

**Public Comment
The Interim Final Report
of the
Aquaculture Working Group
Winter 2006**

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I would like to preface my comments by expressing my appreciation for the opportunity to address the NOSB and be allowed access to the process of advising and working with our Federal Government to contribute to the development of a very important policy.

I would also like to specifically recognize the body of work put forth by the Aquaculture Working Group (AWG) and the subsequent National Organic Aquaculture Working Group (NOAWG). The combined contribution of these groups has made it possible to approach the development of an organic standard for aquatic species. A standard that is complicated, complex and significantly worthwhile.

The following are comments made in reference to The Interim Final Report of the Aquaculture Working Group (winter, 2006):

§ Section 205.2 Terms defined

The terms defined in the amendment § 205.2 are acceptable as stated.

§ Section 205.25 Aquaculture general

The descriptions and terms used to define (Aquaculture) in this section are acceptable as stated.

§ Section 205.251 Origin of aquaculture animals

In terms defined in Item (a, b, c, d, e, f, g, and h) are acceptable as stated.

The term “sustainable” in Item (i) requires further clarification. Specific biological data supported by internationally recognized fishery management plans should be taken into consideration when establishing criteria for the definition of “sustainable”; or within (safe biological limits) of potential stocks.

§ Section 205.252 Aquaculture feed

Option A as defined in section § 205.251 is the only viable option stated.

The terms defined in Item (a) are acceptable as stated.

The terms defined in Item (b) are acceptable as stated, yet should further define the description “provided their natural foods as closely as possible” by attempting to identify those sources that meet the definition of “natural”. This should be explicit to argue for a dietary consideration (i.e. define sources by the indigenous diet found in the wild) and limit the extent to which substitutions can be brought into the process (e.g. it is not reasonable to argue that a carnivorous predator should be consuming a diet based on a majority percentage of vegetable matter). This may require further review to consider feed stuff available on an indigenous and species specific basis.

The terms defined in Item (c) are acceptable as stated.

The terms defined in Item (d) require further clarification. The definition of “feed ingredient sources that are organically produced” requires further clarification to describe and define such production as equal to those requirements stated in Item (e), (f) and (g) respectively. In addition “synthetic substances allowed under § 205.603” requires additional clarification that specifically states those substances.

The terms defined in Item (e) are acceptable as stated.

The terms defined in Item (f) are acceptable only to the extent that the term “sustainable” requires further definition and clarification. In the absence of any existing regulatory definition of the term “certified sustainable”, enforcement may not be possible. The utilization of “certifiers” per se, must be challenged to include those entities that are recognized on an international level for their fishery management work as it pertains to fisheries used to generate feed protein used in aquaculture production.

It may appear as semantics, but “certifying” should not be confused with “verifying” and verification should be based solely upon science that is recognized and or corroborated by multiple governments. To narrow down the basis by which fisheries are considered “sustainable” to a private entity (MSC) or one that is not peer reviewed and recognized by independent (government regulated or licensed) institutions should not be permitted.

I recommend that the NOSB consult with and recognize such organizations as ICES (International Council for the Exploration of the Sea) in Copenhagen, Denmark. ICES is a consortium of over 1600 contributing marine scientists from over (19) countries, internationally based affiliates and several NGO “observers” throughout the world. ICES publish their fishery research (see attached) which is recognized by many governments which use their extensive data and professional opinion to formulate cogent and sound fishery management policies including specific fisheries utilized in fishery feed production (see FIN / Fishmeal Information Network report).

I will argue that internationally recognized organizations such as ICES (although not “certifiers” per se, but professional and independent “verifiers” should be the basis for data that will support a clearer definition of “verifiable”, “sustainable” or (safe biological limits).

The terms defined in Item (g) (part 1 and 2) are acceptable as stated. It should be noted that NOAWG should be commended for identifying and using the model presently in place for the recycling of carcasses, viscera and trimmings from the processing of wild fish and other wild seafood destined for human consumption. This is a key ecologically sound principle that is and should remain a cornerstone of organic aquaculture.

The terms defined in Item (h, i, j) are acceptable as stated.

The terms defined in Item (k) require the further clarification of section § 205.63.

The terms defined in Item (l) should be specific to include sources of pigment that are either allowed by the U.S. FDA or deliver specific and qualified nutrition to the animal.

The terms defined in Item (m, n) are acceptable as defined.

The comments listed under the heading “Explanations” require further clarification. The explanation for “Fish Meal and Oil from Wild Fish” should be explicit to clarify the certification/verification of wild stocks used in the production of certified organic fishmeal and oil to be considered (organic) for that purpose alone and not for human consumption in general.

The comments listed under the heading “Contaminants” require further clarification. To specify contaminants as a general term may prove misleading. Those contaminants introduced by man in aquaculture production should be separated and listed apart from environmental contaminants that are ubiquitous on earth. Additionally as tolerance levels have not been established by the EPA for contaminants in aquatic species, the provisions of §205.671 of the NOP, “Exclusions from organic sale” are not applicable. Furthermore the “lowest levels found in commercially available fish meal and fish oil” are thus far undetermined and should be established based upon industry-wide data collected. Furthermore, PBT levels that might be established by EPA for aquatic species should be defined and comparable to all other organic food products.

The comments listed under the heading “Mammalian and Poultry Slaughter By-products” are acceptable as stated.

§ Section 205.253 Aquaculture health care

The terms defined in this Items (a) # (1-4) are acceptable as stated. Items # (5, 6) should be clarified. Species specific densities should be established at some point. Additionally, clarification of the statements “to promote animal welfare and minimize pain and stress” as well as “provision of conditions that allow freedom of movement and minimization of stress” is needed and specific parameters established by virtue of stocking densities and/or containment facilities.

The terms defined in Item (a) # 7 are acceptable as stated.

The terms defined in Items (c) # (1-6) are acceptable as stated.

§ Section 205.254 Aquaculture living conditions

The definitions in Item (a) in this section require further clarification to become species specific at some point.

The definitions in Item (b) in this section require further clarification to establish specific recommended and approved plans to address anti-predator policies.

§ Section 205.255 Aquaculture facilities

The definition in Item (a) in this section require clarification to establish “aquatic ecosystem” (pelagic and benthic) and request clarification of the “maintenance of the terrestrial ecosystem” for sites located offshore.

The definition in Item (b) in this section requires clarification to describe how management or water sources might be possible in a system in the open ocean.

The terms defined in Items (d, e) are acceptable as stated.

The definition in Items (f, k) in this section requires clarification based upon site studies and seabed analysis and records. The determination of the “natural assimilative capacity of an area” must be defined and may not be enforceable as that value may be site specific depending upon the benthic geography and local flora and fauna of any particular geographic region.

The definition in Item (g) requires clarification to describe or establish that which constitutes “recovery” of solid and dissolved waste (.01%- 99.9%)?

The terms defined in Items (h-j) are acceptable as stated.

The definition in Item (k) requires clarification to describe “natural assimilative capacity” and should include single year-class crop rotation as a viable management plan. The requirement of “multiple species of aquatic plants and animals to recycle nutrients” should not be mandated if single year-class crop rotation is maintained and seabed analysis meets predetermined criteria.

The terms defined in Items (l, m, n) are acceptable as stated.

§ Section 205.258 Farmed aquatic plants

The terms defined in Items (a, b, c) are acceptable as stated.

§ Section 205.259 Harvest, transport, post harvest handling and slaughter of aquatic animals

The terms defined in Items (a, b, c, d, e, f, g, h, I and j) are acceptable as stated, yet should be amended to be species/culture specific at some point.

The terms defined in Item (k) requires further clarification to describe the manner in which harvest and slaughter waste water will be disposed.

The terms defined in Item (l) (provisions of § 205.272) are acceptable as stated.