acme, WA

Sno-Isle Natural Foods Co-op
Everett, WA

Rosa Verde Farm
Bellingham, WA

Central Co-op's Madison Market
Seattle, WA

Wisconsin

Willy St. Grocery Co-op
Madison, WI

People's Food Co-op
LaCrosse, WI

Outpost Natural Foods Co-op
Milwaukee, WI

Viroqua Food Co-op
Viroqua, WI

