

# Undermining Organic

## How the proposed USDA organic standards will hurt farmers, consumers and the environment

Claire Cummings

Just about everything we care about: our land, air, water, food, personal health, social justice, and even democracy, is affected by an action currently being taken by the federal government. For the last thirty years, the organic farming movement has grown and matured, producing food in ways that are more ecologically and socially sound than conventional farming. Now, the U.S. Department of Agriculture (USDA) has proposed regulations for the organic industry that would destroy all that we have created. And the way this was done was an undemocratic and unpleasant surprise to those who worked hard to formulate acceptable federal standards, not to mention the thousands of small farmers who developed the standards and practices that built the organic industry, literally from the ground up.

### What does the word “organic” mean to you?

The new proposed regulations would redefine “organic” to include toxic sludge, genetically engineered organisms, and irradiated food. By demeaning the term, it would effectively prohibit the use of the word “organic” on labels for foods produced under stricter guidelines. The high standards already set in California by its organic foods law would be superseded by the new federal law. These ecological practices, the health of the land, the hope of the consumer are all jeopardized.

---

***The USDA proposed organic rule is a misappropriation of the word “organic” and the value that it has come to mean to the consumer.***

---

The new law changes the qualifying requirements and raises the costs of registering as an organic producer and will put hundreds of small farmers and many third party certifiers out of business. Public confidence will be jeopardized because people will not be able to rely on organic labels as meaning what they have come to expect, a pure product, grown or prepared with concern for the highest level of safety. For instance, instead of requiring livestock feed to be 100% organic feed, the new regulations would allow 20% non-organic feed, confinement operations and liberal drug use (only for the livestock, of course, not the producer.)



*Pheromone traps used in organic orchard for pest control.*

What is your favorite issue? Democracy and freedom of expression? These new regulations were not produced by the National Organic Standards Board (NOSB) that was created by Congress to do this work. In 1992, USDA appointed the members to this advisory board to write these rules. The NOSB met for years, did its job, and made a complete set of recommendations to the USDA that were acceptable to many growers, processors and consumers. USDA ignored the work of the NOSB and promulgated its own set of rules instead.

### Who is behind these substandard rules?

Clearly, the beneficiaries would be the agribusiness conglomerates who would not have to adhere to the high standards that were developed by the organic industry. The losers, as usual, would be the organic farmers and the consumers who care about how food is produced. Why would the agribusiness interests care about organics? Because it is not a marginal market anymore. The U.S. organic industry is worth \$4 billion in annual sales and is growing at over 20% a year. In a press release last year, Swissair announced that “the trend towards organically grown foods is increasing across the globe,” and by the year 2000 Swissair will ensure that 90% of the products they use to prepare meals are organically grown and even their coffee will be fair trade coffee. Must be something good going on. And this re-writing of the rules amounts to nothing less than a hostile takeover of the success of the organic industry by industrialized agriculture interests, hoping to cash in on the trend.

There must be a story here, about how the interests that stand to gain, whoever they are, were able to re-write the rules

that were already drafted by the NOSB, and get the USDA to promulgate them, in the face of all the contributions already made by the organic industry and the expectations of the American public. This is a misappropriation of the word “organic” and the value that it has come to mean to the consumer. It is an abuse of the public’s trust in nation’s organic farmers. It may even be a theft of the organic industry’s ownership of the word organic, a “takings” by the government of the intellectual property of the leaders who developed the

---

***Polluting farming practices and poor labor conditions are cheaper and are more likely to occur if corporations are allowed to continue taking over our food production.***

---

meaning of the word “organic,” organizations like California Certified Organic Farmers, the Organic Trade Association, and the Organic Farming Research Foundation.

USDA staff defend their rule making procedure. They say that this is just a proposal, not set in stone, and point to the “public process” of comment that is now being conducted. First, it should be pointed out to the USDA that the experts who worked on these rules, the NOSB, took six years to do their work. The rules are hundreds of pages of technical material. The NOSB recommendations were then ignored, and an entirely new set of rules were proposed, by USDA, as a nasty surprise for all of us.

### **What is the public supposed to do, write a third version of their own?**

The timing of the comment period would be a joke, if it were not such a serious matter. The public, not even having the resources or the expertise of the NOSB members, are supposed to review hundreds of pages of complicated regulations, and in less than 90 days, read and respond to the USDA’s version of these enormously complex and technical regulations. Even the comment process itself is highly complex, requiring citations to specific rule sections to be considered. This is democracy at work? Appoint a committee, ignore its recommendations, dump a load of bureaucratic sludge on the public and expect us to dig our way out?

### **And how did it happen that the NOSB proposals were dumped?**

Who wrote the new rules? USDA is avoiding the public outcry that would result if this story gets told. They have made it very difficult to get informed and they do not want to hear from us. California is the largest agricultural state in the nation and home to most of the growing organic industry. USDA has scheduled no hearings on the rules in California. And the

State of California is going along with the gag. California farmers and the public were given only one month to comment to the State Department of Food and Agriculture about these rules and how they should respond to USDA.

### **Why are these regulations being shoved down our throats?**

As a former USDA attorney, having witnessed the rule making process myself, I have little confidence that the agency will pay attention to the public. As my friend, and superb organic farmer Janet Brown says, even a dog knows the difference between being tripped over and being kicked on purpose. But does the public recognize a denial of due process here? Even if the timing were better, will the USDA listen? I doubt it. Does anyone know of a federal agency rule making process where the public has been able to stop the process? The agency is forcing the public to comment on rules that are so fundamentally flawed that no good outcome is possible. The public comment period is only playing the game on their turf, according to their rules, but we absolutely have to respond. These rules must not be allowed to stand, and the process for drafting any new ones must stand up to public scrutiny. Small changes to a bad law at the last minute are not a remedy for this wholesale theft of the public’s confidence in organics, but what choice do we have? We deserve an accountable, transparent process.

### **Care about international trade?**

The new rules declare that their major purpose is to encourage agricultural exports. But the new standards are actually



*Interplanting with marigolds, an organic technique integrating plants for pest prevention.*



*Organic farms use farm generated compost to enhance the soil's biological activity.*

lower than those of some of our trading partners in Europe and Japan. So is this a stealth attempt to use the World Trade Organization to reduce the standards in other countries and create a new lower common denominator, one more friendly to agribusiness? The GATT rules on agriculture are up for renewal. Instead of being a world leader in setting high standards in food health and safety, the United States is continuing to push for the interests of industrialized agriculture.

### **Care about social justice issues?**

Labor and employment practices by agribusiness, health problems related to pesticides by farm labor and the security of the small family farmer are related issues. If corporate farms continue their take over of our food supply, then these businesses and their giant trading corporate partners can set the price of basic food commodities, dictate the wages and working conditions of farm workers and put family farms out of business through the consolidation of land holdings and economies of scale. Polluting farming practices and poor labor conditions are cheaper and are more likely to occur if corporations are allowed to continue taking over our food production. Preserving the family and small scale farm that can employ alternative methods and that can produce food for local consumption ensures food safety and is more environmentally sound than industrialized farming methods, and the organic industry is made up of primarily small sized producers. We have not fully addressed the issues of sustainability within the growing organic industry, but that question may become moot if these laws are passed. Lower standards will allow for a greater take over of organic farming by agribusiness and put the small producer out of work and off the land.

### **Care about personal or public health?**

A recent report by the California Department of Pesticide Regulation stated that, in 1995, the last year studied, pesticide related illnesses are up 20%, overall. That figure is admittedly low, since so little pesticide illness is reported or verified. The largest component of this rise in illnesses is the use

of agricultural chemicals. The report stated that the number of farm illnesses related to pesticide use increased 46%. Isn't one of the major reasons the consumer is buying more organic food, particularly the fastest growing segment of the industry, organic dairy products, due to concern about health? Why would we want to lower those standards and risk losing the trust that we have created in the public, a sophisticated consumer market that has been willing to pay higher prices for food that they know has been produced in a healthy way with pure ingredients?

Our food is so plentiful and the earth is so generous, we have come to take it for granted. These days, almost half of our food is purchased already processed and consumed outside the home, mostly at fast food restaurants. If we care about food, it is often about price or purity; we want our food to be cheap and safe. But as the price we pay for food steadily declines, along with it we are losing our interest in how it is produced. This disconnection, on a spiritual and social level, with the source of our nourishment, must be our greatest loss. We can continue to abdicate responsibility for our food supply or we can take it back. Now. Begin by telling USDA to withdraw these rules and start over.

*Claire Cummings is an attorney, former farmer, writer, activist and serves on the Board of Directors of Food First and Community Alliance with Family Farmers, sits on the Marin Food Policy Council, and is a commentator on food and farming on KPFA Radio. She can be reached at P.O. Box 5124, Mill Valley, California 94942 or at [cummings@igc.apc.org](mailto:cummings@igc.apc.org), 415-491-1948 (voice), 415-491-1240 (fax).*



*Rich organic soils in organic corn field.*