



## **BEYOND PESTICIDES**

701 E Street, SE ■ Washington DC 20003  
202-543-5450 phone ■ 202-543-4791 fax  
info@beyondpesticides.org ■ www.beyondpesticides.org

September 24, 2020

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-20-0041**

### **Re. MS: Excluded Methods**

These comments to the National Organic Standards Board (NOSB) on its Fall 2020 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 reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

We are disappointed that the NOSB appears to be falling behind in addressing excluded methods. New genetic manipulation techniques are being introduced at an increasingly rapid pace. Organic stakeholders and accredited certifiers require clarity on this matter to ensure that all genetic techniques and methods are prohibited under the organic regulations as an excluded method. The NOSB and NOP must provide that clarity.

Over the years, the NOSB and the organic community have engaged in a reexamination of the excluded methods definition, which included discussion documents and proposed options for the NOSB review and evaluation. The NOSB acknowledged that this issue would require continuous work on their part to evaluate and provide recommendations to the NOP about new technologies as they emerge.

The framework put in place by the NOSB in the fall of 2016 should be formally adopted by the NOP and codified as a guidance document. The NOSB process of defining and clarifying what should be categorized as excluded methods builds on the current excluded methods

definition in the organic regulations to encompass new technologies that have emerged since this definition was adopted in 1995.

Since 2016, the NOSB has clarified in unanimous recommendations that the following eleven methods are excluded in organic: Targeted genetic modification, gene silencing, accelerated plant breeding techniques, synthetic biology, cloned animals and offspring, plastid transformation, cisgenesis, intragenesis, agro-infiltration, transposons developed via use of in vitro nucleic acid techniques, and induced mutagenesis through in vitro techniques. **NOP should codify the prohibition in organic for these eleven methods by publishing a guidance document for the NOP handbook to ensure clarity for all stakeholder groups.**

The unanimity of the NOSB recommendations on excluded methods since Fall 2016 reflects the organic community's united stance that *all* genetic engineering should be prohibited in organic. Genetic engineering is a threat to the integrity of the organic label. Both organic producers and consumers reject the inclusion of genetic engineering in organic production.

The NOSB has also passed unanimous recommendations that marker assisted selection, transduction, embryo rescue in plants, and embryo transfer in animals should be allowed in organic. **The NOP should codify that these four methods are allowed in organic by publishing a guidance document for the NOP handbook to ensure clarity for all stakeholder groups.**

The NOSB must continue to move ahead to determine the status for the 'to be determined' technologies and other GE technologies that emerge to provide clarity to all stakeholder groups. The NOSB must solicit input from scientists, plant breeders, and other organic stakeholder groups in making these determinations. Failure to continue work in this area negatively affects organic plant breeders and the organic seed industry, who need certainty to advance plant breeding efforts that meet the needs of organic operations.

We urge the NOSB to move forward in evaluating the remaining technologies that have not yet been determined—using a transparent process that solicits input from key stakeholder groups and ensures that excluded methods are kept out of organic production.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.  
Board of Directors