

TESTIMONY OF

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Consumers Union of U.S., Inc.
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Consumers Union would like to thank the National Organic Standards Board for the opportunity to give public testimony. My name is Urvashi Rangan, I am the Director of the Eco-labels Project, which evaluates environmental labels on food, wood, personal hygiene products and household cleaners. I also have a Ph.D. in toxicology and majored in chemistry.

Consumers Union is an independent nonprofit organization and is free from any commercial interest, especially in the matters we research and report on to consumers. We are an economically disinterested party whose sole goal is to help consumers make informed choices about their purchases. We have been doing this for over sixty-six years.

In our opinion, the integrity of the organic labels resides in your hands. Understandably, the organic standards have received much attention over the past few weeks. We have been actively informing consumers about the organic label, what they can expect, and will continue to inform them after tomorrow's announcement implementing the National Organic Program.

Before launching into specific concerns, I would like to take a moment to provide our historical perspective of the evolution of the National Organic Program. In 1990, the will of consumers was heard and mandated by Congress in the Organic Food Production Act (OFPA). At that time, the USDA was charged by Congress to create the ability to purchase organic under a consistently meaningful label that is verified by an independent party. Most integral to the process is this expert advisory committee, which exists to protect the standards, review materials, and advise the USDA. They could not do a proper job without you. That is what the OFPA and Congress mandate.

Consumers have rewarded producers of organic foods by paying a premium on organic products -- and they are entitled to get what they expect. According to a recent USDA marketing report, the sales of organic are growing steadily. Consumers, Congress and the law (OFPA) expect consistent enforcement of this standard that is not undermined by special economic interests. For example, consumers expect that poultry will have access to the outdoors and that all animals produced organically will eat organic feed. Exemptions and waivers to these standards based on economic expediency rather than true emergency situations or science would poke holes in the standards and undermine the will of the people, who support the concepts that all organic poultry have outdoor access and eat only organic feed. These are examples of pressures that the USDA has received from producers that would greatly undermine the integrity of the organic standards. We look forward to an official, public announcement from the USDA on the decisions in these matters as well as the many recommendations made by the National Organic Standards Board that are pending review by USDA for incorporation into the National Organic Program.

Another area of concern pertains to attempts to circumvent the materials-review process by lobbying for exemptions to the organic standards. These requests are not in accordance with due process of the organic law. The NOSB should continue to perform careful review of materials used in organic production including processing aids. The NOSB has been charged with the responsibility to review most major materials in organic production and processing. The public expects that these materials will receive the attention and careful review of the NOSB because without this process, the integrity of the organic label cannot be ensured.

More specifically, ion exchange, currently used as a processing aid, may be considered safe for conventional food production and could also be reclassified by the U.S. Food and Drug Administration (FDA) as a "food contact substance" (as asserted by other testimony this weekend). However, the pertinent issue is whether a particular material used in ion exchange, such as styrene divinyl benzene, is appropriate for use in organic production even if considered safe for conventional food production. Consumers expect and depend on the NOSB to review the compounds used in this and other processes to determine the appropriateness of organic food coming into contact with these kinds of materials. Practices prohibited in organic production (e.g. genetic engineering and irradiation) were prohibited based on what the public expects from organic and not solely on the acceptability of the material (or practice) for use in conventional food production. The organic rule states that processing aids need to be reviewed and even if they are reclassified in the same category as packaging, that does not mean that processing aids and packaging are the same thing and thereby subject to the same terms of review.

There are specific questions that should be resolved regarding the suitability of a material used in an ion exchange processing aid.

1. What is the chemical makeup of the ion exchange resin? Materials such as styrene divinyl benzene, formaldehyde or methacrylate are examples of complex synthetic chemicals that can be used as ion exchange resins. Do consumers expect that the food labeled as organic will be run over a heavy, synthetic solid? Asbestos is also immobile in a solid polymer but would that be considered as an acceptable resin in organic production? In our opinion, the public not only wants but needs you to review materials used in processing aids.
2. How is the resin made? How is it prepared? According to material from the FDA website (submitted to the Board) an enzyme cocktail is used in the preparation of the column. What are the sources of these enzymes? Could prohibited processes be used in the preparation of these enzyme materials?
3. What is the lifetime of these columns? What is the effect of disposing of these resins into the environment? It has been mentioned in previous testimony this weekend that these columns are only subject to mechanical degradation but there are also claims that chlorine contributes to degradation, in which case what are the byproducts of that and other incidental chemical reactions?
4. Are there more natural based alternatives that would be more suitable as a resin used for organic processing?
5. What kind of acids and bases are used to charge these ion exchange columns? These agents also need to be reviewed by the NOSB. For example, sodium hydroxide and sulfuric acid are required to be from natural sources.

In summary, we believe the basic principles of the National Organic Program are precious and meaningful to consumers. The granting of waivers and exemptions should be carefully scrutinized; otherwise, the National Organic Program will lead to confusion and disappointment and even outrage from consumers. After 12 years, consumers expect that these standards will not be compromised and

will be adequately enforced. Consumers expect that the accreditation process will be fully transparent, in other words, that information about the terms and conditions of USDA approved organic certifying agents will be made easily accessible to the public. The integrity of the organic label depends on this kind of vigilance and rigor from the National Organic Program.

Thank you for your time.

**This written public statement has been submitted with minor changes from the actual testimony.*

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