March 19, 2013

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-12-0070

RE: GMO Ad-Hoc Subcommittee – GMOs and Seed Purity Discussion Document

Dear Ms. Arsenault:

Thank you very much for this opportunity to provide comment on the GMO Ad-Hoc Subcommittee discussion document on GMOs and Seed Purity. OTA[1] supports the work of the GMO Ad-Hoc Subcommittee on this topic, and shares the desire to keep genetically modified organisms out of organic livestock feed, crops, and food.

We thank the Ad-Hoc Subcommittee for extending the comment period on this complex and ground-breaking topic, and encourage the Subcommittee to work towards a recommendation on a seed purity standard. OTA submitted extensive comments on the Seed Purity Discussion Document prior to the fall 2012 NOSB meeting. The information contained in OTA's comments is based on the extensive work of OTA's GMO Task Force in 2010 and 2011, and resulting OTA GMO White Paper, available at http://www.ota.com/pics/documents/OTA-GMO-White-Paper.pdf

Importance of clean seed:

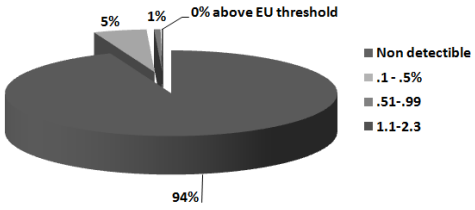
> OTA agrees with many in the organic sector that seed is the most impactful and appropriate point in the value chain to set limits for controlling GMO contamination in feed, crops and food. Planting clean seed is a fundamental practice that encourages prevention of GMO contamination throughout the supply chain. NOSB identified a need for data regarding levels of GMO presence in seed (organic and conventional) used in organic production. While the USDA AC21 committee has recommended data collection, this effort will take years 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.

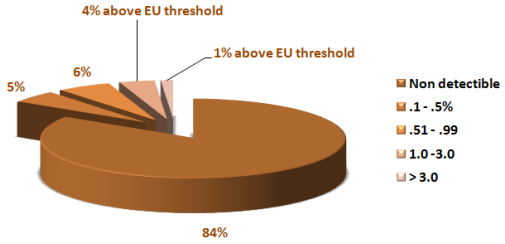
complete. OTA encourages and supports private initiatives to collect and present baseline data on seed purity to NOSB.

OTA has aggregated testing data on GM presence in organic and IP crops at the grain elevator. Tests results for corn and soy have been shared with OTA to inform this discussion. The raw data, representing 17,000 test results over three years, are summarized below. It should be noted that due to international acceptance of EU thresholds, these traders, in practice, do not sell ingredients exceeding that threshold into the organic market, whether as an ingredient or feed.

Soybeans (Identity Preserved & Organic):
5220 samples



Corn-Identity Preserved & Organic:
9754 samples



The data aggregated for crops indicate a need to reduce the incidence of GM presence. Additional data at the seed level will help identify the role of GMO presence in seed in GMO levels in grain.

Compatibility of a seed purity standard with NOP's process-based standard:

OTA believes that setting a purity standard can be consistent with a process-based standard when analytical limits are used to verify that adequate measures are in place to prevent contamination with excluded methods. It is certainly within the purview of NOSB to recommend to the Secretary of Agriculture that a seed purity standard be enacted in NOP regulations.

This can be analogous to the detection of prohibited pesticides. Organic standards prohibit the use of toxic and synthetic pesticides. Analytical testing and rejection levels are used to verify this process-based standard. All intentional use of prohibited pesticides deems a product non-compliant, and all detected levels of pesticide residue require investigation. Unintentional presence or Unintended Environmental Residual Contamination (UREC) is tolerated below a certain level (5% of the EPA tolerance). Above that level, the product is deemed to not meet consumer expectations for an organic product.

The same approach and system could be used to develop and implement a seed purity standard. Purity of seed would be disclosed on the seed bag, and verified through the same residue-testing procedures in place for prohibited substances. In many ways, the stage has already been set. The final rule on residue testing identifies GMOs as a residue that may be tested for under the new requirements for certifiers.

A seed purity standard, if properly established, would protect rather than burden organic farmers. By requiring a standard for seed, seed companies could provide verification as part of the seed lot's certificate of analysis (COA), with compliance labeled on the bag. This would: 1) reduce ad-hoc testing requirements for farmers; 2) enable organic farmers to use the standard to meet marketplace demands for GMO limits on organic crops, and focus on contamination prevention such as buffer strips, planting schedules and equipment cleaning; and 3) require verification of the seed purity standard by ACAs as part of the final rule on residue testing.

Feasibility:

OTA recommends that NOSB look to seed producers who supply the organic market, both organic and non GMO conventional, for information, data and expertise on producing seed to meet the market need for GMP purity without sacrificing varietal selection and adapting to regional organic production systems.

The question of an actual level for purity may best be handled after NOSB determines if a standard should be put into place, and after reliable data are presented about the baseline for GMO presence.

As private and international standards increasingly emerge to guarantee to consumers that products, ingredients, and seeds are tested to ensure relative absence of GMOs, the question becomes whether organic in the long term can remain the gold standard for consumers hoping to avoid GMOs. Just as NOSB embraced the discussion of animal welfare standards in organic, OTA applauds the GMO Ad-Hoc Subcommittee for beginning this challenging and complicated discussion.

Again, 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,
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Laura Batcha
Executive Vice President
Organic Trade Association (OTA)