



April 4, 2019

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2642-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-18-0071

RE: Crops Subcommittee – Strengthening Organic Seed and Planting Stock Guidance (Proposal)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Crops Subcommittee’s Proposal on Strengthening the Organic Seed Guidance.

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.

Seed is the fundamental starting point for transforming agriculture through nutritious ecologically grown food, feed and fiber, especially when coupled with the principles behind organic production of building healthy soils, using non-toxic inputs, and stewarding natural resources and the environment. As the foundation for organic farming systems, seed deserves continuous attention, from protecting its genetic resources, to preventing contamination, to building a strong organic seed sector that can supply the needs of a diverse and resilient agriculture.

OTA is committed to the development of the organic seed and planting stock industry, and we are delighted that NOSB passed a recommendation at the fall 2018 meeting to be amend the organic regulations at § 205.204 to require demonstrable improvement of organic seed usage over time. We also agree that NOP’s existing Organic Seed, Annual Seedlings and Planting Stock Guidance (NOP 5029) needs to be revised to support this rule change and reflect the current state of the organic seed industry. Increasing support for organic seed lines through a stronger seed requirement is not only fundamental to improving organic farm systems, it is essential to further reducing unintended GMO presence and limiting the extent to which seeds outside of NOP purview are used, and for ensuring the consistent application and enforcement of organic seed requirements.

The Organic Trade Association largely supports the Subcommittee’s proposal and we encourage the full Board to pass it at this meeting.

With a couple of concerns noted below, we thank the subcommittee for making the following changes from the fall 2018 version:

- The guidance now states that conventional untreated seed must be produced without the use of excluded methods¹. The Organic Trade Association strongly agrees; it is important that this requirement is explicitly stated in Guidance.
- Seed purity considerations are dealt with in a separate document. This should allow for this proposal to move forward as work on seed purity continues.
- The following language was removed from **4.1.2(c)**: *Horticultural crops, which may have specific flavor profiles, size, color or other characteristics, can also be shown to not have an equivalent organic variety through descriptions provided in seed/planting stock catalogs or websites.* We agree with the removal of this language; however, we remain disappointed about the reference to seed catalogs without a qualifier. The guidance continues to not account for various grower types (small, medium, large and crop type) and how they acquire seed. As we stated in our previous comments, large-scale growers typically do not consult seed catalogs for the characteristics described, especially flavor profiles. In the case of horticultural crops, they have a multitude of sales representatives from seed breeder and distributor companies who service them by putting in trials, taking contracts (either by reserving seed and/or doing contract productions for them), and delivering the seed of the varieties selected from their on-farm trials to them in a timely manner. The data included in seed catalogs will likely not be appropriate because it is generic information that is typically not reflective of subjective traits like ‘flavor.’ Accordingly, it may not be relevant to the exact bioregion, market and slot in which the grower sourcing seed is growing.
- The proposal retains “three” as the minimum number of seed sources that should be contacted instead of our recommended “five.” The Organic Trade Association would have liked to see the number increase to “five.” However, the **exact number** of sources that should be contacted is less important than describing the criteria or conditions that should help determine the number as it relates to the potential number of suppliers offering the desired organic equivalent variety. The search and procurement methods for sourcing organic seed and planting stock provided in 4.2.1((b)(1)(i-vii) are very valuable, and we do not take issue with this final approach.

Additionally, the Organic Trade Association supports:

- **The final language included in 4.1.2(d)**: Documentation of on-farm trials or seed characteristic searches can be provided at the annual inspection. This documentation can

¹ As defined in 7 CFR 205.2 of USDA’s organic regulations - *Excluded methods*. A variety of methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods include cell fusion, microencapsulation and macroencapsulation, and recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the positions of genes when achieved by recombinant DNA technology). Such methods do not include the use of traditional breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

include which seed characteristics are desired, and be based upon the varietal benefits of the current non-organic seed/planting stock in use. The varietal characteristics discovered during the on-farm trail, of both the non-organic seed/planting stock and the organic seed/planting stock trialed, can be tracked in a simple table or spreadsheet detailing the specific characteristics sought, and whether or not the various varieties grown contained those characteristics.

- **The guidance explaining the role and requirements of seed/planting stock that is sourced or mandated by the buyer of a contracted organic crop (4.2.1(b)(3)).** If seed/planting stock is sourced or mandated by the buyer or handler of a contracted organic crop, the producer must obtain sourcing information and documentation from the contracted buyer/handler. The buyer's attempts to source organic seed/planting stock then becomes part of the producer's Organic System Plan.
- **The guidance on the information certifiers should review to evaluate progress in obtaining organic seeds, planting stock and transplants (4.4.4).** We appreciate the guidance provided on requesting corrective action plans and acting on repeated lack of progress. This of course all needs to be carried out in a sound and sensible manner by certifiers working closely with their certified operators.
- **The use of an organic seed/planting database.** OTA again emphasizes that perhaps the most important tool that can help certified producers, handlers and certifying agents in their efforts to source and evaluate the availability of organic seed and planting stock is a searchable national database of available organic varieties. We continue to support the use the Organic Seed Finder as a primary resource for national organic seed availability data. We are also very interested in the option of having certifiers provide organic seed availability of their certified clients to NOP, in such a way as to include this information in a separate field in the NOP Organic Integrity Database. Operators could then search that field for a specific variety of organic seed, and all certified operations who carry that seed would then be found. If this is feasible, we believe NOP should make such reporting a requirement.
- **Support for Organic Certifier and Inspector Trainings.** Certifiers have the important job of communicating organic seed requirements to organic producers and handlers, granting approval for the use of non-organic seed due to the commercial unavailability of organic seed, issuing non-compliances when adequate searches are not conducted, and reinforcing the need for continuous improvement as appropriate. This job comes with great challenges given the time, resources and complexity involved in verifying a claim that a particular seed variety is "commercially unavailable." Consistent implementation of the organic seed requirements and NOP guidance will significantly be improved through trainings for certifiers and inspectors as well as through best practices. OTA's appreciates NOSB's continued support in this area.

Conclusion

The Organic Trade Association strongly supports the further development of the organic seed and planting stock industry, and we are committed to finding solutions to meet this objective. The goal of our efforts should be to promote the continued growth and improvement in organic seed and planting stock production, and subsequent usage by organic growers without hurting or putting undue burdens on



growers. The intent is not to have non-compliances handed down to farmers trying to comply with the seed and planting stock commercial availability section of the Rule. Instead, the intent is to have an organic regulation that explicitly supports continuous improvement and NOP guidance that will help ensure the consistent application and enforcement of organic seed requirements. This in turn will promote the breeding, development and production of a greater diversity of varieties well suited for organic production systems.

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 continuing work in this important area.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gwendolyn V. Wyard".

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

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association