



March 30, 2015

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-15-0002

RE: Materials Subcommittee – Prevention Strategy Guidance for Excluded Methods (Discussion)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Materials Subcommittee's Discussion Document on Prevention Strategy Guidance for Excluded Methods. The purpose of the discussion document is to solicit feedback from the organic sector on precautions that organic producers and handlers should take so they may continue to effectively prevent and minimize unintended GMO presence in organic products. The information collected will inform a subsequent proposal to NOP, hopefully at the fall 2015 meeting.

In summary, the Organic Trade Association (OTA¹) strongly supports the efforts of the Materials Subcommittee on providing recommendations regarding the best management practices for prevention of unintended GMO presence. OTA believes that guidance for GMO avoidance from the U.S. Department of Agriculture's (USDA) National Organic Program (NOP) would reflect USDA's commitment to enforcing the requirements of the regulation, and would provide organic producers and handlers with a useful USDA-recognized tool to further mitigate GMO presence in organic products.

The prevention management strategies included in this Discussion Document are an excellent start, and we fully support the direction in which the document is moving. In order to increase its utility and effectiveness, we're suggesting the following improvements be included in the final proposal:

1. The role of the Organic System Plan (OSP) should be included in the guidance;
2. Transportation should be added for crops, livestock and handling;
3. A clear recommendation to NOP to provide guidance to ACAs on GMO testing should be included in the final proposal.

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 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 the growth of organic trade to benefit the environment, farmers, the public and the economy.

OTA is recommending that NOSB continue to work on a seed purity standard for non-organic seed independently from the best management practices presented in the discussion document. Specifically, we recommend that a USDA appointed advisory task force develop a recommendation to NOSB on the design of a study that would evaluate appropriate crop specific testing threshold levels. A timeframe for implementing a seed purity standard for non-organic seed would be evaluated as well. This in turn would inform a NOSB recommendation to NOP. The study would be administered and carried out by USDA. This will entail moving the “Seed Purity Requirement for Non-organic Seed” to an independent Discussion Document/Proposal so the rest of this document on GMO prevention strategies can move to a proposal for the fall 2015 NOSB meeting.

We offer the following more detailed comments:

Best management practices for crop, livestock and handling

Organic System Plan (OSP)

OTA recommends that the final proposal include a “General” section on the Organic Systems Plan (OSP). The Discussion Document focuses on management practices but does not mention the critical role of the OSP. Production and handling operations need to identify and address their GMO prevention strategies and organic control points in their OSP. The producer and handler’s OSP must include a description of management practices established to prevent contact of organic crops and products with GMOs, and a description of the monitoring practices performed to verify that such measures are effectively implemented. Certifying agents evaluate the preventive practices to determine if they are adequate to avoid contact with GMOs. The preventive practices described in the OSP should be based on information collected through an “at-risk” assessment of crops/products and possible sources of GMO contact. The inclusion of this information would be consistent with other guidance documents NOP has released to industry and Accredited Certifying Agencies (ACAs).

Best Management Practices for crops, livestock and handling

In the section on best management practices, activities related to transporting organic product is notably missing. OTA recommends that the following be added to the crop, livestock and handling sections:

- Transportation: Clean and inspect trucks and trailers (including tarps and trailer covers). Keep records and require verification records/affidavits. Know where your product is coming from and where it is going, and ensure that transportation is clean and that records to support clean transportation are available from farm to buyer.

NOP Guidance on GMO Testing for ACAs

OTA is pleased to see information included in the section titled “The Role of ACAs and Oversight.” Specifically, we’re pleased to see the bullet points on the role of testing by ACAs. Given our process-based standard, testing is a critical tool for verifying that the process is working. In the case of GMOs, testing can be used to verify adequate contact prevention measures.

The proposed discussion document notes that certifiers may need additional guidance from NOP on GMO testing. OTA strongly agrees. We also believe guidance will need to address positive results given there aren’t specific threshold levels in the organic regulations. Although NOP guidance on pesticide residue testing is available and USDA resources for GMO testing in organic feed do exist, further guidance on GMO testing of other crops for human consumption is greatly needed. It is extremely important that guidance offers clear and consistent sampling and testing protocols so that ACAs may accurately assess

the efficacy of an organic operation's system for ensuring that GMOs do not come in contact with organic product. The guidance could also be used by organic producers and handlers to help assist in consistent sampling and testing procedures across the supply chain.

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 non-organic GMO crops as well as intentional or unintentional contact with GMOs. To date, however, NOP has not issued any instruction or guidance on GMO testing. To address this issue, **OTA recommends that NOSB include a specific recommendation to NOP on GMO testing guidance for ACAs and industry.** Providing NOP with a recommendation that includes further guidance on testing falls directly under the specific responsibilities outlined in OFPA starting at section 2119(k):

5. PRODUCT RESIDUE TESTING.—The Board shall advise the Secretary concerning the testing of organically produced agricultural products for residues caused by unavoidable residual environmental contamination.

Seed Purity Standard for Non-organic Seed

As discussed over the past several NOSB meetings, many—including OTA—agree that a seed purity standard is the 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 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. However, we agree with the subcommittee that the longer we wait to set limits for controlling the unintended or unavoidable presence of GMOs in organic seed, feed, and crops, the further we fall behind market demand and the longer organic farmers are subject to the variability of the private market vs. the requirements of the organic regulations.

For this reason, we are very supportive of a “**first step of action**” proposal that focuses on the seed purity of **non-organic seed** used under the commercial availability clause of the organic regulations. While the organic regulations prohibit GMOs in organic production and handling, they do not delineate thresholds or contact prevention techniques specific to GMOs. Eighteen years after commercial introduction of GMOs in agriculture, it is time for the regulations to embrace this challenge and provide meaningful oversight and guidance on how to prevent the unintended contact with and presence of GMOs in organic products. Time is of the essence, and additional steps must be taken to help keep GMOs out of organic agriculture.

Do you agree that a seed purity standard for non-organic seed should be established?

Yes, OTA agrees that a seed purity standard should be established for **non-organic seed** but it needs to be established per crop through a careful and deliberate process based on data. Requiring a seed purity declaration on **non-organic seed** would obligate seed suppliers to test non-organic seed for GMOs and to withhold contaminated seed from entering the organic supply chain. OTA is entirely supportive of this end goal. Given the unfortunate reality of unavoidable presence of GMOs, we also acknowledge that on-going monitoring and routine testing for GM presence in organic seed will also be necessary for quality assurance purposes. This speaks to our request to NOSB to include a specific recommendation to NOP on GMO testing guidance for ACAs and industry.

Establishing a seed purity standard for non-organic seed seems appropriate given the exception the organic regulation provides for the use of non-organic non-GMO seed. Non-organic (non-GMO) seed may only be used when organic seed is not available. The organic regulations prohibit the use of excluded methods and the certification system is designed to ensure this requirement is met for crops and products that are certified under the NOP regulations. Establishing a seed purity standard for **non-organic seed** provides ACAs with a tangible method of verifying the required non-GMO status of non-organic seed that otherwise would be carried out through the organic certification process.

Testing Thresholds for Non-organic Seed

As to be expected, the “when, what and how” of a seed purity standard continue to be a challenge. We are extremely pleased to see that there is an expert seed panel on the agenda for the spring 2015 meeting, and optimistic that the session will shed informative light on the feasibility of seed purity standard. The subcommittee asks if we think there should be a threshold level established, and if so, what should that threshold be? OTA believes a threshold will likely need to be established in order to have a workable seed purity standard for non-organic seed. We’re hesitant to suggest what that threshold should be, however, until adequate data have been collected. 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 per crop. While some data have been collected and we can look to consumer acceptance of a threshold in Europe, we don’t believe we can definitively speak to either at this time. However, we can provide some guiding principles based on member feedback along with suggestions on how we may move forward.

1. Move the seed purity discussion to its own discussion document, so this topic may run its own track separate from the recommendation on GMO Prevention Strategies.
2. OTA recommends the following guiding principles. A seed purity standard for non-organic should:
 - Be established per crop (corn, soy, alfalfa, cotton, etc.)
 - Be based on data conducted through feasibility studies for this intended purpose
 - Establish levels, if any, of unavoidable presence of GMOs per crop
 - Apply to adventitious or unavoidable presence only. The intentional use or presence of GMOs will continue to be strictly prohibited with a zero tolerance level.
 - Be acceptable to consumers, seed growers and users of organic and non-organic seed.
3. Establish 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 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. The timeline could look as follows:
4. Advisory Task Force:
 - a. USDA appointed task force convened by June/August 2015
 - b. Design threshold feasibility studies (per crop), identify partners and establish timeline for completing project (by fall 2015 meeting)
 - i. Report to NOSB at fall 2015 NOSB meeting
 - c. USDA to conduct feasibility studies and collect data that would evaluate and inform the development of a testing threshold per crop for non-organic seed (completion date established by the task force; no later than December 2017)

- d. Recommendation to NOSB including an implementation timeline (by Spring 2018 meeting)
5. Finally, in support of these efforts, we recommend that NOSB request the following assistance from USDA:
 - a. Financial assistance from USDA for all GMO testing conducted under the National Organic Program.

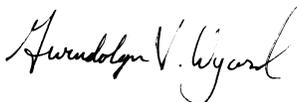
Conclusion

The use of GMOs is prohibited in organic production and handling. NOSB's continued work on the topic of GMOs is paramount. OTA continues to be very supportive of moving recommendations forward to NOP that will improve the practices used to keep GMOs out of organic seed, feed and crops. We believe it is in the best interest of the organic sector for NOP to include guidance in the NOP Handbook helping farmers and handlers prevent GMO contact with organic products, and assisting ACAs assess the efficacy of an organic operation's GMO contact prevention plan.

We are largely in support of the Materials Subcommittee proposal on GMO prevention strategies and urge the subcommittee to move all but the seed purity standard discussion forward to a proposal for the fall 2015 meeting. With respect to a seed purity standard for non-organic seed, we recommend that a USDA appointed advisory task force be developed. The task force would develop a recommendation to NOSB on the design of a feasibility study for evaluating crop specific testing threshold levels. A timeframe for implementing a seed purity standard would be evaluated as well. This in turn would inform a NOSB recommendation to NOP.

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
Senior Director of Regulatory and Technical Affairs
Organic Trade Association

cc: Laura Batcha
Executive Director / CEO
Organic Trade Association