Thank you for the opportunity to comment on the issues before the National Organic Standards Board and the National Organic Program.

We have comments for two committees: the Crops Committee and the Handling Committee.

I. Crops Committee

PCC Natural Markets is anticipating waves of confused and disappointed — even angry — consumer reaction to learning that antibiotic sprays have been used on organic apples and pears since national standards were implemented in 2002, and before that for a decade or more.

The possibility of extending use of oxytetracycline sprays is not our first choice. We prefer no extension. At the very least, if there is to be yet another extension, organic consumers demand transparency on use of such materials.

I was shocked when I learned about the allowance for oxytetracycline and streptomycin at the NOSB 2011 meeting in Seattle. Weren't *all* uses of antibiotics prohibited for production of foods to be sold as organic?

I hear other consumers wonder, what else don't we know about organics? Transparency is of the utmost importance to retain the value of the organic standards.

I had first hand experience with a fire blight strike when I lived in Illinois. I couldn't amputate my trees fast enough to save them. Every one died, scorched to the ground in two days. I cannot imagine the worry and fear of not having reliable tools in hand to one's orchard, one's livelihood. Yet, consumers do not think antibiotic sprays, even during blossom time, are an answer they want to support.

<u>Process in reaching our position</u>
As part of our commitment to seeking information before making judgments, we invested considerable time and resources learning about the use of the antibiotic sprays as a tool of last resort, allowed only *after* other best practices on the checklist have been employed.

We talked with our primary organic apple and pear growers. We talked also with other apple and pear growers we do not buy from currently, but know and trust them for their commitment to good stewardship and to "constant improvement" mandated in organic practices and standards.

<u>Consumers</u>
We also talked with countless consumers loyal to organics, and with cross-over conventional/organic shoppers, too. I learned that even shoppers who historically have

been dismissive of organics as “just a marketing gimmick,” indicated for the first time they might now think of buying organic, *if the antibiotics were the difference*. They, too, were shocked organics would allow antibiotic sprays on apples and pear production.

For two customers I spoke with, it conjured up their memories of the history with alar, and the lack of transparency that caused apple sales to plummet. It was that compelling a consideration to them that they would buy organic if they knew organic didn’t use the antibiotics.

Our primary growers

Neither of our two primary apple growers have used any oxytetracycline in growing any apples.

Orchardist #1, Scott Leach, gave us permission to quote him from our conversation in our comments to the NOSB here.

Leach is very strongly opposed to allowing any use of antibiotic sprays in organics. He says it’s bad for the organic brand and that farmers who say current biologicals don’t work can’t be following the protocol because they work for him.

He says, “I haven’t used any antibiotic sprays for years. I don’t grow any varieties that are especially vulnerable to fire blight, just Red and Golden Delicious apples. But I grow pears and they’re even more susceptible than apples because pears bloom longer.

“With the biological, however, you get no kickback. They are only a *preventive*. So that’s one reason these growers want the antibiotic. They have the freedom to come in after and don’t want to dedicate the time or money to prevent it.”

“If a grower says it didn’t work for them, I’ll say right out they didn’t use it right. It’s a numbers game. You have to put on the biological every three days. You really have to stay on top of it, stay on top of it, stay on top of it… Have to follow the protocol 100 percent for it to work. If you follow it, 95 percent it’ll fail you. When you stay on it, it works.”

“If someone says it doesn’t work, they either didn’t put it on often enough, strong enough, or had a sprayer with plugged nozzle and didn’t get 100 percent coverage. It doesn’t work if you are not diligent about certain things. It’s a spendy way to go. Much more expensive.

“Antibiotics are cheaper and easier to use, part of our conventional world. But sometimes the cheapest and easiest way isn’t the best way. Maybe the easiest way is just easiest for some individual to make a living, but not for our children’s health or our sustainability as a society.

“You can use my name, Scott Leach, and say I’d support a ban on the antibiotics right now. To let antibiotics be used is bad for the whole organic program.”

“Few choose to make the commitment to invest in more tractors, more sprayers, more product, and more labor to run the equipment and stay on it. Most don’t. They want the easy way.

“Does Earth’s Best still test for antibiotic residues in fruits?” he asks. Ten years ago, Leach says if he wanted to send any Bartlett pears for any processing to Earth’s Best, it was unacceptable to have any antibiotic residue at all. That’s why he got on board for growing Bartletts without antibiotics, because Earth’s Best tested.

PCC recommendation: We encourage NOSB to recommend random spot testing for antibiotic residue levels on apples and pears treated during fire blight conditions. Testing should occur before entering the supply chain first for baby foods, then other foods.

Orchardist #2

This grower gave permission to use their comments in our remarks to NOSB but did not explicitly give permission to use names, so I shall refer to this grower only as Orchardist #2.

Orchardist #2 grows Honeycrisp, Fuji, Cameo and Gala apples. They haven’t had much of a problem with fire blight.

“We were going to use it last year on pears, but didn’t. We would have had to put it on about 6 times, instead of a few times of the antibiotic tetracycline, so twice as much. We ended up going with the Microshield with tetracycline. We’ve used the Microshield three times in five years on our pears only, and only when blight conditions occurred, and we had done everything else first to prevent it.

“We’ve seen fire blight around us. But we never had a problem with blight strike in our apple trees. We never have used tetracycline. We never saw reason to use it. Except the year with the epidemic.

“The key is monitoring, keeping the orchard clean, and keeping neighbors orchards free of canker bacteria.

“Also, the newer rootstock of Honeycrisp and Fujis, Galas, and newer plantings on #9 (especially, used for intensive rootstock) or #26 rootstock… they are very susceptible. Orchardist #2 is grateful to have older rootstock that is less vulnerable.

“For us, it wouldn’t be a big deal if we didn’t have the antibiotics, but feel for those with a real problem with labor and their experience with the biologicals, NOSB needs to give more time to get it under control.

This grower also noted transparency in informing the organic consumer as critical for maintaining the value of the organic label.

PCC Natural Markets' recommendations:

1. We encourage NOSB to recommend random spot tests immediately for antibiotic residue levels in apples and pears treated during fire blight conditions. Testing should occur before entering the supply chain first for baby foods, then other foods.

2. We prefer no extension on any use of antibiotics. We realize that if antibiotics are de-listed and disallowed before a new, consistently proven alternative is available, many organic apple and pear growers might drop certification and return to conventional farming, rather than risking loss of their orchards to fire blight.

   The feedback from organic consumers is that they feel this would be more "honest" than allowing antibiotics in organics.

3. If NOSB votes to extend to 2017 when a new biological control is expected to be available, we could support this reluctantly. But only if 2017 is a certain deadline, with no further possible extensions. This use must not be allowed to continue.

4. Transparency through notification: Additionally, if NOSB votes to extend to 2017, growers who use antibiotic sprays as a measure of last resort must be required to notify certified organic retailers, who must post signage at the retail point of sale:

   > "These organic [pears/apples] are from trees treated with a tetracycline antibiotic spray, applied as a measure of last resort in the spring, when the trees were in blossom, to prevent fire blight from killing the orchard."

5. We encourage NOSB to recommend random spot testing for antibiotic residue levels on apples and pears treated during fire blight conditions. Testing should occur before entering the supply chain first for baby foods, then other foods.

We are dismayed the organic sector did not pay more attention to vulnerabilities of root and grafting stock in the 1990s when choosing to compete in these vulnerable varieties planted and grown by their conventional neighbors.

We are reminded of the great need for future-looking organic research, and the need for adequate organic research funding.

II. Handling Committee

1. **Sulfuric acid**

PCC Natural Markets urges NOSB to reject the petitioner's proposed use for sulfuric acid as a processing aid only, for seaweed extraction.

We understand sulfuric acid is used as a pH adjuster in the extraction water for seaweed extracts called fucoidans.

We understand from the TR that fucoidans are used mostly as ingredients in dietary supplements but also may be used as ingredients in the functional food and beverage, and cosmetic markets.

PCC urges rejection of the petition

We reject the arguments for use of this material because of its highly toxic nature. It poses occupational health hazards to workers, and is a dangerous, environmental pollutant.

The International Agency for Cancer Research (IARC) has found sufficient evidence that occupational exposure to strong-inorganic-acid mists containing sulfuric acid is carcinogenic to humans (IARC, 1992). When working with sulfuric acid, it is advised that all workers use appropriate personal protective equipment, including protective gloves and eye protection to avoid dermal exposure and respiratory protection in cases where ventilation is inadequate (CCOHS, 2003). (TR 372-377)

"Sulfuric acid is considered very toxic and may be fatal if inhaled or swallowed. It is corrosive to the eyes, skin, and respiratory tract, and exposure may cause blindness and permanent scarring. Some strong inorganic acid mists containing sulfuric acid are classified as carcinogenic (CCOHS, 1999)." (TR 41-43)

Sulfuric acid also has been known for decades as an agent of "acid rain," a serious environmental problem affecting ocean acidity and global warming.

We urge rejection of this petition on health and environmental grounds. It is not compatible with organic standards.

2. **Potassium hydroxide**

PCC urges rejection of the petition.

Based on thousands of customer interactions, we believe with great confidence that organic consumers oppose absolutely any expanded allowance for this toxic chemical in organics.

We found it curious that one reviewer for the TAP report noted health and environmental concerns, and wonder why these concerns were not even mentioned by the NOSB Handling Committee.

The reviewer considered potassium hydroxide as one of the two "most hazardous and toxic materials currently allowed on the National List" (TAP 377). S/he also wrote, "The use of potassium hydroxide, as a toxic, synthetic chemical, is not compatible with organic production principles" (TAP 402) … and "There is an extensive medical database on the corrosive and toxic effects of this substance." The reviewer flat out says the petitioner used "faulty logic" to claim no environmental concerns exist in disposing of this chemical.

The TAP makes several direct references to environmental concerns.

- ✓ "A lye peeling processing method is of concern to the agroecosystem due to handling of waste from the plant." (TAP 165)

- ✓ "Disposal of KOH can be potentially dangerous. Mercury cells are used to produce most of the KOH in the United States (Freilich and Petersen, 1996). The stripped mercury is generally recycled and discharge of mercury is forbidden." (TAP 186-187)

- ✓ By not allowing use of this product, not only are we reducing the amount of toxic chemical production (KOH) and the toxic waste issues that entails, but we also reduce the amount of such materials as muriatic acid entering into the water supply" (TAP 382-383).

It's troubling the NOSB Handling Subcommittee did not mention these concerns publicly. This makes us ask, why the Handling Committee would *not* at least acknowledge them when asked, specifically, "Are there adverse effects on the environment?" and answered "No."

We understand potassium hydroxide is not allowed by either the European Union or IFOAM standards in organic handling. Given both our common interests in compatibility and that their position honors the important environmental considerations stated above, it would be sensible to conform to the dominant global standard.

Our concerns about the damage to human and environmental health from potassium hydroxide is the basis of our firm opposition to any annotation changes that would allow any expanded use of this hazardous compound.

3. <u>Annatto extract color</u>

We fully support the NOSB and NOP actions to amend paragraph (d) of secton 205.606 by removing annatto extract color (pigment CAS #1393-63-1).

We are not aware of any product reformulations that would be necessary.