



October 7, 2014

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2648-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-14-0063

RE: Materials/GMO Subcommittee: Discussion Document on Excluded Methods Terminology

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Materials/GMO Subcommittee Discussion Document entitled “Second Discussion Document on Excluded Methods Terminology.”

The Organic Trade Association (OTA¹) supports the continued discussion and work on updating and clarifying “excluded methods” terminology. The National Organic Standards Board’s (NOSB) continued work on the topic of GMOs is paramount. OTA continues to be very supportive of moving recommendations forward to NOP that will not only improve the practices used to keep GMOs out of organic seed, feed and crops, but will also clarify the standards and terminology used for making clear and consistent compliance determinations.

OTA recognizes that the definition of excluded methods was based on the efforts of NOSB in 1995 and is now outdated. Organic producers and handlers as well as Accredited Certifying Agencies (ACAs) and USDA’s NOP must have clear and updated definitions in order to make consistent and concrete determinations. OTA supports continuing a process-based approach. We remain unchanged in our position that a processed-based standard can and should be intertwined with quantitative tools that can be used to assess the validity of a process-based approach.

This relationship between a “process-based” standard and “product” evaluation is codified in the Organic Foods Production Act and the USDA organic regulations under the Periodic Testing Rule (§ 205.670). ACAs are required to conduct periodic residue testing of organically produced agricultural products annually on at least 5% of their certified operations. Testing of residues is not limited to

¹ OTA is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing organic businesses across 49 states. Its members include growers, shippers, processors, certifiers, farmers’ associations, distributors, importers, exporters, consultants, retailers and others. OTA’s Board of Directors is democratically elected by its members. OTA’s mission is to promote and protect the growth of organic trade to benefit the environment, farmers, the public and the economy.

pesticides. Under the existing regulations, certifying agents have the flexibility to test for a range of prohibited materials and excluded methods, including, but not limited to, pesticides, hormones, antibiotics, and **GMOs**.

Testing is one of the most definite and effective tools ACAs can use to evaluate whether an organic operation has adequate measures in place to prevent commingling with or contact with GMOs. Testing is used to determine whether the “processes” and methods being used to avoid prohibited substances (including GMOs) are effective.

OTA agrees that a list of GE and non-GE terms in chart form would be useful. We suggest this chart be included in NOP Guidance maintained in the NOP Handbook that is publicly available on the NOP website. It could be added to the existing NOP Policy Memo entitled “Clarification of Existing Regulations Regarding the Use of Genetically Modified Organisms in Organic Agriculture” (PM 11-13). Similarly, it could be added to the forthcoming NOP guidance on “Best Practices for Prevention of Unintended GMO Presence in Organic Products” once NOSB provides NOP with a recommendation as requested by NOP in its Memo to NOSB on April 24, 2014.

OTA encourages the Materials/GMO Subcommittee to continue this discussion and continue its work on clarifying and updating the definition of excluded methods. The prohibition on excluded methods (GMOs) must remain in the regulations. We strongly suggest working with NOP to incorporate clarification on terminology into guidance, so that definitions can be more easily updated and stay current with evolving technologies and products.

Again, on behalf of our members across the supply chain and the country, OTA thanks NOSB for the opportunity to comment and for your commitment to furthering organic agriculture.

Respectfully submitted,



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Regulatory Director of Organic Standards and Food Safety
Organic Trade Association (OTA)

CC: Laura Batcha
Executive Director and CEO
Organic Trade Association (OTA)