



October 23, 2015

Docket No. APHIS-2015-0070
Regulatory Analysis and Development, PPD
USDA-APHIS
Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

Re: Docket No. APHIS-2015-0070

Dear Associate Administrator Gregoire:

Thank you very much for this opportunity to provide comments.

The Organic Trade Association (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 over 8,500 organic businesses across 50 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 ORGANIC with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA request for comment period extension

OTA appreciates the U.S. Department of Agriculture's (USDA's) actions in response to the discovery of unapproved genetically engineered (GE) traits in volunteer wheat plants, and we support the agency's decision to require the authorization of field-testing of regulated GE wheat only under permit. As we indicated in a letter to the Secretary last year, the detection of the unauthorized release of regulated GE wheat found in fields in Oregon and Montana raised the need for the agency to take immediate steps to protect both domestic and overseas markets for U.S. agricultural crops, including organic.

USDA has requested the submission of scientific data, studies, or research on wheat growth, crop management and crop use in addition to information regarding specific localities or regions. In order to gather substantive information as requested, we request an extension of this comment period to allow OTA member wheat growers and other stakeholders to weigh in on appropriate permit conditions. Thirty days during harvest season is not enough time for stakeholders, particularly organic growers, to respond to USDA's request.

Introduction

Our domestic market for organic crops and food is as sensitive – and perhaps more so – to approved and unapproved GE trains as foreign markets. Consumers increasingly choose organic to avoid GMOs, and organic farmers go to great lengths to meet this consumer preference, including adhering to a full prohibition on genetically modified seed, crop planting buffer, and rigorous certification and inspection of the entire supply chain.

At the same time, organic producers and handlers face significant challenges given the proliferation of GMOs in the environment and the potential for adventitious contact with GMOs. Previously, reported financial losses from GMO contamination of organic crops had largely been anecdotal. However, recent data released from the USDA's National Agricultural Statistics Service (NASS) in its 2014 [Organic Survey](#) provides the first quantitative accounting for losses due to GMO contamination over the past few years.

For the first time ever, the national survey asked questions about losses to organic operations from contamination by GMOs. The survey indicates that from 2011-2014, 87 organic operations reported about \$6.1 million in total crop losses from GMO contamination—about \$70,000 per farm affected. That's up from just nine farms with average losses of about \$7,600 from 2006-2010.

USDA data clearly speak to the external pressures that organic operations face, a reality that must be carefully considered and addressed by USDA as it refines and improves its policies to foster coexistence and regulate crops produced through biotechnology.

Improving upon permit conditions and volunteer monitoring requirements

OTA is pleased to see that the agency is considering plans to require the authorization of field-testing of regulated GE wheat under permit, in an effort to prevent future compliance issues. We believe some additional factors must be included in any testing program.

- **USDA should make public genetic material and testing protocols and location of field trial sites.**

OTA believes that it is imperative that genetic material and testing protocols for detecting the presence of GE traits be made available both domestically and for foreign trading partners so that laboratories can provide confidence to consumers that this unapproved material is not entering commercial markets, whether here in the United States or outside our borders.

- **USDA should make public the locations of field trial sites.**

Area growers need to be able to take precautions to avoid contamination and test their crops to ensure containment is successful. As such, USDA needs to notify farmers, seed production companies and plant breeders of the exact location and duration of such field trial sites – both past and current – so that they can vigilantly look and test for any spread of unapproved genetically modified traits into the environment.

- **USDA should make public all field trial violations and penalties.**

In 2014, media reports showed inconsistencies in violations reported on the APHIS website and in two Freedom of Information Act (FOIA) requests by Capital Press and Reuters. This finding not only signals a need for better organization within the agency but for improved accountability to the public through reporting of field trial violations. USDA should provide updated violation and penalty information on its website twice a year.

- **USDA should have the appropriate tools in hand to test for regulated crops**

Upon establishing the new field trial requirements, USDA should require applicants to provide the department with either the unique DNA sequence or the test for identifying the unique sequence should there be suspected or confirmed contamination events. These materials should also be made available to state testing facilities and laboratories so that farmers, seed companies and plant breeders have access to appropriate tests in a timely manner to monitor and respond to potential contamination as well as to reassure customers.



In closing, OTA supports USDA's proposal to require all future field trials of GE wheat be conducted under APHIS permits that include requirements for stringent post-harvest monitoring. The discovery of unapproved GE traits in volunteer wheat plans demonstrates the inability of voluntary measures to control the spread of these biotech modified genes in commercial production of GMOs—when even in regulated trials, these genes are escaping. Despite an 11-year lapse since the trials were conducted in Montana, we continue to find unapproved GE material in the environment. This is another important warning that USDA needs to overhaul its regulation of GE technology, because current oversight is not working.

Again, on behalf of our members across the supply chain and the country, OTA appreciates the positive steps APHIS is taking to change the authorization required for allowing GE wheat trials and for the opportunity to comment on this critical topic.

Respectfully submitted,

A handwritten signature in black ink that reads "Marni Karlin". The signature is written in a cursive style and is positioned above a light gray rectangular box.

Marni Karlin
Vice President of Government Affairs / General Counsel
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association