MIDWEST ORGANIC & Sustainable Education Service MOSES
PO Box 339 | Spring Valley, WI 54767 | p.715-778-5775 | f.715-778-5773 |
www.mosesorganic.org

Ms. Ann Michelle Arsenault, Special Assistant
National Organic Standards Board
USDA–AMS–NOP
1400 Independence Ave. S.W.
Room 2648–S, Mail Stop 0268
Washington, DC 20250–0268

Docket: AMS–NOP–12–0017; NOP–12–06

Hello National Organic Standards Board members and National Organic Program staff,

Thank you for all the work you do in safeguarding the integrity of the organic label. It is a difficult task to navigate the various stakeholder's opinions and needs, while maintaining the trust both producers and consumers have in the organic regulations.

I will be making public comments during the livestock portion of the meeting in Albuquerque in May, 2012, and would be happy to continue the discussion at that time on any of the items I bring forth in my comments below.

GMO vaccines

I would like to address some of the various proposals and discussions that have gotten us to this point, and then make a suggestion on how to move forward. I would like to go on record that the current listing which allows Genetically Modified Organism (GMO) livestock vaccines is very workable, and does not need any significant changes. I believe the place to change the regulation would be in the temporary variance section, § 205.290**.** A blanket allowance all of GMO vaccines, that had originally been proposed by NOSB, has a variety of negative ramifications.

First, genetic engineering should not be our first choice in organic for any reason. Allowing GMO vaccines in organic livestock production, would result in less nonGMO equivalent vaccines being purchased and may even hasten the nonavailability of nonGMO equivalents of certain vaccines. This is not the direction we want to head. Just as the commercial availability for organic products clause for seed and agricultural ingredients has spurred the growth of organic equivalents, so would the retention that vaccines for organic be nonGMO, unless specifically reviewed and listed on the National List, helps support the viability of the industry that supplies nonGMO vaccines.

Second, blanket approval of a large category of products that clearly do not meet the letter or spirit of the Organic Food Products Act, could result in unintended consequences. With this categorical approval, none of the GMO vaccines would go through the NOSB deliberative process, which reviews the many aspects the inclusion of material in organic production has on the greater environment and organic production systems in particular. Each of these novel inputs should go through our NOSB review process. I was pleased that the NOP found this blanket approval to not be satisfactory and sent it back to the NOSB for further consideration.

There has also been a discussion that vaccines should be dealt with using a not commercially available as nonGMO process, instead, I believe there is another mechanism that could be employed that would provide for emergency needs. Issues such as avian flu or other outbreaks that might need immediate access to vaccinations which might only be available in a GMO form could be allowed in organic by an emergency declaration by the Secretary of Agriculture. A change to the National Organic Program regulation could be made as follows:

§ 205.290 Temporary variances.[proposed added section in bold and underline]

(a) Temporary variances from the requirements in §§ 205.203 through 205.207, 205.236 through 205.240 and 205.270 through 205.272 may be established by the Administrator for the following reasons:

(1) Natural disasters declared by the Secretary;

(2) Damage caused by drought, wind, flood, excessive moisture, hail, tornado, earthquake, fire, or other business interruption; and

(3) Practices used for the purpose of conducting research or trials of techniques, varieties, or ingredients used in organic production or handling.

(4) Vaccines, produced through the use of an excluded method, not currently listed on the National List of Approved Substances, but only under the following conditions:

a. The vaccine is used for the sole purpose of combating an outbreak of disease in organic livestock, that has been declared an emergency by the Secretary of Agriculture or an equivalent State agency; AND

b. There is no non-GMO vaccine available to address the emergency; AND

c. The Secretary of Agriculture has, in consultation with the NOP, specifically approved the allowance of this GMO vaccine on an emergency basis; AND

d. Within 18 months of the approval of a specific GMO vaccine for emergency use, the National Organic Standards Board reviews this vaccine for inclusion on the National List and if approved, the Secretary lists it with a required provision in its annotation indicating that it may be used "for emergency use only".

This type of temporary variance both protects the health of the organic livestock when there is the risk of an imminent catastrophic event, while keeping in place the requirement that the vaccine would be reviewed by the NOSB. It would also be prudent for the NOSB and NOP to begin the thought process on how a material produced through an excluded method might be reviewed for inclusion on the National List, since there is a limited amount of science available domestically on this issue. You may recognize this suggestion as coming from the National Organic Coalition (NOC), of which MOSES is a member. MOSES supports the full proposal on GMO vaccines put forth by NOC.

As a last point on this topic, I disagree with the findings of the livestock committee that no organic certification agencies are requiring farmers to determine if the vaccines they use are GMO. Nor are all certifiers knowingly approving GMO vaccines if they have been requested for use on organic farms. It is true that the current regulation has not been consistently enforced by all accredited certification agencies, but the regulation that GMO vaccines are only approved for organic livestock if they have been reviewed, approved and placed on 205.604, has been followed by some accredited certification agencies since the implementation of the NOP final rule in 2002. Since the USDA General

Council has clarified that the regulation as written is the way it should be enforced, there is no reason to belabor the point whether or not they have been allowed or not in the past. It is time to move forward with clarity on this point to achieve consistent implementation.

Animal Welfare

I refer you to the comments made by the National Organic Coalition, asking the committee to look at this issue in a qualitative, rather than a quantitative way. There are aspects to the various committee guidance recommendations that do spell out a quality of life for the animal, rather than relying on numbers or scoring to categorize animal welfare. It is important that animal welfare is not separated from the quality of the environment of which they are a part. Current animal welfare standards are in response to the poor quality of life found on some nonorganic farms, most of them with high concentrations of animals kept indoors. To build a system of animal welfare within organics, we should envision the quality of the animal's life and their environment. We should strive to obtain on an organic farm a healthy and vibrant ecosystem, and we should provide the organic livestock producer the freedom to meet this vision through their own innovation. The paperwork burden put on producers is already quite significant, with quantitative recordkeeping an unnecessary addition to an already documentation heavy certification system.

I am concerned that even though these items are guidance, some certifiers may make body scoring and other quantitative factors the basis for their certification decision making. First, the organic inspector is not empowered under our certification system to make certification decisions. If they are reporting the body scores of the animals on a farm, then they have made a decision concerning the animal, rather than giving a description of the climatic conditions, management style of the operator, and other factors that may affect the appearance of the animal on the farm. I understand that developing a standard focused on qualitative rather than quantitative factors is more laborious and in many cases, we are entering new territory. However, organic has taken the lead on many innovative farming systems, and animal welfare is another area where organic could provide a vision of a true beneficial interaction between the animal and its environment.

Decision Making at the NOSB

As someone who has attended many NOSB meetings, I am concerned that the direction being taken at this meeting in Albuquerque could lead to less transparency in the decision making process. I interact with hundreds of organic farmers every year, and my attendance at these meetings has been helpful to explain how a certain decision was made, why a specific material is allowed or not, and how a compromise was found. When the NOSB has their discussion about the public comment and interacts with the full board on a specific topic in the public eye, is invaluable in aiding the organic community to understand the sense of the board and their stakeholder groups. I am concerned that the full NOSB meeting time has been shortened by a day, and that this will result in less time for the NOSB to publicly discuss the issues as a full board. This is not the direction we want to take. True, it is more efficient to have less discussion, but does this lead us to a decision that takes into account the many sides to an issue and their ramifications?

I was recently reading a transcript of a Senate hearing from 1989, where the executive director of MOSES, Faye Jones, was giving testimony concerning the not yet passed Organic Food Production Act. In her testimony, the testimony of others and of the Senators present, it was clear that the NOSB was an important body, and should have autonomy from the National Organic Program to perform its work. The National Organic Program provides a framework to aid the NOSB in its work. However, in the OFPA, the NOSB was given the regulatory authority to perform its materials review and advisory function, as it sees fit. It is true that a volunteer board may not have all of the expertise to solve all issues.