



BEYOND PESTICIDES

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National Organic Standards Board
Fall 2012 Meeting
Providence, RI

Re. Ad Hoc GMO Subcommittee: Seed Purity Discussion Document

These comments are submitted on behalf of Beyond Pesticides. 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, 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 groups around the world.

We agree with the subcommittee that prevention of contamination with genetically engineered (GE) organisms is important to maintaining organic integrity. We also agree about the importance of GE-free seeds as a basic requirement for organic production. It is a tremendous challenge to maintain high quality organic seeds free from GE contamination. We endorse the more comprehensive comments of the Organic Seed Alliance and include here answers to two of the questions posed by the subcommittee.

1. Is there a need to establish a seed purity standard or protocol to ensure that planting seed meets the requirements of the NOP rule? Explain your answer.

While OFPA does not require a seed purity standard, consumer expectations and the impingement on organic production, including organic seed production, by GE crops forces the organic seed producer to go beyond the process requirements of the law. Organic growers and consumers have been very clear on the importance of GE-free organic food –producing a record number of comments to the first proposed rule when USDA suggested allowing GE organisms in organic production.

As stated in the “Seed Integrity Survey: Findings from the Organic Seed Industry” of the Organic Seed Alliance,

Even though testing is not required, all field crop companies (and some vegetable companies) participating in this survey are taking on these costs to meet customer demand and track evidence of the problem. Some companies test their seed out of principle, because they want to protect the integrity of the organic label. Yet when contamination is found, there is no recourse available –no way to collect compensation

for testing costs, prevention measures, losses incurred from selling organic seed to the non-organic market, or costs associated with cleaning up seed lines.

Thus, seed companies are finding it necessary to test seeds for the presence of genetically engineered organisms, even though it is costly to them directly and potentially indirectly as well.

But this testing appears to be done, according to the discussion document, in an ad hoc fashion, without agreed-upon protocols for testing or standards for evaluating the results.

On the other hand, the OSA also reports, When asked if companies could meet a genetic purity standard of “none found in a 3,000 seed sample,” half of the companies had concerns about the standard and indicated they either didn’t know if they could meet it or didn’t think they could. Companies with concerns said they wanted to make sure such a standard does not harm organic farmers or the organic seed industry. They are concerned that without a compensation mechanism in place or other safety nets to cover incidences of high levels of GE material, the financial burden and risk of organic seed companies will only increase, and possibly be passed on to farmer customers, discouraging investment and growth in this sector, and thus leaving some seed needs unmet.

Thus, even though there seems to be a growing recognition of a need for a seed purity protocol, there is a danger in promoting such a protocol in the absence of a comprehensive plan for prevention of GE contamination, along with a rigorous enforcement plan.

3. What testing methods are appropriate to use in order to determine and label for seed purity and to verify compliance to a seed purity standard?

We believe that while a standard such as that described in discussion point #7 may be reasonable, it is not reasonable to impose such a standard in the absence of a comprehensive program –both within organic agriculture and in agriculture as practiced by those using genetically engineered varieties— to prevent contamination of organic crops by genetically engineered crops and fine those responsible for the contamination. USDA, as the agency responsible for regulating the entry of genetically engineered crops into the marketplace, is in a position to prevent GE contamination. In fact, we would argue that USDA is required by OFPA to take action to prevent contamination that threatens the survival of organic agriculture. OFPA §6506 states:

(a) In general

A program established under this chapter shall -

(1) provide that an agricultural product to be sold or labeled as organically produced must-

(A) be produced only on certified organic farms and handled only through certified organic handling operations in accordance with this chapter; and

(B) be produced and handled in accordance with such program;

...

(11) require such other terms and conditions as may be determined by the Secretary to be necessary.

Thus, the USDA must require terms and conditions that are necessary for organic products to be grown, sold, and labeled in accordance with OFPA. Given the threat to organic production posed by contamination by GE organisms, the USDA must take actions to prevent that contamination.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors