



BEYOND PESTICIDES

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National Organic Standards Board
Spring 2014 Meeting
San Antonio, TX

Re. Ad Hoc GMO Subcommittee: Seed Purity Report

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. The subcommittee has issued two discussion documents and a report. It is now time to recommend some action. This problem originates outside of organic production, affects agriculture beyond organic, and must be addressed by USDA at the highest level.

The NOSB has the authority and responsibility to recommend action to USDA concerning circumstances that affect organic agriculture.

OFPA§ 6518(a) states,

The Secretary shall establish a National Organic Standards Board (in accordance with the Federal Advisory Committee Act) (hereafter referred to in this section as the "Board") to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this chapter.

As the subcommittee has found, contamination of organic seeds with GE genes does affect the implementation of OFPA. Therefore, it is a proper topic for a recommendation to the Secretary even though the recommendation cannot be executed by the National Organic Program.

USDA must act to prevent contamination of organic and other non-GE seeds with GE genes.

While a seed purity standard is 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 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.

USDA should propose and support a compensation plan funded by patent holders of GMO seeds.

USDA has been preaching a doctrine of “coexistence” between GE and non-GE agriculture, with coexistence defined as the mere concurrent cultivation of genetically-engineered (GE) and non-GE crops. This doctrine invites the obvious comparison with a pact of non-aggression between a peaceful party and a known aggressor. It predictably ends with the takeover of the non-aggressive party. Genetically engineered outcrossing crops are innately invasive. If coexistence is defined as concurrent cultivation of GE and non-GE crops, without any restraints on the movement of genes from GE crops, then it allows the takeover of non-GE crops (which are defined, in part, by the absence of GE genes) by GE crops.

If there is to be any possibility for collaboration and coexistence, there must be a polluter-pays system for reimbursing organic and identity-preserved (IP) growers for the costs of testing seed and for preventing and remediating contamination. Without such a system, the

broad adoption by the organic community of any means of facilitating coexistence is very unlikely. USDA should investigate and promote a polluter-pays system, such as a fund supported by GE patent holders.

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, flowing style with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors