



October 11, 2017

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-17-0024

RE: Materials Subcommittee (MS) – Discussion Document on Seed Purity

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Materials Subcommittee's Discussion Document on Seed Purity.

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 9,500 organic businesses across 50 states. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

The subcommittee is requesting additional comments on four NOSB documents released for public comment over the past five years:

- **April 2016:** Discussion Document: Next Steps for Improving Seed Purity
- **April 2014:** Report: Seed Purity from GMOs
- **April 2013:** Discussion document: GMOs and Seed Purity
- **October 2012:** Discussion document: GMOs and seed purity

OTA submitted extensive comments on each one of the discussion documents listed above. We acknowledge that it is not necessary to resubmit our comments. However, we would like to highlight and reiterate our top-line message from our April 2016 comments regarding the need to collect data through a formal and systematic process and request an update on NOSB's efforts to establish a USDA-appointed Seed Purity Task Force.

OTA requests an update on the status of convening a seed purity task force

The subcommittee discussions, as reflected in the Materials/GMO Subcommittee notes, move from a request to NOP in August 2016 to form a task force to inform a proposal on thresholds for seed purity, back to exploring contamination issues via a discussion document that will inform a proposal for spring 2018. The progression on this topic appears to be moving backwards vs. forward (**See Appendix A**).

After three discussion documents, a report, a proposal on prevention strategies to keep GMOs out of organic agriculture and an expert panel on seed purity, we are still not to the point of making a comprehensive proposal. Among the four ideas that were presented in the **Spring 2016 Discussion Document**, the one that received the most support was establishing a USDA appointed Seed Purity Advisory Task Force that would develop an effective data collection framework and process, interpret the collected data, and design a crop-specific threshold feasibility study based on the testing results that would inform a NOSB proposal. Accordingly, in August 2016, the Materials Subcommittee Chair submitted a request to NOP to convene a task force to evaluate seed purity. There is no mention of this activity in the MS Discussion Document for this fall 2017 meeting, and we're concerned that efforts in this area may have fallen off the agenda and work plan.

OTA continues to advocate for a USDA-appointed Seed Purity Task Force

OTA is urging NOSB to further pursue the feasibility of convening a USDA-appointed task force. As discussed over several NOSB meetings, many—including OTA—agree that a seed purity standard is an appropriate critical control point to begin to use analytical methods and standards in organic production to limit GMO presence and meet consumer expectations. Many also believe it is not possible to put forward a workable proposal or standard at this time because of various obstacles identified through the NOSB public comment process and a shared need to collect more data to shape an effective and fair standard.

OTA continues to believe that a USDA-appointed Seed Purity Advisory Task Force is the next step in the process and on-going discussion about contamination issues is not going to solve the issue. We do not support putting forth a proposal unless it is aimed at a formal plan for collecting data. Public comments were in strong support of the need to collect data as the next step and we believe the collection process needs to be carried out by a task force that would systematically design threshold feasibility studies (per crop), identify partners and develop a 3-5 year action plan for moving forward. This panel of experts would not only design the framework for the data collection the organic community continues to call for, but it would also act as an expert panel to interpret the data being collected. This, in turn, would help shape a NOSB recommendation to NOP on appropriate crop-specific testing thresholds for seed.

Enabling data collection through a Seed Advisory Task Force is the place to start

OTA supports the idea of a seed purity standard. However, it must be established per crop through a careful and deliberate process based on adequate data. OTA expects a threshold will likely need to be established to have a workable seed purity standard. We can expect that any established threshold is going to need to be acceptable to consumers and realistic for seed growers. It would also need to be established on a crop-by-crop basis.

As explained by the subcommittee in previous discussion documents and supported by numerous public comments over the past 5 years, there is shared need to collect more data to shape an effective and fair seed purity standard. OTA agrees. We also emphasize that any data collection effort that will yield statistically significant and meaningful results needs to be designed systematically according to established sampling protocols and testing specifications. The project also needs to be adequately funded. For this reason, OTA believes that a USDA-appointed Seed Purity Advisory Task Force is the place to start.

In the April 2016 Discussion Document on “Next Steps for Improving Seed Purity,” a suggestion was made to call upon Accredited Certifying Agencies (ACAs) via guidance to collect testing data. We want

to reiterate that we **do not** agree that the starting place is guidance for ACAs to conduct testing and gather data. We also have concerns about forming or utilizing an informal ad hoc working group to do the work. A data collection effort that yields statistically significant and meaningful results needs to be designed systematically according to established sampling protocols and testing specifications. The advisory task force we continue to recommend would be convened by USDA and would not only design the framework for a feasibility study but would also act as an expert panel to interpret the data collected. This, in turn, would inform a NOSB recommendation to NOP on appropriate crop-specific testing thresholds. We recognize the realities of our current administration and the limited chance of USDA convening a seed purity task force anytime soon. We also believe we cannot move forward without more data to shape an effective and fair seed purity standard and the formation of a task force needs to remain in the queue for future consideration.

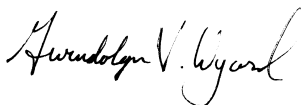
OTA RECOMMENDATION: Continue to work towards the establishment of a seed purity advisory task force appointed by USDA. The primary function of the seed purity task force will be to design a feasibility study based on testing (data collection) that would be administered and carried out by USDA. The study would evaluate a rigorous yet realistic threshold supporting a seed purity standard for non-organic seed. We recommend the task force design a 3-5 year action plan that includes regular updates to NOSB with a final recommendation.

Conclusion

The use of GMOs is prohibited in organic production and handling. OTA continues to be extremely supportive of moving recommendations forward to NOP that will improve the practices used to keep GMOs out of organic seed, feed and crops. With respect to establishing a seed purity standard, OTA strongly urges NOSB to continue discussions with NOP on convening a Seed Purity Advisory Task Force or to explore other means that would allow for the collection and interpretation of data through a formal and systematic process involving an expert panel. The data and expert panel, in turn, would help shape a NOSB recommendation to NOP on appropriate crop-specific testing thresholds.

On behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,



Gwendolyn Wyard
Vice President of Regulatory and Technical Affairs
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association

Appendix A: Materials Subcommittee notes from 9/2016 – 7/2017

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Materials/GMO Subcommittee Notes on Seed Purity 9/13/2016: The Materials Subcommittee requested on the August Executive call that NOP convene a task force to evaluate seed purity. NOP indicated that it would not be possible for the current year, but it would consider the request at a later date. The group discussed how best to alert stakeholders to the fact that the MS made the request, and to keep it in the queue for future consideration. The NOSB chair offered to discuss this with NOP so it remains a priority. It will remain on the MS work agenda and will be incorporated into the work agenda that will be projected at the fall meeting.

Materials/GMO Subcommittee Notes on Seed Purity 12/13/2016: ZS noted the difficulties associated with the new administration, and securing funding for projects such as this, and is not sure this will move forward quickly. Several iterations of this document have been presented for public comment over the last couple of years. DS will take the lead and the MS will discuss it in January.

Materials/GMO Subcommittee Notes on Seed Purity 1/10/2017: On the next Executive team call, the MS Chair will repeat the request for the creation of a task force on seed purity. The proposal on seed purity could include thresholds for seed purity, and the Subcommittee feels that a task force would be the most successful way to gain ground on this topic. The group will develop a proposal for this topic.

Materials/GMO Subcommittee Notes on Seed Purity 5/9/2017: The group discussed the path forward for this project, and feel that given the complexity of the topic and feedback from stakeholders on previous iterations, a discussion document would be the best vehicle. Several MS members will co-lead the review. One member noted that he has received input from stakeholders and that this is a topic of great interest. The MS Chair suggested laying out a project plan with goals and timelines, and the group discussed the formation of a working group and the possibility of inviting speakers to future MS calls to address the group.

Materials/GMO Subcommittee Notes on Seed Purity 6/13/2017: The three co-leads have a meeting scheduled to talk about the plan to move forward with the seed purity discussion document for the Fall 2017 NOSB meeting. EO volunteered to participate in the conversations as well.

Materials/GMO Subcommittee Notes on Seed Purity 7/11/2017: The MS is working on a discussion document exploring the genetic integrity of seeds. The goal of the document is to answer specific questions regarding contamination. The co-leads are seeking input from various stakeholders.

Materials/GMO Subcommittee Notes on Seed Purity 7/11/2017: The MS is working on a proposal for the Spring 2018 meeting. In support of its development, the group would like to post the document to the open docket to collect feedback, and perhaps give a brief update at the Fall 2017 meeting.