



BEYOND PESTICIDES

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September 27, 2022

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

Docket ID # AMS-NOP-22-0042

Re. MS: Excluded Methods

These comments to the National Organic Standards Board (NOSB) on its Fall 2022 agenda are submitted on behalf of 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, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

Cell fusion and protoplast fusion should not be allowed in organic systems. However, as noted by the International Federation of Organic Agriculture Movements (IFOAM), “Some varieties produced in this way may have been in use under organic systems for some time. Detection and replacement is potentially complex for reasons of identification and socioeconomic factors. Cultivars are used in organic farming, since they have been on the market for decades and are not subject to traceability and labelling requirements.”¹

Taxonomic families are broad entities, not necessarily reflecting a close relationship.² In fact, the only taxonomic level that could be supported as defining a difference in degree of relationship is the species. Cell or protoplast fusion used between plants of different species should be an excluded method. However, there must be a recognition of established cultivars that have been produced through cell/protoplast fusion. A time limit must be established for the allowance of such cultivars.

¹ IFOAM – Organics International, 2017. Position Paper: Compatibility of breeding techniques in organic systems. https://www.ifoam.bio/sites/default/files/2020-03/Breeding_position_paper_v01_web_0.pdf.

² <https://www.mobot.org/MOBOT/research/APweb/>.

As noted in the quote from IFOAM above, it may be impossible to exclude cultivars in use historically. The determination of which cultivars should be allowed must be a transparent process using input from scientists, plant breeders, and other organic stakeholder groups, with draft findings published regularly for public comment.

The interpretation and application of the excluded methods prohibition need to be clear. While the NOSB needs to continue its work on excluded methods so the National Organic Program (NOP) does not fall behind what is actually happening in industry practices, it also needs to advise NOP to ensure that certification agencies are consistently interpreting that prohibition—to clarify that excluded methods are excluded at every level—including raw materials and fermentation organisms used in the manufacture of inputs into crops, livestock production, and ingredients and other materials used in food processing.

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