

**SPRINGER MOUNTAIN FARMS**

**P. O. Box 516  
Mt. Airy, GA 30563**

---

**April 25, 2002**

**VIA FACSIMILE**

**Ms. Katherine Benham  
USDA-AMS-TMD-NOP  
1400 Independence Ave., SW, Room 4008-So., Ag Stop 0268  
Washington, DC 20250-0200**

**Dear Ms. Benham:**

**We respectfully request the opportunity to be included as a presenter at the upcoming NOSB meeting. Mr. Stephen Gray requests the opportunity to make comments concerning labeling of organic products.**

**In this document, we are providing information that requests changes to existing labeling policies. It is important to note that the primary responsibility of FSIS, Labeling Division, is to determine whether or not any label is misleading, misbranded, or provides information that is not truthful to the consumer. We feel that standards should be written or modified that would allow FSIS to approve labels for organic meat production practices. This would mean that the label indicates growing practices for organic production and does not necessarily require organic feed. Organic production not only involves feed, as currently required/requested, but also involves specific husbandry practices.**

**Please review the following items, which provide background information concerning organic labeling.**

**Item I**

**Currently, four terms are used for approved organic labeling. "100% organic," "organic," "made with organic ingredients", and "less than 70% organic ingredients." The aforementioned terms were developed to allow flexibility within the agricultural community for marketing organic products. Please note that approved labels primarily deal with non-meat items. Our request would be that there be appropriate language and flexibility for meat products sold and marketed as organic.**

**Item II**

**In January of 1999, the USDA/FSIS approved the term "Certified Organic by ...". This terminology was used until the issuance of the final ruling defining organic. The "certified organic by ..." claim will remain effective until October 21, 2002.**

Ms. Katherine Benham  
April 25, 2002  
Page 2

**SUMMARY:**

We feel that it is clearly evident that commercial availability of feed or changes in labeling are essential for the organic meat industry to remain viable. Amendments or permitted variations to FSIS labeling policies can accomplish the needed goals of allowing meat producers to produce organic products. It should be noted that the National Organic Standards Board and NOP had a primary focus of crops, fruit, vegetables, cereal, and dairy products at the time the original documents were prepared. The definitions and standards written at that time simply did not address organic meat production.

Currently, animals must be raised and fed 100 percent organic feed to be labeled as "100 %Organic." Furthermore, they must be under a certification program by an organic certifier. These products may bear the "Certified Organic by. . .". Only after October 21, 2002, will an FSIS-USDA seal be permitted on organic products.

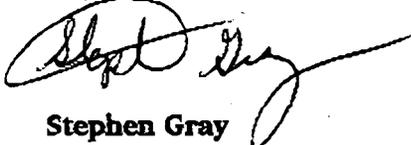
We submit that in the absence of a commercial availability clause for feed ingredients that conventional ingredients be allowed, provided that they have been fully tested and verified to contain less than 10 percent of any pesticide residue level currently established by FDA. It should be a further requirement that these animals be grown without the use of antibiotics or chemical medicines in any phase of their production. We also must be under an Organic Certification Program. We fully recommend these set of standards be allowed to use the term "organic" or "raised with organic growing practices."

We fully concur with the intent of the organic program that animals or crops being produced have specific standards. We further recommend that food safety become a viable part of the organic program.

We respectfully request the opportunity to address these issues in a formal presentation at the upcoming NOSB Board meeting.

Sincerely,

**SPRINGER MOUNTAIN FARMS**



Stephen Gray  
Managing Director of Logistics/Marketing

SG:ms



fieldale farms corporation

April 25, 2002

VIA FACSIMILE

Ms. Katherine Benham  
USDA -AMS-TMD-NOP  
1400 Independence Avenue, SW, Room 4008-So., Ag Stop 0268  
Washington, D.C. 20250-0200

Dear Ms. Benham:

We respectfully submit our request to make an oral presentation to the NOSB Board on May 7, 2002 in Austin, Texas.

We are requesting that the NOSB provide for the commercial availability of grains and feed stocks until such time that adequate quantities of organically produced grain are commercially available. We are referencing two key points in our request that provisions be made for commercial availability, as the current standard does not provide for commercial availability.

The key point is that the NOSB has made changes to allow the inclusion of ingredients and/or other previously non-permitted materials.

Item Commercial Availability is provided for in the areas of plants and crop production. Please find examples attached. We are asking only that **"and feeds or feed ingredients"** be included in the wording. There are three documents included in the appendices to this document. The first is "Comments of the National Organic Standards Board on docket TMD-00-02-FR "Commercial Availability." Please see page 2 of this document. This would be an appropriate location to insert the words **"and feeds or feed ingredients."** Also, see the document entitled *"Commercial Availability Policy is Needed for the National Organic Program."* This document was prepared by the Organic Materials Review Institute. Please see page 1 of 4, again, **"and feeds or feed ingredients"** would be the appropriate wording to add.

In no case are we asking that a new precedence be set. We are asking for the same consideration afforded the plant stock industry. Item 2 below will provide you with additional background information on specific cases where changes have occurred to the National Organic Standards after the original document was approved.

Ms. Katherine Benham  
April 25, 2002  
Page 2

Item II The National Organic Standards Board has made changes to the rules "*after the fact.*" One of the prime examples involves Methionine, a feed ingredient that is required for animal production. Methionine was originally excluded as a permissible ingredient. In October of 2001, the National Organic Standards Board accepted Methionine as an ingredient. Documentation is included showing May 21, 2001 review with approval coming in October 2001. Additionally, in the last board meeting, the subject of antibiotics, which has been forbidden in the organic standard, was approved for addition to vaccines. We are asking that there be consistency throughout the program.

We respectfully request that these comments be entered and further request that we be allowed to make a presentation at the upcoming NOSB Board Meeting.

Sincerely,

FIELD DALE FARMS CORPORATION



Steven D. Collier  
VP, Director of Operations

SDC:ms

Enclosures

**COMMENTS OF THE NATIONAL ORGANIC STANDARDS BOARD ON DOCKET  
NUMBER TMD-00-02-FR  
"COMMERCIALLY AVAILABLE"  
ADOPTED MARCH 7, 2001  
SUBMITTED MARCH 21, 2001**

**Preamble for commercial availability recommendation**

The NOSB recommends that the criteria and procedures for determination of "commercially available" be further delineated: a) for processing ingredients; and b) for seeds and planting stock.

**Recommended change in definition**

The NOSB recommends that the first "or" in the definition of "commercially available" in the Final Rule be changed to "and" to read:

*Commercially available.* The ability to obtain a production input in an appropriate form, quality, and quantity to fulfill an essential function in a system of organic production or handling as determined by the certifying agent in the course of reviewing the organic plan.

Rationale: The NOSB recommends that all three factors, form, quality, and quantity, must be assessed by certifying agents when making determinations concerning whether an ingredient or input is commercially available in an organic form.

**Recommended criteria and procedures for assessing ingredients**

The NOSB recommends that the following criteria and procedures be used by certifying agents to determine the commercial availability of ingredients:

**Commercially available criteria**

The ingredient shall be determined to be commercially available if the material:

1. Is obtainable in a quantity necessary to meet a given production or processing cycle;
2. Meets the technical requirements, including appropriate form, quality, and function specified for the ingredient;
3. Is obtainable at no more than 3x the cost of the alternative conventional ingredient.

**Commercially available determination procedures**

A. The applicant must submit a written report to the certifying agent as part of the organic plan that lists:

1. Description and technical specifications of the ingredient;
2. Known sources of the ingredient and organic status thereof;
3. Written evidence of efforts to locate sources of organic ingredients, including dates, letters, and telephone logs of discussions with potential suppliers. A minimum of three suppliers shall have been contacted in a timely manner.

**COMMENTS OF THE NATIONAL ORGANIC STANDARDS BOARD ON  
DOCKET (continued)**

4. Estimate of the quantity of the ingredients needed within a specified time, if this is a factor in the requested allowance of a non-organic ingredient.
5. Explanation of how the ingredient is used to fulfill an essential function, and that there are no acceptable alternatives that may be sourced organically
6. The cost of the organic ingredient and the economic effect on the operation.

**B. The certifying agent in granting an allowance shall:**

1. Verify that the applicant has made a good faith effort to source organic ingredients and evaluate the claim that no organic substitutes are available;
2. Keep an ongoing, publicly available generic list of ingredients that have been granted allowances in non-organic forms; specify the time period for which an allowance is granted; and state the rationale for the allowance. The list shall maintain the confidentiality of parties granted allowances.
3. Require applicants to update commercial availability information in each annual organic plan, or sooner if new information is discovered.
4. Acknowledge all complaints concerning allowances granted and provide rationale for determinations. If the investigation of a complaint provides significant new information, then the certifying agent must revisit the allowance.

**Recommended criteria and procedures for assessing organic seeds and planting stock**

Seeds and planting stock should be handled separately from processing and livestock inputs. The NOSB recommends that certifying agents handle determinations and documentation of commercial availability through the organic farm plan requirements stated in 205.201(a)(2) and the normal verification process. The essential criteria for determination of commercial availability are stated in the definition: **appropriate form, quality, and quantity.**

The NOSB recommends that excessive price considerations for organic seeds and planting stock should not be included at this time because no consensus has been reached to cover all regions, and because of pricing differences. The NOSB acknowledges that this may need to be reconsidered in the future if problems develop in implementation.

The NOSB recognizes that certifying agents have experience monitoring commercial availability claims for untreated seeds, including pricing and appropriate forms. The NOSB recommends that these systems be adapted to verify the availability of organic seeds and planting stock.

Because of the volume involved (many growers plant a large number of varieties and crops) and the timing of the planting cycle relative to the filing of the organic farm plan, prior approval by certifying agents should not be required. Compliance would be reviewed in the context of the organic farm plan, which is verified during the annual farm visit. A pattern of inadequate documentation and lack of good faith effort to obtain organically grown seeds and planting stock would be considered noncompliance and might result in the certifying agent requiring prior approval regarding commercial availability issues in future planting cycles. Submitted by James A. Riddle, Secretary, NOSB

## **A Commercial Availability Policy is Needed for the National Organic Program**

Comments by the Organic Materials Review Institute  
Docket Number TMD-00-02-FR  
March 21, 2001

The Organic Materials Review Institute (OMRI) thanks the National Organic Program for including the requirement for use of organic ingredients when commercially available in the National Organic Program's Final Rule (§205.301 (b)). OMRI supports the principle that ideally 100% of the agricultural ingredients in an organic product should be certified organic. However, international standards and prior existing US certification standards provide for an allowance for non-organic ingredients in cases where an ingredient of organic origin is unavailable in sufficient quality or quantity. This allowance should be subject to periodic review and re-evaluation. The OFPA clearly allows for 5% non-organic ingredients in a product labeled organic, but the requirement to use organic ingredients when available has been the industry standard since 1990 and has contributed to the increased availability of organic products and ingredients.

OMRI also supports the definition of commercial availability as proposed in the rule.

"The ability to obtain a production input in an appropriate form, quality, and quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan."

### **Requirement for Organic Seeds**

This definition also applies to the requirement for organic seed (§205.204(a)). Seeds must be organic unless an equivalent organically produced variety is not commercially available. Certifiers have had considerable experience requiring documentation and verification of use of untreated seeds, and OMRI believes that the rule correctly assigns primary authority to certifiers to grant exemptions based on non-availability of organic seed. Certifiers will verify documentation through the farm plan requirements stated in 205.201(a)(2) and normal review and inspection process.

OMRI intends to assist certification agencies and producers by providing a registry service on our website that will provide easily accessible information about sources of organic seeds. In addition, OMRI has had a number of inquiries

**National Organic Standards Board Technical Advisory Panel Review  
for the USDA National Organic Program  
May 21, 2001**

## **Methionine**

### **Livestock**

#### **Executive Summary 1**

The NOSB received a petition in 1995 to add all synthetic amino acids to the National List. After deliberation of a review prepared by the TAP in 1996 and 1999, the NOSB requested a case-by-case review of synthetic amino acids used in livestock production, and referred three forms of methionine to the TAP.

All of the TAP reviewers found these three forms to be synthetic. Two TAP reviewers advised that synthetic methionine remain prohibited. The one reviewer who advises the NOSB to recommend adding synthetic methionine to the National List agrees that it is not compatible with organic principles and suggests limitations on its use until non-synthetic sources are more widely available. The majority of the reviewers advise the NOSB to not add them to the National List for the following reasons:

- 1) Adequate organic and natural sources of protein are available [§6517(c)(1)(A)(ii)];
  - 2) Methionine supplementation is primarily to increase growth and production, not to maintain bird health, and this is counter to principles embodied in the OFPA requirements for organic feed [§6509(c)(1)];
  - 3) Pure amino acids in general and synthetic forms of methionine in particular are not compatible with a sustainable, whole-systems approach to animal nutrition and nutrient cycling [§6518(m)(7)].
- Methionine is an essential amino acid needed for healthy and productive poultry. It is generally the first limiting amino acid in poultry diets. Synthetic ("pure") amino acids are produced either synthetically or from genetically engineered sources and involve the use of highly toxic and hazardous chemicals such as hydrogen cyanide, ammonia, and mercaptaldehyde. Synthesis of DL-methionine, and DL-methionine hydroxy analogs also result in significant pollution of the environment. These sources of methionine do not occur in nature. Most amino acids are metabolized from protein, even in conventional feeding situations. Adequate levels of essential amino acids can be obtained in the diet of poultry fed adequate levels of intact protein from natural sources. Synthetic amino acids are used to improve feed conversion efficiency and lower feed costs. Although there may be limitations in the current supply of diverse organic protein sources, a requirement for natural, non-GMO sources of methionine will stimulate market development in organic and approved feedstuffs. Other natural sources, such as fish meal, crab meal, and yeast are also available, and would be more compatible with organic standards than synthetic ones. Clarification of the status of some of these alternatives is needed. If synthetic substances are allowed to substitute for organic feed, that undermines the incentive to produce organic feedstuffs. Humans have raised poultry for centuries without synthetic amino acids. Synthetic amino acids have become part of the standard poultry diet only over the past 50 years or so as production has moved from extensive pasture-based nutrition to high-density confinement systems. Reliance on a higher protein diet to achieve necessary amino acid balance may result in higher excretion of uric acid that can form ammonia in the litter. Under an organic management system where there is access to the outdoors, suitable densities, and integrated management of manure and crop production this is not a problem. "Excess" nitrogen is not a waste problem in an organic system; it is a valuable resource that needs to be managed in an integrated and holistic way.

**SUMMARY OF NOSB ACTIONS  
OCTOBER 15-17, 2001  
WASHINGTON, DC**

**Livestock Materials**

The following Livestock materials have been determined to be synthetic and approved, with annotation, for use in organic livestock production:

DL-Methionine, DL-Methionine Hydroxy Analog, and DL-Methionine Hydroxy Analog Calcium – The NOSB determined that these materials are not consistent with organic agriculture but approved them for interim use, until October 21, 2005, by the organic poultry industry to allow the phasing out of their use. (14 synthetic, 0 natural, 0 abstaining; 14 approve, 0 prohibit, 0 abstaining) The NOSB also voted that if the Office of General Counsel says no to the shorter sunset date, the material remains prohibited and the NOSB will reconsider the material at a future meeting. (8 in favor, 3 opposed, 3 abstaining)